

MINUTES  
BOARD OF APPEALS  
VILLAGE OF SEA CLIFF  
VILLAGE HALL  
300 SEA CLIFF AVENUE  
SEA CLIFF, NEW YORK 11579

February 23, 2016

Present:	Chair	Noel Griffin
	Members	Ted Kopczynski, Amy Marion and Andrew Janusas
	Alternate Member	Timothy O'Donnell
	Village Attorney	Brian Stolar

The meeting was called to order at 7:38 pm.

The Board opened the continued public hearing on the application of Jason and Lisbel Wolner, 386 Carpenter Avenue, Sea Cliff, New York to construct a second story addition, which construction requires variances of the following sections of the Village Code: (a) 138-504 in that the lot is 8,250 square feet, where a minimum of 10,000 square feet is required; (b) 138-506 in that the front property line length is 75 feet, where a minimum of 100 feet is required; (c) 138-509 in that the lot width at the setback line is 75 feet, where a minimum of 100 feet is required; (d) 138-511 in that the side yards will be 12.3 feet and 10 feet, where a minimum of 15 feet is required; (e) 138-513.1 in that the proposed addition will encroach into the both side yard height-setback ratio planes; (f) 138-514.1 in that the total floor area will be 2,924 square feet, where a maximum of 2,557.5 square feet is permitted; and (g) 138-516 in that the air conditioner condenser units will be located 4 feet in the minimum required setback area. Premises are designated as Section 21, Block 103, Lot 137 on the Nassau County Land and Tax Map. The applicant discussed changes proposed in a revised set of plans. The revised plans were prepared by Frank Szalajda, P.E., dated 2/4/16 and include page A-1 (Proposed Front and Rear Elevations), A-2 (Proposed Right and Left Elevations) and A-3 (Proposed Roof Plan). The revised plans contained modifications to the roof, which

modifications reduced the extent of the height-setback ratio. The Board closed the public hearing, and reserved decision.

The Board opened the continued public hearing on the application of The Drunken Pig Inc., as tenant, and Samiano Realty Corp., as owner, 243 Glen Cove Avenue, Sea Cliff, New York to permit a restaurant to operate at the premises, which restaurant requires a special use permit pursuant to Village Code §138-902, and variances of the following Village Code sections: (a) 138-907 in that the front property line length is 75.96 feet, where a minimum of 100 feet is required; and (b) 138-1002 in that the applicant proposes 12 on-site parking spaces and use of an additional 12 off-site parking spaces during evening hours, where a minimum of 34 parking spaces would be required. Premises are designated as Section 21, Block 192, Lot 180 on the Nassau County Land and Tax Map. The applicant was represented by Michael Imbriano. The applicant provided the Board with a menu and described the proposed operation. The Board again noted the character of the proposed establishment that the Board approved in October 2015, and discussed comments contained in the hearing transcript of the September and October 2015 hearing (which transcripts were made part of the record). Mr. Imbriano advised the Board that he would propose certain modifications to the operation, the menu and the business name so that the current proposal is similar in character to the nature of the proposed restaurant approved by the Board in October 2015. Also, due to confusion regarding the number of patrons that the restaurant could accommodate, the Superintendent of Buildings indicated that he would review the occupancy and report back to the Board. The Board continued the public hearing to March 15, 2016 at 7:30pm.

The Board discussed the Wolner application. After such discussion, on motion duly made by Mr. Janusas, seconded by Mr. O'Donnell, and adopted unanimously, the Board determined that it is the lead agency with respect to environmental review, the

action is a Type II matter under SEQRA that requires no further environmental review, and granted the application in accordance with the short form decision annexed hereto.

There being no further business, the meeting was adjourned at 9:10 pm.

---

NOEL GRIFFIN, CHAIR

## **WOLNER SHORT FORM DECISION**

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on February 23, 2016, on motion duly made by Mr. Janusas, seconded by Mr. O'Donnell, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Jason and Lisbel Wolner, 386 Carpenter Avenue, Sea Cliff, New York applied to construct a second story addition, which construction requires variances of the following sections of the Village Code: (a) 138-504 in that the lot is 8,250 square feet, where a minimum of 10,000 square feet is required; (b) 138-506 in that the front property line length is 75 feet, where a minimum of 100 feet is required; (c) 138-509 in that the lot width at the setback line is 75 feet, where a minimum of 100 feet is required; (d) 138-511 in that the side yards will be 12.3 feet and 10 feet, where a minimum of 15 feet is required; (e) 138-513.1 in that the proposed addition will encroach into the both side yard height-setback ratio planes; (f) 138-514.1 in that the total floor area will be 2,924 square feet, where a maximum of 2,557.5 square feet is permitted; and (g) 138-516 in that the air conditioner condenser units will be located 4 feet in the minimum required setback area.
2. The applicants are the record owners of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
5. The relief requested in the application, as modified by the plans dated 2/4/16, is granted provided that (a) the construction shall conform substantially with the plans submitted with the application, as revised by the plans dated 2/4/16, and (b) applicants shall comply with all requirements of the Village Code and the Building Department, including compliance with the requirements related to storm water runoff, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.