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

July 19, 2016

Present:	Chair	Noel Griffin
	Members	Ted Kopczynski, Tim O'Donnell and Andrew Janusas
	Village Attorney	Brian Stolar

The meeting was called to order at 7:35 pm.

The Chair announced that the application of John Kle, 223 Glen Cove Avenue had been withdrawn.

The Chair announced that the application of Richard LaSalle, 168 Prospect Avenue is adjourned to August 16, 2016 at 7:30pm.

The Board opened the public hearing on the application of Irene and Ron Rizzo, 333 Prospect Avenue, Sea Cliff, New York to legalize an air conditioner condenser unit, which requires variances to: (a) permit an air conditioner condenser unit in a front yard, where Village Code §138-516 prohibits such units in a front yard, and (b) maintain the existing residence 10 feet from the rear property line, where Village Code §138-512 requires a minimum setback of 30 feet. Premises are designated as Section 21, Block L, Lot 118 on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Grace Cereghino, 137 8th Avenue, Sea Cliff, New York to construct an entrance portico, which requires variances of the following Village Code sections: (a) 138-511 to permit the portico to be 11.54 feet from the westerly side property line and the existing residence to be 9.7 feet from the easterly side property line and 10.75 feet from the westerly side property line, where a minimum of 15 feet is required; and (b) 138-1102 in that the construction results

in the increase of an existing non-conformity where no such increase is permitted. Premises are designated as Section 21, Block 114, Lot 205 on the Nassau County Land and Tax Map. The Chair recused himself from participation in this matter. In the absence of the Chair, on motion made by Mr. O'Donnell, seconded by Mr. Janusas, and adopted three votes in favor and the Chair not participating, the Board designated Mr. Kopczynski to serve as Acting Chair for the Cereghino application. The Board closed the hearing, and reserved decision.

The Chair called the application of Robert and Laura Franco, 55 Highland Avenue, Sea Cliff, New York to construct a generator in a front yard, which requires a variance of Village Code §138-516 in that a generator is not permitted in a front yard. Premises are designated as Section 21, Block 212, Lot 8 on the Nassau County Land and Tax Map. The applicants were not present, and the Board continued the public hearing to August 16, 2016 at 7:30pm.

The Board opened the public hearing on the application of Anthony Joseph, 69 Downing Avenue, Sea Cliff, New York to construct a shed in a front yard, which requires a variance of Village Code §138-616 in that a shed is not permitted in a front yard. Premises are designated as Section 21, Block M, Lot 598 on the Nassau County Land and Tax Map. The applicant stated that the proposed shed would be no closer to Gates Way than 16 feet and also will be 12 feet from the adjoining property line. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Diana and Mike Conway, 20 Leonard Place, Sea Cliff, New York to construct additions, renovate a dwelling, expand a garage, and construct a basement entrance, which requires variances to (a) maintain existing lot conditions, as follows: (i) Village Code §138-504 in that the lot size is 8,000 square feet, where a minimum of 10,000 square feet is required, (ii) Village Code §138-506 to maintain a front property line length of 80 feet, where a

minimum of 100 feet is required, (iii) Village Code §138-507 to maintain a lot width of 80 feet, where a minimum of 100 feet is required, and (iv) Village Code §138-509 to maintain a lot width at the setback line of 80 feet, where a minimum of 100 feet is required; (b) maintain the existing residence, as follows: (i) Village Code §138-508 to maintain a front yard setback of 19.1 feet, where the minimum required setback is 25 feet, and (ii) Village Code §138-511 to maintain a side yard setback of 9.72 feet, where a minimum of 15 feet is required; and (c) permit the proposed construction, which does not comply with: (i) Village Code §138-511 in that the side yard setback will be 7.2 feet, where a minimum of 15 feet is required, (ii) Village Code §138-514.1 in that the total floor area will be 2,664 square feet, where the maximum permitted is 2,480 square feet, and (iii) Village Code §138-513.1 in that the garage addition encroaches into the height-setback ratio, where no such encroachment is permitted. Premises are designated as Section 21, Block 95, Lot 41 on the Nassau County Land and Tax Map. Kathleen Deegan Dickson, Esq., and John Notaro, R.A., appeared on behalf of the applicants. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Sea Cove 2014, LLC, 270 Glen Cove Avenue to utilize a portion of the premises for vehicular storage, where no such use is permitted pursuant to Village Code §138-901. Premises are designated as Section 21, Block 118, Lot 144 on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Andrea Costa Rothstock, as contract vendee, 244 Glen Cove Avenue, Glen Cove, New York to use premises located at 93 Central Avenue, Sea Cliff as a child care facility, where no such use is permitted pursuant to Village Code §138-401. The applicant also seeks a variance of Village Code §138-417 to install air conditioner condensers within the required setbacks, where no such units are permitted. Premises are designated as

Section 21, Block 142, Lot 1064 on the Nassau County Land and Tax Map. Leonard Kurkowski, architect, represented the applicant. The Board requested that the applicant provide additional details relative to parking, traffic and usage of the Village park located next to the premises. The Board continued the public hearing to August 16, 2016 at 7:30pm.

The Board opened the public hearing on the application of Mark DiSanti, 33 Grove Street, Sea Cliff, New York to construct a one story addition and deck and expand a garage, which construction requires variances of the following Village Code sections, (a) to maintain existing lot conditions, as follows: (i) 138-504 in that the lot size is 7,405 square feet, where a minimum of 10,000 square feet is required, (ii) 138-506 in that the front property line length is 74.52 feet, where a minimum of 100 feet is required;, (iii) 138-507 in that the lot width is 74.52 feet, where a minimum of 100 feet is required, and (iv) 138-509 in that the lot width at the setback line is 74.52 feet, where a minimum of 100 feet is required; (b) to maintain the existing residence, as follows: (i) 138-55 in that the side yard setback is 5.5 feet, where a minimum of 15 feet is required, and (ii) 138-513.1 to maintain an encroachment into the height-setback ratio; (c) to maintain the garage with a rear yard setback of 3.6 feet and a side yard setback of 3.7 feet, where the minimum required setbacks pursuant to Village Code §138-516 are 5 feet and 10 feet, respectively; and (d) permit the proposed construction, which does not comply with (i) 138-511 in that the addition will be 5.5 feet from the side property line, where a minimum of 15 feet is required; (ii) 138-512 in that the addition will be 17.2 feet from the rear property line, where a minimum of 30 feet is required; (iii) 138-513.1 in that the addition encroaches into the height-setback ratio plane, where no such encroachment is permitted; (iv) 138-516 in that the garage addition will be 4.3 feet from the side property line, where a minimum of 10 feet is required; and (v) 138-1102 in that the construction

results in an increase in an existing non-conformity, where no such increase is permitted. The Board closed the hearing, and reserved decision.

The Board noted that the Superintendent of Buildings recommended that the Huntington/Sports Car Garage application be deemed abandoned. The Board agreed to the recommendation, and deemed the application abandoned.

The Board discussed the Rizzo application. After such discussion, on motion made by Mr. O'Donnell, seconded by Mr. Kopczynski, 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.

The Board discussed the Cereghino application. The Chair did not participate in the discussion. After such discussion, on motion duly made by Mr. O'Donnell, seconded by Mr. Janusas, and adopted three votes in favor and the Chair not participating, 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.

The Board discussed the Joseph application. After such discussion, on motion made by the Chair, seconded by Mr. Janusas, 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.

The Board discussed the Conway application. After such discussion, on motion 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.

The Board discussed the Sea Cove 2014 application. After such discussion, on motion made by the Chair, seconded by Mr. Kopczynski, and adopted unanimously, the Board determined that the applicant did not submit information relevant to the statutory requirement that the applicant demonstrate unnecessary hardship and denied the application.

The Board discussed the environmental impacts of the Rothstock application. On motion duly made by the Chair, seconded by Mr. O'Donnell, the Board, and adopted unanimously, the Board adopted the following resolution:

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Planning Board; and

WHEREAS, the Planning Board has considered the nature of the proposed action and reviewed the Environmental Assessment Form (EAF),

NOW, THEREFORE, IT IS

RESOLVED, that the Board hereby finds and concludes that the proposed site plan approval and retaining wall permit is an Unlisted Action as defined in the State Environmental Quality Review Act and its regulations and Village Code §60-10(A), and

a. the Board is the lead agency with respect to environmental review of this proposed action;

b. the Board has considered the following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:

i. the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;

ii. the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

iii. the proposed action would not impair the environmental characteristics of any Critical Environmental Area;

iv. the proposed action would not conflict with the community's current plans or goals as official approved or adopted;

v. the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;

vi. the proposed action would not result in a major change in the use of either the quantity or type of energy;

vii. the proposed action would not create a hazard to human health;

viii. the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;

ix. the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;

x. the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;

xi. the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;

xii. the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;

c. the proposed action would not have a significant adverse environmental impact;

d. no further environmental review is required with respect to the proposed action, and

e. the Chair, or his designee, is authorized to complete the Environmental Assessment Form in relation to this proposed action in a manner consistent with the foregoing findings.

The Board discussed the DiSanti application. After such discussion, on motion made by Mr. O'Donnell, seconded by Mr. Kopczynski, 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 9:38 pm.

NOEL GRIFFIN, CHAIR

RIZZO SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on July 19, 2016, on motion duly made by Mr. O'Donnell, seconded by Mr. Kopczynski, 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. Irene and Ron Rizzo, 333 Prospect Avenue, Sea Cliff, New York applied to legalize an air conditioner condenser unit, which requires variances to: (a) permit an air conditioner condenser unit in a front yard, where Village Code §138-516 prohibits such units in a front yard, and (b) maintain the existing residence 10 feet from the rear property line, where Village Code §138-512 requires a minimum setback of 30 feet. Premises are designated as Section 21, Block L, Lot 118 on the Nassau County Land and Tax Map.

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 is granted provided that (a) the construction shall conform substantially with the plans submitted with the application, (b) applicant shall comply with all requirements of the Village Code and the Building Department, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

CEREGHINO SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on July 19, 2016, on motion duly made by Mr. O'Donnell, seconded by Mr. Janusas, and adopted three votes in favor and the Chair not participating, 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. Grace Cereghino, 137 8th Avenue, Sea Cliff, New York applied to construct an entrance portico, which requires variances of the following Village Code sections: (a) 138-511 to permit the portico to be 11.54 feet from the westerly side property line and the existing residence to be 9.7 feet from the easterly side property line and 10.75 feet from the westerly side property line, where a minimum of 15 feet is required; and (b) 138-1102 in that the construction results in the increase of an existing non-conformity where no such increase is permitted. Premises are designated as Section 21, Block 114, Lot 205 on the Nassau County Land and Tax Map.

2. The applicant is the record owner 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 is granted provided that (a) the construction shall conform substantially with the plans submitted with the application, (b) applicant shall comply with all requirements of the Village Code and the Building Department, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

JOSEPH SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on July 19, 2016, on motion duly made by the Chair, seconded by Mr. Janusas, 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. Anthony Joseph, 69 Downing Avenue, Sea Cliff, New York applied to construct a shed in a front yard, which requires a variance of Village Code §138-616 in that a shed is not permitted in a front yard. Premises are designated as Section 21, Block M, Lot 598 on the Nassau County Land and Tax Map.

2. The applicant is the record owner 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 is granted provided that (a) the construction shall conform substantially with the plans submitted with the application, (b) applicant shall comply with all requirements of the Village Code and the Building Department, (c) the shed shall be located no closer than 16 feet from Gates Way and 10 feet from the adjoining property line, and (d) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

CONWAY SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on July 19, 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. Diana and Mike Conway, 20 Leonard Place, Sea Cliff, New York applied to construct additions, renovate a dwelling, expand a garage, and construct a basement entrance, which requires variances to (a) maintain existing lot conditions, as follows: (i) Village Code §138-504 in that the lot size is 8,000 square feet, where a minimum of 10,000 square feet is required, (ii) Village Code §138-506 to maintain a front property line length of 80 feet, where a minimum of 100 feet is required, (iii) Village Code §138-507 to maintain a lot width of 80 feet, where a minimum of 100 feet is required, and (iv) Village Code §138-509 to maintain a lot width at the setback line of 80 feet, where a minimum of 100 feet is required; (b) maintain the existing residence, as follows: (i) Village Code §138-508 to maintain a front yard setback of 19.1 feet, where the minimum required setback is 25 feet, and (ii) Village Code §138-511 to maintain a side yard setback of 9.72 feet, where a minimum of 15 feet is required; and (c) permit the proposed construction, which does not comply with: (i) Village Code §138-511 in that the side yard setback will be 7.2 feet, where a minimum of 15 feet is required, (ii) Village Code §138-514.1 in that the total floor area will be 2,664 square feet, where the maximum permitted is 2,480 square feet, and (iii) Village Code §138-513.1 in that the garage addition encroaches into the height-setback ratio, where no such encroachment is permitted. Premises are designated as Section 21, Block 95, Lot 41 on the Nassau County Land and Tax Map.

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 is granted provided that (a) the construction shall conform substantially with the plans submitted with the application, (b) applicant shall comply with all requirements of the Village Code and the Building Department, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

DISANTI SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on July 19, 2016, on motion duly made by Mr. O'Donnell, seconded by Mr. Kopczynski, 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. Mark DiSanti, 33 Grove Street, Sea Cliff, New York applied to construct a one story addition and deck and expand a garage, which construction requires variances of the following Village Code sections, (a) to maintain existing lot conditions, as follows: (i) 138-504 in that the lot size is 7,405 square feet, where a minimum of 10,000 square feet is required, (ii) 138-506 in that the front property line length is 74.52 feet, where a minimum of 100 feet is required;, (iii) 138-507 in that the lot width is 74.52 feet, where a minimum of 100 feet is required, and (iv) 138-509 in that the lot width at the setback line is 74.52 feet, where a minimum of 100 feet is required; (b) to maintain the existing residence, as follows: (i) 138-55 in that the side yard setback is 5.5 feet, where a minimum of 15 feet is required, and (ii) 138-513.1 to maintain an encroachment into the height-setback ratio; (c) to maintain the garage with a rear yard setback of 3.6 feet and a side yard setback of 3.7 feet, where the minimum required setbacks pursuant to Village Code §138-516 are 5 feet and 10 feet, respectively; and (d) permit the proposed construction, which does not comply with (i) 138-511 in that the addition will be 5.5 feet from the side property line, where a minimum of 15 feet is required; (ii) 138-512 in that the addition will be 17.2 feet from the rear property line, where a minimum of 30 feet is required; (iii) 138-513.1 in that the addition encroaches into the height-setback ratio plane, where no such encroachment is permitted; (iv) 138-516 in that the garage addition will be 4.3 feet from the side property line, where a minimum of 10 feet is required; and (v) 138-1102 in that the construction results in an increase in an existing non-conformity, where no such increase is permitted.

2. The applicant is the record owner 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 is granted provided that (a) the construction shall conform substantially with the plans submitted with the application, (b) applicant shall comply with all requirements of the Village Code and the Building Department, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.