

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

July 21, 2015

Present: Chair Noel Griffin  
Members Ted Kopczynski and  
Andrew Janusas  
Alternate Member Tim O'Donnell  
Superintendent  
of Buildings Andrew Lawrence  
Village Attorney Brian Stolar

The meeting was called to order at 7:33 pm.

The Board opened the public hearing on the application of Mary Ann Maier, 61 Park Place, Sea Cliff, New York to install an air conditioning compressor unit, which installation requires variances of the following Village Code sections: (a) 138-404 in that the lot area is 3,600 square feet, where a minimum of 7,500 square feet is required; (b) 138-406 in that the front property line lengths each are 60 feet, where a minimum of 75 feet is required; (c) 138-410 in that a corner lot is required to comply with the front property line length on both frontages, and the existing lot does not comply; (d) 138-408 in that the front yard setbacks are 16.55 and 6.02 feet, where a minimum of 20 feet is required; (e) 138-408 in that the air conditioner compressor will be 13.55 feet from the front property line, where a minimum of 20 feet is required; (f) 138-410 in that one of front yard setbacks will be 13.55 feet where the front yard setback on a corner property must comply in all front yards; and (g) 138-416 in that the air conditioning compressor will be located in a front yard, where no such accessory

installation is permitted. Premises are designated as Section 21, Block 179, Lot 40 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 Elizabeth Schlaeffer, 6 Winding Way, Sea Cliff, New York to construct two wrap around porches on two levels, which construction requires variances of the following Village Code sections: (a) 138-404 in that the lot area is 6,858 square feet, where a minimum of 7,500 square feet is required; (b) 138-406 in that the front property line lengths are 42 feet (7<sup>th</sup> Avenue) and 41.01 feet (Park Way), where a minimum of 75 feet is required; (c) 138-410 in that a corner lot is required to comply with the front property line length, and the existing lot does not comply; (d) 138-408 in that the front yard setbacks are 18.5 feet and 16.3 feet, where a minimum of 20 feet is required; (e) 138-408 in that the porches will be setback 10.5 feet and 7.2 feet from the front property lines, where a minimum of 20 feet is required; (f) 138-413.1 in that the roofed over porch will encroach into the height setback ratio plane, where no such encroachment is permitted; and (g) 138-1102, to permit the enlargement of a non-conforming structure, where no such enlargement is permitted. Premises are designated as Section 21, Block 170, Lot 390 on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board opened the continued public hearing on the application of Jeanne Anselmo, 3 Prospect Terrace, Sea Cliff, New York to construct a second story addition, which construction and renovation requires variances of: (a)

Village Code §138-404 in that the lot area is 1,600 square feet, where a minimum of 7,500 square feet is required; (b) Village Code §138-406 in that the front property line lengths each are 40 feet, where a minimum of 100 feet is required; (c) Village Code §138-409 in that the lot width at the setback lines is 40 feet, where a minimum of 100 feet is required; (d) Village Code §138-410 in that a corner lot is required to comply with the front property line length and the minimum lot width on both frontages, and the existing lot does not comply; (e) Village Code §138-405 in that the lot coverage of the residence is 862 square feet (53.9%), where a maximum of 480 square feet (30%) is permitted; (f) Village Code §138-411 in that the side yards are 3.42 feet and 1.6 feet, where a minimum of 10 feet is required; (g) 138-413.1 in that the second story addition will encroach into the height-setback ratio plane, where no such encroachment is permitted;(h) 138-414.1 in that the addition will result in a total floor area of 1,123 square feet (70%), where the maximum permitted floor area is 800 square feet (50%);(i) 138-1001 in that the construction intensifies a use without providing for the minimum number of off-street parking spaces; and (j) 138-1102, to permit the enlargement of a non-conforming structure, where no such enlargement is permitted. Premises are designated as Section 21, Block 144, Lot 24 on the Nassau County Land and Tax Map. Various residents spoke in connection with the application, including Mr. O'Donnell's parents. Mr. O'Donnell stated that he would be able to render an unbiased and fair decision and that the opinion of his parents is their opinion. The Board closed the hearing, and reserved decision.

The Board discussed the Maier application. After such discussion, on motion duly made by the 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 Schlaeffer application. After such discussion, on motion duly made by the Mr. Kopczynski, seconded by the Chair, 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 Anselmo application. After such discussion, on motion duly made by the Mr. Janusas, seconded by Mr. Kopczynski, and adopted three votes in favor and Mr. O'Donnell abstaining from the discussion and the vote, 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 8:25pm.

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NOEL GRIFFIN, CHAIR

## MAIER SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on July 21, 2015, 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. Mary Ann Maier, 61 Park Place, Sea Cliff, New York applied to install an air conditioning compressor unit, which installation requires variances of the following Village Code sections: (a) 138-404 in that the lot area is 3,600 square feet, where a minimum of 7,500 square feet is required; (b) 138-406 in that the front property line lengths each are 60 feet, where a minimum of 75 feet is required; (c) 138-410 in that a corner lot is required to comply with the front property line length on both frontages, and the existing lot does not comply; (d) 138-408 in that the front yard setbacks are 16.55 and 6.02 feet, where a minimum of 20 feet is required; (e) 138-408 in that the air conditioner compressor will be 13.55 feet from the front property line, where a minimum of 20 feet is required; (f) 138-410 in that one of front yard setbacks will be 13.55 feet where the front yard setback on a corner property must comply in all front yards; and (g) 138-416 in that the air conditioning compressor will be located in a front yard, where no such accessory installation is permitted. Premises are designated as Section 21, Block 179, Lot 40 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 compressor unit be installed in the location as depicted in the plans submitted with the application; (b) applicant shall plant or place, as the case may be, a row of evergreen screening and/or a fence for sound attenuation in a location approved by the building department; (c) the wall air conditioner units on the same side of the house as the

proposed compressor unit shall be removed; and (d) the work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

## SCHLAEFFER SHORT FORM DECISION

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on July 21, 2015, on motion duly made by Mr. Kopczynski, seconded by the Chair, 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. Elizabeth Schlaeffer, 6 Winding Way, Sea Cliff, New York applied to construct two wrap around porches on two levels, which construction requires variances of the following Village Code sections: (a) 138-404 in that the lot area is 6,858 square feet, where a minimum of 7,500 square feet is required; (b)138-406 in that the front property line lengths are 42 feet (7<sup>th</sup> Avenue and 41.01 feet (Park Way), where a minimum of 75 feet is required; (c)138-410 in that a corner lot is required to comply with the front property line length, and the existing lot does not comply; (d) 138-408 in that the front yard setbacks are 18.5 feet and 16.3 feet, where a minimum of 20 feet is required; (e) 138-408 in that the porches will be setback 10.5 feet and 7.2 feet from the front property lines, where a minimum of 20 feet is required; (f) 138-413.1 in that the roofed over porch will encroach into the height setback ratio plane, where no such encroachment is permitted; and (g) 138-1102, to permit the enlargement of a non-conforming structure, where no such enlargement is permitted. Premises are designated as Section 21, Block 170, Lot 390 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) construction conform to the plans submitted with the application; and (b) the work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

## **ANSELMO SHORT FORM DECISION**

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on July 21, 2015, on motion duly made by Mr. Janusas, seconded by Mr. Kopczynski, and adopted three votes in favor and Mr. O'Donnell abstaining and 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. Jeanne Anselmo, 3 Prospect Terrace, Sea Cliff, New York applied to construct a second story addition, which construction and renovation requires variances of: (a) Village Code §138-404 in that the lot area is 1,600 square feet, where a minimum of 7,500 square feet is required; (b) Village Code §138-406 in that the front property line lengths each are 40 feet, where a minimum of 100 feet is required; (c) Village Code §138-409 in that the lot width at the setback lines is 40 feet, where a minimum of 100 feet is required; (d) Village Code §138-410 in that a corner lot is required to comply with the front property line length and the minimum lot width on both frontages, and the existing lot does not comply; (e) Village Code §138-405 in that the lot coverage of the residence is 862 square feet (53.9%), where a maximum of 480 square feet (30%) is permitted; (f) Village Code §138-411 in that the side yards are 3.42 feet and 1.6 feet, where a minimum of 10 feet is required; (g) 138-413.1 in that the second story addition will encroach into the height-setback ratio plane, where no such encroachment is permitted;(h) 138-414.1 in that the addition will result in a total floor area of 1,123 square feet (70%), where the maximum permitted floor area is 800 square feet (50%);(i) 138-1001 in that the construction intensifies a use without providing for the minimum number of off-street parking spaces; and (j) 138-1102, to permit the enlargement of a non-conforming structure, where no such enlargement is permitted. Premises are designated as Section 21, Block 144, Lot 24 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) construction conform to the plans submitted with the application; and (b) the work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.