



INCORPORATED VILLAGE OF SEA CLIFF

**OFFICE OF THE VILLAGE OF SEA CLIFF BUILDING DEPARTMENT
300 SEA CLIFF AVE SEA CLIFF N.Y. 11579 PHONE (516) 671-0080**

Notice of Review

9/3/2020

TO:

PROPERTY OWNER: PMG Northeast, LLC c/o Blue Hills Fuels LLC

PROPERTY ADDRESS: 700 Glen Cove Ave

SECTION/ BLOCK/ LOT: 21/M/79-84

APPLICATION NO: 12065

APPLICATION RECV'D: 8/21/2020

ZONE: Business B

DESCRIPTION: The applicant proposes to construct a 30ft x 48ft canopy, relocate the vacuum unit, remove the clothing bin and reconfigure the parking area.

The Proposed Construction does not comply with the following Village of Sea Cliff Code Section(s):

§ 138-902 Uses permitted by special permit.

The following uses are permitted by special permit in the Business B District:

A. Any uses permitted in the Business A District by special permit, subject to the standards and restrictions set forth therein.

The applicant proposes to change the hours of operation of the service station to 6am to 12am daily.

§ 138-916 Accessory buildings.

In addition to the requirements heretofore imposed, the following additional restrictions are placed on the erection of accessory buildings:

A. No accessory building shall be erected in any front yard. A porch constructed or existing in the front yard and connected to the front wall of the principal building shall be excluded from this Subsection A unless such porch is heated or air conditioned by mechanical means.

[Amended 3-9-2009 by L.L. No. 3-2009]

D. The maximum gross floor area of an accessory building shall be 500 square feet.

E. An accessory building shall not exceed a height of 15 feet.

F. Only one accessory building having a gross floor area in excess of 120 square feet and a height of eight feet shall be permitted on a lot. Construction or replacement of three or more accessory buildings on a lot shall be permitted only upon application to and issuance of a variance by the Zoning Board of Appeals. For purposes of this Subsection F, air conditioner condenser units shall not be deemed accessory buildings.

[Added 6-21-1982 by L.L. No. 2-1982, effective 6-24-1982; amended 3-9-2009 by L.L. No. 3-2009]

The applicant proposes to construct a 30ft x 48ft canopy that is 18ft in height and relocate the vacuum unit and all are in a front yard.

§ 138-1006 Size of parking spaces, regular loading spaces, loading berths and aisles for various angles of parking.

A. The minimum required size of each parking space shall be nine feet by 20 feet, and, in addition, there shall be aisles providing a minimum width for ingress, egress and maneuvering areas, as follows:

(1) For ninety-degree parking, the minimum width of aisle shall be 24 feet.

The applicant proposes to construct a handicap parking area with a width of 8ft where 9ft is the required minimum and have an aisle width of 15ft where 24ft is the required minimum.

§ 138-1002 Parking space requirements.

The following minimum number of off-street parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building hereafter erected or used, or the use of which is intensified, for any of the following purposes:

S. Any use not otherwise expressly provided for herein: to be determined by the Planning Board during site plan review. [1][1]Editor's Note: See Ch. 107, Site Plan Review.

The applicant proposes to reconfigure the parking area which requires Planning Board review.

§ 107-4 Review required.

[Amended 10-7-1996 by L.L. No. 1-1996; 12-10-2018 by L.L. No. 7-2018; 5-11-2020 by L.L. No. 3-2020]

Site plan review, as provided herein, shall be required for the following, and the Planning Board shall approve, approve with modifications or disapprove applications, as follows:

E. Any substantial change in topography. For purposes of this section, any change in topography in excess of one foot in height or elevation, at any point or over any ten-foot linear area, in any direction, shall be considered a substantial change

The applicant proposes to construct an elevated parking area on the northern side of the lot.



Shane Dommin
Village of Sea Cliff Building Department

Note; If the proposed construction does not comply with the Village Code, applicant may apply to the Zoning Board of Appeals for relief, within 60 days hereof. If the proposed construction requires Planning Board approval, an application to the Planning Board may be made. All plans are subject to the Building Codes of New York State.



INCORPORATED VILLAGE OF SEA CLIFF

OFFICE OF THE VILLAGE OF SEA CLIFF BUILDING DEPARTMENT

300 SEA CLIFF AVE, P.O. Box 340, SEA CLIFF, NY 11579 TEL 516-671-0080 FAX 516-671-6508

BUILDING PERMIT

APPLICATION ID # 12065 APPLICATION DATE _____ PERMIT # _____

PROPERTY ADDRESS: 700 Glen Cove Avenue, Sea Cliff, NY 11579 SECT: 21 BLOCK M LOT 79-84

Owner: PMG Northeast, LLC c/o Blue Hills Fuels, LLC

Address: 2900 Telestar Court	City: Falls Church	State: VA	Zip: 22042
Phone: (703) 496-1071	Cell:	Email: jbuvaro@petromg.com	

Applicant: (If applicant is different from owner state relationship to owner) Chris Tartaglia - High Point Engineering, Owner's Authorized Representative

Address: 521 Conklin Street	City: Farmingdale	State: NY	Zip: 11735
Phone: (516) 777-4320	Cell:	Email: Ctartaglia@hpeng.com	

Architect: Chris Tartaglia -High Point Engineering

Address: 521 Conklin Street	City: Farmingdale	State: NY	Zip: 11735
Phone: (516) 777-4320	Cell:	Email: Ctartaglia@hpeng.com	

Contractor: TBD

Address:	City:	State:	Zip:
Phone:	Cell:	Email:	

Plumber: TBD

Address:	City:	State:	Zip:
Phone:	Cell:	Email:	

Electrician: TBD

Address:	City:	State:	Zip:
Phone:	Cell:	Email:	

Other/Mechanical: N/A

Address:	City:	State:	Zip:
Phone:	Cell:	Email:	

A/C, Boiler, etc Model#

A/C, Boiler, etc Model#

PROPOSED WORK: Be as detailed as possible describing anything that is not going to be specifically provided for in plans or other supporting documents such as number of plumbing fixtures, new services, i.e. gas, water, electric, number of new branch circuits or anything else billable by permit. Billable permit items are listed in Village Code Chapter 142-A as a pdf. Link. The building dept. is responsible for assessing permit fees.

Proposed construction of a 30' x 48' canopy with three (3) BP Helios Canopy Signs on the North, East and South Elevations. Replacement of two (2) existing concrete islands for dispensers with four (4) individual concrete islands; existing dispensers to be removed and reinstalled on the new concrete islands with partial piping replacement.



INCORPORATED VILLAGE OF SEA CLIFF

OFFICE OF THE VILLAGE OF SEA CLIFF BUILDING DEPARTMENT

300 SEA CLIFF AVE, P.O. BOX 340, SEA CLIFF, NY 11579 TEL 516-671-0080 FAX 516-671-6508

BUILDING PERMIT

Cost of Improvement: \$ 75,000.00

Owner: Deposits and says that they are the owner(s) in fee of the Premises, that the work proposed to be done upon the said Premises shall be completed in accordance with the approved application and accompanying plans, and that all the statements herein are true to the deponents own knowledge.

Owner Signature: Chris
Authorized Representative

Owner Signature: _____

sworn to before me on
this 19th day of March, 2020

Date: _____
Cara Schlefman



Notary: _____

Contractors must submit proof of current insurance (C-105.2 or U-26.3 for compensation and DB-120.1 for disability or DB-155 for disability) as required by NY State. Form CE-200 may be submitted if exempted. Nassau County requires licensing and liability insurance for residential work. Proof of these are also required of contractors prior to the issuance of the permit

OFFICIAL USE

	<u>FEES</u>	<u>\$750 ZBA pd</u> <u>10/5/2020</u>	<u>REQUIRED CERTIFICATES</u>
<u>Application Fee</u>	\$	<u>100 pd</u>	<input type="checkbox"/> Cert of Occupancy
<u>Permit Fees</u>			<input type="checkbox"/> Cert of Approval
Building			<input type="checkbox"/> Cert of Completion
Plumbing			<input type="checkbox"/> Cert of Compliance
Electrical			<input type="checkbox"/> Cert of Tenancy
Mechanical			<input type="checkbox"/> Letter in Lieu
Certificate			
Other			
Total Permit Fees	\$	<input type="text"/>	

Approved by _____

Examined for approval on _____

New State Law Requires: Site visits by the Building Department prior to the issuance of any permit. Changes in project elements or design shall not be made until such changes are approved and documented with the Building Department.

Village Code Requires: Zoning variances become invalid if authorized work has not begun within six (6) months of Building Department Approval. Extensions may be applied for to the Zoning Board. (138-1304). Building Permits expire twelve (12) months after the approval. Two (2) subsequent six (6) month extensions may be applied with approval of the Building Department and payment of fees. Additional approvals require application (48-15)



Petroleum Marketing Group

2359 Research Court
Woodbridge, VA 22192

June 5, 2017

Re: BP Reimage Project
Various NY Locations
Westchester, Nassau, Suffolk Counties

To Whom It May Concern,

Petroleum Marketing Group ("PMG") with offices located at 2359 Research Ct, Woodbridge, VA 22192 has been advised by BP Products North America Inc. ("BP"), PMG's lessee in interest with respect to the below listed facilities, that BP will retain the services of High Point Engineering with offices located at 521 Conklin Street, Farmingdale, NY 11735 ("High Point") in matters related to obtaining building, fire and other department/ agency approvals and/ or permits needed for the replacement of signs and building/ canopy modifications (the "Work") at the following facilities:

66324	2030 SUNRISE HIGHWAY	MERRICK	NY	11566
66325	660 ISLIP AVENUE	BRENTWOOD	NY	11717
66327	5106 EXPRESSWAY DR. SOUTH	HOLBROOK	NY	11741
66328	1460 VETERANS MEMORIAL HIGHWAY	HAUPPAUGE	NY	11787
66329	2 SUNRISE HIGHWAY	ROCKVILLE CENTRE	NY	11570
66334	2050 NEW HYDE PARK ROAD	NEW HYDE PARK	NY	11040
66339	525 N. COUNTRY ROAD	SAINT JAMES	NY	11780
66342	10 COUNTY ROAD 39	SOUTHAMPTON	NY	11968
66345	4394 BOSTON POST ROAD	PELHAM	NY	10803
66347	410 WHEELER ROAD	HAUPPAUGE	NY	11788
66351	14 WEST MAIN STREET	ELMSFORD	NY	10523
66353	5400 SUNRISE HIGHWAY	MASSAPEQUA	NY	11758
66354	2399 JERICHO TURNPIKE	NEW HYDE PARK	NY	11040
66359	286 EXPRESSWAY DRIVE SOUTH	MEDFORD	NY	11763
66360	119 POWERHOUSE RD	ROSLYN HEIGHTS	NY	11577
66361	4560 EXPRESSWAY DRIVE SOUTH	RONKONKOMA	NY	11779
66365	1087 NORTHERN BLVD.	ROSLYN	NY	11576
66366	381 WHITE PLAINS ROAD	EASTCHESTER	NY	10709
66371	150 MORRIS AVENUE	HOLTSVILLE	NY	11742
66373	700 NASSAU BLVD.	WEST HEMPSTEAD	NY	11552
66374	566 NORTHERN BLVD.	LAKE SUCCESS	NY	11020
66375	5556 EXPRESSWAY DRIVE SOUTH	HOLTSVILLE	NY	11742
66376	31 NORTHERN BLVD.	GREAT NECK	NY	11020
66378	265 SUNRISE HIGHWAY	LYNBROOK	NY	11563
66379	236-01 LINDEN BLVD.	ELMONT	NY	11003
66381	743 WALT WHITMAN ROAD	MELVILLE	NY	11747

66382	700 GLEN COVE AVENUE	SEA CLIFF	NY	11579
66383	401 MEDFORD AVENUE	PATCHOGUE	NY	11772
66384	240 WEST MAIN STREET	SMITHTOWN	NY	11787
66385	724 GLEN COVE ROAD	OLD BROOKVILLE	NY	11545
66386	5050 NORTHERN BLVD.	GLEN HEAD	NY	11545
66387	500 ATLANTIC AVENUE	EAST ROCKAWAY	NY	11518
66389	1395 VETERANS MEMORIAL HIGHWAY	HAUPPAUGE	NY	11788
66390	48 WEST BROAD STREET	MOUNT VERNON	NY	10552
66391	263 E. JERICHO TURNPIKE	MINEOLA	NY	11501
66392	4909 SUNRISE HIGHWAY	BOHEMIA	NY	11716
66393	106 NORTH BROADWAY	HICKSVILLE	NY	11801
66394	85 N. CENTRAL AVENUE	VALLEY STREAM	NY	11580
66395	3417 ROUTE 112	MEDFORD	NY	11763
66396	2099 HILLSIDE AVENUE	NEW HYDE PARK	NY	11040
66397	749 PORT WASHINGTON BLVD.	PORT WASHINGTON	NY	11050
66398	1019 TULIP AVENUE	FRANKLIN SQUARE	NY	11010
66399	1185 MERRICK AVENUE	NORTH MERRICK	NY	11566
66400	315-325 WASHINGTON AVENUE	BRENTWOOD	NY	11717
66408	1490 5 TH AVENUE	BAY SHORE	NY	11706
66409	573 TUCKAHOE ROAD	YONKERS	NY	10710
66410	1260 HICKSVILLE ROAD	SEAFORD	NY	11758
66424	292 RONKONKOMA AVENUE	RONKONKOMA	NY	11779
16408	270 WEST SUNRISE HIGHWAY	VALLEY STREAM	NY	11581

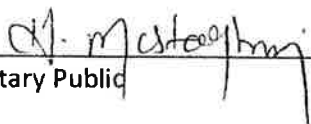
Work done by High Point Engineering may include preparation of engineering plans, architectural designs, building code and zoning review, research of current records and construction management. In connection with such work, PMG, as owner or as lessee under lease that controls certain of these properties, authorizes High Point to research town files to obtain historical information on the above-listed sites and to submit and sign necessary applications on behalf of PMG, provided that High Point shall provide copies of all plans prepared, applications submitted and permits obtained to PMG at the address above, Attention: J Bucaro.

Sincerely,


 Jeff Bucaro, Director

Sworn to before me this

5th day of JUNE 2017


 Notary Public



ZONING BOARD OF APPEALS
PLANNING BOARD _____ (check one)

-----x
IN THE MATTER OF THE APPLICATION OF

APPLICATION

Village of Sea Cliff.
-----x

1. Name of applicant: Chris Tartaglia - High Point Engineering
2. Applicant's address: 521 Conklin Street, Farmingdale, NY 11735

3. If the applicant is not an owner of the property which is the subject of this application, state the relationship of the applicant to the owner(s):
Owner's Authorized Representative

4. The property which is the subject of this application is located at: 700 Glen Cove Avenue, Sea Cliff, NY 11579, Village of Sea Cliff, N. Y. and is also known as Section 21, Block M, Lot(s) 79-84 on the Nassau County Land and Tax Map.
5. The full name and residence address of all owners of the property (if applicant is not the sole owner) is:
Blue Hills Fuels, LLC - 2900 Telestar Court, Falls Church, VA 22042

-
6. The property is located in the Business B zoning district of the Village of Sea Cliff.
7. The subject property is located on the West side of Glen Cove Avenue, 0' South of Cross Street (street).
8. The date on which the owner(s) acquired the property was 3/21/16.
9. The approximate dimensions of the property are 140 feet by 100 feet, and the total acreage of property is 0.321 acres.
10. The property is presently used for Gas Service Station.
11. Are there existing buildings on the property? Yes of _____
12. Are there any outstanding village taxes on the property?
No If so, for what years? _____
13. The applicant or owner(s) wish to make use of the property for the purpose of: No change in use - addition of canopy over new fueling islands
14. The Building Department of the Village of Sea Cliff denied an application for a building permit on 9/3/20
15. The proposed construction use of the property does not comply with the following sections of the Village Code: _____
Sections 138-919, 138-1006, 138-1002, 107-4 and 105-7.
-
-
-

16. This is an application for:

an appeal

a variance

a special permit

other (describe): _____


17. Description of the problem, or reasons for this application, that support the request for relief:

(Note to Applicant - this information is particularly important, and must constitute a complete statement of the grounds for the relief which you are seeking. You may use additional sheets of paper if necessary to provide a complete response)

(See attached sheet.)

18. Has any previous application been made to the Zoning Board of Appeals or Planning Board for the relief sought in this application, or relief similar to that sought in this application? No _____ If so, attach a description of each such prior application, including the date the application was made, the date of the determination by the Zoning Board of Appeals or Planning Board, and a summary of the determination by the Zoning Board of Appeals or Planning Board.

19. Has any previous application been made to the Zoning Board of Appeals or Planning Board for any other relief with respect to the property which is the subject of this application? Yes
If so, attach a description of each such prior application, including the date the application was made, the date of the determination by the Zoning Board of Appeals or Planning Board, and a summary of the determination of the Zoning Board of Appeals or Planning Board.
20. Are there any outstanding violation notices affecting the subject premises? No
21. Are there any pending court proceedings involving the subject premises? No
22. The undersigned applicant states under penalty of perjury that the foregoing statements and information, and all statements and information contained in papers submitted herewith, are true, correct and complete, to best of the signer's knowledge.

Name of applicant: High Point Engineering - Chris Tartaglia
Signature of applicant: 
Title of signatory: Principal
Date: 10-2-20

Zoning Board of Appeals Application

Section 17, Description of the problem, or reasons for the application, that support the request for relief:

ZC Section 138-902 Uses permitted by special permit: The following uses are permitted by special permit in the Business B District:

- A. Any uses permitted in the Business A District by special permit, subject to standards and restrictions set forth therein.

The applicant proposes to change the hours of operation of the service station to 6AM to 12AM daily.

Response: BP Products, North America (BP) mandates that all of its facilities offer fuel dispensing 24 hours a day, 7 days per week, unless a local restriction exists precluding it. In these instances, BP is willing to reduce the hours of operation but requires a minimum 18 hours a day and be open from 6:00 AM to 12:00 AM each day. BP's rationale for being open the maximum hours allowed by code is to provide consistency in its customer offerings across its entire chain of stores as best as possible. Not only can the customer expect top quality reliable fuels for sale at a reasonable price, but they also come to expect a clean, safe and pleasant facility where the equipment is operating properly, there is a canopy to protect them from the elements while they are fueling their vehicles, and that the station will be open when they need it to be. While traffic is lighter on the roadways fronting this property during nighttime hours, a key benefit of maintaining nighttime fueling operations is enhanced safety of the subject property as well as the surrounding area by having someone present to the greatest extent possible. If a motorist or passer-by is in trouble, the open station serves as a safe haven for them to get inside and seek help from family members or law enforcement as may be necessary. In terms of the impacts on crime, there is no disputing the fact that individuals who may be considering committing a nefarious deed will tend to avoid an open/ lit facility where every move they make is captured both by a live Attendant and a security camera system than one which is closed/ dark. Simply stated, the inarguable fact is that when the station is open, it and the surrounding area are safer. In addition, the Village has many residents (Police, Firemen, First Responders, Doctors) who work off-hours who appreciate that this facility is open to serve them on their way to/ from their jobs while most of the rest of the world is asleep. Finally, with the station to be closed from 12:00 AM to 6:00 AM, the lights will be turned off thereby complying with ZC Section 105-7 "Illumination" dictating that illuminated signs must be turned off by 12:00 midnight of each day.

ZC Section 138-916 Accessory buildings: In addition to the requirements heretofore imposed, the following additional restrictions are places on the erection of accessory buildings:

- A. No accessory building shall be erected in any front yard. A porch constructed of existing in the front yard in the front yard and connected to the front wall of the principle building shall be excluded from this Subsection A unless such porch is heated or air conditioned by mechanical means.
- D. The maximum gross floor area of an accessory building shall be 500 square feet.
- E. An accessory building shall not exceed a height of 15 feet.
- F. Only one accessory building having a gross floor area in excess of 120 square feet and a height of eight shall be permitted on a lot. Construction or replacement of three or more accessory buildings on a lot shall be permitted only upon application to and issuance of a variance by the Zoning Board of Appeals. For purposes of this Subsection F, air conditioner condenser units shall not be deemed accessory buildings.

The applicant proposes to construct a 30ft x 48ft canopy and relocate the vacuum unit.

Response: The proposed canopy will serve to shield customers and employees from inclement weather and U/V rays during vehicle fueling operations. The 30'x 40' overall dimensions are the minimum required to provide adequate coverage for vehicles parked at the fueling dispensers. The canopy is located over the existing fuel dispensers, and as such, its location is dictated by the location of the dispensers without ability to set it back any further from Glen Cove Avenue. The proposed 18' overall height is fixed by the minimum required 15' underside clearance to allow tanker trucks to access the station safety plus a 3' canopy fascia height.

The existing vacuum station is being relocated approximately 7 feet to the east to accommodate the delineation of additional of additional on-site parking stalls along the southernly side of the site. The vacuum is proposed to be relocated to the minimum required front yard setback of 15' from Glen Cove Avenue.

ZC Section 138-1006 Size of park spaces, regular loading spaces, loading berths and aisles for various angles of parking:

- A. The minimum required size of each parking space shall be nine feet by 20 feet, and, in addition, there shall be aisles providing a minimum width for ingress, egress and maneuvering areas, as follows: (1) For ninety-degree parking, the minimum required front yard setback of 15' from Glen Cove Avenue.

The applicant proposes to construct a handicap parking area with a width of 8ft where 9ft is the required minimum and have an aisle width of 15ft where 24ft is the required minimum.

Response: The proposed handicap parking and loading stalls are each 8' wide in compliance with American with Disabilities Act (ADA) standards for same. The overall handicap parking area is therefore 16' wide by 20'long as is provided with the minimum required 24' backup aisle.

ZC Section 138-1002 Parking space requirements: The following number of off-street parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building hereafter erected or used, or the use of which is intensified, for any of the following purposes:

- S. Any use not otherwise expressly provided for herein: to be determined by the Planning Board during site plan review.

The applicant proposes to reconfigure the parking area which requires Planning Board review.

Response: On-site parking stalls are being reconfigured to accommodate the installation of code compliant handicap parking stalls as well as restriping standard stalls to required dimensions of 9' x 20'. It is acknowledged that a Planning Board site plan review will be required for approval of the reconfigured layout.

ZC Section 107-4 Review required: Site plan review, as provided herein, shall be required for the following, and the Planning Board shall approve, approve with modifications or disapprove applications, as follows:

- E. Any substantial change in topography. For purposes of the section, any change in topography in excess of one foot in height or elevation, at any point of over any ten-foot linear area, in any direction, shall be considered a substantial change.

The applicant proposes to construct an elevated parking area on the northern side of the lot.

Response: In order to accommodate the required handicap parking and loading stalls at the maximum allowable slope of 2% in any direction, as required by ADA standards, the raising of the designated area will be required. A concrete curb wall bordering the north and west sides of this area is proposed in order to effectuate the required slope for these stalls. The proposed curb wall will have a maximum height of +1' at the northwest corner, which is not a substantial change in topography. This curb wall and the associated change in topography will be further addressed with the Planning Board site plan review as required for the parking reconfiguration discussed above.











CLOTHING DROP BOX



CAUTION
HIGH VOLTAGE
DO NOT TOUCH
EQUIPMENT









A meeting of the Zoning Board of Appeals of the Incorporated Village of Sea Cliff, New York, was held on December 6, 2004, to render a decision concerning the application of **NORTH SHORE AUTO STATION, INC.**, as tenant. A hearing on this application had been held on November 30, 2004.

On November 30 and December 6, 2004, discussions of the application were had and the exhibits presented at the hearing reviewed and considered.

The following were present at the meeting on December 6, 2004.

George Bevad, Chairman
Thomas Powell
Patricia Harrigan
Arthur Purcell

Absent:

Dina Epstein

The Board made the following Finds of Fact and Conclusions of Law, and adopted the following resolution:

FINDINGS OF FACT

1. **NORTH SHORE AUTO STATION, INC.** is the tenant of property in Business "B" District in the Incorporated Village of Sea Cliff located at 700 Glen Cove Avenue, and described on the Village Assessment Roll as Section 21, Block M, Lots 79-85.

2. Applicant seeks special permits pursuant to the provisions of Sections 138-902D(1), (2), (3), and (4) and 902E (1), (2), (3), (4), and (5) of Chapter 138 of the Zoning Ordinance of the Code of the Incorporated Village of Sea Cliff, and permission to use the enclosed rear yard and the open side yard for the parking of customers' vehicles left at the premises for repair, and to operate an outdoor automobile sales establishment for no more than three (3) cars, incidental to the automobile repair business conducted at the premises.

3. If granted a special permit, applicant proposes to sell used automobiles as an incidental accessory use to the auto repair shop business.

4. The Zoning Ordinance requires a special permit to operate a public garage and an outdoor sales establishment and provides that an accessory use may be allowed by special permit on the same lot if such use is customarily incidental to a use permitted by special permit.

5. In granting special permits, the Zoning Board of Appeals may impose appropriate conditions pursuant to Section 138-1402 of the Zoning Ordinance, which provides as follows:

Section 138-1402. Conditions on the grant of special permits.

In granting a special permit, the Zoning Board of Appeals, in its sole discretion, shall have the power to impose whatever conditions it deems necessary in order to effectuate the purposes of this chapter; to conserve and protect property values; or to promote the health, safety, welfare and well-being of the residents and property owners of the Incorporated Village of Sea Cliff.

6. At the hearing, applicant and his representative made the following statements and representations:

(1) Applicant wants to obtain a special permit to sell used cars on the property so that

it can obtain a license from the Department of Motor Vehicles to sell three cars. Applicant would settle for two cars if that is what has been granted to other similar properties and businesses.

- (2) The Plot Plan submitted by the Applicant indicates two parking spaces along the southeast property line, eight spaces to the north of the existing building, and eight spaces along the westerly property line.
- (3) Applicant appeared before the Zoning Board on February 27, 2001 on a similar application, but the signs and truck parking to the rear of the building have been withdrawn from this application.
- (4) Other businesses in the area have been granted permission to sell used cars in the same manner requested by the applicant.
- (5) Applicant has been operating the service station and auto repair shop business at the premises for approximately seven (7) years.
- (6) Any for sale signs will be located inside the cars. No other signs, streamers, or similar forms of advertising will be exhibited on the property.
- (7) Most cars for sale are customer cars, but Applicant does occasionally buy and sell used cars.

7. By decision dated September 9, 1997, **GENE STEFANO and JOHN DiSTEFANO**, as owners, and **ADAM WYMAN**, as tenant were granted a special permit to sell used automobiles as an accessory use to the auto repair shop on the premises located at 369 Glen Cove Avenue without substantive outdoor sales or outdoor storage, subject to a number of conditions including that no more than two (2) cars shall be located on the property for sale at any time.

8. By decision dated March 31, 1998, **JOSEPH ALTERIO and TRANS-PRO TRANSMISSIONS** were granted a special permit to sell used automobiles as an accessory use to the business operated on the premises located at 259 Glen Cove Avenue without substantive outdoor sales or outdoor storage, subject to a number of conditions including that no more than two (2) cars shall be located or displayed on the property for retail sale at any time.

9. Condition number 12 set forth in the Certificate of Non-conforming Use dated November 1, 2004, issued for premises located at 420 Glen Cove Avenue owned by **J. & T. Sea Cliff Realty Corp.**, and operated by **Glen Cove Avenue Collision**, states in part as follows:

12. Junked cars, more than two (2) cars for resale, cars for sale of parts, . . . and cars stored to use the parts thereof shall be prohibited. Any operation in the manner generally associated with a junk yard business is strictly and absolutely prohibited.
...

CONCLUSIONS OF LAW

1. In order to use the premises in Business B District in the manner proposed by the applicant, an application must be made for a special permit.

2. As a general matter of law, special permits allow specific uses in a given district, provided the applicant for such a permit can show that he meets or can comply with certain standards and criteria stated in the Ordinance. The Zoning Board of Appeals has the inherent power, in connection with the granting of a special permit to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property and which are not inconsistent with the provisions of the Ordinance. Conditions may be imposed which are designed to protect

abutting landowners, to preserve the character of the neighborhood, and to soften the impact of such uses upon areas where they might be incompatible unless conditioned in a manner suitable to a particular location.

3. A municipality is not a guarantor of profits and is not obligated to assure a land owner the greatest return on his investment. On the contrary, this Board is required to limit the proposed business operation by the imposition of appropriate conditions when to do otherwise would have a substantial adverse affect on other village property owners.

4. In order to balance the potential adverse effect the proposed use of the applicant may have on nearby properties in the area with the obligation of this Board to issue a special permit where adequate, reasonable, and appropriate safeguards and restrictions can be imposed to minimize the adverse effects; this Board will grant the special permit requested subject to the following conditions:

- (1) No more than two (2) cars shall be located or displayed on the property for sale at any time.
- (2) The hours of operation for the car sales business shall not exceed the normal business hours of the service station on the premises.
- (3) All cars located on the property for sale shall be in good condition.
- (4) Only one (1) for sale sign, not to exceed two (2) square foot, shall be allowed on each car being offered for sale. All signs shall be located inside the automobile. No other signs, banners, streamers, displays, or advertisement shall be permitted.
- (5) No writing shall be placed directly on any car, windshield, or window.
- (6) The sale of cars business shall be incidental to the service station and automotive repair business conducted on the property. No salesmen shall be employed for the purpose of selling the cars at retail.
- (7) Any cars displayed on the property for sale shall be located so as not to interfere with the vision, line of sight, and other safety considerations of pedestrians and automobiles proceeding along or being operated on Cross Street and Glen Cove Avenue.
- (8) Only customer cars and vehicles for repair, cars for sale, and vehicles of the owner, operator, employees and customers temporarily at the premises, shall be parked on the property. No automobiles and other vehicles parked outside at the premises for the purpose of repair to such vehicles shall be parked for longer than 30 days, whether consecutive or non-consecutive.
- (9) All automobiles and other vehicles connected with the business, whether owned by customers, employees, or principals, shall be parked on the property, and shall not be parked on any adjacent streets.
- (10) Junked cars, more than two (2) cars for resale, cars for the sale of parts, and cars stored to use the parts thereof shall be prohibited. Any operation in the manner generally associated with a junk yard business is strictly and absolutely prohibited.
- (11) Deliveries shall be made so as not to obstruct or interfere with the flow of traffic on Cross Street or Glen Cove Avenue, including pedestrian traffic on the sidewalk, and shall only be made between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 8:00 a.m. and 1:00 p.m. on Saturday. No deliveries shall be made on Sunday or holidays.
- (12) Applicant shall submit a survey for the property specifically indicating the location of the northerly property line. No cars shall be parked on Cross Street or on the

Right of Way including Cross Street adjacent to Applicant's premises. The Special Permit shall not be issued until a proper survey has been submitted.

- (13) A twenty (20) foot wide buffer area shall be maintained for the length of and adjacent to the westerly property line. No vehicles, cars, equipment, supplies or any other material or items shall be parked, stored, driven or moved into or through, deposited or left in the buffer area. In addition, the buffer area shall be kept free of all rubbish and in a clean and neat condition. As long as this condition is complied with, no segregation of the buffer area is required. However, if the provisions of this condition are violated in any manner, a fence, approved by the Village Building Department, shall be installed from the southerly property line to the northerly property line parallel with and located twenty feet east of the westerly property line. Thereafter the buffer area shall be maintained in the same manner as stated in this condition.

It was regularly moved by Patricia Harrigan, and seconded by George Bevad, that the application requesting the Special Permit be granted to the extent indicated and subject to the conditions stated.

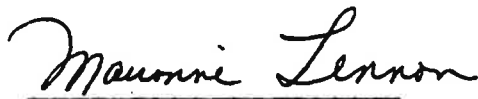
All present voted in favor of the motion and the application was unanimously **GRANTED, TO THE EXTENT INDICATED AND SUBJECT TO THE CONDITIONS STATED.**

Dated: December 6, 2004.

Respectfully submitted,


George Bevad, Chairman

Filed in the Office of the Village
Clerk the 7th day of December, 2004.


Maryanne Lennon, Village Clerk

VAST CORP
OR CURRENT OWMER
600-602 GLEN COVE AVE
SEA CLIFF, NEW YORK 11579

JOHNSON LAURA
OR CURRENT OWMER
12 CROSS ST
SEA CLIFF, NEW YORK 11579

PERONE RALPH A & MICHELLE LIFE ESTATES
OR CURRENT OWMER
2 CROSS ST
SEA CLIFF, NEW YORK 11579

ROSAL INC
OR CURRENT OWMER
500 GLEN COVE AVE
SEA CLIFF, NEW YORK 11579

CIAMPI JR JOHN L & LINDA A
OR CURRENT OWMER
3 CROSS ST
SEA CLIFF, NEW YORK 11579

~~SUMBERLAND FARMS INC
OR CURRENT OWMER
700 GLEN COVE AVE
SEA CLIFF, NEW YORK 11579~~

CENTRAL SCHOOL DISTRICT #1
OR CURRENT OWMER
505 GLEN COVE AVE
SEA CLIFF, NEW YORK 11579

WEISMAN MARCIA
OR CURRENT OWMER
11 CROSS ST
SEA CLIFF, NEW YORK 11579

LAVENDA KIM & MITCHELL A
OR CURRENT OWMER
4 EAST AVE
SEA CLIFF, NEW YORK 11579

SACKETT STEPHEN & CATHLEEN
OR CURRENT OWMER
16 CROSS ST
SEA CLIFF, NEW YORK 11579

CENTRAL SCHOOL DISTRICT #1
OR CURRENT OWMER
450 GLEN COVE AVE
SEA CLIFF, NEW YORK 11579

Teresa Cappuccio
5 East Ave
Sea Cliff NY 11579

PMG Northeast, LLC
clo Blue Hills Fuels LLC
700 Glen Cove Ave.

Sea Cliff Public Notification App with Web AppBuilder for ArcGIS



60ft
-73.634 40.838 Degrees

Nassau County
 Maureen O'Connell
 County Clerk
 Mineola, NY 11501



Instrument Number: 2016- 00027049

As

D01 - DEED

Recorded On: March 21, 2016

Parties: CUMBERLAND FARMS INC

TO BLUE HILLS FUELS LLC

Recorded By: FIRST AMERICAN TITLE INSURANCE CO

Billable Pages: 7

Num Of Pages: 8

Comment:

**** Examined and Charged as Follows: ****

D01 - DEED 80.00 Blocks - Deeds - \$300 300.00 RP5217 Commercial 250.00

Tax Affidavit TP 584 5.00

Recording Charge: 635.00

	Amount	Consideration Amount	RS#/CS#			
Tax-Transfer	0.00	604,080.00	RE 16139	Basic	0.00	Spec ASST 0.00
OYSTER BAY				Local NY CITY	0.00	Spec ADDL SONYMA 0.00
EXEMPT				Additional MTA	0.00	Transfer 0.00
Tax Charge:	0.00					

Property Description:

Line	Section	Block	Lot	Unit	Town Name
1	21	M	79		OYSTER BAY
2	21	M	80		OYSTER BAY
3	21	M	81		OYSTER BAY
4	21	M	82		OYSTER BAY
5	21	M	83		OYSTER BAY
6	21	M	84		OYSTER BAY
7	21	M	85		OYSTER BAY

**** THIS PAGE IS PART OF THE INSTRUMENT ****

I hereby certify that the within and foregoing was recorded in the Clerk's Office For: Nassau County, NY

File Information:

Document Number: 2016- 00027049
 Receipt Number: 179912
 Recorded Date/Time: March 21, 2016 10:28:55A
 Book-Vol/Pg: Bk-D VI-13336 Pg-282
 Cashier / Station: 0 DAC / NCCL-75BDDP1

Record and Return To:

FIRST AMERICAN TITLE CO
 601 TRAVIS STE 1875
 ATTN LISA AGUILAR
 HOUSTON TX 77002



Maureen O'Connell

County Clerk Maureen O'Connell

Doc. - Commercial
7
604,080 - prep'd

717851 NY 49

V1786
700 Glen Cove Ave
Sea Cliff, New York

As of WARRANTY DEED

THIS INDENTURE, made this *29th* day of *December* 2015.

BETWEEN:

Sec
21 CUMBERLAND FARMS, INC., a Delaware corporation
100 Crossing Blvd.
Framingham, MA 01702
(Grantor)

21 AND

Block
M
BLUE HILLS FUELS, LLC, a Delaware limited liability company
c/o ArcLight Capital Partners, LLC
200 Clarendon Street, 55th Floor
Boston, MA 02116
(Grantee)

Lot
79:
85
WITNESSETH, that the Grantor, in consideration of ***ONE and 00/100THS (\$1.00) DOLLAR*** paid by the Grantee, hereby grant and release unto the Grantee, its successors and assigns of the Grantee forever, the property in the Village of Sea Cliff, Town of Oyster Bay, County of Nassau, New York, described on SCHEDULE "A" ANNEXED HERETO.

inclusive
TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to said premises.

SUBJECT TO the covenants, conditions and restrictions set forth on SCHEDULE "B" ANNEXED HERETO.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, its successors and assigns of the Grantee forever. AND the Grantor covenant as follows:

FIRST: The Grantee shall quietly enjoy the said premises.

SECOND: The Grantor will forever warrant the title to said premises.

This deed is subject to the trust provisions of Section 13 of the Lien Law. The words "Grantor" and "Grantee" shall be construed to read in the plural whenever the sense of this deed so requires.

Grantor acquired title from William V. Perpall, as Residuary Devisee under the Last Will and Testament of Harry A. Perpall, a/k/a Henry Aubrey William Perpall, deceased April 10, 1986, by deed dated June 25, 1987 and recorded August 19, 1987 in Liber 9837, Cp 214 and from William V. Perpall as Ancillary Executor of the Last Will and Testament of Henry Aubrey William Perpall to said William V. Perpall, individually, by deed dated November 30, 1989 and recorded December 13, 1989 in Liber 10035, Cp 944.

[signature page follows]

IN WITNESS WHEREOF, the Grantor(s) has/have executed this deed the day and year first above written.

CUMBERLAND FARMS, INC.
a Delaware corporation

By: *Dino M. DeThomas*
Name: Dino M. DeThomas
Title: Chief Real Estate Officer
Senior Vice President

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX) ss.:

On the 19th day of August in the year 2015, before me, the undersigned, personally appeared Dino M. DeThomas, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the Town of Framingham, Massachusetts.

Pamela A. Sinnett
Pamela A. Sinnett, Notary Public
My Commission Expires: 2/9/2018

Please Return To: First American Title Co.
601 Travis, Suite 1875
Houston, TX 77002
Attn: Lisa Aguilar
NCS No. 717851 NY



SCHEDULE A

Legal Description

ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATE, LYING AND BEING IN THE VILLAGE OF SEA CLIFF, TOWN OF OYSTER BAY, COUNTY OF NASSAU AND STATE OF NEW YORK, KNOWN AS AND BY THE LOTS NUMBERED 79 TO 85 INCLUSIVE AS SHOWN ON A CERTAIN MAP ENTITLED, "MAP OF GLENVIEW PARK, SECTION 2, AND PART OF GLENVIEW PARK, SITUATED AT SEA CLIFF, NASSAU COUNTY, NEW YORK, S. B. BOWNE, ENGINEER, MINEOLA, AUGUST 1925", AND FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF NASSAU ON AUGUST 5, 1926 UNDER THE FILE NO. 363, CASE NO. 2398, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE CORNER FORMED BY THE INTERSECTION OF THE WESTERLY LINE OF GLEN COVE AVENUE AND THE SOUTHERLY LINE OF CROSS STREET;

RUNNING THENCE SOUTH 13° 07' EAST AND ALONG THE WESTERLY LINE OF GLEN COVE AVENUE 98.46 FEET;

THENCE SOUTH 77° 46' 10" WEST 140 FEET;

THENCE NORTH 13° 07' WEST 98.46 FEET TO THE SOUTHERLY LINE OF CROSS STREET;

THENCE NORTH 77° 46' 10" EAST AND ALONG THE SOUTHERLY LINE OF CROSS STREET 140 FEET TO THE WESTERLY LINE OF GLEN COVE AVENUE THE POINT OR PLACE OF BEGINNING.

TOGETHER with all the right, title and interest of the party of the first part, of in and to the land lying in the street in front of and adjoining said premises.

Tax Map Designation: Section 21, Block M, Lots 79 through 85

SCHEDULE B

Restrictions

1. Reservation of Access Rights. This conveyance is made by Grantor and accepted by Grantee subject to a reservation by Grantor of a perpetual easement in gross for access to the Property, commencing as of the Effective Date for the benefit of Grantor and its consultants, agents, designees and representatives, and Grantor Related Parties (collectively referred to herein as "Grantor Access Parties"). Grantor reserves the right of access to the Property on and after the Effective Date, and Grantee grants to Grantor Access Parties reasonable access to the Property on and after the Effective Date, at no cost to Grantor Access Parties, as Grantor Access Parties may require access to the Property to undertake any activity required pursuant to applicable Environmental Laws. Grantee agrees that the reservation of access set forth in this Deed shall be a covenant running with the land herein conveyed. The Grantor's rights and benefits of this reservation of access are an easement in gross, inuring to the benefit of Grantor Access Parties, and their successors and assigns. Grantee agrees that any sale, transfer or assignment of its interest in the Property or any part thereof or any lease, license or right to occupy or use the Property or any part thereof shall be subject to Grantor's and Grantor's Access Parties' reservation of access, covenant running with the land and perpetual easement in gross.

2. Release. In accepting this Property "AS-IS, WHERE-IS," and "WITH ALL FAULTS," Grantee hereby unconditionally and irrevocably waives any and all actual or potential claims or rights against Grantor Related Parties arising out of or in connection with the environmental condition of the Property, and except to the extent resulting from a breach of the express representations and warranties of Grantor contained in Section 2.24 of the May 15, 2015 Asset Purchase and Sale Agreement entered into by and between Grantor and Grantee (in which case such exception shall apply only until the first anniversary of the Effective Date), any and all actual or potential claims or rights Grantee might have regarding any form of representation or warranty, express or implied, of any kind or type, relating to the Property arising out of Environmental Claims and Liabilities related to the Property. Such waiver is absolute, complete, total and unlimited in any way. Such waiver includes, but is not limited to, a waiver of express warranties, implied warranties, warranties of fitness for a particular use, warranties of merchantability, warranties of habitability, strict liability rights, and claims, liabilities, demands or causes of action of every kind and type, whether statutory, contractual or under tort principles, at law or in equity, including claims regarding defects which might have been discoverable, claims regarding defects which were not or are not discoverable, product liability claims, product liability type claims, all other existing or later created or conceived strict liability or strict liability type claims and rights, any and all claims relating to the environmental condition of the Property, claims under Section 13:1K-13 of the New Jersey Industrial Site Recovery Act and claims under Section 22a-134b of the Connecticut Transfer Act. Grantee agrees that: (i) this Release shall run with the land herein conveyed and shall be binding upon all parties claiming by through or under Grantee or its successors or assigns; (ii) this Release shall inure to the benefit of all parties claiming by, through or under Grantor Related Parties, and their successors or assigns; and (iii) any sale, transfer or assignment of Grantee's interest in the Property or any part thereof

or any lease, license or right to occupy or use the Property or any part thereof shall be subject to this Release.

3. Definitions. The following definitions shall apply as used in this Deed:

"Affiliate" has the meaning assigned to it in Rule 12b-2 under the Securities Exchange Act of 1934.

"Contamination" means the presence, whether known or unknown, at, on, under, originating or migrating to or from the Property or improvement or Equipment located thereon or any structures or improvements or fixtures associated with the Property of any chemical, compound, material, substance or other matter that: (a) is a flammable, corrosive, explosive, hazardous, toxic or a regulated material, substance or waste, or other injurious or potentially injurious material, whether injurious or potentially injurious by itself or in combination with other materials; (b) the possession, purchase, use, transportation, storage, disposal, cleaning or other associated activity of which is controlled, designated in, regulated or governed by any Environmental Law; or (c) is any petroleum or petroleum-derived products, radon, radioactive materials or wastes, asbestos in any form, lead or lead-containing materials, urea formaldehyde foam insulation and polychlorinated biphenyls.

"Damages" means any and all debts, obligations and other liabilities, monetary damages, fines, penalties, costs and expenses (including reasonable attorneys' fee and expenses).

"Effective Date" means the date identified as the Effective Date at the end of this Deed.

"Environmental Claims and Liabilities" mean any and all Environmental Damages or Proceedings (whether incurred, existing or first occurring on, before or after the Effective Date) relating to or arising out of the Property.

"Environmental Damages" mean any Damages arising from or related to any Environmental Matter, including natural resource damages.

"Environmental Matter(s)" shall mean any liability or obligation arising under Environmental Law, whether arising under theories of contract, tort, negligence, successor or enterprise liability, strict liability or other legal or equitable theory, including (i) any failure to comply with an applicable Environmental Law and (ii) any liability or obligation arising from the presence of, release or threatened release of, or exposure of persons or property to Contamination at the Property or elsewhere. As used above, the term "release" shall have the meaning set forth in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 et seq., as it has been and may be amended ("CERCLA"), including release of petroleum products.

"Environmental Laws" means any and all federal, state, county or local laws, the common law, regulations, judicial or administrative decisions, orders, decrees or governmental restrictions, in force and as the same may be amended, relating to the protection of public health, the environment, natural resources, underground storage tanks, aboveground storage tanks,

hazardous substances, hazardous materials, waste, chemicals, toxic substances, pollutants, contaminants or words of similar import, or work place health or safety, or environmental conditions at, on, under, or originating at or migrating to or from any Property, or soil, water, and groundwater, including but not limited to CERCLA, the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901, et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. §§ 2601, et seq., the Clean Air Act, as amended, 42 U.S.C. §§ 7401, et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§ 1251, et seq., the Connecticut Transfer Act, the Massachusetts Oil and Hazardous Material Prevention and Response Act and the New Jersey Industrial Site Recovery Act and the Occupational Safety and Health Act of 1970, 29 U.S.C. §§651 et seq., and the state or local counterparts.

“Grantor Related Parties” means Grantor, Grantor’s Affiliates (including Gulf Acquisition LLC, a Delaware limited liability company), and their respective owners, officers, directors, members, managers, employees, agents, divisions, contractors, invitees, representatives (including consultants, attorneys, accountants and agents), successors and assigns.

“Proceedings” mean any actions, threatened actions, causes of action, written demands, claims, suits, investigations, and any appeals therefrom.

10/19/20

Village of Sea Cliff
Zoning Board of Appeals
300 Sea Cliff Ave
Sea Cliff, NY 11579

Sent Via: Email zba@seacliff-ny.gov

Sent Via: USPS Priority Mail

Re: Application of PMG Northeast, LLC c/o Blue Hills Fuels LLC of 700 Glen Cove Ave. No: 12065

To Whom it May Concern;

Thank you for allowing me to give my input regarding the above referenced application. I cannot express more strongly other than to say that I **strongly oppose** this application. My reasoning for such includes but not limited to the following (for the sake of brevity the applicable Village Codes appear below but the associated details are omitted):

§ 138-916 Accessory buildings.

PMG Northeast, LLC c/o Blue Hills Fuels LLC ("Owner") wishes to install a monstrous free-standing cover over the gas pumps. This is unacceptable. **There is no other gas station or any other comparable business that has such a structure in Sea Cliff.** Allowing this ridiculous request will set a dangerous precedent that will swing the door open for radical industrial growth that is incongruous with the serene life for which Sea Cliff is known.

Additionally, given the topography **any free-standing structure will tower on my property**, and significantly lower my quality of life and more quantifiable my property value and the value of all of my neighbors, well exceeding the Villages minimal notification radius used in this matter.

§ 138-1006 Size of parking spaces. regular loading spaces, loading berths and aisles for various

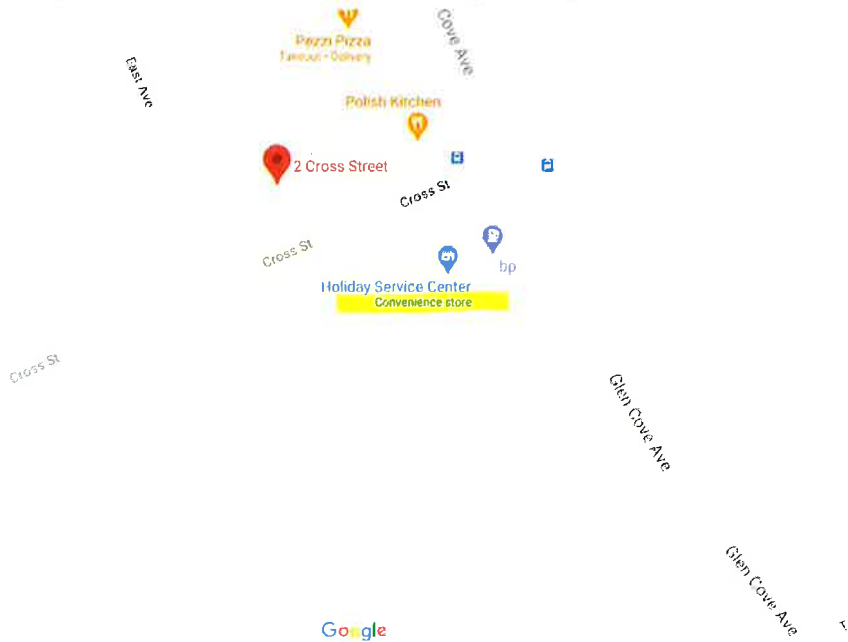
angles of parking.

If the owner wishes to install a handicap parking area there is no acceptable reason why they need to contradict Village requirements. This is just another example of a massive corporation trying to change and exploit a small-town village.

§ 138-1002 Parking space requirements

The Owner and its occupants cannot stay inside their allotted parking now, **see pages 8-14 for accurate representations of their parking.** Reconfiguring and expanding will only further amplify that problem. As you can see, they regularly park in an area designated as a “sidewalk” by the Village and my many pleas to the Village to ensure they enforce this has gone unheeded. I go so far as to say that the Village has essential given this communal property to the Owner for free and free of taxes. This is unacceptable and must be stopped. I have also pled with the Village to establish this area as a conventional sidewalk for (a) the safety of residents and children traveling to/from nearby two schools and (b) I have pled for the Village to add greenery in the area. Again, that request has gone unanswered. I also see that the plan of the Owner contains no additional greenery whatsoever. This further proves my point that they are merely a conglomerate that seeks to exploit our small Village.

Additionally, I strongly suspect that the Owners intent is to shift this site from a simple gas station to a 24/7 mega-mart/convenience store. In fact, see below from Google Maps which clearly indicates them as such, which is a non-permitted expansion of their business. Their intent to expand parking, increase lighting, and to stay open 24 hours a day makes their intent very clear. This is unacceptable. **There are NO OTHER businesses in the Village of Sea Cliff that are open 24/7 and this will set a dangerous precedent.**



According to Zillow, convenience store associated with gas station will result in increased traffic flow including increased traffic on Cross St., they site that people will tend to hang out at the property, buying lotto tickets, cigarettes, and beer when they gas up. **“These shops do nothing to help property values and hurt them significantly according to Zillow.com.”**

If allowed, the Owners plan will bring about a **significant increase in crime and danger**. Convenience store hold-ups account for about 6% of all robberies in the nation. One study noted that, "Convenience store employees suffer from high rates of workplace homicide, second only to taxicab drivers."

Also, allowing them to remain open past their current already long operational time will result in an exponential negative impact on the environment and health of me, my family, and my neighbors. A number of compounds injurious to human health are released from gas stations during vehicle fueling. These compounds include: benzene, toluene, ethyl benzene, and xylene (BTEX). Benzene is the gasoline constituent most harmful to human health. Adverse health effects of benzene include nausea, cancer, anemia, increased susceptibility to infections, and low birth weight. According to the World Health Organization Guidelines for Indoor Air Quality there is no safe level for benzene. **As a cancer survivor, I can only suspect that living in close proximity caused this terrible disease. I cannot allow for my family and neighbors to be exposed to such chemicals at any greater level.**

Here are just some studies on the topic:

- A 1993 study published by the Canadian petroleum industry found average benzene concentrations of 146 and 461 parts per billion (ppb) at the gas station property boundary in summer and winter, respectively.
- A 2001 study noted median ambient benzene levels of 1.9 ppb in houses up to 328 feet¹ from a service station.
- A 2003-2004 study conducted in France documented a significant relationship between childhood leukemia and living near a gas station.
- A 2010 study conducted in Spain documented elevated air pollution within 100 meters (328 feet) of a gas station.
- In 2012, Brazilian researchers found that air quality was significantly degraded up to 150 meters (492 feet) from gas stations.
- In 2005, the California Air Resources Board probably became the first in the U.S. to recommend a minimum public health safety zone between new gas stations and "sensitive land uses." The recommendation appeared in Air Quality and Land Use Handbook: A Community Health Perspective. The pre-2005 studies referenced above and other research prompted the Board to recommend a minimum 300-foot separation distance between new gas stations and "sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities." The State of

¹ My property lies just over 100 ft from the gas station, see Appendix 1

California is widely recognized as having some of the most effective air pollution control requirements in the nation.

- The U.S. Environmental Protection Agency echoed concerns about the health risk associated with gas station emissions in their School Siting Guidelines. The USEPA recommended screening school sites for potential health risk when located within 1,000 feet of a gas station.
- The 2015 paper contained the following summary regarding the health implications of living, working or learning near a gas station stated, "Similarly affected are individuals who spend time close to a gas station, e.g., in close by businesses or in the gas station itself. Of particular concern are children who, for example, live nearby, play nearby, or attend nearby schools, because children are more vulnerable to hydrocarbon exposure."
- Idling engines, particularly those in large diesel trucks, emit a large quantity of particulates into the local atmosphere. These particulates can pose a significant health risk for those living near convenience store/truck stops.

§ 107-4 Review required

The Owners proposal to elevate the parking area on the North and West is unacceptable as it directly faces my home. This will result in light pollution from headlights, additional noise pollution and more by being so close to my home. Indeed, if raised that parking lot will be parallel to my homes second floor and thereby cause an unacceptable nuisance. Further, it is critical to note **that the entire Eastern portion of the property is essentially flat and they may easily designate ADA accessible parking** in that region without furthering their goal of turning the property into a mega-mart.

§ 105-7 Illumination

The response of the Owner is particularly troubling insofar as they stated, "**With the gas fueling operations taking place 24 hours a day, 7 days per week...**". I read this to say that approval for them to operate 24/7 has already been granted. ***Please advise on this matter immediately.*** There are **NO OTHER BUSINESSES THAT OPERATE 24/7 AND THIS GAS STATION SHOULD NOT BE AN EXCEPTION.**

Further, the current code that calls for illumination to be turned off at midnight has NEVER OCCURRED at this site despite my many complaints to the Village. The Owner has a purely territorial and dominating view of this property. As I can see, this is just one in a series of locations across Long Island in which the Owner wishes to instill their values and intentions regardless of the character and rules of law in the various Villages, Towns, and Cities. **This**

CANNOT BE ALLOWED. In their response, the Owner stated, "...the existing building acts as a solid barrier for the lights against the residential properties located to the west". However, they were **SILENT ON MY PROPERTY WHICH LIES TO THE NORTH.** This omission only further proves my point that the light intrusion will be unbearable.

In sum, their proposal would create a significant light pollution situation to my home. The constant, unrelentless burden of this onslaught **MUST NOT BE PERMITTED.**

The entire plan of the Owner is filled with misrepresentations that must not be ignored. The photos presented by the Owner are clever lies. See below:

1. Notice that this photo is taken from the East side of Glen Cove Ave (across the street from the gas station). You will clearly see my home on right side of this picture but I believe the photo was taken from such a distance to make it appear as though my house is further away from the gas station than is actually is. Additionally, you see an onslaught of excessive signage that well exceeds Village Code.



2. Note that this photo is taken from the southeastern corner of the actual property



3. Again, photo taken from the southeast corner. Note “sandwich board” sign clearly in the way of those traveling in wheelchairs or other assistive devices and other traveling on the sidewalk (not their property). This illustrates their total disregard for the disabled and the neighborhood.



4. Note that this photo appears to be taken from the middle of Glen Cove Ave (East of property). Note my home is cleverly hidden behind the gas pump with the intent to obfuscate its existence. Again, notice the sandwich board outside the bounds of their property.



5. This is the view from the front of my home. Note that clothing container is the first thing I see when I walk out of my house. **Would you like to see this outside your door?** Despite my repeated emails requesting that it be moved, Sea Cliff has ignored me. In the Owners statement for the proposed radical change they offer to move this container off the property. This must occur even though their proposal must be struck down.

Further, this photo cleverly omits the MANY tenants that the Owner rents parking spaces to (in violation to Village Code). There are landscapers and other blue-collar workers that move their trucks out each morning and in each evening as well as an excessive number of cars parked throughout the property for days at a time (beyond just those being repaired). **The owner/operator has completely ignored the buffer zone and Sea Cliff has turned a blind eye.** See below for an accurate representation.

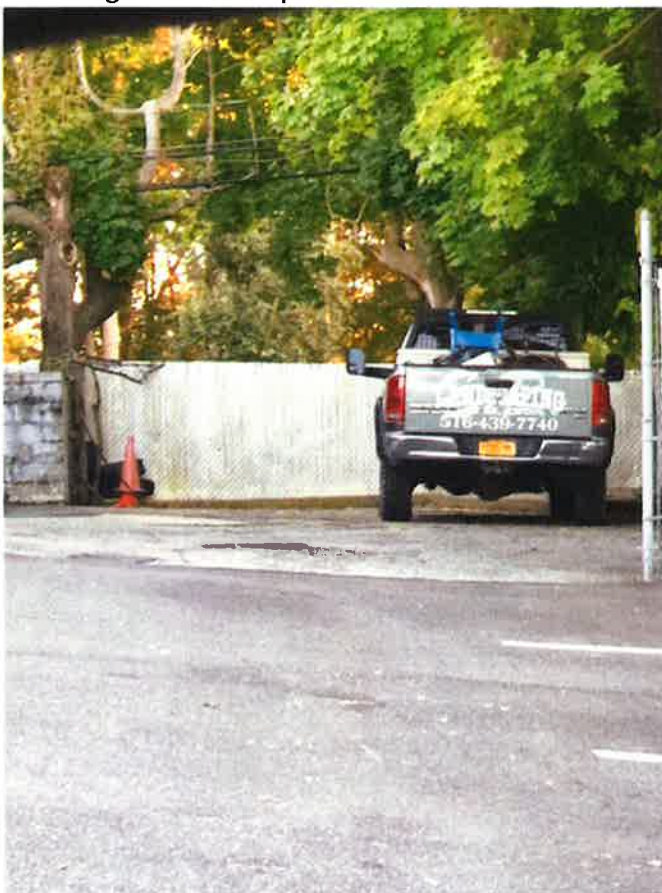
The Owners Representation:

Notice the appearance of lack of cars and clutter in lot.



Actual Representation:

The owner rents the space behind the gas station, in the buffer zone, to commercial entities including this landscaper.



This person works for the landscaper who parks his truck in the gated area of the gas station each evening. The worker parks his car here, in the "sidewalk" every work day.



Figure 1

An excessive number of cars parked again, in the buffer zone. Here are just a few examples:

Actual Representation:

The dilapidated cars on the right were there for months. They are only allowed to have two cars there for extended times but they have failed follow that rule time and time again.



Actual Representation: Jeep was parked here. Not in motion.



Actual Representation: SUV parked in "sidewalk"



Actual Representation:

Notice the high number of cars parked in the lot and in buffer zone. Also note car parked in "sidewalk". This is a common occurrence. Sea Cliff must act to establish this as an actual sidewalk and not allow the Owner use of this land for free and free of tax.



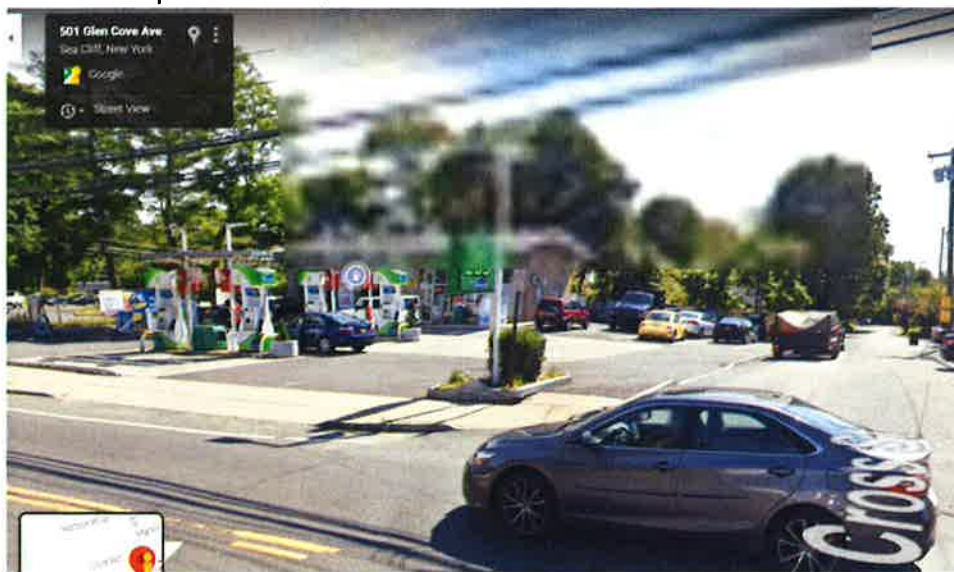
This truck was stored on property for many months:



Again, parking in "sidewalk"



Accurate representation:



Accurate representation:



Parking on "sidewalk". This is putting the children in the area, and those walking to and from the nearby schools in grave danger. Sea Cliff must address this immediately.



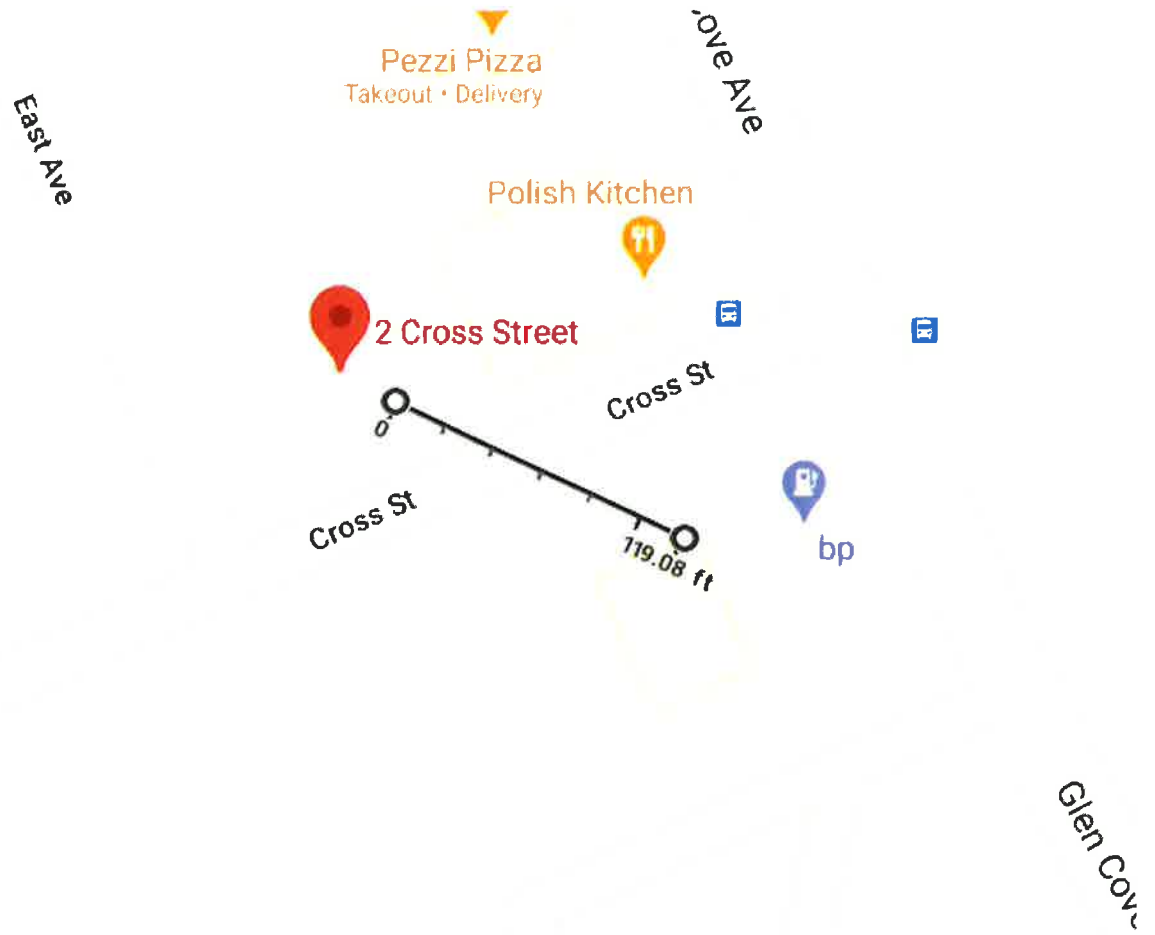
In sum, I have been a home owner and resident of Sea Cliff for nearly 50 years. I insist that you deny the application of this massive conglomeration, PMG Northeast, LLC c/o Blue Hills Fuels LLC of 700 Glen Cove Ave, to grossly and permanently damage my quality of life, my property value, and the character of the Village of Sea Cliff and that you enforce the existing codes to protect the peace (what little we have of it) of the residents. **I insist that you enforce the existing codes and address the excessive signage, illumination problems, pollution, and excessive parking immediately. If permitted, crime in this area will grow exponentially. This area has already been identified as a drug dealing hot-spot by the National Guard (per North Shore CASA) and to allow the Owner to stay open 24/7 will turn Cross Street into crime haven. This is another example of the south side of Sea Cliff being forgotten. As a tax payer, and a long-time resident, I insist that my best interests be preserved.**

Sincerely,

Michelina Perone

Michelina Perone

Appendix 1



10/19/20

Village of Sea Cliff
Zoning Board of Appeals
300 Sea Cliff Ave
Sea Cliff, NY 11579

Sent Via: Email zba@seacliff-ny.gov

Sent Via: USPS Priority Mail

Re: Application of PMG Northeast, LLC c/o Blue Hills Fuels LLC of 700 Glen Cove Ave. No: 12065

To Whom it May Concern;

Thank you for allowing me to give my input regarding the above referenced application. I cannot express more strongly other than to say that I **strongly oppose** this application. My reasoning for such includes but not limited to the following (for the sake of brevity the applicable Village Codes appear below but the associated details are omitted):

§ 138-916 Accessory buildings.

PMG Northeast, LLC c/o Blue Hills Fuels LLC (“Owner”) wishes to install a monstrous free-standing cover over the gas pumps. This is unacceptable. **There is no other gas station or any other comparable business that has such a structure in Sea Cliff.** Allowing this ridiculous request will set a dangerous precedent that will swing the door open for radical industrial growth that is incongruous with the serene life for which Sea Cliff is known.

Additionally, given the topography **any free-standing structure will tower on my property**, and significantly lower my quality of life and more quantifiable my property value and the value of all of my neighbors, well exceeding the Villages minimal notification radius used in this matter.

§ 138-1006 Size of parking spaces. regular loading spaces, loading berths and aisles for various angles of parking.

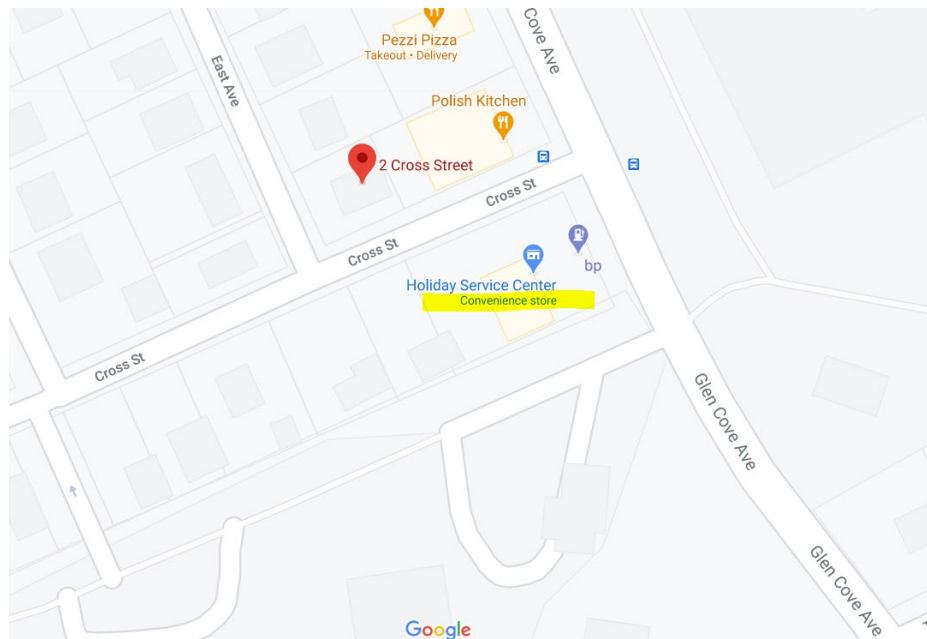
If the owner wishes to install a handicap parking area there is no acceptable reason why they need to contradict Village requirements. This is just another example of a massive corporation trying to change and exploit a small-town village.

§ 138-1002 Parking space requirements

The Owner and its occupants cannot stay inside their allotted parking now, **see pages 8-14 for accurate representations of their parking.** Reconfiguring and expanding will only further

amplify that problem. As you can see, they regularly park in an area designated as a “sidewalk” by the Village and my many pleas to the Village to ensure they enforce this has gone unheeded. I go so far as to say that the Village has essentially given this communal property to the Owner for free and free of taxes. This is unacceptable and must be stopped. I have also pled with the Village to establish this area as a conventional sidewalk for (a) the safety of residents and children traveling to/from nearby two schools and (b) I have pled for the Village to add greenery in the area. Again, that request has gone unanswered. I also see that the plan of the Owner contains no additional greenery whatsoever. This further proves my point that they are merely a conglomerate that seeks to exploit our small Village.

Additionally, **I strongly suspect that the Owners intent is to shift this site from a simple gas station to a 24/7 mega-mart/convenience store.** In fact, see below from Google Maps which clearly indicates them as such, which is a non-permitted expansion of their business. Their intent to expand parking, increase lighting, and to stay open 24 hours a day makes their intent very clear. This is unacceptable. **There are NO OTHER businesses in the Village of Sea Cliff that are open 24/7 and this will set a dangerous precedent.**



According to Zillow, convenience store associated with gas station will result in increased traffic flow including increased traffic on Cross St., they site that people will tend to hang out at the property, buying lotto tickets, cigarettes, and beer when they gas up. **“These shops do nothing to help property values and hurt them significantly according to Zillow.com.”**

If allowed, the Owners plan will bring about **a significant increase in crime and danger.** Convenience store hold-ups account for about 6% of all robberies in the nation. One study noted that, “Convenience store employees suffer from high rates of workplace homicide, second only to taxicab drivers.”

Also, allowing them to remain open past their current already long operational time will result in an exponential negative impact on the environment and health of me, my family, and my neighbors. A number of compounds injurious to human health are released from gas stations during vehicle fueling. These compounds include: benzene, toluene, ethyl benzene, and xylene (BTEX). Benzene is the gasoline constituent most harmful to human health. Adverse health effects of benzene include nausea, cancer, anemia, increased susceptibility to infections, and low birth weight. According to the World Health Organization Guidelines for Indoor Air Quality there is no safe level for benzene. **As a cancer survivor, I can only suspect that living in close proximity caused this terrible disease. I cannot allow for my family and neighbors to be exposed to such chemicals at any greater level.**

Here are just some studies on the topic:

- A 1993 study published by the Canadian petroleum industry found average benzene concentrations of 146 and 461 parts per billion (ppb) at the gas station property boundary in summer and winter, respectively.
- A 2001 study noted median ambient benzene levels of 1.9 ppb in houses up to 328 feet¹ from a service station.
- A 2003-2004 study conducted in France documented a significant relationship between childhood leukemia and living near a gas station.
- A 2010 study conducted in Spain documented elevated air pollution within 100 meters (328 feet) of a gas station.
- In 2012, Brazilian researchers found that air quality was significantly degraded up to 150 meters (492 feet) from gas stations.
- In 2005, the California Air Resources Board probably became the first in the U.S. to recommend a minimum public health safety zone between new gas stations and “sensitive land uses.” The recommendation appeared in Air Quality and Land Use Handbook: A Community Health Perspective. The pre-2005 studies referenced above and other research prompted the Board to recommend a minimum 300-foot separation distance between new gas stations and “sensitive land uses such as residences, schools, daycare centers, playgrounds, or medical facilities.” The State of California is widely recognized as having some of the most effective air pollution control requirements in the nation.
- The U.S. Environmental Protection Agency echoed concerns about the health risk associated with gas station emissions in their School Siting Guidelines. The USEPA

¹ My property lies just over 100 ft from the gas station, see Appendix 1

recommended screening school sites for potential health risk when located within 1,000 feet of a gas station.

- The 2015 paper contained the following summary regarding the health implications of living, working or learning near a gas station stated, “Similarly affected are individuals who spend time close to a gas station, e.g., in close by businesses or in the gas station itself. Of particular concern are children who, for example, live nearby, play nearby, or attend nearby schools, because children are more vulnerable to hydrocarbon exposure.”
- Idling engines, particularly those in large diesel trucks, emit a large quantity of particulates into the local atmosphere. These particulates can pose a significant health risk for those living near convenience store/truck stops.

§ 107-4 Review required

The Owners proposal to elevate the parking area on the North and West is unacceptable as it directly faces my home. This will result in light pollution from headlights, additional noise pollution and more by being so close to my home. Indeed, if raised that parking lot will be parallel to my homes second floor and thereby cause an unacceptable nuisance. Further, it is critical to note **that the entire Eastern portion of the property is essentially flat and they may easily designate ADA accessible parking** in that region without furthering their goal of turning the property into a mega-mart.

§ 105-7 Illumination

The response of the Owner is particularly troubling insofar as they stated, **“With the gas fueling operations taking place 24 hours a day, 7 days per week...”**. I read this to say that approval for them to operate 24/7 has already been granted. ***Please advise on this matter immediately.*** There are NO OTHER BUSINESSES THAT OPERATE 24/7 AND THIS GAS STATION SHOULD NOT BE AN EXCEPTION.

Further, the current code that calls for illumination to be turned off at midnight has NEVER OCCURRED at this site despite my many complaints to the Village. The Owner has a purely territorial and dominating view of this property. As I can see, this is just one in a series of locations across Long Island in which the Owner wishes to instill their values and intentions regardless of the character and rules of law in the various Villages, Towns, and Cities. **This CANNOT BE ALLOWED. In their response, the Owner stated, “...the existing building acts as a solid barrier for the lights against the residential properties located to the west”.** However, they were SILENT ON MY PROPERTY WHICH LIES TO THE NORTH. This omission only further proves my point that the light intrusion will be unbearable.

In sum, their proposal would create a significant light pollution situation to my home. The constant, unrelentless burden of this onslaught **MUST NOT BE PERMITTED**.

The entire plan of the Owner is filled with misrepresentations that must not be ignored. The photos presented by the Owner are clever lies. See below:

1. Notice that this photo is taken from the East side of Glen Cove Ave (across the street from the gas station). You will clearly see my home on right side of this picture but I believe the photo was taken from such a distance to make it appear as though my house is further away from the gas station than is actually is. Additionally, you see an onslaught of excessive signage that well exceeds Village Code.



2. Note that this photo is taken from the southeastern corner of the actual property



3. Again, photo taken from the southeast corner. **Note “sandwich board” sign clearly in the way of those traveling in wheelchairs or other assistive devices and other traveling on the sidewalk (not their property). This illustrates their total disregard for the disabled and the neighborhood.**



4. Note that this photo appears to be taken from the middle of Glen Cove Ave (East of property). **Note my home is cleverly hidden behind the gas pump with the intent to obfuscate its existence.** Again, notice the sandwich board outside the bounds of their property.



5. This is the view from the front of my home. Note that clothing container is the first thing I see when I walk out of my house. **Would you like to see this outside your door?** Despite my repeated emails requesting that it be moved, Sea Cliff has ignored me. In the Owners statement for the proposed radical change they offer to move this container off the property. This must occur even though their proposal must be struck down.

Further, this photo cleverly omits the MANY tenants that the Owner rents parking spaces to (in violation to Village Code). There are landscapers and other blue-collar workers that move their trucks out each morning and in each evening as well as an excessive number of cars parked throughout the property for days at a time (beyond just those being repaired). **The owner/operator has completely ignored the buffer zone and Sea Cliff has turned a blind eye.** See below for an accurate representation.

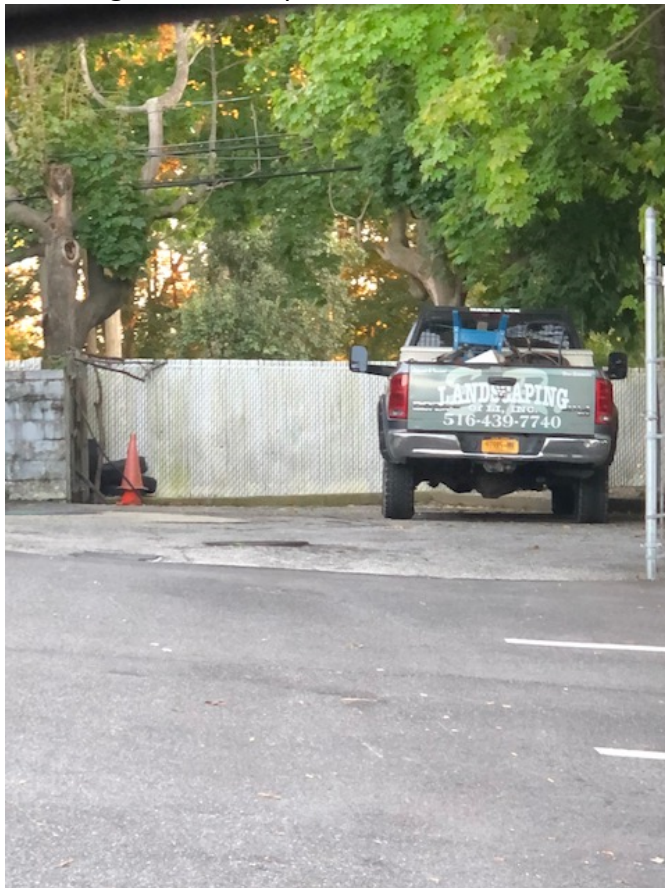
The Owners Representation:

Notice the appearance of lack of cars and clutter in lot.



Actual Representation:

The owner rents the space behind the gas station, in the buffer zone, to commercial entities including this landscaper.



This person works for the landscaper who parks his truck in the gated area of the gas station each evening. The worker parks his car here, in the "sidewalk" every work day.



Figure 1

An excessive number of cars parked again, in the buffer zone. Here are just a few examples:

Actual Representation:

The dilapidated cars on the right were there for months. They are only allowed to have two cars there for extended times but they have failed follow that rule time and time again.



Actual Representation: Jeep was parked here. Not in motion.



Actual Representation: SUV parked in “sidewalk”



Actual Representation:

Notice the high number of cars parked in the lot and in buffer zone. Also note car parked in “sidewalk”. This is a common occurrence. Sea Cliff must act to establish this as an actual sidewalk and not allow the Owner use of this land for free and free of tax.



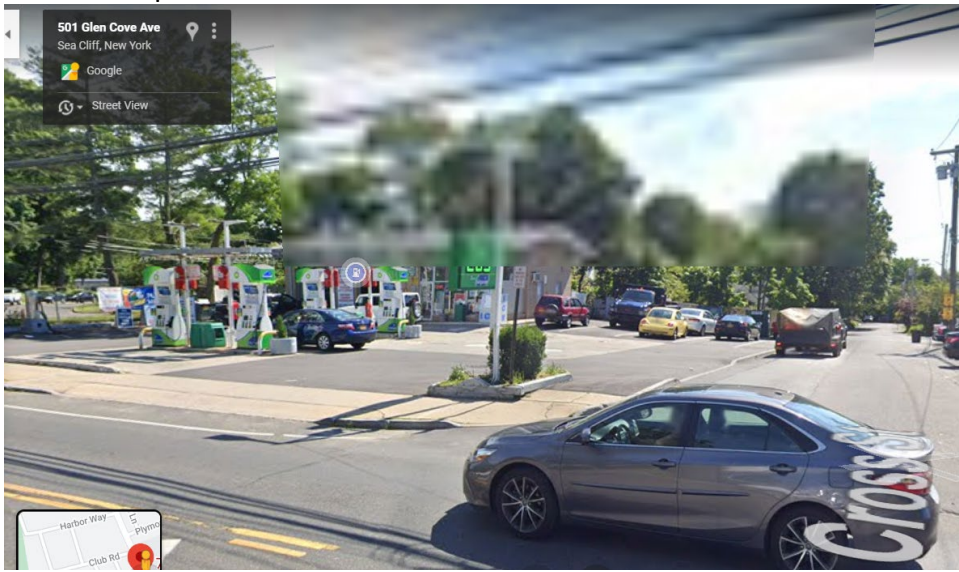
This truck was stored on property for many months:



Again, parking in "sidewalk"



Accurate representation:



Accurate representation:



Parking on "sidewalk". This is putting the children in the area, and those walking to and from the nearby schools in grave danger. Sea Cliff must address this immediately.



In sum, I have been a home owner and resident of Sea Cliff for nearly 50 years. I insist that you deny the application of this massive conglomeration, PMG Northeast, LLC c/o Blue Hills Fuels LLC of 700 Glen Cove Ave, to grossly and permanently damage my quality of life, my property value, and the character of the Village of Sea Cliff and that you enforce the existing codes to protect the peace (what little we have of it) of the residents. **I insist that you enforce the existing codes and address the excessive signage, illumination problems, pollution, and excessive parking immediately. If permitted, crime in this area will grow exponentially. This area has already been identified as a drug dealing hot-spot by the National Guard (per North Shore CASA) and to allow the Owner to stay open 24/7 will turn Cross Street into crime haven. This is another example of the south side of Sea Cliff being forgotten. As a tax payer, and a long-time resident, I insist that my best interests be preserved.**

Appendix 1

