

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

January 17, 2017

Present:Chair	Noel Griffin
Members	Ted Kopczynski, Tim O'Donnell and Andrew Janusas
Village Attorney	Brian Stolar, Esq.
Building Department	Shane Dommin

The meeting was called to order at 7:30 pm.

The Board advised that the application of Robert and Margaret Himes is adjourned to February 21, 2017 at 7:30pm, as the applicants did not timely provide the required mailing notice.

The Board opened the public hearing on the application of DM Acquisitions, LLC, as owner, and Let's Make Music and Dance, Inc., as tenant, 1 Sea Cliff Avenue, Sea Cliff, New York for a variance of Village Code §138-1002 to permit no parking spaces, where 16 are required. Premises are designated as Section 21, Block 96, Lot 220 on the Nassau County Land and Tax Map. Mr. O'Donnell recused himself from participation in this application.

The application was presented by Rebecca Criscioula and Chris Pappas. The Board discussed that the current situation is untenable, and that parents of their dance participants are parking or stopping their cars on Sea Cliff Avenue in a traffic travel lane. The Board continued the public hearing to February 21, 2017 at 7:30pm.

The Board opened the public hearing on the application of Russell Gorog, 53 Laurel Avenue, Sea Cliff, New York to construct a single story addition, which requires variances to maintain existing encroachments and lot deficiencies as follows: (a) Village Code §138-504 to maintain a lot size of 9,280.1 square feet, where a minimum of 10,000 square feet is required; (b) Village Code §138-506 to maintain a front property line length of 62.5 feet, where a minimum of 100 feet is required; (c) Village Code §138-507 to maintain a lot width of 62.5 feet, where a minimum of 90 feet is required; (d) Village Code §138-508 to maintain a front yard setback of 20.6 feet, where the minimum required setback is 25 feet; (e) Village Code §138-509 to maintain a lot width of 62.5 feet at the setback line, where a minimum of 100 feet is required; and (f) Village Code §138-511 to maintain a side yard setback of 1.3 feet, where a minimum of 15 feet is required. The proposed construction also requires variances of the following Village Code sections: (a) 138-511 in that the addition will be 2 feet from the side property line, where a minimum of 15 feet is required; (b) 138-513.1 in that there is an encroachment into the height setback ratio, where no such encroachment is permitted; and (c) 138-1102 in that the proposed construction increases an existing non-conformity where no such increase is permitted. Premises are designated as Section 21, Block K, Lot 426 on the Nassau County Land and Tax Map.

The application was presented by architect Harry Courter. Mr. Courter represented that the proposal requires approval from the New York State

Department of State in relation to the proximity of the proposed construction to the adjoining property and that the applicant has obtained that approval.

The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of George Schmitz, 3 Laurel Way, Sea Cliff, New York to install a hot tub, construct an enclosed porch and deck, and maintain air conditioning units, which requires variances of the following Village Code sections: (a) 138-511 in that the proposed hot tub and associated decking are 10.7 feet from the side property line, where a minimum of 15 feet is required, (b) 138-513.1 in that the enclosed porch encroaches into the height setback ratio plane, where no such encroachment is permitted, (c) 138-514.1 in that the proposed floor area will be 3,937 square feet, where a maximum of 2,976 square feet is permitted, (d) 138-516 in that the proposed accessory structures are located in a front yard, where no such structures are permitted, (e) 138-517 in that the air conditioning units are located in a side yard without the required setback or screening, and (f) 138-1102 in that the proposed construction increases a non-conformity where no such increase is permitted pursuant to Village Code §138-1102. Premises are designated as Section 21, Block L, Lot 116 on the Nassau County Land and Tax Map.

Mr. Schmitz was present. Board counsel advised Mr. Schmitz that information was provided today by a title company indicating that there may be a drainage easement impacting a portion of the applicant's property, including that portion of property proposed for the improvements. The easement runs to the favor of the Village, and would require approval of the Board of Trustees to

permit construction in the area of the proposed improvements. Counsel also advised that the Village was awaiting additional information from the title company to determine the extent of the easement and whether the easement impacted the area proposed for construction.

The Board continued the public hearing to February 21, 2017 at 7:30pm.

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

There being no further business, the meeting was adjourned at 8:15pm.

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NOEL GRIFFIN, CHAIR

## **GOROG SHORT FORM DECISION**

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on January 17, 2017, on motion duly made by Mr. Janusas, 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. Russell Gorog, 53 Laurel Avenue, Sea Cliff, New York applied to construct a single story addition, which requires variances to maintain existing encroachments and lot deficiencies as follows: (a) Village Code §138-504 to maintain a lot size of 9,280.1 square feet, where a minimum of 10,000 square feet is required; (b) Village Code §138-506 to maintain a front property line length of 62.5 feet, where a minimum of 100 feet is required; (c) Village Code §138-507 to maintain a lot width of 62.5 feet, where a minimum of 90 feet is required; (d) Village Code §138-508 to maintain a front yard setback of 20.6 feet, where the minimum required setback is 25 feet; (e) Village Code §138-509 to maintain a lot width of 62.5 feet at the setback line, where a minimum of 100 feet is required; and (f) Village Code §138-511 to maintain a side yard setback of 1.3 feet, where a minimum of 15 feet is required. The proposed construction also requires variances of the following Village Code sections: (a) 138-511 in that the addition will be 2 feet from the side property line, where a minimum of 15 feet is required; (b) 138-513.1 in that there is an encroachment into the height setback ratio, where no such encroachment is permitted; and (c) 138-1102 in that the proposed construction increases an existing non-conformity where no such increase is permitted. Premises are designated as Section 21, Block K, Lot 426 on the Nassau County Land and Tax Map.
2. The applicant is the record owners of the subject premises. The applicant seeks to replace an existing unit with a new unit.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
5. The relief requested in the application is granted provided that (a) the construction complies with the plans submitted with the application, (b) applicant shall comply with all requirements of the Village Code and the Building Department, and (c) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

