

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

November 28, 2017

Present:	Chair	Noel Griffin
	Members	Ted Kopczynski, Tim O'Donnell and Nick Pinto
	Alternate Member	Joyce Segall
	Village Attorney	Brian S. Stolar, Esq.
	Building Department	Michael Mandarino and Shane Dommin

The meeting was called to order at 7:45pm.

The Chair announced that the public hearing on the application of Richard LaSalle, 168 Prospect Avenue, Sea Cliff, New York for a variance of Village Code §138-1007 to permit a curb cut on 15th Avenue within 25 feet of the intersection of 15th Avenue and Prospect Avenue, on which a public hearing was held and continued without date, has been deemed closed.

On motion made by the Chair, seconded by Mr. Kopczynski, and adopted three votes in favor and Mr. Pinto and Ms. Segall abstaining, 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 announced the opening of the application of Vivian Zhang, 115 Roslyn Avenue, Sea Cliff, New York, but no one appeared to present the

application. The Board informed the public that the application would be called after the completion of the remaining hearings.

The Board opened the public hearing on the application of Mark and Lisa Lundy, 60 Park Way, Sea Cliff, New York, to construct a 484 square foot detached garage and install a generator, which construction and installation require variances of the following Village sections: (a) 138-511 in that the side yard setback will be 6 feet, where a minimum of 15 feet is required, (b) 138-516(A) in that the garage and generator will be located in a front yard, where no such accessory structures are permitted, and (c) 138-516(F) in that there will be five (5) accessory structures, where three (3) or more accessory structures require a variance from the Zoning Board of Appeals. Premises are designated as Section 21, Block 119, Lot 1 on the Nassau County Land and Tax Map.

The applicant proposed to place screening between the garage and the generator and the closest side yard to mitigate potential visual and noise impacts.

The minutes of the hearing were transcribed stenographically. The Board closed the hearing, and reserved decision.

The Board continued the public hearing on the application of Littleworth Acquisitions LLC, 290 Littleworth Lane, Sea Cliff appealing a determination of the Superintendent of Buildings that a proposed sports court is an accessory building under Village Code §138-516, or in the alternative a variance of Village Code §138-516 in that the sports court will be 1,344 square feet, where an accessory

structure may not exceed 500 square feet. Premises are designated as Section 21, Block L, Lots 69, 133 and 134 on the Nassau County Land and Tax Map.

The application was presented by Kathleen Deegan Dickson, Esq. The minutes of the hearing were transcribed stenographically.

The applicant proposed to condition approval on the restricted use of the court at night, including that the court will not be lit by any artificial lighting, the installation of the berm and plantings on the berm and outside of the berm, as depicted on plans, and that there will be no day camp or child care use of the premises.

On motion duly made by the Chair, seconded by Mr. Pinto, and adopted unanimously, the Board continued the public hearing to December 19, 2017, at 7:30pm.

The Board opened the public hearing on the application of Rosemarie Veneziano, 170 Dubois Avenue, Sea Cliff, New York, to attach a carport to an existing residence, which construction requires variances of the following Village Code sections: (a) 138-506 in that the front property line is 83.64 feet, where no building may be erected on any lot having a front property line of less than 100 feet, (b) 138-511 in that the carport will have a 1.9 foot side yard setback, where a minimum of 15 feet is required, (c) 138-513.1 in that the side yard height-setback ratio will encroach on the height/setback ratio plane, where no such encroachment is permitted, and (d) 138-1102 in that the proposed construction results in an increase in the existing side yard setback and height/setback ratio

non-conformities, where no such increase is permitted. Premises are designated as Section 21, Block 58, Lot 29 on the Nassau County Land and Tax Map.

The minutes of the hearing were transcribed stenographically. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Kyle Bernholz, 103 Altamont Avenue, Sea Cliff, New York, to replace an existing 355 square foot accessory garage and 355 square foot deck atop the garage with a 592 square foot accessory garage and 592 square foot deck atop the garage and construct an accessory pergola, which construction requires variances of the following Village Code sections: (a) 138-504 in that the lot is 9,460 square feet, where no building may be erected on a lot containing less than 10,000 square feet, (b) 138-506 in that the front property line is 53.5 feet, where no building may be erected on any lot having a front property line of less than 100 feet, (c) 138-511 in that there will be an 8.5 foot side yard setback, where a minimum of 15 feet is required, (d) 138-516(A) in that the structures are in a front yard, where no such accessory building may be located, (e) 138-516(D) in that the gross floor area of the proposed garage and deck atop are each 592 square feet, where neither may exceed 500 square feet, (f) 138-516(E) in that the proposed height is 18.75 feet, where a maximum of 15 feet is permitted, and (g) 138-516(F) in that the proposal provides for more than one accessory building having a gross floor area in excess of 120 square feet and a height of eight (8) feet in height. Premises are designated as Section 21, Block 89, Lot 64 on the Nassau County Land and Tax Map.

Maximo Buschfrers presented the application. The minutes of the hearing were transcribed stenographically. The Board closed the hearing, and reserved decision.

The Board noted that the applicant did not present testimony or evidence relating to the portico and that no persons had left the meeting who were interested in the application. On motion duly made by Mr. O'Donnell, seconded by the Chair, and adopted unanimously, the Board reopened the hearing for receipt of evidence regarding the portico. After the applicant's representative provided information relative to the portico, the Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Stephen Spinelli, 118 Main Avenue, Sea Cliff, to construct a 494.5 square foot detached accessory garage and curb cut, which construction requires variances of the following Village sections: (a) 138-404 in that the lot size is 5,688 square feet, where no building may be erected on a lot containing less than 7,500 square feet, (b) 138-406 in that the front property line is 30 feet, where no building shall be erected on a lot having a front property line of less than 75 feet, (c) 138-407 in that the lot width is less than 90% of the length of the front property line, where no building may be erected on any lot which has a width at any point less than 90% of the length of the front property line, unless such lot meets the minimum lot size requirements, (d) 138-410 in that (i) the front yard setback on Maple Avenue will be 5 feet and on Main Avenue 3.3 feet, where a minimum of 20 feet is required, and (ii) the front property lines are 30 feet and 64.81 feet, where a

minimum of 75 feet is required, (e) 138-414.1 in that the floor area will increase from 33.96% to 42.66%, where a maximum of 33% is permitted, (f) 138-416(A) in that the accessory garage will be located in a front yard, where no accessory building is permitted, (g) 138-416 in that the garage will be 15.5 feet in height, where a maximum of 15 feet is permitted, and (h) 138-1007 in that the curb cut will be 12 feet from the intersection, where a minimum of 25 feet is required. Premises are designated as Section 21, Block 143, Lot 1793 on the Nassau County Land and Tax Map.

Maximo Buschfrers presented the application. The minutes of the hearing were transcribed stenographically. The Board closed the hearing, and reserved decision.

The Board opened the continued public hearing on the application of 456 Glen Cove Avenue LLC, 456 Glen Cove Avenue, Sea Cliff, New York, to use the premises, which is located partially in a Business B Zoning District and partially in a Residence C Zoning District, as a single family dwelling and professional office, which use requires variances of the following Village Code sections: (a) 138-601 and 138-901, in that the proposed combined use is not a permitted use; (b) 138-603, in that the mixing and combining of uses is prohibited; and (c) 138-604 in that the portion of the premises in the Residence C Zoning District is 6,875 square feet, where a minimum of 15,000 square feet is required. Premises are designated as Section 21, Block 50, Lot 103 on the Nassau County Land and Tax Map.

The Board stated that the application had been referred to the Nassau County Planning Commission, and that the Commission had not responded within the required timeframe.

The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Vivian Zhang, 115 Roslyn Avenue, Sea Cliff, New York, to maintain one air conditioner unit and install a second unit, which requires a variance of Village Code §138-416, in that the air conditioner units will be located in a front yard, where no accessory structure is permitted. Premises are designated as Section 21, Block 147, Lot 530 on the Nassau County Land and Tax Map.

The minutes of the hearing were transcribed stenographically. The Board closed the hearing, and reserved decision.

The Board discussed the Zhang application. On motion made by the Chair, seconded by Mr. Kopczynski, and adopted unanimously, the Board determined that it is the lead agency with respect to environmental review, the action is a Type II matter under SEQRA that requires no further environmental review, and granted the application in accordance with the short form decision annexed hereto.

The Board discussed the Lundy application. On motion made by Mr. O'Donnell, seconded by Mr. Pinto, 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 Veneziano application. On motion made by the Chair, seconded by Ms. Segall, 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 denied the application in accordance with the short form decision annexed hereto.

The Board discussed the Bernholz application. On motion made by 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 Spinelli application. On motion made by the Chair, 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.

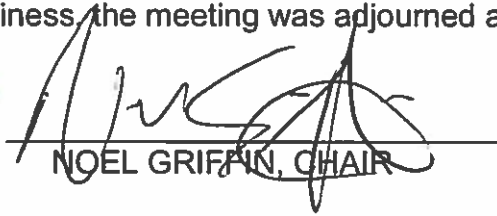
The Board discussed the 456 Glen Cove Avenue application. On motion made by the Chair, seconded by Mr. Kopczynski, and adopted with three votes in favor and Mr. Pinto and Mr. O'Donnell abstaining, the Board, having previously

determined that it is the lead agency and rendering a negative declaration, the Board granted the application in accordance with the short form decision annexed hereto.


There being no further business, the meeting was adjourned at 10:50pm.

VILLAGE CLERK

DEC 6 2017


NOEL GRIFFIN, CHAIR

VILLAGE CLERK



LASALLE SHORT FORM DECISION
(adopted in accordance with Village Code §138-1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on November 28, 2017, on motion duly made by the Chair, seconded by Mr. Kopczynski, and adopted with three votes in favor and Mr. Pinto and Ms. Segall abstaining, 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. Richard LaSalle, 168 Prospect Avenue, Sea Cliff, New York, applied for a variance of Village Code §138-1007 to permit a curb cut on 15th Avenue within 25 feet of the intersection of 15th Avenue and Prospect Avenue. Premises are designated as Section 21, Block F, Lot 1985 on the Nassau County Land and Tax Map.
2. The applicant is the owner of the 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. The applicant has obtained approvals from Nassau County pursuant to General Municipal Law §239-f and from the Village Planning Board.
5. The relief requested in the application is granted provided that (a) the proposed curb cut and associated improvements comply with the plans submitted with the application, (b) applicant shall comply with the conditions of the Planning Board and Nassau County Department of Public Works approvals, (c) 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.

ZHANG SHORT FORM DECISION
(adopted in accordance with Village Code §138-1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on November 28, 2017, on motion duly made by the Chair, seconded by Mr. Kopczynski, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Vivian Zhang, 115 Roslyn Avenue, Sea Cliff, New York, applied to maintain one air conditioner unit and install a second unit, which requires a variance of Village Code §138-416, in that the air conditioner units will be located in a front yard, where no accessory structure is permitted. Premises are designated as Section 21, Block 147, Lot 530 on the Nassau County Land and Tax Map.
2. The applicant is the record owners of the subject premises.
3. The requested relief is classified as a Type II action under SEQRA, which requires no environmental review.
4. The Board provided notice of the application to the Nassau County Planning Commission in accordance with the requirements of the agreement between the Village and the Planning Commission, and no response was submitted by the Planning Commission.
5. The relief requested in the application is granted provided that (a) the units are located as shown on the plans, (b) the units are screened with evergreen plantings planted at a height and in a location approved by the Building Department, (c) applicant shall comply with all requirements of the Village Code and the Building Department, and (d) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

LUNDY SHORT FORM DECISION
(adopted in accordance with Village Code §138-1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on November 28, 2017, on motion duly made by Mr. O'Donnell, seconded by Mr. Pinto, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following findings and determination:

1. Mark and Lisa Lundy, 60 Park Way, Sea Cliff, New York, applied to construct a 484 square foot detached garage and install a generator, which construction and installation require variances of the following Village sections: (a) 138-511 in that the side yard setback will be 6 feet, where a minimum of 15 feet is required, (b) 138-516(A) in that the garage and generator will be located in a front yard, where no such accessory structures are permitted, and (c) 138-516(F) in that there will be five (5) accessory structures, where three (3) or more accessory structures require a variance from the Zoning Board of Appeals. Premises are designated as Section 21, Block 119, Lot 1 on the Nassau County Land and Tax Map.
2. The applicants are the owner of the 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 proposed improvements comply 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.

VENEZIANO SHORT FORM DECISION
(adopted in accordance with Village Code §138-1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on November 28, 2017, on motion duly made by the Chair, seconded by Ms. Segall, 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. Rosemarie Veneziano, 170 Dubois Avenue, Sea Cliff, New York, applied to attach a carport to an existing residence, which construction requires variances of the following Village sections: (a) 138-506 in that the front property line is 83.64 feet, where no building may be erected on any lot having a front property line of less than 100 feet, (b) 138-511 in that the carport will have a 1.9 foot side yard setback, where a minimum of 15 feet is required, (c) 138-513.1 in that the side yard height-setback ratio will encroach on the height/setback ratio plane, where no such encroachment is permitted, and (d) 138-1102 in that the proposed construction results in an increase in the existing side yard setback and height/setback ratio non-conformities, where no such increase is permitted. Premises are designated as Section 21, Block 58, Lot 29 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 denied in its entirety.

BERNHOLZ SHORT FORM DECISION
(adopted in accordance with Village Code §138-1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on November 28, 2017, 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. Kyle Bernholz, 103 Altamont Avenue, Sea Cliff, New York, applied to replace an existing 355 square foot accessory garage and 355 square foot deck atop the garage with a 592 square foot accessory garage and 592 square foot deck atop the garage and construct an accessory pergola, which construction requires variances of the following Village Code sections: (a) 138-504 in that the lot is 9,460 square feet, where no building may be erected on a lot containing less than 10,000 square feet, (b) 138-506 in that the front property line is 53.5 feet, where no building may be erected on any lot having a front property line of less than 100 feet, (c) 138-511 in that there will be an 8.5 foot side yard setback, where a minimum of 15 feet is required, (d) 138-516(A) in that the structures are in a front yard, where no such accessory building may be located, (e) 138-516(D) in that the gross floor area of the proposed garage and deck atop are each 592 square feet, where neither may exceed 500 square feet, (f) 138-516(E) in that the proposed height is 18.75 feet, where a maximum of 15 feet is permitted, and (g) 138-516(F) in that the proposal provides for more than one accessory building having a gross floor area in excess of 120 square feet and a height of eight (8) feet in height. Premises are designated as Section 21, Block 89, Lot 64 on the Nassau County Land and Tax Map.
2. The applicant is the owner of the 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 proposed improvements, including the dimensions and configuration of the portico comply with the plans submitted with the application, (b) applicant shall comply with all requirements of the Village Code and the

Building Department, (c) applicant shall install evergreen plantings and shrubbery between the garage and the neighboring property at a height and a location approved by the Building Department, and (d) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

SPINELLI SHORT FORM DECISION
(adopted in accordance with Village Code §138-1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on November 28, 2017, on motion duly made by the Chair, 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. Stephen Spinelli, 118 Main Avenue, Sea Cliff, applied to construct a 494.5 square foot detached accessory garage and curb cut, which construction requires variances of the following Village sections: (a) 138-404 in that the lot size is 5,688 square feet, where no building may be erected on a lot containing less than 7,500 square feet, (b) 138-406 in that the front property line is 30 feet, where no building shall be erected on a lot having a front property line of less than 75 feet, (c) 138-407 in that the lot width is less than 90% of the length of the front property line, where no building may be erected on any lot which has a width at any point less than 90% of the length of the front property line, unless such lot meets the minimum lot size requirements, (d) 138-410 in that (i) the front yard setback on Maple Avenue will be 5 feet and on Main Avenue 3.3 feet, where a minimum of 20 feet is required, and (ii) the front property lines are 30 feet and 64.81 feet, where a minimum of 75 feet is required, (e) 138-414.1 in that the floor area will increase from 33.96% to 42.66%, where a maximum of 33% is permitted, (f) 138-416(A) in that the accessory garage will be located in a front yard, where no accessory building is permitted, (g) 138-416 in that the garage will be 15.5 feet in height, where a maximum of 15 feet is permitted, and (h) 138-1007 in that the curb cut will be 12 feet from the intersection, where a minimum of 25 feet is required. Premises are designated as Section 21, Block 143, Lot 1793 on the Nassau County Land and Tax Map.
2. The applicant is the owner of the 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 proposed improvements comply with the plans submitted with the application, (b) applicant shall comply with all conditions of any Planning Board approval, (c) applicant shall comply with all requirements of the Village Code and the Building Department, and (d) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

**456 GLEN COVE AVENUE LLC SHORT FORM DECISION
(adopted in accordance with Village Code §138-1302.1)**

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on November 28, 2017, on motion duly made by the Chair, seconded by Mr. Kopczynski, and adopted three votes in favor and Mr. Pinto and Mr. O'Donnell abstaining, 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. 456 Glen Cove Avenue LLC, 456 Glen Cove Avenue, Sea Cliff, New York, applied to use the premises, which is located partially in a Business B Zoning District and partially in a Residence C Zoning District, as a single family dwelling and professional office, which use requires variances of the following Village Code sections: (a) 138-601 and 138-901, in that the proposed combined use is not a permitted use; (b) 138-603, in that the mixing and combining of uses is prohibited; and (c) 138-604 in that the portion of the premises in the Residence C Zoning District is 6,875 square feet, where a minimum of 15,000 square feet is required. Premises are designated as Section 21, Block 50, Lot 103 on the Nassau County Land and Tax Map.
2. The applicant is the owner of the premises.
3. The requested relief is classified as an Unlisted action under SEQRA, which requires no environmental review, and the Board adopted a negative declaration in accordance with SEQRA.
4. The Board referred the application to the Nassau County Planning Commission, and no response was submitted by the Planning Commission.
5. The relief requested in the application is granted provided that (a) the use of the entire premises is subject to the approval herein such that the property may be used only as, and in conjunction with, a single family dwelling and a professional office, in the configuration shown in 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.