

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

July 18, 2023

| | |
|-------------------------|---|
| Present: Chair | Tim O'Donnell |
| Members | Frank D'Errico, Jim Mozer and Beth Rechner |
| Village Attorney | Paulo M. Coelho, Esq. |

The meeting was called to order at 7:00pm.

Regarding the application of Kristina Constantino, 53 9th Avenue, Sea Cliff, New York, to construct an open porch roof attached to an existing garage, which construction requires variances of the following Village Code sections: (a) 138-414.1, to permit a floor area will be 3,748 square feet, where a maximum floor area of 3,240 square feet is permitted, and (b) 138-416, to permit an accessory structure in a front yard and in excess of 500 square feet, where no accessory structure is permitted in a front yard or permitted to be in excess of 500 square feet, the Board noted that the applicant did not mail the required notice.

The Board adjourned the hearing on the Constantino application to August 22, 2023, at 7:00pm.

The Board opened the continued public hearing on the application of Michael Klausmeier, 61 9th Avenue, Sea Cliff, New York, to reconstruct a dilapidated garage, which requires a variance of Village Code §138-416 to permit the garage to be located in a front yard. Premises are designated as Section 21, Block 130, Lot 676 on the Nassau County Land and Tax Map.

The minutes of the hearing were stenographically transcribed. Ray Gentile represented the applicant. On motion made by the Chair, seconded by Ms. Rechner, and adopted unanimously, the Board closed the public hearing and reserved decision.

The Board opened the continued public hearing on the application of Joseph Acerra & Son Realty LLC, 250 8th Avenue, Sea Cliff, New York, to expand an existing accessory structure, modify the use of the structure from storage to a dwelling unit, and create a fourth dwelling unit, which expansion and use conversion requires variances of the following Village Code sections: (a) 138-401, to permit an accessory structure to be used as a 4th dwelling unit on the premises, where such use is not permitted, (b) 138-416, to permit a side yard setback of 2.15 feet, where a minimum of 10 feet is required, (c) 138-1102, to expand an accessory structure, which will increase its existing non-conformity, where no such increase is permitted, and (d) 138-1103(B), to convert an accessory structure to a use that does not conform to the Village Code and enlarge the structure, where no such enlargement is permitted. Premises are designated as Section 21, Block 124, Lot 1588 on the Nassau County Land and Tax Map.

The minutes of the hearing were stenographically transcribed. Maximo Buschfrers, Architect, and Joseph Acerra represented the applicant. The applicant submitted a document to the record for the Board's consideration, in support of its application. Said document was thereby entered and marked as "Applicant's Exhibit A." On motion made by Frank D'Errico seconded by Beth Rechner and adopted unanimously, the Board closed the public hearing and reserved decision.

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

The Board discussed the Klausmeier application. After such discussion, on motion duly made by the Chair seconded by Mr. Mozer, 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 approved the Klausmeier request for relief, in accordance with the short form decision annexed hereto.

The Board discussed the Acerra application. On motion by Mr. D'Errico, seconded by the Chair and adopted unanimously, the Board determined that it is the lead agency with respect to environmental review, the action is an Unlisted Action under SEQRA, and adopted the following resolution:

RESOLVED, that the Board hereby finds and concludes that

- (a) the Acerra application is an Unlisted action under the State Environmental Quality Review Act and its regulations;
- (b) the Board is the lead agency with respect to environmental review of this proposed action;
- (c) the Board has considered the following factors in respect to its review of the environmental impacts of the proposed action:
 - (i) whether the proposed action would result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
 - (ii) whether the proposed action would result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
 - (iii) whether the proposed action would impair the environmental characteristics of any Critical Environmental Area;

- (iv) whether the proposed action would conflict with the community's current plans or goals as official approved or adopted;
- (v) whether the proposed action would impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
- (vi) whether the proposed action would result in a major change in the use of either the quantity or type of energy;
- (vii) whether the proposed action would create a hazard to human health;
- (viii) whether the proposed action would create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- (ix) whether the proposed action would encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
- (x) whether the proposed action would create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;
- (xi) whether the proposed action would create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
- (xii) whether the proposed action would result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
- (d) the proposed action, would not have a significant adverse environmental impact, as that impact is considered under SEQRA; and
- (e) no further environmental review is required with respect to the proposed action.

On motion by the Chair, seconded by Ms. Rechner and unanimously adopted, the Board denied the Acerra application in accordance with the short form decision annexed hereto.

The Board discussed a written request submitted by the owner of 348 Carpenter Avenue to reopen the hearing for variances related to a foyer. The Board discussed the request, and without unanimous Board approval, took no action.

There being no further business, the meeting was adjourned at 7:28 pm.


TIM O'DONNELL

Filed in the Office of the Village Clerk
On August 10, 2023


Sarah Beaudin, Village Clerk

VILLAGE OF SEA CLIFF, NY

AUG 10 2023

VILLAGE CLERK

KLAUSMEIER SHORT FORM DECISION
(as authorized by Village Code §1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on July 18, 2023, on motion duly made by the Chair, seconded by Mr. Mozer, 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 short-form determination:

1. Michael Klausmeier, 61 9th Avenue, Sea Cliff, New York, applied to reconstruct a dilapidated garage, which requires a variance of Village Code §138-416 to permit the garage to be located in a front yard. Premises are designated as Section 21, Block 130, Lot 676 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.
5. The relief requested in the application is granted provided that (a) the construction shall conform to the plans submitted with the application, (b) the garage be used only for a purpose permitted in the Village Code, including storage or garage use, (c) any utilizes, other than a power source, connected to the building shall be removed from the premises, (d) applicant shall comply with all requirements of the Village Code and the Building Department, and (e) all work is performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.

ACERRA SHORT FORM DECISION
(as authorized by Village Code §1302.1)

At a meeting of the Board of Appeals of the Village of Sea Cliff, New York, on July 18, 2023, on motion duly made by the Chair, seconded by Ms. Rechner, 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 short-form determination:

1. Joseph Acerra & Son Realty LLC, 250 8th Avenue, Sea Cliff, New York, to expand an existing accessory structure, modify the use of the structure from storage to a dwelling unit, and create a fourth dwelling unit, which expansion and use conversion requires variances of the following Village Code sections: (a) 138-401, to permit an accessory structure to be used as a 4th dwelling unit on the premises, where such use is not permitted, (b) 138-416, to permit a side yard setback of 2.15 feet, where a minimum of 10 feet is required, (c) 138-1102, to expand an accessory structure, which will increase its existing non-conformity, where no such increase is permitted, and (d) 138-1103(B), to convert an accessory structure to a use that does not conform to the Village Code and enlarge the structure, where no such enlargement is permitted. Premises are designated as Section 21, Block 124, Lot 1588 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 an Unlisted action under SEQRA and the Board has rendered an environmental determination.
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.
5. The relief requested in the application is denied in its entirety.