

MINUTES

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

July 13, 2016

Present:	Chair	Bruce Treiber
	Members	Laurie Martone
		Timothy Driscoll
		Ed Camiolo
	Alternate Member	Vincent Lamanna
	Village Attorney	Brian S. Stolar, Esq.
	Superintendent of Buildings	Andrew Lawrence

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

The Board advised that the continued public hearings on the applications of (a) Digiovanni and Associates Architects, 26 Preston Avenue, as agent for Sloop Redhead Inc. for site plan approval to construct a new residence, (b) Sloop Redhead, Inc., 299 Prospect Avenue for site plan approval to construct a new curb cut and driveway, (c) Frank Scavone, 88 Prospect Avenue, for a permit to construct walls in excess of four (4) feet in height and amended site plan approval, and (d) Richard LaSalle, 168 Prospect Avenue, for site plan approval to construct a new front yard driveway and curb cuts, are continued to August 10, 2016 at 7:30pm as each such applicant is awaiting a determination from Nassau County in accordance with General Municipal Law §239-f.

The Board opened the continued public hearing on the 14 Bay Avenue Commons, LLC application. Michael Griffin appeared for the applicant and informed the Board that the application has been filed with the New York State

Department of Environmental Conservation and that the applicant's engineer will be meeting with the engineer retained by the Board. The Board continued the hearing to August 10, 2016 at 7:30pm.

The Board opened the public hearing on the application of Wendy Martin, George Pickering, 261-263 Glen Cove Avenue, Sea Cliff, New York and Harbor Lumber Company, Inc., 269 Glen Cove Avenue, Sea Cliff, New York for subdivision approval to transfer a portion of property designated as Section 21, Block 118, Lot 201 from property known as 269 Glen Cove Avenue, Sea Cliff and designated as Section 21, Block 118, Lots 201 through 208, inclusive, to property known as 261-263 Glen Cove Avenue and designated as Section 21, Block 118, Lots 199 and 200. The subdivision would result in a portion of tax lot 201 being transferred to, and becoming part of, tax lots 199 and 200, and the balance of tax lot 201 remaining as part of tax lots 202 through 208. Applicants also seek waivers of certain provisions set forth in Village Code Chapter A145. Patrick Hoebisch, Esq., appeared on behalf of the applicants. Mr. Hoebisch advised the Board that the applicants also seek a waiver of subdivision filing requirements pursuant to Real Property Law §334-a. The Board acknowledged receipt of a letter from applicants Wendy Martin and George Pickering informing the Board that as a condition of subdivision approval, the portion of tax lot 201 proposed to become part of tax lots 199 and 200 would be deeded to WGP Real Estate, Inc. as WGP is the owner of tax lots 199 and 200. The Board noted that it did not have such consent from the owner of the southerly lots, Harbor Lumber Company, Inc., and that any approval would be conditioned on the transfer of the respective portions

of the lot 201 to the respective adjoining property owners. The Board also noted that it had not yet received consent to the application from Harbor Lumber, and that any approval of the application would be conditioned on such consent. The Board closed the public hearing, and reserved decision.

The Board opened the public hearing on the application of Peter Bafitis, 128 Littleworth Lane, Sea Cliff, New York for site plan approval to construct an addition to the driveway in excess of ten (10%) percent of the existing driveway. Premises are designated as Section 21, Block 186, Lot 50 on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Irene and Ron Rizzo, 333 Prospect Avenue, Sea Cliff, New York to install six (6) foot high fencing, which requires a fence permit pursuant to Village Code chapter 64. Premises are designated as Section 21, Block L, Lot 118 on the Nassau County Land and Tax Map. Ron Rizzo presented the application. The Board advised Mr. Rizzo that a portion of the proposed fencing was located in an area depicted on the survey as a "10' water easement" and that the Board could not authorize the placement of a fence in that easement area absent demonstration by the applicants that the easement does not preclude such installation. Mr. Rizzo informed the Board that he had spoken with the local water authority and that he should be able to get a letter confirming that there is no restriction impacting the installation of the proposed fencing. Mr. Rizzo requested that the Board close the hearing rather than await such confirmation, and the Board indicated that it could render a determination conditioned on submission of sufficient proof demonstrating that the

fencing is not precluded by the easement. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Sea Cove 2014 LLC, 270 Glen Cove Avenue, Sea Cliff, New York for amended site plan approval to permit the installation of fencing and utilize a portion of the property for vehicular storage. Premises are designated as Section 21, Block 118, Lot 144 on the Nassau County Land and Tax Map. The Board advised the applicant that the Board of Appeals first has to render a determination on the application before the Planning Board can make a decision. The Board continued the public hearing to August 10, 2016 at 7:30pm.

The Board opened the public hearing on the application of Robin Rossi, as manager of United Home Associates LLC, 71 Croft Lane, Smithtown, New York for amended site plan approval to install a basement door providing access to the lower level of the dwelling. Premises are located at 64 Glenlawn Avenue, Sea Cliff, New York and designated as Section 21, Block 188, Lot 23 on the Nassau County Land and Tax Map. Laurie Martone recused herself from participation in this application. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Adam and Jeanette Prestandrea, 90 LaFayette Avenue, Sea Cliff, New York for site plan approval to construct an addition in excess of fifty (50%) percent of the existing square footage. Premises are designated as Section 21, Block 83, Lot 6 on the Nassau County Land and Tax Map. Laurie Martone recused herself from

participation in this application. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Diana and Mike Conway, 20 Leonard Place, Sea Cliff, New York for site plan approval pursuant to Village Code chapter 107 to construct additions, renovate a dwelling, expand a garage, construct a basement entrance and install six (6) foot high fencing, and for a fence permit pursuant to Village Code chapter 64. Premises are designated as Section 21, Block 95, Lot 41 on the Nassau County Land and Tax Map. The Board advised the applicants that the Board of Appeals first has to render a determination on the application for variances before the Planning Board can make a decision on the site plan, but that the Board can decide on the fence application at this meeting. The Board continued the public hearing to August 10, 2016 at 7:30pm.

The Board discussed the environmental impacts of the application of Wendy Martin, George Pickering, 261-263 Glen Cove Avenue, Sea Cliff, New York and Harbor Lumber Company, Inc., 269 Glen Cove Avenue, Sea Cliff, New York for subdivision approval. On motion duly made by the Chair, seconded by Ms. Martone, the Board, and adopted unanimously, the Board adopted the following resolution:

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Planning Board; and

WHEREAS, the Planning Board has considered the nature of the proposed action and reviewed the Environmental Assessment Form (EAF),

NOW, THEREFORE, IT IS

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RESOLVED, that the Board hereby finds and concludes that the proposed site plan approval is an Unlisted Action as defined in the State Environmental Quality Review Act and its regulations and Village Code §60-10(A), and

(a) the Board is the lead agency with respect to environmental review of this proposed action;

(b) the Board has considered the following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:

(i) the proposed action would not 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) the proposed action would not 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) the proposed action would not impair the environmental characteristics of any Critical Environmental Area;

(iv) the proposed action would not conflict with the community's current plans or goals as official approved or adopted;

(v) the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;

(vi) the proposed action would not result in a major change in the use of either the quantity or type of energy;

(vii) the proposed action would not create a hazard to human health;

(viii) the proposed action would not 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) the proposed action would not 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) the proposed action would not 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) the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed

(xii) the proposed action would not 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;

(c) the proposed action would not have a significant adverse environmental impact;

(d) no further environmental review is required with respect to the proposed action, and

(e) the Chair, or his designee, is authorized to complete the Environmental Assessment Form in relation to this proposed action in a manner consistent with the foregoing findings.

The Board discussed the merits of the Martin, Pickering and Harbor Lumber application. On motion duly made by the Chair, seconded by Ms. Martone, and adopted unanimously, the Board adopted the attached resolution.

The Board discussed the Bafitis application. On motion duly made by the Chair, seconded by Mr. Lamanna, and adopted unanimously, the Board determined that the application is a Type II matter under SEQRA and granted the application for site plan approval, subject to the following conditions: (a) the construction of the driveway and site improvements shall conform to the plans submitted with the application; (b) the site preparation, and staging shall comply with all applicable laws and regulations and shall be performed in accordance with plans approved by the building department; (c) drainage facilities to accommodate stormwater runoff resulting from the proposed improvements shall be provided as required by the building department; and (d) applicant shall obtain a building permit for the work within 6 months.

The Board discussed the Rizzo application. On motion duly made by the Chair, seconded by Mr. Camiolo, and adopted unanimously, the Board determined that the application is a Type II matter under SEQRA and granted the application for a special permit to install fencing in excess of four (4) feet, subject to the following conditions: (a) the fencing be installed in the locations and materials shown in the plans; (b) the applicants provide the building department with information confirming that the installation of the fencing would not violate the existing water easement shown on the plans; (c) a final survey depicting the location of the fencing shall be filed with the Village building department for review in accordance with this approval, unless such survey is determined by the building department to be unnecessary; (d) applicants shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this approval; and (e) applicants shall obtain a building permit for the work within 6 months.

The Board discussed the Rossi application. Ms. Martone did not participate in the discussion. On motion duly made by the Chair, seconded by Mr. Lamanna, and adopted four votes in favor and Ms. Martone not participating, the Board determined that the application for a site plan amendment is a Type II matter under SEQRA and granted the application for amended site plan approval for a basement entrance, subject to the following conditions: (a) the construction of the proposed basement entrance shall conform to the plans submitted with the application; (b) the site preparation, and staging shall comply with all applicable laws and regulations and shall be performed in accordance with plans approved by the

building department; (c) drainage facilities to accommodate stormwater runoff resulting from the proposed basement entrance shall be provided as required by the building department; (d) within three (3) months of the filing of this decision with the Village Clerk and prior to the issuance of any approvals by the building department related to the proposed work, applicant shall file with the Nassau County Clerk's office a Declaration of Covenants and Restrictions prohibiting the use of the basement area for habitable purposes and permitting the basement area to be used only for storage and mechanical space, in a form approved by the Village Attorney, with proof of such filing provided to the Village Clerk, and (e) applicant shall obtain a building permit for the work within 6 months.

The Board discussed the Prestandrea application. Ms. Martone did not participate in the discussion. On motion duly made by the Chair, seconded by Mr. Camiolo, and adopted four votes in favor and Ms. Martone not participating, the Board determined that the application is a Type II matter under SEQRA and granted the application for site plan approval, subject to the following conditions: (a) the construction of the addition to the dwelling and all site improvements shall conform to the plans submitted with the application; (b) the site preparation, and staging shall comply with all applicable laws and regulations and shall be performed in accordance with plans approved by the building department; (c) drainage facilities to accommodate stormwater runoff resulting from the proposed improvements shall be provided as required by the building department; (d) any trees with a diameter of ten (10) inches or more at a height of four and one-half (4.5) feet above grade that are damaged or removed due to construction shall be

replaced with two (2) new trees, each of equivalent size, in a location approved by the Superintendent of Buildings; and (e) applicants shall obtain a building permit for the work within 6 months.

The Board discussed the Conway application solely with regard to the fencing. On motion duly made by the Chair, seconded by Mr. Driscoll, and adopted unanimously, the Board determined that the application is a Type II matter under SEQRA and granted the application for a special permit to install fencing in excess of four (4) feet, subject to the following conditions: (a) the fencing be installed in the locations and materials shown in the plans; (b) a final survey depicting the location of the fencing shall be filed with the Village building department for review in accordance with this approval, unless such survey is determined by the building department to be unnecessary; (c) applicants shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this approval; and (d) applicant shall obtain a building permit for the work within 6 months.

There being no further business, the Chair closed the meeting at 9:05pm.

BRUCE TREIBER, CHAIR

PLANNING BOARD
VILLAGE OF SEA CLIFF

In the Matter of the Application of

WENDY MARTIN, GEORGE PICKERING and
HARBOR LUMBER COMPANY, INC.

for final subdivision approval to permit the division of NCTM Section 21, Block 118, Lot 201, which subdivision would result in a portion of tax lot 201 being transferred to, and becoming part of, tax lots 199 and 200, and the balance of tax lot 201 remaining as part of tax lots 202 through 208 and for a waiver of Village Code subdivision regulations and/or a waiver of subdivision filing requirements pursuant to Real Property Law §334-a.

RESOLUTION

WHEREAS, Wendy Martin and George Pickering, 261-263 Glen Cove Avenue, Sea Cliff, New York and Harbor Lumber Company, Inc., 269 Glen Cove Avenue, Sea Cliff, New York applied for approval of a subdivision of property designated on the Nassau County Land and Tax Map as Section 21, Block 118, Lot 201 to legalize a transfer of a portion of Lot 201 from Harbor Lumber Company, Inc. to Wendy Martin and George Pickering; and

WHEREAS, in 1982, by deed, Harbor Lumber Company, Inc., transferred a portion of tax lot 201 to the owner of tax lots 199 and 200, but failed to obtain subdivision approval from the Planning Board or any planning authorities having jurisdiction; and

WHEREAS, the current owners of tax lots 199 and 200 – WGP Real Estate, Inc. (WGP), and tax lots 202 through 208 – Harbor Lumber Company, Inc., desire to obtain such approval from the Village of Sea Cliff Planning Board; and

WHEREAS, Wendy Martin and George Pickering are officers of WGP; and

WHEREAS, the owners of the respective lots seek to subdivide lot 201 and obtain waivers of the Village Code subdivision regulations, or obtain a waiver of subdivision filing requirements pursuant to Real Property Law §334-a; and

WHEREAS, the applicants proposes to divide lot 201 into two lots, each lot to become part of the adjoining tax lots owned by the respective applicants in accordance with the layout depicted in the surveys provided with the application; and

WHEREAS, WGP has consented to acquire the northerly subdivided portion of tax lot 201 as part of current lots 199 and 200 so that the northerly subdivided portion of tax lot 201 shall not be a separate lot, but rather a part of current lots 199 and 200; and

WHEREAS, the term “applicants” herein refers to the applicants and their successors and/or assigns; and

WHEREAS, the Planning Board held a public hearing on June 13, 2016; and

WHEREAS, the proposed development is classified as an Unlisted Action under SEQRA, the Board declared itself lead agency under SEQRA and issued a negative declaration for the purpose of SEQRA review; and

WHEREAS, the application was referred to the Nassau County Planning Commission in accordance with the General Municipal Law, and the Planning Commission has advised the Board to take such action as it deems appropriate; and

WHEREAS, the Board has fully considered all of the evidence at the public hearings, and all of the proceedings had herein.

NOW, THEREFORE, BE IT RESOLVED, that the application of Wendy Martin, George Pickering and Harbor Lumber Company, Inc. for final approval to subdivide tax lot 201 into two portions, with the northerly portion to become part of existing lots 199 and 200 and the remaining portion of tax lot 201 to remain as part of tax lots 202 through 208 is hereby approved, subject to the following conditions:

1. The Board grants the request for a waiver of subdivision filing requirements and does not require a plat in the form as required in the Village Code subdivision regulations so long as, within six (6) months of the filing of this determination, the applicants file with the Nassau County Clerk, and provide proof of such filing to the Village Clerk, deeds conveying the northerly portion of tax lot 201 to WGP in a manner that tax lot 201 shall become joined with current tax lots 199 and 200 and the southerly depicted portion of lot 201 to become joined with current tax lots 202 through 208.

2. This resolution and the final approval resolution shall be included with any deed filed with the County Clerk.

3. The Board waives the provisions set forth in Village Code A145-9 and A145-10, as the Board has granted a waiver of subdivision filing requirements pursuant to Real Property Law §334-a.

4. The waiver is conditioned on the submission by the applicants of consent to the application and the conditions herein by Harbor Lumber Company, Inc.

On motion duly made by the Chair, seconded by Ms. Martone, and adopted unanimously, the Board adopted the foregoing resolution.