

MINUTES

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

December 11, 2013

Present:	Chair	Bruce Treiber
	Members	Laurie Martone
		Nicholas Virgilio
		Timothy Driscoll
		Ed Camiolo
	Village Attorney	Brian S. Stolar, Esq.

The meeting was called to order at 8:00 pm.

The Board opened the continued public hearing on the application of Paul Canarick, 219 Prospect Avenue, Sea Cliff, New York for final subdivision approval to subdivide premises into two lots. Premises are designated as Section 21, Block 161, Lots 1, 2, 875-77, 894-96 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 Marianna Kreatsoulas and Stylious Stylianou, 35 Hawthorne Road, Sea Cliff for amended site plan approval to relocate a curb cut and reconfigure a driveway, and for a special permit to maintain netting 20 feet in height and install fencing 6 feet in height. Premises are designated as Section 21, Block 31, Lots 28-32 on the Nassau County Land and Tax Map. The Board closed the portion of the public hearing relating to the site plan, and continued the public hearing on the special permit application to January 8, 2014 at 8:00pm.

The Board opened the public hearing on the application of Joseph and Richard Bernardo, 166 DuBois Avenue, Sea Cliff, New York for a special permit pursuant to Village Code §64-3 to construct a fence in excess of 4 feet. Applicants also seek to amend a special permit approval granted by the Planning Board on July 14, 2001. Premises are designated as Section 21, Block 58, Lot 17 on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board discussed the Canarick application. On motion duly made by the Chair, seconded by Dr. Virgilio, and adopted unanimously, the Board granted the application in accordance with the attached resolution.

The Board discussed the Kreatsoulas/Stylianou site plan application. Dr. Virgilio stepped out of the hearing room, and returned after the vote on the Kreatsoulas/Stylianou application. On motion duly made by the Chair, seconded by Ms. Martone, the Board determined that the Kreatsoulas/Stylianou site plan application is a Type II matter under SEQRA, that the Board is the lead agency and the application requires no further environmental review, and granted the application, subject to the following conditions: (a) the construction shall be in substantial compliance with the plans submitted with the application; (b) except as indicated in the plans, the applicants shall make no changes to the topography of the property; (c) the applicants shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this approval; (d) if required by Nassau County, compliance with the provisions of General Municipal Law §239-f and compliance with any conditions imposed by

the County relating to the approved construction; and (e) within the timeframe provided in Village Code §138-1304(A), applicants shall complete the work and obtain all certificates necessary for the work.

The Board discussed the Bernardo application. On motion duly made by the Chair, seconded by Mr. Camiolo, and adopted unanimously, the Board determined that the Bernardo application is a Type II matter under SEQRA, that the Board is the lead agency and the application requires no further environmental review, and granted the application, subject to the following conditions: (a) the fencing shall be constructed in the location depicted in the plans submitted with the application; (b) during the construction the applicants shall take appropriate action, as determined by the Superintendent of Buildings, to protect the root system of the cherry laurels on the neighboring property; (c) a final survey depicting the location of the fence 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) the applicant shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this approval; and (e) within the timeframe provided in Village Code §138-1304(A), applicant shall complete the work and obtain all certificates necessary for the work.

There being no further business, the Chair closed the meeting at 8:35pm.

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BRUCE TREIBER, CHAIR

PLANNING BOARD  
VILLAGE OF SEA CLIFF

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In the Matter of the Application of

PAUL CANARICK

for final subdivision approval to permit the division of a vacant parcel into two residential lots in the Village of Sea Cliff at premises designated as Section 21, Block 161, Lots 1, 2, 875-877 and 894-896 on the Nassau County Land and Tax Map

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RESOLUTION

**WHEREAS**, Paul Canarick applied to the Planning Board of the Village of Sea Cliff for final approval of a subdivision of a vacant parcel into two residential parcels, based on the plans entitled “Paul Canarick Prospect Avenue Sea Cliff Nassau County, New York Partitioning Map”, prepared by Joseph E. Dioguardi, Jr., dated 6-12-12 and last revised 11-12-13 (the “Final Map”) and for waivers of certain provisions of the Village Code related to subdivisions; and

**WHEREAS**, the applicant obtained preliminary subdivision approval from the Board subject to the conditions set forth in the preliminary subdivision approval resolution (the “Preliminary Approval”); and

**WHEREAS**, the subject parcel is located on the easterly side of Prospect Avenue, southerly side of Nineteenth Avenue and northerly side of Twentieth Avenue and designated as Section 21, Block 161, Lots 1, 2, 875-877 and 894-896 on the Nassau County Land and Tax Map (the “Premises”); and

**WHEREAS**, the Premises are located in a Residence A Zoning District in the Village of Sea Cliff; and

**WHEREAS**, the applicant proposes to divide the Premises into two residential lots in accordance with the layout in the Preliminary Plat;

**WHEREAS**, the term “applicant” herein refers to the applicant and his successors and/or assigns; and

**WHEREAS**, the Planning Board held public hearings on November 13, 2013 and December 11, 2013; and

**WHEREAS**, the proposed development is classified as a Type II 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 Paul Canarick for final approval of the Final Map submitted with the application is hereby approved, subject to the following conditions:

1. Within six (6) months of the filing of this final approval with the Village Clerk, applicant must submit the plat in final form as part of an application for final subdivision approval. If the final plat is not timely submitted, this approval shall lapse automatically.

2. No building permit shall issue until applicant obtains site plan approval for each parcel and complies with all requirements herein, the Village Code and all requirements of any Village department.

3. Prior to site plan approval for the respective lots, applicant shall obtain and submit to the Superintendent of Buildings and the Department of Public Works written and unconditional approval of the driveways for each parcel as to its sufficiency for access for emergency response and firefighting purposes from the fire and emergency services officials having jurisdiction over the respective parcels.

4. As set forth in Village Code A145-9(D)(2), all new telephone, electric, cable, television and other utilities shall be installed underground and subject to the approval of the Village's building department and Department of Public Works. All electric meters shall be installed on the residences, not on the street or right-of-way and not elsewhere on the Premises.

5. Applicant shall install the drainage facilities as approved by the Board during the site plan review process for each parcel, and all such facilities shall be constructed and completed prior to the installation of any other site improvements.

6. As a condition of site plan approval for each lot, the applicant shall obtain the following approvals, endorsements and/or certifications:

- a. Approval of plans for sewage disposal shall be secured from the Village building department in accordance with Nassau County Department of Health regulations; and

b. Approval of the building department and/or Department of Public Works, as applicable, as to the grading, drainage, sewer, driveway and curbing.

7. As part of the site plan review process for each lot, applicant shall obtain written confirmation from the Village Fire Department that the closest existing (or some other) fire hydrant is satisfactory to the Fire Department for the purposes of protecting any structures on the either parcel. If there is no such fire hydrant, applicant shall install a fire hydrant and water connections as approved by the Village Fire Department and building department.

8. Applicant submitted a “letter of water availability” from the water company providing water service to the respective parcels.

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

10. Landscaping shall be installed and maintained in perpetuity in accordance with any landscaping plan approved as part of the site plan review process.

11. The stormwater management and drainage plan for the parcels must be approved by the Superintendent of Buildings.

12. As a condition of any site plan approval for each lot, the applicant shall implement an erosion and sediment control plan for approval by the Superintendent of Buildings.

13. As part of the site plan review process for each lot, applicant shall provide a staging and construction plan locating construction equipment,

materials and debris on site. Such plan shall also contain a schedule for all earthwork, land disturbance and construction.

14. As part of the site plan review process for each lot and prior to commencing any site work and throughout construction, the boundary of each lot must be staked out by a licensed land surveyor.

15. As a condition of any site plan approval for each lot, in accordance with the general policy of the New York State Department of Conservation, applicant shall ensure that water conserving fixtures and water conserving landscaping are used on both parcels.

16. As a condition of any site plan approval for each lot, during construction, applicant shall erect temporary fencing, erosion control and other measures to protect adjoining properties in accordance with the building department's requirements.

17. The Planning Board recognizes the need for additional parkland in the Village, and finds that the proposal will increase the number of residents using the Village parks presently. Such addition could impact the use and enjoyment of the current recreational opportunities in the Village and restrict those opportunities. Accordingly, it would be appropriate to locate land for recreational purposes on the Premises or expand other recreational facilities. Based on the size and configuration of the Premises, locating recreational facilities on the Premises does not appear to be viable. Accordingly, as set forth in Village Code 112-8, applicant shall submit a request to the Board of Trustees

with respect to the dedication of parkland or payment in lieu of parkland dedication.

18. As a condition of any site plan approval for each lot, all construction shall be in strict compliance with all the requirements of the Village Code, the New York State Building Code and all other applicable federal, state, county and local laws and regulations.

19. As a condition of any site plan approval for each lot, applicant shall obtain all applicable local, county, state, regional and federal permits prior to obtaining a building permit. If any such permit requires a modification to the subdivision approved by this resolution, a determination shall be made by the Superintendent of Buildings as to whether the modification is substantive and should be returned to the Planning Board.

20. As a condition of any site plan approval for each lot, all construction activities shall be performed during the days and times authorized by the Superintendent of Buildings.

21. As a pre-condition of obtaining the signature of the Planning Board Chair on the final plot, all fees then due to the Village shall have been paid as required. In addition, as a condition of any site plan approval for each lot, no building permit shall issue until the building department has received written confirmation from the Village Clerk that all fees are paid.

22. The removal of any trees shall be the subject of the site plan review process.

23. The Board waives the following provisions set forth in Village Code A145-9 and A145-10: A145-9(B), A145-9(C), A145-9(D), A145-10(A)(3)(i), (j), (k), (p), (q), (s), (t), (v), (x), (y), (z), (aa), (bb), (ee), (gg) and (hh), A145-10(B). Further, the applicant has submitted documentation demonstrating payment of taxes due on the premises, and the Board therefore also waives the certifications required in Village Code A145-10(3)(dd), (ee) and (ff).

24. The development of the parcels shall be designed, laid out and constructed so that no stormwater runs off the parcel.

25. Except as modified herein, the conditions set forth in the Preliminary Approval shall continue to apply.

On motion duly made by Mr. Driscoll, seconded by Dr. Virgilio, and adopted unanimously, the Board adopted the foregoing resolution.