



INCORPORATED VILLAGE OF SEA CLIFF

**OFFICE OF THE VILLAGE OF SEA CLIFF BUILDING DEPARTMENT
300 SEA CLIFF AVE SEA CLIFF N.Y. 11579 PHONE (516) 671-0080**

Notice of Review

1/15/21

TO:
PROPERTY OWNER: Gary Malin
PROPERTY ADDRESS: 11 Preston Ave
SECTION/ BLOCK/ LOT: 21/127/315

APPLICATION NO: 12106
APPLICATION RECV'D: 8/27/2020
ZONE: Residence B

DESCRIPTION: The applicant proposes to repair a collapsed wall by constructing an 8ft wall.

The Proposed Construction does not comply with the following Village of Sea Cliff Code Section(s):

§ 64-1.1 Walls.

[Added 2-1-2010 by L.L. No. 1-2010; amended 11-19-2019 by L.L. No. 7-2019]

B. No retaining wall shall exceed four feet in height, and no two retaining walls may be closer than five feet to one another, measured from wall face to wall face.

The applicant proposes to repair a collapsed wall by constructing an 8ft wall.



Shane Dommin
Village of Sea Cliff Building Department

Note; If the proposed construction does not comply with the Village Code, applicant may apply to the Zoning Board of Appeals for relief, within 60 days hereof. If the proposed construction requires Planning Board approval, an application to the Planning Board may be made. All plans are subject to the Building Codes of New York State.



INCORPORATED VILLAGE OF SEA CLIFF

Post Office Box 340 • 300 Sea Cliff Avenue • Sea Cliff, NY 11579
(516) 671-0080 phone • (516) 671-6508 fax • www.seacliff-ny.gov

BUILDING PERMIT

APPLICATION ID # 12106 APPLICATION DATE 08/27/20 PERMIT # 20--0191

PROPERTY ADDRESS: 11 Preston Ave SECT 21 BLOCK 189 LOT 19

Owner: Gary Malin
Address: 11 Preston Ave City: Sea Cliff State: NY Zip: 11579
Phone: _____ Cell: _____ Email: _____

Applicant: (if applicant is different from owner state relationship to owner) F. Scobbo Contractors Inc
Address: 1212 Port Washington Blvd City: Port Wash State: NY Zip: 11050
Phone: 516-944-7154 Cell: 516-587-1250 Email: fsofny@aol.com

Architect:
Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Cell: _____ Email: _____

Contractor: F. Scobbo Contractors Inc
Address: 1212 Port Washington Blvd City: port Washing State: NY Zip: 11050
Phone: 516-944-7154 Cell: 516-369-6257 Email: fsofny@aol.com

Plumber:
Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Cell: _____ Email: _____

Electrician:
Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Cell: _____ Email: _____

Other/Mechanical:
Address: _____ City: _____ State: _____ Zip: _____
Phone: _____ Cell: _____ Email: _____

A/C, Boiler, etc Model# _____
A/C, Boiler, etc Model# _____

PROPOSED WORK: Be as detailed as possible describing anything that is not going to be specifically provided for in plans or other supporting documents such as number of plumbing fixtures, new services, i.e. gas, water, electric, number of new branch circuits or anything else billable by permit. Billable permit items are listed in Village Code Chapter 142-A as a pdf. Link. The building dept. is responsible for assessing permit fees.

Emergency repair and shoring after storm collapsed wall.
Remove and store on-site air conditioner unit - install piles
install lagging, install tie-backs, remove debris and trees that fell.



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getting cert. of approval capital imp.

BUILDING PERMIT

Emergency Repair
Cost of Improvement:

\$ 50,000⁰⁰

N/A

Owner: Deposits and says that they are the owner(s) in fee of the Premises, that the work proposed to be done upon the said Premises shall be completed in accordance with the approved application and accompanying plans, and that all the statements herein are true to the deponents own knowledge.

Owner Signature: *[Signature]* v.p. const.

Owner Signature: _____

Date: 10/8/20
[Signature]
Notary: JENNIFER GERRITY
NOTARY PUBLIC, State of New York
No. 01GE6393557
Qualified in Nassau County
Commission Expires 08/17/2023

Contractors must submit proof of current insurance (C-105.2 or U-26.3 for compensation and DB-120.1 for disability or DB-155 for disability) as required by NY State. Form CE-200 may be submitted if exempted. Nassau County requires licensing and liability insurance for residential work. Proof of these are also required of contractors prior to the issuance of the permit

OFFICIAL USE

FEEES

Application Fee	\$ 75 ⁰⁰
Permit Fees	
Building	\$ 760 ⁰⁰
Plumbing	
Electrical	
Mechanical	
Certificate	
Other	
Total Permit Fees	\$ 835 ⁰⁰

REQUIRED CERTIFICATES

- Cert of Occupancy
- Cert of Approval
- Cert of Completion
- Cert of Compliance
- Cert of Tenancy
- Letter in Lieu

PAID 10/7/20

Approved by *[Signature]*

Examined for approval on 9/23/20

New State Law Requires: Site visits by the Building Department prior to the issuance of any permit. Changes in project elements or design shall not be made until such changes are approved and documented with the Building Department.

Village Code Requires: Zoning variances become invalid if authorized work has not begun within six (6) months of Building Department Approval. Extensions may be applied for to the Zoning Board. (138-1304). Building Permits expire twelve (12) months after the approval. Two (2) subsequent six (6) month extensions may be applied with approval of the Building Department and payment of fees. Additional approvals require application (48-15)

ZONING BOARD OF APPEALS _____
PLANNING BOARD (check one)

-----x
IN THE MATTER OF THE APPLICATION OF

GARY MAHIN

APPLICATION

Village of Sea Cliff.
-----x

Proposing to Repair Coastal Wall

1. Name of applicant: Gary Mahin

2. Applicant's address: 11 Preston Ave
Sea Cliff NY 11579

3. If the applicant is not an owner of the property which is the subject of this application, state the relationship of the applicant to the owner(s):

4. The property which is the subject of this application is located at: 11 Preston Ave, Village of Sea Cliff, N. Y. and is also known as Section 21, Block 107, Lot(s) 315 on the Nassau County Land and Tax Map.

5. The full name and residence address of all owners of the property (if applicant is not the sole owner) is:
Gary & Rachel Mahin

6. The property is located in the B zoning district of the Village of Sea Cliff.

7. The subject property is located on the WEST side of ~~MAIN~~ PRESTON (street).

8. The date on which the owner(s) acquired the property was 11/23/14.

9. The approximate dimensions of the property are 95 feet by 147 feet, and the total acreage of property is .32 acres.

10. The property is presently used for Residence

11. Are there existing buildings on the property? 1 of 1

12. Are there any outstanding village taxes on the property?
If so, for what years? _____

13. The applicant or owner(s) wish to make use of the property for the purpose of: Residence

14. The Building Department of the Village of Sea Cliff denied an application for a building permit on 11/5/21

15. The proposed construction use of the property does not comply with the following sections of the Village Code: 64-1.1

16. This is an application for:

_____ an appeal

_____ a variance

_____ a special permit

other (describe): Retaining Wall

17. Description of the problem, or reasons for this application, that support the request for relief:

(Note to Applicant - this information is particularly important, and must constitute a complete statement of the grounds for the relief which you are seeking. You may use additional sheets of paper if necessary to provide a complete response.)

Wall Approved by State Agency
And have permit and wall
Essentially completed for MS 012

18. Has any previous application been made to the Zoning Board of Appeals or Planning Board for the relief sought in this application, or relief similar to that sought in this application? No If so, attach a description of each such prior application, including the date the application was made, the date of the determination by the Zoning Board of Appeals or Planning Board, and a summary of the determination by the Zoning Board of Appeals or Planning Board.

19. Has any previous application been made to the Zoning Board of Appeals or Planning Board for any other relief with respect to the property which is the subject of this application? No
If so, attach a description of each such prior application, including the date the application was made, the date of the determination by the Zoning Board of Appeals or Planning Board, and a summary of the determination of the Zoning Board of Appeals or Planning Board.

20. Are there any outstanding violation notices affecting the subject premises? No

21. Are there any pending court proceedings involving the subject premises? No

22. The undersigned applicant states under penalty of perjury that the foregoing statements and information, and all statements and information contained in papers submitted herewith, are true, correct and complete, to best of the signer's knowledge.

Name of applicant: _____
Signature of applicant: Greg Mahan
Title of signatory: owner
Date: 1/21/27

AFFIDAVIT OF APPLICANT

STATE OF NEW YORK) SS:

COUNTY OF NASSAU)

The undersigned, being duly sworn, deposes and says that deponent has read the foregoing application subscribed by applicant, and knows the contents thereof, and that the contents of the application are true of the deponent's personal knowledge, except as to the matters stated to be upon information and belief, as to which matters deponent believes the contents to be true.

If the applicant is a corporation, the deponent is an officer thereof, to wit the _____, and is authorized by the Board of Directors of the corporation to execute this application on behalf of the corporation.

If the applicant is a partnership, the deponent is a general partner thereof, and has authority to execute this application in the name of the partnership.

If the applicant is a limited liability company, the deponent is member thereof, and has authority to execute this application in the name of the company.

Gary Malik
Print Name

[Signature]
Signature

Sworn to before me this 21
day of January 2021.

[Signature]
JENNIFER GERRITY
NOTARY PUBLIC, State of New York
No. 01GE6393557
Qualified in Nassau County
Commission Expires 06/17/2023

AFFIDAVIT OF OWNER(S)

(To be completed only if the applicant is not the sole owner)
(All owners must sign either as owner or applicant)

STATE OF NEW YORK) SS:

COUNTY OF NASSAU)

Gary Malin being duly sworn, deposes and says that (s)he is the owner of the property known as 11 Preston Ave in the Village of Sea Cliff.

No other person is an owner of the said property except as described in the attached application. The undersigned hereby acknowledges that the applicant herein is authorized to submit this application to the Village of Sea Cliff on behalf of the owner(s) of the subject property.

[Signature]

Sworn to before me on this 21 day of January 2021 :

[Signature]

JENNIFER GERRITY
NOTARY PUBLIC, State of New York
No. 01GE6393557
Qualified in Nassau County
Commission Expires 06/17/2023

STATE OF NEW YORK) SS:

COUNTY OF NASSAU)

Rachel Mehr being duly sworn, deposes and says that (s)he is the owner of the property known as 11 Preston Ave in the Village of Sea Cliff.

No other person is an owner of the said property except as described in the attached application. The undersigned hereby acknowledges that the applicant herein is authorized to submit this application to the Village of Sea Cliff on behalf of the owner(s) of the subject property.

[Signature]

Sworn to before me on this 21 day of January 2021 .

[Signature]

JENNIFER GERRITY
NOTARY PUBLIC, State of New York
No. 01GE6393557
Qualified in Nassau County
Commission Expires 06/17/2023



Incorporated Village of Sea Cliff

Office of the Superintendent of Buildings

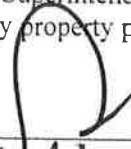
Sea Cliff Village Hall, 300 Sea Cliff Ave., Sea Cliff, New York 11579

Inspection Authorization

I hereby authorize the members of the Zoning Board and/or Planning Board, the Superintendent of Buildings, and Legal Counsel to the Zoning Board and/or Planning Board to enter upon and inspect my property prior to the Zoning Board and/or Planning Board rendering a determination on this application.

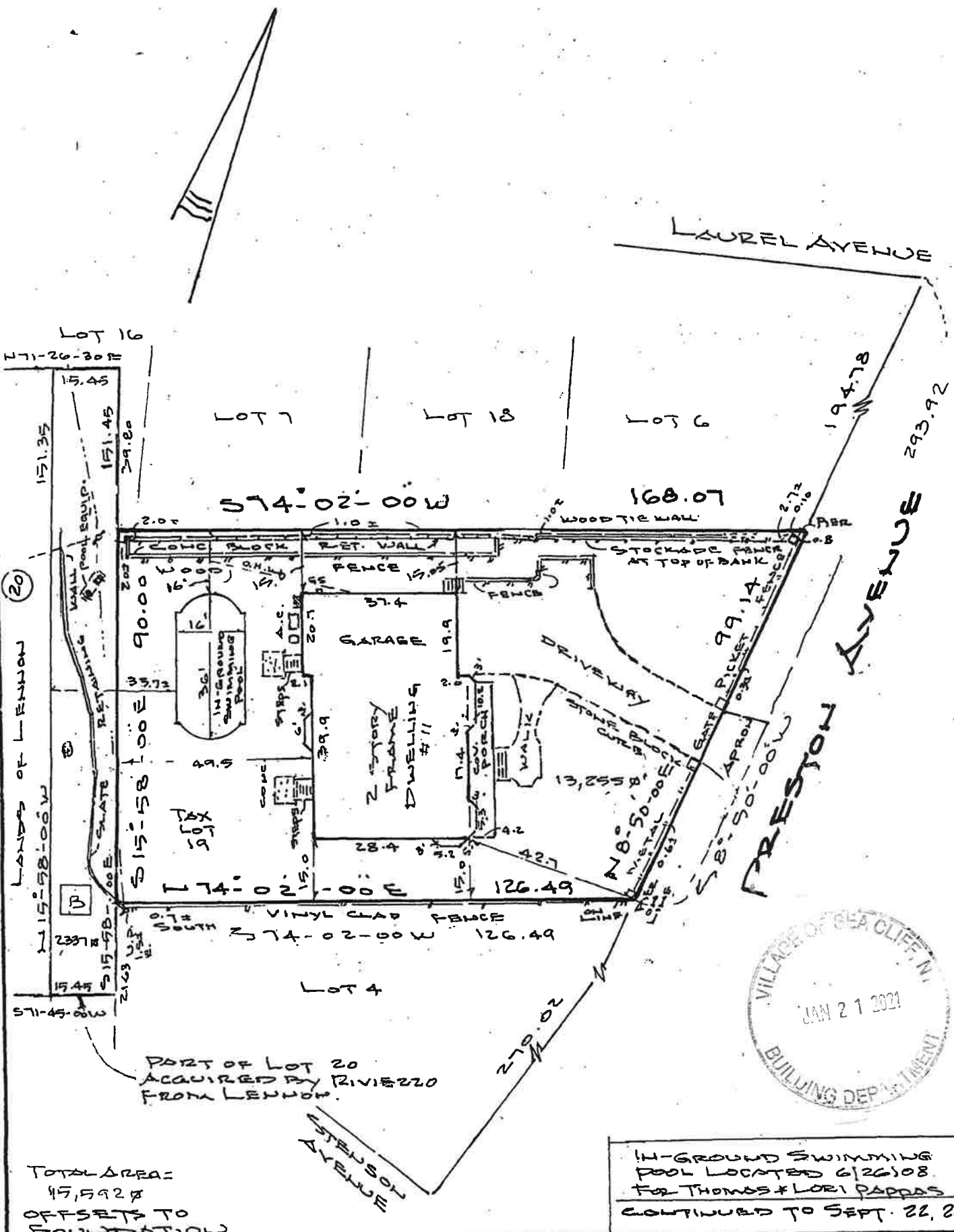
Homeowner: _____

Date: _____


1/4/7

TITLE # _____

SCALE 1" = 30'



TOTAL AREA:
45,592 sq
OFFSETS TO
FOUNDATION

IN-GROUND SWIMMING
POOL LOCATED G126108
FOR THOMAS + LORI PAPPAS
CONTINUED TO SEPT. 22, 2006

PREPARED FOR _____
 LOT 19 BLOCK 189
 MAP NASSAU COUNTY LAND + TAX MAP SECTION 21
 LOCATION JHC. VILLAGE OF SEA CLIFF NASSAU COUNTY, N.Y.
 SURVEYED FINAL SURVEY SEPT. 3, 2002
 CERTIFIED TO SUCCESS HOMES
CHARLES RIVIEZZO
CITIBANK, N.A.
 COMMONWEALTH LAND TITLE INSURANCE COMPANY

NORMAN T. WOLF & SON
 LICENSED LAND SURVEYOR
 466 GLEN COVE AVENUE
 SEA CLIFF, NEW YORK
 11579

Norman T. Wolf
 THOMPSON E. WOLF, L.S. # 49154

GENERAL NOTES:

- THIS DRAWING IS FOR THE CONSTRUCTION OF THE SEGMENTAL BLOCK EARTH RETENTION WALL.
- THE CONTRACTOR, MATERIALS AND WORKMANSHIP SHALL COMPLY WITH THE REQUIREMENTS OF THE CONSTRUCTION CODE OF CITY / VILLAGE, NASSAU COUNTY, NEW YORK LATEST EDITION AND ALL APPLICABLE FEDERAL AND STATE CODES, STANDARDS, REGULATIONS, AND LAWS.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS, AND COORDINATE WITH ALL CONTRACT DRAWINGS, PROJECT SHOP DRAWINGS AND FIELD CONDITIONS PRIOR TO CONSTRUCTION. IF ANY DISCREPANCIES BETWEEN FIELD CONDITIONS AND DESIGN PLANS ARISE, THE ENGINEER SHALL BE NOTIFIED IMMEDIATELY.
- THE CONTRACTOR SHALL PROTECT EXISTING FACILITIES, STRUCTURES, AND UTILITY LINES FROM ALL DAMAGE.
- JOB SAFETY AND CONSTRUCTION PROCEDURES ARE THE RESPONSIBILITY OF THE CONTRACTOR.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADEQUATE PROTECTION.....
- THE OWNER IS RESPONSIBLE FOR OBTAINING CONTROLLED INSPECTIONS ACCORDING TO GOVERNING BUILDING CODES.
- IF CONDITIONS IN THE FIELD ARE DIFFERENT THAN THOSE INDICATED ON THE CONTRACT DOCUMENTS OR DESIGN CALCULATIONS, THE ENGINEER SHALL BE NOTIFIED IMMEDIATELY.
- NO REVISIONS, ALTERNATES OR SUBSTITUTIONS TO THE CONTRACT DOCUMENTS ARE ALLOWED WITHOUT PRIOR WRITTEN APPROVAL FROM THE ENGINEER.
- THE DRAWINGS ARE NOT TO BE SCALED FOR DIMENSIONS.
- IF ANY CONFLICTS SHALL ARISE BETWEEN OR WITHIN CONSTRUCTION DRAWINGS AND MANUFACTURERS' RECOMMENDATIONS THE MOST STRINGENT SHALL APPLY.
- NEWPORT ENGINEERING SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, OR PROCEDURES UTILIZED BY THE CONTRACTOR(S), NOR FOR THE SAFETY OF PUBLIC OR CONTRACTORS EMPLOYEES, OR FOR THE FAILURE OF THE CONTRACTOR TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. CONTRACTOR SHALL CONFORM TO U.S. DEPARTMENT OF LABOR SITE SAFETY AND EXCAVATION REQUIREMENTS AND STANDARD 29 CFR 1926, SPECIFIC EXCAVATION REQUIREMENTS, NEWPORT ENGINEERING NOT RETAINED FOR SITE SAFETY AND SHORING REQUIREMENTS, IF ANY.

QUALITY CONTROL:

TESTING AND MONITORING SHALL INCLUDE BUT IS NOT LIMITED TO FILL TESTING, COMPACTION TESTING, SUBGRADE BEARING CAPACITY VERIFICATION, CONFORMANCE TO DESIGN DRAWINGS AND SPECIFICATIONS. A LETTER & ACCOMPANYING LAB REPORTS TO BE PRODUCED BY ALLIED. THE FOLLOWING MINIMUM CRITERIA SHALL BE FOLLOWED:

- FIELD DENSITY TESTS IN ACCORDANCE WITH ASTM D 2922.
 - SUBGRADE SOILS: ONE TEST FOR EVERY 2,500 SQUARE FEET PER LIFT OF MATERIAL.
 - BACKFILL: ONE TEST FOR EVERY 100 LINEAR FEET, MIN. (4) TESTS.
 - BACKFILL: ONE TEST FOR EVERY 2,500 SQUARE FEET PER LIFT. EVERY OTHER LIFT SHALL BE TESTED.
- LABORATORY MOISTURE-DENSITY RELATIONSHIPS, ASTM D 698: ONE TEST FOR EVERY COMPACTED MATERIAL TYPE.
- GRADATION ANALYSIS, ASTM D 422.
 - DRAINAGE FILL: ONE TEST FOR EVERY 500 CUBIC YARDS OF MATERIAL.
 - BACKFILL: ONE TEST FOR EVERY 500 CUBIC YARDS OF MATERIAL OR WHEN MATERIAL TYPE CHANGES.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING REQUIRED PARTIES ADVANCE OF CONSTRUCTION WORK COMPLETED WITHOUT THE REQUIRED CONSTRUCTION TESTING AND MONITORING MAY REQUIRE WALL REPLACEMENT, REPAIR AND/OR INCREASED CONSULTANT COSTS FOR VERIFICATION OF AS-BUILT CONDITION. THE ENGINEER SHALL BE COPIED ON ALL REPORTS.

SEGMENTAL BLOCK RETENTION WALL NOTES:

- SEGMENTAL BLOCK RETENTION WALL SHALL BE UNFINISHED VERTI BLOCK GRAVITY WALL SYSTEM 41" WITH A 5° BATTER ANGLE ON WALL.
- COLOR AND TEXTURE SHALL BE AS PER OWNER'S SPECIFICATION.
- ALL BLOCK CORES OF NON-SOLID BLOCK AND GAPS BETWEEN BLOCKS SHALL BE FILLED WITH DRAINAGE STONE.
- RETENTION WALL FOUNDATION AND BEARING CAPACITY REQUIREMENTS EXTEND FROM THE INSIDE EDGE OF THE LEVELING PAD TO THE OUTSIDE EDGE OF THE LEVELING PAD.
- RETENTION WALL FOUNDATION DESIGN AND PREPARATION FOR BEARING CAPACITY REQUIREMENTS TO BE VERIFIED BY THE OWNER'S CIVIL ENGINEER PRIOR TO WALL CONSTRUCTION.

- CONTRACTOR SHALL PROVIDE SURFACE DRAINAGE, GRADING, EROSION CONTROL DURING AND AFTER WALL CONSTRUCTION TO AVOID DAMAGE TO THE RETENTION WALL WHERE CONSTRUCTION IS NOT TO FINAL GRADES. THE CONTRACTOR SHALL PROVIDE DIVERSION DRAINAGE SWALES AND EARTHEN BERMS TO DIVERT SURFACE RUNOFFS AND PREVENT WATER FROM ENTERING THE RETAINED SOIL ZONE AND/OR OVERTOPPING THE RETENTION WALL.
- CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER INSTALLATION OF ALL DRAINAGE MATERIALS ASSOCIATED WITH THE RETENTION WALL.

DESIGN CRITERIA:

DESIGN SOIL PARAMETERS USED IN DESIGN OF SEGMENTAL BLOCK OF RETAINING WALL:

RETAINED SOIL	FRICTION	COHESION	UNIT WEIGHT
BACKFILL SOIL	29°	0 KPA	115 PCF
FOUNDATION SOIL	29°	0 KPA	120 PCF

RETAINED SOILS: THE DESIGN IS BASED ON RETAINED PRESSURES FROM THE ABOVE SOIL PARAMETERS. THE ENGINEER OF RECORD SHALL BE NOTIFIED IMMEDIATELY IF ACTUAL SOIL CONDITIONS AS DETERMINED BY FIELD INSPECTION DO NOT MEET THE STATED CRITERIA INCLUDING, BUT NOT LIMITED TO, SOILS WITH LOWER INTERNAL ANGLES OF FRICTION, HIGHER UNIT WEIGHT OR NON-COMFORMANCE OF GRADATION REQUIREMENTS.

IMPERVIOUS MATERIAL: IMPERVIOUS MATERIAL MEETING THE FOLLOWING GRADATION REQUIREMENTS AS DETERMINED IN ACCORDANCE TO ASTM D 422:

SIEVE SIZE	PERCENT PASSING
3 INCH	100
NO. 4	80-100
NO. 40	50-90
NO. 100	40-80
NO. 200	30-80

8 INCHES OF TOPSOIL IS PERMITTED OVER THE IMPERVIOUS LAYER IS REQUIRED. SEE SITE PLAN LANDSCAPING.

DRAINAGE SOILS: FREE DRAINING, COARSE GRAINED SOILS SHALL BE 3/4" CLEAN CRUSHED STONE OR MEETING THE FOLLOWING GRADATION REQUIREMENTS AS DETERMINED IN ACCORDANCE TO ASTM D 422:

SIEVE SIZE	PERCENT PASSING
1 INCH	100
3/4 INCH	90-100
3/8 INCH	20-55
NO. 4	0-10
NO. 8	0-5

BACKFILL SOILS: GENERALLY, GRANULAR SOILS ARE RECOMMENDED AS BACKFILL SOIL. CLAYS SOILS AND SOILS WITH A LIQUID LIMIT EXCEEDING 40 OR A PLASTIC INDEX EXCEEDING 20 ARE UNSUITABLE AND SHALL NOT BE USED FOR BACKFILL SOIL. SUITABLE BACKFILL SOILS SHALL BE PLACED IN 9" LOOSE LIFTS AND COMPACTED TO 95% OF THE MAXIMUM DRY DENSITY AT OPTIMUM MOISTURE CONTENT, AS DETERMINED BY ASTM D 1557 MODIFIED PROCTOR. SUITABILITY OF ON-SITE EXCAVATED SOILS FOR REINFORCED SOILS SHALL BE VERIFIED BY THE ON-SITE GEOTECHNICAL ENGINEER. BACKFILL SOILS MUST BE FREE FROM DEBRIS AND CONSIST OF ONE OF THE FOLLOWING INORGANIC SOIL TYPES: GP, GW, SW, SP MEETING THE FOLLOWING GRADATION REQUIREMENTS AS DETERMINED IN ACCORDANCE TO ASTM D 422:

SIEVE SIZE	PERCENT PASSING
4 INCH	100
NO. 4	100-20
NO. 40	0-40
NO. 200	0-20

FOUNDATION SOILS: FIELD VERIFIED, COMPACTED AND PROOF ROLLED WITH A MINIMUM REQUIRED ALLOWABLE BEARING STRESS (MEYERHOF STRESS) AS STATED BELOW:

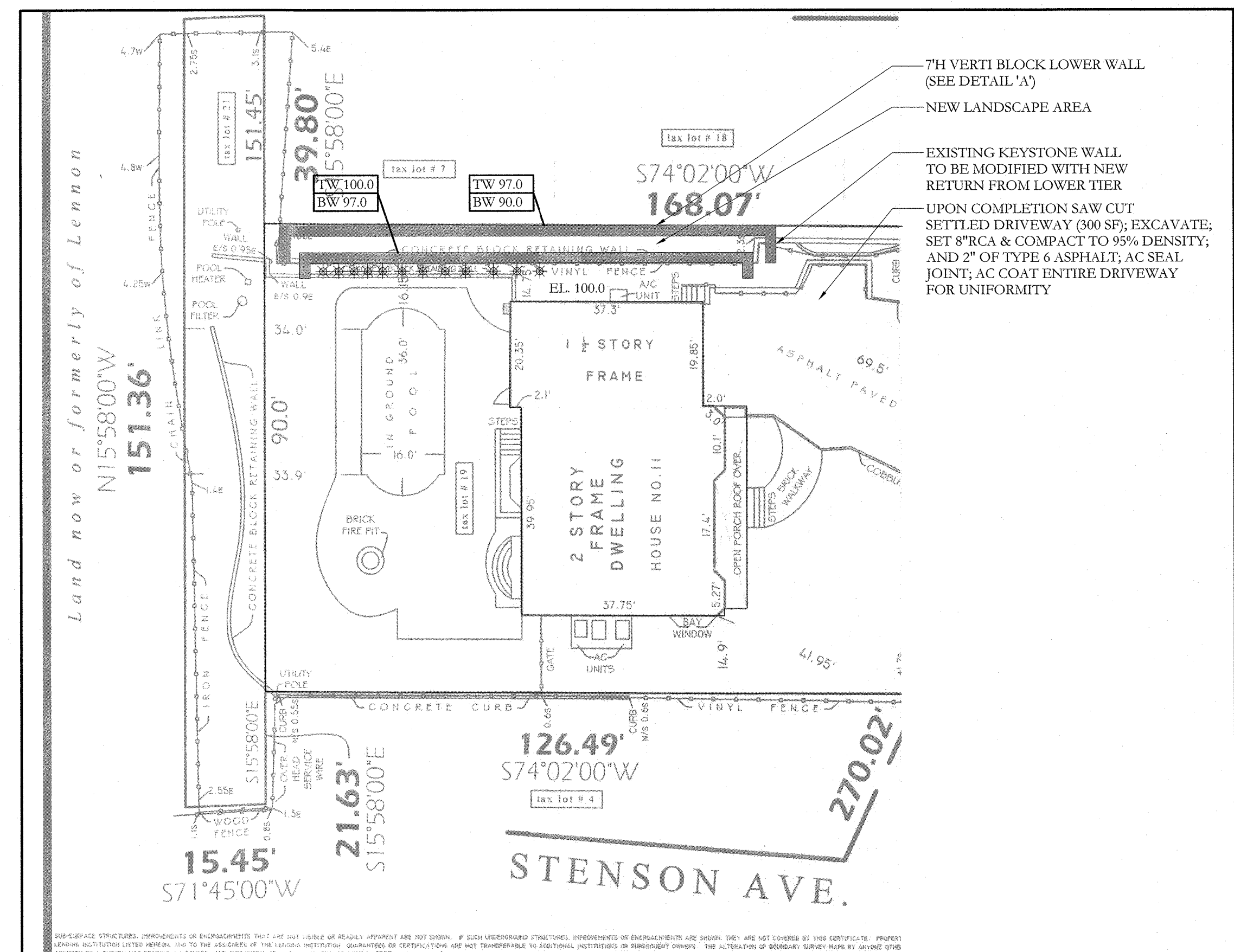
WALL	STATIC
ALL	6,000 PSF

DESIGN SURCHARGE LOADING:
50 PSF LANDSCAPE AREA

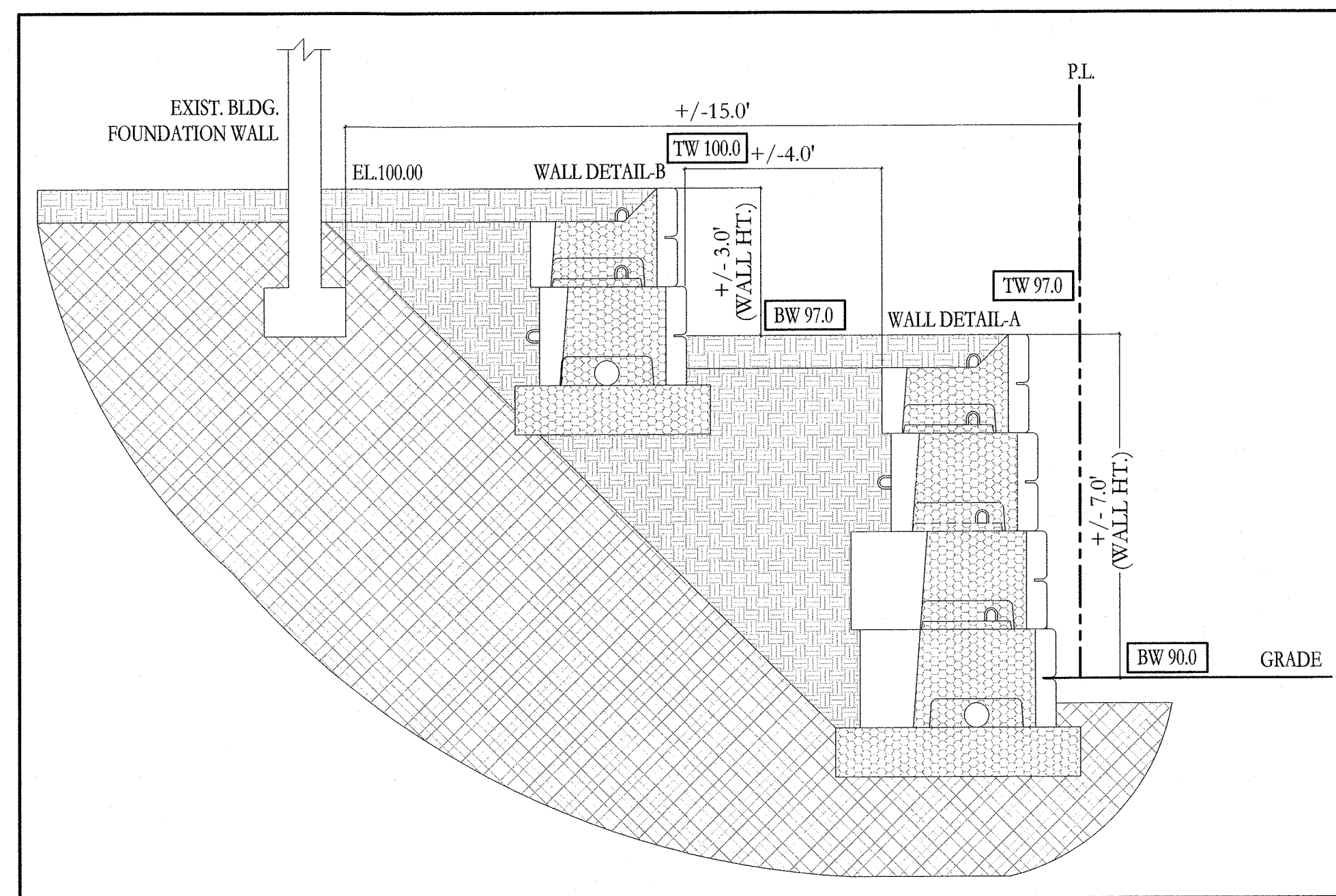
HYDROSTATIC: NONE - DRAINAGE PROVIDED

MINIMUM FACTORS OF SAFETY:

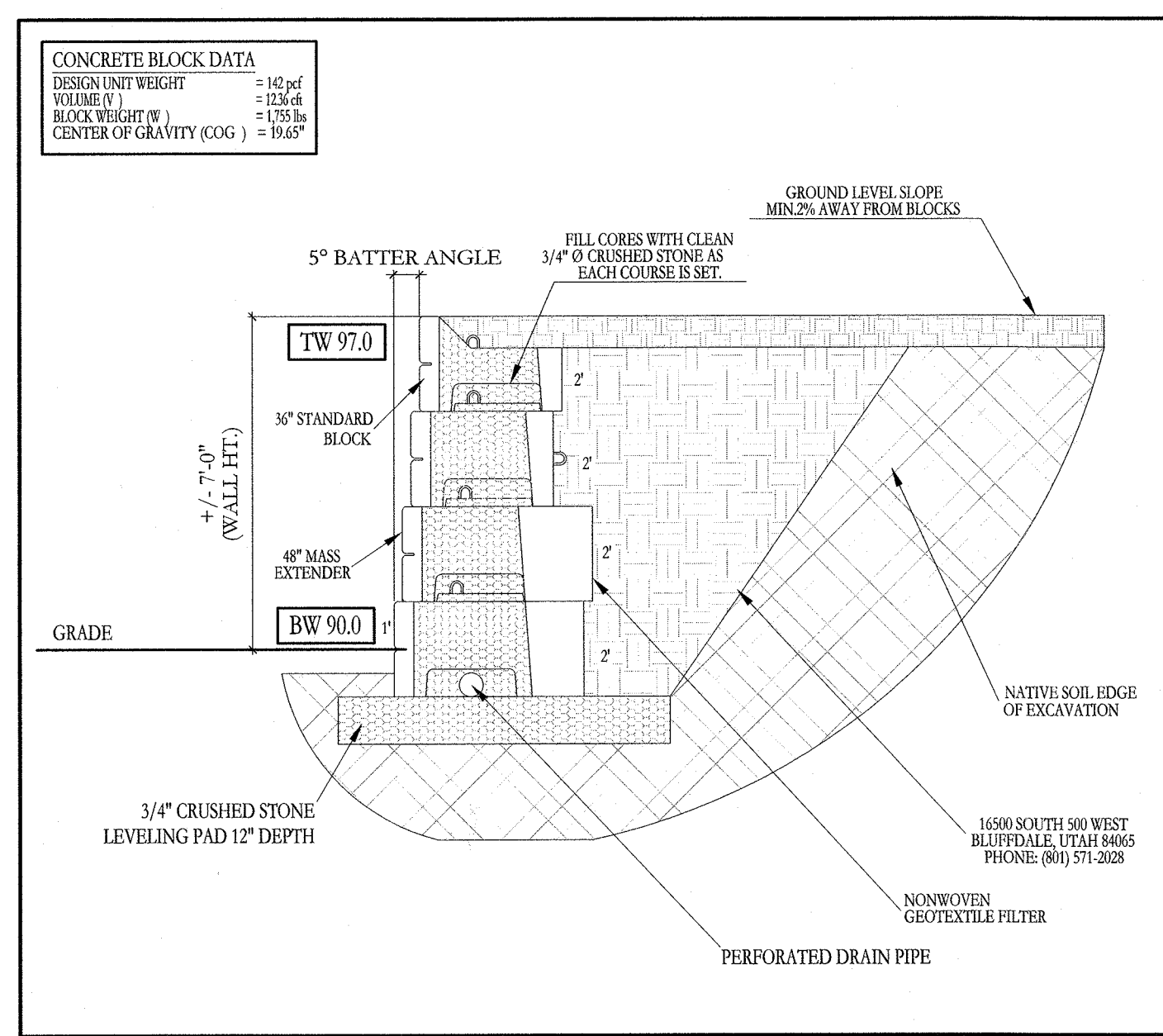
OVERTURNING	1.5
SLIDING (STATIC CONDITIONS)	1.5
BEARING CAPACITY	2.0



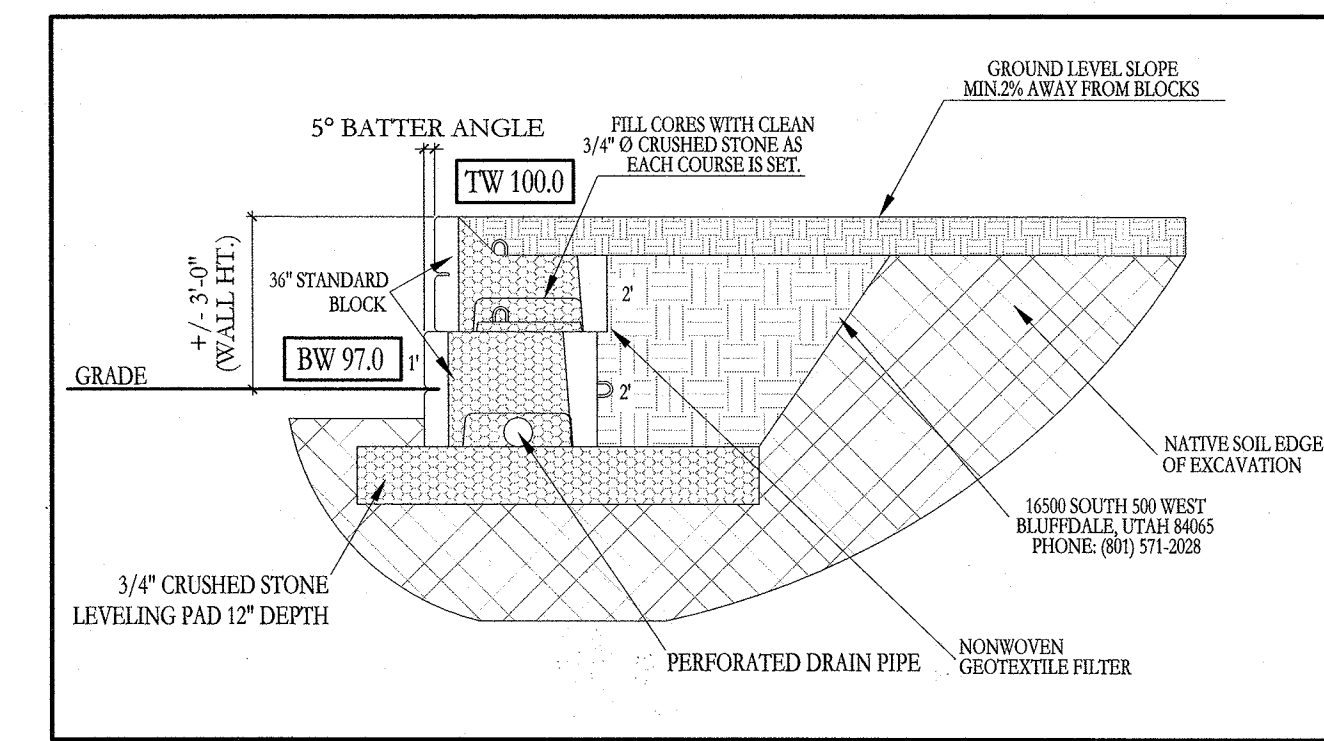
SITE PLAN DETAIL
SCALE: 1"=20'-0"



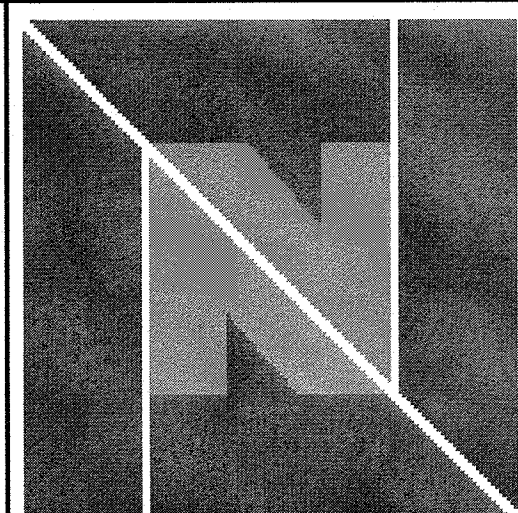
WALL DETAIL
SCALE: N.T.S.



WALL DETAIL-A (LOWER BASE WALL)
SCALE: N.T.S.



WALL DETAIL-B (UPPER WALL)
SCALE: N.T.S.



NEWPORT PROFESSIONAL ENGINEERING, PC
71 W. MAIN STREET, SUITE 5
OYSTER BAY, N.Y. 11771
(T) 516-922-2672 (F) 516-922-2686
WWW.NEWPORTPE.COM

DRAWING ALTERATION
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED ARCHITECT, PROFESSIONAL ENGINEER, OR LAND SURVEYOR TO ALTER ANY ITEM ON THIS DOCUMENT IN ANY WAY.
ANY LICENSEE WHO ALTERS THIS DOCUMENT IS REQUIRED BY LAW TO AFFIX HIS OR HER SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE AND SPECIFIC DESCRIPTION OF THE ALTERATIONS.

No.	Revision:	Date:

CORPORATE SEAL



ENGINEER SEAL



NICHOLAS J. DESANTIS PE

OWNER:

PROJECT LOCATION:

MALIN
11 PRESTON AVE

PROJECT:
REPLACEMENT RETAINING WALL ASSEMBLIES

DRAWING TITLE:

PLANS & DETAILS

DRAWN BY: AP
CHECKED BY: ND
PROJECT NO.: 20-999 SCALE: AS NOTED
DATE: 09.08.2020 SHEET NO. 1 OF 2

C.100.00

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VILLAGE OF SEA CLAY, NY
JAN 21 2021
BUILDING DEPARTMENT



VILLAGE OF SEA CLIFF, NY
JAN 21 2021
BUILDING DEPARTMENT

BRYANT JOHN
OR CURRENT OWMER
64 LAUREL AVE
SEA CLIFF, NEW YORK 11579

BUCCOLA CHRISTIAN & BARBARA
OR CURRENT OWMER
22 HIGHLAND AVE
SEA CLIFF, NEW YORK 11579

MC MURPHY J MICHAEL
OR CURRENT OWMER
68 LAUREL AVE
SEA CLIFF, NEW YORK 11579

TISCHER DAVID JOHN &
OR CURRENT OWMER
3 PORTER PL
SEA CLIFF, NEW YORK 11579

~~BLAKE NANCY JANE
OR CURRENT OWMER
LAUREL AVE
SEA CLIFF, NEW YORK 11579~~

NAKUTAVICIUS ERIK & TARA
OR CURRENT OWMER
9 PRESTON AVE
SEA CLIFF, NEW YORK 11579

MATANO RICHARD & AULICINO JILL
OR CURRENT OWMER
75 HIGHLAND AVE
SEA CLIFF, NEW YORK 11579

~~MALIN GARY & RACHEL
OR CURRENT OWMER
PRESTON AVE
SEA CLIFF, NEW YORK 11579~~

SPINA SALVATORE & LISA
OR CURRENT OWMER
58 LAUREL AVE
SEA CLIFF, NEW YORK 11579

~~MALIN GARY & RACHEL
OR CURRENT OWMER
11 PRESTON AVE
SEA CLIFF, NEW YORK 11579~~

GARVEY JULIUS & CONSTANCE
OR CURRENT OWMER
15 PRESTON AVE
SEA CLIFF, NEW YORK 11579

~~WALDRON RACHEL & ART MICHAEL
OR CURRENT OWMER
10 PRESTON AVE
SEA CLIFF, NEW YORK 11579~~

BLAKE NANCY JANE
OR CURRENT OWMER
74 LAUREL AVE
SEA CLIFF, NEW YORK 11579

~~LENNON JOHN & MARIANNE
OR CURRENT OWMER
5 PORTER PL
SEA CLIFF, NEW YORK 11579~~

Malin -
11 Preston Ave

Christopher Marks

Adam + Patricia Weiss



PP
1,550
MC CLERK

B51
4

SEC. 21 ✓
BK 189
LOTS
19421

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the ^{as of the} 23 day of January, 2014

BETWEEN

JOSEPH R. FICHTL and ELAINE M. FICHTL, his wife residing at
8 Foxwood Path, Laitingtown, New York 11580

party of the first part, and

GARY MALIN and RACHEL MALIN, his wife residing at
675 Bryant Avenue, Roslyn Harbor, New York 11576

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten (\$10.00) Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with buildings and improvements thereon erected, situate, lying and being in the Village of Sea Cliff, County of Nassau, and State of New York bounded and described as follows:

SEE SCHEDULE "A" ATTACHED

BEING the same premises conveyed to the party of the first part by deed made by Lori E. Papas, dated August 14, 2013, recorded August 20, 2013 in the Nassau County Clerk's office in Liber 12880 at Page 306.

SAID premises also know and described as 11 Preston Avenue, Sea Cliff, New York 11579, Section 21, Block 189 Lot 19.

TOGETHER with all right, title and interest, if any, of the party of the first part, in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances, and also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid. AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:




JOSEPH R. FICHTL


ELAINE M. FICHTL

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE IN NEW YORK STATE

State of New York, County of **MASSAU**

ss: State of New York, County of **MASSAU**

ss:

On the 17th day of January, in the year 2014 before me, the undersigned, personally appeared **JOSEPH R. FICHTL** personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

On the 17th day of January, in the year 2014 before me, the undersigned, personally appeared **ELAINE M. FICHTL** personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

(signature and office of individual taking acknowledgment)

JAMES L. DUNNE
Notary Public, State of New York
No. 02208116779
Qualified in Nassau County
Commission Expires October 12, 20 **16**

JAMES L. DUNNE
Notary Public, State of New York
No. 02208116779
Qualified in Nassau County
Commission Expires October 12, 20 **16**

TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE

State of _____, County of _____

ss:

On the _____ day of _____ in the year 2012, before me, the undersigned, personally appeared _____

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the _____

(insert the City or other political subdivision) ⁱⁿ (and insert the State or Country or other place the acknowledgment was taken)

(signature and office of individual taking acknowledgment)

BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. **SKY-6239-N**

SECTION 21
BLOCK 1890
LOT 19 & 21
COUNTY OR TOWN Nassau County, New York
STREET ADDRESS 11 Preston Avenue
Sea Cliff, NY 11579

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
JOSEPH R. FICHTL and ELAINE M. FICHTL
TO
GARY MALIN and RACHEL MALIN

Recorded at Request of
*Kensington Vanguard National Land Services as agent for
Fidelity National Title Insurance Company*

RETURN BY MAIL TO:
PETER GRAUBARD, ESQ.
GRAUBARD & ASSOCIATES, P.C.
65 WEST 36TH STREET
9TH FLOOR
NEW YORK, NY 10018

IS SPACE FOR USE OF RECORDING OFFICE

Schedule A Description

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Sea Cliff, Town of Oyster Bay, County of Nassau and State of New York, as shown on a certain map entitled, "Map of Property belonging to C.A. Porter, situate in Sea Cliff, Nassau County, New York, May, 1922" and filed in the Office of the Clerk of the County of Nassau at Mineola, N. Y., May 29, 1922, as map No. 513, more particularly bounded and described as follows:

BEGINNING at a point in the Westerly side of Preston Avenue, which point is distant 194.78 feet southerly from the corner formed by the intersection of the Westerly side of Preston Avenue, with the Southerly side of Laurel Avenue;

RUNNING THENCE South 74° 02' 00" West 168.07 feet;

THENCE North 15° 58' 00" West 39.80 feet;

THENCE South 71° 26' 30" West, 15.45 feet;

THENCE South 15° 58' 00" East, 151.35 feet;

THENCE North 71° 45' 00" East, 15.45 feet;

THENCE North 15° 58' 00" West, 21.63 feet;

THENCE North 74° 02' 00" East, 126.49 feet to the Westerly side of Preston Avenue;

THENCE along the Westerly side of Preston Avenue, North 8° 50' 00" East, 99.14 feet to the point or place of BEGINNING.

igerrity@seacliff-ny.gov

From: bryantiques@aol.com
Sent: Friday, February 5, 2021 7:25 PM
To: planningboard@seacliff-ny.gov
Subject: Comments Malin/11 Preston Ave. retaining wall for 2/10/21 meeting from John Bryant
Attachments: Statement John Bryant.pdf; Timeline John Bryant 64 Laurel Ave.pdf

I would like the attached documents submitted for review by the Planning Board at the meeting February 10, 2021. The comments/information is for the Malin - 11 Preston Ave retaining wall application. If there is any problem with the format or presentation, please let me know. I appreciate the opportunity to present my view of the project. Thank you.

**John W. Bryant
64 Laurel Avenue
Sea Cliff
646 651 3278**

built 1923, the "KAY" house

Application Gary Malin, 11 Preston Avenue

The original 2001 retaining wall was thoroughly reviewed by the Sea Cliff Planning Board. At that time the Planning committee determined that a code specific terraced configuration was appropriate to the site and would prevent undue hardship to the neighbors. That 48" height restriction is current in the 2020 code and universally used in Sea Cliff.

I have included several photos of terraced walls in use Sea Cliff: "Terraced 1-4."

The garden at 64 Laurel Avenue is a source of pride and my place of sanctuary. 25 years invested, countless hours and the first recognized Heritage Tree in Sea Cliff is the result. On August 4, 2020 when the wall collapsed 40% of my sanctuary was irreplaceably destroyed. Due to no fault of my own 16 valuable specimen plants along with my privacy was gone in seconds.

Numerous visits to Village Hall, telephone calls and site visits began for me on August 13, 2020. My one concern throughout is that the replacement wall retains the same height and meet the code as approved by the Planning Board. That code with it's 48" height restriction for retaining walls remains current in 2021. Throughout this process I have been ignored, brushed aside and misled. Even after meeting with the Village building inspector and expressing my concern with the height, I was NOT told that plans show a finished height of 96." Detailed plans that are required to be on file were unavailable for my review until January of this year. Only until my written complaint was filed was, I acknowledged. Even after my complaint, work continued as if nothing had changed.

I have included an excerpt from the Sea Cliff Village code. "Sea Cliff Retaining Wall code excerpt"

The argument that 11 Preston Ave. is in imminent danger of collapse is being used to push this project through without the proper review. The house at 11 Preston Ave. will not collapse nor its pool destroyed. The slope is stable with the addition of pilings and new support structure.

My request is simple. That the great wall adheres to the accepted code with the 48" height restriction. Please do not sentence me to life with this prison wall. I formally request that the board make a quick site visit to see this project from my perspective.

Thank you.

John W. Bryant

64 Laurel Avenue

Sea Cliff, NY 11579

646 651 3278

Built 1923 the "KAY" house

Application Gary Malin, 11 Preston Avenue

8/4/20 ~Wall collapse & 5 trees down onto property at 64 Laurel Ave

~Mr. & Mrs. Malin came to 64 Laurel Ave and said largest tree was mine.

~ALL trees belong to 11 Preston Ave.

8/5/20 ~Info shared about CHUBB insurance coverage for 11 Preston Ave.

8/12/20 ~Mr. Malin shared that incident was an act of god and I should contact my insurance company.

~Aspen tree site visit for estimate of cleanup.

~Heavy rainfall results in further collapse and erosion onto my property.

8/13/20 ~I reported the wall collapse to Sea Cliff Village Hall.

8/14/20 ~Mrs. Malin & CHUBB insurance adjuster made a site visit to 64 Laurel Ave.

8/16/20 ~Alex tree site visit for estimate on cleanup

8/17/20 ~Cleanup work began from 11 Preston Ave.

8/30/20 ~Large tree removed and excavation begins.

9/6/20 ~First large blocks laid

9/8/20 ~Work stalled with no explanation. Site left with no effort to stop erosion onto 64 Laurel Ave. property

9/9/20 ~Engineer on site discussed removal & replacement of remaining west wall with 68 Laurel Ave.

10/13/20 ~Wall behind 64 Laurel Ave reaches 108" in height

~Visit to Sea Cliff Village Hall to express my concerns about height and terraced configuration

~No detailed plans of construction in folder on 11 Preston Ave

10/14/20 ~Site visit to 64 Laurel Ave with Shane, Engineer, Contractor, myself & owner of 68 Laurel Ave.

~I was assured by all that the wall would not exceed the height of the original and would be terraced as original

~Informed contractor that their machinery must be removed from 64 Laurel Ave because of liability issue

~2 rows of blocks or 48" removed to return wall to original height

10/19/20 ~Contractor offered a \$5,000.00 bond which I did not accept

~Machinery removed from 64 Laurel Ave.

on about

10/21/20 ~48" of blocks put back onto east end of wall to bring it to 98" height

on about

10/22/20 ~12/9/20 Removal & replacement of west end of wall

~During this time the wall behind 64 Laurel remained at the 48" height

1/6/21 ~48" of height added across entire length of retaining wall bringing it to 96"

~Written complaint submitted in person to Sea Cliff Village Hall

~Still no detailed plans for me to review in folder on 11 Preston Ave.

1/8/21 ~In person visit to Sea Cliff Village Hall

~Still no detailed plans available for my review

~Work continues full speed ahead

jgerrity@seacliff-ny.gov

From: bryantiques@aol.com
Sent: Friday, February 5, 2021 7:28 PM
To: planningboard@seacliff-ny.gov
Subject: Comments Malin/11 Preston Ave. retaining wall for 2/10/21 meeting from John Bryant
Attachments: Terrace 1.JPG; Terrace 2.JPG; Terrace 3.JPG

I would like the attached documents submitted for review by the Planning Board at the meeting February 10, 2021. The comments/information is for the Malin - 11 Preston Ave retaining wall application. If there is any problem with the format or presentation, please let me know. I appreciate the opportunity to present my view of the project. Thank you.

John W. Bryant
64 Laurel Avenue
Sea Cliff
646 651 3278

built 1923, the "KAY" house







jgerrity@seacliff-ny.gov

From: Michael McMurphy <jtmcmurphy@gmail.com>
Sent: Monday, February 8, 2021 1:03 PM
To: planningboard@seacliff-ny.gov
Subject: 11 Preston Avenue application
Attachments: 11 Preston Retaining Wall Timeline - McMurphy.pptx; Letter to Sea Cliff Planning Board.pdf; New retaining wall.JPG; Full view.jpg; Retaining wall corner.jpg

Dear Planning Board members,

Please find attached letter, timeline, and photos pertaining to this application.

I look forward to due consideration on February 10 review.

Thank you,
Mike

J. Michael McMurphy
+1.917.837.4444

McMurphy Residence 68 Laurel Avenue

Informed Mrs. Malin at 11 Preston that mason recommended removing trees on top of their retaining wall above 68 Laurel Avenue. Trees have pushed out some of the top blocks and could further damage wall. Mrs. Malin said she would have gardener review.

Sent Aspen Tree Service estimate of \$1400 to Mrs. Malin.

Notified Mrs. Malin that trees had been removed.

Sent text to Mrs. Malin that we were fortunate that the trees above 68 Laurel had been removed earlier in the year. 68 Laurel Wall was not damaged by storm.

Participated in another discussion with Building Dept, Scobbo Contractor, Newport Engineering and 64 Laurel that wall would not exceed original height and would be terraced.

Discovered wall now exceeded agreed height. Spoke to foreman (Tim) and he told me to contact contractor. Spoke to Frank Scobbo but work did not stop and filed formal complaint with Village and Building Department.

Detailed 11 Preston plans were forwarded by Building Department. Plans indicated that current replacement wall of five blocks exceeded the plan height of four blocks.

April'20

May

June

August

Sept.

Oct.

January'21

4/5/20

5/20/20

5/26/20

5/29/20

6/1/20

8/4/20

8/7/20

9/9/20

10/14/20

10/15/20 - 1/5/21

1/6/21

1/8/21

1/14/21

1/27/21

Planning Board 2/10/21

Texted Mrs. Malin that Aspen Tree service would quote on removing the trees. She asked if trees were dead and was I concerned. Only that trees were pushing out the retaining wall and wanted to avoid wall collapsing. Agreed we could split the cost since it was in our mutual interest.

Texted Mrs. Malin that Aspen would be coming on Monday, June 1. Received \$700, ½ payment.

High winds from Tropical Storm Isaias brought down trees on top of retaining wall above 64 Laurel Avenue and collapsed the wall.

Discussion with Chubb, engineer and contractor felt it best to replace the wall on both 64 and 68 Laurel Ave properties to avoid any future liability if 68 Laurel wall eventually collapsed. It had been agreed that the height of the new wall would not exceed that of the original wall

Work continued on rebuilding retaining wall above 68 Laurel according to mutual agreement

Went to Village Hall to review detailed plans but they were not in public folder.

Received notification of hearing concerning 11 Preston would be held before the Planning Board on Feb. 10.

**J. Michael McMurphy
68 Laurel Avenue
Sea Cliff, New York 11579**

February 8, 2021

To: Planning Board, Village of Sea Cliff

Re: Application of Gary Malin, 11 Preston Avenue

As you are aware, this project began following the Hurricane Isaias that blew through the area in August. The storm took down some trees on the adjacent property at 64 Laurel Avenue owned by John Bryant. When the trees fell, they also collapsed the retaining wall on Mr. Bryant's property which is the same wall that runs the width of our property behind our house on 68 Laurel. These trees were the same type that the Malins and we had removed above the retaining wall on the 68 Laurel Avenue side back in June 2020. I had informed the Malins in April that our mason had recommended removing the trees since they had already pushed out some upper blocks and could compromise the retaining wall.

Once the damage occurred to the wall on 64 Laurel, we discussed with the engineer, contractor and building department that the Malin's insurance company suggested rebuilding the wall on both 64 Laurel and 68 Laurel properties to avoid any further liability should the wall collapse on 68 Laurel. At this time (please see attached timeline), there was no damage to our retaining wall because of the storm and the fact we had removed the trees back in June. We agreed that it made sense for the wall to be rebuilt across both properties if the contractor maintained the same height as the previous wall. That was the understanding at the time although we never asked for that agreement to be put in writing. As good neighbors, we did not think it would be necessary but in hindsight we should have had made our agreement more explicit. I should note that this project was never put before the Planning Board for approval since the rebuilt wall would not be to code. (Note the plan in the Building department folder shows the wall at 7' which is not to code) That all being said, we were willing for the project to proceed as long as the wall did not exceed the original height and would be terraced as before.

The work continued cordially from October 2020 until the new year. It was on January 6 that I observed the contractor was no longer following the understanding we had. They had started to add an additional row of 2 ft blocks so now there was a stack of five 2ft blocks (10ft) versus the four as

J. Michael McMurphy
68 Laurel Avenue
Sea Cliff, New York 11579

shown in the plan. I spoke to both the contractor, Frank Scobbo and The Building Department Inspector, Shane Dommin that this was not acceptable and filed a complaint with the Village. I expected the work to stop until the dispute could be resolved but it did not. This application is the result of the complaints made and occurs well after a large percentage of the work has already been completed.

As far as I'm concerned, we would not be in this situation if the contractor had kept to our understanding but clearly the agreements were unreliable. I'd also like you to be aware that the rebuilding of the wall has already exceeded the applicant's request for an 8ft wall and there is no plan that accurately reflects the work being done. Beyond the lack of following the established procedures, I am now deeply concerned that should this project be allowed to remain as is, it will significantly devalue our property.

Thank you for consideration.

Sincerely,

J. Michael McMurphy

Attachments:

1. Timeline
2. Before photos of retaining wall and 68 Laurel backyard
3. Current photos of rebuilding retaining wall





