

MINUTES

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



November 9, 2011

Present: Chair Bruce Treiber
 Members Timothy Driscoll
 Nicholas Virgilio
 Superintendent
 Of Buildings Andrew Lawrence
 Village Attorney Brian Stolar

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

The Board opened the public hearing on the application of Barbara Topalian, Christian Berntsen and Andrew Lapinski for subdivision approval to subdivide property into two (2) residential dwelling lots and to erect a retaining wall in excess of the maximum height permitted under Village Code chapter 64. Premises are designated as Section 21, Block 154, Lots 561 and 562 and 579 and 580 on the Nassau County Land and Tax Map. During the hearing, applicants demonstrated that the proposed retaining walls would not exceed the maximum height permitted under the Village Code, and therefore did not require a permit from the Board. The Board closed the public hearing, and reserved decision.

The Board discussed the Topalian/Berntsen/Lapinski application. The Board noted that it previously consented to a coordinated environmental review process and to permit the Zoning Board of Appeals to serve as lead agency with respect to the environmental review of the proposed subdivision. On motion duly

made by the Chair, seconded by Mr. Driscoll, and adopted unanimously, the Board granted the applicants' request for a subdivision, subject to the following conditions:

1. The subdivision shall permit the division of the property, which previously became one parcel in accordance with the New York State merger doctrine and the Village Code, into two distinct building lots, each 4,800 square feet in area as depicted in the plans submitted with the application. One parcel shall be tax lots 579 and 580, and the second parcel shall be tax lots 561 and 562.
2. The applicants shall comply with any requirements imposed by the Nassau County Clerk's office in connection with the formalization of the subdivision of the 4 tax lots into 2 building parcels.
3. To the extent that any of the tax bills for tax lots 579 and 580 or 561 and 562 are combined with the other tax lots, the applicants shall be required to apply to the Nassau County Assessor's Office to provide for 2 building lots separated as provided in the subdivision map submitted with the application. Such application shall be made within 60 days of the filing of this determination with the Village Clerk.
4. The requirement of a park fee payment or dedication of park land to the Village is waived because the proposal only provides for the undoing of a merged property where the tax lots previously were recognized as separate properties.
5. Except as otherwise provided herein, the Board hereby waives the requirements of Village Code §A145-10;
6. The Board hereby waives the requirement of the filing of a bond by the applicants;
7. The Board hereby waives the plat filing requirements in accordance with Real Property Law §334-a and the Nassau County Charter §1610, and consents to the subdivision as depicted in the plans filed by the applicants in support of this application.
8. Within 90 days after the adoption of this approval and the filing thereof with the Village Clerk, if required by the County Clerk to reflect the subdivision, the applicants shall file deeds for the newly created parcels, as created by this application, with the Nassau County Clerk's office, and provide a copy of the deeds and proof of recording to the Village within 15 days thereafter (no later than 105 days after the adoption and filing with the Village Clerk of this approval).
9. This approval does not include an approval of the proposed development of any structure on the newly created parcel. Any such proposal first must seek and obtain site plan approval in accordance with the site plan requirements in the Village Code.

10. Should the applicants fail to comply with the timeframes provided for herein, the applicants may make written application to the Board to permit an extension of the time period in which to complete the aforesaid actions. Such determination shall not be subject to a new public hearing, and may be made at any meeting of the Board.

There being no further business, the Chair closed the meeting at

8:55 pm.

