

MINUTES

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

September 9, 2015

Present:	Members	Timothy Driscoll Dr. Nicholas Virgilio Ed Camiolo
	Alternate Member Village Attorney	Vincent LaManna Brian S. Stolar, Esq.

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

In the absence of the Chair, on motion duly made by Mr. Camiolo, seconded by Mr. Driscoll, and adopted unanimously, the Board designated Dr. Virgilio to serve as Acting Chair.

The Board advised that Robin Rossi, as manager of United Home Associates LLC requested an adjournment of the public hearing on the site plan application for 64 Glenlawn Avenue. Based on that request, the Board adjourned the public hearing on the application of Robin Rossi, as manager of United Home Associates LLC to October 14, 2015 at 7:30pm.

The Board opened the continued public hearing on the application of Frank Scavone, 88 Prospect Avenue, Sea Cliff, New York for site plan approval to construct a dwelling and site improvements on the property, and for a special permit to construct a retaining wall in excess of four (4) feet in height. Premises are designated as Section 21, Block F, Lot 1945 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 Nicholas Sudano, 40 Carpenter Avenue, Sea Cliff, New York for a special permit pursuant to Village Code §64-3 to construct retaining walls in excess of four (4) feet in height. Premises are designated as Section 21, Block 90, Lot 214 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 Christine Hughes, 120 Sea Cliff Avenue, Sea Cliff, New York for a special permit pursuant to Village Code §64-3 to construct a fence in excess of four (4) feet in height. Premises are designated as Section 21, Block 114, Lot 212 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 Ingrid Larson and James Underwood, 80 15th Avenue, Sea Cliff, New York for site plan approval to construct a new driveway and curb cut. Premises are designated as Section 21, Block 148, Lot 675 on the Nassau County Land and Tax Map. The applicants advised the Board that the driveway would be flat and made of gravel. The applicants further advised that the end of the driveway would be a stone material constructed in a manner so as to prevent the gravel from traveling into the public street. The Board closed the hearing, and reserved decision.

The Board discussed the Scavone application. On motion duly made by Mr. Driscoll, seconded by Mr. LaManna, and adopted unanimously, the Board granted the application in accordance with the decision annexed hereto.

The Board discussed the Sudano application. On motion duly made by Mr. Camiolo, 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 a special permit subject to the following conditions: (a) the retaining walls shall be constructed in the locations depicted and materials proposed in the plans submitted with the application; (b) a final survey depicting the location of the walls 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) applicant shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this approval; (d) the 14 inch oak tree identified in the original plans as being removed shall be retained (as reflected in the topographical survey filed with the application); 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.

The Board discussed the Hughes application. On motion duly made by Mr. LaManna, seconded by Mr. Driscoll, and adopted unanimously, the Board determined that the application is a Type II matter under SEQRA and granted the application subject to the following conditions: (a) the fencing shall be constructed in the locations depicted in the plans submitted with the application; (b) 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; (c) applicant

shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this approval; and (d) within the timeframe provided in Village Code §138-1304(A), applicant shall complete the work and obtain all certificates necessary for the work.

The Board discussed the Larson/Underwood application. On motion duly made by Mr. Camiolo, seconded by Mr. LaManna, and adopted unanimously, the Board determined that the application is a Type II matter under SEQRA and granted the application subject to the following conditions: (a) the driveway shall be constructed in the locations depicted in the plans submitted with the application, and shall be constructed with materials shown on the plans and as determined acceptable by the building department; (b) the driveway shall not be pitched towards the street; (c) any structures constructed to support the driveway shall comply with the Village Code; (d) a final survey depicting the location of the driveway and curb cut shall be filed with the Village building department for review in accordance with this approval; (e) there shall be no regrading of the property, except as provided in the aforesaid plans; (f) any storm drainage facilities deemed necessary by the Superintendent of Buildings shall comply with applicable state, county and village laws and regulations. The drainage system shall comply with all applicable laws and regulations and shall contain all stormwater on-site. Such system must be approved by the Superintendent of Buildings and shall be placed in a location and manner acceptable to the Superintendent of Buildings; (g) applicant shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this

approval; and (h) within the timeframe provided in Village Code §138-1304(A), applicants shall complete the work and obtain all certificates necessary for the work.

There being no further business, the chair closed the meeting at 8:05pm.

-----X
In the Matter of the Application of

Frank Scavone

To construct a dwelling and site improvements, which work requires site plan approval pursuant to Village Code Chapter 107, and for a permit pursuant to Village Code Chapter 64 to construct a retaining wall in excess of four (4) feet in height, at Premises located at 88 Prospect Avenue, and designated as Section 21, Block F, Lots 1945, 1946 and 1971 on the Nassau County Land and Tax Map.

-----X

RESOLVED, upon consideration of the evidence presented at the public hearing held by the Planning Board (the "Board"), all proceedings had herein, all documentation submitted to the Board, following the personal inspection of the subject property by the Board members, and after due deliberation, the Board makes the following findings of fact and decision:

1. This is an application by Frank Scavone, owner of property located at 88 Prospect Avenue, Sea Cliff, New York and designated on the Nassau County

Land and Tax Map as Section 21, Block F, Lot 1945 (the "Subject Premises"), to construct a new dwelling and site improvements, which construction requires site plan approval pursuant to Village Code chapter 107, and for a permit pursuant to Village Code chapter 64 to construct a retaining wall in excess of four (4) feet in height.

2. The Subject Premises has frontage on Prospect Avenue and Cliff Way. While in the process of renovating an existing dwelling at the Subject Premises, the house was damaged by a fire. The applicant has demolished that

house and proposes to construct a new house at the Subject Premises, which new dwelling will be approximately 10 feet west of the demolished home. The applicant proposes to utilize the existing curb cuts and extend the easterly portion of the driveway to accommodate 2 vehicles. In addition, the applicant proposes a new stone patio adjoining the lower level of the house and immediately north (and approximately 9 feet below) of the new portion of the driveway. There will be a retaining wall between the driveway and the patio, which wall will be approximately nine (9) feet in height from the perspective of the patio. There will be two air conditioner condenser units and an electric generator along the easterly side of the proposed dwelling. All of these site improvements, and others, are detailed on the plan titled Site Plan & Zoning and prepared by James T. Carballal, Architect, drawing A-1, dated 8-18-15 and filed with the Village on September 2, 2015.

3. The application also includes a landscaping plan prepared by James T. Carballal, Architect, drawing A-11, dated 8-18-15 and filed with the Village on September 2, 2015 and a plan entitled Planting Notes, which plan details the trees to be removed and the new trees to be planted in place of the removed trees. As part of the application, the applicant also submitted construction sequencing and a general identification of erosion plans and traffic control measures.

4. The Subject Premises is located on a cliff. The southerly frontage along Prospect Avenue begins at a height above sea level of approximately 126

feet and progresses downward generally towards Cliff Way where the height is approximately 70 feet above sea level.

5. After reviewing the application documents , receiving and considering testimony , and inspecting the Subject Premises and the surrounding neighborhood, the Board previously declared itself to be the lead agency with respect to this application under the State Environmental Quality Review Act (SEQRA) and determined that the proposed action requested under this application is a Type I Action under SEQRA and the Village Code and determined that the proposed construction would not be likely to have a significant impact on the environment. The Board referred the application to the Nassau County Planning Commission and the Planning Commission recommended that the Board take such action as it deems appropriate. Additionally, the applicant obtained from Nassau County Department of Public Works a waiver of application filing under General Municipal Law §239-f.

6. In rendering its determination , the Board has considered the testimony and the documentary evidence submitted with the application and at the public hearing, and has observed the neighborhood where the residence is proposed. The Board has reviewed the site plan application in accordance with the provisions of Chapter 107, including Section 107-5, and finds that the proposed Plan, as set forth in the various plans submitted with the application, including the plans identified above, subject to the conditions herein, complies with the criteria set forth therein. Accordingly, the Board grants site plan approval, subject to the following conditions:

- a. Except as otherwise provided herein, the construction and site improvements shall conform to the plans filed with the Village on September 2, 2015;
- b. The site preparation, staging, foundation installation, tree removal and preservation, shoring, and excavation shall conform to the plans filed with the Village on September 2, 2015;
- c. The trees to be preserved and the trees to be planted in place of the trees removed as a result of the construction shall conform to the Planting Notes submitted by the applicant;
- d. The plantings indicated in the landscape plan submitted to the Village on September 2, 2015 shall be planted and continuously maintained. The applicant shall provide for appropriate irrigation for such plantings, and the on-site retention of any such water produced by the irrigation system;
- e. The proposed retaining walls shall be placed in the locations, at the heights, and utilizing the construction materials indicated in the aforesaid plans. The construction of the retaining walls and foundations shall further substantially conform with the engineering plans prepared by Steven Capri, P.E., and filed with the Village on September 2, 2015,

and the proposed construction identified in the engineering plans shall be certified by the Mr. Capri to be in accordance with applicable engineering standards given the site location and the topography of the Subject Premises. Notwithstanding the approval of the retaining walls in the locations depicted on the plans, should the engineer for the applicant, during construction or demolition, certify in writing that the retaining walls depicted on the plans must be modified to provide for a secure foundation for the residence, then subject to written authorization from the Superintendent of Buildings, the applicant shall exclude the walls from the plans and replace with walls approved by the Superintendent of Buildings. Any such replacement walls shall be of the same material proposed in the plans;;

- f. the driveway area, including the new driveway area, shall conform to the proposed location, height and materials indicated in the approved plans;
- g. Notwithstanding that applicant shall conform all construction related activities to the plans as indicated in the aforesaid conditions, should applicant make any modifications to those plans, the modifications shall be permitted only if approved by the building department. In this regard, the building department may utilize the services of an independent

engineer retained by the Village to review the modifications and applicant shall bear the cost of any such service. All costs and expenses incurred by the Village in connection with work performed by the independent engineer shall be borne by applicant and shall be assessed by the Board of Trustees upon the subject premises. Applicant, upon being provided with written notice of the costs and expenses so incurred shall make payment to the Village. If applicant shall fail to pay such costs and expenses within 15 days of the giving of such notice, the Village Clerk shall thereupon notify the Village Assessor, who shall immediately fix and determine a special assessment against the subject premises in the amount of such costs and expenses, and present such assessment to the Board of Trustees for confirmation. A lien shall attach to the subject premises as of the time such assessment is confirmed, which lien shall have the same priority as a Village tax. Collection and cancellation of such special assessment shall be in accordance with the provisions of Village Law. In addition, except as necessitated by emergency circumstances (as determined by the Superintendent of Buildings) no inspections may take place or permits or certificates may issue until all such costs and expenses are paid;

- h. Removal of construction materials shall comply with all requirements of the building department, including the timing of such removal and the use of dumpsters and dump trucks. No such dumpsters or dump trucks shall be placed off-site;
- i. Construction equipment and materials shall be stored on-site only;
- j. Except as indicated in the approved plans, the applicant shall make no changes to the topography of the property;
- k. All lighting shall be placed in a location, and shielded as necessary, so as not to encroach onto adjoining properties or public roadways;
- l. The drainage system shall comply with all applicable laws and regulations and shall contain all storm-water on-site. Such system must be approved by the Superintendent of Buildings;
- m. The septic system shall comply with all applicable laws and regulations. Such system must be approved by the Superintendent of Buildings;
- n. Applicant shall obtain and submit to the Superintendent of Buildings certification from a qualified engineer confirming that (i) the construction of the foundation for the residence or the retaining walls, and (ii) the construction and utilization of

any staging areas will not create a hazard to any neighboring property or the public right-of-way;

- o. Applicant shall install erosion protections on the site to assure that there is no erosion of any materials onto neighboring properties or the public roadways. As this site has the potential for erosion due to topography and the potential for any such eroded materials to enter the waterway due to the proximity of the site to the shore, applicant shall be responsible to assure that such erosion protections shall remain working and functional throughout the construction and demolition period. Such protections shall be placed sufficiently distant from the most northerly improvement so as to assure that any excavation necessary to accommodate such improvement shall not erode any further than the 98 foot contour line. The erosion protection measures shall comply with the building department requirements for such measures;
- p. The applicant represents that he owns additional property on Fairview Place in the vicinity of the Subject Premises and that the Fairview Place property will be accessible to construction workers requiring a place to park. No vehicles associated with the construction shall be parked on Prospect Avenue or in a manner that obstructs the sidewalk area

adjoining the Subject Premises or Prospect Avenue. Parking of vehicles for all constructions shall be as directed by the building department;

- q. Deliveries of materials shall occur on-site and the delivery trucks shall not obstruct vehicular or pedestrian traffic on Prospect Avenue or the adjoining sidewalk area;
- r. Applicant shall be responsible for assuring on-site traffic control during construction and demolition. If a flagperson is determined by the building department to be necessary at various points of the construction, the applicant shall provide a flagperson;
- s. All construction or other on-site debris shall be contained in a covered container to assure that no such debris is blown or otherwise removed unintentionally from the site;
- t. The proposed air conditioner condenser units shall be baffled so that the dbA level at the adjoining property line shall not exceed 65 dbA between the hours of 7am and 10pm and 50 dbA between the hours of 10pm and 7am;
- u. Unless required due to an emergency situation, and a written authorization for such work is provided by the building department, construction shall occur only during hours permitted by the Village Code and any applicable Village regulations or directives of the building department;

- v. Prior to the issuance of a certificate of occupancy for the residence, applicant shall be required to repair any damage to curbing or roadways, if such damage is determined by the Village building department to have occurred to any construction activity relating to the construction and demolition of the site;
- w. The Planting Notes depict a walkway behind the patio, but the applicant has advised that no such walkway is proposed and the approval herein does not authorize such a walkway ;
- x. Applicant proposes to locate the electrical service underneath Prospect Avenue . The applicant requires a road opening permit from Nassau County to perform such work. This approval is subject to the applicant obtaining such authorization . If Nassau County denies the authorization for such work , upon providing the building department with a copy of the written denial, the applicant may provide for aboveground electrical service.