

MINUTES

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

February 12, 2013

Present: Chair	Bruce Treiber
Members	Laurie Martone Nicholas Virgilio Timothy Driscoll Edward Camiolo
Alternate Member	Edward Lieberman
Village Attorney	Brian Stolar

The meeting was called to order at 8:05 pm.

Alternate member Lieberman was present for the hearings, but did not participate in the discussions or deliberations.

The Board opened the public hearing on the application of Robert and Irene Kenney, 18 17<sup>th</sup> Avenue, Sea Cliff, New York for site plan approval to enlarge a driveway. Premises are designated as Section 21, Block 157, Lot 569 on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board opened the continued public hearing on the application of Arlyn Dimatulac, 69 The Boulevard, Sea Cliff, New York to demolish an existing residence, erect a new residence and construct a driveway, which work requires site plan approval pursuant to Village Code chapter 107. Premises are designated as Section 21, Block 197, Lots 8, 17, and 233 on the Nassau County Land and Tax Map. The Board noted that it only received the soil sample tests

and that the engineer's report addressing the proposed retaining walls also was received recently. The Board continued the public hearing to March 13, 2013 at 8:00pm.

The Board took a break at 9:10pm, and reconvened at 9:16pm.

The Board opened the continued public hearing on the application of Douglas and Karin Barnaby, 404 Littleworth Lane, Sea Cliff, New York to subdivide premises currently containing a two family residence into four lots, consisting of two new lots to be used for single family dwelling purposes, a continuation of the existing two family residence and a roadway projecting eastward from Willow Shore Avenue. The applicants also seek approval to waive provisions of Village Code Chapter A145 with respect to the subdivision and the roadway. Premises are designated as Section 21, Block L01, Lot 306 on the Nassau County Land and Tax Map. The Board addressed the environmental aspects of the application. The applicants stated that they were in the process of completing an archaeological phase 1 study and would provide that study to the Board upon its issuance by the archaeologist retained by the applicants. The Board continued the public hearing to March 13, 2013.

The Board discussed the Kenney application. On motion duly made by the Chair, seconded by Dr. Virgilio, and adopted unanimously, the Board determined that the Kenney application for site plan approval 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 driveway 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; and (d) 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 environmental aspects of the Barnaby application. The Board noted that a lead agency coordination letter had been sent to interested agencies at the Board's request, and that the responses from those agencies indicated that each agency found it acceptable for the Board to serve as lead agency. On motion duly made by the Chair, seconded by Ms. Martone, and adopted unanimously, the Board declared itself to be the lead agency for purposes of environmental review under SEQRA. The Board discussed the SEQRA timeframes applicable to the application. As the applicants will be submitting additional documents related to environmental review, including documents relating to the potentiality of cultural and/or archaeological resources at the property, the Board did not have sufficient information to render a final determination of significance. For that same reason, the Board noted that the timeframe to render a determination of environmental significance has not yet commenced.

The Board discussed the Anray application on which a public hearing was held. Ms. Martone did not participate in that discussion. Alternate Member Lieberman participated in the discussion. No action was taken by the Board.

Ms. Martone returned to the Board and participated in the remainder of the meeting and the items discussed. Mr. Lieberman remained present during the remaining discussions, but did not participate in any votes.

The Board discussed the January 16, 2013 minutes of the Board and the annexed resolution approving the Canarick application. The applicant had requested that certain modifications be made to the resolution. On motion duly made by Dr. Virgilio, seconded by the Chair, and adopted unanimously, the Board approved the January 16, 2013 minutes and the Canarick resolution, as amended. A copy of the amended resolution is annexed to these minutes.

The Board discussed rules and procedures related to the submission of documents to the Board. In an effort to make the process more efficient, the Board directed counsel to draft proposed rules amendments related to procedures for submission of documents.

There being no further business, the Chair closed the meeting at 11:20 pm.

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PLANNING BOARD  
VILLAGE OF SEA CLIFF

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In the Matter of the Application of

PAUL CANARICK

For preliminary 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 preliminary 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 11-28-12 (the “Preliminary Map”); 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 14, 2012 and December 5, 2012; 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 Paul Canarick for preliminary approval of the Preliminary Map submitted with the application is hereby approved, subject to the following conditions:

1. Within six (6) months of the filing of this preliminary 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 preliminary approval shall lapse automatically.

2. No building permit shall issue until applicant obtains final subdivision approval and site plan approval for each parcel and complies with all

requirements herein, the Village Code and all requirements of any Village department.

3. The final plat shall depict available access to the two parcels.
4. Prior to submission of the final plat for signature by the Planning Board Chair, the applicant shall obtain the following certifications and consents, each of which shall be set forth on the final plat:
  - a. Certification from a licensed land surveyor providing the statement required in Village Code A145-10(A)(3)(I);
  - b. Certification from the Village Treasurer that all taxes have been paid;
  - c. Certification from the Village Clerk that all fees and deposits required by the Village Code and preliminary and final subdivision approval have been paid;
  - d. Title company certification showing the area of the final map to be free and clear of all liens, encumbrances and easements, other than public utility easements and existing mortgages, and including a certification as to the ownership of the land covered by the Preliminary Map, and the applicant is the proper party to be executing the instruments required pursuant to this resolution; and
  - e. Consents by any and all mortgagees to the filing of the final map.

5. Applicant shall submit with the proposed final plat a “letter of water availability” from the water company providing water service to the respective parcels.

6. As part of the site plan review process for the respective lots, applicant shall submit to the Planning Board for review all plans and documents required for such approval for each lot, including:

- a. Approval of the driveway as to sufficiency for access for emergency response and firefighting purposes from the fire and emergency services officials having jurisdiction over the respective parcels;
- b. Plans for drainage facilities;
- c. Plans for erosion and sediment control during construction;
- d. Landscaping plan;
- e. Storm water management plan;
- f. 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;
- g. 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 proposed. If there is no such fire hydrant, applicant shall install a fire hydrant and satisfactory water connections as approved by the Village Fire Department and building department;



- h. Approval of plans for sewage disposal shall be secured from the Village building department in accordance with Nassau County Department of Health regulations;
- i. Approval of the building department and/or Department of Public Works, as applicable, as to the grading, drainage, sewer, driveway and curbing; and
- j. The boundary lines of the lot must be staked out by a licensed land surveyor, and such staking shall remain in place during the site plan review process;

7. 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.

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

9. 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.

10. In accordance with Village Code A145-9(C) (2), the Preliminary Plat shall be modified to show the street utilized for the front of Parcel B.

11. The final plat shall comply with all requirements set forth in Village Code A145-9 and A145-10.

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

13. The closest fire hydrant shall be indicated on the final plat.

14. The final plat shall contain a notation that all utility lines shall be placed underground.

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