

MINUTES

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

January 13, 2016

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

The meeting was called to order at 7:33 pm.

The Board advised that no additional or new information has been submitted to the Board by 14 Bay Avenue Commons, LLC, and that the hearing would be continued to February 10, 2016 at 7:30pm. A resident submitted exhibits, which were marked as Interested Party exhibits 11, 12 and 13.

The Board opened the public hearing on the application of Tara and Erik Nakutavicius, 9 Preston Avenue, Sea Cliff, New York for a special permit pursuant to Village Code §64-3 to construct a retaining wall and fencing in excess of four (4) feet in height. Premises are designated as Section 21, Block 189, Lot 6 on the Nassau County Land and Tax Map. The Board requested that the applicants place string markings in the location of the fencing to depict the proposed finished height of the fencing. The applicants requested that the Board render a determination on the portion of the application relating to the retaining wall only to enable the applicants to protect the property. The Board determined that it would deliberate on the application relating only to retaining wall, and

continued the public hearing on the portion of the application relating to the fencing to February 10, 2016 at 7:30pm.

The Board opened the continued public hearing on the application of Robin Rossi, as manager of United Home Associates, LLC, for site plan approval to demolish an existing residence and construct a new residence and detached garage. Premises are located at 64 Glenlawn Avenue, Sea Cliff, New York and designated as Section 21, Block 188, Lot 23 on the Nassau County Land and Tax Map. Mrs. Martone recused herself from participation in this application and did not sit with the Board during the presentation. The Board closed the hearing, and reserved decision.

Mrs. Martone returned to participate with the Board.

The Board opened the public hearing on the application of Jason and Lisbel Wolner, 386 Carpenter Avenue, Sea Cliff, New York for site plan approval to construct a second story addition. Premises are designated as Section 21, Block 103, Lot 137 on the Nassau County Land and Tax Map. A neighbor provided comments relating to the application. The Board noted that it did not have jurisdiction on the application until the Zoning Board of Appeals renders a determination on the applicants' application for variances. The Board continued the public hearing to February 10, 2016 at 7:30pm.

The Board discussed the retaining wall portion of the Nakutavicius application. On motion duly made by Ms. Martone, seconded by Dr. Virgilio, and adopted unanimously, the Board determined that the application is a Type II matter under SEQRA and granted the application for a special permit for the

retaining wall at the height proposed in the plans and set forth during the hearing subject to the following conditions: (a) the retaining wall 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) applicants shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this approval; and (d) applicants shall complete the work and obtain all certificates necessary for the work within the timeframe provided in Village Code §138-1304(A).

The Board discussed the United Home Associates application. Mrs. Martone did not participate in the discussion. On motion duly made by the Chair, seconded by Mr. Driscoll, and four votes in favor and Mrs. Martone not participating, the Board granted the application in accordance with the decision annexed hereto.

There being no further business, the Chair closed the meeting at 9:06pm.

BRUCE TREIBER, CHAIR

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In the Matter of the Application of

Robin Rossi, as manager of United Home Associates, LLC

To demolish an existing residence and construct a new residence, detached garage and site improvements, which work requires site plan approval pursuant to Village Code Chapter 107, at Premises located at 64 Glenlawn Avenue, and designated as Section 21, Block 188, Lot 23 on the Nassau County Land and Tax Map.

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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 Robin Rossi, as manager of United Home Associates, LLC, owner of property located at 64 Glenlawn Avenue, Sea Cliff, New York and designated on the Nassau County Land and Tax Map as Section 21, Block 188, Lot 23 (the “Subject Premises”), to demolish an existing residence, and construct a new dwelling, one car detached garage and site improvements, which construction requires site plan approval pursuant to Village Code chapter 107.

2. The Subject Premises contains an existing residence, which residence is located towards the rear of the property. The applicant proposes to demolish the residence, construct a new residence closer to the front yard of the

Subject Premises (31 foot setback from the front of the proposed covered porch to the front property line). The applicant also proposes to expand the driveway in the area leading to the detached garage, construct a retaining wall along the south and west sides of the residence, and remove existing decorative walls along the north side of the Subject Premises. The applicant also proposes to install new drainage and sanitary systems and install air conditioning compressor units behind the residence and under a proposed rear yard deck. The applicant will install new electric lines underground from an electrical pole to the residence. The applicant also proposes to utilize gravel for the existing, and the new portions of, driveway, as well as plant and maintain a line of evergreen privet hedges between the driveway and southerly property line. All of these site improvements, and others, are detailed on the plans identified as Site Plan and Landscape Plan for 64 Glenlawn Ave., Sea Cliff, NY, prepared by Victor Cuneo Architect P.C., drawing S1.00, dated 9/20/15, last revised 11/30/15.

3. The Subject Premises has frontage on Glenlawn Avenue and has a downward slope from the northeast front corner towards the southwest portion of the Subject Premises. The rear portion of the Subject Premises, including the area proposed for the detached garage, has a reduced slope.

4. After reviewing the application documents, receiving and considering testimony, and inspecting the Subject Premises and the surrounding neighborhood, the Board determines that the application is a Type II application under SEQRA, and requires no further environmental review. Notice of the application was provided to the Nassau County Planning Commission, and the

Commission has not requested that the full application be referred to the Commission.

5. 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 dated 9/20/15, last revised 1/30/15, including drawing S1.00;
- b. The site preparation, staging, foundation installation, tree removal and preservation, shoring, and excavation shall comply with all applicable laws and regulations and shall be performed in accordance with plans approved by the building department;
- c. Applicant shall plant and maintain, for so long as this approval is in effect, a row of evergreen screening, in the form of hedges, at a planted height of not less than 4 feet tall, along the southerly property line in the locations

depicted in the plans as a line of new privet hedges. Such screening may be planted after the issuance of a certificate of occupancy, but in no event later than September 15, 2016. Failure to comply with this planting requirement shall render the Board's determination null and void;

- d. In addition to the trees depicted in the plans as preserved trees and the planting of evergreen screening along the southerly property line, the applicant shall plant and maintain, for as long as this approval is in effect, three (3) shade oak trees or equivalent, approximately equidistant, at a planted height of not less than 4 feet tall, between the proposed residence and the northerly side property line, approximately 5-6 feet from the side property line, and spaced so that the westernmost tree is centered approximately 10 feet from the rear building line, the middle tree is centered approximately 10 feet from the westernmost tree, and the third tree is centered approximately 10 feet east of the middle tree. The precise location and species of tree shall be subject to the approval of the building department;
- e. The plantings identified in this decision 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;

- f. The proposed retaining walls shall be placed in the locations, at the heights, and utilizing the construction materials indicated in the aforesaid plans;
- g. The driveway area, including the new driveway area, shall conform to the proposed location, height and materials indicated in the approved plans;
- h. 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;

- i. 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. 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;
- j. Construction equipment and materials shall be stored on-site only. Deliveries of materials shall occur on-site and the

delivery trucks shall not obstruct vehicular or pedestrian traffic on Glenlawn Avenue;

- k. Except as indicated in the approved plans, the applicant shall make no changes to the topography of the property;
- l. All lighting shall be placed in a location, and shielded as necessary, so as not to encroach onto adjoining properties or public roadways;
- m. 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;
- n. The septic system shall comply with all applicable laws and regulations. Such system must be approved by the Superintendent of Buildings;
- 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. The erosion

protection measures shall comply with the building department requirements for such measures;

- p. 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;
- q. 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;
- r. 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;
- s. 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;

- t. Applicant proposes to locate the electrical service connecting the residence to the electric pole along the southerly side property line. Should it be determined during construction that such underground wiring is not feasible, the applicant may, in writing, request that the Board permit the relocation of the wiring to an aboveground area, which determination may be made by the Board without requiring a new public hearing.
- u. The Board noted that there is a variation in the bottom wall height of the retaining walls as shown on the plans. That variation is approximately 3 inches. This differentiation shall be clarified in the plans submitted for a building permit, and the building department may approve modified plans so long as the bottom wall height is consistent and the height of the residence is no higher than proposed in the plans submitted with the application; and
- v. Applicant shall complete the work and obtain all certificates necessary for the work within the timeframe provided in Village Code §138-1304(A).

BRUCE TREIBER, CHAIR