

MINUTES

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

May 9, 2012

Present: Chair	Bruce Treiber
Members	Laurie Martone Timothy Driscoll Nicholas Virgilio Edward Camiolo
Alternate Member	Edward Lieberman (present, but did not participate)
Superintendent of Buildings	Andrew Lawrence
Village Attorney	Brian Stolar

The meeting was called to order at 8:03 pm.

The Board discussed the Yam application for a six foot high fence at 333 Carpenter Avenue. The applicants did not submit any additional documentation. The Board did not take any action on the application.

The Board opened the continued public hearing on the application of Marianna Kreatsoulas, 35 Hawthorne Road, Sea Cliff, New York to construct a second story addition, garage with habitable space and a six foot high fence, which require site plan approval pursuant to Village Code chapter 107 and a special permit pursuant to Village Code §64-3 to construct a six foot high fence. Premises are designated as Section 21, Block 31, Lot 28 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 Alan Geller, 16 Sheridan Lane, Sea Cliff, New York for a special permit pursuant to Village Code §64-3 to construct a six foot high bulkhead, and for site plan approval in accordance with Village Code chapter 107. Premises are designated as Section 21, Block F, Lot 1982 on the Nassau County Land and Tax Map. The Board noted that the application is a Type I matter under SEQRA, and that it must render an environmental determination. The Board closed the public hearing, and reserved decision.

The Board opened the public hearing on the application of Eli Elbaum and Maren Cardillo, 16 Elm Place, Sea Cliff, New York for a special permit pursuant to Village Code §64-3 to construct a six foot high fence. Premises are designated as Section 21, Block 172, Lot 450 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 Peter Vollmer, 19 Hawthorne Road, Sea Cliff, New York for a special permit pursuant to Village Code §64-3 to construct a six foot high fence. Premises are designated as Section 21, Block 48, Lot 215 on the Nassau County Land and Tax Map. The Board closed the public hearing, and reserved decision.

The Board opened the public hearing on the application of Allan Raymundo, 87 17th Avenue, Sea Cliff, New York for a special permit pursuant to Village Code §64-3 to construct a five foot high fence. Premises are designated as Section 21, Block 155, Lot 1 on the Nassau County Land and Tax Map. The Board closed the public hearing, and reserved decision.

The Board discussed the Kreatsoulas application. On motion duly made by the Chair, seconded by Ms. Martone, and adopted unanimously, the Board determined that the Kreatsoulas application is a Type II matter under SEQRA, that the Board is the lead agency and the application requires no further environmental review, and denied the application in accordance with the attached determination.

The Board discussed the environmental impacts of the Geller application. On motion duly made by Ms. Martone, seconded by Mr. Camiolo, and adopted unanimously, the Board adopted the following resolution:

RESOLVED, that the Board hereby finds and concludes:

- a. the proposed action is an Unlisted action under the State Environmental Quality Review Act and its regulations;
- b. the Board is the lead agency with respect to environmental review of this proposed action;
- c. the Board has considered the following factors in respect to its review of the environmental impacts of the proposed action:
 - i. whether the proposed action would result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, or any substantial increase in solid waste production, or create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
 - ii. whether the proposed action would result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;
 - iii. whether the proposed action would impair the environmental characteristics of any Critical Environmental Area;
 - iv. whether the proposed action would conflict with the community's current plans or goals as officially approved or adopted;

- v. whether the proposed action would impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
 - vi. whether the proposed action would result in a major change in the use of either the quantity or type of energy;
 - vii. whether the proposed action would create a hazard to human health;
 - viii. whether the proposed action would create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or its capacity to support existing uses;
 - ix. whether the proposed action would encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
 - x. whether the proposed action would create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when considered together would result in a substantial adverse impact on the environment;
 - xi. whether the proposed action would create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
 - xii. whether the proposed action would result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
- d. the proposed action would not have a significant adverse environmental impact; and no further environmental review is required with respect to the proposed action.

The Board discussed the Elbaum/Cardillo application. On motion duly made by Mr. Driscoll, seconded by Dr. Virgilio, and adopted unanimously, the Board determined that the Elbaum/Cardillo application to construct a six foot high fence 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 approved fence shall be in

the same style, material and location as depicted on the plans in support of the application; (b) no portion of the fence shall extend into any neighboring property or the public right-of-way, (c) 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; (d) the applicants shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this approval; 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 Vollmer application. On motion duly made by Mr. Driscoll, seconded by Mr. Camiolo, and adopted unanimously, the Board determined that the Vollmer application to construct a six foot high fence 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 approved fence shall be in the same style, material and location as depicted on the plans in support of the application; (b) no portion of the fence shall extend into any neighboring property or the public right-of-way, (c) 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; (d) the applicant shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this

approval; 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 Raymundo application. On motion duly made by Ms. Martone, seconded by the Chair, and adopted unanimously, the Board determined that the Raymundo application to construct a five foot high fence 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 approved fence shall be in the same style, material and location as depicted on the plans in support of the application; (b) no portion of the fence shall extend into any neighboring property or the public right-of-way, (c) 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; (d) the applicant shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this approval; 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 determination on the Curtis application made by the Board at the April meeting. The Board discussed whether the lot line modification application, which effectuated a previously granted subdivision involving lots that had merged by operation of law, required the payment of the

per lot fee set of \$2,250 set forth in the Village Code. On motion duly made by Dr. Virgilio, seconded by the Chair, and adopted unanimously, the Board determined to waive the per lot subdivision fee for each of the two lots created by the subdivision.

There being no further business, the Chair closed the meeting at 8:50pm.

KREATSOULAS DETERMINATION

At a meeting of the Planning Board of the Village of Sea Cliff, New York, on May 9, 2012, on motion of the Chair, seconded by Ms. Martone, and adopted unanimously, the Board, having duly considered the matters brought forth at the public hearing and other matters properly within the consideration of this Board and discussed the subject application, rendered the following determination:

1. Marianna Kreatsoulas, 35 Hawthorne Road, Sea Cliff, New York applied to construct a second story addition, garage with habitable space and a six foot high fence, which require site plan approval pursuant to Village Code chapter 107 and a special permit pursuant to Village Code §64-3 to construct a six foot high fence. Premises are designated as Section 21, Block 31, Lot 28 on the Nassau County Land and Tax Map.
2. The applicant is the record owner of the subject premises.
3. The premises are located on an oversized lot on the southwest corner of the intersection of Hawthorne Road and Highland Place. The lot is 13,140 square feet with a property depth from Hawthorne Road running from 106 feet (Highland Place front property line) to 165.86 feet (along the westerly property line). The width of the property along the Hawthorne Road frontage is 100 feet. The existing residence is located approximately 35 feet from Hawthorne Road at its closest point, 38 feet (from the area depicted on the survey as garage and to be used as a covered patio/wood deck) and 44 feet (from the main house) from Highland Place and 21.75 feet from the westerly property line. The setback from the southerly property line, while not identified on the survey, appears to be 50 feet. There is a driveway providing access from Highland Place. In front of the property, Hawthorne Road proceeds in a southeasterly (and northwesterly) direction presenting a curve at the intersection of Hawthorne Road and Highland Place, which straightens out immediately after the intersection. Thus, a slightly restricted viewpoint exists for vehicles traveling westerly along Hawthorne Road.
4. The applicant proposes to eliminate the driveway access on Highland Place and construct a new 2 story garage extending frontward of the house 20.83 from the existing residence to Hawthorne Road. A new driveway and curb cut will provide access along Hawthorne Road and less than 15 feet from the adjoining westerly property line. The curb cut will also be only approximately 77 feet from the intersection of Highland Place and Hawthorne Road.
5. The new 2 story addition is proposed to be located only 25 feet from the Hawthorne Road front property line and approximately 65 feet from the

intersection of Highland Place and Hawthorne Road. Due to the curve in the roadway, while the setback is by definition only 25 feet, the actual impact is much greater, as the front line of the 2 story addition will extend northerly of the corner of the property at a distance of only 65 feet from the intersection. Thus, the house will appear to protrude beyond the front property line and the vista for the neighborhood from the area of the intersection will be impacted severely.

6. The applicant also proposes a 2 story addition along the easterly side of the home which further reduces the open vista along Hawthorne Road
7. As provided in Village Code §107-5, in rendering a determination on a site plan application, the Board is required to give consideration to numerous criteria, objectives and standards, including:
 - a. Protection of the character of the neighborhood and prevention of depreciation of adjoining properties;
 - b. Achievement of a harmonious relationship and maximum compatibility among the uses shown on the site plan and uses located on adjoining and adjacent properties;
 - c. Adequacy of building setbacks;
 - d. Prevention of the overcrowding of land with structures and the inappropriate concentration of same; and
 - e. Conservation of the natural environment.

The Board is consider the effect of the proposed action in relation to such relevant criteria and whether there are methods that would minimize any adverse impacts.

8. The Board finds that the applicant has made no effort to mitigate the potential adverse impacts and that consideration of the factors in Village Code §107-5 mandates a denial of the application.
9. The proposed 2 story, 21 foot deep addition along Hawthorne Road creates a massive structure along the front property line that appears from certain perspectives to be located in front of the intersection. It is simply too much bulk in the area proposed, and will be completely out of character with the Hawthorne Road neighborhood. The applicant did not show, and the Board is not aware of, any homes with two story additions on corner properties that will have such a negative visual impact on a neighborhood. The openness of the area and the natural feel of the area near the intersection will be destroyed if this addition is approved. It is not harmonious with the other properties in the neighborhood given the properties relationship to Hawthorne Road and the intersection of Hawthorne Road and Highland Place. Not only does the 2 story mass of the building create such an adverse impact, but locating the garage entry

20 feet in front of the main portion of the existing dwelling appears to be an anomaly in the immediate neighborhood on Hawthorne Road. In addition, by proposing a second 2 story addition along the easterly side of the existing building, the mass of the front of the building will increase in a manner that is further detrimental to the neighborhood. —

10. The property contains a substantial area south of the dwelling. The applicant could mitigate the impact by building any required additions in that area.
11. For the reasons set forth herein, the Board finds that the proposed additions, given the size and location of the additions, the proximity to the street, and the street configuration, will be adverse to the character of the neighborhood, will not promote a harmonious relationship and compatibility with the adjoining properties, will result in an insufficient setback, will result in overcrowding and will reduce the open, natural environment in the immediate area of the additions. Accordingly, after consideration of the various factors and objectives set forth in Village Code §107-5, the Board denies the application. In reaching this conclusion, the Board also has considered that the applicant has failed to fully address potential mitigation of the adverse impacts by devising a plan that utilizes the portion of the property that would result in a reduced impact on the neighborhood. —