

MINUTES

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

February 12, 2014

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

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

The Board opened the public hearing on the application of Thomas Pitegoff, 24 Bay Avenue, Sea Cliff, New York for a special permit pursuant to Village Code §64-3 to construct a retaining wall in excess of four feet in height. Premises are designated as Section 21, Block F, Lot 1746 on the Nassau County Land and Tax Map. The applicant submitted documentation that the New York State Department of Environmental Conservation (DEC) issued a letter of non-jurisdiction so long as the proposed wall remained landward of the 49 foot elevation. Applicant confirmed that the proposed wall would be located so as to remain outside of the DEC's jurisdiction. The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of AHRC Nassau, 63 Highland Avenue, Sea Cliff for site plan approval to expand a driveway. Premises are designated as Section 21, Block L, Lot 144 on the Nassau County Land and Tax Map. The applicant indicated that the widened driveway was

intended to accommodate additional off-street vehicles, but that the expanded width of the driveway area did not also include a curb cut or driveway apron immediately adjoining such expanded area for direct access to Highland Avenue. Various residents testified about traffic and parking issues relating to the use of the premises and the impact that the expanded driveway would have on the community. The Board continued the public hearing to March 12, 2014 at 8:00pm.

The Board opened the continued public hearing on the application of Marianna Kreatsoulas and Stylious Stylianou, 35 Hawthorne Road, Sea Cliff for a special permit to maintain netting 20 feet in height and install fencing 6 feet in height. Premises are designated as Section 21, Block 31, Lots 28-32 on the Nassau County Land and Tax Map. The applicant submitted documentation depicting the proposed type of netting. The Board continued the public hearing on the special permit application to March 12, 2014 at 8:00pm.

The Board opened the public hearing on the application of Arlyn Dimatulac, 69 The Boulevard, Sea Cliff for amended site plan approval for modifications to a site plan, which modifications include the curb cut, parking area, retaining walls and building footprint. Premises are designated as Section 21, Block 197, Lot 8 on the Nassau County Land and Tax Map. The applicant's representative indicated that the primary modifications related to the front parking area and the associated retaining walls, but that the proposal provides for parking for two vehicles. The public hearing was closed, and decision reserved.

The Board opened the public hearing on the application Douglas and Karin Barnaby, 404 Littleworth Lane, Sea Cliff 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 an accessway as a fourth lot along the eastern boundary of the premises. Applicants seek amended site plan approval in relation to the accessway in that the proposed accessway varies from a previous site plan approval and the conditions contained in that site plan approval. The applicants also seek approval to waive provisions of Village Code Chapter A145 with respect to the subdivision and the accessway. Premises are designated as Section 21, Block L01, Lot 306 on the Nassau County Land and Tax Map. The applicants' representative noted that the proposed application was an amendment to a previously submitted application for subdivision approval that also was the subject of an application to the Zoning Board of Appeals, that the Zoning Board denied the requested variances, and that the applicants have appealed that determination. The applicants' representative also noted that the only variance that remains the same as the previous application relates to the use of the dwelling at the premises, that the proposed private roadway would never be offered for dedication to the Village and that the applicants would agree to covenant of no further subdivision of the premises. The Board continued the public hearing to March 12, 2014 at 8:00pm.

The Board discussed the Pitegoff special permit application. On motion duly made by the Chair, seconded by Ms. Martone, and adopted unanimously,

the Board determined that the Pitegoff application is a Type II matter under SEQRA, that the Board is the lead agency and the application requires no further environmental review, authorized the Chair to execute the Short Environmental Form indicating that the proposal presents no negative impact, and granted the application, subject to the following conditions: (a) the retaining wall shall be constructed in the location depicted in the plans submitted with the application; (b) during the construction the applicant shall take appropriate action, as determined by the Superintendent of Buildings and/or the DEC, to protect against any impact to the stability of the cliff; (c) a final survey depicting the location of the retaining wall shall be filed with the Village building department for review in accordance with this approval and to assure that the retaining wall is to remain in an area not governed by the DEC, 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 Dimatulac site plan amendment application. On motion duly made by the Chair, seconded by Dr. Virgilio, and adopted unanimously, the Board determined that the Dimatulac application is a Type II matter under SEQRA, that the Board is the lead agency and the application requires no further environmental review, authorized the Chair to execute the Short Environmental Form indicating that the proposal presents no negative

impact, and granted the application, subject to the following conditions: (a) except as modified herein, the conditions set forth in the Board's decision, as set forth in the minutes of the Board's April 10, 2013 meeting, shall apply to the amended site plan; (b) the demolition of the existing residence and construction of the new residence shall conform to the amended site plan submitted with this application; (c) the proposed retaining walls, curb cut and parking area shall be placed in the locations and at the heights depicted in the amended site plan; (d) if any plantings are required for the area previously shown in the site plan as a parking area with access to The Boulevard, those plantings shall be included in a modified landscaping plan submitted to the building department, but no changes to any other areas of landscape plan dated 9-25-11, revised 7-10-12 and 8-29-12 shall be permitted unless such modifications represent a modification of plant species necessary because of conditions of the environment, climate or soil at the premises; and (e) applicants shall obtain all predicate approvals from any other jurisdiction, including, but not limited to, any approvals pursuant to General Municipal Law §239-f.

There being no further business, the Chair closed the meeting at 11:00pm.

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