

MINUTES

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

July 24, 2013

Present: Members	Laurie Martone Nicholas Virgilio Timothy Driscoll Edward Camiolo
Village Attorney	Brian S. Stolar, Esq.

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

In the absence of the Chair, on motion duly made by Dr. Virgilio, seconded by Mr. Camiolo, and adopted unanimously, the Board designated Ms. Martone to serve as acting chair for the meeting.

The Board opened the public hearing on the application of Doug and Amy Olitsky, 72 Sea Cliff Avenue, Sea Cliff, New York for site plan approval to enlarge a driveway and modify a curb cut. Premises are designated as Section 21, Block 115, Lot 7 on the Nassau County Land and Tax Map. Applicants were not present. The Board continued the hearing until later in the meeting.

The Board opened the public hearing on the application of Constantino and Daniel Marra, 82 Central Avenue, Sea Cliff for site plan approval to construct a second driveway and curb cut. Premises are designated as Section 21, Block 138, Lot 1163 and 1164 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 Vivian Zhang, 27 12th Avenue, Sea Cliff for site plan approval to construct a driveway and curb cut. Premises are designated as Section 21, Block 140, Lot 1240 on the Nassau County Land and Tax Map. The applicant indicated that she was intending to use different types of surface materials and also that she remained undecided on whether to use shrubbery or a fence between her driveway and the neighboring driveway. The Board continued the public hearing to September 11, 2013 at 8:00pm.

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 noted that the Zoning Board had not rendered a determination as it was awaiting the recommendation of the Nassau County Planning Commission. The Board continued the public hearing to September 11, 2013 at 8:00pm.

The Board noted that the application of Wayne McCann, 219 Glen Cove Avenue, for site plan approval to reconstruct a building and modify the curb cut location could not be heard as the applicant did not timely provide notice to

neighboring properties. The Board informed the public that the application would be heard on September 11, 2013 at 8:00pm.

The Board recalled the Olitsky application. In the absence of the applicants, and noting that the Zoning Board had not yet made a determination the variances necessitated by the proposed site modifications, the Board continued the public hearing to September 11, 2013 at 8:00pm.

The Board opened the public hearing on the application of Peter Smorto, Carpenter Place, to incorporate portions of Carpenter Place into two (2) existing lots, which incorporation requires subdivision approval and for site plan approval to construct a new residence on the southerly lot. Applicant also seeks approval to waive provisions of Village Code Chapter A145 with respect to the subdivision. Premises are designated as Section 21, Block lock 87, Lots 76A and B, and Section 21, Block 89, Lots 69 and 135 on the Nassau County Land and Tax Map. The Board closed the hearing on the subdivision application, and reserved decision. The Board continued the public hearing on the site plan application to September 11, 2013 at 8:00pm.

The Board discussed the Marra application. After such discussion, on motion duly made by Mr. Driscoll, seconded by Mr. Camiolo, and adopted unanimously, the Board determined that it is the lead agency with respect to environmental review, that the Marra application is a Type II matter under SEQRA, and denied the application in accordance with the attached resolution.

The Board discussed the Smorto application. After such discussion, on motion duly made by Dr. Virgilio, seconded by Mr. Driscoll, and adopted

unanimously, the Board granted the Smorto application for preliminary and final subdivision in accordance with the attached resolution.

There being no further business, the Acting Chair closed the meeting at 10:00pm.

LAURIE MARTONE, ACTING CHAIR

PLANNING BOARD
VILLAGE OF SEA CLIFF

In the Matter of the Application of

CONSTANTINO and
DANIEL MARRA

for site plan approval to
construct a second driveway
and curb cut

STATEMENT

This is an application by the owners of property located at 82 Central Avenue, Sea Cliff, for site plan approval to construct a second driveway and curb cut. The premises contain a non-conforming two family residence, a detached garage and a driveway approximately 50 feet in length leading to that garage. The proposed additional driveway would be 22 feet in length and 24 feet in width and would be on the southwesterly portion of the property. The property is on the northwest corner of Maple Avenue and Central Avenue. Maple Avenue is a one way street for vehicles traveling in an easterly direction.

Each of the Board members observed the premises and familiarized themselves with the premises and the application prior to rendering a determination in this matter.

On motion duly made by the Chair, seconded by Mr. Driscoll, seconded by Mr. Camiolo, and adopted unanimously by the Board members present, the Board made the following determination:

RESOLVED, upon consideration of the evidence presented, and review of the record and the personal inspection of the subject property and the surrounding area by the members of the Board, and after due deliberation, the Board makes the following findings of fact and decision:

FINDINGS OF FACT

1. The subject property is located at 82 Central Avenue, Sea Cliff, which is designated as Section 21, Block 138, Lots 1163 and 1164 on the Nassau County Land and Tax Map (the "Premises"). The Premises contains a non-conforming two family residence, a detached garage and a driveway approximately 50 feet in length leading to that garage. The proposed additional driveway would be 22 feet in length and 24 feet in width and would be on the southwesterly portion of the property. The property is on

the northwest corner of Maple Avenue and Central Avenue. Maple Avenue is a one way street for vehicles traveling in an easterly direction. There is a telephone pole and a line of hedges along the northerly portion of Maple Avenue immediately west of the Premises.

2. Residents expressed concerns about the potential conflict of the proposed driveway with traffic on Maple Avenue, the narrow width of Maple Avenue in relation to the proposed driveway location and the loss of virtually all green space on the Premises. Residents also testified that there is sufficient off-street parking to accommodate vehicles.
3. The Board 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 required under this application is a Type II action under SEQRA which requires no further environmental review. Notice of the application was provided to the Nassau County Planning Commission in accordance with the streamlining agreement between the Village and the Planning Commission. The Planning Commission submitted no comments to the Village.
4. In accordance with Village Code §107-5, the Board is required to consider:
 - 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 said site plan and uses located on adjoining and adjacent properties and districts;
 - C. Adequacy of buffer landscaping, screening and building setbacks;
 - D. Prevention of the overcrowding of land with structures and the inappropriate concentration of same;
 - E. Reduction and, where possible, prevention of traffic congestion and hazards on the streets which provide vehicular access to the site;
 - F. Reduction and, where possible, prevention of excess water runoff on adjoining and adjacent properties and districts;
 - G. Adequacy of ingress, egress, interior circulation and parking and loading facilities, particularly in regard to vehicular and pedestrian safety;
 - H. Such off-street parking and loading space requirements as shall be set forth in Chapter 138, Zoning;
 - I. In the case of subdivisions and new developments in floodplain or mudslide areas, the requirements for flood damage protection set forth in Chapter 48, Building Construction Administration Law;
 - J. Conservation of the natural environment; and
 - K. Environmental considerations, as further specified in section 107-5(K).

5. The Board has considered each of these factors relevant to a site plan application in reviewing the proposed site plan, and determines that the proposed driveway and curb cut should be denied.
6. The proposed driveway and curb cut will be located on the north side of Maple Avenue in the westerly portion of the Premises. The applicants did not show that any other properties on this portion of Maple Avenue had driveways similarly situated. As a result of the proposed location, vehicular visibility will be limited. The applicants have no control over the structures or plantings to the immediate west of the Premises. Presently, there is a telephone pole and hedges in that area which limit vehicular visibility both for cars traveling east on Maple Avenue and for vehicles exiting the proposed driveway. Maple Avenue is a one-way (east) narrow roadway. The proposed placement of the driveway creates a potential traffic conflict, which necessarily diminishes the neighborhood character and negatively impacts the harmonious relationship on Maple Avenue.
7. Given the narrowness of Maple Avenue, placement of a driveway with a curb cut needs to be planned in a manner that addresses potential traffic conflict. The proposed location does not do so. The continuation of the driveway and garage currently existing on the Premises adequately address on-site parking. As indicated by residents in the area with similar non-conforming two or more family residences, there also is sufficient off-site parking in the area to accommodate the second living unit within their properties.
8. In addition, the additional driveway would severely impact the natural environment in the area and on the Premises. The second driveway would eliminate greenspace on the Premises as well as greenspace along Maple Avenue. Given the narrow roadway and the proximity of the residence to the roadway on the Premises, as well as similar conditions along Maple Avenue, removal of this open area further diminishes the limited natural environment in the area.
9. This Board finds that the consideration of the site plan factors necessitates a finding that the proposed modification warrants a denial by this Board.

DECISION

In the reasonable exercise by the Board of the general powers and discretion granted to it by the applicable statutes of the State of New York and the Code of the Village of Sea Cliff, the applicants' request for site plan approval to construct a second driveway and curb cut is denied.

All members present voted in favor of the resolution.

PLANNING BOARD
VILLAGE OF SEA CLIFF

In the Matter of the Application of

PETER SMORTO

for preliminary and final subdivision approval to incorporate portions of Carpenter Place into two (2) existing lots in the Village of Sea Cliff at premises designated as Section 21, Block 87, Lots 76A and B and Section 21, Block 89, Lots 69 and 135 on the Nassau County Land and Tax Map

RESOLUTION

WHEREAS, Peter Smorto applied to the Planning Board of the Village of Sea Cliff for preliminary and final approval of a subdivision to incorporate portions of Carpenter Place into two (2) existing lots, based on the plan entitled "Proposed Site Plans" for the premises designated as Section 21, Block 87, Lots 76A and B and Section 21, Block 89, Lots 69 and 135 on the Nassau County Land and Tax Map (the "Subject Property"), prepared by James Carballal Architect, drawing B-1, dated 1-8-13 (the "Subdivision Map"); and

WHEREAS, the Subject Property currently contains three separate parcels, including (a) the northerly lot designated as Section 21, Block 87, Lots 76A and B and containing thereon a residence and accessory structures, (b) the southerly lot designated as Section 21, Block 89, Lots 69 and 135, which parcel is vacant, and (c) Carpenter Place, a mapped street that has been determined by the Village Board of Trustees to be surplus property not needed for public use; and

WHEREAS, the proposed subdivision would incorporate the northerly 15 feet of Carpenter Place into the northerly parcel, which combined land is designated on the Subdivision Map as Parcel A, and the remaining portion of Carpenter Place into the southerly parcel, which combined land is designated as Parcel B; and

WHEREAS, the Subject Premises are located in a Residence B Zoning District in the Village of Sea Cliff; and

WHEREAS, the Village and the owner of the northerly parcel have consented to the application; and

WHEREAS, the Planning Board held public hearings on July 24, 2013; 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 Peter Smorto for preliminary and final approval of the Subdivision Map submitted with the application is hereby approved, subject to the following conditions:

1. No building permit shall issue until applicant obtains site plan approval for Parcel B, as well as all other necessary approvals of other planning jurisdictional entities, including the City of Glen Cove Planning Board and the Nassau County Planning Commission, and all requirements of any Village department.

2. The final plat shall depict available access to the two parcels.

3. 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)(l);
- 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.

4. Applicant shall submit a "letter of water availability" from the water company providing water service to Parcel B.

5. During construction, applicant shall erect temporary fencing, erosion control and other measures, as required by the building department to protect adjoining properties and roadways.

6. As part of the site plan review process for Parcel B, applicant shall submit to the Planning Board for review, if required by the building department, all plans and documents required for such approval for Parcel B, including:
 - a. Plans for drainage facilities;
 - b. Plans for erosion and sediment control during construction;
 - c. Landscaping plan;
 - d. Stormwater management plan; and
 - e. 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.

7. As a condition of any building permit, the following items must be submitted or demonstrated to the Village building department:
 - a. 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;
 - b. Approval of plans for sewage disposal shall be secured from the Village building department in accordance with Nassau County Department of Health regulations.
 - c. Approval of the building department and/or Department of Public Works, as applicable, as to the grading, drainage, sewer, driveway and curbing; and
 - d. 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.

8. 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 new residence, not on the street or right-of-way and not elsewhere on the Subject Property.

9. This resolution shall be included with any deed filed with the County Clerk.

10. The Planning Board recognizes the need for additional parkland in the Village, and finds that the proposal does not increase the number of residents using the Village parks presently, as the new residence will be placed on an existing vacant lot.

11. Any provisions of Village Code A145-9 and A145-10 not specifically addressed in the Subdivision Map or not identified herein are deemed waived.

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

13. Applicant shall be required to apply for and receive the appropriate permits, if any, for tree removal on Parcel B.

14. Applicant shall construct a new dwelling on Parcel B in accordance with any site plan approved by the Board.

15. The closest fire hydrant shall be indicated on the final plat prior to signature by the Chair.

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

17. The applicant shall obtain approvals of the City of Glen Cove Planning Board and the Nassau County Planning Commission within one (1) year of the date this resolution has been filed with the Village Clerk and the approval shall lapse unless (a) the Subdivision Map is submitted to the Chair for signature (b) all conditions herein are satisfied and (c) a building permit application is submitted by the applicant to the Village building department, within six (6) months after the determinations of the Glen Cove Planning Board and Nassau County Planning Commissions are filed with their respective clerks. The Board may extend any of these periods upon a written request for such extension, and upon a showing that circumstances warrant the granting of such extension.

18. Upon the submission of the Subdivision Map for endorsement by the Chair, the applicant shall pay the required subdivision fee as set forth in the Village Code.

19. Upon full compliance with all of the conditions set forth in this Resolution, the Chair shall be authorized to endorse the Subdivision Map.

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