

MINUTES

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

September 11, 2013

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

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

The Board opened the continued 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 closed the hearing, and reserved decision.

The Board opened the continued 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 was not present, and the Board continued the hearing to October 11, 2013 at 8:00pm.

The Board opened the public hearing on the application of Gary Covey and John Encandela, 105 15th 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 144, Lot 2 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 Lori Pappas, 159 Dayton Street, Sea Cliff, New York for site plan approval pursuant to Village Code chapter 107 and 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 K, Lot 743 on the Nassau County Land and Tax Map. The Board continued the public hearing to October 9, 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 October 9, 2013 at 8:00pm.

The Board opened the public hearing on the application of Wayne McCann, 219 Glen Cove Avenue, for site plan approval to reconstruct a building and modify the curb cut location. Premises are designated as Section 21, Block

99, Lot 265 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 Peter Smorto, Carpenter Place, for site plan approval to construct a new residence. Premises are designated presently as Section 21, Block 89, Lots 69 and 135 and Carpenter Place on the Nassau County Land and Tax Map. The Board closed the hearing, and reserved decision.

The Board discussed the Olitsky application. On motion duly made by Ms. Martone, seconded by the Chair, and adopted unanimously, the Board determined that the Olitsky 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 garage 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; (d) the applicants shall abide by the conditions set forth in the Board's prior determination relating to the driveway and curb cut; and (e) 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 Covey/Encandela application. On motion duly made by Mr. Driscoll, seconded by Ms. Martone, and adopted unanimously, the

Board determined that the Covey/Encandela application for a special permit to construct a retaining wall in excess of four (4) feet in height 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 wall shall remain in the same location and constructed with the same materials as presently existing and as identified on the plans in support of the application; (b) no portion of the wall shall extend into any neighboring property or the public right-of-way; (c) a final survey depicting the location of the wall 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 wall.

The Board discussed the McCann application. On motion duly made by the Chair, seconded by Mr. Driscoll, and adopted unanimously, the Board determined that the McCann application for site plan approval to reconstruct a building and modify the curb cut location 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 building, curb cut and driveway shall be located in the same location as identified on the plans submitted in support of the application; (b) the

applicant shall obtain approval for the curb cut from the County of Nassau, and any change in the location of the curb cut necessitated by any determination of the County shall require a reapplication to this Board for consideration of the curb cut location; (c) applicants shall install plantings along the southerly and westerly property lines such that the plantings are installed and maintained to the easterly corner of the building (along the southerly property line) and to the southerly portion of the building (along the westerly property line) in accordance with landscaping plans approved by the building department for the purpose of reducing the visual impact of the building; (d) applicant shall comply with all requirements of the building department, install drainage as required by the building department and/or Nassau County and erosion control features during construction to prevent stormwater runoff onto any public right-of-way or any adjoining property; (e) no trees in excess of 8 inch caliper at a height three and half (3.5) feet above grade shall be removed; and (f) within the timeframe provided in Village Code §138-1304(A), applicants shall complete the work and obtain all certificates necessary for the work.

He Board discussed the Smorto site plan application. After such discussion, on motion duly made by Ms. Martone, seconded by the Chair, and adopted unanimously, the Board approved the application in accordance with the attached resolution.

There being no further business, the Chair closed the meeting at 9:45pm.

BRUCE TREIBER, CHAIR

PLANNING BOARD
VILLAGE OF SEA CLIFF

In the Matter of the Application of

PETER SMORTO

to construct a new dwelling which requires site
plan approval pursuant to Village Code
chapter 107 at premises
designated as Section 21, Block 89, Lots 69 and 135
and part of Carpenter Place on the Nassau County
Land and Tax Map

RESOLUTION

WHEREAS, Peter Smorto applied to the Planning Board of the Village of Sea Cliff for site plan approval pursuant to Village Code Chapter 107 at property designated as Section 21, Block 89, Lots 69 and 135 and Carpenter Place on the Nassau County Lane and Tax Map (the "Subject Premises"); and

WHEREAS, the applicant submitted plans with the application depicting the proposed new residence and driveway (the "Plans"); and

WHEREAS, the Planning Board previously granted subdivision approval for the lot that is the subject of this application subject to certain conditions; and

WHEREAS, the applicants is in contract to purchase Carpenter Place from the Village; and

WHEREAS, the applicant proposes to construct a new dwelling that complies with zoning requirements;

WHEREAS, the term "applicant" herein refers to the applicant, the current owner and their successors and/or assigns; and

WHEREAS, the Planning Board held public hearings on June 13, July 11, August 7, September 12 and October 10, 2012; and

WHEREAS, the proposed development is classified as an Unlisted action under SEQRA, was the subject of a coordinated review and a determination was made that the proposed development would not have a negative environmental impact and no further environmental review under SEQRA was required; and

WHEREAS, notice of the application was provided to the Nassau County Planning Commission; 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 site plan approval pursuant to Village Code Chapter 107 is granted in accordance with the following findings and determination and subject to the conditions herein:

FINDINGS

1. The Premises presently is vacant and is located partly on Altamont Avenue and partly on Daniel Place.

2. 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, subject to the conditions herein, complies with the criteria set forth therein. The Premises is an approved building lot and the proposed residence does not require any variances that could depreciate the neighboring properties or be incompatible with the existing residential uses in the

neighborhood. Off-street parking is provided on the Premises. Access will be provided to the premises using a curb cut on Altamont Avenue. All services and utilities will be provided from the Altamont Avenue side, and the septic system shall be placed on the low side of the property. The driveway shall be constructed using material approved by the Village building department. Stormwater runoff will be provided for in the conditions imposed herein. Preservation techniques relating to the existing environment, including the preservation of trees not shown on the plans as being removed.

3. A small triangular portion of the driveway for the northerly adjoining parcel extends onto the Subject Premises. As part of the approval, the applicant agreed to provide an easement agreement benefitting the neighbors to permit access to remain at that location. This access does not interfere with access to the Subject Premises.

CONDITIONS

4. The construction of the residence shall be in conformance with the Plans, subject to minor field modifications approved by the Superintendent of Buildings.

5. Any proposed retaining walls shall comply with the Village Code and be placed in the locations, at the heights, and utilizing the construction material indicated in the Plans, subject to minor field modifications approved by the Superintendent of Buildings. If any walls become necessary that exceed the height or spacing requirements set forth in chapter 64 of the Village Code, the applicant shall be required to apply to the Planning Board for approval.

6. If, during construction, the applicant shall determine that there are any utilities or subgrade structures on the Premises, applicant shall immediately notify the Superintendent of Buildings and any known utility owners, and devise a plan, to be approved by the Superintendent of Buildings, to address those utilities.

7. Construction staging and construction equipment and materials location and deliveries shall comply with all of the requirements of the building department, including the timing of such removal and deliveries and the use of dumpsters and dump trucks. No vehicles or construction equipment shall be permitted to remain on any public street in a manner that obstructs vehicular access or prevents emergency vehicles from accessing any properties using Altamont Avenue, Carpenter Avenue or Daniel Place. Construction shall be performed and materials and equipment delivered and removed from the Premises only during the hours and days indicated in the building permit.

8. Except as indicated in the approved Plan, the applicant shall make no changes to the topography of the Premises;

9. All lighting shall be placed in a location, and shielded as necessary, so as not to encroach onto adjoining properties or public roadways;

10. The drainage system and the location of all drainage facilities shall comply with all applicable laws and regulations and shall contain all storm-water on-site. Such system must be approved in advance by the Superintendent of Buildings.

11. The septic system and the location of all septic facilities shall comply with all applicable laws and regulations. Such system must be approved in advance by the Superintendent of Buildings.

12. The provision of utilities shall comply with all applicable laws and regulations and shall be placed underground. The locations of the utility systems shall be provided to the Superintendent of Buildings for his review and advance approval.

13. 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. Such erosion protection measures shall conform with all requirements of the building department and shall remain in place throughout the construction period.

14. All construction or other on-site debris during construction shall be contained in a covered container to assure that no such debris is blown or otherwise removed unintentionally from the site.

15. Any air conditioner condenser units shall be placed in a location that shall include visual and noise buffering to prevent the units from being seen from any adjoining property and 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.

16. 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; and
- c. Approval of the building department and/or Department of Public Works, as applicable, as to the grading, drainage, sewer, driveway and curbing

17. 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.

18. The construction shall be performed in accordance with the plans submitted with the application and all requirements of the building department. All work shall be performed, and all approvals obtained, within the timeframe provided in Village Code §138-1304.