

MINUTES

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

October 10, 2012

Present: Chair	Bruce Treiber
Members	Laurie Martone
	Nicholas Virgilio
	Tim Driscoll
Alternate Member	Edward Lieberman
Village Attorney	Brian Stolar

The meeting was called to order at 8:08 pm.

The Board opened the public hearing on the application of Ron DelGaudio, 168 Carpenter Avenue, 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 92, Lot 103 on the Nassau County Land and Tax Map. The applicant was not present, and the hearing was continued to later in the meeting.

The Board opened the public hearing on the application of Peter Treiber, 71 15<sup>th</sup> Avenue, Sea Cliff, New York to enlarge a driveway, which work requires site plan approval pursuant to Village Code chapter 107. Premises are designated as Section 21, Block 150, Lots 644 and 645 on the Nassau County Land and Tax Map. The Chair recused himself and removed himself from the dais. On motion duly made by Dr. Virgilio, seconded by Mr. Lieberman, and adopted unanimously, the Board designated Ms. Martone to serve as Acting

Chair for the Treiber application. After receiving testimony from the applicant, the Board closed the hearing and reserved decision.

The Chair resumed his position with the Board and returned to the dais.

The Board opened the application of Oak Room Tavern, 242 Sea Cliff Avenue, Sea Cliff, New York to maintain a fence greater than four feet in height, which requires a special permit pursuant to Village Code §64-3, and install an awning, which requires a special permit pursuant to Village Code chapter 51. Premises are designated as Section 21, Block 150, Lots 650 and 651 on the Nassau County Land and Tax Map. During the course of the public hearing, the applicant's representative indicated that the applicant would reduce the height of the awning and assure that the entire awning structure is located wholly on the premises. The Board continued the public hearing to November 14, 2012 at 8:00pm.

At 9:00pm the Board took a break, and reconvened at 9:05pm.

The Board opened the continued public hearing on the application of Anray Custom Builders, as contract vendee and Barbara Topalian and Christian Berntsen, as owners, to construct a new dwelling at 90 17<sup>th</sup> Avenue and to construct retaining walls 5 feet in height and within only 4 feet of each other, where a maximum height of 4 feet is permitted and a minimum distance of 5 feet is required. The proposed construction requires site plan approval pursuant to Village Code chapter 107 and a special permit pursuant to Village Code chapter 64 to permit the retaining walls to be constructed at a height of 5 feet and within 4 feet of the nearest wall. Premises are designated as Section 21, Block 154, Lots

561 and 562 on the Nassau County Land and Tax Map. The Board closed the public hearing, and reserved decision.

At 10:08pm the Board took a break, and reconvened at 10:11pm.

The Board opened the continued public hearing on the application of Arlyn Dimatulac, 69 The Boulevard, Sea Cliff, New York to demolish an existing residence, erect a new residence and construct a driveway, which work requires site plan approval pursuant to Village Code chapter 107. Premises are designated as Section 21, Block 197, Lots 8, 17, and 233 on the Nassau County Land and Tax Map. The Board requested that the applicant's representative provide the Board with additional details concerning the engineering of the excavation and a construction schedule. The Board continued the public hearing to November 14, 2012 at 8:00pm.

The Board opened the public hearing on the application of 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 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 applicants submitted a binder and letters in support of the subdivision. Applicants discussed the proposal and the proposed roadway. Applicants agreed to covenant that there be no further subdivision of the property if the

application was to be approved. It was noted that the applicant would require variances of the Village Code and that an application to the Zoning Board of Appeals would be necessary prior to the Board taking final action on the application for preliminary subdivision approval. The Board identified additional information regarding the roadway that would need to be submitted to the Board for consideration of the roadway portion of the application and also requested the applicants to submit a written list of the waivers sought by the applicants. The Board continued the public hearing to November 14, 2012 at 8:00pm.

After again calling the DelGaudio matter again, and the applicant not being present, the Board continued the public hearing to November 14, 2012 at 8:00pm.

The Board discussed the Treiber application. The Chair restated his position that he had recused himself on this application and he did not participate in the discussion. Ms. Martone resumed her position as Acting Chair for the purpose of this application. On motion duly made by Ms. Martone, seconded by Dr. Virgilio, and adopted four votes in favor (the Chair having recused himself), the Board determined that the Treiber 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 driveway shall remain in the location, and be of the same size and configuration as, depicted on the plans; (b) a final survey depicting the location of the driveway 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) 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 fence.

There being no further business, the Chair closed the meeting at 12:20am.