

MINUTES

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

December 5, 2012

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

The meeting was called to order at 8:06 pm.

The Board opened the continued public hearing on 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. Neighbors of the applicant requested time to review the modified awning plan. The Board continued the hearing until later in the evening to provide the neighbor with time to review the modified plans.

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 provide additional information related to soil samples to enable the analysis of the engineering of the project. The Board continued the public hearing to January 9, 2013 at 8:00pm.

The Board opened the continued public hearing on the application of Paul Canarick, 219 Prospect Avenue, Sea Cliff, New York to subdivide premises into two lots. Premises are designated as Section 21, Block 161, Lots 1, 2, 875-77, and 894-96 on the Nassau County Land and Tax Map. Mr. Lieberman did not participate in the application. The Board closed the public hearing, and reserved decision.

The Board opened the continued public hearing on the application of Douglas and Karin Barnaby, 404 Littleworth Lane, Sea Cliff for preliminary approval 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 discussed the recently submitted revised plans. The applicants advised that the plans depict an 18 foot wide paved area and that there would be a drainage easement within parcel B to accommodate roadway runoff. Applicants also advised, without any documentary submission or written proof, that there would be a total

of 5 feet of grass covered right of way that would be sufficient to accommodate the provision of all underground utilities. The applicants also had submitted a turning radius depiction and informed the Board that they now proposed a 20 foot wide paved area and that such width would be sufficient to accommodate the turning of vehicles into the paved roadway. To date, the applicants have not submitted details of the dimensions of any required improvements (or separation distances for such improvements), including roadway width at the point of the intersection of the proposed roadway and Willowshore Avenue or proposed utility location. The Board inquired as to whether the Fire Department had taken a position regarding the paved area and the applicants advised that the Fire Department had deferred to the Board. The Village Superintendent of Buildings clarified that the Fire Department had deferred to applicable codes. The Village Superintendent also stated his position that the New York State Fire Code requires a minimum paved width for this private roadway of 20 feet. At this juncture, no information concerning whether the Village Fire Department vehicles could access the rear parcel (parcel C) has been provided to the Board. The Chair informed the applicants that while he has some concerns with the application, the increase of the paved roadway to a width of 20 feet was an improvement, and that if the applicants so choose, the applicants may proceed to the Zoning Board of Appeals based on the current proposal. The Board noted that should the application come back to the Board after the Zoning Board of Appeals process is complete, the Board will be required to review all elements and details of the subdivision before it is in a position to fully review, and render a

determination on, the application for preliminary approval. As the next Zoning Board hearing is in January after the Board has its January meeting, the Board continued the public hearing to February 13, 2013 at 8:00pm. Counsel to the Board also confirmed that the process before the Zoning Board, which under the Village Code first must render a determination on the application for variances before the Board may proceed, would include an independent environmental review.

The Board opened the public hearing on the application of Iris Targoff, 262 8th Avenue, Sea Cliff, New York for site plan approval pursuant to chapter 107 to demolish a second floor and reconstruct with a two story addition, new porch and breezeway. Premises are designated as Section 21, Block 124, Lot 1586 on the Nassau County Land and Tax Map. The applicant did not provide for a location for air conditioning units. The Board closed the public hearing, and reserved decision.

The Board continued the public hearing on the Oak Room application. The neighbors, after reviewing the plans over the course of the meeting and nearly two hours after the plans were provided to the neighbors, addressed concerns with the proposed awning. The neighbors also indicated that no attempt was made to visit or speak to staff at Village Hall within the last two weeks to find out if any modified plans, which were stated by the Board at the last hearing (at which the neighbors were present) to be required, had been filed with the Village. The neighbors expressed their concerns with respect to the awning. The Board closed the public hearing, and reserved decision.

The Board discussed the environmental significance of the Canarick application. After such discussion, on motion duly made by the Chair, seconded by Ms. Martone, and adopted unanimously (Mr. Lieberman did not participate in the application or the vote), 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
- e. no further environmental review is required with respect to the proposed action.

The Board discussed the Oak Room application. On motion duly made by the Chair, seconded by Ms. Martone, and adopted unanimously, the Board determined that the Oak Room combined application for special use permits for a fence in excess of four feet in height and an awning are Type II matters under SEQRA, that the Board is the lead agency and the combined application requires no further environmental review, and granted the combined application, subject to the following conditions: (a) the fence shall remain in the location, and be of the same size and configuration, as depicted on the plans; (b) the fence, and all gates, shall conform to all requirements of the building department, including any

requirements dictated by the New York State Building Code; (c) the awning shall be constructed in the same location, and be of the same size and configuration as depicted on the modified plans filed with the Village on December 5, 2012; (d) the awning shall be made of a material that is water repellant and fade resistant and shall contain no words, letters, symbols or other drawings that face the adjoining residential properties to the east and north of the premises; (e) a final survey depicting the location of the fencing and awning 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; (f) the applicant shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this approval; (g) except for temporary storage of cardboard boxes or pallets (not to exceed one day), all garbage, when placed outdoors, shall be placed in closed containers, which containers may be opened only for the purpose of placing garbage in such containers; and (h) within the timeframe provided in Village Code §138-1304(A), applicant shall complete the work and obtain all certificates necessary for the fence.

The Board discussed the Targoff application. On motion duly made by the Chair, seconded by Dr. Virgilio, and adopted unanimously, the Board determined that the Targoff 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 construction shall be in substantial compliance with the plans

submitted with the application; (b) except as indicated in the plans, the applicant shall make no changes to the topography of the property; (c) the applicant shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this approval; and (d) within the timeframe provided in Village Code §138-1304(A), applicant shall complete the work and obtain all certificates necessary for the work.

There being no further business, the Chair closed the meeting at 10:18pm.