

MINUTES

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

March 9, 2011

Present: Chair Bruce Treiber
 Members Timothy Driscoll
 Laurie Martone
 Christopher Scott
 Nicholas Virgilio

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

The Board opened the continued public hearing on the application of T-Mobile Northeast, LLC, for site plan approval pursuant to section 133-6 of the Village Code, in connection with a proposed wireless communication facility to be located at 400 Glen Cove Avenue (section 21, block 68, lot 32 on the Nassau County Land and Tax Map). Board counsel Brian Stolar recused himself from participation in the application. Special counsel Gerard Terry, Esq., was not present at the meeting. The Chair informed the applicant that the Board has requested that the Board of Trustees will be retaining a real estate expert. The applicant's representative submitted additional documentation related to the real estate value testimony. The public hearing was continued to April 13, 2011 at 8:00pm.

The Board opened the public hearing on the application of Maureen Raftery, 59 The Boulevard, Sea Cliff, New York for site plan approval pursuant to Village Code §107-4 to demolish an existing building and erect a new 2 story

dwelling with garage underneath. The applicant was represented by architect James Carballal. Premises are designated as Section 21, Block 197, Lot 237 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 Robert and Angela Michal, 320 Littleworth Lane, Sea Cliff, New York for site plan approval pursuant to Village Code §A145-2 and §A145-7 where applicant proposes to demolish an existing 258 square foot above ground pool and install a new 365 square foot in-ground pool in addition to adding 606 square feet of paving to an existing 614 square feet of paving. The applicant was represented by landscape architect Michael Michele. Premises are designed as Section 21, Block L, Lot 89 on the Nassau County Land and Tax Map. The Board closed the public hearing, and reserved decision.

The Board discussed the Michal application. On motion duly made by Ms. Martone, seconded by Mr. Driscoll, and adopted unanimously, the Board determined that the Michal application is a Type II matter under SEQRA, that the Board is the lead agency and the application requires no further environmental review. After further discussion of the Michal application for site plan approval, on motion duly made by Ms. Martone, seconded by Mr. Driscoll, and adopted unanimously, the Board granted the application subject to the following conditions:

1. Construction and maintenance of all structures and features shall comply with the plans filed in connection with this application,;
2. There shall be no regrading of the property, except as provided in the aforesaid plans;

3. Any storm drainage facilities and sewage disposal facilities deemed necessary by the Superintendent of Buildings shall comply with applicable state, county and village laws and regulations. The drainage system shall comply with all applicable laws and regulations and shall contain all stormwater on-site. Such system must be approved by the Superintendent of Buildings and shall be placed in a location and manner acceptable to the Superintendent of Buildings;
4. All lighting associated with the pool and paved area, if any, shall be placed in a location, and shielded as necessary, so as not to encroach onto adjoining properties or public roadways;
5. The pool and paving installation shall incorporate erosion protections on the site to assure that there is no erosion of any materials onto neighboring properties or the public right-of-way;
6. The applicant shall comply with all laws and regulations related to pool enclosures;
7. The applicant shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this approval; and
8. Within 12 months after the date that this decision is filed with the Village Clerk, the applicant shall obtain all permits, certificates and/or approvals from the building department necessary for the work and shall complete the work approved by this grant.

The Board discussed the Raftery application. On motion duly made by Dr. Virgilio, seconded by Mr. Scott, and adopted unanimously, the Board determined that the Raftery application is a Type II matter under SEQRA, that the Board is the lead agency and the application requires no further environmental review. After further discussion of the Raftery application for site plan approval, on motion duly made by Dr. Virgilio, seconded by Mr. Scott, and adopted unanimously, the Board granted the Raftery application subject to the following conditions:

1. The demolition of the existing residence and construction of the new residence shall conform to the plans submitted with the application in all respects.
2. Any demolition or construction of any retaining walls located in the right-of-way shall require approval from the Board of Trustees prior to any such demolition or construction.

3. All retaining walls shall be placed in the locations depicted in the plans.
4. The applicant shall plant plantings that may be required by the Superintendent of Buildings, and continuously maintain such plantings, including providing for appropriate irrigation for such plantings and the on-site retention of any water produced by the irrigation system. Such plantings shall be planted prior to the issuance of the certificate of occupancy for the premises.
5. During construction, including the demolition of the existing residence, site preparation and construction of the new residence, the applicant shall comply with all requirements of the building department, including the timing of such work, the dates of such work and the use of any dumpsters or dump trucks. No weekend construction shall be permitted during the Village beach season.
6. Except as indicated in the approved plans, the applicant shall make no changes to the topography of the property.
7. All lighting shall be placed in a location, and shielded as necessary, so as not to encroach onto adjoining properties or public roadways.
8. The drainage system shall comply with all applicable laws and regulations and shall contain all storm-water on-site. Such system must be approved by the Superintendent of Buildings.
9. If required by the Superintendent of Buildings, the applicant shall obtain a certification from an engineer confirming that neither the method of demolition nor the construction of the foundation for the residence or the retaining walls will create a hazard to any neighboring property or the public right-of-way. In addition, if required by the Superintendent of Buildings, an engineer shall remain on-site during the demolition of the existing residence and construction of the proposed foundation and other building support systems to assure that there will not be any damage to adjoining properties or the public roadways and that the land will remain stabilized during and after completion of the demolition and construction.
10. 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. As this site has the potential for erosion due to the topography and the potential for any such eroded materials to enter the waterway due to the proximity of the site to the shore, applicant shall be responsible to assure that such erosion protections shall remain working and functional during the construction period.
11. All construction or other on-site debris shall be contained in a covered container to assure that no such debris is blown or otherwise removed unintentionally from the premises.
12. Applicant did not depict in the plans the location of any proposed air conditioning units, but advised that any such units will be installed in an area compliant with the Village Code. In light of the topography, the size of the premises and the proximity of neighboring residences, such installation shall comply with all requirements of the Superintendent of

Buildings, including the planting and maintenance of any required natural screening. Such location shall be depicted on an as built plan filed with the Superintendent of Buildings. Any air conditioner condenser units shall be baffled 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.

13. The applicant shall take measures not to harm any healthy trees, bushes or foliage during the construction, unless such trees are permitted to be removed by the Superintendent of Buildings.
14. Within 18 months after the date that this decision is filed with the Village Clerk, the applicant shall obtain all permits, certificates and/or approvals from the building department necessary for the work and shall complete the work approved by this grant.

On motion duly made by Ms. Martone, seconded by Dr. Virgilio, the Board approved the minutes of the February 16, 2011 meeting.

There being no further business, the Chair closed the meeting at 9:02 pm.
