

MINUTES

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

July 13, 2011

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

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

The Board opened the public hearing on the application of Joseph Cortale, 76 Prospect Avenue, Sea Cliff, New York for a special permit pursuant to Village Code §64-3 to construct a six foot high fence, which extends onto a neighboring property at 88 Prospect Avenue. Premises are designated as Section 21, Block F, Lot 1972 (76 Prospect Avenue) and Section 21, Block F, Lots 1945, 1946 and 1971 (88 Prospect Avenue) on the Nassau County Land and Tax Map. The adjoining property owner (on whose property the fence is located) joined in the application. The Board closed the hearing, and reserved decision.

The Board opened the continued public hearing on the application of Pericles Cyprus, 60 Park Place, Sea Cliff, New York for subdivision approval to subdivide the property into two (2) residential dwelling lots. Donald Kavanagh, Esq., represented the applicant. Premises are designated as Section 21, Block 160, Lot 939 on the Nassau County Land and Tax Map. The Board noted that the applicant's request for variances still was pending before the Zoning Board of Appeals (ZBA), and would be the subject of a public hearing at the ZBA's July

meeting. The Board continued the subdivision hearing to September 14, 2011 at 8:00pm.

The Board opened the public hearing on the application of Lawrence and Chwen Lih Best, 9 Central Park East, Sea Cliff, New York for (a) site plan approval pursuant to Village Code §107-4 to demolish an existing residential structure and construct a new structure; and (b) a special use permit to maintain a retaining wall in excess of the permitted height. Numerous residents spoke about their concern regarding existing and past construction at the premises performed by the applicant at various times of the day and night and on various dates for a long period of time. The residents also provided testimony in support of the continued maintenance of the retaining wall as constructed so as to prevent any erosion on adjoining properties. Premises are designated as Section 21, Block 148, Lot 671 on the Nassau County Land and Tax Map. The Board closed the public hearing, and reserved decision.

The Board discussed the Cortale application. On motion duly made by the Ms. Martone, seconded by Dr. Virgilio, and adopted unanimously adopted, the Board determined that the Cortale application to construct six foot high fencing 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 to construct fencing at the premises, subject to the following conditions:

1. Except as modified herein, the fencing shall be constructed in the location and fence style depicted on the plans and the application (marked in yellow on the application survey) in full compliance with the plans and application submitted by the applicant in support of the application.

2. Except as indicated in the approved plans, the applicant shall make no changes to the topography of the property;
3. Except as indicated in the plans, no portion of the fence shall extend into any neighboring property or onto the public right-of-way, and a final survey depicting the location of the fence 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. The fence that extends onto the neighboring property shall be permitted under this determination so long as the exact location is demonstrated in a survey and the approval is referenced in the building department file for each property;
4. Any portions of the fence that may extend into the public right-of-way are deemed to be permitted under this decision upon submission to the building department of an agreement with the Village to retain those portions of fencing on such public property;
5. The applicant shall comply with all requirements of the Superintendent of Buildings and the Village Code, except as modified by this approval; and
6. 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 Best application. On motion duly made by the Chair, seconded by Mr. Driscoll, and adopted unanimously, the Board determined that the portion of the Best application related to the retaining wall 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 retaining wall be maintained in the location and at the height depicted on the plans and requested in this application; (b) no certificate of occupancy shall issue until the final survey depicting the location of the retaining wall is duly filed with the building department demonstrating compliance with the location provided in the plans; (c) except as indicated in the plans, the applicants shall make no changes to the topography of

the property; (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 three months after the date this decision is filed with the Village Clerk, applicants shall complete the work and obtain all certificates necessary for the work. As to the portion of the application related to the request for site plan approval to demolish the existing residence and build a new residence, on motion duly made by Mr. Driscoll, seconded by the Chair, and adopted unanimously, the Board determined that the site plan request 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 for site plan approval in accordance with the decision annexed hereto.

The Board discussed the June extension approval related to the time to file the subdivision map for City View Estates (also known as Sea Isle Marina). The Board noted that neither of the conditions was timely complied with by the applicant, and that therefore the extension approval was not in effect. Accordingly, the Board requested that counsel send correspondence to all agencies required to grant any extensions related to the subdivision approval advising that the extension approval has lapsed.

There being no further business, the Chair closed the meeting at 10:30 pm.

PLANNING BOARD
VILLAGE OF SEA CLIFF

In the Matter of the Application of

LAWRENCE and CHWEN LIH BEST

for site plan approval to permit the demolition
and reconstruction of a residence for property
located at 9 Central Park East

RESOLUTION

WHEREAS, Lawrence and Chwen Lih Best, applied to the Planning Board of the Village of Sea Cliff for site plan to demolish an existing residence and rebuild a new residence in accordance with the plans submitted with the application; and

WHEREAS, the subject parcel is located across the street from Central Park and on the corner of two narrow streets - 15th Avenue and Central Park East and is designated as Section 21, Block 148, Lot 671 on the Nassau County Land and Tax Map (the "Premises"); and

WHEREAS, the applicants previously received site plan approval to modify the residence in the same configuration as proposed in this application, except that demolition was not proposed; and

WHEREAS, on July 8, 2009, the Board granted site plan approval subject to various conditions; and

WHEREAS, a public hearing was held by the Sea Cliff Planning Board on July 13, 2011 on the applicants' request for site plan approval; and

WHEREAS, the Board has fully considered all of the evidence at the public hearing, and all of the proceedings had herein.

NOW, THEREFORE, BE IT RESOLVED, that the application of Lawrence and Chwen Lih Best for site plan approval to demolish the existing residence and build a new residence in accordance with the plans submitted with the application is hereby approved, subject to the following conditions:

1. The July 8, 2009 determination is no longer valid, as the time to complete the work thereunder has expired and all conditions of that approval are superseded by the conditions set forth herein;
2. Except as otherwise provided herein, the construction shall be in full compliance with the plans, including the landscape plan, submitted by the applicants;
3. All new plantings depicted in the landscape plan shall be planted and maintained by the applicants, which includes all plantings located between the retaining wall and the respective property lines;
4. Any trees not marked on the landscape plan for removal shall be protected during construction, in a manner to be determined by the Superintendent of Buildings;
5. There shall be no lighting utilized on the north or east sides of the residence, and any lighting located on the residence shall be mounted at a height and in a location such that no light spillage of 0.1 foot-candle or higher shall extend beyond the property lines;
6. Applicant shall submit to the building department for review and approval prior to the issuance of a building permit, an erosion and sedimentation control plan for the project site, which shall include delineation of a stabilized construction entrance, drainage inlet protection, silt fencing, hay bale protection and jute mesh/mat areas, acceptable to the building department. The erosion and sedimentation control plan shall include provisions relative to maintenance and inspection as required by the Village building department during the course of construction;
7. Applicants shall incorporate dust and erosion control measures to minimize impacts during construction;
8. All construction activity shall occur only between 8am and 6pm on weekdays (except federal holidays) and 8:30am to 12:30pm on Saturday, except where prior written approval for other times is obtained for emergency type construction from the Superintendent of Buildings. No construction shall be permitted on Sundays or federal holidays;

9. Except as permitted in writing by the building department, and subject to any such conditions required by the building department, all construction equipment and work materials must be stored on site and not on the public streets or right-of-way;
10. All loading and unloading of materials and construction staging will be restricted to the project site. No public roadways or public right-of-ways shall be used for loading and unloading of materials and construction staging;
11. Except as indicated in the approved plans, the applicants shall make no changes to the topography of the property;
12. 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 Building Superintendent;
13. The septic system shall comply with all applicable laws and regulations. Such system must be approved by the Superintendent of Buildings;
14. 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; and
15. The applicants will take measures not to harm any healthy trees, bushes or foliage.
16. This approval is effective for a 12 month period commencing on the date that a permit is obtained by the applicants (which must be obtained no less than 12 months prior to the date that this decision is filed with the Village Clerk. If the work is not completed within the twelve month period, applicants may seek 2 consecutive – 6 month extensions in the manner provided by the Village Code. This decision is further expressly predicated on the construction being completed and a certificate of occupancy being obtained within 2 years after the applicants commence any construction work subject to the underlying building permit for the proposed work, and the Board would not have granted any approval if the construction shall take longer than the 2 year period. Accordingly, if the applicants do not obtain a certificate of occupancy within the aforesaid 2 year period, this approval shall be null and void.