

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

August 16, 2017

Present:	Chair	Bruce Treiber
	Members	Dr. Nicholas Virgilio, Timothy Driscoll and Ed Camiolo
	Village Attorney	Brian S. Stolar, Esq.

The meeting was called to order at 7:35 pm.

The Board opened the continued public hearing on the application of 14 Bay Avenue Commons, LLC, 14 Bay Avenue, Sea Cliff, New York to construct one or more retaining walls at the premises and to maintain and/or modify the driveway and the rear yard, which construction requires approval pursuant to Village Code Chapter 64 in that retaining walls in excess of four (4) feet in height require Planning Board approval and Village Code Chapter 107 for site plan approval. Premises are designated as Section 21, Block F, Lot 89 on the Nassau County Land and Tax Map.

On motion duly made by the Chair, seconded by Dr. Virgilio, and adopted unanimously, the Board closed the public hearing, and reserved decision.

The Board discussed the 14 Bay Avenue Commons application. On motion duly made by the Chair, seconded by Dr. Virgilio, and adopted unanimously, the Board approved the site plan and wall permit application of 14 Bay Avenue Commons in accordance with the attached decision.

There being no further business, the Chair closed the meeting at 8:00 pm.

VILLAGE OF SEA CLIFF, NY



BRUCE TREIBER, CHAIR

OCT 16 2017

VILLAGE CLERK



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In the Matter of the Application of

14 BAY AVENUE COMMONS, LLC

to construct one or more retaining walls at the premises and to maintain and/or modify the driveway and the rear yard, which construction requires approval pursuant to Village Code Chapter 64 in that retaining walls in excess of four (4) feet in height require Planning Board approval and Village Code Chapter 107 for site plan approval..

Premises are designated as Section 21, Block F, Lot 89 on the Nassau County Land and Tax Map.

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RESOLVED, upon consideration of the evidence presented at the public hearing held by the Planning Board (the "Board"), all proceedings had herein, all documentation submitted to the Board, following the personal inspection of the subject property by the Board members, and after due deliberation, the Board makes the following findings of fact and decision:

1. This is an application by 14 Bay Avenue Commons, LLC, owner of property located at 14 Bay Avenue, Sea Cliff, New York and designated on the Nassau County Land and Tax Map as Section 21, Block F, Lot 89 (the "Premises"), to construct one or more retaining walls at the premises and to maintain and/or modify the driveway and the rear yard, which construction requires approval pursuant to Village Code Chapter 64 in that retaining walls in excess of four (4) feet in height require Planning Board approval and Village Code Chapter 107 for site plan approval. The proposed work is depicted on plans submitted by the applicant, and include plans prepared by Gad Ashoori, LPE, and date stamped by the Village on June 1, 2017, sheets 1-001.00 through S-010.00 (the "Proposed Work").

2. In connection with the Proposed Work, the applicant submitted soil boring test results, which are reflected in a drawing prepared by Shazed Khan, dated 07-03-17,

sheet 1 of 1, a New York State Department of Environmental Conservation (DEC) tidal wetlands permit (permit ID 2824-03199/00001) effective January 31, 2017 (the "DEC Approval" or "DEC Permit"), and a Construction Tasks and Schedule. The Proposed Work requires no variances.

3. On July 12, 2017, the Board declared itself to be the lead agency with respect to this application under the State Environmental Quality Review Act (SEQRA) and determined that the proposed action requested under this application is an Unlisted Action under SEQRA and adopted a negative declaration. The Board referred the application to the Nassau County Planning Commission on July 14, 2017, no response has been received from the Planning Commission. Accordingly, the Board may take such action on this application as the Board deems appropriate.

4. In rendering its determination, the Board has considered the testimony and documentary evidence submitted with the application and during the public hearing process, its own inspections of the Premises and the surrounding neighborhood, and the review comments provided by Newport Engineering, P.C. The Board has reviewed the site plan application in accordance with the provisions of Chapter 107, including Section 107-5, and the wall permit criteria in Chapter 64, and finds that the Proposed Work, subject to the conditions herein, including strict adherence to the DEC Approval, complies with the criteria set forth within Chapters 107 and 64. Accordingly, the Board grants site plan and wall permit approval, subject to the following conditions:

- a. The Proposed Work shall adhere strictly to the plans identified in paragraph 1 herein.
- b. The proposed walls shall be constructed in the locations, at the heights, and utilizing the construction materials indicated in the aforesaid plans.

c. The site improvements, including all topography changes, drywells, stormwater runoff and drainage features, shall be constructed in strict conformance with the aforesaid plans.

d. The applicant shall comply with all conditions contained in the DEC Permit. If the Proposed Work has to be modified for any reason, no such modification will be permitted unless authorized by the DEC and this Board.

e. Plantings shall be planted and maintained west of each of the three (3) easterly retaining walls (identified in the plans as Retaining Wall #1, #2 and #3) in a manner that restricts the view of the aforesaid walls from Hempstead Harbor, as approved by the DEC and the Building Department.

f. If the Village is required to retain the services of any professional to observe the work or address any specific conditions, the costs and expenses incurred by the Village in connection with such work shall be borne by applicant and shall be assessed by the Board of Trustees upon the Premises. Applicant, upon being provided with written notice of the costs and expenses to be incurred shall make payment to the Village. If applicant shall fail to pay such costs or expenses within 15 days of the giving of such notice, the Village Clerk shall thereupon notify the Village Assessor, who shall immediately fix and determine a special assessment against the Premises in the amount of such costs and expenses, and present such assessment to the Board of Trustees for confirmation. A lien shall attach to the Premises as of the time such assessment is confirmed, which lien shall have the same priority as a Village tax. Collection and cancellation of such special assessment shall be in accordance with the provisions of Village Law. In addition, except as necessitated by emergency circumstances (as determined by the Superintendent of Buildings) no inspections

may take place or permits or certificates may issue until all such costs and expenses are paid.

g. Removal of construction materials shall comply with all requirements of the building department, including the timing of such removal and the use of dumpsters and dump truck. No such dumpsters or dump trucks shall be placed off-site.

h. Parking shall be on-site, and no parking of vehicles associated with the work shall be located on Bay Avenue or any roads intersecting Bay Avenue.

i. Construction equipment and materials, and staging materials, shall be stored on-site or on Hempstead Harbor, but not on Bay Avenue.

j. Except as indicated in the approved plans, the applicant shall make no changes to the topography of the Premises.

k. The drainage system shall comply with all applicable laws and regulations and shall contain all storm-water on-site.

l. A qualified engineer, or other professional consultant, as deemed acceptable by the building department, after consultation with an engineer, shall remain on-site during the entirety of the proposed work 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 construction. Applicant shall be responsible to obtain such professional at applicant's sole cost and expense.

m. Applicant shall install erosion protections on the site to assure that there is no erosion of any materials onto neighboring properties, Hempstead Harbor or the public roadways. As this site has the potential for erosion due to topography and the potential for any such eroded materials to enter the waterway

due to the proximity of the Premises to Hempstead Harbor, applicant shall be responsible to assure that such erosion protections shall remain working and functional throughout the construction period. Also, in the event of a forecasted rain or snow storm during the construction, the applicant shall secure the site with additional erosion protection measures, including sandbags.

n. 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.

o. Work shall be performed during hours permitted by the building department, and no construction related work shall take place on Saturdays between Memorial Day weekend and Labor Day weekend. No work is permitted on Sundays.

p. Prior to the issuance of a certificate of occupancy for the residence, applicant shall be required to repair any damage to curbing or roadways, if such damage is determined by the Village building department to have occurred due to any construction activity.