

MINUTES

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

September 13, 2017

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

The meeting was called to order at 7:32 pm.

The Board opened the public hearing on the application of Philip and Elizabeth Ciampi, 7 Franklin Avenue, Sea Cliff, New York for a permit pursuant to Village Code Chapter 64 to install fencing in excess of four (4) feet in height. Premises are designated as Section 21, Block 100, Lot 125 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 opened the public hearing on the application of Frank Scavone, 88 Prospect Avenue, Sea Cliff, for approval for an amended site plan pursuant to Village Code Chapter 107, to maintain a fire pit. Premises are designated as Section 21, Block F, Lots 1921 and 1945-46.

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 opened the public hearing on the application of Lauren Brennan, 107 Altamont Avenue, Sea Cliff, New York for site plan approval pursuant to Village Code Chapter 107, to widen a driveway and curb cut, relocate steps, raise the grade, and

construct a retaining wall and a stoop/patio, and for a wall permit pursuant to Village Code Chapter 64 to permit an eight and one-half foot high retaining wall. Premises are designated as Section 21, Block 89, Lot 67 on the Nassau County Land and Tax Map. The Board noted that additional information would be required prior to the Board's consideration of the application. On motion duly made by the Chair, seconded by Dr. Virgilio, and adopted unanimously, the Board continued the public hearing to October 11, 2017, at 7:30pm.

The Board opened the public hearing on the application of New York American Water Company, Inc., 60 Brooklyn Avenue, Merrick, New York for site plan approval to demolish an existing well enclosure and related improvements and construct a new well building and related improvements at premises located at and bounded by Reservoir Street, 8th Avenue, Roslyn Avenue and 10th Avenue. Premises are designated as Section 21, Block 132, Lot 3 on the Nassau County Land and Tax Map.

The application was presented by Phil Sachs of Dvirka & Bartilucci and John Kilpatrick of New York American Water.

On motion duly made by the Chair, seconded by Dr. Virgilio, the Board closed the public hearing with respect to all site plan aspects unrelated to the final landscaping of the premises. The hearing on the portion of the plan relating to landscaping was adjourned without date.

The Board discussed the Ciampi application. On motion duly made by the Chair, seconded by Mr. Brady, and adopted unanimously, the Board determined that it is the lead agency, the requested relief is a Type II matter under SEQRA that requires no environmental review, and granted the application for a fence permit, subject to the following conditions: (a) the fencing be installed in the location depicted on the plans submitted with the application: (b) the fencing be

of a material land height as shown in the approved plans: (c) no portion of the fencing shall extend beyond the property line, and if determined to be necessary by the Building Department, the applicants shall provide a final survey prior to issuance of a certificate of occupancy or approval; and (d) applicants shall obtain a building permit and/or certificate for the proposed work from the Building Department within six (6) months of the filing of this determination with the Village Clerk.

The Board discussed the Scavone application. On motion duly made by the Chair, seconded by Dr. Virgilio, and adopted unanimously, the Board determined that it is the lead agency, the requested relief is a Type II matter under SEQRA that requires no environmental review, and granted the application for site plan amendment, subject to the following conditions: (a) the fire pit and associated improvements shall be installed in the location depicted on the plans filed with the Board for this application; (b) during construction, as well as after completion of construction and the issuance of a certificate of occupancy, there shall be no parking except on the driveway area depicted on the plans submitted with the current application; and (c) applicant shall obtain a building permit and/or certificate for the proposed work from the Building Department within six (6) months of the filing of this determination with the Village Clerk.

The Board discussed the written request of the owners of 313 Littleworth Lane for an extension of the time period provided in the Board's September 14, 2016 decision. On motion duly made by the Chair, seconded by Mr. Brady, and adopted unanimously, the Board granted the extension request to obtain a

building permit for a period of 6 additional months from the date this decision is filed with the Village Clerk.

The Board discussed the written request of the owners of 125 Dayton Street for an extension of the time periods provided in the Board's January 11, 2017 decision. On motion duly made by the Chair, seconded by Dr. Virgilio, and adopted unanimously, the Board granted the extension request to obtain a building permit for 6 months, and the certificate for 12 months, from the date this decision is filed with the Village Clerk.

The Board discussed the application of New York American Water. On motion duly made by the Chair, seconded by Dr. Virgilio, and adopted unanimously, the Board approved the site plan application of New York American Water in accordance with the attached decision.

There being no further business, the Chair closed the meeting at 9:44 pm.



BRUCE TREIBER, CHAIR

VILLAGE CLERK

SEP 29 2017

VILLAGE CLERK



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In the Matter of the Application of

NEW YORK AMERICAN WATER COMPANY INC.

For site plan approval to demolish an existing well enclosure and related improvements and construct a new well building and related improvements at premises located at and bounded by Reservoir Street, 8th Avenue, Roslyn Avenue and 10th Avenue. Premises are designated as Section 21, Block 132, Lot 3 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 New York American Water Company, Inc., owner of the premises located at and bounded by Reservoir Street, 8th Avenue, Roslyn Avenue and 10th Avenue and designated as Section 21, Block 132, Lot 3 on the Nassau County Land and Tax Map (the "Premises"), to demolish an existing well enclosure and related improvements and construct a new well building and relate improvements (the "Proposal"), which Proposal requires site plan approval pursuant to Village Code Chapter 107.

2. The applicant represented that the well screen for the existing public water supply well at the Premises (which was constructed in 1965) has failed and that a new well will be constructed using a 20 inch diameter casing with a 12 inch diameter riser and screen, set at a depth of approximately 615 feet below grade and the current well will be decommissioned in accordance with New York State Department of Environmental Conservation (DEC) requirements. The well construction and

decommissioning require approvals from the DEC and Nassau County Department of Health (NCDOH).

3. The applicant advised the Board that approvals from the DEC and NCDOH have been obtained. The applicant further advised that a condition of the NCDOH approval is a requirement to seek to obtain non-pollution easements from owners of properties located within a 200 foot radius of the proposed new well.

4. After reviewing the application documents, receiving and considering testimony, and inspecting the Premises and the surrounding neighborhood, the Board hereby declares itself to be the lead agency with respect to this application under the State Environmental Quality Review Act (SEQRA) and determines that the proposed action requested under this application is a Type II action under SEQRA, as it involves the construction of an accessory non-residential structure or facility that is less than 4,000 square feet of gross floor area and does not involve a change in zoning or a use variance (6 NYCRR 617.5(c)(7)), and requires no further environmental review. The Board notified the Nassau County Planning Commission in accordance with the streamlining agreement with the Village, and no response has been received from the Planning Commission. Accordingly, the Board may take such action as it deems appropriate.

5. In reaching its determination, the Board has considered the testimony and the documentary evidence submitted with the application and at the public hearing, has observed the neighborhood, and acknowledges the additional approvals required and obtained from other agencies, including the DEC and NCDOH. In accordance with the provisions of Chapter 107, the Board finds that the proposed plan, subject to the conditions herein, complies with the

criteria set forth therein. Accordingly, with the exception of the proposed landscaping (which portion of the application remains open), the Board grants site plan approval, subject to the following conditions:

a. The demolition of the existing well structure and construction of the new structure shall comply with all conditions imposed by DEC and NCDOH, except as those conditions may conflict with the conditions imposed herein, in which case the conditions herein shall control in relation to the approval granted by the Board;

b. All equipment and material storage shall take place on-site and there shall be no on-street storage;

c. All vehicles associated with the construction shall be located on site and there shall be no on-street parking;

d. Construction work shall comply with a building permit issued by the Building Department, and shall take place only within the following timeframes:

i) Monday through Friday, 8am to 5pm;

ii) Except in one instance, with Building Department written approval upon 48 hours' notice, no work shall take place on a weekend. The notice herein shall be provided to the Building Department and to the owners or occupants of all properties within a 200 foot radius of the Premises;

iii) Site access by tradesman, material and equipment dropoff shall comply with the time restrictions identified herein;

- iv) all construction and vehicle lighting shall be placed in a location, and shielded as necessary, so as not to encroach onto adjoining properties or public roadway. The Building Department or Village Administrator may determine if the lights are compliant with this requirement;
- v) Construction personnel may block off 2 parking spaces on Reservoir Street for access during construction;
- vi) There shall be no road closures;
- e. NYAW shall provide the Village and neighbors within a 200 foot radius the name and mobile phone number of an on-site contact for the entire construction and demolition period;
- f. The applicant shall provide a performance bond in the penal sum of two (2) million dollars to guarantee that the work performed, including the discharging of water does not damage any roadway or drainage facility in the Village. The bond shall mean a performance bond issued by a bonding or surety company authorized to do business in the State of New York; the deposit of funds with the Village or the deposit with the Village of an assignment of a bank account in or certificate of deposit issued by a bank or trust company authorized to do business in the State of New York and located in Nassau County; an irrevocable letter of credit from a bank authorized to do business in the State of New York and located within Nassau County; or obligations of the United States of America. If not delivered to the Village, such bond shall be held in a

Village account at a bank or trust company located within Nassau County. Any such bond shall be in a form required or approved by the Village Attorney as to form, sufficiency and manner of execution. If the Board determines that the conditions of any bond, or of an approval in connection with which such bond was supplied, are in default, or that the roadways or other public infrastructure, including drainage facilities have become damaged in relation to the water discharge included as part of the applicant's proposal, the Board, with notice of such recommendation provided to the principal and surety, may recommend to the Board of Trustees that the bond be declared in default. Upon such recommendation and upon notice to the principals and surety on such bond, the Board of Trustees may thereupon declare said bond to be in default and take all appropriate proceedings to collect the sum remaining payable thereunder. Upon the receipt of the proceeds of any bond, the Village shall apply such proceeds to reimbursement of the expenses of collection and enforcement of said bond and apply the balance of such proceeds, if any, to the installation of such improvements as may be feasible with such funds, commensurate with the extent of building development that has taken place in the subdivision. Upon the completion of such improvements, any remaining balance in such funds shall be deposited in the Village general fund;

g. Prior to or at the time of acceptance of the certificate of completion of improvements and prior to release of any performance bond

for improvements, the applicant shall furnish to the Village a maintenance bond or security agreement, as may be required by the Board pursuant to this chapter. Such bond or security agreement shall guarantee the maintenance, repair or replacement of any and all defects in improvements installed by the applicant and shall remain in effect for a period of time provided in the resolution of the Board requiring such bond or agreement but in no event longer than two years after it is furnished to the Village. The form and manner of execution of such bond shall be approved by the Village Attorney. The principal amount of said bond or security shall include any costs or expenses, including attorneys' fees, which the Village may incur for the purposes of enforcement or collection of such bond or security. No maintenance bond shall be released or reduced except upon written application. Unless waived by the Village Building Department in writing, such application shall include an as-built survey, certification from an engineer that no damage has occurred to any public property, including the roadways in the Village and any drainage facilities in the Village, in a form acceptable to the Village Building Department. All improvements shall be inspected by the Village Building Department upon an application for release or reduction of a maintenance bond. The Village Building Department shall make a written report to the Board, stating the results of that inspection, and, where the Village Building Inspector has obtained sufficient information to permit such a

report, making a recommendation whether the application should be approved in whole or in part.

h. The applicant shall provide the Village Building Department with written confirmation from the DEC that the proposed water disposal through the public sewer system does not place the Village in violation of any of its obligations under NYS stormwater regulations applicable to municipal storm water systems (MS4s). If an application is required to be made to the DEC for this approval, the costs of that application shall be borne entirely by the applicant;

i. The applicant shall provide the Village Building Department with written confirmation from Nassau County that the discharge piping that is proposed to discharge the discharge water to Hempstead Harbor is in condition to accommodate the discharge water;

j. If the Village Administrator determines that a rain event or some other event impacting the sufficiency of the stormwater system is occurring, and the increased discharge of water into the stormwater system caused by the applicant's discharge may cause damage or result in a potential dangerous situation, and upon notice of such determination, the applicant shall immediately cease discharge activities;

k. Applicant shall comply with all conditions imposed by the DEC and/or NCDOH or any other agency with jurisdiction;

l. The applicant shall provide the Village with a hold harmless agreement guaranteeing that the applicant shall hold the Village, its

officers, agencies, boards and employees harmless from any damage resulting from the work approved herein, including damages relating to the discharge of water onto the public roadways and into the public stormwater system;

m. 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;

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; and

o. As represented by the applicant, no neighbor within the 200 foot radius is required to agree to the non-pollution easement, but the applicant may make best efforts to obtain this easement.

B. M. Trelli

Chair - SEA Cliff Planning Board

SEAL OF THE TOWN

SEP 29 2017

W. J. AGOSTINI

Margaret Lennon