

MINUTES

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

April 11, 2018

Present:	Chair	Bruce Treiber
	Members	Dr. Nicholas Virgilio
		Timothy Driscoll
		Ed Camiolo
		Cormac Brady
	Village Attorney	Brian S. Stolar, Esq. (present for application deliberations only)

The meeting was called to order at 7:40pm.

The Board opened the public hearing on the application of Samuel and Emma Rixon, 154 16th Avenue, Sea Cliff, New York, for (a) site plan approval pursuant to Village Code Chapter 107 to construct a two story addition with a gross floor area in excess of 50% of the gross floor area of the existing dwelling, and (b) a permit pursuant to Chapter 64 to construct a seven (7) foot high wall, where a maximum of four (4) feet is otherwise permitted. Premises are designated as Section 21, Block 151, Lot 30 on the Nassau County Land and Tax Map.

The minutes of the hearing were transcribed stenographically. The Board closed the hearing, and reserved decision.

Application of Russian Church of Our Lady of Kazan, Inc., Willowshore Avenue, Sea Cliff, New York and Douglas and Karin Barnaby, 2 Finch Way, Sea

Cliff, New York for approval pursuant to Village Code Chapters 107 and 112 to transfer an approximate 1,000 square foot portion of a lot owned by Douglas and Karin Barnaby to the Russian Church of Our Lady of Kazan, Inc. Premises are designated as Section 21, Block L, Lots 153, 157, 76 and 83, and the portion of the lot to be transferred is part of Section 21, Block L, Lot 157.

The minutes of the hearing were transcribed stenographically. The Board closed the hearing, and reserved decision.

The Board discussed the Rexion application. On motion duly made by the Chair, seconded by Mr. Driscoll, 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 approval and for a permit to construct a seven foot high wall, subject to the following conditions: (a) the improvements shall conform to the plans submitted with the application, (b) the applicants shall install drainage facilities, including roof gutters, in a location and size as determined by the Building Department, to accommodate the construction and prevent any stormwater from running off the property, (c) the wall shall be installed in the location, and of a size and material, as indicated in the plans submitted to the Board, (d) if determined appropriate by the Building Department, the applicants shall provide the Building Department with a final survey depicting the location of the wall; and (e) applicants shall obtain a building permit from the Building Department within six (6) months, and a certificate of completion within one (1) year, of the filing of this determination with the Village Clerk.

The Board discussed the environmental impacts of the application of Russian Church of Our Lady of Kazan, Inc. and Douglas and Karin Barnaby, for subdivision approval. On motion duly made by the Chair, seconded by Dr. Virgilio, the Board, and adopted unanimously, the Board adopted the following resolution:

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Planning Board; and

WHEREAS, the Planning Board has considered the nature of the proposed subdivision and reviewed the Environmental Assessment Form (EAF),

NOW, THEREFORE, IT IS

RESOLVED, that the Board hereby finds and concludes that the proposed subdivision is an Unlisted Action as defined in the State Environmental Quality Review Act and its regulations and Village Code §60-10(A), and

(a) the Board is the lead agency with respect to environmental review of this proposed action;

(b) the Board has considered the following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:

(i) the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste

production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;

(ii) the proposed action would not 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) the proposed action would not impair the environmental characteristics of any Critical Environmental Area;

(iv) the proposed action would not conflict with the community's current plans or goals as official approved or adopted;

(v) the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;

(vi) the proposed action would not result in a major change in the use of either the quantity or type of energy;

(vii) the proposed action would not create a hazard to human health;

(viii) the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) the proposed action would not 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) the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;

(xi) the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;

(xii) the proposed action would not 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;

(c) the proposed action would not have a significant adverse environmental impact;

(d) no further environmental review is required with respect to the proposed action, and

(e) the Chair, or his designee, is authorized to complete the Environmental Assessment Form in relation to this proposed action in a manner consistent with the foregoing findings.

The Board discussed the merits of the Kazan Church/Barnaby application. On motion duly made by the Chair, seconded by Dr. Virgilio, and adopted unanimously, the Board adopted the attached resolution.

There being no further business, the Chair closed the meeting at 8:15pm.



BRUCE TREIBER, CHAIR

VILLAGE OF GLEN COUNTY, NY

MAY 10 2018

VILLAGE CLERK



PLANNING BOARD
VILLAGE OF SEA CLIFF

In the Matter of the Application of

RUSSIAN CHURCH OF OUR LADY OF KAZAN,
INC. and DOUGLAS and KARIN BARNABY

for final subdivision approval to permit the transfer of an approximate 1,000 square foot portion of land owned by Douglas and Karin Barnaby to the Russian Church of Our Lady of Kazan, Inc. and/or a waiver of Subdivision filing requirements pursuant to Real Property Law §334-a.

The premises are designated as Section 21, Block L, Lots 153, 157, 76 and 83, and the portion of the lot to be transferred is part of Section 21, Block L, Lot 157.

RESOLUTION

WHEREAS, Russian Church of Our Lady of Kazan, Inc. and Douglas and Karin Barnaby applied for approval pursuant to Village Code Chapters 107 and 112 to transfer an approximate 1,000 square foot portion of a lot owned by Douglas and Karin Barnaby to the Russian Church of Our Lady of Kazan, Inc. Premises are designated as Section 21, Block L, Lots 153, 157, 76 and 83, and the portion of the lot to be transferred is part of Section 21, Block L, Lot 157; and

WHEREAS, the portion of the lot proposed for transfer adjoins the easterly terminus of Bryant Avenue, and will connect two separate lots owned currently by the Kazan Church; and

WHEREAS, in 2014, the Board approved a subdivision of the Barnaby property, and the portion proposed for transfer was made part of the lot on the north side of Finch Way; and

WHEREAS, as a condition of the previous subdivision, and also as provided in a Declaration of Covenants and Restrictions, the Barnabys, and any successor in interest, are precluded from any "further subdivision of any portion of the subdivided premises". The purpose of this limitation was to prohibit the creation of any additional developable plots utilizing any portion of the subdivided premises; and

WHEREAS, the term "applicants" herein refers to the applicants and their successors and/or assigns; and

WHEREAS, the Planning Board held a public hearing on April 11, 2018; and

WHEREAS, the proposed development is classified as an Unlisted Action under SEQRA, the Board declared itself lead agency under SEQRA and issued a negative declaration for the purpose of SEQRA review; and

WHEREAS, the application was referred to the Nassau County Planning Commission in accordance with the General Municipal Law; and

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

NOW, THEREFORE, BE IT RESOLVED, that the application of Russian Church of Our Lady of Kazan, Inc. and Douglas and Karin Barnaby for approval pursuant to Village Code Chapters 107 and 112 to transfer an approximate 1,000 square foot portion of a lot owned by Douglas and Karin Barnaby to the Russian Church of Our Lady of Kazan, Inc. is hereby approved, subject to the following conditions:

1. The Board grants the request for a waiver of subdivision filing requirements and does not require a plat in the form as required in the Village Code subdivision regulations so long as, within six (6) months of the filing of this determination, the applicants file with the Nassau County Clerk, and provide proof of such filing to the Village Clerk, deeds conveying the portion of tax lot 157 to the Kazan Church in a manner that the portion of tax lot 157, as shown on the plans submitted with the application, shall become joined with the current Kazan Church property.

2. This resolution and the final approval resolution shall be included with any deed filed with the County Clerk.

3. The Board waives the provisions set forth in Village Code A145-9 and A145-10, as the Board has granted a waiver of subdivision filing requirements pursuant to Real Property Law §334-a.

4. The waiver is conditioned on (a) the transferred lot remaining associated with the Church lot to the south and to be used as an accessory to the Church lot to the south, (b) the transferred lot shall not be used in conjunction with a residential lot to the north, and (c) the transferred portion shall forever remain attached to an adjoining lot or lots or may form part of a future lot or lot, but the lot area of the transferred lot shall not be available to be counted for lot area calculations should the Kazan Church, or a successor in title, seek to subdivide the Kazan Church premises.

5. To assure compliance with the aforesaid condition, applicants shall prepare for review and approval of the Village Attorney a Declaration of

Restrictive Covenants to be recorded in the office of the Nassau County Clerk, at the applicants' expense, providing the conditions set forth in paragraph 4 herein.