

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

December 12, 2018

Present:	Chair	Bruce Treiber
	Members	Timothy Driscoll
		Ed Camiolo
	Village Attorney	Brian S. Stolar, Esq.
	Village Building Inspector	Shane Dommin

The meeting was called to order at 7:42pm.

The Board noted that 14 Bay Avenue Commons, LLC was not present, and continued the public hearing to January 9, 2019, at 7:30pm.

The Board noted that it received a letter from the prospective purchaser of the Henner premises (46-48 7th Avenue) requesting that the hearing be continued to the January meeting. The Board continued the public hearing to January 9, 2019, at 7:30pm.

The Board opened the continued public hearing on the application of Alan Guerci, 48 Prospect Avenue, Sea Cliff, New York, for site plan approval pursuant to Chapter 107 to demolish an existing residence and construct a new residence and additional site improvements. Premises are designated as Section 21, Block 200, Lot 205 on the Nassau County Land and Tax Map.

The Board closed the hearing, and reserved decision.

The Board opened the public hearing on the application of Robin Rossi, as manager of United Home Associates LLC, 71 Croft Lane, Smithtown, New York for site plan approval pursuant to Chapter 107 to demolish an existing residence and construct a new residence, attached garage and additional site improvements. Premises are located at 64 Glenlawn Avenue, Sea Cliff, New York and designated as Section 21, Block 188, Lot 23 on the Nassau County Land and Tax Map.

The applicant provided the Board with updated plans, last revised on December 12, 2018. The minutes of the hearing were transcribed stenographically. The Board closed the hearing, and reserved decision.

The Board discussed the Guerci application. On motion duly made by the Chair, seconded by Mr. Camiolo, 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 in accordance with the attached decision.

The Board discussed the Rossi 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 in accordance with the attached decision..

There being no further business, the Chair closed the meeting at 7:56pm.



BRUCE TREIBER, CHAIR

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JAN 7 2019



In the Matter of the Application of

ALAN GUERCI

to construct a new dwelling with site improvements, one or more retaining walls at the premises and to which construction requires site plan approval pursuant to Chapter 107.

Premises are located at 48 Prospect Avenue, and are designated as Section 21, Block 200, Lot 205 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 Alan Guerci, 48 Prospect Avenue, Sea Cliff, New York (the "Premises"), to construct a new dwelling with site improvements, which construction requires site plan approval pursuant to Village Code Chapter. The proposed work is depicted on plans submitted by the applicant, and include plans prepared by James T. Carballal, architect, dated September 10, 2018, and filed with the Village on November 6, 2018, including sheets A001.1, A002.0, A003.0, A100.0, A101.0, A200.0, A201.0 (the "Proposed Work").

2. 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. The Board has reviewed the site plan application in accordance with the provisions of Chapter 107, including Section 107-5, and finds that the Proposed Work, subject to the conditions

herein, complies with the criteria set forth within Chapter 107. Accordingly, the Board grants site plan, 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. Plantings shall be planted and maintained as depicted in the Proposed Work, and as otherwise approved by the Building Department.
- e. 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 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.

f. 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.

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

h. Construction equipment and materials, and staging materials, shall be stored on-site.

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

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

k. 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.

l. 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.

m. 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.

n. 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 at the Premises.

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In the Matter of the Application of

Robin Rossi, as manager of United Home Associates, LLC

To demolish an existing residence and construct a new residence, detached garage and site improvements, which work requires site plan approval pursuant to Village Code Chapter 107, at Premises located at 64 Glenlawn Avenue, and designated as Section 21, Block 188, Lot 23 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 Robin Rossi, as manager of United Home Associates, LLC, owner of property located at 64 Glenlawn Avenue, Sea Cliff, New York and designated on the Nassau County Land and Tax Map as Section 21, Block 188, Lot 23 (the "Premises"), to demolish an existing residence, and construct a new dwelling and site improvements, which construction requires site plan approval pursuant to Village Code chapter 107. The Board previously approved a site plan, with modifications, in January and July 2016. The Board has considered the 2016 decisions and the circumstances then existing, which are no different than the conditions existing today in relation to this application.

2. The Premises contains an existing residence, which residence is located towards the rear of the property. The applicant proposes to demolish the residence, construct a new residence closer to the front yard of the Premises (31 foot setback from

the front of the proposed covered porch to the front property line). The applicant also proposes to expand the driveway in the area leading to the detached garage, construct a retaining wall along the south and west sides of the residence, and remove existing decorative walls along the north side of the Premises. The applicant also proposes to install new drainage and sanitary systems and install air conditioning compressor units behind the residence and under a proposed rear yard deck. The applicant will install new electric lines underground from an electrical pole to the residence. The applicant also proposes to utilize gravel for the existing, and the new portions of, driveway, as well as plant and maintain a line of evergreen privet hedges between the driveway and southerly property line. All of these site improvements, and others, are detailed on the revised plans dated December 12, 2018.

3. The Premises has frontage on Glenlawn Avenue and has a downward slope from the northeast front corner towards the southwest portion of the Subject Premises. The rear portion of the Premises, including the area proposed for the detached garage, has a reduced slope.

4. After reviewing the application documents, receiving and considering testimony, and inspecting the Premises and the surrounding neighborhood, the Board determines that the application is a Type II application under SEQRA, and requires no further environmental review. Notice of the application was provided to the Nassau County Planning Commission, and the Commission has not requested that the full application be referred to the Commission.

5. In rendering its determination, the Board has considered the testimony and the documentary evidence submitted with the application and at the public hearing, and has observed the neighborhood where the residence is proposed. The Board has reviewed the site plan application in accordance with the provisions of Chapter 107, including Section 107-5, and finds that the proposed plan, as set forth in the various plans

submitted with the application, including the plans identified above, subject to the conditions herein, complies with the criteria set forth therein. Accordingly, the Board grants site plan approval, subject to the following conditions:

- a. Except as otherwise provided herein, the construction and site improvements shall conform to the revised plans;
- b. The site preparation, staging, foundation installation, tree removal and preservation, shoring, and excavation shall comply with all applicable laws and regulations and shall be performed in accordance with plans approved by the building department;
- c. Applicant shall plant and maintain, for so long as this approval is in effect, a row of evergreen screening, in the form of hedges, at a planted height of not less than 4 feet tall, along the southerly property line in the locations depicted in the plans as a line of new privet hedges. Such screening shall be planted prior to the issuance of a certificate of occupancy. Failure to comply with this planting requirement shall render the Board's determination null and void;
- d. In addition to the trees depicted in the plans as preserved trees and the planting of evergreen screening along the southerly property line, the applicant shall plant and maintain, for as long as this approval is in effect, three (3) shade oak trees or equivalent, approximately equidistant, at a planted height of not less than 4 feet tall, between the proposed residence and the northerly side property line, approximately 5-6 feet from the side property line, and spaced so that the westernmost tree is centered approximately 10 feet from the rear building line, the middle tree is centered

approximately 10 feet from the westernmost tree, and the third tree is centered approximately 10 feet east of the middle tree. The precise location and species of tree shall be subject to the approval of the building department;

- e. The plantings identified in this decision shall be planted and continuously maintained. The applicant shall provide for appropriate irrigation for such plantings, and the on-site retention of any such water produced by the irrigation system;
- f. The proposed retaining walls shall be placed in the locations, at the heights, and utilizing the construction materials indicated in the aforesaid plans;
- g. The existing shed on the north side of the property shall either be removed or renovated to an appearance consistent with the new residence, as determined by the Superintendent of Buildings;
- h. The driveway area, including the new driveway area, shall conform to the proposed location, height and materials indicated in the approved plans;
- i. Notwithstanding that applicant shall conform all construction related activities to the plans as indicated in the aforesaid conditions, should applicant make any modifications to those plans, the modifications shall be permitted only if approved by the building department. In this regard, the building department may utilize the services of an independent engineer retained by the Village to review the modifications and applicant shall bear the cost of any such service. All costs and expenses incurred by the Village in connection with work performed by the independent engineer shall

be borne by applicant and shall be assessed by the Board of Trustees upon the subject premises. Applicant, upon being provided with written notice of the costs and expenses so incurred shall make payment to the Village. If applicant shall fail to pay such costs and 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 subject 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 subject 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;

- j. 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 trucks. No such dumpsters or dump trucks shall be placed off-site. 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 site;
- k. Construction equipment and materials shall be stored on-site only. Deliveries of materials shall occur on-site and the delivery trucks

shall not obstruct vehicular or pedestrian traffic on Glenlawn Avenue;

- l. Except as indicated in the approved plans, the applicant shall make no changes to the topography of the property;
- m. All lighting shall be placed in a location, and shielded as necessary, so as not to encroach onto adjoining properties or public roadways;
- n. 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;
- o. The septic system shall comply with all applicable laws and regulations. Such system must be approved by the Superintendent of Buildings;
- p. 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 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 throughout the construction and demolition period. The erosion protection measures shall comply with the building department requirements for such measures;
- q. Applicant shall be responsible for assuring on-site traffic control during construction and demolition. If a flagperson is determined by the building department to be necessary at various points of the construction, the applicant shall provide a flagperson;

- r. The proposed 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;
- s. Unless required due to an emergency situation, and a written authorization for such work is provided by the building department, construction shall occur only during hours permitted by the Village Code and any applicable Village regulations or directives of the building department;
- t. 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 to any construction activity relating to the construction and demolition of the site;
- u. Applicant proposes to locate the electrical service connecting the residence to the electric pole along the southerly side property line. Should it be determined during construction that such underground wiring is not feasible, the applicant may, in writing, request that the Board permit the relocation of the wiring to an aboveground area, which determination may be made by the Board without requiring a new public hearing; and
- w. Applicant shall complete the work and obtain all certificates necessary for the work within 18 months of the filing of this decision with the Village Clerk.