

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

November 14, 2018

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

The meeting was called to order at 7:30pm.

The Board noted that 14 Bay Avenue Commons, LLC was not present, and continued the public hearing to December 12, 2018, at 7:30pm.

The Board opened the public hearing on the application of Frank Scavone, 78 Fairview Place, Sea Cliff, New York, for subdivision approval to legalize the subdivision of property designated as Section 21, Block 127, Lots 312, 314, 315, 316 and 317 on the Nassau County Land and Tax Map, into five (5) separate parcels.

Mr. Driscoll arrived during the hearing.

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

The Board opened the public hearing on the application of Jordan Henner, 46-48 7<sup>th</sup> Avenue, Sea Cliff, New York, for subdivision approval to permit the

acquisition of an undeveloped portion of 6<sup>th</sup> Avenue. Premises are designated as Section 21, Block 121, Lots 5 and 1627 on the Nassau County Land and Tax Map.

The application was presented by Alan Wright, who represented that he purchased the property last week. The Board noted that there were certain deficiencies that had to be corrected, including consent from the neighboring property owner, as a portion of the proposed subdivision appears to include property that may belong to the neighboring owner.

The minutes of the hearing were transcribed stenographically. The Board continued the public hearing to December 12, 2018, at 7:30pm.

The Board opened the public hearing on the application of Alan Guerici, 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 application was presented by Jim Carballal, architect.

The Board noted that certain of the proposed walls may exceed four (4) feet in height, and would thus require a wall permit from the Board. This permit was not previously identified in the application, nor was it included in the public notice. The Board would not be able to rule on the permit until it has been reviewed by the Building Department, and if determined to be in excess of four (4) feet in height, until proper notice is provided, as required by Village Code.

The Board also noted that it must address SEQRA and render an environmental determination prior to referring the application to the Nassau County Planning Commission.

The minutes of the hearing were transcribed stenographically. The Board continued the public hearing to December 12, 2018, at 7:30pm.

The Board discussed the environmental impact of the Guerci site plan application. On motion duly made by the Chair, seconded by Mr. Brady, 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 a Type I 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 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 Board noted that it previously approved a site plan with respect to the premises, but that approval has lapsed. The plans contain a revision date subsequent to the previous approval, and the applicant was not certain of the changes made to the plans subsequent to the 2016 site plan approval.

The minutes of the hearing were transcribed stenographically. The Board continued the public hearing to December 12, 2018, at 7:30pm.

The Board opened the public hearing on the application of Douglas and Karin Barnaby, 2 Finch Way, Sea Cliff, New York for site plan approval pursuant to Chapter 107 to construct a new residence and site improvements on a vacant lot. Premises are designated as Section 21, Block L, Lot 157 on the Nassau County Land and Tax Map.

The application was presented by Maximo Buschfrers, prospective purchaser of the premises. Neighbors and a representative of the Church adjoining the premises testified.

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

The Board discussed the Scavone 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 following resolution:

WHEREAS, Frank Scavone, title owner of property located at 78 Fairview Place, Sea Cliff, New York, has applied to legalize a subdivision of five (5) tax lots into five (5) separate lots (known as 78, 89 and 83 Fairview Place, 358 Sea Cliff Avenue and 89 Summit Avenue, and respectively designated on the Nassau County Land and Tax Map as Section 21, Block 217, Lots 314, 312, 316, 315, and 317), each of which is presently in sole and separate ownership, and

WHEREAS, the owners of the four other tax lots consented to the application,

WHEREAS, in 1921, the five tax lots were assembled as one parcel, and beginning in 1974 (after the Village adopted subdivision regulations), a portion of the entire parcel was transferred by deed, but tax lot 314 was not included in the transfer, and

WHEREAS, the remaining lots were transferred to separate property owners over the course of a number of years (Lot 312 – 1974), (Lot 316 – 1976, (Lot 315 – 1976), (and (Lot 317 – 1991), and

WHEREAS, the applicant now seeks to obtain subdivision approval to authorize the various lot transfers and to permit the subdivision as required by Village Code, and

WHEREAS, the proposed lots are compliant with zoning requirements or have obtained variances from the Zoning Board of Appeals, and

WHEREAS, the subdivision is classified as a Type II action under SEQRA, the Board has declared itself lead agency under SEQRA, and that no environmental review is required, and

WHEREAS, the Board has fully considered all of the evidence at the public hearing and the documents provided with the application,

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the subdivision, subject to the following conditions and requirements:

1. To the extent permitted by law, applicant is not required to file a subdivision map with the County Clerk, and the Board hereby waives such filing requirement.
2. The Board hereby waives the submission of the information, endorsements and certifications required to be included in the subdivision map pursuant to Village Code A145-9 and 10.
3. The Board waives the requirement of payment of a recreation or park fee.

The Board discussed the Barnaby 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 in accordance with the following resolution:

WHEREAS, Douglas and Karin Barnaby, as owners of property located at 2 Finch Way, Sea Cliff, and designated on the Nassau County Land and Tax Map as Section 21, Block L, Lot 157, applied for site plan approval to construct a new residence, detached garage and associated site improvements, and

WHEREAS, the Board held a public hearing on November 14, 2018, and has considered the testimony and documents filed in connection with the application, and

WHEREAS, the Board has provided notice of the application to the Nassau County Planning Commission in accordance with the streamlining agreement with the Village, and the Commission has not requested a full referral, and

WHEREAS, the Board has determined that the application is a Type II application under SEQRA, that the Board is the lead agency, and that no environmental review is required;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves the site plan application subject to the following conditions and requirements:

1. The dwelling, detached garage and proposed site improvements shall be constructed in accordance with the plans submitted with this application.
2. Other than the trees shown on the plans to be removed, no additional trees shall be removed.
3. All utilities shall be installed underground and in accordance with the requirements of the Village Building Department and Department of Public Works. The electric meter shall be installed on the dwelling.
4. Stormwater management and drainage plans shall be approved be approved by the Building Department, and subject to review by the Director of Public Works.



5. During construction, applicant, and any successor, shall adhere to the conditions of the Conditioned Negative Declaration adopted by the Board on April 10, 2013.
6. No structures, including fences, gates or walls may be placed or installed along the Finch Way right-of-way.
7. No hedges or shrubbery shall be planted or maintained in the Finch Way right-of-way.
8. Sewage disposal shall be secured from the Village Building Department in accordance with Nassau County Department of Health regulations.
9. Grading, drainage, sewer, driveway and curbing are subject to approval of the Village Building Department and/or Department of Public Works, as applicable.
10. Applicant shall submit written confirmation from the Village Fire Department that the closest existing fire hydrant is satisfactory to the Fire Department for the purposes of protecting any structures on the property. If there is no such fire hydrant, applicant shall install a fire hydrant and water connections as approved by the Village Fire Department and Building Department.
11. Landscaping shall be installed and maintained in perpetuity in accordance with the landscape plan filed with the application.
12. The erosion and sediment control plan shall be subject to the approval of the Village Building Department.

13. Construction material and equipment shall be staged on site during construction.
14. The boundary of the premises must be staked out by a licensed land surveyor prior to, and during, construction.
15. Water conserving fixtures, in accordance with the general policy of the New York State Department of Conservation, shall be installed at the premises.
16. During construction, temporary fencing, erosion control and other measures to protect adjoining properties shall be used as directed by the Village Building Department.
17. All construction shall be in strict compliance with the requirements of the Village Code, the New York State Uniform Code and all other applicable federal, state, county and local laws and regulations.
18. The on-site sanitary disposal system shall be certified by a qualified licensed professional who shall submit to the Building Department a certification that the facilities are in conformance with the requirements of the Nassau County Department of Health and the Village, as applicable.
19. All construction activities shall be performed during the days and times authorized by the Building Department.
20. Applicant shall obtain a building permit from the Building Department within six (6) months, and a certificate of occupancy within one (1) year, of the filing of this determination with the Village Clerk. If the applicant

is unable to obtain a certificate of occupancy within such time period, applicant may apply to the Planning Board for an extension of time, which the Board may consider without a public hearing.

There being no further business, the Chair closed the meeting at 9:28pm.

  
\_\_\_\_\_  
BRUCE TREIBER, CHAIR

RECORD OF DECISIONS

NOV 26 2018

VILLAGE CLERK

