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PLANNING BOARD

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VILLAGE OF NORTH HAVEN

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Held at:

335 Ferry Road

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Sag Harbor, New York 11963

11

Also Held Via:

Zoom Video Communications

12

13

October 16, 2023

4:30 p.m.

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A P P E A R A N C E S:

Bryan von Hagn, Chairperson
Ernest Schieferstein, Deputy Chairperson
Allen Kopelson, Board Member (Absent)
Gregory Churchill, Board Member
Christian Duryea, Board Member (Absent)
Susan Edwards, Board Member
Scott Middleton, Esq., Village Attorney
Billy Hajek, Planning & Environmental
Consultant
George Butts, Village Building Inspector
Erika Gubitosi, Village Clerk/Secretary

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CHAIRMAN VON HAGN: Welcome to everyone.

All right. So we're gonna start with a public hearing. Can I -- do we make a motion first, Scott? So can I have a motion to open the public hearing?

MR. SCHIEFERSTEIN: So moved.

CHAIRMAN VON HAGN: Okay. Second?

MR. CHURCHILL: Second.

CHAIRMAN VON HAGN: All in favor?

ALL BOARD MEMBERS: Aye.

CHAIRMAN VON HAGN: Okay.

So first up, we have Spaeth Family 2011 Trust, Owner. The property is located at 37 Mashomuck Drive, North Haven, New York. Suffolk County Tax Map No. 901-3-2-62.1. The applicant requests an extension to the Planning Board's approval for the demolition of the existing dwelling and construction of a previously approved two-story dwelling, attached garage and swimming pool, originally approved August 26, 2019 and modified on May 17, 2021.

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2 Do we have anyone from the public?
3 This is not the applicant at this point,
4 right?

5 MR. WHITE: I guess we're the
6 public.

7 CHAIRMAN VON HAGN: Yeah. Yeah,
8 but we're gonna come back to you.

9 So anyone from the public want to
10 comment on this application?

11 MS. GUBITOSI: Bryan, they are --
12 they're not the Spaeths.

13 MS. WHITE: We're not the Spaeths.

14 CHAIRMAN VON HAGN: Oh, you're not
15 the Spaeths. I apologize then. Okay.

16 MS. GUBITOSI: They're the public.

17 CHAIRMAN VON HAGN: I apologize.
18 I thought you were the Spaeths. You are
19 the public. All right, good.

20 MR. SCHIEFERSTEIN: Do the math.
21 I wasn't sure what they said, so I let it
22 go.

23 MR. WHITE: Just to explain, we
24 are the next-door neighbor.

25 MR. SCHIEFERSTEIN: Got it.

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MS. WHITE: The public next-door neighbors.

CHAIRMAN VON HAGN: All right, great. Okay.

MS. WHITE: We didn't know what was going on. We just got a registered, what is it, a --

MR. WHITE: Letter.

MS. WHITE: Letter. So we figured we'd show up and see what was going on.

CHAIRMAN VON HAGN: Okay.

MS. WHITE: 'Cause it's always a bit crazy over there.

CHAIRMAN VON HAGN: Yeah, they're looking -- they've had a previously approved plan to do this for quite some time and they're looking to just get an extension. I think they had some, some things that delayed them, so.

MR. WHITE: Do you actually have a plan of what's proposed?

CHAIRMAN VON HAGN: Yes, we do.

MR. WHITE: Could you share it with us?

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2 CHAIRMAN VON HAGN: Do we have it
3 available?

4 MS. GUBITOSI: Yeah.

5 CHAIRMAN VON HAGN: 'Cause I don't
6 even know if it's in our packets.

7 MS. GUBITOSI: Yeah.

8 MS. WHITE: You can give it to us
9 whenever.

10 CHAIRMAN VON HAGN: Are the
11 Spaeths here, or the applicant?

12 MR. HAJEK: Just for the record,
13 could you say what your address -- your
14 names and addresses?

15 MS. WHITE: Yes. 43 Mashomuck
16 Drive.

17 MR. HAJEK: Okay. And your name?

18 MS. WHITE: Oh, Cindy. Cindy
19 White.

20 MR. HAJEK: Okay. Thank you.

21 MS. WHITE: You're welcome.

22 MS. GUBITOSI: Okay. So what I do
23 have available is the approved site plan.

24 MS. WHITE: Okay.

25 MS. GUBITOSI: I can put that up

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2 on the screen for you to see.

3 MS. WHITE: And a site plan, oh,
4 my gosh, that's gonna be -- can you print
5 that out for me or no?

6 MS. GUBITOSI: I can, just not
7 right now.

8 MR. HAJEK: Not right now.

9 MS. WHITE: Okay. Or you can
10 e-mail it to me, Erika?

11 MS. GUBITOSI: Yeah, we can e-mail
12 it.

13 MS. WHITE: Maybe that's -- you've
14 got my e-mail on file, right?

15 MS. GUBITOSI: Yeah. I'll give
16 you a call tomorrow.

17 MS. WHITE: Yeah, that's fine.
18 'Cause I don't want to take anybody's
19 time. And who knows, 'cause it's always
20 changing verbally.

21 MR. HAJEK: Oh.

22 MS. WHITE: So.

23 MR. HAJEK: Well, the plan that
24 they are asking --

25 MS. WHITE: Yeah.

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MR. HAJEK: -- hasn't changed
in --

MS. WHITE: Yeah.

MR. HAJEK: -- two years. It's
just that they -- it's about to expire, so
they need an extension of time so they can
construct it before it expires.

MS. WHITE: Okay. So proposed
house, so this is the --

MR. WHITE: I guess that's --

MS. WHITE: -- bulkhead?

MR. HAJEK: No. So the bulkhead
would be --

MS. WHITE: Up there?

MR. HAJEK: The bulkhead is over
on this side. This is the bulkhead.

MR. WHITE: Oh, that's the
bulkhead.

MR. HAJEK: This is the street.
This is the street on this side.

MS. WHITE: That's the bulkhead.

MR. HAJEK: Yeah. So this would
be to the --

MS. WHITE: North?

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MR. HAJEK: -- north, and then
this is to the south.

MS. WHITE: Are we south?

MR. WHITE: You don't have a
footprint of the existing house that you
can superimpose on that, do you?

MR. HAJEK: No, but it's roughly
the same location as the -- what's
proposed.

MR. WHITE: Yeah. But is the --
do you have significantly bigger or
roughly the same?

MR. HAJEK: It's larger. I don't
know in terms of --

MS. WHITE: And at two stories or
one story?

MR. WHITE: Yeah, I'm not asking
you to the decimal place.

MR. HAJEK: Yes, it's two stories.

MR. SCHIEFERSTEIN: Yup, it's two
stories.

MR. WHITE: How is it terms of
feet? Is it 1,000 square feet on the
footprint larger?

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MR. HAJEK: That, I couldn't tell
you right now offhand. I don't remember.
It's been a couple years since --

MS. WHITE: Yeah.

MR. WHITE: Yeah.

MS. WHITE: I just one general
question. 'Cause we've been living here
for, like, oh, gosh, over 30 years, and I
don't know if this is the right place to
ask it, but I'll be specific opposed to
general, are they allowed to plant trees
all the way down there or a fence?

MR. HAJEK: Yes, they can plant
trees, yeah.

MS. WHITE: And obstruct our view?

MR. HAJEK: They could plant
trees, yeah.

MS. WHITE: All the way down to
the bulkhead?

MR. HAJEK: So this is their --

MS. WHITE: So --

MR. HAJEK: This is the plan that
is currently approved in terms of
plantings. So they're gonna revegetate

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1 along this side of the property and on
2 this side. And they weren't gonna
3 revegetate down there. But I think the
4 conversation that the Board is gonna have
5 is gonna be taking this revegetation and
6 moving it --

8 MS. WHITE: Yeah, of course.

9 MR. HAJEK: -- to the water side,
10 which is now -- that's now a requirement.
11 It wasn't when it wasn't approved.

12 MS. WHITE: Right, exactly. Yeah,
13 yeah, yeah. And they must have a fence
14 around their pool.

15 MR. HAJEK: Yes.

16 MS. WHITE: Okay. 'Cause that was
17 something that was a conversation that if
18 they needed a -- if they put a fence or
19 trees all around, they didn't need the
20 pool fence.

21 CHAIRMAN VON HAGN: No, you need
22 a --

23 MR. HAJEK: You have to have a
24 pool fence.

25 MS. WHITE: Yeah, yeah, yeah. No,

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2 yeah.

3 MR. MIDDLETON: With respect to
4 the extension, 'cause this is a public
5 hearing just for the extension, do you
6 have any comments with respect to that?

7 MS. WHITE: Do we have any
8 comments?

9 MR. WHITE: I'm sorry, when you
10 talk about an extension, can you --

11 MR. MIDDLETON: So the -- this
12 plan --

13 MR. WHITE: -- be more specific?

14 MR. MIDDLETON: This plan was
15 approved, I think, in 2019.

16 MS. WHITE: Oh, okay.

17 CHAIRMAN VON HAGN: Yeah.

18 MR. MIDDLETON: So they haven't
19 started construction yet. They haven't
20 applied for the building permit. So they
21 have to get extensions to keep this --

22 MS. WHITE: If they want to do it.

23 MR. MIDDLETON: -- alive,
24 basically.

25 MR. WHITE: Oh, I see what

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2 you're --

3 CHAIRMAN VON HAGN: Or they would
4 have to refile.

5 MR. MIDDLETON: That's the purpose
6 of this.

7 MS. WHITE: This is the first time
8 we've ever gotten a registered receipt
9 letter, and we figured that's why we, you
10 know, maybe something was happening and
11 why we came, because they've been -- they
12 talked about this for 20 years. So I
13 just -- we thought they were, like, doing
14 it now, so.

15 CHAIRMAN VON HAGN: Yeah, they
16 might be. We're not -- we're assuming --

17 MR. SCHIEFERSTEIN: Yup.

18 CHAIRMAN VON HAGN: -- they're
19 gonna do it at some point.

20 MS. WHITE: Yeah. Okay.

21 CHAIRMAN VON HAGN: When they,
22 when they -- just, like, this gives them
23 the extension to their permit.

24 MS. WHITE: Oh, okay.

25 CHAIRMAN VON HAGN: If they -- if

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1 the Board saw fit, they could say, "We
2 don't want to grant another extension,
3 refile," you know. But basically, there's
4 really, from my -- what I remember, I
5 don't think there was any variances
6 necessary. They were building
7 as-of-right.

8 MS. WHITE: Okay. How much do
9 they need this space between, like, our
10 house is here versus there? I mean, they
11 have to stay within their --

12 CHAIRMAN VON HAGN: They have to
13 stay within the principal building. They
14 were approved to stay within their
15 principal --

16 MS. WHITE: Of what's there.

17 CHAIRMAN VON HAGN: -- setbacks,
18 yeah.

19 MS. WHITE: Okay.

20 CHAIRMAN VON HAGN: What's
21 required by the Code.

22 MS. WHITE: Do you have a
23 question?

24 MR. WHITE: Yes. What quality of
25

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building is proposed?

MS. WHITE: Well, that's a good question.

MR. MIDDLETON: You mean type?

MS. WHITE: Yeah.

MR. MIDDLETON: I don't know if we have elevations, do we?

MR. WHITE: Let me be more specific. Are they proposing to put a pre-built or prefabricated look or structure on that --

MR. MIDDLETON: I don't think we've gotten to that point yet, right?

MS. WHITE: Is that allowed?

MR. MIDDLETON: Right? We don't have --

MS. GUBITOSI: I think it is modular.

MR. MIDDLETON: Do we have construction documents? It's modular?

MS. GUBITOSI: It's modular.

MS. WHITE: It is modular. Okay.

MR. WHITE: So what does "modular" mean in the context of a prefabricated

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2 building built offsite and then trucked
3 in?

4 MS. WHITE: But it still has to
5 get approved by George.

6 CHAIRMAN VON HAGN: No, they all
7 said it would be ARB, which is, that's
8 gonna be handled more by the ARB, like the
9 shape of the house, the design of the
10 house. They went in front of the
11 Architectural Review Board to get that
12 approved. We approve site plans here, so.

13 MR. SCHIEFERSTEIN: We're
14 two-dimensional. That's
15 three-dimensional. That's really not in
16 our --

17 MR. WHITE: Okay.

18 CHAIRMAN VON HAGN: Yeah.

19 MS. WHITE: All right.

20 MR. SCHIEFERSTEIN: -- wheelhouse.
21 Sometimes.

22 CHAIRMAN VON HAGN: So, George --
23 George approves the -- like, saying that
24 the house is built, you know, to -- the
25 height is correct, you know, that it's

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within the code, that the house is set on the site as it's supposed to be with principal --

MS. WHITE: And it has to have the proper septic tanks.

CHAIRMAN VON HAGN: Yeah. That, we -- the engineering department looked at that already. We looked at drainage. And all that type of stuff, we deal with here.

MR. WHITE: But is there anything specific about the quality of the building?

CHAIRMAN VON HAGN: That's --

MR. SCHIEFERSTEIN: You're talking about aesthetics or the quality of construction? I don't know what you mean by "quality".

CHAIRMAN VON HAGN: That's George's --

MR. MIDDLETON: It's gotta meet Code.

MR. SCHIEFERSTEIN: Yeah.

MR. BUTTS: They have to finalize that with the ARB.

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MR. WHITE: Okay. I mean, we have a lot of confidence in George. We just would point out to him the need to pay attention in this area, please.

MR. BUTTS: In other words, in other words, sir, they can't come in and put vinyl siding on it.

MS. WHITE: We're not concerned about that. It's just that, like, okay, I'll call a spade a spade, they don't have a septic tank. You can't flush the toilet. It goes all over the property. And so we just want to make sure --

MR. BUTTS: They have the new --

MR. MIDDLETON: It's an I/A system.

CHAIRMAN VON HAGN: Yeah. So it's a new -- the new septic system has been approved. Yeah, they have Health Department approval for that.

MS. WHITE: Okay. And that has to be abided by, then.

CHAIRMAN VON HAGN: Oh, yeah, yeah.

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2 MS. WHITE: They can't say, okay,
3 they approve this but we'll do something
4 else.

5 CHAIRMAN VON HAGN: No, no, no.
6 This is all new, the new drainage, you
7 know, the house -- anything, the runoff
8 from the house has to be captured on-site.

9 MS. WHITE: No, yeah. But they
10 say sometimes and, you know, we're like,
11 you can't do that, you know.

12 CHAIRMAN VON HAGN: Yeah.

13 MS. WHITE: And I don't know the
14 law.

15 CHAIRMAN VON HAGN: No, and then
16 George has to do all the necessary
17 inspections. So there's a footing
18 inspection, a rebar inspection, a
19 foundation inspection, a waterproofing.

20 MR. WHITE: So he's looking
21 forward to a lot of overtime on this
22 project, is he?

23 MR. SCHIEFERSTEIN: It sounds like
24 it.

25 CHAIRMAN VON HAGN: He's used to

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it.

MR. SCHIEFERSTEIN: Sounds like a few extra inspections should be made.

MS. WHITE: Thank you very much.

CHAIRMAN VON HAGN: All right, thank you.

Any other comments from the public? It doesn't sound like it. I don't see anyone, unless they're a ghost.

MR. MIDDLETON: Other than Trustee Diat, do we have anybody else on --

MS. GUBITOSI: I don't see anyone, besides Terie. Terie, do you have any comments or questions?

MS. DIAT: Yeah. So, just as a fellow neighbor, so this application was originally approved in 2019. It was modified in 2021, and here we are in 2023. So this has been ongoing for well over four years now. And I guess, I think their neighbors were commenting maybe on the -- I just came into the meeting a bit late, but commenting on the current state of the home, and it seems the current

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septic is in a great state of disrepair.
It is in waterfront property.

So, you know, we certainly would like to see these homeowners upgrade the septic system, if not, the entire home. But it has been ongoing now for four years, so can the Board compel them to move on with this application, because, certainly, the disrepair of the current septic system is probably doing harm to the bay. I think that's a fair assumption that could be made.

MR. MIDDLETON: I think that's, that's a different situation.

The only thing the Board can do is either, at this point, approve the extension or deny it and tell them they have to refile, but that wouldn't have any bearing on the current state of the septic system. With respect to that, if there's -- if there are Health Code violations and things of that sort, I think the Village could contact Suffolk County Department of Health to see what,

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2 if anything, can be done with respect to
3 that. There may be other health and
4 safety issues that could be looked at by
5 the Code Enforcement folks.

6 So I think it's two different
7 avenues, but it raises a good point that I
8 think might be in everybody's best
9 interests to look into it now if it's in
10 such a state of disrepair.

11 MR. WHITE: May I pick up that
12 point and ask you, do you have
13 jurisdiction over the dock?

14 MR. MIDDLETON: The Village Board
15 does and Code Enforcement. Is there an
16 issue with the dock, as well?

17 MR. WHITE: Yeah. I mean, there's
18 a major issue with respect to that dock.
19 I mean, there are planks missing. And
20 although it's private property and
21 inverted corners are in it, it's open to
22 public use, and the state of it is
23 reaching very, very dangerous waters, if
24 you'll pardon the pun.

25 MR. BUTTS: Just let it be known,

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Mr. Spaeth has been in the hospital --

MS. WHITE: Oh.

MR. BUTTS: -- for two years now
and that's what is holding them up, so.

MS. WHITE: Yeah.

MR. WHITE: We have every sympathy
with Mr. Spaeth's problems.

MR. BUTTS: I'm just letting you
know, everybody know.

MR. WHITE: But we are talking
about the future now, not the past.

MR. MIDDLETON: Again --

MR. BUTTS: I understand that.

MR. MIDDLETON: Again, that would
be a separate issue separate and apart
from today's hearing with respect to the
property maintenance, itself. And if
there are violations with respect to the
Village Code in terms of the property
maintenance, that, again, could be looked
into by the Code Enforcement folks.

MS. WHITE: Understood. Thank
you.

MR. MIDDLETON: Sure.

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MR. WHITE: Thank you.

CHAIRMAN VON HAGN: Okay. So with that said, can I have a motion to close the public --

MR. CHURCHILL: So moved.

CHAIRMAN VON HAGN: Second?

MR. SCHIEFERSTEIN: Second.

CHAIRMAN VON HAGN: All in favor?

ALL BOARD MEMBERS: Aye.

CHAIRMAN VON HAGN: All right. We're gonna move on to approval of the September 18th, '23 transcript. Can I have a motion to approve, if you read it?

MR. SCHIEFERSTEIN: So moved.

MR. CHURCHILL: Second.

CHAIRMAN VON HAGN: All in favor?

ALL BOARD MEMBERS: Aye.

CHAIRMAN VON HAGN: Okay.

MR. WHITE: Okay. Thank you very much.

CHAIRMAN VON HAGN: We're gonna discuss it now.

MS. EDWARDS: Thank you.

CHAIRMAN VON HAGN: Okay. First

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up, Active Applications, Spaeth Family 2011 Trust, Owner. The property is located at 37 Mashomuck Drive, North Haven, New York. Suffolk County Tax Map No. 901-3-2-62.1. The applicant requests an extension to the Planning Board's approval for the demolition of the existing dwelling and construction of a new two-story dwelling.

All right. So we had a public hearing. Now we're gonna discuss the actual extension itself. I know prior to the last -- sorry, post the last extension, we've changed the code regarding the buffer that's required.

MR. MIDDLETON: Right. My suggestion to the Board would be, if you're going to give them this extension, that they comply with the current Village Code regarding the buffer, so, which would be 75 feet, which is greater than what's been approved in the past.

So if you were to do an oral resolution tonight with respect to that, I

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would say that the extension would be subject to receipt of a new landscape plan that shows the appropriate buffer based upon the present code.

MR. SCHIEFERSTEIN: Right.

MR. CHURCHILL: Yeah.

CHAIRMAN VON HAGN: Any other comments on this? What do you think, guys?

MR. SCHIEFERSTEIN: No, I agree.

MR. CHURCHILL: Definitely.

CHAIRMAN VON HAGN: Okay.

MS. GUBITOSI: Just for clarification then, if we're asking for a greater buffer, would you be okay with them moving the vegetation as proposed in the front of the house to accommodate the buffer or is the buffer in addition to the existing vegetation? 'Cause I know that's gonna come up as a question from the owner.

MR. HAJEK: My suggestion to the Board is to require the 75-foot buffer. The revegetation that was proposed along

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the street in the little strips along the sides of the property seemed fairly insignificant to me. I mean, to call that revegetation is not really --

MS. GUBITOSI: Okay.

MR. MIDDLETON: Yeah, so that's fine. They can take away from that to add to the buffer.

MS. GUBITOSI: Okay. I just want to be clear with that.

CHAIRMAN VON HAGN: But regardless, they need to submit a new plan. So how does that work regarding the extension? Are we voting on the extension or are we voting on it subject to an approved vegetation?

MR. MIDDLETON: Okay. I would suggest that we give them 30 days to submit the new plan and then they'll have their extension.

CHAIRMAN VON HAGN: Okay.

MR. MIDDLETON: If they don't submit, then there's no extension, they need to reapply.

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CHAIRMAN VON HAGN: Okay. And
it's gotta be approved by us, or no?

MR. MIDDLETON: What, the --

CHAIRMAN VON HAGN: Just the --

MR. MIDDLETON: The buffer?

CHAIRMAN VON HAGN: Just that
buffer.

MR. MIDDLETON: Oh, yeah.

CHAIRMAN VON HAGN: Okay.

MR. MIDDLETON: Yeah. But at
least get it submitted and then --

CHAIRMAN VON HAGN: When does this
expire?

MR. MIDDLETON: Six months, right?

CHAIRMAN VON HAGN: No. I'm
saying, when does it expire now?

MS. GUBITOSI: It has expired.

CHAIRMAN VON HAGN: So it has
expired?

MS. GUBITOSI: It has expired,
yeah.

CHAIRMAN VON HAGN: Okay. So
we're granting them a temporary extension
subject to.

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MR. MIDDLETON: No, the extension would be granted subject to submission of the buffer.

CHAIRMAN VON HAGN: Okay.

MR. MIDDLETON: The plan showing the appropriate buffer.

CHAIRMAN VON HAGN: Okay.

MS. EDWARDS: And it would be good for two more years.

MR. MIDDLETON: It's a two-year? No, it's six months.

MS. GUBITOSI: No. Usually, you give six-month extension.

MR. MIDDLETON: Six months at a time.

CHAIRMAN VON HAGN: And what's the Board's feeling? Is this -- this is sort of the last extension we're gonna grant? Sort of feels that way, or?

MR. SCHIEFERSTEIN: Well --

MR. MIDDLETON: That's up to you. But I don't -- I would suggest not making that determination now.

It might be, if they came in in

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six months, there might be --

CHAIRMAN VON HAGN:

Extenuating cir- -- okay.

MR. MIDDLETON: -- extenuating

circumstances or factors --

CHAIRMAN VON HAGN: That's fair.

MR. MIDDLETON: -- that you might

want to consider.

But I do think that based upon

what the public has indicated today, the

folks that were in the audience, and

Trustee Diat, that you should look into or

the Village should look into -- it's not

the Planning Board, look into those issues

with the septic system.

MR. CHURCHILL: And the dock.

MR. MIDDLETON: The dock, if it's

a safety issue.

MR. CHURCHILL: Yeah.

MR. MIDDLETON: I mean, I don't

agree that it's open to the public.

CHAIRMAN VON HAGN: No.

MS. EDWARDS: We could ask them to

put a gate on it or something.

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MR. MIDDLETON: But in any event, it's -- you know, if it's a health and safety issue, I think that Code Enforcement should be, you know, or the Building Inspector could go take a look.

CHAIRMAN VON HAGN: Okay.

MS. EDWARDS: Who --

MR. MIDDLETON: But that's separate and apart from what this Board's function is today.

MS. EDWARDS: Who does have -- I'm curious about what they asked about hedging, basically. A property can up to the 75-foot buffer put in a hedge? That would be between, I'm hearing them say between their point of view, which is open now.

MR. SCHIEFERSTEIN: Well, vegetation. Blocking their view --

MR. MIDDLETON: That's a matter, that's a -- I think that becomes a civil matter. I think that's between the two neighbors.

MS. EDWARDS: That's different?

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MR. HAJEK: Views aside, you know, obstructing one another's view, if the property is 100 percent cleared, which I'm pretty sure this one is, if I remember correctly, they could landscape.

MS. EDWARDS: No, no, they got trees all over the place.

MR. HAJEK: Well, they have trees but it's --

MR. MIDDLETON: It might be cleared.

MR. HAJEK: -- it's cleared underneath it.

MS. EDWARDS: Underneath.

MR. HAJEK: It's lawn, so I think it's, technically, it's cleared. They could landscape it. But if it were forest, wooded, then they're limited -- there's some limitations with how they can landscape. Here, they could, although it's not shown on the approved plan, so I would say that that would be a deviation of the Planning Board site plan approval.

But they'll -- they're gonna

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submit a new landscape plan that shows the 75-foot buffer so we'll take a look at it when it comes in to see how they're gonna screen -- if they screen their neighbors or not.

MS. EDWARDS: Okay.

CHAIRMAN VON HAGN: All right. So can I have a motion to grant an extension subject to the submission of a new landscape plan showing the 75-foot buffer addition?

MR. SCHIEFERSTEIN: So moved.

MR. CHURCHILL: Second.

CHAIRMAN VON HAGN: All in favor?

ALL BOARD MEMBERS: Aye.

CHAIRMAN VON HAGN: Thank you.

And then we have 30 days to submit that.

MR. MIDDLETON: The Clerk will notify the applicant of the 30-day requirement.

CHAIRMAN VON HAGN: All right.
Thank you.

All right, next up, Stilwell

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Holding II LLC/Peconic Environmental Associates, Inc., Agent. The property is located at 10 West Drive, North Haven, New York. Suffolk County Tax Map No. 901-1-1-8. The applicant proposes a two-story addition to the existing dwelling, including the connection of the existing dwelling and the detached garage, installation of an I/A septic system and revegetation.

If I can just have your names for the record, please?

MR. McMULLAN: Sure. James McMullan, from Fleetwood & McMullan Architects.

MS. DEDOVICH: Melissa Dedovich, Peconic Environmental.

CHAIRMAN VON HAGN: Okay, welcome.

So, all right. So this is a small addition to an existing property.

MR. McMULLAN: Yes, small addition that will connect the existing garage to the main house.

CHAIRMAN VON HAGN: Okay.

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1 MR. McMULLAN: In an attempt, when
2 we were designing this, we pushed this
3 back as far as we could so we're not --
4 we're as far away from the wetlands as
5 possible. Also, replacing the existing
6 septic system, which is now, the tank is
7 here and there's some leaching pools out
8 here. That will be moved back as well and
9 all the leaching fields will be even
10 further from the wetlands.

11 CHAIRMAN VON HAGN: Okay. And I
12 know the buffer is, that's a very hefty
13 buffer there, which is --

14 MR. McMULLAN: Yes.

15 MS. DEDOVICH: It's been there for
16 years.

17 CHAIRMAN VON HAGN: Which is
18 great, yeah, it's a good one.

19 MR. McMULLAN: And when we
20 originally came in here probably two years
21 ago --

22 MS. DEDOVICH: No. It was
23 further -- longer.

24 MR. McMULLAN: Actually, maybe
25

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four years ago.

MS. DEDOVICH: Five years ago.

MS. EDWARDS: Site plan 2017?

MS. DEDOVICH: Yup.

MR. McMULLAN: In talking with George, one of the concerns was the front area, which the client has now left natural over those years and it has fully grown in with all kinds of trees and grasses and bushes.

CHAIRMAN VON HAGN: And there's trees there, as well. Yeah, there's always been trees there, so.

MR. McMULLAN: Yes, and mature trees are in there. We don't have any intention of taking down any mature trees.

The area that is where the work is going to be done is lawn with no trees or bushes or anything there now, so --

CHAIRMAN VON HAGN: Okay.

MR. McMULLAN: -- everything will be left intact there. Or, if the Board prefers, we did provide a revegetation plan design for taking care of the problem

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that was there before but now, as in Billy's memo, has been kind of overgrown.

MS. DEDOVICH: And this is actually one where the clearing, because the clearing law changed, we were required to have less -- we were allowed more clearing on this lot proportionately, so.

MR. HAJEK: Yeah, I think the area on the landward side of the house has naturalized pretty nicely. I mean, there's some native shrubs. It looks like they, they threw some stuff in there years ago. But it's, you know, it's not lawn and it's natural and it's native plants, so I don't -- I mean, unless you want to augment it with more plantings, I think that'd be nice, but I wouldn't think you'd have to for it to qualify as uncleared area right now.

MS. DEDOVICH: These are some pictures. We just went over there to take a look.

MR. SCHIEFERSTEIN: But your notes say some mature trees exist within the

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areas defined as proposed cleared.

MR. HAJEK: That's correct. So there's a couple of mature trees off of the garage and there's a couple in this area. So it's a little confusing because they're saying, "Proposed Edge of Clearing," so if they were to clear all of this and have it as lawn, there are still mature trees in here that I think the Board would be concerned about.

So that's my point, it's a little confusing --

MR. SCHIEFERSTEIN: Yeah, it is.

MR. HAJEK: -- as to whether or not it's gonna be converted into lawn or if it's gonna stay the way it is right now. I don't know.

MR. McMULLAN: I think the intent right now is just to leave it --

MR. HAJEK: Leave it the way it is. Okay.

MS. DEDOVICH: I mean, the trees have been there since before the original application, too.

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MR. HAJEK: Okay.

MS. DEDOVICH: I don't think they
were gonna --

MR. HAJEK: I mean, the Board
looks at mature trees on all the
applications it looks at, whether or not
there's proposed clearing or not, so. I
just -- there's a couple nice oak trees in
there that would be worth saving if that
area is to be cleared as per this plan.

MS. DEDOVICH: I think the word
"clearing" was actually meant just to
clean it up, because like I said,
originally when we came in 2017, that was
maintained area with the trees.

And we told the client, like --
and we had come and Scott Dobriner then
had said we need to reveg and he decided
to hold off on the project for a while and
allow it to regrow, and that's, that's
when we -- nobody's planning on taking
down the mature trees. And nowadays, we
would have had them picked up by the
surveyor, but this has been going on

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for -- yeah.

CHAIRMAN VON HAGN: I think there's a couple in there over the -- where you need a permit anyway, so, okay.

And then do we talk about the side yard, the combined side yard setbacks on this?

MR. HAJEK: No. The only other thing I pointed out in the report is the minimum -- it appears that the side yard setback is a combined requirement of 80 feet. I think this is, like, 71. It meets the actual setback to the side yard, which is a minimum of 30, but you'd have to have a combined of 80. And I think with the existing setbacks on the south side, it might not meet it.

If it were a clustered subdivision, you determine that the setback would only be 65 feet, and I think it would comply if the question is whether or not this subdivision qualifies as a cluster. So I don't -- that's why I'm deferring to George and the Village.

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CHAIRMAN VON HAGN: George, can we view this as a clustered subdivision?

MR. BUTTS: You know, it's the way we've always treated it.

CHAIRMAN VON HAGN: Okay.

MR. BUTTS: So.

MR. SCHIEFERSTEIN: Right. Okay.

MR. MIDDLETON: Not this specific parcel. You're talking about historically, you've treated this area as a clustered subdivision.

MR. HAJEK: The whole subdivision, right.

CHAIRMAN VON HAGN: Okay.

MR. HAJEK: Okay.

CHAIRMAN VON HAGN: So what else do we need?

MR. HAJEK: So then 65 feet, I think it's combined as, like, 71.

MS. DEDOVICH: Correct.

MR. HAJEK: So you're good at 65 then.

CHAIRMAN VON HAGN: Any engineering, or?

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MR. HAJEK: So I suggested it be referred to an engineer for review.

MR. SCHIEFERSTEIN: Right.

MR. HAJEK: I mean, there exists three existing leaching pools. I'm assuming they're piping the gutters to the three existing leaching pools. There are calculations on the map that I just did a cursory review of that appear to show it meets the requirements for a two-inch rainfall. So, I mean, they're not changing the driveway in a -- it's a little subjective as to whether or not it requires engineering review at this point.

If the Board feels comfortable sending it to the engineer, we could. To me, on its face it appears to comply with at least the design for rainfall requirements.

CHAIRMAN VON HAGN: Do we take a vote subject to the Village engineer taking a peak at it?

MR. HAJEK: You can do that.

CHAIRMAN VON HAGN: If there's no

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issues, you can get it back pretty quick?

MR. McMULLAN: Sure.

MR. HAJEK: Yeah, the only --
you'd have to refer this to a different
engineer. The survey plan was done by The
Raynor Group, so they'd have to refer it
to --

MS. DEDOVICH: So that means it's
good.

CHAIRMAN VON HAGN: To Bennett?

MR. HAJEK: Probably to Drew
Bennett.

CHAIRMAN VON HAGN: Okay.

Any other comments on this?

MR. SCHIEFERSTEIN: Just, the only
thing is, are we cleaning this up in terms
of drawings, housekeeping, or what are
we --

MS. DEDOVICH: We weren't planning
on -- like I said, the reveg, we -- the
trees, mature trees were always gonna
stay.

MR. SCHIEFERSTEIN: Right.

MS. DEDOVICH: What we did is,

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1 because the client asked, you know, I
2 heard that the clearing calculations
3 changed. So we said this is what you
4 would be required to quote, unquote
5 "revegetate," not knowing, because in the
6 past with this Board, sometimes you ask,
7 like, we want to see active revegetation,
8 but luckily it really did take off on its
9 own.
10

11 MR. HAJEK: So the question is,
12 are you proposing -- is this gonna be the
13 proposed clearing line when you're done
14 with the project, that you're showing as
15 proposed clearing?

16 MR. McMULLAN: No.

17 MR. HAJEK: So then we should have
18 a plan that shows --

19 MR. McMULLAN: Just have it
20 relabeled "Existing Vegetation to Remain"?

21 MS. DEDOVICH: To remain. Okay.

22 MR. SCHIEFERSTEIN: That's what I
23 was getting at.

24 MR. McMULLAN: Okay. And I can
25 have the surveyor adjust that.

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2 MR. HAJEK: I just thought if the
3 Board wanted to approve it as subject to.

4 CHAIRMAN VON HAGN: And then the
5 other thing that I just noticed is that
6 other, this here, I'm not sure where --
7 this is from -- I think this is from you,
8 Jim, just a side yard setback. It would
9 say minimum, right? The total's 65 --

10 MR. HAJEK: 65 instead of 80.

11 MR. McMULLAN: I can adjust that.

12 CHAIRMAN VON HAGN: Yeah.

13 MR. McMULLAN: And you want me to
14 put a note in there --

15 MR. HAJEK: Clustered subdivision?

16 MR. McMULLAN: Clustered
17 subdivision setbacks?

18 MR. HAJEK: Sure.

19 CHAIRMAN VON HAGN: And this will
20 get cleaned up with the proposed. Okay.

21 MR. McMULLAN: I will get those
22 back to you --

23 CHAIRMAN VON HAGN: It makes
24 sense? All right.

25 MR. McMULLAN: -- within the week.

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2 CHAIRMAN VON HAGN: So we're gonna
3 take a vote on this or we're just gonna
4 wait 'til the report comes back?

5 MR. HAJEK: It's up to the --

6 CHAIRMAN VON HAGN: What do you
7 guys think?

8 MR. HAJEK: It'd be subject to two
9 things, a revised map showing the proposed
10 edge of clearing, and review by the
11 Village engineer.

12 MR. SCHIEFERSTEIN: Right. It's
13 fine with me.

14 MR. CHURCHILL: Yeah. It should
15 be subject to those.

16 CHAIRMAN VON HAGN: Good? Okay.
17 So can I have a motion to approve
18 subject --

19 MS. EDWARDS: Can I ask one more
20 question?

21 CHAIRMAN VON HAGN: Yeah, sure.

22 MS. EDWARDS: Sorry. Is this the
23 one with the memorializing the setback
24 thing?

25 MR. HAJEK: That's -- not the

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setbacks. The buffer as a Covenant & Restriction.

MS. EDWARDS: Does that need to be part of what we're just about to vote on right now or is that automatic?

MS. DEDOVICH: I think that's already been established as a part of the subdivision, too, wasn't it, a 75-foot buffer? And I think when the house was built in 2007, I -- we didn't do the records review, but I remember when I went and first inspected and inspected again, but I think there might be --

MR. HAJEK: So there is a covenant already?

MS. DEDOVICH: Possibly. Let me check. We didn't do a zoning analysis where we were asked to help --

MR. HAJEK: Okay.

MS. DEDOVICH: -- Jim, but --

CHAIRMAN VON HAGN: But, Scott, if they already have a buffer that's north of 75 feet, do you need a C&R on it or is it the fact that there is --

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2 MR. MIDDLETON: No. We want a C&R
3 on it if there isn't one in existence.

4 CHAIRMAN VON HAGN: Right. But if
5 there is one in existence.

6 MR. MIDDLETON: If there is one,
7 I'd have to take a look at it to see, you
8 know, that it establishes the 75 feet.

9 CHAIRMAN VON HAGN: Or does the
10 code already handle that and the fact that
11 it's required?

12 MR. MIDDLETON: The code requires
13 it. This has it, but I still would want
14 to have an accurate C&R. So if there's a
15 C&R, we thought I'd want to -- you know,
16 the applicant should do the search and
17 provide it if there's one in existence.

18 So why don't we hold --

19 MS. DEDOVICH: I have in my
20 head --

21 MR. MIDDLETON: My suggestion is
22 that we approve this at the next meeting.

23 CHAIRMAN VON HAGN: Okay.

24 MR. MIDDLETON: This way they can
25 submit any C&Rs, if there aren't any,

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that'll be a requirement in the Resolution of Approval, and then we can hear from Drew Bennett with respect to any drainage issues that you folks want him to take a look at.

CHAIRMAN VON HAGN: Sound fair?

MR. MIDDLETON: It's just drainage, right? There's no grading proposed?

MS. DEDOVICH: No.

MR. McMULLAN: No. I mean, it's a relatively flat site right now.

MR. MIDDLETON: Okay. That's my suggestion.

CHAIRMAN VON HAGN: Okay.

MR. MIDDLETON: We wait until the next meeting.

CHAIRMAN VON HAGN: Everybody good with that?

MR. SCHIEFERSTEIN: Yup.

MS. DEDOVICH: That's fine.

CHAIRMAN VON HAGN: Okay.

MR. MIDDLETON: Is this the first time you were here --

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MS. DEDOVICH: Yes.

MR. MIDDLETON: -- on this
project? So it's not too long.

MS. DEDOVICH: First time since
2007.

MR. MIDDLETON: If we get things
done in two months, we're good, you know,
so.

CHAIRMAN VON HAGN: Do you have to
go to the ARB for this? That, I mean, I
would think you can go to the ARB with.

MS. DEDOVICH: Oh, we can? Thank
you.

CHAIRMAN VON HAGN: Right,
wouldn't you think, on this one?

MS. DEDOVICH: Perfect. Thank
you.

MR. McMULLAN: We will file that,
as well.

CHAIRMAN VON HAGN: You know, they
can't vote on it 'til we're finished.

MS. DEDOVICH: No, no, no, I got
that.

MR. MIDDLETON: At least they can

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2 look at it and, you know, if there are
3 issues, you can address them so that it
4 doesn't further delay anything.

5 CHAIRMAN VON HAGN: Okay.

6 MS. DEDOVICH: Thank you.

7 MR. McMULLAN: Thank you so much.

8 MR. MIDDLETON: Thank you.

9 CHAIRMAN VON HAGN: Okay.

10 Reminder, the next Planning Board
11 meeting is Monday, November 20th.

12 MS. EDWARDS: I have a question
13 about that --

14 CHAIRMAN VON HAGN: Is that before
15 or after Thanksgiving?

16 MS. EDWARDS: -- 'cause that is
17 the week of Thanksgiving.

18 MS. GUBITOSI: That's before.

19 CHAIRMAN VON HAGN: That is the
20 Monday of Thanksgiving week, I think.

21 MS. EDWARDS: Correct.

22 MR. HAJEK: I might be away that
23 week.

24 CHAIRMAN VON HAGN: Okay. I'm
25 here.

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MR. MIDDLETON: I'll be here.

MR. CHURCHILL: I'll be here.

MR. MIDDLETON: Maybe I'll see a turkey on the way in, provide dinner for the family.

CHAIRMAN VON HAGN: Usually, we have trouble the week after, usually. Yeah, we used to just do one meeting, like, for November and Christmas, but now we try to squeeze -- we try to keep them going.

MS. EDWARDS: Okay.

MR. MIDDLETON: Do we -- is there -- well, we don't know that there's anything coming up, right? So far, it's 5 Widow Coopers?

MS. GUBITOSI: Yeah, 5 Widow Coopers --

MR. MIDDLETON: This one.

MS. GUBITOSI: -- and the one.

MR. MIDDLETON: So you can make a decision at the next meeting whether a December meeting is necessary.

CHAIRMAN VON HAGN: Yeah, if it's

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one, 'cause I know it's tough for people
around Christmas.

Okay. All right. With that said,
can I have a motion to adjourn?

MR. CHURCHILL: So moved.

CHAIRMAN VON HAGN: Second?

MR. SCHIEFERSTEIN: Second.

CHAIRMAN VON HAGN: Okay. All in
favor?

ALL BOARD MEMBERS: Aye.

CHAIRMAN VON HAGN: All right.

Thank you.

(End of Provided Recording)

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ERRATA SHEET FOR THE TRANSCRIPT OF:
Hearing Name: North Haven Planning Board
Hearing Date: October 16, 2023

CORRECTIONS					
PG	LN	NOW READS	SHOULD READ	REASON FOR	
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Date Signature

Subscribed and sworn to
before me this ____ day
of _____, 2023

Notary Public

1
2 I, Agata Davis, certify that the
3 foregoing transcript of Proceedings of the
4 Planning Board of the Village of North Haven,
5 held on October 16, 2023, was prepared using
6 the required electronic transcription
7 equipment and is a true and accurate record of
8 the Proceedings.

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11 Agata Davis
12 Agata Davis
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