

**MINUTES OF THE MEETING OF
THE PLANNING BOARD
Tuesday, May 10, 2022, at 5:30 PM**

A meeting of the Planning Board of the Incorporated Village of Head-of-the-Harbor was held on Tuesday, May 10, 2022, at 5:30 PM at the Village Hall located at 500 North Country Rd., St. James, NY 11780. Those present were the following members Chairman Harlan J. Fischer, Philip Palmedo, Michael Utevsky and John Honkanen. Also in attendance, Village Counsel, Anthony Guardino; Environmental Planner, Patrick Cleary and Village Administrator/Clerk, Margaret O'Keefe. Not in attendance this evening James Scully; Building Inspector, Robert O'Shea; Village Engineer, Daniel Falasco and Traffic Engineer, Patrick Lenihan.

Chairman Fischer convened the meeting, and the following items were addressed:

Applicant: Ashley Homes
Location: Oak Ridge Rd., Stony Brook, NY
Sec. Blk. Lot: 801-7.0-4.0-4.32
Representatives: Mr. Agarwal Ash, Builder
Project: site plan

Chairman Fischer opened the public hearing. Board member Michael Utevsky inquired about the quantity of trees to be removed. Discussion ensued regarding a landscape/revegetation plan that was submitted to the Joint Coastal Commission but not to the Planning Board. Further discussion ensued regarding deer resistant plantings for mitigating measures.

It was, upon motion by Michael Utevsky, second by Philip Palmedo, and unanimously adopted, to close the public hearing on the above application, with the record to remain open to provide the applicant the opportunity to submit a landscape plan that meets the discussed mitigation measures. BE IT FURTHER RESOLVED, to authorize Counsel to draft an approval resolution in preparation of the June 14th meeting of the Planning Board.

Applicant: Estate of Mr. Nicholas Petervary (not present)
Location: Lot 26- Map of Nicolette Estates
Sec. Blk. Lot: 801-7.0-4.0-4.32
Representatives: Mr. Matthew Crane, Surveyor- Nelson + Pope
Project: subdivision

Resolution adopting a Negative Declaration of Significance for the purposes of SEQRA was presented to the Board and deemed read into the record in its entirety.

It was, upon motion by Michael Utevsky, second by Philip Palmedo, abstention by John Honkanen and (3-0-1) adopted:

**RESOLUTION ADOPTING A NEGATIVE DECLARATION OF SIGNIFICANCE FOR
PURPOSES OF SEQRA FOR A PROPOSED TWO-LOT SUBDIVISION AT
474 N. COUNTRY ROAD, ST. JAMES, NEW YORK
(SCTM: 801-7-4-4.5)**

WHEREAS, the Village of Head of the Harbor Planning Board (the "Planning Board") is considering an application by the Estate of Nicholas Petervary (the "Applicant") seeking a two-lot subdivision of the premises known as 474 N. Country Road (SCTM: 801-7-4-4.5); and

WHEREAS, the proposed action is a Type I Action for purposes of the State Environmental Quality Review Act (SEQRA) pursuant to Section 81-24 [A] of the Village of Head of the Harbor Village Code; and

WHEREAS, compliance with the SEQRA requires the Planning Board to make a determination of environmental significance for the subdivision taking into consideration the environmental assessment form provided by the Applicant; all other application materials; and the factors set forth in 6 NYCRR 617.7 [c]; and

WHEREAS, on April 12, 2022, the Planning Board opened a duly noticed public hearing on the application, at which time all persons in attendance were given an opportunity to speak; and

WHEREAS, the Applicant was represented by Matthew Crane, P.L.S. of Nelson & Pope; and

WHEREAS, the Planning Board closed the public hearing on April 12, 2022; and

WHEREAS, the Planning Board has considered all testimony received on the record regarding the application, and the following plans, drawings, and documents:

- 1) Subdivision application, dated January 31, 2020;
- 2) Coastal Assessment Form for Nissequogue and Head-of-the-Harbor, undated;
- 3) Full Environmental Assessment Form, Part 1, dated October 14, 2021;
- 4) Incorporated Village of Head of the Harbor Long Environmental Assessment Form, with Visual EAF Addendum, dated April 2, 2020;
- 5) Subdivision map, entitled "Preliminary Map Resubdivision of Lot 26 of Petervary Nicolette Estates, prepared by Nelson & Pope, dated March, 2021, and last revised October 6, 2021;
- 6) Stipulation of Discontinuance in *Petervary v Inc. Village of Head of the Harbor, et al.* (E.D.N.Y. 96-cv-5879), so ordered October 21, 1998;
- 7) Subdivision map, entitled "Subdivision Map of Petervary Nicolette Estates", filed May 26, 1993;
- 8) Nicolette Estates Historic Remains diagram, prepared by Sidney B. Bowne & Son, dated May 2, 1991;
- 9) *A Cultural Resource Inventory of Nicolette Estates*, prepared by Long Island Archeological Project, dated August 1987;
- 10) A letter, dated December 22, 2021, from the NYS Department of Parks, Recreation, and Historic Preservation to Nelson & Pope;
- 11) A letter, dated April 8, 2022, from the Suffolk County Department of Economic Development and Planning to the Village of Head of the Harbor.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board makes the following findings of fact in accordance with 6 NYCRR 617.7[c]:

1. **A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.**

The proposed subdivision will result in the creation of two code-compliant, developable lots that will allow for the construction of one single-family residence on each lot. By County requirement, both homes will be connected to nitrogen-reducing innovative/alternative onsite wastewater treatment systems. There are no surface waters near the project site. There is nothing in the record before the Planning Board indicating that the subdivision or resulting residences will negatively impact air quality, ground or surface water quality or quantity, or traffic or noise levels. The increase in solid waste production from the two residences will be negligible. There is no substantial increase in the potential for erosion. The subdivision map proposes adequate drainage structures for stormwater capture.

2. **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.**

The proposed subdivision clusters development toward the center of the project site, leaving large area of the site wooded. Therefore, while the subdivision will allow for the removal of trees and understory, a significant portion of the project site will be left undisturbed. There is nothing in the record before the Planning Board indicating that the proposed subdivision negatively impacts fish or wildlife species, habitat area, or threatened or endangered species.

3. **The impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part.**

The project site is not located in a critical environmental area.

4. The creation of a material conflict with a community's current plans or goals as officially approved or adopted.

The proposed two-lot subdivision is not inconsistent with the Village's planning goals or plan. Single-family residences are permitted in the zoning district in which the project site is located.

5. The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character.

There is a geographic feature known as a "kettle hole" partly located on the project site's southeast corner. The proposed clearing limit for the subdivision maintains a 50-foot buffer between the clearing and the top of the kettle hole. Thus, the only known resource on the project site will be protected.

6. A major change in the use of either the quantity or type of energy.

The addition of two single-family residences to the Village is not reasonably expected to result in a major change on the use of either the quantity or type of energy.

7. The creation of a hazard to human health.

The addition of two single-family residences to the Village is not reasonably expected to result in the creation of a hazard to human health.

8. 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.

The addition of two single-family residences to the Village is not reasonably expected to result in 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.

9. The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The addition of two single-family residences to the Village is not reasonably expected to encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

10. The creation of a material demand for other actions that would result in one of the above consequences.

The addition of two single-family residences to the Village is not reasonably expected to create a material demand for other actions that would result in one of the above consequences.

11. Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

The addition of two single-family residences to the Village is not reasonably expected to cause a change in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

12. Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The addition of two single-family residences to the Village is not reasonably expected to result in cumulative impacts for the community.

and be it

FURTHER RESOLVED, that the Planning Board hereby adopts a **NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE**, and accordingly, no further environmental review is required and no environmental impact statement shall be prepared; and be it

FURTHER RESOLVED, that the Chairman is hereby authorized and directed to complete Parts 2 and 3 of the LEAF, as required; and be it

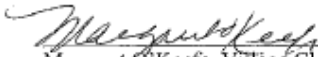
FURTHER RESOLVED, that the Village Clerk is hereby authorized and directed to send a copy of this resolution and supporting documentation to the Applicant, the office of the Mayor, and to all involved agencies; and further, to publish notice of same in the Environmental News Bulletin.

The foregoing constitutes the Planning Board's determination of significance with reasoned elaboration in accordance with SEQRA.

WHEREUPON, on motion by Philip Palmedo, seconded by Michael Utevsky, the foregoing resolution was adopted at a duly noticed meeting of the Planning Board held on May 10, 2022, with the members of the Board voting as follows:

Harlan Fischer, Chair	AYE
John Honkanen	ABSTENTION
Philip Palmedo	AYE
James Scully	ABSENT
Michael Utevsky	ABSENT

Filed in the Office of the Village Clerk on the 10th day of May, 2022.


Margaret Keefe, Village Clerk

Resolution granting subdivision plat approval for a proposed two-lot subdivision was presented to the Board and deemed read into the record in its entirety. It was, upon motion by Michael Utevsky, second by Philip Palmedo, abstention by John Honkanen and (3-0-1) adopted:

**RESOLUTION GRANTING SUBDIVISION PLAT APPROVAL FOR
A PROPOSED TWO-LOT SUBDIVISION AT
474 N. COUNTRY ROAD, ST. JAMES, NEW YORK
(SCTM: 801-7-4-4.5)**

WHEREAS, the Village of Head of the Harbor Planning Board (the “Planning Board”) is considering an application by the Estate of Nicholas Petervary (the “Applicant”) seeking a two-lot subdivision of the premises known as 474 N. Country Road (SCTM: 801-7-4-4.5); and

WHEREAS, the proposed action is a Type I Action for purposes of the State Environmental Quality Review Act (SEQRA) pursuant to Section 81-24 [A] of the Village of Head of the Harbor Village Code; and

WHEREAS, on April 12, 2022, the Planning Board opened a duly noticed public hearing on the application, at which time all persons in attendance were given an opportunity to speak; and

WHEREAS, the Applicant was represented by Matthew Crane, P.L.S. of Nelson & Pope; and

WHEREAS, the Planning Board closed the public hearing on April 12, 2022; and

WHEREAS, on May 10, 2022, the Planning Board, as Lead Agency for purposes of SEQRA review, adopted a negative declaration of environmental significance and reasoned elaboration finding that the proposed two-lot subdivision will not result in a significant adverse environmental impact; and

WHEREAS, the Planning Board has considered all testimony received on the record regarding the application, and the following plans, drawings, and documents:

- 1) Subdivision application, dated January 31, 2020;
- 2) Coastal Assessment Form for Nissequogue and Head-of-the-Harbor, undated;
- 3) Full Environmental Assessment Form, Part 1, dated October 14, 2021;
- 4) Incorporated Village of Head of the Harbor Long Environmental Assessment Form, with Visual EAF Addendum, dated April 2, 2020;
- 5) Subdivision map, entitled “Preliminary Map Resubdivision of Lot 26 of Petervary Nicolette Estates, prepared by Nelson & Pope, dated March, 2021, and last revised October 6, 2021 (the “Subdivision Map”)
- 6) Stipulation of Discontinuance in *Petervary v Inc. Village of Head of the Harbor, et al.* (E.D.N.Y. 96-cv-5879), so ordered October 21, 1998;
- 7) Subdivision map, entitled “Subdivision Map of Petervary Nicolette Estates”, filed May 26, 1993;
- 8) Nicolette Estates Historic Remains diagram, prepared by Sidney B. Bowne & Son, dated May 2, 1991;

- 9) *A Cultural Resource Inventory of Nicolette Estates*, prepared by Long Island Archeological Project, dated August 1987;
- 10) A letter, dated December 22, 2021, from the NYS Department of Parks, Recreation, and Historic Preservation to Nelson & Pope;
- 11) A letter, dated April 8, 2022, from the Suffolk County Department of Economic Development and Planning to the Village of Head of the Harbor.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board makes the following findings of fact:

1. The application calls for the subdivision of the existing 5.90-acre parcel into two parcels containing 3.59 acres and 2.15 acres, respectively. The lots are significantly larger than the minimum 20,000 square feet required by the Village's Zoning Code and are laid out such that the homes will be clustered toward the center of the project site, thereby maintaining significant buffers and natural space. Moreover, the proposed layout will preserve: (i) the 200-foot wide buffer along North Country Road; and (ii) a 50-foot setback between the top of the "kettle hole" and the nearest proposed residence. The Board finds that the proposed layout achieves the best possible result for the Village and adjoining residents while balancing the Applicant's interests.
2. The proposed two-lot subdivision is consistent with the predominant character of the surrounding residential districts, including the neighborhood on Deep Wells Lane.
3. The proposed two-lot subdivision will not overburden emergency services or public infrastructure. In fact, the Village road on which the project site is located will be widened, improved and redesigned into a cul-de-sac as part of the subdivision's development.
4. The proposed cul-de-sac meets the requirements for fire access.
5. The Subdivision Map shows that adequate drainage structures will be installed onsite for stormwater management.

and be it

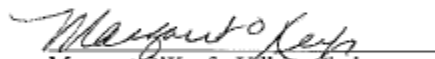
FURTHER RESOLVED, that the Planning Board hereby **GRANTS** Subdivision Plat approval for the proposed two-lot subdivision, subject to the following conditions, which the Planning Board deems reasonable and necessary for the protection of the Village and its residents:

1. The project site shall not be further subdivided.
2. The 200-foot buffer along North Country Road, as shown on the Subdivision Map, shall remain undisturbed and left in its natural state in perpetuity.
3. The 50-foot buffer between the top of the "kettle hole" and the nearest proposed residence shall remain undisturbed and left in its natural state in perpetuity.
4. No clearing shall occur nor shall any building permit be issued until: (i) the Village road leading to the project site is widened and improved to the degree necessary to serve as the construction access for the project site; and (ii) the Applicant posts a bond with the Village guaranteeing the completion of the permanent widening and improvement of the Village road. The amount of the bond shall be set by the Village Engineer upon review of costs estimated furnished by the Applicant.
5. No certificate of occupancy shall be issued for either residence until the Village Engineer inspects and confirms the acceptable completion of the cul-de-sac (Village road), as shown on the Subdivision Plat, and the Village accepts an executed deed of dedication, in recordable form and with the necessary tax forms, from the Applicant.

WHEREUPON, on motion by Philip Palmedo, seconded by Michael Utevsky, the foregoing resolution was adopted at a duly noticed meeting of the Planning Board held on May 10, 2022, with the members of the Board voting as follows:

Harlan Fischer, Chair	AYE
John Honkanen	ABSTENTION
Philip Palmedo	AYE
James Scully	ABSENCE
Michael Utevsky	AYE

Filed in the Office of the Village Clerk on the 10th day of May, 2022.


Margaret O'Keefe, Village Clerk

The April 12, 2022 Planning Board minutes were presented. It was, upon motion by Philip Palmedo, second by Michael Utevsky, abstention by John Honkanen, adopted (3-0-1), to approve the minutes of April 12, 2022, as presented.

There being no other matters to be brought before the Board, it was, upon motion by Philip Palmedo, second by John Honkanen, and unanimously adopted, the meeting was adjourned at 5:57 PM.

Respectfully submitted,

Margaret O'Keefe, Village Clerk