

**INCORPORATED
VILLAGE OF NISSEQUOGUE**

PLANNING BOARD

MINUTES

September 11, 2023

7:00 pm

Present: Peter Marullo, Chair
Kaylee Engellenner
Jill Rosen-Nikoloff
Jacqueline Rudman
Daniel Segal
Herta Walsh, Secretary

Absent: Kathleen Vigiano, Alternate
Daniel Falasco, Village Engineer
Lindsay Crocker, Esq. Village Attorney

OLD BUSINESS:

REVERE – 34 Branglebrink Road, new house

Mr. Revere and his architect Michael Macrina were present to discuss the application and presented revised plans.

A motion was made by Kaylee Engellenner to approve the revised plans, seconded by Jill Rosen-Nikoloff and unanimously approved. (5-0)

PINCUS -663 Horse Race Lane, sports court

Mr. John Huber, attorney for Dr. Pincus was present.

The following motion was made by Jacqueline Rudman, seconded by Daniel Segal and unanimously approved. (5-0)

WHEREAS David Pincus (“Applicant”) owns a residence located at 663 Horse Race Lane, Nissequogue, New York, 11780 (the “Property”); and

WHEREAS Applicant made a site plan application to the Village of Nissequogue for the maintenance of a sports court constructed without a permit (the “Action”) in the front yard and within the 25-foot vegetative buffer zone; and

WHEREAS the Applicant and/or his representative have appeared before the Planning Board of the Village of Nissequogue (the “Planning Board”) and have made presentations to the Planning Board at its meetings on numerous occasions, including, but not limited to February 6, 2023, May 1, 2023, June 5, 2023, July 10, 2023; and September 11, 2023, and

WHEREAS, at each meeting of the Planning Board during which this action was considered, all persons present were given the opportunity to be heard; and

WHEREAS, the Planning Board has reviewed the application of the Applicant; and

WHEREAS, the Planning Board finds that the existing sports court violates Chapter 128 of the Village Code, because it violates the setback requirements and is located in the front yard and therefore, the Planning Board cannot consider the application as presented.

NOW, THEREFORE, be it

RESOLVED THAT, based upon all of the foregoing, the Planning Board hereby refers the application to the Zoning Board of Appeals, without any determination on the merits of the application.

NEW BUSINESS

CASTELLANO – 7 North Path, swimming pool and pavers

Ms. Patty Camardo of South Shore Pools and Mrs. Castellano were present for the review.

The Board advised the applicant that they would need a variance for combined side yard setbacks. It was discussed that the pool may be turned to fit setbacks.

Also noticed that there was a shed in the buffer. The Board advised the applicant that, depending on the size, it may be allowed in the buffer. Applicants will check with the Building Inspector on the Code.

Applicant will submit revised plans for the next meeting.

FEENEY -517 Long Beach Road, demo existing house and rebuild in same footprint.

Mr. & Mrs. Feeney and their architect, Mr. Michael Palladino, were present.

The Board advised the applicant that since this is a totally new structure, it is not covered by the variance that was issued for the existing structure. They would have to go back to the ZBA for a variance for the proposed structure.

The Board will speak with the Village Attorney, Dan Falasco and Joe Arico, Building Inspector, to determine if leaving a portion of the house would alleviate the need for a variance. If that is not referenced in the Code a variance would be required.

The applicants will discuss the application with Dan Falasco, Building Engineer, and Joe Arico, Building Inspector to see if there is a way to build the new structure without having to get a variance.

The Board advised the applicant that based on the Code the Board does not have the authority to approve what is presented.

FIUMANO – 11 Richard Path, swimming pool and fencing

Dr. Fiumano, Mrs. Fiumano and Tom Svatek of Sundance Pools were present to discuss the application.

Due to the configuration of the lot, it is impossible to put the pool on the property and to be in the “shadow of the house” as is understood by the Board. The proposed location is the only option for the swimming pool.

The Board will defer their decision until they consult with the Village Engineer and the Village Attorney to determine what the Code means by “shadow of the house”.

The Board advised the applicant that calculations of drainage and location of pool equipment must be shown on the plan.

Also, applicants need to apply for a permit for the existing shed.

A motion was made by Kaylee Engellenner, to refer the application to the Zoning Board of Appeals, seconded by Jacqueline Rudman and unanimously approved. (5-0)

MINUTES OF August 7, 2023, FOR REVIEW AND APPROVAL

A motion to approve the minutes of August 7, 2023, was offered by Kaylee Engellenner seconded by Jill Rosen-Nikoloff, and unanimously approved (5-0).

A MOTION TO ADJOURN was offered at 9:00 pm by Kaylee Engellenner, seconded by Peter Marullo and unanimously approved (5-0).