

**Inc. Village of Northport
UNAPPROVED Minutes of the Planning Board**

March 24, 2026

There was a regular meeting of the Planning Board held tonight at Village Hall, beginning at 6:00pm. Present were: Chairman Dale Koch, Pat DeSimone, Martin Rebholz, Joe Yacobellis, Ed Gathman, Planning Board Attorney, and Joy Nygren, Planning Board Secretary. Also present was Tom Murawski of JR Holzmacher. Absent was: Paul Erbsoll.

Approval of the Minutes

On the motion of Mr. DeSimone, seconded by Mr. Rebholz, the Board waived the reading of the minutes.

On the motion of Mr. Rebholz, seconded by Mr. DeSimone, with all members in favor, the Board approved the minutes of the January 27, 2026 meeting.

Nicolia, 22 Prospect Avenue – new steep slope application

Present was Jeff Thalheimer of Thalheimer Architecture, the applicant.

Mr. Thalheimer stated that the intent of this application is to demo the existing 3-story residence and replace it with a new 2-story residence, with a retaining wall in the rear to create a usable area. He continued on to say that all the runoff from the property would be contained on site, with various dry wells, and that all retaining walls are going to be under 36" high.

The board briefly discussed the application, and on the motion of Chairman Koch, seconded Mr. Rebholz, with all members in favor, the board approved the following resolution:

WHEREAS, the steep slope application was received on March 11, 2026, from Lizbeth Thalheimer, on behalf of Nicholas Nicolia for 22 Prospect Avenue, and

WHEREAS, the Planning Board heard the application at their meeting of March 24, 2026, and

WHEREAS, the applicant provided sufficient evidence that this application does not meet the requirements for steep slope as the property does not have a slope that is equal to or exceeding 10%, as per Village Code §219-26, now therefor be it

RESOLVED, that the Planning Board hereby waives the request for a steep slope application for Nicholas Nicolia, 22 Prospect Avenue, as per the plans dated March 13, 2026.

124 Scudder Place – steep slope application

Present was Doug Castellano of North Coast Civil for the applicant.

Mr. Castellano re-stated that the intent of the application is to replace the existing failing retaining wooden walls, which are three tiers, with a three-tier segmented block system with a fence along the top with plantings, revised as per the Board's comments from the meeting in January.

On the motion of Chairman Koch, seconded by Mr. Rebholz, with all members in favor, the board adopted the following resolution:

WHEREAS: A steep slope application was received on January 12, 2026 from Michael Rant of Northcoast Civil, on behalf of Alyson Lebowitz-Warmbrand of 124 Scudder Place and

WHEREAS: On March 24, 2026, the Planning Board determined that the application is substantially complete, and

WHEREAS: The Planning Board has determined that the proposed action is a Type II Action requiring no additional environmental review, now therefore

BE IT RESOLVED: That the Lebowitz-Warmbrand steep slope application with plans dated February 26, 2026, for the work proposed at 124 Scudder Place is hereby approved, and

BE IT FURTHER RESOLVED: The following conditions need to be met before issuance of final approval:

1. The applicant must obtain a building permit for the construction.
2. After construction is complete, applicant must supply an engineer or architect letter certifying the construction was completed according to submitted and approved plans.
3. After construction is complete, applicant must submit a final survey.
4. Final inspection and approval by the Village upon receipt of the final survey.

Neyland, 20 James Street – steep slope application

Present was Mike Franco, from Studio 287 Architecture.

Mr. Franco stated that revised plans were submitted to the Village.

Mr. Murawski stated that he had reviewed the revised plans. He went on to note that there were still a number of missing items that were requested in the first letter he issued.

Chairman Koch reiterated that the Planning Board would like to see a comprehensive site plan.

Demaio,

There was no representation for this matter.

Mr. Gathman stated that this an ongoing application and that the board needed to address this issue via the following resolution.

On the motion of Chairman Koch, seconded by Mr. Rebholz, the Board adopted the following:

Whereas, on February 24, 2025, the Village of Northport received an application for a three-lot subdivision from DeMaio Equities, LLC and DeMaio Way LLC (hereinafter the “Applicants”), and

Whereas, said application included a parcel of property bearing SCTM #404-9-2-85.001 which is a parcel of Property known as Ackerly Terrace, a road located within the Village of Northport and SCTM #404-9-2-85.008 a vacant parcel of real property, and

Whereas, the Applicants submitted a deed dated July 5, 2022, for Ackerly Terrace which purports to place ownership of Ackerly Terrace in DeMaio Way LLC, and

Whereas, by Village Board of Trustees Resolution #2025-83 dated May 6, 2025 declared that Ackerly Terrace is and has been a public street by prescription as the Village of Northport has maintained the road for well over ten years which includes paving the roadway, snow plowing and ice control measures of and upon the roadway, and

Whereas, on May 6, 2025, The Board of Trustees of the Village of Northport passed Resolution #2025-84 which set forth and stated that Ackerly Terrace has been used as a Roadway since 1909 and is used by residents of the Village as the access to their homes, and

Whereas, New York State Highway Law section 189 states “all lands that have been used by the public as a highway for a period of ten years or more shall be a highway with the same force and effect as if it had been duly laid out and recorded as a highway and the Town superintendent shall open such highways to the width of at least three rods, and

Whereas, New York Courts have long maintained that where land is used by the public as a highway and maintained by the municipality as such for twenty (20) years the land becomes a public road by prescription (City of Cohoes v Delaware & H Canal Co 134 N.Y. 397 (Court of Appeals Second Division 1892), See also DeHaan v Broad Hollow Estates, Inc 161 N.Y. S. 2d 706, 708 (2nd Dept 1957) and James v Sammis 132 N.Y. 239, 245-246, and

Whereas, on May 16, 2025, the Secretary of Planning Board, provided the Applicant a copy of the aforesaid Resolutions and advised the Applicants to resubmit their application excluding the portion of the proposed subdivision know as Ackerly Terrace, and

Whereas, the Applicants have taken the position through their Attorney and Engineering firm that the Village of Northport is incorrect in claiming ownership of Ackerly Terrace, and

Whereas, the Applicants have refused to submit an application for a subdivision without showing Ackerly Terrace on the proposed subdivision map and therefor the application is not complete and cannot be processed by the Planning Board, and

Whereas, the Applicants revised their request for a three-lot subdivision and requested a two-lot subdivision again including Ackerly Terrace, and

Whereas, a steep slope analysis conducted by the Villages engineers, revealed that without the inclusion of Ackerly Terrace due to the steep slope analysis the property cannot be subdivided into two lots, and

Now therefor be it Resolved as follows;

RESOLVED, that a steep slope analysis conducted by J.R. Holzmacher reveals that the subject property cannot be subdivided as set forth in the steep slope analysis below:

1. It was determined by the Village Engineering Consultant on the information submitted by the applicant that the average slope of the property exceeded 25% based on the information submitted both in writing and electronic (AutoCAD) format, and §219-26.2 Subdivision of land of the Village of Northport code allows the required minimum Lot Area of 1 Acre (43,560 square feet), and §219-26.2 Subdivision of land of the Village of Northport code determines that the Gross Lot Yield Factor (per acre) is 0.85 (37,026 square feet), and
2. The applicant has submitted a lot (85.008) that is 73,389.16 square feet (1.6 acres), and the Village of Northport code requires 74,052 square feet to subdivide a lot into 2 lots where only 73,389 square feet is provided, and
3. The applicant has submitted a lot that is below the square foot requirement for a 2-lot subdivision, and
4. The applicant has submitted an incorrect FEAF that includes lot 85.001 that is considered Village of Northport property and not to be part of this application, and

RESOLVED, that the Planning Board hereby determines that the Applicants application is not complete and as such cannot be processed, and it is

RESOLVED, that the Applicants are directed to resubmit an application to construct a home on the one lot comprised of 73,389.16 square feet.

Roll Call Vote:

VOTE:	YES	NO	ABSTAIN
Chairman Koch	√		
Mr. DeSimone	√		
Mr. Ersboll	absent		
Mr. Rebholz	√		
Mr. Yacobellis			√

On the motion of Chairman Koch, seconded by Mr. Rebholz, the meeting was adjourned.

The next regularly scheduled meeting of the Planning Board will be held on Tuesday, April 28, 2026, at 6pm.

Respectfully submitted,
Joy Nygren
Planning Board Secretary