

**Village of The Branch – Zoning Board of Appeals**  
**April 22, 2014**

A regular meeting of the Village of The Branch Zoning Board of Appeals was held in the Village Hall, 40 Route 111, Smithtown, NY 11787, at seven thirty p.m. on April 22, 2014.

Members Present:	Chairperson	Joseph Magliato
	Member	Jean Esser
	Member	Dennis Bader
	Member	Richard Lockwood

Members Absent:	Member	Maureen Bahrenburg
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Others Present: Maureen Hernandez, Village Clerk; Mr. Peter Albinski (representing the applicant); Mr. Stanley Weiz (neighbor)

The ZBA Meeting was called to order by Chairman Joseph Magliato at 7:34pm. The public notice for the meeting is was published as follows:

The Board of Zoning Appeals (BZA) of the Village of The Branch will meet at the Village Hall, 40 Route 111, Smithtown, NY, at 7:30 PM on Tuesday, April 22, 2014 to consider an application for a variance from 289 East Main Street Corporation at 289 East Main Street, Smithtown, NY to allow for a one story addition on the east side of the building which makes a previously grandfathered nonconforming structure more nonconforming. Village Code 85-807 requires a minimum set back of 40'-0" in the Historic District. The building currently has a setback of 16'-0" and the proposed addition would have a setback of 20'-0".

It was determined that the applicants' notifications to their neighbors are in order.

Mr. Peter Albinski, Architect, presented on behalf of the applicant Dr. A. Zihlka. Mr. Albinski explained that the alteration to the building includes a 1 story addition on the east side at the front of the building with most of the added building being a 2 story addition to the rear. The new building layout was developed in order to preserve a large, old, yet healthy oak tree on the south east side of the lot along the existing driveway. The 1 story addition balances out the front of the building but is set back only 20' from the front property line. There is already an existing part of the building that is only 16' from the front property line.

Discussion ensued. Topics included clarification of rear and side yard setbacks, review of design, overall height of building (no higher than current), total square feet of completed building and parking spaces.

Member Lockwood made a **motion** to grant the variance as requested. Member Esser seconded the motion.

Roll vote: J. Magliato – Yes, R. Lockwood – Yes, J. Esser – Yes, D. Bader – Yes

Motion carried with unanimous approval.

Member Bader made a **motion** to adjourn. Member Esser seconded the motion which was approved unanimously.

Meeting adjourned at 7:55pm.

Respectfully submitted,

Maureen Hernandez  
Village Clerk