

Village of The Branch – Board of Trustees Meeting
November 13, 2020
Track #27

The monthly meeting of the Village of The Branch was held at 40 Route 111, Smithtown, NY, seven thirty p.m. on November 13, 2020. Mayor Delaney, Trustees Carro, Ryan, Botto and Damm, Treasurer Mequia, Village Attorney Ring, Building Inspector Arico, and Village Clerk Cozine were present.

Mayor Delaney called the meeting to order at 7:38 pm with the pledge of allegiance.

Trustee Carro made a **motion** to accept the October 2020 Board of Trustees minutes and Trustee Botto seconded the motion. All are in favor, approved unanimously.

Trustee Ryan made a **motion** to accept the November 2020 Board of Trustees work session minutes and Trustee Botto seconded the motion. All are in favor, approved unanimously.

Treasurer's Report

Treasurer Mequia reported that:

- Received a tax payment, down to 12 total outstanding and 9 of them are current year.
- Trying to pin down a date with the Auditor's.
- Need a resolution to start paperwork with bank to do bonding for Clearbrook.

Mayor Delaney made a **motion** to accept the treasurer's report as submitted and direct treasurer to pay all the bills on Abstract #2166 totaling \$28,442.41. Trustee Carro seconded the **motion** which was approved unanimously.

Dan Falasco reported that he has obtained 4 estimates for the paving of Dogwood Road. Trustee Carro reached out to Stasi Contracting and should be completing the Dogwood retaining wall tomorrow. He also reached out to them for an estimate on paving and they came up with \$27,000 putting up handicap ramp and making it ADA compliant. Suffolk Paving came up with 17,000. Going to rip out and remove sidewalk on Rice Lane and replace with seed.

Mayor Delaney made a **motion** to authorize Village Engineer Falasco to engage in an agreement with contractor to be named not to exceed \$20,000 and in accordance with our procurement policy. Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

Mayor Delaney made a **motion** to open meeting to the public. Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

Frank Mannino – Owner of Mannino's Pizzeria, was in to inquire an outside tent to do outdoor dining since the permit expired on November 1. Mr. Mannino said his customers would like to have a tent because they are still too afraid to come in. Mayor Delaney said unfortunately we don't have any extensions on outdoor dining permits due largely to the Garden Grill has terrorizing our residents. Mr. Mannino replied that he doesn't have a bar outside or any live music, he will be closed by 9pm. The tent will

have sides but no heat. After further consideration, the Board approved to extend permit through Dec 31, 2020. Mr. Mannino was very grateful and appreciated the Board listening to him and the customers.

Libby Smith, Chairman of Planning Board wanted to address the condition of the building on 263 Middle Country Road. There are holes in the building and are afraid they are going to let the house fall apart. The Yankee gutters had a tree branch go through them and has made it worse. This house is Historical and want to preserve its nature. Mayor Delaney ordered Building Inspector Arico to issue a summons since they have already been told about the situation and have not rectified it.

Mayor Delaney made a **motion** to open the Public Hearing for Local Law #6 Storage Containers. Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

At this time Mayor Delaney read local law #6 and asked if anyone had questions and there were not any.

Mayor Delaney made a **motion** to close the Public Hearing for Local Law #6 Storage Containers. Trustee Carro seconded the **motion**. All are in favor, approved unanimously

Local Law No. 6 of the year 2020

Village of the Branch, County of Suffolk

A local law adding new Section 275-86 of the Code of the Village of the Branch to amend and clarify the requirements for permits for the temporary placement and use of temporary storage units on properties within the Village of the Branch.

Be it enacted by the Board of Trustees of the Village of the Branch as follows:

§ I. Purpose and intent.

The purpose of this chapter is to allow for the temporary placement and use of temporary storage units on properties within the Village of the Branch subject to resolutions that the Board of Trustees has determined to be necessary to insure that the placement and use of said temporary storage units will not offend the health, safety and aesthetics objectives of the Village. Accordingly, it is the intent of this chapter to regulate the placement and use of temporary storage units in order to promote the health and safety of the residents of the Village and to preserve the aesthetic value of its neighborhoods.

Definitions.

As used in this chapter, the following terms shall have the meanings indicated.

Applicant

A person or entity that owns, rents, occupies, or controls a property and seeks and/or obtains a written permit to place a temporary storage unit on said property.

Supplier

The person or entity that supplies a temporary storage unit for use on the applicant's property.

Temporary Storage Unit

A transportable unit or container, including those containers manufactured or supplied under the trade name "Portable on Demand Storage" or "PODS", designed and used primarily for the temporary storage of building materials, household goods, personal property of any kind, and other such materials for use on a limited basis. Such units shall not be considered an accessory structure as provided in Chapter 275 of the Village of the Branch Zoning Code.

§ II. Permit required

No person shall place a temporary storage unit on any property in the Village unless the person that owns, rents, occupies, or controls the property first obtains a written permit from the Village Clerk to do so.

§ III. Application; fee

A. An applicant seeking a permit to place a temporary storage unit on his or her property must submit an application, on a form provided by the Village Clerk, which shall include, but not be limited to, the following information:

- (1) Name and address of the applicant;**
- (2) Name and address of the supplier of the temporary storage unit;**
- (3) The address of the property where the temporary storage unit will be placed;**
- (4) The intended use for the temporary storage unit;**
- (5) A description or diagram of the location where the temporary storage unit will be placed on the property;**
- (6) A physical description of the temporary storage unit will be placed on the property; and**
- (7) The dates when the temporary storage unit will be placed on the property.**

B. All applications for permits to place a temporary storage unit and extensions thereof shall be accompanied by a fee of \$100.00

§IV. Duration; extensions

- A. Permits to place a temporary storage unit shall be granted for a period of 90 days. Each property in the Village is limited to a maximum of two permits per calendar year, and a minimum of 15 days shall elapse between the end of one permit period and the beginning of another.**
- B. At the expiration of the 90-day permit period, a permit may be extended for one additional thirty-day period for good cause shown. Where a valid building permit exists for the premises and the temporary storage unit is being used solely to store the personal property of the owner or occupant of the premises, multiple thirty-day permit extensions may be granted for good cause shown. In no event shall the duration of a permit, including any and all extensions, exceed more than one year from the date of the original permit.**

§V. Placement and use

The following requirements shall apply to the placement and use of temporary storage units.

- A. It shall be unlawful for any person or entity to place or permit the placement of a temporary storage unit on property located within the Village without obtaining a written permit as provided above.**
- B. Only one temporary storage unit shall be located on any one property at any given time.**
- C. Temporary storage units shall be limited to a maximum size of nine feet in height, 10 feet in width or 20 feet in length.**
- D. Temporary storage units shall not be located in any portion of the front yard, other than on a driveway or other paved surface. When placed on a driveway, temporary storage units must be placed at the farthest access point from the street. A temporary storage unit shall not be placed less than 10 feet from a property line. The Board of Trustees shall have the right to adjust the location when a hardship location is requested.**
- E. Temporary storage units are prohibited from being placed in or on public or private roadways or rights-of-way.**
- F. Temporary storage units shall not be located in manner that blocks the flow or obstructs the vision or sight of vehicles and pedestrians traveling on public or private roadways, sidewalks or parking lots.**
- G. The applicant, as well as the supplier, shall be responsible for ensuring that the temporary storage unit is installed and maintained in a good**

and safe condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, or in any way which might create a hazard to the general public or an unsightly condition on the property.

- H. Temporary storage units shall be conspicuously marked with the name and address of the supplier and have affixed thereon a copy of the written permit authorizing the placement of the temporary storage unit on the property.
- I. No temporary storage unit shall be used for habitable purposes or to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for use other than at the property where the temporary storage unit is located (i.e. used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the applicant, the Village may inspect the contents of any temporary storage unit at any reasonable time to ensure that it is not being used for any prohibited purpose.
- J. A temporary storage unit that is not removed at the end of the time for which permission has been granted shall be deemed to be an illegal structure and may be removed by the Village immediately, without notice, and the costs and expenses against the property on which the temporary storage unit was located, which costs shall be collected and enforced in the same manner as real property taxes.

§VI. Revocation of permit

If the applicant or supplier fails to comply with the requirements for the placement and use of temporary storage units, the Village Clerk shall revoke the permit. Upon revocation of the permit, the temporary storage unit shall be removed from the property within 24 hours.

§VII. Penalties for offenses

- A. Each offense against the provisions of this chapter shall constitute a violation pursuant to the Penal Law of the State of New York and shall be punishable as such. Each day a condition in violation of this chapter exists shall constitute a separate violation of this chapter. Any person or persons violating any provisions of this chapter shall be liable for and pay a fine of not less than \$100.00 and not more than \$250 for a conviction on each offense.
- B. Each and every day that a violation of this chapter shall exist shall constitute a separate violation of this chapter.

This local law will take effect immediately upon filing with the Secretary of State.

Mayor Delaney made a **motion** to accept Local Law #6 Storage Containers. Trustee Ryan seconded the **motion**. All are in favor, approved unanimously.

Mayor Delaney made a **motion** to reopen meeting to the public. Trustee Botto seconded the motion. All are in favor, approved unanimously.

Mike Sciara, Nelson & Pope representing Alyn Zilkha of 289 E main Street Smithtown NY. Addressed the Board, that we have been to Planning Board, BZA, back to PB and we are proposing expanding the house on the property and adding 5,500 square feet. Just about 10,000 feet adaptive reuse, it will be a medical building. The Dr is a Radiologist and will most likely put his practice here. Trustee Carro asked Mr. Sciara about parking and he responded 61 or 62 are required and land banking 12 of them. Trustee Carro also worried about the lighting in parking lot of near by neighbors but that was answered it wouldn't be a problem as there is a lot of tree coverage. The Board of Trustees mentioned how much they liked the plans and it would be a nice addition to the Historic District.

Trustee Carro made a **motion** to approve 289 E. Main Street plans. Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

Trustee Carro made a **motion** to close public meeting. Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

Building Inspector Joe Arico arrived at 8:42pm

Attorney Ring's Report

Attorney Ring reported that:

- Sonnenberg snow contract fully executed.
- Leaf and Brush contract with Brothers Waste is awaiting return of signed contract.
- Trustee Carro will give Justice Court update.
- Spoke with BB Maintenance, who bid on snow contract, he just vented on the phone and said he would talk to his lawyer.

Joe Arico arrived at 8:38pm.

Trustee Ryan's Report

Trustee Ryan had nothing to report

Trustee Carro's Report

Trustee Carro reported that:

- Justice Court- asked if Justice Murphy made a decision on Fire Zone ticket for Olga Turner. Court Clerk Cozine informed him that he found her guilty and she has already mailed in her fine.
- Handed out our current fence code and discussed the 40foot setback. Also looked at Town of Smithtown Code and then will figure out how to enforce it. Will discuss at future work session.

- Spoke to Elenore Rowe about BZA and she would like to go to a meeting before committing to the Board.
- 202 E Main Street needs to go to Planning Board first before they go to the BZA.

Building Inspector's Report

Building Inspector Arico reported that:

- 55 Mt. Pleasant
- Damianos inspections at 50 Route 111
- Uncle Guiseppie's doing interior work
- Jeremy from Acadia is moving the Jersey blocks

Mayor Delaney's Report

Mayor Delaney reported that:

- Summons for 263 Middle Country for property maintenance.
- 11 Branch moved the shed
- Mannino's outdoor dining permit approved thru Dec 31, 2020
- Instructed the Building Inspector he needs to send letters to 8 other outdoor eating applicants.
- Met with 301 property lawyers

Trustee Botto's Report

Trustee Botto had nothing to report:

Special Use Permits:

11/14 Fresh Farms Grand Opening - Approved
11/22 SHS -Troop 349 Turkey Fest – Approved
SHS- Wedding Ceremony – Approved

Mayor Delaney made a **motion** to approve the intermunicipal agreement with Town of Smithtown for traffic signs and pavement markings. Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

Trustee Botto made a **motion** to close the meeting at 9:35pm. Trustee Ryan seconded the **motion** which was approved unanimously.

Respectfully Submitted,

Christine Cozine
Village Clerk

