

**Village of The Branch – Board of Trustees Meeting
May 11, 2021
Track #35**

The monthly meeting of the Village of The Branch was held at 40 Route 111, Smithtown, NY, seven thirty p.m. on May 11, 2021. Mayor Delaney, Trustees Botto, Carro (via zoom), Ryan, Damm, Treasurer Mequia, Village Attorney Ring, Building Inspector Arico, and Village Clerk Cozine were present.

Mayor Delaney called the meeting to order at 7:42 pm with the pledge of allegiance.

Trustee Botto made a **motion** to accept the April 2021 Board of Trustees minutes and Trustee Ryan seconded the **motion**. All are in favor, approved unanimously.

Treasurer's Report

Treasurer Mequia reported that:

- Received couple of delinquent tax payments.
- Second to last bond payment made in April.
- Received envelopes today to mail out tax payments.
- Spoke to Nick about Quickbooks

Trustee Botto made a **motion** to accept the treasurer's report as submitted and direct treasurer to pay all the bills on Abstract #2172 totaling \$21,644.01. Trustee Botto seconded the **motion** which was approved unanimously.

Trustee Botto made a **motion** to open the Public Hearing for Local Law #2. Trustee Damm seconded the **motion**. All are in favor, approved unanimously.

Mayor Delaney read into record local law#2 of 2021 and asked the public for comments, and nobody responded.

Local Law No. 2 of the Year 2021

Village of The Branch, County of Suffolk

LOCAL LAW #2 TO REPEAL LOCAL LAW NUMBER # 1 OF 2021 -- TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

Be it enacted by the Village of The Branch as follows:

SECTION 1: LEGISLATIVE INTENT: This Local Law shall be known as "Local Law Number 2 of 2021". It is the intent of this Local Law to repeal Local Law Number 1 of 2021, and to thus reinstate the limits on the amount of real property taxes that may be levied by the Village of The Branch pursuant to General Municipal Law §3-c.

SECTION 2: EFFECT: This Local Law hereby thus repeals in its entirety said Local Law Number 1 of 2021, and declares the same of no force or effect, and thus the Village of The Branch repeals the prior tax cap override local law of the Village of The Branch and reinstates the tax levy limits imposed by General Municipal Law §3-c.

SECTION 3: SEVERABILITY: If any portion this Local Law, or the application thereof to any person, entity, or circumstance, shall be determined by any court or tribunal of competent jurisdiction to be invalid or unenforceable, such determination shall be confined in its operation to the invalid part hereof, or in its application to such person, entity, or circumstance as is directly involved in the controversy in which such determination shall have been rendered, and the remainder of this Local Law shall not be impaired thereby and such determination shall not be deemed or construed to apply to other persons, entities, or circumstances.

SECTION 4: EFFECTIVE DATE: This Local Law shall take effect immediately.

Mayor Delaney made a **motion** to close the Public Hearing for LL#2. Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

Mayor Delaney made a **motion** to adopt Local Law #2 of 2021. Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

Mayor Delaney made a **motion** to open the Public Hearing for revisions to Zoning Chapters 275-30 & 275-17, referred to Local Law#3. Trustee Damm seconded the **motion**. All are in favor, approved unanimously.

Mayor Delaney read Local Law #3 below and asked for public comment and there was none.

§ 275-30

Fences, hedges or walls. – Residence B

[Amended 2-12-1985 by L.L. No. 2-1985; 7-14-1987 by L.L. No. 3-1987]

A.

Except as otherwise provided in this chapter or any other local law or ordinance of the Incorporated Village of the Branch,^[1] or except where authorized by special exception granted by the Board of Zoning Appeals of the Village, no fence, wall or hedge shall hereafter be erected, continued or maintained in the front yard of any premises, and in no event shall any fence, wall or hedge, wherever located, be more than six feet in height. On a corner plot, the front yard will be divided into two front yard zones defined as the following:

Primary front yard: Will be determined on the street where the mailbox is located.

Within the primary front yard, no fence, wall or other structure and no hedge, shrub or other growth shall be erected, continued or maintained. The only fencing in the primary front yard shall be in line with the front of the house as the code reads.

Secondary front yard: The other intersecting street.

The setback for the fence in the secondary front yard shall be 20 feet from the curb line. In no event shall any fence, wall or hedge, wherever located, be more than six feet in height.

[1]

Editor's Note: For further information concerning trees and shrubbery on private land and, in particular, on corner lots, see Ch. 253, Trees, Shrubs and Hedges.

B.

Any fence erected in the Village of the Branch which has a finished and unfinished side shall be constructed so that the unfinished side faces the fence owner's property and the finished side faces all neighboring properties.

§ 275-17

Fences, hedges or walls. – Residence A

[Amended 2-12-1985 by L.L. No. 2-1985; 7-14-1987 by L.L. No. 3-1987]

A.

Except as otherwise provided in this chapter or any other local law or ordinance of the Incorporated Village of the Branch, ^[1] or except where authorized by special exception granted by the Board of Zoning Appeals of the Village, no fence, wall or hedge shall hereafter be erected, continued or maintained in the front yard of any premises, and in no event shall any fence, wall or hedge, wherever located, be more than six feet in height. On a corner plot, the front yard will be divided into two front yard zones defined as the following:

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B.

Any fence erected in the Village of the Branch which has a finished and unfinished side shall be constructed so that the unfinished side faces the fence owner's property and the finished side faces all neighboring properties.

Mayor Delaney made a **motion** to close the Public Hearing for LL#3. Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

Mayor Delaney made a **motion** to adopt Local Law #3 of 2021. Trustee Botto seconded the **motion**. All are in favor, approved unanimously.

Joe Arico arrived @ 8pm

Attorney Ring's Report

Attorney Ring reported that:

- Sonnenberg Nurseries –Trustee Botto will follow up with him about the letter.
- Justice Court – 1 trial adjourned, 5 reduced fines, 1 trial took place with Justice Murphy reserving decision.
- Leaf and brush contract renewal is up on August 1, 2021, we should renew the one-year option.
- Distributed a spreadsheet of all the Village's contracts

Building Inspector's Report

Building Inspector Arico reported that:

- Mannino's came in for outdoor eating permit
- Bueno Serra coming in to apply for two tables out on their sidewalk.
- Meeting with Fire Marshall on Thursday to "sleeve" the gas lines at JR BBQ.
- Met with Aurora Contractors, owners of 263 Middle Country Rd, regarding fixing the building which has been summonsed.

Trustee Carro's Report

Trustee Carro reported that:

- Village Hall needs better router (said during Zoom call).
- 301 East Main Street
- SCOVA updated that NYS is trying to change the Village Election date to November when all other elections take place.
- Noise level at Brush Barn

Trustee Damm's Report

Trustee Damm reported that:

- Working on landscaping bid.

Trustee Ryan's Report

Trustee Ryan had nothing to report:

Trustee Botto's Report

Trustee Botto reported that:

- Sweeping went OK, had to bring in dump truck to dump the large volume of sand collected. Thinks we should investigate a private contractor for next year, since we are paying overtime to have it done on a Saturday through Town of Smithtown.
- Waiting for a paving date for Clearbrook Drive from the Town of Smithtown.
- Landscaping bid, need to tweak two items, almost ready to go out to bid.

Mayor Delaney's Report

Mayor Delaney reported that:

- Distributed spreadsheet of job responsibilities for Trustees and office staff
- Noah Nathanson, CEO of Muni Stat
- Need to obtain electronic version of roads, drains and crack seal from the Engineer, Dan Falasco.

Special Use Permits – Smithtown Historical Society

11/20/21 1st Birthday Party

Mayor Delaney made a **motion** to close the meeting at 9:24pm. Trustee Carro seconded the **motion** which was approved unanimously.

Respectfully Submitted,

Christine Cozine

