

**Village of The Branch – Zoning Board of Appeals
September 24, 2019**

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 September 24, 2019.

| | | |
|------------------|-------------|-----------------|
| Members Present: | Chairperson | Joseph Magliato |
| | Member | Dennis Bader |
| | Member | Jean Esser |
| | Member | Charles Robelen |

Others Present: Christine Cozine, Village Clerk; Mrs. Mulhall (homeowner),

The ZBA Meeting was called to order by Chairman Joseph Magliato at 7:30pm.

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 180 East Main Street, Suite 103, Smithtown, NY, at 7:30 PM on Tuesday, May 28, 2019 to consider an application for a variance from Mr. Killoran at 5 Daisy Lane, Smithtown, NY to reduce the rear yard for accessory structure from 25' to 12' due to Village Code 85-409. The two car detached garage must be set back at least 25 feet from the nearest property line.

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

Mr. Killoran wanted to put on the record that he was actually asking for a correction to the setback from 12 feet to 7.55 feet. Mr. Killoran will be placing shrubs along the side of the driveway closest to his neighbor. On the East side he will be taking out the other driveway and curb cut. He will be using cedar shakes and have an asphalt roof.

Member Bader wanted to make sure that the other garage will be converted into a den since it will no longer be a garage and that Mr. Killoran will renovate the rest of the house. Mr. Bader also mentioned that residents can't run a business out of their home and must be considerate of their neighbors. Also make sure the lighting is not shining in their neighbors windows.

Member Esser made a **motion** to close public meeting. Member Bader seconded the motion. Roll vote: J. Magliato – Yes, D. Bader – Yes, J.Esser – Yes C. Robelen- Yes
Motion carried with unanimous approval.

Member Esser thinks it will enhance the property. Member Robelen it is in symmetry with the house. Member Bader feels Mr. Killoran has been cooperative through the process and doesn't feel the rear neighbor has much impact.

Chairman Magliato is in favor of granting variance due to the property configuration. His only concern is that there is no apartment put in and there isn't according to Mr. Killoran.

Member Bader made a **motion** to grant the rear yard variance to 7.55' for the 2 car detached garage, based upon the information given at the time of the meeting. Member Robelen seconded the motion.

Roll vote: J. Magliato – Yes, D. Bader – Yes C. Robelen – Yes J.Esser - Yes

Motion carried with unanimous approval.

Member Esser made a **motion** to accept the minutes from last BZA meeting in November 2017. Member Bader seconded the motion. Roll vote: C. Robelen – Yes, J. Magliato – Yes, D. Bader – Yes, J.Esser – Yes. Motion carried with unanimous approval

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

Meeting adjourned at 8:15 pm

Respectfully submitted,
Christine Cozine, Village Clerk