

**Village of The Branch – Zoning Board of Appeals**  
**February 28, 2017**

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 February 28, 2017.

Members Present:	Chairperson	Joseph Magliato
	Member	Dennis Bader
	Member	Charles Robelen
Not Present:	Member	Dick Lockwood
	Member	Jean Esser

Others Present: Christine Cozine, Village Clerk; Mr. Nolan (homeowner) and Mr. Deider Specht owner of Spechtacular Pools.

The ZBA Meeting was called to order by Chairman Joseph Magliato at 7:36pm.

Member Bader made a **motion** to accept the minutes from last BZA meeting. Member Robelen seconded the motion. Motion carried with unanimous approval.

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, February 28, 2017 to consider an application for a variance from Mr. & Mrs. Lee Nolan at 9 Wheelright Way, Smithtown, NY to allow for installation of an in ground pool with heater and fence. Village Code 75-12-A requires a pool, filter and heater must be setback of 25' from the nearest property line and the homeowner is requesting a 3' from nearest property line. In addition, Village Code 85-409B states sheds need to be at least 5' of the rear or side lot line and the homeowner is requesting to locate the shed 3' off the rear or side lot line.

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

Due to the sloping backyard, Mr. Nolan and Mr. Specht presented their case for a variance of 2 feet for the shed, a variance of 5 feet for the side yard to accommodate the filter and a variance of 5 feet from the back property line for the pool.

Member Bader made a **motion** to grant the variance as requested due to the unique nature of the property, contingent upon accurate drawings of the plans to be submitted to the Clerk's office. Member Roebelen seconded the motion.

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

Motion carried with unanimous approval.

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

Meeting adjourned at 7:50 pm

Respectfully submitted,

Christine Cozine,  
Village Clerk

