

Village of The Branch – Zoning Board of Appeals
July 28, 2020
Track #18

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 July 28, 2020.

Members Present:	Chairperson	Joseph Magliato
	Member	Dennis Bader
	Member	Jean Esser
	Member	Charles Robelen
	Member	Evan Dick

Others Present: Christine Cozine, Village Clerk; Mr. Michael Sciara of Nelson & Pope Architects and Pelops Damianos of Damianos Realty.

The ZBA Meeting was called to order by Chairman Joseph Magliato at 7:40pm.

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 located at 40 Route 111, Smithtown, NY, at 7:30 PM on Tuesday, July 28, 2020 to consider an application for a variance from Dr. Alain Zilkha at 289 East Main Street, Smithtown, NY to reduce the side yard from 15' to 10' and the front setback from 40' to 20' a maintain existing front yard setback at 16'2 for a proposed two story commercial building in the Historic District. Section 275-52 of the Village Code requires side yard to be 15 feet. Section 275-51 required setback is 40 feet.

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

Mr. Sciara of Nelson and Pope Architects representing Dr. Zilkha, mentioned how some changes have been made, for the better, to the existing plans. Dr. Zilkha is seeking a front yard setback from 40 feet to 20 feet. Had to diminish the side yard setback due to the 200 plus year old white oak tree. They consulted with certified arborist and he suggested a new plan.

Pele Damianos of Damianos Realty group which is the neighbor at 285 E Main Street is in favor of the application. If it pleases the Village, he asked Mr. Sciara if they would remove the chain link fence about 20-25 feet to soften the look. Chairman Magliato mentioned that the BZA can not make that decision, just a recommendation to the Planning Board.

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

Member Bader made a **motion** to accept the minutes from last BZA meeting in September 2019. Member Esser seconded the motion. Roll vote: C. Robelen – Yes, J. Magliato – Yes, D. Bader – Yes, J.Esser – Yes. Motion carried with unanimous approval

At this time discussion ensued and Member Bader asked why after 6 years later are you coming back? Mr. Sciara stated he didn't start this project and Dr. Zilkha changed architects and they never followed up after coming to the BZA with the Planning Board. When Mr. Sciara took over 3 years ago, he did more development investigation. Dr Zhilka never lost interest in the project, but needed all the pieces in place. On top of that, then the market crashed during that time frame which put it on hold. Changing the parking but don't need a variance for that. We reduced the landbank parking stalls from 20 to 12. Mr. Bader also asked about the lighting. Member Esser asked about the kind of security they will have in the parking lot. Mr. Sciara said Dr. Zhilka is open to protecting the house and the lot.

Member Robelen said he was all good with the plans put forth.

Chairman Magliato is in favor of granting the variance.

Member Bader asked the Clerk if all the letters were sent out and Clerk Cozine responded yes, all but 2 people responded back.

Member Bader made a **motion** to accept the variance as it stands before us tonight along with recommendations on landscaping, lighting and materials of construction. Member Robelen seconded the motion.

Roll vote: J. Magliato – Yes, D. Bader – Yes C. Robelen – Yes J. Esser – Yes E. Dick - Yes Motion carried with unanimous approval.

Chairman Magliato made mention of including the letter from Planning Board Chairwoman.

Mr. Joe Magliato, Chairman

VOB Board of Zoning Appeals

40 Rt. 111

Smithtown, NY 11787

RE: 289 E. Main Street Proposed Site Plan

Dear Chairman Magliato,

The Village of the Branch Planning Board at their May 20th, 2020 meeting denied 289 E. Main St.'s proposed 05/07/2020 site plan, due to 3 variance approvals first necessary by the Village of the Branch Board of Zoning Appeals. The necessary variances on the proposed site plan are the 3 variances below;

1. 2 points on the west side of the proposed structure, each needing west side yard setback easement from 15ft to 10ft

2. A front setback on the proposed east addition from 40ft to 20ft

The applicant was notified through their representative, Michael Sciara that they would have to go to BZA.

The Planning Board at their May meeting also made these 2 Recommendations;

1. A Recommendation to the BZA stating; The VOB Planning Board supports the 289 E. Main St. 05/07/2020 site plan map which includes the necessary setback variances on both the west side and front.

2. A Recommendation to the BOT, subject to BZA approval; The VOB Planning Board recommends that the VOB BOT approves 289 E. Main St.'s 05/07/2020 site plan. (***BOT approval is necessary due to altering the architectural appearance of the Historic building, as shown on their proposed site plan map dated 05/07/2020)

Dr. Zilkha - the applicant for 289 E. Main St., has been notified via an email to his representative, Mr. Sciara regarding these Recommendations to both Boards.

If you or your committee have any questions please let me know.

Sincerely,

Libby Smith, Chairman
VOB Planning Board

Member Esser made a **motion** to adjourn. Member Robelen seconded the motion which was approved unanimously. Roll vote: J. Magliato – Yes, D. Bader – Yes C. Robelen – Yes J. Esser – Yes E. Dick - Yes

Meeting adjourned at 8:05 pm

Respectfully submitted,
Christine Cozine, Village Clerk