

Village of The Branch Planning Board Meeting
September 16th, 2020
Track #22

The Planning Board meeting of the Village of The Branch was held at Village Hall, 40 Route 111 Smithtown, NY at 7:30 p.m. on May 20th, 2020.

The following persons were present:

Libby Smith- Chairman	Christine Cozine- Village Clerk
Valerie Lindeman- Member	Dan Falasco – Village Engineer
David Wetzel – Member	
Michael Kelly – Member –NOT PRESENT	
Glenn Haberfield – Member	

Chairman Libby Smith called the meeting to order at 7:39 pm

Glenn Haberfield made a **motion** to accept the May 2020 Planning Board minutes and David Wetzel seconded the **motion**. All in favor and approved unanimously.

Glenn Haberfield made a **motion** to open the public Hearing and Valerie Lindeman seconded the **motion**. All in favor and approved unanimously.

Michael Sciara-Nelson & Pope Architects representing Dr. Zilkha, of 289 East Main Street. Mr. Sciara informed us of an approval from the BZA. He walked the Board through the nuances of the plan and the biggest change being the White Oak Tree that is 200+ years old is no longer there. It was destroyed in the Tropical Storm Isaias. They will plant trees in its place, within proximity. The plans showed they further developed the drainage and show the leeching pools. Damianos asked us to remove fence from the road and we plan to install white PVC fence.

At this time Chairman Smith pointed out that PC fencing is prohibited in the Historic District and can only have stockade fencing. Will still need to do a landscaping plan and suggested maybe in lieu of fence, plantings can be done. Chairman Smith also mentioned what a beautiful job they did with the plans.

Chairman Smith asked if anyone had any questions and nobody did.

Glen Haberfield made a **motion** to close the meeting for 289 E Main Street to the public. Valerie Lindeman seconded the **motion**, all in favor and approved unanimously.

Glenn Haberfield made a **motion** to open the public Hearing for 55 Mt Pleasant and Valerie Lindeman seconded the **motion**. All in favor and approved unanimously.

Timothy Melhus – 55 Mt. Pleasant Road – applicant was asked to come to PB by the BZA to give BZA a recommendation. The BZA denied an existing fence as is. Mr. Melhus knowingly bought home on busy road with a double yellow line, wants to keep kids and dog safe and feels he needs fence for safety issues. He also stated his home is unique as its front door entrance is on the side of the house and not the front. Put up the fence for privacy as well so he doesn't have to stare at neighbors garbage pails. The neighbor's shrubbery is not maintained well and there is

poison ivy in there and his son contracted it. Mr. Melhus asked the BZA for some guidance and their answer was to come to the PB.

The variance Mr. Melhus was looking for was 39 feet.

Chairman Smith asked how many panels of fence would you be willing to remove? Mr. Melhus answered 1 to start with. Chairman Smith also wants to ask Building Inspector Arico to check out 57 Mt Pleasant about maintaining visibility from the bushes to the street.

Valerie Lindeman made a **motion** to close the meeting for 55 Mt Pleasant Road to the public. David Wetzel seconded the **motion**, all in favor and approved unanimously

At this point discussion ensued:

David Wetzel – respects what Mr. Melhus is doing, especially for the safety of his children. That is the number one reason I am on this Board. Likes the look of the fence, high to low and it's a good looking fence.

Chairman Smith mentioned the BZA thought it was just a line fence. And this sets precedence, a 39 foot variance is a lot.

Valerie Lindeman – fence is not creating a safety issue because he is also putting up a screen fence to keep kids in. Doesn't think fence should stay because it goes against the Code.

Glen Haberfield – agrees with both opinions, likes fence how it changes in height. Residents who live on Mt Pleasant use shrubbery as fencing, and it is illegal to use shrubbery as fencing. Doesn't think it changes the aesthetic of the neighborhood, he is just delineating his property line. He is not going across his property, just down the side.

Chairman Smith is torn. Since Mr. Melhus brings the safety area all the way to the curb area. Thinks he should take out a few sections because BZA will find it more acceptable. The precedence setting is another issue, thinks 39 feet is unrealistic.

Dan Falasco, Village Engineer, said there is already precedence with other fences in there.

Chairman Smith asked Glen Haberfield how would you feel if your neighbor put a fence down your property line? Glenn responded I have a neighbor two doors down that has that.

Chairman Smith suggests taking down 2 panels down so variance is less.

Dan Falasco doesn't think Board should make recommendation because that sets a precedent.

David Wetzel is fine with the fence the way it is.

Dan Falasco suggests they should not make a decision only let them know each person opinion and not a recommendation from the Board!

Chairman Smith is hoping that the homeowner sees how difficult this decision is.

David Wetzel likes the fence but willing to concede 8 feet

Valerie Lindeman feels BZA decision is fine and no variance should be granted.

Glen Haberfield likes it as is, willing to give 8 feet concession.

Valerie Lindeman feels residents need to be aware of the ordinances in the Village. There are laws to be adhered to.

Chairman Smith will write BZA Chairman Magliato with the results of their discussion and contact Tim Melhus.

David Wetzel made a **motion** to close the meeting at 8:42 pm. Valerie Lindeman seconded the **motion**, all in favor and approved unanimously.

Respectfully submitted by
Christine Cozine – Village Clerk