

ZONING BOARD OF APPEALS MEETING

TOWN OF SMITHTOWN

VILLAGE OF THE BRANCH

TUESDAY, JULY 26, 2022

99 WEST MAIN STREET

SMITHTOWN, NY 11787

7:30 P.M.

APPEARANCES:

JOSEPH MAGLIATO, Chairman

DENNIS BADER, Member

EVAN DICK, Member

CHARLES ROBELEN, Member

CHRISTINE COZINE, Village Clerk

CARLOS MUNOZ, Todd O'Connell Architects

DAVID DUQUESNAY, Applicant

1 MS. COZINE: Okay, I guess we can
2 start when you're ready.

3 CHAIRMAN MAGLIATO: Okay, I'd like
4 to call to order the public [inaudible] July
5 26, 2022, 7:30. Today we have [inaudible]
6 before us, a variance on public portion
7 [inaudible].

8 MS. COZINE: Could you just say your
9 name for the record?

10 CHAIRMAN MAGLIATO: Yes, my name for
11 the record is Joseph Magliato, M-A-G-L-I-A-
12 T-O.

13 Okay, so as [inaudible] the
14 architect will be giving a presentation, is
15 that correct?

16 MS. COZINE: Correct.

17 CHAIRMAN MAGLIATO: [inaudible]

18 MR. MUNOZ: My name is Carlos Munoz
19 from Todd O'Connell Architects. Do you need
20 the address?

21 MS. COZINE: Yes.

22 MR. MUNOZ: 12 Veterans Highway,
23 Hauppauge, New York 11788.

24 To begin, I have [inaudible] site
25 plan from what was originally submitted so

1 [inaudible].

2 So essentially, the difference from
3 the [inaudible], we pushed it back to the
4 [inaudible] setback from the rear yard. We
5 felt that pushing it back more would be less
6 intrusive of the street. You could see
7 less. Didn't want it to look too bulky from
8 the street and be a nuisance to neighbors.

9 So we're going to [inaudible] two-
10 car garage, 24 x 24. I know 300 square foot
11 is the max allowed. We're doing also a
12 [inaudible] setback to the side yard. The
13 reason we're doing that is because that
14 aligns perfectly with the driveway instead
15 of going around and circling the driveway.
16 This is easier just to align it straight
17 back.

18 Like I said a [inaudible]-foot
19 [inaudible] rear yard setback. We complied
20 with that, and the other issue would be the
21 height. We're doing [inaudible] on the
22 garage.

23 So part of the reason is because he
24 wants to be able to put the lifts in his
25 garage. Also minimizing the [inaudible] of

1 the garage will be a little different from
2 the [inaudible]. Now, he has like
3 [inaudible] on the front of the house with
4 those three [inaudible] on the front
5 [inaudible].

6 [Inaudible portion]

7 MR. MUNOZ: I was saying, yes, so
8 right now the front of the house has
9 [inaudible] higher pitch, so we would like
10 to match it, but obviously [inaudible] would
11 be higher than that, but it's really very
12 plain and simple. There's [inaudible] push
13 it back more [inaudible], but there's a
14 couple of [inaudible] and a couple of
15 samples that I have that [inaudible] like
16 three or four houses already have a two-car
17 garage. I don't know about the heights, but
18 there's definitely some [inaudible] in the
19 village. So I don't know if that helps with
20 the decision.

21 I don't know if you have any
22 questions on the project or --

23 MEMBER: I'd be interested in
24 knowing when [inaudible]. I know in the
25 [inaudible] to the best of my knowledge

1 [inaudible]. But beyond that, I'm
2 interested in [inaudible].

3 [Inaudible Portion]

4 MR. MUNOZ: So two houses on
5 [inaudible] Drive. I still have to get the
6 number [inaudible], but one of them has a --
7 if you see from the 3D, you can tell that
8 it's actually [inaudible]. It's almost like
9 an [inaudible]. Obviously, I don't know
10 when that house had [inaudible] years ago,
11 and it was done by [inaudible].

12 MEMBER: [inaudible]

13 MR. MUNOZ: Yes, it's [inaudible]
14 Drive, which is [inaudible] Village of
15 Branch.

16 MEMBER: [inaudible], right?

17 MR. MUNOZ: No, it's southern. It's
18 south. And there's actually one above the
19 tree as well that has -- so it's a
20 [inaudible].

21 MEMBER: It doesn't want
22 [inaudible]. If [inaudible] garage
23 [inaudible] house, that's one [inaudible]
24 obviously your client [inaudible], so before
25 I [inaudible] have any questions.

1 MEMBER: No, I mean --

2 MEMBER: The structure --

3 [Simultaneous inaudible colloquy]

4 MEMBER: I just wanted to know if
5 the structure -- I believe the intention is
6 to bring electricity into the accessory
7 building? Is gas being brought in to the
8 building as well?

9 MR. MUNOZ: Just electricity.

10 MEMBER: Just electricity, okay.
11 It's 300 feet is maximum, square feet, and I
12 believe 24 x 24 is [inaudible] 76.

13 MR. MUNOZ: Yes.

14 MEMBER: So you're 276 [inaudible]
15 on the building right now. It says in the
16 diagram a one-car garage, at least what I
17 saw --

18 [Inaudible portion]

19 MEMBER: So there's going to be a
20 two-car garage.

21 MR. MUNOZ: Two-car garage.

22 MEMBER: Yes, again. I'm trying to
23 think of the average garage [inaudible] for
24 an automobile and [inaudible].

25 MR. MUNOZ: The minimum 20 x 20 is

1 what the minimal car garage, but
2 realistically [inaudible]. You could take
3 any [inaudible], you're looking at like an
4 18-foot, plus with the normal [inaudible].
5 By the time you open the doors, a 20 x 20
6 just doesn't work. So you know [inaudible]
7 build a garage, typically, when we do
8 [inaudible] a three-car garage, we do a 24 x
9 36 at 12-foot wide base, it's what the most
10 comfortable amount is, and most of the new
11 houses that we're doing, 12-foot wide would
12 probably be the standard.

13 MEMBER: In width.

14 MR. MUNOZ: The width, yes. Like I
15 said, you know --

16 MEMBER: It's still just 144 square
17 foot, it's 12 x 12.

18 MR. MUNOZ: For a one-car garage.

19 MEMBER: For a one-car garage.

20 MR. MUNOZ: Yes.

21 MEMBER: Okay, so round it up to 150
22 and for a two-car garage it would be 150
23 times 2, 300 square feet.

24 MR. MUNOZ: No. It would be 12
25 times -- it would be 24 times 20, which

1 would be the minimal.

2 MEMBER: Right, the minimum -- let's
3 go back to the numbers again. You --

4 MR. MUNOZ: A 300-square foot
5 garage, you can only get 20 x 15 or
6 something, right? Which you don't fit two
7 cars. It's just impossible. The code
8 doesn't allow for [inaudible] a two-car
9 garage. That's essentially what you're
10 saying that you're allowed a one-and-a-half
11 garage or whatever it states, the code
12 states. He just wants to do a two-car
13 garage, but it's impossible to fit a two-car
14 garage [inaudible], just because, like I
15 said 20 x 20, it's [inaudible], and then
16 like I said, by going into the [inaudible]
17 today's minimum by today's standards, you
18 want to -- you know, not [inaudible], but
19 the standards for living, a 12-foot wide
20 [inaudible] standards.

21 Like I said, if you put two SUVs in
22 there, then all of a sudden it's very tight.
23 So that's why they requested 24 x 24.

24 Honestly, I mean taking a
25 [inaudible] for one will probably be the

1 most, you know, but the width [inaudible]
2 only four feet will probably be -- it's
3 almost like, you know, where they would --
4 as far as, you know, to be comfortable and
5 not be [inaudible]. Especially on
6 [inaudible], if it's a nice car,
7 [inaudible].

8 MEMBER: I did see a number of
9 Mercedes. I probably didn't note the
10 [inaudible]. [inaudible] anything else
11 added to the height to --

12 MR. MUNOZ: No, it's just
13 [inaudible] gable. Like I said, the center
14 is all pitched, but you know, wish it was a
15 little higher to really [inaudible]. It's a
16 little cohesive with the architecture, but
17 [inaudible], can't just make [inaudible].

18 MEMBER: And you're proposing to
19 move this further back.

20 MR. MUNOZ: [inaudible] new site
21 plans, move it as far as possible, so we're
22 not requesting a rear yard setback
23 [inaudible] comply with the 25-foot setback,
24 but [inaudible] as much as possible to the
25 back just to [inaudible]. He has plans to

1 [inaudible], so it's really tough
2 [inaudible].

3 [Inaudible Portion]

4 MS. COZINE: You need to speak
5 louder, only because --

6 [Inaudible Portion]

7 MR. MUNOZ: So it's not going to be
8 open to [inaudible]. It will be just
9 [inaudible].

10 MEMBER: Two large gates to open up
11 and allow the cars to go through.

12 MR. MUNOZ: Yes, plus you want to
13 see [inaudible]. We did discuss exterior
14 lighting. There won't be any exterior
15 lighting attached to it. Mostly it'll be
16 interior lighting.

17 MEMBER: Interior lighting, I'm sure
18 there'll be [inaudible] which is the side
19 door of the garage, so they're not
20 [inaudible].

21 Ken, you had a question?

22 CHAIRMAN MAGLIATO: [inaudible], you
23 got a question?

24 MEMBER: [inaudible]

25 CHAIRMAN MAGLIATO: Okay, I have a

1 couple of things [inaudible]. It's just
2 prefabricated [inaudible].

3 MR. MUNOZ: No, that's not what we
4 discussed. [inaudible] prebuilt
5 [inaudible], yes.

6 CHAIRMAN MAGLIATO: You're saying
7 also is somewhere [inaudible].

8 [Inaudible Portion]

9 CHAIRMAN MAGLIATO: And the other
10 thing, too, is [inaudible].

11 SPEAKER: That wasn't worked out
12 earlier on, but as we pushed the garage back
13 --

14 MR. MUNOZ: There was no way we
15 wanted an actual [inaudible].

16 CHAIRMAN MAGLIATO: [inaudible] made
17 that clear.

18 [Inaudible Portion]

19 MEMBER: You mentioned before
20 [inaudible], and before us is a request
21 [inaudible] the side yard setback, the
22 overall height and the square footage. In
23 this case, we're looking at roughly double
24 when it comes to the square footage. I'm
25 concerned about, you know, future requests,

1 you mentioned. You know, other houses
2 [inaudible] that, and I understand your
3 intention of what you want to do with the
4 building. My only question is, can you
5 foresee a plan that would be closer to --
6 like closer to the [inaudible], I'm not
7 saying following the exact guidelines, but
8 to you know, conform closer to what the
9 guidelines are?

10 MEMBER: Something smaller?

11 MEMBER: The height, I know you
12 mentioned the lift. So that's three feet
13 there. I understand why the side yard
14 setback, because you want to -- you know,
15 lined up a certain way. This overall square
16 footage, is there any way to accomplish what
17 you're looking to accomplish with the square
18 footage being reduced a little bit? Because
19 like we said, the 300 [inaudible] and you're
20 looking to basically double that.

21 MR. DUEQUESNAY: Actually, I was
22 hoping for larger. [inaudible] cars, and
23 [inaudible] snowblowers, lawn stuff
24 [inaudible], so we want to actually
25 [inaudible]. I did want something a little

1 bigger, but 24 x 24 was actually the
2 smallest that [inaudible] fit the
3 [inaudible]. I did do some research and
4 spoke [inaudible]. We have some friends
5 upstate that [inaudible] 24 x 24, so we took
6 a look at that and [inaudible]. You know,
7 it's [inaudible] but we can make it work.
8 We do have the [inaudible] for a garage, but
9 that is small [inaudible].

10 MEMBER: For the architect, the
11 [inaudible] that you had mentioned solar
12 panels potentially put on the roof?

13 MR. MUNOZ: That's a dream.

14 MEMBER: Okay, that's a dream. The
15 roof structure is at a requirement for solar
16 panels? Or is that just the general
17 requirement at the moment?

18 MR. MUNOZ: Well, the builder
19 designed the garage, so that structure. My
20 guess is [inaudible], no, it's not designed
21 for solar panels. If they do want to do
22 solar panels, they would probably have to
23 upgrade the roof. So the roof they have
24 right now is pretty much [inaudible] for
25 just the stand alone, I guess, but if they

1 do want solar panels, they would probably
2 have to upgrade the roof.

3 MEMBER: Thank you.

4 [Inaudible Portion]

5 MEMBER: First, I have to apologize
6 for my [inaudible] so I apologize in
7 advance. But [inaudible] was the lift, so
8 [inaudible] one lift or [inaudible]? What
9 is the lift [inaudible]?

10 MR. DUQUESNAY: To facilitate
11 working on a car and [inaudible].

12 MEMBER: So it will be [inaudible]
13 of the garage or will it be situated --

14 MR. DUQUESNAY: Yes, it would be
15 [inaudible].

16 MEMBER: Okay, so one car will
17 probably [inaudible] on top of the lift,
18 [inaudible].

19 MR. DUQUESNAY: Right, and that'll
20 give us more free space to move around
21 [inaudible].

22 MEMBER: All right, we'll let this
23 [inaudible].

24 MR. DUQUESNAY: Exactly. [inaudible]

25 MEMBER: And I think you answered my

1 other question. I just want to make sure.
2 There is an [inaudible] property?

3 MR. DUQUESNAY: With a garage that's
4 attached to the house.

5 MEMBER: All right, and is that
6 going to be [inaudible]?

7 MR. DUQUESNAY: Right now
8 [inaudible] store some [inaudible] that we
9 have, but ultimately when this garage, it
10 will [inaudible] in there [inaudible]. My
11 wife will make sure that that happens.

12 MEMBER: I just want to make sure.
13 [inaudible] because there's already a two-
14 car garage [inaudible] build another two-car
15 garage basically.

16 MR. DUQUESNAY: Yes.

17 MEMBER: How many do you need?

18 MR. DUQUESNAY: Ultimately
19 [inaudible], so that's why [inaudible]

20 [Inaudible Portion]

21 MR. DUQUESNAY: So in light
22 [inaudible], I did my due diligence
23 [inaudible]. He didn't get back to me, but
24 he insisted [inaudible] because I had
25 [inaudible] change the definition of

1 [inaudible], and this all [inaudible] and I
2 come to find out that, in fact, the Board
3 would be revisiting and asking for public
4 comments on the [inaudible] definition of
5 accessory buildings, and what they're doing
6 is [inaudible] than [inaudible] where
7 they're at [inaudible] accessory buildings
8 [inaudible]. To that end, he's asking for
9 some -- an opportunity for some public
10 comment, so they can take a look
11 [inaudible], change the code and I think it
12 would give me an opportunity at a Board
13 meeting to speak [inaudible] at the close of
14 the meeting and they also [inaudible], and I
15 don't know if [inaudible] going to be
16 changing [inaudible].

17 MS. COZINE: Any time there's a code
18 change there will be a public hearing.

19 CHAIRMAN MAGLIATO: I was saying
20 that [inaudible] this is [inaudible]. We
21 can be somewhat flexible, but I think if
22 you're listening to some of the commentary
23 here, at least at this point of the number
24 of years that [inaudible], we've never
25 deviated too far off [inaudible], I would

1 say. But knowing that information, I think
2 it may [inaudible], and [inaudible]
3 conversation or discussion [inaudible]
4 continue to get that information, because
5 then it may help me -- help us at a
6 [inaudible] square footage. Personally, I
7 don't have a problem with the side yard and
8 given the setback, because you want
9 [inaudible].

10 But anyway, [inaudible] the height,
11 it's a double structure in the Village is
12 allowed to be 35-feet to begin with, so this
13 is an accessory building and it's defined as
14 such for that reason and why they have a
15 [inaudible] specifically. Someone wrote it
16 into our code. I don't know when.

17 So I'm trying to be fair, at the
18 same time, you know, maybe accommodate or
19 give you an idea of the direction
20 [inaudible] my [inaudible] at the same time.
21 So I think [inaudible] information
22 [inaudible], so I just think at this point,
23 I don't know if we want to [inaudible] or
24 [inaudible] conversation.

25 MEMBER: I think it might be in

1 everybody's best interest to defer this to
2 the point where we do get a definite
3 decision as to the accessory building,
4 especially [inaudible] for us.

5 CHAIRMAN MAGLIATO: We have a
6 definition. It's in the code, but change
7 [inaudible].

8 MEMBER: Correct.

9 CHAIRMAN MAGLIATO: Okay, so I would
10 need a motion to [inaudible] table.

11 MEMBER: Motion to table this until
12 we can definitely confirm with the code as
13 to what the future change might be made,
14 are they in favor of the petitioner or
15 against petitioner.

16 CHAIRMAN MAGLIATO: Is there a
17 second?

18 MEMBER: I'll second.

19 CHAIRMAN MAGLIATO: [inaudible]
20 seconded by unanimous vote. We chose to
21 table this discussion --

22 MR. MUNOZ: Do we have an idea?

23 CHAIRMAN MAGLIATO: [inaudible] on
24 the Board. It's not my --

25 MR. MUNOZ: No, [inaudible] with the

1 [inaudible].

2 CHAIRMAN MAGLIATO: It's not just
3 the [inaudible]. It's the Board --

4 [Inaudible Portion]

5 CHAIRMAN MAGLIATO: I mean, I get
6 changes all the time, that doesn't mean
7 [inaudible].

8 I'm not necessarily against it, but
9 my -- we don't know [inaudible] for the most
10 part. We have some flexibility, but I think
11 based on some -- I would say probably the
12 [inaudible] the biggest hurdle [inaudible]
13 up to this point. We're going to take a
14 vote tonight to approve if we could or
15 disapprove [inaudible]. That's why I think
16 there [inaudible] when you say, let's take a
17 look at it. They're not going to go sleep
18 on it. This is the Village, and I would go
19 to the meetings, every Tuesday, once a --

20 MS. COZINA: Second Tuesday of every
21 month. Yes.

22 CHAIRMAN MAGLIATO: Second Tuesday
23 of every month.

24 MS. COZINA: I know the building
25 inspector is gathering the information from

1 the other villages and he'll present it to
2 the Board.

3 CHAIRMAN MAGLIATO: And he's
4 [inaudible], maybe it does [inaudible], and
5 I know exactly what [inaudible], but
6 understand [inaudible] they let you get away
7 with [inaudible]. You're asking for
8 [inaudible].

9 MS. COZINA: We seconded that.
10 Charlie, thank you.

11 CHAIRMAN MAGLIATO: Meeting's
12 closed.

13 (Meeting concluded)

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