

ZONING BOARD OF APPEALS
SATURDAY, NOVEMBER 14, 2015
4:00 P.M.

Present: Chairman Robert Treuhold, T. David Mullen, Charles Mott, Alexander Ames, Bruce Peiffer, and Village Attorney Richard DePetris

Absent: Brendan Ryan

1) Chairman Treuhold brought the meeting to order. The next meeting will be held on **December 19, 2015 at 3 PM**. Mr. Treuhold asked for a motion to approve the minutes of the October 10, 2015 meeting.

DECISION: MR. PEIFFER MADE A MOTION TO APPROVE THE MINUTES OF THE OCTOBER 10, 2015 MEETING INTO THE RECORD. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) Next Mr. Treuhold read the request by Mr. Cinque for an extension to his variance that was previously granted on June 29, 2012 for **1 Midhampton Court**. There was no one present for a discussion on the application.

DECISION: MR. TREUHOLD EXPLAINED THAT THE BOARD HAD AGREED TO EXTEND MR. CINQUE'S PREVIOUSLY GRANTED VARIANCE FOR ANOTHER 18 MONTHS BASED ON THE CONDITION THAT MR. CINQUE MOVE HIS MOTOR HOME AND PARK IT IN AN APPROPRIATE LOCATION OTHER THAN THE SIDE YARD.

3) Next was the application of **Richard and Margaret Miglietta** for a variance in order to permit wire fence on berm as shown on survey. Premises are known as **1 Stone Lane**. **TM #902-5-1-19**

Mark and Jay Roter, the neighbors at **4 Stone Lane**, were present and explained that they were at the meeting because they were curious to see what the wire fence looked like. **Richard and Margaret Miglietta**, the property owners, were both present for the discussion. Mr. Miglietta came forward to explain that he had installed a deer fence, with

1" x 1" openings, on top of his berm along Montauk Hwy., and it had been in place for one year. He explained that he was not aware that he needed a variance to install the deer fence since it ran along Montauk Hwy., and he was trying to keep the deer from entering his property from the highway. Mr. Treuhold explained that the Village Code did not permit a fence on top of a berm. He also explained that Mr. Miglietta had two issues: 1) the fence was located in a required setback and 2) the fence was located on the top of a berm, neither of which situations are permitted without a variance. It had also come to the attention of the Board that there were several outstanding violations still on the property. Mr. Miglietta explained that he felt he had removed all outstanding violations. With the use of a survey, Mr. Ames showed the applicant two pillars he had built at the entrance of his driveway which were actually on Village property. Mr. Ames explained that the pillars should have been placed further in on Mr. Miglietta's property, to avoid being located on Village property. It had also come to the Board's attention that the berm was constructed without a permit. Since it was constructed without a permit, and the deer fence was in place, Mr. Miglietta would have had to request a double variance to allow a fence on top of a berm constructed without a permit. The Board encouraged Mr. Miglietta to verify with Mr. Nowak, the Village Building Inspector, that all violations were taken care of. They also explained that the deer fence would have to be removed from the berm but could then be relocated, as long as it was within the allowed setbacks.

DECISION: MR. TREUHOLD ASKED FOR A MOTION. MR. PEIFFER MADE A MOTION TO DENY THE MIGLIETTA'S REQUEST FOR A VARIANCE FOR THE DEER FENCE ON TOP OF THE BERM. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

The meeting was adjourned.

Respectfully submitted by:



File date: 11/20/15