

**LAW OFFICE OF
JOHN J. BRESLIN, JR.**
ATTORNEYS AT LAW
44 ELM STREET, SUITE 5
HUNTINGTON, NEW YORK 11743
Tel: (631) 271-7288
Fax: (631) 351-0467

JOHN J. BRESLIN, JR.
jbreslin@LawOfficeJJB.com

RYAN N. BROWN
rbrown@LawOfficeJJB.com

April 5, 2021

To The Residents around
38 West View Road
Northport, NY 11768

RE: ZBA # 22641
Hearing Date: 5/6/2021
Property Address: 38 West View Road, Northport

Dear Resident or Property Owner:

In connection with the above-referenced Zoning Board of Appeals application, I am forwarding you the Notice of Hearing along with the outline of the Zoning Board of Appeals new rules for conducting hearings during these unusual times. If you have an interest in the application please take the time to review the new procedures so that you know how you can participate.

The owner, the Corcoran Family Trust, of the above-referenced property is proposing to legalize a one-story addition, tiered retaining walls, a detached wood deck, an 8' x 10' frame shed and boat storage in the front yard.

If you have any questions about the procedure, you can contact the Town of Huntington Zoning Board of Appeals as outlined in the rules. If you have any questions about the nature of the application itself, please do not hesitate to contact my office and speak to me or my associate Ryan N. Brown. Further, if you have questions/comments regarding this application, you may submit them to Planning@HuntingtonNY.gov within 10 days of receipt of this notice. You must include the ZBA # and hearing date in the subject line. We will be happy to answer any questions about the case.

Very truly yours,



John J. Breslin, Jr.
JJB/rnb
Enclosure

ZONING BOARD OF APPEALS LEGAL NOTICE OF HEARING

**THE ZONING BOARD OF APPEALS OF THE TOWN OF HUNTINGTON
WILL HOLD A PUBLIC HEARING ON:**

Thursday, May 6, 2021

AT:

6:00 PM

**TOWN HALL
100 MAIN STREET
HUNTINGTON, NEW YORK**

ZBA HEARING # 22641

NAME AND ADDRESS OF APPLICANTS

Corcoran Family Trust co Brian J. Corcoran Trustee
38 West View Road
Northport NY 11768

NAME AND ADDRESS OF OWNERS

Corcoran Family Trust co Brian J. Corcoran Trustee
38 West View Road
Northport NY 11768

SUBJECT OF REQUEST:

PURSUANT TO EXECUTIVE ORDER, PUBLIC HEARING RULES HAVE BEEN CHANGED TO PROMOTE SOCIAL DISTANCING. THIS HEARING WILL BE SIMULCAST ON TELEVISION CHANNEL 18 AND LIVE-STREAMED ON THE TOWN'S WEBSITE AVAILABLE AT WWW.HUNTINGTONNY.GOV. CLICK THE ORANGE 'TOWN BOARD MEETINGS' BUTTON AND SELECT THIS HEARING DATE FOR THE 'ZONING BOARD MEETING'. CLICK ON THE AGENDA LINK TO VIEW ITEMS AND SCANNED DOCUMENTATION. EMAIL QUESTIONS OR COMMENTS TO PLANNING@HUNTINGTONNY.GOV. THIS HEARING WILL ALSO BE RECORDED FOR VIEWING AT ANYTIME.

The applicant is proposing to legalize a one-story addition, tiered retaining walls, a detached wood deck, an 8' X 10' frame shed, and boat storage in the front yard.

The applicant is requesting relief from minimum side yard setback, minimum combined width of the side yards, minimum unobstructed width of the side yards, minimum retaining wall setback, maximum retaining wall facial area, minimum deck setback, minimum shed setback, shed location, and boat storage location requirements. The proposal will require variances pursuant to Huntington Town Code as follows;

1. §198-19(D); Article IX Height, Area and Bulk Regulations for the R-5 District require a minimum side yard setback of 5 feet and a combined width of the side yards of 13 feet. The existing minimum side yard setback to the dwelling is 0 feet from the southerly lot line, and approximately 2 feet from the northerly lot line, where 5 feet is required. The existing combined width of the side yards is approximately 2 feet, where 13 feet is required.

2. §198-58(L); "Notwithstanding the provisions of this article, no projection of a structure or appurtenance into a required yard used for residence purposes shall be allowed if the unobstructed width of the side yard is thereby reduced to less than 5 feet." The existing unobstructed width of the side yard is approximately 2 feet from the northerly lot line and 0 feet from the southerly lot line, where 5 feet is required.

3. §198-64(K)(5)(a); "Retaining walls greater than 4 feet and less than or equal to 5 feet in height shall be located at least 5 feet from property lines, and those greater than 5 feet in height shall be located at least 10 feet from the property lines." The existing setback to the wood retaining wall, with a maximum height of 4.08 feet, is 0.67 feet from the northerly lot line, where 5 feet is required. The existing setback to the wood retaining wall, with a maximum height of 7.67 feet, is 0.17 feet from the northerly lot line, where 10 feet is required. The existing setback to the stone retaining wall, with a maximum height of 4.25 feet, is approximately 1.25 feet from the northerly lot line, where 5 feet is required. The existing setback to the stone retaining wall, with a maximum height of 9.75 feet, is 0 feet from the northerly lot line, where 10 feet is required.

4. §198-64(K)(5)(b); The maximum allowable facial area of retaining walls for the subject property is 495.15 square feet, where 1,343.375 square feet is existing.

5. §198-59(D)(3); "In R-5 Districts, accessory structures shall not be located closer than 2 feet to a side or rear lot line." The existing minimum setback to the detached wood deck is approximately 0.5 feet from the southerly lot line, where 5 feet is required.

6. §198-59(D)(1); "Sheds under 200 square feet shall not be closer than 2 feet to a side or rear lot line." The existing setback to the 8' X 10' frame shed is 0.58 feet from the northerly lot line, where 2 feet is required.

7. §198-59(D); "In residence districts, accessory structure(s), excluding fences, freestanding walls and retaining walls, shall not be located between any street line." The existing 8' X 10' frame shed is located between the existing dwelling and the street line, where no shed shall be located.

8. §198-76B; "No boat, trailer, house coach or mobile home in excess of

15 feet in overall length shall be kept in the area between the street right-of-way and the front line of the main building projected to side lot lines on any lot in a residential district." The applicant is proposing to seasonally store a boat between the street right of way and the existing dwelling, where no boat shall be stored.

LOCATION OF PROPERTY:

west side of 38 West View Rd. 628.48 ft. north of Carlisle Dr.
Northport

0400-002.00-01.00-052.000

TEMPORARY COVID-19 ZBA PROCEDURES FOR HEARINGS

- All Zoning Board of Appeals (ZBA) applications (packets) **MUST contain a summary of the relief being sought and why it should be granted.** This should include, if deemed necessary/required as a matter of law, expert affidavits. This document must be submitted no later than **10 days** prior to the hearing.

The summary statement must be EMAILED to DMartin@HuntingtonNY.gov and the original mailed to or dropped off in the white mailbox outside the entrance to Town Hall.

- An application will not be considered complete or calendared for a hearing unless all required information is included in the packet. If additional information is needed you will be notified.
- All applications will be uploaded to a shared site no less than 10 days prior to the scheduled hearing and will be accessible to the Planning/Zoning Department staff, Zoning Board members and to the general public.
- Procedurally on the hearing date, the applicant and any expert witnesses shall address the Board initially by Zoom; with a ten-minute time limitation. Should an applicant wish to rely on their paper submission and not address the Board they may do so provided they give the Board notice of the fact no less than 5 days before the hearing date.
- Effective July 30, 2020, all applicants will have Zoom access to the virtual Zoning Board hearing. The applicant must file with their application packet a valid email contact for all persons who will be speaking on behalf of an application. This would include the applicant and any experts who will be called to testify. No later than five (5) days before the scheduled hearing any representative of an applicant or expert witness or member of the public desiring to be heard and participate in a zoom call in support of or in opposition to an application must go on the Town Website Zoning Board Agenda and select the registration link for that hearing date to register to participate in the zoom hearing.
- After submission of the presentation by the applicant any members of the public who wish to be heard and who have signed up to speak either in opposition or in support of the application may do so with a 3 minute time limitation per speaker. Members of the public are still required to submit their written comments to the Board prior to the hearing and the Board members will review all comments. If you are unable to attend a Zoom session your comments will still be considered.
- In the event that opposition counsel or their experts wishes to speak in opposition to an application the ten-minute time frame on presentation will be imposed.
- After comments by the public in opposition or support are heard the applicant or their representative will be afforded a time to address any issues discussed during the hearing.
- The hearings will be fully transcribed by the Board stenographer.

- The Town of Huntington IT department would record the proceeding which will be simultaneously broadcast live on Optimum Channel 18, FIOS Channel 38 and also accessible on the Town website as a meeting online at huntingtonny.gov/meetings
- Discussion among Board Members would be limited and a vote taken, recorded by Mr. Bennett as counsel.
- Filing of decisions would be done in the ordinary course of business in the office of the Clerk and there will be no second vote on the verbiage of the decisions.
- The ZBA Court reporter would create a transcript from the hearings or remotely from the broadcast.
- Those COVID-19 procedures established by the Board on April 7, 2020 and amended Jul 30, 2020 shall remain in full force and effect.

- **NOTIFICATION MAILING TO SURROUNDING PROPERTIES**

Send the Legal Notice of Hearing via CERTIFICATE OF MAILING (not certified). See instruction sheet enclosed. Attached is a cover sheet with the dates to mail the notice and post the sign. The Post Office can assist you with the mailing process. PAY CLOSE ATTENTION TO THESE DATES - IF THE NOTIFICATIONS ARE DONE INCORRECTLY, THE HEARING CANNOT BE HELD. (The Post Office will give you a receipt for each letter mailed. If you use the Post Office on Gerard Street in Huntington village they stamp your list of names as their certification of the mailing instead of issuing individual receipts. We will accept either form of certification from any Post Office.)

You must include a cover letter with the Legal Notice that includes these interim modified procedures; *an agenda for each hearing date will be on the Town website a week prior to the hearing with an icon next to each hearing. By clicking on the icon, one will be able to view all submissions for each application. The public has ten (10) days time from the received date of the Legal Notice to submit written comments to the Board by emailing to planning@huntingtonny.gov. All comments from the public will be added to the record and put on the shared site.*

please note: only comments received prior to the close of the hearing can be considered

If a comment contained a question to be answered by the applicant, the applicant would be directed to do so by the Board, if appropriate, to make a determination on the application.

- **PROOF OF MAILING**

Return your proof of mailing from the Post Office (either a copy of the lists stamped or the post office documents), a copy of the Legal Notice and the completed AFFIDAVIT OF MAILING (enclosed - notary can be waived during pandemic) to the ZBA office prior to the hearing date. These documents must be received in order to ensure the hearing is held.

- **POST SIGN**

You will be notified by email when to pick up your Notification Sign(s). Post the sign the Friday prior to your hearing date. See POSTING A SIGN REQUIREMENT (enclosed). Sign must be posted no more than 10 feet from edge of property and readable from the street. Return the signed AFFIDAVIT OF POSTING (enclosed-notary waived during pandemic) to the ZBA office prior to the hearing date, with a printed photo of the posted sign. These documents must be received in order to ensure the hearing is held.

- **PREPARE YOUR PRESENTATION TO BOARD**

Read MAKING YOUR PRESENTATION (enclosed) and prepare your presentation. Prior hearings can be found on the Town of Huntington website; www.huntingtonny.gov, click on "Government" tab in blue, click "Meetings on Video", click "Zoning Board Meetings". Scroll through the meeting agendas to find cases similar to yours.

- **HEARING**

Register (and/or have your representative) on the Town of Huntington website; HuntingtonNY.gov to present your case via Zoom at the Hearing and make your presentation. After you register you will receive an invite to log on. Please be ready at the meeting start time 6:00pm as hearings may be held in any order. **check spam and junk inboxes if you do not receive the invite by 4pm the day of the hearing**

- **REGISTER TO SPEAK AT A ZONING BOARD OF APPEALS MEETING VIA ZOOM**

1. go to the town website: huntingtonny.gov
2. click on: government (darker blue tab)
3. under meetings and agendas; click on meetings on video
4. scroll to upcoming meetings
5. find Zoning Board of Appeals and the meeting date you are looking for; click on agenda
6. at the top of the page you will see "click on this link to register to speak on a public hearing; fill in all required fields. you will need to know the zba number * for your hearing.
7. once you have registered, you will receive a link which is your invite to join the meeting (please check spam and junk folders if you do not get the link by 3pm on the day of the hearing.)

*if you do not know the zba number, send an email to dmartin@huntingtonny.gov (include property address) and i will respond with the hearing number.