

APPENDIX K

ZBA DECISION HISTORY DOCUMENTS



TOWN OF HUNTINGTON

LONG ISLAND, NEW YORK

FILED
AUG 18, 1961
FILED

ZONING BOARD OF APPEALS

Leonard L. Horn, Chairman
Huntington, New York
Mary J. N. Walling, Clerk
Huntington Station, New York
Irene Soulagnet, Stenographer
Huntington, New York

MEMBERS

Pierce J. Power
Bernard Brizee
Leon I. Caldwell
Aldo D. Donno
Kurt J. Galow
Wesley A. Myers

August 11, 1961

Meeting of the Zoning Board of Appeals of the Town of Huntington
held at the Town Hall, Huntington, N. Y. on Friday, August 11,
1961 at 8:00 p.m.

PRESENT:

LEONARD L. HORN
KURT J. GALOW
WESLEY A. MYERS
PIERCE J. POWER
BERNARD BRIZEE
ALDO D. DONNO
RICHARD F. McCORMACK

ABSENT:

Application #2923

DECISION

On application of Fred Jurgens, Town Line Road, Northport, N. Y.
for permission to conduct a golf course, property located in
Res. B Zone at S/S of Breeze Hill Rd., East of Makamah Rd.,
Town of Huntington, N. Y.,

Application GRANTED with the provision that off street parking
shall be provided for 200 cars. The area in question shall
either be gravel or black topped with a suitable base. The
access driveway shall be oiled so that a proper approach will
be provided. Parking spaces for all the cars shall be adequately
marked.

Messrs. Galow, Myers, Power, Brizee, Donno and Horn voted in
favor of the decision.

Leonard L. Horn
Chairman

NOTE: This is NOT a building permit.
See Article III, Rule 7 attached.



JOHN J. O'NEIL, Supervisor

ZONING BOARD OF APPEALS

MICHAEL P. SCHOENFELD
Chairman

MARIE A. KLEIN
Secretary

MEMBERS

STANLEY P. AMELKIN
MORTON BERSON
IRENE M. FEENEY
MARC S. KRIEG
FREDERICK J. HELLMERS
LAWRENCE J. LAMANNA

May 8th, 1986

Meeting of the **ZONING BOARD OF APPEALS** of the Town of Huntington, held at Town Hall, Huntington, N. Y. on **Thursday, May 8th, 1986** at 7:30 p.m.

APPLICATION #11835 - INDIAN HILLS COUNTRY CLUB, INC., Breeze Hill Road, Fort Salonga, N. Y. **CHARLES JURGENS**, 14 Mariners Lane, Northport, N.Y. Request outside storage of fertilizer materials. Property located on the north-west corner of Breeze Hill Road & Fresh Pond Road, Northport, N. Y. Tax map No. 14-04-02.

DECISION: On a motion made by Mr. Lamanna, seconded by Mrs. Feeney, and carried, application is

GRANTED WITH CONDITION

The property that is the subject of this application is zoned R-40, and has been so zoned since 1947. Prior to that time it was zoned R-10 since 1934.

The applicants seek permission for the outside storage of fertilizer materials accessory to a golf course.

Six storage units are involved. They are rectangular in shape with dimensions of 8 foot by 8 foot by 20 feet. They are painted green. They look like the trailer of a truck but without wheels. They are air and water tight and are lined with six inches of insulation. One unit will be used to store a pesticide and the other a fertilizer. The remaining four units will be used for the storage of ground keeping equipment and machinery.

The Board is of the opinion that the applicants need the outside storage units in order to fully enjoy the use of their property. The proposed outside storage will have no adverse impact on the character of the neighborhood or property values in the vicinity.

Accordingly, this application is granted, authorizing the Department of Engineering, Building & Housing to authorize the proposed outside storage on the condition that screening in the form of evergreens is used to cut-off visibility of the storage units by those occupying parcels in the neighborhood.

Messrs. Krieg, Berson, Hellmers, Lamanna and Mrs. Feeney voted to grant this decision. Messrs. Schoenfeld and Amelkin were absent.



TOWN OF HUNTINGTON

FRANK P. PETRONE, Supervisor

ZONING BOARD OF APPEALS

ROGER H. BOHRER, *Chairman*

LAWRENCE J. LAMANNA, *Vice Chairman*

PAUL W. ROUSSILLON, *Secretary*

June 22, 1995

MEMBERS

IRA B. KURTZBERG

LAURA J. MANSI

CHRISTOPHER MODELEWSKI

EDWARD A. SETTLE

This is not a building permit,
see Article 111, Rule 7
enclosed;

Subject to compliance with all
of the code requirements of the
Town of Huntington

Meeting of the ZONING BOARD OF APPEALS of the Town of
Huntington held at Town Hall on JUNE 22, 1995 at 7:00 p.m.

APPLICATION #15018 - IHCC, INC., d/b/a INDIAN HILLS COUNTRY CLUB, 21 Breeze Hill Road, Northport, N.Y. Request Special Use Permit to legalize seven (7) additional structures; additions to clubhouse and pro-shop and to erect new storage building. Property located n/w/c (#21) Breeze Hill Road and Fresh Pond Road, Northport, SCTM #0400-014-04-001 & 002, #0400-105-02-011 & 012.

DECISION: On a motion made by Mr. Roussillon seconded by Mr. Lamanna and carried, application is

GRANTED WITH CONDITIONS

The property that is the subject of this application is zoned R-40 from 1947 to present. Prior to that time it was zoned R-10 since 1934.

The applicant seeks a Special Use Permit to legalize seven structures, additions to clubhouse and pro shop and erect a new storage building.

The Town Code requires golf courses to obtain Special Use Permits for their operation. This function is vested in the Zoning Board of Appeals. §198-110(C)(5) delineates the nature and scope of golf courses and, as Special Uses, they must additionally satisfy the criteria contained in §198-66 of the Town Code which governs all Special Use applications.

While the instant appeal seeks legalization of the cart barn, addition to pro-shop, pump house, aluminum shed, storage bins, half-way house and starter shack and permission to erect a new storage building, the evidence adduced at the hearing raised additional issues. The first concerned the existence of sleeping quarters above the pro-shop and the second raised questions regarding the legality of the dining room and

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attendant kitchen facilities. Four prior ZBA grants have been issued for this golf course (ZBA #2923, August 11, 1961; ZBA #4610, December 9, 1965; ZBA #6593, March 16, 1971; ZBA #11835, May 8, 1986) but none is dispositive of these two issues.

In support of their appeal, a real estate expert testified and noted the residential character of the area and the history of development thereat. His review showed the existence of the golf course prior to construction of homes in the area and that, in general, golf courses support real estate property values.

While the golf course may have been established prior to the homes, it must still not adversely affect the character or value of these homes in its expansion and adaptation to modern greenskeeping methods. Thus, the expert reviewed the precise location of each structure and its distance from abutting residences. His professional conclusion was that the locations and uses of structures sought to be legalized as well as the new storage building are such that they will harm neither property values nor the character of the neighborhood.

Clearly, from the perspective of the Board, traffic is not an issue here. While it is one of the Special Use criteria, these structures will do nothing to increase trip generation about the site.

However, much concern was expressed over the location of the club's dumpster as well as its use of pesticides. As to the latter, that is strictly regulated by the state and federal government. As to the former, we feel the applicant can easily mitigate the detrimental impacts of its location.

After reviewing all of the testimony and evidence presented, we grant this appeal subject to several conditions. It is by their imposition that any negative impacts may be mitigated in whole or in part. The conditions are further imposed in order to resolve the ambiguity of prior ZBA approvals, building permits, letters-in-lieu and certificates of occupancy.

The conditions are as follows:

1. The applicant must comply with each condition of the Negative Declaration issued under SEQRA;
2. Landscaping shall be installed and maintained around the proposed storage building in a manner approved by the Planning Department;

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3. A block wall or other such similar enclosure must be constructed and maintained around the dumpster, the placement of which we note has been agreed to by the club and the most affected neighbor;
4. The sleeping area above the club/restaurant must be removed forthwith. Virtually no provision for such quarters is contained in the Town Code and the argument that same is non-conforming is unavailing. Once this residential structure was converted to a club facility its prior use as a residence was terminated in the eyes of zoning law;
5. ZBA #11835 dated May 8, 1986, is rescinded in toto. Said appeal permitted six (6) storage units on site. That approval is now extinguished and each such container must be removed forthwith;
6. The existing clubhouse, dining room and kitchen facilities are legalized in all respects. Such uses are specifically contemplated by the Town Code (§198-110 (C)(5)(c)) and the evidence at the hearing clearly demonstrated that they have existed at this site for decades without impairing the character or value of the area. We further find from the Town records that these facilities were treated as legal structures and uses so, to avoid future debate, we specifically permit them in their present state.

Accordingly, this application is granted, directing the Department of Engineering to issue the necessary building permit to construct a storage building as more fully described on the plot plan marked Exhibit #2 at the hearing; and to issue the necessary building permits and certificates of occupancy to legalize the cart barn, addition to the pro-shop, pump house, aluminum shed, bins, half-way house and starter shack as more fully described on the plot plan marked Exhibit #2 at the hearing. However, as to the six (6) storage trailers and sleeping facilities, this application is denied for the reasons noted. **HOWEVER, NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL THE ZONING BOARD RECEIVES A REPORT THAT ALL CONDITIONS HAVE BEEN MET.**

Messrs. Bohrer, Lamanna, Kurtzberg, Modelewski, Roussillon and Settle voted to grant this application with conditions. Mrs. Mansi was absent.

**This is not a building permit,
see Article 111, Rule 7
enclosed;**

**subject to compliance with all
of the code requirements of the
Town of Huntington**

FILED OCT 25 1995

TOWN OF HUNTINGTON



FRANK P. PETRONE, *Supervisor*

ZONING BOARD OF APPEALS

LAURA J. MANSI, *Chairman*
LAWRENCE J. LAMANNA, *Vice-Chairman*
PAUL W. ROUSSILLON, *Secretary*

September 26, 1996

MEMBERS

ROGER H. BOHRER
IRA B. KURTZBERG
CHRISTOPHER MODELEWSKI
EDWARD A. SETTLE

This is not a building permit,
see Article 111, Rule 7
enclosed;

Subject to compliance with all
of the code requirements of the
Town of Huntington

Meeting of the ZONING BOARD OF APPEALS of the Town of
Huntington held at Town Hall on THURSDAY, SEPTEMBER 26, 1996 at
7:00 p.m.

APPLICATION #15018 - IHCC, INC., d/b/a INDIAN HILLS COUNTRY
CLUB, 21 Breeze Hill Road, Northport, N.Y. Request Special Use
Permit to legalize seven (7) additional structures; additions
to clubhouse and pro-shop and to erect new storage building.
Property located n/w/c (#21) Breeze Hill Road and Fresh Pond
Road, Northport, SCTM #0400-105-02-011 & 012.

DECISION: On a motion made by Mr. Kurtzberg seconded by
Mr. Lamanna and carried application is

EXTENDED

in all its terms and conditions for a period of one year from
October 25, 1996 to October 25, 1997.

Mrs. Mansi and Messrs. Bohrer, Kurtzberg, Lamanna, Modelewski,
Roussillon and Settle voted to extend this application.

FILED SEP 30 1996



TOWN OF HUNTINGTON

FRANK P. PETRONE, *Supervisor*

ZONING BOARD OF APPEALS

LAURA J. MANSI, *Chairman*
LAWRENCE J. LAMANNA, *Vice-Chairman*
PAUL W. ROUSSILLON, *Secretary*

MEMBERS

ROGER H. BOHRER
IRA B. KURTZBERG
CHRISTOPHER MODELEWSKI
EDWARD A. SETTLE

SPECIAL COUNSEL

THOMAS A. ABBATE

February 4, 1999

Meeting of the ZONING BOARD OF APPEALS, of the Town of Huntington, held at Town Hall on **THURSDAY, FEBRUARY 4, 1999**, at 7:00 pm.

APPLICATION - #15018 - IHCC, INC., d/b/a/ INDIAN HILLS COUNTRY CLUB,
21 Breeze Hill Road, Northport, N.Y. Request Special Use Permit to legalize seven (7) additional structures; additions to clubhouse and pro-shop and to erect new storage building. Property located n/w/c (#21) Breeze Hill Road and Fresh Pond Road, Northport, SCTM #0400-105-02-011 & 012.

DECISION: On a motion made by Mr. Kurtzberg seconded by Mr. Roussillon and carried application is

EXTENDED

in all its terms and conditions for a period of one year from **October 25, 1997** to **October 25, 1999**.

Mrs. Mansi and Messrs. Bohrer, Kurtzberg, Modelewski, Roussillon, and Settle voted to extend this application. Mr. Lamanna was absent.

FILED MAR 01 1999