

Dear Editor,

It is now apparent! The search for justice is elusive. The BZA, the Town Board that meets regularly to make critical decisions on desired variances, this week on January 26, 2010 approved one homeowner's request for an **"eleven and one half foot shed"**. This particular shed stands like a stunted silo two feet from the side yard property line, clearly visible from the road, as it's six or seven foot broadside hovers over the yard's fronting fence with no evergreen barrier shielding it from sight. Now approved!!

This neighbor, more than likely is law abiding, friendly, and engaged in their community, so reasoned a need to legalize an existing shed that had no prior permit. Have I heard Smithtown homeowners try to legalize sheds before at the BZA? You bet! What about Steven and his wife "L" who were denied their much smaller shed!! Or, what about the Lake Avenue homeowners who were denied a shed that was shielded from the road with heavy shrubbery, and as a result of the denial had to put it out on the road for a possible sale because there was no where to put it. How many times have I heard the Chairperson of the BZA query an anxious homeowner who arrived in quest of a small addition: "Have you gotten rid of the shed?".... "Are you going to get rid of the shed?"....or "We are not going to permit the shed." Many times is the answer.

The BZA is invoking its power to change the landscape of Smithtown and it is happening quietly without much notice. Yes, their meetings are televised on the government channels but **not their decisions**. So who receives selective approval or even selective denial essentially is not evident to the audience. Unless one goes to the planning department to inquire about a case or makes an effort to read minutes, one lacks crucial knowledge of the process. For most residents, critical changes are only noted when it is close to home; failing to impress when it is clear across town or even a short distance away. But the decisions regarding changes are critical because they set precedent; because it makes inroads at the fringes of a home development which ultimately erodes a neighborhood. A decision like the **"eleven and one half foot shed"** was uncharacteristic of the neighborhood and now it sets a precedent for the town.

A decision like a 50% FAR (floor area ratio) becomes a precedent for the town. And it exists but not for everyone that makes the request. A decision like an illegal second kitchen in the basement of a commercial building now has a permit, eroding the fringes. Property once zoned as a nursery was given a pass for stone masonry and its construction materials, eroding the fringes, changing the character of the neighborhood. No trailers allowed in Smithtown; take the wheels off and now it is a permanent structure. How high should the garage next door to you be? Ask Lenny, to his chagrin they gave his neighbors one as big as a house. And how many homeowners were denied far less than the 50% or 49% FAR's that someone else received? As in how many were denied sheds?

What are the qualifications for those making decisions critical to the betterment of a community? Why worry about random decisions and the ignoring of regulations? Because one thing we have been depending on is the value of our homes. And, yes, we are in tough economic times and though we have lost some value due to market fluctuations, we should always be able to depend on the **"desirability"** of our home. Yet a thin line separates a desirable home from an undesirable home or a less than desirable home and the BZA has that control! Are you looking for fairness, for wise rule makers? You don't elect BZA members, the Town Board appoints them. But who's watching???

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