



Belle Terre Times

OFFICIAL NEWSLETTER OF THE INCORPORATED VILLAGE

Vol. VI- Issue 1

www.belleterre.us

February 2020

THE "FREQUENTLY ASKED QUESTIONS" ISSUE

An Invitation:



As Mayor, I always invite you to come to our monthly Village meetings (the third Tuesday of the month, 8:00PM at the Bove Community Center) in order to: find out what is happening in the Village, learn what projects the Board is undertaking, understand what laws or codes are changing,

or to air your concerns or make suggestions. Since I know that some of you are not available at that time or don't feel comfortable in that setting, I am inviting you to meet with me (one-on-one) for coffee and cookies either on Saturday February 22 at 10:00AM or Thursday February 27 at 8:00PM at the Community Center. We have lots of new residents, only some of whom I've met, and other residents who I've not seen in a long time. This is an opportunity for us to exchange pleasantries or ideas in a very relaxed setting (no audience, no minutes taken). As we approach the budget season, it is especially important for me to know what your thoughts are about the future direction of our wonderful village.



Let's Talk About It



Having served the community for fourteen years, there are some questions that seem to come up over and over again at our monthly meetings. Perhaps these FAQs will address areas that have piqued your interest or they can serve as a jumping off point for our personal discussion.

"FAQs"

Why can't we close the gates and make Belle Terre a private gated community?

The roads have been "dedicated" as public thoroughfares for almost a century. Every year we accept state aid dollars to repair the roads and keep them safe. There is no way to "go back" and make them private again.



Why is there a County parking lot at the end of Anchorage Road?

In 1971 James P. McAllister donated the 113 acres, currently referred to as McAllister Park, to Suffolk County to create a park accessible to boaters. The park includes Pirates' Cove which has always been a popular anchorage for boaters. Until five years ago the park was only accessible by water, the way in which it was always designated on local maps. Then, without consultation with the Village of Belle Terre, the Suffolk County Parks department cleared land and "installed" a small parking lot so that non-boaters could utilize the park as well. The vast majority of the County Park is located within the Town of Brookhaven with only a small piece being in Belle Terre. Only that strip of land between the center line of Anchorage Road and the chain link fence to its north, is in the Village. The Village attempted to stop the "construction" (which is within the Village limits but belongs to the County) but was barred from doing so by a state doctrine that says that, when two municipal entities have jurisdiction over the same land, the larger of the two entities takes precedence. In this case the County has a greater claim to the rightful use of the property than the Village and therefore we could not stop the construction.

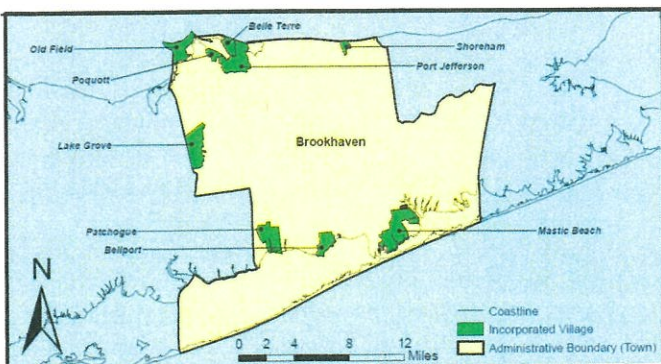
Why can't the Constables give speeding tickets?

Our Constables are "code enforcement" officers, they are not police officers. In 1960 when the Suffolk County Police District was formed, Villages were asked if they wanted to keep their own police forces or become part of the Suffolk County Police District. We chose to join, with most of the Suffolk county municipalities, to become part of the police district. In so doing, we gave up our rights to enforce the State and County laws. Therefore, we cannot stop drivers for traffic infractions nor issue tickets for State or County violations. Although all of our Constables are current or former NYC or County police officers or Sheriff's deputies, they can only enforce our local Village codes. We have, over the years, investigated if we could, once again, have our own police force. Our research consistently indicates that opting out of the SCPD would be impossible under the current law.



Are we a part of Brookhaven Town?

Yes, we are residents of the Village of Belle Terre, the Town of Brookhaven, Suffolk County and New York State. Each of those entities provides certain services and assesses certain taxes or fees. Most of your local "services" are provided by our Village, such as Sanitation, Fire Department, Code enforcement, Road Repairs, Summer Camp, Beach Cabanas, Lifeguards, Parks, Landscaping, etc. The Town provides: services to the handicapped, access to Town Parks and Recreation Centers, marinas, landfill access, animal shelter, ambulance services, etc. Incorporated Villages are formed in order to give local control to the residents of the village. The most important feature of incorporation is the ability to establish zoning rules and regulations. Other local codes allow the village to be "defined" by its citizens.



*Mastic Beach is no longer an incorporated village, but is now a "special tax district."

Why don't residents of Belle Terre have the same rights to the Country Club as Port Jefferson residents, especially since several of the holes are in Belle Terre?

A golf course has existed in the approximate area of the Port Jefferson Country Club since 1908. In the 1950's both the Villages of Port Jefferson and Belle Terre were given the opportunity to purchase the club and move it from private to municipal ownership. The residents of Port Jefferson voted to purchase the club and operate it as a Municipal Country Club. The residents of Belle Terre decided not to be involved in the purchase and operation of the Club. The fact that several holes are located within the boundaries of Belle Terre is irrelevant. The PJCC is a "property owner" in Belle Terre just like any home owner is a "property owner" in the Village. All Village codes apply to the PJCC just as they would to any home owner in the Village. Membership to the club is solely controlled by a committee appointed by the Port Jefferson Village Board. Membership is open to all Belle Terre residents but at the "non-resident" rate which is substantially higher than the Port Jefferson resident rate. Arrangements for a "lower" rate were in place for several years when Belle Terre agreed to pay an annual maintenance fee of \$30,000/year. That agreement ended two years ago as the number of Belle Terre golfers dropped from a high of 97 to the current 21.



Why can't we park in Port Jefferson?

Port Jefferson is a Village with its own parking rules. Residents of Port Jefferson can get parking stickers that allow for free parking in "resident" lots and at parking meters. Residents of Belle Terre are NOT residents of Port Jefferson. We can get Village of Belle Terre parking stickers that allow us to park at places like Knapp Beach or Park Lane. Non-residents of Belle Terre would be issued parking tickets at those locations.



Why are houses in Belle Terre rented to collage students or non-related individuals?

Home owners in Belle Terre are free to rent their homes as long as they comply with Village Codes controlling such rentals. Inspections by the Building Inspector and Fire Marshall are required to make sure the homes are "safe" and have not been modified to accommodate more people than the number of bedrooms allow. Some researchers have found a United States Supreme Court Decision "Village of Belle Terre v. Borass" from 1974, that upheld the constitutionality of a residential zoning ordinance that limited the number of unrelated individuals who may inhabit a dwelling. They question why this is not enforced. The answer is that this decision was overturned in later years and is unconstitutional under the laws of New York State. No municipality can discriminate against "non-related" individuals inhabiting the same dwelling. Therefore, any homeowner can rent their home as long as they file the correct forms, identifying the renters, submit the home for periodic inspections, and pay the proper fees.

Why can't I fence my whole property or put up a driveway gate?

The Village Code states that "no structures are allowed forward of the building line." Fences, stanchions, light posts, gates, etc. are thus prohibited. Individuals can appeal this code, if they believe they have a valid reason for an exception, to the ZBA (Zoning Board of Appeals) by filing the appropriate paperwork at the Village office.



Why shouldn't we feed deer in winter?

It is illegal to do so in NYS and the DEC (Department of Environmental Protection) can levy substantial fines. Perhaps more important is that in winter the microorganisms in a deer's digestive system change to obtain nutrition from tree bark and other foods not eaten during the rest of the year. By feeding the deer corn or other "unnatural winter foods" the acid-base balance in their stomach changes causing severe gastric distress that can be fatal. Twelve deer have died of this "stomach bloating" disease so far this year in Belle Terre.

Who is responsible for cleaning up trees that fall in storms?

Homeowners are responsible for any trees that fall on their property or from their property onto others. During storms, the Village will always clear trees that block roadways. Debris from those trees will be removed by the Village regardless of where that debris ends up (sometimes both sides of the road.) Homeowners should check surveys to see where their property ends relative to the road. Some properties extend to the center line of the road. Some properties are set back from the side of the road with the Village owning the property adjacent to the road for a specified distance (such as the 30 foot historical bridle path on the east side of Cliff Road.) Most properties start at the edge of the road.



How can I get more involved in Belle Terre Village Social Activities?

Belle Terre Community Association (BTCA)

The BTCA is an organization in which all residents can come together. The BTCA hosts many events throughout the year, such as the Children's Holiday Party, Easter Egg Hunt, Beach BBQ, New Residents' Party, Halloween Party, etc.

Belle Terre Gourmet Club

The BTGC meets about 8 times a year in residents' homes, where themed dinners are prepared and shared by all attendees.

The Garden Gals

Individuals interested in beautifying the gardens and islands owned by the village gather to plant and maintain the flowers and shrubs that beautify our community.

Bocce at the Beach

Bocce is played at the beach one night a week during the summer season and will soon be coming to the community center during the cold weather. NO experience necessary.

Pickle-Ball

Our Pickle-Ball court, located at the end of Park Lane, is always available for use. Please bring your own paddles and balls. Encourage your friends and neighbors to play.

If you are interested or have any questions about any of our activities, please call the Village Office, weekdays, 9am to 5pm at 631 928 0020 for further information.

