



**INCORPORATED
VILLAGE of PORT JEFFERSON**

121 West Broadway
Port Jefferson, NY 11777
Ph. (631) 473-4744 Fx (631) 473-2049
www.portjeff.com

ZONING BOARD of APPEALS

Chair
Mark Brosnan

Members
Jack Giannola
(Alternate)
Antonio Corcella
(Alternate)
Tracy Stapleton
Andrew Thomas
Lou Bekofsky
Dan Russo

Secretary
Cindy Suarez

**September 23, 2021
ZBA MINUTES**

PRESENT:

Mark Brosnan, Chairman
Andrew Thomas
Lou Bekofsky
Dan Russo
Antonio Corcella, Alternate
A. LaPointe, Special Village Atty. Building & Planning
Lisa Rickmers, Village Planner
Cindy Suarez, Secretary to the Zoning & Planning Boards
Rebecca Kassay, Trustee/Liaison

ABSENT:

Tracy Stapleton

*The Board convened at 6:00PM in the second-floor court room at Village Hall,
121 W. Broadway, Port Jefferson, N.Y. 11777*

6:00PM GENERAL BUSINESS:

MB moved to approve the 6/17/21 draft minutes, AC second, vote 3-0 unan.
(LB & AT absent 6/17/21 no vote)

The next Zoning board meeting is scheduled for October 21, 2021.

TRUSTEE REPORT:

- Rebecca Kassay introduced herself as the new Liaison to the Zoning Board.
 - Potential code changes; Bed & Breakfast and Tattoo parlors forthcoming
 - The Village BOT has the opportunity of in or out declaration regarding marijuana dispensaries. Decision to be made by December. Other communities to be researched.
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6:30PM PUBLIC HEARINGS:

217 West Broadway

SCTM: Sec.11, Blk.6, Lot 25.1

Zoning: C-1 Commercial & R-B2 Residential Districts

Property Owner: Overbay LLC c/o Demetrius A. Tsunis

Applicant: Demetrius A. Tsunis

Contact: Demetrius A. Tsunis

Description: Applicant requests permission to maintain 46 parking stalls which are undersized as per the Code of the Village of Port Jefferson. Section 250-27D(1)(c) requires that all parking stalls be a minimum width of 9 feet.

Applicant requests to maintain two parking stalls at 7.8 feet in width, four parking stalls at 8 feet in width, one parking stall at 8.3 feet in width, one parking stall at 8.4 feet in width, twelve parking stalls at 8.5 feet in width, one parking stall at 8.6 feet in width, twelve parking stalls at 8.7 feet in width, eleven parking stalls at 8.8 feet in width and two parking stalls at 8.9 feet in width.

The applicant's representative, Scott Zamek, Esq. submitted a letter on 9/23/21 requesting an adjournment of the public hearing pending a new parking plan. The letter was read into the record.

(Certified Transcript)

117 Campbell St.

SCTM: Sec.12, Blk.5, Lot 6

Zoning: R-B3 Residential District

Property Owner: Peter Bruno Jr Revocable Trust

Applicant: Peter Bruno

Contact: Woodhull Expediting c/o Amy DeVito

Description: Legalize existing 8 ft. x 10 ft. shed in front yard, 9 ft. x 18 ft. wood deck and existing 10.9 ft. x 12.2 ft. greenhouse converted to living space.

Applicant requests relief from the Village Code as follows:

As per Village Code Section §250 Attachment 3; front yard setback of 21.6 ft. where 40 ft. is required.



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As per Village Code Section §250-28 (A) (2) 8 ft. x 10 ft. shed forward of the front foundation line where the Code prohibits accessory buildings to project nearer to the street on which the building fronts.

(AC recused)

Present: Amy DeVito c/o Woodhull Expediting.

The 9/20/21 Staff Memo was previously distributed. AD gave presentation.

Exhibit A: Photos of the subject property and surrounding neighborhood comps were presented.

The five criteria of an area variance were discussed.

There were no public comments.

AT moved to close the public hearing, LB second, vote 4-0, unan.

(Certified Transcript)

1213 Main St.

Appeal No. #562-21

SCTM: Sec. 17, Blk.5, Lots 7 & 8

Zoning: R-O Residential-Office

Property Owner: Barbara and John Grillo

Applicant: J.A.G. Architects c/o John A. Grillo

Contact: John Grillo

Description: OFFICE USE IN R-O ZONING DISTRICT

Applicant has amended their application to eliminate the request for Office Use in the R-O District. Amended on 9/2/2021 to read: Proposed exterior staircase.

Applicant requests a Use Variance to maintain an existing office use in the R-O zone. Section 250-16 allows for One Family Dwellings as a permitted use and as Conditional Uses Two Family Dwellings and Mixed Residential/Office Uses. All other uses are expressly prohibited.



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Applicant has amended their application to eliminate the Use Variance Request and is seeking the relief as follows:

Applicant requests permission to construct an exterior staircase on the northwest side of the existing structure which would maintain a single side yard setback of 9.9 feet where Section 250 Attachment 2 of the Code requires 25 feet, and a combined side yard setback of 34.8 feet where Section 250 Attachment 2 of the Code requires 60 feet.

The applicant also needs relief from Section 250-16B(2)(c) of the Code which reads "no construction shall be undertaken which would result in an increase in the degree of noncompliance with existing bulk regulations for single-family residences in the R-O District". The existing noncomplying single side yard is 12.6 feet, applicant proposes to reduce this to 9.9 feet where 18 feet is required by 250 Attachment 3. The existing noncomplying combined side yard is currently 37.5 feet, applicant proposes to reduce this to 34.8 feet where 40 feet is required by 250 Attachment 3 of the Code of the Village of Port Jefferson.

Antonio Corcella acted as a full Board member.

Present: John Wagner, Esq. 100 Motor Parkway, Hauppauge, NY 11788

The 9/22/21 Staff Memo was previously distributed. JW gave presentation.

Exhibits presented:

- A -1998 CEU, 2004 COC, 2007 CO
- B - Plot plan showing setbacks
- C – Building Dept. denial letter
- D – Photos of subject property from north and south
- E – Set of ariel photos of Main Street properties in RO District
- F – Street views of properties showing external stairs, etc.

The five criteria of an area variance were discussed.

JW comments:

- the staircase will be screened and located so far to the south that it will not be obtrusive.
- The building is 12.6 ft. away from the existing property line
- The single side yard setback is a 10% increase in non-conformity
- The total side yard setback is a 4 % increase in non-conformity

Commented [CS1]:



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MB moved to close the public hearing, AT second, vote 5-0, unan.

7:08PM the public hearing portion of the meeting closed.

(Certified Transcript)

POST WORKSESSION:

117 Campbell St.

The application is a Type II action pursuant to SEQRA.

The Board deliberated the five area variance criteria.

MB moved to approve the application as presented, AT second, vote 4-0, unan.

1213 Main St.

The application is a Type II action pursuant to SEQRA.

The Board deliberated the five area variance criteria.

AC moved to approve the three variances as presented, AT second, vote 5-0, unan.

Meeting ended 7:30PM.

Respectfully submitted, Cindy Suarez, Secretary to the Planning & Zoning Board