



**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
Antonio Corcella
(Alternate)
Tracy Stapleton
Andrew Thomas
Lou Bekofsky
Dan Russo

Secretary
Cindy Suarez

**November 18, 2021
ZBA MINUTES**

PRESENT:

Mark Brosnan, Chairman
Tracy Stapleton
Andrew Thomas
Lou Bekofsky
Antonio Corcella, Alternate
Lisa Rickmers, Village Planner
Cindy Suarez, Secretary to the Zoning Board
Rebecca Kassay, Trustee/Liaison

ABSENT:

Dan Russo
A. LaPointe, Special Village Atty.
Building & Planning

*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 9/23/21 draft minutes, LB second, vote 4-0 unan.
(TS absent 9/23/21 no vote)

AC, alternate Board member will participate in the absence of DR.

The next Zoning board meeting is scheduled for January 20, 2021.

TRUSTEE REPORT:

The BOT will consider amending the code to shorten parking spaces.

The Highlands Blvd. open parkland area has formed a committee to begin the process of a plan for the open space.



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6:30PM PUBLIC HEARINGS:

75 North Country Rd.

SCTM: Sec.17, Blk.3 Lots 3.2 & 3.3,

Zoning: Professional Office P-O District

Property Owner: The John T. Mather Memorial Hospital; of Port Jefferson

Applicant: Glen B. Tilkin c/o Northwell Health

Contact: Farrell Fritz, P.C. c/o Anthony S. Guardino, Partner

Description:

VPJ Code § 241 *Attachment 1* Table 1 Clearing Standards delegates the determination of the clearing percentage in the P-O District to the Planning Board, but in no case shall it be greater than 65%. The application proposes to clear up to 75% of the site's natural vegetation. The Applicant seeks an area variance to extend the limit of clearing that the Planning Board may consider an additional 10% to 75% maximum.

(LB recused)

Present: Anthony S. Guardino, Partner c/o Farrell Fritz, P.C. & Andrew Kelly, Project Mgr. c/o VHB Engineering

Refers to Jen Sigler's 11/18/21 Staff Report

Following a referral to the Zoning Board of Appeals from the Planning Board Chair dated 10/26/21 the applicant is seeking relief to exceed the clearing limits in the P-O district.

AG presented the application.

VOPJ code allows 65% clearing limits, and the applicant did not realize that the recharge basin that has collected rainfall since 1954 is excluded from the "natural vegetation" description. The variance sought will grant the Planning Board the discretion to consider what percentage of clearing they will permit.

Exhibit #1: 1954 photo of recharge basin

AK presented the proposed site plan.

The Chair called a ten-minute recess to allow the public to view the proposed plans.

The Board members deliberated with the applicant's representatives.



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There were no public comments.

AT moved to close the public hearing, AC second, vote 4-0. *(Certified Transcript – J. Campbell)*

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:

- 1) Applicant requests an appeal from the interpretation and determination that Section 250-45D of the Code of the Village of Port Jefferson allows for the issuance of only one Temporary Certificate of Occupancy at the close of a single Building Permit. Said interpretation and determination is set forth in two letters signed by Assistant Village Attorney Alison A LaPointe dated September 28, 2021 and October 15, 2021. Applicant maintains that the correct interpretation of Section 250-45D allows for successive Temporary Certificates of Occupancy to be issued at the discretion of the Building Inspector.
- 2) Applicant requests permission to maintain existing parking stalls that are smaller than required by Section 250-27D(1)(c). Section 250-27D(1)(c) Size of Spaces reads: Minimum parking stall width shall be nine feet; minimum length shall be twenty feet.
 - Three parking stalls are 7.8 feet wide where 9 feet is required.
 - Two parking stalls are 7.9 feet wide where 9 feet is required.
 - One parking stall is 8.0 feet wide where 9 feet is required.
 - Two parking stalls are 8.1 feet wide where 9 feet is required.
 - Two parking stalls are 8.2 feet wide where 9 feet is required.
 - Three parking stalls are 8.3 feet wide where 9 feet is required.
 - Eleven parking stalls are 8.4 feet wide where 9 feet is required.
 - Twelve parking stalls are 8.5 feet wide where 9 feet is required.
 - Four parking stalls are 8.6 feet wide where 9 feet is required.
 - Nine parking stalls are 8.7 feet wide where 9 feet is required.



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- Six parking stalls are 8.8 feet wide where 9 feet is required.
- Three parking stalls are 8.9 feet wide where 9 feet is required.

(TS recused)

Present: Scott Zamek, Esq., Demetrius A. Tsunis, Property Owner & Osman Barrie, P.E.
Traffic Engineer c/o Nelson & Pope

Refers to Lisa Rickmers 11/18/21 staff report.

SZ presented the first request. His research shows that the Building Inspector should have the authority to make the determination of whether a CO should be issued.

The Board members deliberated with the applicant's representative.

There were no public comments.

SZ presented the second request. He explained that the support columns which are causing the parking spaces to be undersized were built during construction and varied in sizes depending on the way the piping was run down each column.

Mr. Barrie stated that the adequacy of the parking due to the columns was 95% adequate and that only two smallest sizes were to be considered undersized. He also stated that the chance of having multiple cars leaving at the same time is minimal because this is a living quarter with the same people going in and out.

There were no public comments.

LB moved to close the public hearing, AT second, vote 4-0, unan. *(Certified Transcript – J. Campbell)*

POST WORKSESSION:

75 North Co. Rd.

MB moved to declare the application as an unlisted action under SEQRA, TS second, vote 4-0, unan.

MB moved to deem the application with a negative declaration under SEQRA, TS second, vote 4-0, unan.

MB moved to approve the application as presented, AC second, vote 3-1, (AT–no)



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1217 W. Broadway

#1) Interpretation

The application is a Type II action pursuant to SEQRA.

The Board deliberated the five area variance criteria.

MB moved to determine that the language of Village Code Section 250-45 permits the issuance of only one temporary Certificate of Occupancy by the Building Inspector, LB second, vote 3-1, (AC-no).

#2) Parking Stall Variance

MB moved to declare the application as an unlisted action under SEQRA, AT second, vote 4-0, unan.

LB moved to deem the application with a negative declaration under SEQRA, MB second, vote 4-0, unan.

AT moved to approve the request with the condition that parking spaces under 8 feet are to be marked "compact cars only", AC second, vote 3-1 (MB-no)

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Meeting ended 10:25PM.

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