



**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 17, 2022
ZBA MEETING MINUTES**

PRESENT:

Mark Brosnan, Chair
Tracy Stapleton
Dan Russo
Andrew Thomas
Antonio Corcella
Alexis Polous, Alternate Board Member
Rich Harris, Deputy Village Attorney, Director Building & Planning
Joe Sanzano, Village Planner
Cindy Suarez, Secretary to the Planning & ZBA Boards
Kathianne Snaden, Trustee- Liaison

*The Zoning Board meeting was held at Village Hall, 121 W. Broadway, Port Jefferson.
Work Session began at 6:00PM, Public Hearings began at 6:30PM.*

GENERAL BUSINESS:

- 6:10PM MB moved to go into executive session for legal advice, DR second, vote 5-0, unan.
- 6:25PM MB moved to come out of executive session, TS second, vote 5-0, unan.
- MB moved to certify that all items discussed in executive session were legal in nature, TS second, vote 5-0, unan.
- Next ZBA meeting is 12/8/22.
- MB moved to approve the 9/22/22 draft minutes as amended, AC second, vote 5-0, unan.

PUBLIC HEARINGS: (Stenographer, Jennifer Campbell)

419 EAST BROADWAY

Appeal No. #573-22

SCTM: Sec.9, Blk.1, Lot 45.1

Zoning: R-B2 Residential District

Property Owner: Rosalie Alonso

Applicant: Ron Alonso

Applicant seeks relief from the Village Code for an existing inground pool.



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Village Code §250-13(c), referencing §250-11(C)(3)(a), states that no part of a swimming pool shall be built nearer than 20 feet to any property lines. ZBA Decision #565-21 dated May 25, 2021 granted the Applicant relief therefrom, allowing the Applicant's pool to be built 18 feet from rear property line, and 14 feet from the eastern side property line. Nonetheless, the pool was constructed with a rear yard setback of only 11.8 feet, and an eastern side yard setback of 21.1 feet. The Applicant now seeks relief from the same code section, to allow the pool to remain 11.8 feet from the rear property line.

Exhibit A: Letter from the applicant dated 11/4/22 requesting a postponement to the 12/8/22 ZBA public hearing. MB moved to postpone the PH to 12/8/22, TS second, vote 5-0, unan.

1601-1607 MAIN STREET

Appeal No. #575-22

SCTM: Sec. 206-21-6-1, 2,3 and 4

Zoning: C-2 General Commercial

Property Owner: Main Street, LLC c/o Adams & Company Real Estate LLC and 1601 Main Street Corp. c/o Albert Buzzetti and Associates, LLC

Applicant: Port Jefferson Commons, LLC (Member: Conifer Realty, LLC)

Contact: Roger Pine

Request #1:

In the C-2 Zoning District, building height is limited to thirty-five (35) feet and three (3) stories, pursuant to Port Jefferson Village Code Chapter 250 Attachment 2, as modified by Port Jefferson Village Code §250-19 (G)(1) which provides, in pertinent part:

“Any proposed development with a lot larger than 20,000 square feet or 75 linear feet on Main Street frontage in the C-2 District may add a fourth story or a floor that increases the total building height to a maximum of 45 feet if there is a twelve-foot setback from the street wall at the fourth story and if a major public amenity is provided.”

In accordance with §250-49(A)(1), the Planning Board requests that the Zoning Board of Appeals decides the following question:

“Does the above-referenced code subsection require that a twelve-foot setback from the street wall be provided on the uppermost story of the proposed mixed-use structure, as depicted in the submitted plan currently under consideration?”



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Request #1(a):

In the alternative, should the ZBA opine that a twelve-foot setback from the street wall must be provided on the uppermost story of the proposed mixed-use structure, as depicted in the submitted plan currently under consideration, the Applicant seeks an area variance pursuant to Port Jefferson Village Code §250-49(B)(1) to dispense with the requirement of said setback requirement in Port Jefferson Village Code §250-19 (G)(1).

Present: Kathleen Deegan-Dixon, Esq., Roger Pine, Kristiana Kastalek, Env. Planner c/o VHB Engineering & Sal Cocco, Project Architect c/o BHC

Joe Sanzano presented 11/10/22 Staff Report and application.

Kathleen D. presented for the applicant.

Exhibit A: Comp Plan recommendations.

6:50PM MB moved to recess, AC second, vote 5-0, unan.

6:56PM MB moved to reconvene the public hearing, AT second, vote 5-0, unan.

There were no public comments.

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

Decision

Request #1

At its public hearing held on November 17, 2022, the ZBA was asked to determine whether the provisions of sec. 250-19(G)(1) require that a twelve-foot setback from the street wall is to be provided on the uppermost story of the proposed mixed-use structure, as depicted in the submitted plan currently under consideration. The ZBA found that Section 250-19(G)(1) is inapplicable as it pertains to the site plan application and renderings dated October 24, 2022, because the proposed building, as depicted, consists of three (3) stories, not four (4) stories. Therefore, a 12-foot setback is NOT required. MB moved, TS second, the Board voted unanimously in favor of this determination.



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Request #1 (a)

The determination of the ZBA with respect to Request #1 rendered Request #2 moot, and it was therefore not considered by the ZBA.

114 PROSPECT STREET

Appeal No. # 574-22

SCTM: Sec. 12, Blk. 10, Lot 11

Zoning: R-B3 Residential

Property Owner: Teresa Habacker

Applicant: Teresa Habacker

Contact: Dean Koutsoumbis c/o Long Island Expeditors

Applicant seeks relief from the Village Code for a proposed inground swimming pool.

Village Code §250-14(C), referencing §250-11(C)(3)(a), states that no part of a swimming pool shall be built nearer than 20 feet to any property lines. The Applicant seeks the following relief therefrom:

1. An area variance to construct a swimming pool in the rear yard which will be
 - (a) 12 feet from the from the rear property line; and
 - (b) 11 feet from the eastern property line.

Village Code Section §250-28 (A)(1)(a) states that the aggregate of all accessory buildings, regardless of use, shall not occupy more than 30% of the area in the required rear or side yard. The applicant proposes a swimming pool in the rear yard which is 450 Square feet in area. Therefore, the Applicant seeks the following relief therefrom:

2. An area variance for the proposed swimming pool to be allowed to occupy 76% of the required rear yard area.

Present: Robert Drucker c/o All Island Gunite Pools

Joe Sanzano presented the 11/10/22 Staff Report and application.

7:18PM MB moved to recess, AC second, vote 5-0, unan.

7:21PM MB moved to reconvene the public hearing, TS second, vote 5-0, unan.

Dean Koutsoumbis c/o Long Island Expeditors presented the application.



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Exhibit A: Property survey showing existing accessory structures.

Public comments were heard.

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

Decision:

SEQRA: Type II action requiring no further review.

Variance #1

MB moved to deny the reduction of the required 20-foot rear setback to 12 feet:

MB moved to deny, AC 2nd, vote 5-0, unan.

Denied

Variance #2

MB moved to deny the reduction of the required 20-foot rear easterly lot line setback to 11 feet, TS 2nd, vote 5-0, unan.

Denied

Variance #3

MB moved to state that a variance from section §250-28B(A)(1)(a) is unnecessary, because the Board finds that the aggregate of all accessory buildings does not occupy more than 30% of the area in the required yard, TS 2nd, vote 5-0, unan.

Meeting ended 8:45PM.

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