



**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
Tracy Stapleton
Andrew Thomas
Dan Russo
Alexia Poulos(alternate)

Secretary
Cindy Suarez

**JANUARY 25, 2024
MEETING MINUTES**

PRESENT:

Mark Brosnan
Antonio Corcella
Dan Russo
Tracy Stapleton
Andrew Freleng, Director Building & Planning
Deirdre Ryan, Village Planner
Cindy Suarez, Secretary to the Planning & Zoning Boards

ABSENT:

Andrew Thomas

*The Zoning Board meeting was held at Village Hall, 121 W. Broadway, Port Jefferson, NY 11777
Work Session began at 6:00PM, the Public Hearing began at 6:30PM.*

6:00PM GENERAL BUSINESS:

- MB moved to approve the 10/26/23 draft minutes, AC second, vote 4-0, unan.
- The next ZBA meeting/public hearing is 2/29/24.

6:30PM PUBLIC HEARING(S):

5 Deerfield Ct.

Appeal No. #ZB-002-23

SCTM: 206-0014-005-0045

Zoning: R-B1 Residential District

Property Owner: Joseph Fontana Trustee

Applicant: Amelia Fontana, Trustee

Contact: Amelia Fontana, Trustee

Description: Retaining wall built without meeting the required setback.

Action: Public Hearing

Applicant requests permission to install an accessory retaining wall structure approximately 3.9 feet off the easterly side yard, Village Code §250-28. A.(1)(b)[2] requires a 5 feet setback.



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Present:

Joseph & Amelia Fontana, Property Owners
John Walsh c/o Altech Masonary.

The project is currently under site plan review by the Planning Board for the repair and replacement of retaining walls. The work has already been completed with the issuance of an emergency building permit issued by the Village Building Inspector.

Prior to the Planning Board determination of site plan approval, the project requires an east side yard setback of five feet where 3.9 are provided.

The ZBA granted a variance on 10/26/23 for the same retaining wall proposed at 2 ½ feet of the westerly side yard where 5 ft are required. The easterly side yard variance was not requested at the 10/26/23 public hearing.

Mr. & Mrs. Fontana presented the application.

Exhibits submitted:

- Exhibit A: (4) Photos of existing retaining walls
- Exhibit B: 10/26/23 ZBA Decision

The Board members deliberated with the applicant.

There were no public comments.

MB moved to close the public hearing, TS second, vote 4-0, unan.

Public Hearing closed 6:45PM.



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POST HEARING WORK SESSION:

SEQRA:

The application is a Type II Action under SEQR and not subject to review.

DECISION:

The Board members reviewed the five criteria test pursuant to an area variance.

MB moved to approve the applicant's request for a setback variance from Port Jefferson Village Code §250-28. A.(1)(b)[2] requesting a 0-to-3.9-foot setback along the east side yard, TS second, vote 4-0, unan.

The meeting ended at 7:00PM.

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