



## INCORPORATED VILLAGE OF PORT JEFFERSON

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ZONING BOARD OF APPEALS  
88 North Country Road, Port Jefferson, NY 11777  
Telephone: (631) 473-4744 Fax: 473-2049

### **MINUTES** **January 18, 2007**

The Zoning Board of Appeals meeting was held in the Village Court Room, 121 West Broadway, Port Jefferson, NY 11777 at 7:30 PM

**PRESENT:**

Lee Rosner, Chairman  
Charles Kenny  
Jack Giannola  
Valerie Krause  
Will Rau, Village Planner  
Cindy Suarez, Secretary

**ABSENT:**

Michael Verruto

**GENERAL BUSINESS:**

The Zoning Board minutes from 10/19/06, 11/16/06 and 12/21/06 were adopted and approved as amended.

*Chairman, Lee Rosner called the meeting to order at 7:30 P.M. and called the following:*

**PUBLIC HEARINGS:**

*The secretary read the public hearing notice.*

1. Appeal No. 359-06      Section 18, Block 3, Lot 4  
(J.G.)                      Andy Malguanera for Michael & Michele Mitchell  
   17 Second Ave

Area variance requesting a side yard setback of 31' where 35' is required to construct a covered porch. The property is located in the Village's RB-2 district.

Andy Malguanera, agent for the property owner presented the application. He was sworn in and made testimony.

The application was amended to read: *side yard setback minimum 15 requested where 18 is required and 31.2 requested where 40 is required.*

Mr. Malguanera discussed the proposal and presented testimony relating to the five criteria for an area variance.

The members of the Zoning Board called the Village Planner, Will Rau to the floor to discuss building department issues relating to the issuance of the building permit for the new house.

Mr. Malguanera stated that the homeowner is willing to move the accessory building to meet the zoning code requirements.

The chairman opened up the floor the public:

C. Butera owner of #15 Second Avenue made a statement.

Michele Mitchell, homeowner #17 Second Avenue discussed the staircase entering the basement. The Board members addressed questions to the homeowner.

No other comments were made.

Lee Rosner made a motion to close the hearing, Jack Giannola seconded the motion, all were in favor the vote was 4-0, aye.

Lee Rosner made a motion to approve the application as follows:

16.2' side yard setback minimum on south side of property where 18' is required and 39' side yard setback where 40' is required, as well as the following conditions:

1. Relocation of accessory building and building permit required.
2. Submit revegetation plan for south property line to the satisfaction of the Planning staff.

Valerie Krause 2<sup>nd</sup> the motion, all in favor the vote was 4-0, aye.

2. Appeal No. 361-06           Section 3, Block 2, Lot 2  
(M.V.)                       Edward & Christina Moylan  
                                      17 Old Homestead Rd.

Area variance to construct single-family residence with setback deficiencies. The property is located in the Village's R-A district.

Mr. Edward Moylan, property owner was sworn in and gave testimony. The application was discussed. The site plan as approved by the Planning Board was reviewed. The house's footprint will be moved 2 feet forward.

The five criteria of an area variance were discussed.

The chairman opened the floor up to the public. There were no comments from the public.

Lee Rosner made a motion to close the hearing, Valerie Krause seconded the motion, and all in favor the vote was 4-0, aye.

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Lee Rosner made a motion to approve the application as presented with the same conditions that were applied for the previous Schepers variance decision for the subject property:

1. Lot area 20,250' requested where 43,560 sq. ft. required
2. Lot length/depth 135' requested where 150' required
3. Front yard setback 38' requested where 50' required
4. Side yard setback minimum 18' requested where 20' required
5. Rear yard setback 54' less 3' bump out for bay shaped sliding glass door unit as on site plan where 60' required.

Charlie Kenny seconded the motion; all in favor the vote was 4-0, aye.

**DECISIONS:**

3. Appeal No. 358-06      Section 18, Block 3, Lot 8  
   (L.R.)                    Victor Caroleo  
                                  151 North Country Rd

Use variance for an accessory building located at 151 North Country Road in Port Jefferson's RB-2 zoning district. The applicant seeks to reinstate commercial use.

*Hearing was closed on 12/21/06. Decision due 2/21/07.*

Lee Rosner made a motion to approve the application to reinstate the use of the commercial building with conditions.

Valerie Krause seconded the motion; the vote was 4-0, all in favor, aye.

The meeting was closed 9:30PM.

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Cindy Suarez  
Secretary Zoning Board of Appeals