



INCORPORATED VILLAGE OF PORT JEFFERSON

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

MINUTES

July 19, 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
Michael Verruto
Charles Kenny
Jack Giannola
Will Rau, Planner
Cindy Suarez, Secretary

ABSENT:

Valerie Krause

GENERAL BUSINESS:

Charles Kenny made a motion to accept the Zoning Board minutes of 6/21/07 as amended. Lee Rosner seconded the motion; all in favor, the vote was 3-0, aye

PUBLIC HEARINGS:

The secretary read the public notice:

Appeal No. 371-07JG	Section 17, Block 1, Lot 14 Kevin Reilly as agent for Matthew Lux 1227 Main Street
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Applicant seeks an area variance to build an attached garage in the required side yard. Applicant is requesting a 10-foot minimum side yard where 15 feet is required and a total setback of 30 feet where 35 feet is required. The .25-acre parcel is located in the Village's Single-Family Residence RB-2 District on the west side of High Street approximately 230 feet north of Chestnut Street.

Kevin Reilly, Attorney, was sworn in to represent the applicant. He requested to amend the application to a required minimum side yard setback of 18 feet and a total side yard setback of 40 feet.

Lee Rosner made a motion to amend the application as presented by the applicant's attorney. Charles Kenny 2nd the motion, all in favor the vote was 4-0.

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A survey was presented. If the variance would be granted the closest set back would be 10 feet from the property line. The house is situated parallel to High Street.

Matthew Lux, 812 High Street, owner of subject property was sworn in. He described his back injury and disability concerns as being the reason for this variance request. He needs a heated garage to accommodate his stay at home dad duties in raising four children.

Mr. Lux explained that the proposed addition is on the south side of the property because it has the most room and the ground is relatively level as opposed to the north side which has a higher degree of slope. Mr. Lux has offered to allow the neighbor on the south side to choose new plantings and vegetation to screen the view of the proposed garage, and to put windows in the side of the garage which faces her northern side yard. He indicated that he plans on matching the roof line and shingles to his existing house.

Mr. Lux and his family walked the neighborhood from Chestnut to Myrtle with the proposed survey and a picture of the proposed garage. They received ten signatures of approval from the surrounding neighbors. This survey was handed in as Exhibit A.

Mr. Rosner asked if the applicant considered erecting a detached garage behind or next to the house which would not require a variance.

Mr. Lux explained that there is an existing screened in summer house in the rear yard 11.7 ft x 11.8 ft that would be in the way and it would be an expense to move. He explained that the house is a Cape Cod style and would not look good with a detached garage.

The Board and Mr. Reilly discussed the staff memo which showed side yard area comparisons in the immediate neighborhood.

Mr. Reilly stated the Lux's have practical difficulties because this is not a traditional rectangular lot.

Mr. Philip Powell, a licensed real estate broker, was sworn in as an expert witness. He stated that out of 19 surrounding houses, nine have garages. The witness testified that the nine garages are predominantly detached and are located in a variety of positions relative to the nine associated main dwellings. The witness indicated that the house at #120 Chestnut has a garage with a zero setback.

The Board had no questions for Mr. Powell.

Mr. Rosner opened up the floor to the public for comments.

Jacqueline Lewis, 834 High Street, was sworn in. She is a resident for 43 years. She lives on the south side of the subject property. Ms. Lewis is opposed to this application because she believes that the loft above the proposed garage will be used as bedrooms. She also stated that there is an old oil tank on the site where the proposed garage would be built.

Donald Coyle, 810 High Street, was sworn in. He is the neighbor on the north side. He claims that there is an existing two car heated garage on basement level on the northwest corner of the

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Applicant seeks relief from section 250-11c 3a to install an in-ground swimming pool in a required front yard. The 11,220 sq ft parcel is located in the Village's Single Family residence RB-2 district on the North side of Laurel Drive, South side of Old Post Road.

Michael Verruto recused himself from this application due to a personal conflict.

Kathy Quigley, employee of Swim King Pools, was sworn in. She discussed the five area variance criteria and requested to amend the application to include a variance to permit a five foot fence in the front yard.

Jack Giannola made a motion to accept the application as amended, Charlie Kenny seconded the vote, all in favor, the vote was 3-0.

Ms. Quigley stated that the property lot is 85 feet wide and there is no where else to put the pool. There is no adequate space in the 14' side yard. A steep slope exists on the Old Post Road side. It is well screened with natural vegetation.

Lauren Sheprow, #11 Laurel Drive was sworn in. She is the neighbor located to the east of the subject property. She was in favor of the variance request.

Charles Kenny made a motion to close the hearing, Jack Giannola seconded the motion, all in favor the vote was 3-0.

The meeting was closed at 9:30PM.

Respectfully Submitted,

Cindy Suarez, Secretary