

ZONING BOARD OF APPEALS
UNOFFICIAL MEETING MINUTES JANUARY 27, 2005

Appeal No. 318-04 (continued)

Section 9, Block 1, Lot 38

JOCELYNE SAUER

103 Burke Road, Port Jefferson, NY 11777

Side Yard Area Variance for an existing Above-Ground Swimming Pool including a 6-foot stockade fence in a front yard.

Attorney Edward DeNunzio presented this matter. He explained that the fence needed to be included in the variance request.

He explained that due to the configuration of the property, this is the only place a pool could have been placed on the property.

He further explained that a member of the Building Department instructed the homeowner to erect a fence around the pool. It would now be a hardship to move the fence to a different location. A fence already exists next door to the subject property. The other side of the street has what appears to be two front entrances, and it has a garage in a front yard. That resident across the street from Mrs. Sauer stated that they love the fence, because it also gives them privacy as well. This could be put in writing if necessary.

Mr. DeNunzio stated that no one appeared for or against this application last time or this time. The Board believes this is setting a precedent, but Burke road is itself a very unusual area; however, this situation cannot repeat itself many times in the Village. He is requesting that a variance for both the pool and fence in their existing location be granted.

Chairman Verruto noted that the survey shows a chain link fence across the front. The stockade fence was installed in front of the chain link fence. He explained that if the board approves this fence, an amended survey would have to show the fence on the survey.

Mr. DeNunzio understands that the survey would be provided if this application is approved.

Chairman Verruto also noted that the pool is in the front yard also. It is in front of the structure of the house approximately two or three feet. Therefore, the Board would have to grant two variances – a front yard and a side yard. He asked that the applicant amend the application to state both a front and rear yard variance is required, as well as one for the fence.

On a motion by Lee Rosner, seconded by Neil Pollack, the Board voted to amend the application (4-0).

Mr. Rosner asked how long the fence had been there. And the lawyer did not know if there was a variance for this fence.

George Person 202 Oakwood Road sees no problem with the pool. The chain-link fence is standard, the stockade fence is 6 feet. He has no problem with this application.

On a motion by Pollack seconded Rosner, the hearing was closed. 4-0

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Appeal No. 323-05
Section 17, Block 1, Lot 28
LOUISE SENESI
1008 High Street, Port Jefferson, NY 11777
Side Yard Area Variance to rebuild One Car Garage

Mr. Kevin Reilly, attorney, and Ms. Louise Senesi were present for this application.

Mr. Reilly explained that this is a dual application for an interpretation of the code that no variance is necessary, and the alternative would be to ask for an area variance to maintain a 1.2 ft. setback for a garage instead of the five foot required set back.

Since 1949, there was a detached garage on the property. The garage has always been in the same location.

Prior to the restoration of the garage, all of the cement floor was broken apart. The roof was leaking and the doors were no good. The garage needed many repairs.

The building permit was obtained, and the applicant was told that 50 percent of the building had to be maintained otherwise a variance would be required. While the work was being done, the walls actually fell down. The contractors then put up studs for the new walls, which were in the same location of the old studs.

Mr. Reilly stated that the applicant does not need a variance. He pointed out that this is the best place for the garage on the property.

Philip Poweel of 205 Prospect Street, has been a realtor for 18 years. He stated if the garage had to be moved, it would create a traffic hazard since it is on a corner and it would obstruct the traffic flow.

Mr. Verruto asked how this would conform with the neighboring properties.. He was told that the next door neighbor's garage is even closer to the property line.

Neil Pollack asked if moving the garage would have an impact to the asphalt driveway. It would also move the driveway closer to the corner and create a traffic hazard.

On a motion by Gil Anderson, seconded by Neil Pollack, the hearing was closed.

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Appeal No. 3 24-05

Section 11, Block 3, Lot 10

ERIC SANTIAGO

119 Beach Street, Port Jefferson, NY 11777

Side Yard Area Variance for Existing Hot Tub and Deck with Fence Encroachment

John Andrews, attorney, and Mark Lyon, expeditor, presented this matter.

Mr. Andrews amended the application from a side yard since the property has three front yards. It is a peninsula. He explained that the rear portion of the property is unusable. A hot tub was placed on the property two years ago. This is the only usable portion of the property for the hot tub. It would create an undue hardship to put it in any other place.

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The fence is encroaching on Village property. This is a Trustee matter.

Mark Lyon spoke with regard to the encroachment procedure. It is executed by the Brookhaven Highway Department in conjunction with the highway department and planning department. First, it must be determined that it is not a detriment to the neighborhood.

Chairman Verruto stated if the variance were granted, it would strictly be for the fence in the front yard, not the encroachment.

Mr. Andrews mentioned that there are many large trees on this property. The large tree is right in the middle of the property.

Anderson stated that the surveyor set a stake, the tree is to the right of it.

Verruto it is hard to describe for someone to read from the record, you would have to see the site.

Mr. Santiago's house was used in the Dickens festival. A copy of the brochure was given to the board.

Great improvement to the neighborhood.,

Self-created because the Jacuzzi in what he thought was the rear yard. But it is the front yard. It is the only logical place to put this hot tub. It would not flow with the house.

This is the least onerous way to get the job done.

Mark Lyon read the article from the Dickens festival that mentioned the hot tub.

Pollack referring to the application – 4 ft. and required 20 feet. It would be 7 ½ feet. If it were a side yard it would require substantially less of a variance. The fact that it is a front yard, if the hot tub were set to the front setback of the house, the requirement would be 11 feet.

The hot tub is barely visible. A retaining wall would be between 50 to 100,000 cost.

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Verruto for the use of the property because of the grades of the property. It is a natural terrace to have the deck and Jacuzzi where it is.

Pollack

Variance for a fence in the front yard, but not exactly where it is placed. The authority would come from the board of trustees.

Anderson the cost of relocating the hot tub what would that be?

It would have to be rewired and moved. There is no other place to put it. If it were moved into the middle of the deck, the deck would be useless.

Anderson stated that It is a significant variance.

Jacuzzi does have a certified cover.

Side yard setback to front yard setback of four feet for deck hot tub and to permit a six foot solid fence in a front yard. 11 ft required

Hot tub conforms with swimming pool

Permit a pool in front yard.

The fence does not obstruct the view it is in the middle of the property and not on the corner.

Pollack and Rosner – 4-0