



**INCORPORATED
VILLAGE of PORT JEFFERSON**

121 West Broadway
Port Jefferson, NY 11777
Tel. (631) 473-4744 Fax (631) 473-2049
www.portjeff.com

ZONING BOARD of APPEALS

Chair
Lee Rosner

Members
Michael Verruto
Charles Kenny
Jack Giannola
Rob Gitto
Secretary
Cindy Suarez

ZBA MINUTES

January 29, 2009

PRESENT:

Lee, Rosner, Chairman
Michael Verruto
Charles Kenny
Rob Gitto
Jack Giannola
Virginia Capon, Trustee

The Zoning Board of Appeals held a general business meeting in the first floor conference room at Village Hall, 121 West Broadway, Port Jefferson, N.Y. 11777. There were no public hearings scheduled for this evening.

On a motion made by Rob Gitto, seconded by Charles Kenny, the Board made a motion to accept the amended minutes of 12/18/08.

The Board discussed **Appeal No. 403-08CK, Edward DiNunzio, Esq. agent for Judith Betts, 401 High Street.** The hearing was for an application for a Certificate of Existing use. The hearing was closed on 12/18/08 and the decision is due by 2/18/09.

Mr. Giannola was absent from the hearing on 12/18/08, therefore he abstained from voting on this application.

On a motion made by Mr. Kenny, seconded by Mr. Verruto the Board voted the application as a type II action under SEQRA and approved the application with conditions. The vote was 3-1. Mr. Kenny, Mr. Verruto, Mr. Gitto, Yeh. Mr. Rosner, Nay.

Conditions:

A) Apartment to be reconstructed as a studio with no dividing wall between the existing bedroom and the kitchen area/living room, as opposed to a separate one bedroom apartment with a safety or fire issue because of the non-complying window. A building permit and certificate of compliance must be obtained to remove the load bearing wall between the kitchen area/living room and the bedroom.

The applicant carried her burden of proof in establishing a continued and uninterrupted use as a two family dwelling since the Incorporation date of the Village in 1963.

B) Obtain an “as built” amendment of lower level plans dated 7/20/99 to include the entire level showing both exits.

The Board discussed **400-08RG Section 7, Block 1, Lot 9, Hawkins, Webb, Jaeger PLLC for H. Jacobson c/o Sound Express LLC on the East side of Beach St.**

Mr. Kenny made a motion to declare this application as a Type I action pursuant to code sections: 1292(B) (2), 1292(B) (13) & 1292(B) (7), and requests from the applicant a full EAF form to be completed. The motion was seconded by Mr. Giannola, all in favor the vote was 5-0.

The Board members continued to discuss the SEQRA process. Once the submitted long EAF form is received, the 30 day time clock begins to determine the lead agency. Agencies involved would be: Town of Brookhaven, Keyspan, Lipa, Planning Board, DPW and ACOE.

The Board discussed **Appeal No. 398-08CK Section 7, Block 1, Lot 5, Hawkins, Webb, Jaeger PLLC for H. Jacobson c/o Sound Express LLC, Northwest corner of Beach Street & Sheldrake Ave.**

The last hearing for this application was on 12/18/08. The hearing was held over pending a determination letter from the Village to hear the request for the interpretation and the use variance.

Mr. Gitto made a motion to declare this application as a Type I action pursuant to code sections: 1292(B) (2), 1292(B) (12), 1292(B) (14) & 1292(B) (7), and requests from the applicant a full EAF form to be completed. The motion was seconded by Mr. Verruto, all in favor the vote was 5-0.

Discussion:

The Board members commented to Ms. Capon on the following subjects; Determination letters to file appeals are necessary, referring new application to Mr. Levin for his comments (C&C Collision, Invesco Affiliates), building department inspections on CEU applications and aerial photographs of the Village that predate 1963 for a reference tool.

The meeting ended at 10:00PM.

Cindy Suarez, Secretary, Zoning Board of Appeals

January 2, 2009

(On 6/11/09 the Board members accepted and approved the minutes of 1/29/09)



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