



**INCORPORATED
VILLAGE of PORT JEFFERSON**

121 West Broadway
Port Jefferson, NY 11777
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ZONING BOARD of APPEALS

Chair
Lee Rosner

Members
Michael Verruto
Mark Brosnan
Jack Giannola
Alison LaPointe
Alternate Member
Tracy Stapleton
Secretary
Cindy Suarez

ZBA MINUTES

June 10, 2010

PRESENT:

Alison LaPointe (Acting Chair)
Jack Giannola
Tracy Stapleton
Mark Brosnan

ABSENT:

Mayor Margot Garant
Lee Rosner

A business meeting was held at 7:00PM in the first floor conference room at Village Hall, 121 West Broadway, Port Jefferson, N.Y. 11777.

GENERAL BUSINESS:

On a motion made by Ms. LaPointe, seconded by Mr. Giannola, the Board voted to approve the 5/13/10 ZBA minutes. Mr. Verruto abstained, he was absent on 5/13/10. Vote was 4-0.

PUBLIC HEARINGS:

- 1. Appeal No. 431-10JG
Section 12, Block 7, Lot 25.9
John J. Andrews, Esq. for James Wang c/o Eastwind Construction Corp.
322 Main Street**

Applicant is requesting an area variance from the provisions of Village code section 250-18(B) (9) (a) for a retail food establishment which is within 50' of a residential zone where 200' is required.
The property is located in the Village's C-1 zoning district.

Present: John Andrews, Esq.

Public Comments:

A. Cadicamo, 106 South St.
G. Cancamogliano, 107 South St.
Resident, 118 South St.
M. Deegan, 127 South St.
S. Swenk, 108 Prospect St. (absent – submitted letter to record).

Mr. Brosnan made a motion to close the hearing, second by Mr. Verruto, all in favor 5-0 vote.

Mr. Brosnan made a motion to deny the application as presented for the following reasons;

1. The variance requested is substantial; 50' where 200' are required is a 75% relief request.
2. It is the opinion of the Board that there will be an adverse impact on the neighborhood in the fact that it would be the first commercial retail food establishment in this area of the C-1 district.

3. It is the opinion of the Board that the difficulty was self created because the applicant put no effort to advertise the property for its permitted use with the C-1 district besides a sign in the window.
4. As agreed to by applicant there is a possibility of regular traffic in adjoining residential neighborhood.

Second by Mr. Verruto, all in favor 5-0.

2. Appeal No. 415-09JG
Section 21, Block 3, Lot 15.2
Tsunis & Gasparis LLP for Kinga Koreh
32 Overton Avenue

Applicant seeks an area variance from the provisions of section 250-27A of the code for a two lot residential subdivision. Parcel one request 13,488 sq ft where 15,000 are required, and parcel two requests 13, 267 sq ft where 15,000 sq ft are required and 98 ft of lot width where 100' is required. The property is located in the Village's RB-2 residential district.

Present: John Tsunis, Esq.

History reviewed: same application for a two lot split was in front of Planning and Zoning Boards in 2007 and granted variance. Extension granted and then expired.

The same request is in front of the Board today. Planning Board has assumed lead agency and voted on a neg dec.

Public Comment:

Michael Zigman, 6 Nicholas St.

Mr. Verruto made a motion to close the hearing, second by Mr. Brosnan, all in favor, 5-0 vote.

Mr. Giannola made a motion to grant the application request for variances as requested.
Second by Mr. Brosnan, all in favor, vote 5-0.

The meeting ended at 9:00PM.

Respectively submitted,

Cindy Suarez, Secretary to the Zoning Board of Appeals