



**INCORPORATED
VILLAGE of PORT JEFFERSON**

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

ZONING BOARD of APPEALS

Chair
Alison LaPointe

Members
Michael Verruto
Mark Brosnan
Jack Giannola
Tracy Stapleton

Secretary
Cindy Suarez

ZBA MINUTES

October 7, 2010

PRESENT:

Alison LaPointe, Chair
Tracy Stapleton
Mark Brosnan
Michael Verruto

ABSENT:

Jack Giannola

7:00PM GENERAL BUSINESS

On a motion made by Mr. Verruto, second by Ms. LaPointe, the minutes of 6/10/10 were approved, vote unanimous.

On a motion made by Mr. Brosnan, second by Ms. LaPointe, the minutes of 9/2/10 were approved, vote unanimous.

7:30PM PUBLIC HEARINGS

- 1. Appeal No. 432-10MV
Section 12, Block 8, Lot 24
Robert Brown
204 Randall Avenue
(Continued)**

Applicant seeks a Certificate of Existing Use in accordance with section 250-49(D) for an existing two story dwelling with one story cottage and detached shed. The property is located in the Village's RB-2 residential zoning district.

Present: Sal Malguarnera, Expediter

Minutes of 9/2/10 included as part of this hearing as requested by Mr. Malguarnera.

Documents submitted:

- 7/15/2010 survey by William R. Simmons III
- (5) Affidavits



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There were no public comments.

Mr. Verruto made a motion to close the hearing, second by Mr. Brosnan, vote was unanimous.

Ms. LaPointe made a motion to declare the application a Type II action as per Section 175C19 of NYS SEQRA reqs, and Section 1292A of the Village Code, second by Mr. Verruto, vote unanimous.

Mr. Brosnan made a motion to grant the CEU application for an existing two story dwelling with one story cottage and detached shed pursuant to findings of fact and conclusions of law. Second by Ms. LaPointe, vote unanimous.

**2. Appeal No. 434-10TS
Section 16, Block 2, Lot 7
Sal Malguarnera for Eric Lampard
112 Jones Avenue**

Applicant seeks a Certificate of Existing Use in accordance with section 250-49(D) for a two and a half story single family residence irregular with cellar entrance, open porch, enclosed porch, and detached garage and attached shed. The property is located in the Village's RB-2 residential zoning district.

Present: Sal Malguarnera, Expediter

Current photos of subject property submitted.

Port Jefferson Village Historic Homes book was presented.

Mr. Verruto stated that he looked at subject property.

There were no public comments.

Mr. Verruto made a motion to close the hearing, second by Mr. Brosnan, vote was unanimous.

Ms. LaPointe made a motion to declare the application a Type II action as per Section 175C19 of NYS SEQRA reqs, and Section 1292A of the Village Code, second by Mr. Verruto, vote unanimous.

Ms. Stapleton made a motion to grant the application for as CEU for a two and a half story single family residence irregular with cellar entrance, open porch, enclosed porch, and detached garage and attached shed pursuant to findings of fact and conclusions of law. Second by Mr. Brosnan, vote unanimous.



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3. Appeal No. 436-10JG

Section 9, Block 6, Lot 27

Mary Dernbach, Expediter for Karen Buxton

337 Thompson Street

Applicant seeks a Certificate of Existing Use in accordance with section 250-49(D) for an existing one and a half story single family dwelling with wood deck and detached garage. The property is located in the Village's RB-2 residential zoning district.

Present: Mary Dernbach, Expediter & Karen Buxton, Executor to the estate.

Ms. Dernbach requested to amend the request to read "one and a half single family dwelling" without the wood deck and garage.

Mr. Verruto made a motion to accept the amendment, second by Ms. Stapleton, vote unanimous.

Documents submitted:

- 1940 Brookhaven Town Assessor's Report
- 1957-1958 Town Tax Bill
- 6/9/58 House Deed
- 11/59 photo
- 9/23/10 affidavit from Barbara Aaker
- Current photographs of subject property

Public comments received by:

Jerry Delgado, 408 Thompson St., Port Jefferson
Donna McBride, 81 Glenfellow Dr., Port Jefferson Sta.
Linda Droskowski

Mr. Verruto requested an updated survey showing distances from property lines.

Mr. Brosnan made a motion to close the hearing, second by Ms. Stapleton, vote unanimous.

Ms. LaPointe made a motion to declare the application a Type II action as per Section 175C19 of NYS SEQRA reqs, and Section 1292A of the Village Code, second by Mr. Verruto, vote unanimous.



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Mr. Brosnan made a motion to grant the CEU application as amended for an existing one and a half story single family dwelling pursuant to findings of fact and conclusions of law, subject to receipt of updated survey. Second by Ms. LaPointe, vote unanimous.

**4. Appeal No. 437-10MV
Section 8, Block 2, Lot 1
Anna G. Miller
219 Grant Street**

Applicant seeks a Certificate of Existing Use in accordance with section 250-49(D) for an existing two and a half story single family dwelling with two sheds and detached garage. The property is located in the Village's RB-2 residential zoning district.

Present: Charlie Kenny, Atty. & Anna Miller, property owner

Exhibit A: 1976 House Deed
Exhibit B: July 1956 Hawkins Webb land survey
Exhibit C: 1905 circa map
Exhibit D1-D2: Affidavits
Exhibit E: 9/3/10 Hawkins Webb Jaeger current survey
Exhibit F: Current photos of subject property

Mr. Verruto made a motion to close the hearing, second by Mr. Brosnan, vote unanimous.

Ms. LaPointe made a motion to declare the application a Type II action as per Section 175C19 of NYS SEQRA reqs, and Section 1292A of the Village Code, second by Mr. Brosnan, vote unanimous.

Mr. Verruto made a motion to grant the CEU for an existing two and a half story single family dwelling with two sheds and detached garage pursuant to findings of fact and conclusions by law. Second by Mr. Brosnan, vote unanimous.

**5. Appeal No. 435-10AL
Section 12, Block 3, Lot 8
Terrence Scarlatos
240-242 East Main Street**

Applicant seeks an area variance in accordance with section 250-18B (8) (a) for a restaurant use within 200 ft of a residence district. The property is located in the Village's C-1 zoning district.

Present: Charlie Kenny, Atty. & Terrance Scarlatos, Business Owner since 2002



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Exhibit A: 9/3/10 Denial Letter
Exhibit B: 6/7/10 Letter from Village Planner
Exhibit C: 7/14/89 Site Plan information
Exhibit D1: 4/20/73 CEU
Exhibit D2: 7/14/93 CO
Exhibit E: 8/3/89 Planning Board letter
Exhibit F: Tax map
Exhibit G: 8/26/09 Operating License/Permit
Exhibit H: 12/22/98 Pasta Pasta Restaurant approved site plan
Exhibit I: 12/1/98 Pasta Pasta floor plan

Ms LaPointe read into the record 10/7/10 letter from Sandra Swenk.

Public Comments received by:

Linda Love
Alexandra Vanderkamp

Mr. Brosnan made a motion to close the hearing, second by Mr. Verruto, vote unanimous.

Ms. LaPointe made a motion to declare the application a Type II action as per Section 175C19 of NYS SEQRA reqs, and Section 1292A of the Village Code, second by Ms. Stapleton, vote unanimous.

Ms. LaPointe made a motion to grant the application for an area variance in accordance with section 250-18B (8) (a) for a restaurant use within 200 ft of a residence district pursuant to findings of fact and conclusions by law. Second by Mr. Brosnan, vote unanimous.

The meeting ended at 10:00PM.

Respectively submitted,

Cindy Suarez, Secretary to the Zoning Board of Appeals