



**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
Charles Kenny
Robert Strong
Michael Verruto
Secretary
Cindy Suarez

ZBA MINUTES

December 21, 2006

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
Charles Kenny
Michael Verruto
Jack Giannola
Valerie Kraus
Will Rau, Village Planner
Cindy Suarez, Secretary

Chairman, Lee Rosner called the meeting to order at 7:30 P.M. and called the following:

PUBLIC HEARINGS:

The secretary read the public hearing notice.

1. Appeal No. 358-06 Section 18, Block 3, Lot 8
 Victor Caroleo
 151 North Country Rd

Use variance for an accessory building located at 151 North Country Road in Port Jefferson's RB-2 zoning district. The applicant seeks to reinstate commercial use.

Owner, Victor Caroleo was present, represented by Attorney, John J. LaValle.

Mr. LaValle presented an affidavit from Ronald J. Green, confirming that he is the administrator of the estate of Wanda Remski who sold the property to Mr. Caroleo.

Mr. LaValle also presented proof of financial hardship for Mr. Caroleo and a written summary of requests from the applicant.

The building was used as a commercial office since 1927. It had been a real estate agency since 1957.

Mr. LaValle argued that the change of the code made this a non-conforming use. This is a right that runs with the land and the hardship resulted from incorporation of the Village.

Charles Kenny stated that the client purchased the property within the last year knowing the use.

Lee Rosner stated that the applicant purchased the property with knowledge of the pre-existing non-conforming use. He would like a testimony or affidavit from Mr. Angelo Nicosia, engineer, who had last occupied the office.

Michael Cerrito asked the applicant if he would like to seek an interpretation of the code instead of seeking a use variance.

Mr. LaValle would like to move forward with the use variance, he believes it is the applicant's vested right.

The Board members reviewed the property file and the open building permit for the renovations and tree clearing.

Mr. LaValle stated that general remodeling does not require a permit. If the Board were requesting one, then this would constitute an automatic recognition of the commercial use.

Lee Rosner stated that the single-family residence does not have a garage. The office building looks like it could be converted to a garage.

Mr. LaValle showed a picture of the front building and explained that the roof would have to be raised to pull a car in. It is only 6 ½' tall. He also stated that Mr. Caroleo planted 35 Arbivatae trees on his own to show good faith with his neighbors who objected to the tree clearing.

The chairman opened up the floor to the public.

Mr. John Barci, resident since 1968 showed photographs that he had taken of the subject property which were put into the record as exhibits A & B. He is concerned that if the front building is a commercial use that the rear building will also become a commercial use.

John & Carol Udavich, residents of 27 years, stated concerns about possible rental use.

Mr. LaValle told the Board members that the applicant is willing to accept an approval with restricted conditions.

Lee Rosner questioned the adequacy of the parking. Mr. Lavallo stated that there is a minimum of five parking spaces.

Lee Rosner made a motion to close the public hearing, Michael Verruto seconded the motion, and all in favor, aye, and the vote was 5-0.

DISCUSSION:

- | | |
|----------------------|-----------------------------|
| 2. Appeal No. 331-05 | Section 3, Block 2, Lot 2,3 |
| (Discussion) | Oliver Schepers |
| Mike Verutto | 17 Old Homestead Rd |



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Area variance to build a single-family residence on a proposed subdivision of land on two tax parcels totaling one acre.

Present were Mr. & Mrs. Moylan

Both parties agreed that a new application should be submitted to be on the agenda for the January 18, 2007 public hearing.

The meeting was closed at 9:00PM.

Cindy Suarez
Secretary Zoning Board of Appeals