



# ZONING BOARD OF APPEALS APPLICATION

## AREA VARIANCE

236 Third Street, Greenport, New York, 11944

(631) 477-0248

[www.villageofgreenport.org](http://www.villageofgreenport.org)

Date of Application 4/22/21

All information below is to be completed by the applicant. This completed application is to be accompanied by the Notice of Disapproval, Copies of Covenants and/or Restrictions, where applicable, Environmental Assessment Form, building plans showing elevations, setbacks, floor plans, room dimensions, details of footings and foundation, and species of lumber and quality of material, where applicable.

### THE OWNER OF THE PROPERTY IS: (PLEASE PRINT CLEARLY)

John Winkler  
First Name Last Name Business Name, if applicable

[REDACTED]  
Mailing Address City/ Town/ Village State Zip

[REDACTED] [REDACTED]  
Phone # E-Mail Address

### CONTACT PERSON (if different from owner)

*The person to receive all correspondence:*

\_\_\_\_\_  
First Name Last Name Business Name, if applicable

\_\_\_\_\_  
Mailing Address City/ Town/ Village State Zip

\_\_\_\_\_  
Phone # E-Mail Address

**IF ANYONE OTHER THAN THE OWNER COMPLETES THIS APPLICATION, WRITTEN CONSENT FROM THE OWNER MUST BE SUBMITTED WITH THIS APPLICATION.**

### Location:

Suffolk County Tax Map Number: 1001 Section: 7 Block: 4 Lot 18

Street Address: 175 5th Street Greenport, New York, 11944

Zoning District:  WC  R1  R2  PD  CR  CG

Is property located within the Historic District?  Yes  No



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The Code Official reviewed and denied an application dated April 5, 2021 for a Building Permit for the location specified on this application.

**Provisions of the Zoning Code appealed:**

(Indicate Article, Section and Subsection of Zoning Code by numbers)

Article: District Regulations Section: 150 - 12 Subsection: \_\_\_\_\_

**Type of appeal made for:**

A Variance to the Zoning Code or Zoning Map.

An interpretation of the Village Code Article: \_\_\_\_\_ Section: \_\_\_\_\_ Subsection: \_\_\_\_\_

Has a prior appeal been made at any time with respect to this property?  Yes  No  I Don't Know

If yes, please provide the date appeal was made: \_\_\_\_\_.

**Project Description:**

**For Demolition of Existing Building Areas:**

Please describe area being removed:

none

**New Construction Areas (New Dwelling or New Addition/Extensions)**

Dimensions of First Floor (Addition/Extension): 4' x 14'-4" (Stair well)

Dimensions of Second Floor: 0

Height (from finished grade to top of ridge): 32 - Feet, 0 - Inches (As existing)

Is basement or lowest floor area being constructed?  Yes  No

If yes, please provide height (above ground) measured from natural existing grade to first floor:

1 - Feet, 6 - Inches.

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#### **Project Description: (CONTINUED)**

#### **Proposed Construction Description: (Alteration or Structural Changes)**

Number of floors BEFORE alterations: 3

Describe General Characteristics BEFORE alterations:

Residential Structure w/ partial basement

Number of floors AFTER Alterations: 3

Describe General Characteristics AFTER alterations:

Residential Structure w/ Full basement and exterior entrance

#### **Calculations of Building Areas and Lot Coverage:**

Existing Square Footage of Building(s) on this property: 1782 SF

Proposed Increase in Building Coverage: 58 SF

Square Footage of this Lot: 5707 SF

Percentage of Coverage of this Lot by Building Area: 32 %

\* Current coverage = 31.2% (Increase of (.8%))

#### **Purpose of New Construction:**

Please describe:

Install Exterior Staircase to Basement.

Staircase to start at existing grade and be enclosed with safety railing.

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#### Area Variance Reasons for Appeal:

Please answer in detail. *Additional sheets may be submitted with preparers signature.*

**Will an undesirable change occur in the characteristics of the neighborhood or will a detriment to nearby properties be created by the granting of this area variance?**

No - new staircase is not visible as it is below grade.  
The safety railing will look like the existing porch. No negative aspects will be created.

**Can the benefit sought by the Applicant be achieved by another method, feasible for the Applicant to pursue, other than an Area Variance?**

No - new staircase cannot be positioned on any other side of house. Staircase needed for safety egress from basement

**Is the requested Area Variance substantial?**

No - the increased coverage is less than 1% and the staircase is located to minimize its size. It is also positioned as far as possible from neighboring property.

**Will the requested Area Variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?**

No - The location of the stair is well inside the owners property. The visual impact is minimal as the installation is below grade. NO environmental aspects exist.

**Was the alleged difficulty self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the Area Variance?**

No - The structure was constructed pre-1900. The concept of yard setbacks was imposed after the building was positioned on the lot.

**Are there Covenants or Restrictions concerning this land?**  Yes  No

*If yes, please furnish copies.*

MAY 05 2021



**Village of Greenport Building Department**

236 Third Street, Greenport, New York 11944

OFFICE: 631.477.0248 / FAX: 631.477.1877

**AMENDED NOTICE OF DISAPPROVAL**

Date: May 4, 2021

To: Nick Mazzaferro  
PO Box 57  
Greenport, New York 11944

PLEASE TAKE NOTICE that your application dated March 24, 2021 - to make alterations, including a new ingress/egress staircase to a the property located at 175 Fifth Street, is returned herewith and disapproved on the following grounds:

**1. Combined Yard Setback Requirements.**

150-12 District Regulations:

*One-Family dwelling: Combined Yard Setbacks: 25-feet. (R-2)*

The plans show the south-side yard setback is 21-feet, 2-inches.

The plans show the north-side yard setback is 2-feet, 3-inches.

The total proposed combined yard setback is 23-feet, 5-inches.

The minimum combined yard setback is 25-feet.

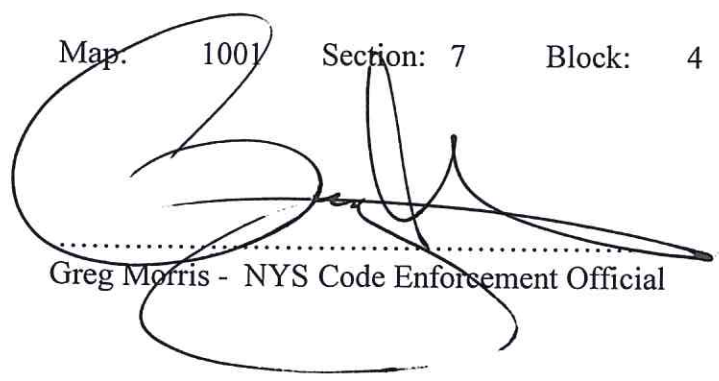
This would require an area variance of 1-foot, 7-inches.

**This application is therefore denied, requiring the above-mentioned area variance.**

The premise to which this application applies to is located at:  
175 Fifth Street, Greenport, New York 11944.

This property is located in the R-2 District. This Property is not located in the Historic District.

Map: 1001 Section: 7 Block: 4 Lot(s): 18

  
Greg Morris - NYS Code Enforcement Official

5/4/2021

Date

MAY 05 2021

617.20  
Appendix B  
Short Environmental Assessment Form

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <i>John Winkler - Residence</i>			
Project Location (describe, and attach a location map): <i>175 - 5<sup>th</sup> Street - Greenport, NY 11944</i>			
Brief Description of Proposed Action: <i>- Construct Exterior Access Stairway to Basement. - Provide proper egress for basement.</i>			
Name of Applicant or Sponsor: <i>John Winkler (owner)</i>		Telephone: [REDACTED]	E-Mail: [REDACTED]
Address: [REDACTED]			
City/PO: [REDACTED]	State: [REDACTED]	Zip Code: [REDACTED]	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
<i>Village of Greenport - Building Permit</i>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>.13</i> acres	
b. Total acreage to be physically disturbed?		<i>.0053</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>.13</i> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	NO	YES <input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	NO	YES <input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	NO	YES <input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	NO	YES <input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input type="checkbox"/>	NO	YES <input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	NO	YES <input checked="" type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	NO	YES <input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>	NO	YES <input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>	NO	YES <input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	NO	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	NO	YES <input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: _____ Date: _____		
Signature: _____		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>



	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

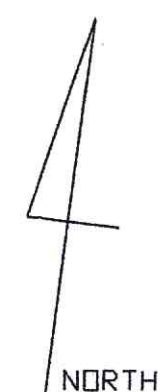
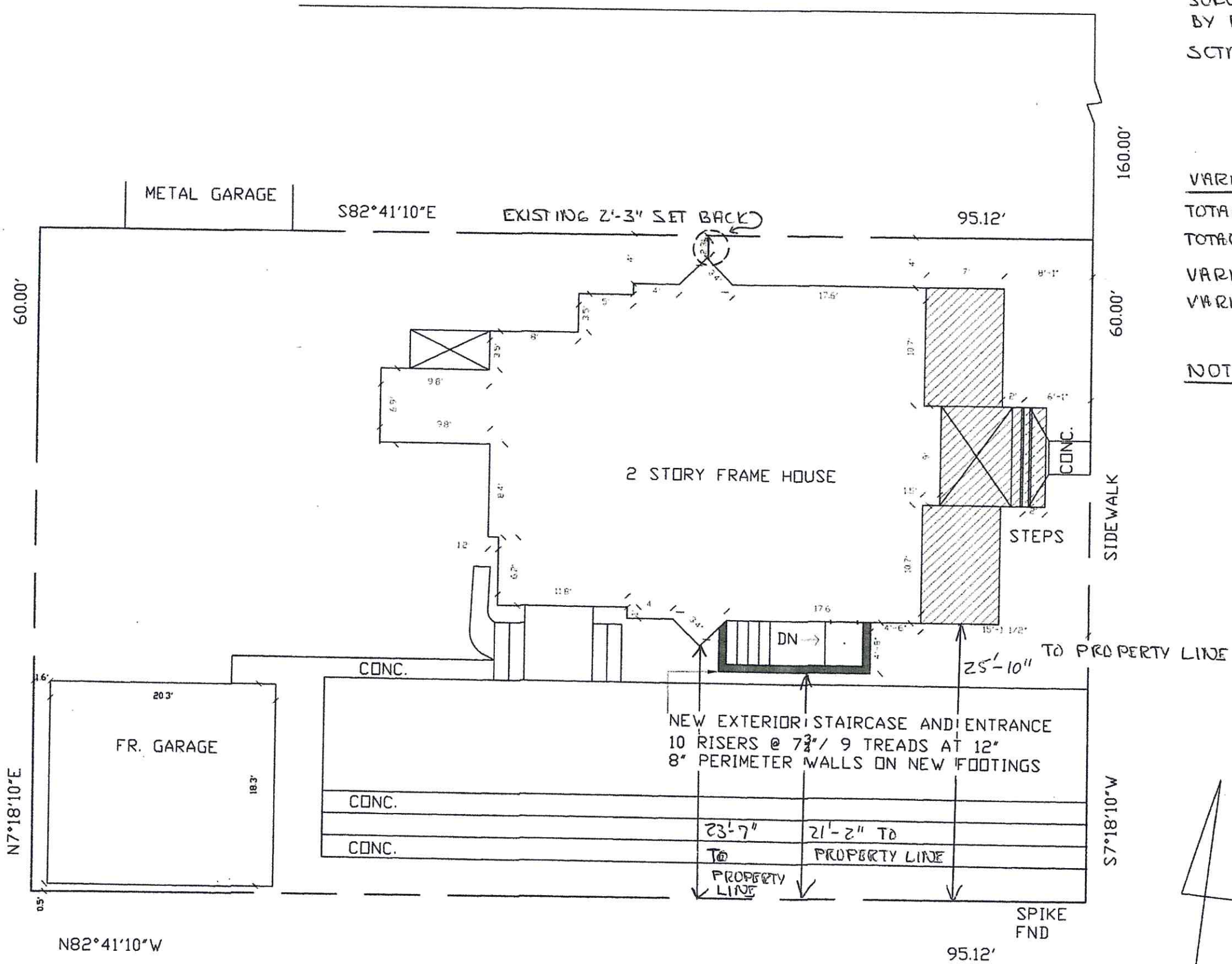
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

SURVEY INFO FROM:  
 SURVEY DATED JULY 22, 2004  
 BY PECONIC SURVEYORS, P.C.  
 SCTM # - 1001-07-04-18

VARIANCE INFO:  
 TOTAL SET BACK - SIDE YARDS - CURRENT = 25'-10"  
 TOTAL SET BACK - SIDE YARDS - PROPOSED = 23'-5"  
 VARIANCE REQUESTED FROM 25'-0" REQ.  
 VARIANCE AMOUNT = 1'-7"

NOTE - LOT AND STRUCTURE ESTABLISHED  
 PRIOR TO ZONING REGULATIONS.

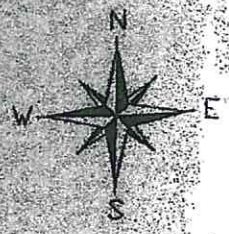


MAY 05 2021

#	ISSUE / REVISION	DATE
1	FOR PERMIT	
2		
3		
4		

N.J. MAZZAFERRO, P.E. PROFESSIONAL ENGINEER P.O. BOX 57, GREENPORT NY, 11944 <small>516.457.5576   EMAIL: nmaz@nyc.com</small>		DRAWN BY: AIS 03.19.21 SCALE: 1"=10'
SITE PLAN		SHEET NO: <b>A-1</b>
175 5TH STREET GREENPORT, NY 11944		



N / O / F LAND OF GRATTIN & QUILLIN

METAL GARAGE

$S82^{\circ}41'10''E$

N / O / F R.A.L. DEHAVONON

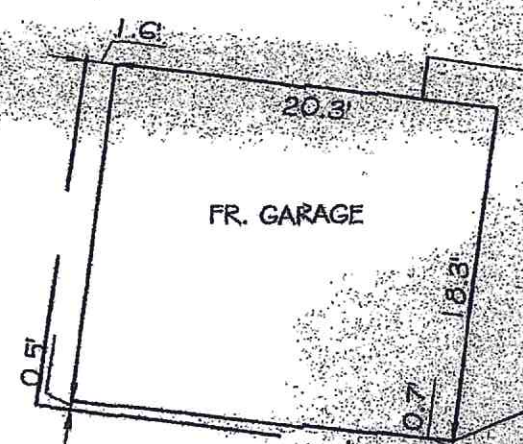
60.00'

160.00'

60.00'

95.12'

$N7^{\circ}18'10''E$



2 STORY FRAME HOUSE



SIDEWALK

SPIKE FND

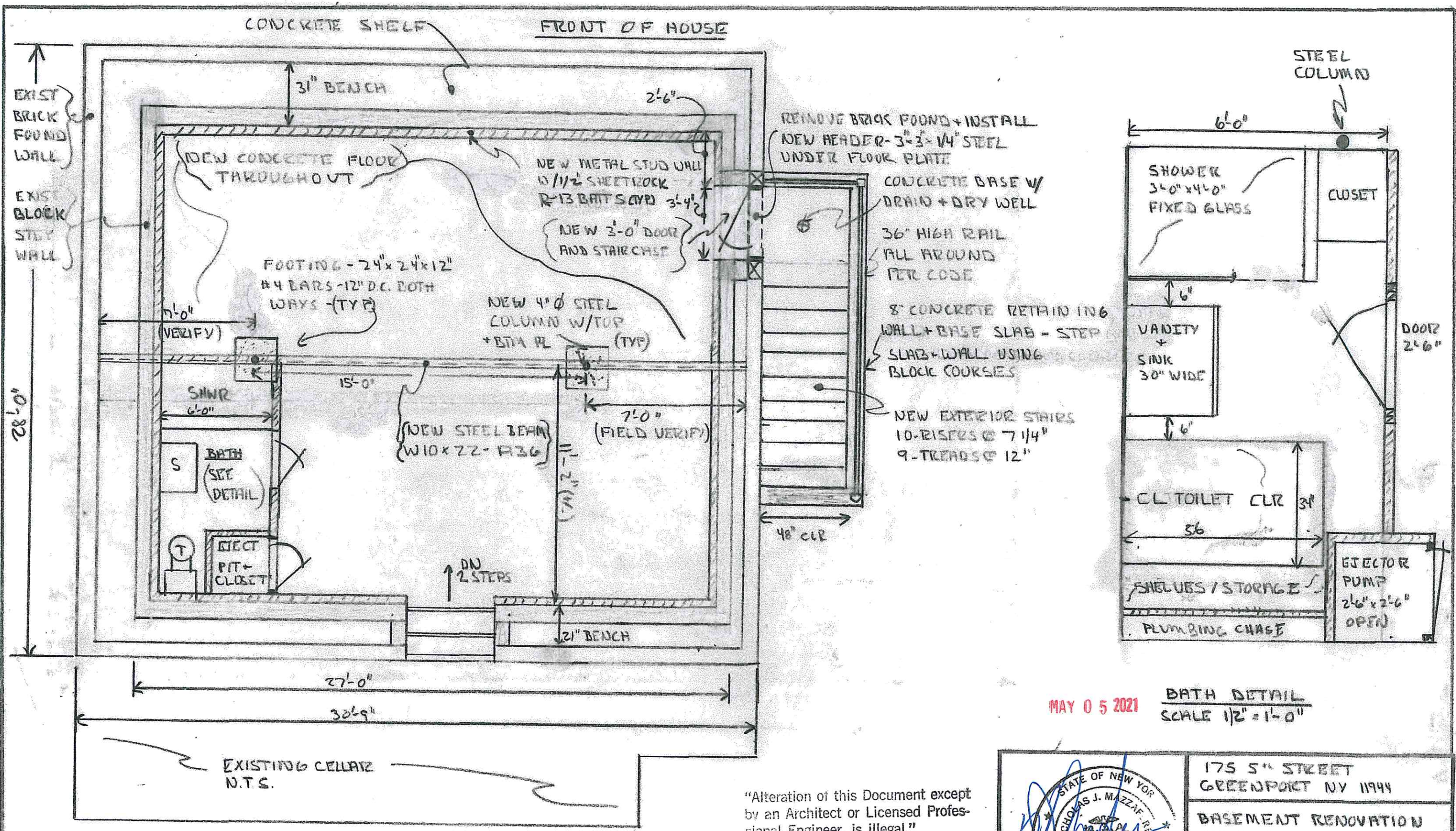
BASED ON  
SURVEY OF PROPERTY  
AT GREENPORT  
TOWN OF SOUTHOLD  
SUFFOLK COUNTY, N.Y.  
1001 - 07 - 04 - 18  
JULY 22, 2004  
SURVEYED BY  
PECONIC SURVETORS, P.C.

$N82^{\circ}41'10''W$

$S7^{\circ}18'00''W$  MAY 0 5 2021

P. & M. FRIED

95



EXIST BRICK FOUND WALL

EXIST BLOCK STEP WALL

28'-0"

30'-9"

BATH (SEE DETAIL)

EJECT PIT + CLOSET

EXISTING CELLAR N.T.S.

**PLAN - BASEMENT**  
SCALE 1/4" = 1'-0"

FRONT OF HOUSE

CONCRETE SHELF

3" BENCH

NEW CONCRETE FLOOR THROUGHOUT

NEW METAL STUD WALL  
1 1/2 SHEETROCK  
R-13 BATS CAV 3'-4 1/2"

NEW 3'-0" DOOR AND STAIRCASE

FOOTING - 24" x 24" x 12"  
#4 BARS - 12" O.C. BOTH WAYS (TYP)

NEW 4" Ø STEEL COLUMN W/TOP + BASE PL (TYP)

NEW STEEL BEAM W10 x 22 - F136

7'-0" (FIELD VERIFY)

DN 2 STEPS

21" BENCH

REMOVE BRICK FOUND + INSTALL NEW HEADER - 3" x 3" x 1/4" STEEL UNDER FLOOR PLATE

CONCRETE BASE W/ DRAIN + DRY WELL

36" HIGH RAIL ALL AROUND PER CODE

8" CONCRETE RETAINING WALL + BASE SLAB - STEP SLAB + WALL USING BLOCK COURSES

NEW EXTERIOR STAIRS  
10 - RISERS @ 7 1/4"  
9 - TREADS @ 12"

48" CLR

STEEL COLUMN

6'-0"

SHOWER 3'-0" x 4'-0" FIXED GLASS

CLOSET

VANITY + SINK 30" WIDE

DOOR 2'-6"

CL TOILET CLR 3'

56

SHELVES / STORAGE

EJECTOR PUMP 2'-6" x 2'-6" OPEN

PLUMBING CHASE

MAY 05 2021

**BATH DETAIL**  
SCALE 1/2" = 1'-0"

"Alteration of this Document except by an Architect or Licensed Professional Engineer, is illegal."  
Section 7209, Subdivision 2,  
N. Y. State Education Law,



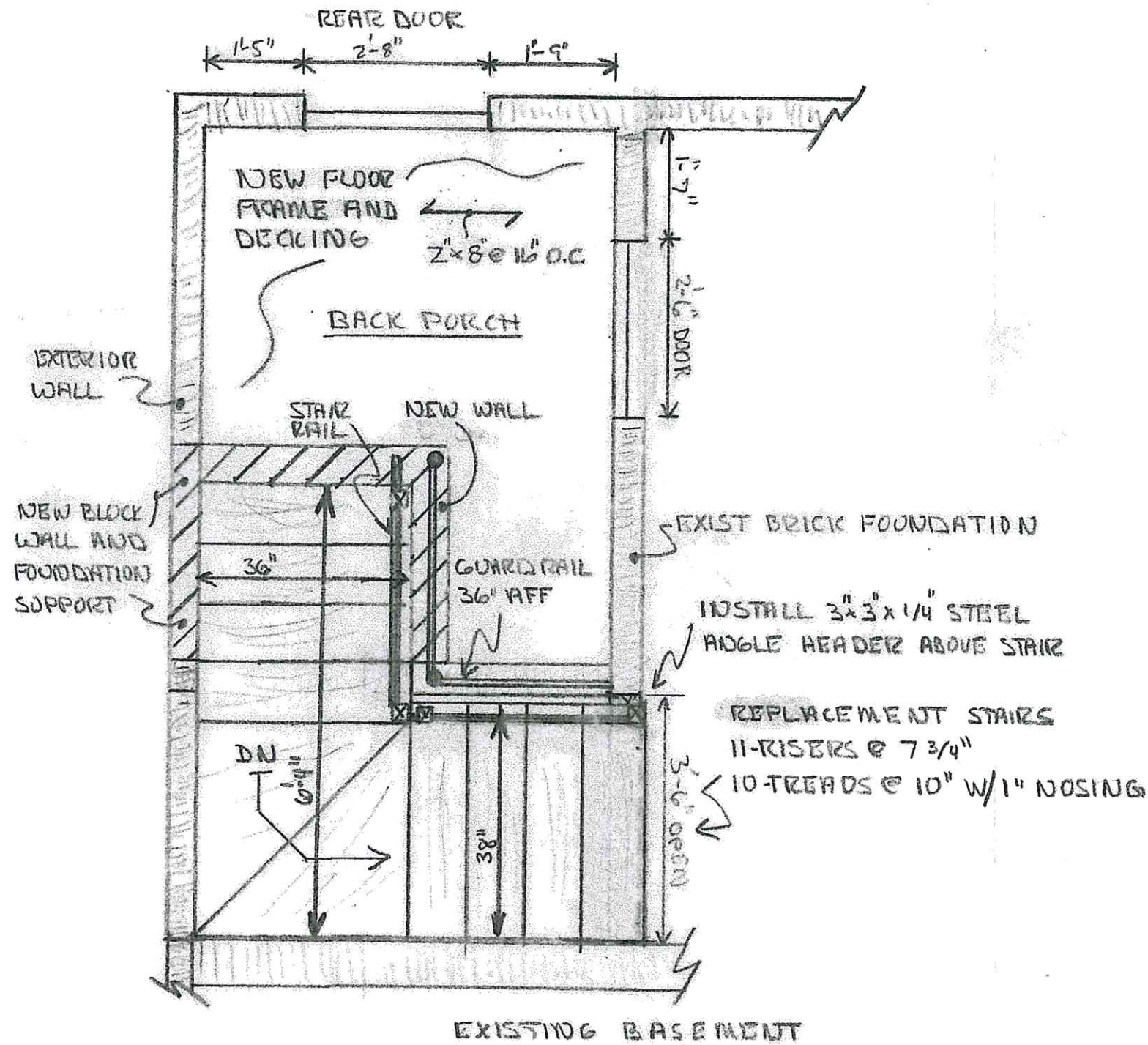
175 5<sup>th</sup> STREET  
GREENPORT NY 11944

BASEMENT RENOVATION

Date 2/24/21 Sheet 1 of 2

**N.J. MAZZAFERRO, PE**

PO Box 57, Greenport, NY 11944



REAR ENTRY PLAN  
SCALE 1/2" = 1'-0"

**General Notes:**

- 1- Occupancy and Use to remain as currently approved.
- 2- No changes to the Building Perimeter or Exterior Walls.
- 3- All Doors and Windows to remain in current condition.

**Scope of Work – Staircase Replacement :**

- 1 – Remove Existing Floor and Frame
- 2 – Brace Existing Structure as needed
- 3 – Excavate Existing Crawl Space to create room for new Staircase
- 4 – Demolish and Remove Existing Brick Wall to create room for new Staircase
- 5 – Install New Stepped Concrete Footing, Block Wall and Bottom Slab
- 6 – Prepare Crawl Space Floor Grade – level as required and compact
- 7 – Install New Concrete Slab in Crawl Space
- 8 – Install New Floor joists and Decking
- 9 – Install New Staircase – See Plan for Details
- 10 – Install New Stair Handrails and Guards Rails per Code
- 11 – Finish Staircase and Porch Interior per Owners Direction

"Alteration of this Document except by an Architect or Licensed Professional Engineer, is illegal."  
Section 7209, Subdivision 2,  
N. Y. State Education Law.

MAY 05 2021



175 5<sup>TH</sup> STREET  
GREENPORT NY 11944

STAIRCASE REPLACEMENT

Date 2/24/21 Sheet 2 of 2

N.J. MAZZAFERRO, PE  
PO Box 57, Greenport, NY 11944