



**VILLAGE OF GREENPORT – ZONING BOARD OF APPEALS  
PUBLIC HEARINGS AND REGULAR MEETING**

**July 17, 2013 - 5:00 PM**

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**PUBLIC HEARINGS:**

**Hearing #1:** Continuation of Public Hearing for Arden Scott, 301 Atlantic Avenue, SCTM # 1001-2-2-14. The applicant seeks a permit to construct an addition to an existing nonconforming building where:

The proposed addition is 15.0' from the east property line requiring a 15' Front yard area variance, where Section 150-12A. of the Village of Greenport Code requires a 30' front yard setback.

[Section 150-21.1A; A nonconforming building containing a nonconforming use shall not be enlarged, reconstructed, structurally altered or moved, unless such building is changed to a conforming use.]

**Hearing #2:** Public Hearing for John Costello, 102 Broad Street, SCTM #1001-02-05-0292. The applicant proposes to build a second story addition to an existing 3 car garage for an artist studio.

The height of the proposed second floor is 20'6", requiring a 5'6" height variance. Section 150-13A (1.)(a.) of the Village of Greenport code limits the height of accessory buildings to 15 feet.

The proposed location of the stair to the second floor is located 1'0" from the West property line, requiring a 4'0" side yard setback area variance. Section 150-13A(1.) (b.) of the Village of Greenport code requires a minimum of 5' from any lot line.

**Hearing #3:** Public Hearing for Richard Ward, 718 Main Street, SCTM #1001-2-3-5. The property is located in the R-1 District.

The applicant proposes to construct a second residential unit in an existing one family house in the R-1 District. Section 150-7 does not permit any building to be used, in whole or in part, for any use except one family detached, not to exceed one dwelling on each lot.

**REGULAR MEETING AGENDA:**

**Item # 1:** Discussion and possible action on an application for an area variance for Arden Scott, 301 Atlantic Avenue, SCTM # 1001-2-2-14. The applicant seeks a permit to construct an addition to an existing non-conforming building where an insufficient front yard is proposed (2<sup>nd</sup> front yard on a corner lot).

The proposed addition is 15.0' from the east property line requiring a 15' Front yard area variance, where Section 150-12A. of the Village of Greenport Code requires a 30' front yard setback. (Section 150-13 B.(2) Corner Lots)

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**Item # 1: (continued)**

[Section 150-21.1A; A nonconforming building containing a nonconforming use shall not be enlarged, reconstructed, structurally altered or moved, unless such building is changed to a conforming use.]

*A reference to Section 150-21A for comparison:*

A "**nonconforming building with conforming use**" is any building which does contain a use permitted in the district in which it is located but does not conform to the district regulations for: lot area, width or depth; front, side or rear yards; maximum height; lot coverage; or minimum livable floor area per dwelling unit. Such building shall have been legally existing prior to the effective date of this chapter or any amendment thereto.

A. Nothing in this Article shall be deemed to prevent normal maintenance and repair, structural alteration, moving, reconstruction or enlargement of a nonconforming building, provided that such action does not increase the degree of or create any new noncompliance with regards to the regulations pertaining to such buildings.

**Item #2:** Discussion and possible action on an application for John Costello, 102 Broad Street, SCTM #1001-02-05-0292. The applicant proposes to build a second story addition to an existing 3 car garage for an artist studio.

The height of the proposed second floor is 20'6", requiring a 5'6" height variance. Section 150-13A (1.)(a.) of the Village of Greenport code limits the height of accessory buildings to 15 feet.

The proposed location of the stair to the second floor is located 1'0" from the West property line, requiring a 4'0" side yard setback area variance. Section 150-13A(1.)(b.) of the Village of Greenport code requires a minimum of 5' from any lot line.

**Item #3:** Discussion and possible action on an application for Richard Ward, 718 Main Street, SCTM #1001-2-3-5. The property is located in the R-1 District.

The applicant proposes to construct a second residential unit in an existing one family house in the R-1 District. Section 150-7 does not permit any building to be used, in whole or in part, for any use except one family detached, not to exceed one dwelling on each lot.

**Item #4:** Motion to accept an application for a use variance, schedule a site visit and schedule a Public Hearing for Margaret and Anthony McDonald 629 Main Street, SCTM # 1001-2-6-50, located in the R-2 District.

The applicants seek a building permit to construct a second residential unit in the R-2 District. Article IV, Section 150-8. One and Two-Family Residential District, states: In a Two Family Residential District, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part, for any purpose except a Two-family dwelling.

**Item #5:** Motion to provisionally accept an application for an area variance, administratively forwarded from the Planning Board and pending official vote of the Planning Board, to schedule a site visit and to schedule a Public Hearing. The applicant, James Olinkiewicz, is seeking Planning Board approval of a subdivision which requires ZBA variances for a property located at 221 Fifth Avenue, Greenport, NY, SCTM # 1001-4-4-29.

The applicant seeks to subdivide the property into 2 new lots and construct a new 2 family residence on one new lot requiring Area Variances as follows:

Lot 1:

- The proposed subdivision creates lot 1 which is 6,587 sq. ft. where section 150-12 (A) requires a min. lot size of 7,500 sq. ft., requiring a variance of 913 sq. ft.
- The proposed lot width is 47.82 ft. where section 150-12 (A) requires a min. lot width of 60 ft., requiring a variance of 12.18 ft.
- The combined side yard setback for the proposed new construction is 22', requiring a 3' combined side yard area variance. Section 150-12 A. of the Village of Greenport Code requires a 25' combined side yard setback.

Lot 2:

- The proposed lot width is 52.35 ft. where section 150-12(A) requires a min. lot width of 60 ft., requiring a variance 7.65 ft.
- The proposed combined side yard is 17.9 ft. where section 150-12(A) requires a combined yard setback of 25', requiring a variance of the 7.10 feet.

**Item #6:** Motion to approve the Findings, Determination and Decision Document approving a variance for James and Carol Kalin, 323 Sixth Street, SCTM # 1001-6-5-2. The applicant proposed to construct an addition to an existing nonconforming dwelling.

**Item #7:** Motion to approve the Findings, Determination and Decision Document approving a variance for David Glaser, Second Street, SCTM # 1001-4-2-35.2. The applicant proposed to construct a new one family dwelling.

**Item #8:** Motion to approve the Findings, Determination and Decision Document approving a variance for Nancy Louise Pope, 8 Beach Road, Greenport, NY, SCTM # 1001-3-3-32 to construct an addition to the existing nonconforming building.

**Item #9:** Motion to accept the ZBA minutes for June 19, 2013.

**Item #10:** Motion to approve the ZBA minutes for May 14, 2013.

**Item #11:** Motion to schedule the next regular ZBA meeting for August 21, 2013.

**Item #12:** Motion to Adjourn.