



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

May 17, 2016 - 6:00 PM

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PUBLIC HEARINGS

Item # 1. Public hearing for an area variance, James Gleason, 144 Central Avenue; SCTM # 1001-5.-1-16.1. The applicant proposes to install an in-ground swimming pool and a single story addition with deck above. The proposed addition is to replace an existing covered porch and existing exterior cellar door.

1. Section 150-7c.(3a) of the Village of Greenport code requires the edge of the pool shall be kept a distance of not less than 20 ft. from all property lines, in the R-2 District.

The proposed swimming pool setback is 11.2 ft. on the north property line, requiring an area variance of 8.8 ft.

2. Section 150-7c.(3a) of the Village of Greenport code requires the edge of the pool shall be kept a distance of not less than 20 ft. from all property lines, in the R-2 District.

The proposed swimming pool setback is 8.2 ft. on the west property line, requiring an area variance of 11.8 ft.

3. Section 150-12 A. of the Village of Greenport code requires a 25 ft. combined side yard setback in the R-2 District.

The proposed aggregate side yard setback is 12.7 ft. requiring a 12.3 ft. combined side yard variance due to the location of the existing house.

This house is located within the Historic District. Plans were reviewed by the Historic Preservation Commission: plans for all proposed exterior changes and materials were approved with the exception of the metal porch roof. The application was approved at the May 2, 2016 meeting of the Historic Preservation Commission.

Item # 2. Continued public hearing and ZBA determinations on requested interpretations of the Code.

Continued Public hearing on the application for of SAKD Holdings LLC, Daniel Pennessi, President. The property is located on the south east corner of Front Street and Third Street, Greenport, New York 11944, SCTM # 1001-5-4-5. The Applicant proposes to construct a new, mixed use, three-story building, having an 80 seat restaurant, and 715 sq. ft. of retail use, on the ground floor, and hotel uses for 16 units on the second and third floors, as well as a roof deck. The proposed uses are conditional uses under Greenport Village Code Sections 150-11(b)(1), (2) and (3). The property is located in the WC – Waterfront Commercial District. The property is not located in the Greenport Village Historic District.

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Requested Interpretations

1. Interpretation regarding lot coverage. [*Withdrawn by request of the applicant.*]

The applicant is requesting an interpretation of Section 150-12(B) of the Greenport Village Code to determine whether the proposed improvements require a variance from the bulk regulations set forth in said Section since according to the applicant, the Project's plans included in the Variance Application indicate that the lot coverage (inclusive of the building, entrance, and ADA-accessible ramp) total 38.6% of the lot (3,414 square feet of coverage/8,834.24 total square feet of lot area), and the Village Code requires a maximum lot coverage of 40%.

2. Interpretation regarding off street parking requirements.

(i) The applicant requests an interpretation of Section 150-12(C) of the Greenport Village Code to determine whether the Project is exempt from the off-street parking requirements in accordance with that Greenport Village Code Section. [*Motion on interpretation did not carry by 2:2 vote. Discussion to continue at May 17, 2016 ZBA meeting.*]

(ii) The applicant requests an interpretation of Section 150-16(A)(1) of the Greenport Village Code to determine whether the Project and/or Property are/is exempt from off-street parking requirements and from payments in lieu thereof in accordance with that Village Code Section. [*Applicant requested to defer interpretation decision to May 17, 2016 ZBA meeting.*]

3. Interpretation regarding requirement for loading berth. [*ZBA determined 4:0 loading berths were required for the proposed property use according to Sec. 150-16 (B) (c).*]

Applicant requested an interpretation of Section 150-16(B)(e) of the Greenport Village Code to determine whether one off-street loading berth is required for a hotel having 8,787 square feet of floor area when the Greenport Village Code requires "one berth for each 25,000 square feet of floor area".

4. Interpretation regarding height limitation.

Applicant requests an interpretation of Section 150-12 of the Greenport Village Code to determine whether the definition of "height" set forth therein, which is "the vertical distance measured from the average elevation of the crown of the road to the highest point on the roof" includes a parapet wall, mechanical equipment, roof deck, safety fencing and trellis, and/or stairwell and/or elevator bulkhead and shafts. [*ZBA determined 3:1 the building height includes a parapet wall, mechanical equipment, roof deck, safety fencing and trellis, and/or stairwell and/or elevator bulkhead and shafts according to Sec. 150-12 B.*]

Item # 2. Continued public hearing on Area Variances sought by SAKD Holdings LLC, Daniel Pennessi, President.

The property is located on the south east corner of Front Street and Third Street, Greenport, New York 11944, SCTM # 1001-5-4-5.

The variance appeals are listed in the **REGULAR MEETING** section of the agenda under **Item #2.**



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REGULAR MEETING

Item # 1. Discussion and possible action on the application for area variances for James Gleason, 144 Central Avenue; SCTM # 1001-5.-1-16.1. The applicant proposes to install an in-ground swimming pool and a single story addition with deck above. The proposed addition is to replace an existing covered porch and existing exterior cellar door.

1. Section 150-7c.(3a) of the Village of Greenport code requires the edge of the pool shall be kept a distance of not less than 20 ft. from all property lines, in the R-2 District.

The proposed swimming pool setback is 11.2 ft. on the north property line, requiring an area variance of 8.8 ft.

2. Section 150-7c.(3a) of the Village of Greenport code requires the edge of the pool shall be kept a distance of not less than 20 ft. from all property lines, in the R-2 District.

The proposed swimming pool setback is 8.2 ft. on the west property line, requiring an area variance of 11.8 ft.

3. Section 150-12 A. of the Village of Greenport code requires a 25 ft. combined side yard setback in the R-2 District.

The proposed aggregate side yard setback is 12.7 ft. requiring a 12.3 ft. combined side yard variance due to the location of the existing house.

This house is located within the Historic District. Plans were reviewed by the Historic Preservation Commission: plans for all proposed exterior changes and materials were approved with the exception of the metal porch roof. The applicant and Board member will continue the discussion at the May meeting.

Item # 2. Discussion and possible action on the application for of SAKD Holdings LLC, Daniel Pennesi, President. The property is located on the south east corner of Front Street and Third Street, Greenport, New York 11944, SCTM # 1001-5-4-5. The Applicant proposes to construct a new, mixed use, three-story building, having an 80 seat restaurant, and 715 sq. ft. of retail use, on the ground floor, and hotel uses for 16 units on the second and third floors, as well as a roof deck. The proposed uses are conditional uses under Greenport Village Code Sections 150-11(b)(1), (2) and (3). The property is located in the WC – Waterfront Commercial District. The property is not located in the Greenport Village Historic District.

Requested Variances

1. The applicant requests a lot coverage variance of 590 square feet, or 6% in that the proposed building construction has a lot coverage of 4,123 square feet representing 46% of the lot, requiring a variance of the maximum lot coverage limitations of 590 sq. ft., or 6%, of the total area of the lot (8,834.2 sq. ft.). Section 150-12B of the Village of Greenport Code requires maximum lot coverage of 40% (3,533 sq. ft.) in the WC-Waterfront Commercial district.



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2. Front yard setback variance of 6 feet for wood trellises on Third Street.

Section 150-12(B) of the Greenport Village Code requires a front yard setback of 6 feet in the WC Waterfront Commercial District. The applicant proposes overhead wood trellises on the west property line, along Third Street (which is a front yard in accordance with the Greenport Village Code), that are proposed to be built to the property line. The applicant therefore requests front yard setback variance of 6 feet for the overhead wood trellises proposed along Third Street.

3. Front yard setback variance of 1.3 feet for front steps on Front and Third Streets.

Section 150-12(B) of the Greenport Village Code requires a front yard setback of 6 feet in the WC - Waterfront Commercial District. The applicant proposes front entrance steps at the intersection of Front and Third Streets that have a front yard setback of 4.7 feet. The applicant therefore requests a front yard setback variance of 1.3 feet for the front steps at the intersection of Front and Third Streets.

4. Front Yard setback variance of 2.42 feet for raised outdoor dining area on Front Street.

Section 150-14(C) of the Greenport Village Code requires a front yard setback of that is equal to the average front yard setback of two existing nonresidential buildings with the greatest front yard setback within 200 feet on each side and that are on the same side of the street, and within the same block and the same district as the proposed nonresidential building, and the average, which is the required front yard setback, is 2.42 feet. The proposed raised outdoor dining area (on the Front Street or north property line which is a front yard pursuant to Greenport Village Code, and the applicant proposes a front yard setback of "0" feet, requiring a front yard setback variance of 2.42 feet.

5. Variance of 24 spaces from parking space requirement.

In the event that the Zoning Board of Appeals determines in its consideration of the interpretation of the application of the off-street parking requirement requested by the applicant that the project is not exempt from the off-street parking requirement of Section 150-16(A)(1) of the Greenport Village Code, then the applicant requests a variance of the off street parking requirement of Section 150-16(A)(1) of the Greenport Village Code. The proposed mixed use building proposed 12 parking spaces. Section 150-16A.(1) of the Village of Greenport Code requires 36 parking space based on square footage calculations and requirements for hotel occupancy requiring a variance of 24 parking spaces of the parking space requirement of Section 150-16(A)(1) of the Greenport Village Code.

6. Variance from requirement of an off-street loading berth.

The applicant is requesting a variance of the requirement for one off-street loading berth in that the proposed building does not provide for an off-street loading berth and Section 150-16 B.(c) of the Village of Greenport Code requires one off-street loading berth for each 8,000 to 25,000 sq. ft. of floor area requiring a variance of 1 loading berth.



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7. Height variance of 12.0 feet.

The applicant requests a height variance of 12' where Section 150-12B of the Greenport Village Code limits the height of buildings to 2 stories or 35 feet, and the proposed building height is 47'0", based on the height of the elevator bulkhead located on the roof, requiring a height variance of 12'0".

8. Height variance for third story

A height variance for a three story building where Section 150-12B of the Greenport Village Code limits the height of buildings to "2 stories or 35 ft." and the applicant proposes a three story building in violation of Section 150-12B.

Item # 3. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for George Liakas, 610 Main Street, Greenport, NY 11971, SCTM # 1001-3-4-3.

The applicant seeks a Building Permit for the construction of two additional dwelling units in an existing 2 family house in the R-2, One and Two family residential district. The property is located within the Historic District.

Article IV - Section 150-8. In an R-2 One and 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 any purpose except for the use as a one or two family dwelling.

The house has 4 separate and independent apartments, as represented on existing floor plans as submitted dated 12/07/15.

Article IV- Section 150-8 B (2). - Conversion of an existing dwellings to a multifamily dwelling subject to the following standards and subject to Planning Board approval.

- (a) Said structure shall have not less than 1,000 square feet of livable floor area for each dwelling unit created, requiring a variance for each of the 4 units.
- (b) The lot on which such structure is located shall contain a minimum of 15,000 square feet of lot area and shall contain at least 5,000 square feet of lot area for each dwelling unit.
- (c) One and one-half (1 ½) parking spaces shall be provided for each dwelling unit.

The lot size is 10,890 square feet with 4 units proposed requiring a lot size of 20,000 sq. ft., thus requiring an area variance of 9,110 sq. ft.

The property provides 2 parking spaces where a total of 6 parking spaces are required, thus requiring a variance for 4 parking spaces.

Item # 4. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for Sarah Latham, 817 Main Street, Greenport, NY 11944, SCTM # 1001-2.-1-25. The property is located within the R-1 district and also within the Historic Preservation District.

The applicant seeks a Building Permit to increase the number of rental bedrooms in an approved Bed and Breakfast. The existing Bed and Breakfast has an approved site plan dated April 20, 1992 for use as a Bed and Bed, which is a conditional use.



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The Village of Greenport Code Section 150-7 B. (7) (c) and the Planning Board resolution limit the number of rooms to three for lodging and serving breakfast.

The applicant seeks to increase the number of bedrooms from 3 to 4 rooms requiring a variance of 1 bedroom in capacity.

Item # 5. Motion to accept the ZBA minutes of April 19, 2016.

Item # 6. Motion to approve the ZBA minutes for March 16, 2016.

Item # 7. ZBA to schedule site visit times for Items #3 and #4, above.

Item # 7. Motion to schedule the next ZBA meeting for *Tuesday*, June 14, 2016 @ 6:00 PM.

Item # 8. Motion to adjourn.