



**VILLAGE OF GREENPORT – ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
February 17, 2016 - 5:00 PM**

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PUBLIC HEARING:

Public Hearing 1: Public hearing on the application for Robert Moore, 139 Fifth Street, Greenport, NY 11944, SCTM #1001-7.-4-9. The property is located in the R-2 district and not within the Historic District. The applicants requests an area variance of maximum permitted lot coverage and a variance for the front yard setback for an “as built” permit to construct a rear deck and additionally requires a front yard setback variance for an existing 6’ ht. fence.

1. The 330 square foot deck increases the total building lot coverage to 35.20% requiring a lot coverage variance of 5.20% (336 sq. ft.). The exiting lot coverage is 30.25%, which includes the existing house and garage. Section 150-12A of the Village of Greenport Code requires that one family homes in the R- 2 district have a maximum permitted lot coverage of 30%.

2. The deck is 9.5 ft. from the south property line requiring a 20.5 ft. front yard area variance. Section 150-13 B (2). of the Village of Greenport Code requires that on a corner lot, front yards are required on both street frontages. One yard other than the front yard shall be deemed to be a rear yard and the other or others to be side yards. Section 150-12A requires a front-yard setback of 30 feet.

3. The existing 6’ height fence is located within the required front yard setback along the south and west property lines. Section 150-13 B (2). of the Village of Greenport Code requires that on a corner lot, front yards are required on both street frontages. One yard other than the front yard shall be deemed to be a rear yard and the other or others to be side yards. Section 150-12A requires a front-yard setback of 30 feet.

Public Hearing 2: 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 property is located in the CR – Commercial – Retail district and not within the Historic District. 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 Interpretations

1. Interpretation regarding lot coverage.
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%.

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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.

(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.

3. Interpretation regarding requirement for loading berth.

Applicant requests 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 150-2 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.

Requested Variances

1. In the event that the Zoning Board of Appeals determines in its consideration of the interpretation requested by the applicant regarding the application of the lot coverage limitation of Section 150-12B of the Greenport Village Code that a lot coverage variance is required, then 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.

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.



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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 an 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.

In the event that the Zoning Board of Appeals determines in its consideration of the interpretation of the application of the requirement of Section 150-16(B)(e) of the Greenport Village Code for one off-street loading berth for a hotel having a floor area of less than 25,000 square feet, that one off-street loading berth is required, then 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 150-16B.(e) of the Village of Greenport Code requires one off-street loading berth for each 25,000 sq ft of floor area requiring a variance of 1 loading berth.

7. Height variance of 12.0 feet.

In the event that the Zoning Board of Appeals determines in its consideration of the interpretation of the application of Section 150-2 of the Greenport Village Code to requested by the applicant that the definition of "height" set forth therein, includes a parapet wall, mechanical equipment, roof deck, safety fencing and trellis, and/or stairwell and elevator bulkhead and shafts, then 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 store building in violation of Section 150-12B.



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REGULAR MEETING AGENDA:

Item #1. Discussion and possible action on the requested area variances for Robert Moore, 139 Fifth Street, Greenport, NY 11944, SCTM #1001-7.-4-9. The property is located in the R-2 district and not located within the Historic District.

Item #2. Discussion and possible action 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 property is located in the CR – Commercial – Retail district and not within the Historic District. 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.

Item # 3. : Motion to accept an appeal for an area variance, publicly notice and schedule a public hearing for Carlos Saavedra and Nicole Eckstrom , 502 Front Street; SCTM 1001-4.-4-28.1. The applicants request an area variance of the front yard setback for an “as built “permit to construct a 6’ ht. fence. Section 150-13F (2) of the Village of Greenport code requires that no wall or fence in a required front yard shall have a height greater than four (4) feet.

Item #4 Motion to approve the ZBA minutes for December 16, 2015.

Item #5: Motion to schedule the next ZBA meeting for March 16, 2016.

Item #6: Motion to adjourn.