STATE OF NEW YORK
VILLAGE OF GREENPORT
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ZONING BOARD OF APPEALS
REGULAR MEETING
------------------------------------------- X

May 14, 2013
5:00 P.M.

BEFORE:
DOUG MOORE - CHAIRMAN
DAVID CORWIN - MEMBER
CHARLES BENJAMIN - MEMBER
ELLEN NEFF - MEMBER
EILEEN WINGATE - BUILDING INSPECTOR
DAVID ABATELLI - VILLAGE ADMINISTRATOR
CHAIRMAN MOORE: We're going to open the meeting tonight. It's 5:15, and it's the Regular Session of the Greenport Village Zoning Board of Appeals. We have an agenda, which copies will be made available.

MS. WINGATE: They are.

CHAIRMAN MOORE: So they're available.

There is going to be a slight change in the agenda. I was going to ask if anyone is here regarding the second hearing for David Glaser, and see if there is anyone who wishes to make any public comments, because that is going to be re-noticed and the hearing rescheduled.

Is there anyone here for that proposed house on Second Street?
17 (No Response.)
18 CHAIRMAN MOORE: So in that case, just
to make an announcement, for that Hearing #2,
for David Glaser and then the discussion
concerning it, should the hearing having been
closed, is going to be postponed to a later
meeting. There was a change in the plans
that was big enough that the Village Attorney
thought the project should be re-noticed. So

1 that is going to occur and the hearing is
going to be rescheduled for next month, I
think.
4 With that said, we're ready for the
Public Hearing #1. It is a 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:
Section 150-21.1A says 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. The proposed
addition is 15 foot from the east property
line requiring a 15 foot front yard area
variance, where Section 150-12A of the
Village of Greenport Code requires a 30 foot
front yard setback. This is because it's a
corner lot and effectively has two front
yards. So there is a 30 foot setback on
Monsell Place and also on Atlantic Avenue.
It's customary that we ask for either the
owner or the agent to make some comments
about the project. Describe what their

1 efforts are. Before I do that, I should just
2 mention the notices that were sent. We have
3 received those notices that were mailed by
4 the property owner to Marta Thomas, 200
5 Bridge Street, Greenport. Greenport Ice Dock
6 Incorporated, 220 Atlantic. Peter Gunderson,
7 215 Bridge Street. The LI Hospital
Association, 201 Manor Place. Mark Nicola, 213 Bridge Street. Richard and Joyce Kerns at 300 Atlantic Avenue and Christy Feidler, 208 Monsell Place. These are all the adjoining neighboring properties. There are some letters that were submitted to us. I will read those for the record, since they are short and then we will have them entered into the file. They were just turned in today. So would you like to say something? If you would, just come up and identify yourself and address.

MS. SCOTT: I am Arden Scott. I live at 404 Atlantic Avenue, and this is my artist studio. It is a concrete block building with no heat. So it’s rather difficult during the winter. Just hygiene alone. So I am proposing to add a little section to the east side which is where the plumbing is. I am sure, you probably said, why not the other side, but it would be extremely expensive to
run a pipe to that side. I really do need space. There is no place for me to really draw and make sculptures. I need the east light for that. On the west side, you just can't draw with no sunlight. So those are considerations. And one of my dreams has been to get rid of that hideously looking fence and put some sculptured trees and some garden there. Some outdoor sculptress. I already have in my back, I call it Back-40, I have a sculpture back there and it works very well for people to come see the work in an outdoor setting. I am not sure what else.

CHAIRMAN MOORE: Well, we will have an opportunity to ask you questions directly. Once we close the public portion then we will have another opportunity for more input. Just gives the public an opportunity to know what you're personally up to and make public comment.

MS. SCOTT: Okay. I was just trying to see how it could fit in. I was walking
around and saw a number of houses that still have the old barns in the back, in the old horse and carriage days. So I was trying to see how a concrete building could look a little more typical of what is around. The materials, it would be wood and keep up with that same sort of barn theme.

CHAIRMAN MOORE: Okay. Thank you. Are there any members of the public that wish to speak concerning this application?

(No Response.)

CHAIRMAN MOORE: So the absence of any public that wants to make any comments, Ms. Scott did provide some letters that were actually sent to her and not to the Village Office. What I will do is read them because they are short. And then we will enter them into the file. There is a letter Christy Feidler at 208 Monsell Place and I will apologize in advance. I am having difficulty reading the script, but I think I got the
jist of the letter. So I might skip a few words. I am Arden Scott's neighbor to the west. I am writing to ask that you approve her request to build an addition to existing studio space. The need for the additional area -- there is a need for additional area so she can produce art and sculptures throughout the year. It's a hardship to make art in the freezing cold. Arden is, as you know, a valued member of Greenport's artistic community, and should be treated as such. As a writer, it's important to -- and I missed a word there -- art. Please approve her application as quickly as possible. Feel free to contact me for more information.

That is from Christy Fiedler.

There is a letter -- a brief note from Tony Holmes and Karen Frank of 216 Manor Place. We're pleased to support Arden Scott's request for variance. The results will both improve our neighborhood and our
community.

There is a letter from Jessie Browner. The address is 225 Monsell Place. To whom it may concern: I am writing to support Arden Scott's variance request for the property at 404 Atlantic Avenue in Greenport. That is the wrong address.

MS. SCOTT: She lives almost across the street from me.

CHAIRMAN MOORE: My home has a direct view of her property and I know that it will in no way disturb any aspect of our block. As a long time neighbor of Arden's, I know her to be considerate and mindful of Greenport, and I have no doubt anything she does to improve her property, will and must also improve the neighborhood. Please keep this in mind when making your decision.

A letter from Peter Gunderson. My name is Peter Gunderson. I reside at 215 Bridge
Street. My property is on the north side of Arden Scott's property at 404 Atlantic Avenue. Arden has made me aware of the application request for an area variance on the front yard setback for proposed construction of an addition. I have been made aware of this variance and understand that there will be a site inspection scheduled for Tuesday, May 14, 2013, 4:00 p.m. I have no objection to the proposal and believe this addition will benefit the neighborhood.

Then there is one from Henry Coyle, 314 Atlantic Avenue. It says to whom it may concern, please approve Arden's addition to her studio building. This will be an improvement in the neighborhood. Any bit helps.

And I think that is all the letters received. Obviously they are all in support. If there are no further public comments, I
will entertain a motion to close this public hearing?

MEMBER CORWIN: Question?

CHAIRMAN MOORE: Question. Sure.

MEMBER CORWIN: This is an expansion of a nonconforming use?

CHAIRMAN MOORE: Well, we can discuss that. It's a bit unclear. It's a nonconforming building as it currently exist, as far as setbacks. We can review the original variance given, which specifically doesn't addresses a use or an area variance, because at the time of the original variance, they weren't distinguished. They were differently identified. They did discuss the use of the property of the garage for personal use. Equipment would be on the site. The original understanding was that trucks had been stored on the property, would no longer be stored there, which were
commercial trucks on the property. So it's not very clear. We can discuss the current use as far as it's conformity during our deliberations perhaps?

MEMBER CORWIN: Since the attorney is not here did he have anything to say about this? And then the other thing would be to do is recess the public hearing and then we would have an opportunity to see what the attorney has to say and then the applicant can make any comments about that, because my concern here would be that -- I know Arden is an artist and that is a wonderful thing, but what happens when it's sold to the next person who wants to work on trucks or -- I don't know, whatever happens. That would be my concern.

CHAIRMAN MOORE: Perhaps that would be the best approach then. It's not clear to me. I have not had any discussions concerning this application. I did make a note that the code addresses a nonconforming
building with conforming use. The real question comes as to whether the use is conforming or not. And perhaps that would be advisable to have conference with the attorney to discuss that. So with that then, rather than close the public hearing, I will make a motion to adjourn the public hearing pending advice from the attorney concerning the type of variance that is requested.

MEMBER CORWIN: Second.

CHAIRMAN MOORE: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

So we will adjourn the hearing to next month pending word from the attorney.

At this point, it's not clear what the situation is. So we will talk to the attorney and come back. Sorry about that.

So as I said before, Public Hearing #2 has been postponed, and we will move then to
the Public Hearing #3. And this is a hearing for James and Carol Kalin, 323 Sixth Street, SCTM# 1001-6-5-2. The applicant wishes to construct an addition to an existing nonconforming dwelling. Section 150-21.A does not permit new construction to increase the degree or create any new noncompliance with regards to the regulations pertaining to such building. The proposed rear addition is 6 feet from the north property line requiring a 4 foot side yard variance, where Section 150-12.A of the Village of Greenport Code requires a 10 foot side yard setback. The proposed combined side yard setback for the rear addition is 24 foot requiring a 1 foot area variance, where Section 150-12A of the Village of Greenport Code requires a 25 foot combined side yard setback.

And just to clarify, this is an extension to the rear of the building that
already occupies the setbacks that are being
described for the new construction and area
variance.

Is the owner here to make a comment?
Please come up and make a comment and give
your name and address, and make any comments
that you would like to make?

MR. LEONARD: My name is Jason Leonard.

I am the contractor for James and Carol
Kalin. My address 705 Tuthill Road,
Extension Southold, New York. My clients
wish to have a first floor bedroom and a
kitchen remodeling job. The best way that
the layout worked was to go kind of the width
of the existing structure that is there, in
order to make the best use of the space. So
we would like to follow the lines of the
existing house in the back and the existing
setbacks.

CHAIRMAN MOORE: Just that it be
agreeable to the Board that any discussion
would be reserved to the discussion period.
So is there any one that would like to make
any public comments?
(No Response.)
CHAIRMAN MOORE: I neglected to note
the notifications. It was posted in the
Suffolk Times and the notices were to the
immediate adjacent property owners and the
neighbors across the street. And they are
David TonseMarie (phonetic) and Sandra
Lavenblaff (phonetic). And there is a Puerto
Rico address. I don't know the address

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Barbara Strohoff, (phonetic). There is a
Southold address. Not a Greenport address,
but she is adjacent across the street. Daisy
Crenshaw, 310 Seventh Street. Ian
Fairweather and Amy Martin, 318 Fifth Street.
Lisa Foyerhearn at 327 Sixth Street, and
Christina Kempner at 326 Sixth Street. So
those are the notifications made. I do not
have the mailers --

MR. LEONARD: I have them.

CHAIRMAN MOORE: Again, if there is no
one from the public, would the Board like to
offer a motion to close the Public Hearing?

MEMBER CORWIN: So moved.

MEMBER NEFF: Second.

CHAIRMAN MOORE: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

The Public Hearing is closed. We can
now move onto the discussion for -- since
we're dealing the Arden Scott application for
advice from the attorney and we have

adjourned the second hearing, we can discuss
the expansion of the house on Sixth Street.

We did make a site inspection today and the
proposed addition follows exactly the line of
the house backwards. It does not increase
the -- or decrease the setbacks from the side
of the property. It expands the house
backwards. Also the marker to the side of
the house, which I believe is for a bilco
door that is going to be moved, it is on the
-- the larger amount of the setback on the
side. So I don't know if the requested
setbacks took that into account. For the
bilco?

MS. WINGATE: The bilco doors, we don't
use them as part of our calculations.

CHAIRMAN MOORE: So the bilco door on
the house on Second Street, it didn't count.

MS. WINGATE: That wasn't the issue.

CHAIRMAN MOORE: That wasn't the issue?

MS. WINGATE: No, it was the stair.

CHAIRMAN MOORE: Okay. The setbacks
are the same that are existing. It expands
back.

MEMBER CORWIN: Question on the bilco
door? Is that just an ongoing policy or is that written in code or what?

MS. WINGATE: It's definitely not written in the code. It has been there since I took my job. Dave was here before me, 27 years today --

MR. ABATELLI: 28 years. I think it's more of a foundation, on the ground.

MEMBER CORWIN: I would like to see this taking into consideration. I know what I ask doesn't count for much, but it's my feeling that any time anyone has a bilco door, it is part of our deliberations.

MR. ABATELLI: It should be looked at.

CHAIRMAN MOORE: In this case, it's in the larger setback area of the house. You're not proposing to the driveway --

MR. LEONARD: The driveway is on the narrow side. Just the opposite. It has been there.

MEMBER NEFF: Can I ask a question for clarification? The existing fence, the
stockade fence and the existing hedge, where
do they fall? Of course on the survey they
are not shown. It is near the sidewalk. It
makes it appear that they are not on the
property --

MR. KALIN: The small hedge that is on
the north side of my house is my neighbors
hedge. When I bought the house 20 years ago,
it was there then. If you notice, my
driveway sits almost on top of the marker,
and that is how it's been.

MEMBER NEFF: The fence is also on his
property?

MR. KALIN: It's his fence.

MEMBER NEFF: Thank you.

CHAIRMAN MOORE: And just for the
record, you're Mr. Kalin?

MR. KALIN: Yes.

CHAIRMAN MOORE: So does anyone else on
the Board have any questions on the proposed
addition?
MEMBER CORWIN: My only issue is that all the rain water runoff needs to be contained on the property for the new construction --

MR. LEONARD: I was told it wasn't required.

MEMBER CORWIN: MS-4, everyone has to contain water runoff on their property; right?

MS. WINGATE: That's the way that we're moving.

MEMBER CORWIN: Have to move faster then.

MS. WINGATE: Okay.

MEMBER CORWIN: You don't have any problem with that, do you?

MR. LEONARD: Well, it's a -- creates a bit of an issue with budget.

MR. KALIN: You just said the new addition; right? So the rest of my house
that has no gutters and leaders is okay?

MR. ABATELLI: When the water runs off your property, does it run onto your neighbors property?

MR. KALIN: No. There is vegetation, hedges, gardens.

MR. ABATELLI: It's not an absolute requirement that you have a drywell. Just that the water runoff be contained on your property.

MR. LEONARD: So it's not a drywell requirement?

MR. ABATELLI: Not necessarily.

MS. WINGATE: David, can you expand on your expectations?

MEMBER CORWIN: My expectations are that all the water from the new construction is contained on the property.

MS. WINGATE: Okay.

MR. LEONARD: I think with the use of gutters and leaders going up in the backward,
I can't imagine that the water go away from the property. We did intend on putting gutters and leaders in. We did not intend on putting a drywell in. I don't believe we need one to meet your requirements.

MEMBER CORWIN: At this point in time, I will leave that to the Building Inspector. When she makes the inspection, she will be able to see that there is no such runoff. I think from now on with each application should address MS-4 of the State of New York.

CHAIRMAN MOORE: So does the Board have any other comments?

(No Response.)

CHAIRMAN MOORE: Are we ready to go ahead with the process?

MEMBER BENJAMIN: Yes.

MEMBER NEFF: Yes.

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: So first of all, I
would make a motion that the Zoning Board of Appeals declare itself as Lead Agency for this project and declare that this is a Type II Action for the purposes of SEQRA Review.

So moved.

MEMBER NEFF: Second.

CHAIRMAN MOORE: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

It's unanimous.

Then we will go through the questions.

First of all, whether it's an undesirable change will be produced in the character of the neighborhood and detriment to nearby properties in the granting of the area variance? I think we can answer in unison, if you wish.

MEMBER BENJAMIN: No.

MEMBER CORWIN: No.
MEMBER NEFF: No.

CHAIRMAN MOORE: No.

So those are all "No's".

Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than the requested area variance?

Mr. Corwin?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: Mr. Benjamin?

MEMBER BENJAMIN: No.

CHAIRMAN MOORE: And I say, no.

Whether the requested area variance is substantial?

Mr. Corwin?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: Mr. Benjamin?

MEMBER BENJAMIN: Yes.

CHAIRMAN MOORE: And I will say, no.
Whether the proposed variance will have an adverse effect or impact on the physical environment in the neighborhood and district? Mr. Corwin?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: Mr. Benjamin?

MEMBER BENJAMIN: No.

CHAIRMAN MOORE: I say, no.

And then finally, whether the alleged difficulty is self created, which consideration shall be relevant to the Board of Appeals but shall not necessarily be precluded from the granting of the area variance? Mr. Corwin?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.
CHAIRMAN MOORE: Mr. Benjamin?

MEMBER BENJAMIN: No.

CHAIRMAN MOORE: And I say, yes.

And then finally, I would like to make a motion to approve the request for variance with the requested setbacks with the condition that the discharge of water with the new construction not be permitted to leave the property.

So moved.

MEMBER CORWIN: Second.

CHAIRMAN MOORE: And all in favor?

MEMBER BENJAMIN: Aye.

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

So the motion passes. The variance is granted. Good luck.

MR. LEONARD: Thank you.

CHAIRMAN MOORE: I will just continue with the remaining agenda items. Perhaps, I
will jump to No. 6. This needs to be scheduled. It's a motion to accept the application for an area variance, schedule a site visit and schedule a Public Hearing for Nancy Louise Pope, 8 Beach Road, Greenport, New York. SCTM #1001-3-3-32, to construct an addition to the existing nonconforming building. Section 150-21.A does not permit a new non-construction to increase the degree or any new noncompliance with regards to the regulations pertaining to such building. The proposed kitchen addition is 6.5 feet from the west property line requiring a 5.5 foot side yard variance. Section 150-12A of the Village of Greenport Code requires a 12 foot side yard setback in the R-1 District. The proposed combined side yard setback for the kitchen addition is 16.5 feet, requiring a 13.5 foot area variance. Section 150-12A of the Village of Greenport Code requires a 30
foot combined side yard setback in the R-1

District. We will have our next meeting on

June 19th. So I would recommend that we meet

at 4:30. Is that okay with everyone? A half

hour before the meeting?

MEMBER NEFF: We have not gone to

Second Street.

CHAIRMAN MOORE: With that provision,

should the application come in and be needing

a site visit, then we will meet at 4:00 p.m.

for Second Street. Is that okay with

everyone?

MEMBER CORWIN: Yes.

MEMBER BENJAMIN: Yes.

MEMBER NEFF: Yes.

CHAIRMAN MOORE: So that will happen

then.

Then I will make a motion to accept the

application.

So moved.

MEMBER CORWIN: Second.
CHAIRMAN MOORE: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

The application has been accepted.

No. 4, Motion to accept the ZBA Minutes for April 17, 2013.

Second, please?

MEMBER CORWIN: Second.

CHAIRMAN MOORE: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

Motion to approve the ZBA Minutes for February 20, 2013. Remembering that we did not have a meeting in March.

So moved.

Second, please?
MEMBER NEFF: Second.

CHAIRMAN MOORE: And all in favor?

MEMBER BENJAMIN: Aye.

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye. Motion carries.

Then we have a motion to schedule the next Regular ZBA Meeting for June 19, 2013 at 5:00 p.m.

MEMBER NEFF: Second.

CHAIRMAN MOORE: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: I said, aye, as well.

Before we move to adjourn, is there any further discussion from the Board? Just to remind that we do have training that we signed up for, it begins at 5:30 in Riverhead.

Then I will make a motion to adjourn.

MEMBER NEFF: Second.
CHAIRMAN MOORE: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER CORWIN: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

(Whereupon, the meeting concluded.)
CERTIFICATION

I, Jessica DiLallo, a Notary Public for and within the State of New York, do hereby certify:

THAT, the witness(es) whose testimony is herein before set forth, was duly sworn by me, and

THAT the within transcript is a true record of the testimony given by said witness(es).

I further certify that I am not related either by blood or marriage to any of the parties to this action; and that I am in no way interested in the outcome of this matter.
IN WITNESS WHEREOF, I have hereunto set my hand this day, May 28, 2013.

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(Jessica DiLallo)

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