

1 VILLAGE OF GREENPORT  
2 ZONING BOARD OF APPEALS  
3 PUBLIC HEARING  
4 &  
5 REGULAR MEETING  
6 March 18, 2015  
7 5:00 p.m.

8  
9

10 Meeting held at the Old Schoolhouse  
11 Front Street, Greenport, New York 11944

12

13 APPEARANCES:

14 David Corwin - Acting Chairman

15 Charles Benjamin - Member

16 Dinni Gordon - Member

17

18 Joseph Prokop - Village Attorney

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at 1 (Whereupon, the meeting was called to order  
2 5:00 p.m.)

3 MEMBER CORWIN: All right. It's 5:00. We'll  
4 begin the meeting of the Zoning Board of Appeals  
5 the month of March.

6 First thing I would like to do is have a vote  
7 for a Chairman pro tem. I will nominate myself to  
8 be Chairman pro tem.

9 MEMBER NEFF: Second.

10 MEMBER GORDON: Second.

11 MEMBER CORWIN: All in favor?

12 MEMBER BENJAMIN: Aye.

13 MEMBER GORDON: Aye.

14 MEMBER NEFF: Aye.

15 ACTING CHAIRMAN CORWIN: Aye. So moved.

16 Then I note Chairman Moore is not here. He,

17 apparently, will be back on April 22nd. I'll say  
18 some more about that later.

because  
19 The Building Inspector isn't here today  
20 she is in training. The Village Administrator  
asked  
21 me if I wanted him to come. He really is not up to  
22 speed on all this zoning stuff and I told him there  
23 was no need. He has other stuff to do anyway. I  
24 don't know if the Attorney is going to be present.

25 MEMBER NEFF: Does he know about the location

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3

1 change?

2 ACTING CHAIRMAN CORWIN: I believe he does,  
3 yes. He'll find out when he goes into the  
Firehouse  
4 if he doesn't.

5 And, for the record, I want to note that I  
6 cancelled the February meeting because of snow. I  
7 consulted with the Board members and we all agreed  
8 that it was the thing to do. And that puts us in  
the  
9 situation of having time constraints of all these  
10 applications we have in front of us, because we

only

11 have 62 days. So we have to dispose of them all at  
12 this meeting, or we have to have an agreement from  
13 the applicant to go past the 62 days.

14 (Whereupon, Joseph Prokop entered the  
meeting.)

15 ACTING CHAIRMAN CORWIN: The Attorney is  
here.

16 We'll give him a minute to get settled.

17 MR. PROKOP: Thank you.

18 ACTING CHAIRMAN CORWIN: All right. We'll  
open

19 the first hearing for Tapp and Ellis at 152 Central  
20 Avenue. Let me go through what we're after here.

I

21 will see if this was published in the paper.

22 Mr. Prokop.

23 MR. PROKOP: Yes, sir.

24 ACTING CHAIRMAN CORWIN: There's a time limit  
25 of 62 days, the time limit, I believe.

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4

1 MR. PROKOP: Yes.

2 ACTING CHAIRMAN CORWIN: That's after we  
accept

3 the application, I assume; is that correct?

correct.

4 MR. PROKOP: Yes, I think that that's

5 I can check, if you want.

public

6 MEMBER BENJAMIN: It's after, after the

7 hearing.

it

8 MR. PROKOP: I think it's after the public  
9 hearing is closed. Excuse me, I'm sorry. I think  
10 it's after we have a complete application, is when  
11 is actually --

12 ACTING CHAIRMAN CORWIN: And accepted.

13 MR. PROKOP: Yes.

14 ACTING CHAIRMAN CORWIN: It wouldn't be  
15 completed until we accept it.

that

16 MR. PROKOP: Yes. Is there an application  
17 we're running into questions like that?

them,

18 ACTING CHAIRMAN CORWIN: I believe all of  
19 because we cancelled the February meeting.

20 MR. PROKOP: Oh, we cancelled the February  
21 meeting.

22 ACTING CHAIRMAN CORWIN: But I think we're  
23 going to run into that one way or another.

24 MR. PROKOP: So, when they come up, we could  
25 ask for an extension for them.

1 ACTING CHAIRMAN CORWIN: Yes, if we need it.

2 MEMBER GORDON: Snow doesn't stop it.

3 ACTING CHAIRMAN CORWIN: But, hopefully --

4 MR. PROKOP: Pardon me?

5 MEMBER GORDON: Snow doesn't stop the clock.

6 ACTING CHAIRMAN CORWIN: Right.

7 Public hearing for Robert Tapp and Nickolas  
8 Ellis, 152 Central Avenue, Suffolk County Tax Map  
9 #1001-5-1-14. The property is located in the R-2  
10 District. The applicants propose to construct a  
11 addition to an existing single family house, and  
12 configure the existing deck. We just made an  
13 inspection of that.

rear

re#

the

14 The existing house, the proposed addition,  
15 existing garage, porches and shed exceed the lot  
16 coverage allowances. The proposed renovation will  
17 increase the lot coverage from the existing 2,068  
18 square feet, or 36.7% of the lot, to 2,158 square  
19 feet, or 58.5% of the lot, which I believe is a 90  
20 square foot addition.

21                   Section 150-12A of the Village of Greenport  
22                   Code limits the maximum permitted lot coverage to  
23                   30% in the R-2 District. So that's one variance  
for  
24                   lot coverage.

25                   The proposed aggregate side yard setback is

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1                   16.5 ft., requiring an 8.5 foot combined side yard  
2                   setback variance for the new extension.

3                   And I'll note, the house is nonconforming in  
4                   terms of setbacks. So the proposed addition just  
5                   lines up with the existing sides of the house.

6                   Section 150-12A of the Village of Greenport  
7                   Code requires a 25 ft. combined side yard setback  
in  
8                   the R-2 District.

9                   I assume that the public notice was properly  
10                  published in the official paper. I don't see an  
11                  affidavit in the file; it may be here. I will read  
12                  the neighbors that were supposed to be notified.

13                  Robert Allen, 151 Central Avenue; Noah  
Bacher,  
14                  342 Driftwood Circle, Lafayette, Colorado; Judith

15 Sone-Innamorato, 4 Valley Road, Syosett, New York;  
16 Greenport Gardens, LLC, 5720 Route 25A, Suite 4,  
17 Wading River, New York; Ella Walker, 250 6th  
Avenue,  
18 Greenport, New York, and Joseph Henry, 142 First  
19 Street, Greenport, New York.

20 MEMBER GORDON: 421.

21 ACTING CHAIRMAN CORWIN: 421, I'm sorry.  
Thank  
22 you.

23 So, with that, is there anybody that would  
like  
24 to speak in favor or against the application?

25 MR. TAPP: In favor.

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1 ACTING CHAIRMAN CORWIN: Why don't you just  
get  
2 up and give us a little detail of what you propose  
3 to do.

4 MR. TAPP: Okay. We would love --

5 ACTING CHAIRMAN CORWIN: Give your name.

6 MR. TAPP: Robert Tapp. We would love to add  
7 that sliver of space to the back of the house. We  
8 plan to reuse four leaded glass windows, so that,



9           actually, it would be more attractive, I think,  
from       10           the street, though I know that's not really your  
            11           jurisdiction.  
            12           We would love to include a fireplace for  
warmth     13           and aesthetic. That particular room is not  
            14           insulated. And without appearing that I'm using  
this       15           as a reason, my partner has diabetes and lower  
            16           extremity chill, so we live in that room,  
basically. 17           In fact, he's living there now, because he broke  
his        18           hip. But that would -- the fireplace would warm up  
            19           the room.  
            20           And then, also, I would love to be able to  
            21           enjoy the backyard from that room. Currently, the  
            22           windows are pretty high. And it would also give  
one        23           of our dogs in particular the ability to see out,  
and        24           it's kind of hard to do in the other windows in the  
            25           house. And then the back door, from the kitchen,  
has

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1 a clearance of three or four inches that I think is  
2 -- poses a risk to our smaller dog, who tries to  
get  
3 in to get out of that space, and I think it could  
4 hurt her if we're not careful. So I don't think  
that  
5 we're asking for a ton, but if it's something you  
all  
6 think is appropriate, we'd love to go forward with  
it.

7 ACTING CHAIRMAN CORWIN: Okay. Thank you.  
8 Does anybody else want to have any comments?

9 (No response.)

10 ACTING CHAIRMAN CORWIN: Hearing none, I will  
11 close. I will make a motion to close the public  
12 hearing. Could I have a second?

13 MEMBER GORDON: Second.

14 ACTING CHAIRMAN CORWIN: All in favor?

15 MEMBER BENJAMIN: Aye.

16 MEMBER GORDON: Aye.

17 MEMBER NEFF: Aye.

18 ACTING CHAIRMAN CORWIN: Aye.

19 We'll go on to the second public hearing.

20 Public hearing for Michael Combs, 516 Second  
Street,

21 Greenport, NY; Suffolk County Tax Map  
#1001-2.-6-24.

22 The applicant seeks a building permit to construct  
an

23 in-ground swimming pool and art studio/pool house.

24 The proposed swimming pool setback is 10 feet  
25 on the south property line, requiring an area

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9

1 variance of 10 feet.

Greenport

2 Section 150-7-(3a) of the Village of

3 Code requires the edge of the pool shall be kept a  
4 distance of not less than 20 feet from all property  
5 lines.

on

6 The proposed swimming pool setback is 9 feet

of

7 the east property line, requiring an area variance

8 11 feet.

Greenport

9 Section 150-7-(3a) of the Village of

10 Code requires the edge of the pool shall be kept a  
11 distance of not less than 20 feet from all property  
12 lines.

13 The proposed art studio/pool house is located  
14 in the side yard, requiring an area variance.

Greenport

15 Section 150-13A(1) of the Village of

it

16 Code requires that an accessory building may be  
17 located in any required rear yard. That is to say  
18 can't be located in a side yard.

19 The applicants just presented us with a map  
20 that reconfigures the pool a little. That's not on  
21 the application, so I don't think we consider that

--

22 can consider that this evening.

23 And let me see. There's a letter from a  
24 neighbor I will read.

25 I don't see any public notice that it was

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1 published in the paper, but I will make the  
2 assumption that it was.

and

3 Notices were to be sent to Caroline Dowling,  
4 John Dowling, 617 First Street; Stacey Tesseyman  
5 Florence Roth, 36 Morton Street, 3B, New York, New  
6 York; Valerie English and Tibor Ullmann, 104 Saint  
7 Mark's Place, Apartment 2W, Brooklyn, New York; a  
8 trust, Ficara Trust, Ficara S D Revokable Living  
9 Trust, 1886 Noyac Path, Sag Harbor, New York; Rose  
10 Rhetta and H. Rhetta, 8337 Wood Station Road,

Alton,

11 Illinois; Rose Rhetta and others, 8337 Wood Station  
12 Road, Alton, Illinois.

13 And let me read the letter, since we got it.

512

14 It's a letter from a neighbor, Stacey Tesseyman,

15 Second Street, Greenport. To: The Zoning Board of  
16 Appeals. Reference: Michael and Tracey Combs, 516  
17 Second Street, Greenport, New York.

18 "We reside in the adjoining property at 512  
19 Second Street." And let me ask you, is that to the  
20 east or the west?

21 MR. COMBS: That is to the south.

22 ACTING CHAIRMAN CORWIN: To the south, okay.

23 So that was --

24 MR. COMBS: The greenhouse.

25 ACTING CHAIRMAN CORWIN: The greenhouse.

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11

1 MS. COMBS: Right.

lot,

2 ACTING CHAIRMAN CORWIN: "We reside in the  
3 adjoining property at 512 Second Street. On our

the

4 our house is situated mere feet from the edge of

5 adjoining property line at the location where the  
6 proposed construction would take place. We would,  
7 obviously, be quite impacted by this construction.

8 Although we appreciate that the Town's code,"  
9 that would be the Village code, call that "sic",  
10 "requires outbuildings to be located in the rear  
11 yard, so as to create settings most conducive to  
12 harmonious living on small village parcels.

13 We are writing to let you know that we have  
14 spoken with our neighbors, Michael and Tracey  
Combs,  
15 and received reassurances from them that make us  
16 comfortable with their new construction. These  
17 reassurances include:

18 The structure begins behind the first of our  
19 three windows, along that side, so that we can  
20 continue to get full light in at least one of our  
21 first floor windows.

22 The pool fence would begin at the rear end of  
23 the pool house, that is there would be no pool  
fence  
24 between our house and the new structure.

25 Michael advises the building itself would  
serve

1 to block access to the pool, no fence needed for  
2 length. We would see vegetation, not high fence,  
3 all our windows.

4 Note: The site plan does not reflect the  
5 above, so we ask that the fence line be modified to  
6 match what Michael had described to us above.

7 The dormer windows to accommodate a second  
8 floor on the pool house would only be placed on the  
9 north side facing their house, not overlooking our  
10 house.

11 The only consideration we ask of you, if you  
12 do not agree to approve their request, is to consider  
13 moving the structure a foot or two closer to their  
14 pool house. They have understandably positioned the  
15 feet house to meet the code requirements, minus five  
16 house. from the property line and 10 feet from their

17 However, because our house sits so close to the  
18 property line, this places the new construction  
19 closer to our house than to theirs, which we don't  
20 believe is what the code intended. We ask that  
this

21 element be reconsidered under the circumstances.

22 We were informed by the Village Code  
23 Enforcement Officer that since our house sits so  
24 close to the property line, our viewpoint would  
weigh  
25 heavily on this decision for you. It is our

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13

"that  
1 intention that this letter, to let you know" --  
2 with this letter to let you know that with the  
minor  
3 concessions detailed above, we are okay with this  
4 construction. With your approval, we are wishing  
5 many years of enjoyment for the Combs Family."  
6 Signed, Florence Roth, Stacey Tesseyman. So that's  
7 the only correspondence we have.

8 So I think at this time, Mr. Combs, if you  
9 would like to address the Board and give us a  
little  
10 idea of what you had in mind.

11 MRS. COMBS: Do you want me to?

12 MR. COMBS: Yes, you can.

13 MRS. COMBS: I'm Tracey Combs. So, as  
stated,



14 we're requesting an area variance. We've outgrown  
15 our home. And my husband is an artist by  
profession,  
16 and would like to build an artist studio where he  
can  
17 do his work.

18 We are asking for the variance so that we can  
19 limit the change and character of the neighborhood.  
20 Rather than considering putting an addition on the  
21 house, we were going this route, considering our  
22 neighbors into it as well. And so we don't believe  
23 that this would create a detriment to any of the  
24 nearby properties. We feel that this would  
actually  
25 be a better compromise.

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1 We do not believe that the variance is  
2 substantial. I've been told that there are certain  
3 requirements for an area variance, and there are  
4 certain questions that need to be answered. I'm  
not  
5 sure if that applies to this Village, so I'm just  
6 trying to address those.

7 As we had told you guys prior at the site

8 inspection, we're considering relocating, if  
9 possible, the location of the pool. If we have to  
do  
10 an amendment, we're willing to do that. And the  
new  
11 plan that I gave you that shows the relocated pool  
12 also shows the fence line beginning at the end of  
the  
13 art studio, so as in keeping with our neighbors'  
14 requests. Is there anything else?

15 MR. COMBS: Yeah. Can I just mention one  
16 thing? Stacey had mentioned in that letter, at the  
17 time when we had discussed the actual artist  
studio,  
18 there was -- there was a loose discussion about  
19 whether or not there would be a door -- what is  
20 called a shed dormer on the -- on the building.

And  
21 I understand that Stacey has recognized you  
wouldn't  
22 have a problem if there was only one facing the  
north  
23 side. But as the plans, which I did bring this  
24 evening, of the building, I don't know if it was  
25 premature to show you those, there actually would  
be

1 two dormers. What I did was I -- she had concern  
2 about there being, you know, a dormer on her side  
as  
3 well that would be able to look towards her house.  
I  
4 put one window on that second floor and I placed  
four  
5 windows. I could show you. If I could give you a  
6 visual, it might be helpful. If I could just come  
up  
7 and show you this, I just wanted to point that out.

8 This was the building of concern. I know we  
9 have that pool issue and the change, and that -- I  
10 understand that that has to be amended. But I'd  
like  
11 to just show you what I was mentioning about this.  
12 This is the artist studio. And feel free to ask me  
13 anything you wish. This was the floor plan. Okay.  
14 This was Proposal One for the pool. But I wanted  
to  
15 explain that a little bit further about the  
16 structure.

17 The structure would actually have two dormers  
18 for a drawing space, and that is not what Tess --  
19 Stacey had understood. So, on the back drawing, if  
I  
20 could just show you that last part, this faces her  
21 home. There would -- I'm sorry. There are two

I  
22 windows. But on the north side, I have four, four  
23 what are called like louvre-style windows. That  
24 faces my home, this faces Tess' home. I said Tess,  
25 meant Stacey, my apology.

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two  
1 So there was one window here and there were  
2 windows on the second dormer. I don't know if that  
3 makes -- if that -- if you have any questions.  
This  
4 is facing the backyard. There was sliding doors,  
and  
5 so more windows would be on my side.

side,  
6 I mean, the light is better on the other  
7 but I do respect what she's saying. But I don't  
8 believe that she understands that there would be a  
9 dormer as well on both sides. It's not that tall  
of  
10 a structure. I wanted to try to keep all that in  
11 mind for her and both Patsy. The reality is, if I  
12 did this as an addition onto my home, connected by  
a  
13 breezeway, I could go up to the peak of my house,  
and

14 that could go all the way to the start of my house.  
15 I didn't want that to be the case for her. I know  
16 it's a concern of having a structure that large in  
17 that property. And the building -- and the  
building  
18 envelope, if it were an addition, would allow me to  
19 go larger. I don't want to do that to the  
aesthetics  
20 of the neighborhood or the property itself. It  
just  
21 -- there seemed to be a smaller -- a better  
22 compromise being smaller. This, the peak of this  
is  
23 only 16 feet tall compared to the rooftop that I  
have  
24 as 30, so --

25 MR. PROKOP: It's not allowed to be 16. I

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1 don't think it's allowed to be 16.

2 MR. COMBS: Fifteen, right?

3 MR. PROKOP: Yes.

4 MEMBER BENJAMIN: Fifteen.

5 MR. COMBS: Okay. But --

6 MRS. COMBS: I think it says 15 on the plans.

7 MR. PROKOP: The testimony is --

8 ACTING CHAIRMAN CORWIN: Well, we're going to  
9 have to have a formal submission of this stuff so  
we  
10 can study it.

11 MR. COMBS: Sure.

12 ACTING CHAIRMAN CORWIN: I'm not going to  
make  
13 any judgment on this stuff at this point in time.

14 MR. COMBS: Okay. All right. A question.  
Do  
15 you know what the height would be for an addition  
16 that's connected to the home?

17 MR. PROKOP: No.

18 MR. COMBS: Is that 30?

19 MR. PROKOP: I don't know.

20 MEMBER BENJAMIN: Thirty-five is the maximum.

21 MR. COMBS: Thirty-five?

22 MEMBER BENJAMIN: Yeah.

23 MR. COMBS: Yeah, that's not what I would do,  
24 but I just wanted to know what it is. So I wanted  
to  
25 explain that little part, the part of the second

1 dormer, okay?

2 ACTING CHAIRMAN CORWIN: Okay. Thank you.

3 MR. PROKOP: There's some discussion. I  
don't  
4 know. Do you think that if you have a fence that  
for  
5 attaches this, the building that you're calling,

6 purposes of the application, an art studio --

7 MR. COMBS: Yes.

8 MR. PROKOP: -- the two-story art studio, do  
9 you think that if you close that off with a fence,  
10 you don't need a second fence to get to the pool,  
11 because I believe you do.

12 MR. COMBS: According to the Building  
Inspector  
13 in Greenport, she had mentioned to me that you can  
14 use the structure of the buildings as a fence, but  
15 there has to be an alarm on the primary residence  
by  
16 a back door to notify you if a toddler would were  
to  
17 leave. But the fence could come here and the fence  
18 could come here. The structure could be used as a  
19 fence, and this is other fence for the exit.

20 MR. PROKOP: If you put an alarm on your  
door?

21 MR. COMBS: Only -- I mean, an alarm for the  
22 main house. But the art studio did not have to do

23 that. I would, I would if --

24 MR. PROKOP: We'll look into that.

25 MR. COMBS: Okay, very well.

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1 MR. PROKOP: Because we had that exact point  
2 come up with another application before this Board,  
3 and we told the person that they needed to have a  
4 fence between the house and the pool. That's the  
5 only reason why. I didn't know about the alarm,  
6 we told somebody else about three or four months  
7 ago that they needed a second fence.

but  
ago

8 MR. COMBS: I don't know if I answered your  
9 question.

10 MR. PROKOP: No, you did, okay? Thank you.

11 MR. COMBS: You're Welcome.

sorry.

12 MRS. COMBS: Can I ask a question? I'm  
13 Are you saying that a fence needs to be between the  
14 house and the actual pool, that the pool needs to  
15 be --

16 MR. PROKOP: I don't know. I'm not -- I'm  
17 sorry. I'm not the Code Enforcer of the Village.



18 MRS. COMBS: Oh, okay.

19 MR. PROKOP: But I just know on another  
20 application regarding a rear yard pool, we told the  
21 applicant that they needed a fence between the  
house  
22 and the pool.

23 MRS. COMBS: Okay.

24 MR. COMBS: Alarms.

25 MR. PROKOP: But I don't know if they had

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1 anything, they didn't have an alarm, I'm not sure.

2 MR. COMBS: Yeah.

3 MR. PROKOP: It's just a point that we need  
to  
4 clarify.

5 MR. COMBS: Sure.

6 ACTING CHAIRMAN CORWIN: Are there any other  
7 comments on this Combs application?

8 MEMBER BENJAMIN: I have a question.

9 ACTING CHAIRMAN CORWIN: Go ahead.

10 MEMBER BENJAMIN: The question was, are you  
11 going to leave the application as it is, or are you  
12 going to turn the pool, because --

13                   ACTING CHAIRMAN CORWIN: Well, there's some  
14                   problems with this application, so let's do the  
15                   Tapp/Ellis discussion first.

16                   MRS. COMBS: Okay.

17                   ACTING CHAIRMAN CORWIN: And that, we'll get  
18                   that out of the way. And then we'll talk about the  
19                   problems and what you may be able to do.

20                   MRS. COMBS: Wonderful.

21                   MR. COMBS: No problem.

22                   ACTING CHAIRMAN CORWIN: So, if there's no  
23                   other comments, I will make a motion to close the  
24                   public hearing. A second?

25                   MEMBER NEFF: Could I ask one question? The

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1                   plans we were just shown here at the table, we  
2                   don't have any of those plans; is that correct?

3                   ACTING CHAIRMAN CORWIN: We don't have them,  
4                   so I'm not going to accept them today.

5                   MEMBER NEFF: It's just not that I don't have  
6                   them, none of us do?

7                   ACTING CHAIRMAN CORWIN: None of us.

8 MEMBER NEFF: Okay. Thank you.

9 ACTING CHAIRMAN CORWIN: Okay. There's a  
10 motion on the table to close the public hearing. A  
11 second?

12 MEMBER GORDON: Second.

13 ACTING CHAIRMAN CORWIN: All in favor?

14 MEMBER NEFF: Could I ask a question? Would  
it  
15 be appropriate to continue the public hearing until  
16 such time as we have a more complete application?  
17 I'm asking the Chairman.

18 ACTING CHAIRMAN CORWIN: Well, I don't think  
--  
19 all right. We can leave the public hearing open.  
I  
20 think what's going to have to happen is they're  
going  
21 to have to withdraw the application. Now that's --  
22 we'll see when we get to that. So, rather than  
23 strike my motion to close the public hearing, we'll  
24 adjourn the public hearing. Can I have a second on  
25 that?

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1 MEMBER GORDON: Second.

2 ACTING CHAIRMAN CORWIN: All in favor?

3 MEMBER BENJAMIN: Aye.

4 MEMBER GORDON: Aye.

5 MEMBER NEFF: Aye.

6 ACTING CHAIRMAN CORWIN: Aye.

7 So now let's have a discussion of the  
8 Tapp/Ellis. And one question I want to ask you,  
you  
9 went before the Historic Preservation Commission?

10 MR. TAPP: We did, yes.

11 ACTING CHAIRMAN CORWIN: And what was the  
12 outcome of that?

13 MR. TAPP: I didn't hear anything from them.  
I  
14 mean, I know two of them personally and I think  
they  
15 were affirming, but I didn't receive anything  
formal  
16 from them.

17 ACTING CHAIRMAN CORWIN: I don't think I have  
18 anything formal either.

19 MEMBER BENJAMIN: I haven't either

20 ACTING CHAIRMAN CORWIN: But I don't think we  
21 need their formal approval to proceed. So I will  
22 open this up for discussion with the Board. Does  
23 anybody have any thoughts?

24 MEMBER GORDON: I have. I guess it's a

a 25 question, and that is that I want to be sure -- I'm

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sure 1 newcomer to the Board, relatively. I want to be  
yard 2 I understand the requested variance for the side  
and 3 setback. We didn't -- we haven't discussed that  
in 4 you haven't said anything about that. Is it that  
5 increasing the rear area of the house, you are, of  
6 course, including a little piece on the side, and  
7 that that is the -- that that will be essentially  
--  
8 that would be the same distance, the same setback  
as  
9 the rest of the house on that side, but --

10 MR. TAPP: Yes.

11 MEMBER GORDON: So the variance is simply the  
12 accommodation to the extension on the rear of the  
13 house?

14 MR. TAPP: It is, yes.

15 MEMBER GORDON: Is that the explanation for  
it?

16 MR. TAPP: Yes.

17 MEMBER GORDON: Okay. And why is it called  
18 "combined side yard"? You don't -- it's not true  
for  
19 both sides, is it, or is it true for both the --  
20 let's see, what is it? Both the east and the west  
21 side.

22 ACTING CHAIRMAN CORWIN: That's what the code  
23 calls out, 25 feet, and it gives you 10, 15, or  
24 however you want to make it. So that's with  
combined  
25 side yard --

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1 MEMBER GORDON: And extending it in the back  
2 will affect the setback on both sides, both the --

3 MR. TAPP: The arithmetic will be the same as  
4 it currently is.

5 MEMBER GORDON: The east and the west?

6 MR. TAPP: There's just more of it.

7 MEMBER GORDON: Right, I see. Okay. That's  
a  
8 good way to put it. It's more of the existing,  
which  
9 was itself a variance.

10 MR. TAPP: Yes. Though it was probably

the 11 originally built with the same distances between  
12 two houses.

13 MEMBER GORDON: Right. So, essentially, what  
14 we are doing is, or would be doing, is dealing with  
a 15 nonconforming structure and making it slightly more  
16 nonconforming.

17 MR. TAPP: The same -- it will be similarly  
18 nonconforming, it will just be a little bit bigger.

19 MEMBER GORDON: Okay. Thank you.

20 MR. TAPP: And it also is consuming the space  
21 of a shed that is already there.

22 MEMBER NEFF: Right.

23 MR. TAPP: That has a little bit more of a  
24 setback than is proposed.

25 ACTING CHAIRMAN CORWIN: Any other  
discussion?

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I 1 MEMBER NEFF: Somewhere in the materials that  
I 2 looked over, or that you've read, it talks about --  
3 think it's a part of the variance about lot  
coverage.

4 ACTING CHAIRMAN CORWIN: Yes.

5 MEMBER NEFF: There's a mistake.

6 ACTING CHAIRMAN CORWIN: Okay.

7 MEMBER NEFF: An existing lot coverage, I  
8 believe, is -- you read is like 36.7%, something

like

9 that.

10 MR. TAPP: 36.9.

11 ACTING CHAIRMAN CORWIN: 36.9.

12 MEMBER NEFF: Okay, the existing?

13 ACTING CHAIRMAN CORWIN: Yes.

14 MEMBER NEFF: Okay. Thank you. And the  
15 proposed, it was -- I think the number read was 58,  
16 and that's not correct. It's more --

17 ACTING CHAIRMAN CORWIN: It's 36.9%.

18 MEMBER NEFF: Existing.

19 ACTING CHAIRMAN CORWIN: Two thousand  
20 sixty-eight square feet.

21 MEMBER NEFF: Right, right, correct.

22 ACTING CHAIRMAN CORWIN: The new lot coverage  
23 will be 38.5%.

24 MEMBER NEFF: Okay. That -- somewhere I  
25 thought I heard the number 58, and 58 is actually

--



1           ACTING CHAIRMAN CORWIN: I may have -- I may  
2           have misspoken.

slight

3           MEMBER NEFF: Okay. Thank you. It's a  
4           change.

noted

5           ACTING CHAIRMAN CORWIN: And it should be  
6           that both of those are more than 30%.

7           MEMBER NEFF: Correct, yes.

36.9

8           MEMBER GORDON: But the difference between  
9           and 38.5 is pretty insignificant.

10          ACTING CHAIRMAN CORWIN: It's like 90, 90  
11          square feet.

12          MEMBER GORDON: Right. Okay.

13          MR. PROKOP: But is there a variance existing  
14          now for the 36.9?

built.

15          MEMBER NEFF: It's the way the house was

16          MR. PROKOP: So the house that's existing.

--

17          MR. TAPP: Well, the garage was added to the

18          ACTING CHAIRMAN CORWIN: It goes back to --

19          MR. TAPP: -- property five years ago.

20          ACTING CHAIRMAN CORWIN: 2009 there was a

21 variance for the garage, and I believe you were at  
22 the public hearing at that point in time.

23 MR. PROKOP: But was it a lot coverage  
24 variance, or was it --

25 ACTING CHAIRMAN CORWIN: I don't know. I  
don't

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27

1 know.

2 MEMBER BENJAMIN: Yeah, it was a setback,  
3 because it was too close to the line, and I think  
it  
4 was maybe a little larger.

5 MR. PROKOP: Okay.

6 MEMBER BENJAMIN: Maybe, probably. It was  
7 falling down.

8 MR. PROKOP: Well, the -- so the variance  
9 that's requested is -- should be 8.5, 8.5% lot  
10 coverage variance. I'm not sure what the agenda  
has  
11 on it. It should be 8.5%.

12 ACTING CHAIRMAN CORWIN: It's like 2.4%.

13 MEMBER BENJAMIN: Yeah.

14 ACTING CHAIRMAN CORWIN: Additional, 2.4%  
15 additional.

16 MEMBER GORDON: But the total from 30%.

17 MR. TAPP: 1.6.

18 ACTING CHAIRMAN CORWIN: And the total is  
19 38.5%. Are we all agreeing on that?

20 MEMBER NEFF: Well, I just want to point  
21 out that --

22 ACTING CHAIRMAN CORWIN: I can't do the  
23 arithmetic in my head.

24 MEMBER NEFF: I just want to point out that  
the  
25 change --

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1 MEMBER BENJAMIN: It's 2.6.

2 MEMBER NEFF: -- the change is the difference  
3 between 38.5 and 36.7.

4 MR. PROKOP: Correct.

5 MEMBER NEFF: It is not -- because all of  
that  
6 was approved at the time this garage was built.  
The  
7 lot coverage was 36.9.

8 MR. PROKOP: Okay. Well, mine is not clear.  
9 Somebody -- I don't remember if it was -- we did  
lot

be 10 coverage. I mean, is there a file here? It would  
11 in the file.

12 ACTING CHAIRMAN CORWIN: Yes, there is a file  
13 here.

14 MEMBER GORDON: Most of the discussion seems  
to 15 have been about the easement on the driveway.

16 MEMBER BENJAMIN: Right. It was because the  
17 existing garage was only one foot off the line.

18 The only thing I'd like to mention is that  
it's 19 pretty much air space that's being built upon,  
20 because it's like a shed sticking out and then  
21 there's a porch that's sticking out, and so there's  
a 22 space in between that's built upon. So it's  
23 basically a building on air space in between the  
two 24 little juts.

25 MEMBER NEFF: Right.

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1 ACTING CHAIRMAN CORWIN: And the Building  
2 Inspector supplied us with the minutes from the

2009

tell 3 public hearing. I did not read it, so I cannot  
4 you what happened.

5 MEMBER BENJAMIN: I was there and I couldn't  
6 tell you what happened either. But discussion was  
7 about the garage being too close to the property  
8 line. And because they had a shared driveway, they  
9 couldn't make the turn if they moved it off. But  
we 10 kind of insisted that they move it off the property  
11 line some more.

12 ACTING CHAIRMAN CORWIN: Nonetheless, it was  
13 approved, the garage was approved.

14 MEMBER BENJAMIN: Yeah.

15 MEMBER GORDON: It was definitely approved.  
16 Yes. As I read it, the only real change that was  
17 requested and provided was to change the size of  
the 18 easement, or making a recommendation to the  
applicant 19 to change it from 0.7 to 3 feet. In other words, I  
20 guess, increasing the variance and then doing away  
21 with the easement.

22 ACTING CHAIRMAN CORWIN: Which was the  
23 garage --

24 MEMBER GORDON: Do you remember?

25 ACTING CHAIRMAN CORWIN: -- and was approved.

1 MEMBER BENJAMIN: Yes.

2 MEMBER NEFF: Yes.

3 ACTING CHAIRMAN CORWIN: But we're really  
4 talking about this 90 square feet today, so.

5 MEMBER GORDON: Right.

6 ACTING CHAIRMAN CORWIN: Is there any other  
7 discussion on this?

8 coverage

MR. PROKOP: I just -- what is the lot  
9 notice say? What does the notice say as far as lot  
10 coverage on the agenda?

11 ACTING CHAIRMAN CORWIN: 38.5% final.

12 for.

MEMBER BENJAMIN: That's what he's asking

13 MR. PROKOP: Okay. So this looks -- it says  
14 that the lot coverage proposes 38.5. It really --  
15 and the lot coverage, the maximum allowed is 20% --  
16 is 30%. So we're actually looking to get a -- to  
17 approve a lot coverage of 38.5%, so that's all

right.

18 ACTING CHAIRMAN CORWIN: Personally, I have

no

19 problem with the application. I told the applicant

20 that we would be asking that all rainwater be  
21 contained on the property, including anything that  
22 might run from the driveway to the street. Does  
23 anybody else have any other considerations?

24 MEMBER NEFF: No.

25 MEMBER GORDON: (Shook head no.)

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1 ACTING CHAIRMAN CORWIN: Then we would go  
2 through the five questions.

3 Question #1: Whether an undesirable change  
4 will be produced in the character of the  
5 neighborhood, or a detriment to nearby properties  
6 will be created -- detriment to nearby properties  
7 will be created by the granting of the area  
variance?

8 And I will poll each member.

9 (Roll Call Vote by Mr. Corwin)

10 MEMBER BENJAMIN: No.

11 MEMBER GORDON: No.

12 MEMBER NEFF: No.

13 ACTING CHAIRMAN CORWIN: Corwin, no.

14 Question 2: Whether the benefit sought by  
the

for 15 applicant can be achieved by some method feasible  
variance? 16 the applicant to pursue other than the area

can 17 ACTING CHAIRMAN CORWIN: Mr. Benjamin? You  
18 always say, "I don't know."

19 MEMBER BENJAMIN: Yeah, so I don't know.  
20 (Roll Call Continued by Mr. Corwin)

21 MEMBER GORDON: No.

22 MEMBER NEFF: No.

23 ACTING CHAIRMAN CORWIN: Corwin, no.

24 Question 3: Whether the requested area  
25 variance is substantial?

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1 (Roll Call Vote by Mr. Corwin)

2 MEMBER BENJAMIN: No.

3 MEMBER GORDON: No.

4 MEMBER NEFF: No.

5 ACTING CHAIRMAN CORWIN: Corwin is no.

have 6 Four: Whether the proposed variance will  
7 an adverse effect or impact on the physical and  
8 environmental conditions in the neighborhood or



9 district? And I left something out there. Does  
10 anybody have the end?

11 MEMBER NEFF: You mean, like a sentence?

12 ACTING CHAIRMAN CORWIN: I cut off part of  
the  
13 sentence.

14 MEMBER NEFF: Read the beginning again, maybe  
I  
15 can remember.

16 ACTING CHAIRMAN CORWIN: No, it's numbers.  
17 It's numbers. I'm going to have a hard time  
finding  
18 them going through all this stuff.

19 MEMBER NEFF: Dave, read the beginning of it  
20 again. Maybe it will help me remember what it says  
21 at the end.

22 ACTING CHAIRMAN CORWIN: Question 4: Whether  
23 the proposed variance will have an adverse affect  
or  
24 impact on the physical or environmental conditions  
in  
25 the neighborhood or district?

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1 MEMBER NEFF: I think that's the end of that,

2 that question.

3 ACTING CHAIRMAN CORWIN: All right. We'll  
4 leave it at that.

5 MEMBER NEFF: Sounds like the end.

6 (Roll Call Vote by Mr. Corwin)

7 MEMBER BENJAMIN: No.

8 MEMBER GORDON: No.

9 MEMBER NEFF: No.

10 ACTING CHAIRMAN CORWIN: Corwin is no.

11 And 5: Whether the alleged difficulty was  
12 self-created, which consideration shall be relevant  
13 to the decision of the Board of Appeals, but shall  
14 not necessarily preclude the granting of the area  
15 variance.

16 (Roll Call Vote by Mr. Corwin)

17 MEMBER BENJAMIN: No.

18 MEMBER GORDON: No.

19 MEMBER NEFF: Yes.

20 ACTING CHAIRMAN CORWIN: Corwin is yes.

21 All right. I have put together a motion. I  
22 asked the Attorney to review it. I don't know if  
he  
23 had a chance to or not.

24 MR. PROKOP: Yes.

25 ACTING CHAIRMAN CORWIN: Basically, I  
combined

34

it

of

I

90

Village

itself

1 the SEQRA and the findings together. So I'll read  
2 and you all can comment on it.

3 Whereas, an application has been made for  
4 variances to the Village of Greenport Zoning Board  
5 Appeals by Robert Tapp and Nickolas Ellis, 152  
6 Central Avenue;

7 And whereas, the applicants' proposed actions  
8 will increase the lot coverage from 36.9% to 38 --  
9 didn't get that right -- 38.5%;

10 And whereas, a combined side yard setback  
11 variance of 8.5 feet will be required for the  
12 proposed new construction;

13 And whereas, the existing house is  
14 nonconforming for side yard setbacks;

15 And whereas, the additional lot coverage is  
16 square feet for the first floor addition;

17 Now, therefore, be it resolved that the  
18 of Greenport Zoning Board of Appeals declares

19 Lead Agency for the State Environmental Quality  
20 Review purposes;

the 21 And the Zoning Board of Appeals finds that  
22 proposed variances are an unlisted action for State  
23 Environmental Quality Review purposes;

24 And the Zoning Board of Appeals declares that  
25 the action will have a negative impact on the

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1 environment;

2 And the Zoning Board of Appeals requires that  
3 minor changes be made to the submitted plans,  
4 including labeling the Village of Greenport as the  
5 agency with jurisdiction.

6 MR. TAPP: Okay.

7 ACTING CHAIRMAN CORWIN: And the planned  
8 elevations be labeled properly;

9 And the front yard material now called out as  
10 slate on the plan be called out properly;

11 And all rainwater shall be contained on the  
12 property, including roof leaders and gutters;

13 And asphalt concrete driveway runoff shall be  
14 contained on the property;

15                   And all rainwater from leaders and driveway  
be  
16                   directed to subsurface leaching basin to be sized  
to  
17                   capture the rain for a one-inch rainfall, if the  
18                   leaching basins are located in sandy soil;

19                   And the leaching basins will be sized to  
20                   capture a two-inch rainfall if the basins are  
located  
21                   in loam, or clay, or topsoil.

22                   Now, the Village of Greenport Board of  
Appeals  
23                   approves the plans, if corrected, and said  
24                   corrections on leaching basins, and grants the  
25                   requested variances.

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1                   That's the motion I have on the table. Does  
2                   anybody want to make any additions or corrections  
to  
3                   that?

4                   (No response.)

5                   MEMBER NEFF: Second.

6                   MR. PROKOP: So the -- where you say that the  
7                   Zoning Board of Appeals declares that the action  
will

8 have a negative impact on the environment, I would  
9 say, "And the Board, therefore, adopts a  
Conditioned  
10 Negative Declaration." What a Conditioned Negative  
11 Declaration means is that provided the applicant  
12 fulfills conditions, then it will not have a  
negative  
13 impact. The way that it is will have a negative  
14 impact, but if the applicant meets these  
conditions,  
15 it will not have a negative impact.

16 If you think that it will have a negative  
17 impact anyway, then what you do, you just continue  
18 and say the Board adopts a Positive Declaration.

19 ACTING CHAIRMAN CORWIN: I amend my motion to  
20 note that if the conditions the Zoning Board of  
21 Appeals has recommended are met, then the action  
will  
22 have a negative impact on the environment. Did I  
get  
23 that right?

24 MR. PROKOP: Will have a negative impact or  
--

25 MEMBER GORDON: It will not.

1 MR. PROKOP: -- it will not have a negative  
2 impact?

3 ACTING CHAIRMAN CORWIN: It will have a  
4 negative impact.

5 MR. PROKOP: Will have a negative impact.

6 ACTING CHAIRMAN CORWIN: That means it  
doesn't  
7 hurt anything, right?

8 MR. PROKOP: No, no. Negative impact means  
9 that it will hurt something, will have a negative  
10 impact on something.

11 ACTING CHAIRMAN CORWIN: Negative impact on  
the  
12 environment means nothing happens.

13 MR. PROKOP: No, that means it will have a  
14 detrimental impact on the environment. Negative  
15 means detrimental.

16 ACTING CHAIRMAN CORWIN: I'm not in agreement  
17 with what you're saying. A positive impact on the  
18 environment is a --

19 MR. TAPP: Footprint.

20 ACTING CHAIRMAN CORWIN: Not capturing the  
21 rainwater and letting it run into the street with  
the  
22 dog feces has a positive impact on the environment,  
23 in my mind. A negative impact means you're not  
going

24 to add any coliform bacteria to the environment,  
25 that's the way I see it.

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1 MR. PROKOP: Okay.

2 ACTING CHAIRMAN CORWIN: I mean, if I'm  
wrong,

3 let's get it straightened out.

4 MR. PROKOP: Okay, you're wrong. So, excuse  
5 me, respectfully. But a negative impact means that  
6 it will have a detrimental impact on the  
environment.

7 ACTING CHAIRMAN CORWIN: Oh, okay. I see  
what  
8 you're saying now.

9 MEMBER NEFF: Yes.

10 ACTING CHAIRMAN CORWIN: I'm sorry. I'm  
sorry.

11 MEMBER NEFF: Yes, okay.

12 MR. PROKOP: However, and I'm sorry to  
confuse

13 this, but it's the way the law reads --

14 ACTING CHAIRMAN CORWIN: Yes, yes.

15 MR. PROKOP: -- if you do not -- if you do  
not

16 think it's going to have a negative impact on the



Negative 17 environment, then what you do is you adopt a  
18 Declaration. I'm sorry. So it flips for the  
19 declaration. If you think that it's going to -- if  
20 it is going to have a negative impact on the  
21 environment, is going to have a negative impact on  
22 the environment, then you adopt a Positive  
23 Declaration. I mean, it's like having a positive  
24 indicator on something. You know, I'm sorry, that  
25 that's the way that it is, but that's the way they

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1 wrote the law.

2 ACTING CHAIRMAN CORWIN: Well, that's what  
3 you're here for.

4 MR. PROKOP: So a bad impact on the  
5 environment, you adopt a Positive Declaration. A  
6 good impact on the environment you -- or no impact,  
7 you adopt a Negative Declaration.

8 ACTING CHAIRMAN CORWIN: Okay. So if one --

9 MR. PROKOP: Or a Conditioned Negative  
10 Declaration, which means that provided certain  
11 conditions are met, then there will be no impact.



impact

6 on the environment. Okay? We're all on the same  
7 page there?

8 MEMBER GORDON: Yes.

9 MEMBER BENJAMIN: Yes.

10 ACTING CHAIRMAN CORWIN: Do we have a second?

11 MR. BENJAMIN: Yes.

12 MEMBER NEFF: I seconded it.

13 ACTING CHAIRMAN CORWIN: Is there any  
14 discussion?

15 (No response.)

16 ACTING CHAIRMAN CORWIN: I'll ask for a roll  
17 call vote.

18 (Roll Call Vote by Mr. Corwin)

19 MEMBER BENJAMIN: Yes.

20 MEMBER GORDON: Yes.

21 MEMBER NEFF: Yes.

22 ACTING CHAIRMAN CORWIN: Corwin is yes.

Okay.

23 MR. TAPP: Thank you.

24 ACTING CHAIRMAN CORWIN: You're approved.

Good

25 luck.

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1 MR. TAPP: Thank you very much. Thank you.  
2 When can I get a copy of the -- what they all just  
--  
3 when may I get a copy of those five riders?

Inspector

4 ACTING CHAIRMAN CORWIN: The Building  
5 is at a training session until the end of the week,  
6 so some time next week. I wouldn't look for it  
7 Monday, I'd look for it Thursday or Friday.

give

8 MR. TAPP: That would be great. And I'll  
9 her the revised survey with the garden in front?

10 ACTING CHAIRMAN CORWIN: And just let me note  
11 what was wrong with these plans.

12 MR. TAPP: It wasn't on there.

13 ACTING CHAIRMAN CORWIN: The general notes  
14 here, you have --

15 MR. TAPP: Yes, okay.

Building.

16 ACTING CHAIRMAN CORWIN: -- Southold  
17 This is the Village of Greenport. You're calling  
18 this existing front elevation, that's the rear  
19 elevation.

20 MR. TAPP: Okay. I picked up on that, too.  
21 Okay.

22 ACTING CHAIRMAN CORWIN: And proposed front

23 elevation, it's the rear elevation.

24 MR. TAPP: Okay.

25 ACTING CHAIRMAN CORWIN: And you've got to  
show

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1 drainage basins.

2 MR. TAPP: Thank you.

3 ACTING CHAIRMAN CORWIN: And the other thing  
4 that I want you to change is -- oh, that was the  
5 problem, they showed this --

6 MR. TAPP: Right.

7 ACTING CHAIRMAN CORWIN: -- and they took  
that  
8 out. So that's what I want.

9 MR. TAPP: Terrific. Thank you all. Very  
nice  
10 to meet you. Do you want these, or do you want me

11 give these to Eileen? I'm sorry to take up more of  
12 your time.

13 ACTING CHAIRMAN CORWIN: Give it to us and  
14 we'll put them in the file.

15 MR. TAPP: Thank you all.

16 ACTING CHAIRMAN CORWIN: All right. Now  
we'll

my  
was  
17 have a discussion of Combs on Second Street. And  
18 feeling, I've got a character flaw, I'm a  
19 straightforward guy, I was not happy with the  
20 application and I have no plans to vote for it, I  
21 going to vote against it.

22 Now, you have submitted to me additional  
23 information. I ask the Attorney to see if this is  
24 the correct way to proceed. I would say that you  
25 should withdraw your application and start all over

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to  
of  
of  
add  
1 again. But to save you problems, that's not going  
2 satisfy me, because I think it's too intense a use  
3 the property, and it's too close to the side yard  
4 the neighbor, and the swimming pool. You didn't  
5 in the storage shed in your calculations. You went  
6 up to 30% and stopped. And when you add in that  
7 storage shed, you went over the 30%

a  
8 MRS. COMBS: Oh, I wasn't aware that that was

9 storage shed.

10 ACTING CHAIRMAN CORWIN: Well, we've had  
11 several pool applications where the neighbors come  
12 in, they complained about the size of the pool, or,  
13 rather, the noise of the pump.

14 MRS. COMBS: Okay.

15 ACTING CHAIRMAN CORWIN: So I don't care for  
16 that. I think it's really asking for a lot, a pool  
17 that big and a studio that big. That's my personal  
18 opinion. And, again, I think the best way to  
19 proceed, and I ask the Attorney if he has something  
20 else to say, is to withdraw your application. And

I

21 ask the other members what they think.

22 MR. PROKOP: I'm sorry.

23 MEMBER GORDON: No.

24 MR. PROKOP: My feeling -- what I would  
25 normally say is that leave it up to the applicant,

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1 but I think in this case, it's a substantially  
2 different application, you know, the introduction  
of  
3 the two-story building and asking the Board to

4 determine that it's an accessory building, a pool  
5 house, or a studio, I'm not sure. And the question  
6 about the realignment of the pool, it really seems  
to  
7 be a different application. So, for that reason, I  
8 would tend to agree with you.

9 MEMBER GORDON: Yes, I agree. I think it's a  
10 very substantial change to the look and character  
of  
11 the property. And we aren't given what the  
setbacks  
12 would be in this new situation. So I don't even  
see  
13 how we can begin to make --

14 MRS. COMBS: The pool setbacks? Which  
setbacks  
15 are you referring to?

16 MEMBER GORDON: Well, I'm thinking, if you're  
17 changing the --

18 MEMBER BENJAMIN: North and south.

19 MEMBER GORDON: -- direction of the pool --

20 MRS. COMBS: Yeah.

21 MEMBER GORDON: -- we need much more  
22 information about the -- I don't think it's  
provided  
23 on this sort of last-minute diagram you gave us.

24 MRS. COMBS: Yes. I think that the distance  
25 from the yards is on the -- that new diagram that I



45

1 gave to you, it's seven feet

don't

2 ACTING CHAIRMAN CORWIN: Well, no, no. I

3 think we're even going to consider this.

4 MRS. COMBS: But that's something different,

5 yeah.

6 MEMBER GORDON: We didn't get to that.

7 ACTING CHAIRMAN CORWIN: No setbacks.

8 MRS. COMBS: I understand. We're new to this

9 whole process, so, please, you know, forgive our

10 ignorance, but we never -- this is our first time

11 owning a home. We've never done anything like this

12 before.

13 We went and met with Eileen Wingate and she

14 gave us some recommendations and some advisement.

we

15 But we're kind of going this alone, so, you know,

we

16 -- I apologize for us not being as professional as

17 wish we could be.

professional

18 ACTING CHAIRMAN CORWIN: We're not

19 either, so we're doing the best we can.

20 MR. PROKOP: Can I ask you, since you're not  
21 represented, you're here on your own, you're doing  
22 this on your own, this accessory building that  
you're  
23 asking for the Building -- the Board to approve,  
what  
24 is it? I mean, a pool house and a studio are not  
25 really associated uses, so what is it really?

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1 MR. COMBS: Yeah. It would be -- It probably  
2 should be changed. It's an artist studio. The  
pool  
3 house -- from what I understood, Eileen mentioning,  
4 is that an artist studio, which is what I would  
like  
5 it to be, could have a toilet and a wash sink for  
6 brushes. But it was written on the application  
that  
7 it was a pool house/artist studio, but --

8 MR. PROKOP: But who wrote it on the  
9 application?

10 MRS. COMBS: I wrote that on the application  
at  
11 the advisement of Eileen Wingate. The idea was  
12 basically that if there were a bathroom in there,  
if

13 somebody wanted to use the bathroom, that would be  
14 the sole benefit of the pool house, you know. My  
15 husband's a sculptor, so, really, it would be  
mostly  
16 an office and some open space for him to do his  
17 sculpture.

18 MR. PROKOP: But I think when you get -- I  
19 think the best thing, when you come to a Board like  
20 this, and you're not represented --

21 MRS. COMBS: Yeah.

22 MR. PROKOP: -- is, you know, just  
candidness,  
23 and, you know, really, describe really what you  
24 intend to do.

25 MRS. COMBS: Right.

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1 MR. PROKOP: Because then the Board can react  
2 and deal with it, you know.

3 MRS. COMBS: Sure.

4 MR. PROKOP: So I'm not sure. You know, I  
5 mean, I asked you what, you said what the use would  
6 be. I'm not -- you know, I just really wanted to  
7 hear from you what you think the use would be. I

8 suspected that somebody told you to call it a pool  
9 house --

10 MRS. COMBS: Yeah.

11 MR. PROKOP: -- studio. If it's really going  
12 to be a studio, then the Board should just know  
it's

13 really going to be a studio.

14 MR. COMBS: Yes.

15 MRS. COMBS: That is what it's going to be.  
We

16 were actually hoping that we could have it changed,  
17 so that in the documentation, it says "studio".

18 We're kind of flying by the seat of our pants  
trying

19 to get this done, and we were advised to write what  
20 we wrote on the application and --

21 ACTING CHAIRMAN CORWIN: Who advised you?

22 MRS. COMBS: Eileen Wingate.

23 ACTING CHAIRMAN CORWIN: I would caution you  
24 against--

25 MRS. COMBS: She recommended.

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1 ACTING CHAIRMAN CORWIN: -- taking advice  
from

2 the Building Inspector, because --

3 MRS. COMBS: Okay.

4 ACTING CHAIRMAN CORWIN: -- she has given  
5 people advice before that has been contrary to what  
6 this Board --

7 MRS. COMBS: Okay. That's -- again, we're  
kind  
8 of navigating to the best of our abilities, and we  
9 thought she was an authority that -- sorry. We  
10 thought she was to be trusted.

11 MR. COMBS: Guided.

12 MEMBER NEFF: I think we're talking about  
13 information, incompleteness or confused, whatever.  
14 But the problem I think that I'm sensing is that no  
15 one who -- the Building Inspector or -- we're not  
16 going to instruct you what you should do. And I  
17 think the approach of our Attorney is to say -- to  
18 think about what you want. But then you do need  
19 detailed and complete plans.

20 And it's a good idea to know that there is  
this  
21 thing about lot coverage, and there are these  
things  
22 called setbacks. And the existing houses, yours  
and  
23 mine, the house next door to you, they're not built  
24 -- they were built way before we had the zoning

25 regulations we have. But, nonetheless, in other

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1 words, no one's ever going to move a house that was  
2 built 100 years ago. But we are trying to use the  
3 guidelines, particularly the 30% lot coverage and  
the  
4 setbacks to create harmony among the various people  
5 who live in a village that doesn't have a  
tremendous  
6 amount of open space, lots -- your lot is, in fact,  
7 smaller than many lots. The width is pretty much  
8 very common, but the depth of the lot, they're  
often  
9 150. But then there are many lots like yours, 115.  
10 There are even smaller lots.

11 So -- but the idea that this structure, the  
12 artist studio/pool house, to build a two-story  
13 structure, you need the complete plans. And the  
14 actual mechanics of having a pool, and what kind of  
15 filter, and what kind of housing for it, and  
fencing,  
16 you're -- when you have more and more information  
17 about what you'd like, then you're beginning to put  
18 together a package that has to be shaped into an

19 application.

20 At this point, it's not enough information.

21 You explained what you'd like to do in words, but

22 there's not concrete examples of what you'd like to

23 build, and it doesn't give us -- I mean, we've  
heard

24 the Chairman, and I would certainly agree with him,

25 that what you're proposing for the lot, 51 by 115,

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1 given what's in the neighborhood, is substantial,

and

2 perhaps is not going to get an affirmative vote.

3 That doesn't mean you can't propose -- you can

4 propose it, but it's going to have to be a lot more

5 detail.

6 MR. COMBS: I think what was happening is we

7 were just trying to find out whether or not -- we

8 didn't provide all those details, I respect what

9 you're saying, but we were trying to see is this

10 feasible of being -- we didn't go with all the

11 detailed plans until we knew is this going to be --

12 MRS. COMBS: We thought that was something

that

13 we would do in the next round.

14 MR. COMBS: Next, on our next round.

15 MRS. COMBS: We weren't aware that this was  
it,  
16 that it was all to be decided right here. You  
know,  
17 again --

18 MR. COMBS: That's where I received some  
19 misguidance from the Building Department, because I  
20 didn't know that everything needed to be presented  
21 tonight. I thought it needed to just be the amount  
22 of space, is this going to be something that was  
23 approved or not approved. So I didn't have  
technical  
24 mechanical drawings on everything, the buildings,  
the  
25 -- she had advised to put -- she had mention that

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1 there has been some problems with sounds and pumps,  
2 so she said this should be put into an enclosed,  
you  
3 know, container. But that was well after the --  
4 MRS. COMBS: And it wasn't specified that  
that  
5 was to be a shed necessarily.



6 MR. COMBS: Yeah.

7 MRS. COMBS: It was stated as if it were  
being  
8 enclosed.

9 ACTING CHAIRMAN CORWIN: Well, it says  
10 "storage", but there's no sense in going back and  
11 forth.

12 MR. COMBS: Right.

13 ACTING CHAIRMAN CORWIN: What I've said to  
you  
14 is just changing the orientation of the pool is not  
15 going to do it for me.

16 MR. COMBS: Yeah.

17 ACTING CHAIRMAN CORWIN: I don't know about  
the  
18 others, but this is very intense use of a piece of  
19 property, and I don't favor it as it was presented.  
20 You have the option of withdrawing your application  
21 now. Otherwise, we're going to have to take a  
vote,  
22 and I think the vote would be no.

23 MR. COMBS: Okay. That being said, would it  
be  
24 better for me to do an addition and not make this  
an  
25 accessory building?

1 MR. PROKOP: We can't. You know --

2 MR. COMBS: I know you can't give your  
opinion.

3 MR. PROKOP: I'm just going to interrupt you.  
4 I'm sorry, I apologize. Do you want to answer the  
5 question? I'm sorry.

6 ACTING CHAIRMAN CORWIN: We're not going to  
--  
7 we're not going to answer a question like that.

8 MR. COMBS: Okay.

9 MR. PROKOP: And you shouldn't get that  
advice  
10 from the Village either. The Village shouldn't be  
11 giving you advice on this. I mean, the Village can  
12 tell you what the code section is that applies, but  
13 when you come in -- when an applicant comes and

they  
14 say they are going to build a 400-square-foot  
15 building, now with two stories, which is really an  
16 800-square-foot building, and it's called a pool  
17 house/studio -- studio/pool house, to me, a flag  
goes

18 up that somebody told you to call it a pool house,  
19 studio/pool house. Because nobody would come in  
and

20 say, "I'm going build a pool house/studio or

21 studio/pool house, artist studio/pool house,  
whatever  
22 you're going to call it.  
23 MR. COMBS: Yeah.  
24 MR. PROKOP: So you got that from somebody.  
25 So, you know, we now found out that you got it from

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1 the Building Inspector. But these kinds of  
questions  
2 that you're asking the Board, and, I'm sorry, I  
don't  
3 mean to over-talk, I apologize, but you really  
should  
4 be looking for that outside the Village, get  
guidance  
5 from a design professional.  
6 MR. COMBS: Fair enough.  
7 MR. PROKOP: Is that --  
8 ACTING CHAIRMAN CORWIN: I think you're  
9 correct, Mr. Prokop.  
10 MR. PROKOP: We're not really supposed to --  
11 MR. COMBS: Right.  
12 MR. PROKOP: Nobody inside that building is  
13 really supposed to be giving out that kind of  
advice,

14 you know, to help.

15 MR. COMBS: Yeah.

16 MR. PROKOP: And it would be more helpful,  
more  
17 constructive for you.

18 MRS. COMBS: Okay.

19 MR. PROKOP: Unless somebody disagrees with  
me  
20 on it.

21 ACTING CHAIRMAN CORWIN: Hearing none, are  
you  
22 going to withdraw your application?

23 MRS. COMBS: Is there any chance, if we  
adjourn  
24 the hearing, that I can submit revisions in  
writing?

25 ACTING CHAIRMAN CORWIN: I don't think so,

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1 because it is --

2 MRS. COMBS: It's so different?

3 ACTING CHAIRMAN CORWIN: -- such a difference  
4 that it would require re-noticing the public  
hearing,  
5 because it's going to change all the variances.

6 MR. PROKOP: Yeah, that's the problem. It's

7 really starting all over again.

8 MRS. COMBS: Okay.

9 MR. COMBS: Then we'll start over again.

10 MRS. COMBS: Then we'll start over again.

11 Sorry for wasting your time.

12 ACTING CHAIRMAN CORWIN: So I have not heard  
13 you say you're going to withdraw your application.

14 MRS. COMBS: We'll withdraw the application.

15 MR. COMBS: Yeah, we'll withdraw the  
16 application.

17 ACTING CHAIRMAN CORWIN: The application has  
18 been withdrawn, so we will not consider it anymore.

19 MR. PROKOP: Thank you.

20 MEMBER GORDON: Thank you.

21 MR. COMBS: Should we take these back from  
you,  
22 or do you keep them?

23 ACTING CHAIRMAN CORWIN: I think you should  
24 take anything you gave us today, yes.

25 MR. COMBS: All right. Thank you for your

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1 time.

2 ACTING CHAIRMAN CORWIN: All right. The next

3 item, a motion to approve the Findings and  
4 Determination for Ralph and Sarah Edwards, 163  
Fifth Street. That was the one with the existing pool we  
5 did a couple of months ago. I make a motion that  
6 Findings and Determinations be approved.  
7

8 MEMBER NEFF: Second.

9 ACTING CHAIRMAN CORWIN: All in favor?

10 MEMBER BENJAMIN: Aye.

11 MEMBER GORDON: Aye.

12 MEMBER NEFF: Aye.

13 ACTING CHAIRMAN CORWIN: Aye.

14 Now, I'm going to go out of sequence to find  
a motion to schedule the next meeting. And the  
15 situation right now is Chairman Moore will not be  
16 back on the third Wednesday, and he has suggested  
17

18 I have said all along that we want five people, a  
19 full board, to discuss this Smoked Fish thing, I  
want  
20 a full board to do this. And Mr. Moore says, well,  
21 he'll be back April 22nd, and there's five  
Wednesdays  
22 in the month of April. My position is that the  
third  
23 Wednesday is the third Wednesday and we should  
always

leave 24 hold the meetings on the third Wednesday. So I  
25 that up to you, the rest of the Board, to discuss

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1 this, whether the meeting should be April 15th or  
2 April 22nd.

that 3 MEMBER NEFF: I have a question. You say  
4 he's back the 22nd. Do we know that he'd be there  
at 5 the regular time?

6 ACTING CHAIRMAN CORWIN: Well, he said he  
7 would. My only concern with that, if it comes to  
8 pass, that is he going to have enough time to think  
9 about it a little? And I know he likes do a lot of  
10 research. And he won't be able to make an  
inspection

11 for the smoke house, for the smoked fish operation,  
12 so he may be a little harried, but he said he would  
13 be back the 22nd.

14 MR. KARLIN: There really is --

15 MEMBER BENJAMIN: Really is?

16 MR. KARLIN: There really is nothing to  
17 inspect. The thing hasn't changed since the last

18 inspection.

we're

19 ACTING CHAIRMAN CORWIN: No, no, let's --

date

20 going to get into this, but I'm trying to get a

21 for the next meeting so we can proceed with that.

22 So I'm asking the Board. My position is the

23 third Wednesday, April 15th, for the next meeting.

24 And does the Board want to wait until the 22nd or

25 hold the meeting April 15th?

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1 MEMBER NEFF: I have just a question. Do we  
2 have any other -- we haven't accepted any other  
3 applications for the April meeting, correct?

4 ACTING CHAIRMAN CORWIN: That's correct.

5 MEMBER NEFF: Okay.

on

6 ACTING CHAIRMAN CORWIN: We don't have a lot  
7 the table.

the

8 MEMBER NEFF: And my question is also, did

9 Chairman ask that the meeting get scheduled for the  
10 22nd?

11 ACTING CHAIRMAN CORWIN: He suggested it,



yes.

12                   MEMBER NEFF: Then I would also, knowing the  
13                   Chairman as I do, would -- the idea that he would  
be  
14                   anything but prepared for that meeting to me seems  
15                   probably not the case, and that it's my point of  
view  
16                   that I would be willing to schedule the April  
meeting  
17                   on the 22nd.

18                   ACTING CHAIRMAN CORWIN: Mr. Benjamin?

19                   MEMBER BENJAMIN: I see that we have a -- on  
20                   Item 7, we have a motion to accept an appeal for an  
21                   area variance.

22                   ACTING CHAIRMAN CORWIN: Which we're going to  
23                   get to once we settle this, this date of the next  
24                   meeting.

25                   MEMBER BENJAMIN: Yeah. So I have no problem

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1                   whatsoever with changing the normal date to the  
22nd.

2                   ACTING CHAIRMAN CORWIN: Ms. Gordon?

3                   MEMBER GORDON: I agree, I have no problem  
4                   accepting a change.

5                   ACTING CHAIRMAN CORWIN: Okay. Then we will  
--  
6                   when we get to that part, we'll schedule it for the  
7                   22nd.

8                   All right. The next item is to accept -- a  
9                   motion to accept area variance application from  
Phil  
10                  Karlin, North Fork Smoked Fish, 414 First Street,  
11                  schedule a public hearing for the April meeting,  
12                  which will be April 22nd at 5:00, schedule an  
13                  inspection of the premises for 4:30, before the  
April  
14                  meeting, which would be April 22nd. So that is the  
15                  motion on the table.

16                  MEMBER NEFF: Second.

17                  ACTING CHAIRMAN CORWIN: Is there any  
18                  discussion?

19                  MR. PROKOP: Are we going to have any other  
20                  discussion on this application tonight? Is this  
our  
21                  opportunity to discuss this application?

22                  ACTING CHAIRMAN CORWIN: No. This is just to  
23                  schedule a public hearing.

24                  MR. PROKOP: Okay.

25                  MEMBER BENJAMIN: No discussion.

got 1 ACTING CHAIRMAN CORWIN: No discussion. We  
2 a second. All in favor?

3 MEMBER BENJAMIN: Aye.

4 MEMBER GORDON: Aye.

5 MEMBER NEFF: Aye.

6 ACTING CHAIRMAN CORWIN: And I am opposed,  
7 because I like April 15th.

hearing 8 The motion passes to schedule a public  
9 for April 22nd, and we will have an inspection at  
10 4:30. Is that satisfactory with you?

11 MR. KARLIN: That's fine.

the 12 ACTING CHAIRMAN CORWIN: And, in that case,  
13 Chairman will -- Chairman Moore will be there to  
make 14 an inspection, too. So that's it for you guys.

15 MR. KARLIN: Okay. April 22nd, 5:00.

16 ACTING CHAIRMAN CORWIN: April 22nd at 4:30.  
17 And the meeting, the public hearing will be 5:00.

18 MR. KARLIN: At 4:30, and the meeting is 5 at  
19 the Firehouse, right?

20 ACTING CHAIRMAN CORWIN: Yes, should be the  
21 Firehouse.

22 MR. KARLIN: Okay.  
23 ACTING CHAIRMAN CORWIN: The next.  
24 MR. PROKOP: Wait, hold on. Excuse me.  
25 ACTING CHAIRMAN CORWIN: Go ahead.

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1 MR. PROKOP: So is there any other  
opportunity  
2 tonight to discuss this application, because I have  
3 discussion.  
4 ACTING CHAIRMAN CORWIN: Well, if you want to  
5 go ahead and raise something.  
6 MR. PROKOP: I brought it to the attention of  
7 the --  
8 ACTING CHAIRMAN CORWIN: Oh, I'm sorry. Go  
9 ahead.  
10 MR. PROKOP: I brought it to the attention of  
11 the design professional that's representing the  
12 applicant, Amy Martin, that there's a question  
about  
13 the application which needs to be -- which I  
believe  
14 needs to be resolved. I'm just -- I'm unclear on  
it.  
15 And we didn't get it for tonight. I just -- if  
we're

16 going to have a public hearing, the public  
hearing's  
17 not going to be constructive if it's not resolved,  
18 which is that the square footage of the building is  
19 1,000 -- and I'm not the Building Inspector, I'm  
20 just -- this is a legal point, because it's an area  
21 variance. But the square footage of the building  
is  
22 approximately 1,000 square feet, and the  
application  
23 represents that there's a certain number of square  
24 feet of manufacturing and a certain number of  
retail.  
25 And the total of those two uses don't add up to the

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1 -- you know, the square footage of the building. I  
2 think that that needs to be resolved in the  
3 application  
4 MR. KARLIN: You got the final copy?  
5 MR. PROKOP: No.  
6 MEMBER NEFF: I might.  
7 MR. KARLIN: I was under the impression that  
8 you did.  
9 MR. PROKOP: I mean, on the agenda, it

doesn't.

10           The notice on the agenda, it doesn't, I don't  
think.

11                   MR. KARLIN:  And I didn't even know about  
that,  
12           actually, either.

13                   MR. PROKOP:  I mean, if I'm mistaken, I'm  
14           sorry.  I just want to make sure it's clear.

15                   MR. KARLIN:  I think it's actually -- I don't  
16           know if it's 1,000.  I think it's a little over  
17           1,000.

18                   MR. PROKOP:  Oh, so it adds up -- it adds up  
19           all the space now?

20                   MR. KARLIN:  Yeah.  That's the way that she  
21           put it down.

22                   MR. PROKOP:  Okay.  The retail is 561.

23                   MR. KARLIN:  Right.

24                   ACTING CHAIRMAN CORWIN:  This may be the one.

25                   MR. KARLIN:  Did you receive a copy of that?

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1                   MR. PROKOP:  I didn't get it.  I just read  
2           the -- do you have the agenda?  Does it say here?

3                   ACTING CHAIRMAN CORWIN:  This was the latest

4 edition. I don't know if this changed the square  
5 feet or not.

6 MR. PROKOP: Okay. Wait a second. Let me  
just  
7 see this.

8 ACTING CHAIRMAN CORWIN: Well, we'll just  
9 advise the applicant to go ahead and double check  
and  
10 make sure all the areas are correct.

11 MR. KARLIN: Okay. Well, Amy will.

12 MEMBER NEFF: It says here that it's 1300.

13 MR. KARLIN: I think it is closer to that.

14 MR. PROKOP: Right here, it says three --

15 ACTING CHAIRMAN CORWIN: It depends on  
whether  
16 you count the cement blocks or not, apparently is  
17 what's going on.

18 MR. PROKOP: I'm sorry. Excuse me.

19 MR. KARLIN: I'm sorry.

20 MR. PROKOP: That's okay. I'm sorry, excuse  
21 me. The -- so what went into the -- what went into  
22 the notice is 528 square feet. Proposed retail  
space  
23 of 528, limiting -- and manufacturing of 324. So  
24 that's --

25 MR. KARLIN: Right, the balance of the --

it

1           MR. PROKOP: So it's 528 and 324. So that  
2           doesn't -- I mean, I'm just letting you know that  
3           has to be explained at the -- I just don't want you  
4           to have to keep coming back, that's what I'm --

5           MR. KARLIN: Just to make sure that the -- in  
6           other words, everything adds up to the size of the  
7           area.

8           MR. PROKOP: Yeah. You have to answer the  
9           question like that at the hearing.

by

10          MR. KARLIN: Right. Well, Amy will be back  
11          that time and we'll go over with her.

don't

12          MEMBER NEFF: It may not be counting the  
13          bathroom, or the office, or the mechanicals. I  
14          know.

15          MR. KARLIN: But we were including this space  
16          as well?

for

17          MR. PROKOP: I don't know what they came up  
18          with. I'm not sure, I'm sorry. Well, that's not  
19          me to say, because I don't know that stuff.

20          MR. KARLIN: Well, yeah. You know, I'm just



21 asking, because -- I'm glad you brought it up,  
22 because --

based

23 MR. PROKOP: Maybe have Amy call me, then we  
24 could work it out, because I can do the notice  
25 on that.

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1 MR. KARLIN: Okay, right.

got

2 ACTING CHAIRMAN CORWIN: The point is it's  
3 to be straightened out before the notice goes in  
4 paper, because once it goes in the paper, that's  
5 we're working with.

the

what

6 MR. KARLIN: I gotcha.

7 ACTING CHAIRMAN CORWIN: All right? And the  
8 other thing I want is there have been at least two  
9 prior applications for this, and they kind of have  
10 been withdrawn. I want it in writing that they  
11 withdrawn, if they were withdrawn.

were

12 MR. KARLIN: Okay. I'll get up with Amy on  
13 that, too. I don't know if --

14 ACTING CHAIRMAN CORWIN: Amy has nothing to

do

15 with that. You made the first one, I believe, and  
16 then Ms. Phillips made an application.

17 MR. PROKOP: Okay. We'll take care of it.

18 MR. KARLIN: I'll agree to that.

19 ACTING CHAIRMAN CORWIN: So that's two  
20 applications that I would like to see in writing  
are  
21 withdrawn.

22 MR. PROKOP: So we get something for the  
file,  
23 please, you know, just a piece of paper for the  
file.

24 MR. KARLIN: There were two applications, the  
25 two prior applications were withdrawn.

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1 MR. PROKOP: Right, please.

2 MR. KARLIN: Okay.

3 MR. PROKOP: Thank you.

4 MR. KARLIN: All right. I'll find out when  
5 she's getting back.

6 MR. PROKOP: Okay, thanks.

7 MR. KARLIN: What kind of notice -- I mean,  
8 when they put the public notice in, how much in

9 advance does it have to be for the 22nd meeting?  
10 MR. PROKOP: Well, you should get -- whatever  
11 you're going to do, you should get it to us by like  
12 March 28th, March 27th, end of next week, I  
believe.  
13 MR. KARLIN: All right. I'll call Karen in  
the  
14 morning and let her know. Thank you.  
15 ACTING CHAIRMAN CORWIN: All right. Are we  
all  
16 settled on this?  
17 MEMBER BENJAMIN: So we're going to accept  
the  
18 application, but it has to be corrected.  
Otherwise,  
19 we can't accept it.  
20 MR. PROKOP: I would accept the -- we  
accepted  
21 it and set the hearing, that's fine. It was just  
22 some housekeeping that we needed, a question about  
23 some of the details. That would have normally come  
24 up at the public hearing, but I just wanted to get  
it  
25 straightened out tonight.

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detail.

1 MEMBER BENJAMIN: Pretty much the only

2 ACTING CHAIRMAN CORWIN: All right. Item  
3 listed as #6, motion to accept a request -- did we  
4 vote on that?

5 MEMBER BENJAMIN: No. The request from who?

hearing?

6 ACTING CHAIRMAN CORWIN: The Smoked Fish. We  
7 voted on that, didn't we, to hold the public  
8 Right.

9 MEMBER BENJAMIN: Yes.

10 ACTING CHAIRMAN CORWIN: What's listed as  
11 Item 6 is a motion to accept a request from the  
12 Building Inspector for an interpretation of the  
13 Village of Greenport Code, publicly notice and  
14 schedule a public hearing.

the

15 The Building Department is requesting the  
16 Zoning Board of Appeals to review the sections of  
17 code which address yard requirements and fence  
18 locations: Sections 150-13 B(1), Section 150-13D,  
19 and Section 150-13F.

fence

20 The Building Department has received an  
21 application from a property owner requesting a  
22 permit. The permit was granted and the fence was  
23 installed. The installation of this fence has

the 24 sparked conversation regarding these sections of  
25 Village Code.

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corner 1 And just to give you some background on this,  
2 this is a fence on the north -- the southeast  
3 of Second and North Street where the Building  
4 Inspector gave a permit for a fence. And my  
5 contention was the side yard -- the Building  
6 Inspector said, "Oh, no, that's past practice." I  
7 brought it up. The Attorney said there's no such  
8 thing as past practice. And then the Building  
9 Inspector found something in a planning document to  
10 the effect of what a side yard was. So that has to  
11 be determined what a side yard is. And there may  
be 12 some conflicts in the code as to what a side yard  
is. 13

14 So I guess I won't go into it any further at  
15 this point, other than I guess everybody should  
16 review it. We'll discuss it after the public  
17 hearing.

So we'll schedule -- I make a motion to

18 schedule a public hearing April 22nd, we'll call it  
19 5:15, for an interpretation of side yard and  
fences.

20 Is there a second?

21 MEMBER NEFF: Second.

22 ACTING CHAIRMAN CORWIN: All in favor?

23 MEMBER BENJAMIN: Aye.

24 MEMBER GORDON: Aye.

25 MEMBER NEFF: Aye.

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1 ACTING CHAIRMAN CORWIN: Aye.

2 So that motion is carried.

3 MEMBER GORDON: April 22nd, what time?

4 ACTING CHAIRMAN CORWIN: 5:15.

5 MEMBER NEFF: The site visit is -- wasn't it  
6 4:30? Didn't we -- did we do that?

7 MEMBER BENJAMIN: Well, there's no site visit  
8 because it's an interpretation.

9 MEMBER NEFF: Oh, I know it's not for that,  
but

10 do we have another site visit to the fish place?

11 MEMBER BENJAMIN: Yeah, the fish house.

12 ACTING CHAIRMAN CORWIN: Yeah, 4:30 at the

13 Smoked Fish, yes, yes.

14 MEMBER NEFF: That's right. Okay.

15 ACTING CHAIRMAN CORWIN: Now what I did was I  
16 blew off the sign question, because I thought we  
17 might run into time problems, but it doesn't look  
18 like we're going to. So we can go back to the  
19 discussion of signs.

20 MEMBER NEFF: Which item are we talking  
about?

21 MEMBER BENJAMIN: Do we need an  
interpretation  
22 of that?

23 ACTING CHAIRMAN CORWIN: No, no, it wasn't an  
24 interpretation.

25 MEMBER BENJAMIN: What was it?

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1 ACTING CHAIRMAN CORWIN: Item #4, discussion  
2 and possible decision on the content of a ZBA  
3 response to a request from the Village of Greenport  
4 Board of Trustees for comments from the ZBA and the  
5 Planning Board and the Historic Preservation  
6 Commission regarding section 150-15D of the Village  
7 of Greenport Code regarding regulation of signs.

Code 8 And what happened here is, I guess, at the  
9 Committee, Trustee Phillips brought this idea of  
10 signs up, and some kind of discussion whether the  
passed 11 existing sign code was adequate, and then she  
12 that on to the Village Board, and the Village Board  
was 13 said, "Oh, yeah, do it." And then what happened  
14 the Historic Preservation Commission discussed it a  
15 little. We didn't have time in January to discuss  
16 it. The Historic Preservation Commission basically  
17 said it's not broke, don't fix it.

Moore, 18 I discussed this a little with Chairman  
19 and his feeling was basically the same, it's not  
20 broken, so let's not fix it.

21 The only question in my mind is some of these  
itself 22 windows in some of these shops. The sign code  
23 I think is fine, and most of them come in by a  
24 case-by-case basis.

25 One shortcoming of the sign code, possible

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1 shortcoming, is you're allowed square feet based on



2 the lineal frontage. And I don't remember the  
3 figures, but if you got a lot of lineal frontage in  
a  
4 store or a piece of property, you could end up with  
a  
5 very big sign. And my bigger concern is these  
stores  
6 that are putting these signs in the window, like  
7 "open" and beer signs, and just everything else  
that  
8 comes along.

9 MEMBER BENJAMIN: ATM.

10 ACTING CHAIRMAN CORWIN: ATM.

11 MEMBER NEFF: It's like we can see several of  
12 them across the street.

13 ACTING CHAIRMAN CORWIN: Yeah, exactly. So  
14 that, at this point in time, is a, what do you call  
15 it, code enforcement question, because Code could  
go  
16 around and say, "Well, you can't do this." But  
they  
17 probably don't want to. And I don't think you  
18 necessarily want to say you can't put anything in  
the  
19 window. But the question is where does it begin  
and  
20 where does it end? So, if any of you have anything  
21 to add to that discussion.

22 MEMBER BENJAMIN: Well, I think that pretty

23 much the code was there to keep controls on the  
24 signage, keep it under control, so it doesn't look  
25 like Selden or something.

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1 ACTING CHAIRMAN CORWIN: Yeah.

pretty

2 MEMBER BENJAMIN: And I think it does a

fix

3 good job. So, I agree, if it's not broke, don't

4 it, right?

5 ACTING CHAIRMAN CORWIN: But that leaves the  
6 question of is there enforcement on these windows,  
7 that put a lot of stuff in the window?

8 MEMBER BENJAMIN: That's a part of regulating  
9 and I don't know if that's my business.

about

10 MR. PROKOP: Well, is there a -- when you're  
11 talking about code enforcement, you're talking  
12 the signs in the windows, basically?

13 MEMBER BENJAMIN: Yes.

14 ACTING CHAIRMAN CORWIN: Yes, yes.

recommendation

15 MR. PROKOP: I mean, is there a

16 that we can do that they can enforce? I mean,

other

17 than just saying there should be code enforcement,  
is

18 there a way -- is there a change in the law, which  
I

19 don't disagree with. I mean, I just --

20 ACTING CHAIRMAN CORWIN: Well, somebody can

21 make a complaint, and then the Code Enforcement

22 Officer can go tell them, "Take everything out of  
the

23 window," but that's not going to go over very big,  
I

24 don't think. I mean, I can see people putting

25 posters for benefit events and stuff like that. We

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1 don't want to stop them from doing that. If they  
put

2 a menu in the window, we don't want to stop them  
from

3 doing that. I don't think we do, anyway.

4 MEMBER NEFF: I have a question. They're

5 fliers, I think we're not talking about that, which

6 change with situations and dates of events. But  
I'm

7 looking at the "open" sign and that's a beer above

8 across the street, and are there any -- and they're

9 neon signs. I have a question. Is there any  
10 regulation of them at all in the code now? And I'm  
11 not aware that there is, because it's not something  
12 that we have talked about, to the best of my  
13 knowledge.

14 ACTING CHAIRMAN CORWIN: Well, Mr. Abatelli  
15 told me several years ago, when I pointed out to  
him  
16 things like that, he said, "Well, you know, we  
don't  
17 bother them if they're in the window." So I don't  
18 have an answer to your question.

19 MR. PROKOP: Well, it's not -- I mean, that's  
20 not an answer. I think maybe the regulation might  
be  
21 tweaked a little, the regulation might be changed a  
22 little bit, you know, that says --

23 ACTING CHAIRMAN CORWIN: Well, there should  
be  
24 some guidelines of what you can and can't put in a  
25 window, whether it's LE -- what do they call them?  
I

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1 can't think anymore.

2 MEMBER BENJAMIN: LED?

3 ACTING CHAIRMAN CORWIN: LED "open" sign, or

--

4 MEMBER BENJAMIN: Neon.

or

5 ACTING CHAIRMAN CORWIN: -- a Bud neon sign,

about

6 an ATM sign, so -- well, why don't we all think

7 that and save it for April 22nd when the Chairman's

8 here.

9 MR. PROKOP: How do people -- how do people  
10 feel about the -- I don't know what they're called,  
11 sandwich?

12 MEMBER NEFF: Sandwich board.

that

13 MR. PROKOP: Basically, one of the things

much,

14 I noticed is that, you know, not this Board so

15 but the Planning Board spends one or two meetings

carefully

16 talking about signs with somebody, and they

17 craft the sign, and then the next thing you know,

18 like two sandwich boards go out, you know, so.

19 ACTING CHAIRMAN CORWIN: My impression was  
20 that's why they hired the Code Enforcement person,  
21 was to go after things like that.

and

22 MEMBER BENJAMIN: Then there's a problem with  
23 businesses that are not visible from the street,

24 so how do they identify themselves?

clause 25 ACTING CHAIRMAN CORWIN: But there is a

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1 in there to put a very small sign up.

2 MEMBER BENJAMIN: Temporary sign.

3 ACTING CHAIRMAN CORWIN: Well, a permanent  
4 sign, but you have to get a permit every year or  
two 5 for it.

6 MEMBER BENJAMIN: Yeah.

7 MR. PROKOP: Well, that's something we could  
8 address in the code, and maybe that's a change we  
9 could suggest, you know.

10 ACTING CHAIRMAN CORWIN: Well, it's something  
11 for everybody to think about and bring up again at  
12 the next -- April 22nd.

13 MEMBER NEFF: Okay.

14 ACTING CHAIRMAN CORWIN: All right. We'll  
move 15 on, then?

16 MEMBER BENJAMIN: Yes.

17 ACTING CHAIRMAN CORWIN: A motion to accept  
the

18 ZBA minutes for January 21st, 2015.  
19 MEMBER NEFF: Second.  
20 ACTING CHAIRMAN CORWIN: All in favor?  
21 MEMBER BENJAMIN: Aye.  
22 MEMBER GORDON: Aye.  
23 MEMBER NEFF: Aye.  
24 ACTING CHAIRMAN CORWIN: Aye.  
25 A motion to approve the ZBA minutes for

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1 December 17th, 2014.  
2 MEMBER NEFF: Second.  
3 ACTING CHAIRMAN CORWIN: Any discussion?  
4 (No response.)  
5 ACTING CHAIRMAN CORWIN: All in favor?  
6 MEMBER BENJAMIN: Aye.  
7 MEMBER GORDON: Aye.  
8 MEMBER NEFF: Aye.  
9 ACTING CHAIRMAN CORWIN: Aye.  
10 And we'll just set the next meeting of the  
11 Zoning Board of Appeals for April 22nd, with an  
12 inspection of the Smoked Fish operation at 4:30.

Is

13           there a second?  
14           MEMBER GORDON: Second.  
15           ACTING CHAIRMAN CORWIN: Any discussion?  
16           (No response.)  
17           ACTING CHAIRMAN CORWIN: All in favor?  
18           MEMBER BENJAMIN: Aye.  
19           MEMBER GORDON: Aye.  
20           MEMBER NEFF: Aye.  
21           ACTING CHAIRMAN CORWIN: Aye.  
22           And a motion to adjourn.  
23           MEMBER BENJAMIN: So moved.  
24           MEMBER NEFF: Second.  
25           ACTING CHAIRMAN CORWIN: All in favor?

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1           MEMBER BENJAMIN: Aye.  
2           MEMBER GORDON: Aye.  
3           MEMBER NEFF: Aye.  
4           ACTING CHAIRMAN CORWIN: Aye.  
5           Okay. Thank you all.  
6           (Whereupon, the meeting was adjourned at 6:37  
7  
8

p.m.)





5 COUNTY OF SUFFOLK )

6

7 I, LUCIA BRAATEN, a Court Reporter and Notary  
8 Public for and within the State of New York, do  
9 hereby certify:

10 THAT, the above and foregoing contains a true  
11 and correct transcription of the proceedings taken  
on  
12 March 18, 2015.

13 I further certify that I am not  
14 related to any of the parties to this action by  
blood  
15 or marriage, and that I am in no way interested in  
16 the outcome of this matter.

17 IN WITNESS WHEREOF, I have hereunto  
18 set my hand this 7th day of April, 2015.

19

20

21

\_\_\_\_\_  
Lucia Braaten

22

23

24

25