VILLAGE OF GREENPORT
ZONING BOARD OF APPEALS
PUBLIC HEARING
&
REGULAR MEETING
March 18, 2015
5:00 p.m.

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

APPEARANCES:
David Corwin – Acting Chairman
Charles Benjamin – Member
Dinni Gordon – Member

Joseph Prokop – Village Attorney
Whereupon, the meeting was called to order at 5:00 p.m.)

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

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

MEMBER NEFF: Second.

MEMBER GORDON: Second.

MEMBER CORWIN: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

ACTING CHAIRMAN CORWIN: Aye. So moved.

Then I note Chairman Moore is not here. He,
apparently, will be back on April 22nd. I'll say
some more about that later.
The Building Inspector isn't here today
she is in training. The Village Administrator
asked me if I wanted him to come. He really is not up to
speed on all this zoning stuff and I told him there
was no need. He has other stuff to do anyway. I
don't know if the Attorney is going to be present.

MEMBER NEFF: Does he know about the location
change?

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

And, for the record, I want to note that I
cancelled the February meeting because of snow. I
consulted with the Board members and we all agreed
that it was the thing to do. And that puts us in
the situation of having time constraints of all these
applications we have in front of us, because we
have 62 days. So we have to dispose of them all at
this meeting, or we have to have an agreement from
the applicant to go past the 62 days.

(Whereupon, Joseph Prokop entered the
meeting.)

ACTING CHAIRMAN CORWIN: The Attorney is
here.

We'll give him a minute to get settled.

MR. PROKOP: Thank you.

ACTING CHAIRMAN CORWIN: All right. We'll
open the first hearing for Tapp and Ellis at 152 Central
Avenue. Let me go through what we're after here.

I will see if this was published in the paper.

Mr. Prokop.

MR. PROKOP: Yes, sir.

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

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MR. PROKOP: Yes.

ACTING CHAIRMAN CORWIN: That's after we
accept the application, I assume; is that correct?
MR. PROKOP: Yes, I think that that's correct.

I can check, if you want.

MEMBER BENJAMIN: It's after, after the public hearing.

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

ACTING CHAIRMAN CORWIN: And accepted.

MR. PROKOP: Yes.

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

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

ACTING CHAIRMAN CORWIN: I believe all of them, because we cancelled the February meeting.

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

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

MR. PROKOP: So, when they come up, we could ask for an extension for them.
Public hearing for Robert Tapp and Nickolas Ellis, 152 Central Avenue, Suffolk County Tax Map #1001-5-1-14. The property is located in the R-2 District. The applicants propose to construct a rear addition to an existing single family house, and configure the existing deck. We just made an inspection of that.

The existing house, the proposed addition, existing garage, porches and shed exceed the lot coverage allowances. The proposed renovation will increase the lot coverage from the existing 2,068 square feet, or 36.7% of the lot, to 2,158 square feet, or 58.5% of the lot, which I believe is a 90 square foot addition.
Section 150-12A of the Village of Greenport Code limits the maximum permitted lot coverage to 30% in the R-2 District. So that's one variance for lot coverage.

The proposed aggregate side yard setback is

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

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

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

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

Robert Allen, 151 Central Avenue; Noah Bacher, 342 Driftwood Circle, Lafayette, Colorado; Judith
Sone-Innamorato, 4 Valley Road, Syosett, New York; Greenport Gardens, LLC, 5720 Route 25A, Suite 4, Wading River, New York; Ella Walker, 250 6th Avenue, Greenport, New York, and Joseph Henry, 142 First Street, Greenport, New York.

MEMBER GORDON: 421.

ACTING CHAIRMAN CORWIN: 421, I'm sorry.

Thank you.

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

MR. TAPP: In favor.

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

MR. TAPP: Okay. We would love --

ACTING CHAIRMAN CORWIN: Give your name.

MR. TAPP: Robert Tapp. We would love to add that sliver of space to the back of the house. We plan to reuse four leaded glass windows, so that,
actually, it would be more attractive, I think,

from the street, though I know that's not really your jurisdiction.

We would love to include a fireplace for warmth and aesthetic. That particular room is not insulated. And without appearing that I'm using as a reason, my partner has diabetes and lower extremity chill, so we live in that room, basically.

In fact, he's living there now, because he broke his hip. But that would -- the fireplace would warm up the room.

And then, also, I would love to be able to enjoy the backyard from that room. Currently, the windows are pretty high. And it would also give of our dogs in particular the ability to see out, it's kind of hard to do in the other windows in the house. And then the back door, from the kitchen,
a clearance of three or four inches that I think is -- poses a risk to our smaller dog, who tries to get in to get out of that space, and I think it could hurt her if we're not careful. So I don't think we're asking for a ton, but if it's something you think is appropriate, we'd love to go forward with it.

ACTING CHAIRMAN CORWIN: Okay. Thank you. Does anybody else want to have any comments? (No response.)

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

MEMBER GORDON: Second.

ACTING CHAIRMAN CORWIN: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

ACTING CHAIRMAN CORWIN: Aye.

We'll go on to the second public hearing. Public hearing for Michael Combs, 516 Second Street, Greenport, NY; Suffolk County Tax Map #1001-2.-6-24.

The applicant seeks a building permit to construct
in-ground swimming pool and art studio/pool house.

The proposed swimming pool setback is 10 feet on the south property line, requiring an area variance of 10 feet.

Section 150-7-(3a) of the Village of Greenport Code requires the edge of the pool shall be kept a distance of not less than 20 feet from all property lines.

The proposed swimming pool setback is 9 feet on the east property line, requiring an area variance of 11 feet.

Section 150-7-(3a) of the Village of Greenport Code requires the edge of the pool shall be kept a distance of not less than 20 feet from all property lines.

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

Section 150-13A(1) of the Village of Greenport
Code requires that an accessory building may be located in any required rear yard. That is to say it can't be located in a side yard.

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

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

I don't see any public notice that it was published in the paper, but I will make the assumption that it was.

Notices were to be sent to Caroline Dowling, John Dowling, 617 First Street; Stacey Tesseyman and Florence Roth, 36 Morton Street, 3B, New York, New York; Valerie English and Tibor Ullmann, 104 Saint Mark's Place, Apartment 2W, Brooklyn, New York; a trust, Ficara Trust, Ficara S D Revokable Living Trust, 1886 Noyac Path, Sag Harbor, New York; Rose 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.
14 It's a letter from a neighbor, Stacey Tesseyman,
512 Second Street, Greenport. To: The Zoning Board of
15 Appeals. Reference: Michael and Tracey Combs, 516
16 Second Street, Greenport, New York.
17 "We reside in the adjoining property at 512
18 Second Street." And let me ask you, is that to the
19 east or the west?
20 MR. COMBS: That is to the south.
21 ACTING CHAIRMAN CORWIN: To the south, okay.
22 So that was --
23 MR. COMBS: The greenhouse.
24 ACTING CHAIRMAN CORWIN: The greenhouse.

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11
12 MS. COMBS: Right.
2 ACTING CHAIRMAN CORWIN: "We reside in the
lot,
3 adjoining property at 512 Second Street. On our
the
4 our house is situated mere feet from the edge of
adjoining property line at the location where the
proposed construction would take place. We would,
obviously, be quite impacted by this construction.

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

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

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

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

Michael advises the building itself would serve

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

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

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

The only consideration we ask of you, if you do not agree to approve their request, is to consider moving the structure a foot or two closer to their house. They have understandably positioned the house to meet the code requirements, minus five feet from the property line and 10 feet from their house. However, because our house sits so close to the property line, this places the new construction closer to our house than to theirs, which we don't believe is what the code intended. We ask that this
element be reconsidered under the circumstances.

We were informed by the Village Code Enforcement Officer that since our house sits so close to the property line, our viewpoint would weigh heavily on this decision for you. It is our intention that this letter, to let you know — with this letter to let you know that with the minor concessions detailed above, we are okay with this construction. With your approval, we are wishing many years of enjoyment for the Combs Family."

Signed, Florence Roth, Stacey Tesseyman. So that's the only correspondence we have.

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

MRS. COMBS: Do you want me to?

MR. COMBS: Yes, you can.

MRS. COMBS: I'm Tracey Combs. So, as
we're requesting an area variance. We've outgrown our home. And my husband is an artist by profession, and would like to build an artist studio where he can do his work.

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

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

As we had told you guys prior at the site
inspection, we're considering relocating, if possible, the location of the pool. If we have to do an amendment, we're willing to do that. And the plan that I gave you that shows the relocated pool also shows the fence line beginning at the end of the art studio, so as in keeping with our neighbors' requests. Is there anything else?

MR. COMBS: Yeah. Can I just mention one thing? Stacey had mentioned in that letter, at the time when we had discussed the actual artist there was — there was a loose discussion about whether or not there would be a door — what is called a shed dormer on the — on the building. I understand that Stacey has recognized you wouldn't have a problem if there was only one facing the north side. But as the plans, which I did bring this evening, of the building, I don't know if it was premature to show you those, there actually would
two dormers. What I did was I -- she had concern about there being, you know, a dormer on her side well that would be able to look towards her house.

I put one window on that second floor and I placed windows. I could show you. If I could give you a visual, it might be helpful. If I could just come up and show you this, I just wanted to point that out.

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

The structure would actually have two dormers for a drawing space, and that is not what Tess -- Stacey had understood. So, on the back drawing, if I could just show you that last part, this faces her home. There would -- I'm sorry. There are two
windows. But on the north side, I have four, four what are called like louvre-style windows. That faces my home, this faces Tess' home. I said Tess, meant Stacey, my apology.

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

I mean, the light is better on the other side, but I do respect what she's saying. But I don't believe that she understands that there would be a dormer as well on both sides. It's not that tall a structure. I wanted to try to keep all that in mind for her and both Patsy. The reality is, if I did this as an addition onto my home, connected by a breezeway, I could go up to the peak of my house,
that could go all the way to the start of my house. I didn't want that to be the case for her. I know it's a concern of having a structure that large in that property. And the building -- and the building envelope, if it were an addition, would allow me to go larger. I don't want to do that to the aesthetics of the neighborhood or the property itself. It just -- there seemed to be a smaller -- a better compromise being smaller. This, the peak of this is only 16 feet tall compared to the rooftop that I have as 30, so --

MR. PROKOP: It's not allowed to be 16. I don't think it's allowed to be 16.

MR. COMBS: Fifteen, right?

MR. PROKOP: Yes.

MEMBER BENJAMIN: Fifteen.

MR. COMBS: Okay. But --

MRS. COMBS: I think it says 15 on the plans.
MR. PROKOP: The testimony is —

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

MR. COMBS: Sure.

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

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

MR. PROKOP: No.

MR. COMBS: Is that 30?

MR. PROKOP: I don't know.

MEMBER BENJAMIN: Thirty-five is the maximum.

MR. COMBS: Thirty-five?

MEMBER BENJAMIN: Yeah.

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

ACTING CHAIRMAN CORWIN: Okay. Thank you.

MR. PROKOP: There's some discussion. I don't know. Do you think that if you have a fence that attaches this, the building that you're calling, for purposes of the application, an art studio --

MR. COMBS: Yes.

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

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

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

MR. COMBS: Only -- I mean, an alarm for the main house. But the art studio did not have to do
MR. PROKOP: We'll look into that.

MR. COMBS: Okay, very well.
MRS. COMBS: Oh, okay.

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

MRS. COMBS: Okay.

MR. COMBS: Alarms.

MR. PROKOP: But I don't know if they had anything, they didn't have an alarm, I'm not sure.

MR. COMBS: Yeah.

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

MR. COMBS: Sure.

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

MEMBER BENJAMIN: I have a question.

ACTING CHAIRMAN CORWIN: Go ahead.

MEMBER BENJAMIN: The question was, are you going to leave the application as it is, or are you going to turn the pool, because --
ACTING CHAIRMAN CORWIN: Well, there's some problems with this application, so let's do the Tapp/Ellis discussion first.

MRS. COMBS: Okay.

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

MRS. COMBS: Wonderful.

MR. COMBS: No problem.

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

MEMBER NEFF: Could I ask one question? The plans we were just shown here at the table, we don't have any of those plans; is that correct?

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

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

ACTING CHAIRMAN CORWIN: None of us.
MEMBER NEFF: Okay. Thank you.

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

MEMBER GORDON: Second.

ACTING CHAIRMAN CORWIN: All in favor?

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

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

MEMBER GORDON: Second.
ACTING CHAIRMAN CORWIN: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

ACTING CHAIRMAN CORWIN: Aye.

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

MR. TAPP: We did, yes.

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

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

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

MEMBER BENJAMIN: I haven't either.

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

MEMBER GORDON: I have. I guess it's a
question, and that is that I want to be sure -- I'm a newcomer to the Board, relatively. I want to be sure I understand the requested variance for the side yard setback. We didn't -- we haven't discussed that and you haven't said anything about that. Is it that in increasing the rear area of the house, you are, of course, including a little piece on the side, and that that is the -- that that will be essentially as that would be the same distance, the same setback as the rest of the house on that side, but --

MR. TAPP: Yes.

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

MR. TAPP: It is, yes.

MEMBER GORDON: Is that the explanation for it?

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

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

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

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

MEMBER GORDON: The east and the west?

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

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

MR. TAPP: Yes. Though it was probably
the originally built with the same distances between
the two houses.

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

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

MEMBER GORDON: Okay. Thank you.

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

MEMBER NEFF: Right.

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

ACTING CHAIRMAN CORWIN: Any other discussion?

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

ACTING CHAIRMAN CORWIN: Okay.

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

MR. TAPP: 36.9.

ACTING CHAIRMAN CORWIN: 36.9.

MEMBER NEFF: Okay, the existing?

ACTING CHAIRMAN CORWIN: Yes.

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

ACTING CHAIRMAN CORWIN: It's 36.9%.

MEMBER NEFF: Existing.

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

MEMBER NEFF: Right, right, correct.

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

MEMBER NEFF: Okay. That -- somewhere I thought I heard the number 58, and 58 is actually
ACTING CHAIRMAN CORWIN: I may have -- I may have misspoken.

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

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

MEMBER NEFF: Correct, yes.

MEMBER GORDON: But the difference between 36.9 and 38.5 is pretty insignificant.

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

MEMBER GORDON: Right. Okay.

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

MEMBER NEFF: It's the way the house was built.

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

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

ACTING CHAIRMAN CORWIN: It goes back to --

MR. TAPP: -- property five years ago.

ACTING CHAIRMAN CORWIN: 2009 there was a
variance for the garage, and I believe you were at the public hearing at that point in time.

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

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

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

MR. PROKOP: Okay.

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

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

ACTING CHAIRMAN CORWIN: It's like 2.4%.

MEMBER BENJAMIN: Yeah.

ACTING CHAIRMAN CORWIN: Additional, 2.4% additional.
MEMBER GORDON: But the total from 30%.

MR. TAPP: 1.6.

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

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

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

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

MEMBER BENJAMIN: It's 2.6.

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

MR. PROKOP: Correct.

MEMBER NEFF: It is not -- because all of that was approved at the time this garage was built.

The lot coverage was 36.9.

MR. PROKOP: Okay. Well, mine is not clear. Somebody -- I don't remember if it was -- we did
coverage. I mean, is there a file here? It would be in the file.

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

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

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

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

MEMBER NEFF: Right.

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ACTING CHAIRMAN CORWIN: And the Building Inspector supplied us with the minutes from the 2009
public hearing. I did not read it, so I cannot
tell you what happened.

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

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

MEMBER BENJAMIN: Yeah.

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

ACTING CHAIRMAN CORWIN: Which was the
garage --

MEMBER GORDON: Do you remember?

ACTING CHAIRMAN CORWIN: -- and was approved.
MEMBER BENJAMIN: Yes.

MEMBER NEFF: Yes.

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

MEMBER GORDON: Right.

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

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

ACTING CHAIRMAN CORWIN: 38.5% final.

MEMBER BENJAMIN: That's what he's asking for.

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

ACTING CHAIRMAN CORWIN: Personally, I have no problem with the application. I told the applicant
that we would be asking that all rainwater be contained on the property, including anything that might run from the driveway to the street. Does anybody else have any other considerations?

MEMBER NEFF: No.

MEMBER GORDON: (Shook head no.)

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

Question #1: Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created -- detriment to nearby properties will be created by the granting of the area variance? And I will poll each member.

(Roll Call Vote by Mr. Corwin)

MEMBER BENJAMIN: No.

MEMBER GORDON: No.

MEMBER NEFF: No.

ACTING CHAIRMAN CORWIN: Corwin, no.

Question 2: Whether the benefit sought by
applicant can be achieved by some method feasible for the applicant to pursue other than the area variance?

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

MEMBER BENJAMIN: Yeah, so I don't know.

(Roll Call Continued by Mr. Corwin)

MEMBER GORDON: No.

MEMBER NEFF: No.

ACTING CHAIRMAN CORWIN: Corwin, no.

Question 3: Whether the requested area variance is substantial?

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(Roll Call Vote by Mr. Corwin)

MEMBER BENJAMIN: No.

MEMBER GORDON: No.

MEMBER NEFF: No.

ACTING CHAIRMAN CORWIN: Corwin is no.

Four: Whether the proposed variance will have an adverse effect or impact on the physical and environmental conditions in the neighborhood or
district? And I left something out there. Does anybody have the end?

MEMBER NEFF: You mean, like a sentence?

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

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

ACTING CHAIRMAN CORWIN: No, it's numbers.

It's numbers. I'm going to have a hard time finding them going through all this stuff.

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

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

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

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

MEMBER NEFF: Sounds like the end.

(Roll Call Vote by Mr. Corwin)

MEMBER BENJAMIN: No.

MEMBER GORDON: No.

MEMBER NEFF: No.

ACTING CHAIRMAN CORWIN: Corwin is no.

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

(Roll Call Vote by Mr. Corwin)

MEMBER BENJAMIN: No.

MEMBER GORDON: No.

MEMBER NEFF: Yes.

ACTING CHAIRMAN CORWIN: Corwin is yes.

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

MR. PROKOP: Yes.

ACTING CHAIRMAN CORWIN: Basically, I
1. the SEQRA and the findings together. So I'll read

2. it

3. and you all can comment on it.

4. Whereas, an application has been made for

5. variances to the Village of Greenport Zoning Board

6. of

7. Appeals by Robert Tapp and Nickolas Ellis, 152

8. Central Avenue;

9. And whereas, the applicants' proposed actions

10. will increase the lot coverage from 36.9% to 38 --

11. I didn't get that right -- 38.5%;

12. And whereas, a combined side yard setback

13. variance of 8.5 feet will be required for the

14. proposed new construction;

15. And whereas, the existing house is

16. nonconforming for side yard setbacks;

17. And whereas, the additional lot coverage is

18. 90 square feet for the first floor addition;

19. Now, therefore, be it resolved that the

20. Village

21. itself

22. of Greenport Zoning Board of Appeals declares
Lead Agency for the State Environmental Quality Review purposes;

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

And the Zoning Board of Appeals declares that the action will have a negative impact on the environment;

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

MR. TAPP: Okay.

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

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

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

And asphalt concrete driveway runoff shall be contained on the property;
And all rainwater from leaders and driveway be directed to subsurface leaching basin to be sized to capture the rain for a one-inch rainfall, if the leaching basins are located in sandy soil; And the leaching basins will be sized to capture a two-inch rainfall if the basins are located in loam, or clay, or topsoil.

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

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

(No response.)

MEMBER NEFF: Second.

MR. PROKOP: So the -- where you say that the Zoning Board of Appeals declares that the action
have a negative impact on the environment, I would say, "And the Board, therefore, adopts a Conditioned Negative Declaration." What a Conditioned Negative Declaration means is that provided the applicant fulfills conditions, then it will not have a negative impact. The way that it is will have a negative impact, but if the applicant meets these conditions, it will not have a negative impact.

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

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

MR. PROKOP: Will have a negative impact or

MEMBER GORDON: It will not.
MR. PROKOP: -- it will not have a negative impact?

ACTING CHAIRMAN CORWIN: It will have a negative impact.

MR. PROKOP: Will have a negative impact.

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

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

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

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

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

MR. TAPP: Footprint.

ACTING CHAIRMAN CORWIN: Not capturing the rainwater and letting it run into the street with dog feces has a positive impact on the environment, in my mind. A negative impact means you're not
to add any coliform bacteria to the environment, that's the way I see it.

MR. PROKOP: Okay.

ACTING CHAIRMAN CORWIN: I mean, if I'm wrong, let's get it straightened out.

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

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

MEMBER NEFF: Yes.

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

MEMBER NEFF: Yes, okay.

MR. PROKOP: However, and I'm sorry to confuse this, but it's the way the law reads --

ACTING CHAIRMAN CORWIN: Yes, yes.

MR. PROKOP: -- if you do not -- if you do not think it's going to have a negative impact on the
environment, then what you do is you adopt a Negative Declaration. I'm sorry. So it flips for the declaration. If you think that it's going to -- if it is going to have a negative impact on the environment, is going to have a negative impact on the environment, then you adopt a Positive Declaration. I mean, it's like having a positive indicator on something. You know, I'm sorry, that's the way that it is, but that's the way they wrote the law.

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

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

ACTING CHAIRMAN CORWIN: Okay. So if one --

MR. PROKOP: Or a Conditioned Negative Declaration, which means that provided certain conditions are met, then there will be no impact.
MEMBER NEFF: And may I say that that's what this motion basically says, if you meet the conditions, then it will not have a negative impact.

MR. PROKOP: Right. So the only thing I want to change in the motion was that the Zoning Board of Appeals declares that the action will not have a negative impact on the environment, provided conditions are met, and, therefore, a Conditioned Negative Declaration is adopted.

ACTING CHAIRMAN CORWIN: Okay. I will ask the recording secretary to make that change to my motion.

MEMBER NEFF: And I second that motion as amended.

ACTING CHAIRMAN CORWIN: And we're going to add the additional sentence, that if all of the requirements are met, that it will have a positive impact on the environment.

MR. PROKOP: No impact on the environment.

ACTING CHAIRMAN CORWIN: It will have no
impact on the environment. Okay? We're all on the same page there?

MEMBER GORDON: Yes.

MEMBER BENJAMIN: Yes.

ACTING CHAIRMAN CORWIN: Do we have a second?

MR. BENJAMIN: Yes.

MEMBER NEFF: I seconded it.

ACTING CHAIRMAN CORWIN: Is there any discussion?

(No response.)

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

(Roll Call Vote by Mr. Corwin)

MEMBER BENJAMIN: Yes.

MEMBER GORDON: Yes.

MEMBER NEFF: Yes.

ACTING CHAIRMAN CORWIN: Corwin is yes.

Okay.

MR. TAPP: Thank you.

Good luck.

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MR. TAPP: Thank you very much. Thank you.

When can I get a copy of the -- what they all just

when may I get a copy of those five riders?

ACTING CHAIRMAN CORWIN: The Building

Inspector

is at a training session until the end of the week,

so some time next week. I wouldn't look for it

Monday, I'd look for it Thursday or Friday.

MR. TAPP: That would be great. And I'll
give

her the revised survey with the garden in front?

ACTING CHAIRMAN CORWIN: And just let me note

what was wrong with these plans.

MR. TAPP: It wasn't on there.

ACTING CHAIRMAN CORWIN: The general notes

here, you have --

MR. TAPP: Yes, okay.

ACTING CHAIRMAN CORWIN: -- Southold

Building.

This is the Village of Greenport. You're calling

this existing front elevation, that's the rear

elevation.

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

Okay.

ACTING CHAIRMAN CORWIN: And proposed front
elevation, it's the rear elevation.

MR. TAPP: Okay.

ACTING CHAIRMAN CORWIN: And you've got to show

MR. TAPP: Thank you.

ACTING CHAIRMAN CORWIN: And the other thing

MR. TAPP: Right.

ACTING CHAIRMAN CORWIN: -- and they took

MR. TAPP: Terrific. Thank you all. Very
to

give these to Eileen? I'm sorry to take up more of

ACTING CHAIRMAN CORWIN: Give it to us and

we'll put them in the file.

MR. TAPP: Thank you all.

ACTING CHAIRMAN CORWIN: All right. Now
have a discussion of Combs on Second Street. And

my

feeling, I've got a character flaw, I'm a

straightforward guy, I was not happy with the

application and I have no plans to vote for it, I

going to vote against it.

Now, you have submitted to me additional

information. I ask the Attorney to see if this is

the correct way to proceed. I would say that you

should withdraw your application and start all over

again. But to save you problems, that's not going

to satisfy me, because I think it's too intense a use

of the property, and it's too close to the side yard

of the neighbor, and the swimming pool. You didn't

add in the storage shed in your calculations. You went

up to 30% and stopped. And when you add in that

storage shed, you went over the 30%

MRS. COMBS: Oh, I wasn't aware that that was
storage shed.

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

MRS. COMBS: Okay.

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

MR. PROKOP: I'm sorry.

MEMBER GORDON: No.

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

but I think in this case, it's a substantially different application, you know, the introduction of the two-story building and asking the Board to
determine that it's an accessory building, a pool
to house, or a studio, I'm not sure. And the question
about the realignment of the pool, it really seems
be a different application. So, for that reason, I
would tend to agree with you.

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

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

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

MEMBER BENJAMIN: North and south.

MEMBER GORDON: -- direction of the pool --

MRS. COMBS: Yeah.

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

MRS. COMBS: Yes. I think that the distance
from the yards is on the -- that new diagram that I
gave to you, it's seven feet

ACTING CHAIRMAN CORWIN: Well, no, no. I
don't

think we're even going to consider this.

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

MEMBER GORDON: We didn't get to that.

ACTING CHAIRMAN CORWIN: No setbacks.

MRS. COMBS: I understand. We're new to this
whole process, so, please, you know, forgive our
ignorance, but we never -- this is our first time
owning a home. We've never done anything like this
before.

We went and met with Eileen Wingate and she
gave us some recommendations and some advisement.
But we're kind of going this alone, so, you know,

we wish we could be.

ACTING CHAIRMAN CORWIN: We're not
either, so we're doing the best we can.
MR. PROKOP: Can I ask you, since you're not represented, you're here on your own, you're doing this on your own, this accessory building that you're asking for the Board to approve, is it? I mean, a pool house and a studio are not really associated uses, so what is it really?

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

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

MRS. COMBS: I wrote that on the application at the advisement of Eileen Wingate. The idea was basically that if there were a bathroom in there,
somebody wanted to use the bathroom, that would be
the sole benefit of the pool house, you know. My
husband's a sculptor, so, really, it would be
mostly
an office and some open space for him to do his
sculpture.

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

MRS. COMBS: Yeah.

MR. PROKOP: -- is, you know, just
candidness,

and, you know, really, describe really what you
intend to do.

MRS. COMBS: Right.

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

MRS. COMBS: Sure.

MR. PROKOP: So I'm not sure. You know, I
mean, I asked you what, you said what the use would
be. I'm not -- you know, I just really wanted to
hear from you what you think the use would be. I
suspected that somebody told you to call it a pool house --

MRS. COMBS: Yeah.

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

MR. COMBS: Yes.

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

We were actually hoping that we could have it changed, so that in the documentation, it says "studio". We're kind of flying by the seat of our pants trying to get this done, and we were advised to write what we wrote on the application and --

ACTING CHAIRMAN CORWIN: Who advised you?

MRS. COMBS: Eileen Wingate.

ACTING CHAIRMAN CORWIN: I would caution you against --

MRS. COMBS: She recommended.
the Building Inspector, because --

MRS. COMBS: Okay.

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

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

MR. COMBS: Guided.

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

And it's a good idea to know that there is this thing about lot coverage, and there are these things called setbacks. And the existing houses, yours and mine, the house next door to you, they're not built -- they were built way before we had the zoning
regulations we have. But, nonetheless, in other words, no one's ever going to move a house that was built 100 years ago. But we are trying to use the guidelines, particularly the 30% lot coverage and setbacks to create harmony among the various people who live in a village that doesn't have a tremendous amount of open space, lots -- your lot is, in fact, smaller than many lots. The width is pretty much very common, but the depth of the lot, they're 150. But then there are many lots like yours, 115. There are even smaller lots.

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

At this point, it's not enough information. You explained what you'd like to do in words, but there's not concrete examples of what you'd like to build, and it doesn't give us -- I mean, we've heard the Chairman, and I would certainly agree with him, that what you're proposing for the lot, 51 by 115, given what's in the neighborhood, is substantial, and perhaps is not going to get an affirmative vote. That doesn't mean you can't propose -- you can propose it, but it's going to have to be a lot more detail.

MR. COMBS: I think what was happening is we were just trying to find out whether or not -- we didn't provide all those details, I respect what you're saying, but we were trying to see is this feasible of being -- we didn't go with all the detailed plans until we knew is this going to be --

MRS. COMBS: We thought that was something
we would do in the next round.

MR. COMBS: Next, on our next round.

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

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

there has been some problems with sounds and pumps, so she said this should be put into an enclosed, know, container. But that was well after the --

MRS. COMBS: And it wasn't specified that was to be a shed necessarily.
MR. COMBS: Yeah.

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

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

MR. COMBS: Right.

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

MR. COMBS: Yeah.

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

MR. COMBS: Okay. That being said, would it be better for me to do an addition and not make this an accessory building?
MR. PROKOP: We can't. You know --
MR. COMBS: I know you can't give your opinion.
MR. PROKOP: I'm just going to interrupt you. I'm sorry, I apologize. Do you want to answer the question? I'm sorry.
ACTING CHAIRMAN CORWIN: We're not going to --
we're not going to answer a question like that.
MR. COMBS: Okay.
MR. PROKOP: And you shouldn't get that advice from the Village either. The Village shouldn't be giving you advice on this. I mean, the Village can tell you what the code section is that applies, but when you come in -- when an applicant comes and say they are going to build a 400-square-foot building, now with two stories, which is really an 800-square-foot building, and it's called a pool house/studio -- studio/pool house, to me, a flag goes up that somebody told you to call it a pool house, studio/pool house. Because nobody would come in and say, "I'm going build a pool house/studio or
studio/pool house, artist studio/pool house,
whatever you're going to call it.

MR. COMBS: Yeah.

MR. PROKOP: So you got that from somebody.

So, you know, we now found out that you got it from

the Building Inspector. But these kinds of

questions that you're asking the Board, and, I'm sorry, I
don't mean to over-talk, I apologize, but you really

should be looking for that outside the Village, get
guidance from a design professional.

MR. COMBS: Fair enough.

MR. PROKOP: Is that --

ACTING CHAIRMAN CORWIN: I think you're
correct, Mr. Prokop.

MR. PROKOP: We're not really supposed to --

MR. COMBS: Right.

MR. PROKOP: Nobody inside that building is

really supposed to be giving out that kind of
14 you know, to help.
15 MR. COMBS: Yeah.
16 MR. PROKOP: And it would be more helpful, more constructive for you.
17 MRS. COMBS: Okay.
18 MR. PROKOP: Unless somebody disagrees with me on it.
19 ACTING CHAIRMAN CORWIN: Hearing none, are you going to withdraw your application?
20 MRS. COMBS: Is there any chance, if we adjourn the hearing, that I can submit revisions in writing?
21 ACTING CHAIRMAN CORWIN: I don't think so, because it is --
22 MRS. COMBS: It's so different?
23 ACTING CHAIRMAN CORWIN: -- such a difference that it would require re-noticing the public hearing, because it's going to change all the variances.
24 MR. PROKOP: Yeah, that's the problem. It's
really starting all over again.

MRS. COMBS: Okay.

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

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

Sorry for wasting your time.

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

MRS. COMBS: We'll withdraw the application.

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

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

MR. PROKOP: Thank you.

MEMBER GORDON: Thank you.

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

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

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

ACTING CHAIRMAN CORWIN: All right. The next
item, a motion to approve the Findings and Determination for Ralph and Sarah Edwards, 163 Fifth Street. That was the one with the existing pool we did a couple of months ago. I make a motion that Findings and Determinations be approved.

MEMBER NEFF: Second.

ACTING CHAIRMAN CORWIN: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

ACTING CHAIRMAN CORWIN: Aye.

Now, I'm going to go out of sequence to find a motion to schedule the next meeting. And the situation right now is Chairman Moore will not be back on the third Wednesday, and he has suggested I have said all along that we want five people, a full board, to discuss this Smoked Fish thing, I want a full board to do this. And Mr. Moore says, well, he'll be back April 22nd, and there's five Wednesdays in the month of April. My position is that the third Wednesday is the third Wednesday and we should always
hold the meetings on the third Wednesday. So I leave that up to you, the rest of the Board, to discuss this, whether the meeting should be April 15th or April 22nd.

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

ACTING CHAIRMAN CORWIN: Well, he said he would. My only concern with that, if it comes to pass, is he going to have enough time to think about it a little? And I know he likes do a lot of research. And he won't be able to make an inspection for the smoke house, for the smoked fish operation, so he may be a little harried, but he said he would be back the 22nd.

MR. KARLIN: There really is --

MEMBER BENJAMIN: Really is?

MR. KARLIN: There really is nothing to inspect. The thing hasn't changed since the last
ACTING CHAIRMAN CORWIN: No, no, let's -- going to get into this, but I'm trying to get a date for the next meeting so we can proceed with that. So I'm asking the Board. My position is the third Wednesday, April 15th, for the next meeting. And does the Board want to wait until the 22nd or hold the meeting April 15th?

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

ACTING CHAIRMAN CORWIN: That's correct.

MEMBER NEFF: Okay.

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

MEMBER NEFF: And my question is also, did Chairman ask that the meeting get scheduled for the 22nd?

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

ACTING CHAIRMAN CORWIN: Mr. Benjamin?

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

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

MEMBER BENJAMIN: Yeah. So I have no problem whatsoever with changing the normal date to the 22nd.

ACTING CHAIRMAN CORWIN: Ms. Gordon?

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

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

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

MEMBER NEFF: Second.

MEMBER BENJAMIN: No discussion.

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

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

MR. PROKOP: Okay.

MEMBER BENJAMIN: No discussion.
ACTING CHAIRMAN CORWIN: No discussion. We got a second. All in favor?

MEMBER BENJAMIN: Aye.
MEMBER GORDON: Aye.
MEMBER NEFF: Aye.

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

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

MR. KARLIN: That's fine.

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

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

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

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

ACTING CHAIRMAN CORWIN: Yes, should be the Firehouse.
MR. PROKOP: So is there any other opportunity tonight to discuss this application, because I have discussion.

ACTING CHAIRMAN CORWIN: Well, if you want to go ahead and raise something.

MR. PROKOP: I brought it to the attention of the --

ACTING CHAIRMAN CORWIN: Oh, I'm sorry. Go ahead.

MR. PROKOP: I brought it to the attention of the design professional that's representing the applicant, Amy Martin, that there's a question about the application which needs to be -- which I believe needs to be resolved. I'm just -- I'm unclear on it. And we didn't get it for tonight. I just -- if
going to have a public hearing, the public hearing's not going to be constructive if it's not resolved, which is that the square footage of the building is 1,000 -- and I'm not the Building Inspector, I'm just -- this is a legal point, because it's an area variance. But the square footage of the building is approximately 1,000 square feet, and the application represents that there's a certain number of square feet of manufacturing and a certain number of retail.

And the total of those two uses don't add up to the -- you know, the square footage of the building. I think that that needs to be resolved in the application.

MR. KARLIN: You got the final copy?

MR. PROKOP: No.

MEMBER NEFF: I might.

MR. KARLIN: I was under the impression that you did.

MR. PROKOP: I mean, on the agenda, it
The notice on the agenda, it doesn't, I don't think.

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

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

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

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

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

MR. PROKOP: Okay. The retail is 561.

MR. KARLIN: Right.

ACTING CHAIRMAN CORWIN: This may be the one.

MR. KARLIN: Did you receive a copy of that?
edition. I don't know if this changed the square feet or not.

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

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

MR. KARLIN: Okay. Well, Amy will.

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

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

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

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

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

MR. KARLIN: I'm sorry.

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

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

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

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

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

MEMBER NEFF: It may not be counting the bathroom, or the office, or the mechanicals. I don't know.

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

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

MR. KARLIN: Well, yeah. You know, I'm just
asking, because -- I'm glad you brought it up, because --

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

MR. KARLIN: Okay, right.

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

MR. KARLIN: I gotcha.

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

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

ACTING CHAIRMAN CORWIN: Amy has nothing to
with that. You made the first one, I believe, and then Ms. Phillips made an application.

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

MR. KARLIN: I'll agree to that.

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

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

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

MR. PROKOP: Right, please.

MR. KARLIN: Okay.

MR. PROKOP: Thank you.

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

MR. PROKOP: Okay, thanks.

MR. KARLIN: What kind of notice -- I mean, when they put the public notice in, how much in
advance does it have to be for the 22nd meeting?

MR. PROKOP: Well, you should get -- whatever you're going to do, you should get it to us by like March 28th, March 27th, end of next week, I believe.

MR. KARLIN: All right. I'll call Karen in the morning and let her know. Thank you.

ACTING CHAIRMAN CORWIN: All right. Are we settled on this?

MEMBER BENJAMIN: So we're going to accept the application, but it has to be corrected. Otherwise, we can't accept it.

MR. PROKOP: I would accept the -- we it and set the hearing, that's fine. It was just some housekeeping that we needed, a question about some of the details. That would have normally come up at the public hearing, but I just wanted to get it straightened out tonight.

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MEMBER BENJAMIN: Pretty much the only detail.

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

MEMBER BENJAMIN: No. The request from who?

ACTING CHAIRMAN CORWIN: The Smoked Fish. We voted on that, didn't we, to hold the public hearing?

Right.

MEMBER BENJAMIN: Yes.

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

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

The Building Department has received an application from a property owner requesting a fence permit. The permit was granted and the fence was installed. The installation of this fence has
sparked conversation regarding these sections of the Village Code.

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

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

So we'll schedule -- I make a motion to
schedule a public hearing April 22nd, we'll call it 5:15, for an interpretation of side yard and fences.

Is there a second?

MEMBER NEFF: Second.

ACTING CHAIRMAN CORWIN: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER GORDON: Aye.

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 4:30? Didn't we -- did we do that?
6 MEMBER BENJAMIN: Well, there's no site visit because it's an interpretation.
7 MEMBER NEFF: Oh, I know it's not for that, but do we have another site visit to the fish place?
8 MEMBER BENJAMIN: Yeah, the fish house.
9 ACTING CHAIRMAN CORWIN: Yeah, 4:30 at the
Smoked Fish, yes, yes.

MEMBER NEFF: That's right. Okay.

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

MEMBER NEFF: Which item are we talking about?

MEMBER BENJAMIN: Do we need an interpretation of that?

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

MEMBER BENJAMIN: What was it?

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ACTING CHAIRMAN CORWIN: Item #4, discussion and possible decision on the content of a ZBA response to a request from the Village of Greenport Board of Trustees for comments from the ZBA and the Planning Board and the Historic Preservation Commission regarding section 150-15D of the Village of Greenport Code regarding regulation of signs.
And what happened here is, I guess, at the Code Committee, Trustee Phillips brought this idea of signs up, and some kind of discussion whether the existing sign code was adequate, and then she passed that on to the Village Board, and the Village Board said, "Oh, yeah, do it." And then what happened was the Historic Preservation Commission discussed it a little. We didn't have time in January to discuss it. The Historic Preservation Commission basically said it's not broke, don't fix it. I discussed this a little with Chairman Moore, and his feeling was basically the same, it's not broken, so let's not fix it. The only question in my mind is some of these windows in some of these shops. The sign code itself I think is fine, and most of them come in by a case-by-case basis. One shortcoming of the sign code, possible shortcoming, is you're allowed square feet based on
the lineal frontage. And I don't remember the figures, but if you got a lot of lineal frontage in store or a piece of property, you could end up with a very big sign. And my bigger concern is these stores that are putting these signs in the window, like "open" and beer signs, and just everything else comes along.

MEMBER BENJAMIN: ATM.

ACTING CHAIRMAN CORWIN: ATM.

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

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

MEMBER BENJAMIN: Well, I think that pretty
much the code was there to keep controls on the signage, keep it under control, so it doesn't look like Selden or something.

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1     ACTING CHAIRMAN CORWIN: Yeah.
2     MEMBER BENJAMIN: And I think it does a pretty good job. So, I agree, if it's not broke, don't fix it, right?
3     ACTING CHAIRMAN CORWIN: But that leaves the question of is there enforcement on these windows, that put a lot of stuff in the window?
4     MEMBER BENJAMIN: That's a part of regulating and I don't know if that's my business.
5     MR. PROKOP: Well, is there a -- when you're talking about code enforcement, you're talking about the signs in the windows, basically?
6     MEMBER BENJAMIN: Yes.
7     ACTING CHAIRMAN CORWIN: Yes, yes.
8     MR. PROKOP: I mean, is there a recommendation that we can do that they can enforce? I mean,
than just saying there should be code enforcement, there a way -- is there a change in the law, which don't disagree with. I mean, I just --

ACTING CHAIRMAN CORWIN: Well, somebody can make a complaint, and then the Code Enforcement Officer can go tell them, "Take everything out of window," but that's not going to go over very big, don't think. I mean, I can see people putting posters for benefit events and stuff like that. We don't want to stop them from doing that. If they a menu in the window, we don't want to stop them doing that. I don't think we do, anyway.

MEMBER NEFF: I have a question. They're fliers, I think we're not talking about that, which change with situations and dates of events. But looking at the "open" sign and that's a beer above across the street, and are there any -- and they're
neon signs. I have a question. Is there any regulation of them at all in the code now? And I'm not aware that there is, because it's not something that we have talked about, to the best of my knowledge.

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

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

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

    I can't think anymore.
MEMBER BENJAMIN: LED?

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

MEMBER BENJAMIN: Neon.

ACTING CHAIRMAN CORWIN: -- a Bud neon sign, an ATM sign, so -- well, why don't we all think about that and save it for April 22nd when the Chairman's here.

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

MEMBER NEFF: Sandwich board.

MR. PROKOP: Basically, one of the things I noticed is that, you know, not this Board so much, but the Planning Board spends one or two meetings carefully talking about signs with somebody, and they craft the sign, and then the next thing you know, like two sandwich boards go out, you know, so.

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

MEMBER BENJAMIN: Then there's a problem with businesses that are not visible from the street,
so how do they identify themselves?

ACTING CHAIRMAN CORWIN: But there is a clause in there to put a very small sign up.

MEMBER BENJAMIN: Temporary sign.

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

MEMBER BENJAMIN: Yeah.

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

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

MEMBER NEFF: Okay.

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

MEMBER BENJAMIN: Yes.

ACTING CHAIRMAN CORWIN: A motion to accept
ZBA minutes for January 21st, 2015.

MEMBER NEFF: Second.

ACTING CHAIRMAN CORWIN: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

ACTING CHAIRMAN CORWIN: Aye.

A motion to approve the ZBA minutes for

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December 17th, 2014.

MEMBER NEFF: Second.

ACTING CHAIRMAN CORWIN: Any discussion?

(No response.)

ACTING CHAIRMAN CORWIN: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

ACTING CHAIRMAN CORWIN: Aye.

And we'll just set the next meeting of the

Zoning Board of Appeals for April 22nd, with an

inspection of the Smoked Fish operation at 4:30.
there a second?

MEMBER GORDON: Second.

ACTING CHAIRMAN CORWIN: Any discussion?

(No response.)

ACTING CHAIRMAN CORWIN: All in favor?

MEMBER BENJAMIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

ACTING CHAIRMAN CORWIN: Aye.

And a motion to adjourn.

MEMBER BENJAMIN: So moved.

MEMBER NEFF: Second.

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 p.m.)

7

8
STATE OF NEW YORK

ZBA 3/18/15

CERTIFICATION

STATE OF NEW YORK  

) SS:
COUNTY OF SUFFOLK

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

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

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

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

__________________
Lucia Braaten