VILLAGE OF GREENPORT

ZONING BOARD OF APPEALS

REGULAR MEETING

September 17, 2014

5:00 p.m.

Meeting held at the Greenport Firehouse

236 Third Street, Greenport, New York 11944

APPEARANCES:

Douglas Moore – Chairman

Charles Benjamin

David Corwin

Diana Gordon

Ellen Neff

Eileen Wingate – Village Building Inspector
(Whereupon, the meeting was called to order at 5:03 p.m.)

CHAIRMAN MOORE: So this is the regular meeting of the Greenport Zoning Board of Appeals. It's about 5:03.

And this evening we had a public hearing scheduled, but that has been cancelled due to the withdrawal of the application by the applicant. And it may be submitted in the future, we don't know at this point. There are discussions going on, apparently, between the tenant and the church property owner. So that there's no public hearing, and that also cancels the agenda Item 1.

And so what we have this evening are mostly administrative matters. We have two new variance applications, and I'll read those for acceptance. The first is a motion to accept an appeal
for an area variance, publicly notice and 
schedule a public hearing for Debra Riva, 433
Sixth Street, Greenport, New York, Suffolk County
Tax Map 1001-6-3-4. The property is located in
the R-2 District. The Applicant proposes to
construct a new mudroom addition and deck. The
proposed addition is 36 square feet, and the
proposed deck is 192 square feet.

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

The proposed aggregate side yards is 21.39
feet, requiring a 3.61 foot combined side yard
variance for the new extension and proposed deck.

Also, the Village of Greenport Code,
Section 150-12A, requires a 30-foot front yard
set back in the R-2 District. The proposed deck
is located in the front yard. It is set back
27.23 feet, requiring a 2.77-foot front yard
variance.

I don't know if the members of the Board
have received an update, but there is a new
drawing showing the dimensions of the additions
on the property. And as far as I can tell, the
application is in order. So I would make a
motion to accept that application and ask for a
second.

MS. NEFF: Second.
CHAIRMAN MOORE: Is there any discussion on
the application?
(No response.)
CHAIRMAN MOORE: If not, all in favor?
MR. CORWIN: Aye.

MS. GORDON: Aye.
MS. NEFF: Aye.
MR. BENJAMIN: Aye.
CHAIRMAN MOORE: Aye. Any opposed?
(No response.)
CHAIRMAN MOORE: Motion carries, so that
application is accepted.

As far as an order of site visits for next
month, there's one on Sixth Street, and the other
is actually not going to move forward. So I'd suggest we meet at 4:30 for that site visit on Sixth Street. So, if you could -- and could you mark off on the property with some stakes where the additions would be on the property, so we can visualize it?

MS. RIVA: Sure. And it needs to be there by when?

CHAIRMAN MOORE: It would -- just by the time of the visit next month, which would be October 15th. And there's a placard requirement for the public notice on the property, which the Building Inspector will help you with.

MS. RIVA: Okay.

CHAIRMAN MOORE: There's a sign that you'll be posting, plus the notices of the neighbors.

MS. RIVA: Okay.

CHAIRMAN MOORE: Item #3 is --

MS. RIVA: Thank you.

CHAIRMAN MOORE: Yes, certainly. We'll see you next month. And then the hearing will be at
The next Item, #3, was a motion to accept an appeal for an area variance, and publicly notice and schedule a public hearing for Edward Werthner, for property located on the south side of Bridge Street.

We just discovered today that while the property is being purchased, the contract has not been signed at this point. So, technically, the applicant may not at this point submit an appeal for a variance, since he doesn't own the property. But that, apparently, is to be coming, so I would --

MS. WINGATE: I have a question.

CHAIRMAN MOORE: Yes.

MS. WINGATE: Will the contract be good enough, or does he need a letter from the owner, or once it's in contract, is that legal enough to --

MR. CORWIN: He needs the deed.

CHAIRMAN MOORE: Last month we had a
situation with Roberts --

MS. WINGATE: Right.

CHAIRMAN MOORE: -- where the property had transferred. I don't know if they had a closing, but there was a letter indicating a transfer of the property.

MS. WINGATE: Okay.

CHAIRMAN MOORE: Perhaps you would ask Joe Prokop on that. A contract might not suffice, since it's not a complete ownership, it's just a committal to purchase.

MS. WINGATE: Right. Okay.

CHAIRMAN MOORE: But, you know, when he's ready, we have the application and we can accept it at that time and schedule a hearing.

So, in this case, I will just make a motion to table this application, since we haven't really accepted it yet. It's a formality, but I move we table this pending documentation of ownership of the property, and ask for a second.

MR. BENJAMIN: Second.

CHAIRMAN MOORE: And all in favor?

MS. GORDON: Aye.

MR. CORWIN: Aye.
MS. NEFF: Aye.

MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye. Any opposed?

(No response.)

CHAIRMAN MOORE: And that motion carries.

So this is tabled pending demonstration of property ownership.

We now have the Determination Documents for the three variances that were granted last month. The first one is Thomas Farmakis, which was approved last month. There were a few corrections, and I can just point those out. There were some misspellings of names. Fred Uellendahl was wrong, it's Frank. That's been corrected in the document. The expansion of the porch was 53 feet, not 58.

And I believe the conditions that we indicated are included in the Determination Document, and that one regards the runoff of rainwater from the new construction. And, also, a recommendation that the drainage at the front be remedied.
23 So, with that in mind, I would make a
24 motion to approve the Determination Document, and
25 ask for a second, please.

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1 MS. GORDON: Second.
2 CHAIRMAN MOORE: And any discussion on that
3 particular document?
4 (No response.)
5 CHAIRMAN MOORE: If not, all in favor?
6 MR. CORWIN: Aye.
7 MS. NEFF: Aye.
8 MS. GORDON: Aye.
9 MR. BENJAMIN: Aye.
10 CHAIRMAN MOORE: Aye. Any opposed?
11 (No response.)
12 CHAIRMAN MOORE: So that motion carries.
13 The next is the Findings and Determination
14 Decision Document for Jack and Jeffrey Rosa, the
15 property on Main Street. I believe this one was
16 not further corrected, and in that case, there
17 was the recommendations at the end, if I can find
18 them here.
The Building Inspector that inspected construction on the property, all runoffs from the roofs be retained on the property, and air conditioner selection shall take into account noise levels and efficiency.

So, with that in mind, if everyone's seen that document, I would make a motion to approve that Determination Document; ask for a second.

MS. NEFF: Second.
CHAIRMAN MOORE: And all in favor?
MR. CORWIN: Aye.
MS. NEFF: Aye.
MS. GORDON: Aye.
MR. BENJAMIN: Aye.
CHAIRMAN MOORE: Aye.
The motion carries. That document is approved.

And the last Determination Document is Doug and Mary Roberts, the new property owners, an application originally filed by Virginia Ludacer, and that was for approval of the variance for the
existing swimming pool. The offset from the property line, the offset was corrected to a 12.7-foot variance. Those numbers had been reversed in the draft, and that's been corrected. And there's a stipulation about the gate from the porch, and also that a screening fence be installed on the south of the property, because of the proximity to the pool.

And with those corrections noted, and stipulations, I make a motion to approve this document. May I have a second?

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MS. GORDON: Second.
CHAIRMAN MOORE: And all in favor?
MS. NEFF: Aye.
MR. CORWIN: Aye.
MS. GORDON: Aye.
MR. BENJAMIN: Aye.
CHAIRMAN MOORE: Aye. Any opposed?
(No response.)
CHAIRMAN MOORE: That motion carries. So the documents are all approved, and I'll them
after the meeting.

The next item is a motion to accept the ZBA minutes for August 20th, 2014. I have pointed out to the stenographer, court stenographer, that there is an error of the attribution of the quotes in there and that's going to be corrected, but this is just to accept the minutes. I make that motion. May I have a second, please?

MS. NEFF: Second.

CHAIRMAN MOORE: And all in favor?

MR. CORWIN: Aye.

MS. NEFF: Aye.

MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye.

MS. GORDON: I wasn't there, so --

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CHAIRMAN MOORE: Oh, you can abstain, then.

MS. GORDON: I'll abstain.

CHAIRMAN MOORE: Yes. And that motion carries.

Motion to approve the ZBA minutes for July 16, 2014. So moved. Second, please.
MR. BENJAMIN: Second.

CHAIRMAN MOORE: And all in favor?

MR. CORWIN: Aye.

MS. NEFF: Aye.

MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye.

MS. GORDON: Abstain.

CHAIRMAN MOORE: And again, abstain by Ms. Gordon.

And the last motion, or the second to last motion is to schedule the next regular meeting for October 15th. And we would have the public hearing and the meeting, and we would meet, of course, at 4:30 for the site visit. So moved. Second, please.

MS. NEFF: I'll second.

CHAIRMAN MOORE: And all in favor?

MR. CORWIN: Aye.

MS. GORDON: Aye.

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MR. BENJAMIN: Aye.

MS. NEFF: Aye.
CHAIRMAN MOORE: Aye.

And I have just one item for the Board, as far as the SCOVA training meeting that's going to be on October 6th. I'm just asking that you let me know or let the Village Clerk know by the end of the week if you'd be interested in going to that and --

MS. WINGATE: And next week, maybe.

CHAIRMAN MOORE: I don't know when they need to know for getting it approved. I think the meeting that was just held approved --

MS. WINGATE: Next Monday, right.

CHAIRMAN MOORE: -- in general all interested applicants, but they weren't named. But, anyway --

MS. NEFF: But I would like to know whether or not we've already fulfilled our obligation in the Spring, and if we have not, I will attend.

CHAIRMAN MOORE: Okay. And Eileen will check on that.

MS. WINGATE: I will do some research.

CHAIRMAN MOORE: My feeling, it was last October, but I'm not certain.

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MS. WINGATE: We usually do the Fall, but there was a Spring one that some people attended.

CHAIRMAN MOORE: And, also, there was a question from Dinni about opportunities for online. I don't know, Mr. Corwin, if you've explored further some of the online training opportunities.

MR. CORWIN: I haven't, no.

CHAIRMAN MOORE: We might want to look into that.

MS. GORDON: That's okay. I'm going to go in October, and I already --

CHAIRMAN MOORE: Take a look and see.

MS. GORDON: I emailed them and they emailed me back.

CHAIRMAN MOORE: And you're not limited to four hours. I mean, that's the minimum requirement. If you do get more training, I understand it can be carried over to a subsequent year, if you have extra training. But four hours isn't a whole lot, anyway.

Last item is #10, motion to adjourn. So moved. Second, please.
MR. BENJAMIN: Second.

CHAIRMAN MOORE: And all in favor?

MS. NEFF: Aye.

MR. CORWIN: Aye.

MS. GORDON: Aye.

MR. BENJAMIN: Aye.

CHAIRMAN MOORE: Aye. The meeting is adjourned.

(Whereupon, the meeting was adjourned at 5:16 p.m.)
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 September 17, 2014.

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 30th day of September, 2014.

__________________
Lucia Braaten