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VILLAGE OF GREENPORT

3

ZONING BOARD OF APPEALS

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5

REGULAR MEETING

6

December 17, 2014

7

5:00 p.m.

8

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10

Meeting held at the Greenport Firehouse

11

236 Third Street, Greenport, New York 11944

12

13

APPEARANCES:

14

Douglas Moore – Chairman

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David Corwin

16

Charles Benjamin

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Dinni Gordon

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Ellen Neff

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Joseph Prokop – Village Attorney

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Eileen Wingate – Village Building Inspector

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ZBA 12/17/14

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1 (Whereupon, the meeting was called to order
2 at 5:07 p.m.)

3 CHAIRMAN MOORE: So it's about five after
4 -- seven-after-five this evening, and this is the
5 regular meeting of the Greenport Zoning Board of
6 Appeals.

7 We have tonight two public hearings. The
8 first hearing is a public hearing for an appeal
9 for an area variance for Edward Werthner, Post
10 Office Box 982, Southold, New York. The
11 applicant seeks a building permit to construct a
12 house on a vacant lot located on the south side
13 of Bridge Street adjacent to 213 Bridge Street,
14 Greenport, New York; Suffolk County Tax Map
15 1001-2-2-8.4. The proposed house is 1,533.5
16 square feet, and the proposed rear deck is 150
17 square feet. The property is located in the R-1

18 District.

19 The proposed house is sited so the front of
20 the house is set back 20 feet from the north
21 property line.

22 Section 150-12A of the Greenport Village
23 Code requires a 30-foot front yard set back in
24 the R-1 District, requiring a 10-yard -- a
25 10-foot front yard setback variance.

ZBA 12/17/14

3

1 The proposed house is sited so that the
2 rear of the house is set back 27.96 feet from the
3 south property line.

4 Again, Section 150-12A of the Greenport
5 Village Code requires a 30-foot rear yard setback
6 in the R-1 District, requiring a 2.04-foot rear
7 yard setback variance.

8 The proposed rear deck is sited so that the
9 proposed rear deck is set back 17.96 feet from
10 the south property line.

11 Section 150-12A of the Village of Greenport
12 Code requires a 30-foot rear yard setback in the
13 R-1 District, requiring a 12.04-foot rear yard

14 variance for the proposed rear deck.

15 This was properly noticed in the Suffolk
16 Times. The following people were noticed, which
17 are the adjacent properties, and one across the
18 street from the proposed construction site:

19 Anthony Farley. I do not have the local
20 address. It's 905 West End Avenue, New York
21 City. Shuman and -- I can't read the last --
22 M-0-N, fortan, Monfortan -- Shuman, Monfortan,
23 337 Stuyvesant Avenue, Brooklyn. Rogue Wave
24 Associates, LLC, 300 West 23rd Street, New York
25 City. And then two local addresses: Mark

ZBA 12/17/14

4

1 LaColla, 213 Bridge Street, and Dorothy Owen, 225
2 Bridge Street, Greenport, New York.

3 I believe the placard on the property was
4 properly sited, as required.

5 And with that, I'd take any comments from
6 the applicant or representative, if you wish to
7 describe the overall project and what you're
8 seeking to do.

9 MR. WERTHNER: Sure.

10 CHAIRMAN MOORE: And then we'll take public
11 comments.

12 MR. WERTHNER: Good evening. Basically,
13 what I'm trying to do is just build a
14 three-bedroom two-story house on this lot and
15 make it my retirement home, and live a nice life
16 in Greenport and walk the Town. And that's a
17 real simple house and doesn't take up much room.
18 I kind of shortened it. I do like the deck in
19 the back, like everybody else likes a deck in the
20 back of the house for, you know, the barbecue,
21 and what have you. And it's, basically, that
22 simple. If anybody's got any questions or
23 anything, I'm here to answer.

24 CHAIRMAN MOORE: And just one question is --

25 MR. WERTHNER: Sure.

ZBA 12/17/14

5

1 CHAIRMAN MOORE: -- the 20-foot front
2 setback is due to the garage extending from the
3 body of the house; is that correct?

4 MR. WERTHNER: Yeah. Basically, that's
5 correct. Yes, that's correct.

6 CHAIRMAN MOORE: And so there's
7 approximately an additional five or eight feet?

8 MR. WERTHNER: Eight for the house where
9 it's --

10 CHAIRMAN MOORE: To the house, house.

11 MR. WERTHNER: That's correct, about eight
12 foot, eight foot back.

13 CHAIRMAN MOORE: So you would -- the bulk
14 of the house would be 28 feet --

15 MR. WERTHNER: That's correct.

16 CHAIRMAN MOORE: -- but the garage is 20
17 feet from the front line?

18 MR. WERTHNER: That's right.

19 CHAIRMAN MOORE: And a relatively small
20 deck. And it brings it, though, 14 feet, if I'm
21 remember what I was reading, from the rear line?

22 MR. WERTHNER: About that, yes.

23 CHAIRMAN MOORE: Or 17. I'm sorry, 17.

24 MR. WERTHNER: Seventeen-nine.

25 MS. NEFF: Seventeen.

ZBA 12/17/14

6

1 MR. WERTHNER: Seventeen-nine.

2 MS. NEFF: That's practically 18 feet.

3 It's 17.9 feet.

4 CHAIRMAN MOORE: Yes.

5 MR. WERTHNER: Yeah, 17.9.

6 CHAIRMAN MOORE: I was trying to see this
7 drawing and it's not coming through very clearly.

8 It looked like 14 to me, but it's 18 feet.

9 Any questions from the Board Members at
10 this point?

11 (No response.)

12 CHAIRMAN MOORE: Okay. Well, thank you, Ed.

13 MR. WERTHNER: Okay. Thank you.

14 CHAIRMAN MOORE: And are there any members
15 of the public that would like to speak regarding
16 this variance application?

17 (No response.)

18 CHAIRMAN MOORE: If not, no one's
19 interested in speaking, I would then make a
20 motion that we close the public hearing, and I
21 would ask for a second.

22 MS. NEFF: Second.

23 CHAIRMAN MOORE: All in favor?

24 MR. BENJAMIN: Aye.

25 MR. CORWIN: Aye.

1 MS. GORDON: Aye.

2 MS. NEFF: Aye.

3 CHAIRMAN MOORE: Aye.

4 Any opposed or abstaining?

5 (No response.)

6 CHAIRMAN MOORE: So that motion carries and
7 the public hearing is closed.

8 I'll get organized here. The second public
9 hearing tonight is a request for an
10 interpretation of the Village of Greenport Code
11 for Philip Karlin, North Fork Smoked Fish
12 Company, 200 Wilson Road, Cutchogue, New York,
13 11935. The property is located at 414 First
14 Street, Greenport; Suffolk County Tax Map
15 1001-4-7-5. It is located in the Retail
16 Commercial District. The applicant is
17 represented by Mary Bess Phillips, Secretary
18 Treasurer, K & M Properties, Incorporated, the
19 landlord to the tenant, North Fork Fish Company.

20 The applicant requests an interpretation of
21 the Village Code Section 150-9A(9) as follows:

22 Interpretation: The applicant is

23 requesting interpretation by the Zoning Board of
24 Appeals as to whether the proposed use of the
25 premises is consistent with 150-9A of the Village

ZBA 12/17/14

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1 of Greenport Code;

2 Permitted uses: (9) Manufacturing,
3 assembling, converting, altering, finishing,
4 cleaning, or any other processing of products
5 where goods so produced or processed are to be
6 sold at retail exclusively on the premises,
7 provided that:

8 (a) The space so used is fully concealed
9 from any street and equal in area to no more than
10 20% of the square footage devoted to retail
11 sales.

12 (b) Not more than two employees are engaged
13 in such production or processing.

14 I should mention at this point that there
15 was originally a request for a use variance, but
16 that was withdrawn by the applicant on the 10th
17 of December. So tonight we will be taking any
18 public comments regarding the interpretation of

19 that section of the code.

20 I should point out that this comes from the
21 Planning Board, and the applicant is seeking the
22 interpretation at the request of the Planning
23 Board because of discussions that have been going
24 on with their use evaluation proposal that's
25 currently pending with the Planning Board.

ZBA 12/17/14

9

1 This was properly noticed in the Suffolk
2 Times, and I will read the notifications.

3 And, Ms. Phillips, if I miss one of them,
4 or I'm not getting the one that had some trouble
5 being delivered, just let me know.

6 MS. PHILLIPS: It's Thompson.

7 CHAIRMAN MOORE: Thompson, was it?

8 MS. PHILLIPS: It's Laura Thompson is the
9 one. It has the sheet of paper attached to it
10 that shows the post office.

11 CHAIRMAN MOORE: Oh, I see. So that was
12 unable to be delivered.

13 MS. PHILLIPS: Well, it's there waiting for
14 her to pick it up.

15 CHAIRMAN MOORE: I see.

16 MS. PHILLIPS: She never picked it up.

17 CHAIRMAN MOORE: So I'll read that one
18 first. It's Laura Thompson, Box 593, from 422
19 First Street, Greenport, New York.

20 The others all were successfully delivered,
21 and they are Carman Hoge Thistle, 312 Buckingham
22 Road, West Palm Beach. I do not know the local
23 address. Charles Kulsziski, 433 Main Street,
24 Greenport. K & M Properties, care of Phillips,
25 210 Atlantic Avenue, Greenport. K & M Properties

ZBA 12/17/14

10

1 again, care of Phillips, Atlantic Avenue,
2 Greenport. Joseph Henry, 421 First Street,
3 Greenport. Joseph and Elaine Henry, 34 South
4 Street, Greenport, New York. William and Helen
5 Shearer, I believe it is, 425 Main Street,
6 Greenport, New York. And Alice Eichorn, Post
7 Office Box 243, Peconic, New York. I don't know
8 the local address. And those are --

9 MS. PHILLIPS: She lives across the street.

10 CHAIRMAN MOORE: Across the street?

11 MS. PHILLIPS: She lives across the street.

12 CHAIRMAN MOORE: Okay, thank you. So those
13 are the people that were contacted.

14 So I'd just like to make a note that this
15 regards -- our public testimony tonight regards
16 the interpretation that's being requested of the
17 Zoning Board of Appeals. At this point, there is
18 no use variance being requested.

19 Would the operator or the property owner
20 wish to make any statements?

21 MS. PHILLIPS: Yes, please. Chairman
22 Moore, did you have a copy for --

23 CHAIRMAN MOORE: Yes I, passed them around.

24 MS. PHILLIPS: Okay.

25 MR. PROKOP: Are there anymore copies of

ZBA 12/17/14

11

1 this?

2 CHAIRMAN MOORE: There's one here. Take
3 this one. And we might want to provide a spare
4 once to the transcriptionist later.

5 MS. PHILLIPS: Good evening, Chairman Moore
6 and ZBA Members. I'd like to thank you for

7 listening to my comments this afternoon. And I'd
8 like to please enter into the public hearing
9 record, dated December 17th, 2014, from North
10 Fork Smoked Fish Company the following
11 information for the Village of Greenport Zoning
12 Board of Appeals:

13 North Fork Smoke Fish Company approached
14 K & M, Inc. with a business plan looking for a
15 site to process, prepare, smoke and ship the
16 products via his website to retail and local
17 wholesale customers. Smoking Fish is a specialty
18 product in the seafood market industry. For the
19 past three years their website has developed a
20 strong retail customer base. This has resulted
21 in a business income split of 70% retail, 30%
22 wholesale.

23 To quote the IRS, "Retailing has long been
24 held to be more of an art than a science." The
25 intuitive ability to correctly anticipate

ZBA 12/17/14

12

1 consumer's interest will be key."

2 North Fork Smoked Fish Company is part of

3 the new method of selling seafood products. The
4 seafood industry has gone beyond the traditional
5 retail market to grow into direct sales from
6 harvesters, green markets, farmer's markets,
7 etcetera. The E-commerce of lobsters from Maine,
8 shrimp from the Gulf of Mexico, or salmon from
9 Alaska give the customer -- I'm sorry, give the
10 consumer access to retail products nationwide.

11 During his visit for the use evaluation,
12 the Building Inspector asked if he would open the
13 door to retail customers. His answer was no, as
14 30% of his income from wholesalers would stop
15 purchasing from him. Any other form of retail
16 sales was not requested by the Building
17 Inspector. It seemed to hinge on whether retail
18 customers entered the building.

19 In reviewing the definitions in the Village
20 of the Greenport -- I mean, the Village of
21 Greenport Code, there is not one for retail. In
22 considering the interpretation of Section
23 150-9(A), Subsection 9 of the Village Code,
24 please review the retail descriptions from the
25 IRS and New York State. The company's New York

1 State Principal Business NAICS Code is 445220,
2 Fish & Seafood Markets, with the following
3 definition:

4 "A marketplace used for marketing fish
5 products. It can be dedicated to wholesale trade
6 between fishermen and fish merchants, or to the
7 sale of seafood to individual consumers or both."

8 In reviewing IRS Chapter 43, Retail
9 Industry, the following sections describe retail
10 activity.

11 Composition: Some retailers are both
12 manufacturers and retailers, because they produce
13 the products they sell.

14 Retail Industry Classification has a
15 description that reads as follows:

16 "Retail consists of two principal types of
17 establishment, store retailers and non-store
18 retailers."

19 "Non-store retailers are similar to a store
20 retailer, which is organized to serve the general
21 public, but their retailing methods differ."

22 IRS has included a description of
23 E-Commerce, that online retailers bring to the

24 consumer the same products in the same way as
25 traditional store retailers.

ZBA 12/17/14

14

1 In reviewing the code, North Fork Smoked
2 Fish Company business activities are as follows:

3 Under the permitted uses for 150-9(A)(9) is
4 manufacturing, assembling, converting, altering,
5 finishing, cleaning, or any other processing of
6 products where goods so produced or processed are
7 to be sold at retail exclusively on the premises.

8 Following the retail descriptions from IRS
9 and New York State, the company is processing,
10 packaging and shipping and/or delivering to
11 website -- website retail sales customers the
12 produce or product processed from that building.

13 Under Subsection A, the Building
14 (Department) is in possession of an updated site
15 plan, which, after much going back and reviewing
16 the original application, I found there were some
17 errors in communication between everyone.

18 The back room of the building is used for
19 processing, similar to all seafood markets, and

20 the front section of the building is used for
21 packaging and shipping the requested sales for
22 retail and wholesale customers. There is an
23 office in the building where paperwork is
24 processed for the pickup of UPS, FedEx, and
25 etcetera.

ZBA 12/17/14

15

1 Subsection B, the production or processing
2 is done by the owner and one employee.

3 I have included in this package a copy of
4 North Fork Smoked Fish Company's website, along
5 with two other examples of retail online seafood
6 retailers.

7 Thank you for taking this information for
8 the record and reviewing the requested
9 interpretation process for this site.

10 Does anyone have any questions?

11 CHAIRMAN MOORE: We'll be able to ask
12 additional questions during our deliberations, if
13 it comes up.

14 MS. PHILLIPS: Okay, fine. Okay. Thank
15 you.

16 CHAIRMAN MOORE: Any questions of the Board
17 right now that you would like to ask?

18 (No response.)

19 CHAIRMAN MOORE: If not, then thank you.

20 MR. CORWIN: Maybe one question.

21 CHAIRMAN MOORE: Yes, Mr. Corwin.

22 MR. CORWIN: Could you just go over again
23 this online retail versus wholesale, the numbers?
24 In other words, how much --

25 MS. PHILLIPS: Okay. North Fork Smoked

ZBA 12/17/14

16

1 Fish originally for three years started out as a
2 retail online business. He's only recently got
3 into where he has been taking a certain
4 percentage and selling it wholesale to Southold
5 Fish Market, IGA, some of the other places. It's
6 -- one of the issues is that his production, he
7 was trying to diversify. Whether he stays in
8 wholesale, that's going to depend on the markets
9 continuing to buy the product here.

10 As I said, his customer base is really
11 based on retail. That's where most of his income

12 comes from. These numbers I'm getting from him,
13 I'm not pulling them out of the air.

14 MR. CORWIN: Do you have a percentage, one
15 versus the other?

16 MS. PHILLIPS: As far as?

17 MR. CORWIN: Online retailing is how much
18 percentage than whole --

19 MS. PHILLIPS: That's 70. Seventy -- all
20 of his stuff is online retail, that's the 70%,
21 okay?

22 MR. CORWIN: That's 70%.

23 MS. PHILLIPS: All right. That's the 70.
24 And that's for the numbers I asked him for, was
25 his online retail customers. As I said, for the

ZBA 12/17/14

17

1 last three years, he's been online. Most of his
2 customers order online. He will either deliver
3 it to them as he goes up west, or he ships it out
4 of there, which, as I explained originally, we
5 were trying to keep a low -- a low impact
6 business in that particular area due to that it
7 just needed to be to compliment the other tenants

8 that are all sharing that property, okay?

9 Any other questions? I can wait until you
10 want to discuss --

11 MS. GORDON: I have a question. I
12 understand that the packaging and shipping is
13 done from the front room of the building. Is the
14 response to the retail customers' orders done
15 also in that building --

16 MS. PHILLIPS: Yes.

17 MS. GORDON: -- or is it done somewhere
18 else?

19 MS. PHILLIPS: No it's done in the office.
20 That's why I showed you when you went to the site
21 visit that there is the front where there's the
22 packaging. As you walk back, there's a bathroom,
23 and then there's also an office, which is where
24 he does all his records and all his shipping, is
25 out of there.

ZBA 12/17/14

18

1 The website address has not been changed,
2 because when I discovered that there had be some
3 errors in the beginning with his starting his

4 business, okay, and we stopped everything to get
5 through the use evaluation, his web master has
6 not changed anything yet until after we get
7 through this process. Then the web master will
8 show 414 First Street as the correct address.
9 All his sales, if you look at his website, you
10 will -- you can go up and see that he actually
11 has an order online account, the whole nine yards
12 that any other retailer has with their own
13 company, okay?

14 MS. GORDON: Thank you.

15 MR. CORWIN: Question. When I was looking
16 at the front of the building, I saw a little
17 letter board there telling people where they
18 could go to purchase the smoked fish. There was
19 Alice's, Southold Fish Market, and one or two
20 others. I don't recall seeing a website address.
21 Did I miss something, or is there none?

22 MS. PHILLIPS: The website address is on
23 the sign.

24 MR. CORWIN: It is on the sign?

25 MS. PHILLIPS: It's on the sign, exactly.

1 CHAIRMAN MOORE: I believe it's on the
2 window, the colored sign.

3 MS. PHILLIPS: That's what I'm talking
4 about, it's on the window.

5 CHAIRMAN MOORE: It's actually this way.
6 This is not very clear, but there is a website
7 there, right above "wholesale only".

8 MS. PHILLIPS: As I said, when I discovered
9 that there had been a lapse in process,
10 everything just came to a stop until we get
11 through this process. But his whole commitment
12 is to stay there. The landlord is -- the whole
13 commitment is for him to succeed, plus we're
14 trying to compliment and to work with the other
15 tenants, who really wanted something that was not
16 going to be so traffic-bound as what the previous
17 tenant was.

18 MR. CORWIN: On here, it says, "Wholesale
19 only," which that's to keep people from going in
20 the front door, and blah, blah, blah.

21 MS. PHILLIPS: I --

22 MR. CORWIN: But --

23 MS. PHILLIPS: I'm sorry, go ahead.

24 MR. CORWIN: Would the sign be more clear

25 if it said, "For retail purchases," and --

ZBA 12/17/14

20

1 MS. PHILLIPS: That is what it's supposed
2 to say, okay? As I said, there -- everything
3 came to a halt. He was supposed to have the
4 website address put into the window. I -- as I
5 said, there's been a lot of miscommunication on
6 this one. The wholesale customers in the
7 beginning were put there to appease some of the
8 other customers. Eventually, that sign in the
9 front will be coming down off the door, and the
10 sign will be moved over to the door and it will
11 have the website and retail sale only, but we
12 haven't gotten that far yet, okay?

13 MR. CORWIN: Thank you.

14 CHAIRMAN MOORE: Okay. Thank you.

15 MS. PHILLIPS: Okay.

16 CHAIRMAN MOORE: And I have a question.
17 Mr. Prokop, this statement of 70% retail and 30%
18 wholesale, would there need to be some
19 substantiation of that, if at some point that
20 becomes a critical issue either in enforcement or

21 the planning process?

22 MR. PROKOP: Yes. Well, I'm not sure
23 really what -- yes.

24 CHAIRMAN MOORE: I'm just curious.

25 MR. PROKOP: And I'm not sure exactly what

ZBA 12/17/14

21

1 means, if it's transactional or a dollar amount.

2 MS. PHILLIPS: Dollar amount.

3 CHAIRMAN MOORE: But that might be
4 something that would be required down the road.
5 I don't think it affects our decision tonight,
6 but, certainly, the outcome of a decision might
7 be an issue.

8 MS. PHILLIPS: As I said, and -- well, I'll
9 until you start, if you want to ask questions
10 later.

11 CHAIRMAN MOORE: Sure. Now any members of
12 the public wish to speak? Could I have a show of
13 hands who might be interested in speaking, just
14 so we know about time constraints? Yes. Why
15 don't you go ahead. You seem to be the only one.
16 So if you could speak five minutes or less, it

17 would be appreciated.

18 MR. HENRY: My name is Joseph Henry. I
19 live at 421 First Street, across the street. Is
20 this -- this is going on right now, his business
21 is going on right now, right?

22 MS. PHILLIPS: Yes.

23 MR. HENRY: Okay. I just have basically
24 two concerns. I'm not against the business being
25 there, but I just -- in the future, you know,

ZBA 12/17/14

22

1 like if his businesses grow, and my two concerns
2 is the hours of operation, you know, that it
3 doesn't become an all-night, 24-hour operation,
4 which I don't think it is now, because I don't
5 even know that they're there.

6 But -- and, also, just I know friends of
7 mine that live close to other businesses,
8 refrigeration trucks, and stuff like that,
9 running all night, waiting to load up, or
10 something like that, I don't want it to turn --
11 like I said, it's not doing that now, but I don't
12 know where this is going to end up.

13 So that was my two concerns, is basically
14 refrigeration trucks in the street at night, and
15 the hours of operation.

16 CHAIRMAN MOORE: Okay. Thank you.

17 MS. PHILLIPS: Would you like me to answer
18 that now, Mr. Moore, or no?

19 CHAIRMAN MOORE: If you wish, yes, go
20 ahead.

21 MS. PHILLIPS: Okay. As I stated before,
22 this is a specialty product that's done in the
23 fishing industry. It's usually a one-man
24 operation or two-man operation. The way he is at
25 the moment, and I really don't envision it

ZBA 12/17/14

23

1 changing, because he has -- smoking fish is
2 really a one-person operation. He comes in in
3 the morning and he leaves at night. There is no
4 all-night operations, there's no refrigerated
5 trucks coming in. He has a van and a pickup
6 truck, and that's it.

7 If he were to do any growing, he's going to
8 have to grow out of that building. If he were to

9 do exactly what Mr. Henry was suggesting, he
10 would have to really move out of that building,
11 because it's not meant for anything more than
12 that small type of an operation, okay? Any other
13 questions?

14 (No response.)

15 MS. PHILLIPS: Okay.

16 MR. HENRY: Thank you.

17 CHAIRMAN MOORE: Excuse me. Anybody else
18 wish to speak regarding this interpretation?

19 (No response.)

20 CHAIRMAN MOORE: Well, if not -- excuse me.
21 If not, then I would make a motion. Any further
22 discussion from the Board Members?

23 (No response.)

24 CHAIRMAN MOORE: If not, then I'd make a
25 motion that we close the public hearing for the

ZBA 12/17/14

24

1 Hearing #2, and I will accept the second.

2 MR. BENJAMIN: Second.

3 CHAIRMAN MOORE: And all in favor?

4 MR. BENJAMIN: Aye.

5 MR. CORWIN: Aye.

6 MS. GORDON: Aye.

7 MS. NEFF: Aye.

8 CHAIRMAN MOORE: Aye.

9 Any opposed or abstaining?

10 (No response.)

11 CHAIRMAN MOORE: The motion carries.

12 Excuse me. I might have to ask for a tag
13 team.

14 MS. GORDON: Would you like a lozenge?

15 CHAIRMAN MOORE: I have one currently.

16 All right. So then I'm going to move on to
17 the regular agenda.

18 Item #1 is the continuation of discussion
19 we've been having regarding the application for
20 an area variance for Ralph and Sarah Edwards at
21 163 Fifth Street regarding the construction of a
22 swimming pool.

23 And as of last meeting, there were three
24 variances pending before the Board. And I would
25 just ask the -- we're not having a public hearing

ZBA 12/17/14

1 tonight, that was closed last time, but based on
2 any new information that might come out regarding
3 the requested variances, Mr. Uellendahl might
4 want to update us on what has happened.

5 MR. UELLEDAHL: Correct. Thank you for
6 having us back. Good evening.

7 First of all, I would like to note that on
8 the agenda, under #2, the proposed swimming pool
9 setback is 12 feet, etcetera, etcetera. This
10 whole paragraph should be eliminated, because we
11 submitted a revised site plan where we eliminated
12 the third variance on the westerly setback line,
13 which was not 12 feet, it should have said 17
14 feet originally. But we moved the pool, the
15 proposed pool, back three more feet, so it will
16 be 20 feet off the westerly lot line. So that
17 would eliminate the third variance as submitted.
18 I think you have the revised site plan in front
19 of you.

20 In addition, we -- my clients are very
21 concerned about the concerns that were voiced at
22 last month's meeting, in particular, about the
23 noise that would be created by the mechanical
24 equipment, the pool equipment. And we did a lot
25 of research. We contacted a local pool

1 consultant. And, as a matter of fact, the owner,
2 Ralph Edwards, is here tonight, and he would like
3 to, you know, as a mock-up, to actually tell you
4 what it means, what a decibel is.

5 We talk about decibels and nobody really
6 knows what it actually means. And I think we
7 should have a comparison compared to a
8 refrigerator, or to something else that we all
9 know. And I think, going forward, because you
10 will be dealing with pool applications and that
11 kind of noise complaints, particularly in the
12 close Village of Greenport, it would be very
13 interesting to see what it actually means to have
14 a 49 decibel noise, versus a 60 decibel noise.

15 I would like to turn it over to Ralph
16 Edwards. He has a little bit to show for you.
17 So I hope this will help clarify, also for future
18 projects, that we can actually maintain a very
19 quiet noise, if it's done correctly. And, as a
20 matter of fact, we are going to house this even
21 in. Even if it's open to the sky, it's not

22 really that bad. But in this case, because we
23 had the complaints, or the voices from a couple
24 of neighbors, we are willing to put the
25 mechanical equipment into a shed and soundproof

ZBA 12/17/14

27

1 this, even though it really should not be a
2 problem. So I would like to turn it over to
3 Ralph Edwards, if I may.

4 CHAIRMAN MOORE: Yes. I just want to ask
5 you one question. There's a revised drawing that
6 I picked up a few days ago. The setbacks for the
7 north and south are still 10 and 14, so the --

8 MR. UELLEND AHL: Yes.

9 CHAIRMAN MOORE: The only change is 20 from
10 the back?

11 MR. UELLEND AHL: Correct.

12 CHAIRMAN MOORE: I had heard there was some
13 comment about further movement of the pool that
14 might have changed it.

15 MR. UELLEND AHL: Well, we discussed this,
16 but we'd like to keep it at the 10-foot setback
17 and the 14-foot setback, because we looked

18 further at saving the big tree that is on the
19 property, and the root system will not be
20 affected by the current location of the pool,
21 as --

22 CHAIRMAN MOORE: Yes.

23 MR. UELLEND AHL: -- proposed in our site
24 plan.

25 CHAIRMAN MOORE: Okay. Thank you.

ZBA 12/17/14

28

1 MR. UELLEND AHL: Okay.

2 CHAIRMAN MOORE: Mr. Edwards.

3 MR. EDWARDS: I am the applicant, Ralph
4 Edwards. Thank you for this opportunity to talk.

5 We -- I've been coming -- my wife and I
6 have been coming to Greenport for six or seven
7 years. And two years ago, we rented a house at
8 the corner of Sixth and Linnet and we loved it.
9 We had a great summer, and we decided this is
10 where we're going to retire.

11 With Frank's help, we are rebuilding and
12 doing an extensive renovation to 163 Fifth
13 Street, as you know, when you look at the site

14 plan. We're thrilled to be here, and we plan to
15 be full-time residents as soon as the house is
16 done.

17 We were here last month, both my wife and
18 I. My wife couldn't be here tonight, but we were
19 both here last night -- last month, and we didn't
20 talk, because we thought it was our turn to
21 listen and hear the concerns of the community and
22 our neighbors. We were very gratified that
23 Marian Friedmann spoke on our behalf about the
24 quality of the renovation, but we also heard two
25 concerns about the noise. And, you know, Frank

ZBA 12/17/14

29

1 has put the pool equipment in the shed to further
2 mitigate the noise issue that Ms. MacKenzie spoke
3 extensively of. She shares a seven-foot boundary
4 on the rear of our property on the west side.

5 So, at that point, what I did is I
6 undertook to understand how noisy this equipment
7 is going to be outside of a shed. And I want to
8 keep emphasizing that our plan all along has been
9 to mitigate the noise issue, to enclose this

10 fully. And I went and I talked to Bill Berkmier,
11 who is at North Fork Pool Care, and he spec'd out
12 the kind of pump that we would be using, which is
13 a multi-speed pump, which is considerably
14 quieter. It's a 45 decibel pump, and he -- in a
15 brochure of IntelliFlo pumps, they do have a
16 variety of different decibel levels. If I can
17 give you copies of this, would that be helpful?

18 CHAIRMAN MOORE: Sure. I will certainly
19 pass it on to the Building Inspector, if it has
20 any useful reference information.

21 MR. EDWARDS: Thank you. At 45 decibels --
22 I mean, decibels are tricky things. I knew
23 nothing about decibels a month ago. They're
24 tricky things. It's a logarithmic scale, so it's
25 not -- adds additional -- a 45 decibel pump is

ZBA 12/17/14

30

1 equivalent to a very quiet dishwasher.
2 Dishwashers, if you go to Lowe's, the one in
3 Riverhead sells dishwashers that are between 48
4 and 63 decibels; 48 is considered to be very
5 quiet. Because decibels are a log. scale, every

6 three decibels is a big difference, so a 60
7 decibel dishwasher is considerably more noisy.

8 In talking to Bill, he also asked if I
9 wanted to borrow his display. His display has
10 what an old pump sounds like. It's a 67 decibel
11 pump, and what the pump that we are proposing, a
12 multi-speed sounds like, not in a shed. Keep in
13 mind that this will be further abated, the noise
14 will be abated by putting it in a shed.

15 I know that Ms. MacKenzie is concerned
16 about the Coly pump that is in the middle of --
17 between her and another neighbor, Cate, who spoke
18 -- who is not contiguous to our property, but is
19 also very concerned about the noise. And the
20 Colys have an older pool with an older pump, with
21 -- it's out in the open.

22 So, if I could just play this for you, I
23 think it helps. It is illustrative to me. The
24 first noise is not the noise, it's 67 decibels,
25 and the second noise is 45 decibels. So, if

ZBA 12/17/14

31

1 that's okay with you, I'll push that button and

2 you can hear.

3 CHAIRMAN MOORE: That's fine. And I should
4 note that this is indoors. And this will only
5 take a moment, right?

6 MR. EDWARDS: Oh, this will only take --
7 no. The first is very noisy, then it stops, and
8 then it --

9 CHAIRMAN MOORE: I'm just glad we're not
10 talking about foghorns or chainsaws.

11 MR. EDWARDS: No, no, no.

12 CHAIRMAN MOORE: So let's -- go right
13 ahead.

14 MR. EDWARDS: Absolutely not. Oh, and by
15 the way, a refrigerator is typically 50 decibels.

16 CHAIRMAN MOORE: It's 50, okay.

17 MR. EDWARDS: So here's the first one, it's
18 going to be 67, and then the multi-speed pump
19 will be the second one and that will be 45.

20 CHAIRMAN MOORE: It's very quiet.

21 (Laughter)

22 (Whereupon, pool pump decibel level was
23 demonstrated my Mr. Edwards.)

24 MR. EDWARDS: That's 67.

25 CHAIRMAN MOORE: That's the actual pump?

1 MR. EDWARDS: That's the pump. That's a
2 tape of the pump noise.

3 CHAIRMAN MOORE: Oh, I'm sorry. I thought
4 you had the actual pump operating.

5 MR. EDWARDS: That is what the pump looks
6 like.

7 CHAIRMAN MOORE: Okay.

8 MR. EDWARDS: That's the tape of the pump.

9 CHAIRMAN MOORE: All right. Okay.

10 MR. EDWARDS: That's 67.

11 (Whereupon, pool pump decibel level was
12 demonstrated by Mr. Edwards.)

13 MR. EDWARDS: That's 47.

14 CHAIRMAN MOORE: Okay.

15 MR. EDWARDS: And that's --

16 CHAIRMAN MOORE: Yeah, thank you.

17 MR. EDWARDS: And we'll put that in the
18 shed, so that will be enclosed. Thank you.

19 CHAIRMAN MOORE: Thank you very much.

20 MR. EDWARDS: Thank you for your time.

21 CHAIRMAN MOORE: And we are currently then
22 in the discussion stage among the Board Members.

23 I certainly appreciate the recorded sounds, but I
24 think relative to other pieces of equipment that
25 we're familiar with, you get an understanding of

ZBA 12/17/14

33

1 the pump.

2 I believe one of the issues also is it will
3 be enclosed in a structure, which can be further
4 insulated to prevent the noise.

5 I think one of the concerns that was
6 expressed by a few of the neighbors was the
7 incidental noise that the presence of a pool
8 causes, either children or adults enjoying the
9 pool at various hours of the day, and I
10 understand those concerns. This is an area where
11 there are quite a few pools. But I think, on the
12 same lines, that if you had yard equipment,
13 recreational equipment for children, that the
14 same noise issues would be there. And I think
15 the way to deal with the noise issues is code
16 enforcement, and I think that's something that
17 perhaps would take care of these problems.

18 I personally think that they've done as

19 much as they can, considering the lot, to
20 attenuate the noise and the visibility issues
21 with the landscaping that's being done. And I
22 don't see this as greatly different than other
23 pools that have been previously approved by the
24 ZBA.

25 Comments from others on the Board, please?

ZBA 12/17/14

34

1 Anybody wish to comment?

2 MR. CORWIN: Well, as someone that doesn't
3 like noise, I'm not too thrilled with the whole
4 thing. And the setbacks were set in the code for
5 some reason, so I really don't know which way to
6 go on this.

7 CHAIRMAN MOORE: Would the Board -- yes?

8 MS. NEFF: I just want to --

9 CHAIRMAN MOORE: Yes.

10 MS. NEFF: The fact that this lot was -- is
11 not a straightforward lot, but the change made in
12 it happened long before the applicants before us,
13 and that there is an attempt within the width of
14 the yard at the point where the pool is going to

15 be is 40 feet, not 50 or 60 feet, which might be
16 a more typical yard, I can see an attempt to work
17 with the dimensions in a way that has less
18 impact, particularly moving it away from the
19 rear, the west lot line.

20 CHAIRMAN MOORE: Any other comments?

21 MR. CORWIN: Question. On the two people
22 that objected about noise, one was, I guess,
23 MacKenzie?

24 MS. NEFF: Uh-huh.

25 CHAIRMAN MOORE: Yes.

ZBA 12/17/14

35

1 MR. CORWIN: If anybody recalls --

2 CHAIRMAN MOORE: Yes.

3 MR. CORWIN: -- because I don't. And that
4 complaint is almost brought into compliance with
5 the code by moving the pool.

6 CHAIRMAN MOORE: Correct.

7 MR. CORWIN: The other one was Byrne, I
8 believe.

9 CHAIRMAN MOORE: Yes, Cate Byrne. And that
10 individual was concerned about not being noticed,

11 and also that there are six pools, by her claim,
12 in the neighborhood. And her comment was, I
13 think, regarding the accessibility of the bay to
14 these properties, as opposed to using a swimming
15 pool.

16 MR. CORWIN: So I would just note that the
17 corner of her property, Byrne, is going to be --
18 these 15-foot scales are hard to use. It's going
19 to be a good 30 feet away from the pool, though
20 about 15 -- well, not even 15 feet away from the
21 lot line.

22 CHAIRMAN MOORE: Was the Byrne property --
23 in which position relative to this property, do
24 you recall?

25 MR. CORWIN: Well, I have to here. I'm not

ZBA 12/17/14

36

1 sure if I'm correct.

2 CHAIRMAN MOORE: Oh, it was down, yes, to
3 the south and west. I think that was the only
4 one I didn't note was there. Yes?

5 MS. GORDON: I think that this is
6 information sort of external to the immediate

7 concern. I live one door to the north of
8 MacKenzie, and we hear the Coly pool all summer
9 long, very loud. It's not the shed noise or the
10 pump noise that we hear, it's the noise of
11 revelers, both children and young adults at two
12 in the morning.

13 So I think I'd like to endorse my Chair's
14 comment about code enforcement here, and consider
15 that that's something -- I mean, I realize this
16 is not the issue we're talking about right now,
17 but it is something that could be taken to the --
18 to the Code -- to the Code Committee as an issue
19 that's going to be recurring as there are more
20 and more pools, and that that should be a
21 priority for the Code Enforcement Officer.

22 MR. CORWIN: But how do you regulate that?
23 Do you tell somebody you can't sit in your
24 backyard, and drink beer, and yuck it up with
25 your friends?

ZBA 12/17/14

37

1 MS. GORDON: Is there -- but is there a
2 decibel level for human reveling? Probably. I

3 mean, I used to live on Shelter Island and there
4 were certainly efforts to regulate noise at
5 public places, anyway, when the decibel level
6 reached a certain point.

7 MR. CORWIN: I think it's a wonderful idea
8 if you could do it, but I don't see how you can
9 possibly regulate it.

10 CHAIRMAN MOORE: Well, let me ask the
11 Building Inspector. Are there any objective
12 standards that are used currently for noise in
13 general at properties?

14 MS. WINGATE: There is a section of the
15 code that deals with decibel level of noise, when
16 and how, except we don't have a decibel meter.
17 So it's hard to go out and check decibel levels
18 at this point in time.

19 CHAIRMAN MOORE: Okay.

20 MR. CORWIN: But that's for recorded music.

21 MS. WINGATE: No, that's actually --

22 MR. CORWIN: That's for a band or
23 something, isn't it?

24 MS. WINGATE: There's a whole list of --
25 it's not only recorded music, it's yard noise and

1 all kinds of other --

2 MR. CORWIN: So it would be a machine or
3 something. Again, if you're sitting in your
4 backyard with your buddies drinking beer, and the
5 Code Inspector comes along and says, "You're
6 making too much noise," you're going to get a
7 whole lot of attitude and say, "Hey, do something
8 about it."

9 CHAIRMAN MOORE: I think --

10 MR. BENJAMIN: I have one more comment.

11 CHAIRMAN MOORE: Yes.

12 MR. BENJAMIN: Plantings, planting trees
13 and bushes to absorb the noise and block the
14 noise works, and in a lot of places they're
15 required. We can cut down the noise considerably
16 by planting a tree or a group of trees, right?

17 MR. CORWIN: I agree with you, that would
18 be a big help. This plan is showing trees
19 planted on the Boucher property, so I don't know.
20 I don't remember if they're there now, or what
21 shape they're in, or what. And it's kind of
22 showing some --

23 CHAIRMAN MOORE: To the west.

24 MR. CORWIN: -- planting on the Edwards
25 property to the west. But I don't see any

ZBA 12/17/14

39

1 specifications or any idea what they would be,
2 and I wouldn't know what, other than something
3 that grows tall, what would be appropriate.

4 MR. BENJAMIN: Yeah. Evergreens sometimes
5 work.

6 CHAIRMAN MOORE: Well, I think one thing --
7 comment about the noise issues is I think the
8 more frequent result of a noisy situation is that
9 the police arrive, and usually the police
10 encourage the activity to diminish. And I'm not
11 aware whether citations have been issued as a
12 result of failure of people to comply, but I
13 think more often the police are summoned than
14 someone with a decibel meter.

15 MR. CORWIN: Yeah. In my experiences, they
16 say, "Quiet down." The Greek Church is an
17 excellent example. Although they're not as bad
18 as they used to be, the cop says, "Quiet down,"
19 they turn the music down, the cop gets two blocks

20 away, and they turn the music back up.

21 CHAIRMAN MOORE: Right. Well --

22 MR. CORWIN: So we could debate this all
23 night.

24 CHAIRMAN MOORE: I think we could talk
25 about this all night.

ZBA 12/17/14

40

1 Would the Board wish to proceed with making
2 a decision on this?

3 MS. NEFF: Yes.

4 MS. GORDON: Uh-huh.

5 CHAIRMAN MOORE: So, first --

6 MR. BENJAMIN: Perhaps.

7 CHAIRMAN MOORE: Yes, perhaps.

8 MR. BENJAMIN: Perhaps a condition.

9 CHAIRMAN MOORE: Well, we can consider when
10 we get to that point to apply some conditions
11 that would be based on potential approval.

12 First issue is that the ZBA would declare
13 itself Lead Agency according to SEQRA, and
14 declare this a Type II Action. And I would ask
15 in order if you approve.

16 (Roll Call Vote by Chairman Moore.)

17 MR. BENJAMIN: Yes.

18 MR. CORWIN: Yes.

19 MS. GORDON: Yes.

20 MS. NEFF: Yes.

21 CHAIRMAN MOORE: And I say yes.

22 The next item is the conditions. And I
23 think that the different questions, the
24 conditions that are -- seem to be emerging is
25 that, one, it's granted that the equipment will

ZBA 12/17/14

41

1 be minimally noisy and contained in a shed, and,
2 secondly, that there would be an effort to
3 maximize the plantings to minimize noise
4 transmission past the property line.

5 I imagine there would be a third issue,
6 that any effluent from the pool would have to be
7 discharged not beyond the property line, more
8 likely into the sanitary sewer.

9 The first question is whether an
10 undesirable change will be produced in the
11 character of the neighborhood, or detriment to

12 nearby properties will be created by the granting
13 of an area variance? And I would ask Mr.
14 Benjamin.

15 (Roll Call Vote by Chairman Moore)

16 MR. BENJAMIN: No.

17 MR. CORWIN: Yes.

18 MS. GORDON: No.

19 MS. NEFF: No.

20 CHAIRMAN MOORE: And I would answer no.

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

24 (Roll Call Vote by Chairman Moore)

25 MR. BENJAMIN: No.

ZBA 12/17/14

42

1 MR. CORWIN: No.

2 MS. GORDON: No.

3 MS. NEFF: No.

4 CHAIRMAN MOORE: And I'd answer no.

5 Whether the requested area variance is
6 substantial?

7 (Roll Call Vote by Chairman Moore)

8 MR. BENJAMIN: Yes.

9 MR. CORWIN: Yes.

10 MS. GORDON: Yes.

11 MS. NEFF: Yes.

12 CHAIRMAN MOORE: And I would answer no.

13 Whether the proposed variance will have an
14 adverse effect or impact on the physical or
15 environmental conditions in the neighborhood or
16 district?

17 (Roll Call Vote by Chairman Moore)

18 MR. BENJAMIN: That's condition --

19 CHAIRMAN MOORE: Adverse effect on
20 conditions.

21 MR. BENJAMIN: I would say -- I would say
yes.

22 MR. CORWIN: Yes.

23 MS. GORDON: No.

24 MS. NEFF: No.

25 CHAIRMAN MOORE: I answer no.

ZBA 12/17/14

43

1 And whether the alleged difficulty was
2 self-created, which consideration shall be
3 relevant to the decision of the Board of Appeals,

4 but shall not necessarily preclude the granting
5 of an area variance?

6 (Roll Call Vote by Chairman Moore)

7 MR. BENJAMIN: No.

8 MR. CORWIN: No.

9 MS. GORDON: No.

10 MS. NEFF: Yes.

11 CHAIRMAN MOORE: And I would answer yes.

12 And then the last is to approve the
13 requested variances, which are now two, which is
14 a setback variance of 10 feet to the north, and a
15 variance of six feet to the south. And I would
16 make a motion that we approve the requested
17 variance with conditions that we previously
18 stated regarding the sound attenuation by using a
19 quiet pump and enclosing it in the shed, the
20 vegetation, and the discharge of any effluent
21 from the pool, and with --

22 MR. CORWIN: Who's going to judge the
23 vegetation?

24 CHAIRMAN MOORE: Good question. What would
25 the Board suggest? Would the Building Inspector

1 be able, through the inspections, to determine if
2 an appropriate amount of vegetation is in place?

3 MS. WINGATE: I can do that

4 CHAIRMAN MOORE: Would that be suitable, I
5 mean, between the Building Inspector and the
6 designer; would that be acceptable?

7 MR. CORWIN: Could we ask the applicant if
8 they're agreeable to some kind of enhanced
9 plantings?

10 CHAIRMAN MOORE: I guess that's just a --
11 basically a yes or no.

12 MR. UELLEND AHL: Yes. But I would like to
13 mention that the six-foot solid fence that we're
14 proposing is much more effective, what we're
15 talking about here, as far as sound attenuation.
16 The plantings do not much -- it's just visual.

17 CHAIRMAN MOORE: Okay. And is that on the
18 north and the west?

19 MR. UELLEND AHL: But we are -- the owners
20 are ready to do whatever the Board requires them
21 to do as far as planting is concerned. They
22 would like this to look nice. But I'm saying the
23 planting, a bush does not do much for wearing off
24 sound.

25

CHAIRMAN MOORE: And that fence is on all

ZBA 12/17/14

45

1 exposed sides of the property?

2 MR. UELLEND AHL: Yes, yes.

3 CHAIRMAN MOORE: Okay.

4 MR. BENJAMIN: Is that -- is that an
5 official statement? Are you an expert in
6 plantings; is that why you're making that
7 statement?

8 MR. UELLEND AHL: Well, I live in the
9 Village of Greenport, and I know when I have a
10 hedge close by a driveway, which I do, then I
11 hear every car that drives by. If I have a solid
12 fence, that sound is much less. Yes, it's just
13 very simple.

14 MR. BENJAMIN: But that's a difference in
15 vegetation.

16 MR. UELLEND AHL: The vegetation really
17 doesn't do much. It's really more than
18 vegetation, it's area. And in the wintertime, I
19 mean, in the wintertime they don't go swimming,
20 but, you know, it's usually empty, unless you

21 plant deciduous trees and bushes. But that's all
22 I wanted you to understand.

23 CHAIRMAN MOORE: Understood.

24 MR. UELLEND AHL: The planting, to me, is
25 not as important as the fencing.

ZBA 12/17/14

46

1 CHAIRMAN MOORE: Well, we just ask you
2 to --

3 MR. UELLEND AHL: The six-foot fencing is
4 much -- is much more effective.

5 MR. BENJAMIN: A privet hedge is not.

6 CHAIRMAN MOORE: Okay. Well, thank you
7 very much.

8 MR. BENJAMIN: Not plantings.

9 CHAIRMAN MOORE: So we'll move ahead. So,
10 with those conditions mentioned, I would make a
11 motion to approve the requested variance and ask
12 for --

13 MS. NEFF: Second.

14 CHAIRMAN MOORE: Well, I guess it's just to
15 go ahead. And I would make a motion that we
16 approve the requested variance, and then ask for

17 the members to vote.
18 (Roll Call Vote by Chairman Moore)
19 MR. BENJAMIN: Yes.
20 MR. CORWIN: Yes.
21 MS. GORDON: Yes.
22 MS. NEFF: Yes.
23 CHAIRMAN MOORE: And I vote yes.
24 And so the motion carries, and it is
25 approved. So very good.

ZBA 12/17/14

47

1 Just let me ask, is there a proposed
2 construction schedule for this, when the
3 construction would commence?
4 MR. UELLEND AHL: Well, the -- since it's
5 approved, we can pour concrete in January. The
6 pool can be in place by March or April.
7 CHAIRMAN MOORE: Okay. So I think by next
8 month, it --
9 MR. UELLEND AHL: Of course, we need a
10 building permit.
11 CHAIRMAN MOORE: I'm thinking that we'd
12 probably have a Decision Document for this by

13 next month that would be available to sign. So I
14 think that won't hinder anything, since it's not
15 until January that you would begin. I just want
16 to look at the coordination of efforts.

17 MR. UELLEND AHL: Okay.

18 CHAIRMAN MOORE: Okay. So the next item on
19 the agenda --

20 MR. UELLEND AHL: Thank you.

21 CHAIRMAN MOORE: Yes. Is a discussion and
22 possible decision for an appeal for an area
23 variance for Ed Werthner, Post Office Box 982,
24 Southold. The applicant seeks a building permit
25 to construction a house on a vacant lot located

ZBA 12/17/14

48

1 on the south side of Bridge Street, adjacent to
2 213 Bridge Street, Greenport, New York; Suffolk
3 County Tax Map 1001-2-2-8.4.

4 I describe the conditions of the house,
5 that basically the applicant's looking if a
6 20-foot north street setback, which would require
7 a 10-foot front yard setback variance.

8 MS. NEFF: From the street?

9 CHAIRMAN MOORE: I'm sorry?

10 MS. NEFF: I'm sorry.

11 CHAIRMAN MOORE: I said the front yard
12 setback to the street.

13 MS. NEFF: Okay.

14 CHAIRMAN MOORE: Would require a 10-foot
15 front yard setback variance. The proposed house
16 to the rear would require a 2.04-foot rear yard
17 setback variance, and including the deck, it
18 would require a 17.96-foot -- sorry, a 12.04-foot
19 rear yard variance. So those are the dimensions
20 of the variances being requested.

21 We did get a chance to talk to the
22 applicant, and I believe the history on this
23 property is that it at one time was a single
24 property between Monsell Place and Bridge Street.
25 The property was subdivided equally in a previous

ZBA 12/17/14

49

1 ZBA Board, and then subsequent to that, the
2 former owner of the property with the house on
3 Monsell Place further moved, with the ZBA
4 approval, further to the north, making this lot

5 substandard as far as lot area was concerned.

6 So Mr. Werthner now is proposing a house,
7 which is fairly modest on the property, which
8 does require basically two variances, which is 20
9 feet from the front, and about -- what did I say
10 before from the rear, 12 feet? Twelve feet from
11 the rear as far as the variance.

12 Discussions from the Board members on the
13 proposed variance?

14 MR. PROKOP: Did you say --

15 MR. CORWIN: I made an -- go ahead,
16 Mr. Prokop

17 MR. PROKOP: I'm sorry.

18 MR. CORWIN: I made an inspection by myself
19 earlier in the afternoon when Mr. Werthner was
20 marking out the outlines of the building, and I
21 thought this is no big deal. But after I went
22 back and looked on Google and started playing
23 around with the setbacks of the adjacent houses,
24 I thought maybe this isn't that great, because
25 the front yard extended 30 feet, and the houses

1 along there averaged, I guess, more than 30 feet,
2 if you measure off of Google, which is not an
3 accurate thing to measure from. And I thought is
4 this the right way to go, to stick -- even the
5 house to the west is 24 feet off the edge of the
6 road. Where the property line is, I'm not sure.
7 I don't think we could really see that based on
8 an approximation.

9 MS. NEFF: Can I just say, these monuments
10 that show on the edges of the property, I doubt
11 very much that they're at the road. I certainly
12 agree with you, that 24 feet for the house to the
13 west from the street, but I would -- I think it's
14 fair to say that the way this house is sited is
15 actually further back than the house to the west,
16 and that the -- on the other side of Bridge
17 Street actually is not the Village of Greenport,
18 to the best of my knowledge.

19 MR. CORWIN: That's correct.

20 MS. NEFF: Those houses. There's a lot of
21 variance of the siting of houses, but I don't
22 think it's true that the house to the west is
23 closer to the road than this house. The
24 monument, if that's a monument that marks my
25 property, is there's a sidewalk in front of it

1 and then the road.

2 MR. CORWIN: But we didn't see any
3 monuments out there.

4 MS. NEFF: Well, then all I'm saying is,
5 you're right, but this thing that's drawn on this
6 survey, if it is a monument, I don't know. I
7 mean, I don't know whether they're called
8 monuments, but they are -- in fact, mark the
9 corner of lots. The depth of the lot is not from
10 the street, it's from where that point is, in the
11 Village of Greenport, to the best of my
12 knowledge.

13 CHAIRMAN MOORE: For the requested setback,
14 though --

15 MS. NEFF: Yes.

16 CHAIRMAN MOORE: -- it is being -- it is 20
17 feet from the property line, which is the
18 appropriate measurement. I think my observation,
19 I agree with Mr. Corwin, the house to the east,
20 which is a small ranch house, is set back
21 considerably more.

22 MS. NEFF: Yes, yes.

23 CHAIRMAN MOORE: The house to the west, I
24 believe, would be similar in its position to the
25 front of the garage. Perhaps it was set back one

ZBA 12/17/14

52

1 or two feet, you would guess, from the proposed
2 20-foot mark, but it's very similar to the
3 proposed house.

4 And one of the advantages I see on this,
5 the rear setback request is actually the smallest
6 amount, and that's for the deck, which isn't very
7 large. The house on the property off of Monsell
8 Street is actually very far forward on the
9 property, so this house will be quite separate,
10 well separated from the house to the rear. So I
11 don't see a big problem with the rear setback
12 variance. It's nearly what's required for the
13 bulk of the house, and the deck brings it closer
14 to the rear property line, which is essentially
15 unoccupied in the property to the other side.

16 The proximity to the street is somewhat of
17 a concern, that the -- there would be sufficient

18 room for a car to park in front of the garage, if
19 necessary, and I believe 20 feet is an allowable
20 amount for a car parking place.

21 MR. CORWIN: But I wanted to say a couple
22 of more things.

23 CHAIRMAN MOORE: Yes.

24 MR. CORWIN: And my measurements are not
25 accurate, I have to say that, but the garage is

ZBA 12/17/14

53

1 about seven -- it's over 700 square feet. The
2 house itself, the first floor is 665 square feet,
3 and the garage is -- it's a two-car garage, and
4 it's wider or longer; it faces the road. It's
5 deeper than it needs to be. So I would be
6 happier if the garage was shallower than it is,
7 and gave the -- was more in line with the average
8 of the houses in the Village of Greenport on
9 Bridge Street.

10 CHAIRMAN MOORE: Okay. One of the things
11 with the garage is when you look at the -- the
12 floor plan is one thing. The actual artistic,
13 artist rendition of the appearance of the house

14 it is has a monolithic roof line, which
15 essentially extends downward. So you don't
16 notice the garage's position so much, other than
17 the actual square -- the setback from the front.
18 I don't know if that's an option, that other than
19 the setback allowance that might be permitted.
20 We're not so much into aesthetics as physical
21 dimension of a property and whether it's really
22 compatible with the neighborhood.

23 Any other comments from the Board?

24 MR. PROKOP: Can I ask a couple of
25 questions?

ZBA 12/17/14

54

1 CHAIRMAN MOORE: Yes.

2 MR. PROKOP: So did we approve this as a
3 substandard lot?

4 MS. WINGATE: Yes.

5 MR. PROKOP: Is 7500 substandard? It
6 wasn't exactly 7500, because it's in -- we
7 thought it was in R-2.

8 MS. WINGATE: No, it's in R-1

9 MR. PROKOP: It's in R-1.

10 CHAIRMAN MOORE: But the square foot for an
11 R-1 lot requirement is still 7500, or is it
12 higher?

13 MR. PROKOP: No, R-1 is 10,000.

14 CHAIRMAN MOORE: Ten thousand, so it is a
15 substandard lot.

16 MR. PROKOP: Okay. Then the other question
17 was I'm also looking at the one survey. The
18 survey that I just saw has the deck as indicated
19 as 14 feet, and then the house is indicated as
20 another 10 feet, for 24 feet.

21 CHAIRMAN MOORE: Which dimension are you
22 referring to, Mr. Prokop?

23 MR. PROKOP: These rear dimensions.

24 CHAIRMAN MOORE: Oh, yeah. This is -- I
25 don't believe this is 14, according to the

ZBA 12/17/14

55

1 requested variance. It's a longer distance.
2 It's something like 17 feet off the rear line.

3 MR. PROKOP: I know. But was is the -- was
4 there a survey or a plan submitted that shows
5 that?

6 MS. WINGATE: Yes. He's got everything.

7 MS. GORDON: 17.96.

8 CHAIRMAN MOORE: Yeah, it's 17 feet, 17.96
9 to the deck. It looks like 14, but I'm not -- I
10 don't believe that's the dimensions.

11 MR. WERTHNER: I think that was an older --
12 I think that was an older take-off --

13 CHAIRMAN MOORE: Okay.

14 MR. WERTHNER: -- okay, with a scale that
15 was not exact. That's why I went and had it done
16 by the surveyor properly.

17 MR. PROKOP: So do we have that in the file
18 at all?

19 MR. WERTHNER: Yeah.

20 CHAIRMAN MOORE: I just have the three
21 drawings, which is the original site without the
22 house, and then a proposed house, which is hard
23 to read, and then the hand-drawn part, which puts
24 the house on the lot. And it's 27, and the deck
25 is 10, so that makes it 17.

ZBA 12/17/14

56

1 MR. WERTHNER: Right.

1 7s like foreigners do, with the cross in them.

2 CHAIRMAN MOORE: It looks like 14.3, or
3 something, but it's very small. Do you have a
4 larger version of this?

5 MR. WERTHNER: I don't know. I don't think
6 so, no.

7 CHAIRMAN MOORE: So are we concerned that
8 we might be approving a 14-foot setback instead
9 of the 17 foot?

10 MS. WINGATE: I've done the math. I would
11 go with the math.

12 CHAIRMAN MOORE: So the math works out to
13 17 feet. So it's safe to say if you take the
14 depth of the house, 54 and 10 is 64, off of 81.

15 MS. NEFF: It's 81.96.

16 CHAIRMAN MOORE: Or 82, so 64 --

17 MS. GORDON: It's 17.9.

18 CHAIRMAN MOORE: You're getting about 18
19 feet, so it comes out correct.

20 MR. PROKOP: I don't think that the Zoning
21 Board should be doing these calculations.

22 CHAIRMAN MOORE: No, no, it takes up a lot

23 of our time.

24 MR. PROKOP: We've had other applications
25 in the Village that we've turned down in that

ZBA 12/17/14

58

1 process, because they -- we have a requirement
2 that everybody's submissions have to be stamped.

3 MS. WINGATE: It is.

4 MR. PROKOP: Or certified.

5 MR. WERTHNER: They just did it two weeks
6 ago, the Peconic Surveyors, off the 2004 version.

7 MR. PROKOP: Do you have a stamped and
8 certified plan that shows the variances that
9 you're requesting?

10 MR. WERTHNER: I guess I did get one. I
11 thought I gave it to you.

12 CHAIRMAN MOORE: Well, it's just that the
13 drawing here seems to depict the wrong dimension
14 off the rear line. The math, if you do the
15 setbacks and the depth of the house and the depth
16 of the deck, it comes out to about 18 feet, but
17 it appears to be marked as 14 feet. So that
18 question is where is the -- what is the actual

19 dimension that's being approved? You know, the
20 difficulty is if 18 feet is approved as a rear
21 setback and the house ends up being 14 feet, it's
22 not right. And how do we rectify that?

23 MS. WINGATE: If you notice, the plains of
24 the rear of the house are not on the same plain.

25 CHAIRMAN MOORE: I'm not hearing you, I'm

ZBA 12/17/14

59

1 sorry, if you could point that out to me. Just
2 if we can get the correct dimensions, we can move
3 forward. Otherwise, we need a better drawing.

4 MS. WINGATE: Where are you? If you go to
5 the plain of the rear of the house --

6 CHAIRMAN MOORE: Yeah.

7 MS. WINGATE: Oh, here, are not the same,
8 because here he's taking the measurement from the
9 -- from the bay window, and here he's taking it
10 from the house. So what he's doing here is from
11 the bay window and not from the house.

12 MS. NEFF: Yeah.

13 MS. WINGATE: So that's the -- that three
14 feet is the difference between 14 and 17.

15 CHAIRMAN MOORE: So what is it, is it 14 or
16 is it 17 feet where the rear deck is positioned?

17 MS. WINGATE: It's -- this is right. The
18 survey is right, but I was taking it from the
19 house, because that's the bulk of the variance.

20 CHAIRMAN MOORE: So what is the variance
21 being requested? So that the -- we're spending a
22 lot of time on this, but the rear deck --

23 MS. WINGATE: The bay window is at three
24 feet.

25 CHAIRMAN MOORE: It says that the rear deck

ZBA 12/17/14

60

1 is sited so that the proposed rear deck is set
2 back 17.96 feet from the rear property line,
3 requiring a 12.04-foot rear yard variance. So
4 are you saying that this house will be 18 feet
5 off the back property line?

6 MS. WINGATE: Yes.

7 CHAIRMAN MOORE: The deck?

8 MS. WINGATE: From -- well, from the plans
9 that I have, the assumption was the bay window
10 was not part of the foundation. The bay window

11 wasn't --

12 CHAIRMAN MOORE: Okay.

13 MS. NEFF: Okay.

14 CHAIRMAN MOORE: So then if we approve a
15 12-foot variance, that means that nothing can be
16 past that point --

17 MS. WINGATE: Correct.

18 CHAIRMAN MOORE: -- on the construction.

19 Is that suitable to people, that we approve --

20 MR. PROKOP: No, that's not right.

21 CHAIRMAN MOORE: -- what it needs to be.

22 MR. PROKOP: I'm sorry.

23 CHAIRMAN MOORE: Yes.

24 MS. WINGATE: What?

25 CHAIRMAN MOORE: It seems the drawing is

ZBA 12/17/14

61

1 depicting something else, so --

2 MR. PROKOP: I know, but we still don't --
3 we're looking at a -- the deck is indicated as 14
4 feet, and the -- it doesn't explain the
5 discrepancy in the deck.

6 MS. WINGATE: There's no discrepancy in the

7 deck, the discrepancy is in the foundation.

8 CHAIRMAN MOORE: All I want to know is how
9 far is the deck going to be from the rear
10 property line? This drawing doesn't depict it as
11 the variance application states, that's the
12 problem I have.

13 MR. PROKOP: The drawing shows 14 feet and
14 some inches, and the variance requested is 17
15 feet. Excuse me, the variance requested is
16 basically on a setback of 17.9 feet.

17 CHAIRMAN MOORE: It's essentially, yeah, 18
18 feet. So how do we rectify that problem? What's
19 the solution? Correct, have a proper survey, or
20 do we change the variance to a smaller variance
21 that might not succeed? What would the Board's
22 pleasure be?

23 MR. PROKOP: Wait. The problem is we don't
24 have a survey that shows what is being requested.

25 CHAIRMAN MOORE: Okay. So why don't we

ZBA 12/17/14

62

1 just -- the Board would ask that we -- I'll make
2 a motion to table the application pending the

3 submission of a drawing that properly depicts the
4 requested setbacks. So I make that motion, and
5 ask for a second.

6 MS. GORDON: Second

7 MR. BENJAMIN: Second

8 CHAIRMAN MOORE: All in favor?

9 MR. BENJAMIN: Aye.

10 MR. CORWIN: Aye.

11 MS. GORDON: Aye.

12 MS. NEFF: Aye.

13 CHAIRMAN MOORE: Aye.

14 Any opposed or abstaining?

15 (No response.)

16 CHAIRMAN MOORE: So that's the way it is.

17 We're going to have to have a better drawing.

18 Sorry.

19 MR. WERTHNER: Okay.

20 CHAIRMAN MOORE: But we don't want to have
21 a mistake of granting a variance that can't be
22 met.

23 MR. WERTHNER: Okay.

24 MR. PROKOP: And just to follow up, because
25 I know we have --

1 CHAIRMAN MOORE: Yes.

2 MR. PROKOP: We have a sketch, or whatever
3 that is here.

4 CHAIRMAN MOORE: Yes.

5 MR. PROKOP: I don't have the benefit of
6 it, but I don't think that we can act based on a
7 -- I don't want to have the applicant come in
8 with a sketch the next time.

9 CHAIRMAN MOORE: Right. Well, let's ask
10 for a stamped drawing with the proper dimensions.

11 MS. WINGATE: He can go back to the
12 surveyor that did that.

13 CHAIRMAN MOORE: Exactly.

14 MS. WINGATE: I also have the opportunity
15 now to find out if the bay window is part of the
16 foundation or --

17 CHAIRMAN MOORE: We just want the
18 dimensions that clearly show the setbacks
19 required. Whether there's a bay window back
20 there or not doesn't matter, really.

21 MR. WERTHNER: Can we do -- can we do the
22 14-foot setback and just leave it that way, and
23 I'll just build it right to that? That's fine

24 with me.

25 CHAIRMAN MOORE: That's shaving it --

ZBA 12/17/14

64

1 MS. NEFF: Just to clarify, that would --
2 it would involve a greater variance than it seems
3 that the plans actually suggest, but it's not
4 definite. That's why we're asking you to --

5 CHAIRMAN MOORE: Right. And the problem
6 with that is to grant a larger variance
7 administratively puts it back to a public
8 hearing, so it's going to take as much or more
9 time than just getting the proper drawing and
10 clearing it up next month with the final vote.

11 MS. NEFF: That it matches 17.9 --

12 CHAIRMAN MOORE: It matches what's being
13 asked for, correct.

14 MS. NEFF: The drawing matches that.

15 MR. PROKOP: And if you're going to make
16 any changes on what -- what the notice says is
17 what was requested, and this is what was
18 published.

19 MR. WERTHNER: Right.

20 MR. PROKOP: So if whatever you submit
21 that's stamped and sealed by a surveyor is
22 different from this, you need to get us -- and
23 you want to be on for the next time. If you
24 don't care about being on in January, it's up to
25 you. But if you'd like to be on in January, you

ZBA 12/17/14

65

1 have to get it to us in time so that we can get
2 the public notice out, which means it's --

3 CHAIRMAN MOORE: Well, if you're going to
4 change the variance.

5 MR. PROKOP: That's what I said.

6 CHAIRMAN MOORE: Yes.

7 MR. PROKOP: That's the first thing.

8 MR. WERTHNER: Yeah. Something's wrong,
9 because like I said, we -- Eileen said -- told
10 me -- the Building Department told me that I have
11 to put the house on the plan, and now the -- that
12 take-off, but I thought you had that in your
13 possession.

14 CHAIRMAN MOORE: Well, in a way, but it's
15 depicted with the wrong dimensions. And I

16 think --

17 MS. WINGATE: Can you move forward on the
18 house and work on the deck?

19 CHAIRMAN MOORE: Let's just get a proper
20 drawing and take care of it next month. I think,
21 you know, it's not a major question, but we've
22 had to deal with swimming pools that ended up in
23 the wrong place and required variances --

24 MR. WERTHNER: I don't want that to happen.

25 CHAIRMAN MOORE: -- 8, 10 years after they

ZBA 12/17/14

66

1 were granted. So --

2 MR. WERTHNER: I agree.

3 CHAIRMAN MOORE: So, rather than have
4 successive variances, let's just get it right one
5 time.

6 MR. WERTHNER: Okay.

7 CHAIRMAN MOORE: Okay? So we did vote on
8 that to -- correct?

9 MR. PROKOP: Yes.

10 CHAIRMAN MOORE: We did push it off until
11 next month, and I apologize for that, but it will

12 eventually get done.

13 the next issue is the discussion for the
14 request for an interpretation of section 150-9A
15 of the Village of Greenport Code, and if you
16 wish, I'll read that again.

17 I did bring a little bit of documentation
18 with me concerning the Commercial Retail
19 District, because I think the interpretation
20 we're being asked to do is to interpret what the
21 actual statement of that section means relative
22 to the Commercial Retail District. And then we
23 can talk about some of the particulars of the
24 current situation at the property as to -- and,
25 you know, whether we're going to get into that or

ZBA 12/17/14

67

1 not, I'll ask Mr. Prokop whether it's incumbent
2 on the Zoning Board of Appeals to then determine
3 whether the information so far presented meets
4 that definition of the Code of the Village of
5 Greenport.

6 Are we just issuing a straightforward
7 interpretation of what it means, and then letting

8 other entities and agencies deal with the
9 compliance, or are we actually making a reference
10 to the situation of this particular use of the
11 property relative to the code? I don't know if
12 that's a clear enough question.

13 MR. PROKOP: Are you asking me right now?

14 CHAIRMAN MOORE: Yeah.

15 MR. PROKOP: Oh, I'm sorry.

16 CHAIRMAN MOORE: Yes, if you could.

17 MR. PROKOP: I thought you were saying
18 later on you were going to ask me.

19 CHAIRMAN MOORE: No, no, I'm asking it
20 right now.

21 MR. PROKOP: I think it's specific to this
22 application.

23 CHAIRMAN MOORE: Okay.

24 MR. PROKOP: And this use.

25 CHAIRMAN MOORE: All right, very good. And

ZBA 12/17/14

68

1 we're not discussing a variance, but we're just
2 discussing whether this use fits with the
3 requirement of the code.

4 Now one of the things that confuses this is
5 the nature of the activities at the property, but
6 I think we ought to first talk about the code
7 itself. And if you'll just bear with me for a
8 minute, I'm going to find the chapters here.

9 There was a lot of discussion about this
10 property in the past, and I just want to confirm
11 that there was no question, that this property is
12 Retail Commercial; is that correct, that this
13 district and this property is included in the
14 Commercial Retail District? So we're talking
15 about that Chapter of the Code.

16 In the permitted uses, there's a whole
17 series of things, there are 18, in fact. And,
18 typically, they are retail stores and banks,
19 there's personal service and nonpersonal service
20 agencies, eating and drinking places, business
21 and professional offices, theaters, hotels,
22 motels, cleaning establishments, newspaper
23 printing, clubs, mortuaries, various things.

24 The issue that we're talking about is the
25 Issue #9, which is manufacturing, assembling,

1 converting, altering, finishing, cleaning, or any
2 other processing of products or goods so produced
3 or processed are to be sold at retail exclusively
4 on the premises, provided that the space so used
5 is fully concealed from any street, and equal in
6 area not more than 20% of the square footage
7 devoted to retail sales; not more than two
8 employees are engaged in such production or
9 processing.

10 I think the point here is that this comes
11 off of the basis of retail stores and banks, and
12 Section 9 essentially allows for a certain amount
13 of manufacturing on a premises that is a retail
14 business.

15 There is a restriction, which is fairly
16 strict, that 80% of the floor space has to be
17 devoted to the retail sales, and the production
18 can only occupy 20%.

19 So I think that this issue reflects the
20 intent of the code, that the principal business
21 is retail sales at the facility.

22 If you go to the General Commercial
23 District, there are permitted uses such as light
24 manufacturing, and assembling, and warehousing,

25 so that that is a district where a strict

ZBA 12/17/14

70

1 production facility would be located.

2 The Waterfront Commercial District also
3 allows for this kind of activity under the
4 category Fish and Shellfish Processing Plants,
5 also retail and wholesale of seafood products.

6 One of the things that I think confuses the
7 issue a bit is that throughout the application
8 process, this facility has been referred to as a
9 wholesale facility. It's been before the
10 Planning Board, and in the Planning Board's
11 actual application is a description which is
12 processing wholesale smoked fish business. The
13 business is the sole owner/operator, with one
14 employee, who smokes seafood product for
15 wholesale and other retail businesses for
16 consumer -- oh, to other retail businesses for
17 consumer consumption, basically what a production
18 wholesale business is.

19 There is -- the Building Inspector's
20 inspection of the property refers to the previous

21 use being classified by New York State Code as
22 M-Mercantile. The new occupancy is classified as
23 F-Factory. And in the application for use
24 evaluation, signed by Mary Bess Phillips, is the
25 proposed action for this building is a production

ZBA 12/17/14

71

1 wholesale facility not open to the public. The
2 facility will not participate in retail sales.
3 So, consistently, the applicant has been
4 presenting this as a production facility.

5 MS. PHILLIPS: Could I make a
6 clarification?

7 CHAIRMAN MOORE: And just let me finish.
8 When we go the minutes of the Planning Board back
9 in October, there was a lot of discussion about
10 the type of activity at the facility. And
11 Ms. Phillips says -- she is referring to odors --
12 "No one even knows that they're there. This is a
13 wholesale operation." It goes on to say, "You
14 know, he has a wholesale business that he does."
15 There was actually discussion that there were
16 restrictions in the lease that retail sales from

17 the premises were not permitted.

18 So my impression of this whole dialogue is
19 that this is a production facility, producing
20 materials for principally wholesale use. And
21 there has been some discussion that actually this
22 grew out of a retail business. I just find it
23 difficult to look at the facility, that it's
24 shuttered up, that it's not open to the public,
25 it's not a retail business in the common sense,

ZBA 12/17/14

72

1 yet the assertion that materials are being sold
2 through the internet as a retail business without
3 substantiation as to the percentage, establishes
4 this as a retail business suitable in the Retail
5 Commercial District. That's just my personal
6 feelings. I think it's a stretch.

7 And I think if this were to be used as an
8 example for retail business in Greenport as I
9 whole, I can't imagine businesses on Front and
10 Main Street shuttering their businesses, going
11 into production and selling their wares on the
12 internet. I don't think that's why this section

13 of the code was written, to allow for a 20% floor
14 space production in the Retail Commercial
15 District. So, you know, my impression is that
16 this does not meet the requirement of Section 9.

17 Any other discussion from Board Members as
18 to opinions?

19 MS. GORDON: I think we're sort of stuck
20 with a -- we're stuck with code wording that does
21 not take into consideration the modern internet
22 sales sector, and that adds to the problem. I
23 mean, I, too, would like to see -- you said that
24 the way the 70/30 is measured is by the value of
25 sales, right? So I would assume that it is

ZBA 12/17/14

73

1 possible to provide that information. I'm quite
2 prepared to consider this as predominantly
3 retail, given that the primary business is done
4 over the --

5 MS. PHILLIPS: Internet.

6 MS. GORDON: -- the internet to purchasers
7 from anywhere, if I saw, on the basis of the
8 receipts of the business, that it really was

9 70/30, but we haven't been given that material.

10 CHAIRMAN MOORE: And I think one of the
11 other difficulties is even if granted that the
12 business could be considered a retail operation,
13 the percentage requirements at the facility are
14 clearly not being met. It's not an 80/20
15 situation. There's not an 80% front end retail
16 business. And one of the difficulties I have is
17 it's not open to the public, it's a closed
18 facility, and the lease arrangements prohibit it
19 from being so.

20 MS. GORDON: The reason I asked the
21 question about where the business is -- where the
22 internet business is done is that if the internet
23 business is mostly done in the office, then,
24 clearly, it does meet the 80/20 thing, because
25 that's where the retail transactions occur. So,

ZBA 12/17/14

74

1 I mean, I really do think that a problem we have
2 here is with the code and the assumptions about
3 retail as in the 21st Century, where so much
4 retail is done by -- through the internet.

5 CHAIRMAN MOORE: Well, I think if this were
6 not a manufacturing facility, if it was simply a
7 Retail Commercial zoned district that used online
8 services to establish its customer base, that
9 could easily be classified as a business or
10 professional office, that fits, I mean, if a
11 storefront wishes to have a business of operating
12 as an internet business selling things and
13 shipping things. The trouble is that the section
14 of the code here restricts such activities which
15 involve manufacturing.

16 And, you know, my impression that the
17 facility is -- you know, front to back, the
18 facility looks like a manufacturing plant, it
19 doesn't look like a retail outlet. And, you
20 know, there may be some retail sales that aren't
21 substantiated that are occurring, but it's
22 documented as a -- as a wholesale business. And
23 there are restrictions on operating as a retail
24 business at the facility. So that I think it's
25 kind of a stretch of the definition to say that

ZBA 12/17/14

1 this is a retail facility that's involved in a
2 minor way in manufacturing. I think it's a
3 manufacturing facility.

4 Comments from other Board Members?

5 MR. CORWIN: Well, I tend to agree with
6 what you're saying. I don't have a big problem
7 with the operation there, if there was another
8 route go, but the applicant dropped the variance
9 request, and it's pretty hard to say that it's
10 retail or the space is correct.

11 CHAIRMAN MOORE: Yeah. I think, even if by
12 consensus on the Board this would be defined as a
13 retail business, and I can't speak for the Board,
14 I can only speak for myself, and we haven't taken
15 a vote, the operation would still not meet the
16 requirements of the code and would require a
17 variance. In that case, it might be an area
18 variance instead of a use variance.

19 So, if you're dealing with the dimensional
20 aspects of a retail business and this
21 requirement, would that be an area, as opposed to
22 a -- Mr. Prokop?

23 MR. PROKOP: I think that you need --
24 excuse me. No, I don't think it is. I think you
25 need -- my recommendation would be that you read,

1 the Board reads Subsection 9, because you're
2 coming -- you're applying ratios that I don't
3 believe exist, and the -- so it's "manufacturing,
4 assembling, converting, altering, finishing,
5 cleaning, or any other processing of products
6 where goods so produced or processed are to be
7 sold as retail exclusively on the premises,
8 provided that the space so used is fully
9 concealed from the street and equal in area to no
10 more than 20% of the square footage devoted to
11 retail sales, and not more than two employees are
12 engaged." So I think the 20% that is being, you
13 know, bantered around really applies to the
14 square footage of the floor, not the ratio to the
15 sales.

16 CHAIRMAN MOORE: Right.

17 MR. PROKOP: And then there actually is no
18 ratio of sales.

19 CHAIRMAN MOORE: And I'm saying --

20 MR. PROKOP: You asked me -- that's what
21 I'm saying in response to your question, that I

22 would just carefully read the code that you're
23 being asked to interpret. I don't want to get
24 involved in the interpretation.

25 CHAIRMAN MOORE: Right. No, I understand.

ZBA 12/17/14

77

1 MR. PROKOP: I just caution you to, please,
2 read it.

3 CHAIRMAN MOORE: I believe I was stating
4 that even if being regarded as a retail
5 operation, the dimensional aspects of the retail
6 sales versus production do not meet the square
7 foot requirements. So that I would say the
8 operation didn't meet the requirements of the
9 code, even if defined -- if it would be defined
10 as a retail operation.

11 MR. PROKOP: Then that would be an area
12 variance, if that's your question.

13 CHAIRMAN MOORE: Yes, that would be my
14 question, yeah. Other comments? Who haven't we
15 hear from?

16 MS. GORDON: So your assumption would be
17 that that -- the 20% refers to the front part of

18 the building --

19 CHAIRMAN MOORE: No, the --

20 MS. GORDON: -- that area, space?

21 CHAIRMAN MOORE: The space allowed for the
22 production aspects of a mixed business, which is
23 retail and manufacturing, would be that the
24 manufacturing could not occupy more than 20% of
25 the overall space of the retail operation. You

ZBA 12/17/14

78

1 know, there is some shipping from the front and,
2 you know, completing orders in the front, but
3 there's also completion of the manufacturing
4 process in the front. So I don't see this as
5 meeting the requirement.

6 I'm thinking of an example, that the Surf
7 Shop in Greenport is a 100% retail operation. If
8 Mr. Dowling decided to start producing paddle
9 boards himself, he could do so in the rear of his
10 store for 20% of the floor space, providing that
11 he is selling these through retail operations in
12 80% of the retail space.

13 So, even if the newer types of ordering,

14 that this facility is not open to the public, it
15 is not an over-the-counter retail business, but
16 an online retail and wholesale business, I would
17 say that it does not meet the requirements of the
18 code, because it's essentially -- I would say,
19 probably 80% of the operation occupies -- it
20 occupies 80% of the floor space to complete the
21 production of the materials, and a very small
22 portion is devoted to completing the orders by
23 shipping them and packaging them.

24 MR. BENJAMIN: It brings up the question of
25 the size of the product, if you had 80% of the

ZBA 12/17/14

79

1 area to sell a one-pint container, you see. And
2 the difference in the marketing, you know,
3 there's not a clerk that has to put something in
4 a bag and run a cash register, there's a guy that
5 just has to push a button. So this is like a
6 totally different concept in retailing.

7 Another thing, I think there's a couple of
8 businesses in town that make things and sell
9 things out of their store, but, yet, they're a

10 retail-only.

11 CHAIRMAN MOORE: Correct.

12 MR. BENJAMIN: I think of Aldo's with his
13 coffee. You know, he manufactures -- well, he
14 processes coffee. I don't know if Preston's
15 anymore is doing it, but they used to make frames
16 for their pictures and sell them. So they -- but
17 they also had a store.

18 CHAIRMAN MOORE: That's correct.

19 MR. BENJAMIN: But they're all retail, but
20 they're different. So this is a different thing,
21 but it's dictated by the size of the product.
22 That's, you know, a point that --

23 CHAIRMAN MOORE: I think the examples you
24 used would meet the requirement of the code for
25 Retail Commercial, because they do -- you know,

ZBA 12/17/14

80

1 they do occupy a small percentage of the floor
2 space of the facility for the production aspects,
3 and they are in the environment of a retail
4 business that's open to the public.

5 We're now talking about some new concepts

6 that I certainly don't want to dismiss, but I
7 think they may be coloring the argument a bit to
8 basically have a production facility operating as
9 a production facility front to back, which just
10 happens to be selling a certain amount retail
11 through mail order. I certainly imagine that a
12 certain amount of these materials for wholesale
13 production are delivered directly by the
14 producer. And I'm just having difficulty getting
15 my hands around this particular operation meeting
16 the requirements of Section 9.

17 MR. BENJAMIN: That's probably what it
18 would have to do. You have to prove that it's at
19 least more than 50% in order to be something.

20 CHAIRMAN MOORE: I think as far as the
21 interpretation, if the Board is going to just
22 vote on an interpretation --

23 MR. BENJAMIN: Okay.

24 CHAIRMAN MOORE: -- as the interpretation
25 of Section 9 is as written, that it is an

ZBA 12/17/14

81

1 allowance for 20% floor space of a facility to be

2 devoted to production in the environment of an
3 80% retail operation. And it does indicate here
4 also that to be sold at retail exclusively on the
5 premises. That could include shipping, which
6 then I think satisfies the argument that the
7 applicants are making.

8 But I think the simplest way of looking at
9 the interpretation is it says what it means,
10 80%/20%, and that any business that cannot meet
11 that requirement is not operating within the
12 requirements of the code. And the basis of this
13 is that you're basically starting with a retail
14 store and you have some manufacturing within. Is
15 that agreeable with the Board as far as an
16 overall interpretation? How would you suggest
17 the discussion be wrapped around?

18 MR. CORWIN: It's a very awkward paragraph.
19 What it's saying, that is what, 60 years old, 60
20 years ago or so, 70 years ago, and, certainly,
21 things are changing. But, unfortunately, I don't
22 think it's our place to -- it's the Village
23 Boards's place to change it and make it more
24 compatible to some other type of use. So it's
25 very difficult to say yes or no, other than what

1 I said before. I can understand the variance.

2 CHAIRMAN MOORE: Go ahead.

3 MS. NEFF: Well, on the occasions where
4 they've asked to provide an interpretation, we
5 can also say we prefer not to, which I like.

6 On the other hand, there's also -- if you
7 think about a code that was written whatever
8 number of years from number 70 to 50, whenever it
9 was written. The intention behind it, it seems
10 to me, is you don't want manufacturing to be, or
11 all of those things that went with manufacturing,
12 to be a disturbance to the rest of the uses in
13 the neighborhood. And that one way to look at an
14 applicant -- again, this is -- this is the
15 Planning Board's job -- is to say the scale.
16 And, actually, the owner of the building also
17 suggested that if it was much bigger, it couldn't
18 be there. Does it fit into the site plan of the
19 whole area, this particular use? Is it -- I
20 think that's one way to look at it.

21 And I like the idea that we don't have to
22 offer an interpretation, that all those words --

23 people will walk up to that. And you do have to
24 work on signage that's very clear about --
25 because they're used to walking up to it and --

ZBA 12/17/14

83

1 but what is actually going on in a safe manner,
2 where all the rest of that, which is not our
3 business to discuss, has a lot of ring of
4 appropriate to me.

5 CHAIRMAN MOORE: I think I would have far
6 less trouble with trying to interpret that not
7 only -- the meaning of the code here, I think, is
8 clear. It says 80%/20% within a retail business.

9 MS. NEFF: I think that's a very outmoded
10 way --

11 CHAIRMAN MOORE: I know, but that's --

12 . MS. NEFF: -- in a lot of ways, that's my
13 point.

14 CHAIRMAN MOORE: Yeah, and that's what it
15 states, but it's in the environment of a retail
16 store. I would have far less trouble dealing
17 with the percentage of this if it, in fact, were
18 a retail outlet that had customers walking in and

19 out and could purchase the product at the site.
20 I see that as making it far more palatable as a
21 retail operation, because it is open to the
22 public, and it's not just a factory, it's not
23 just a front door closed, "Don't come in."

24 MR. BENJAMIN: Exclusive.

25 CHAIRMAN MOORE: You know, exclusive to

ZBA 12/17/14

84

1 production. That's what this facility is, in a
2 sense. And it ships -- you know, any production
3 facility is going to ship its materials, and it's
4 going to do it by telephone orders, it's going to
5 do it by internet orders. But the point is that
6 you're making something and shipping it, and
7 that's exactly what a factory would do.

8 In the absence of a visible retail
9 operation, I don't see how it fits in the Retail
10 Commercial District, it just doesn't do it for me.

11 MR. CORWIN: Let me just make one aside.
12 When I was a young man, not that that place was a
13 retail fish market, but the rest of that
14 operation was an ice plant.

15 MS. NEFF: Absolutely.

16 CHAIRMAN MOORE: Yes, that's --

17 MR. CORWIN: So that was manufacturing. It
18 was a soda plant, that was manufacturing, and you
19 didn't buy it retail in there. And it was the
20 supplies for fishermen, that was not really a
21 retail operation.

22 CHAIRMAN MOORE: Right, right.

23 MR. CORWIN: So it kind of -- what was
24 there originally was kind of pushed out at the --

25 CHAIRMAN MOORE: That's right.

ZBA 12/17/14

85

1 MR. CORWIN: With the zoning that was
2 picked for it, I guess.

3 CHAIRMAN MOORE: And in that case, you
4 know, the -- as the manufacturing or general
5 commercial activities leave that site, they
6 become outdated and eliminated. And the purpose
7 and intent of the zoning, right from the
8 beginning of the chapter, is the gradual
9 elimination of nonconforming use. So that
10 there's really no justification for continued

11 nonconforming use because it used to be, and
12 those nonconforming uses have lapsed. This
13 current building has been used as a retail
14 facility for more than 20 years, probably, but
15 it's not been a manufacturing facility, so --

16 MS. NEFF: And it's -- but it's integral to
17 a site that is completely very much like it used
18 to be --

19 CHAIRMAN MOORE: Yes.

20 MS. NEFF: -- with tenants, not exactly the
21 same as ice plant, fishermen supplies, but
22 there's looking at the whole site.

23 CHAIRMAN MOORE: Yeah, it's used as retail
24 activity. There is warehousing, which --

25 MS. NEFF: There's all kinds of -- it's a

ZBA 12/17/14

86

1 mix.

2 CHAIRMAN MOORE: -- is a long-term, but the
3 furniture store is a retail operation. The
4 current building was used as a retail facility
5 for at least 20 years. And the warehousing
6 operation has been there for many years. It's

7 perhaps a continuation of a nonconforming use,
8 but that's not our question tonight.

9 How would the Board wish to proceed on
10 this, because time will run out shortly.

11 MR. PROKOP: I just have one other quick
12 question.

13 CHAIRMAN MOORE: Yes

14 MR. PROKOP: So this came to -- you know, I
15 feel like I want to start a two-hour discussion
16 about this point, but -- so I'm sorry --

17 CHAIRMAN MOORE: You can have a 10-minute
18 discussion on this.

19 MR. PROKOP: Okay. This -- the application
20 for an interpretation originally came as sort of
21 a tag-on to an application for a use variance,
22 okay? So the application --

23 MS. WINGATE: Evaluation.

24 MR. PROKOP: I'm sorry, use evaluation. So
25 there was an application for a use evaluation,

ZBA 12/17/14

87

1 which was denied, and then there was an
2 application for a use variance.

3 CHAIRMAN MOORE: I don't believe it was
4 denied.

5 MS. WINGATE: It wasn't denied, it was sent
6 here.

7 CHAIRMAN MOORE: It was tabled pending an
8 interpretation of the Zoning Board. And in
9 conjunction with that, the applicant filed a use
10 variance. Actually, the applicant filed it all.
11 The Planning Board has not filed a request. So
12 that the basis -- the applicant has standing to
13 ask for an interpretation, which normally a
14 regular applicant wouldn't --

15 MR. PROKOP: Okay.

16 CHAIRMAN MOORE: -- because of an adverse,
17 you know, decision pending before the Planning
18 Board. So that we have no objection to having
19 Mary Bess Phillips ask for an interpretation.

20 MS. PHILLIPS: Can I ask a question?

21 CHAIRMAN MOORE: Yes.

22 MS. PHILLIPS: Because my understanding is
23 that the Planning Board is the one that referred
24 this, and my understanding from Eileen is I had
25 to fill out a change of use application.

1 CHAIRMAN MOORE: That, the application you
2 filled out is a request for an interpretation,
3 and originally --

4 MS. PHILLIPS: That was my request.

5 CHAIRMAN MOORE: -- a request for a use
6 variance.

7 MS. PHILLIPS: But the Planning Board asked
8 for --

9 MS. WINGATE: The Planning Board asked that
10 you go for a use variance.

11 MS. PHILLIPS: Correct.

12 MS. WINGATE: That they didn't believe that
13 the business suited the code, and that's why they
14 wanted you to come to Zoning for a use variance,
15 and you asked for an interpretation.

16 MS. PHILLIPS: I asked for the
17 interpretation because the use -- to change the
18 use -- the use variance could not -- I would not
19 have met all the criteria for that, for the
20 income.

21 CHAIRMAN MOORE: I'm sorry, could you say
22 that again? I don't follow that.

23 MS. PHILLIPS: Okay. Under the conditions

24 of changing the use, the use variance, I would
25 not have met all of the conditions, even down to

ZBA 12/17/14

89

1 the income section, because it just -- no matter
2 how, it just wasn't -- the percentages wouldn't
3 work.

4 CHAIRMAN MOORE: Yeah.

5 MS. PHILLIPS: I was advised by my attorney
6 to withdraw the use variance.

7 CHAIRMAN MOORE: Yes, okay.

8 MS. PHILLIPS: As I have explained, and I
9 will now explain, and I have explained to the
10 Village Attorney, is that I am going to be
11 amending the Planning Board's use evaluation,
12 because there was much communication issues in
13 dealing with this application from the beginning,
14 okay? There have been mistakes made on the
15 applicant's part. I became involved in it when I
16 found out the mistake, came to the Village and
17 said, "Okay, we have issues here, I need to
18 straighten it out," okay?

19 I -- technically, I am a little confused on

20 your interpretation of what you're saying,
21 because it has been a fish market in the past,
22 and a fish market does process food, okay? It
23 does wholesale. As I -- you know, as I explained
24 in the document, the seafood industry has
25 changed. I am having a hard time, and this is

ZBA 12/17/14

90

1 something that you'll have to decide. I'm
2 calling it a factory, or a manufacturing, when
3 it's really a seafood -- seafood establishment,
4 okay? That's -- in my eyes, that's what it is.
5 But trying to fit it into the code, I understand
6 where you're coming from.

7 CHAIRMAN MOORE: Yup.

8 MS. PHILLIPS: But I also know that it is
9 -- it is an old code, and that building has had
10 uses in it before that were acceptable, i.e. fish
11 market, i.e., before Salamanders became what it
12 was, it started as a bakery, which sold out of
13 there.

14 So, at this point, I -- as I said, I have
15 presented -- he's in a different -- he's in a

16 different type of retailing. Village Code does
17 not -- there are no definitions for retail, okay?
18 In our code, there is no definition of what
19 retail means. Retail means not open to the
20 public, but serves the public, okay? That's why
21 I put the definition in from New York State and
22 IRS, because there is nothing in the Village to
23 go by which designates retail.

24 CHAIRMAN MOORE: Right.

25 MS. PHILLIPS: So, as I said, that's -- you

ZBA 12/17/14

91

1 know, that's where I'm coming from. It's -- to
2 me, it's a seafood market, so.

3 CHAIRMAN MOORE: I think the way that we'd
4 have to proceed here is to simply either support
5 or not support the Section 9 as written, and then
6 infer back to the Planning Board that we have
7 concerns that the current setup of the business,
8 which is already operating, we have concerns that
9 it may not meet the requirements of the code as
10 written. And we'd have to leave it to the
11 Planning Board to address that, and the Building

12 Department as well, I suppose. Is that
13 agreeable?

14 MR. CORWIN: Well, that's doing the
15 Planning Board's work for them. And the more I'm
16 thinking about this and hearing what the Building
17 Inspector said, I like Ellen's idea, that we
18 don't have to make a recommendation.

19 CHAIRMAN MOORE: We don't have to make a
20 recommendation, but we would simply make a motion
21 that we agreed with the wording of the --

22 MS. NEFF: When you say --

23 CHAIRMAN MOORE: -- Section 9?

24 MS. NEFF: Could I just say one thing
25 before you speak?

ZBA 12/17/14

92

1 CHAIRMAN MOORE: Yes.

2 MS. NEFF: When you say, "May not fit the
3 code as written," then I can support that,
4 because that doesn't sound like we're saying
5 exactly what it means --

6 CHAIRMAN MOORE: Yes.

7 MS. NEFF: -- and what it doesn't mean,

8 what is this. But I am not comfortable with
9 supporting that we got totally clear what the
10 interpretation is of that section, and that this
11 application doesn't fit it. That -- I can't
12 support that --

13 CHAIRMAN MOORE: Okay.

14 MS. NEFF: -- based on what I know at this
15 time.

16 CHAIRMAN MOORE: No. I would say that the
17 only thing we can do is agree that the Section 9
18 supports the Retail Commercial District by
19 limiting the amount of manufacturing to a
20 percentage as stated. I think we'd have to agree
21 that that's what our interpretation of that
22 section is. It's -- you know, the basic
23 interpretation is read it, and that's, you know,
24 what it says.

25 MR. BENJAMIN: Yeah, but you said

ZBA 12/17/14

93

1 manufacturing, and packaging, and selling is
2 wholesale.

3 CHAIRMAN MOORE: That depends on the

4 customer.

5 MR. BENJAMIN: Yes.

6 CHAIRMAN MOORE: That's why this new
7 wrinkle is coming in as to the customer base and
8 the type of sales that are occurring.

9 MR. BENJAMIN: So, again, what changes is
10 you can agree with 9, but making it plain is
11 where we have the problem here, making it plain,
12 because a traditional retail is 80/20, but it's
13 not necessary in this case. You see, it's not
14 necessary, it's just a matter of --

15 CHAIRMAN MOORE: This pretty well
16 specifically -- I mean, if it was all retail, it
17 would just be #1, retail stores and banks.

18 MR. BENJAMIN: Right.

19 CHAIRMAN MOORE: When you bring in the
20 manufacturing aspect, Section 9 limits it to 20%
21 of the square footage devoted to retail sales.
22 So you basically have an 80/20 split. So that,
23 regardless of the type of retail sales that are
24 occurring, acknowledging that they are selling to
25 retail customers.

1 You know, while the requirement is
2 agreeable to maintain the nature of the Retail
3 Commercial District and not have it be general
4 commercial use, we would have to infer, I think,
5 to the Planning Board that the applicant's
6 operation doesn't meet that standard, and they
7 would have to look at the site plan accordingly.
8 It's -- we're not judging the use variance here,
9 we're just simply stating the code, and its in
10 reference to an operation that's before the
11 Planning Board.

12 And we're going to have to decide what to
13 did with this, kick it down the road and wait, or
14 make a decision. What would the Board want to do?

15 MS. GORDON: I don't even find the
16 regulation as written very clear. The word
17 "exclusively," does this apply as we, I think,
18 have been saying it, to the phrase "on the
19 premises"? Because if it's being done
20 exclusively on the premises, that's quite
21 different from a situation where the -- some of
22 the processing -- some of the business aspect of
23 the market would be done off the premises. Or is
24 it to be sold at retail exclusively? Is

25 "exclusively" modifying "retail," in which case

ZBA 12/17/14

95

1 there's a problem with the wholesale aspect of
2 the business.

3 So, I mean, I would like to have an
4 asterisk in whatever we say --

5 CHAIRMAN MOORE: Right.

6 MS. GORDON: -- that says that the -- the
7 regulation is not really very clear.

8 CHAIRMAN MOORE: Yeah. That may be poorly
9 written, but I think it refers to the fact that
10 the manufacturing relates to the retail sales
11 activity that occur at that particular location.

12 MS. GORDON: Right.

13 CHAIRMAN MOORE: And the difficulty I have
14 conceptually is there is not a retail sale
15 operation occurring directly from that building,
16 but through indirect forms, which would be
17 typical of any manufacturing company that makes
18 and ships things.

19 MR. CORWIN: Well, let me make the
20 suggestion.

21 CHAIRMAN MOORE: Yes.
22 MR. CORWIN: We're not getting anyplace.
23 CHAIRMAN MOORE: No.
24 MR. CORWIN: And we got to be out of here
25 at 7 o'clock.

ZBA 12/17/14

96

1 CHAIRMAN MOORE: Yeah, we're going to have
2 dinner if we don't leave.
3 MR. CORWIN: So let's move this to the next
4 month.
5 CHAIRMAN MOORE: Yes.
6 MR. CORWIN: If anybody wants to have any
7 input, it's welcomed. We can all go home and
8 look on the website and see what we think of
9 that.
10 CHAIRMAN MOORE: I agree.
11 MR. CORWIN: And it's not going to hurt to
12 push it back for another month, that's for sure.
13 CHAIRMAN MOORE: In that case, I would make
14 a motion that we table this for an additional
15 month --
16 MS. NEFF: Second.

13 that document as presented. May I have a second?
14 MS. GORDON: Second.
15 MR. BENJAMIN: Second.
16 CHAIRMAN MOORE: All in favor?
17 MR. BENJAMIN: Aye.
18 MR. CORWIN: Aye.
19 MS. GORDON: Aye.
20 MS. NEFF: Aye.
21 CHAIRMAN MOORE: Aye.
22 Any opposed
23 (No response.)
24 CHAIRMAN MOORE: The motion carries.
25 And a motion to approve the Findings,

ZBA 12/17/14

98

1 Determination and Interpretation Document
2 representing a decision the ZBA made November
3 19th, 2014. The Planning Board of the Village of
4 Greenport requested the Zoning Board of Appeals
5 to interpret Village Code Section 150-9A(18)
6 regarding accessory apartment dwelling units over
7 retail businesses.
8 And just to abbreviate it slightly, the

9 Board found that the existence of the building
10 itself was the key to preexist before July 2002,
11 and the Decision Document so reflects that, with
12 the voting of three-to-two to approve that
13 document.

14 So I make that motion to approve the
15 document. May I have a second?

16 MR. BENJAMIN: Second.

17 CHAIRMAN MOORE: All in favor?

18 MR. BENJAMIN: Aye.

19 MS. GORDON: Aye.

20 MS. NEFF: Aye.

21 CHAIRMAN MOORE: Aye. Opposed?

22 MR. CORWIN: Aye.

23 CHAIRMAN MOORE: So we have one opposed,
24 and four in favor, so that document is approved.

25 A motion to accept the ZBA minutes for

ZBA 12/17/14

99

1 November 19th, 2014. So moved. Second, please.

2 MS. GORDON: Second.

3 MR. BENJAMIN: Second.

4 CHAIRMAN MOORE: And all in favor?

5 MR. BENJAMIN: Aye.
6 MR. CORWIN: Aye.
7 MS. GORDON: Aye.
8 MS. NEFF: Aye.
9 CHAIRMAN MOORE: Aye.
10 MS. NEFF: What was the date?
11 CHAIRMAN MOORE: November 19th, the last
12 month's meeting. We're just accepting the
13 minutes for --
14 MS. NEFF: Yes, yes. I'm sorry.
15 CHAIRMAN MOORE: So that's accepted.
16 Motion to approve the ZBA minutes for October
17 15th, 2014. So moved. Second, please.
18 MS. NEFF: Second.
19 CHAIRMAN MOORE: All in favor?
20 MR. BENJAMIN: Aye.
21 MR. CORWIN: Aye.
22 MS. GORDON: Aye.
23 MS. NEFF: Aye.
24 CHAIRMAN MOORE: Aye. Motion carries.
25 And then motion to schedule the next

ZBA 12/17/14

1 regular ZBA meeting for January 15th, 2015. Any
2 objections to that date? It's a typical
3 Wednesday. It should be the third. Is that
4 correct?

5 MS. NEFF: No, no, it's not.

6 CHAIRMAN MOORE: That's not correct.

7 MS. NEFF: It's not.

8 CHAIRMAN MOORE: It's the 21st.

9 MS. NEFF: The 21st is correct.

10 CHAIRMAN MOORE: It's the 21st. My
11 mistake.

12 MS. NEFF: Right, right.

13 CHAIRMAN MOORE: Of January, which is the
14 third Wednesday. So everybody's available for
15 that meeting.

16 I'd just like to make one announcement. I
17 am not going to be here for the next several
18 meetings. And so the customary practice will be
19 that the Board will select an acting Chair at the
20 meeting, and that person will convene and run the
21 meeting.

22 Secondly, I have asked Mr. Corwin to sit in
23 for me on the Code Committee for the next couple
24 of meetings. There are some very important
25 discussions on rental and short-term rentals in

1 the Village, and he's very well versed and
2 opinionated in that area, and I appreciate his
3 participation there. So those are the things.

4 Someone will have to get together with
5 Eileen as far as the agenda. I'd be glad to help
6 from a distance, but I won't be available to do
7 that.

8 With that mentioned, motion to adjourn.

9 MR. BENJAMIN: Second.

10 CHAIRMAN MOORE: May I have a second?

11 All in favor?

12 MR. BENJAMIN: Aye.

13 MR. CORWIN: Aye.

14 MS. GORDON: Aye.

15 MS. NEFF: Aye.

16 CHAIRMAN MOORE: Aye.

17 The meeting is adjourned.

18 (Whereupon, the meeting was adjourned at 7:03

p.m.)

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IN WITNESS WHEREOF, I have hereunto
set my hand this 2nd day of January, 2015.

Lucia Braaten