VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

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ZONING BOARD OF APPEALS
REGULAR MEETING

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Third Street Firehouse
Greenport, New York

June 17, 2015
5:00 P.M.

BEFORE:

DOUG MOORE - CHAIRMAN
DAVID CORWIN - MEMBER
CHARLES BENJAMIN - MEMBER (Excused)
DINNI GORDON - MEMBER
ELLEN NEFF - MEMBER
EILEEN WINGATE - VILLAGE BUILDING INSPECTOR
JOSEPH PROKOP - VILLAGE ATTORNEY
CHAIRMAN MOORE: I will call the regular meeting of the Zoning Board of Appeals. The first public hearing is for an appeal for an area variance for Walter Foote, 22 Broad Street; SCTM#1001-2-5-40. The property is located within the R2 District and is situated as a corner lot. The applicant proposes to construct a new addition and deck expansion to an existing nonconforming house.

The addition is 355 square feet if interior space on the first floor and with 80 square feet on the second floor. The interior addition will require a front and rear yard area variance. In addition, there is a proposed deck expansion and outdoor shower, which requires a rear yard area variance.

The proposed front yard (west) setback for the new construction is 27 feet required a 3 foot front yard area variance for the addition. Section 150-12A of the Village of Greenport code
requires a 30 foot rear yard setback in the R2 District. The proposed rear yard setback for the new construction is 12 feet requiring an 18 foot rear yard area variance for the proposed deck and interior expansion. Section 150-12A of the Village of Greenport code requires a 30 foot rear yard setback in the R2 District. Section 150-13B(2) of the Village of Greenport code requires that on a corner lot, front yards are required on both street frontages. One yard there than the denote yard shall be deemed t be a rear yard and the other or others to be side yards.

We did have a site visit at 4:00 p.m. the placard was placed on the property. It appeared in the Suffolk Times. And they adjacent property owners were noticed and just for the record, they are: David Corwin, Eve Jarrett, 93 Main Street, Peter Flissick, 12 New York, he is the property owner to the east. Eric Frost, 11 Main Street to the north and LV Inn, 190 Striling
Street which is across to the west. I think I have mentioned that -- you might want to have the applicant or representative.

MR. UELLENAHL: I would be glad to. My name is Frank Uellendahl. I am representing Diane and Walter Foote. They bought this beautiful historic structure.

MEMBER CORWIN: Can you spell your name so the recording secretary --

MR. UELLENAHL: She knows the spelling of my name.

MEMBER CORWIN: Okay.

MR. UELLENAHL: So the owners just moved in a few months ago. They're planning to become residents of the Village of Greenport. Walter Foote already is. And they like the house very much but the front is beautiful and the back leaves a lot to be desired there. There is a very small kitchen. The kitchen goes into a small bathroom. So this needs to be cleaned up as part of what requires us to expand towards
the north in the back. The kitchen --
the front porch will be incorporated
into the kitchen den area. And the
addition to the north will incorporate
to a bathroom, laundry room and stairs
into the existing basement. On the
second floor, they would like a master
bedroom to be at the north end of the
house and that requires a bathroom.
Right now, there is only one shared
bathroom for three bedrooms. And we are
adding another one for two and three and
the master bedroom suite. And towards
the east, we will expand the existing
deck and this is basically what we need
a variance for. I believe the addition
is not going to be visible from the
street. We will have a fence and a nice
four foot high historic wrought iron
fence on First Street. That is
basically the extent of the plan.
They're proposing to put in one,
possibly two drywells in the back to
take care of roof run off. And if the
Board decides that anything else is
needed, we can certainly talk about
that.

CHAIRMAN MOORE: So I will ask
now, there was a drawing on the plans of
a new window on the second story facing
east. It doesn't show up on all --

MR. UELLENDAHL: No, on the east
side we are not going to add this window
to the eastern neighbor. But possibly
we will do this facing First Street.
The elevation that I submitted does not
show that one on the second floor facing
east.

CHAIRMAN MOORE: That was one of
my concerns.

MR. UELLENDAHL: This is the east
elevation. Originally we had wanted to
add a window, but they are not.

MEMBER CORWIN: So this is the
latest submission?

MR. UELLENDAHL: Correct.

MEMBER CORWIN: And the Building
Inspector has that?

MR. UELLENDAHL: Yes.

MEMBER CORWIN: Before we close
this, has this been through the Historic
District --

MR. UELLENDAHL: Yes, it has. The
Historic Preservation Commission
approved all materials as so submitted
including the fences.

MR. PROKOP: Do you have a copy of
that decision? Can you provide it?

MR. UELLENDAHL: Yes. The
Building Inspector does have all the
information in her office. But it can
be printed and submitted to you.

MEMBER CORWIN: The one thing that
I object to is an outdoor shower. The
other thing is, I would like to see
drywells put it all around the house to
capture all the runoff.

MR. UELLENDAHL: The one that we
looked at during the inspection is —
this is going to be replaced anyway
because there will be a new foundation.
So we will find out if that should be
disconnected from the sewer but it will
not be connected to the sewer. It will
go into drywells.
MEMBER CORWIN: Is there a commitment to contain all the runoff from the existing structure on the property?

MR. UELLENDAHL: Yes, there is. I discussed with the owners and they said, if this is what we have to do, we will do it.

CHAIRMAN MOORE: Before we take public comments, I wanted to know if Peter Flissic was here? If not, I will just briefly read a comment that he had into the record. He also supplied us a picture of the front of the property that shows the driveway and position of parked cars on the lot. So this is as I mentioned, Mr. Flissic, who is located next door at 14 Broad Street. From the neighbor at 14 Broad Street. I have no objections to the footprint of this application at 22 Broad Street. I wish to point out the following. The architectural drawings on the file would be preferred to have a new window in the den overlooking our property and that is
referring drawings A-2, proposed second floor. The den has two existing windows on drawing A-3, proposed east elevation. The den has three windows. And Number two, understand that owners (In Audible) existing second floor and the new bathroom only has a shower. For example, 8 Broad Street. He references the photos attached that I mentioned. Taken yesterday. He also provides some testimony from a discussion that was held concerning properties on Second Street, the North Fork Housing Alliance, proposal for parking in front of the house. I should mention that the driveway is very typical. It’s not technically in front of their house. The driveway aligns with the side of the house, which could allow cars to go along side of the house. The reference made to the North Fork Housing Alliance was an original proposal prior to approval. There originally was proposal for parking directly in front of the house and that was immediately objected.
He does reference this third window in which he objects to, but Mr. Uellendahl has indicated that is being removed from the plans.

MR. UELLENDahl: Or not built.

It’s not there. It’s not going to be built.

MEMBER NEFF: Can I see the photograph?

CHAIRMAN MOORE: Then we also have a letter from the LV Inn, LLC and I can read that letter —

MR. UELLENDahl: I don't know the letter. So I would like to.

CHAIRMAN MOORE: It’s to the Zoning Board of Appeals. It references the application for Walter and Diane Foote. It’s our understanding the LV Inn, LLC, at 102 Broad Street and the two partners, Cynthia Scrow and John Costello along with an adjacent neighbor have been duly notified of the application of Walter and Diane Foote of 22 Broad Street. We would certainly like to welcome them as neighbors and
support all of the improvements that
have already been undertaken, such as
painting and minor repairs. Both of us
totally support their request for a
variance for the setback and their
request for a side yard variance. If
you have any questions please call me at
their telephone number and it’s
respectfully John A. Costello and
Cynthia Scrow. Are there any other
members of the public that would like to
speak on this project?

(No Response.)

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

CHAIRMAN MOORE: Sure.

MR. PROKOP: On the plan that you
have, there is a mention of the
northeast corner of the house. I just
wanted to mention to the members that
that has been added.

CHAIRMAN MOORE: Yes. I have a
new modified drawing which indicates
11.6 feet from the corner of the deck.

MR. PROKOP: Okay. I am not sure
if it’s the survey or the way that you
drew your plans but there is a — for
instance, on the existing northwest
corner of the house, shows an existing
enclosed porch.

MR. UELLENDAHL: Correct.

MR. PROKOP: And then your plan
shows it looks like it’s part of a
kitchen —

MR. UELLENDAHL: Correct. We are
going to rebuilt the porch. It’s in bad
shape. And going to incorporate it as
an addition but within the same
footprint. And then it becomes a
wraparound addition towards the north.

MR. PROKOP: Okay. So that is
part of the application?

MR. UELLENDAHL: Yes.

MR. PROKOP: So you are going to
convert a porch into living space?

MR. UELLENDAHL: Correct. It’s an
enclosed porch. Like the larger porch
facing First Street, there is heat in
it. I would consider this living space.

Yes.
MR. PROKOP: The next thing, you have two encroachments past this — why are there not variances for those two encroachments?

MR. UELLENDahl: Facing Broad Street?

MR. PROKOP: Yes.

MR. UELLENDahl: Because no work is being proposed there. The action occurs only in the back of the house.

MR. PROKOP: Is it something that was done in the past where a variance might have been needed?

MR. UELLENDahl: No, you're talking about an encroachment of the foyer and a portion — basically all of the covered enclosed porch is non-compliance with the current zoning code. We are not changing this.

MR. PROKOP: So I guess what I am asking is, do they exist by C of O’s?

MR. UELLENDahl: Yes. Here in the Village of Greenport most of the houses are noncompliant. And we — I have never had to file a variance for an existing
intrusion of an existing structure. I don't know — maybe I don't understand the question. It’s part of the original house. This was built around the turn of the century.

MR. PROKOP: Okay. The only other thing that I wanted to mention to the Board is that it’s R2 Zoning and the house — I am not sure if it meets the other minimum requirements, if the expansion of the house is a consideration for the — is something that could be considered by the Board.

CHAIRMAN MOORE: You mean, if it becomes a two family?

MR. PROKOP: Yes.

CHAIRMAN MOORE: Are there any dimensional requirements that would be required for a two-family? As far as I know, the requirements are --

MR. PROKOP: I think it’s a minimum lot size and minimal building size.

MR. UELLENDAHL: 7,932.

MR. PROKOP: Okay. The only other
thing that I wanted to mention to the
Board and I discussed this with Eileen
before. There is a provision of our
code where you cannot expand a
nonconforming structure without a
variance. So I am giving that to the
Board. You need a variance to expand a
nonconforming structure. There are
variances that are being obtained in
order for this to occur. I think when
we do a decision on this, it should be
mentioned that it is a nonconforming
structure that is being expanded and
it’s being expanded pursuant to
variances that are being granted -- if
it’s granted.

CHAIRMAN MOORE: Right.

MR. PROKOP: The comments that
were received by the public in the
letter, there was mention of a curb cut,
can you just explain that to me?

CHAIRMAN MOORE: Parking is in
front of the house on Front Street. It
was compared to the North Fork Housing
Alliance. You might remember the burned
house that was reconstructed --

MR. PROKOP: Yes.

CHAIRMAN MOORE: That was addressing those concerns. In this case, parking is typical and available on the side and on the property. Not directly in front of the house.

MR. UELLENDahl: If I may, we were involved in the decision on Second Street as well. We have to understand that this is new construction. So this was not a preexisting noncompliant structure. And there was plenty of options to have the parking in the rear yard. This would have set a precedent.

CHAIRMAN MOORE: And I think that this is a different application.

MR. UELLENDahl: Exactly.

MR. PROKOP: I think it should not noted in the decision, if they were to come before the Board for something else, that it’s noted what the rear yard is and the side yard --

MR. UELLENDahl: Correct. This house has not been altered in decades.
CHAIRMAN MOORE: Even though the applicant has the choice of picking of the front and backyard, the side parking is typical. Will the Board entertain closing the public hearing?

MEMBER GORDON: So moved.

MEMBER NEFF: Second.

CHAIRMAN MOORE: So that public hearing is closed. We will discuss it in the next part.

Public Hearing #2. Public hearing for an appeal for an area variance for Carol Wilder, 218 Sixth Street; SCTM#1001-4-4-26. The property is located in the R2 District. The applicant proposes to construct an in-ground swimming pool. The proposed swimming pool setback is 10 feet on the east property line, requiring an area variance of 10 feet. Section 150-7c(3a) of the Village of Greenport code requires that the edge of the pool shall be kept at a distance of 20 feet from all property lines. And we did have a site visit at 4:30 this evening. We
noted the adjacent property owners.

They're all on the same block and across the street. May and Karen Doherty at Sixth Avenue, (In Audible) Alvarez at 215 Sixth Avenue. John Mayer at 600 Front Street. Stuart Pobashetz at 502 Front Street. That is the property to the rear. Kelly Larsen, John (In Audible) 512 Front Street. Carol Wilder of course. Lastly, James Olinkiewicz, which is the property to the northeast off of Fifth Avenue. The placard was appropriately placed on the property and did appear in Suffolk Times as required. We will open the public hearing and see if there is a representative of the applicant that would like to speak.

MS. DELVAGLIO: Hi. My name is Jennifer Delvaglio and I am representing Carol Wilder and East End Pool, Inc. And excuse my appearance, working girl.

CHAIRMAN MOORE: Do you want to describe the pool and especially the mechanicals associated with it?

MS. DELVAGLIO: Sure. So what we
have done is place the pool coming off
of the backyard patio area that is
already in place. And then pool
equipment will be next to a shed that
will act as a sound barrier for the
equipment. Also we will be putting in a
4x8 drywell to take any runoff water as
necessary.

MEMBER CORWIN: Runoff from what?

MS. DELVAGLIO: If the pool gets
too high, we will have to take out some
water it will go into the drywell.

MEMBER CORWIN: What about the
back porch?

MS. DELVAGLIO: That will go into
the drywell as well.

MEMBER CORWIN: They say to have
it go into the septic.

MS. DELVAGLIO: Okay. We can make
that happen.

CHAIRMAN MOORE: Any questions
from the Board members about the pool?

MEMBER CORWIN: I have some
questions. Will it be a vinyl liner
pool?
MS. DELVAGLIO: It will be a vinyl liner pool. It will also be constructed out of stainless steel and cement collar below to keep the structure sound.

MEMBER CORWIN: How deep is the pool?

MS. DELVAGLIO: Six feet.

MEMBER CORWIN: You are showing ten feet to either set of the stairs.

MS. DELVAGLIO: They are within the pool.

CHAIRMAN MOORE: There is no screening around the pool?

MS. DELVAGLIO: For the fence, she has a preexisting fence.

CHAIRMAN MOORE: Through the entire property?

MS. DELVAGLIO: Correct.

MEMBER NEFF: I have a question, is this fence there? That runs from the house to the side yard to the north? It’s not on this drawing. I think it’s this?

CHAIRMAN MOORE: I didn't observe that.
MEMBER NEFF: There is one here too?

CHAIRMAN MOORE: Yes.

MS. DELVAGLIO: Can I see?

MEMBER NEFF: Sure. What is the height --

MS. DELVAGLIO: Yes, there is one here.

MEMBER NEFF: What is the height and requirement?

MS. DELVAGLIO: It’s supposed to be 4 feet high.

MEMBER CORWIN: And self latching --

MS. DELVAGLIO: We are aware and we will have to do that for two of the gates.

MEMBER CORWIN: I have a question on the application. Who signed the application?

MS. DELVAGLIO: CJ Delvaglio.

MEMBER CORWIN: So I complained about this application. I guess what happened is, Ms. Wilder came in with the information and the Building Inspector
had her print her name under the eligible signature, which made the application incorrect.

MS. DELVAGLIO: I might be wrong.

MS. WINGATE: We have Jeanmarie renotarize it.

MEMBER CORWIN: Who’s signature is this?

MS. DELVAGLIO: That’s CJ’s.

MEMBER CORWIN: You signed this application Ms. Wilder?

MS. WILDER: I did. I authorized CJ -- there was another form that I filled out for them to represent me.

MEMBER CORWIN: Would you come forward and take a look at this please? This is CJ’s --

MS. WILDER: Correct.

MEMBER CORWIN: Is that your signature?

MS. WILDER: Yes. At Village Hall.

MEMBER CORWIN: Thank you.

CHAIRMAN MOORE: We can ask additional questions about the project
itself as long as everybody understands
the basic design.

MEMBER CORWIN: Will there be
heat?

MS. DELVAGLIO: Yes. A heat pump
that is electric.

MEMBER CORWIN: Electric heat
pump. Now, you have to have a heat
cover; correct?

MS. DELVAGLIO: No.

MEMBER CORWIN: Under the New York
State Building Code as I understand it,
heated pools have to have a cover.

MS. DELVAGLIO: In Southampton,
they're requiring you to have a solar
cover. That is the only district.

MEMBER CORWIN: As far as I know
the New York State Building Code and I
will check again, heated pools have to
have a cover.

MS. DELVAGLIO: Okay. Well, we
can do that.

MEMBER CORWIN: I object to the
electricity be used to heat the pool
because what happens when you use the
electricity from that, my estimate to my
electric rate goes up. So I have to
subsidize that. So I would ask that you
install a propane pump.

MS. DELVAGLIO: Okay.

MEMBER CORWIN: Okay. Is that
commitment made?

MS. WILDER: We have not discussed
that. I was not aware that it would
effect other people’s rates.

MS. DELVAGLIO: We can discuss it.

MEMBER CORWIN: Do you want to
leave the hearing open and discuss it
next month?

MS. DELVAGLIO: Can we alter it to
do propane or no heater?

MEMBER CORWIN: I have no problem
with propane because you are paying for
that.

CHAIRMAN MOORE: This is not
necessarily a building department
requirement.

MEMBER CORWIN: They are getting a
gift. They should give something back.

MS. DELVAGLIO: We service a pool
in Greenport that already has a heat pump on it. I would defer to the house on wherever their requirement was.

MEMBER CORWIN: There is no such this as what the last guy did.

MEMBER NEFF: My question is, when you use the heat pump, the amount of electricity in contrast to using other kinds of electric heat is much less, is my understanding. So is the amount of the change in the bill from an individual, Carol, there definitely would be some burden from her electric bill to heat the pool, but that it would effect the other Village residents, my electric bill for me is not something that is under our purview. It could be perhaps, but I don't qualify.

MR. PROKOP: She has to meet the code. As Mr. Corwin who has a background and I respect his opinion, and I believe that if I check, it will be required by the code. That will be covered under the five points. Then we can take it under consideration.
CHAIRMAN MOORE: Very well. Now my point is, I agree with that approach. I think each of us have to follow our own suggestions. Any other --

MEMBER CORWIN: One thing that I would like to ask, Ms. Wilder, I would like to see a covenant that the property is not subdivided. We just had a similar request on Sixth Street where somebody had a pool and the property was subdivided and they had a pool and they had to come back.

MS. WILDER: I would be happy to do that. The property has never been subdivided, it has been suggested by many people. So if that is a requirement, I am happy to do so.

MEMBER CORWIN: Thank you.

CHAIRMAN MOORE: That's very appreciated that you would make that offer. Any other questions?

MEMBER CORWIN: No.

MR. PROKOP: I just have one question. I was going to mention the subdivision also. She has to get by one
of the questions, which is important, and that is, if the relief as requested, the construction of the pool, can be achieved by some other method. In this case, it could be achieved by moving it away ten feet from the property line.

CHAIRMAN MOORE: That was a possibility. Two factors, there is a large tree on the property that is on the northwest property from the pool. The owner requested that they would like to keep it.

MR. PROKOP: Thank you.

MS. DELVAGLIO: Thank you.

CHAIRMAN MOORE: Any other members of the public wish to speak? We offer and the owner and the representative to make any comments for the variance requested and then the general public. And then if we feel it’s appropriate to close the hearing, we move on. So if not, we can proceed. Any other members of the public? If not, I will entertain a motion to close the public hearing.
 MEMBER GORDON: So moved.

 MEMBER CORWIN: Second.

 CHAIRMAN MOORE: All in favor?

 MEMBER CORWIN: Aye.

 MEMBER GORDON: Aye.

 MEMBER NEFF: Aye.

 CHAIRMAN MOORE: Aye.

 Motion passes.

 That public hearing is closed.

 So we now move onto the regular agenda.

 We have a matter that was before the

 Board last month. Requested changes

 were made and so we are not back to our

 continued discussions. That’s the

 application from Chuck Kitz, 228 Sixth

 Street. Just to summarize, the

 applicant is requesting to build a

 porch at the front of the house and it

 was 10.4 feet from the west property

 line, which is on Sixth Street,

 requiring a 11.25 foot variance and

 because it was a corner lot, it also

 had a setback requirement on the side

 property, which was not kept and

 required 11.7 foot front yard area
variance because of it’s position of
the corner lot. The two variances that
are being sought. The applicant has
submitted a revised set of drawings for
the property and it is now being
presented as a standard metal roof on
the second story porch addition.
Originally there was plans for a second
story deck. Is there any
representative or owner present?
(No Response.)

CHAIRMAN MOORE: We will have to
just talk to ourselves. I should just
mention that the owner has submitted a
short indicating that they will not be
doing a second floor deck. Also has
submitted information with the correct
business information. (In Audible) The
side line of the property, which is
difficult to do anything asked because
it’s always nonconforming. So in a
sense, it extended the house forward.
The side yard, which is technically a
front yard. Any comments from the Board
members at this point?
MEMBER CORWIN: I think we discussed leaders and gutters at the last meeting?

CHAIRMAN MOORE: I think we did. We indicated that they should exist. I don't know if we discussed in detail the entire building or the new construction.

MEMBER CORWIN: I told everybody that we wanted leaders and gutters for the drywell. This is a gift that we are giving out. So that is my condition. Leaders and gutters and drywells to contain all water runoff.

CHAIRMAN MOORE: I don't know if there are any specific building requirements for the manner retaining water runoff. The have ensured that the water will not run off the property. So there will have to be something structurally done to maintain it?

MR. PROKOP: Yes.

CHAIRMAN MOORE: Okay. I don't have a problem with that.

MR. PROKOP: I just wanted to
bring something up that Mr. Corwin said
when he referred to this as a gift. And
I am glad that he brought this up. It
seems to be a yes from the Board on
these decisions. I just wanted to make
it clear that you have to go through the
two considerations. There is no
automatic yes on any of these
applications or an automatic no. Also,
was it specified if this was going to be
an enclosed porch?

      CHAIRMAN MOORE: I believe it’s
not going to be an enclosed porch. We
have specified that a condition be that
it not be enclosed.

      MR. PROKOP: Thank you.

      (Whereupon, tones went off.)

      CHAIRMAN MOORE: Does the Board
have any other comments on this
application?

      MEMBER GORDON: The house would
look much like it to the ones next to it
and to the south then it does now. So
its consideration of conforming with
the style and the general appearance.
Putting the porch on this will increase that.

CHAIRMAN MOORE: Okay.

MEMBER NEFF: It’s a very narrow porch.

CHAIRMAN MOORE: Ten feet. It’s not likely to be enclosed and representation from the owner that it’s not going to be done. So would the Board want to move ahead on the voting process? Keep things moving along?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: So the first effort would be to declare SEQRA that the Zoning Board of Appeals is lead agency and that this, I believe a Type II Action. Would anyone wish to make that motion?

MEMBER NEFF: So moved.

MEMBER GORDON: Second.

CHAIRMAN MOORE: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.
That motion passes.

Then we go through test questions. We are not making a motion to approve at this point. No. 1, whether an undesirable change will be produced in the character of the neighborhood and a detriment to nearby properties by the granting of an area variance?

Mr. Corwin?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: I will say, no.

So that passes.

No. 2, whether the benefit sought by the applicant can be achieved by some method feasible to the applicant other than an area variance?

Mr. Corwin?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: No.
CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: I answer, no.

Whether the requested area variance is substantial?

Mr. Corwin?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: I will answer, no.

Whether the proposed variance will have a negative effect or impact on the physical environmental conditions in the neighborhood or district?

Mr. Corwin?

MEMBER CORWIN: I answer, no, with the stipulation that the house be installed with leaders, gutters and drywells.

CHAIRMAN MOORE: Yes, we would carry that through the rest?

Ms. Gordon?
MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: I will answer, no.

Whether the alleged difficulty was self created. It may be taken into consideration by the Zoning Board of Appeals but does not necessarily preclude the granting of the area variance?

Mr. Corwin?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: I will answer, no.

And then lastly, we would entertain a motion to approve the requested variance, which according to the application, which would allow construction of a porch and grant a variance of 10.4 feet from the west
property line and a variance of 11.7 feet from the north side line, which is in the front yard. And the Zoning Board of Appeals in granting that variance, would require that the runoff be contained on the property and that the structure be equipped with gutters and leaders and appropriate containment, which would be drywells.

MEMBER CORWIN: The whole house.

CHAIRMAN MOORE: The structure being the whole house. And No. 3, the porch will not have a roof deck and No. 4, that the porch will not be structurally enclosed. That is the proposed conditions.

MEMBER GORDON: I will make that motion?

MEMBER NEFF: Second.

CHAIRMAN MOORE: Those in favor?

MEMBER CORWIN: Yes.

Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.
CHAIRMAN MOORE: And I answer, yes. So the motion passes and the area variance is granted with the conditions as specified.

So now we will move on. We will have to watch our time tonight. We have the discussion next for the appeal for the area variance for Walter Foot at 22 Broad Street. That request for variance is up for discussion. I think we acquired quite a few things. Do you want to review amongst ourselves what is being requested. The way that the property is situated, the east, between 14 Broad Street, there is only a small amount of encroachment into the side of the property. The existing setback of the building meets the side yard requirements. The deck -- I am trying to see if we have anything on the east side, if there is anything that is being requested. It’s the rear yard setback, I believe. It meets the 10 foot on the side yard. On the side, we have some new construction -- new construction to
the west, which is in the restricted 30
foot front yard.

MR. UELLENDahl: We are not
increasing the noncompliance as far as
that is concerned.

CHAIRMAN MOORE: That is an
existing structure that you are
rehabilitating as part of the new
kitchen?

MR. UELLENDahl: Right. There has
to be some alternation and some new
construction.

CHAIRMAN MOORE: So essentially
it’s new construction. So we are
talking about 3 feet to the west?

MR. UELLENDahl: Correct.

MR. PROKOP: On the north side,
what is the nearest structure?

CHAIRMAN MOORE: That is the
property line.

MR. PROKOP: No. The nearest
property --

CHAIRMAN MOORE: There is a garage
that is to the other side.

MEMBER CORWIN: It’s not a garage.
CHAIRMAN MOORE: There is a garage structure positioned on that property --
MR. UELLENDAHL: Correct.
CHAIRMAN MOORE: I am trying to see if there is a site plan that shows it. The structure to the north which is the property -- this goes from First Street to Main Street. Back end of Eric Fry’s property.
MR. UELLENDAHL: Correct.
CHAIRMAN MOORE: So what would the Board like to do on this?
MEMBER CORWIN: My position is, no shower. Leaders and gutters and drywells to contain all water runoff.
CHAIRMAN MOORE: I believe they have proposed at least one, maybe two drywell’s.
MR. UELLENDAHL: Yes. Correct.
MEMBER CORWIN: I am saying four drywells.
MR. UELLENDAHL: Yes. I understand that the Board would like to have the entire roof empty out into drywell’s.
CHAIRMAN MOORE: And the elimination of the outdoor shower?

MR. UELLENDahl: That is something that -- I mean, the outdoor shower needs an enclosure. Could it be -- I will have to check with them. They do want an outdoor shower.

CHAIRMAN MOORE: Was the intended drainage to go onto the property?

MR. UELLENDahl: Well, we usually don't -- I mean, people don't take long showers in outdoor showers. I mean, the water basically stays on the property. Some rare occasions we would hook it up to a drywell. We could do this here because we have a drywell there. I don't feel that it's absolutely necessary.

CHAIRMAN MOORE: Is there any kind of sanitary/sewer requirement?

MR. UELLENDahl: No.

MR. PROKOP: I don't agree. I think there is a requirement.

CHAIRMAN MOORE: I wouldn't know.

MR. PROKOP: I don't mean to be
disrespectful, but I disagree with you.

MEMBER NEFF: I have a question.

Is this the proposed outdoor shower?

CHAIRMAN MOORE: Is it shown on

the drawings, Frank?

MR. UELLENDahl: Yes, it does.

It’s not written out but if you look at

the floor pans, it says outdoor shower

with a bench. Staircase is right behind

it.

MEMBER NEFF: Right there.

MR. UELLENDahl: Correct.

CHAIRMAN MOORE: If it’s agreeable

that it’s a requirement to contain the

affluent into the sewer system?

MR. UELLENDahl: On more recent

jobs with outdoor showers, which also

required in some cases a variance. It

was never brought up. So this is the

first time that I hear about this.

CHAIRMAN MOORE: Best practices
don’t necessarily indicate --

MR. UELLENDahl: The Board should

think about whether this will be a

requirement going forward on all
applications where there is an outdoor shower.

CHAIRMAN MOORE: Containment of runoff is I think, a very viable thing.

MR. UELLENDahl: Yes. Correct.

CHAIRMAN MOORE: I would have no experience on this but I would have to say that it be contained as appropriate and by code and what Southold Town --

MEMBER NEFF: I have to say something. We should not be doing something that other jurisdictions don't address.

CHAIRMAN MOORE: I don't think it's our responsibility. I was saying not knowing, to make that condition.

MS. WINGATE: I will certainly go to the code and look.

MEMBER CORWIN: My objection is the shower itself. It’s part of a deck. The architect says it’s going to be enclosed. So as far as I am concerned, it’s open to the house anyway.

MR. UELLENDahl: No. It’s open to the sky. Outdoor showers in the Village
should be enclosed.

CHAIRMAN MOORE: Those are the areas of considerations. We do know the diminutional requirements for the variance. Would the Board be ready to make a decision tonight or need time to think about it?

MR. PROKOP: I am sorry, to go back on the shower. I just want to point out, you are required to evaluate the impact on the neighboring properties and neighborhood. So this is a lot to pack into a lot. One of the things is a shower.

CHAIRMAN MOORE: How about I suggest that we table this till next month. We are running short on time. Try and get down before the fire department arrives for their meeting. Would you --

MEMBER CORWIN: I would be willing to table it. I am not going to vote for a shower this month or next month.

CHAIRMAN MOORE: Fair enough.

MEMBER NEFF: Could I ask a
question. Is that a hardship? I have been present at ZBA applications and the distance between the existing house and there is none to the north and there was a matter of 10 feet. And this property, for the amount that someone might take a shower outside, runoff, given that there is drywell’s for this enormous roof, seems to be, not a significant amount. Is it a hardship to ask the owner -- I am not up for that. That is my --

MEMBER GORDON: I am not sure what more information we need.

CHAIRMAN MOORE: I just didn't know if the Board wanted more information to think about it.

MR. PROKOP: Someone needs to make a motion.

MEMBER NEFF: I'll make a motion to move ahead.

CHAIRMAN MOORE: Second on that, please?

MEMBER GORDON: Second.

CHAIRMAN MOORE: All in favor?

MEMBER NEFF: Aye.
CHAIRMAN MOORE: Opposed?

MEMBER CORWIN: No.

MEMBER NEFF: And what are we doing that for? Precisely? We are tabling this for additional information on what issue?

MEMBER CORWIN: Perhaps the owner will say, I will get rid of the shower. Perhaps we will find out some new information on the New York State Building Code says about outdoor showers.

CHAIRMAN MOORE: I would feel more comfortable if we had a specific answer on the outdoor shower. The building inspector seems quite sure and the Village attorney questions that. So I would like to get an answer by next month. So I make a motion we table this for one month.
MEMBER CORWIN: Second.

CHAIRMAN MOORE: All in favor of tabling it?

Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: And I will say, yes.

MR. PROKOP: Just to clarify this, I am not second guessing the Building Inspector.

CHAIRMAN MOORE: I am sorry, I didn't mean to make it seem -- your impression was that it was something different.

Will we be able to have a documented answer for next month?

MS. WINGATE: Yes.

CHAIRMAN MOORE: And to the applicant, I would suggest you talk to the owners and see if this is an absolute requirement.
MEMBER NEFF: It sounds like you are asking or suggesting that the Board strongly objects to a shower.

MR. UELLENDahl: Yes, that is the way--

CHAIRMAN MOORE: I am trying to make it clear. I just want to reaffirm. We don't have the benefit of the applicant here.

MR. UELLENDahl: This is really the first time that the Board is talking about an outdoor shower?

CHAIRMAN MOORE: No, we have had some. I don't recall --

MR. UELLENDahl: Everybody should have the right to have an outdoor shower.

CHAIRMAN MOORE: Many of my neighbors have outdoor showers.

MR. UELLENDahl: All right.

CHAIRMAN MOORE: So we are done with Kitz and we are going to table Foote. I believe we have time to move ahead on this one. The Board has discussed this. We pretty much got the confirmation we need. The placement of
the pool is 10 feet from the south property line. I would like to mention that other than a few chickens immediately adjacent, the structure that fronts on Front Street is quite far removed from your side line of the property. The mechanical equipment, I believe, has been suggested to be placed to the north side of the storage shed. Which would reduce any impact that it has on any neighboring properties to the east; so my impression except for the 10 feet code requirement, a variance of 10 feet, because 20 feet is required, there is very little impact on the neighbors. Would the Board be interested in moving ahead?

    MEMBER CORWIN: Yes.
    MEMBER GORDON: Yes.
    MEMBER CORWIN: The first thing that I wanted to say, Ms. Neff, indicated that a heat pumps (In Audible) which is the same thing as an air conditioner. I am saying no electric heat pump for a pool. Propane would be
accepted. A no subdivision on the
property. And I am saying that the pool
has to have a cover to contain the heat.

CHAIRMAN MOORE: Now one question
that I have and I don't disagree with
Mr. Corwin’s feelings that an electric
heat pump is undesirable but be replaced
by propane. I don't know by code if the
Board can compel that. Other than
voting on the questions, the
environmental questions.

MR. PROKOP: Impact on the
environment.

CHAIRMAN MOORE: It may be a more
environmental --

MEMBER NEFF: Can we ask if they
installed any propane --

MS. DELVAGLIO: They make about
the same noise. The efficiency rate of
a heat pump versus electrical pump is
significant. It’s more environmentally
friendly to use. Because it is like an
air conditioner. You are taking the
outside heat and transferring it in
instead of using propane.
CHAIRMAN MOORE: The other sound issue, was the pool equipment, a two-speed pump and the sound output.

MEMBER CORWIN: The sound -- the heat pump is going to have some kind of compressor while a propane heater is just propane.

MS. DELVAGLIO: If I may interject, they make a heat pump now that is called Super Quiet. It's an upcharge, but you can't even hear that it's on.

MEMBER CORWIN: People come in and show us heat pumps and they are wonderful. Then we have heard many times they were unable to maintain their equipment.

CHAIRMAN MOORE: Another condition which we have discussed is the overflow of the pool would be in a drywell. One thing that I think I would like to say of whether it should be electric or propane driver pool heating system, I am a little uncomfortable as a specific requirement because one could argue that
propane has some negative environmental impacts as well. Perhaps I can -- the Board follow their own individual conditions through their voting. I am uncomfortable of changing the technology of many successful pool systems to say that they should be a specific --

MEMBER CORWIN: Let me address that. An electric heat pump verus propane. The electricity for the Village of Greenport, we had a contract with the New York State Power Authority. I believe it’s about through that contract, we had an allocation. And through that allocation, we pay a lower rate than the Long Island Power Authority charges. Probably about 60% lower. Maybe lower. Once we go over the allocation, which we do in the summer time because of all the air conditioner, then the New York Power Authority purchases electricity for the Village of Greenport off the open maker to make up for going over the allocation. And when you look at the
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1 electric bill you will see a power
2 adjustment factor every month.
3 Sometimes it’s less. Sometimes it’s
4 small. What is happening, the New York
5 Power Authority purchased it on the open
6 market. It’s probably coming from a
7 nuclear plant. It may be coming from a
8 natural gas plant. It may be coming
9 from fuel or diesel. I object to a heat
10 pump because it will raise the
11 electricity for the New York Power
12 Authority has to buy for the Village of
13 Greenport on the open market and it will
14 raise my electric bill.

15 CHAIRMAN MOORE: Trying to be the
devil’s advocate here, if we are talking
16 about an increase in electrical use, we
17 have a proposal for a variance for an
18 addition to a house and the house is
19 proposed to be air conditioned, would we
20 reject that proposal or say that that
21 portion of the house cannot be air
22 conditioned?

23 MEMBER CORWIN: I am saying again,
24 if we pass this, we are giving somebody
a gift. If we give someone a gift, we can ask for something back.

MEMBER NEFF: Can I make a point.

I think -- knowing what the power adjustment is important and certainly people who look at their bills know this. But the contribution of very large renovations of modified commercial space. The fact that many people have air conditioners that are 30 and more years old. And are not as efficient. All those factors. We are looking at one person who wants something from us, I agree with that but asking them to move forward with possibly a higher bill with a pool, does seem outside the purview of the ZBA. To recommend to be considered, I am fine with that.

CHAIRMAN MOORE: I would think the consideration is the level of significance of the pool here. In this case, we are talking about a heat supply and a propane is a viable alternative.

MR. PROKOP: Can I make a suggestion?
CHAIRMAN MOORE: Yes.

MR. PROKOP: I think it’s important to note that the applicant is willing to place a covenant and not subdivide.

CHAIRMAN MOORE: May I suggest that we vote if this should be a requirement and take this up for consideration or recommendation. I think we are divided. If we allow it to be part of the decision process -- I will make a motion --

MEMBER CORWIN: I would also like to add that the applicant also has the opportunity to install solar heat just for the pool. That is said to be one of the most efficient uses for the heat. So if you are worried about the applicant paying a little bit more money for propane, then let them go install solar heat to heat the pool.

CHAIRMAN MOORE: Again, I don't know that should be a precedent for pools that it should be heated with solar --
MEMBER CORWIN: When are we going to start taking ecology and take the environment? Say, hey, if you got rain water, you got to contain it. You are using electricity, you -- you have to use something.

MEMBER NEFF: Those are two very different things. I certainly support suggesting to an applicant having a pool that they consider an alternative, what they chose of heating the pool. In other words, suggest to them solar, propane or whatever. To require is a different thing. We have to work way before the point of considering this application if that is the direction that we are going.

CHAIRMAN MOORE: I think we are divided on this specific condition. He is one member. So I would offer that we take this up with a vote of whether this be a requirement. So I would vote that we vote on the issue that it shall be a stipulation that the pool heating should not be electrical be operated. That
alternative methods -- so I am making a
motion that we would have this as a
requirement for that. Do I have a
second?

MEMBER CORWIN: Second.

MEMBER CORWIN: Roll call.

CHAIRMAN MOORE: Roll call and a
yes vote is that we would have that as a
requirement. A no vote that we would
not.

Mr. Corwin?

MEMBER CORWIN: Yes

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: And I answer, no.

Sorry, your personal convictions
will have to be expressed through
voting. So we would have as the
stipulations and conditions of a
potential variance is that the overflow
of the pool and backwash be contained on
the property in a drywell --

MEMBER CORWIN: No in a sewer.
CHAIRMAN MOORE: Sorry. That the
backwash could be in the sewer but that
the overflow of the pool could be to a
--

MEMBER CORWIN: No, I think we put
it all to the sewer.

CHAIRMAN MOORE: I don't know how
it operates of overflow --

MS. DELVAGLIO: It’s just an
excessive amount of water that is in the
pool

MEMBER CORWIN: That is what the
Conservation Committee has said every
time someone has come by and wanted a
pool.

CHAIRMAN MOORE: Okay. I am fine
with saying that. Also, there would be
a covenant on the property that if pool
heated, that it would have a solar heat
as a cover.

Okay. So I make a motion that the
Zoning Board of Appeals appoint itself
as Lead Agency regarding SEQRA and that
it is classified as a Type II action.

I will ask for a second?
MEMBER GORDON: Second.

Mr. Corwin, are you approving us as lead agency?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: I will answer yes.

No. 1, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties by the granting of an area variance?

Mr. Corwin?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: I will say, no.

So that passes.

No. 2, whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to
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pursue other than an area variance?

Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: I will indicate yes.

Whether the requested area variance is substantial?

Mr. Corwin?

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: I will say no.

Whether the proposed variance will have a adverse effect or impact on the physical environmental conditions in the neighborhood or district?

Mr. Corwin?

MEMBER CORWIN: I answer, yes that I note that electricity is reduced by
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some means you have losses in
transformers, wire work and you have
losses in energy. So less energy will
be used if it were propane, then it
would be to use a heat pump through a
system that is bought on the open market
and where the electricity has to be
produced and transformed. It has to be
transported over the line. It has to be
transformed two more times in the
Village of Greenport.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: No.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: No.

CHAIRMAN MOORE: I will say, no.

Whether the alleged difficulty was
self created. It may be taken into
consideration by the Zoning Board of
Appeals but does not necessarily
preclude the granting of the area
variance?

Mr. Corwin?

MEMBER CORWIN: Yes it is self
created.
CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: I will also say, yes.

And lastly, we would entertain a motion to approve the variance, which is allowance of 10 feet from the required 20 foot setback, to the south property line. Then if so granted that the following stipulations be required. That the overflow from the pool or the backwash from the filtration equipment should be directed to the sanitation sewer system. That there should be a solar and heat contained cover for the pool, if heated system is installed and that there should be a covenant applied to the deed that no such subdivision would be permitted. With those stipulations in mind, I would entertain a motion to approve the area variance?

MEMBER GORDON: So moved.

CHAIRMAN MOORE: Second?
MEMBER NEFF: Second.

CHAIRMAN MOORE: Mr. Corwin?

MEMBER CORWIN: No.

CHAIRMAN MOORE: Ms. Gordon?

MEMBER GORDON: Yes.

CHAIRMAN MOORE: Ms. Neff?

MEMBER NEFF: Yes.

CHAIRMAN MOORE: I will say yes.

So that allows for the approval of that variance.

MR. PROKOP: Can I be excused?

CHAIRMAN MOORE: Yes.

Item, No. 4. Motion to accept an appeal for an area variance and publicly notice and schedule a public hearing for Tracy Combs at 516 Second Street; SCTM #1001-2-6-24. The property is located in the R2 District. The applicant proposes to construct a house addition and in-ground swimming pool. I would note that this is a resubmission. There were some errors in the setbacks and now they have be corrected. So that it reads correctly.

House Additions the proposed aggregate
side yard setback is 12.16 feet
requiring a 12.84 foot combined side
yard variance for new extension.
Section 150-12A of the Village of
Greenport code requires a 25 foot
combined side yard setback in the R2
District.

The Swimming Pool: The proposed
swimming pool setback is 7 foot on the
south property line, requiring an area
variance of 13 feet. Section 150-7c(3a)
of the Village of Greenport code
requires the edge of the pool shall be
kept at a distance of not less than 20
feet from all property lines.

The proposed swimming pool setback
is 7 feet on the north property line,
requiring an area variance of 13 feet.
Section 150-7c(3a) of the Village of
Greenport code requires the edge of the
pool shall be kept at a distance of not
less than 20 feet from all property
lines.

The proposed swimming pool setback
is 15 feet on the east property line,
requiring an area variance of 5 feet.

Section 150-7c(3a) of the Village of
Greenport code requires that the edge of
the pool shall be kept at a distance of
20 feet from all property lines.

I will make that motion and ask
for a second?

MEMBER GORDON: Second.

CHAIRMAN MOORE: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

So now we schedule this for next
month. I think this was the only item.

MEMBER GORDON: I would like to
visit it again.

CHAIRMAN MOORE: I am going to ask
that we go at 4:30 next months meeting.
Should be on the 15th of July. Is that
okay with everybody?

MEMBER NEFF: Yes.

MEMBER CORWIN: Yes.

CHAIRMAN MOORE: I would also like
to say that there is a withdrawal of an
appeal for area variances by Robert Brown, representative for perspective owner, Carmela Constantino, Corner of Third and Front Street, SCTM#1001-5-4-5. The applicant proposed to construct three commercial buildings on a vacant lot. Just a note have been withdrawn from the ZBA and Planning Board.

I would like to make a recommendation that we just table Item No. 6 for next month. We have generated a document that basically describes our discussion from last month. Give everyone a chance to review it and should be approved for next month. I would like to make a motion to accept the ZBA minutes for May 20, 2015.

MEMBER GORDON: Second.
CHAIRMAN MOORE: All in favor?
MEMBER GORDON: Aye.
MEMBER NEFF: Aye.
CHAIRMAN MOORE: Aye.
MEMBER CORWIN: I am going to abstain.

CHAIRMAN MOORE: Motion to approve
the ZBA minute for April 22, 2015.

MEMBER NEFF: Second.

CHAIRMAN MOORE: All in favor?

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

MEMBER CORWIN: I am going to abstain.

CHAIRMAN MOORE: Motion to schedule the next regular ZBA for

MEMBER GORDON: Second.

CHAIRMAN MOORE: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

Motion to adjourn

MEMBER GORDON: Second.

CHAIRMAN MOORE: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

(Whereupon, the meeting concluded.)
CERTIFICATION

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this day, June 30, 2015.

______________
(Jessica DiLallo)

* * * * *