

1 VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK
2 -----x

3 ZONING BOARD OF APPEALS
REGULAR MEETING
4 -----x

6
7 Third Street Firehouse
8 Greenport, New York

9 June 17, 2015
10 5:00 P.M.

11
12
13 B E F O R E:

14
15 DOUG MOORE - CHAIRMAN

16 DAVID CORWIN - MEMBER

17 CHARLES BENJAMIN - MEMBER (Excused)

18 DINNI GORDON - MEMBER

19 ELLEN NEFF - MEMBER

20 EILEEN WINGATE - VILLAGE BUILDING INSPECTOR

21 JOSEPH PROKOP - VILLAGE ATTORNEY

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1 CHAIRMAN MOORE: I will call the
2 regular meeting of the Zoning Board of
3 Appeals. The first public hearing is
4 for an appeal for an area variance for
5 Walter Foote, 22 Broad Street;
6 SCTM#1001-2-5-40. The property is
7 located within the R2 District and is
8 situated as a corner lot. The
9 applicant proposes to construct a new
10 addition and deck expansion to an
11 existing nonconforming house.

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

21 The proposed front yard (west)
22 setback for the new construction is 27
23 feet required a 3 foot front yard area
24 variance for the addition. Section
25 150-12A of the Village of Greenport code

1 requires a 30 foot rear yard setback in
2 the R2 District. The proposed rear yard
3 setback for the new construction is 12
4 feet requiring an 18 foot rear yard area
5 variance for the proposed deck and
6 interior expansion. Section 150-12A of
7 the Village of Greenport code requires a
8 30 foot rear yard setback in the R2
9 District. Section 150-13B(2) of the
10 Village of Greenport code requires that
11 on a corner lot, front yards are
12 required on both street frontages. One
13 yard there than the denote yard shall be
14 deemed t be a rear yard and the other or
15 others to be side yards.

16 We did have a site visit at 4:00
17 p.m. the placard was placed on the
18 property. It appeared in the Suffolk
19 Times. And they adjacent property
20 owners were noticed and just for the
21 record, they are: David Corwin, Eve
22 Jarrett, 93 Main Street, Peter Flissick,
23 12 New York, he is the property owner to
24 the east. Eric Frost, 11 Main Street to
25 the north and LV Inn, 190 Striling

1 Street which is across to the west. I
2 think I have mentioned that -- you might
3 want to have the applicant or
4 representative.

5 MR. UELLEND AHL: I would be glad
6 to. My name is Frank Uellendahl. I am
7 representing Diane and Walter Foote.
8 They bought this beautiful historic
9 structure.

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

12 MR. UELLEND AHL: She knows the
13 spelling of my name.

14 MEMBER CORWIN: Okay.

15 MR. UELLEND AHL: So the owners
16 just moved in a few months ago. They're
17 planning to become residents of the
18 Village of Greenport. Walter Foote
19 already is. And they like the house
20 very much but the front is beautiful and
21 the back leaves a lot to be desired
22 there. There is a very small kitchen.
23 The kitchen goes into a small bathroom.
24 So this needs to be cleaned up as part
25 of what requires us to expand towards

1 the north in the back. The kitchen --
2 the front porch will be incorporated
3 into the kitchen den area. And the
4 addition to the north will incorporate
5 to a bathroom, laundry room and stairs
6 into the existing basement. On the
7 second floor, they would like a master
8 bedroom to be at the north end of the
9 house and that requires a bathroom.
10 Right now, there is only one shared
11 bathroom for three bedrooms. And we are
12 adding another one for two and three and
13 the master bedroom suite. And towards
14 the east, we will expand the existing
15 deck and this is basically what we need
16 a variance for. I believe the addition
17 is not going to be visible from the
18 street. We will have a fence and a nice
19 four foot high historic wrought iron
20 fence on First Street. That is
21 basically the extent of the plan.
22 They're proposing to put in one,
23 possibly two drywells in the back to
24 take care of roof run off. And if the
25 Board decides that anything else is

1 needed, we can certainly talk about
2 that.

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

7 MR. UELLEND AHL: No, on the east
8 side we are not going to add this window
9 to the eastern neighbor. But possibly
10 we will do this facing First Street.
11 The elevation that I submitted does not
12 show that one on the second floor facing
13 east.

14 CHAIRMAN MOORE: That was one of
15 my concerns.

16 MR. UELLEND AHL: This is the east
17 elevation. Originally we had wanted to
18 add a window, but they are not.

19 MEMBER CORWIN: So this is the
20 latest submission?

21 MR. UELLEND AHL: Correct.

22 MEMBER CORWIN: And the Building
23 Inspector has that?

24 MR. UELLEND AHL: Yes.

25 MEMBER CORWIN: Before we close

1 this, has this been through the Historic
2 District --

3 MR. UELLEND AHL: Yes, it has. The
4 Historic Preservation Commission
5 approved all materials as so submitted
6 including the fences.

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

9 MR. UELLEND AHL: Yes. The
10 Building Inspector does have all the
11 information in her office. But it can
12 be printed and submitted to you.

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

18 MR. UELLEND AHL: The one that we
19 looked at during the inspection is --
20 this is going to be replaced anyway
21 because there will be a new foundation.
22 So we will find out if that should be
23 disconnected from the sewer but it will
24 not be connected to the sewer. It will
25 go into drywells.

1 referring drawings A-2, proposed second
2 floor. The den has two existing windows
3 on drawing A-3, proposed east elevation.
4 The den has three windows. And Number
5 two, understand that owners (In Audible)
6 existing second floor and the new
7 bathroom only has a shower. For
8 example, 8 Broad Street. He references
9 the photos attached that I mentioned.
10 Taken yesterday. He also provides some
11 testimony from a discussion that was
12 held concerning properties on Second
13 Street, the North Fork Housing Alliance,
14 proposal for parking in front of the
15 house. I should mention that the
16 driveway is very typical. It's not
17 technically in front of their house.
18 The driveway aligns with the side of the
19 house, which could allow cars to go
20 along side of the house. The reference
21 made to the North Fork Housing Alliance
22 was an original proposal prior to
23 approval. There originally was proposal
24 for parking directly in front of the
25 house and that was immediately objected.

1 He does reference this third window in
2 which he objects to, but Mr. Uellendahl
3 has indicated that is being removed from
4 the plans.

5 MR. UELLEND AHL: Or not built.
6 It's not there. It's not going to be
7 built.

8 MEMBER NEFF: Can I see the
9 photograph?

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

13 MR. UELLEND AHL: I don't know the
14 letter. So I would like to.

15 CHAIRMAN MOORE: It's to the
16 Zoning Board of Appeals. It references
17 the application for Walter and Diane
18 Foote. It's our understanding the LV
19 Inn, LLC, at 102 Broad Street and the
20 two partners, Cynthia Scrow and John
21 Costello along with an adjacent neighbor
22 have been duly notified of the
23 application of Walter and Diane Foote of
24 22 Broad Street. We would certainly
25 like to welcome them as neighbors and

1 support all of the improvements that
2 have already been undertaken, such as
3 painting and minor repairs. Both of us
4 totally support their request for a
5 variance for the setback and their
6 request for a side yard variance. If
7 you have any questions please call me at
8 their telephone number and it's
9 respectfully John A. Costello and
10 Cynthia Scrow. Are there any other
11 members of the public that would like to
12 speak on this project?

13 (No Response.)

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

16 CHAIRMAN MOORE: Sure.

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

22 CHAIRMAN MOORE: Yes. I have a
23 new modified drawing which indicates
24 11.6 feet from the corner of the deck.

25 MR. PROKOP: Okay. I am not sure

1 if it's the survey or the way that you
2 drew your plans but there is a - for
3 instance, on the existing northwest
4 corner of the house, shows an existing
5 enclosed porch.

6 MR. UELLEENDAHL: Correct.

7 MR. PROKOP: And then your plan
8 shows it looks like it's part of a
9 kitchen -

10 MR. UELLEENDAHL: Correct. We are
11 going to rebuilt the porch. It's in bad
12 shape. And going to incorporate it as
13 an addition but within the same
14 footprint. And then it becomes a
15 wraparound addition towards the north.

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

18 MR. UELLEENDAHL: Yes.

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

21 MR. UELLEENDAHL: Correct. It's an
22 enclosed porch. Like the larger porch
23 facing First Street, there is heat in
24 it. I would consider this living space.
25 Yes.

1 MR. PROKOP: The next thing, you
2 have two encroachments past this – why
3 are there not variances for those two
4 encroachments?

5 MR. UELLEND AHL: Facing Broad
6 Street?

7 MR. PROKOP: Yes.

8 MR. UELLEND AHL: Because no work
9 is being proposed there. The action
10 occurs only in the back of the house.

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

14 MR. UELLEND AHL: No, you're
15 talking about an encroachment of the
16 foyer and a portion – basically all of
17 the covered enclosed porch is
18 non-compliance with the current zoning
19 code. We are not changing this.

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

22 MR. UELLEND AHL: Yes. Here in the
23 Village of Greenport most of the houses
24 are noncompliant. And we – I have never
25 had to file a variance for an existing

1 intrusion of an existing structure. I
2 don't know – maybe I don't understand
3 the question. It's part of the original
4 house. This was built around the turn
5 of the century.

6 MR. PROKOP: Okay. The only other
7 thing that I wanted to mention to the
8 Board is that it's R2 Zoning and the
9 house – I am not sure if it meets the
10 other minimum requirements, if the
11 expansion of the house is a
12 consideration for the – is something
13 that could be considered by the Board.

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

16 MR. PROKOP: Yes.

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

21 MR. PROKOP: I think it's a
22 minimum lot size and minimal building
23 size.

24 MR. UELLEND AHL: 7,932.

25 MR. PROKOP: Okay. The only other

1 house that was reconstructed --

2 MR. PROKOP: Yes.

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

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

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

18 MR. UELLEND AHL: Exactly.

19 MR. PROKOP: I think it should ne
20 noted in the decision, if they were to
21 come before the Board for something
22 else, that it's noted what the rear yard
23 is and the side yard --

24 MR. UELLEND AHL: Correct. This
25 house has not been altered in decades.

1 CHAIRMAN MOORE: Even though the
2 applicant has the choice of picking of
3 the front and backyard, the side parking
4 is typical. Will the Board entertain
5 closing the public hearing?

6 MEMBER GORDON: So moved.

7 MEMBER NEFF: Second.

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

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

1 noted the adjacent property owners.
2 They're all on the same block and across
3 the street. May and Karen Doherty at
4 Sixth Avenue, (In Audible) Alvarez at
5 215 Sixth Avenue. John Mayer at 600
6 Front Street. Stuart Pobashetz at 502
7 Front Street. That is the property to
8 the rear. Kelly Larsen, John (In
9 Audible) 512 Front Street. Carol Wilder
10 of course. Lastly, James Olinkiewicz,
11 which is the property to the northeast
12 off of Fifth Avenue. The placard was
13 appropriately placed on the property and
14 did appear in Suffolk Times as required.
15 We will open the public hearing and see
16 if there is a representative of the
17 applicant that would like to speak.

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

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

25 MS. DELVAGLIO: Sure. So what we

1 have done is place the pool coming off
2 of the backyard patio area that is
3 already in place. And then pool
4 equipment will be next to a shed that
5 will act as a sound barrier for the
6 equipment. Also we will be putting in a
7 4x8 drywell to take any runoff water as
8 necessary.

9 MEMBER CORWIN: Runoff from what?

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

13 MEMBER CORWIN: What about the
14 back porch?

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

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

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

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

23 MEMBER CORWIN: I have some
24 questions. Will it be a vinyl liner
25 pool?

1 MS. DELVAGLIO: It will be a vinyl
2 liner pool. It will also be constructed
3 out of stainless steel and cement collar
4 below to keep the structure sound.

5 MEMBER CORWIN: How deep is the
6 pool?

7 MS. DELVAGLIO: Six feet.

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

10 MS. DELVAGLIO: They are within
11 the pool.

12 CHAIRMAN MOORE: There is no
13 screening around the pool?

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

16 CHAIRMAN MOORE: Through the
17 entire property?

18 MS. DELVAGLIO: Correct.

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

24 CHAIRMAN MOORE: I didn't observe
25 that.

1 MEMBER NEFF: There is one here
2 too?

3 CHAIRMAN MOORE: Yes.

4 MS. DELVAGLIO: Can I see?

5 MEMBER NEFF: Sure. What is the
6 height --

7 MS. DELVAGLIO: Yes, there is one
8 here.

9 MEMBER NEFF: What is the height
10 and requirement?

11 MS. DELVAGLIO: It's supposed to
12 be 4 feet high.

13 MEMBER CORWIN: And self latching
14 --

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

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

21 MS. DELVAGLIO: CJ Delvaglio.

22 MEMBER CORWIN: So I complained
23 about this application. I guess what
24 happened is, Ms. Wilder came in with the
25 information and the Building Inspector

1 had her print her name under the
2 eligible signature, which made the
3 application incorrect.

4 MS. DELVAGLIO: I might be wrong.

5 MS. WINGATE: We have Jeanmarie
6 renotarize it.

7 MEMBER CORWIN: Who's signature is
8 this?

9 MS. DELVAGLIO: That's CJ's.

10 MEMBER CORWIN: You signed this
11 application Ms. Wilder?

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

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

18 MS. WILDER: Correct.

19 MEMBER CORWIN: Is that your
20 signature?

21 MS. WILDER: Yes. At Village
22 Hall.

23 MEMBER CORWIN: Thank you.

24 CHAIRMAN MOORE: We can ask
25 additional questions about the project

1 itself as long as everybody understands
2 the basic design.

3 MEMBER CORWIN: Will there be
4 heat?

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

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

10 MS. DELVAGLIO: No.

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

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

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

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

23 MEMBER CORWIN: I object to the
24 electricity be used to heat the pool
25 because what happens when you use the

1 electricity from that, my estimate to my
2 electric rate goes up. So I have to
3 subsidize that. So I would ask that you
4 install a propane pump.

5 MS. DELVAGLIO: Okay.

6 MEMBER CORWIN: Okay. Is that
7 commitment made?

8 MS. WILDER: We have not discussed
9 that. I was not aware that it would
10 effect other people's rates.

11 MS. DELVAGLIO: We can discuss it.

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

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

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

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

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

25 MS. DELVAGLIO: We service a pool

1 in Greenport that already has a heat
2 pump on it. I would defer to the house
3 on wherever their requirement was.

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

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

19 MR. PROKOP: She has to meet the
20 code. As Mr. Corwin who has a
21 background and I respect his opinion,
22 and I believe that if I check, it will
23 be required by the code. That will be
24 covered under the five points. Then we
25 can take it under consideration.

1 CHAIRMAN MOORE: Very well. Now
2 my point is, I agree with that approach.
3 I think each of us have to follow our
4 own suggestions. Any other --

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

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

18 MEMBER CORWIN: Thank you.

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

22 MEMBER CORWIN: No.

23 MR. PROKOP: I just have one
24 question. I was going to mention the
25 subdivision also. She has to get by one

1 of the questions, which is important,
2 and that is, if the relief as requested,
3 the construction of the pool, can be
4 achieved by some other method. In
5 this case, it could be achieved by
6 moving it away ten feet from the
7 property line.

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

14 MR. PROKOP: Thank you.

15 MS. DELVAGLIO: Thank you.

16 CHAIRMAN MOORE: Any other members
17 of the public wish to speak? We offer
18 and the owner and the representative to
19 make any comments for the variance
20 requested and then the general public.
21 And then if we feel it's appropriate to
22 close the hearing, we move on. So if
23 not, we can proceed. Any other members
24 of the public? If not, I will entertain
25 a motion to close the public hearing.

1 MEMBER GORDON: So moved.

2 MEMBER CORWIN: Second.

3 CHAIRMAN MOORE: All in favor?

4 MEMBER CORWIN: Aye.

5 MEMBER GORDON: Aye.

6 MEMBER NEFF: Aye.

7 CHAIRMAN MOORE: Aye.

8 Motion passes.

9 That public hearing is closed.

10 So we now move onto the regular agenda.

11 We have a matter that was before the
12 Board last month. Requested changes
13 were made and so we are not back to our
14 continued discussions. That's the
15 application from Chuck Kitz, 228 Sixth
16 Street. Just to summarize, the
17 applicant is requesting to build a
18 porch at the front of the house and it
19 was 10.4 feet from the west property
20 line, which is on Sixth Street,
21 requiring a 11.25 foot variance and
22 because it was a corner lot, it also
23 had a setback requirement on the side
24 property, which was not kept and
25 required 11.7 foot front yard area

1 variance because of it's position of
2 the corner lot. The two variances that
3 are being sought. The applicant has
4 submitted a revised set of drawings for
5 the property and it is now being
6 presented as a standard metal roof on
7 the second story porch addition.
8 Originally there was plans for a second
9 story deck. Is there any
10 representative or owner present?

11 (No Response.)

12 CHAIRMAN MOORE: We will have to
13 just talk to ourselves. I should just
14 mention that the owner has submitted a
15 short indicating that they will not be
16 doing a second floor deck. Also has
17 submitted information with the correct
18 business information. (In Audible) The
19 side line of the property, which is
20 difficult to do anything asked because
21 it's always nonconforming. So in a
22 sense, it extended the house forward.
23 The side yard, which is technically a
24 front yard. Any comments from the Board
25 members at this point?

1 MEMBER CORWIN: I think we
2 discussed leaders and gutters at the
3 last meeting?

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

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

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

22 MR. PROKOP: Yes.

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

25 MR. PROKOP: I just wanted to

1 bring something up that Mr. Corwin said
2 when he referred to this as a gift. And
3 I am glad that he brought this up. It
4 seems to be a yes from the Board on
5 these decisions. I just wanted to make
6 it clear that you have to go through the
7 five considerations. There is no
8 automatic yes on any of these
9 applications or an automatic no. Also,
10 was it specified if this was going to be
11 an enclosed porch?

12 CHAIRMAN MOORE: I believe it's
13 not going to be an enclosed porch. We
14 have specified that a condition be that
15 it not be enclosed.

16 MR. PROKOP: Thank you.

17 (Whereupon, tones went off.)

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

21 MEMBER GORDON: The house would
22 look much like it to the ones next to it
23 and to the south then it does now. So
24 it's consideration of conforming with
25 the style and the general appearance.

1 Putting the porch on this will increase
2 that.

3 CHAIRMAN MOORE: Okay.

4 MEMBER NEFF: It's a very narrow
5 porch.

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

12 MEMBER CORWIN: Yes.

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

19 MEMBER NEFF: So moved.

20 MEMBER GORDON: Second.

21 CHAIRMAN MOORE: All in favor?

22 MEMBER CORWIN: Aye.

23 MEMBER GORDON: Aye.

24 MEMBER NEFF: Aye.

25 CHAIRMAN MOORE: Aye.

1 That motion passes.

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

10 Mr. Corwin?

11 MEMBER CORWIN: No.

12 CHAIRMAN MOORE: Ms. Gordon?

13 MEMBER GORDON: No.

14 CHAIRMAN MOORE: Ms. Neff?

15 MEMBER NEFF: No.

16 CHAIRMAN MOORE: I will say, no.

17 So that passes.

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

22 Mr. Corwin?

23 MEMBER CORWIN: No.

24 CHAIRMAN MOORE: Ms. Gordon?

25 MEMBER GORDON: No.

1 CHAIRMAN MOORE: Ms. Neff?

2 MEMBER NEFF: No.

3 CHAIRMAN MOORE: I answer, no.

4 Whether the requested area

5 variance is substantial?

6 Mr. Corwin?

7 MEMBER CORWIN: No.

8 CHAIRMAN MOORE: Ms. Gordon?

9 MEMBER GORDON: No.

10 CHAIRMAN MOORE: Ms. Neff?

11 MEMBER NEFF: No.

12 CHAIRMAN MOORE: I will answer,

13 no.

14 Whether the proposed variance will

15 have a negative effect or impact on the

16 physical environmental conditions in the

17 neighborhood or district?

18 Mr. Corwin?

19 MEMBER CORWIN: I answer, no, with

20 the stipulation that the house be

21 installed with leaders, gutters and

22 drywells.

23 CHAIRMAN MOORE: Yes, we would

24 carry that through the rest?

25 Ms. Gordon?

1 MEMBER GORDON: Yes.

2 CHAIRMAN MOORE: Ms. Neff?

3 MEMBER NEFF: No.

4 CHAIRMAN MOORE: I will answer,
5 no.

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

12 Mr. Corwin?

13 MEMBER CORWIN: No.

14 CHAIRMAN MOORE: Ms. Gordon?

15 MEMBER GORDON: No.

16 CHAIRMAN MOORE: Ms. Neff?

17 MEMBER NEFF: Yes.

18 CHAIRMAN MOORE: I will answer,
19 no.

20 And then lastly, we would
21 entertain a motion to approve the
22 requested variance, which according to
23 the application, which would allow
24 construction of a porch and grant a
25 variance of 10.4 feet from the west

1 property line and a variance of 11.7
2 feet from the north side line, which is
3 in the front yard. And the Zoning Board
4 of Appeals in granting that variance,
5 would require that the runoff be
6 contained on the property and that
7 the structure be equipped with gutters
8 and leaders and appropriate containment,
9 which would be drywells.

10 MEMBER CORWIN: The whole house.

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

17 MEMBER GORDON: I will make that
18 motion?

19 MEMBER NEFF: Second.

20 CHAIRMAN MOORE: Those in favor?

21 MEMBER CORWIN: Yes.

22 Ms. Gordon?

23 MEMBER GORDON: Yes.

24 CHAIRMAN MOORE: Ms. Neff?

25 MEMBER NEFF: Yes.

1 CHAIRMAN MOORE: And I answer,
2 yes. So the motion passes and the area
3 variance is granted with the conditions
4 as specified.

5 So now we will move on. We will
6 have to watch our time tonight. We have
7 the discussion next for the appeal for
8 the area variance for Walter Foot at 22
9 Broad Street. That request for variance
10 is up for discussion. I think we
11 acquired quite a few things. Do you
12 want to review amongst ourselves what is
13 being requested. The way that the
14 property is situated, the east, between
15 14 Broad Street, there is only a small
16 amount of encroachment into the side of
17 the property. The existing setback of
18 the building meets the side yard
19 requirements. The deck -- I am trying
20 to see if we have anything on the east
21 side, if there is anything that is being
22 requested. It's the rear yard setback,
23 I believe. It meets the 10 foot on the
24 side yard. On the side, we have some
25 new construction -- new construction to

1 the west, which is in the restricted 30
2 foot front yard.

3 MR. UELLEND AHL: We are not
4 increasing the noncompliance as far as
5 that is concerned.

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

10 MR. UELLEND AHL: Right. There has
11 to be some alternation and some new
12 construction.

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

16 MR. UELLEND AHL: Correct.

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

19 CHAIRMAN MOORE: That is the
20 property line.

21 MR. PROKOP: No. The nearest
22 property --

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

25 MEMBER CORWIN: It's not a garage.

1 CHAIRMAN MOORE: There is a garage
2 structure positioned on that property --

3 MR. UELLEND AHL: Correct.

4 CHAIRMAN MOORE: I am trying to
5 see if there is a site plan that shows
6 it. The structure to the north which is
7 the property -- this goes from First
8 Street to Main Street. Back end of Eric
9 Fry's property.

10 MR. UELLEND AHL: Correct.

11 CHAIRMAN MOORE: So what would the
12 Board like to do on this?

13 MEMBER CORWIN: My position is, no
14 shower. Leaders and gutters and
15 drywells to contain all water runoff.

16 CHAIRMAN MOORE: I believe they
17 have proposed at least one, maybe two
18 drywell's.

19 MR. UELLEND AHL: Yes. Correct.

20 MEMBER CORWIN: I am saying four
21 drywells.

22 MR. UELLEND AHL: Yes. I
23 understand that the Board would like to
24 have the entire roof empty out into
25 drywell's.

1 CHAIRMAN MOORE: And the
2 elimination of the outdoor shower?

3 MR. UELLEND AHL: That is something
4 that -- I mean, the outdoor shower needs
5 an enclosure. Could it be -- I will
6 have to check with them. They do want
7 an outdoor shower.

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

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

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

21 MR. UELLEND AHL: No.

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

24 CHAIRMAN MOORE: I wouldn't know.

25 MR. PROKOP: I don't mean to be

1 disrespectful, but I disagree with you.

2 MEMBER NEFF: I have a question.

3 Is this the proposed outdoor shower?

4 CHAIRMAN MOORE: Is it shown on
5 the drawings, Frank?

6 MR. UELLEND AHL: Yes, it does.
7 It's not written out but if you look at
8 the floor plans, it says outdoor shower
9 with a bench. Staircase is right behind
10 it.

11 MEMBER NEFF: Right there.

12 MR. UELLEND AHL: Correct.

13 CHAIRMAN MOORE: If it's agreeable
14 that it's a requirement to contain the
15 effluent into the sewer system?

16 MR. UELLEND AHL: On more recent
17 jobs with outdoor showers, which also
18 required in some cases a variance. It
19 was never brought up. So this is the
20 first time that I hear about this.

21 CHAIRMAN MOORE: Best practices
22 don't necessarily indicate --

23 MR. UELLEND AHL: The Board should
24 think about whether this will be a
25 requirement going forward on all

1 applications where there is an outdoor
2 shower.

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

5 MR. UELLEND AHL: Yes. Correct.

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

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

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

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

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

24 MR. UELLEND AHL: No. It's open to
25 the sky. Outdoor showers in the Village

1 should be enclosed.

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

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

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

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

24 CHAIRMAN MOORE: Fair enough.

25 MEMBER NEFF: Could I ask a

1 question. Is that a hardship? I have
2 been present at ZBA applications and the
3 distance between the existing house and
4 there is none to the north and there was
5 a matter of 10 feet. And this property,
6 for the amount that someone might take a
7 shower outside, runoff, given that there
8 is drywell's for this enormous roof,
9 seems to be, not a significant amount.
10 Is it a hardship to ask the owner -- I
11 am not up for that. That is my --

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

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

17 MR. PROKOP: Someone needs to make
18 a motion.

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

21 CHAIRMAN MOORE: Second on that,
22 please?

23 MEMBER GORDON: Second.

24 CHAIRMAN MOORE: All in favor?

25 MEMBER NEFF: Aye.

1 MEMBER GORDON: Aye.

2 CHAIRMAN MOORE: Opposed?

3 MEMBER CORWIN: No.

4 CHAIRMAN MOORE: And I will say,
5 no. So it's 2 and 2. So I will make a
6 motion that we table this for one month
7 to the July meeting.

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

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

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

1 MEMBER CORWIN: Second.

2 CHAIRMAN MOORE: All in favor of
3 tabling it?

4 Mr. Corwin?

5 MEMBER CORWIN: Yes.

6 CHAIRMAN MOORE: Ms. Gordon?

7 MEMBER GORDON: Yes.

8 CHAIRMAN MOORE: Ms. Neff?

9 MEMBER NEFF: No.

10 CHAIRMAN MOORE: And I will say,
11 yes.

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

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

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

21 MS. WINGATE: Yes.

22 CHAIRMAN MOORE: And to the
23 applicant, I would suggest you talk to
24 the owners and see if this is an
25 absolute requirement.

1 MEMBER NEFF: It sounds like you
2 are asking or suggesting that the Board
3 strongly objects to a shower.

4 MR. UELLEND AHL: Yes, that is the
5 way--

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

10 MR. UELLEND AHL: This is really
11 the first time that the Board is talking
12 about an outdoor shower?

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

15 MR. UELLEND AHL: Everybody should
16 have the right to have an outdoor shower

17 CHAIRMAN MOORE: Many of my
18 neighbors have outdoor showers.

19 MR. UELLEND AHL: All right.

20 CHAIRMAN MOORE: So we are done
21 with Kitz and we are going to table
22 Foote. I believe we have time to move
23 ahead on this one. The Board has
24 discussed this. We pretty much got the
25 confirmation we need. The placement of

1 the pool is 10 feet from the south
2 property line. I would like to mention
3 that other than a few chickens
4 immediately adjacent, the structure that
5 fronts on Front Street is quite far
6 removed from your side line of the
7 property. The mechanical equipment, I
8 believe, has been suggested to be placed
9 to the north side of the storage shed.
10 Which would reduce any impact that it
11 has on any neighboring properties to the
12 east; so my impression except for the 10
13 feet code requirement, a variance of 10
14 feet, because 20 feet is required, there
15 is very little impact on the neighbors.
16 Would the Board be interested in moving
17 ahead?

18 MEMBER CORWIN: Yes.

19 MEMBER GORDON: Yes.

20 MEMBER CORWIN: The first thing
21 that I wanted to say, Ms. Neff,
22 indicated that a heat pumps (In Audible)
23 which is the same thing as an air
24 conditioner. I am saying no electric
25 heat pump for a pool. Propane would be

1 accepted. A no subdivision on the
2 property. And I am saying that the pool
3 has to have a cover to contain the heat.

4 CHAIRMAN MOORE: Now one question
5 that I have and I don't disagree with
6 Mr. Corwin's feelings that an electric
7 heat pump is undesirable but be re[placed
8 by propane. I don't know by code if the
9 Board can compel that. Other than
10 voting on the questions, the
11 environmental questions.

12 MR. PROKOP: Impact on the
13 environment.

14 CHAIRMAN MOORE: It may be a more
15 environmental --

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

18 MS. DELVAGLIO: They make about
19 the same noise. The efficiency rate of
20 a heat pump versus electrical pump is
21 significant. It's more environmentally
22 friendly to use. Because it is like an
23 air conditioner. You are taking the
24 outside heat and transferring it in
25 instead of using propane.

1 propane has some negative environmental
2 impacts as well. Perhaps I can -- the
3 Board follow their own individual
4 conditions through their voting. I am
5 uncomfortable of changing the technology
6 of many successful pool systems to say
7 that they should be a specific --

8 MEMBER CORWIN: Let me address
9 that. An electric heat pump versus
10 propane. The electricity for the
11 Village of Greenport, we had a contract
12 with the New York State Power Authority.
13 I believe it's about through that
14 contract, we had an allocation. And
15 through that allocation, we pay a lower
16 rate than the Long Island Power
17 Authority charges. Probably about 60%
18 lower. Maybe lower. Once we go over
19 the allocation, which we do in the
20 summer time because of all the air
21 conditioner, then the New York Power
22 Authority purchases electricity for the
23 Village of Greenport off the open market
24 to make up for going over the
25 allocation. And when you look at the

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

24 MEMBER CORWIN: I am saying again,
25 if we pass this, we are giving somebody

1 a gift. If we give someone a gift, we
2 can ask for something back.

3 MEMBER NEFF: Can I make a point.
4 I think -- knowing what the power
5 adjustment is important and certainly
6 people who look at their bills know
7 this. But the contribution of very
8 large renovations of modified commercial
9 space. The fact that many people have
10 air conditioners that are 30 and more
11 years old. And are not as efficient.
12 All those factors. We are looking at
13 one person who wants something from us,
14 I agree with that but asking them to
15 move forward with possibly a higher bill
16 with a pool, does seem outside the
17 purview of the ZBA. To recommend to be
18 considered, I am fine with that.

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

24 MR. PROKOP: Can I make a
25 suggestion?

1 CHAIRMAN MOORE: Yes.

2 MR. PROKOP: I think it's
3 important to note that the applicant is
4 willing to place a covenant and not
5 subdivide.

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

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

22 CHAIRMAN MOORE: Again, I don't
23 know that should be a precedent for
24 pools that it should be heated with
25 solar --

1 MEMBER CORWIN: When are we going
2 to start taking ecology and take the
3 environment? Say, hey, if you got rain
4 water, you got to contain it. You are
5 using electricity, you -- you have to
6 use something.

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

18 CHAIRMAN MOORE: I think we are
19 divided on this specific condition. He
20 is one member. So I would offer that we
21 take this up with a vote of whether this
22 be a requirement. So I would vote that
23 we vote on the issue that it shall be a
24 stipulation that the pool heating should
25 not be electrical be operated. That

1 alternative methods -- so I am making a
2 motion that we would have this as a
3 requirement for that. Do I have a
4 second?

5 MEMBER CORWIN: Second.

6 MEMBER CORWIN: Roll call.

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

11 Mr. Corwin?

12 MEMBER CORWIN: Yes

13 CHAIRMAN MOORE: Ms. Gordon?

14 MEMBER GORDON: No.

15 CHAIRMAN MOORE: Ms. Neff?

16 MEMBER NEFF: No.

17 CHAIRMAN MOORE: And I answer, no.

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

25 MEMBER CORWIN: No in a sewer.

1 CHAIRMAN MOORE: Sorry. That the
2 backwash could be in the sewer but that
3 the overflow of the pool could be to a
4 --

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

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

9 MS. DELVAGLIO: It's just an
10 excessive amount of water that is in the
11 pool

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

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

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

25 I will ask for a second?

1 MEMBER GORDON: Second.

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

4 MEMBER CORWIN: Yes.

5 CHAIRMAN MOORE: Ms. Gordon?

6 MEMBER GORDON: Yes.

7 CHAIRMAN MOORE: Ms. Neff?

8 MEMBER NEFF: Yes.

9 CHAIRMAN MOORE: I will answer yes.
10 No. 1, whether an undesirable
11 change will be produced in the character
12 of the neighborhood or a detriment to
13 nearby properties by the granting of an
14 area variance?

15 Mr. Corwin?

16 MEMBER CORWIN: No.

17 CHAIRMAN MOORE: Ms. Gordon?

18 MEMBER GORDON: No.

19 CHAIRMAN MOORE: Ms. Neff?

20 MEMBER NEFF: No.

21 CHAIRMAN MOORE: I will say, no.

22 So that passes.

23 No. 2, whether the benefit sought
24 by the applicant can be achieved by some
25 method feasible for the applicant to

1 pursue other than an area variance?

2 Mr. Corwin?

3 MEMBER CORWIN: Yes.

4 CHAIRMAN MOORE: Ms. Gordon?

5 MEMBER GORDON: Yes.

6 CHAIRMAN MOORE: Ms. Neff?

7 MEMBER NEFF: Yes.

8 CHAIRMAN MOORE: I will indicate
9 yes.

10 Whether the requested area
11 variance is substantial?

12 Mr. Corwin?

13 MEMBER CORWIN: Yes.

14 CHAIRMAN MOORE: Ms. Gordon?

15 MEMBER GORDON: No.

16 CHAIRMAN MOORE: Ms. Neff?

17 MEMBER NEFF: No.

18 CHAIRMAN MOORE: I will say no.

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

23 Mr. Corwin?

24 MEMBER CORWIN: I answer, yes that
25 I note that electricity is reduced by

1 some means you have losses in
2 transformers, wire work and you have
3 losses in energy. So less energy will
4 be used if it were propane, then it
5 would be to use a heat pump through a
6 system that is bought on the open market
7 and where the electricity has to be
8 produced and transformed. It has to be
9 transported over the line. It has to be
10 transformed two more times in the
11 Village of Greenport.

12 CHAIRMAN MOORE: Ms. Gordon?

13 MEMBER GORDON: No.

14 CHAIRMAN MOORE: Ms. Neff?

15 MEMBER NEFF: No.

16 CHAIRMAN MOORE: I will say, no.

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

23 Mr. Corwin?

24 MEMBER CORWIN: Yes it is self
25 created.

1 CHAIRMAN MOORE: Ms. Gordon?

2 MEMBER GORDON: Yes.

3 CHAIRMAN MOORE: Ms. Neff?

4 MEMBER NEFF: Yes.

5 CHAIRMAN MOORE: I will also say,

6 yes.

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

24 MEMBER GORDON: So moved.

25 CHAIRMAN MOORE: Second?

1 MEMBER NEFF: Second.

2 CHAIRMAN MOORE: Mr. Corwin?

3 MEMBER CORWIN: No.

4 CHAIRMAN MOORE: Ms. Gordon?

5 MEMBER GORDON: Yes.

6 CHAIRMAN MOORE: Ms. Neff?

7 MEMBER NEFF: Yes.

8 CHAIRMAN MOORE: I will say yes.

9 So that allows for the approval of that
10 variance.

11 MR. PROKOP: Can I be excused?

12 CHAIRMAN MOORE: Yes.

13 Item, No. 4. Motion to accept an
14 appeal for an area variance and publicly
15 notice and schedule a public hearing for
16 Tracy Combs at 516 Second Street; SCTM
17 #1001-2-6-24. The property is located
18 in the R2 District. The applicant
19 proposes to construct a house addition
20 and in-ground swimming pool. I would
21 note that this is a resubmission. There
22 ere some errors in the setbacks and now
23 they have be corrected. So that it
24 reads correctly.

25 House Additions the proposed aggregate

1 side yard setback is 12.16 feet
2 requiring a 12.84 foot combined side
3 yard variance for new extension.
4 Section 150-12A of the Village of
5 Greenport code requires a 25 foot
6 combined side yard setback in the R2
7 District.

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

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

24 The proposed swimming pool setback
25 is 15 feet on the east property line,

1 requiring an area variance of 5 feet.
2 Section 150-7c(3a) of the Village of
3 Greenport code requires that the edge of
4 the pool shall be kept at a distance of
5 20 feet from all property lines.

6 I will make that motion and ask
7 for a second?

8 MEMBER GORDON: Second.

9 CHAIRMAN MOORE: All in favor?

10 MEMBER CORWIN: Aye.

11 MEMBER GORDON: Aye.

12 MEMBER NEFF: Aye.

13 CHAIRMAN MOORE: Aye.

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

16 MEMBER GORDON: I would like to
17 visit it again.

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

22 MEMBER NEFF: Yes.

23 MEMBER CORWIN: Yes.

24 CHAIRMAN MOORE: I would also like
25 to say that there is a withdrawal of an

1 appeal for area variances by Robert
2 Brown, representative for perspective
3 owner, Carmela Constantino, Corner of
4 Third and Front Street, SCTM#1001-5-4-5.
5 The applicant proposed to construct
6 three commercial buildings on a vacant
7 lot. Just a note have been withdrawn
8 from the ZBA and Planning Board.

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

18 MEMBER GORDON: Second.

19 CHAIRMAN MOORE: All in favor?

20 MEMBER GORDON: Aye.

21 MEMBER NEFF: Aye.

22 CHAIRMAN MOORE: Aye.

23 MEMBER CORWIN: I am going to
24 abstain.

25 CHAIRMAN MOORE: Motion to approve

1 the ZBA minute for April 22, 2015.

2 MEMBER NEFF: Second.

3 CHAIRMAN MOORE: All in favor?

4 MEMBER GORDON: Aye.

5 MEMBER NEFF: Aye.

6 CHAIRMAN MOORE: Aye.

7 MEMBER CORWIN: I am going to
8 abstain.

9 CHAIRMAN MOORE: Motion to
10 schedule the next regular ZBA for
11 July 15, 2015. So moved.

12 MEMBER GORDON: Second.

13 CHAIRMAN MOORE: All in favor?

14 MEMBER CORWIN: Aye.

15 MEMBER GORDON: Aye.

16 MEMBER NEFF: Aye.

17 CHAIRMAN MOORE: Aye.

18 Motion to adjourn

19 MEMBER GORDON: Second.

20 CHAIRMAN MOORE: All in favor?

21 MEMBER CORWIN: Aye.

22 MEMBER GORDON: Aye.

23 MEMBER NEFF: Aye.

24 CHAIRMAN MOORE: Aye.

25 (Whereupon, the meeting concluded.)

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C E R T I F I C A T I O N

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)

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