

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 May 20, 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  
22

23  
24  
25

1                   CHAIRMAN MOORE: This is the  
2                   Regular Meeting of the Greenport  
3                   Zoning Board of Appeals. It's five  
4                   after five. We have one public  
5                   hearing tonight and then our regular  
6                   agenda, most of which is  
7                   administrative and appeal for  
8                   variance that we will be discussing  
9                   tonight. That is for an appeal for  
10                  an area variance of Charles Kitz, 228  
11                  Sixth Street. SCTM# 1001-7-2-1. The  
12                  applicant propoes to construct a new  
13                  front porch addition, at the premises  
14                  located at 228 Sixth Street,  
15                  Greenport, New York. The proposed  
16                  addition is 10.4 feet from the west  
17                  property line requiring a 11.25 foot  
18                  front yard area variance, reduced  
19                  from 30 feet. Section 150-13D(3); no  
20                  dwelling need have a setback greater  
21                  than the average of two existing  
22                  dwellings with the greatest setback  
23                  within 200 feet on each side of said  
24                  proposed dwelling, on the same side  
25                  of the street within the same block

1 and the same district. The average  
2 front yard setback of the two  
3 existing dwellings with the greatest  
4 front yard setbacks is 21.65 feet.

5 The proposed addition is 18.3  
6 feet from the north property line  
7 requiring a 11.7 foot front yard  
8 variance, where Section 150-12a of  
9 the Village of Greenport code  
10 requires a 30 foot front yard  
11 setback. Section 150-13B(2) of the  
12 Village of Greenport code requires  
13 that on corner lot, front yards's are  
14 required on both street frontages.  
15 One yard other than the front yard  
16 shall be deemed to be a rear yard and  
17 the other or others be side yards.

18 This hearing was noticed in the  
19 Suffolk Times and the adjacent  
20 property owners were all notified. I  
21 will read those names. We have  
22 Thomas Whitney Cox, which is next  
23 door to the south. 140 Main Street,  
24 New York, New York. Patricia  
25 Dinizio, Box 1742, Southold, New

1 York. That is directly across the  
2 street. Catherine Condon, Sixth  
3 Street. Julie Dell and Alexander  
4 Dell, they are across the street from  
5 the north. We have a New York City  
6 address. We have (In Audible)  
7 Farley, PO Box 48, Marlboro, Texas,  
8 which is behind the house. David  
9 Interfeld and Jaclyn Interfered, a  
10 New York address and they are across  
11 the street. The placard was placed  
12 on the property as appropriate. We  
13 can take comments, perhaps the owner  
14 or representative is here to make a  
15 few comments about the application.  
16 Please feel free to do so.

17 MR. KITZ: My name is Chuck  
18 Kitz.

19 MEMBER CORWIN: Can you please  
20 spell your last name?

21 MR. KITZ: Kitz, K-I-T-Z. I am  
22 the owner of the dwelling. So our  
23 basic propose is to put a covered  
24 porch. Just to make it comparable to  
25 the surrounding homes. You know, in

1           that area. We are also, you know,  
2           doing a renovation inside the house  
3           and putting in new windows and new  
4           Cedar Shake siding on the house. So  
5           just taking the old plumbing, heating  
6           and electric, and you know, it's  
7           going to be a beautiful home when  
8           it's done. So we are just trying to  
9           make the surrounding homes. Some  
10          already have porches and covered  
11          porches. So that is what I want to  
12          do at this time.

13                 CHAIRMAN MOORE: Just to make  
14                 sure that we understand, Solutions  
15                 East, LLC, is I imagine, your  
16                 involvement with the renovations?

17                 MR. KITZ: Yes. I am the  
18                 builder. I am a carpenter and  
19                 builder and Solution East.

20                 CHAIRMAN MOORE: I see. So you  
21                 are the owner/occupant?

22                 MR. KITZ: I am not.

23                 CHAIRMAN MOORE: Not?

24                 MR. KITZ: No. We are going to  
25                 resell the home.

1                   CHAIRMAN MOORE: Okay. There  
2                   was a little confusion. Your name  
3                   came up a few times and then  
4                   Solutions East. I just wanted to be  
5                   sure that one was the same. Any  
6                   questions from the Board?

7                   MEMBER CORWIN: One thing that I  
8                   would like to ask, the bottom of the  
9                   porch, is there going to be a lattice  
10                  skirt?

11                  MR. KITZ: Yes. Absolutely.  
12                  Once I put my girder on the front  
13                  there, I would wrap the girder and  
14                  the sides with PVC and then cedar  
15                  lattice. So it would be boxed out  
16                  with PVC. And then put the cedar  
17                  lattice, front and sides.

18                  MEMBER CORWIN: Thank you.

19                  MR. KITZ: It would be a  
20                  finished product.

21                  CHAIRMAN MOORE: Not very high.

22                  MR. KITZ: Yeah. It's only two  
23                  sets I think.

24                  MEMBER GORDON: Are you planning  
25                  to add gutters?

1 MR. KITZ: Yes. Yes. I don't  
2 believe there is on there now. Once  
3 we are finished we will place gutters  
4 all around.

5 MEMBER CORWIN: That is  
6 certainly something, I will be asking  
7 that there be some sort of leeching  
8 basin to catch the overages.

9 MR. KITZ: Okay. Thank you.

10 MR. PROKOP: Wait a second. So  
11 who is the property owner? On the  
12 deed, who is the owner?

13 MR. KITZ: Who is the owner?

14 MR. PROKOP: Right.

15 MR. KITZ: Solution East. That  
16 is myself and a partner, Ann Marino.

17 MR. PROKOP: There is no such  
18 thing that "that is you." what is  
19 Solution East?

20 MR. KITZ: It is a corporation,  
21 LLC.

22 MR. PROKOP: And, what you are a  
23 member? A manager?

24 MR. KITZ: Yes. I am a member.  
25 Yeah. Myself and a partner.

1                   MR. PROKOP: It's not reflected  
2                   in the Notice of Disapproval but now  
3                   that I have the application. The  
4                   addition that is referred to in the  
5                   Notice of Disapproval, is that  
6                   actually a porch? Is the addition  
7                   and a porch?

8                   MR. KITZ: A porch.

9                   MR. PROKOP: And the second  
10                  floor structure that you're calling a  
11                  balcony. It's actually 10 feet by 21  
12                  feet; right?

13                  MR. KITZ: Yes.

14                  MR. PROKOP: Okay. I just  
15                  wanted to mention to the Board. We  
16                  just had this on another application.  
17                  It's my opinion that the 10x21 is not  
18                  a balcony. It's a second floor deck.  
19                  And it should be reflected as such.

20                  CHAIRMAN MOORE: In terminology,  
21                  you're saying?

22                  MR. PROKOP: I think that it's  
23                  -- it would be deemed to have -- it  
24                  needs to be reviewed. The distance  
25                  of that structure from the property



1 line -- from the structures on the  
2 adjoining properties because it's a  
3 second floor deck. It has different  
4 implications than just what it is  
5 described as.

6 CHAIRMAN MOORE: What additional  
7 work are you suggesting?

8 MEMBER CORWIN: Before you go  
9 on, my position is no balcony, as I  
10 mentioned before. The argument, of  
11 the porches and it should be  
12 matching, but not a deck.

13 CHAIRMAN MOORE: Can you  
14 explain --

15 MR. PROKOP: Generally my  
16 understanding from a number of years  
17 of listening to these is a balcony  
18 that is something that gives access.  
19 Not enough to accompany seating or  
20 other activities. Seating other than  
21 a small chair. In other words, it  
22 would not be sufficient to have a  
23 lounge chair. It would be something  
24 that you can walk around only.  
25 Whereas a deck is something that can

1 exterior facilitate exterior social  
2 activities, cooking, a number of  
3 chairs, lounge chairs and things  
4 like that. It would be deemed to  
5 have an impact on neighboring  
6 properties.

7 CHAIRMAN MOORE: Okay. What I  
8 am asking is, the would there be an  
9 additional review? Some specific  
10 documentation that will be  
11 necessary?

12 MR. PROKOP: It should be  
13 noted when you get to the five  
14 criteria, it has to be noted. And  
15 you know, -- I am sorry to ask this  
16 with the applicant here, is this the  
17 application that there was a problem  
18 the last time?

19 CHAIRMAN MOORE: There were the  
20 drawings --

21 MEMBER CORWIN: Apparently there  
22 is two applications still.

23 MS. WINGATE: You asked me to  
24 clear up the difference between the  
25 applicant and Solutions East. So I

1 asked the applicant to come in and  
2 make sure that everybody signing was  
3 in the right place.

4 MEMBER CORWIN: We voted on the  
5 application. We accepted it and now  
6 the application has changed.

7 MR. PROKOP: I am sorry to bring  
8 this up with --

9 CHAIRMAN MOORE: It's all right.  
10 Im just trying to figure out of this  
11 is something that we require  
12 additional documentation or should we  
13 --

14 MR. PROKOP: Well there are  
15 other details that are acquired. You  
16 would need to see the railing,

17 MEMBER CORWIN: Let's close the  
18 public hearing and see if anyone else  
19 has any questions?

20 CHAIRMAN MOORE: Yes.

21 MR. KITZ: Do you have copies of  
22 the plans?

23 CHAIRMAN MOORE: Yes, we do.  
24 Would any members of the public like  
25 to address the application?

1                   MR. SALADINO: John Saladino,  
2                   Sixth Street. I hadn't planed on  
3                   speaking on this application until I  
4                   heard about the second floor deck.  
5                   It's my thought that -- I live a few  
6                   houses down and I am not sure that we  
7                   need a second floor deck. What I  
8                   will ask the Zoning Board, I think a  
9                   porch would like very nice. And I  
10                  would like to see that you put  
11                  something that it shouldn't be  
12                  enclosed. If you put an enclosed  
13                  porch, then it becomes living space.  
14                  I don't want it, if you agree to  
15                  this. If this applicant or the next  
16                  application, propose that porch, I  
17                  ask that you keep it open. If you  
18                  close it, then it can lead to other  
19                  issues. Thank you.

20                  CHAIRMAN MOORE: Thank you. Any  
21                  members of the public or anyone else  
22                  wishes to speak?

23                  (No Response.)

24                  CHAIRMAN MOORE: Then I would  
25                  like to make a motion to close the

1 public hearing.

2 Do I have a second?

3 MEMBER CORWIN: Second.

4 CHAIRMAN MOORE: All in favor?

5 MEMBER CORWIN: Aye.

6 MEMBER GORDON: Aye.

7 MEMBER NEFF: Aye.

8 CHAIRMAN MOORE: Aye.

9 Opposed?

10 (No Response.)

11 CHAIRMAN MOORE: Motion carries.

12 So the public hearing is closed.

13 Now we can discuss a few more things.

14 I hadn't realized the plans, I had

15 just saw a porch on there but it is

16 living space, occupied space. Is it

17 to key to your design to preserve

18 that porch- the deck?

19 MR. KITZ: It was designed so

20 that our bedroom on the second floor,

21 you can make it as a door to the

22 outside. Make it a little bit nicer.

23 Get a little view from that second

24 floor balcony, you can get a view of

25 the water. That was it. As far as

1 closing it, I have no -- it's just  
2 going to stay as a porch.

3 MEMBER CORWIN: The problem is  
4 when you sell it and the next person  
5 comes along, they do it.

6 MEMBER GORDON: You had said that  
7 your primary objective was to make it  
8 more like other houses and conformity  
9 with respect to the front porch. I  
10 walk past that house often and it  
11 looks quite bare. The balcony is  
12 really ten feet deep. It would look  
13 very different from the next few  
14 houses, which do have something on  
15 the second floors, which is more of  
16 like a little awning. So it would  
17 sort of defeat your original idea of  
18 bringing the structures to  
19 conformity.

20 MR. KITZ: Yeah. Have you seen  
21 the plan of what it would look like

22 MEMBER GORDON: Yeah.

23 MR. KITZ: I just thought it  
24 would be a nice look. I understand  
25 what you're saying about a second

1 balcony.

2 CHAIRMAN MOORE: One of the  
3 comments not regarding the deck above  
4 but of the setbacks requested, this  
5 doesn't stir up really big concern to  
6 me. Relative to other houses on the  
7 block, it's not really extending  
8 further into the front yard. There  
9 is plenty of front yard. The side  
10 yard is sort of a no-brainer. There  
11 is an increase in the footprint of  
12 the house --

13 MR. KITZ: Right.

14 CHAIRMAN MOORE: I personally  
15 don't have problems with the  
16 setbacks. It's just the issues of  
17 how the upstairs deck might be. I am  
18 not sure any neighbors are aware that  
19 the design -- not playing really much  
20 attention to the plans.

21 MR. KITZ: Okay.

22 MR. PROKOP: When you said it's  
23 not far from the property line, isn't  
24 there an existing setback of 20.4  
25 feet? This is --

1           CHAIRMAN MOORE: It's requiring  
2 a variance. I am saying with the  
3 porch cornered off, there is still a  
4 substantial front yard. It uses  
5 about half o the space here.

6           MEMBER GORDON: It was never 30  
7 feet anyway.

8           MR. KITZ: Right.

9           MR. PROKOP: Your survey shows  
10 adjoining properties?

11          MR. KITZ: No, I do not.

12          MEMBER NEFF: We could make a  
13 restriction to the deck.

14          MEMBER CORWIN: My position is  
15 that it should be tabled. We should  
16 see a new survey showing the leeching  
17 basin and gutters and leaders.

18          MS. WINGATE: Joe --

19          MR. PROKOP: I am listening --

20          MEMBER CORWIN: Also should we  
21 have some type of liability -- some  
22 paperwork to show that you can  
23 represent the LLC. Do you have  
24 anything?

25          MR. KITZ: I am looking for it.



1           CHAIRMAN MOORE: On the notice  
2           it does say Solution East and then  
3           name of representative Charles Kitz  
4           for owner. It doesn't indicate your  
5           position of the company, president,  
6           member. As Mr. Corwin said you  
7           should have some documentation of  
8           your standing with the company.

9           MR. KITZ: I don't have that  
10          with me.

11          MR. PROKOP: I think it would  
12          also be important to document if any  
13          properties in the vicinity have any  
14          second floor decks.

15          CHAIRMAN MOORE: Not on that  
16          street. On two adjacent streets, I  
17          think we saw two. Do you want to  
18          make that motion?

19          MEMBER CORWIN: Before I make  
20          the motion, Mr. Kitz, if he will go  
21          over this, I don't anticipate any  
22          problems next month if you bring in a  
23          new plan, but

24          MR. KITZ: Another plan showing

25          --

1 MEMBER CORWIN: Another plan  
2 without the balcony. Showing gutters  
3 and leaders and a leaching basins.  
4 And a little detail of the skirt --

5 MR. KITZ: Sure.

6 MEMBER CORWIN: And the stuff  
7 that we talked about with the LLC.

8 MR. KITZ: Okay. I am looking  
9 for that to see if I have it.

10 MEMBER CORWIN: So I will make a  
11 motion. I just wanted to make sure  
12 you were okay -- I just wanted to  
13 review it.

14 MR. KITZ: Okay.

15 CHAIRMAN MOORE: I just have to  
16 say, I am not going against Mr.  
17 Corwin, but if you feel very strong  
18 that this deck should be part of the  
19 plan, we can't tell you what, but it  
20 would come up for decision --

21 MR. KITZ: Right.

22 CHAIRMAN MOORE: Mr. Corwin,  
23 motion?

24 MEMBER CORWIN: I make a motion  
25 to table this application until Mr.

1           Kitz draws up a new plan which shows  
2           no balcony. Just a porch, roof and  
3           to match the existing house with  
4           leaders and gutters and leeching  
5           basins.

6           CHAIRMAN MOORE: I will second  
7           that.

8           All in favor?

9           MEMBER CORWIN: Aye.

10          MEMBER GORDON: Aye.

11          MEMBER NEFF: Aye.

12          CHAIRMAN MOORE: Aye.

13          Opposed?

14          (No Response.)

15          CHAIRMAN MOORE: Motion carries.

16          MR. KITZ: Thank you very much.

17          CHAIRMAN MOORE: We did Item No.

18          1. That issues has been tabled. We  
19          will move on. I will read the next  
20          one, is administrative. There is  
21          actually four items. I would like to  
22          ask if someone else might like to do  
23          Item No. 2.

24          MEMBER GORDON: Sure. Motion to  
25          accept an appeal for an area

1 variance, publicly notice and  
2 schedule a public hearing for Walter  
3 Foote, 22 Broad Street,  
4 SCTM#1001-2-5-40. The property is  
5 located in the R2 District and it  
6 situated as a corner lot. The  
7 applicant proposes to construct a new  
8 addition and deck expansion to an  
9 existing non-conforming house.

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

19 The proposed front yard (west)  
20 setback for the new construction is  
21 27 feet required a 3 foot front yard  
22 area variance for the addition.  
23 Section 150-12A of the Village of  
24 Greenport code requires a 30 foot  
25 rear yard setback in the R2 District.

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

16                 CHAIRMAN MOORE: You make that  
17          motion. I will second it.

18                 All in favor?

19                 MEMBER CORWIN: Aye.

20                 MEMBER GORDON: Aye.

21                 MEMBER NEFF: Aye.

22                 CHAIRMAN MOORE: Aye.

23                 Opposed?

24                 (No Response.)

25                 CHAIRMAN MOORE: Motion carries.

1 I am bouncing us around. Just a  
2 little explanation, I had some oral  
3 surgery the other day. So I don't  
4 want to overdue it. It's not that I  
5 don't want to participate in not  
6 talking but I will take a little  
7 break. If someone else can read Item  
8 No. 3?

9 MEMBER NEFF: I will read it.  
10 Motion to accept an appeal for an  
11 area variance, publicly notice and  
12 schedule a public hearing for Tracy  
13 Combs, 516 Second Street; SCTM  
14 #1001-2-6-24. The property is  
15 located in the R2 District. The  
16 applicant proposes to construct a  
17 house addition and in-ground swimming  
18 pool.

19 House Additions the proposed  
20 aggregate side yard setback is 12.12  
21 feet requiring a 19.9 foot combined  
22 side yard variance for new extension.  
23 Section 150-12A of the Village of  
24 Greenport code requires a 25 foot  
25 combined side yard setback in the R2

1 District.

2 The Swimming Pool: The proposed  
3 swimming pool setback is 7 foot on  
4 the south property line, requiring an  
5 area variance of 13 feet. Section  
6 150-7c(3a) of the Village of  
7 Greenport code requires the edge of  
8 the pool shall be kept at a distance  
9 of not less than 20 feet from all  
10 property lines.

11 The proposed swimming pool  
12 setback is 7 feet on the north  
13 property line, requiring an area  
14 variance of 13 feet. Section  
15 150-7c(3a) of the Village of  
16 Greenport code requires the edge of  
17 the pool shall be kept at a distance  
18 of not less than 20 feet from all  
19 property lines. The proposed  
20 swimming pool setback is 15 feet on  
21 the east property line, requiring an  
22 area variance of 5 feet. Section  
23 150-7c(3a) of the Village of  
24 Greenport code requires that the edge  
25 of the pool shall be kept at a

1 distance of 20 feet from all property  
2 lines. I propose this as a motion.

3 CHAIRMAN MOORE: Second.

4 All in favor?

5 MR. PROKOP: Are you going to --

6 CHAIRMAN MOORE: Accept it.

7 MR. PROKOP: Can you just hold  
8 on a minute? I am sorry, excuse me.  
9 I am trying to figure out. This is  
10 an addition -- the question is on the  
11 addition -- the first thing is, this  
12 is an undersized lot.

13 MS. WINGATE: Do you want a  
14 survey?

15 MR. PROKOP: Is the lot  
16 undersized?

17 MS. WINGATE: Yes.

18 MR. PROKOP: Is there anything  
19 that establishes this --

20 MS. WINGATE: No.

21 MR. PROKOP: The second thing  
22 is, it's an undersized lot, isn't  
23 there an additional variance that  
24 they need? They are required to  
25 develop in accordance with the



1 zoning?

2 CHAIRMAN MOORE: Well, there is  
3 standard for side yard setbacks based  
4 on the undersized lots. It  
5 calculates down to about 10 feet. So  
6 it appears that the one setback that  
7 is preexisting is 2 feet of the new  
8 setback. 10.2 -- 10 point something  
9 feet that would meet that code  
10 requirement. It's a combined side  
11 yard requirement. It would be more  
12 like 20 feet as the combined side  
13 yard setback. Which is still  
14 deficient because there is still 12  
15 feet. So I am wondering if it is  
16 wrong, maybe 9.9 to something? I am  
17 just noticing that.

18 MS. WINGATE: Give me a second.  
19 Let me --

20 CHAIRMAN MOORE: 51.36.

21 MS. WINGATE: There is a typo.  
22 Could be a typo. Let me just  
23 calculate it.

24 CHAIRMAN MOORE: Looks like 8.62  
25 instead of 19. Still requires a

1 variance.

2 MS. WINGATE: At the time -- my  
3 supervisor and I were discussing this  
4 and Section E of the code says all --  
5 that particular section says it has  
6 to meet all other zoning  
7 requirements. And this does not meet  
8 all zoning requirements because of  
9 the existing nonconformity.

10 CHAIRMAN MOORE: I am not  
11 following you.

12 MEMBER CORWIN: Can I make two  
13 comments?

14 CHAIRMAN MOORE: Sure.

15 MEMBER CORWIN: There is  
16 mistakes. Let's not try and flush  
17 them out under pressure. When it  
18 comes to the public hearing which is  
19 scheduled for next month, we can have  
20 it -- this was the -- this was  
21 basically the same footprint that we  
22 had before us in March. I reviewed  
23 the application. They had the  
24 opportunity to withdraw the  
25 application. The applicant withdrew

1 the application. In the meantime, I  
2 had a letter in my e-mail from the  
3 neighbor objecting to the March  
4 application. I don't know if it's  
5 pertinent?

6 CHAIRMAN MOORE: There will be  
7 a new hearing for people to comment  
8 on this application. Would you  
9 prefer to hold off and correct the  
10 application?

11 MS. WINGATE: I am asking for  
12 more than actual. I don't think the  
13 March application has anything to do  
14 with this application because it's a  
15 very different application. It's  
16 addition and it's attached. The last  
17 application was detached.

18 CHAIRMAN MOORE: Yes.

19 MS. WINGATE: It would appear to  
20 me that I have made an error.

21 CHAIRMAN MOORE: So what is the  
22 solution, we just wait until it's  
23 corrected or do we want to -- does  
24 the Board want to accept it --

25 MEMBER CORWIN: The other thing

1 I would note on this application.  
2 They had a preexisting in-ground fuel  
3 tank. Now, I don't know how old that  
4 is. I don't think it's in the best  
5 interest in the Zoning Board of  
6 Appeals and the Village of Greenport  
7 to basically legitimize the existing  
8 fuel tanks because they're old.

9 CHAIRMAN MOORE: That is a  
10 matter of jurisdiction.

11 MR. PROKOP: Where is the front  
12 door of this house? Excuse me,  
13 sorry.

14 CHAIRMAN MOORE: So what I am  
15 going to suggest is that we have a  
16 motion to accept the application as  
17 standing and I can second it and ask  
18 for a vote. If it's not --

19 MEMBER CORWIN: So we're  
20 accepting --

21 CHAIRMAN MOORE: Not accepting  
22 it. My vote would be no.

23 MEMBER CORWIN: Okay. I second  
24 that motion.

25 CHAIRMAN MOORE: All in favor?

1 MEMBER GORDON: Aye.

2 MEMBER NEFF: Aye.

3 CHAIRMAN MOORE: Aye.

4 Opposed?

5 MEMBER CORWIN: Nay.

6 CHAIRMAN MOORE: Motion carries.

7 Let's fix it and get it back

8 next month.

9 No. 4. Who would like to read

10 No. 4?

11 MEMBER GORDON: I will read it.

12 Item No. 4. Motion to accept an  
13 appeal on an area variance, publicly  
14 notice and schedule a public hearing  
15 for Carol Wilder, 218 Sixth Street;  
16 SCTM#1001-4-4-26. The property is  
17 located in the R2 District. The  
18 applicant proposes to construct an  
19 in-ground swimming pool. The  
20 proposed swimming pool setback is 10  
21 feet on the east property line,  
22 requiring an area variance of 10  
23 feet. Section 150-7c(3a) of the  
24 Village of Greenport code requires  
25 that the edge of the pool shall be

1           kept at a distance of 20 feet from  
2           all property lines. That's it.

3                   CHAIRMAN MOORE: Do you have  
4           that motion?

5                   MEMBER GORDON: Yes. Motion to  
6           accept.

7                   MEMBER CORWIN: Discussion? The  
8           application -- the original  
9           application that I have and let's  
10          face it, this happens at every  
11          meeting. There is an eligible  
12          signature. Then it's one or two --  
13          this should say a date and 2015. So  
14          in other words, there is no notary  
15          date on that. Then what happens  
16          apparently another application is  
17          made. The same application is made  
18          but somebody printed the name under  
19          the eligible signature

20                   MS. WINGATE: David --

21                   MEMBER CORWIN: I don't want to  
22          hear it Eileen. We have heard this  
23          so many times Eileen. I don't want  
24          to hear it. So many times. The  
25          notaries date of the 6th of no month.

1 So my contention is that we can't  
2 accept this until it's done properly.  
3 Now Eileen.

4 MS. WINGATE: You picked your  
5 application up days early. I was in  
6 touch with the owner of the property  
7 and I forwarded --

8 MEMBER CORWIN: Days earlier but  
9 it was in the box, right?

10 MS. WINGATE: That's how I keep  
11 my stuff organized, David. In the  
12 box.

13 MEMBER CORWIN: We have been  
14 through this so many times. I am so  
15 tired of it. That doesn't change the  
16 fact that the notary's date is not  
17 there.

18 CHAIRMAN MOORE: So we have a  
19 motion to accept this application.  
20 And I will second that. I will ask  
21 for a vote, all in favor?

22 MEMBER GORDON: Aye.

23 MEMBER NEFF: Aye.

24 CHAIRMAN MOORE: Aye.

25 Opposed?

1 MEMBER CORWIN: Nay.

2 CHAIRMAN MOORE: Motion carries.

3 Mr. Corwin is opposed.

4 MR. PROKOP: Mr. Corwin brought  
5 up a point and I don't have the  
6 application. I have not had a chance  
7 to review the application.

8 CHAIRMAN MOORE: Can you review  
9 it before the next meeting?

10 MR. PROKOP: Yes. My silence is  
11 because I don't have an application  
12 not because I have nothing to say.

13 MS. WINGATE: I have a copy at  
14 my office.

15 CHAIRMAN MOORE: I will read  
16 Item No. 5. There are some questions  
17 on this application about the  
18 ownership issues. This application  
19 was before the Planning Board for a  
20 pre-submission conference I believe.  
21 And it was kicked around as far as  
22 deficient. At that time, it was a  
23 formal application -- I am not going  
24 to read it just yet. Subsequently  
25 there was an application filed for



1 area variances and that's based on  
2 the Notice of Disapproval. So one of  
3 the difficulties is that the current  
4 owner of the property appears to be  
5 someone who is not involved with the  
6 development of the property. There  
7 is an intent for sale. The new and  
8 expected owner -- the question is,  
9 does the new owner have standing in  
10 finalizing that application for --

11 MR. PROKOP: As long as they  
12 have authorization.

13 CHAIRMAN MOORE: Do we have  
14 something that shows the current --

15 MS. WINGATE: Yes.

16 MEMBER CORWIN: We have  
17 something authorizing the Planning  
18 Board but not the Zoning Board of  
19 Appeals.

20 MS. WINGATE: It's authorizing  
21 Bob Brown. I was sent the same one  
22 from the Planning Board.

23 CHAIRMAN MOORE: Okay. The  
24 Planning Board authorization. I just  
25 wanted Mr. Prokop -- is that

1 sufficient when the owner of record  
2 can authorize an application for  
3 variance relief? It's one of those  
4 Catch 22's. When the new owner is not  
5 the owner yet but the sale of the  
6 property is contingent on it.

7 MR. PROKOP: -- who is John  
8 Gregory?

9 MS. WINGATE: He is the owner.  
10 All of those papers are right there.  
11 I just wanted to say to the Board  
12 that this has to be straightened out.  
13 Can't have individuals sign  
14 authorizations for properties --

15 CHAIRMAN MOORE: I --

16 MR. PROKOP: So we have  
17 authorization.

18 CHAIRMAN MOORE: There is an  
19 agreement with the property LLC,  
20 which means the current owner is a  
21 sole owner and has standing of the  
22 owner's representative of the LLC.  
23 The question is, can he apply for a  
24 variance at this point?

25 MR. PROKOP: We will need 10

1 days before the hearing date --  
2 actually --

3 MEMBER CORWIN: We needed it  
4 tonight. This happens every month.  
5 I am tired of this stuff. Not only  
6 did I look in the Suffolk County  
7 Assessment Rolls to find out who the  
8 owner is, the owner isn't even listed  
9 in the Assessment Rolls. It's not  
10 even listed in the Southold Town 2015  
11 Assessment Roll. That may be a  
12 mistake on the part of Southold Town  
13 but it has to be straightened out.

14 CHAIRMAN MOORE: Could you  
15 advise us on what documents are  
16 necessary, Mr. Prokop? I just wanted  
17 to make sure that the applicant has  
18 standing to apply for the variance.

19 MR. PROKOP: It's not listed on  
20 the --

21 MEMBER CORWIN: It's not on the  
22 2015 Assessment Rolls.

23 MR. PROKOP: Do you have that  
24 property of the Assessment Roll --

25 CHAIRMAN MOORE: So can we get

1 your advice on what documentation is  
2 needed to proceed?

3 MR. PROKOP: Okay. So I think  
4 my recommendation would be, there is  
5 a document that is from a member of  
6 the reputed owner. The LLC.  
7 Whatever it is.

8 CHAIRMAN MOORE: John Gregory is  
9 the owner.

10 MR. PROKOP: Right. And it's  
11 authorizing Mr. Brown to make an  
12 application. The paperwork is  
13 defective. However, it's -- there is  
14 sufficient detail to indicate there  
15 was an intention to have Mr. Brown  
16 make an application to the Board. I  
17 think it would be acceptable to the  
18 Board to accept the application on  
19 the condition that the proof of  
20 ownership of the property, a proper  
21 authorization signed by an authorized  
22 representative of the owner,  
23 authorizing Mr. Brown to make the  
24 application to the Zoning Board of  
25 Appeals is received at least one day

1 prior to date that we publish the  
2 Notice of Hearing. And if the  
3 paperwork is not received in proper  
4 form at least one day before the  
5 date, Notice of Public Hearing, the  
6 application will have to be put over  
7 to next month.

8 CHAIRMAN MOORE: So with that  
9 condition, a motion was read -- we  
10 didn't read the motion yet. So I  
11 will read the motion and add that  
12 additional requirement.

13 (Whereupon, the tones went off.)

14 CHAIRMAN MOORE: -- John Gregory  
15 for the LLC, that is who has  
16 standing.

17 MR. PROKOP: It should state for  
18 Robert Brown. I am sorry, I will  
19 have to work with the Board on this  
20 for the future.

21 CHAIRMAN MOORE: Item No. 5,  
22 Motion to accept an appeal for an  
23 area variance, publicly notice and  
24 schedule a public hearing for  
25 (prospective owners) Carmela

1 Constantino, Corner of the Third and  
2 Front Street; SCTM# 1001-5-4-5. The  
3 property is located in the Waterfront  
4 Commercial District. The applicant  
5 proposes to construct three  
6 commercial buildings on a vacant lot  
7 on the southeast corner of Third and  
8 Front Street.

9 The proposed building  
10 construction has lot coverage of  
11 5,191 square feet representing 59% of  
12 the site, requiring an area variance  
13 of 1,678 square feet or 19% of the  
14 total area of the lot. Section  
15 150-12A of the Village of Greenport  
16 Code requires a maximum lot coverage  
17 of 40% (3,533.6 square feet) in the  
18 WC-Waterfront Commercial District.

19 The proposed building  
20 construction has provided one  
21 accessible park space, requiring a  
22 variance of 38 parking spaces,  
23 inclusive of the requirements for a  
24 minim of 2 accessible spaces.  
25 Section 150-12A of the Village of

1 Greenport Code requires off-street  
2 parking for lots unimproved as of  
3 January 1, 1991. The requirement of  
4 39 parking spaces has been determined  
5 from calculations provided in Section  
6 150-150 A and Section 15-12A.

7 So moved.

8 MEMBER NEFF: Second.

9 CHAIRMAN MOORE: Seconded by Ms.  
10 Neff.

11 CHAIRMAN MOORE: All in favor?

12 MEMBER CORWIN: Discussion?

13 CHAIRMAN MOORE: Yes.

14 MEMBER CORWIN: Mr. Brown, as  
15 far as I can see, this represents a  
16 fishing trip. He came into the  
17 Planning Board and they wanted to see  
18 which way the Board was going,  
19 allegedly, whether to purchase it or  
20 not. Two or three weeks later, the  
21 applicants were not present at the  
22 Planning Board. So it got kicked  
23 over to the Zoning Board of Appeals.  
24 And I don't know what to tell you, I  
25 personally don't want to go through

1           this because this is going to be  
2           traffic studies and months -- I am  
3           going to have a hard time voting on  
4           this for a variance for everything on  
5           this application. So I am going to  
6           be straightforward with you right  
7           now.

8                     CHAIRMAN MOORE: Yes, go ahead.

9                     MR. BROWN: Robert Brown. There  
10           are two issues involved here and  
11           while I would dispute the  
12           characterization of fishing trip  
13           because the Constantino's have  
14           invested a great deal of time and  
15           money into this, in an effort to  
16           secure this property. Obviously,  
17           they're not going to do it if it's  
18           financially unfeasible. They are  
19           under a very strict time constraint  
20           with which to purchase the property  
21           or not. There are two issues at  
22           hand. One is lot coverage, which I  
23           think would be fairly straightforward  
24           in describing all of the surrounding  
25           properties --



1                   CHAIRMAN MOORE: I don't mean to  
2                   interrupt but we did read what the  
3                   requested variances are. I don't  
4                   think we should take any testimony  
5                   supporting or not supporting the  
6                   application. This has not been  
7                   noticed for hearing. So I would ask  
8                   that you reserve those comments. We  
9                   are not taking public comments. I  
10                  don't think we should take any  
11                  comments at this point, we're not  
12                  even hearing the case.

13                  We are at the point of voting to  
14                  accept the application, I will ask  
15                  All in favor?

16                  CHAIRMAN MOORE: I will vote  
17                  Aye.

18                  MEMBER NEFF: Aye.

19                  MEMBER GORDON: Aye.

20                  CHAIRMAN MOORE: Opposed?

21                  MEMBER CORWIN: Nay.

22                  CHAIRMAN MOORE: So we're  
23                  accepting the application with the  
24                  information of the representation  
25                  forms filed before the day of the

1 public notice is prepared and that  
2 will be within the next week or two.

3 MR. PROKOP: Just so we don't  
4 get into a problem. Just correct  
5 what I said and make it seven days  
6 prior.

7 MR. BROWN: Can I ask when the  
8 hearing is scheduled for?

9 MS. WINGATE: I am looking in my  
10 calendar right now.

11 CHAIRMAN MOORE: Okay. So I  
12 think that covers that. Okay. Item  
13 No. 6. This is the discussion. Is  
14 the Board inclined about talking  
15 about fences and side yards?

16 MEMBER CORWIN: Yes. Let's get  
17 it done.

18 CHAIRMAN MOORE: Let's do that.  
19 I have the sections of the code.  
20 This has already been heard. As I  
21 recall, there were no comments about  
22 this issue. If anybody that doesn't  
23 have a copy of the code to reference  
24 -- the problem that we are running  
25 into is that there are two sections

1 of the code at play and appear to be  
2 in opposition with each other.  
3 Fences, as people know, can't be in  
4 front yards no more than 4 feet and a  
5 side yard, fences are not to be as  
6 high as 7 feet. The problem comes up  
7 when you have a corner lot and the  
8 owner has a side yard and looked as a  
9 second front yard and wishes to gets  
10 some privacy, by the code, the fence  
11 would be restricted to a front yard  
12 and that would really defeat the  
13 purpose of some privacy for someone  
14 who wants to have a fence in their  
15 backyard. I think the code as  
16 written, prevents people currently on  
17 corner lots to have a fence on the  
18 second front yard -- the sense for  
19 people to have a fence in their  
20 backyard would be for some privacy.  
21 My feeling was unless the building  
22 department was going to change the  
23 code, that applications for fences of  
24 this situation, they should be higher  
25 than 4 feet on the side of the

1 property, which is the front yard. A  
2 second front yard, would require a  
3 variance. I don't think we have a  
4 whole bunch of these. If you have a  
5 front yard, the fence can't be higher  
6 than 4 feet. I am not aware of  
7 anything in the code that allows a  
8 fence in a front yard to be higher  
9 than 4 feet. Any comments from the  
10 Board?

11 MEMBER NEFF: I would just like  
12 to say that this can be brought by a  
13 case by case to the Zoning Board of  
14 Appeals. It makes a lot of sense.  
15 Particular when the lots may be 50  
16 feet and the side yard of 8 feet.  
17 The individual cases can be weighed  
18 in terms of street scape, etcetera.  
19 Better in a format through the ZBA.

20 CHAIRMAN MOORE: I would think  
21 that it's not a complicated matter to  
22 review an application for a side yard  
23 fence. I think provided with some  
24 helpful information providing a  
25 reasonable layout makes a lot of

1 sense.

2 MS. WINGATE: A front yard goes  
3 from the street to the building line.  
4 It doesn't --

5 CHAIRMAN MOORE: I don't know if  
6 I agree with that because the code  
7 simply says that there are two front  
8 yards are required.

9 MS. WINGATE: No, the definition  
10 of front yard.

11 CHAIRMAN MOORE: I am a little  
12 confused as to where you're allowing  
13 the front yard --

14 MEMBER CORWIN: Well, I object  
15 to that.

16 MS. WINGATE: That's okay.  
17 Whatever you all decide is what is  
18 what will be done.

19 MR. PROKOP: Where do you see  
20 that definition?

21 MS. WINGATE: In our code book.

22 CHAIRMAN MOORE: Most front  
23 yards are referencing a real front  
24 yard or talking about the house.

25 MS. WINGATE: I understand.

1 MR. PROKOP: What section are  
2 you talking about?

3 MS. WINGATE: Definition of  
4 front yard.

5 MEMBER CORWIN: There is none.

6 MR. PROKOP: I don't have a  
7 definition of a front yard.

8 MS. WINGATE: Then it's front  
9 yard setback.

10 MR. PROKOP: I don't see that  
11 either.

12 CHAIRMAN MOORE: Excuse me, yard  
13 front.

14 MR. PROKOP: Okay. There we go.

15 MEMBER CORWIN: I just want to  
16 say that we propose to keep the  
17 corner lots from making the place  
18 look like a fort, city. When a fence  
19 is attached to a building like it is  
20 in this particular case, then it's  
21 part of a building. It needs  
22 variance granted for that structure.

23 CHAIRMAN MOORE: I think it  
24 would be safely to consider the code  
25 that is written. It's reasonable

1           that someone especially in the case,  
2           a fence extending from a line of the  
3           house behind, that a reasonable  
4           exception in a variance for a fence  
5           that is higher. That it's  
6           unfortunately on a side street. That  
7           the owners have an option to have a 6  
8           foot fence between their neighbors.  
9           It just makes sense. I think it  
10          would be good to routinely look at  
11          corner lots. If it requires a  
12          variance, it would be put to the  
13          Board to analyze. It's really a case  
14          by case basis.

15                 MS. WINGATE: Let's take Ellen  
16                 Neff's house.

17                 MEMBER NEFF: Okay. Definitely  
18                 not conforming.

19                 MS. WINGATE: So now fences have  
20                 to be 30 feet back even though the  
21                 house is 8 or 7 --

22                 CHAIRMAN MOORE: Fences on side  
23                 yards can be 6 1/2 feet on a property  
24                 line.

25                 MS. WINGATE: Well, because they

1 are in line with the house, which  
2 would hold truth of the definition of  
3 a front yard.

4 CHAIRMAN MOORE: A fence that is  
5 higher than 4 feet --

6 MS. WINGATE: We have so many  
7 preexisting --

8 CHAIRMAN MOORE: You define as a  
9 front yard and the fence can't be  
10 along the property line --

11 MS. WINGATE: No, not the  
12 property --

13 MEMBER CORWIN: Mr. Chairman, I  
14 object to having the building  
15 inspector in this conversation. This  
16 is the Zoning Board of Appeals  
17 decision. She is trying to defend  
18 her position.

19 CHAIRMAN MOORE: I am --

20 MEMBER CORWIN: Which is fine,  
21 David. It's my interpretation. I  
22 asked for it. I guess I don't get to  
23 rattle it out a little bit?

24 MEMBER CORWIN: I don't have any  
25 comments --



1 MS. WINGATE: I am sorry, David.

2 CHAIRMAN MOORE: I would state  
3 that we take the code as written. As  
4 it is stated. Since you have two  
5 front yards and the property along  
6 that second front yard, front yard  
7 and have a limitation of 4 feet.  
8 Other than that, they have to appeal  
9 for a variance.

10 MS. WINGATE: Will you draw that  
11 up?

12 CHAIRMAN MOORE: It's a simple  
13 resolution. So I will just make a  
14 motion that we reaffirm that the code  
15 specifies that on a corner lot where  
16 two front yards are required that any  
17 fence within that front yard be  
18 limited to the 4 feet allowed for a  
19 fence in the front yard. I make that  
20 motion.

21 MEMBER CORWIN: I second it.

22 CHAIRMAN MOORE: All in favor?

23 MEMBER CORWIN: Aye.

24 MEMBER GORDON: Aye.

25 MEMBER NEFF: Aye.

1 CHAIRMAN MOORE: Aye.  
2 Opposed?  
3 (No Response.)  
4 CHAIRMAN MOORE: Motion carries.  
5 I will write that up briefly.  
6 No. 7 is a Motion to accept the  
7 ZBA minutes from April 22, 2015? So  
8 moved.  
9 MEMBER NEFF: Second.  
10 CHAIRMAN MOORE: Any discussion?  
11 (No Response.)  
12 CHAIRMAN MOORE: All in favor?  
13 MEMBER CORWIN: Aye.  
14 MEMBER GORDON: Aye.  
15 MEMBER NEFF: Aye.  
16 CHAIRMAN MOORE: Aye.  
17 Opposed?  
18 (No Response.)  
19 CHAIRMAN MOORE: Motion carries.  
20 Motion to approve the ZBA  
21 minutes from March 18, 2015. So  
22 moved.  
23 MEMBER GORDON: Second.  
24 CHAIRMAN MOORE: All in favor?  
25 MEMBER GORDON: Aye.

1 MEMBER NEFF: Aye.

2 CHAIRMAN MOORE: Aye.

3 MEMBER CORWIN: I am going to  
4 abstain.

5 CHAIRMAN MOORE: Motion to  
6 schedule the next regular ZBA Meeting  
7 for June 17, 2015. So moved.

8 MEMBER CORWIN: We have to set up  
9 the times.

10 CHAIRMAN MOORE: Which ones did  
11 we accept? I only have a few. There  
12 is Foote. That is one and --

13 MEMBER GORDON: Carol Wilder's  
14 swimming pool.

15 CHAIRMAN MOORE: Let's go to  
16 Broad Street at 4:00 o'clock.

17 MEMBER GORDON: Well, 4:20.  
18 It's only two.

19 CHAIRMAN MOORE: We may have  
20 another one. For Third and  
21 Front.

22 MS. WINGATE: I am sure.

23 MR. PROKOP: If you are going  
24 to go to Third and Front, can you  
25 ask them to outline the

1 perimeter?

2 CHAIRMAN MOORE: They will do  
3 that.

4 MS. WINGATE: It's all paved.  
5 They will probably spray paint.  
6 There is no soft surfaces.

7 CHAIRMAN MOORE: So we have  
8 Foote, at 22 Broad Street. We will  
9 review that at 4:00. Then at 4:20,  
10 we will go to Wilder. Then at 4:40,  
11 we would go to Front and Third. Is  
12 that acceptable to everybody?

13 MEMBER CORWIN: And we will put  
14 that on the agenda as the first  
15 thing.

16 CHAIRMAN MOORE: I had corrected  
17 the agenda to add for site  
18 inspection but I had already  
19 submitted the draft as of that time.  
20 I will make an effort for  
21 encroachment to remember.

22 MEMBER CORWIN: Before we  
23 adjourn, there is a question of the  
24 signs. Do we submit --

25 CHAIRMAN MOORE: Yes, to the

1 Code Committee. They had some things  
2 to review and some discussion at that  
3 point.

4 MEMBER CORWIN: I have been  
5 attending the Code Committee --

6 CHAIRMAN MOORE: Okay. I am not  
7 following --

8 MEMBER CORWIN: That you as  
9 Chairman, are representing the Zoning  
10 Board of Appeals at the Code  
11 Committee and discuss what they  
12 discussed at the last meeting.

13 CHAIRMAN MOORE: With that in  
14 mind, I will defer to the next  
15 meeting. I would want a correct  
16 summary. I had made some  
17 comments.

18 Motion to adjourn.

19 MEMBER NEFF: So moved.

20 MEMBER CORWIN: Second.

21 CHAIRMAN MOORE: All in favor?

22 MEMBER CORWIN: Aye.

23 MEMBER GORDON: Aye.

24 MEMBER NEFF: Aye.

25 CHAIRMAN MOORE: Aye.

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Opposed?

(No Response.)

CHAIRMAN MOORE: Motion carries.

(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 10, 2015.

\_\_\_\_\_  
(Jessica DiLallo)

\* \* \* \*