VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

ZONING BOARD OF APPEALS
REGULAR MEETING

Third Street Firehouse
Greenport, New York

May 20, 2015
5:00 P.M.

BEFORE:

DOUG MOORE - CHAIRMAN
DAVID CORWIN - MEMBER
CHARLES BENJAMIN - MEMBER (Excused)
DINNI GORDON - MEMBER
ELLEN NEFF - MEMBER
EILEEN WINGATE - VILLAGE BUILDING INSPECTOR
JOSEPH PROKOP - VILLAGE ATTORNEY
CHAIRMAN MOORE: This is the Regular Meeting of the Greenport Zoning Board of Appeals. It’s five after five. We have one public hearing tonight and then our regular agenda, most of which is administrative and appeal for variance that we will be discussing tonight. That is for an appeal for an area variance of Charles Kitz, 228 Sixth Street. SCTM# 1001-7-2-1. The applicant proposes to construct a new front porch addition, at the premises located at 228 Sixth Street, Greenport, New York. The proposed addition is 10.4 feet from the west property line requiring a 11.25 foot front yard area variance, reduced from 30 feet. Section 150-13D(3); no dwelling need have a setback greater than the average of two existing dwellings with the greatest setback within 200 feet on each side of said proposed dwelling, on the same side of the street within the same block.
and the same district. The average front yard setback of the two existing dwellings with the greatest front yard setbacks is 21.65 feet. The proposed addition is 18.3 feet from the north property line requiring a 11.7 foot front yard variance, where Section 150-12a of the Village of Greenport code requires a 30 foot front yard setback. Section 150-13B(2) of the Village of Greenport code requires that on corner lot, front yards's are required on both street frontages. One yard other than the front yard shall be deemed to be a rear yard and the other or others be side yards.

This hearing was noticed in the Suffolk Times and the adjacent property owners were all notified. I will read those names. We have Thomas Whitney Cox, which is next door to the south. 140 Main Street, New York, New York. Patricia Dinizio, Box 1742, Southold, New
York. That is directly across the street. Catherine Condon, Sixth Street. Julie Dell and Alexander Dell, they are across the street from the north. We have a New York City address. We have (In Audible) Farley, PO Box 48, Marlboro, Texas, which is behind the house. David Interfeld and Jaclyn Interfered, a New York address and they are across the street. The placard was placed on the property as appropriate. We can take comments, perhaps the owner or representative is here to make a few comments about the application. Please feel free to do so.

MR. KITZ: My name is Chuck Kitz.

MEMBER CORWIN: Can you please spell your last name?

MR. KITZ: Kitz, K-I-T-Z. I am the owner of the dwelling. So our basic propose is to put a covered porch. Just to make it comparable to the surrounding homes. You know, in
that area. We are also, you know, doing a renovation inside the house and putting in new windows and new Cedar Shake siding on the house. So just taking the old plumbing, heating and electric, and you know, it’s going to be a beautiful home when it’s done. So we are just trying to make the surrounding homes. Some already have porches and covered porches. So that is what I want to do at this time.

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

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

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

MR. KITZ: I am not.

CHAIRMAN MOORE: Not?

MR. KITZ: No. We are going to resell the home.
CHAIRMAN MOORE: Okay. There was a little confusion. Your name came up a few times and then Solutions East. I just wanted to be sure that one was the same. Any questions from the Board?

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

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

MEMBER CORWIN: Thank you.

MR. KITZ: It would be a finished product.

CHAIRMAN MOORE: Not very high.

MR. KITZ: Yeah. It’s only two sets I think.

MEMBER GORDON: Are you planning to add gutters?
MR. KITZ: Yes. Yes. I don't believe there is on there now. Once we are finished we will place gutters all around.

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

MR. KITZ: Okay. Thank you.

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

MR. KITZ: Who is the owner?

MR. PROKOP: Right.

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

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

MR. KITZ: It is a corporation, LLC.

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

MR. KITZ: Yes. I am a member.

Yeah. Myself and a partner.
MR. PROKOP: It’s not reflected in the Notice of Disapproval but now that I have the application. The addition that is referred to in the Notice of Disapproval, is that actually a porch? Is the addition and a porch?

MR. KITZ: A porch.

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

MR. KITZ: Yes.

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

CHAIRMAN MOORE: In terminology, you’re saying?

MR. PROKOP: I think that it’s -- it would be deemed to have -- it needs to be reviewed. The distance of that structure from the property
line -- from the structures on the
adjoining properties because it’s a
second floor deck. It has different
implications than just what it is
described as.

CHAIRMAN MOORE: What additional
work are you suggesting?

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

CHAIRMAN MOORE: Can you
explain --

MR. PROKOP: Generally my
understanding from a number of years
of listening to these is a balcony
that is something that gives access.
Not enough to accompany seating or
other activities. Seating other than
a small chair. In other words, it
would not be sufficient to have a
lounge chair. It would be something
that you can walk around only.
Whereas a deck is something that can
exterior facilitate exterior social activities, cooking, a number of chairs, lounge chairs and things like that. It would be deemed to have an impact on neighboring properties.

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

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

CHAIRMAN MOORE: There were the drawings --

MEMBER CORWIN: Apparently there is two applications still.

MS. WINGATE: You asked me to clear up the difference between the applicant and Solutions East. So I
asked the applicant to come in and
make sure that everybody signing was
in the right place.

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

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

CHAIRMAN MOORE: It’s all right.
I’m just trying to figure out of this
is something that we require
additional documentation or should we
--

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

MEMBER CORWIN: Let’s close the
public hearing and see if anyone else
has any questions?

CHAIRMAN MOORE: Yes.

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

CHAIRMAN MOORE: Yes, we do.

Would any members of the public like
to address the application?
MR. SALADINO: John Saladino, Sixth Street. I hadn't planed on speaking on this application until I heard about the second floor deck. It’s my thought that -- I live a few houses down and I am not sure that we need a second floor deck. What I will ask the Zoning Board, I think a porch would like very nice. And I would like to see that you put something that it shouldn't be enclosed. If you put an enclosed porch, then it becomes living space. I don't want it, if you agree to this. If this applicant or the next application, propose that porch, I ask that you keep it open. If you close it, then it can lead to other issues. Thank you.

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

(No Response.)

CHAIRMAN MOORE: Then I would like to make a motion to close the
public hearing.

Do I have a second?

MEMBER CORWIN: Second.

CHAIRMAN MOORE: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

Opposed?

(No Response.)

CHAIRMAN MOORE: Motion carries.

So the public hearing is closed.

Now we can discuss a few more things.

I hadn't realized the plans, I had just saw a porch on there but it is living space, occupied space. Is it to key to your design to preserve that porch- the deck?

MR. KITZ: It was designed so that our bedroom on the second floor, you can make it as a door to the outside. Make it a little bit nicer. Get a little view from that second floor balcony, you can get a view of the water. That was it. As far as
closing it, I have no -- it’s just
going to stay as a porch.

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

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

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

MEMBER GORDON: Yeah.

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

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

MR. KITZ: Right.

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

MR. KITZ: Okay.

MR. PROKOP: When you said it's not far from the property line, isn't there an existing setback of 20.4 feet? This is --
CHAIRMAN MOORE: It’s requiring a variance. I am saying with the porch cornered off, there is still a substantial front yard. It uses about half of the space here.

MEMBER GORDON: It was never 30 feet anyway.

MR. KITZ: Right.

MR. PROKOP: Your survey shows adjoining properties?

MR. KITZ: No, I do not.

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

MEMBER CORWIN: My position is that it should be tabled. We should see a new survey showing the leaching basin and gutters and leaders.

MS. WINGATE: Joe --

MR. PROKOP: I am listening --

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

MR. KITZ: I am looking for it.
CHAIRMAN MOORE: On the notice it does say Solution East and then name of representative Charles Kitz for owner. It doesn't indicate your position of the company, president, member. As Mr. Corwin said you should have some documentation of your standing with the company.

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

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

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

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

MR. KITZ: Another plan showing --
MEMBER CORWIN: Another plan without the balcony. Showing gutters and leaders and a leaching basins. And a little detail of the skirt --

MR. KITZ: Sure.

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

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

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

MR. KITZ: Okay.

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

MR. KITZ: Right.

CHAIRMAN MOORE: Mr. Corwin, motion?

MEMBER CORWIN: I make a motion to table this application until Mr.
Kitz draws up a new plan which shows no balcony. Just a porch, roof and to match the existing house with leaders and gutters and leeching basins.

CHAIRMAN MOORE: I will second that.

All in favor?

MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER NEFF: Aye.
CHAIRMAN MOORE: Aye.

Opposed?

(No Response.)

CHAIRMAN MOORE: Motion carries.

MR. KITZ: Thank you very much.

CHAIRMAN MOORE: We did Item No. 1. That issue has been tabled. We will move on. I will read the next one, is administrative. There is actually four items. I would like to ask if someone else might like to do Item No. 2.

MEMBER GORDON: Sure. Motion to accept an appeal for an area
variance, publicly notice and
schedule a public hearing for Walter
Foote, 22 Broad Street,
SCTM#1001-2-5-40. The property is
located in the R2 District and it
situated as a corner lot. The
applicant proposes to construct a new
addition and deck expansion to an
existing non-conforming house.

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

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

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

All in favor?

MEMBER CORWIN: Aye.
MEMBER GORDON: Aye.
MEMBER NEFF: Aye.
CHAIRMAN MOORE: Aye.

Opposed?
(No Response.)

CHAIRMAN MOORE: Motion carries.
I am bouncing us around. Just a little explanation, I had some oral surgery the other day. So I don't want to overdue it. It’s not that I don't want to participate in not talking but I will take a little break. If someone else can read Item No. 3?

MEMBER NEFF: I will read it.

Motion to accept an appeal for an area variance, publicly notice and schedule a public hearing for Tracy Combs, 516 Second Street; SCTM #1001-2-6-24. The property is located in the R2 District. The applicant proposes to construct a house addition and in-ground swimming pool.

House Additions the proposed aggregate side yard setback is 12.12 feet requiring a 19.9 foot combined side yard variance for new extension. Section 150-12A of the Village of Greenport code requires a 25 foot combined side yard setback in the R2
The Swimming Pool: The proposed swimming pool setback is 7 feet on the south property line, requiring an area variance of 13 feet. Section 150-7c(3a) of the Village of Greenport code requires the edge of the pool shall be kept at a distance of not less than 20 feet from all property lines.

The proposed swimming pool setback is 7 feet on the north property line, requiring an area variance of 13 feet. Section 150-7c(3a) of the Village of Greenport code requires the edge of the pool shall be kept at a distance of not less than 20 feet from all property lines. The proposed swimming pool setback is 15 feet on the east property line, requiring an area variance of 5 feet. Section 150-7c(3a) of the Village of Greenport code requires that the edge of the pool shall be kept at a
distance of 20 feet from all property
lines. I propose this as a motion.

CHAIRMAN MOORE: Second.

All in favor?

MR. PROKOP: Are you going to --

CHAIRMAN MOORE: Accept it.

MR. PROKOP: Can you just hold

on a minute? I am sorry, excuse me.

I am trying to figure out. This is

an addition -- the question is on the

addition -- the first thing is, this

is an undersized lot.

MS. WINGATE: Do you want a

survey?

MR. PROKOP: Is the lot

undersized?

MS. WINGATE: Yes.

MR. PROKOP: Is there anything

that establishes this --

MS. WINGATE: No.

MR. PROKOP: The second thing

is, it’s an undersized lot, isn’t

there an additional variance that

they need? They are required to

develop in accordance with the
zoning?

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

MS. WINGATE: Give me a second.

Let me --

CHAIRMAN MOORE: 51.36.

MS. WINGATE: There is a typo.

Could be a typo. Let me just
calculate it.

CHAIRMAN MOORE: Looks like 8.62

instead of 19. Still requires a
MS. WINGATE: At the time -- my supervisor and I were discussing this and Section E of the code says all — that particular section says it has to meet all other zoning requirements. And this does not meet all zoning requirements because of the existing nonconformity.

CHAIRMAN MOORE: I am not following you.

MEMBER CORWIN: Can I make two comments?

CHAIRMAN MOORE: Sure.

MEMBER CORWIN: There is mistakes. Let’s not try and flush them out under pressure. When it comes to the public hearing which is scheduled for next month, we can have it -- this was the -- this was basically the same footprint that we had before us in March. I reviewed the application. They had the opportunity to withdraw the application. The applicant withdrew
the application. In the meantime, I had a letter in my e-mail from the neighbor objecting to the March application. I don't know if it’s pertinent?

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

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

CHAIRMAN MOORE: Yes.

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

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

MEMBER CORWIN: The other thing
I would note on this application.

They had a preexisting in-ground fuel tank. Now, I don't know how old that is. I don't think it’s in the best interest in the Zoning Board of Appeals and the Village of Greenport to basically legitimize the existing fuel tanks because they're old.

CHAIRMAN MOORE: That is a matter of jurisdiction.

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

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

MEMBER CORWIN: So we’re accepting --

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

MEMBER CORWIN: Okay. I second that motion.

CHAIRMAN MOORE: All in favor?
MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

Opposed?

MEMBER CORWIN: Nay.

CHAIRMAN MOORE: Motion carries.

Let’s fix it and get it back next month.

No. 4. Who would like to read No. 4?

MEMBER GORDON: I will read it.

Item No. 4. Motion to accept an appeal on an area variance, publicly notice and schedule a public hearing for Carol Wilder, 218 Sixth Street; SCTM#1001-4-4-26. The property is located in the R2 District. The applicant proposes to construct an in-ground swimming pool. The proposed swimming pool setback is 10 feet on the east property line, requiring an area variance of 10 feet. Section 150-7c(3a) of the Village of Greenport code requires that the edge of the pool shall be
kept at a distance of 20 feet from all property lines. That’s it.

CHAIRMAN MOORE: Do you have that motion?

MEMBER GORDON: Yes. Motion to accept.

MEMBER CORWIN: Discussion? The application -- the original application that I have and let’s face it, this happens at every meeting. There is an eligible signature. Then it’s one or two -- this should say a date and 2015. So in other words, there is no notary date on that. Then what happens apparently another application is made. The same application is made but somebody printed the name under the eligible signature.

MS. WINGATE: David --

MEMBER CORWIN: I don't want to hear it Eileen. We have heard this so many times Eileen. I don't want to hear it. So many times. The notaries date of the 6th of no month.
So my contention is that we can't accept this until it’s done properly.

Now Eileen.

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

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

MS. WINGATE: That’s how I keep my stuff organized, David. In the box.

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

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

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.

Opposed?
MEMBER CORWIN: Nay.

CHAIRMAN MOORE: Motion carries.

Mr. Corwin is opposed.

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

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

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

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

CHAIRMAN MOORE: I will read Item No. 5. There are some questions on this application about the ownership issues. This application was before the Planning Board for a pre-submission conference I believe. And it was kicked around as far as deficient. At that time, it was a formal application -- I am not going to read it just yet. Subsequently there was an application filed for
area variances and that’s based on
the Notice of Disapproval. So one of
the difficulties is that the current
owner of the property appears to be
someone who is not involved with the
development of the property. There
is an intent for sale. The new and
expected owner -- the question is,
does the new owner have standing in
finalizing that application for --
MR. PROKOP: As long as they
have authorization.
CHAIRMAN MOORE: Do we have
something that shows the current --
MS. WINGATE: Yes.
MEMBER CORWIN: We have
something authorizing the Planning
Board but not the Zoning Board of
Appeals.
MS. WINGATE: It’s authorizing
Bob Brown. I was sent the same one
from the Planning Board.
CHAIRMAN MOORE: Okay. The
Planning Board authorization. I just
wanted Mr. Prokop -- is that
sufficient when the owner of record can authorize an application for variance relief? It’s one of those Catch 22’s. When the new owner is not the owner yet but the sale of the property is contingent on it.

MR. PROKOP: -- who is John Gregory?

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

CHAIRMAN MOORE: I --

MR. PROKOP: So we have authorization.

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

MR. PROKOP: We will need 10
days before the hearing date --

actually --

MEMBER CORWIN: We needed it

tonight. This happens every month.

I am tired of this stuff. Not only
did I look in the Suffolk County
Assessment Rolls to find out who the
owner is, the owner isn't even listed
in the Assessment Rolls. It's not
even listed in the Southold Town 2015
Assessment Roll. That may be a
mistake on the part of Southold Town
but it has to be straightened out.

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

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

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

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

CHAIRMAN MOORE: So can we get
your advice on what documentation is needed to proceed?

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

CHAIRMAN MOORE: John Gregory is the owner.

MR. PROKOP: Right. And it’s authorizing Mr. Brown to make an application. The paperwork is defective. However, it’s -- there is sufficient detail to indicate there was an intention to have Mr. Brown make an application to the Board. I think it would be acceptable to the Board to accept the application on the condition that the proof of ownership of the property, a proper authorization signed by an authorized representative of the owner, authorizing Mr. Brown to make the application to the Zoning Board of Appeals is received at least one day
prior to date that we publish the
Notice of Hearing. And if the
paperwork is not received in proper
form at least one day before the
date, Notice of Public Hearing, the
application will have to be put over
to next month.

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

(Whereupon, the tones went off.)

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

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

CHAIRMAN MOORE: Item No. 5,
Motion to accept an appeal for an
area variance, publicly notice and
schedule a public hearing for
(prospective owners) Carmela
Constantino, Corner of the Third and Front Street; SCTM# 1001-5-4-5. The property is located in the Waterfront Commercial District. The applicant proposes to construct three commercial buildings on a vacant lot on the southeast corner of Third and Front Street.

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

The proposed building construction has provided one accessible park space, requiring a variance of 38 parking spaces, inclusive of the requirements for a minim of 2 accessible spaces. Section 150-12A of the Village of
Greenport Code requires off-street parking for lots unimproved as of January 1, 1991. The requirement of 39 parking spaces has been determined from calculations provided in Section 150-150 A and Section 15-12A.

So moved.

MEMBER NEFF: Second.

CHAIRMAN MOORE: Seconded by Ms. Neff.

CHAIRMAN MOORE: All in favor?

MEMBER CORWIN: Discussion?

CHAIRMAN MOORE: Yes.

MEMBER CORWIN: Mr. Brown, as far as I can see, this represents a fishing trip. He came into the Planning Board and they wanted to see which way the Board was going, allegedly, whether to purchase it or not. Two or three weeks later, the applicants were not present at the Planning Board. So it got kicked over to the Zoning Board of Appeals. And I don't know what to tell you, I personally don't want to go through
this because this is going to be
traffic studies and months -- I am
going to have a hard time voting on
this for a variance for everything on
this application. So I am going to
be straightforward with you right
now.

CHAIRMAN MOORE: Yes, go ahead.

MR. BROWN: Robert Brown. There
are two issues involved here and
while I would dispute the
characterization of fishing trip
because the Constantino’s have
invested a great deal of time and
money into this, in an effort to
secure this property. Obviously,
they’re not going to do it if it’s
financially unfeasible. They are
under a very strict time constraint
with which to purchase the property
or not. There are two issues at
hand. One is lot coverage, which I
think would be fairly straightforward
in describing all of the surrounding
properties --
CHAIRMAN MOORE: I don't mean to interrupt but we did read what the requested variances are. I don't think we should take any testimony supporting or not supporting the application. This has not been noticed for hearing. So I would ask that you reserve those comments. We are not taking public comments. I don't think we should take any comments at this point, we're not even hearing the case.

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

CHAIRMAN MOORE: I will vote Aye.

MEMBER NEFF: Aye.

MEMBER GORDON: Aye.

CHAIRMAN MOORE: Opposed?

MEMBER CORWIN: Nay.

CHAIRMAN MOORE: So we're accepting the application with the information of the representation forms filed before the day of the
public notice is prepared and that will be within the next week or two.

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

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

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

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

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

CHAIRMAN MOORE: Let's do that. I have the sections of the code. This has already been heard. As I recall, there were no comments about this issue. If anybody that doesn't have a copy of the code to reference -- the problem that we are running into is that there are two sections
of the code at play and appear to be in opposition with each other.

Fences, as people know, can't be in front yards no more than 4 feet and a side yard, fences are not to be as high as 7 feet. The problem comes up when you have a corner lot and the owner has a side yard and looked as a second front yard and wishes to gets some privacy, by the code, the fence would be restricted to a front yard and that would really defeat the purpose of some privacy for someone who wants to have a fence in their backyard. I think the code as written, prevents people currently on corner lots to have a fence on the second front yard -- the sense for people to have a fence in their backyard would be for some privacy. My feeling was unless the building department was going to change the code, that applications for fences of this situation, they should be higher than 4 feet on the side of the
property, which is the front yard. A second front yard, would require a variance. I don't think we have a whole bunch of these. If you have a front yard, the fence can't be higher than 4 feet. I am not aware of anything in the code that allows a fence in a front yard to be higher than 4 feet. Any comments from the Board?

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

CHAIRMAN MOORE: I would think that it’s not a complicated matter to review an application for a side yard fence. I think provided with some helpful information providing a reasonable layout makes a lot of
MS. WINGATE: A front yard goes from the street to the building line. It doesn't --

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

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

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

MEMBER CORWIN: Well, I object to that.

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

MR. PROKOP: Where do you see that definition?

MS. WINGATE: In our code book.

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

MS. WINGATE: I understand.
MR. PROKOP: What section are you talking about?

MS. WINGATE: Definition of front yard.

MEMBER CORWIN: There is none.

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

MS. WINGATE: Then it’s front yard setback.

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

CHAIRMAN MOORE: Excuse me, yard front.

MR. PROKOP: Okay. There we go.

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

CHAIRMAN MOORE: I think it would be safely to consider the code that is written. It’s reasonable
that someone especially in the case, a fence extending from a line of the house behind, that a reasonable exception in a variance for a fence that is higher. That it’s unfortunately on a side street. That the owners have an option to have a 6 foot fence between their neighbors. It just makes sense. I think it would be good to routinely look at corner lots. If it requires a variance, it would be put to the Board to analyze. It’s really a case by case basis.

MS. WINGATE: Let’s take Ellen Neff’s house.

MEMBER NEFF: Okay. Definitely not conforming.

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

CHAIRMAN MOORE: Fences on side yards an be 6 1/2 feet on a property line.

MS. WINGATE: Well, because they
are in line with the house, which
would hold truth of the definition of
a front yard.

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

MS. WINGATE: We have so many
preexisting --

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

MS. WINGATE: No, not the
property --

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

CHAIRMAN MOORE: I am --

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

MEMBER CORWIN: I don't have any
comments --
MS. WINGATE: I am sorry, David.

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

MS. WINGATE: Will you draw that up?

CHAIRMAN MOORE: It’s a simple resolution. So I will just make a motion that we reaffirm that the code specifies that on a corner lot where two front yards are required that any fence within that front yard be limited to the 4 feet allowed for a fence in the front yard. I make that motion.

MEMBER CORWIN: I second it.

CHAIRMAN MOORE: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.
May 20, 2015 Regular Meeting

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

CHAIRMAN MOORE: Aye.

MEMBER CORWIN: I am going to abstain.

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

MEMBER CORWIN: We have to set up the times.

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

MEMBER GORDON: Carol Wilder’s swimming pool.

CHAIRMAN MOORE: Let’s go to Broad Street at 4:00 o’clock.

MEMBER GORDON: Well, 4:20. It’s only two.

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

MS. WINGATE: I am sure.

MR. PROKOP: If you are going to go to Third and Front, can you ask them to outline the
perimeter?

CHAIRMAN MOORE: They will do that.

MS. WINGATE: It’s all paved. They will probably spray paint. There is no soft surfaces.

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

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

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

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

CHAIRMAN MOORE: Yes, to the
Code Committee. They had some things to review and some discussion at that point.

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

CHAIRMAN MOORE: Okay. I am not following --

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

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

Motion to adjourn.

MEMBER NEFF: So moved.

MEMBER CORWIN: Second.

CHAIRMAN MOORE: All in favor?

MEMBER CORWIN: Aye.

MEMBER GORDON: Aye.

MEMBER NEFF: Aye.

CHAIRMAN MOORE: Aye.
Opposed?
(No Response.)
CHAIRMAN MOORE: Motion carries.
(Whereupon, the meeting concluded.)
CERTIFICATION

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

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

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

I further certify that I am not Related either by blood or marriage to Any of the parties to this action; and That I am in no way interested in the Outcome of this matter.

IN WITNESS WHEREOF, I have hereunto Set my hand this day, June 10, 2015.

__________________________
(Jessica DiLallo)

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