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VILLAGE OF GREENPORT  
ZONING BOARD OF APPEALS

REGULAR MEETING  
September 17, 2014  
5:00 p.m.

Meeting held at the Greenport Firehouse  
236 Third Street, Greenport, New York 11944

APPEARANCES:

- Douglas Moore – Chairman
- Charles Benjamin
- David Corwin
- Diana Gordon
- Ellen Neff

Eileen Wingate – Village Building Inspector

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ZBA 9/17/14

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1 (Whereupon, the meeting was called to order  
2 at 5:03 p.m.)

3 CHAIRMAN MOORE: So this is the regular  
4 meeting of the Greenport Zoning Board of Appeals.  
5 It's about 5:03.

6 And this evening we had a public hearing  
7 scheduled, but that has been cancelled due to the  
8 withdrawal of the application by the applicant.  
9 And it may be submitted in the future, we don't  
10 know at this point. There are discussions going  
11 on, apparently, between the tenant and the church  
12 property owner. So that there's no public  
13 hearing, and that also cancels the agenda Item 1.

14 And so what we have this evening are mostly  
15 administrative matters. We have two new variance  
16 applications, and I'll read those for acceptance.

17 The first is a motion to accept an appeal

18 for an area variance, publicly notice and  
19 schedule a public hearing for Debra Riva, 433  
20 Sixth Street, Greenport, New York, Suffolk County  
21 Tax Map 1001-6-3-4. The property is located in  
22 the R-2 District. The Applicant proposes to  
23 construct a new mudroom addition and deck. The  
24 proposed addition is 36 square feet, and the  
25 proposed deck is 192 square feet.

ZBA 9/17/14

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1 Section 150-12A of the Village of Greenport  
2 Code requires a 25-foot combined side yard  
3 setback in the R-2 District.

4 The proposed aggregate side yards is 21.39  
5 feet, requiring a 3.61 foot combined side yard  
6 variance for the new extension and proposed deck.

7 Also, the Village of Greenport Code,  
8 Section 150-12A, requires a 30-foot front yard  
9 set back in the R-2 District. The proposed deck  
10 is located in the front yard. It is set back  
11 27.23 feet, requiring a 2.77-foot front yard  
12 variance.

13 I don't know if the members of the Board

14 have received an update, but there is a new  
15 drawing showing the dimensions of the additions  
16 on the property. And as far as I can tell, the  
17 application is in order. So I would make a  
18 motion to accept that application and ask for a  
19 second.

20 MS. NEFF: Second.

21 CHAIRMAN MOORE: Is there any discussion on  
22 the application?

23 (No response.)

24 CHAIRMAN MOORE: If not, all in favor?

25 MR. CORWIN: Aye.

ZBA 9/17/14

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1 MS. GORDON: Aye.

2 MS. NEFF: Aye.

3 MR. BENJAMIN: Aye.

4 CHAIRMAN MOORE: Aye. Any opposed?

5 (No response.)

6 CHAIRMAN MOORE: Motion carries, so that  
7 application is accepted.

8 As far as an order of site visits for next  
9 month, there's one on Sixth Street, and the other

10 is actually not going to move forward. So I'd  
11 suggest we meet at 4:30 for that site visit on  
12 Sixth Street. So, if you could -- and could you  
13 mark off on the property with some stakes where  
14 the additions would be on the property, so we can  
15 visualize it?

16 MS. RIVA: Sure. And it needs to be there  
17 by when?

18 CHAIRMAN MOORE: It would -- just by the  
19 time of the visit next month, which would be  
20 October 15th. And there's a placard requirement  
21 for the public notice on the property, which the  
22 Building Inspector will help you with.

23 MS. RIVA: Okay.

24 CHAIRMAN MOORE: There's a sign that you'll  
25 be posting, plus the notices of the neighbors.

ZBA 9/17/14

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1 MS. RIVA: Okay.

2 CHAIRMAN MOORE: Item #3 is --

3 MS. RIVA: Thank you.

4 CHAIRMAN MOORE: Yes, certainly. We'll see  
5 you next month. And then the hearing will be at

6 5 p.m.

7 The next Item, #3, was a motion to accept  
8 an appeal for an area variance, and publicly  
9 notice and schedule a public hearing for Edward  
10 Werthner, for property located on the south side  
11 of Bridge Street.

12 We just discovered today that while the  
13 property is being purchased, the contract has not  
14 been signed at this point. So, technically, the  
15 applicant may not at this point submit an appeal  
16 for a variance, since he doesn't own the  
17 property. But that, apparently, is to be coming,  
18 so I would --

19 MS. WINGATE: I have a question.

20 CHAIRMAN MOORE: Yes.

21 MS. WINGATE: Will the contract be good  
22 enough, or does he need a letter from the owner,  
23 or once it's in contract, is that legal enough  
24 to --

25 MR. CORWIN: He needs the deed.

ZBA 9/17/14

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1 CHAIRMAN MOORE: Last month we had a

2 situation with Roberts --

3 MS. WINGATE: Right.

4 CHAIRMAN MOORE: -- where the property had  
5 transferred. I don't know if they had a closing,  
6 but there was a letter indicating a transfer of  
7 the property.

8 MS. WINGATE: Okay.

9 CHAIRMAN MOORE: Perhaps you would ask Joe  
10 Prokop on that. A contract might not suffice,  
11 since it's not a complete ownership, it's just a  
12 committal to purchase.

13 MS. WINGATE: Right. Okay.

14 CHAIRMAN MOORE: But, you know, when he's  
15 ready, we have the application and we can accept  
16 it at that time and schedule a hearing.

17 So, in this case, I will just make a motion  
18 to table this application, since we haven't  
19 really accepted it yet. It's a formality, but I  
20 move we table this pending documentation of  
21 ownership of the property, and ask for a second.

22 MR. BENJAMIN: Second.

23 CHAIRMAN MOORE: And all in favor?

24 MS. GORDON: Aye.

25 MR. CORWIN: Aye.

1 MS. NEFF: Aye.

2 MR. BENJAMIN: Aye.

3 CHAIRMAN MOORE: Aye. Any opposed?

4 (No response.)

5 CHAIRMAN MOORE: And that motion carries.

6 So this is tabled pending demonstration of  
7 property ownership.

8 We now have the Determination Documents for  
9 the three variances that were granted last month.  
10 The first one is Thomas Farmakis, which was  
11 approved last month. There were a few  
12 corrections, and I can just point those out.  
13 There were some misspellings of names. Fred  
14 Uellendahl was wrong, it's Frank. That's been  
15 corrected in the document. The expansion of the  
16 porch was 53 feet, not 58.

17 And I believe the conditions that we  
18 indicated are included in the Determination  
19 Document, and that one regards the runoff of  
20 rainwater from the new construction. And, also,  
21 a recommendation that the drainage at the front  
22 be remedied.

23                   So, with that in mind, I would make a  
24                   motion to approve the Determination Document, and  
25                   ask for a second, please.

ZBA 9/17/14

8

1                   MS. GORDON: Second.

2                   CHAIRMAN MOORE: And any discussion on that  
3                   particular document?

4                   (No response.)

5                   CHAIRMAN MOORE: If not, all in favor?

6                   MR. CORWIN: Aye.

7                   MS. NEFF: Aye.

8                   MS. GORDON: Aye.

9                   MR. BENJAMIN: Aye.

10                  CHAIRMAN MOORE: Aye. Any opposed?

11                  (No response.)

12                  CHAIRMAN MOORE: So that motion carries.

13                  The next is the Findings and Determination  
14                  Decision Document for Jack and Jeffrey Rosa, the  
15                  property on Main Street. I believe this one was  
16                  not further corrected, and in that case, there  
17                  was the recommendations at the end, if I can find  
18                  them here.

19           The Building Inspector that inspected  
20           construction on the property, all runoffs from  
21           the roofs be retained on the property, and air  
22           conditioner selection shall take into account  
23           noise levels and efficiency.

24           So, with that in mind, if everyone's seen  
25           that document, I would make a motion to approve

ZBA 9/17/14

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1           that Determination Document; ask for a second.

2           MS. NEFF: Second.

3           CHAIRMAN MOORE: And all in favor?

4           MR. CORWIN: Aye.

5           MS. NEFF: Aye.

6           MS. GORDON: Aye.

7           MR. BENJAMIN: Aye.

8           CHAIRMAN MOORE: Aye.

9           The motion carries. That document is  
10          approved.

11          And the last Determination Document is Doug  
12          and Mary Roberts, the new property owners, an  
13          application originally filed by Virginia Ludacer,  
14          and that was for approval of the variance for the

15 existing swimming pool. The offset from the  
16 property line, the offset was corrected to a  
17 12.7-foot variance. Those numbers had been  
18 reversed in the draft, and that's been corrected.  
19 And there's a stipulation about the gate from the  
20 porch, and also that a screening fence be  
21 installed on the south of the property, because  
22 of the proximity to the pool.

23 And with those corrections noted, and  
24 stipulations, I make a motion to approve this  
25 document. May I have a second?

ZBA 9/17/14

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1 MS. GORDON: Second.

2 CHAIRMAN MOORE: And all in favor?

3 MS. NEFF: Aye.

4 MR. CORWIN: Aye.

5 MS. GORDON: Aye.

6 MR. BENJAMIN: Aye.

7 CHAIRMAN MOORE: Aye. Any opposed?

8 (No response.)

9 CHAIRMAN MOORE: That motion carries. So  
10 the documents are all approved, and I'll them

11 after the meeting.

12 The next item is a motion to accept the ZBA  
13 minutes for August 20th, 2014. I have pointed  
14 out to the stenographer, court stenographer, that  
15 there is an error of the attribution of the  
16 quotes in there and that's going to be corrected,  
17 but this is just to accept the minutes. I make  
18 that motion. May I have a second, please?

19 MS. NEFF: Second.

20 CHAIRMAN MOORE: And all in favor?

21 MR. CORWIN: Aye.

22 MS. NEFF: Aye.

23 MR. BENJAMIN: Aye.

24 CHAIRMAN MOORE: Aye.

25 MS. GORDON: I wasn't there, so --

ZBA 9/17/14

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1 CHAIRMAN MOORE: Oh, you can abstain, then.

2 MS. GORDON: I'll abstain.

3 CHAIRMAN MOORE: Yes. And that motion  
4 carries.

5 Motion to approve the ZBA minutes for July  
6 16, 2014. So moved. Second, please.

7 MR. BENJAMIN: Second.  
8 CHAIRMAN MOORE: And all in favor?  
9 MR. CORWIN: Aye.  
10 MS. NEFF: Aye.  
11 MR. BENJAMIN: Aye.  
12 CHAIRMAN MOORE: Aye.  
13 MS. GORDON: Abstain.  
14 CHAIRMAN MOORE: And again, abstain by  
15 Ms. Gordon.

16 And the last motion, or the second to last  
17 motion is to schedule the next regular meeting  
18 for October 15th. And we would have the public  
19 hearing and the meeting, and we would meet, of  
20 course, at 4:30 for the site visit. So moved.  
21 Second, please.

22 MS. NEFF: I'll second.

23 CHAIRMAN MOORE: And all in favor?

24 MR. CORWIN: Aye.

25 MS. GORDON: Aye.

ZBA 9/17/14

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1 MR. BENJAMIN: Aye.

2 MS. NEFF: Aye.

3 CHAIRMAN MOORE: Aye.

4 And I have just one item for the Board, as  
5 far as the SCOVA training meeting that's going to  
6 be on October 6th. I'm just asking that you let  
7 me know or let the Village Clerk know by the end  
8 of the week if you'd be interested in going to  
9 that and --

10 MS. WINGATE: And next week, maybe.

11 CHAIRMAN MOORE: I don't know when they  
12 need to know for getting it approved. I think  
13 the meeting that was just held approved --

14 MS. WINGATE: Next Monday, right.

15 CHAIRMAN MOORE: -- in general all  
16 interested applicants, but they weren't named.  
17 But, anyway --

18 MS. NEFF: But I would like to know whether  
19 or not we've already fulfilled our obligation in  
20 the Spring, and if we have not, I will attend.

21 CHAIRMAN MOORE: Okay. And Eileen will  
22 check on that.

23 MS. WINGATE: I will do some research.

24 CHAIRMAN MOORE: My feeling, it was last  
25 October, but I'm not certain.

1 MS. WINGATE: We usually do the Fall, but  
2 there was a Spring one that some people attended.

3 CHAIRMAN MOORE: And, also, there was a  
4 question from Dinni about opportunities for  
5 online. I don't know, Mr. Corwin, if you've  
6 explored further some of the online training  
7 opportunities.

8 MR. CORWIN: I haven't, no.

9 CHAIRMAN MOORE: We might want to look into  
10 that.

11 MS. GORDON: That's okay. I'm going to go  
12 in October, and I already --

13 CHAIRMAN MOORE: Take a look and see.

14 MS. GORDON: I emailed them and they  
15 emailed me back.

16 CHAIRMAN MOORE: And you're not limited to  
17 four hours. I mean, that's the minimum  
18 requirement. If you do get more training, I  
19 understand it can be carried over to a subsequent  
20 year, if you have extra training. But four hours  
21 isn't a whole lot, anyway.

22 Last item is #10, motion to adjourn. So  
23 moved. Second, please.

24 MR. BENJAMIN: Second.

25 CHAIRMAN MOORE: And all in favor?

ZBA 9/17/14

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1 MS. NEFF: Aye.

2 MR. CORWIN: Aye.

3 MS. GORDON: Aye.

4 MR. BENJAMIN: Aye.

5 CHAIRMAN MOORE: Aye. The meeting is  
6 adjourned.

7 (Whereupon, the meeting was adjourned at  
8 5:16 p.m.)

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16 interested in the outcome of this matter.

17 IN WITNESS WHEREOF, I have hereunto

18 set my hand this 30th day of September, 2014.

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Lucia Braaten

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