



**VILLAGE OF GREENPORT – ZONING BOARD OF APPEALS
PUBLIC HEARINGS & REGULAR MEETING
December 17, 2014 - 5:00 PM**

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PUBLIC HEARINGS:

Hearing #1: Public hearing for an appeal for an area variance for Edward Werthner, PO Box 982, Southold, NY 11944. The applicant seeks a building permit to construct a house on a vacant lot located on the south side of Bridge Street adjacent to 213 Bridge Street, Greenport, NY, SCTM # 1001-2-2-8.4. The proposed house is 1,533.5 sq. ft. and the proposed rear deck is 150 sq. ft. The property is located in the R-1 district.

1. The proposed house is sited so that the front of the house is set back 20' from the north property line.

Section 150-12A of the Greenport Village Code requires a 30 ft. front yard setback in the R-1 District, requiring a 10 ft. front yard setback variance.

2. The proposed house is sited so that the rear of the house is set back 27.96' from the south property line.

Section 150-12A of the Greenport Village Code requires a 30 ft. rear yard setback in the R-1 District requiring a 2.04 foot rear yard setback variance.

3. The proposed rear deck is sited so that the proposed rear deck is setback 17.96' from the south property line.

Section 150-12A of the Greenport Village Code requires a 30 foot rear yard setback in the R-1 District requiring a 12.04 ft. rear yard variance for the proposed rear deck.

Note: The Zoning Board of Appeals will conduct a site inspection at the premises at 4:20 pm, on Wednesday, December 17, 2014.

Hearing #2: Public hearing for a request for an interpretation of the Village of Greenport Code and an appeal for a use variance for Philip Karlin, North Fork Smoke Fish Co., 200 Wilson Road, Cutchogue, NY, 11935. The property is located at 414 First Street, Greenport, SCTM # 1001-4-7-5, and is located in the Retail Commercial District (CR). The applicant is represented by Mary Bess Phillips, Secretary Treasurer, K & M Properties, Inc., the landlord to the tenant, North Fork Smoke Fish Co.

The applicant requests an interpretation of the Village Code Section 150-9 A. (9) and a use variance, as follows:

1. Interpretation: The applicant is requesting an interpretation by the Zoning Board of Appeals as to whether the proposed use of the Premises is consistent with Section 150-9A of the Greenport Village Code;

Permitted uses:

(9) Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:

**236 THIRD STREET
GREENPORT NY 11944**

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**MAYOR
DAVID NYCE**
Ext. 215

TRUSTEES
GEORGE HUBBARD, JR.
DEPUTY MAYOR
DAVID MURRAY
MARY BESS PHILLIPS
JULIA ROBINS

VILLAGE ADMINISTRATOR
PAUL J. PALLAS, P.E.
Ext. 219

CLERK
SYLVIA LAZZARI PIRILLO, RMC
Ext. 206

TREASURER
ROBERT BRANDT
Ext. 217



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- (a) The space so used is fully concealed from any street and equal in area to no more than 20% of the square footage devoted to retail sales.
- (b) Not more than two employees are engaged in such production or processing.

2. Use Variance: (request for use variance withdrawn by applicant 12/10/14)

Note: The Zoning Board of Appeals will conduct a site inspection at the premises at 4:40 PM on Wednesday, December 17, 2014.

REGULAR MEETING AGENDA:

Item #1: Continuation of discussion and possible decision for an appeal for an area variance for Ralph and Sarah Edwards, 163 Fifth Street, Greenport, NY, SCTM # 1001-7-4-14. The applicants seek a building permit to construct an in-ground swimming pool.

1. The proposed swimming pool setback is 10'0" on the north property line, requiring a setback variance of 10 ft.
Section 150-7-(3a) of the Village of Greenport Code requires that the edge of the pool shall be kept a distance of not less than 20 ft. from all property lines.
2. The proposed swimming pool setback is 12'0" on the west property line, requiring a setback variance of 8 ft.
Section 150-7-(3a) of the Village of Greenport Code requires the edge of the pool shall be kept a distance of not less than 20 ft. from all property lines.
3. The proposed swimming pool setback is 14'0" on the south property line, requiring a setback variance of 6 ft.
Section 150-7-(3a) of the Village of Greenport Code requires the edge of the pool shall be kept a distance of not less than 20 ft. from all property lines.

Item #2: Discussion and possible decision for an appeal for an area variance for Edward Werthner, PO Box 982, Southold, NY 11944. The applicant seeks a building permit to construct a house on a vacant lot located on the south side of Bridge Street adjacent to 213 Bridge Street, Greenport, NY, SCTM # 1001-2-2-8.4. The proposed house is 1,533.5 sq. ft. and the proposed rear deck is 150 sq. ft. The property is located in the R-1 district.

1. The proposed house is sited so that the front of the house is set back 20' from the north property line.
Section 150-12A of the Greenport Village Code requires a 30 ft. front yard setback in the R-1 District, requiring a 10 ft. front yard setback variance.
2. The proposed house is sited so that the rear of the house is set back 27.96' from the south property line.
Section 150-12A of the Greenport Village Code requires a 30 ft. rear yard setback in the R-1 District requiring a 2.04 foot rear yard setback variance.
3. The proposed rear deck is sited so that the proposed rear deck is setback 17.96' from the south property line.



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Section 150-12A of the Greenport Village Code requires a 30 foot rear yard setback in the R-1 District requiring a 12.04 ft. rear yard variance for the proposed rear deck.

Item #3: Discussion and possible decision for Philip Karlin, North Fork Smoke Fish Co., 200 Wilson Road, Cutchogue, NY, 11935. The property is located at 414 First Street, Greenport, SCTM # 1001-4-7-5, and is located in the Retail Commercial District (CR). The applicant is represented by Mary Bess Phillips, Secretary Treasurer, K & M Properties, Inc., the landlord to the tenant, North Fork Smoke Fish Co.

The applicant requests an interpretation of the Village Code Section 150-9 A. (9) and a use variance, as follows:

1. Interpretation: The applicant is requesting an interpretation by the Zoning Board of Appeals as to whether the proposed use of the Premises is consistent with Section 150-9A of the Greenport Village Code;

Permitted uses:

(9) Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:

(c) The space so used is fully concealed from any street and equal in area to no more than 20% of the square footage devoted to retail sales.

(d) Not more than two employees are engaged in such production or processing.

2. Use Variance: (*request for use variance withdrawn by applicant 12/10/14*)

Item #4: Motion to approve a Findings, Determination and Decision document for an area variance approved for Debra Riva, 433 Sixth Street, Greenport, NY 11944, SCTM #1001-6-3-4. The property is located in the R-2 district. The applicant proposes to construct a new mud room addition and deck. The proposed addition is 36 square ft., and the proposed deck is 192 square ft.

Item #5: Motion to approve a Findings, Determination and Interpretation document representing a decision of the ZBA made November 19, 2014. The Planning Board of the Village of Greenport requested the Zoning Board of Appeals to interpret Village Code Section 150-9 A(18). Accessory apartment dwelling units over retail stores businesses, professional and governmental offices existing as of July 1, 2002, and in accessory buildings thereof also existing as of July 1, 2002, in the Retail Commercial District.

Item #6: Motion to accept the ZBA minutes for November 19, 2014.

Item #7: Motion to approve the ZBA minutes for October 15, 2014.

Item #8: Motion to schedule the next regular ZBA meeting for January 15, 2015.

Item #9: Motion to adjourn.