



**VILLAGE OF GREENPORT – ZONING BOARD OF APPEALS
PUBLIC HEARINGS AND REGULAR MEETING
September 20, 2016 - 6:00 PM
Third Street Firehouse Conference Room**

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PUBLIC HEARINGS

Item # 1. Renewed Public Hearing regarding area variances sought by Walter and Diane Foote, 126 Center St., SCTM # 1001-4-2-25. The property is located in the R-2 District and is not located in the Historic District.

The applicants seek area variances to obtain a building permit to construct an addition to the existing nonconforming dwelling. Setbacks for the project have been revised by the applicant.

Section 150-13 B (2). of the Greenport Village Code specifies that on a corner lot, front yards 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 to be side yards.

Center Street: The proposed front yard setback for the new construction is 1.0 ft. requiring a 15 ft. front yard setback variance for the addition of a front porch.

Second Street: The proposed front yard setback for the new construction is 4.2 ft. requiring a 2.1 ft. front yard setback variance for the addition of a front porch.

The setback calculations are based on Section 150-13D of the Greenport Village code, which reduces the required 30 ft. front yard setback on Center Street to 16 ft. and reduces the required setback on Second Street to 6.3 ft., based on the average setback of the two existing dwellings with the greatest setbacks within 200 ft. on each side of said proposed dwelling, on the same side of the street and within the same block and same district.

Section 150-12A. of the Greenport Village Code limits lot coverage to 30% of the lot area in the R-2 District.

The existing building coverage is 31.87% (1,260 sq. ft.) with the proposed porch being an increase of 2.81% (111 sq. ft.), for a total proposed lot coverage of 34.68% (1,371 sq. ft.); requiring a maximum lot coverage variance of 4.68% (185 sq. f.t). The site is 3,954 sq. ft.

Item # 2. Public Hearing regarding area variances sought by Bryan Nicholson, for a lot East of 217 Monsell Place, SCTM # 1001-2-2-29. The property is located in the R-1 District. The property is not located in the Historic District.

The applicant seeks a side yard setback variance to construct a new single family dwelling with a footprint of approximately 979 sq. ft., including a covered entry porch.

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Section 150-13E. Existing small lots. A lot, owned individually and separately and separated in ownership from any adjoining tracts of land, which has a total lot area or lot width less than, prescribed in this chapter may be used for a one-family residence, provided that such lot shall be developed in conformity with all applicable district regulations.

(1) The total dimensions of both side yards for a principal building shall be computed on the basis of four-tenths (0.4) of the lot width; however, no side yard dimension shall be less than four-tenths (0.4) of the total dimensions of both side yards computed as aforesaid, and no side yard dimension shall be less than 10 feet.

The proposed house is setback 5.0 ft. from the east property line, requiring a side yard setback variance of 5.0 ft.

Item # 3. Continuation of a Public Hearing regarding area variances sought by James Olinkiewicz, 221 Fifth Avenue, SCTM 1001-4.-4-29. This Property is not located within the Historic District.

The applicant requests several area variances required to subdivide an existing lot and construct a conforming house. This subdivision will create two new substandard lots requiring area variances, as follows:

Lot 1:

- The proposed subdivision creates lot 1 which is 6,587 sq. ft. where Section 150-12 (A) of the Greenport Village Code requires a minimum lot size of 7,500 sq. ft., requiring a minimum lot size variance of 913 sq. ft.
- The proposed lot width of lot 1 is 47.82 ft. where Section 150-12 (A) of the Greenport Village Code requires a minimum lot width of 60 ft., requiring a minimum lot width variance of 12.18 ft.

Lot 2:

- The proposed lot width of lot 2 is 52.35 ft. where Section 150-12(A) of the Greenport Village Code requires a minimum lot width of 60 ft., requiring a minimum lot width variance of 7.65 ft.
- The proposed combined side yard setbacks of lot 2 is 17.9 ft. where section 150-12(A) of the Greenport Village Code requires a combined yard setback of 25', requiring a combined side yard setback variance of 7.10 feet.
- The proposed subdivision creates a 5 ft. side yard setback on the north property line, where Section 150-12(A) of the Greenport Village Code requires a side yard setback of 10', requiring a side yard setback variance on the north property line of 7.10 feet.

Item # 4. Continuation of a Public Hearing regarding area variances sought by James Olinkiewicz, officer of 238 Fifth Ave Greenport Inc., 238 Fifth Avenue, SCTM 1001-4.-8-3. This property is not located within the Historic District.

The applicant requests several area variances required to subdivide an existing lot and construct a non-conforming house.

This subdivision will create two new substandard lots requiring area variances as follows:



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Lot 1:

- The proposed subdivision creates a lot 1 which has a lot size of 5,389.5 sq. ft. where Section 150-12 (A) of the Greenport Village Code requires a minimum lot size of 7,500 sq. ft., requiring a minimum lot size variance for lot 1 of 2,110.50 sq. ft.
- The proposed lot width of lot 1 is 50 ft. where Section 150-12 (A) of the Greenport Village Code requires a minimum lot width of 60 ft., requiring a minimum lot width variance of 10 ft.
- The proposed lot coverage is 37 % (2,024 sq. ft.). Section 150-12 A. of the Greenport Village Code requires a maximum lot coverage of 35% for a two-family house in the R-2 District requiring a maximum lot coverage variance of 2% (107.75 sq. ft.).

Lot 2:

- The proposed subdivision creates a lot 2 which has a lot size of 4026 sq. ft. where Section 150-12 (A) of the Greenport Village Code requires a minimum lot size of 7,500 sq. ft., requiring an area variance of 3,474 sq. ft.
- The proposed lot depth of lot 2 is 50 ft. where Section 150-12 (A) of the Greenport Village Code requires a minimum lot depth of 100 ft., requiring a minimum lot depth variance of 50 ft.
- The proposed one story frame house on lot 2 is 15 ft. from the front (west) property line, where Section 150-12A. of the Greenport Village Code requires a minimum front yard setback of 30', requiring a front yard setback variance of 15 ft.
- The proposed one story frame house on lot 2 is 10 ft. from the rear (east) property line, where section 150-12A. of the Greenport Village Code requires a minimum rear yard setback of 30 ft., requiring a rear yard setback variance of 20 ft.
- The proposed one-story frame house on lot 2 has an area of 800 sq. ft., with 695.5 sq. ft. of livable space where Section 150A of the Greenport Village Code requires a one-family dwelling located in the R-2 District to have 1,000 sq. ft. of livable floor area requiring a minimum livable floor area variance of 304.5 sq. ft.

REGULAR MEETING

Item # 1. Discussion and possible action for area variances sought by George Liakas, 610 Main Street, Greenport, NY 11971, SCTM # 1001-3-4-3. The property is located within the Historic District.

The applicant seeks a Building Permit for the construction of two additional dwelling units in an existing two-family house in the R-2, one-family and two-family residential district.

Article IV - Section 150-8. In an R-2 One and two-family residential district, no building or premises shall be used and no building or part of a building shall be erected or altered which is arranged, intended or designed to be used, in whole or in part any purpose except for the use as a one or two-family dwelling.



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The house has four separate and independent apartments, as represented on existing floor plans as submitted dated 12/07/15.

Article IV- Section 150-8 B (2). - Conversion of an existing dwelling to a multi-family dwelling subject to the following standards and subject to Planning Board approval.

(a) Said structure shall have not less than 1,000 square feet of livable floor area for each dwelling unit created, requiring a minimum livable floor area variance for each of the four units.

(b) The lot on which such structure is located shall contain a minimum of 15,000 square feet of lot area and shall contain at least 5,000 square feet of lot area for each dwelling unit.

The lot size is 10,890 square feet, with four units proposed, requiring a lot size of 20,000 sq. ft., requiring a minimum lot size variance of 9,110 sq. ft.

(c) One and one-half (1 ½) parking spaces shall be provided for each dwelling unit.

The property provides two parking spaces where a total of six parking spaces are required, requiring a variance of four parking spaces.

Item # 2. Discussion and possible action on the application of Walter and Diane Foote, 126 Center St., SCTM # 1001-4-2- 25. The property is located in the R-2 District and is not located in the Historic District.

The applicants seek area variances to construct a front porch addition to the existing nonconforming dwelling. (Details above in Public Hearing #1)

Item # 3. Discussion and possible action on the application of the Estate of Elmer Tuthill, 129 Bay Avenue, SCTM # 1001-5-3-1.4. The property is located in the R-2 District and is located in the Historic District.

The applicant seeks area variances to construct an in ground swimming pool.

Section 150-7C (3)a. of the Greenport Village Code; Permitted accessory uses, requires the edge of the pool shall be kept a distance of not less than 20 ft. from all property lines, in the R-2 District.

The proposed swimming pool setback is 10.0 ft. on the east property line, requiring a setback variance of 10 ft. on the east property line.

Section 150-7C (3)b. of the Greenport Village Code; If located within 50 feet of any property line, such pool shall be screened from the view of abutting properties.

The plans submitted have not illustrated any screening from the view of the abutting properties, requiring a variance of the screening requirement.



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Section 150-2 of the Greenport Village Code; Definitions: Swimming Pool

.... Such body of water shall not be operated for gain and shall be located on a rear lot only as an accessory use to the dwellings thereon.

The proposed swimming pool is proposed to be in the front and side yards, requiring a variance.

Item # 4. Discussion and possible action on the application for Bryan Nicholson, a lot East of 217 Monsell Place, SCTM # 1001-2-2-29. The property is located in the R-1 District. The property is not located in the Historic District.

The applicant seeks an area variance to construct a new single family dwelling with a footprint of approximately 979 sq. ft. including a covered entry porch. (Details above in Public Hearing #2)

Item # 5. Discussion and possible action on the application for James Olinkiewicz, 221 Fifth Avenue, SCTM 1001-4.-4-29. This Property is not located within the Historic District.

The applicant requests several area variances required to subdivide an existing lot and construct a conforming house. (Details above in Public Hearing #3)

Item # 6. Discussion and possible action on the application for James Olinkiewicz, officer of 238 Fifth Ave Greenport Inc., 238 Fifth Avenue, SCTM 1001-4.-8-3. This Property is not located within the Historic District.

The applicant requests several area variances required to subdivide an existing lot and construct a non-conforming house. This subdivision will create 2 new substandard lots requiring Area variances. (Details above in Public Hearing #4)

Item # 7. Motion to Table Discussion and possible action on the application of SAKD Holdings LLC, Daniel Pennessi, President, pending completion of the 45-day comment period for a renewed coordinated SEQRA review. The property is located on the south east corner of Front Street and Third Street, Greenport, New York 11944, SCTM # 1001-5-4-5. The property is located in the WC – Waterfront Commercial District. The property is not located in the Greenport Village Historic District.

The applicant proposes to construct a new, mixed use, three-story building, having a 60 seat restaurant, and 715 sq. ft. of retail use, on the ground floor, and hotel uses for 16 units on the second and third floors, as well as a roof deck. The proposed uses are conditional uses under Greenport Village Code Sections 150-11(b)(1), (2) and (3).

Item # 8. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for Ralph and Maureen Caouette, 447 Sixth Street, SCTM # 1001-6.-3-3. The property is



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located in the R-2 District. The property is not located in the Historic District.

The applicants seek a building permit to construct an addition to the dwelling including an open carport with a second floor deck.

Section 150-12A of the Greenport Village Code requires a side yard setback of 15 feet.

The proposed carport has an 8.2 ft. side yard setback on the south property line requiring a side yard setback variance of 6.8 ft.

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

The proposed combined side yard setback is 18.2 ft. requiring a combined side yard setback variance of 6.8 ft.

Item # 9. Motion to adjourn further action until further notice as requested by the representative/attorney Patricia C. Moore, Esq., in a letter dated September 7, 2016. The applicants are Milillo Main Street LLC, 912 Main Street, Greenport, NY (AKA Morning Glory Bed & Breakfast), SCTM # 1001-2-2-1. The property is located within the R-1 district and also within the Historic Preservation District.

The applicants seek a building permit for construction to increase the number of rental bedrooms in an approved Bed and Breakfast to five rooms. The existing Bed and Breakfast has an approved site plan dated July 6, 1999 for use as a Bed and Breakfast, which is a conditional use. The requirements stated within the resolution are consistent with the Village of Greenport Code; Section 150-7. (7) .

Section 150-7. (7) of the Greenport Village Code and the Planning Board resolution limit the number of rooms to three for lodging and serving breakfast.

Item # 10. Motion to accept an application for area variances, publicly notice and schedule a public hearing for Eric Urban for the property located at 440 First Street, Greenport, NY, SCTM # 1001-4-7-1. The applicant seeks to subdivide an existing lot with an existing non-conforming house and a non-conforming two-story barn. The property is located in the R-2 District and is in the Historic District.

This subdivision will create two substandard lots: one with the existing dwelling and one with an existing barn, requiring area variances as follows:

Lot #1: (existing house)

- The proposed site plan does not indicate the two parking spaces required by Section 150-12 (A) of the Greenport Village Code, which requires a minimum of two off-street parking spaces.
- The rear yard has an insufficient rear yard setback, due to the creation of parcel two.

Lot # 2: (existing barn)



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- The proposed subdivision creates lot #2 which has a lot size of 2,222 sq. ft. where Section 150-12 (A) of the Greenport Village Code requires a minimum lot size of 7,500 sq. ft., requiring a minimum lot size variance of 5,278 sq. ft. or 70.4 %.
- The proposed lot depth is 50 ft. where Section 150-12 (A) of the Greenport Village Code requires a minimum lot depth of 100 ft., requiring a minimum lot depth variance of 50 ft.
- The proposed lot width is 38 ft. where Section 150-12 (A) of the Greenport Village Code requires a minimum lot width of 60 ft., requiring a minimum lot width variance of 22 ft.
- The proposed front yard setback is 25.7 ft., where Section 150-12 (A) of the Greenport Village Code requires a minimum front yard of 30 ft., requiring a minimum front yard variance of 4.3 ft.
- The existing barn is 2.1 ft. from the south property line, where section 150-12a. of the Greenport Village Code requires a minimum 30' rear yard setback requiring a 27.9 ft. rear yard setback variance.
- The existing barn is 2.6 ft. from the east property line, where section 150-12a. of the Greenport Village Code requires a minimum 10 ft. side yard setback requiring a 7.4 ft. side yard setback variance.
- The proposed combined side yard setback is 12.8 ft., where Section 150-12a. of the Greenport Village Code requires a minimum 25 ft. combined side yard setback requiring a combined side yard setback variance of 12.2 feet.

Item # 11. Motion to accept the ZBA minutes for the meeting held on August 16, 2016.

Item # 12. Motion to approve the ZBA minutes for the meeting held on July 19, 2016.

Item # 13. ZBA to schedule site visit times for Items #8 and #10, above.

Item # 14. Motion to schedule the next ZBA meeting for October 18, 2016 at **6:00 PM** in the Third Street Fire Station Conference Room.

Item # 15. Motion to appoint an Acting Chairperson for the October 18, 2016, ZBA meeting.

Item # 16. Motion to adjourn.