

VILLAGE OF GREENPORT – ZONING BOARD OF APPEALS
PUBLIC HEARING AND REGULAR MEETING
April 19, 2016 - 5:00 PM

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REGULAR MEETING AGENDA AND PUBLIC HEARING

Item # 1. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for James Gleason, 144 Central Avenue; SCTM # 1001-5.-1-16.1. The applicant proposes to install an in ground swimming pool and an addition of 94.25 sq. ft. with an additional 5.5 ft. for new exterior entry stair, to replace a covered porch and existing exterior cellar door.

The proposed swimming pool setback is 11.2 ft on the north property line, requiring an area variance of 8.8 ft. Section 150-7c.(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, in the R-2 District.

The proposed swimming pool setback is 8.2 ft on the west property line, requiring an area variance of 11.8 ft. Section 150-7c.(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, in the R-2 District.

The proposed aggregate side yard setback is 12.7 ft. requiring a 12.3 ft. combined side yard variance for the new 94.25 sq. ft. addition. The variance includes 5.5 ft. for new exterior side entry stairs. Section 150-12 A. of the Village of Greenport Code requires a 25 ft. combined side yard setback in the R-2 District.

This house is located within the Historic District. Plans were reviewed by the Historic Preservation Commission. Plans for all proposed exterior changes and materials were approved with the exception of the metal porch roof. The applicant and Historic Preservation Commission will continue the discussion at the May meeting of that Board.

Item # 2. Motion to accept an application for an area variance, publicly notice and schedule a public hearing for 238 Fifth Ave Greenport, Inc, 238 Fifth Avenue, SCTM 1001-4.-8-3. 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 as follows:

Lot 1:

The proposed subdivision creates lot 1 which has an area of 5,389.5 sq. ft. where section 150-12 (A) of the Greenport Village Code requires a min. lot size of 7,500 sq. ft., requiring an area variance of 2,110.50 sq. ft.

The proposed lot width is 50 ft. where Section 150-12 (A) of the Greenport Village Code requires a min. lot width of 60 ft., requiring an area 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 minimum of 35% lot coverage for a two family house in the R-2 District requiring an area variance of 2% (107.75 sq. ft.).

Lot 2:

The proposed subdivision creates lot 2 which has an area of 4,022 sq. ft. where Section 150-12 (A) of the Greenport Village Code requires a min. lot size of 7,500 sq. ft., requiring an area variance of 3,478 sq. ft.

The proposed lot depth is 50 ft. where Section 150-12 (A) of the Greenport Village Code requires a min. lot depth of 100 ft. requiring an area variance of 50 ft.

The proposed cottage is 15 ft. from the front (west) property line, where Section 150-12(A) of the Greenport Village Code requires a minimum 30' front yard setback; requiring a 15 ft. front yard setback variance.

The proposed cottage is 10 ft. from the rear (east) property line, where section 150-12(A) of the Greenport Village Code requires a minimum 30' rear yard setback; requiring a 20 ft. rear yard setback area variance.

This Property is not located within the Historic District.

Item # 3. Motion to accept an application for an area variance, publicly notice, and schedule a public hearing, for James Olinkiewicz, 221 Fifth Avenue, SCTM 1001-4.-4-29. The applicant requests several area variances required to subdivide an existing lot and construct a conforming house. This subdivision will create 2 new substandard lots requiring area variances as follows:

Lot 1:

The proposed subdivision creates lot 1 with an area of 6,587 sq. ft. where Section 150-12 (A) of the Greenport Village Code requires a min. lot size of 7,500 sq. ft., requiring a lot area 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 min. lot width of 60 ft., requiring a lot width variance of 12.18 ft.

Lot 2:

The proposed lot width is 52.35 ft. where Section 150-12(A) of the Greenport Village Code requires a min. lot width of 60 ft., requiring a lot width variance of 7.65 ft.

The proposed combined side yard is 17.9 ft. where section 150-12(A) of the Greenport Village Code requires a combine side yard setback of 25', requiring a combined side yard setback variance of 7.10 feet.

This Property is not located within the Historic District.

Item # 4. Continue public hearing

Continued Public hearing on the application for of SAKD Holdings LLC, Daniel Pennesi, President. 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 Applicant proposes to construct a new, mixed use, three-story building, having an 80 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). The property is located in the WC – Waterfront Commercial District. The property is not located in the Greenport Village Historic District

Requested Interpretations

Interpretation regarding lot coverage.

The applicant is requesting an interpretation of Section 150-12(B) of the Greenport Village Code to determine whether the proposed improvements require a variance from the bulk regulations set forth in said Section since according to the applicant, the Project's plans included in the Variance Application indicate that the lot coverage (inclusive of the building, entrance, and ADA-accessible ramp) total 38.6% of the lot (3,414 square feet of coverage/8,834.24 total square feet of lot area), and the Greenport Village Code requires a maximum lot coverage of 40%.

Interpretation regarding off street parking requirements.

The applicant requests an interpretation of Section 150-12(C) of the Greenport Village Code to determine whether the Project is exempt from the off-street parking requirements in accordance with that Greenport Village Code Section.

The applicant requests an interpretation of Section 150-16(A)(1) of the Greenport Village Code to determine whether the Project and/or Property are/is exempt from off-street parking requirements and from payments in lieu thereof in accordance with that Village Code Section.

Interpretation regarding requirement for loading berth.

Applicant requests an interpretation of Section 150-16(B)(e) of the Greenport Village Code to determine whether one off-street loading berth is required for a hotel having 8,787 square feet of floor area when the Greenport Village Code requires “one berth for each 25,000 square feet of floor area”.

Interpretation regarding height limitation.

Applicant requests an interpretation of Section 150-2 of the Greenport Village Code to determine whether the definition of “height” set forth therein, which is “the vertical distance measured from the average elevation of the crown of the road to the highest point on the roof” includes a parapet wall, mechanical equipment, roof deck, safety fencing and trellis, and/or stairwell and/or elevator bulkhead and shafts.

Requested Variances

In the event that the Zoning Board of Appeals determines in its consideration of the interpretation requested by the applicant regarding the application of the lot coverage limitation of Section 150-12B of the Greenport Village Code that a lot coverage variance is required, then the applicant requests a lot coverage variance of 590 square feet, or 6% in that the proposed building construction has a lot coverage of 4,123 square feet representing 46% of the lot, requiring a variance of the maximum lot coverage limitations of 590 sq. ft., or 6%, of the total area of the lot (8,834.2 sq. ft.). Section 150-12B of the Village of Greenport Code requires maximum lot coverage of 40% (3,533 sq. ft.) in the WC-Waterfront Commercial district.

Front yard setback variance of 6 feet for wood trellises on Third Street.

Section 150-12(B) of the Greenport Village Code requires a front yard setback of 6 feet in the WC Waterfront Commercial District. The applicant proposes overhead wood trellises on the west property line, along Third Street (which is a front yard in accordance with the Greenport Village Code), that are proposed to be built to the property line. The applicant therefore requests front yard setback variance of 6 feet for the overhead wood trellises proposed along Third Street.

Front yard setback variance of 1.3 feet for front steps on Front and Third Streets.

Section 150-12(B) of the Greenport Village Code requires a front yard setback of 6 feet in the WC - Waterfront Commercial District. The applicant proposes front entrance steps at the intersection of Front and Third Streets that have a front yard setback of 4.7 feet. The applicant therefore requests a front yard setback variance of 1.3 feet for the front steps at the intersection of Front and Third Streets.

Front Yard setback variance of 2.42 feet for raised outdoor dining area on Front Street.

Section 150-14(C) of the Greenport Village Code requires an a front yard setback of that is equal to the average front yard setback of two existing nonresidential buildings with the greatest front yard setback within 200 feet on each side and that are on the same side of the street, and within the same block and the same district as the proposed nonresidential building, and the average, which is the required front yard setback, is 2.42 feet. The proposed raised outdoor dining area (on the Front Street

or north property line which is a front yard pursuant to Greenport Village Code, , and the applicant proposes a front yard setback of “0” feet, requiring a front yard setback variance of 2.42 feet.

Variance of 24 spaces from parking space requirement.

In the event that the Zoning Board of Appeals determines in its consideration of the interpretation of the application of the off-street parking requirement requested by the applicant that the project is not exempt from the off-street parking requirement of Section 150-16(A)(1) of the Greenport Village Code, then the applicant requests a variance of the off street parking requirement of Section 150-16(A)(1) of the Greenport Village Code. The proposed mixed use building proposed 12 parking spaces. Section 150-16A.(1) of the Village of Greenport Code requires 36 parking space based on square footage calculations and requirements for hotel occupancy requiring a variance of 24 parking spaces of the parking space requirement of Section 150-16(A)(1) of the Greenport Village Code.

Variance from requirement of an off-street loading berth.

In the event that the Zoning Board of Appeals determines in its consideration of the interpretation of the application of the requirement of Section 150-16(B)(e) of the Greenport Village Code for one off-street loading berth for a hotel having a floor area of less than 25,000 square feet, that one off-street loading berth is required, then the applicant is requesting a variance of the requirement for one off-street loading berth in that the proposed building does not provide for an off-street loading berth and Section 150-16B.(e) of the Village of Greenport Code requires one off-street loading berth for each 25,000 sq ft of floor area requiring a variance of 1 loading berth.

Height variance of 12.0 feet.

In the event that the Zoning Board of Appeals determines in its consideration of the interpretation of the application of Section 150-2 of the Greenport Village Code to requested by the applicant that the definition of “height” set forth therein, includes a parapet wall, mechanical equipment, roof deck, safety fencing and trellis, and/or stairwell and elevator bulkhead and shafts, then the applicant requests a height variance of 12’ where Section 150-12B of the Greenport Village Code limits the height of buildings to 2 stories or 35 feet, and the proposed building height is 47’0”, based on the height of the elevator bulkhead located on the roof, requiring a height variance of 12’0”.

Height variance for third story

A height variance for a three story building where Section 150-12B of the Greenport Village Code limits the height of buildings to “2 stories or 35 ft” and the applicant proposes a three store building in violation of Section 150-12B.

Item # 5. Discussion and possible action on the application for of SAKD Holdings LLC, Daniel Pennessi, President. 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 Applicant proposes to construct a new, mixed use, three-story building, having an 80 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). The property is located in the WC – Waterfront Commercial District. The property is not located in the Greenport Village Historic District

Item # 6. Motion to approve the determination documents denying the area variance for Carlos Saavedra and Nicole Eckstrom, 502 Front Street.
SCTM# 1001-4.-4-28.1 and

Item # 7. Motion to approve the determination documents denying the area variance for Robert Moore, 139 Fifth Street, SCTM # 1001-7.-4-9.

Item # 8. Motion to accept the ZBA minutes of March 16, 2016.

Item # 9. Motion to approve the ZBA minutes for January 20, 2016 and February 17, 2016.

Item # 10. Motion to schedule the next ZBA meeting for *Tuesday*, May 17, 2016 @ 6:00 PM.

Item # 11. Motion to adjourn.