



236 THIRD STREET  
GREENPORT, NY 11944

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## VILLAGE OF GREENPORT – ZONING BOARD OF APPEALS

### REGULAR MEETING

November 21, 2017 – 6:00 PM

Third Street Fire Station

Greenport NY, 11944

#### **MAYOR**

GEORGE W. HUBBARD, JR.  
Ext 215

#### **TRUSTEES**

JACK MARTILOTTA  
DEPUTY MAYOR

DOUGLAS W. ROBERTS

MARY BESS PHILLIPS

JULIA ROBINS

#### **VILLAGE**

**ADMINISTRATOR**  
PAUL J. PALLAS, P.E.  
EXT 219

#### **CLERK**

SYLVIA PIRILLO, RMC  
EXT 206

#### **TREASURER**

ROBERT BRANDT  
EXT 217

#### **Item No. 1**

Motion to accept the minutes of the October 17, 2017 ZBA meeting.

#### **Item No. 2**

Motion to approve the minutes of the September 19, 2017 ZBA meeting.

#### **Item No. 3**

Motion to schedule the next ZBA meeting for December 19, 2017 at 6:00 p.m. at the Third Street Fire Station, Greenport, New York, 11944.

#### **Item No. 4**

Motion to accept the findings and determinations in the matter of the application of Sixth Street, LLC.

#### **Item No. 5**

Continuation of the public hearing for the Landmark Group, for the property located at 222 Manor Place, Greenport, NY 11944. (Please see attached public notice.)

SCTM # 1001-2.-2-41.1

#### **Item No. 6**

Discussion and possible motion on the variance application of the Landmark Group, for the property located at 222 Manor Place, Greenport, NY 11944.

SCTM # 1001-2.-2-41.1

**Item No. 7**

Public hearing for the application of the Miller Family 2012 Irrevocable Trust for the property located at 424 Fourth Street, Greenport, NY 11944. (Please see the attached public notice.)

**SCTM # 1001-6.-8-18.1**

**Item No. 8**

Discussion and possible action on the area variance application of the Miller Family 2012 Irrevocable Trust for the property located at 424 Fourth Street, Greenport, NY 11944.

**SCTM # 1001-6.-8-18.1**

**Item No. 9**

Motion to Adjourn.

LEGAL NOTICE – NOTICE OF PUBLIC HEARING  
VILLAGE OF GREENPORT  
ZONING BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that pursuant to Chapter 150, Zoning Article V, Section 150-27A. of the Village Code, a Public Hearing will be held by the Zoning Board of Appeals at the Fire House, Third Street, Greenport, N.Y. on Tuesday, September 19, 2017 commencing at 6:00 p.m. regarding the following applications or matters:

Lanmark Group  
222 Manor Place  
Greenport, NY 11944  
SCTM # 1001-2.-2-41.1

The applicant requests 2 variances to renovate and alter the portion of the building located at 222 Manor Place which houses a pre-existing non-conforming use as a medical office. The property is located in the R-1 One-Family Residence District.

**Variance 1 - Section 150-20. Nonconforming uses.**

A. Except as provided hereinafter, any nonconforming use of buildings or open land, existing on the effective date of this chapter or authorized by a building permit issued prior thereto, may be continued indefinitely, except that such building or use:

**(1)** Shall not be enlarged, altered, extended, reconstructed or restored or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this chapter, nor shall any external evidence of such use be increased by any means whatsoever.

- Plans submitted propose alterations by reorganization of first and second floor medical suites which includes upgrades of handicap accessible features (including the installation of an elevator), electrical and mechanical upgrades.
- Plans submitted propose site work which includes 7 additional on-site parking spaces. Also proposed is the removal and replacement of sidewalks as necessary, the removal of the existing ramp on Manor Place and the addition of new sidewalks and ramps providing ADA compliance from the rear parking area.

**These proposals will require a variance for alteration, restoration and reconstruction of the pre-existing non-conforming building use.**

**Variance 2 - Section 150-12.**

A. Off- street parking per dwelling unit in the R-1 requires 2 spaces

**Section 150-16.**

A. Professional offices of physicians and dentists require 5 spaces per physician or dentist.

- Plans submitted provide for 15 parking spaces which include 2 handicap accessible spaces and appropriate loading areas. Based on the combination of sections 150-12 and 150-16, the Village of Greenport Code requires 27 parking places (2 for the apartment and 25 for the medical office)

**This proposal will require a variance of the parking requirements for 12 spaces or a planning board determination to allow for payment in lieu of parking requirements as set forth in Section 150-16G. of the Village of Greenport Code.**

A site inspection by the Zoning Board of Appeals is scheduled for Tuesday September 19, 2017, at 5:15 pm.

1T 9/7/17

John Saladino  
Zoning Board of Appeals  
Village of Greenport, NY

LEGAL NOTICE – NOTICE OF PUBLIC HEARING  
VILLAGE OF GREENPORT  
ZONING BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that pursuant to Chapter 150, Zoning Article V, Section 150-27A. of the Village Code, a Public Hearing will be held by the Zoning Board of Appeals at the Fire House, Third Street, Greenport, N.Y. on Tuesday, November 21, 2017 commencing at 6:00 p.m. regarding the following applications or matters:

Miller Family 2012 Irrevocable Trust  
424 4th Street  
Greenport, NY 11944  
SCTM # 1001-6.-6-18.1

The applicants have requested several variances to detach an existing one bedroom accessory apartment from the main dwelling, known as Harbor Knoll Bed and Breakfast. The existing Bed and Breakfast has an approved site plan dated April 10, 2001 for use as a Bed and Breakfast which is a conditional use. The property is located within the R-2 district and is not within the Greenport Historic Preservation District.

The following variances are requested:

**Variance #1 of section 150-8**, requesting separate 2 residential units on one lot.

**Section 150-8. R-2 One and Two Family Residence District**

Permitted Uses.

- (1) Any use permitted in an R-1 One Family Residence District as provided in section 150-7A.
- (2) Two Family Dwelling.

- The proposed changes to the existing house will separate the principal building from the attached accessory apartment and will result in 2 separate residential structures on the property, which is not a permitted use.

**Variance #2 of Section 150-13(A)(b)** for a proposed accessory building will be 1.5 feet from the principal building requiring an area variance of 8.5 feet

**Variance #3 of Section 150-13(A)(b)** for a proposed accessory building that will be located in the front yard.

**Section 150-13 Residence District Regulations.**

Accessory buildings:

- A. An accessory building may be in any required rear yard, provided that:
  - (a) Such building shall not exceed 15 feet in height.
  - (b) Such building shall be set back five feet from any lot line and shall not be located less than 10 feet from the principal building.
- The proposed changes and separation of the principal building from the accessory apartment create an accessory building not located in the required rear yard. The accessory building will be located in the front yard.
- The proposed changes and separation of the principal building and the accessory apartment will not provide the required 10 ft. from the principal building.

**Variance #4 of Section 150-7 B. (7) (c)** proposed extra rental room exceeds the limit of 3 rental rooms.

**Variance #5 of Section 150-7 B. (7) (d)** proposed extra room exceeds the limit of six casual and transient roomers.

**Section 150-7 B. (7) Bed-and Breakfast Facilities:**

(c) The rental of rooms is limited to three rooms for lodging and serving of breakfast.

(d) Not more than two individuals shall occupy a room for a maximum total of six casual and transient roomers.

- The proposed changes to the existing house create a condition where the detached accessory apartment may no longer be subject to the limiting occupancy regulations of the Village of Greenport Code, creating more rental rooms than allowed by code.
- The proposed changes to the existing house create a condition where the detached accessory apartment may no longer be subject to the limiting occupancy of the Bed and Breakfast regulations of the Village of Greenport Code, creating more transient roomers than allowed by code.

A site inspection is scheduled for Tuesday November 21,2017 at 4:00 pm.

1T 11/9/2017

John Saladino, Chairman  
Zoning Board of Appeals  
Village of Greenport, NY