INCORPORATED VILLAGE OF WESTHAMPTON DUNES

ZONING BOARD OF APPEALS

September 9, 2017

10:00 a.m.

Meeting held at

906 Dune Road, Westhampton Dunes, New York

Application

Ray Weber; SCTM#0907-02-01-04; 846 Dune Road
West Hampton Dunes, New York

APPEARANCES:

Harvey Gessin - Chairman
James Cashin - Member
Joseph Mizzi - Member
Eric Saretsky - Member

Joseph Prokop - Village Attorney
Angela Sadeli - Village Clerk
Aram Terchunian - Commissioner of Wildlife Protection

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(The meeting was called to order at 10:26 a.m.)

CHAIRMAN GESSIN: Let's start with the Pledge of Allegiance.

(All stood for the Pledge of Allegiance)

CHAIRMAN GESSIN: So this is a continuation of the application of 484 --

MR. HULME: 846.

MS. SADELI: 846.

CHAIRMAN GESSIN: 846. I had the numbers right, the wrong place. 846 Dune Road. I believe we've now closed the hearing period; is that correct, Joe?

MR. PROKOP: Yes, we closed the hearing. We extended the time to -- for people to submit written comments or submissions. Was there any?

MS. SADELI: No.

MR. HULME: Yes.

MR. PROKOP: Okay.

MR. HULME: Yes. I submitted the pyramid.

MR. PROKOP: All right. So we --

CHAIRMAN GESSIN: But that -- no, that was prior to the closing of the --

MR. HULME: No, that was after.

MS. SADELI: That after, August 3rd.

CHAIRMAN GESSIN: Oh, it was?
MR. HULME: Yeah. And you had asked me to do three things. You had asked me to assure you that the DEC covenant was never recorded, and I gave you a title report that showed that.

You asked me to define specifically for you whether the water or the electric were separate or together. In this particular case, what I reported to you was that the electric was separate, the water separately metered. There's only one water meter, but, certainly, if this is approved, a reasonable condition would be to separate those.

And the third thing was a pyramid analysis based on the flagpole. And what was determined was that there is no pyramid relief needed, even if the subdivision is granted, and that was submitted as well.

CHAIRMAN GESSIN: So, Joe, what are we -- since the -- since we've closed the hearing, how do we discuss that? We just discuss it?

MR. PROKOP: We -- right. So the next thing is to proceed to a decision, to start discussing the elements of a decision.

I just wanted to mention that you weren't -- the applicant wasn't supposed to give us an assurance about the electric utilities, he was
supposed to give us a copy of the water and electric bills.

CHAIRMAN GESSIN: Yeah, which he did.

MS. SADELI: He did.

MR. PROKOP: He copied the bills, okay.

MR. HULME: Yes.

MR. PROKOP: All right. So now we're moving into working towards a decision. The first part of that, that I recommend -- I've circulated Section 7-12(B) of the New York State Village Law, which has in Subsection 3 the considerations that have to be made by you. We know what they are, they're the five things that we look at, but this is the law that they come from.

The first consideration, though, is we should talk about SEQRA. We have determined that this was a -- we looked at -- we viewed this, without taking a vote on it, that it's an -- excuse me -- an Unlisted Action. We -- an Unlisted Action. And so that, at this point, what we would do is adopt Lead Agency status, determine that it's an Unlisted Action for purposes of SEQRA, and then go through the criteria and decide whether we think there'll be an impact from any one or all of the variances on the environment.
CHAIRMAN GESSIN: Right. And do we discuss
Jim's letter prior to that or --

MR. PROKOP: I don't know. What's Jim's
letter?

CHAIRMAN GESSIN: What he just mentioned
about the water meter, the electric meter, the
Pyramid Code. And I believe there's a third thing
on there.

MR. SARETSKY: Title search letter.

MR. HULME: Covenant.

MR. SARETSKY: Utility and pyramid.

MS. SADELI: Harvey, right there.

CHAIRMAN GESSIN: Okay. I had it, I just
need to get my fingers on it now.

MR. SARETSKY: It's his letter dated -- it's
this one received August 3rd. You want to borrow
this one?

CHAIRMAN GESSIN: What?

MR. SARETSKY: This.

CHAIRMAN GESSIN: Thank you.

MR. PROKOP: So we have -- there's a letter
from Jim Hulme, dated -- with no date. It's --

MR. HULME: I noticed this morning I forgot
to put a date on the letter.

MR. PROKOP: It's received by us on August
MR. HULME: What was the receipt date, Joe?

MR. PROKOP: August 3rd, 2017. And the first is -- the first document that's attached to it is a letter from Liberty Property Services, Inc. that says that this company has done a title search and that there's no -- there's no covenants and restrictions. Well, actually, what it says is that there's no covenants and restrictions recorded on the property for 20 years, for the last 20 years. So I don't know if that's --

CHAIRMAN GESSIN: Yeah, the DEC approval was dated October 7 of 1998.

MR. PROKOP: Okay. There's a PSE&G bill for 846 Dune Road with an account ending 100, and then there's another PSE&G bill with an account ending in 200 for 840 -- they're both for 846 Dune Road, but there's two PSE&G accounts. And then the last thing is the pyramidal analysis.

CHAIRMAN GESSIN: Right. Now who did this drawing?

MR. HULME: (Pointing).

CHAIRMAN GESSIN: Oh, Chris?

MR. HULME: Andrew Baird did that drawing.

CHAIRMAN GESSIN: Say that again.

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MR. HULME: Andrew Baird.

CHAIRMAN GESSIN: And who's he?

MR. HULME: He's an employee of a company known as First Coastal.

CHAIRMAN GESSIN: Okay.

MR. HULME: If you would prefer, I can -- I didn't have this in time, but I can substitute a surveyor certified copy of the same thing.

CHAIRMAN GESSIN: Okay.

MR. HULME: If you'd like that for the record. It's exactly the same as what was submitted.

CHAIRMAN GESSIN: Okay. That's just a copy of this.

MR. HULME: Huh?

CHAIRMAN GESSIN: That's a copy of this?

MR. HULME: Well, no. These were done independent of each other, but this one is certified by the surveyor, but they're exactly the same.

CHAIRMAN GESSIN: But, Jim, that drawing and this house are not the same, they can't be.

MR. HULME: Well, this is what the surveyor provided. This is at -- well, the pyramid starts at the --
CHAIRMAN GESSIN: At the first floor.
MR. HULME: At the first floor, 14.
CHAIRMAN GESSIN: Right, right.
MR. HULME: That's a one-story building.
CHAIRMAN GESSIN: And what exactly is the
height on the inside of the first floor? I assume
it's 8 feet.
MR. HULME: Yup.
CHAIRMAN GESSIN: Okay. So if you look at
this picture here, and I actually walked up on this
deck, that siding measures 8 feet.
MR. HULME: Okay.
CHAIRMAN GESSIN: So that means that the roof
is higher than this drawing.
MR. HULME: But the roof is not higher than
-- this is the height of the building at that
point.
CHAIRMAN GESSIN: It's actually not.
MR. HULME: It's 8 feet above the first --
finished first floor.
CHAIRMAN GESSIN: I know, but it's not.
MR. HULME: It's not 8 feet above that?
CHAIRMAN GESSIN: No, no. This is 8 feet --
MR. HULME: Yes.
CHAIRMAN GESSIN: -- but you're missing this
piece hear. What does this look like? This actually looks like this. You're missing this piece.

    MR. HULME: Okay. But as you've drawn it, it's still outside the pyramid.
    CHAIRMAN GESSIN: I didn't measure it.
    MR. HULME: Which -- all right. Well, this is -- I asked the surveyor to do it, this is what he did. If we need to redo it, yeah, I just --

    MR. MIZZI: What I think he's saying is that the roof line drawn here has no resemblance to the existing conditions.
    MR. HULME: Yeah. But even if the roof peak is up here, this point --
    CHAIRMAN GESSIN: But we only care about that point.
    MR. HULME: This point is still here.
    CHAIRMAN GESSIN: No, you're measuring to the roof.
    MR. HULME: Whoops. What did I do?
    CHAIRMAN GESSIN: I'll find it. Here.
    MR. HULME: This is --
    CHAIRMAN GESSIN: In other words, it's 8 feet from here to here.
    MR. HULME: To here, correct.
CHAIRMAN GESSIN: And then I have this.

MR. HULME: Yeah, but that moves away from this point, that even if it goes at that angle, it's still not -- it's still not -- that roof is not 60 degrees. The roof itself is not 60 degrees. So even if it were as much as 60 degrees, it would run parallel to the 60 degree line, because this line starts at the height of the first floor.

CHAIRMAN GESSIN: That's correct.

MR. HULME: So at 8 -- at 6.7 feet in from that property line, it's -- it's more than -- it's almost 10 feet, 10 feet high.

CHAIRMAN GESSIN: I don't know what it is.

MR. HULME: That line. Well --

CHAIRMAN GESSIN: I can't tell you what it is.

MR. HULME: Okay. Well, we could do the math, if we had a calculator, because we have a 60 degree angle. And, you know, the -- we can do Pythagorean theorem. But this point, this point is this point right here, right?

CHAIRMAN GESSIN: Yeah.

MR. HULME: Okay. And so maybe there's an eave that's a foot or so and the roof goes up here. But the roof is not at 60 degrees, so --

MR. PROKOP: Could I suggest something? The
house that's in the diagram has no resemblance to
the house that's in the --

CHAIRMAN GESSIN: Picture.

MR. PROKOP: -- photograph. Could I ask the
Board why we're discussing this?

CHAIRMAN GESSIN: Well, it's -- we're trying
to determine whether -- we have to vote on that
side yard setback, which is too tight to begin
with, and we requested at an earlier meeting to do
a drawing of the sky exposure plane, the Pyramid
Code they call it in this Village, but which would
be affected by the -- by the house being closer to
the property line.

MR. PROKOP: So we're at like day 50 from
when we requested it and we don't have it. So
what -- excuse me, I'm sorry. I can only give you
recommendations.

CHAIRMAN GESSIN: Yeah, just --

MR. PROKOP: I recommend that you don't try
to reconstruct the clearly defective pyramid
diagram.

CHAIRMAN GESSIN: Okay, okay, okay.

MR. PROKOP: I don't see what the point of
that would -- I would just caution you that that
may result in an error.
CHAIRMAN GESSIN: Okay.

MR. PROKOP: Unless you disagree. I'm not -- you're --

CHAIRMAN GESSIN: Okay. We could leave it alone and let the vote be what it may be.

MR. HULME: Well, I mean --

MR. PROKOP: Unless you want to give -- well, the hearing's closed.

MR. HULME: I can't, I'm not the surveyor here.

CHAIRMAN GESSIN: I didn't say you were.

MR. HULME: So I can't, I can't provide any testimony. I guess the only thing I could ask at this point is that we reopen for the purpose of my getting this corrected. If this -- if this is going to bear on your decision, I think that you need it accurately portrayed. And if there's a doubt as to whether or not this is accurately portrayed or not, then you can't -- we don't know whether a variance -- we don't know whether it's in violation or not.

CHAIRMAN GESSIN: Right. Well, I mean, we closed the hearing, and I think the Board is prepared to vote, I mean, unless you want us not to vote.
MR. HULME: Right. I guess that raises a question. I don't think it's the case, but if it turns out that this is -- this needs a variance and you haven't granted it as part of this proceeding, I guess I'm coming back.

MR. PROKOP: Do you think that this is the height of the house on the front? From a front view of the house, do you think that this --

CHAIRMAN GESSIN: Well, the ridge doesn't seem to be the issue.

MR. PROKOP: Well, it is if you draw a straight line. The house has a straight ridge line to it.

CHAIRMAN GESSIN: Well, this is all about shadow on the neighboring property, so it would really be this point right here.

MR. HULME: Yeah. Well, this is an argument for the variance, not an argument to correct this.

CHAIRMAN GESSIN: Right.

MR. HULME: But, you know, the effective setback is still the same as before or after the subdivision, because we have our 6.7 feet --

CHAIRMAN GESSIN: No, right, you're 100% right.

MR. HULME: Yeah.

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CHAIRMAN GESSIN: That's why I'm saying it's your call if you wanted this to go forward or --

MR. HULME: Right, okay. Can I consult with my client for a second?

CHAIRMAN GESSIN: Sure.

MR. PROKOP: Can I talk to you for a second?

CHAIRMAN GESSIN: Yeah. We'll be back after a quick break.

(The meeting was recessed at 10:39 a.m. and resumed at 10:41 a.m.)

MR. HULME: I consulted with my client and he's willing to go forward at this point and have you render a decision --

CHAIRMAN GESSIN: Okay.

MR. HULME: -- on the application.

CHAIRMAN GESSIN: No problem. Okay. Again, as far as the other items on that list, clearly, the house has two electric meters, so that -- so it won't require a second meter. But it does not have, as Jim pointed out, two water meters, even though we originally thought it did.

MR. CASHIN: Harvey, on Item 1 of that letter, does it matter that it's only the last 20 years?

CHAIRMAN GESSIN: Well, the 20 years is prior
to the DEC approval that required covenant.

MR. CASHIN: Is it?

CHAIRMAN GESSIN: Yeah, I just -- I checked the date.

MR. HULME: The DEC permit was 1998. So if there was going to be a covenant recorded --

CHAIRMAN GESSIN: Twenty years would be '97.

MR. HULME: -- it would have had to have been recorded after 1998, and that's less than 20 years ago.

MR. PROKOP: The way that the County keeps records changed 20 -- there's a standard in the title industry in Suffolk County that when they do searches for deeds or covenants and restrictions, anything that has to do with the title, they go back 20 years, unless you make a special request that they go back farther. I believe that it has to do with the way -- with the change in the way that they kept the records 20 years -- started keeping the records 20 years ago.

We did not limit our request to 20 years. However, the covenants -- the DEC approval was 18 or 19 years ago, so the covenant would have been filed about that time. So I think if they went back 20 years, it's my -- with regard to that
condition, I think it's sufficient, the response
that they made.

MR. CASHIN: Thank you.

CHAIRMAN GESSIN: Okay. Does the Board have
-- anyone on the Board have any other questions?
I'm sure, Joe, you're loaded with them because you
missed a couple of meetings.

MR. MIZZI: Yeah. I can't say I have
specific questions, but I have -- I need to listen
and determine if I'm able to make a vote.

CHAIRMAN GESSIN: Okay. Anything you want to
add at this current time?

MR. SARETSKY: No.

MR. CASHIN: Not right now.

CHAIRMAN GESSIN: All done? Okay. So do you
want -- so how do we get -- how do we proceed, Joe,
with this?

MR. PROKOP: The first thing we're going to
do is adopt SEQRA. And I have to pull up something
on my phone. Just a second.

CHAIRMAN GESSIN: Okay.

MR. PROKOP: Okay. So the first thing is for
the Board to adopt Lead Agency status for purposes
of SEQRA. So there would be a motion that the
Board adopt Lead Agency status.
CHAIRMAN GESSIN: Would someone like to make a motion on the Board?

MR. CASHIN: I'll move so.

CHAIRMAN GESSIN: And a second?

MR. SARETSKY: (Raised hand). Joe, you recommend that that's what we should do?

MR. PROKOP: That we adopt Lead Agency status for purposes of SEQRA, yes.

MR. SARETSKY: Okay.

CHAIRMAN GESSIN: Next, Joe.

MR. PROKOP: The second action with regard to SEQRA is that the Board determine that the review and consideration of the variances is an Unlisted Action for purposes of SEQRA.

Now, I would -- I just want to point out that normally a variance granted to a single-family residence is a Type II Action, but in this case, the actual action that you're doing is related to a subdivision, not a -- not the construction or development of a single-family residence. So I think for that reason it's an Unlisted Action.

The grant -- these approvals are related to an application for a subdivision, and that, therefore, it's an Unlisted Action rather than a Type II Action.
CHAIRMAN GESSIN: Okay. Would somebody like to make a motion?

MR. CASHIN: Sure.

MR. SARETSKY: Joe, you think it's the right thing, right?

MR. PROKOP: Yes.

MR. SARETSKY: Okay. I'll second it, on advice of Counsel.

MR. PROKOP: Okay. Now, the next thing for you to do is to -- you can determine at this time whether or not the granting of the application would have -- granting of any of the variances would have a significant negative impact on the environment. You could do it separately for each of the variances, or you could do it as a group. My recommendation is that you do it globally. Basically, you consider the whole package for purposes of the potential for impacts on the environment.

However, if you think that there's any one particular variance that may have an impact, then you could mention it as part of -- you know, and the others, the other variances do not have a potential for impact on the environment, you could mention that.
So the other thing is that you don't have to -- as with the variances, today's a public meeting for you to discuss the application. You don't have to determine SEQRA definitively today, you could discuss it, and then approve it with a written document later on, or approve it at a subsequent meeting. But the only thing is that if you don't conclude SEQRA today, you can't vote on the -- you could discuss the variances, but you can't take action on them until you've concluded SEQRA.

CHAIRMAN GESSIN: Okay. And why would we not conclude it?

MR. PROKOP: I just want to let you know.

MR. SARETSKY: So that we could then review it, is what you're saying.

MR. PROKOP: If you wanted to, right. Or you could -- or you could conclude it.

So the criteria for determining significance are set forth in the New York State Code, and it's Section 6-6NYCRR 617.7, and these are the criteria for whether or not there's a significant impact on the environment.

The first is whether or not the granting of the -- granting of the relief will create a substantial adverse change in existing air quality,
ground or surface water quality, or a substantial 
increase in solid waste production, or the 
potential for erosion, flooding or drainage -- 
leaching or drainage problems. Okay. So, 
basically, it's air or water quality, or, as I 
said, substantial impact -- increases in solid 
waste production, or the potential for erosion, 
flooding, leaching or drainage problems. So does 
anybody have a --

CHAIRMAN GESSIN: Concern?

MR. CASHIN: I don't think that's a concern.

MR. SARETSKY: I don't think so. Aram, do 
you think there's any concern with those?

MR. TERCHUNIAN: No, I don't believe there's 
a concern really with regard to that.

MR. PROKOP: Okay. So moving ahead, then, 
the next -- you don't have to vote on these, you 
can just discuss them, and then we can take a vote 
at the end.

The next one is whether the -- whether the 
approval of the variances will result in the 
removal or destruction of large quantities of 
vegetation or fauna, or substantial interference 
with the migratory fish or wildlife species, or 
impacts on the significant -- excuse me --
significant habitat area, or substantial impacts on
threatened or endangered species or any other
natural resources.

CHAIRMAN GESSIN: Yeah, I don't believe it
does.

MR. SARETSKY: I don't think it does.

MR. CASHIN: Just talking strictly
subdivision, it does not.

MR. SARETSKY: Right. Or, you know, what you
have is what you have.

MR. CASHIN: Right.

MR. PROKOP: Whether the granting of the
variances will impair the environmental
characteristics of a critical environmental area
as designated.

MR. TERCHUNIAN: Right. There is no critical
environmental area --

MR. PROKOP: Yeah.

MR. TERCHUNIAN: -- as designated by the
State.

MR. PROKOP: Whether the granting of the
variances will have -- will result in the creation
of a material conflict with the community's current
plans or goals as officially approved and adopted.

So whether the granting of the variances will be

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contrary to any goals of the Village as adopted, like a master plan. We don't have -- I don't believe the Village has a master plan.

CHAIRMAN GESSIN: I don't think so.

MR. PROKOP: Or, if we do, it would include these houses as they are.

MR. TERCHUNIAN: Yeah. It's a residential use, so that would be consistent with it.

MR. PROKOP: Whether the granting of the variances would result in the impairment of the character or quality of important historical, archaeological, architectural or aesthetic resources or of an existing community or neighborhood character. So whether the granting of the variances would have an impact on archaeological, historical, architectural aesthetics, or the resources -- aesthetic resources of an existing community or neighborhood character.

CHAIRMAN GESSIN: I don't think so.

MR. SARETSKY: I don't.

MR. PROKOP: Whether the granting of the variances would result in a major change in the use of either the quality or type of energy -- I'm sorry, the quantity or type of energy.

CHAIRMAN GESSIN: No.
MR. PROKOP: Whether the granting of the variances would result in the creation of a hazard to human health.

CHAIRMAN GESSIN: You're the one getting the phone calls.

MR. SARETSKY: I mean, again, it seems like, you know, more people --

MR. PROKOP: A Board Member's health doesn't count.

MR. SARETSKY: Mine doesn't matter, actually.

(Laughter)

MR. PROKOP: A substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses. So a substantial increase in the intensity of use of land.

CHAIRMAN GESSIN: Well, basically, the way we see it currently, everything stayed the same.

MR. PROKOP: Okay. Whether the approval will encourage or attract a large number of people to a place or places for more than a few days.

MR. SARETSKY: Yes. I think the answer is yes, right? I mean --

CHAIRMAN GESSIN: Again, you're the one
getting the phone calls.

(Laughter)

MR. SARETSKY: It would appear maybe.

MR. PROKOP: Okay. Whether the --

MR. CASHIN: Joe, let me interrupt. What if
the answer is yes to some of these, what's the step
after that?

MR. PROKOP: It -- so your review of these
could -- your decision on these could -- is
cumulative of the entire impact, right. So if
there's one or two of them that you believe that
has -- is going to have an impact, if it's
significant, then you should have a finding that it
will have -- excuse me. There is the potential for
a significant negative impact.

MR. CASHIN: But you could weigh that against
how you feel about the other criteria and then
vote?

MR. PROKOP: Yeah.

MR. CASHING: Okay.

MR. PROKOP: Yeah. But, right, how you feel
about the -- whether you think that that -- in
balancing, whether you think that that one item
will have a significant negative impact will be
sufficient for you to determine that the project

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will have a significant negative impact. If it is -- if there is one thing and it is significant, like a significant change in the utility use or the -- or if it was going to impact a species or a habitat, then you need to make a finding that it will -- that the action will have a significant negative impact.

But the other thing about this is that you can address this by imposing a condition on the approval -- on an approval, if you were going to approve it, so you could -- you could ameliorate the impact by a condition. So, as an example, if you're concerned that there might be a large number of people that are going to be on the property because of the subdivision, then one of the things that you might look at is parking, you know, as an example. You might make a condition as to parking or future development, you know, things like that, that that would be one way of conditioning an approval.

Whether or not the application would -- the granting of the application would create a material demand for other actions that would result in any of the above consequences.

MR. SARETSKY: So is that other setting
precedent, is that what that means?

MR. PROKOP: It could be, it could be setting precedent, right, or it could be also expanding the
development of this property, as an example, future
development of this property, and that's what I
meant by a condition.

Whether there will be changes in two or more
of the elements of the environment, no one of which
has -- so if your answer to these was no, but that
there may be changes to two or more of them, which
independently are not significant, but that
together they might be significant, then that's a
significant impact. You answered no for pretty
much every one of them, except for this one about
the increase in potential number of people and
potential use. So I don't know that that's
relevant.

And I think that that's it, other than a
general discussion about potential impacts on light
and -- light, noise, anything else that you think
might be relevant for consideration for an impact
on the environment or a condition.

Aram, can you think of anything else that you
want?

MR. TERCHUNIAN: No. I think you covered it.
Well, just one point about the next step after -- when you adopt -- after you adopt Lead Agency status is to determine significance, so you have to make a finding of significance. And so your choice is to make a -- you can either say it has a positive potential impact, and, therefore, you make a positive decision, which may require further environmental analysis. You can make a negative decision, that there's a negative potential for environmental impact, and, therefore, you can move straight to a decision. Or you can do what's called a conditional negative declaration, which says we think it's okay, but only if the following conditions are complied with.

Now there's one aspect of this that's kind of important when you make a conditional neg dec, and that is that the -- that if the conditions you're applying are the existing zoning and other Village setbacks, for example, they're asking for a side yard setback of "X" and you don't like that and you want "Y", that particular type of decision doesn't require a conditional neg dec. It's only when you go beyond what is the Village's statutory authority that you have to make a conditional neg dec. So if you want them to do something that's not...
specifically in the code already, you would make a
conditional neg dec, and that would give you the
authority to go beyond what the Village Code
subscribes. So it's a subtle but important
difference.

MR. SARETSKY: Okay.

MR. PROKOP: Right. So a positive dec --
that's right, Aram's right. So a positive dec -- a
positive declaration -- you know, it's backwards,
unfortunately, but a positive declaration means
that there will not -- that there will be a
significant negative impact. So positive means you
tested positive, basically, that there will be a
significant negative impact.

A negative declaration means that there will
not be a negative impact. And then you can have a
conditioned negative declaration, which means that
there will not be a -- there will not be a negative
impact on the environment, provided certain
conditions are met or fulfilled. And the
conditions might be, you know, changes in these --
you know, limitations of the variances, you know,
variances granted and are approved, or limitations
on further development, you know, things like --
things like that, just to give you examples. And
that's not -- that's not a recommendation, it's just an example.

MR. SARETSKY: Aram, is there any issues for the -- you know, you have two houses now on one lot. I don't know if we ever talked about this, but the septic system, you're really having double on the same size piece of property than a house on either side would have. That's under consideration, in a sense, that it's built to code and --

MR. TERCHUNIAN: Right. Well, that's actually an excellent question, because that would be the difference between a negative declaration and a conditional negative declaration, the sanitary system. So the sanitary system, that authority is controlled by Suffolk County, not by the Village.

MR. SARETSKY: Right.

MR. TERCHUNIAN: So if the Village, if this Board, representing the Village, were to make some determination with reference to the sanitary system, it would be incumbent on them to make a conditional neg declaration at this point.

MR. SARETSKY: So what about the concept that like if the house in the rear required to lift the
sanitary, like we do now --

MR. TERCHUNIAN: Right.

MR. SARETSKY: -- there could be an effect from it, right. In other words, I should say an impact.

MR. TERCHUNIAN: Well, there could be -- let's look at three scenarios. No change, all right, the sanitary system is what it is. Number two, it gets built to the current standard, which is to elevate it, separate it from groundwater. That may have a potential beneficial effect. Your third option is now these innovative low nitrogen systems.

MR. SARETSKY: I was thinking of it more from does it have it -- if it had a negative effect to the houses on either side in the rear, because normally it would be up front, right closer to the -- the way I normally see it in the Village, their --

MR. TERCHUNIAN: Right.

MR. SARETSKY: -- septic system. Again, that's how I was looking at it, is does that -- does that have --

CHAIRMAN GESSIN: The way I see it, I believe after they're done with this, assuming that they're moving forward with the subdivision, I believe, and
correct me if I'm wrong, Aram, that they still have
to -- they have to -- when they do their
subdivision, they have to go through the Health
Department.

MR. TERCHUNIAN: Yes.
MR. SARETSKY: Okay.
CHAIRMAN GESSIN: Which means that those
systems will be reviewed.
MR. TERCHUNIAN: Right.
CHAIRMAN GESSIN: Separate and apart from our
Board.
MR. TERCHUNIAN: But there's a fine point,
but it's very important. If this Board wants to
impose a condition that is beyond the zoning powers
of the Village, they have to adopt a conditional
neg dec.
MR. SARETSKY: Okay.
MR. TERCHUNIAN: Okay? If they -- if the
conditions --
MR. SARETSKY: I'm really asking.
MR. TERCHUNIAN: -- that you're
contemplating are within the zoning powers.
MR. SARETSKY: I'm just asking. I'm asking
about it, I'm not sure.
MR. TERCHUNIAN: Okay. It's just -- I know,
CHAIRMAN GESSIN: Okay. So what does that mean, Aram.

MR. TERCHUNIAN: Well, if you --

CHAIRMAN GESSIN: Let's say we do that, what happens?

MR. TERCHUNIAN: Well, if you said, "Well, we really think that the sanitary system is potentially impactive, so we want you to build an innovative low nitrogen system," the Village has no authority to regulate that.

CHAIRMAN GESSIN: Right.

MR. TERCHUNIAN: So they would have to do a conditional neg dec and say that's an important part of what we want in this decision. But it -- and if -- but if that's not part of the decision, if the sanitary system is not part of the decision, and all you're concerned about are setbacks, and sky plane, and the regular zoning and coverage, and things like that, those don't need a conditional neg dec, that can be done just as a negative declaration. It's a fine point, but it's critical, because if you decide the sanitary or some other aspect, which is beyond the Village's regulatory
authority, is important to your decision, you must have a conditional neg dec.

MR. SARETSKY: I guess the reason why I was bringing it up, again, to say if you have to build a retaining wall in the rear of the property up close to someone else's house, I'm just trying to think of how that does or doesn't affect them.

CHAIRMAN GESSIN: You mean, on the rear lot.

MR. SARETSKY: On the rear lot.

CHAIRMAN GESSIN: The front yard of the rear lot.

MR. SARETSKY: Right. Again, you know, look, I understand, we go through Suffolk County, the approvals and stuff, and that's fine, we should know our business. It's more of how does it affect or doesn't affect people in the Village, in this case, the people on either side.

MR. TERCHUNIAN: Well, in that scenario, I think you'd ask yourself a "what if". If the variance is approved and they go to the Health Department, they're going to be required to build a conforming system.

MR. SARETSKY: Okay.

MR. TERCHUNIAN: Okay? And that's a decision -- that requirement is a requirement of the Department of Health. If they don't get a
subdivision and they rebuild this house, they have
to go to the Suffolk County Department of Health
and they have to get a -- and they have to build a
conforming system.

MR. SARETSKY: Okay.

MR. TERCHUNIAN: In either scenario, they're
going to have to build a retaining wall. In this
particular case, I don't think it would be that
high, because the grade here is around seven or
eight, and you only need to be around plus 10. So
it wouldn't be imposing, I don't think.

MR. SARETSKY: Okay.

CHAIRMAN GESSIN: So then what -- back to
what we were discussing earlier. They have to go
to the Health Department no matter what after
they -- after continue with the subdivision.

MR. TERCHUNIAN: Yeah.

CHAIRMAN GESSIN: And I guess they have on
that lot I guess a parking issue, too, because the
septic system is taking up a major portion of that
undersized front yard.

MR. TERCHUNIAN: Okay. So if parking is an
issue to you, that's not something that's typically
controlled on a Zoning Code. So unless there's a
Village regulation that controls parking and you
want to impose a parking condition, you need a conditional negative declaration.

MR. CASHIN: There is a Village parking code.

MS. SADELI: One car to each bedroom.

MR. TERCHUNIAN: Yeah, but it's not location.

MR. PROKOP: So that would come up in the site plan. What's going to happen is the -- if this -- if this application makes it through the ZBA, then, next, it has to get approved by the Board of Trustees, because it's a subdivision. They're going to actually be looking at the subdivision. The parking would be a condition. The parking is one thing that they can look at in terms of the subdivision, but you could impose that condition. My opinion would be that you could -- you could, you know, locate parking as part of -- as a condition of anything you do.

CHAIRMAN GESSIN: Right. Let me ask you another question, Joe, that's sort of bothering me. On Lot 2, the minimum lot area, according to this, is 23,391, and they have 16,609. Okay. So they're asking for a variance.

MR. PROKOP: Lot 2 is --

CHAIRMAN GESSIN: I'm sorry. They're asking for a variance of 16,609.
MR. PROKOP: Right.

CHAIRMAN GESSIN: But if you look at --

MR. PROKOP: No, it's the other way around. They're asking for a variance of 23.

CHAIRMAN GESSIN: Oh, correct, sorry, sorry.

MR. PROKOP: Yeah, because 16,609 is --

MR. CASHIN: But what my question is, is that on the survey, which was never really surveyed, it was just updated -- redated, I believe, and if you look at the DEC approval back from '08 -- '98, it shows a wetland line not at the property line, which means the upland area is less than -- the variance they need is greater than what they're requesting. So if we grant this, what happens down the road, granted the way it actually states currently, the request?

MR. PROKOP: You can't. You can't take -- you can't take action on something that's not -- because it's here as a subdivision application, so you'd be granting something that not -- that can't be approved, basically.

CHAIRMAN GESSIN: By, let's say, the DEC or somebody else, because it wouldn't be the Village.

MR. PROKOP: No, by the Village Board, because you'd be -- if you grant a -- but the 40 --
the one acre -- the 40,000 square feet is not just
upland property, it's zoned property, right, Aram?
It's the title property, it's not the upland
property. It's not the -- it's not the non -- it's
not the non-wetland property.

MR. TERCHUNIAN: I don't know the answer to
that question, but I can tell you that I visited
the site two days ago and the high water line is
the wetlands line. So I can't tell you if the high
water line is in the same place today as it was in
1999, but I can tell you that the wetlands line is
coincident with the present high water line.

CHAIRMAN GESSIN: You just don't know where
the line is?

MR. TERCHUNIAN: I don't know where the line is.

MR. PROKOP: Oh, so we're -- I see what your
point is. So we're determining a lot size based on
a line from 20 years ago that for sure isn't --

CHAIRMAN GESSIN: Right, because they never
updated the lines.

MR. PROKOP: Yeah.

CHAIRMAN GESSIN: Since you have to look at
that and maybe look at this one. Where is it? At
this time, they clearly weren't the same. And this
is calling out an old date a year or two after
this, almost 20 years ago.

MR. MIZZI: Right.

MR. PROKOP: I think the applicant needs to get us a survey that has the correct dimensions of the lot. I don't think you can act without the correct dimensions of the lot, if that's what your question is.

CHAIRMAN GESSIN: Yeah, because we may be doing an approval that's no good.

MR. PROKOP: Yeah, that's hypothetical and ends up not being correct.

CHAIRMAN GESSIN: Jim, what do you think you want to do?

MR. HULME: Well, I'm trying to figure out what you're looking at, because --

CHAIRMAN GESSIN: Come over here. Come over here a second.

MR. HULME: What I have is a survey --

CHAIRMAN GESSIN: Yeah, just come over here. It's all right here.

MR. HULME: I mean, I'll do whatever you'd like.

CHAIRMAN GESSIN: No, no. We want to know how you want us to do it. If you want us to keep going, we'll keep going. See, this is the line
back here.

MR. HULME: Oh, I see what you're saying.

CHAIRMAN GESSIN: That date.

MR. HULME: Okay.

CHAIRMAN GESSIN: This is previous to this, and the two aren't the same, but this dimension and this dimension are the same. Where is this dimension?

MR. TERCHUNIAN: The 88 is the same.

CHAIRMAN GESSIN: Why don't I see it?

MR. TERCHUNIAN: The 88 is the same.

CHAIRMAN GESSIN: Oh, it's right there. These are the same. But the wetland line --

MR. HULME: Yeah.

CHAIRMAN GESSIN: -- a year or two --

MR. HULME: Well, I think -- I think you and I both want to see accurate information.

CHAIRMAN GESSIN: Yeah, but I want to get you done, too.

MR. HULME: Yeah, so -- well, but we don't want to be done negatively.

CHAIRMAN GESSIN: Oh, okay.

MR. HULME: I want to make it as hard as possible for you to say no.

(Laughter)
MR. PROKOP: Show me what's going on.
CHAIRMAN GESSIN: Say again.
MR. PROKOP: Show me what's going on.
CHAIRMAN GESSIN: Okay. So this is 88 --
this is in '99, not current, okay?
MR. PROKOP: Right.
CHAIRMAN GESSIN: It's 88 feet. This is a
little bit before that, it was 88 feet, but the
wetland line was only -- it was at 80 feet. So if
we use that for the -- for the area variance, I
think it may not be correct.
MR. PROKOP: Okay. So we need -- what do you
-- I mean, my comment be would be we need an
updated survey with the --
MR. TERCHUNIAN: An updated survey.
MR. HULME: I think I agree.
CHAIRMAN GESSIN: Okay. So you --
MR. HULME: Because I don't want you to
approve --
CHAIRMAN GESSIN: No, no, no, no.
MR. HULME: If you're going to approve it,
I don't want you to approve --
CHAIRMAN GESSIN: Right.
MR. HULME: -- this number and then come back
and find out it's 1,000 feet less or 1,000 more.
CHAIRMAN GESSIN: Or more.

MR. HULME: Or if it's more --

CHAIRMAN GESSIN: Well, it doesn't matter.

MR. HULME: -- I might be even happier, yeah.

So okay.

CHAIRMAN GESSIN: All right. So what are we doing? Are we adjourning now, I guess?

MR. PROKOP: You just adjourn. So we need --

CHAIRMAN GESSIN: Why don't you continue through and then let's get to the end of yours.

MR. HULME: We can probably finish SEQRA today.

MR. TERCHUNIAN: Yeah, you could probably finish SEQRA today, because you're going to have to file to reopen.

MR. HULME: Okay.

MR. TERCHUNIAN: Right, Joe?

MR. PROKOP: Yeah. Then we don't -- we shouldn't do SEQRA.

MR. TERCHUNIAN: Then we shouldn't do SEQRA.

MR. PROKOP: It's a new application.

CHAIRMAN GESSIN: Okay. While Jim is standing here, is there anything else we need for him to go hustle up for us?

MR. CASHIN: You were going to check on this,
right?

MR. HULME: Yes, I'll check on that that as
well.

MR. PROKOP: Could I just ask a question? So
we -- that's the house. When we get done beating
that up, and I'm sorry for that, this -- what we
asked him for was -- is one house sideways or are
they both facing --

CHAIRMAN GESSIN: No, they're both the same.

MR. PROKOP: Oh, so they're not -- it's
obviously not correct. Okay.

MR. HULME: Is that -- that's -- the picture
you had is this house, right?

CHAIRMAN GESSIN: Yes.

MR. HULME: Not this house.

CHAIRMAN GESSIN: The front house.

MR. HULME: Because it looks longer to my
eye, the picture, than it is on the survey. But
we'll get it.

CHAIRMAN GESSIN: Okay.

MR. HULME: We'll get it.

MR. PROKOP: And they both face the street,
or they both --

CHAIRMAN GESSIN: Yeah.

MR. HULME: Yup, both face the street.
MR. PROKOP: Oh, okay.

MR. HULME: I guess my question of Counsel would be can't we just reopen it for the purposes of submitting technical information, so I don't have to --

MR. TERCHUNIAN: Readvertise?

MR. HULME: Readvertise. I mean, I don't mind readvertising this, so --

CHAIRMAN GESSIN: It's just time.

MR. HULME: Huh?

CHAIRMAN GESSIN: It's time.

MR. HULME: Time, yeah.

MR. PROKOP: If it's less, if the variance that you need is less, then we don't need to readvertise.

MR. HULME: Okay.

MR. CASHIN: But we don't know if it's less.

MR. HULME: But we don't, we won't know.

MR. PROKOP: We won't know until some --

MR. TERCHUNIAN: Based on the amount of time it's going to take you to get a --

CHAIRMAN GESSIN: We have to do the survey no matter what.

MR. HULME: Yes. So why don't I do the survey and we'll --
CHAIRMAN GESSIN: And you'll let us know.
MR. HULME: Then I'll let you know.
MR. TERCHUNIAN: And just readvertise.
MR. HULME: Why don't we just readvertise?
Well, no, we can't.
MR. TERCHUNIAN: No, you can't, because you're going to --
MR. HULME: What are we readvertising for?
MR. TERCHUNIAN: Yeah.
MR. PROKOP: When you close -- okay, that's fine.
MR. TERCHUNIAN: Yeah.
MR. PROKOP: Okay.
MR. TERCHUNIAN: You got to wait until you have the survey so you know what it is you're asking for.
MR. HULME: Okay. I'll get the survey information corrected, and then we'll see what that results in.
MR. PROKOP: Is there any other loose ends that we want to determine today?
CHAIRMAN GESSIN: Guys, help me. I'm doing all the work.
MR. PROKOP: So we have to --
MR. TERCHUNIAN: Your doing a great job.

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MR. SARETSKY: You're doing a great job, right.

MR. MIZZI: You're the Chairman.

CHAIRMAN GESSIN: Oh, okay, okay.

(Laughter)

MR. SARETSKY: I'm just giving the paperwork.

CHAIRMAN GESSIN: Okay. So getting back to this whole parking area, do we need him to do -- do we need Jim to do anything about --

MR. SARETSKY: Well, the survey --

CHAIRMAN GESSIN: -- showing parking or not?

MR. PROKOP: I think he should -- I think he should --

MR. SARETSKY: Show that on the survey.

MR. PROKOP: Yeah, I think he should show the proposed parking.

MR. HULME: All right. Well, we have a parking area here, and we have code compliant parking here. And if the Planning Board doesn't like that proposal -- so we're not looking for a variance from the code.

CHAIRMAN GESSIN: You know, have him state how many cars it is.

MR. HULME: Okay.

CHAIRMAN GESSIN: So how many of the -- what
the house is and what the cars are.

Mr. Hulme: Okay.

Chairman Gessin: Okay. And you might as well give us --

Mr. Hulme: Number of bedrooms.

Chairman Gessin: While he's surveying, you might as well pick up the -- I guess the elevation on this house.

Mr. Hulme: Yes.

Chairman Gessin: You might as well pick it up on --

Mr. Prokop: So parking is in our code? You made the -- you raised the point before that parking is -- parking is in our code. There's a limit on parking. Unless I'm incorrect, we don't have a minimum parking. Like if you build a house, you don't have to provide parking for a minimum number of cars.

Chairman Gessin: Yes.

Mr. Prokop: You do?

Chairman Gessin: Per -- what is it?

Ms. Sadeli: One, it's one car per bedroom.

Chairman Gessin: No, that's the max.

Ms. Sadeli: It's not minimum.

Mr. Cashin: That's max.
1  MS. SADELI: Yeah.
2  CHAIRMAN GESSIN: I thought it was one per
3  bedroom plus one.
4  MS. SADELI: Plus one.
5  MR. TERCHUNIAN: Max.
6  MR. PROKOP: That's the maximum.
7  MR. TERCHUNIAN: Max.
8  MR. MIZZI: We say it's not an obligation, it's --
9  MR. TERCHUNIAN: Max?
10 MR. MIZZI: It's the maximum.
11 MR. TERCHUNIAN: You can't park more than one
12  per bedroom, plus one for the house.
13  MS. SADELI: Right.
14  CHAIRMAN GESSIN: So, in other words, you
don't have to provide one per -- so there's no
parking requirement?
15  MR. TERCHUNIAN: I don't believe so.
16  MR. PROKOP: No. But you can't -- on the
other hand, we don't want to create a situation
where we have two rental houses and -- one or two
rental houses and all summer long there's cars all
over the property. We'd rather you -- the
applicant provides for whatever --
18  MR. HULME: Remember, we're not creating a
situation where we will have. We have a situation
where we do have.

MR. PROKOP: I think you need to provide --
excuse me --

MR. SARETSKY: Show what you have.

CHAIRMAN GESSIN: Well, no, because for this
house, they can park all over here now, right?

MR. HULME: Okay. So if you want me to show
a little parking area --

CHAIRMAN GESSIN: Yeah, just show that.

MR. HULME: -- I'll do that.

MR. SARETSKY: So you want to show the max
that you have on both, right?

CHAIRMAN GESSIN: Well, they --

MR. HULME: And I'll identify the number of
bedrooms and the first floor elevations.

CHAIRMAN GESSIN: Correct.

MR. SARETSKY: That's all you care, that you
want -- I mean, the minimum doesn't matter, it's
the max you want to see, right? Did I say that
right?

MR. TERCHUNIAN: I guess.

CHAIRMAN GESSIN: No. The minimum should be
the bedroom count plus one.

MR. FOGLIA: No, that's --
MR. HULME: Could we swear him in?
CHAIRMAN GESSIN: Yes, please.

    (Laughter)

MR. HULME: Or do we just want to swear at him?
CHAIRMAN GESSIN: All right.
MR. TERCHUNIAN: You should show parking for the maximum amount permissible by law.
MR. HULME: Which is one plus the number of bedrooms.
MR. TERCHUNIAN: Right.
MR. HULME: Okay.
MR. TERCHUNIAN: The other thing is if the surveyor is going out there, he should pick up some contours, one-foot contours, so we'll know -- be able to answer Eric's question about the wall.
MR. PROKOP: What do we need to show, the wetlands line, wetlands boundary and --
MR. TERCHUNIAN: Wetlands boundary.
CHAIRMAN GESSIN: And the property line.
MR. HULME: And we know from Mr. Terchunian that the wetlands boundary is coincident with the mean high water mark.
MR. TERCHUNIAN: So you can just mark it as such.
MR. HULME: But we don't know from the survey is what the mean high water mark is, because the surveyor apparently didn't resurvey the property.

CHAIRMAN GESSIN: Right.

MR. PROKOP: Were you holding that one? Did you know about that?

CHAIRMAN GESSIN: Did I know about what?

MR. PROKOP: You just picked that up?

CHAIRMAN GESSIN: This morning, yeah.

MR. PROKOP: That's a good find. I'm sorry that I didn't pick that up. I'm sorry.

MR. HULME: Me, too, I'm sorry I didn't pick it up. Okay. So let me get all that. I'll submit it.

CHAIRMAN GESSIN: And we'll reschedule.

MR. HULME: And then we'll see if we need to readvertise or not based on that.

CHAIRMAN GESSIN: We'll have another meeting.

MR. HULME: And then we'll go from there.

Okay?

CHAIRMAN GESSIN: Okay. Anything else, guys?

MR. SARETSKY: There's no setback issues in the front for him to show, it's on the survey, right?

CHAIRMAN GESSIN: Well, it's -- issue or dimension?
MR. SARETSKY: Dimension.

MR. TERCHUNIAN: Dimensions are on there.

MR. SARETSKY: Okay.

CHAIRMAN GESSIN: No, he's got it, he's got it.

MR. SARETSKY: Good. While he's doing it, I want to make sure we get everything.

MR. HULME: Oh, yeah. If there's something else you need to see --

CHAIRMAN GESSIN: You know what, guys, let him do deck and house, because he's got into the decks, because the variance is really to the house, right?

MR. TERCHUNIAN: (Shook head no.)

CHAIRMAN GESSIN: To the deck?

MR. TERCHUNIAN: Yup.

MR. PROKOP: Do you have something you were going to ask? Were you going to ask me something?

MR. CASHIN: No.

MR. SARETSKY: As far as the relationship to houses on either side, you can just do that from the aerial.

MR. TERCHUNIAN: If you want that, you should ask for it.

MR. PROKOP: Yeah.

MR. SARETSKY: I mean, is it something we
want to ask for?

MR. PROKOP: Normally, we ask for that.

MR. SARETSKY: Okay

CHAIRMAN GESSIN: I mean, he's going out there.

MR. TERCHUNIAN: If it goes to your question, you should have the information.

MR. SARETSKY: Yeah. No, no, I'm just thinking. I want to be able to try to --

CHAIRMAN GESSIN: May as well add that on, too, Jim.

MR. SARETSKY: I don't want it to be something else --

MR. HULME: You want it -- you want it on the survey, the location of the --

CHAIRMAN GESSIN: Yeah, let him just show the location of the other houses.

MR. HULME: Location of the adjacent houses.

MR. SARETSKY: Front and back, whatever.

CHAIRMAN GESSIN: Where is this? This one I know is all the way back here someplace.

MR. HULME: There is an aerial photograph in the record that can give you an idea.

CHAIRMAN GESSIN: I never really actually -- that one's back here, too?
MR. SARETSKY: I think we have a photo.

MR. MIZZI: I saw Eric had it earlier in the packet.

MR. SARETSKY: On this?

MS. SADELI: In the original application?

MR. MIZZI: I saw it, yeah.

MR. SARETSKY: Oh, there it is.

CHAIRMAN GESSIN: Yeah, I see it.

MR. CASHIN: They're both back pretty much line.

MR. HULME: So, if you want the actual dimensions, we can provide that.

MR. SARETSKY: I think just its relationship is really the issue I have.

MR. HULME: Well, we can show them.

MR. SARETSKY: I just want to be able to address the issue.

CHAIRMAN GESSIN: Yeah, I mean, this shows differently than this, I assume.

MR. CASHIN: That's a third.

CHAIRMAN GESSIN: This is, I guess, the '81 tax map, I assume.

MR. HULME: Yes, that's what that would be, I think. No, that's the current tax map, is what that -- whatever the --
MR. CASHIN: January 7th.

MR. HULME: Whatever the current tax map is.

MR. CASHIN: January 17th.

MR. HULME: That came off the GIS, so that would be whatever the current -- whatever the modern tax map is, that's -- those are reflected by those lines.

CHAIRMAN GESSIN: Okay. Anything else?

MR. HULME: That's enough.

(Coughter)

CHAIRMAN GESSIN: All right. So I guess we have to make a motion to I guess close the -- not close.

MR. PROKOP: It's just adjourn the meeting.

CHAIRMAN GESSIN: Adjourn the meeting and --

MR. PROKOP: Pending receipt of requested documents.

CHAIRMAN GESSIN: Okay. Would someone like to make a motion

MR. SARETSKY: I'll make a motion.

MR. HAEFELI: Can I ask a question?

CHAIRMAN GESSIN: Yes.

MR. HAEFELI: Is it open for -- is it going to be open, so that when he submits that, there can be more discussion on it, or is he just submitting
the map? I just want to know. The meeting has
been closed or open?

MR. PROKOP: It's a public meeting. I think
that since we're going to be accepting new --

CHAIRMAN GESSIN: Information

MR. PROKOP: -- information, we should -- the
Board should allow public comment within --

MR. HULME: On the new information.

MR. PROKOP: On the new information.

MR. HAEFELI: So you're going to open it at
the next meeting?

MR. PROKOP: We don't know if we're going to
open the public hearing or not.

MR. HAEFELI: You're not.

MR. PROKOP: We don't know yet. It depends.

If he doesn't -- if he needs the same or smaller
variance, then we're not going to.

MR. HAEFELI: If it's smaller, I agree with you.

MR. PROKOP: Yeah. But you can submit new
comments based on the new documents, in relation to
the new documents.

MR. HAEFELI: Oh, okay, okay.

MR. CASHIN: Regardless of whether it's
smaller or larger.

MR. PROKOP: Yeah, regardless, right.
MR. HAEFELI: And when do you expect to have
the new survey, so I can get a copy of it, do you
have any idea?

MR. HULME: Depends on how quickly
Mr. Gallagher gets that.

MR. HAEFELI: I just want to know what to do
procedurally.

CHAIRMAN GESSIN: And, hopefully, there won't
be a hurricane up here, so we'll still be around.
(Laughter)

MR. PROKOP: I'd say you just jinxed us.

CHAIRMAN GESSIN: Okay. So would someone
like to make a motion to close this session?

MR. SARETSKY: Sure.

CHAIRMAN GESSIN: Okay. Second?

MR. CASHIN: Sure.

CHAIRMAN GESSIN: Okay. Thank you.

MR. HULME: Thanks.

MR. HAEFELI: And you'll determine in the
future when the next day is?

CHAIRMAN GESSIN: Once he let's us know where
he is.

MR. HAEFELI: Thank you very much.

CHAIRMAN GESSIN: Thank you.

(The meeting was adjourned at 11:21 a.m.)
CERTIFICATION

STATE OF NEW YORK

SS:

COUNTY OF SUFFOLK

I, LUCIA BRAATEN, a Court Reporter and Notary Public for and within the State of New York, do hereby certify:

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on September 9, 2017.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of September, 2017.

Lucia Braaten

Flynn Stenography & Transcription Service
(631) 727-1107
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