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INCORPORATED VILLAGE OF WESTHAMPTON DUNES
ZONING BOARD OF APPEALS

February 7, 2015
10:00 a.m.

Meeting held at
914 Dune Road, Westhampton Dunes, New York

APPEARANCES:

- Harvey Gessin - Chairman
- Barry Goldfeder - Member
- Joseph Mizzi - Member
- Eric Saretsky - Member

- Joseph Prokop - Village Attorney
- Aram Terchunian - Commissioner of Wildlife
Protection
- Laura Dalessandro - Zoning Clerk

1 (Whereupon, the meeting was called to order
2 at 10:12 a.m.)

3 CHAIRMAN GESSIN: Okay. I would like to
4 start with a Pledge of Allegiance.

5 (Whereupon, all stood for the Pledge of
6 Allegiance.)

7 CHAIRMAN GESSIN: We'll call this meeting
8 to order, the meeting of the Zoning Board of the
9 Village of Westhampton Dunes.

10 The first application is Panayis, 782 Dune
11 Road.

12 MR. HULME: Good morning. For the
13 applicant, James N. Hulme, H-U-L-M-E, 323 Mill
14 Road, Westhampton Beach, on behalf of the
15 applicant, Greg Panayis.

16 I believe this is the third meeting we've
17 had on this. And just to refresh everybody's
18 recollection as to what we're doing here, my
19 client owns a piece of property at 782 Dune Road,
20 which we were seeking to subdivide into two lots.

21 We had made an initial submission, and
22 then, at the request of this Board, the wetlands
23 were -- on the property were mapped, and that
24 resulted in a slight change in the location of
25 the division line and the size of the bigger and

1 the smaller lots. We submitted that and
2 discussed that at the last meeting, and my
3 recollection, that it -- the matter was adjourned
4 to today for the purposes of resubmitting that
5 changed map to the Suffolk County Planning
6 Commission.

7 I believe the Suffolk County Planning
8 Commission, on January 5th, did respond and
9 characterized this as a decision for local
10 determination. So, I guess they were -- they
11 stepped out of the whole process, so that the
12 Board can go on -- move forward on its own
13 without recognizing any comments from them.

14 Also, subsequent to the last meeting, I
15 submitted a letter wherein I attempted to define
16 all of the variances that we needed in order to
17 accomplish this. We've talked about those
18 variances, I think, in detail. I'll be happy to
19 answer specific questions about those. But, in
20 general, I think that the division and the
21 variances that we're seeking here are comparable
22 to other variances of other properties that we've
23 submitted information about to the Board that
24 have been granted the same type of subdivision.

25 MR. PROKOP: Do you have a copy of the

1 agenda?

2 MR. HULME: I do. You do, too?

3 MR. PROKOP: Yeah, thanks. I just want to
4 make sure that the agenda variances match up with
5 yours, because we reviewed it separately. I had
6 your letter when we were reviewing it.

7 MR. HULME: Okay.

8 MR. PROKOP: I just want to make that we're
9 in the same place.

10 MR. HULME: That's the same, that's the
11 same. I think you added one additional one in
12 the agenda. So, I mean, if you believe it's
13 necessary.

14 MR. PROKOP: Which one is that?

15 MR. HULME: Let's see. There's area,
16 there's lot width, there's side yard, total side
17 yard. You added another side yard variance, I
18 believe.

19 MR. PROKOP: Okay. On Lot 1?

20 MR. HULME: Oh, no. Actually, I think we
21 agree. I included both of those in one
22 paragraph.

23 MR. PROKOP: Okay.

24 MR. HULME: I think you just separated them out.

25 MR. PROKOP: Okay.

1 MR. HULME: So I think we're in agreement.

2 MR. PROKOP: Yeah, just because it was
3 pretty complicated with the two of them. I
4 wanted to make sure --

5 MR. HULME: Absolutely.

6 MR. PROKOP: -- we're on the same thing.

7 MR. HULME: I believe that we are.

8 MR. PROKOP: So this is a -- you know, it's
9 a subdivision. One of the lots is going to
10 become a flag pole, is proposed to be a flag,
11 what we call a flag lot. Excuse me, not a flag
12 pole, flag lot. And we -- so it fits under a
13 different -- that type of lot has different
14 regulations that we have to cover, and those are
15 covered in the Lot 2 variances. And the
16 variances that we're going with, with this layout
17 now, is there's an area variance on Lot 1 of
18 13,000 square feet, because the lot is -- it's a
19 40,000 minimum, and the lot is 26,000 and change
20 square foot.

21 CHAIRMAN GESSIN: Twenty-three thousand.

22 MR. PROKOP: Yeah. And then the lot width,
23 there's a lot width variance of 60 feet -- excuse
24 me. A lot width variance is 60 feet, because the
25 minimum lot width is 150, the things that are

1 listed on the agenda.

2 MR. HULME: Harvey, are you looking at
3 the --

4 CHAIRMAN GESSIN: Do I not have the most
5 current one?

6 MR. HULME: It's last dated November 11th,
7 2014, down in the --

8 MS. DALESSANDRO: October 15th.

9 CHAIRMAN GESSIN: Do I have another one?

10 MR. HULME: You should have another one.

11 CHAIRMAN GESSIN: Let me see it.

12 MS. DALESSANDRO: Submitted at the last
13 meeting.

14 CHAIRMAN GESSIN: And October 15th.

15 MEMBER SARETSKY: So, Harvey, maybe we
16 should talk about lots that are similar, that
17 have the same situation.

18 CHAIRMAN GESSIN: Let's see what this one
19 is. What's the date?

20 MR. HULME: November 11th.

21 CHAIRMAN GESSIN: No?

22 MS. DALESSANDRO: And that's the date on
23 this, Jim? That's the last one I have.

24 MR. HULME: Here, I have more, but I do
25 have a couple that are in the file. Here, this

1 is the one that we're -- here, there's a whole
2 bunch. I believe that early on, we had submitted
3 -- speaking to the issue about other similarly
4 situated circumstances, I believe there are -- in
5 the general vicinity of this property, there are
6 three or four other lots that have been divided
7 in this manner. In your file, you should have a
8 spread sheet that I submitted comparing and
9 contrasting those other three or four properties
10 to this property, and I think they're reflected
11 on the area map.

12 CHAIRMAN GESSIN: Everybody, rip up all
13 your maps, please, except the area map.

14 MEMBER SARETSKY: Okay.

15 CHAIRMAN GESSIN: Keep that one, but rip up
16 every individual one.

17 MR. TERCHUNIAN: Give me all those, I'll
18 take them.

19 CHAIRMAN GESSIN: Okay.

20 MR. TERCHUNIAN: I'll disappear those.

21 MR. PROKOP: Laura, are they dated? Do
22 they go by dates?

23 MS. DALESSANDRO: Yeah. And I've been
24 stamping them in, like you told me to. I don't
25 have that one, all I have is 13, and I have

1 October 15, 2014, the most recent.

2 MR. HULME: Yeah, Harvey has a whole
3 handful in his -- Mr. Gessin has a whole handful
4 in his hands that are the current ones.

5 CHAIRMAN GESSIN: Keep this one and get rid
6 of anything else. I'm not going to give anything
7 out yet.

8 MR. TERCHUNIAN: Yeah, don't tear any up
9 Harvey, you tore up a good one.

10 CHAIRMAN GESSIN: Okay. Ready? Everybody
11 have one?

12 MEMBER SARETSKY: I'll share with you guys?

13 CHAIRMAN GESSIN: No, we have plenty. Jim,
14 you could have the rest back. Jim.

15 MR. HULME: Oh, thank you. Specifically,
16 this Board has granted comparable relief as we're
17 seeking here at 748 Dune, 772 Dune, 774 Dune, and
18 776 Dune.

19 MR. PROKOP: What are -- what were those
20 lots again?

21 MR. HULME: I'm sorry.

22 MR. PROKOP: What were those three again?

23 MR. HULME: There's four of them, actually,
24 and it's 748, 772, 774 and 776. Okay. So 72, 74
25 and 76, I think those are -- they adjoin the

1 spit, right?

2 CHAIRMAN GESSIN: No.

3 MR. HULME: No?

4 CHAIRMAN GESSIN: Just 748.

5 MR. PROKOP: Just 748? Okay.

6 MR. TERCHUNIAN: Yeah.

7 CHAIRMAN GESSIN: 748 is a three-lot
8 subdivision.

9 MR. TERCHUNIAN: It's a three lot.

10 CHAIRMAN GESSIN: Right.

11 MR. TERCHUNIAN: So that's right on the
12 other side of Pike's Beach.

13 CHAIRMAN GESSIN: Correct.

14 MR. TERCHUNIAN: All the rest of them are
15 on the west side of Pike's Beach.

16 MEMBER SARETSKY: So this is --

17 MR. TERCHUNIAN: No. It's these, one, two,
18 three.

19 MEMBER SARETSKY: This is the proposed.

20 MR. TERCHUNIAN: And this is the proposed, yes.

21 MR. HULME: This might be --

22 CHAIRMAN GESSIN: No, they have it.

23 MR. HULME: They got it?

24 CHAIRMAN GESSIN: Yeah.

25 MR. HULME: Okay.

1 MEMBER GOLDFEDER: And I think we talked
2 about this last time. The side access for both
3 Lot 1 and to Lot 2 is enough for emergency
4 access, emergency vehicles?

5 MR. HULME: Yeah, yes.

6 MEMBER GOLDFEDER: And there's a fire
7 hydrant close enough to Lot 2?

8 MR. HULME: I don't know. It's not that
9 much further away, wherever it is.

10 CHAIRMAN GESSIN: There's a fire hydrant in
11 front of my house at 776.

12 MEMBER GOLDFEDER: Oh, okay.

13 MR. TERCHUNIAN: So that's a couple of
14 hundred feet away.

15 CHAIRMAN GESSIN: Yeah, right by my
16 driveway is a fire hydrant. It's actually right
17 here, the fire hydrant.

18 MR. HULME: And as to the lot width
19 variances, they're driven by the existing lot
20 width. The lot, the current lot is only 90 feet
21 wide. And the lot width of the street lot is
22 narrower than that, so we can provide for the
23 flag pole. But the effective lot width is still
24 the 90 feet that actually exists; and the same,
25 same issue with the side yard setbacks. So the

1 side yard -- the bigger side yard variance that
2 we're seeking is for the street side lot on the
3 flag pole side, and that's because the flag pole
4 consumes the 15 feet that it consumes, but the
5 effective side yard remains the same. You know,
6 just have part of the side yard, we'll have a
7 driveway in it, which we could have anyway.

8 So the only variance of any real, in my
9 opinion, significance is the lot size of the
10 smaller lot, and I think it's -- in the three or
11 four other cases where the Zoning Board has
12 granted this type of relief, I think that the
13 targets seem to be in most cases 20,000 -- half
14 an acre lot, for the most part, although I think
15 there is one lot in one of the other subdivisions
16 that's even smaller than that. But we certainly
17 exceed the \$20,000 -- 20,000 square foot standard
18 by three or four thousand square feet. So it
19 would not be an untypical lot, even after the
20 division.

21 CHAIRMAN GESSIN: Right. Is there any
22 reason why you're calling the west side 25.2 and
23 the east side 16.8?

24 MR. HULME: The side -- the dimension?

25 CHAIRMAN GESSIN: Yeah, the side yard.

1 MR. HULME: Oh, I guess it should be 14.2
2 and 12.9.

3 CHAIRMAN GESSIN: Who said it?

4 MEMBER MIZZI: No, no. On this map.

5 MR. HULME: Right, the area map.

6 CHAIRMAN GESSIN: Yeah. Here, take this.

7 MR. HULME: I got one. Oh, that's a
8 proposed building envelope, and I believe that
9 the survey attempted to apply whatever setbacks
10 were required. But you get three-tenths if it's
11 centered, I think you get four-tenths relief if
12 it's not centered.

13 MEMBER MIZZI: Right.

14 MR. HULME: And I believe that that is an
15 attempt to show what the setbacks would be for
16 four-tenths relief.

17 MR. TERCHUNIAN: Yeah. On these lots that
18 are substandard as to width, there's an automatic
19 variance, which is an administrative variance.
20 So you get your total side yard to have to be
21 four-tenths of the lot width, so four-tenths of
22 105, and then the smaller side yard has to be
23 four-tenths of that. Those are the minimums, and
24 so that's what's being identified in the
25 building --

1 MEMBER SARETSKY: You're showing the worst
2 case.

3 MR. TERCHUNIAN: Showing what they're
4 allowed to do as of right on this flag lot.

5 MR. HULME: And we're not actually asking
6 for a variance, if it's even needed, for those
7 dimensions.

8 MR. TERCHUNIAN: Right.

9 MR. HULME: We're showing that building
10 envelope, and, obviously, whoever would develop
11 this lot would have to come in and comply with
12 whatever the code provided at that time, or seek
13 additional variances for that particular lot for
14 their own particular construction.

15 CHAIRMAN GESSIN: Right.

16 MR. HULME: This is just exemplary.

17 CHAIRMAN GESSIN: Right. Because I know
18 one of the concerns with all of the homeowners
19 that are in the future going to be developing
20 these lots is to widen up the -- every other side
21 yard, so that the road lots have views down to
22 the bay.

23 MR. HULME: Right.

24 CHAIRMAN GESSIN: And I don't know if this
25 lot --

1 MR. HULME: Well, this envelope has been
2 shifted to the east, so as not to block the house
3 behind our house, and, also, it benefits the
4 house to the west.

5 CHAIRMAN GESSIN: Yeah.

6 MR. HULME: I guess when the lot to our
7 east comes in for some type of development or
8 comparable relief, their building envelope could
9 be shifted to the west.

10 CHAIRMAN GESSIN: Right. Whose lot --
11 whose house is the one to the east -- to the
12 west, is that Fran, or is that -- whose house is
13 this one?

14 MR. HULME: The house to the west or way
15 over? The three lots over or --

16 CHAIRMAN GESSIN: No, the one next to
17 Amayas' (phonetic) house.

18 MEMBER MIZZI: Herman and --

19 CHAIRMAN GESSIN: Oh, that's Herman.
20 That's Ames.

21 MR. HULME: That's Ames?

22 MEMBER MIZZI: Yeah.

23 MR. HULME: And they received notice,
24 obviously, of this proceeding, because they're an
25 adjacent -- I believe they received copies of

1 this map, but --

2 CHAIRMAN GESSIN: Oh, I didn't realize
3 there was actually a separate lot.

4 MS. HEROLD: Could I ask a question of
5 Aram, please?

6 CHAIRMAN GESSIN: Yeah.

7 MS. HEROLD: Aram, typically, when you do
8 the four-tenths relief, it's required a single
9 and separate. Does this Village require that?
10 Because you need to be able to come back. I'm
11 just asking Aram if the Village requires a single
12 and separate variance search when you grant the
13 four-tenths rule.

14 MR. TERCHUNIAN: On the four-tenths rule,
15 if it's single and separate as of the date of the
16 formation of the Village, it's eligible
17 automatically for the four-tenths rule.

18 MS. HEROLD: Yes. But if we're making --

19 MR. TERCHUNIAN: But, in this case, if the
20 Zoning Board is allowing a lot to be created,
21 they --

22 MS. HEROLD: I'm just asking the Zoning
23 Board, can you reduce that lot?

24 MR. TERCHUNIAN: I believe, Joe, it's
25 probably a question better for you, that they can

1 ascribe side yards that they believe appropriate.

2 MR. PROKOP: I think it's applicable to a
3 new lot. When I looked at the code when the
4 application in, that's what I saw.

5 MS. HEROLD: I just wanted to know for
6 future use.

7 MR. PROKOP: I mean, since you asked the
8 question, I'll look at it again, but I think that
9 that's the right -- it's the four-tenths. And
10 it's not -- something Aram said before, the
11 minimum, the small side yard is four-tenths of --
12 the four-tenths; is that what you said?

13 MR. TERCHUNIAN: Right.

14 MR. PROKOP: But, actually, I think it's
15 20. Twenty, I don't think it's four-tenths. But
16 we're using 20 for this -- for these variances.
17 Thank you.

18 MS. HEROLD: But I just want to check that
19 you're able to not need a single and separate --

20 MR. PROKOP: Well, it can't be single and
21 separate if it's a subdivided lot.

22 MS. HEROLD: I know it can't, yes.

23 MR. PROKOP: I think we decided, when the
24 application came in, that it would be applicable
25 for a new lot.

1 MS. HEROLD: Thank you.

2 MR. HULME: And we placed this, at the
3 request of the Board, obviously, as exemplar. If
4 the Board chooses to make a finding in whatever
5 relief they grant that fixes the building
6 envelope in this location, then, obviously,
7 that's part of the relief. If they -- if you
8 take no position then, obviously, we're subject
9 to whatever the law may be at the time. So it
10 would apply to -- which I think is kind of
11 contrary to what you're hoping to do.

12 CHAIRMAN GESSIN: Right, right.

13 MR. HULME: I imagine you will make the
14 finding and that will be fine.

15 CHAIRMAN GESSIN: Yeah. And I think we
16 discussed at an earlier meeting that the previous
17 Board, prior to us, imposed on some of the other
18 lots a maximum footprint for the house. I don't
19 recall what it was, but I'm sure you wouldn't
20 have an issue with that.

21 MR. HULME: No, not at all.

22 CHAIRMAN GESSIN: Any other questions?

23 MEMBER GOLDFEDER: Part of Lot 2 was
24 created from the backfill of sand from the bay?

25 CHAIRMAN GESSIN: It came from someplace,

1 we don't exactly understand where.

2 MEMBER GOLDFEDER: Is the water table the
3 same for Lot 1 as it is for Lot 2?

4 MR. TERCHUNIAN: Yes, yeah.

5 MEMBER GOLDFEDER: So there's no
6 environmental impact?

7 MR. TERCHUNIAN: No. You know, we took a
8 hard look at the proposed lots, and my analysis
9 is that the lot width and the lot area is
10 comparable to what's in the neighborhood, and
11 that there's sufficient room on each lot to
12 install a standard Suffolk County approvable
13 sanitary system with proper clearance to
14 groundwater and sufficient area for leaching.

15 MEMBER GOLDFEDER: Okay. Thank you.

16 MR. PROKOP: So this whole discussion that
17 we just had about four-tenths and four-tenths and
18 four-tenths, I'm looking at what we did with the
19 notice. I don't think that this -- somehow Aram
20 and I more of -- when this came in, we didn't --
21 actually didn't apply the four-tenths, I don't
22 think, we -- because the proposed lot width is 90
23 feet, and we imposed 60 feet, the total -- a
24 total, minimum total side yard of 60 feet, and
25 minimum individual side yards of 20 feet and --

1 which isn't four-tenths. So I don't know -- I
2 think that for purposes of this application, we
3 didn't go to the four-tenths anyway, we used the
4 standard in this district, which is more
5 stringent.

6 MR. TERCHUNIAN: Than the four-tenths.

7 MR. PROKOP: Than the four-tenths, right.
8 If it was four-tenths, it actually would have
9 been --

10 MR. TERCHUNIAN: The 16.8, right.

11 CHAIRMAN GESSIN: But the lot, the newly
12 created lot is 105.

13 MR. TERCHUNIAN: Yeah, it's 105.

14 MR. PROKOP: But we're going by 90.

15 MR. TERCHUNIAN: Ninety is on Lot 1.

16 CHAIRMAN GESSIN: Ninety is Lot 1.

17 MR. PROKOP: I'm talking about Lot 1.

18 MR. TERCHUNIAN: That's for the existing
19 development, though, on Lot 1, and this is for --

20 MR. PROKOP: Right.

21 MR. TERCHUNIAN: -- the proposed
22 development on Lot 2. And we actually didn't
23 give side yards on Lot 2. We didn't --

24 MR. PROKOP: We didn't, because we're not
25 doing the building envelope on Lot 2, we're doing

1 the building envelope -- unless I'm wrong.

2 MR. TERCHUNIAN: The other way around,
3 yeah. We're doing the envelope on Lot 2, not on
4 Lot 1, because Lot 1 has a fixed building on it.

5 MR. HULME: But since we're not proposing
6 an actual house on Lot #2, we are not seeking an
7 actual variance for that structure. I think what
8 the Board is contemplating doing is imposing a
9 restriction on the building envelope and its
10 location as a condition of the approval of the
11 variances that we've actually sought.

12 MR. TERCHUNIAN: Correct

13 MR. PROKOP: But on Lot 2, we also used the
14 20-foot --

15 MR. TERCHUNIAN: That's for the rear yard.
16 That's for the flag pole width.

17 MR. PROKOP: Okay. So when I started
18 talking, anyway, I was talking about that one.

19 CHAIRMAN GESSIN: All right. If anyone on
20 the Board wants to see a newly created -- a newly
21 cut 15-foot driveway, 826 is a new 15-foot
22 driveway. So you can see that it's adequate to
23 get a fire truck down there. They can't make a
24 turn around, they'll have to back out, but they
25 can get down there.

1 MR. HULME: Anybody with enough skill to
2 drive one of those trucks should be able to back
3 up, I would think.

4 MEMBER GOLDFEDER: Well, the concern is,
5 obviously, after the Cupsogue incident.

6 MR. TERCHUNIAN: Yeah, right.

7 MEMBER GOLDFEDER: We want make sure
8 there's --

9 MR. TERCHUNIAN: Water.

10 MEMBER GOLDFEDER: -- water.

11 MR. TERCHUNIAN: Since they were running
12 tanker trucks instead of hoses. Yikes.

13 CHAIRMAN GESSIN: Anything else from the
14 Board?

15 (No Response)

16 CHAIRMAN GESSIN: So, Joe, at this point,
17 do we close the hearing?

18 MR. PROKOP: Close the hearing, and we move
19 on to the consideration of the five criteria
20 after the hearing is closed. I mean, we go into
21 a meeting. We could have the meeting after we
22 complete the hearing on all the applications, or
23 we can have the meeting on this application right
24 after we close the hearing, it's up to you. I
25 would probably just go right into the meeting on

1 this application.

2 CHAIRMAN GESSIN: You mean today?

3 MR. PROKOP: Yes. So we'll close the
4 public hearing on this, and you have a choice, as
5 the Chairperson, to make a decision -- to review
6 the application for decision after all three of
7 the public hearings, or you could go right into
8 it after you close the public hearing. All
9 Boards do it different ways. How do you feel
10 about that? Do have any -- do you see what I
11 mean?

12 MR. TERCHUNIAN: It's probably fair to
13 everybody if you heard all the public hearings
14 and then went into deliberations after that.

15 CHAIRMAN GESSIN: Yeah, I think that would
16 be best, yeah.

17 MR. PROKOP: Okay.

18 CHAIRMAN GESSIN: Okay. So we'd like to
19 close the public hearing, and we can let you go
20 about your day.

21 MR. HULME: Thank you very much. Thank you
22 all. Good to see you.

23 MR. PROKOP: That's a motion.

24 CHAIRMAN GESSIN: Motion to close the
25 public hearing. Would someone like to second?

1 MEMBER SARETSKY: Sure.

2 MR. TERCHUNIAN: By Saretsky. Do we have a
3 second? Mr. Golfeder, are you in?

4 MEMBER GOLDFEDER: I second.

5 MR. HULME: Thank you for your attention.
6 I'll talk to you all soon.

7 CHAIRMAN GESSIN: Okay. Next application,
8 Diane, 836 Dune Road.

9 MS. HEROLD: Diane Herold, H-E-R-O-L-D, 38
10 South Country Road, Westhampton. I'm here for
11 the applicant. Good morning.

12 CHAIRMAN GESSIN: Good morning.

13 MS. HEROLD: Just to get started, I want to
14 make sure everyone has the correct site plan,
15 since Jim had some problems. It's composed
16 January 13th, 2015, and it was submitted after
17 our last meeting. We made some revisions to the
18 application, as well as to the survey. So, if
19 you could just confirm, it's at the upper
20 right-hand corner on the survey. We're good?

21 MEMBER SARETSKY: Good.

22 MS. HEROLD: Okay. The agenda is quite
23 accurate in our changes. I'll only review the
24 changes that we made, because there are so many.

25 Number one is the most important, where we

1 changed the lot coverage drastically, and we now
2 have 24.9%. This was requested by the Board,
3 that you wanted us to reduce from the 30% that we
4 came in with before. We did that by removing the
5 west walk, which eliminates the variance for that
6 walk. We made the surround around the swimming
7 pool one foot instead of three feet. And we also
8 reduced the size of the east walk to 4.5 feet.
9 So that gave us enough square footage to give our
10 clients the deck that they wanted the addition
11 and the swimming pool.

12 MEMBER GOLDFEDER: What's the depth of the
13 swimming pool?

14 MS. HEROLD: The depth of the pool is
15 probably like three-to-six, three-to-seven. It
16 will be on pilings, it has to be. They have
17 small children, so I think it's going to be a
18 standard pool.

19 So the rear yard variance has changed also,
20 because we made the walk around the swimming pool
21 a little bit smaller, so that has been changed to
22 39.9 feet. As you can see, we're using the
23 three-tenths rule, because we did give you a
24 single and separate. Those two are the ones on
25 the first page.

1 On the second page, I mentioned #3, that
2 we're reviewing -- removing the west walk, so we
3 don't need that variance.

4 And then Number 5, the Board did ask us to
5 request a variance to the proposed second floor,
6 which is a variance of 19.1 feet, for a setback
7 of 40-feet-nine -- 40.9 feet.

8 The other variances were for the front, and
9 that was reviewed last time when we had our
10 meeting.

11 I probably should point out that we're
12 already at 23.9, so we're adding only 1%. That
13 should be important for the Board. For
14 everything that we're getting, it's just a 1%
15 increase.

16 MR. TERCHUNIAN: Diane, a question. On the
17 -- in the front, on the proposed second floor
18 deck, you're indicating that's over an existing
19 deck?

20 MS. HEROLD: Yes, it is.

21 MR. TERCHUNIAN: And then landward of that,
22 you have a red line that is not identified as to
23 what that is.

24 MS. HEROLD: The 24.4, is that where you're
25 looking at?

1 MR. TERCHUNIAN: Yeah.

2 MS. HEROLD: That's the existing deck

3 MR. TERCHUNIAN: 29.4.

4 MS. HEROLD: That's the existing deck

5 MR. TERCHUNIAN: That's an existing deck?

6 MS. HEROLD: Yes.

7 MR. TERCHUNIAN: Okay. But it's in red,
8 not in black?

9 MS. HEROLD: That's true.

10 MR. TERCHUNIAN: Okay.

11 MEMBER GOLDFEDER: Is there a right-of-way
12 easement on the east side of the property or --

13 MS. HEROLD: Yes, there is. You can see
14 that it's marked there, but it's 10 feet. Each
15 of the properties have a 10-foot right-of-way,
16 yes. It's actually for access, supposedly to the
17 back, you know, B and C.

18 MEMBER SARETSKY: I think all six of those
19 houses yielded that.

20 MR. TERCHUNIAN: Yeah. And so the
21 second-floor addition is only going over part of
22 the existing building?

23 MS. HEROLD: Yes, on the right, at least to
24 the southeast corner. They want to keep the
25 cathedral ceiling in the living room, so we're

1 not doing an entire second floor.

2 MR. TERCHUNIAN: So all of the additions
3 outside of the footprint are on the rear of the
4 house on the north side of the building?

5 MS. HEROLD: No. Say that again.

6 MR. TERCHUNIAN: All of the additions that
7 are outside the existing building envelope --

8 MS. HEROLD: Oh, yes, correct.

9 MR. TERCHUNIAN: -- are on the north side
10 of the building?

11 MS. HEROLD: Yes, yes. I'm sorry. Yes,
12 because the second floor is being built over the
13 existing house on the south side.

14 MR. TERCHUNIAN: So there's no -- there's
15 no reduction in any of the front yards?

16 MS. HEROLD: No. They're all being
17 maintained. You basically asked for that,
18 because you wanted to make sure that we were
19 clear when we were finished with this project
20 that we had validated the setbacks that were
21 preexisting.

22 MEMBER GOLDFEDER: And the entrance to the
23 house stays the same, in the same spot?

24 MS. HEROLD: Actually, the steps move over,
25 because we're reducing the size of the east walk,

1 so they'll move over 4.5 feet also.

2 MEMBER GOLDFEDER: Did we ask, Harvey, last
3 meeting for a rendering, an as-built on this?

4 MS. HEROLD: No, you did not.

5 MEMBER GOLDFEDER: We did not?

6 MS. HEROLD: I would have provided you one.

7 CHAIRMAN GESSIN: No, we didn't. Diane,
8 what is this dotted line?

9 MEMBER GOLDFEDER: I know we did get those
10 in the past.

11 MS. HEROLD: The dotted line is the
12 right-of-way, the black dotted line.

13 CHAIRMAN GESSIN: No, no, no. No, this
14 other one.

15 MEMBER SARETSKY: It's a box.

16 CHAIRMAN GESSIN: The one I just
17 highlighted.

18 MS. HEROLD: Oh, that's the driveway.

19 CHAIRMAN GESSIN: Oh, that's the driveway.
20 Okay. I couldn't tell what that was.

21 MS. HEROLD: No. I don't he labeled it.
22 Did he label it?

23 CHAIRMAN GESSIN: No, it's not labeled.

24 MS. HEROLD: Oh.

25 CHAIRMAN GESSIN: It didn't say what it is.

1 It says gravel driveway here, but I can't tell
2 what this other thing is.

3 MS. HEROLD: No, it's -- that exact dotted
4 line that you see, you can actually park in front
5 of the steps, and then you also have parking on
6 the east side.

7 MEMBER MIZZI: What's being changed that --
8 what's being removed that would -- that would
9 make this only a 1% addition? Because there's a
10 good bit of new area.

11 MS. HEROLD: If you have the old survey, I
12 can -- if you have an old survey, I'll --

13 MR. PROKOP: I'm sorry.

14 MEMBER MIZZI: I said, like -- she said
15 there's only 1% being added, but looking at it,
16 it seems like it would be more than 1%, unless
17 something was removed.

18 MR. PROKOP: Well, you know that's --

19 MEMBER MIZZI: So I was just trying to be
20 clear what was being removed.

21 MR. PROKOP: The relative percentage is not
22 1%. You're talking about the lot coverage?

23 MEMBER MIZZI: Yeah.

24 MR. PROKOP: Yeah. The relative -- the
25 mathematical amount is 1%, but the relative

1 amount is not 1%, the relative amount is like 5
2 or 10, 5% or something.

3 MS. HEROLD: 4.9.

4 MEMBER MIZZI: 4.9 it says.

5 MS. HEROLD: But just --

6 MEMBER MIZZI: I guess I was looking at it,
7 saying like if it's -- it's only changing lot
8 coverage by 1%.

9 MS. HEROLD: No. I just want to point out
10 to you, this is what's there existing.

11 MEMBER MIZZI: Yeah.

12 MS. HEROLD: So we're eliminating this
13 whole length here.

14 MEMBER MIZZI: That was my question.

15 MS. HEROLD: And then we're eliminating 4.5
16 all through here. And once we eliminate all
17 those walks --

18 MEMBER MIZZI: Got it.

19 MS. HEROLD: -- we make up the difference.
20 So this is what was there before. So you can
21 see, here's the existing. The scale is different

22 MEMBER MIZZI: What's going to be here?
23 It's not just --

24 MS. HEROLD: Nothing. We're taking -- in
25 fact, thank goodness we're taking it down,

1 because it's a cantilever anyway. So we're
2 eliminating from here all the way back to here
3 all of this square footage, and from here to
4 here, which is an extensive amount, as you can
5 see. So by the time we took off all --
6 previously, the owner wanted to keep everything
7 and we came in with 30%. We persuaded them to
8 cut down on the walks that are not necessary. If
9 they wanted their pool and they wanted their back
10 deck, they had to give up the walkways, and
11 that's what we persuaded them to do.

12 MR. TERCHUNIAN: Diane, what are you going
13 to do about the sanitary system?

14 MS. HEROLD: Nothing. I don't have to, I'm
15 keeping the same number of bedrooms.

16 MR. TERCHUNIAN: Okay.

17 MEMBER GOLDFEDER: The same number of
18 bedrooms? The second floor along -- the addition
19 that's going up top?

20 MS. HEROLD: We're eliminating a bedroom
21 downstairs and putting the bedroom upstairs, yes.
22 They want a master bedroom looking at the ocean,
23 so that's why we have that second floor on the
24 south side.

25 MEMBER GOLDFEDER: So there'll be three

1 bedrooms total or --

2 MS. HEROLD: That's four.

3 MEMBER GOLDFEDER: Four bedrooms total?

4 MS. HEROLD: Yes.

5 MEMBER GOLDFEDER: And how big is the
6 parking area after --

7 MS. HEROLD: Well, it's what is there, it
8 was the dotted line. Maybe this will be a little
9 bit easier.

10 MEMBER GOLDFEDER: Will it support four
11 cars?

12 MS. HEROLD: Well, yes, one, two, three,
13 four.

14 MEMBER GOLDFEDER: Okay.

15 MS. HEROLD: Yes. Yes, it would.

16 MEMBER GOLDFEDER: With the setback.

17 MEMBER MIZZI: It's getting wider, right?

18 MS. HEROLD: The driveway? No. We just --
19 we don't have to --

20 MEMBER GOLDFEDER: Just deeper.

21 MS. HEROLD: We don't have to widen it.
22 It's not even that deep. It's just we're
23 getting --

24 MEMBER MIZZI: I thought you were moving
25 the stair over to the west.

1 MS. HEROLD: Oh, yes. Okay, I'm sorry.
2 But I don't know if they'll make that driveway or
3 not, but you're right, they probably will, yes.

4 MEMBER MIZZI: Okay.

5 MR. PROKOP: So I just wanted to ask you a
6 question. You mentioned the existing setbacks
7 before. So if an existing setback encroaches on
8 the first floor, I just want -- and I haven't
9 looked at these plans, I'm not the plans person.
10 But if an existing encroachment exists on the
11 first floor, that doesn't mean that you can get
12 that -- you can get that encroachment on the
13 second floor.

14 MS. HEROLD: That's why last --

15 MR. PROKOP: I just want to make sure we're
16 clear about that. The second floor still has to
17 comply.

18 MS. HEROLD: For the last meeting, you
19 asked -- excuse me. At the last meeting, you
20 asked me to add that to my list of variances.

21 MR. PROKOP: Okay.

22 MS. HEROLD: And Aram, as I said before,
23 asked us to ask for all of -- you know, to the
24 existing deck, to the existing first floor, to
25 the existing roof over the deck.

1 MR. PROKOP: Okay.

2 MS. HEROLD: He asked us to clarify all of
3 that, so that somewhere down the line, the Board
4 has approved all of those nonconforming front
5 yard setbacks.

6 MR. PROKOP: Okay, good. So if you have --
7 if you have an encroachment of an existing
8 structure on the first floor, on the ground
9 level, that doesn't give you the right to go
10 straight up.

11 MR. TERCHUNIAN: Yeah, without coming to
12 this Board.

13 MR. PROKOP: Without coming to the Board.

14 CHAIRMAN GESSIN: But you're still not
15 increasing your coverage. You have to come to --

16 MR. PROKOP: That's a different -- I'm just
17 talking about the setbacks, not the coverage.

18 CHAIRMAN GESSIN: Okay.

19 MR. PROKOP: Right, the coverage is -- if
20 you have -- if the first floor goes to here, if
21 this line is the setback line, the required
22 setback line, and the first floor existing is to
23 here, that doesn't give you the right to go up
24 with the second floor. You would have to apply
25 for a vary variance for this.

1 CHAIRMAN GESSIN: Right.

2 MR. PROKOP: So I just wanted to make sure
3 we're clear.

4 MS. HEROLD: So that was added since our
5 last meeting. The Board asked us to include that
6 with our setbacks to the south property line.

7 MR. PROKOP: Okay, good. The Health Code,
8 in a discussion with Aram, apparently, what the
9 Health Department says in a memo -- and
10 apparently there's a Health Department memo on
11 this. We should probably get this as part of our
12 file in this.

13 MS. HEROLD: I can provide that to you.

14 MR. PROKOP: Yeah. If you're not --

15 MS. HEROLD: I'll leave it with Laura.

16 MR. PROKOP: If you're not increasing
17 bedrooms, as long as it's not a total rebuild of
18 the house, which in this case it is not --

19 CHAIRMAN GESSIN: Not, uh-huh.

20 MR. PROKOP: -- then you're okay, you don't
21 have to come back for a recertification. But we
22 should get that as part of the file, so we have
23 that for future use.

24 MS. HEROLD: I'll bring it in Monday, and
25 you can make copies for the Board. I'll make a

1 note of that, because it is an important memo.

2 CHAIRMAN GESSIN: Okay. Board, do we have
3 any other questions?

4 MR. PROKOP: I would ask on these hearings,
5 just as a formality, just ask if there's anybody
6 else that would like to be heard.

7 CHAIRMAN GESSIN: Is there anybody else in
8 this room that would like to be heard?

9 (No Response)

10 CHAIRMAN GESSIN: No? Anything else you'd
11 like to add, Diane?

12 MS. HEROLD: No. I thank the Board for
13 their time again. And I appreciate your review
14 of this again. So may I request that -- they're
15 going to review it after this meeting; is that
16 correct?

17 MR. PROKOP: Right. I think there's going
18 to be a motion to close the public hearing, and
19 then we'll have the meeting after this.

20 MS. HEROLD: Okay. Thank you.

21 CHAIRMAN GESSIN: Would someone like to
22 make a motion to close this hearing?

23 MEMBER SARETSKY: I move to close.

24 MEMBER GOLDFEDER: I will second.

25 CHAIRMAN GESSIN: Okay. This hearing is

1 closed.

2 Okay. Next application. Thank you,
3 Diane.

4 MS. HEROLD: You're welcome.

5 CHAIRMAN GESSIN: The next one up is 9 Dune
6 Lane, but, apparently, the notifications never
7 went out.

8 MR. PROKOP: The notifications did not go out?

9 CHAIRMAN GESSIN: To the neighbors, yeah.

10 MR. PROKOP: I'm sorry. So then we could
11 discuss it, but we can't have the public hearing,
12 we have to adjourn the public hearing.

13 CHAIRMAN GESSIN: Do you want to talk about
14 it or --

15 MR. BATCHELLER: Yeah, sure. And then --
16 yeah.

17 CHAIRMAN GESSIN: Okay. Go ahead.

18 MR. BATCHELLER: All right. So my name is
19 Ed Batcheller, 7 Jagger Lane, Westhampton, and I
20 am the agent for the applicant, whose name is
21 Sandra Kronberg, at 9 Dune Lane in the Village.
22 She has a house upon a 5,000 square foot lot.
23 And if you look at the survey, you'll see there
24 are existing decks on the first floor and the
25 second floor in the front, in the front of the

1 house, and they don't comply with the code --
2 with the setbacks.

3 And what the client wants to do is on the
4 second floor deck, extend it towards the road,
5 towards Dune Lane by about six feet. And the
6 purpose of that is to -- she feels that the
7 amount of space that's there now is not
8 comfortably safe. It's not structurally unsafe,
9 but just feels that there's not enough depth to
10 put -- to have people up there, and that's where
11 people tend to gather.

12 So she'd like to add -- so she'd like to
13 get some relief from the front yard setback from
14 36.84 existing to 33.14. And adding the deck,
15 because the lot is so small, also increases the
16 lot coverage by 10%. So we would be going from
17 20 to 30% lot coverage.

18 So that's essentially -- you know, that's
19 the application in a nutshell.

20 MEMBER SARETSKY: This is just for the
21 deck?

22 MR. BATCHELLER: Just for the second floor
23 deck. The gray on the survey, you see the gray
24 there?

25 MEMBER SARETSKY: Yeah, I'm looking at it.

1 MR. BATCHELLER: Yeah, that's the extension
2 of the existing deck, the existing second floor
3 deck. So it goes over to the existing side yard
4 setback in line with the first floor wood deck,
5 and projects back a little over six feet toward
6 the front property line.

7 MR. PROKOP: Is that section, block --
8 Laura, did I get the section, block and lot
9 right, the district on the agenda?

10 MR. TERCHUNIAN: Yeah, it's 1-1 -- well, it
11 says on the survey.

12 MR. PROKOP: But it's not 909, right, it's
13 907?

14 CHAIRMAN GESSIN: 907-01-01.

15 MS. DALESSANDRO: That's right.

16 MR. PROKOP: So it's not 11, it's 1-1-50?

17 MS. DALESSANDRO: It's 1-1-50.

18 MR. PROKOP: Yeah, okay.

19 MR. TERCHUNIAN: And have you looked at the
20 other lots in the area and what their coverage is
21 and setbacks are?

22 MR. BATCHELLER: I'm not so sure about with
23 the coverage, but I do know that the house to
24 the -- I guess it would be to the west, immediate
25 west, adjacent property, John Liere, or whatever,

1 they seem to have -- they have a deck that seems
2 to project forward, as actually -- probably about
3 as far forward as this deck, this new deck would be.

4 MR. TERCHUNIAN: It probably would be
5 useful for the Board for them to know what the
6 other -- what the other lots in the neighborhood
7 have in the way of coverage and setbacks.

8 MR. BATCHELLER: Yeah, we can -- I can
9 easily get that information.

10 CHAIRMAN GESSIN: Yeah, I was over there
11 before and it appears that that other house is
12 over five feet forward, and just their deck, than
13 this house.

14 MR. BATCHELLER: The one to the west, yeah.

15 MEMBER GOLDFEDER: Would this be on
16 pilings, the new deck, or --

17 MR. BATCHELLER: Yes. It will be on
18 footings and -- concrete footings and columns,
19 all engineered.

20 CHAIRMAN GESSIN: And here's a picture,
21 too. I mean, I couldn't take it from the side
22 because it was so snowy, but it is actually -- I
23 didn't feel like it. But it is more forward, the
24 two decks.

25 MEMBER SARETSKY: This one's more forward.

1 CHAIRMAN GESSIN: The one to the right is
2 more forward than the one to the left. The one
3 to the left is the one she wants to move forward.

4 MEMBER SARETSKY: I see.

5 CHAIRMAN GESSIN: And they'll probably just
6 about line up there.

7 MEMBER SARETSKY: It would be nice to see
8 the other side.

9 MEMBER GOLDFEDER: Yeah. Which is the
10 house that's directly behind it?

11 MR. TERCHUNIAN: What do you mean?

12 MEMBER GOLDFEDER: Is that 880, or which --

13 MR. TERCHUNIAN: Oh, Burns and Harte.

14 MEMBER GOLDFEDER: I know we extended
15 relief to one of the houses behind it.

16 MR. TERCHUNIAN: Oh, that's right, but it
17 wasn't -- that's not one of these. Behind it is
18 Maloney, Harte, and Vaczy. I don't remember
19 those as being --

20 MR. BATCHELLER: Oh, Vaczy?

21 MR. TERCHUNIAN: Because we just -- while
22 we have -- I think one is Goldstein, and the
23 other is Autorino.

24 MEMBER GOLDFEDER: Yes. My concern,
25 obviously, was density.

1 MR. BATCHELLER: I'm sorry?

2 MEMBER GOLDFEDER: My concern was density.

3 MR. BATCHELLER: Oh. It's a tightly packed
4 little neighborhood.

5 MEMBER GOLDFEDER: Yes, yes.

6 MR. BATCHELLER: The lots are very small.
7 You know, if you sneeze, you need a variance over
8 there.

9 CHAIRMAN GESSIN: Yeah.

10 MEMBER MIZZI: I have one comment, which
11 the calculation for the second floor deck --

12 MR. BATCHELLER: Yes.

13 MEMBER MIZZI: -- it seems to include the
14 area over an existing stair, the wood stair.

15 MR. BATCHELLER: Yes.

16 MEMBER MIZZI: And, therefore, if that's
17 already part of your lot coverage, your
18 application might be less if you were to consider
19 that.

20 MR. TERCHUNIAN: Typically, the wood access
21 stairs are not considered in lot coverage.

22 MEMBER MIZZI: Okay.

23 MR. PROKOP: Isn't that unless it's more
24 than three stairs, four stairs --

25 MEMBER SARETSKY: It is more.

1 MR. PROKOP: There's a rule for that. We
2 did us that for Trimarchi.

3 CHAIRMAN GESSIN: Okay.

4 MR. PROKOP: For 693.

5 CHAIRMAN GESSIN: Right.

6 MEMBER MIZZI: And again, it wouldn't
7 increase the application, it would reduce it, the
8 step.

9 MR. PROKOP: Does anybody remember what the
10 rule is we applied to 693, because there was a
11 rule that we --

12 MEMBER MIZZI: Well, I guess my question
13 was that in the -- if it's included in the 1228,
14 it might be being double-counted. If it's not in
15 1228, then it wouldn't be double-counted.

16 MR. PROKOP: Okay.

17 MEMBER MIZZI: So just to know that.

18 MR. TERCHUNIAN: So you should clarify
19 that, then.

20 MR. BATCHELLER: About the stairs?

21 MR. TERCHUNIAN: Yeah.

22 MEMBER MIZZI: Because, if it's in your
23 1228, you might be able to be asking for less
24 than 270 square feet.

25 MR. BATCHELLER: Okay. Yeah, that -- yeah,

1 I understand.

2 MEMBER MIZZI: Okay.

3 MR. BATCHELLER: Yeah.

4 CHAIRMAN GESSIN: And check the corner
5 house, because I think that one projects forward
6 also.

7 MR. BATCHELLER: Yeah, lot coverage.

8 MR. TERCHUNIAN: It probably would be very
9 useful if you just went through and FOILED the
10 surveys on all the lots in this neighborhood and
11 just did a spread sheet.

12 MR. BATCHELLER: Yeah, okay, of front yard
13 setbacks, etcetera?

14 MR. TERCHUNIAN: Right.

15 MR. PROKOP: And lot coverage.

16 MR. BATCHELLER: Lot coverage?

17 MR. TERCHUNIAN: Yeah.

18 MR. BATCHELLER: Okay. FOIL from the Town?

19 MR. TERCHUNIAN: From the Village.

20 MR. BATCHELLER: The Village.

21 MR. TERCHUNIAN: Yeah.

22 CHAIRMAN GESSIN: Anybody else have any
23 other questions?

24 MEMBER SARETSKY: No, straightforward.

25 CHAIRMAN GESSIN: Okay. So let's get the

1 notice out.

2 MR. BATCHELLER: We're going to adjourn, so
3 I'll get the notices back, and bring in this
4 other information, and then -- okay. Do we know
5 when the next meeting is going to be?

6 CHAIRMAN GESSIN: No, we have to schedule it.

7 MR. PROKOP: So I think the motion on this
8 one would be motion to table.

9 CHAIRMAN GESSIN: Yeah.

10 MR. PROKOP: So if somebody could, please,
11 make that motion.

12 CHAIRMAN GESSIN: Well, I don't think this
13 was actually an official --

14 MR. TERCHUNIAN: Actually, we're not taking
15 an action.

16 MR. PROKOP: Okay.

17 CHAIRMAN GESSIN: Right.

18 MR. PROKOP: All right. So, as the
19 Chairman, you'll just table it.

20 MR. BATCHELLER: Okay. We'll just be on
21 the next calendar.

22 CHAIRMAN GESSIN: Just get ready and we'll
23 be ready to go next time.

24 MR. BATCHELLER: All right.

25 CHAIRMAN GESSIN: Who sends the notices out?

1 MR. BATCHELLER: I have a list. Thank you.

2 CHAIRMAN GESSIN: Okay. So what do we have
3 next? We have --

4 MR. PROKOP: Okay. So there were two
5 decisions that were made, that we made, and we
6 did --

7 MEMBER MIZZI: Could I ask for some
8 clarification?

9 MR. PROKOP: I'm sorry.

10 MEMBER MIZZI: Are we voting on this today,
11 the ones that we heard?

12 MR. TERCHUNIAN: You don't have to.

13 MEMBER MIZZI: I'm just curious.

14 MR. TERCHUNIAN: That's really up to the
15 Chairman and you guys.

16 MR. PROKOP: You have to make a decision
17 within 60 days of today. The hearing closed
18 today.

19 MEMBER MIZZI: Okay.

20 MR. PROKOP: Then you have to make a law --
21 excuse me. The law is that you have to make a
22 decision within 60 days of today.

23 MEMBER MIZZI: Okay.

24 MR. PROKOP: So it's up to you. You can
25 decide one, or not decide.

1 MEMBER MIZZI: Do we talk about it or we
2 can't talk about it?

3 MR. PROKOP: Talk about it, yes.

4 MEMBER GOLDFEDER: On the record?

5 MR. PROKOP: Yeah, really everything is on
6 the record.

7 MEMBER SARETSKY: But first, you want to go
8 through these other two, right?

9 MR. PROKOP: Yes.

10 MEMBER MIZZI: No, I didn't mean to
11 interrupt, I was just trying to get a bearing.

12 MR. PROKOP: So I didn't have the chance to
13 say this when I came it. I'm sorry I was a few
14 minutes late, but the -- what we decided then was
15 to use a reporter from now on, just so we have a
16 record.

17 You know, I was literally -- by the time I
18 got out of here after our meeting, because people
19 were fighting, people that were not at the
20 meeting were fighting with me over what was said
21 at the meeting. So I just -- I thought, to help
22 everybody else out, and more particularly, you
23 could see what's going on today with the
24 documents, it's like overwhelming for us just to
25 get the right documents here. You know, that's

1 like a job for two people. So, to just
2 consolidate everything, I recommended we have a
3 reporter. And also, whatever her fee will be
4 will be split among the people that were here
5 today. So --

6 MEMBER MIZZI: I thought you found a
7 surplus in the budget. I saw new signs and a
8 court reporter.

9 (Laughter)

10 MR. PROKOP: No. The last time, poor Laura
11 was like, you know, she was trying to write down
12 what we were saying, so that's it.

13 MEMBER GOLDFEDER: And I think it's
14 appropriate.

15 MR. PROKOP: You know, we'll just organize
16 this.

17 MEMBER MIZZI: Good idea.

18 MR. PROKOP: And then we can go back, you
19 know, and see, you know, this is how we handled
20 things. So the other thing is --

21 CHAIRMAN GESSIN: Right. And this is what
22 we said, right.

23 MR. PROKOP: You know, all the members of
24 the Board are great, you know, we're lucky to
25 have everyone, and everything you say is

1 important. So, you know, if you say it out loud,
2 then she'll get it down.

3 CHAIRMAN GESSIN: All right.

4 MR. PROKOP: Yes. And then we can go back
5 and see, you know, Joe said this, and Joe Mizzi
6 said this, and whatever.

7 MS. DALESSANDRO: And that becomes the
8 minutes, correct, Lucia does the minutes?

9 MR. PROKOP: This will be the minutes, yes,
10 these are the minutes. And we can even put this
11 on the website, you know, because this will come
12 to us in PDF and we put it right on the website.

13 CHAIRMAN GESSIN: Great.

14 MR. PROKOP: So you can take an action
15 today on one of them, none of them, you cannot
16 take an action.

17 CHAIRMAN GESSIN: Well, on the last
18 application, I just want to -- I'd like to table
19 that until our next meeting, because I'd like to
20 have all the other subdivisions we approved
21 together at one time, so we can review them all
22 at one time, so that we're in synch that they all
23 end up the same.

24 MR. PROKOP: Yes.

25 CHAIRMAN GESSIN: So we don't have a battle

1 down the road when these houses start going in,
2 that one Board did one thing, one Board did
3 another thing, and discriminate against me, and
4 then you did this to the other one, and then this
5 one did this to the this one, because that's the
6 way this Village goes down anyhow, if you know
7 what I mean.

8 MR. PROKOP: Yes.

9 CHAIRMAN GESSIN: So I think we should try
10 to get them all locked in pretty much the same.

11 MR. PROKOP: Okay.

12 CHAIRMAN GESSIN: Okay. As far as Diane's
13 application, if you guys want to vote on this one
14 today, I'm okay with that, unless you want to
15 further look at it.

16 MEMBER SARETSKY: The only question, I
17 guess, I had about Diane's application was --

18 CHAIRMAN GESSIN: It's confusing.

19 MEMBER SARETSKY: It's confusing. That's
20 one part. But the second part is, right now,
21 there's a brand new house going up to the east of
22 it, Yale and Sandy, and that house has no
23 variance, right, as far as I know.

24 MR. TERCHUNIAN: At the present time, no.

25 MEMBER MIZZI: They've requested a

1 variance, right.

2 MEMBER SARETSKY: And they're building a
3 substantial house, right, it's not -- I mean, I
4 know that it's a renovation, because it's on
5 partial -- on part of the old.

6 MR. TERCHUNIAN: Correct, correct.

7 MEMBER SARETSKY: I guess what I -- and I
8 thought you guys did this last time, I'm not sure
9 if I was at the last meeting, but it just seems
10 if you could accomplish their goals with not
11 having a variance, in other words --

12 MR. TERCHUNIAN: I think that --

13 MEMBER SARETSKY: Maybe I'm not saying --

14 MR. TERCHUNIAN: Better to issue a variance
15 on this project, if that's the Board's
16 determination. I don't think there's a way not
17 to issue a variance. I don't think there's a way
18 for them to build this without a variance.

19 MEMBER GOLDFEDER: I agree. It's almost a
20 35% density increase.

21 MR. TERCHUNIAN: Well, that's not really
22 the issue. And if you want to talk about the
23 Yale stuff, we'll do that later.

24 MEMBER SARETSKY: I'm only saying --

25 MR. TERCHUNIAN: But here, the issue is

1 this: It's not that they're building within the
2 footprint, or not building within the footprint,
3 it's that the second story is new construction,
4 and the new construction itself can't be built
5 that close to Dune Road, despite the fact that
6 there's a first floor. It's the second story
7 construction that triggers the first set of
8 variances.

9 MEMBER SARETSKY: Okay.

10 MR. TERCHUNIAN: And it's the extension in
11 the rear that triggers the second set of
12 variances.

13 MEMBER GOLDFEDER: That's my concern with
14 the density. And also, I think at the last
15 meeting, we asked them for a rendering to see how
16 it's going to fit into the neighborhood of what
17 it's going to look like post.

18 MR. TERCHUNIAN: It's going to look very
19 similar to what Yale is building. It's about the
20 same percentage, it's about the same coverages,
21 about the same width.

22 MEMBER MIZZI: What's confusing to me is
23 that even though she described the lot coverage
24 only going up from 23.9 to 24.9, the house went
25 up significantly, and the deck went down

1 significantly. And it's very hard to understand
2 what she's building there.

3 MR. TERCHUNIAN: Well, yeah. Well, I
4 think, quite frankly, this request is much more
5 reasonable than the first request. And the first
6 request was silly, because they were keeping all
7 this very odd deck space, which was killing them
8 on lot coverage, that they're never, ever going
9 to user.

10 MEMBER SARETSKY: Right, it's the side
11 deck.

12 MR. TERCHUNIAN: That side deck on the west
13 side, which was of a variable width, really
14 didn't serve any real function, it just took up
15 space. And it seems to me they've gotten a lot
16 smarter in the sense of they've gotten rid of
17 that, trimmed off the west side, which is hurting
18 them on coverage. So that's why the deck space
19 is very -- is only a much smaller increase. And,
20 essentially, they're creating an entirely new
21 second story on top of an existing first story,
22 which is basically doubling their habitable
23 space.

24 MEMBER GOLDFEDER: Oh, and adding the roof
25 deck, yeah.

1 MEMBER MIZZI: But that shouldn't
2 increase -- that shouldn't -- that's not the
3 reason for increasing --

4 MEMBER SARETSKY: Lot coverage.

5 MEMBER MIZZI: -- lot coverage of the
6 house.

7 MR. TERCHUNIAN: Right. The lot coverage
8 is decreased because of removing the decks.

9 MEMBER MIZZI: Right, but they --

10 MEMBER SARETSKY: But their increase --

11 MEMBER MIZZI: Where's the house -- like it
12 went from 961 square feet for the house to 1300
13 square feet for the house lot coverage. The deck
14 lot coverage went from 1584 to 1250, and it
15 wasn't apparent to me from the materials she
16 presented how that was happening.

17 MR. TERCHUNIAN: Can I take a look at the
18 survey?

19 MEMBER SARETSKY: Well, I think part of it
20 is the pool. In other words, you're building --

21 MEMBER MIZZI: That would make the deck
22 space greater, not less.

23 MEMBER GOLDFEDER: And the pool.

24 MEMBER SARETSKY: But I think what Aram is
25 saying is they're chopping off decks on side.

1 MR. TERCHUNIAN: Yes.

2 MEMBER SARETSKY: And that's just helping
3 with the mass.

4 MEMBER GOLDFEDER: To the get the numbers.

5 MEMBER SARETSKY: To the get the numbers.

6 MEMBER MIZZI: Yeah.

7 MEMBER GOLDFEDER: Also with that, just,
8 Aram, you're familiar, obviously, with the back.
9 There is some wetland growth back there.

10 MR. TERCHUNIAN: The wetland is far, far
11 away.

12 MEMBER SARETSKY: Because you have another
13 house.

14 MEMBER GOLDFEDER: Yeah, behind, but it
15 still fills back in there.

16 MEMBER SARETSKY: Yeah.

17 MEMBER MIZZI: So I guess this is the area
18 that's not the house currently that's adding to
19 that.

20 MR. TERCHUNIAN: Yes, yes.

21 MEMBER SARETSKY: I mean, I guess.

22 MEMBER MIZZI: And there's a deck here
23 that's being removed.

24 MR. TERCHUNIAN: Correct.

25 MEMBER MIZZI: And a deck and a pool that

1 is being added here.

2 MR. TERCHUNIAN: Right. There's deck on
3 this side that's being trimmed.

4 MEMBER MIZZI: Right.

5 MR. TERCHUNIAN: Deck on this side, on the
6 west side removed, east side trimmed. Second --
7 you know, three-quarters of the existing first
8 floor is getting a second story, and then you're
9 doing a first floor addition on the north side of
10 the building, which is, you know, 12-by-29. So
11 12-by-29 is where you're picking up all of this
12 existing residence increase.

13 MEMBER SARETSKY: It's like 350 feet?

14 MR. TERCHUNIAN: Yeah, exactly, it's 348
15 feet. So of -- when you go from this 961 to the
16 1303, 350 feet of that is the addition on the
17 north side of the building.

18 MEMBER SARETSKY: So let's go by the
19 premise of what you're saying, that it's not --
20 it's nothing, whatever, it's not up --

21 MR. TERCHUNIAN: Yeah, that's it, that's
22 all of it.

23 MEMBER SARETSKY: So the only issue, then,
24 is the setback in the back, because you're
25 putting in --

1 MR. TERCHUNIAN: Right.

2 MEMBER SARETSKY: -- an addition, the
3 addition and a pool.

4 MR. TERCHUNIAN: Right.

5 MEMBER SARETSKY: And how does that
6 adversely effect or not anybody in the back area?

7 MR. TERCHUNIAN: Quite frankly, the pool is
8 an accessory structure.

9 MEMBER SARETSKY: Okay.

10 MR. TERCHUNIAN: That's a 20-foot setback
11 to the rear yard.

12 MEMBER SARETSKY: Okay.

13 MR. TERCHUNIAN: I mean, the deck -- I
14 mean, you have a building, and a deck attached to
15 it, and then a pool attached to that. The
16 building is a building that definitely is a
17 primary structure setback. The deck being
18 attached to the building, yeah, you could
19 consider that to be an -- to be part of the
20 primary structure. And then you have another
21 structure removed from that, being the deck.
22 Yes, it's attached to the other two, and,
23 therefore, it's -- you know, technically, you can
24 consider it part of the primary structure, and,
25 therefore, subject to the 30 -- the three-tenths

1 rule. But the point of fact is if they just made
2 the pool by itself, they can put it 20 feet from
3 the line. So, if the pool and the deck weren't
4 attached to the house, they could go to 20 feet,
5 and it just doesn't make any sense for them to do
6 that now.

7 MEMBER GOLDFEDER: Well, they have to leave
8 it intact, because there's no way to service it.

9 MR. TERCHUNIAN: Exactly. I mean, so if
10 you're looking at it with or without, okay, we'll
11 comply with the code, we'll build a pool and deck
12 totally separate from the house 20 feet from the
13 rear lot line. That's pretty silly. Okay. So,
14 if we attach it to the house, now we get it 40
15 feet away. That sounds a lot better.

16 MEMBER GOLDFEDER: So they're going to
17 cantilever off the pool side for decking on the
18 back end?

19 MR. TERCHUNIAN: I guess.

20 MEMBER GOLDFEDER: Four feet?

21 MR. TERCHUNIAN: That one-foot walk-around?

22 MEMBER GOLDFEDER: They have to?

23 MEMBER SARETSKY: Yeah, one foot. They'll
24 definitely cantilever it out.

25 MR. TERCHUNIAN: Yeah.

1 MEMBER SARETSKY: Or they'll cantilever
2 with an arm or something.

3 MR. TERCHUNIAN: Yes.

4 MEMBER GOLDFEDER: You have to -- and where
5 are they going to put the pool with a filter?

6 MR. TERCHUNIAN: Well, they haven't given
7 us a spot for that, but it's all got to be above
8 flood plain.

9 MEMBER SARETSKY: So how does the -- how
10 does us approving this adversely affect -- so
11 there's a house behind it, Aram, Jane's house.
12 So she now sells her house, builds a new house,
13 or does a similar renovation. Do we set any
14 precedent by doing this that's -- because you
15 have these --

16 MR. TERCHUNIAN: Yeah, but this is a flag lot.

17 MEMBER GOLDFEDER: This is a big variance.

18 MEMBER SARETSKY: That's the problem that I
19 see here. There's six flag lots, and you don't
20 want to sort of upset the apple cart in that does
21 -- in other words, Yale's house is now sort of
22 the new frontier, right? In other words, it's a
23 big new house. It's built -- you know, I live
24 far enough away from this that it's really not an
25 issue to me, but I know to Pat, who lives on the

1 water, and to Ed Sisk, this will now affect view.

2 But, I mean, look, maybe that's their --

3 MR. PROKOP: Well, Yale's house, just to
4 let you know, Yale will be before this Board.

5 MR. TERCHUNIAN: Probably.

6 MEMBER SARETSKY: Okay.

7 MR. PROKOP: So he's -- Yale is going to be
8 told, if he hasn't been told already, that he
9 needs to come to the ZBA.

10 MEMBER SARETSKY: Okay.

11 MR. PROKOP: So that wasn't an as-of-right.

12 MEMBER SARETSKY: So maybe I shouldn't use
13 that as an example.

14 MR. TERCHUNIAN: But I think you're on a
15 good point. So let me follow up what you're
16 saying.

17 MEMBER SARETSKY: That's what I'm toying
18 with, Aram.

19 MR. TERCHUNIAN: Yeah. Well, you know, if
20 we look at this, what we'll realize is these two
21 are the smallest lots here. These two are much
22 more substantial lots. So --

23 MEMBER SARETSKY: And they also don't
24 suffer from the setback from Dune Road.

25 MR. TERCHUNIAN: Right. So when you look

1 at the relative size of these buildings compared
2 to what's going to be allowed on these two lots,
3 these are still much smaller.

4 MEMBER SARETSKY: When you say these two
5 lots, it's this lot and then this lot, right?

6 MR. TERCHUNIAN: Okay. Well -- but this
7 particular lot is a very large lot.

8 MEMBER SARETSKY: Oh, I didn't realize
9 there's another lot here before you get to --

10 MR. TERCHUNIAN: Yeah.

11 MEMBER SARETSKY: Okay, so it's two lots.

12 MEMBER MIZZI: It's a triple flag. It's a
13 triple flag lot.

14 MR. TERCHUNIAN: Yeah.

15 MEMBER SARETSKY: Okay.

16 MR. TERCHUNIAN: So these lots are much
17 larger. They're going to support substantially
18 larger homes than this and still comply.

19 MEMBER SARETSKY: Okay.

20 MEMBER MIZZI: There's a monster house
21 going up over here. Just kidding.

22 MR. TERCHUNIAN: So I think you're point is
23 well taken, and I think the explanation puts it
24 into context. I think the thing that I'd like to
25 focus the Board's attention on is that you're

1 Looking at a 24-point-something percent lot
2 coverage.

3 MEMBER MIZZI: And how does that fair?

4 MR. TERCHUNIAN: Well, you're going to see
5 a whole bunch of them, then.

6 MEMBER GOLDFEDER: Yeah, that's my concern.

7 MEMBER MIZZI: Honestly, I had less of a
8 concern about the rear setback. I was just
9 looking at -- if you do the calculations, for
10 them to make this work without increasing from
11 23.9 to 24.9, they really have to find 110 or
12 less square feet.

13 MR. TERCHUNIAN: Right.

14 MEMBER MIZZI: And to have this, what looks
15 to be -- it's very hard to understand, but some
16 sort of existing deck in the front, they're
17 coming out with another deck over the top, which
18 is not lot area, but they're moving this, they're
19 taking this off. You know, I think in other
20 cases we've -- you know, where somebody's
21 supposed to be 20, they're existing at 23.9,
22 they're making some moves, which I think to your
23 point are beneficial to their property and
24 probably to the neighborhood. But it would be
25 nice to ask them just to find a way just to make

1 this work at 23.9 and talk about setbacks,
2 personally.

3 MR. TERCHUNIAN: Well, I --

4 MEMBER MIZZI: For 100 square feet, like,
5 you know --

6 MEMBER SARETSKY: And, Aram, to Joe's
7 point, if you're building a pool in the back, do
8 you really need -- I understand the deck in the
9 front allows you to see the water, but you could
10 have some porch, or whatever, some component in
11 the front that doesn't really use lot coverage,
12 and then you achieve both.

13 MEMBER MIZZI: Yeah. And I'm just saying,
14 is like if you're -- it's one thing if you
15 have -- if you're just adding a little deck on,
16 but you're taking a deck off, you're taking a
17 stair that's already over here, you're moving in
18 here, you're shuffling this around, you're
19 building a deck in the back. There's probably a
20 way the architect could find 100 square feet.

21 MEMBER SARETSKY: To chiclet that.

22 MEMBER GOLDFEDER: So, yeah, my concern is
23 the proximity to the road. Otherwise, I think
24 it's --

25 MR. TERCHUNIAN: The proximity to the road

1 is not changing.

2 MEMBER GOLDFEDER: That's the concern,
3 yeah.

4 MR. TERCHUNIAN: And -- well, that's
5 because the building is not moving. They're
6 going straight up over an existing.

7 MEMBER GOLDFEDER: Well, maybe they
8 should -- it should move. Maybe it should go
9 back.

10 MR. TERCHUNIAN: I think that's a big lift
11 with -- I mean, what do you mean by it should go
12 back? I mean, are you talking about they should
13 recess the second floor, or are you talking about
14 moving the whole building?

15 MEMBER GOLDFEDER: Moving the whole
16 building to go to that size, potentially.

17 MEMBER MIZZI: Or just make your -- I mean,
18 it would be helpful -- does she have a drawing of
19 the house?

20 MEMBER GOLDFEDER: There's -- you can fit
21 maybe another two cars.

22 MEMBER MIZZI: No, there's no drawing of
23 the house.

24 MEMBER GOLDFEDER: Yeah.

25 MEMBER MIZZI: Because I'm just saying, if

1 you looked at the -- I don't know -- I don't know
2 how you get into house, where you come in.

3 MEMBER SARETSKY: You go up a stair on the
4 far side here, right?

5 MEMBER MIZZI: Right.

6 MEMBER GOLDFEDER: Yeah.

7 MEMBER SARETSKY: And then the door is
8 around by the corner.

9 MEMBER MIZZI: Where is the front door?

10 MEMBER SARETSKY: I think it' on the corner
11 or --

12 MEMBER GOLDFEDER: Yeah, it is. It's to
13 the left on the road.

14 MEMBER MIZZI: The front door is not
15 changing? If you could slide over to the -- that
16 house.

17 MEMBER SARETSKY: That's it. That's it.

18 CHAIRMAN GESSIN: I took a bad shot of it.

19 MEMBER SARETSKY: I guess what I just keep
20 coming back to is that there's a lot that's going
21 to happen in this spot because of all these lots.

22 MR. TERCHUNIAN: Well, it's not just this
23 spot.

24 MEMBER SARETSKY: No. But I'm saying not
25 just this one, but I'm saying you have these --

1 it's eight lots, not six. I'm saying it wrong,
2 right?

3 MR. TERCHUNIAN: No, no. These are all
4 singles. These are single houses.

5 MEMBER SARETSKY: You have one, two, three,
6 and back here is one. You have one, two and
7 three, then you have four on the other side,
8 right? Then you have Yale, and whatever you
9 have.

10 MR. TERCHUNIAN: No, no, no. Yale's right
11 here.

12 MEMBER SARETSKY: Right. So I'm saying you
13 have a pair here.

14 MR. TERCHUNIAN: And these are singles,
15 these aren't pairs. There's no pairs.

16 MEMBER SARETSKY: Oh, okay. So behind them
17 are singles?

18 MR. TERCHUNIAN: Yes, singles.

19 MEMBER SARETSKY: So two, four, five.

20 MR. TERCHUNIAN: Five, yeah, yeah.

21 MEMBER SARETSKY: So I'm only thinking
22 about, for the benefit of the neighborhood,
23 you're going to set a precedent of what's going
24 to -- you know, what's going to happen to these
25 houses that are unimproved, which is this one

1 that's proposed, Jane's house, and then the house
2 behind it, which is a vacant lot.

3 MR. TERCHUNIAN: I don't think you're
4 right.

5 CHAIRMAN GESSIN: Can I ask you a question?

6 MR. TERCHUNIAN: I don't think you're
7 right.

8 CHAIRMAN GESSIN: Is Yale's lot the same
9 size as this lot?

10 MR. TERCHUNIAN: Yes.

11 CHAIRMAN GESSIN: What's the apparent issue
12 with his house?

13 MR. TERCHUNIAN: He has an existing
14 footprint that's about 24-point-something
15 percent, and he's basically adding a second story
16 to that without expanding the footprint.

17 CHAIRMAN GESSIN: So then he's still at 24%?

18 MR. TERCHUNIAN: Yeah. But he's got --
19 he's got the same issue that these guys do, is
20 the second story requires a variance.

21 MEMBER GOLDFEDER: So how did he get as far?

22 MR. TERCHUNIAN: This is not a conversation
23 I would have.

24 MEMBER GOLDFEDER: Right, right.

25 MR. TERCHUNIAN: Okay?

1 MEMBER SARETSKY: So the only -- I guess,
2 well, we can come back to that. But it's like
3 you want to be reasonable, but you don't want to
4 set a bad precedent.

5 MEMBER GOLDFEDER: Well, can we, as a
6 Board, look at a density plan for this
7 neighborhood and decide on a -- on equality for
8 each one?

9 MR. PROKOP: Sure.

10 MR. TERCHUNIAN: I think you're
11 overthinking. I think you're overthinking it.
12 Let me try to simplify it.

13 First of all, Eric, to your point, if you
14 took this size building here and you placed it
15 here, it would be well within their as-of-right
16 building area.

17 CHAIRMAN GESSIN: Because it doesn't
18 front --

19 MR. TERCHUNIAN: Because it's much larger
20 lot. This lot is --

21 MEMBER SARETSKY: Okay.

22 MR. TERCHUNIAN: -- more than twice the
23 size.

24 MEMBER SARETSKY: But let me ask you this
25 question: So --

1 MR. TERCHUNIAN: Okay.

2 MEMBER SARETSKY: So let me -- stay with
3 me. Stay on your thought for a second. So,
4 Aram, you buy this lot and now you build to the
5 max and want a variance in proportion to what you
6 have here.

7 MR. TERCHUNIAN: All right. Perfect
8 question. Here's the answer: What we're looking
9 at here are very small lots.

10 MEMBER SARETSKY: Okay.

11 MR. TERCHUNIAN: Okay? For instance, the
12 one on Dune Lane is 5,000 square feet. This lot
13 here, what's the total lot area on this?

14 MEMBER MIZZI: Ten thousand six hundred.

15 MR. TERCHUNIAN: This is a 10,000 square
16 foot lot. All right. When we're dealing with
17 very small lots, what we're trying to do is
18 define a habitable space that's reasonable for
19 people to live in, which means lot coverage as a
20 percentage of the lot is usually higher. When
21 you move to a lot that's now 20 or 25,000 square
22 feet, more than double the size, and you go to
23 your 20% allowable lot area, so now your lot is
24 20,000 square feet, not 10.

25 MEMBER SARETSKY: Okay.

1 MR. TERCHUNIAN: You go to 20% lot
2 coverage, you're at 4,000 square feet of
3 coverage. That's a lot of building in deck and
4 pool. You have could have --

5 MEMBER SARETSKY: Okay.

6 MR. TERCHUNIAN: -- you could literally
7 have 3,000 square feet times two stories, is
8 6,000 square feet of habitable area, and 1,000
9 square-foot pool and deck.

10 MEMBER SARETSKY: All right. That's a
11 great point. So now the question, though, is how
12 do we look at the very small houses that are in
13 the Village and what's been granted before, and
14 what's fair and reasonable in this situation?

15 MR. TERCHUNIAN: So --

16 MEMBER SARETSKY: That's not reasonable?

17 MR. PROKOP: Well, just remember, when we
18 grant these variances, we say that -- we normally
19 say that there's unique circumstances, right? So
20 it's not -- there's like -- there's not a rule
21 that, you know -- we don't have like a 23% rule
22 where everybody gets 23%, every lot is evaluated
23 differently. So --

24 MR. TERCHUNIAN: And every consultant, and
25 attorney, and architect is going to come in here

1 and say, "You granted this variance and this
2 variance and that variance."

3 MEMBER GOLDFEDER: That's the concern.

4 MEMBER SARETSKY: That's what I'm concerned
5 with.

6 MR. PROKOP: But that's not automatic to
7 this one.

8 MR. TERCHUNIAN: It's not automatic, it
9 just puts a burden on you. It means that you
10 have to look individually at each parcel and say,
11 "What makes sense on this lot based upon the
12 specific circumstances?"

13 For example, if you came to me, Barry, and
14 you said, "Well, your existing house is close to
15 Dune Road, if you want a second story, why don't
16 you move the whole thing back 10 feet," I would
17 balk, I would say that's unreasonable. As the
18 owner of the house, I would say, "Listen, I won't
19 go any closer, but I should be able to go up."
20 In some jurisdictions, it's an automatic. As
21 long as you don't increase your nonconformity,
22 you get to keep it and, in essence, expand it.
23 All right?

24 On the other hand, if I'm at -- I'm already
25 over lot coverage and I want to increase lot

1 coverage, then the question becomes, okay, why do
2 you need that increase, and how does that
3 increase affect the rest of the neighborhood?

4 MEMBER MIZZI: But, Aram, that's my
5 question.

6 MEMBER SARETSKY: And that's exactly it,
7 because what you're really saying is you have
8 23.9, you want 24.9. I've yet to understand why
9 you can't make 23.9 work. In other words, you
10 can have a pool, you can have the deck spaces you
11 sort of need.

12 MEMBER GOLDFEDER: Yeah, you can't come
13 up to --

14 MEMBER MIZZI: We can allow you to -- we
15 can allow you to, you know, make sensible
16 decisions to your point about not having to have
17 an accessory pool separate from your house, but I
18 just feel like if you're going to take off a side
19 deck, you're going to remove a stair, you're
20 going to shift it over, you're going to add a
21 deck in the back, you're going to cover part of
22 the area that's deck now with a house, you're
23 going to add a second floor --

24 MEMBER GOLDFEDER: You're rebuilding a
25 house.

1 MEMBER MIZZI: -- can't you find 100 square
2 feet in your deck? So you're asking for certain
3 variances, and not asking to take something that
4 should be 20%, which is now 23.9%, and make it
5 24.9%. That's what I --

6 MR. TERCHUNIAN: That's why you guys get
7 paid the big bucks.

8 MEMBER SARETSKY: But that's not what we're
9 asking you. Doesn't that sound reasonable?

10 MR. TERCHUNIAN: No, that's very
11 reasonable. You're not telling them they have to
12 reduce it from 23.9 to 20.

13 MEMBER GOLDFEDER: Right.

14 MEMBER SARETSKY: Well, then to keep the
15 lot coverage --

16 MR. TERCHUNIAN: You're saying -- so the
17 real question, in my opinion, Joe, and please
18 opine, the question that you want to ask
19 yourself, because the way that the law is
20 structured in the State of New York is nobody has
21 a burden to prove that they need it, they only
22 have to want it.

23 MEMBER SARETSKY: To file.

24 MR. TERCHUNIAN: That's it.

25 MEMBER SARETSKY: To apply.

1 MR. TERCHUNIAN: All they have to do is
2 want it, they don't have to need it. There's no
3 practical difficulty in that.

4 MEMBER MIZZI: We have our criteria.

5 MR. TERCHUNIAN: But the criteria is, is it
6 reasonable? Is what they're asking for
7 reasonable? Are they -- will they have
8 sufficient interior room for a modern family to
9 live in a resort community? Will they have
10 sufficient exterior room to safely access the
11 building and to provide reasonable accessory uses
12 that are normal and customary to this type of
13 resort development?

14 MEMBER GOLDFEDER: But we still have to
15 look at the neighborhood as a whole.

16 CHAIRMAN GESSIN: That's only their
17 opinion, there's not ours.

18 MR. TERCHUNIAN: And so the purpose of the
19 entire discussion is what's reasonable? What's
20 reasonable from their point of view, and what's
21 reasonable from your point of view? And so if
22 your point of the view is that 23.9% -- if your
23 point of view is that 23.9% gives them a
24 reasonable opportunity to do that --

25 MEMBER SARETSKY: Well, I don't know that

1 until they give me something that shows that they
2 can't trim something. In other words, to your
3 point, Joe, it seems like taking 100 foot off,
4 110 feet off of this is very easy.

5 MR. PROKOP: The criteria of the law -- and
6 that's a good point. So the criteria of the law
7 is that whether or not they're saying -- whether
8 or not this is going to have an impact on the
9 community or -- excuse me. Number one is whether
10 or not it will negatively impact surrounding
11 properties, basically.

12 MEMBER GOLDFEDER: Yeah.

13 MR. PROKOP: Okay. Then number two is, and
14 this isn't -- I'm sorry, this isn't necessarily
15 in the right order. Number two is whether or not
16 the benefit to the applicant outweighs the
17 negatives, you know, negative to the community,
18 right? Or number three is whether or not the
19 variance is substantial, and that's like a --

20 MEMBER MIZZI: Can I ask one question while
21 you're explaining these things? We've been
22 saying from 23.9 to 24.9, but the variance is a
23 4.9% variance

24 MR. PROKOP: Right.

25 MEMBER MIZZI: So, you know, because the

1 way it's being presented, it's supposed --

2 MR. TERCHUNIAN: Let Joe finish the five
3 points, because that's how everything is decided.

4 MEMBER MIZZI: But I just want to make sure
5 I understand, because it's important for me to
6 evaluate the points. We're being asked to
7 evaluate whether 4.9 is not --

8 MR. TERCHUNIAN: No, you're not.

9 MEMBER MIZZI: Well, according to this, we are.

10 MR. PROKOP: It is.

11 MR. TERCHUNIAN: I don't think so. You're
12 being asked to increase by 1% a pre-existing --

13 MEMBER SARETSKY: A majority exceeds --

14 MEMBER MIZZI: We're voting on a variance
15 of -- like, if I'm approving a variance to say
16 that we're approving 4.9% to be added to this
17 house, in a sense, we're voting that whether 4.9%
18 is reasonable. Somebody could represent
19 something and have me consider whether 3.9 is
20 reasonable.

21 MEMBER SARETSKY: But what Aram's saying is
22 the existing --

23 MEMBER MIZZI: I understand. I understand.

24 MEMBER SARETSKY: It's the existing math
25 now.

1 MEMBER MIZZI: But I'm saying, as you're
2 reviewing this, because, at the end of the day,
3 we have to review this to what we're comfortable
4 with.

5 MR. TERCHUNIAN: Well, you have to review
6 this against five criteria, and Joe is on number
7 three. So let him give get to the other two.
8 Because what you should do, in my opinion, what
9 you should do is take criteria number one. Is it
10 in the characteristics of the neighborhood?

11 MEMBER GOLDFEDER: Yes.

12 MR. TERCHUNIAN: Yes or no?

13 MEMBER GOLDFEDER: And that's why I think
14 we should have a density plan for the
15 neighborhood, so we can address one always --

16 MR. TERCHUNIAN: You have a problem here,
17 because these two lots are the only two 10,000
18 square foot lots within 1,000 feet.

19 CHAIRMAN GESSIN: You got to remember,
20 we're only talking about 1%. A 10,000 square
21 foot lot, we're only talking about 100 feet.
22 We're not talking about anything --

23 MR. TERCHUNIAN: So is it within the
24 characteristic of the neighborhood?

25 CHAIRMAN GESSIN: It's a very small lot.

1 MR. TERCHUNIAN: Number two, is it
2 substantial? Is a hundred -- you're saying 100
3 square feet is not much, you can get rid of it
4 easily. If I'm the guy on the other side, my
5 answer is, "Yeah, it's not that much, why are you
6 giving me such a hard time?"

7 CHAIRMAN GESSIN: But I need 100 feet.

8 MR. PROKOP: But what they're asking is,
9 they're asking for the 4.9. But the 3.9 of it
10 they're justifying because it's -- if I'm not
11 mistaken, it's allowable under the stip, is that
12 what it is?

13 MR. TERCHUNIAN: Yeah, it's protected.
14 It's not allowable, it's protected under the
15 consent judgment.

16 MR. PROKOP: And this thing that we're
17 doing is not all or nothing, it's not yes or no,
18 it's -- you could grant a lesser amount than the
19 amount that's required.

20 MR. TERCHUNIAN: Right, requested.

21 MR. PROKOP: Requested.

22 CHAIRMAN GESSIN: Aram, they had that
23 footprint prior to --

24 MR. TERCHUNIAN: Yeah.

25 CHAIRMAN GESSIN: But they didn't have a

1 variance.

2 MR. TERCHUNIAN: Well, I don't even know
3 when this was built, but they had -- you know,
4 this is a valid structure.

5 MEMBER GOLDFEDER: They had a CO.

6 MEMBER SARETSKY: It was identical to the
7 house next to it.

8 CHAIRMAN GESSIN: Aram, it was preexisting
9 without a variance?

10 MR. TERCHUNIAN: Yeah.

11 MR. PROKOP: Who's house is this -- was
12 this, Smith?

13 MEMBER SARETSKY: Smith.

14 MEMBER GOLDFEDER: The other runner, Bill.

15 MR. PROKOP: Pardon me?

16 MEMBER GOLDFEDER: What was his name?

17 MS. DALESSANDRO: It was Smith.

18 MR. PROKOP: Smith was there for many
19 years.

20 MR. TERCHUNIAN: The guy with the hearing aid.

21 CHAIRMAN GESSIN: So it was preexisting
22 without a variance, not that it had a variance.

23 MR. TERCHUNIAN: Well, we don't know what
24 he went through with the Town, but --

25 CHAIRMAN GESSIN: It was there.

1 MR. TERCHUNIAN: It was there when we came.
2 When we showed up, it was there.

3 So go through the five. Is it
4 characteristic? Is it substantial? Is the
5 benefit to the applicant, you know, outweighed by
6 the negative to the community? Is there a
7 significant environmental impact? And is it
8 self-created?

9 MEMBER GOLDFEDER: And what's the benefit
10 to the Town? What's the tax on it?

11 MR. TERCHUNIAN: Well, it's not the benefit
12 to the Town. Is the benefit to the applicant
13 outweighed by the negative to the community?

14 MEMBER SARETSKY: To the Village.

15 MR. TERCHUNIAN: So, you know, you're
16 balancing, this is a seesaw.

17 MEMBER SARETSKY: But I could make an
18 argument both ways for all of it.

19 MR. TERCHUNIAN: Absolutely, that's the
20 whole point.

21 MEMBER SARETSKY: That's the whole part of it.

22 MR. TERCHUNIAN: I could say that I think
23 they could make it work with what's existing,
24 which is already over the limit.

25 MR. TERCHUNIAN: Correct.

1 MEMBER SARETSKY: But, at the same time, I
2 could say that it is within the characteristics
3 of the neighborhood, or I could say a little
4 house like this with a pool and all these other
5 things seems like a lot, because there's plenty
6 of big homes that don't have that. You know,
7 this is sort of a -- it's a challenging argument.

8 MR. TERCHUNIAN: But, I mean, at the end of
9 the day, they have a house with a 1300, or almost
10 what, 1300 square foot footprint, and total
11 interior habitable space of probably about, you
12 know, 2200 square feet. That's not a big house.
13 They've got a pool. They've got a deck on the
14 landward side that's, what, 26-by-17, or
15 something like that. That's not a big -- what's
16 the size of this room? And then they've got a
17 small pool. So the question is, you know, is
18 that reasonable for people to live in?

19 MEMBER GOLDFEDER: It's reasonable now.
20 People have been living in there for years.

21 MR. TERCHUNIAN: I live in a much smaller
22 house, but that's not the point.

23 MEMBER GOLDFEDER: We're really only
24 picking up 108 square feet on a tax bases.

25 MR. TERCHUNIAN: Yeah. No, you're picking

1 up a lot more than that.

2 MEMBER GOLDFEDER: No.

3 MEMBER MIZZI: You're picking up more on
4 tax bases over there, because the residence is
5 going to be priced higher.

6 MEMBER GOLDFEDER: On the residence, like
7 400.

8 MEMBER MIZZI: But looked at another way,
9 though --

10 MEMBER GOLDFEDER: But on total.

11 MEMBER MIZZI: Yeah. Looking another way,
12 they're asking for relief to put the second floor
13 deck, which would bring -- you know, add
14 something closer to the road visually. They're
15 asking for relief in the back. I mean, it's not
16 unreasonable to ask them to make this work within
17 the 23.9% footprint.

18 MR. TERCHUNIAN: It's not unreasonable for
19 the Board to require them to go 23.9, you
20 certainly could do that.

21 MEMBER SARETSKY: But show me that 23.9
22 doesn't work.

23 MR. TERCHUNIAN: Well, I wouldn't even say
24 that. But here's the point --

25 MEMBER MIZZI: We know it works.

1 MEMBER SARETSKY: What I'm saying -- but,
2 Aram, what I'm saying is if you showed me that
3 master bedroom, that you're going to have --

4 MR. TERCHUNIAN: But didn't you guys have
5 this identical conversation with Autorino three
6 separate meetings, and at the end you granted him
7 a variance?

8 MEMBER MIZZI: Who's Autorino?

9 MS. DALESSANDRO: 880.

10 MEMBER MIZZI: 880?

11 MEMBER SARETSKY: 880.

12 MR. TERCHUNIAN: Yeah. So let me ask you,
13 is this a reasonable approximation of the impact
14 of the neighborhood? I'm walking down the
15 street, it's a beautiful sunny day, and as I'm
16 walking down the street, I see that this is a
17 very nice two-story house, and it's well built,
18 and it's new, and it's got a couple of cars in
19 the driveway. And I look at the house and I go,
20 "Oh, my, that's a very attractive house." Can I
21 tell right then that I'm being negatively
22 impacted because there's more or less than 100
23 square feet on the back of that deck?

24 MEMBER GOLDFEDER: No, but what you're
25 going to put on the face now is totally different

1 than what you have on the back.

2 MEMBER SARETSKY: I guess what I'm saying
3 is I'm less concerned of what's in the back as I
4 am to the other parts of, you know, the front.

5 MR. TERCHUNIAN: That's the only place
6 they're adding on.

7 MEMBER SARETSKY: But I'm sort of willing
8 to say --

9 CHAIRMAN GESSIN: Well, Aram, that's not
10 what Joe's saying.

11 MEMBER MIZZI: And I'm feeling like, you
12 know, you said it once to somebody, like I think
13 when somebody's asking for a variance and you're
14 willing to grant something, it's an opportunity
15 to ask them to do the right thing. And I'm just
16 wondering is, if we're willing to let them do
17 everything that they're asking, but we're also
18 asking them to find 100 square feet, which,
19 truthfully, I'm an architect, I'm a builder,
20 these people aren't, I imagine that if they live
21 in the two houses, they couldn't -- they probably
22 would never even know the difference between 100
23 square feet, you know.

24 MR. TERCHUNIAN: If the Board wants to
25 limit them to 23.9%, I don't think you have a

1 problem.

2 MEMBER GOLDFEDER: Yeah. I think we went
3 through a similar exercise with the Riese
4 property, and they were successful in reducing
5 the footprint.

6 MR. TERCHUNIAN: We did. We did.

7 MEMBER GOLDFEDER: And it went well.

8 MEMBER MIZZI: Yes.

9 MEMBER SARETSKY: It's easy for me to say
10 I'm going to rigid on 23.9 versus 24 if I saw it
11 didn't work. In other words, if I saw -- like if
12 the bedroom is so small that it's unusable, and
13 that's -- I don't know if that makes sense,
14 but --

15 MEMBER MIZZI: And I'm sure it's going to
16 be a nice house, but, you know, we haven't
17 been -- you know, I don't know like how Diane
18 designed these houses, but we haven't been
19 provided with what the house looks like.

20 MR. TERCHUNIAN: So the Zoning Board -- and
21 that's not really an issue for the Zoning Board.

22 MEMBER MIZZI: No. I was responding to
23 your -- I'm responding to go your comment that if
24 I'm walking down the street, I'm going see
25 something that's a beautifully built house. I

1 don't know that, I haven't seen it. I'm hoping so.

2 MR. TERCHUNIAN: You know, we got to limit
3 ourselves to what's in our authority that we
4 control.

5 MEMBER MIZZI: I'm not saying that we can
6 control it, but I'm not feeling that right now.

7 MR. PROKOP: Would you like her to come
8 back to the next meeting with a plan that shows
9 100 square feet less?

10 MEMBER MIZZI: Well, is there -- and I was
11 going to say this: Is there a way to approve it
12 by saying, "Look, we're going to approve it,
13 provided that you" --

14 MR. PROKOP: Sure.

15 MR. TERCHUNIAN: Yes, absolutely. You can
16 grant all the variances except for the variance
17 to 24-point whatever, and you could deny that
18 one. These are individual stips.

19 MEMBER MIZZI: Yeah. And she could tell
20 her client, "Look, I've got good news and bad
21 news. The good news is it's approved and we're
22 ready to build. The bad news is here's a
23 slightly different plan that gives you 100 square
24 feet less.

25 MEMBER SARETSKY: I mean, Harvey, do you

1 think it's unfair?

2 CHAIRMAN GESSIN: I don't have a problem
3 with 100 feet.

4 MEMBER SARETSKY: You can give them the
5 variance at 1% more.

6 MEMBER GOLDFEDER: Yeah.

7 MEMBER SARETSKY: Even though --

8 CHAIRMAN GESSIN: But I think what Joe's
9 problem is more -- is the front yard. Is that
10 what you're saying?

11 MEMBER MIZZI: I guess what I'm saying is
12 given that we're -- given that they are feeling
13 the need to add a second floor deck in the front
14 yard, and given the fact that they're making all
15 these moves, if I -- you know, if that's
16 important to them to have it --

17 CHAIRMAN GESSIN: How many feet is actually
18 pushing into the front yard?

19 MR. TERCHUNIAN: They're staying over the
20 existing deck.

21 MEMBER MIZZI: They're adding this.

22 CHAIRMAN GESSIN: Is it this little piece
23 here?

24 MEMBER SARETSKY: So does that count as
25 twice, the deck in front on the first and second

1 floor?

2 MR. TERCHUNIAN: It's about five, maybe six
3 feet.

4 MEMBER SARETSKY: I mean, I guess the other
5 thing I'd like to understand is how often do we
6 give relief to people who have -- are already
7 over it? What do you give them on a regular -- I
8 mean, is there any trend to that or pattern?

9 MR. PROKOP: No.

10 MEMBER SARETSKY: No?

11 MR. PROKOP: Are they building an addition
12 over the deck? This roof over the deck, is that
13 a roof, or is that -- the second floor is going
14 over the deck? It says --

15 MR. TERCHUNIAN: It says roof over deck as
16 existing.

17 MR. PROKOP: The applicant requests a -- to
18 maintain an existing front yard -- to an existing
19 deck.

20 MR. TERCHUNIAN: Right. The existing deck
21 is at 29.4, and then they have a roof over the
22 deck on part of it that's at 32.7, and they want
23 to propose a second floor deck at 34.9.

24 MEMBER MIZZI: Yeah, Item 7, Joe.

25 MR. PROKOP: Okay.

1 MEMBER MIZZI: Proposed second floor deck.

2 MR. PROKOP: So that roof is now going to
3 become a second floor deck.

4 MR. TERCHUNIAN: No, no.

5 MR. PROKOP: Different second floor. I'm
6 sorry.

7 MR. TERCHUNIAN: Here, Joe, take a look at
8 this. Here's the existing line over here to
9 there. Existing roof over part of that deck.
10 They're adding a second story deck adjacent to it
11 here.

12 MR. PROKOP: Okay. The second floor deck
13 in the front is -- I know that some people have
14 them, but that's sort of like new ground. I
15 don't know how this came to be in the Village,
16 because that's sort of new ground. It's not just
17 a setback, it's not just a front yard setback,
18 it's a -- front yard decks, front yard second
19 story decks are new -- you know, a significant
20 thing.

21 CHAIRMAN GESSIN: A new invention, right.

22 MR. PROKOP: A significant thing. And I
23 know I said that a couple -- a year or two ago,
24 and I was --

25 MEMBER MIZZI: It fell on deaf ears.

1 MR. PROKOP: It was pointed out to me that
2 several people have them. It's definitely new
3 ground. Many locations will not allow a second
4 floor deck, front deck.

5 MEMBER MIZZI: No. I think the explanation
6 would be it's probably a way they can see the
7 ocean from there.

8 MR. TERCHUNIAN: It's on the master
9 bedroom, they want an ocean view, absolutely.

10 MEMBER MIZZI: Right. But again, it's like
11 how many things do we give them? You know, they
12 have the second floor deck, they want more. They
13 want relief in the back, they want more square
14 footage. Like, you know, that's what I'm saying.

15 MR. PROKOP: Yeah, sort of 20 pounds going
16 in a 10-pound bag.

17 MEMBER MIZZI: Yeah. And then each one in
18 itself is probably not a big deal, but is there a
19 way to say, you know --

20 MR. TERCHUNIAN: Well, this Board is
21 considering each of these variances independent
22 of each other. They can grant some, none, or all.

23 MR. PROKOP: Because this is going to be a
24 standard.

25 MEMBER GOLDFEDER: Yes.

1 MR. PROKOP: I mean, what you do here is
2 going to set the --

3 MEMBER MIZZI: No. I'm also thinking like,
4 you know, it's a -- to Eric's point, like other
5 people are going to be coming in the general area
6 and this one is going to be looked at.

7 MEMBER GOLDFEDER: Which may be a good
8 thing.

9 CHAIRMAN GESSIN: Well, then let's just go
10 down the list, then. Let's take them one at a
11 time.

12 MEMBER SARETSKY: Also, the first one --

13 CHAIRMAN GESSIN: Let me read my list.

14 MEMBER SARETSKY: Number one, instead of
15 4.9, you can stay at 3.9.

16 MEMBER MIZZI: Let's let the Chairman.

17 MEMBER SARETSKY: Sorry. I'm very jumpy
18 today. My apologies.

19 CHAIRMAN GESSIN: I guess we want to start
20 here, right, Joe?

21 MEMBER MIZZI: Yeah.

22 CHAIRMAN GESSIN: This is where we want to
23 start, right? "The applicant requests a variance
24 of 40.6 feet to maintain an existing front yard
25 setback of 29.4 feet to an existing deck and a

1 variance of 37.3 feet to maintain an existing
2 front yard setback of 32.7 feet to an existing --
3 to an existing roof over the deck when the
4 minimum front yard setback to an accessory
5 structure is required by the Zoning Code."

6 MR. PROKOP: So with this, they're
7 legalizing the deck and roof.

8 MR. TERCHUNIAN: Well, I wouldn't use that
9 word, Joe. That deck and roof, all that exists
10 and is legal now. You're not legalizing it,
11 they're just saying they want to maintain it.

12 MR. PROKOP: Well, under our Zoning Code.

13 MEMBER MIZZI: But that's the first floor
14 deck, is what you're describing?

15 MR. TERCHUNIAN: Yes, and the roof over the
16 first floor deck.

17 MEMBER GOLDFEDER: There was a sale
18 attached to it.

19 MEMBER MIZZI: Okay. Which is going to be --

20 MR. TERCHUNIAN: Yeah.

21 MEMBER MIZZI: Okay.

22 CHAIRMAN GESSIN: So they have the first
23 floor and they want to build the second floor?

24 MR. TERCHUNIAN: Well, number six that you
25 just read, the operative word there is

1 "maintain". Everything you described in there
2 exists and they're just maintaining it the way it
3 is, nothing new.

4 MR. PROKOP: So, in your decision on this,
5 you want to mention that it was part of the
6 footprint under the stip, under the RAPF stip;
7 R-A-P-F, RAPF stip.

8 MR. TERCHUNIAN: How do you want to
9 proceed, Harvey? You want to just -- do you want
10 to vote on each one of these?

11 CHAIRMAN GESSIN: You want to vote on each
12 one, each one independently, and see where we end up?

13 MEMBER SARETSKY: Well, we can just go
14 through all them, right, and then --

15 CHAIRMAN GESSIN: Discuss them.

16 MEMBER SARETSKY: Discuss them.

17 MEMBER MIZZI: As I understand number 6 --

18 MR. TERCHUNIAN: All right. Is everybody
19 good on 6?

20 MEMBER SARETSKY: Which is basically
21 keeping what you got.

22 MR. TERCHUNIAN: Right.

23 MEMBER SARETSKY: Got it.

24 CHAIRMAN GESSIN: Okay, 7.

25 MR. TERCHUNIAN: Seven is where we break

1 new ground.

2 CHAIRMAN GESSIN: Okay. "The applicant
3 requests a variance of 35.1 feet to allow a front
4 yard setback of 34.9 feet to a proposed second
5 floor deck when 70 feet minimum front yard
6 setback to an accessory structure is required by
7 the Zoning Code."

8 MEMBER MIZZI: And accessory structure is
9 the deck itself?

10 MR. TERCHUNIAN: Correct.

11 MEMBER SARETSKY: It's two-tenths of a
12 foot, right?

13 MR. TERCHUNIAN: No, no, no.

14 MEMBER SARETSKY: No?

15 MR. TERCHUNIAN: No. The variance --

16 MEMBER GOLDFEDER: It's double.

17 MR. TERCHUNIAN: The standard is 70.

18 MEMBER SARETSKY: Right.

19 MR. TERCHUNIAN: And they want to go to
20 34.9, so they need a 35.1-foot variance, it's
21 more than 50%.

22 MEMBER GOLDFEDER: Considerable.

23 MEMBER MIZZI: And there is -- you know, we
24 could all judge it for ourselves, but, you know,
25 going down Dune Road, for a house that's close to

1 Dune Road, adding a second story deck that's not
2 there, on top of adding a second floor, does
3 have -- has an environmental impact.

4 MEMBER GOLDFEDER: And roof deck.

5 MR. TERCHUNIAN: Well, just -- yes. Just
6 look at -- you've got another application that
7 you didn't open the hearing on today on Dune Lane
8 and what's exactly the same thing.

9 MEMBER MIZZI: No, it's on Dune Road, it's
10 on the back.

11 MR. TERCHUNIAN: But it's still on a road,
12 it's still a front yard setback.

13 MEMBER MIZZI: But, to me, I live across --
14 I live across from Dune Lane. The number of
15 times I -- you know, I watch traffic patterns.
16 Nobody goes back there. You know, this is Dune
17 Road going down, the only road in and out of the
18 Village. To me, it's a different area. And I
19 didn't say I'd approve that either.

20 MR. TERCHUNIAN: No. I'm just bringing it up.

21 MEMBER MIZZI: I would say, if that was on
22 the -- if that was on the other side of, you
23 know, the houses that back up on to Dune Lane,
24 but are on Dune Road, it might be a --

25 CHAIRMAN GESSIN: How do I know what she

1 has existing here?

2 MR. PROKOP: Yeah, that's a good question.
3 That's what you're trying to figure out.

4 MEMBER MIZZI: We didn't know that was
5 existing, but she said it was proposed, and we
6 made her show it as proposed, so -- and ask for a
7 variance for it, so.

8 CHAIRMAN GESSIN: The thing is, the red is
9 existing, right?

10 MEMBER MIZZI: No. No, but she's carved
11 this area out as what is called a proposed roof
12 over the deck. This is clearly new construction
13 and this looks to be existing. That's the --

14 CHAIRMAN GESSIN: The roof over the deck.

15 MEMBER MIZZI: The roof over the deck.

16 CHAIRMAN GESSIN: So she -- her existing is
17 really 32.7; is that correct?

18 MEMBER MIZZI: I can't see the number.

19 CHAIRMAN GESSIN: She told you before that
20 this was existing.

21 MEMBER MIZZI: Existing deck. This red
22 line was actually existing, but not second floor
23 deck, just the first floor deck. That's the 32.7
24 you just described in Item 6. This red, that's
25 the first --

1 CHAIRMAN GESSIN: Yeah, but that says 29.4.

2 MR. TERCHUNIAN: Yeah, 29.4 is existing.

3 MEMBER MIZZI: Oh, you're right.

4 CHAIRMAN GESSIN: That is the existing?

5 MR. TERCHUNIAN: Yeah. And 34.9 is to the
6 proposed, right there. See, that 34.9 points to
7 that new proposed second floor deck.

8 MEMBER MIZZI: This I'm told, based on the
9 question that was asked and answered, is that's
10 existing on the first floor.

11 MR. TERCHUNIAN: And it's on the old
12 survey, too. They just miscolored the line.

13 MEMBER GOLDFEDER: So the existing stairs
14 that are going to be relocated to the side from
15 the front --

16 MEMBER SARETSKY: They're pushing east,
17 looks like it, is what she said.

18 MEMBER GOLDFEDER: Which would butt right
19 up against the easement. So then, basically,
20 there will be no room for any -- any vegetation.

21 MEMBER MIZZI: In her defense, she's moving
22 that stair to the west.

23 MEMBER GOLDFEDER: To the west, okay.

24 MEMBER MIZZI: So it's creating more space,
25 not less space.

1 MEMBER SARETSKY: Right. Because if you
2 look at it here, you have the width of the
3 driver, which is greater.

4 CHAIRMAN GESSIN: So she's going back.

5 MR. TERCHUNIAN: The existing deck stays at
6 29.4 on the first floor.

7 CHAIRMAN GESSIN: That's not what this
8 says.

9 MR. TERCHUNIAN: And then a new deck on the
10 second floor will be at 34.9.

11 CHAIRMAN GESSIN: I got it.

12 MEMBER GOLDFEDER: Now, I hate to throw
13 this elephant into the room.

14 CHAIRMAN GESSIN: Go ahead.

15 MEMBER GOLDFEDER: But we know there's
16 going to be a forthcoming variance for the
17 property next door, which could have an impact on
18 this Board's decision regarding this current
19 variance.

20 MR. TERCHUNIAN: Yes.

21 MEMBER GOLDFEDER: So I suggest potentially
22 tabling this until we understand what's happening
23 in the rest of the neighborhood as a
24 consideration.

25 MR. TERCHUNIAN: Why don't we go through

1 all these points, get everybody's flavor on it,
2 and then do that?

3 MEMBER GOLDFEDER: Okay.

4 MR. TERCHUNIAN: Because you have 60 days
5 to make a decision, 62, actually.

6 MEMBER SARETSKY: But I think in what Barry
7 is saying, there's not that many parts of this
8 that I'm really -- you know, that I'm really --

9 MR. TERCHUNIAN: So let's focus in on the
10 ones that are -- I mean, Joe, your issue is with
11 the second floor deck in the front yard, that's
12 your primary issue?

13 MEMBER MIZZI: (Nodded yes.)

14 MR. TERCHUNIAN: And, Barry, that's your
15 primary issue?

16 MEMBER GOLDFEDER: Yes.

17 MR. TERCHUNIAN: Okay.

18 MEMBER SARETSKY: Okay. Well, then that's
19 fine with me, I mean.

20 MR. TERCHUNIAN: And is there any other one
21 of these seven requests that are a major issue?

22 MEMBER SARETSKY: It's more the 23.9 to
23 24.9, or whatever.

24 MEMBER GOLDFEDER: Yeah. The setbacks are
25 a concern, because right now I know they're

1 challenged with parking. You go to the four
2 bedroom mark and you increase it, whether they
3 live there or they sell.

4 MR. TERCHUNIAN: Well, they've got a lot of
5 room in the back. I mean, they can run a -- they
6 can run a driveway right to the back and put in
7 five cars.

8 MEMBER SARETSKY: Are you saying you can go
9 to the back of the lot?

10 MR. TERCHUNIAN: Oh, yeah. You could park
11 right up to the line.

12 MEMBER GOLDFEDER: Okay.

13 MR. PROKOP: They're allowed one car per
14 bedroom.

15 MEMBER GOLDFEDER: Yeah, that's --

16 MR. TERCHUNIAN: Yeah, okay.

17 MR. PROKOP: Bedroom, so they can't put in
18 five cars.

19 MR. TERCHUNIAN: Well, they got four --
20 well, whatever. My point is they have plenty of
21 room for parking.

22 MEMBER MIZZI: And my only other point,
23 cumulatively, is in the past, you know, when
24 people are asking for a bunch of different
25 things, each in itself may be -- might be

1 reasonable, but at some point, you know, you have
2 to decide what's most important to you. So, to
3 me, the two things I was really focusing on were,
4 you know, the front, the front deck I think has
5 the biggest impact to me visually, as opposed to
6 if there was an extra square foot -- or extra
7 about 100 square feet somewhere in the back,
8 particularly when they're taking stuff off the
9 side. But if they're going to be insistent
10 upon -- you know, Diane's pretty -- the
11 Architect, she's pretty assertive and insistent
12 on -- they're going to be insistent on that and
13 insistent on that, I think at some point, well,
14 then make all that work within -- without asking
15 for an area variance. But first --

16 MR. PROKOP: What if you gave them a --

17 MEMBER MIZZI: No, go ahead.

18 MR. PROKOP: What you gave them -- excuse
19 me, I'm sorry. What if you gave them a second
20 floor balcony instead of a second floor deck?

21 MEMBER MIZZI: What's the difference?

22 MR. PROKOP: A balcony is, you know, four
23 feet. You could set up -- a balcony is four feet
24 or less. It's enough to put a chair, basically.

25 MEMBER MIZZI: Got it.

1 MR. PROKOP: Well, a lot of municipalities
2 that I represent, that -- second story decks are
3 out, but they will give you a balcony, so then
4 you --

5 MR. TERCHUNIAN: You're giving them
6 nothing. Nobody's ever using a four -- nobody's
7 ever using a four-foot deck.

8 MEMBER GOLDFEDER: Well, if you go down to
9 the bay side, you don't see --

10 MR. TERCHUNIAN: And the person who's
11 coming in --

12 MEMBER SARETSKY: But I could make the
13 argument that how many people use -- how many
14 people use a deck that's going through your
15 master bedroom, right? In other words, so you're
16 bringing all your entertaining --

17 MR. TERCHUNIAN: No. No, it's not -- it's
18 not a high use area.

19 MEMBER SARETSKY: Right, so -- but, I mean,
20 I guess that's --

21 MR. TERCHUNIAN: Now we're getting into the
22 design of the house --

23 MEMBER SARETSKY: I agree.

24 MR. TERCHUNIAN: -- and how they use it.
25 You know, if the Board wants what Barry has

1 suggested, which is, all right, tell me what the
2 rest of the neighborhood looks like, and the
3 burden is on the applicant to show that they meet
4 that, then ask them for that. We've done it
5 before.

6 MR. PROKOP: Then try to mitigate the
7 impact of the requested construction and give
8 them some relief, so the relief would be to allow
9 them -- I mean, this is just a suggestion.

10 MR. TERCHUNIAN: Yeah, it is. But just for
11 the Board's edification, there's a cute little
12 part of our Village Code that it doesn't apply
13 here, but the concept applies, and this applies
14 on the ocean side, so on the ocean and on the bay
15 side, and it's a balcony, which is not a
16 distance, a balcony is just unroofed. A balcony
17 means it's unroofed, that's all it means. If
18 it's roofed, it's something different.

19 On the ocean side, which has a 25-foot
20 setback from Dune Road, you are permitted under
21 the code to have an eight-foot-deep balcony, an
22 eight-foot-deep unroofed second story balcony
23 that is -- starts at the building, which is 25
24 feet from Dune Road on the ocean side, that is
25 permitted by code.

1 Now, in this particular instance, where you
2 have a front yard setback that they're meeting,
3 the --

4 MEMBER MIZZI: They're meeting?

5 MR. TERCHUNIAN: I mean, that's required.
6 They could have into that setback an
7 eight-foot-deep balcony. Now that doesn't --

8 MR. PROKOP: Where do you get that from?

9 MR. TERCHUNIAN: It's right in the code.

10 MR. PROKOP: You just said the ocean.

11 MEMBER MIZZI: Got it, got it.

12 MR. TERCHUNIAN: But, as I said, it doesn't
13 necessarily apply on this lot, because they're so
14 deep into the front yard now.

15 MEMBER MIZZI: Right.

16 MR. TERCHUNIAN: But on the ocean side, in
17 other words, the guy across the street whose
18 building is 25 feet from Dune Road gets an
19 eight-foot-deep balcony into that 25-foot
20 setback.

21 MR. PROKOP: What does that have to do with
22 this house?

23 MR. TERCHUNIAN: I think it's --

24 CHAIRMAN GESSIN: He's saying you can get
25 nice in the winter and -- is that what you're

1 basing this on?

2 MR. TERCHUNIAN: No, no. What I'm saying
3 is they're asking for a six-foot-deep second
4 story deck.

5 CHAIRMAN GESSIN: Covered?

6 MR. TERCHUNIAN: Not covered. This is a
7 deck, it's not covered. This is a second story
8 deck on top of an existing deck. That's what
9 they're asking for. It's about seven or eight
10 feet deep. It doesn't extend any farther into
11 the front yard. It's half the depth of the
12 existing deck. It's not going all the way out to
13 the existing, it's half the depth of the existing
14 deck. And the guy across the street as-of-right
15 can build eight feet into a 25-foot. So, if
16 you're looking for aesthetics --

17 MEMBER SARETSKY: So if you're --

18 MR. PROKOP: But that's because -- I'm
19 sorry, but that's -- first off, if they wanted
20 that, they could have bought that house. Second
21 off, that's because the guy across the street
22 gave up 350 feet of his property. These people
23 aren't giving up anything.

24 MR. TERCHUNIAN: But we're not talking --
25 the issue here is are the second story decks --

1 MR. PROKOP: I'm sorry.

2 MEMBER SARETSKY: That's okay.

3 MR. TERCHUNIAN: -- somehow creating a
4 visual impairment as people proceed down Dune
5 Road? That appears to be what I'm hearing, that
6 second story -- that the second story decks are
7 somehow providing -- are somehow a visual
8 detriment in the Village as you proceed down Dune
9 Road.

10 MEMBER MIZZI: I would say -- I would say
11 that these houses, this house and the house
12 that's been -- is being renovated, but before it
13 was renovated, those houses are very close to the
14 road. They do stand out when you drive down Dune
15 Road. And anything you do to them to bring them
16 closer to the road or to add a second floor house
17 deck, anything, affects it, in my opinion.

18 I think the designer has options. I think
19 they could -- they could pull back this 29.4 foot
20 first floor deck. I don't know what it's doing,
21 because I don't know where you enter the house,
22 but you're walking down the front of the second
23 floor of the master bedroom. I don't know.

24 MEMBER GOLDFEDER: I agree with that, that
25 changes the aesthetics.

1 MEMBER GOLDFEDER: Considerably.

2 MEMBER MIZZI: I'm just saying, you can't
3 have everything, you know.

4 MR. TERCHUNIAN: And I'm not suggesting
5 that they can. All I'm suggesting is that
6 whatever decision that this Board reaches has to
7 be grounded in the facts of this case and
8 defensible by your Attorney.

9 MEMBER MIZZI: I agree.

10 MR. PROKOP: Oh, I absolutely am. I mean,
11 I -- and I've said that several times. Second
12 floor deck -- I mean, there's cases on this. The
13 second floor deck isn't --

14 MEMBER MIZZI: And, look, if they want to
15 spend their time and money suing us because they
16 think it was unfair, let them do it, you know.

17 MR. TERCHUNIAN: Well, that's never been
18 the way that this Board has operated, that -- we
19 always try to find a reasonable way to
20 accommodate what people want that doesn't have --
21 that adds to the community, not takes away from it.

22 MEMBER GOLDFEDER: I think we're not going
23 outside the parameters.

24 MEMBER MIZZI: I'm not going to change my
25 opinion because somebody's threatening to sue me.

1 MEMBER GOLDFEDER: And I think that, to
2 Joe's point, I don't think we're going outside --
3 to both Joes' points -- outside of the parameters
4 of the five criteria.

5 MEMBER MIZZI: And I think the Board has in
6 the past been very reasonable to say, "Look,
7 you're asking for a lot of different things,
8 we're willing to be -- accommodate you in a lot
9 of different ways. We're not saying it's this,
10 we're not saying -- but you got to -- you got to
11 find something that satisfies the Board."

12 MR. TERCHUNIAN: And I don't -- I don't
13 suggest otherwise.

14 MEMBER MIZZI: And I think like, you know,
15 for me, there's a couple of ways to address this
16 activity in the front. You can pull back the
17 existing deck, you cannot build the second floor
18 deck. You can --

19 MEMBER SARETSKY: What's the deck?

20 MR. TERCHUNIAN: It's about eight feet
21 deep, that second story deck.

22 MEMBER SARETSKY: The first floor, though.

23 MR. TERCHUNIAN: The first floor has got --
24 the first floor deck is about 16 feet deep.

25 CHAIRMAN GESSIN: This is not a new house,

1 right?

2 MR. TERCHUNIAN: No.

3 MEMBER SARETSKY: I guess I just keep on
4 coming back to I'm okay with the 23.9. Show me
5 that this deck is like going -- in other words,
6 show me that you have to have this. In other
7 words, show me that --

8 MR. TERCHUNIAN: Don't do that.

9 MEMBER SARETSKY: Wait a second.

10 MR. TERCHUNIAN: That's not the right
11 words.

12 MEMBER SARETSKY: Let me rephrase it. Show
13 me that the space you're going to have around
14 your pool and the other places you're going to
15 have -- whatever it is, that you're not going to
16 be able to see the ocean, show me that this is --
17 I'd like to understand that, I guess.

18 MR. TERCHUNIAN: But that's not the
19 criteria upon which your decision can be based.

20 MEMBER GOLDFEDER: I still think we should
21 ask for a rendering of what it's going to look
22 post.

23 MR. PROKOP: I agree 100%, because one of
24 the --

25 MEMBER GOLDFEDER: And it doesn't show the

1 roof deck.

2 MR. TERCHUNIAN: Well, it's not a roof
3 deck, it's a second story deck.

4 MEMBER GOLDFEDER: No, no, they say in
5 their documentation that there'll be a roof deck
6 as well.

7 MR. TERCHUNIAN: Where?

8 MEMBER GOLDFEDER: Decks immediately
9 further -- due to the building variance proposed,
10 second floor -- adjacent, da, da, da.

11 MEMBER MIZZI: I think they're saying roof
12 over the deck.

13 MEMBER GOLDFEDER: No. I remember seeing a
14 roof deck.

15 MEMBER MIZZI: I think they mean this roof
16 over deck.

17 MR. PROKOP: I don't see how you can
18 consider this application without an elevation.
19 I don't see -- I mean, that's like the standard.

20 MR. TERCHUNIAN: Yeah, so they're saying
21 it's six feet deep.

22 MR. PROKOP: To be honest with you.

23 MEMBER MIZZI: That's what we're looking --
24 you know, that deck would be on -- would be
25 coming out in that section, right, that that

1 would be coming out here. I don't know where the
2 entrance to the house is, but --

3 MEMBER SARETSKY: I think the entrance is
4 right here.

5 MEMBER MIZZI: Yeah. That what I'm saying,
6 is like if the second floor is so important, you
7 can propose cutting this off.

8 MEMBER SARETSKY: Move the front door
9 somewhere.

10 MEMBER MIZZI: I'm saying you don't even
11 need it. What are you going to do, walk down
12 and --

13 MEMBER SARETSKY: I don't know.

14 MR. PROKOP: I mean, right now, the setback
15 for decks, second story decks on the bay side is
16 70 feet, right? This approval brings it up to
17 whatever it is, 34.9; is that what it is?

18 MR. TERCHUNIAN: Yeah, 50%.

19 MR. PROKOP: So anybody on -- that to the
20 bay side of Dune Road can now come out to 35
21 feet.

22 MR. TERCHUNIAN: Nah, that's not right, Joe.

23 MEMBER SARETSKY: Don't you think that's a
24 good argument?

25 MR. PROKOP: We'll have a line of people

1 lined out the door.

2 MEMBER MIZZI: You know, we do have people
3 saying that, you know, based upon what's been
4 approved, this is what we'd like to do, whether
5 we're going to taking something that's 35 feet
6 long --

7 MR. TERCHUNIAN: I'm sorry. I'm sorry, go
8 ahead.

9 MEMBER MIZZI: Go ahead. Go ahead.

10 MR. TERCHUNIAN: No. To go to Barry's
11 point, there aren't 12 lots in the Village where
12 they have an existing -- a preexisting, protected
13 by the RAPF settlement building that's this close
14 to Dune Road, okay? So you're not -- the fact
15 that you have a preexisting building, it is
16 protected -- that 24-foot setback to Dune Road is
17 protected by a Federal Court order.

18 MEMBER SARETSKY: But no one's saying that
19 they can't have what they have.

20 MR. TERCHUNIAN: No. All I'm saying, Joe's
21 saying that there's going to be a line out the
22 door if you go to 34.9 feet. No. Everybody
23 who's in this identical situation, who has a RAPF
24 protected building footprint that's 24.9 feet
25 from Dune Road, and a building that's the same

1 distance, yeah, they're going to be coming in
2 asking for this. How many of them are there?

3 MEMBER GOLDFEDER: And they also have to
4 have the DEC --

5 MR. TERCHUNIAN: Yeah.

6 MEMBER MIZZI: Although the
7 counter-argument to that is if somebody is by
8 right close to the road and we allow them to add
9 accessory structures to that condition, to add
10 more construction close to the road, if I was
11 further back, I would say somebody that's 29 feet
12 from the road or 30 some-odd feet from the road,
13 you let them build a deck, I'm 70 feet back, why
14 can't I build a deck? It certainly wouldn't have
15 the same impact.

16 MR. TERCHUNIAN: What's -- I mean, that's
17 -- I don't understand the problem. If they're 80
18 feet back and they want to build a deck, so they
19 get to build a deck.

20 MEMBER MIZZI: If somebody's 70 feet
21 back --

22 MR. TERCHUNIAN: Right.

23 MEMBER MIZZI: -- and they want a variance
24 to build a deck forward to Dune Road, they could
25 make an argument that here's somebody who is 35

1 feet back --

2 MR. TERCHUNIAN: Right.

3 MEMBER MIZZI: -- and you let them build a
4 second-story deck closer to Dune Road, you can't
5 say to the next person, "By the way, there's a
6 visual problem, it's too close to Dune Road, it's
7 supposed to be 70 feet back." They're going say
8 you approved something --

9 MR. TERCHUNIAN: I disagree with your
10 reasoning, and it's because you're ignoring the
11 predicate underneath the application.

12 First of all, under the RAPF settlement,
13 this person has an as-of-right to rebuild and
14 build new within the -- a similar existing
15 footprint.

16 MEMBER SARETSKY: So we keep coming back
17 to, okay, stay with the 23.9, then.

18 MR. TERCHUNIAN: Well, then fine. Then
19 fine. I'm not suggesting that they don't do
20 that.

21 MEMBER SARETSKY: No, no, I'm saying -- and
22 I don't really care if it's on the back of the
23 space, in other words, that you had the space.
24 Like it's more just that it seems --

25 MR. TERCHUNIAN: I think you're a lot more

1 dangerous telling them they can't have a second
2 story deck within their preexisting RAPF
3 protected footprint than you are telling them,
4 "Live within your 23.9."

5 MR. PROKOP: I think we need to let the
6 Board discuss it. You and I need to let the
7 Board discuss it.

8 MR. TERCHUNIAN: Okay.

9 MR. PROKOP: We're being -- at this point,
10 we're going over the line a little bit, both of us.

11 MR. TERCHUNIAN: That's fine.

12 CHAIRMAN GESSIN: I think Joe's right. I
13 think we should ask Diane to send us in a
14 rendering or a plan, or something like that.
15 Table this until the next Board meeting and --

16 MEMBER SARETSKY: At least that will allow
17 us time to line up with the other property, too.

18 CHAIRMAN GESSIN: I don't know if that will
19 be timely.

20 MEMBER SARETSKY: Okay. Well, you know,
21 maybe there's a chance.

22 CHAIRMAN GESSIN: Give us a shot to --

23 MEMBER SARETSKY: Understand it.

24 CHAIRMAN GESSIN: -- make us all
25 comfortable.

1 MEMBER MIZZI: I think we -- yeah. We
2 understand the issues. I guess we just need to,
3 you know, get our heads around it.

4 MR. PROKOP: Four elevations, you want four
5 elevations, basically, I think, if that's what
6 it's called, four sides?

7 MR. TERCHUNIAN: No, not the four. You
8 just -- you need -- your primarily concerned
9 about what it looks like from the road, which
10 would be the north elevation.

11 MEMBER SARETSKY: And the other way, one on
12 the east --

13 MR. TERCHUNIAN: North and east, it
14 probably will suffice.

15 MEMBER MIZZI: North and east would be
16 fair.

17 MEMBER SARETSKY: That would be helpful.

18 CHAIRMAN GESSIN: So are we okay with that?

19 MEMBER SARETSKY: Uh-huh. Who's drawing is
20 this, Joe, is this yours?

21 CHAIRMAN GESSIN: That's mine.

22 MEMBER GOLDFEDER: So are they asking for
23 the walk in this new -- as well? In the previous
24 submission, they were looking for a swimming pool
25 and a walk.

1 MR. TERCHUNIAN: The walk -- is the walk
2 around the pool?

3 CHAIRMAN GESSIN: Do we all understand
4 what --

5 MR. TERCHUNIAN: Because he reduced it from
6 four feet to one foot or two feet.

7 CHAIRMAN GESSIN: Do we all understand what
8 the existing and the proposed footprint is, or do
9 we need something better on that? I'll let Aram
10 finish.

11 MEMBER MIZZI: I think I understand. It's
12 not clear to me, but I think I understand.

13 MEMBER GOLDFEDER: So that's the four foot
14 they're going to cantilever off the --

15 MEMBER MIZZI: No. They're sending an
16 elevation. I'm happy to take a look, you know,
17 in person at the house.

18 CHAIRMAN GESSIN: Okay. So what else did
19 we not do today?

20 MEMBER SARETSKY: Do we go back now and
21 talk about the Panayis one?

22 CHAIRMAN GESSIN: No. We're going to table
23 that until next time.

24 MEMBER SARETSKY: Okay, gotcha.

25 MR. PROKOP: So Kronberg is adjourned,

1 Panayis is adjourned, and now we're on -- Herson
2 is adjourned.

3 The last thing we need to do is we have two
4 decisions that we reached at prior meetings,
5 Autorino and 693, and I have written copies of
6 the decisions.

7 MEMBER SARETSKY: Are they color-coded?

8 CHAIRMAN GESSIN: They didn't start out
9 that way, but that's actually how I pulled them
10 out of the bin, actually.

11 MR. TERCHUNIAN: Those are two separates,
12 take one of each.

13 MS. DALESSANDRO: Are there extra copies
14 here?

15 MR. PROKOP: There should be extra copies.

16 MS. DALESSANDRO: Okay.

17 MR. PROKOP: So this was meant to be the
18 approvals that were reached on Autorino, and also
19 on the other one, 693, and we just need to vote
20 to approve them.

21 CHAIRMAN GESSIN: So, basically, has
22 everybody read this --

23 MEMBER GOLDFEDER: Yes.

24 CHAIRMAN GESSIN: -- determination? We
25 actually voted on this already.

1 MR. PROKOP: This is what we voted. It's
2 meant to be what we voted on.

3 CHAIRMAN GESSIN: Yes.

4 MR. PROKOP: If there's an error -- I mean,
5 I don't think there is an error, but if there is,
6 it doesn't change anything.

7 CHAIRMAN GESSIN: Does it have to be read?

8 MR. PROKOP: No. Oh, she's -- excuse me.
9 Lucia is going to read it into the record.

10 CHAIRMAN GESSIN: Okay.

11 MR. PROKOP: Make it part of the record.

12 MS. BRAATEN: I could scan it and then
13 attach it.

14 MR. PROKOP: Yes.

15 MEMBER GOLDFEDER: For the record, I agree
16 with the language.

17 CHAIRMAN GESSIN: Basically, we've
18 basically read -- we basically voted on all the
19 terms of this determination. Everyone on the
20 Board has just read this and we all agree, I
21 believe.

22 MR. PROKOP: Which one are we looking at?
23 I'm sorry.

24 CHAIRMAN GESSIN: This is 693 Dune Road.

25 MR. PROKOP: Okay, 693, good.

1 CHAIRMAN GESSIN: And do we have to vote?

2 MR. PROKOP: Yes. Somebody should make a
3 motion to vote -- to adopt this as our decision.

4 CHAIRMAN GESSIN: Okay. Would somebody
5 like to make the motion to adopt this --

6 MEMBER GOLDFEDER: I'll make a motion?

7 CHAIRMAN GESSIN: -- to adopt this as our
8 determination.

9 MEMBER GOLDFEDER: -- to adopt this.

10 CHAIRMAN GESSIN: Would somebody like to
11 second it?

12 MEMBER SARETSKY: (Raised hand).

13 MEMBER MIZZI: (Raised hand.)

14 CHAIRMAN GESSIN: Okay. We've now passed
15 this. All in favor, say aye?

16 (All Said Aye.)

17 CHAIRMAN GESSIN: Okay. And I guess I
18 might as well sign it.

19 Okay. The next one is Autorino. Now, I
20 read this and I -- on the back of this, on Page
21 5 --

22 MR. PROKOP: Does it say Village of
23 Greenport or something?

24 CHAIRMAN GESSIN: Say it again.

25 MR. PROKOP: Does it say Village of

1 Greenport?

2 CHAIRMAN GESSIN: No, no, no, no. On the
3 bottom of Page 5, when we got into the sanitary
4 system, I saw -- and maybe I'm incorrect with
5 this, because we had so many issues with this
6 application. I was under the impression the only
7 involvement this Board had with the sanitary
8 system was if he had to come back to the Board
9 for -- if he had to do an installation of a --

10 MR. TERCHUNIAN: Of a wall?

11 CHAIRMAN GESSIN: -- sanitary wall. I
12 didn't know we were actually directing him to do
13 anything, and that was purely under the -- would
14 only be under the direction of the Building
15 Inspector.

16 MR. PROKOP: I thought we said that as a
17 condition, but it doesn't --

18 MEMBER SARETSKY: I thought the condition
19 was that it complied.

20 MR. TERCHUNIAN: Yeah, and it was -- yeah.
21 How did we do that?

22 MEMBER SARETSKY: I thought you said that
23 it was conditional on --

24 MR. TERCHUNIAN: Well, I said that --

25 CHAIRMAN GESSIN: As a condition of this

1 Board.

2 MR. TERCHUNIAN: -- under the condition
3 that you decided it.

4 MEMBER SARETSKY: Not of us, but it was up
5 to him to go to the Health Department.

6 MEMBER MIZZI: Yeah. I don't know if we're
7 saying it complies, or we're saying that he needs
8 to obtain approval, you know, or satisfy the --

9 MR. TERCHUNIAN: I think that -- my
10 recollection is that what we said was that the
11 Board wasn't going to rule on anything involving
12 the sanitary system, but the applicant had to
13 understand that when he went to the Building
14 Inspector, that he was going to have to submit
15 certification from the Department of Health that
16 he complied with their standards. Otherwise, he
17 wasn't getting the building permit.

18 MR. PROKOP: That's what this says. That's
19 exactly right, that what this says.

20 MEMBER GOLDFEDER: Yes.

21 MR. TERCHUNIAN: But I don't know that we
22 were conditioning our -- this Board --

23 MEMBER MIZZI: Maybe number two is right.
24 Number one doesn't need to be there, is that what
25 you're saying?

1 MEMBER GOLDFEDER: Yes.

2 MEMBER SARETSKY: Right. Maybe one is not
3 necessary, because we're not saying it does
4 comply.

5 MR. PROKOP: I'm sorry. I got it, you're
6 right, okay, 100% right.

7 CHAIRMAN GESSIN: So the only condition was
8 that if he needed to put a wall in, if one was
9 required, he'd have to come back with a
10 landscape -- to this Board for a landscape plan.

11 MR. TERCHUNIAN: I don't think he needs to
12 come back for a wall. We don't regulate sanitary
13 walls.

14 MEMBER GOLDFEDER: Right, Suffolk County,
15 yeah.

16 CHAIRMAN GESSIN: We're not fixing the
17 wall, we had nothing to do with it.

18 MR. TERCHUNIAN: We had nothing to do with
19 the wall. And if he -- and if the Health
20 Department requires him to build a wall, it's not
21 within our jurisdiction.

22 MEMBER GOLDFEDER: The wall is -- we've had
23 issues with the wall.

24 MR. TERCHUNIAN: We've had issues with
25 them, we don't like them.

1 MEMBER GOLDFEDER: We still have issues
2 with the wall.

3 MR. TERCHUNIAN: But the only time that
4 we've dealt with the wall and conditions for the
5 plantings on the wall was when the applicant
6 offered that as part of the mitigation for their
7 variance.

8 MEMBER GOLDFEDER: And now that you've
9 opened that door, the wall is -- shouldn't just
10 be a summer consideration. The plant, and
11 vegetation, and coverage of that wall should be a
12 year-round consideration, because people do live
13 here in the Village during the winter months and
14 they have to look at that wall that is uncovered
15 by that vegetation. So that's something I think
16 we should consider next time around.

17 CHAIRMAN GESSIN: Well, that's why when --
18 you know, when we went through that whole
19 landscape plan, we wanted that wall totally --

20 MEMBER GOLDFEDER: Yes.

21 CHAIRMAN GESSIN: -- landscaped.

22 MEMBER GOLDFEDER: Yes.

23 MR. PROKOP: So the way that this should
24 read is the above variances are conditionally
25 granted subject to the condition that the

1 applicants submit a septic certification from the
2 Suffolk County Department of Health Services for
3 a new single-family residence prior to the
4 issuance of a building permit by the Building
5 Inspector.

6 CHAIRMAN GESSIN: Do we even need to say
7 that?

8 MEMBER GOLDFEDER: It can't hurt, but he
9 still has to comply. It's implied, but it can't
10 hurt to say that, because that's what it is.

11 CHAIRMAN GESSIN: It's up to whatever the
12 Building Inspector wants him to do.

13 MEMBER MIZZI: But the only thing is, since
14 we talked about it, and staying silent on it, I
15 wouldn't want it to be that we deemed
16 ourselves --

17 MR. TERCHUNIAN: All right. So let me play
18 the devil's advocate for a moment. This Board
19 has no jurisdiction whatsoever over sanitary
20 systems, period, end of sentence. They do
21 not have -- that jurisdiction stems from the
22 State of New York and is delegated exclusively to
23 Suffolk County. And so what this -- what has
24 happened in the past is that this -- the
25 applicants in some cases have offered, "We will

1 do X, Y and Z with the sanitary system if you
2 give us a variance," as mitigation for a variance
3 that they were requesting. And when that offer
4 was made and that nexus was created by the
5 applicant, this Board has ruled. But, if you go
6 to every other jurisdiction around here, when it
7 comes to the elements of the sanitary system
8 itself, other than on a wetlands code, where you
9 have to be a distance away from a wetland, there
10 is no other form of local jurisdiction other than
11 the County of Suffolk.

12 So I don't think the Board has the ability
13 -- I don't think it's within their jurisdiction
14 to tell the applicant what they have to do or
15 don't have to do with their sanitary system.
16 That's a burden that rests with the applicant,
17 and it's a requirement by the Building Inspector.
18 When the person comes in and says, "I'm building
19 a new building," they say, "Where's your Health
20 Department approval?" And so if the applicant
21 says, "Well, I have a preexisting system," then
22 the Building Inspector says, "That's wonderful,
23 give me the certification approved by the Health
24 Department," and the pre-existing system
25 satisfies.

1 MEMBER MIZZI: I think the reason it's
2 relevant is because we asked for the location of
3 the existing septic system, and the variance we
4 granted, we had questions about how the relief
5 that we provided would be affected -- would
6 interact with a septic system, and it was
7 represented to us that they weren't -- they
8 didn't need to change the septic system. And we
9 just don't want someone saying, "Well, you asked
10 where the septic system was, you took that into
11 consideration, you gave us approval, and we deem
12 that to be, you know, an indication that you
13 understood the extent of our septic system.

14 MR. TERCHUNIAN: Well, maybe, perhaps the
15 way to do it is to incorporate that exact
16 statement into the decision. The applicant was
17 questioned about the sanitary system, they
18 represented to the Board that the sanitary system
19 met the Suffolk County Department of Health
20 Services Code, was in an adequate condition and
21 location to satisfy that code.

22 MR. PROKOP: The thing is you weren't at
23 the meeting.

24 MR. TERCHUNIAN: I most certainly was.

25 MR. PROKOP: Not in November, I don't

1 think, were you, in November?

2 MR. TERCHUNIAN: It was very cold in that
3 room.

4 CHAIRMAN GESSIN: Yes, it was a cold
5 meeting.

6 MR. TERCHUNIAN: I've already been
7 reprimanded for that.

8 MR. PROKOP: So there was public there and
9 there was public comment and -- like I'm not
10 trying to rewrite this.

11 MR. TERCHUNIAN: Never mind.

12 MR. PROKOP: We had -- I mean, we could
13 vote to change something, that's okay, but the
14 intention was to pick up what was said at the
15 meeting, and I had a note exactly what was said,
16 not that I -- you know, I mean, if you want to
17 change it, you could change it.

18 MR. TERCHUNIAN: I'm not intending to
19 change it. But Joe brings up a very valid point,
20 and that is, hey, we had a discussion about this.

21 CHAIRMAN GESSIN: We did.

22 MR. TERCHUNIAN: And it's not necessarily
23 -- and I don't recall it being a condition of
24 approval. Even though I would really like it to
25 be, I don't recall it being a condition of

1 approval. But, I mean, Joe's point is the
2 applicant made representations to the Board that
3 they complied, and the Board relied on those
4 representations to proceed forward with an
5 approval.

6 MR. PROKOP: You just gave us before an A
7 and a B. A is where the applicant makes it a
8 nexus to the discussion and the approval, and in
9 this case there was public there, too, that
10 commented, and B was where we don't have
11 jurisdiction, right. But in this case, it is A,
12 where we --

13 MR. TERCHUNIAN: No, it's not A, because he
14 didn't offer it. We asked for it and he said,
15 "I'm not interested in giving you that." Just
16 because we bring it up doesn't create the nexus.
17 The nexus comes from the fact that the applicant
18 says, "You know what, I'm willing to negotiate
19 this thing that's not within your jurisdiction,
20 because I want this other thing that is." This
21 applicant refused to do that.

22 MR. PROKOP: But if we say at a meeting
23 that these are the conditions, I don't want to
24 come -- you know, it's two-and-a-half months
25 later. I don't want to come two-and-a-half

1 months later and say, well -- then we need to
2 figure out what exactly was said. I don't want
3 to come two-and-a-half months later and say,
4 "Well, we didn't have the jurisdiction," because
5 this was already all discussed at the meeting
6 extensively.

7 MR. TERCHUNIAN: Yeah.

8 CHAIRMAN GESSIN: Well, I mean, I thought
9 that the only concern was that he would get an
10 approval, and that somewhere down the pike that
11 he would have to replace the sanitary system, and
12 that I wanted the ability for him to have to come
13 back to the Board, because he'd have to put the
14 wall up. That's all, that's all I was looking
15 for.

16 MR. PROKOP: Okay. Well, you got -- you
17 four collectively have to remember what happened,
18 because we don't -- you were the Clerk, you know,
19 responsible for this to some extent, so you're
20 not going by my memory or Aram's memory.

21 MR. TERCHUNIAN: Murky memory.

22 MR. PROKOP: It's really collectively what
23 you people decide, you know, as a Board. So
24 whatever you tell me --

25 MEMBER GOLDFEDER: I think they stated that

1 there was no change to the existing septic
2 system, and, as such, we granted approval on the
3 package and that was inclusive. So, if anything
4 changes, then I would assume, based on that
5 language, he would have to come back.

6 MR. PROKOP: But there was a change. This
7 is a new house, that's what --

8 MEMBER GOLDFEDER: It's an addition.

9 MR. TERCHUNIAN: No, it's a new house.

10 MR. PROKOP: That's the whole thing.
11 That's why we're having --

12 MR. TERCHUNIAN: That's why they changed --
13 it was an addition, and that's what this Board
14 approved way back when.

15 MEMBER MIZZI: Right.

16 MR. TERCHUNIAN: Then he came back in and
17 said, "Oh, by the way, I really want a new
18 house."

19 MEMBER MIZZI: Right.

20 MR. TERCHUNIAN: So this Board approved a
21 new building.

22 MR. PROKOP: Yeah, that's why we're having
23 this discussion and we didn't have papers --

24 MEMBER MIZZI: And the placement of the --
25 I'm sorry. Go ahead, I'm sorry.

1 MR. PROKOP: No. That's all I'm saying.

2 MEMBER MIZZI: The placement of the piles
3 was what -- and because it was a new building is
4 what made us question whether they could really
5 situate this building on an existing septic
6 system, which led to the discussion about whether
7 the existing septic system would be approved by
8 Suffolk County. And we were led to believe that
9 the system was not going to need to be changed.

10 MEMBER SARETSKY: Right. That's what I
11 understand.

12 MR. TERCHUNIAN: That's what they
13 represented to us, that they didn't have to
14 change, they complied.

15 MEMBER SARETSKY: That it was okay, yeah.

16 MR. TERCHUNIAN: But that's not --

17 MR. PROKOP: Can we go into Executive
18 Session? Could somebody make a motion to go into
19 Executive Session to get advice of Counsel?

20 CHAIRMAN GESSIN: Yeah. I'd like to make a
21 motion to go into Executive Session.

22 MEMBER GOLDFEDER: I'll second that.

23 (Whereupon, the Board went into Executive
24 Session.)

25 CHAIRMAN GESSIN: I'd like to make a motion

1 to end the Executive Session.

2 MEMBER GOLDFEDER: I'll second.

3 CHAIRMAN GESSIN: So how do we want to fix
4 up these two paragraphs?

5 MEMBER MIZZI: I like removing number one
6 and leaving number two as stated, personally, or
7 modifying it in some way that meets the --

8 CHAIRMAN GESSIN: You want to leave number
9 two in as written?

10 MEMBER MIZZI: I'm comfortable. I'm
11 comfortable with that.

12 MEMBER GOLDFEDER: Yes.

13 MEMBER SARETSKY: That's good. It seems to
14 cover it.

15 MEMBER MIZZI: I mean, it was your
16 recollection of what it was. It was our
17 recollection when we read. Until we started to
18 discussing it, I thought -- you don't have any
19 issue on number two?

20 MEMBER GOLDFEDER: No.

21 CHAIRMAN GESSIN: I guess I'm okay with
22 two. Okay. So we'll strike one? I'll just
23 cross it out and sign this?

24 MR. PROKOP: Yes.

25 CHAIRMAN GESSIN: Okay.

1 MR. PROKOP: We just need a vote to approve
2 this.

3 CHAIRMAN GESSIN: I would like to make a
4 motion to approve the determination on 880 Dune
5 Road.

6 MEMBER GOLDFEDER: I'll second.

7 MEMBER MIZZI: Second the motion.

8 CHAIRMAN GESSIN: Everybody? All in favor?
9 (Whereupon, all said aye.)

10 CHAIRMAN GESSIN: Okay what's next?

11 MR. TERCHUNIAN: I think we're done.

12 MR. PROKOP: The next meeting date, and
13 then the motion to adjourn.

14 CHAIRMAN GESSIN: We'll do it on March 7th.

15 MEMBER MIZZI: I'm good on March 7th.

16 MR. PROKOP: 3/7.

17 MEMBER GOLDFEDER: Okay. March 7th, 10 a.m.

18 CHAIRMAN GESSIN: Would someone like to
19 make a motion to adjourn this meeting?

20 MEMBER GOLDFEDER: A motion to adjourn.

21 MEMBER SARETSKY: Second.

22 CHAIRMAN GESSIN: Okay. This meeting is
23 closed. Thank you.

24 (Whereupon, the meeting was adjourned at
25 12:37 p.m.)

VILLAGE OF WEST HAMPTON DUNES
ZONING BOARD OF APPEALS

Application of
693 Dune Road LLC
For Variance Approval
693 Dune Road
SCTM No. 907-3-2-lots 36.1 and 37.1
and SCTM No. 907-4-2-1.1

The matter of the application of 693 Dune Road LLC, (“applicant”) to the Zoning Board of Appeals of the Village of West Hampton Dunes (the “Board”) for relief as follows:

A variance of Section 330-11 of the West Hampton Dunes Village Code, maximum lot coverage, of 2.8%, where the applicant proposes lot coverage of 22.8% and Section 330-11 provides that lot coverage can not exceed 20%; and

A variance of Section 330-11 of the West Hampton Dunes Village Code, minimum combined side yard setback, of 2.8 feet, where the applicant proposes a combined side yard setback of 57.2 feet and Section 330-11 requires a minimum total side yard setback of 60 feet.

The Zoning Board of Appeals conducted a public hearing on the application on September 13, 2014. Present at the September 13, 2014 public hearing and public meeting were Chairman Harvey Gessin, and members Barry Goldfeder, James Cashin and Joseph Mizzi, Village Clerk Laura Dalessandro and Village Attorney Joseph W. Prokop, Esq.

The applicant was represented in the application and at the public hearing by James Hulme, Esq., who made a presentation on behalf of the application and the applicant at the public hearing and who was questioned by the members of the Zoning Board of Appeals during the discussion at the public meeting on the application.

The members of the Board duly reviewed and considered the testimony of the applicants’ representative, the applicants and the members of the public, the application and the materials

submitted in support of the application, and the files and records of the Village with respect to the premises, and the Board does hereby find, determine and decide as follows:

FINDINGS

The subject premises is located in the R40 zoning district.

The subject premises is improved by a single family residence.

The applicant is the owners of the premises.

The Zoning Board of Appeals is the proper agency to adopt lead agency status for purposes of SEQRA review in this matter and that the requested action on the application for an approval of the requested variances is a type II action for purposes of SEQRA and no further SEQRA review is required.

The application was sent to the Suffolk County Planning Department as required by Section 239m of the New York State General Municipal Law and the Suffolk Count Planning Department responded with notification to the Zoning Board of Appeals that the application was a matter for local determination.

The plan that is under consideration is a modified plan from the plan that was originally submitted to the Zoning Board of Appeals, the 2nd story of the house has been reduced and portions have been converted into deck space.

The new addition to the house is behind the coastal erosion hazard line therefore no coastal erosion hazard variance is required.

The 2nd floor area on the westerly side of the house indicated as decking on the plans appears to be a walkway and therefore a total side yard variance is not required. The applicant is instructed to amend the plans so that the 2nd floor area on the westerly side of the house is indicated as a walkway and not as a deck.

The existing lot coverage of the buildings on the property is 22.7%.

Determinations

The Zoning Board of Appeals of the Village of West Hampton Dunes hereby determines after due deliberation and discussion about the application, the presentation of the applicant's representative, the materials provided by the applicant's representative, and the files and records of the Village of West Hampton Dunes as follows:

Motion by Chairman Gessin, seconded by Joseph Mizzi as follows:

Motion to approve the abandonment of the application for 2.8 % lot coverage variance and to grant a lot coverage variance in the amount of 2.1 % (total lot coverage of 22.1%), subject to the building inspector approving the setback requirements for the accessory structures for the stairs and ramps.

In favor: Chairman Gessin, Jim Cashin, Barry Goldfeder, and Joseph Mizzi.

Against: None

Dated: September 13, 2014

Harvey Gessin, Chairman
Zoning Board of Appeals
Village of West Hampton Dunes
Suffolk County, New York

VILLAGE OF WEST HAMPTON DUNES
ZONING BOARD OF APPEALS

Application of
Thomas and Pamela Autorino
For Variance Approval
880 Dune Road
SCTM No. 907-
and SCTM No. 907-4-2-1.1

The matter of the application of Thomas and Pamela Autorino, (“applicants”) to the Zoning Board of Appeals of the Village of West Hampton Dunes (the “Board”) for relief as follows:

A variance of Section 330-11 of the West Hampton Dunes Village Code, maximum lot coverage, of 2.7%, where the applicants propose new structures with lot coverage of 22.7% and Section 330-11 provides that lot coverage can not exceed 20%; and

A variance of Section 330-11 of the West Hampton Dunes Village Code, minimum front yard setback requirement for a primary structure, of 26 feet, where the applicants propose a new primary structure with a front yard setback of 34 feet and the required minimum front yard setback requirement for a primary structure is 60 feet; and

A variance of Section 330-11 of the West Hampton Dunes Village Code, minimum front yard setback requirement for an accessory structure, of 37 feet, where the applicants propose a new accessory structure, a deck, with a front yard setback of 33 feet and the required minimum front yard setback requirement for an accessory structure is 70 feet; and

A variance of Section 330-11 of the West Hampton Dunes Village Code, minimum rear yard setback requirement, of 9 feet, where the applicants propose a new structure with a rear yard setback of 29.1 feet and the required minimum rear yard setback is 30 feet.

The Zoning Board of Appeals conducted a public hearing on the application on September 13, 2014.

The application was modified with an additional variance requested and a public hearing on the modified application was conducted on November 15, 2014. Present at the November 15, 2014 public hearing were Chairman Harvey Gessin, Zoning Board Members Joseph Mizzi, Eric Saretsky, Garry Goldfeder and Jim Cashin, Village Clerk Laura Dalessandro and Village Attorney Joseph W. Prokop, Esq, and several Village of West Hampton Dunes residents.

The applicants were requested at the September 13, 2014 public hearing to present a modified application requesting an additional variance, which was done by the applicants, and to present a site plan of the surrounding properties and the lot coverage of the improvements on those properties, which was also done by the applicants. The applicants were also requested at the September 13, 2014 public hearing to provide the Board with a survey of the subject premises reflecting the location of the existing septic system, and the applicants did not provide the requested survey.

The applicants made a presentation at the public hearing and were questioned by the members of the Zoning Board of Appeals during the discussion at the public meeting on the application, and there was public comment that was accepted.

The members of the Board duly reviewed and considered the testimony of the applicants, the application, and the materials submitted in support of the application, and the files and records of the Village with respect to the subject premises, and the Board does hereby find, determine and decide as follows:

FINDINGS

The subject premises is located in the R40 zoning district.

The subject premises is improved by a single family residence which will be removed and a new single family residence will be constructed.

The applicants are the owners of the premises.

The public notice of the application was properly published and mailed to the adjoining property owners.

The Zoning Board of Appeals is the proper agency to adopt lead agency status for purposes of SEQRA in this matter and that the requested action on the application for an approval of the requested variances is a type II action for purposes of SEQRA and no further SEQRA review is required.

The application was sent to the Suffolk County Planning Department as required by Section 239m of the New York State General Municipal Law and the Suffolk County Planning Department responded with notification to the Zoning Board of Appeals that the application was a matter for local determination.

Determinations

The Zoning Board of Appeals of the Village of West Hampton Dunes hereby determines after due deliberation and discussion about the application, the testimony of the applicants, the materials submitted by the applicants, and the files and records of the Village of West Hampton Dunes as follows:

The applicants have made a showing to the Zoning Board of Appeals that the construction of the new single family residence and accessory structures in a manner which is in conformance with the West Hampton Dunes Village Zoning Code is impossible, and could not be achieved, and further that;

- A. The granting of the requested variances will not produce an undesirable change in

the character of the neighborhood or a detriment to nearby properties provided certain conditions regarding the Suffolk County Department of Health Services are included in an approval and are met by the applicants; and

B. The benefit sought by the applicant could not be achieved by some method, feasible for the applicant to pursue, other than the requested variances; and

C. The required variances are substantial but are mitigated by the conditions of the subject premises and the surrounding properties; and

D. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district provided certain conditions regarding the requirements of the Suffolk County Department of Health Services are included in an approval and are met by the applicants; and

E. The alleged difficulty was self-created but this is not a controlling factor in the Board's consideration of the application; and

That based on the findings and determinations of the Zoning Board of Appeals with respect to this application, the Zoning Board of Appeals hereby conditionally grants the requested variances of Section 330-11 of the West Hampton Dunes Village Zoning Code in separate motions by the Board as follows:

A variance of Section 330-11 of the West Hampton Dunes Village Code, maximum lot coverage, of 2.7%; Motion to approve made by James Cashin, Seconded by James Mizzi, in favor Gessin, Mizzi, Goldfeder, Saretsky and Cashin; against; none; and

A variance of Section 330-11 of the West Hampton Dunes Village Code, minimum front yard setback requirement for a primary structure, of 26 feet; Motion to approve made by Eric

Saretsky, Seconded by Joseph Mizzi; in favor Gessin, Mizzi, Goldfeder, Saretsky and Cashin;
against, none; and

A variance of Section 330-11 of the West Hampton Dunes Village Code, minimum front yard setback requirement for an accessory structure, of 37 feet; Motion to approve by Barry Goldfeder, Seconded by James Cashin, in favor Gessin, Mizzi, Goldfeder, Saretsky and Cashin; against; none; and

A variance of Section 330-11 of the West Hampton Dunes Village Code, minimum rear yard setback requirement, of 9 feet; Motion to approve by Barry Goldfeder, Seconded by James Cashin; in favor Gessin, Mizzi, Goldfeder, Saretsky and Cashin; against, none; and

The above variances are conditionally granted subject to the following conditions being met:

~~1. The construction complies with Suffolk County Department of Health Services regulations.~~

2. The approvals are conditioned on the applicants submitting a septic certification from the Suffolk County Department of Health Services for the new single family residence prior to the issuance of a building permit by the Building Inspector.

Dated: November 15, 2014

Harvey Gessin, Chairman
Zoning Board of Appeals
Village of West Hampton Dunes
Suffolk County, New York