INCORPORATED VILLAGE OF WESTHAMPTON DUNES

ZONING BOARD OF APPEALS

April 11, 2015
10:00 a.m.

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

APPEARANCES:
Harvey Gessin - Chairman
Barry Goldfeder - Member
Eric Saretsky - Member
Joseph Prokop - Village Attorney
Aram Terchunian - Commissioner of Wildlife Protection
Laura Dalessandro - Zoning Clerk
(Whereupon, the meeting was called to order at 10:24 a.m.)

CHAIRMAN GESSIN: Okay. Let's all stand for the Pledge of Allegiance.

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

CHAIRMAN GESSIN: I would like to call this session of the Westhampton Dunes Zoning Board to order. The first item on the agenda is Kronberg.


So last time we met, we were discussing the two variances, one with front yard setback and the other was the lot coverage.

CHAIRMAN GESSIN: Yes.

MR. BATCHELLER: And it was pretty much your conclusion that we really can't increase the lot coverage.

So I went back to the client and explained the whole situation, and what we were able to do is bring it back exactly to the same lot coverage. What we did was we -- there was a side deck and the door to the side deck, which once I found out what that was, it's just a utility room closet. So we take that whole deck out, just leave a little landing for the
door itself, because it's not really used, except for checking electric, or whatever. Anyway, and so --

CHAIRMAN GESSIN: It's a platform for the electrical meter, basically.

MR. BATCHELLER: Yeah, it's inside, yeah, the electrical closet in there. And so I have here the revised proposal, a couple of sets. You might want to take a look at that. So it shows the lot coverage calculations on the first page, and then there's a plan view that shows the deck, the proposed deck, and elevation showing that as well.

So, basically, prior to the -- the prior application had this deck going all the way over to here.

CHAIRMAN GESSIN: Correct.

MR. BATCHELLER: So we've taken all that out. We've cut this back, and we're just going to build -- this is essentially the increase right here.

CHAIRMAN GESSIN: Yes, okay.

MR. BATCHELLER: As far as the setback goes, I did a little more research in the Village. I found this handy Raynor and Marcks analysis, and a lot of the -- the setbacks are typically 39 feet, 39.6, 40.2, 40.1, 39.6, etcetera. So I think our setback is 39.6, 39. -- no 39.3 feet. I think we're in the
same, you know, sort of aesthetic of that area.

I also did another -- did some other things.

There really are only two -- there are three lots in
that area that are around the same size as Sandra's.
This is 5,033. That's 11 Dune Lane. This one is for
874, Catherine Vaczy, and this one Liere. I believe
that was --

MEMBER SARETSKY: Burns.

MR. BATCHELLER: That was burns. So Vaczy has
a 23% -- went from a 20 to 23% lot coverage at some
point, and this, they had gotten a setback to 40
feet. So my point is, and I think what we're
proposing is, in keeping with the spirit, you know,
of the existing neighborhood, and not really changing
anything from what's already there.

Oh, this one -- and Liere has a 27.2% lot
coverage on their property.

MEMBER SARETSKY: Did you say how -- what the
lot coverage would be with this now?

CHAIRMAN GESSIN: Yeah, he did. He's got --

MEMBER SARETSKY: 26.7.

MR. BATCHELLER: It's a little bit --
MR. SARETSKY: It's staying the same.

CHAIRMAN GESSIN: Almost the same.

MR. BATCHELLER: Plus or minus, we're --
MEMBER SARETSKY: 2.2%.

MR. BATCHELLER: Yeah. And, you know, that's a little bit debatable, because I don't know if the house actually measures, you know, what -- you know, what the surveyor did. I mean, it probably does, but I think we're in the ball park.

MR. TERCHUNIAN: And so you're saying the existing coverage is 26.5%, and this house was built under benefit of a variance.

CHAIRMAN GESSIN: It has a variance, yeah.

MR. TERCHUNIAN: But was the variance for 26.5%?

MR. BATCHELLER: You know, I didn't see that document, so I can't answer that question. But whatever the lot coverage was, it's -- what we're doing is essentially the same. By removing the side deck and pushing -- you know, taking that square footage and applying it towards the front deck. So kind of, you know, whatever the lot coverage was and what is proposed are essentially the same. We didn't -- you know, within a couple; 2%, 2, 3% or something.

This, actually, proposal is what Sandra originally asked me to design for her, so we really just went back to the original design.
CHAIRMAN GESSIN: And I sort of remember something earlier in this application about an earlier variance, and I, for some reason, don't see it, when this house was originally reconstructed or constructed.

MR. TERCHUNIAN: Yeah, because this was a new house. All those new houses have variances.

MR. BATCHELLER: Like Liere has a 27% lot coverage.

MR. TERCHUNIAN: I don't remember what they were, though.

MR. BATCHELLER: I have it on there.

MR. TERCHUNIAN: Because they have -- they all have variances.

MR. BATCHELLER: Yeah, Liere was granted a variance of 27.2% lot coverage and 39.5 foot setback. That's the house that's literally next door to -- I believe, to Sandra's. It's a very similar type of house.

MR. TERCHUNIAN: It would probably be useful if you walked the Board through the five-part balancing test for variances.

CHAIRMAN GESSIN: Did you pull the file on this house for the Village?

MR. BATCHELLER: I did, but not originally,
but, yes.

CHAIRMAN GESSIN: Yeah. Do you have the survey of the --

MR. BATCHELLER: The old survey?

CHAIRMAN GESSIN: Well, the existing, the survey of what exists there now.

MR. BATCHELLER: You mean the current survey?

CHAIRMAN GESSIN: Yes.

MR. BATCHELLER: Yeah, you have -- you should have that in your file.

CHAIRMAN GESSIN: Something with a surveyor's stamp on it.

MR. BATCHELLER: Yeah, yeah.

CHAIRMAN GESSIN: I don't seem to have it.

MR. BATCHELLER: Yeah, you have a bunch of them. Didn't I just pull that out here? I just showed you. Here.

CHAIRMAN GESSIN: Oh, okay.

MEMBER SARETSKY: Oh, okay. I didn't see that either.

MR. TERCHUNIAN: Yeah.

CHAIRMAN GESSIN: Doesn't say what the coverage is.

MEMBER SARETSKY: Yeah. This survey doesn't show the lot coverage.

MR. BATCHELLER: There is a lot coverage
survey, I think, in -- what does it say?


CHAIRMAN GESSIN: 24.6. So it's less than what we have on here.

MR. BATCHELLER: All right. But -- so the calculation would simply be the same. I mean, it would be 24.6, and mine would be 24.8.

MR. TERCHUNIAN: Let me just do some interpretation for you.

MR. BATCHELLER: Yes.

MR. TERCHUNIAN: The last time we were here, went through your presentation, the Board's reaction. At that point, you agreed to go back to speak with your client and to try to find a way to maintain existing lot coverage.

MR. BATCHELLER: Right.

MR. TERCHUNIAN: You've come to us with a sketch that you prepared that shows that.

MR. BATCHELLER: Right.

MR. TERCHUNIAN: There appears to be some small discrepancy between the survey and the sketch you prepared.

MR. BATCHELLER: Right.

MR. TERCHUNIAN: Typically, the Board will act on a survey --
MR. BATCHELLER: Sure.

MR. TERCHUNIAN: -- as opposed to a sketch.

MR. BATCHELLER: Okay.

MR. TERCHUNIAN: So it would be necessary for
the surveyor to take the information you've created
and to reproduce that on their survey with their
license --

MR. BATCHELLER: Got it.

MR. TERCHUNIAN: -- to verify this information.

MR. BATCHELLER: Okay.

MR. SARETSKY: The proposed piece or --

MR. TERCHUNIAN: Yeah, the existing and the
proposed, and that they're both the same, and then
that that's normal, typical the way it's done.

The other thing is that there -- since there
was a variance on this property in order for this
building to be constructed, the Board should see that
before they act to make sure they're not -- that they
have that as part of their record, and I don't think
that's been produced. We can't find it.

MR. BATCHELLER: Okay.

CHAIRMAN GESSIN: Because we'll actually have
to amend that variance.

MR. BATCHELLER: You have to amend the
variance?
MR. TERCHUNIAN: Well, we're going to replace it.

CHAIRMAN GESSIN: Replace the variance.

MR. BATCHELLER: Yeah.

CHAIRMAN GESSIN: Replace that variance.

MR. BATCHELLER: Okay. Was that before Sandra purchased it?

MR. TERCHUNIAN: Oh, yeah. This is on initial construction, which goes back to the late '90s.

MR. BATCHELLER: Okay.

MR. TERCHUNIAN: These are -- all these lots are substandard --

MR. BATCHELLER: Right.

MR. TERCHUNIAN: -- and they all went through the variance procedure, and they all came up with roughly the same --

MR. BATCHELLER: Okay. So let me ask you this: Is there a way to sort of approve this deck on the contingency that the survey will verify what I claim is the case? I mean, because what I removed from my drawing is proportionately the same as what's on the survey, so --

CHAIRMAN GESSIN: Well, we think you're going to end up getting to where you want to be, but we've got to see all the documents.

MR. TERCHUNIAN: The answer is that's probably
not the best way for your client, because if there's
any discrepancy and the hearing is closed, we have to
re-advertise this whole thing. That's what you don't
want to do, because that's going to cost you more
time.

So the thing to do is to get the documents that
the Board needs in order to confirm what you have,
and make sure that they have that before the meeting,
before the next meeting, so that they can be reviewed
by the Village Attorney.

MR. BATCHELLER: Yeah.

MR. TERCHUNIAN: And the Board can understand
what they're looking at and be -- have all the
information in front of them so they can close the
hearing.

MR. BATCHELLER: Okay. So you want two things,
an updated survey with the existing lot coverage and
the proposed lot coverage; is that correct?

CHAIRMAN GESSIN: Correct.

MR. BATCHELLER: And you want a copy of the
variance, you want the documents from the file --

CHAIRMAN GESSIN: Correct.

MR. BATCHELLER: -- that explain the variance?

MR. TERCHUNIAN: Just so that --

CHAIRMAN GESSIN: That's part of what you
MR. TERCHUNIAN: So they understand what was
done by a previous Board.

MR. BATCHELLER: Okay. And that was just
simply to the build the house, the variance?

MR. TERCHUNIAN: Yeah.

MR. BATCHELLER: Okay.

CHAIRMAN GESSIN: Yeah, for whatever's there
currently.

MR. BATCHELLER: Right, okay.

CHAIRMAN GESSIN: So we know what's there
now --

MR. BATCHELLER: Yeah.

CHAIRMAN GESSIN: -- has a variance.

MR. BATCHELLER: Right. So everything that's
there now was there.

CHAIRMAN GESSIN: We don't know. Maybe there's
some other stuff that --

MR. BATCHELLER: I don't know.

CHAIRMAN GESSIN: -- appeared.

MR. BATCHELLER: Yeah. All right. So we got
another go-around. You really like this stuff.

CHAIRMAN GESSIN: You're close.

MR. TERCHUNIAN: Let me encourage you to get
that -- you know, get that into the Village office

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well in advance of the next meeting so it can be reviewed. So, if there's any other issue, we can make sure that the paperwork is correct when you show up.

MR. BATCHELLER: Right. You know, surveyors have their timetable.

MR. TERCHUNIAN: Yes, they do.

MR. BATCHELLER: As we know.

CHAIRMAN GESSIN: All that I'm saying is if we would have had this in advance, we would have been back to you, and you could have had it for this meeting --

MR. BATCHELLER: Yeah.

CHAIRMAN GESSIN: -- and been done with this.

MR. BATCHELLER: All right. I didn't realize I needed to get this survey redone, but it makes sense.

CHAIRMAN GESSIN: Okay.

MR. BATCHELLER: All right.

CHAIRMAN GESSIN: Thank you.

MR. PROKOP: So you should vote to adjourn the hearing.

CHAIRMAN GESSIN: I want to adjourn this hearing to the next meeting, which we'll pick the date shortly at the end of this meeting.

MR. BATCHELLER: Okay.

CHAIRMAN GESSIN: You want to pick a date now
or no?

MS. DALESSANDRO: Sure.

CHAIRMAN GESSIN: You want to pick a date now so he knows where we're going?

MEMBER SARETSKY: Sure.

CHAIRMAN GESSIN: How long do you need, Laura?

MS. DALESSANDRO: At least a couple of weeks.

MR. TERCHUNIAN: He's got to get a survey, which means he's got to get to --

MR. BATCHELLER: We'll see.

MEMBER SARETSKY: Someone's got to do it and then plot -- you know, put it on. But, hopefully, this guy will do it for you fast, but --

MR. TERCHUNIAN: Nothing happens fast.

MR. SARETSKY: Nothing happens fast.

MR. BATCHELLER: Young & Young has been pretty good, but we'll see.

MR. TERCHUNIAN: I think he needs at least a month to get what he needs. Am I -- do you think so?

MR. BATCHELLER: I don't know. I don't want to have it too soon and then he can't get the survey, right?

MR. TERCHUNIAN: Right.

MR. BATCHELLER: Everything else isn't a problem, it's just the survey.
MR. GOLDFEDER: Tentatively scheduled May 9th?
MR. PROKOP: That's good with me.
CHAIRMAN GESSIN: I think I'm okay. I think I'm okay.
CHAIRMAN GESSIN: Oh, is it?
MR. TERCHUNIAN: Thank you.
MR. SARETSKY: That's going to be a problem.
MS. PETINO: Get ready.
MR. BATCHELLER: I'm going to send my mother over.
(Laughter)
CHAIRMAN GESSIN: I guess we'll do the 16th, then.
MR. PROKOP: I'm not going to be able to do the 16th.
MR. BATCHELLER: Do you have the variances with you?
MR. PROKOP: We can't do it the day before Mother's Day?
MR. TERCHUNIAN: I don't keep those files on me.
MEMBER SARETSKY: And if we did it on the 23rd, then it would give you plenty of time.
MR. BATCHELLER: 23rd, wow.
MEMBER SARETSKY: That way, if we have a
conflict on the 16th --

MR. BATCHELLER: Yeah. Just, you know, she
wants to get this deck built for the opening of the
season.

MEMBER SARETSKY: Oh, okay. Well, I think the
problem is that -- is Mother's Day on Saturday or
Sunday?

MS. PETINO: Oh, it's Sunday.

MR. SARETSKY: So it's the next day.

MS. PETINO: It's always on Sunday. That's
fine.

MR. TERCHUNIAN: Yeah, it's the next day.

MEMBER SARETSKY: So the 9th maybe is okay.

MR. TERCHUNIAN: I'm going to be in Newport.

You don't need me.

MR. SARETSKY: Well, we need Aram, so.

MR. TERCHUNIAN: No, you don't need me.

MEMBER SARETSKY: Oh, I do.

(Laughter)

MR. BATCHELLER: So what's the date? Is it May
9th?

MR. GOLDFEDER: May 9th?

CHAIRMAN GESSIN: I don't know. I may not be
good that weekend.
MEMBER SARETSKY: Well, I mean, maybe the thing
to do is just let us see how we do and then we'll
call you and tell you. I mean, do we need to pick it
this second?

MR. GOLDFEDER: Yeah. If there's any change,
Laura will notify you.

MR. SARETSKY: Obviously, we need Harvey.

MR. BATCHELLER: So tentative for May 9th.
MR. GOLDFEDER: Schedule for May 9th. Any
change, Laura will notify you.

MEMBER SARETSKY: Yeah, okay. We'll start with
that.

CHAIRMAN GESSIN: It's tentative the 9th; if
not, what, the 23rd? What's Memorial Day weekend?

MR. SARETSKY: I assume --

MR. BATCHELLER: That might be it.

MEMBER SARETSKY: No. I would assume that
Memorial is the 30th and 31st.

MR. BATCHELLER: I don't know the weekend.

MEMBER SARETSKY: I don't know that, but it
makes sense.

MS. PETINO: I think it's early this year.

MR. PROKOP: That's the -- that's Memorial Day
weekend, the 23rd.

MS. PETINO: Yeah.
MR. SARETSKY: Oh, the 23rd?

MR. BATCHELLER: Yes, right.

CHAIRMAN GESSIN: Wow, it's early.

MR. BATCHELLER: Yeah.

MR. PROKOP: Can we -- if this is only an
adjourned hearing, can we leave it for the 9th and
then let's see what happens?

CHAIRMAN GESSIN: Yeah, we could leave it for
the 9th, yeah, sure.

MR. BATCHELLER: Okay.

MR. PROKOP: Because we don't have to re-notice
the application all over again, we only have to
notice the meeting part.

MR. BATCHELLER: So do you keep those or I --

CHAIRMAN GESSIN: You can have them. You want
them back?

MEMBER SARETSKY: That's yours, this is yours.
I marked this one up, if you want to take that one as
part of the set. It was three sheets or two?

CHAIRMAN GESSIN: It was three.

MR. BATCHELLER: It was three.

MR. TERCHUNIAN: We have -- we have a file
copy.

MR. SARETSKY: Okay, fine.

MR. TERCHUNIAN: Unless, Harvey --
CHAIRMAN GESSIN: As long as we have one set, it doesn't matter.
MEMBER SARETSKY: Okay. There you go.
MR. BATCHELLER: Thank you.
CHAIRMAN GESSIN: Our next application --
MR. PROKOP: I wanted to thank you, I forgot at the beginning of the meeting, for doing the stenography minutes, because it's really helping me a lot in going through this stuff.
CHAIRMAN GESSIN: Oh, it has?
MR. PROKOP: Yeah.
CHAIRMAN GESSIN: Great.
MR. PROKOP: Because everything's right there, it's so much easier. Thank you very much.
CHAIRMAN GESSIN: Right, rather than memory.
MR. PROKOP: Yeah. And it also goes on our website --
CHAIRMAN GESSIN: Or sloppy notes.
MR. PROKOP: -- if anybody, any of the neighbors or anybody else has questions on it. It makes you guys sound really smart, too
MEMBER SARETSKY: That's difficult.
CHAIRMAN GESSIN: Do we have anything to discuss on those determinations right now?
MR. PROKOP: Well, we have the decisions in

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these files.

MEMBER SARETSKY: Yeah, you got one here.

MR. PROKOP: There's one for everybody. Maybe pass them down to Laura.

MEMBER SARETSKY: I have one that I could give to Laura. I guess, Laura, you should hold the rest of them. You got one?

MR. GOLDFEDER: Yes, in my folder.

MR. PROKOP: And one for me. I forgot to keep one. So that we know, that on Panayis is done with that other thing that we talked about. So we have Autorino. I don't think on Autorino there were any changes at the meeting, so I just copied it off the notice. So that was basically it. And then we -- Autorino, what happened with Autorino? We actually went over this at the last meeting.

CHAIRMAN GESSIN: Yeah, we did.

MR. PROKOP: And there was a One and a Two at the end, and I took out One and this is Two. That was -- the minutes say that we approved this and you wanted me to delete -- you know, at the end, there was a Number One and there was Number Two. So this Number One here is what was Number Two the last time. I deleted the one you told me to take out.

CHAIRMAN GESSIN: Okay. Right, right.
MR. PROKOP: And I don't even know that this applies.

MEMBER SARETSKY: This is just for the septic.

MR. PROKOP: Yeah.

CHAIRMAN GESSIN: Yeah.

MEMBER SARETSKY: Which is being handled by the Building Inspector.

MR. PROKOP: He's really doing -- he's really doing it, so, I mean, I --

MEMBER SARETSKY: So just, I guess, for more information than anything else.

MR. GOLDFEDER: So since this was conditional, do we need to get that verification back from the Building Inspector to attach to the record?

MR. PROKOP: Yeah. Well, one of the things -- it should be in our file. One of the things that you might consider is submitting a septic certification, and then take it out from the Suffolk County Department of Health Services. Take out that -- just so they get a separate certification from somebody, so it could be the architect.

CHAIRMAN GESSIN: Whoa, I don't follow you.

MEMBER SARETSKY: He's saying that we take this piece out.

MR. PROKOP: It's Number One.

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CHAIRMAN GESSIN: Cross out --

MR. SARETSKY: Suffolk County Department of Health, and we accept submitting a septic certification. It doesn't say it has to be who it's from, just from --

MR. PROKOP: Yeah, approved by the Building Inspector, because it's not going to come from Suffolk County, they don't do that.

CHAIRMAN GESSIN: So we should write that in?

MR. PROKOP: Take out "Suffolk County".

MEMBER SARETSKY: Submitting a septic certification for the new -- in other words, this is going to be from someone.

MR. PROKOP: Yeah. Just take out "from the Suffolk County Department of Health Services," because they don't do that, they're not going to do it.

MEMBER SARETSKY: Okay.

MR. PROKOP: We got -- we just -- we educated ourselves on this on.

CHAIRMAN GESSIN: So just cross out "Suffolk County Department of Health Services"?

MR. PROKOP: Yes. So there will be a certification in the file, and it may or may not be from the Suffolk County Health Department, and with that, we can approve it also.
And then on the next one is Herson. Herson there was changes. Now, in the beginning, the first page, the first page and the top of the second page, this is what they requested, but I just want to note that the lot coverage of -- so the variance that they're requesting at the end was lot coverage variance of 4.9%. It was reduced from 11%. They started off requesting 31% and they reduced -- we asked them to reduce it.

CHAIRMAN GESSIN: What page are you on?

MR. PROKOP: Page 1 of Herson. And it says, Number One, "Lot coverage variance of 4.9." And I have in parenthesis "reduced from 11," because they came in originally asking for 31% and they knocked it down. They reduced it at our request of 24.9. And I noted in there that the existing structures have 23.9.

The original -- the rear yard setback variance was 5. -- that they ended up asking was 5.97 feet, which was reduced from the original request. There was a slight reduction in the rear yard setback request.

Number Three was a side yard setback of 1.6 feet. That was actually withdrawn, and I have in there noted that it's withdrawn.
Oh, this is where Barry came up with the 4 -- that's why you were saying it was 4, 5, because I withdrew some of these. I'm sorry, you're right, I apologize.

Front yard setback variance of 19.3 feet. A front yard setback of 41 feet. Number 5, what is it?

MEMBER SARETSKY: I'm sorry. Number 4 is 40.7, you have.

MR. PROKOP: Yeah. The variance is 19.3 for an existing -- because the 40.7 is actually the setback. The variance that's requested is 19.3, and the setback is 40.7. That's a primary structure.

And then Number Five is the deck, which is 70 feet. So it's supposed to be 70 feet, so it's a 41-foot variance. And then there's a front -- other front yard setbacks.

Now, I just want to -- in the decision on the last page of this, which is Page 4 of this --

CHAIRMAN GESSIN: Hold on one second. On Number Five, on my notes, unless I had it written down incorrectly, instead of 41, I had 40.6 and 29.4.

MR. PROKOP: 40.6.

CHAIRMAN GESSIN: Aram, you want to check mine, check me on that, on Number Five?

CHAIRMAN GESSIN: I have 40.6.
MR. TERCHUNIAN: Yeah.
CHAIRMAN GESSIN: Is that right?
MR. TERCHUNIAN: Yeah.
CHAIRMAN GESSIN: Okay.
MR. TERCHUNIAN: It's on the survey.
CHAIRMAN GESSIN: And 29.4.
MR. TERCHUNIAN: Right.
CHAIRMAN GESSIN: Okay. So I should just cross that out?
MR. TERCHUNIAN: Uh-huh.
MR. PROKOP: Okay.
CHAIRMAN GESSIN: I guess I'll initial it.
This is the original.
MR. SARETSKY: I mean, he's the one that's going to sign --
MR. PROKOP: Yeah, that's fine, so go ahead and sign in.
MEMBER SARETSKY: Okay.
CHAIRMAN GESSIN: Okay. Which one, Joe, on that?
MR. PROKOP: Okay. At the end.
MEMBER SARETSKY: Page 4.
MR. PROKOP: Start with the determinations, 3 -- Page 3, I have one, because, according to my
notes, some of these we approved. We did not approve
the maximum lot coverage variance, right? We denied
it. We made him go back to 23.9, I think.

MR. TERCHUNIAN: Yeah.

MR. PROKOP: Okay. So they did that right.

CHAIRMAN GESSIN: 23.9, right.

MR. PROKOP: Okay. So the benefit to the
applicant for the maximum lot coverage variance will
not outweigh the detriment to the health and safety,
but it will for the other ones, Two through Seven.

MR. TERCHUNIAN: I think, Joe, bottom of Page 4 --

MR. PROKOP: Yeah.

MR. TERCHUNIAN: -- motion to approve the
remaining Two through Seven.

MR. PROKOP: You're right. I'm sorry, I
apologize.

MEMBER SARETSKY: Change to approve from deny,
right?

MR. TERCHUNIAN: Yeah.

MR. PROKOP: Yeah, I'm sorry.

MR. TERCHUNIAN: It was -- the lot coverage was
maintained status quo, and the others --

MR. PROKOP: Yeah, I got it backwards. So it's
motion to deny is the top. I'm sorry. So it should
say -- under Six, it should say "motion to deny".

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MEMBER SARETSKY: You have it as motion to deny.

MR. PROKOP: Oh, I'm sorry. It's motion to --

MR. SARETSKY: It's motion to approve.

MR. PROKOP: No, no, I had it right. It's approve the Findings and Determination and deny --

MR. TERCHUNIAN: Deny the maximum lot coverage.

And then at the very bottom sentence, most sentence --

MR. PROKOP: Oh, it should be motion to approve.

MR. TERCHUNIAN: To approve the remaining Two through Seven.

MR. PROKOP: That's correct, yeah. Okay, you're right. I'm sorry.

MR. TERCHUNIAN: Otherwise, we'll just deny them all.

(Laughter)

MR. PROKOP: Good pickup, thanks.

MEMBER SARETSKY: Okay.

MR. PROKOP: And I think -- yeah, thanks Aram. I think everything else is good.

CHAIRMAN GESSIN: Okay? Next one is Panayis.

MR. PROKOP: Panayis, there was just the one change. We went over this the last time.
CHAIRMAN GESSIN: No, there's another correction.

MR. PROKOP: I'm sorry.

CHAIRMAN GESSIN: What I saw that was missing in here is the maximum -- the maximum house size. I believe we had that on the record, too.

MR. PROKOP: Okay.

CHAIRMAN GESSIN: I think it was -- and now I got to look it up.

MR. PROKOP: It might have been from the meeting before we started --

CHAIRMAN GESSIN: I think it was --

MR. PROKOP: The November meeting we didn't have it.

CHAIRMAN GESSIN: Yeah. Let me find this file now.

MEMBER SARETSKY: I think I have it. Panayis, right?

CHAIRMAN GESSIN: If I remember correctly, we read into the record that we were going to do similar language to the other applications. So should we -- how do we do that, then, now?

MR. PROKOP: Oh, similar applications on the bay?

MR. TERCHUNIAN: Oh, on Panayis you're talking
about. Yes, definitely.

CHAIRMAN GESSIN: So what do we do now, just take one of them, cut it and stick it on here?

MR. PROKOP: Yeah. I mean, I have the decisions with me, if you want. At the end, we can mark them up, you know, make the changes, so we have clean things printed. We can print it out right here. I'm not sure what the other requirement was.

CHAIRMAN GESSIN: It was really just on the maximum footprint.

MR. TERCHUNIAN: Yes.

CHAIRMAN GESSIN: Maximum square footage, footprint of the house

MR. TERCHUNIAN: It was defining the envelope and the maximum house size.

MR. PROKOP: So why don't you give me the language at the end then we'll -- what I can do is I'll get Brian to open up the computer and just print it quick and do it. It will just take a second.

CHAIRMAN GESSIN: Okay.

MR. TERCHUNIAN: Let me do the math on this.

CHAIRMAN GESSIN: Last one of the day. Yale Nelson, 836 Dune Road. Give this back to Joe. All right. This is a continuation of our last meeting. We stopped because we hadn't heard from the County as
yet, but now we have and they have no comment.

MS. DALESSANDRO: No.

CHAIRMAN GESSIN: So it's basically up to the Village to decide what we want to do here at this Board.

MR. PROKOP: Can I see it?

CHAIRMAN GESSIN: Sure.

MR. PROKOP: Okay. So they said that they consider it to be a matter of local determination, which means they don't want to get involved with it. So, basically, it's for us to deal with.

CHAIRMAN GESSIN: I think our Board is pretty much done with our review. I don't know if anyone in the public has any further comments. Do you have any further comments, anybody?

MS. PETINO: I think we've been asking since November what is the lot coverage of the new construction. It seems to be a mystery.

CHAIRMAN GESSIN: I don't think so, it's --

MS. PETINO: What? Maybe I misheard. What would it be?

MEMBER SARETSKY: Here's existing and proposed, right?

CHAIRMAN GESSIN: Yeah.

MEMBER SARETSKY: Basically.

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CHAIRMAN GESSIN: It's the same, 23.6.
MEMBER SARETSKY: 23.6.
MS. PETINO: But what are the dimensions, because I'm -- 23.6% is 2478 square feet.
CHAIRMAN GESSIN: Well, we have 2495.
MS. PETINO: Close enough.
CHAIRMAN GESSIN: Yeah.
MS. PETINO: But what would the dimensions be? To get that, I mean, 46-by-53 would equal that, and their house seems to be a little bit bigger. I'm just curious what the dimensions are.
CHAIRMAN GESSIN: Of the lot?
MS. PETINO: Carol Petino.
CHAIRMAN GESSIN: Of the lot?
MS. PETINO: Yeah -- no, not of the lot, of the new construction, so that I can understand lot coverage.
CHAIRMAN GESSIN: Well, it's -- I mean, it's that.
MS. PETINO: 23.6% is 2478, would be 46-by-53. What are the dimensions? Why is this a mystery?
CHAIRMAN GESSIN: That's what it looks like.
MS. PETINO: What are the dimensions?
CHAIRMAN GESSIN: I don't know, just like that.
MS. PETINO: How can you -- well, then how can

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CHAIRMAN GESSIN: It was given to us by a surveyor.

MS. PETINO: -- know what the lot coverage is if you don't know what the dimensions are?

CHAIRMAN GESSIN: Well, it was given to us -- we went through this last time. It was given to us by a surveyor, it was done by computer, and that's what it comes out to.

MS. PETINO: What -- so what are the dimensions?

CHAIRMAN GESSIN: I just said, it was given to us by a surveyor, a licensed surveyor. We went through this last time.

MS. PETINO: But why is it a mystery what the dimensions are?

CHAIRMAN GESSIN: I'm not going to answer that question anymore. I gave you the answer last time and this time. If you have another question, please ask it.

MS. PETINO: So you're not going to follow the law, okay.

MR. MERRELL: But the Building Codes clearly state the dimensions should be on there, and yet they're not.
MS. PETINO: They're not.

CHAIRMAN GESSIN: Okay. Do you have another question?

MS. PETINO: Why won't you answer this question?

MR. MERRELL: Why are you approving something without the proper information on it?

CHAIRMAN GESSIN: This is a survey, okay? I'm not -- do you have another question?

MS. PETINO: No, just this one.

CHAIRMAN GESSIN: Okay. Asked and answered. Do you have another question?

MS. PETINO: Well, you haven't answered it.

MR. MERRELL: You haven't answered.

CHAIRMAN GESSIN: Okay. Does anybody else have a question?

MR. MERRELL: I'd like to know why the house measures bigger than what the survey says.

CHAIRMAN GESSIN: I'm relying on a surveyor, and I am not privy to answer that. I'm going to continue this --

MS. PETINO: Then how can you make an educated, knowledgeable decision?

MEMBER SARETSKY: I think Aram said this last time.
MR. TERCHUNIAN: This is an irregularly shaped house. We've been given a document that's signed and sealed by a New York State Licensed Surveyor certifying to the dimensions of that building. The dimensions are clearly shown on the survey of the side yard setbacks, front yard setbacks, rear yard setbacks.

MS. PETINO: Where is the side yard setback? I didn't see it on there.

MR. MERRELL: The setbacks are not listed, and the side yards --

MS. PETINO: Tell me what the side yard setback is. I was unable to --

MR. MERRELL: And according to the Building Codes, those must be on there.

MR. TERCHUNIAN: As I was completing my sentence in answer to your question --

MS. PETINO: Thank you.

MR. TERCHUNIAN: -- all of those setbacks are on that document, and the document is a signed, sealed survey, and it speaks for itself.

MS. PETINO: So tell me. I could not see it on there what the --

MR. MERRELL: Why not the setback? 

MS. PETINO: -- side yard setback is.
MR. MERRELL: If it's on there, point out the setback on the map.

MS. PETINO: What is it?

MR. TERCHUNIAN: Joe is reviewing the document.

MS. PETINO: Can't you tell me what that number is? Why? I've been asking since November?

MR. MERRELL: And the --

MS. PETINO: That's it. That's pretty straightforward.

MR. MERRELL: The codes say that has to be on there. It is not there, period.

MR. TERCHUNIAN: If you would like to examine this document, I'm pointing over here on the eastern side, there are two measurements denoted. This is 13 feet from the eastern property line to the eastern corner of the -- the southeastern corner of the deck, so that's 13 feet. And then there's 16.7 feet from the eastern boundary line to the southeastern corner of the building. Those are the two side yard setbacks on that side of the property. If we go over to the left side of the property, we notice that there's a side yard setback of 17.4 feet to the corner of the building.

MS. PETINO: But this is -- there's something here.
MR. TERCHUNIAN: Yes, and it is 13 -- I believe that this is 4 feet, and this deck is 4 feet wide, which would give you 13.4 feet on the western side of the building. If you add those two together, you will get the total side yard setback, and those setbacks conform with what's called the Three-Tenths Rule in the Village, where the total side yards have to be three-tenths of the total lot width.

MR. MERRELL: So you're saying the two setbacks are 13 and 13 on the two sides?

MR. TERCHUNIAN: 13.4 and -- 13 and 13.

MS. PETINO: So, if this is 30, that means that this is 40 feet across. It's not. But this setback is --

MR. TERCHUNIAN: It's 69 feet.


MR. MERRELL: No, no, it's 13 because of the deck.

MS. PETINO: I know, but we're going by his numbers, so that means this is only 40 feet across. It's not.

MR. TERCHUNIAN: Ma'am, this Board -- what's in front of this Board is the documents that have been presented to the Board by a New York State Licensed Surveyor certifying that these dimensions and

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calculations are correct. If you have another document that you believe challenges this, feel free to bring it forward.

MS. PETINO: Okay, thank you.

MR. PROKOP: The applicant is asking for a specific variance --

MR. MERRELL: Okay. What is the back and the front and the rear? It's showing his house as 44 feet wide. If you minus this, minus that, 40 feet, because the lot is the lot.

CHAIRMAN GESSIN: We're going to accept this document as submitted and we're going to vote on this document as is.

MS. PETINO: What would be the -- this rear, the line to here?

CHAIRMAN GESSIN: Okay. We'd like to move forward, please.

MS. PETINO: Go right ahead.

CHAIRMAN GESSIN: Thank you.

MR. PROKOP: The applicant is requesting a specific variance for lot coverage and then also for setbacks.

CHAIRMAN GESSIN: Yes.

MR. PROKOP: If it ends up -- we have a certified document in front of us, which is what
we're required to have, a certified survey.

CHAIRMAN GESSIN: Yes, we do.

MR. PROKOP: We -- if there's any -- the
applicant is limited to the relief that's granted by
the Board. So if there's some issue later on with
what's constructed, or that's another -- that's up to
the -- an issue created by the applicant for
themselves, has nothing to do with the Board. We may
grant or deny a specific variance and that would be
it, basically.

CHAIRMAN GESSIN: Right.

MR. PROKOP: That would be what the applicant
is limited to.

CHAIRMAN GESSIN: Right, right.

MR. PROKOP: If we -- if it's approved.

CHAIRMAN GESSIN: Okay. I was reviewing the
file myself this morning and I had a couple of my own
observations that I'd like to just mention to the
Board and to the public that is not part of this
application.

I don't see as part of this file yet any
variances requested for height, which I don't believe
that it is -- that it does exceed the height. I
don't see any requests for any relief in -- of the
side yards as it relates to the Pyramid Code. I
don't believe that they violated the Pyramid Code, 
but I don't see any relief requested, or any relief 
for front yard setbacks as relates to the entry 
stairs in the front yard. I'm assuming that the 
Building Department will check that or has checked 
that, and that if there is any relief that they may 
need in the future, that they'll either come back to 
this Board, or alter the house to comply with 
whatever the code is.

Does the Board have any questions on that?

MR. GOLDFEDER. No. I agree with those 
findings?

MR. SARETSKY: I'm fine.

CHAIRMAN GESSIN: Do you have any questions on 
that?

MR. NELSON: No.

MR. PROKOP: So any determination by this Board 
is not a ruling on those three things, Pyramid Law, 
height, or the front --

CHAIRMAN GESSIN: Yeah. There's been no --
there has not been any relief requested as far as 
those three items are concerned.

MR. GOLDFEDER: We would also like to receive a 
set of the plans for the file. I think we should 
have that for the package as well.
CHAIRMAN GESSIN: Okay. And is there anything else?

MEMBER SARETSKY: That covers it.

CHAIRMAN GESSIN: Okay. At this time, I guess we're about ready to --

MR. PROKOP: Yeah, let's get the plans in front of us.

CHAIRMAN GESSIN: Say it again.

MR. PROKOP: Let's get the plans, so they're part of the record, before we move on.

CHAIRMAN GESSIN: Okay.

MR. PROKOP: Please.

CHAIRMAN GESSIN: Yes.

MR. MERRELL: You've required on other applications that we've sat here and listened to previous variances for anything over 20%. Even that plan says it's 23.4. Where's the -- where are the variances for that? The house was built, changed in the -- had the C of O in the mid '90s, so there should be variances on the files for it to be at 23%. Where are those variances?

CHAIRMAN GESSIN: I don't understand your question.

MR. MERRELL: He's built at 23%, that's what he's saying now. There is no variances to be at 23%.
All the other houses --

CHAIRMAN GESSIN: This is a new application.

We're reviewing this as a new application. We went through this last time.

MR. MERRELL: All right. So he has no right over 20%, then.

MS. PETINO: So, really, why --

CHAIRMAN GESSIN: Excuse me. We reviewed this last time, okay? I don't want to go over this a second time.

MS. PETINO: I do.

CHAIRMAN GESSIN: Okay.

MR. MERRELL: But you did not make it clear last time, okay?

CHAIRMAN GESSIN: This is a new application that stands on its own.

MR. MERRELL: Okay.

CHAIRMAN GESSIN: Okay?

MR. MERRELL: So which means --

CHAIRMAN GESSIN: That's why he elected to come back to this Board.

MR. MERRELL: Can I ask a question about that?

CHAIRMAN GESSIN: No. We went over this last time. I don't want to go over it a second time.

MR. MERRELL: So there is no variances from

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before?

CHAIRMAN GESSIN: I didn't say that.

MR. MERRELL: He's asking for a new variance?

CHAIRMAN GESSIN: I didn't say that. He's here under a new application, and this application is going to stand on its own.

MR. MERRELL: Okay.

CHAIRMAN GESSIN: Thank you.

MR. MERRELL: Which means all previous --

MS. PETINO: So why is he able to build without approval? It continues to be built.

CHAIRMAN GESSIN: I am not the Building Department.

MR. MERRELL: Yes, you are.

CHAIRMAN GESSIN: No, I'm not.

MR. MERRELL: You are the zone Zoning Board and you have a right to issue a stop work order at any moment.

CHAIRMAN GESSIN: I am the Zoning Board, I am not the Building Department. Thank you.

MR. MERRELL: You can -- no.

CHAIRMAN GESSIN: You have another question?

MR. PROKOP: Aram, what do we have? What did we just get?

MR. TERCHUNIAN: Nothing.
CHAIRMAN GESSIN: His application is clearly a new application.

MEMBER SARETSKY: Uh-huh.

MR. PROKOP: Well, this application has to do with the footprint, the right to build -- it's not the difference between this variance that's requested and some other variance. It's the right between this -- it's the difference between this variance and the footprint that's guaranteed by either the -- the greater of either the footprint that's guaranteed by the stipulation, the Rapf Stipulation, or the 20%. They don't have to justify something else, I mean, that's what it is under our code.

CHAIRMAN GESSIN: Correct, but this also is a brand new application.

MR. PROKOP: But it's a brand new -- a brand new application.

CHAIRMAN GESSIN: Right.

MEMBER SARETSKY: But the stip covers it, right?

CHAIRMAN GESSIN: Yes.

MEMBER SARETSKY: So that's the answer, I guess.

CHAIRMAN GESSIN: All right. I'd like to make a motion to close this hearing. Anybody like to
second?

    MEMBER SARETSKY: Second.

    CHAIRMAN GESSIN: Okay. This hearing is closed.

    MR. NELSON: You're not going to vote on it?

    CHAIRMAN GESSIN: We're going to do that at the next meeting.

    MR. TERCHUNIAN: So your motion is to close for
determination only.

    CHAIRMAN GESSIN: For determination.

    MR. TERCHUNIAN: Until the next meeting.

    MR. NELSON: Tell me, why is that? I'm just trying to understand.

    MR. MERRELL: Can I see the survey for a second?

    CHAIRMAN GESSIN: Sure.

    MR. NELSON: Why aren't you voting?

    MRS. NELSON: Because we don't have the plan?

    MR. TERCHUNIAN: No. It's for the Board -- you would still have to wait for a written decision --

    MRS. NELSON: Okay.

    MR. TERCHUNIAN: -- because it's not written. They vote today, and they write the decision, and then read the decision into the record, because it's --

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MR. GOLDFEDER: Any other questions from anyone else?

MR. TERCHUNIAN: Well, you can't, you closed the hearing.

MR. GOLDFEDER: Closed the hearing.

MR. PROKOP: If you want to wait a minute, we can make those changes. If you sign them and give them to Laura, that will be the filing of the decision. It will just take me a second.

MR. GOLDFEDER: Motion to close the hearing.

CHAIRMAN GESSIN: I'd like to make a motion to close the hearing.

MR. GOLDFEDER: I'll second that.

CHAIRMAN GESSIN: Thank you very much.

(Whereupon, the meeting was adjourned at 11:13 a.m.)

CERTIFICATION

Flynn Stenography & Transcription Service
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STATE OF NEW YORK )
SS: 
COUNTY OF SUFFOLK )

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on April 11, 2015.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of April, 2015.

________
Lucia Braaten

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