COUNTY OF SUFFOLK STATE OF NEW YORK

PLANNING BOARD

REGULAR MEETING

906 Dune Road
West Hampton Beach, New York

July 10, 2015
7:38 p.m.

BEFORE:

GARY VEGLIANTE - CHAIRMAN
GARY TRIMARCHI - MEMBER
MICHAEL CRAIG - MEMBER
CATHERINE WOOLFSON - MEMBER

JOSEPH PROKOP - VILLAGE ATTORNEY
CLAIRE VEGLIANTE - TREASURER
LAURA DALESSANDRO - VILLAGE CLERK
ARAM TERCHUNIAN - WILDLIFE COMMISSIONER

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CHAIRMAN VEGLIANTE: I'm going to open the Board of Trustees, the Planning Board.

Just for basic information, the Planning Board is the acting Board of Trustees, the Board of Trustees acts as the Planning Board in this regard.

The determination of the Zoning Board of Appeals is a very limited Board. They spend a good amount of time formalizing the application of the applicants and they have the ability to grant the variance, and once the Zoning Board comes to a determination, the Zoning Board does not have the capacity to approve. An approved subdivision, that has a preliminary approval, the Planning Board has to then either support or deny the hearing.

Let me get my copy. Where are we? We have three approvals in front of us.

Two of them date back, Catherine, to when you were on the Zoning Board.
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MS. WOOLFSON: Yes. I have a question for you and our attorney.

CHAIRMAN VEGLIANTE: Yes.

MS. WOOLFSON: Since I was serving on the Zoning Board at the time that those two were approved, should I recuse myself from voting on those two?

MR. PROKOP: No, you don't have to recuse. It's okay.

MS. WOOLFSON: I do not have to recuse.

MR. PROKOP: No.

MS. WOOLFSON: Thank you.

CHAIRMAN VEGLIANTE: Did you get that?

Catherine Woolfson asked Joe Prokop if she had to --

MS. WOOLFSON: -- recuse myself.

CHAIRMAN VEGLIANTE: -- recuse herself because two of the hearings had been done while she was on the Zoning Board.

Joe Prokop said she doesn't have to.

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The first one -- I think we'll do
the old ones first.

The application for Harvey Gessin
and Laura Fabrizio.

Do we have any applicants?

Yes, would you like to join us,
Jim?

MR. HULME: I would. Thank you.

CHAIRMAN VEGLIANTE: Please
announce for the stenographer.

MR. HULME: Actually, for all
three applicants tonight, James N.
Hulme, Law Firm of Kelly & Hulme, 323
Mill Road, Westhampton Beach.

Good evening.

CHAIRMAN VEGLIANTE: You can
begin.

MR. HULME: As I have discovered
in my most recent visits to your Zoning
Board, apparently I, or actually my
clients, are getting charged by the
word, so I'll try to be as brief as
possible.

CHAIRMAN VEGLIANTE: By the letter
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MR. HULME: I'll be happy to talk about one of these applications and then say ditto for the other two.

As you can see from each of the three applications, they have both been vetted over long periods of time before the Zoning Board.

The Zoning Board has granted a certain series of variances that are necessary to create these, to allow the creation of these lots which were, therefore, subject to these zoning modifications before forming the lots.

The Village of West Hampton Dunes, as the mayor, or the chairperson of the Planning Board I guess in this case, indicated, the Zoning Board has the ability to grant the variances but does not have the authority to actually create the lots, so we trust this Board to do just that.

CHAIRMAN VEGLIANTE: That's it?
MR. HULME: And that's it. Unless you have any questions.

MR. PROKOP: That is for which one?

CHAIRMAN VEGLIANTE: He's the attorney for all three.

MR. PROKOP: We should actually do them separately.

CHAIRMAN VEGLIANTE: We're doing, right now Harvey Gessin. Does he have to repeat this for all three?

MR. HULME: What I just said.

(Laughter)

CHAIRMAN VEGLIANTE: Harvey Gessin, now, additionally, after they get our approval, it has to be sent to Suffolk County Planning Board; is that correct?

MR. TERCHUNIAN: This is the preliminary subdivision approval and after they gain approval from Suffolk County Department of Health, they will come back to this Board for final
subdivision approval; is that correct?

MR. PROKOP: No. I think this is the --

MR. HULME: As far as the Suffolk County Planning Commission, the applications were referred --

CHAIRMAN VEGLIANTE: -- to the Zoning Board probably.

MR. HULME: And they commented and those comments are part of the record prior to the adoption of the variances.

MR. CRAIG: I'm sorry, once this decision has been made, it still goes through the Suffolk County process?

MR. TERCHUNIAN: No. It already has.

MR. HULME: Once this Board has acted, it's active and these lots exist.

Now, whatever requirements the Building Department may have in order to get a building variance, we'll have to deal with it.

CHAIRMAN VEGLIANTE: Also at the Flynn Stenography & Transcription Service (631) 727-1107
end of this, there will be an application for a zoning lot number and address change.

MR. HULME: Right.

But we still have to meet the requirements. The Village requirements are from the issuance of a building permit.

CHAIRMAN VEGLIANTE: And as you can see in the findings, there have been quite a few and very specific requirements on the building lot.

MR. PROKOP: Which are you referring to, Mr. Gessin's?

CHAIRMAN VEGLIANTE: Yes.

MR. HULME: There are a series of conditions as to the footprint of the house and the ability to use the four-tenths rule for the side-yard setbacks, a requirement with no further subdivisions, things of those natures and another issue, and I imagine is because of the size of the lot because this creates, actually, a third lot,
subdivision that is open space.

CHAIRMAN VEGLIANTE: Okay.

MR. TRIMARCHI: That remains open space?

MR. HULME: That remains open space, yes.

CHAIRMAN VEGLIANTE: The applicant is also here if anyone has any questions for him.

MR. PROKOP: Section seven dash seven thirty of the Village Law, the Board has the right to request a set-aside of up to ten percent -- the Planning Board which is the Board of Trustees has the right to require a set-aside of up to ten percent of the property for recreation or park purposes; and in lieu of that, you can also require a contribution to the Village -- if it's not practical to do that on the layout of the property, you can request a contribution by the applicant up to the value of the same amount to Village Parks and Recreation.
MR. HULME: I would suggest in Mr. Gessin's case, he is creating a separate lot that's dedicated to open space. It is, in fact, the oceanfront lot, so I --

MS. WOOLFSON: The bay-front.

MR. HULME: The bay-front.

I upgraded you, Harvey.

MR. GESSIN: Say again.

MR. HULME: I put you on the ocean side.

I think that this far exceeds that requirement.

CHAIRMAN VEGLIANTE: Yes.

MR. CRAIG: Can we just see that?

MS. WOOLFSON: Yes.

CHAIRMAN VEGLIANTE: I didn't get anything.

MS. WOOLFSON: You do.

MR. HULME: Do you have it now?

CHAIRMAN VEGLIANTE: Yes.

MR. HULME: I gave you a whole bunch of copies.

CHAIRMAN VEGLIANTE: That's 20,000
MR. HULME: That's a 20,000-square-foot -- it's thirty, sixty, eighty, ten percent of eighty is eight, so this open space is three times larger than the ten percent.

CHAIRMAN VEGLIANTE: Yes.

Okay. I'll ask for a Zoning Board motion.

This is the open period. If anyone wants to make a comment, you're welcome to speak.

(Whereupon, there is no comments from the public.)

CHAIRMAN VEGLIANTE: Thank you.

Okay. Motion.

MS. WOOLFSON: Motion.

CHAIRMAN VEGLIANTE: Catherine.

Motion to approve?

MR. CRAIG: Second.

CHAIRMAN VEGLIANTE: Second.

All in favor?

(All Said Aye)

CHAIRMAN VEGLIANTE: All opposed?
None.

Up next is Laura Fabrizio.

It's a similar application, only the size is smaller and it was not practical on that for a donation?

MR. HULME: I think there is a dedicated area.

CHAIRMAN VEGLIANTE: There is an area?

MR. HULME: There is a dedicated area 13,161 square feet, which is twenty-five percent of the --

MR. TRIMARCHI: Is there a survey?

MR. PROKOP: Here is another one.

MR. HULME: The Zoning Board variances in each of these cases specifically required a twenty-five percent dedication and that's exactly what we did.

MR. CRAIG: This is required to have twenty-five percent, 13,161 square feet dedicated to open space; what side of the lot?

MR. HULME: North side.
MR. CRAIG: North side.

CHAIRMAN VEGLIANTE: Any other questions or comments from the public?

(Whereupon, there were no comments from the public.)

CHAIRMAN VEGLIANTE: Board, any questions?

(Whereupon, there were no comments from the Board.)

CHAIRMAN VEGLIANTE: Motion to approve?

MR. CRAIG: Motion.

CHAIRMAN VEGLIANTE: Mike.

Second?

MS. WOLFSON: Second.

CHAIRMAN VEGLIANTE: Catherine.

All in favor?

(All Said Aye)

MR. PROKOP: The approval should read that it's subject to the conditions that were imposed by the Zoning Board of Appeals.

CHAIRMAN VEGLIANTE: It is subject, yes.
Okay.

The third application in front of us is Panayis. It's a more recent application.

MR. HULME: Again for the applicant James N. Hulme, Law Firm of Kelly & Hulme, 323 Mill Road, Westhampton Beach.

This is also a two-lot subdivision; however, the lots by contrast with the other two applications, the lots here are significantly larger.

The conditions that the Zoning Board placed on those with the open space was not repeated here, I think in part because one of the lots is actually in --

MR. TERCHUNIAN: Do we have a survey?

MR. HULME: Lot number 2 is 40,000 square feet and lot 1 is, which has an existing home on it already, is 26,000 feet so I think because of the size, we
can only put one house on the lot number 2, so the fact that we've achieved a substantial amount of open space on the location of the wetlands lying and the setback requirement --

MR. TRIMARCHI: Requirements for lot coverage is twenty-five percent; is that correct?

MR. HULME: Yes.

So this one is much more recent -- we came to you guys, you made a call a year or so ago and we had several interesting and productive conversations with the Zoning Board and they had ultimately approved all of the necessary variances to allow us to achieve this.

MR. CRAIG: There is a setback, it's --

CHAIRMAN VEGLIANTE: They asked if there was a requirement for a dedication to open space and I explained that the lot will permit only twenty percent lot coverage, provides
as much open space as should be accommodated.

MR. TERCHUNIAN: Just a point of information on Condition D on page 6 of the Zoning Board decision, places the responsibility for the twenty-five percent open space to be determined by the Village Trustees and the Planning Board, so I think what the attorney was saying earlier is that he will incorporate that as a covenant to be placed on the deed as part of the provision; is that correct?

CHAIRMAN VEGLIANTE: Are we right in saying that?

MR. PROKOP: That's right, and the trustees have to decide whether twenty-five percent will be allocated so --

MR. CRAIG: At what point?

MR. PROKOP: Now.

MR. CRAIG: Are you talking about the square footage?

MR. PROKOP: Twenty-five percent
of the area of the lot, similar to the other one.

What the Zoning Board wanted to do was have the same condition on the Panayis as were included with Gessin and Fabrizio.

MS. VEGLIANTE: Why wasn't it?

MR. HULME: I think in their decision they said, you guys get the call.

I don't think at this point that the Zoning Board is going to create a whole other lot.

CHAIRMAN VEGLIANTE: No.

MR. HULME: But you can create a setback from the water up to a point that's --

MR. CRAIG: That would accommodate twenty-five percent.

MR. HULME: -- twenty-five percent and designate that as open space, so it's open space or under open space or whatever is --

CHAIRMAN VEGLIANTE: The setback
from the water south toward the road
would be twenty-five percent of this
area --

MR. PROKOP: Covenants and --

MR. CRAIG: But the maximum square
footage is 2,000.

MR. HULME: Twenty percent of the
lot.

MR. CRAIG: It doesn't say that.
It says 2,000 square feet that's --

MR. HULME: Oh, if that condition
is, that condition is there.

MR. CRAIG: The builder is
committed by the building --

MR. HULME: Yes.

CHAIRMAN VEGLIANTE: Motion to
carry?

MS. WOOLFSON: Yes.

MS. DALESSANDRO: Public comment.

CHAIRMAN VEGLIANTE: Anybody got
any comments? Motion.

Carried.

Second by Michael.

All in favor?
(All Said Aye)

CHAIRMAN VEGLIANTE: Thank you very much.

(Time noted: 8:00 p.m.)
CERTIFICATION

I, STEPHANIE O'KEEFFE, a Notary Public in and for the State of New York, do hereby certify:

THAT the witness whose testimony is herein before set forth, was duly sworn by me; and.

THAT the within transcript is a true record of the testimony given by said witness.

I further certify that I am not related, either by blood or marriage, to any of the parties to this action; and

THAT I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of July, 2015.

_____________________________  
STEPHANIE O'KEEFFE

Flynn Stenography & Transcription Service  
(631) 727-1107