INCORPORATED VILLAGE OF WESTHAMPTON DUNES

ZONING BOARD OF APPEALS

June 11, 2016

10:00 a.m.

Meeting held at

906 Dune Road, Westhampton Dunes, New York

APPEARANCES:

Harvey Gessin - Chairman

James Cashin - Member

Barry Goldfeder - Member

Eric Saretsky - Member

Joseph Prokop - Village Attorney
Flynn Stenography & Transcription Service

(631) 727-1107
(Whereupon the meeting was called to order at 10:12 a.m.)

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

(Whereupon everyone stood and recited the Pledge of Allegiance.)

MR. GESSIN: I'd like to call to order a meeting of the Westhampton Dunes Zoning Board for an application of 12 Dune Lane for various reliefs. Would anybody like to start off?

MR. SARETSKY: I think we should just go through the lists maybe of the requests.

MR. GESSIN: Or maybe we should as the applicant to give a presentation.

MR. SARETSKY: Even better.

MR. GOLDFEDER: There are five items on your list?

MR. GESSIN: You know better than we do what you want.

MS. ROLLIN: Right. There's five items on the list, four of which are essentially for existing footprint because we have such an odd shaped
piece of land.

MR. GESSIN: Could you just tell us who you are for the record?

MS. ROLLIN: I'm Kat Rollin, this is Robert Terzi, we live at 12 Dune Lane. Because that piece of property is so odd shaped --

MR. CASHIN: Is this it, the trapezoid?

MR. TERZI: Yes.

MS. ROLLIN: Yes. If we conformed to every setback, we'd have a negative building envelope. So because we have to go sixteen feet up in the air, we tried to stay as much as possible within the existing footprint, but then adding some walkways so we can get around the house, and add a deck to the western side, which I believe is all conforming in terms of setback.

MR. GOLDFEDER: Will you be keeping the shed where it is?

MS. ROLLIN: No, the shed is going away. The shed is consumed by the massive septic system. We have our DEC Flynn Stenography & Transcription Service
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permit already. We have our sanitary permit. That is the smallest sanitary system that we could have the engineer design for us. We did have an engineer do it. We had to come back, DEC had to make modifications, then some new rules with the sanitary had to be enacted, so that's as of a couple of months ago all conforming, stamped, that's the smallest --

MR. GOLDFEDER: Were you able to get an elevation certification for the septic?

MS. ROLLIN: I believe so.

MR. GOLDFEDER: Because it shows it's still pending.

MR. TERZI: That's --

MR. GESSIN: Do you have a Health Department permit?

MR. TERZI: Yes, we have that.

MR. GOLDFEDER: It says in the plans here that it's still required, which to me means pending.

MR. TERZI: That's the as built I thought.
MR. SARETSKY: You have the drawing from Areska that shows it. I don't know if this is what you mean, Barry, but this shows a profile of it.

MR. CASHIN: Are you razing your other house?

MS. ROLLIN: What other house?

MR. CASHIN: Are you taking this house down?

MS. ROLLIN: Yes.

MR. GESSIN: This is totally a new house?

MS. ROLLIN: Totally a new house.

We were working with Bob, and so I wanted to get a pre-application in to Bob so that we could get any of the variances we need before we started getting the --

MR. GOLDFEDER: Smart, smart. Do you have a copy of the plans for the house with you by chance?

MS. ROLLIN: We do. This is not a copy I can leave.

MR. CASHIN: What is this? Is that a structure there?
MS. ROLLIN: That's the --
MR. TERZI: Utility platform.
MS. ROLLIN: Which Harvey I guess
told Bob we didn't need a variance for
that, but he put it in anyway.
MR. CASHIN: Looks like it's not
against the house.
MS. ROLLIN: No, it's set --
MR. TERZI: It's attached to the
deck.
MS. ROLLIN: Attached to the deck,
yeah, but within an existing footprint
there.
MR. GOLDFEDER: Were there any
previous variances granted?
MS. ROLLIN: The house was built
in 1954.
MR. GOLDFEDER: Not since then?
MS. ROLLIN: No.
MR. TERZI: We did the title
search that the Village requires for a
single and separate, which came back
clean.
MR. SARETSKY: The C of O that I
saw in the packet was from I think
Flynn Stenography & Transcription Service
2002, so was it changed? I found it here. Was it changed to require a new certificate of occupancy?

MS. ROLLIN: No.

MR. TERZI: That was the year we bought it, and that's what we got from Herb at the time.

MR. SARETSKY: I understand.

MR. TERZI: I seem to recall there was -- that they didn't have the original C of O on file, so they had Herb --

MR. SARETSKY: This certificate of occupancy is based on the original house without any changes?

MR. TERZI: Yes.

MR. SARETSKY: It describes it, okay, I got you.

Harvey, what would help me is if we went maybe one by one through each item of the request for variance and just understood it.

MR. GOLDFEDER: Is the accessory structure where the shed is?

MR. TERZI: Those are the decks.
MS. ROLLIN: So the shed is over here, right there (indicating), and this deck is within -- it complies with -- we don't -- according to Bob, we don't need a variance for that deck. Where we need the variance for is the existing deck here because I think it's 60 feet we needed setback and it's at 58.7.

MR. GOLDFEDER: This is were the vegetable garden is?

MS. ROLLIN: No, the vegetable garden, the big vegetable garden is over here, and the little one is right there (indicating). That one is going away, this one is going to stay. I can show you a red line where the existing house is.

MR. CASHIN: This is all deck in here?

MR. GESSIN: No, that's the septic with a raised concrete wall.

MR. CASHIN: Oh, the protective wall.

MR. TERZI: You'll notice that Flynn Stenography & Transcription Service
between the DEC required setbacks from
the bay and then to fit the sanitary
system, we're kind of shoehorned in to
where the house can actually fit on the
property line.

MR. GOLDFEDER: What would happen
if nothing was granted? What would you
do?

MR. TERZI: We'd be stuck as is
with the existing septic system and
nowhere to go. And we are -- we had 22
inches of water in the house during
Sandy. The house is very low, it's not
raised at all like some of the
neighbors after the '91 were raised at
least if they didn't go up on pilings,
they at least went a little further up.
Ours is in basically a hole.

MS. ROLLIN: We are within the
pyramid. We are at 19.6 lot coverage,
so we are within the 20.

MR. GOLDFEDER: I don't think we
received any letters of objection from
the public notice.

MR. BRENNER: We didn't submit a
letter, but we are here for some verbal objections that we have for two issues in the variances.

MR. GESSIN: Would you like to state your name and tell us what they are?

MR. BRENNER: Steve and Merle Brenner, and we live at 8 Dune Lane, but we own 10 Dune Lane, which is the adjacent piece of property on the east side.

MS. BRENNER: East.

MR. CASHIN: So where it says Riley?

MR. BRENNER: Yes, correct.

MS. BRENNER: Yes.

MR. CASHIN: And your objections are?

MS. BRENNER: Were you going to go through it?

MR. BRENNER: I think somebody said you wanted to go through it, or you tell me how you want --

MR. GESSIN: Just go.

MR. BRENNER: You want me to
start?

MR. GESSIN: Yeah, go ahead.

MR. BRENNER: Well, first of all thanks for hearing us. And secondly, we want to extend to Kat and Rob and hope that they have as much pleasure in their new house as we had with ours when we built our house because we love this community, and we both have a history here that goes back many, many years.

So the two objections that we would raise are the following: Our piece of property is very compromised much like theirs is, very narrow, pie-shaped property that goes out. So just adjacent to their house they're asking for a variance to extend their walkway closer to our property. The requirement is 20 feet, and they're asking to compromise that, and I think that that would not be in our best interest because the 20 feet would now become much less between the two houses.
MS. BRENNER: Number 2.

MR. SARETSKY: That's number 2, 2A, right?

MR. BRENNER: Right.

MS. ROLLIN: I want to point out that --

MR. GESSIN: Let them go first.

MR. CASHIN: Can you just show us here where this walkway is?

MR. BRENNER: Here's the --

MR. GESSIN: Just mark it with a highlighter.

MR. BRENNER: That walkway would be right here (indicating). This is our property here, the property line is here, and there's supposed to be 20 feet between the two pieces of property, so it would be compromising that 20 feet over here (indicating).

MR. CASHIN: I don't see a walkway on that.

MR. BRENNER: Their deck is called a walkway, it's the same term.

MR. TERZI: You're not drawing where the walkway is. There's a
contour line on the survey there.

MR. CASHIN: It's here (indicating)?

MR. GOLDFEDER: So it would be the right side over here (indicating)?

MR. BRENNER: No, it would be right adjacent to their house.

MR. GOLDFEDER: Right here (indicating)?

MR. BRENNER: That's correct. It would be on the west side of 10 Dune Lane and it's on the west side of their property. The bottom line is it's going to make the distance between the two houses 7 point something feet narrower than the 20.

MS. ROLLIN: It's not getting any narrower, Steve.

MR. GESSIN: You show them where it is on here.

MS. BRENNER: Well, why don't you let them show us exactly where it is.

MR. BRENNER: Our property is here, and the distance between this house and this line of the property is
supposed to be 20 feet, and if I read
the variance that they're asking for,
it's going to make that much narrower.
That would impact on the value of my
piece of property if I eventually
decide to do something with that.

MR. CASHIN: Is this what we're
talking about here (indicating)?

MS. ROLLIN: Yes, but that is
existing footprint. That's where the
current deck is currently. We're not
asking for any more space on that.

MR. CASHIN: Then why is there a
variance number for it?

MS. ROLLIN: Because Bob --
because what happened with the Yale's,
Bob said even if it's existing
footprint, I'm going to put in for a
variation so that you have it. So
that's five of those -- four of the
variations are for existing footprint,
grandfathered existing footprint.

MR. CASHIN: So are you okay with
it if it's not making that spot
narrower?
MR. BRENNER: Absolutely.

MR. CASHIN: Is that what you're saying, it's not making that spot narrower?

MS. ROLLIN: It's not making it any narrower than it currently is.

MR. SARETSKY: That's the 12.3 we're talking about, this distance?

MS. ROLLIN: Yes.

MR. SARETSKY: So it would be maintained the way it is?

MS. ROLLIN: Yes. I did the best I could to maintain the current footprint.

MR. CASHIN: I'm not understanding.

MS. BRENNER: I'm not understanding that either.

MR. CASHIN: Because it's a variance asking for less, you're assuming it's going to be less.

MS. BRENNER: Right. That's not the case?

MS. ROLLIN: No, it's exactly where it is now.
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MS. BRENNER: What is exactly?

MS. ROLLIN: The footprint of that walkway.

MS. BRENNER: What walkway?

MR. SARETSKY: This number here, 12.3, if I'm saying that right, this is the distance that they're saying it would be rather than 20 feet, and they're saying that this point is where it is today.

MS. ROLLIN: Where the garden is, the big garden is right now, Merle, that big garden is staying. It's not going away, the house isn't getting any closer to that edge of the property.

MS. BRENNER: Well, that's not clear.

MR. CASHIN: Yeah, it's not clear, right, because what she's saying is that it's already breaking the variance rule, so for overdoing caution they're asking for a variance, even though it's existing already, at least with that one.

MR. TERZI: Because that survey
with everything on it is difficult to 
read, you have the existing survey 
there, which is probably easier to look 
at them both side by side as Harvey, 
lift the staple so that you can put the 
two surveys -- 

MS. ROLLIN: This will make it 
clearer. This is the existing 
footprint where the deck is, and that's 
what we're staying within.

MR. BRENNER: Where is the walkway 
going to be?

MS. ROLLIN: It's right on the 
edge.

MS. BRENNER: On the edge of your 
garden towards us?

MR. BRENNER: On the west side or 
the east side?

MS. ROLLIN: This is the edge of 
our house right now (indicating), and 
there's a big deck that's right here 
(indicating), the platform for the guys 
to get up and read the meter.

MR. CASHIN: Can you show it on 
here, is that easier?
MS. ROLLIN: And it conforms right to that.

MS. BRENNER: Your meter is on the house. There's a platform there? You could walk, you could touch it.

MR. TERZI: It's too high.

MS. ROLLIN: It was a rule, you had to have a platform.

MS. BRENNER: I know. So my question is where is your walkway going to be then? Adjacent to that or on the other side of your flower garden?

MR. TERZI: No, it's adjacent to the house. So this is deck and this is house (indicating).

MR. BRENNER: So you're saying that the walkway, if you see where it says 47.5, that space is where the walkway is.

MS. ROLLIN: Yes, and that's the utility platform right there.

MR. TERZI: And this is to walk around the house to be able to get to the back deck.

MR. BRENNER: Why couldn't you
have a walkway on the other side of the house?

MR. TERZI: Because we can't build over the septic.

MS. BRENNER: Don't you have 10 feet between the septic tank and the house on that side? I believe it's a rule.

MS. ROLLIN: We have to put a ten foot retaining wall around --

MR. TERZI: Ten feet between any of the internal elements and the retaining wall, so the retaining wall is going right up against the house.

MR. BRENNER: It will be adjacent to here (indicating)?

MR. TERZI: This line is the retaining wall that has to be built, the concrete retaining wall.

MR. CASHIN: Here's a bigger picture of it.

MR. BRENNER: You're saying that you can't walk over where the septic system is? How could that be when they have driveways over septic systems?
MS. BRENNER: Why can't you put the walkway right over the septic system?

MR. GESSIN: Isn't the problem really the utilities and not the walkway itself?

MS. ROLLIN: There's an existing platform there already, so it is existing footprint.

MR. BRENNER: So let's move to that a minute, to the utility platform. Could you define for me what a utility platform is?

MR. GESSIN: It has his air conditioners and his generator.

MR. BRENNER: That's a major issue for us because, again, that's right adjacent to our property. There's going to be a dual structure two floors up, so the sound reverberates off that. We're going to be hearing that air conditioner all the time over there, and if we end up building a house on that piece of property, and there's an air conditioner, they're asking a Flynn Stenography & Transcription Service
variance to bring it over, I think
that's a real issue for us in terms of
quality of life. I mean, there are air
conditioning systems that are five
hundred feet away from us that give us
a problem that we hear the noise. This
is going to be right adjacent to not
only this piece of property, but our
house.

MR. SARETSKY: So I guess the
question that I have is following along
that, this is I assume a cantilevered
piece of deck, and it's -- whatever
sloped underneath to help it. So could
this be, if this is on the other side
of the house where this is a greater
setback, or I should say where the
proposed deck -- so, like, if it's on
that side, maybe that would alleviate
this problem?

MS. ROLLIN: I think our other
neighbors would have a problem then,
and their house is actually closer to
the property line.

MR. TERZI: And there is an actual
MR. GOLDFEDER: On the west side?

MR. TERZI: Yes.

MR. SARETSKY: But the only question I have on the west side is that it doesn't really show a distance to the property line, but it's much greater than this distance, right?

MR. TERZI: But we can't --

MR. SARETSKY: What I'm saying is if you go towards this proposed spot, and I assume that your deck is at 10, 12 feet, whatever the elevation is.

MS. ROLLIN: 16.

MR. SARETSKY: So then underneath it at, like, let's just call it 8 foot or something, you could have your utility, and it could be in this corner where it would be pretty far from your neighbor because they'll have a setback on that side, and then maybe you'll alleviate the problem on the right side, if I'm saying it right.

MS. ROLLIN: Are we allowed to put it under the house like that?
MR. SARETSKY: I think it just has to be above flood elevation, which is --

MR. CASHIN: It has to be open on top.

MR. SARETSKY: Open on top, but it can be -- it's almost, like, a walkway, right, in other words, if I'm saying that right.

MR. CASHIN: It can't be underneath the house where the heat can't go up from.

MR. GOLDFEDER: It's got to be up four feet.

MR. TERZI: And it's got to be above base floor, so at least 12.

MR. SARETSKY: I guess, my question is this distance from here to here (indicating) is surely greater than this distance right now to the property line. If you want to pick the location that's furthest from whoever it is from the property line, that's the spot, right?

MR. TERZI: Although currently as Flynn Stenography & Transcription Service
Steve has pointed out, 10 is currently a vacant lot and is a -- would be a considerable challenge with current zoning laws to be able to build on that lot.

MR. BRENNER: I don't know that it would be any more difficult than your lot.

MR. GOLDFEDER: They're both tough.

MR. BRENNER: They're both difficult.

MR. CASHIN: Where are your outside utilities now?

MS. ROLLIN: We don't have any.

MR. TERZI: We don't have any air conditioner, but if you look on the existing survey you'll see the platform that's there.

MS. BRENNER: Rob, I'm not -- I haven't seen the platform, so I'm not aware, but you're talking about 2 steps up for Con Ed to reach the box.

MS. ROLLIN: 5 steps, 6.

MR. GOLDFEDER: 3 by 4 by 4.
platform, and I think there used to be
an air conditioning unit on the west
side at one time, it looked like there
was --

MS. ROLLIN: That house has never
had air conditioning.

MR. GOLDFEDER: Oh, it never did?

MS. ROLLIN: Since the 1950's. It
doesn't have insulation. It had no
interior walls when we moved in.

MR. GESSIN: When you build the
house, the platform can go away, the
meter can go up on the deck then.

MR. BRENNER: Right, sure, that's
what we have.

MR. TERZI: We were utilizing that
existing footprint to put the utility
platform.

MS. ROLLIN: And to try to
maximize --

MR. GOLDFEDER: So is 2A a deal
breaker for you?

MS. ROLLIN: I'm sorry?

MR. GOLDFEDER: We're talking
about 2A on the list of five, the rear
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yard setback for an accessory
structure, is that what we were talking
about on that?

MS. ROLLIN: No.

MR. BRENNER: No, we're talking
about the utility platform.

MR. GOLDFEDER: So is 2C a deal
breaker for you as the homeowner, does
that have a major impact?

MR. TERZI: We need to look into
that because we need to confer with the
architect, we also need to make sure
that we can do it in such a way that it
won't alter the DEC or Suffolk
County --

MS. ROLLIN: I don't think they're
going to allow us to put it in the
back. They already gave us a 4 foot
walkway.

MR. PROKOP: Does anybody see the
10.1 foot on the survey? I mean, I
think I know the thing that you're
talking about, but it's not in here.

Is the setback actually indicated?

MS. ROLLIN: Which one Joe?
MR. PROKOP: The 10.1.

MS. ROLLIN: Point it out.

MR. PROKOP: No, that's what I'm saying, there's nothing to point out.

MR. GESSIN: What if we just pushed the utilities against the house, put it where the deck is. Unfortunately you wouldn't have a walk around deck anymore.

MS. ROLLIN: That's the whole purpose, having that walk around deck without having to go through the house from front to back.

MR. BRENNER: How big a walkway do you need to walk along the side? On my house it's very, very narrow.

MR. TERZI: The walkway is not very big.

MR. BRENNER: It's a very tiny little walkway.

MR. TERZI: That's the walkway. And it's -- and that is the platform to put any --

MS. BRENNER: How wide is the walkway?

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MR. BRENNER: How wide is the walkway?

MR. GESSIN: One second.

MR. SARETSKY: It looks like it's about 3 or 4 feet.

MR. GESSIN: It's a little over 3 feet at that point where it passes the generator.

MS. BRENNER: If you move it to where you had suggested, what is the objection to that?

MS. ROLLIN: The objection is not moving the walkway.

MR. SARETSKY: I think they're saying that there would be a problem with the house next door. I guess, I'm just looking at the drawing --

MR. BRENNER: There's much more space.

MR. SARETSKY: It could also sit right here. I understand that you'd have to landscape around it because you don't want to look at the air conditioning condensers, but I've seen it in the Village where people put...
slats in front of it or whatever it is.
I mean, I understand you want to be
sensitive to these people, but in
fairness to this side -- in other
words, it's really finding a location
for it where it can fit, and I don't
think the law says it can't go over the
raised area for a cesspool, I think it
just has to be a certain height
above flood elevation.

MS. ROLLIN: We'll have to check,
but our understanding was that nothing
can even cantilever over that.

MR. CASHIN: You can't be over it.

MS. ROLLIN: You can't be over the
cesspool.

MR. CASHIN: I don't know about
the cesspool, but you can't have
anything over the air conditioning
unit.

MR. SARETSKY: That I understand,
but what I guess the architect is
telling them that if this was
cantilevered over the raised field that
surrounds the cesspools, they're saying
(631) 727-1107
that that's not allowed.

MS. ROLLIN: Because their reasoning is they need to be able to get a backhoe in there to dig things up if they have to.

MR. TERZI: Otherwise we would have put deck over that.

MR. SARETSKY: Right. You would not be even close to the cesspools themselves.

MR. GOLDFEDER: Actually if you cantilever off the west side of the --

MR. TERZI: But that would essentially be placing that directly visible from the street.

MR. SARETSKY: Right, I understand.

MR. TERZI: So we're trading off moving it from what is at this point in time an empty lot for possible future house that might get built there versus moving it to closer to a currently existing home.

MS. BRENNER: Excuse me, Rob, there's another issue. We have a deck
that, as you know, comes out over
closer to your home. That's where we
primarily sit. That air conditioning
unit that you're proposing would be
very close to that, and that's our
problem.

MS. ROLLIN: Merle, it's not as
close as this distance to their house.
There's a whole empty lot here, and
your land doesn't start until --

MS. BRENNER: Our empty lot, Kat,
is empty today. We don't know when we
will be building, what our plan will be
to build.

MR. GESSIN: What if we put the
air conditioner and the generator
against the house and make the walkway
go around it because that will push it
further away from you and still really
gives you what you want.

MS. BRENNER: On which side are
you speaking?

MR. GESSIN: Same side of the
house, but instead of having the
generator and the air conditioner out
here, put them against the house, and
change the deck so it goes around.

MS. BRENNER: Would that alleviate
the noise you think?

MR. GESSIN: It give you another
four or five feet further away from
you, push it right up against the house
like every other house in the Village.

MR. SARETSKY: It looks like
there's a --

MS. ROLLIN: That's a deck.

MR. SARETSKY: When you go beyond
the deck, that deck that sticks out I
guess from the right-hand side, in
other words, if you went to the outer
most portion of that, now you're well
within the setback side of the space
and you could face the water, and then
it's less obtrusive that way.

MR. CASHIN: They lose this slider
here.

MR. SARETSKY: Oh, I see because
it notches out here.

MR. GOLDFEDER: Which is probably
what you would have to do if 2C wasn't
Flynn Stenography & Transcription Service
approved. That's where you would end up with, you just wouldn't have the walkway going around.

MR. BRENNER: Listen, this should be not obtrusive to anybody. I mean, you know, noise out here is a major problem, prevailing winds are west to east, and if anybody sits out on the deck, noise travels a lot here, and we have as my wife mentioned our major entertaining deck in order to catch the breezes is the closest to their house. That noise would for us very difficult.

MR. SARETSKY: I think the question for the architect is that it's my understanding that walkways and cantilevered utility things don't count as -- Harvey, is that true, I mean --

MR. GESSIN: Well, the 4 foot walkway around the house doesn't count, and the utilities don't count, you know, but they've doubled them up here.

MR. SARETSKY: I understand. All I'm saying is that if you went to this furthest most point, which obviously Flynn Stenography & Transcription Service
would be less a problem for them and
not a problem for the other people, if
it were to sit over here (indicating),
I don't think it counts in the setback
to the bay.

MS. ROLLIN: But then don't -- so
basically you're putting that right in
front of our main entertaining area.

MR. SARETSKY: No, no, no, it
would sit below it. In other words,
what I'm saying is your deck is at 16
feet.

MR. TERZI: The condensers need
clear air above it.

MR. SARETSKY: Clear air just
means there's nothing on top of it.

Okay? And by the way, I think that
clear air is a certain amount of volume
on a height, so if you're at 8 foot,
and you have another 8 feet until you
get there, you're not going to see it.

MR. TERZI: Okay.

MR. GESSIN: He can't mount it
under the deck, it's still got to be 2
foot above the flood plane. The
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structure where it says minimum 14,
which is where the other house is.

MR. TERZI: And to be clear, one
of the primary reason why that is where
it is trying to utilize the existing
footprint as much as possible within
the lines of what's on the survey.

MR. GESSIN: Would you have a
problem flip-flopping this, making the
walkway go around the air conditioner
and the generator?

MR. TERZI: I don't believe so. I
need to certainly run that past the
architect.

MR. GESSIN: Would you have a
problem?

MS. BRENNER: I'm sorry.

MR. GESSIN: What I'm suggesting,
and no pressure, but what I'm
suggesting is they flip this and put
the air conditioning and the generator
against the house like every other
house in the Dunes, and then change
this plan so that only the deck is
encroaching in the side yard as opposed
to the air conditioning.

MS. BRENNER: Aesthetically that would be lovely, but practically the volume of noise would still be there.

MR. GESSIN: Yeah, but they could as of right to not have the deck there at all and not even be in front of this Board. They would get that no matter what.

MR. PROKOP: I think part of the comment is to require some kind of baffling around the units wherever they're located in that space, you know. You mentioned louvers or slats, I don't know if that's sufficient.

MR. SARETSKY: It helps.

MR. PROKOP: I've seen everything where people -- all these units, you can go online now and see what their decibels is, that's never been done in this Village, it's done in other places. Because of how we built out, it shouldn't be imposed, but if, you know, slats and things, you know, buffering is something that should be

Flynn Stenography & Transcription Service
considered.

MR. BRENNER: I mean, we just
would want anything that would diminish
the sound that would impact our ability
to enjoy what we have in our house.
You're going to decide what you want to
do, but I think you understand our
position.

MR. GESSIN: Absolutely.

MR. BRENNER: I'm not asking for
much.

MR. GESSIN: I think they're
trying to work with us.

MR. BRENNER: I think they are
too.

MR. GOLDFEDER: And there are
sound barriers in landscaping. You can
put up some shrub bush.

MR. BRENNER: I would ask to have
all of that done to protect us if we're
going to make an accommodation to allow
them to do that. You know, whatever
could be done to diminish that noise I
would really appreciate.

MS. ROLLIN: We can do that.
MS. BRENNER: If that's the decision to have it against the house.

MR. GESSIN: Would you be okay flip-flopping?

MR. TERZI: I think so.

MS. ROLLIN: We need to make sure we can get around it because those are square corners.

MR. GESSIN: Maybe you'll put this on a 45 and a 45 back again, but basically just, you know, what I think the Board and I think what they're looking for is to push it against the house.

MR. GOLDFEDER: With that, it's still serviceable.

MR. TERZI: I think that should be -- you know, we need to talk about with the others to make sure we're okay with the --

MS. BRENNER: I think the other alternative would be to ask the architect if there's another practical place to put it that wouldn't harm the east side of the house.
MR. GESSIN: They're unfortunately pretty limited here. I mean, if you put it here you're really actually in the front yard.

MS. ROLLIN: And we won't get our septic. I don't think they would go for it.

MR. GESSIN: I don't know if that would be an issue, but anyhow you'd really be in the front yard.

MR. GOLDFEDER: I was impressed, to tell you the truth, that the DEC signed off on it.

MS. ROLLIN: So were we.

MR. GESSIN: It's funny because they actually have an existing deck which really takes them out of jurisdiction, existing bulkhead.

MR. TERZI: Unfortunately --

MS. ROLLIN: It's about one foot too sure.

MR. TERZI: Because there was a previous boat slip, so they said there's not a hundred feet there. We did try --
MR. GESSIN: I don't follow that.

MS. ROLLIN: It has to be a hundred feet long.

MR. GESSIN: You're kidding me.

MS. ROLLIN: It's 99 feet.

MR. GESSIN: I thought existing was existing as long as --

MR. TERZI: That was the first thing we tried with the DEC, but in any case, we were able to get the DEC permit and we're --

MR. BRENNER: The other question, kind of what Joe said, I'm not privy to this, but are there criteria for the noise levels from, say, utilities.

MR. GESSIN: Not in this village.

MR. BRENNER: Because an inferior product is going to make more noise and a better product, I don't know if that's true or not, but a better product may have sound insulated a little bit better, and I would appreciate if that were to be the case if that could be considered.

MR. PROKOP: I think in general
the sound should be -- there should be
some kind of attenuation of the sound.

MR. CASHIN: When you talk to the
engineer and architect, ask them what
the options are for the sound.

MS. ROLLIN: We don't want to live
with the sound either. We're going to
be a lot closer to it.

MR. CASHIN: It's going to be an
air filter.

MR. GOLDFEDER: What would be an
appropriate sound barrier?

MS. BRENNER: I have no idea.

MR. GOLDFEDER: Because it could
be as much as 2000 dollars for the
difference between one unit and another
unit, which is tough to impose on
someone, but if there are other
barriers that can maybe be put in
place.

MR. BRENNER: Whatever it could
be. I mean, I'm just saying I would
like the decibel level to be as low as
it could be within reason. I'm not
asking --
MR. GOLDFEDER: As a Board, we may be able to come to a decision where we say maybe appropriate landscaping --

MR. TERZI: There are landscaping options as well as that could be applied.

MR. BRENNER: I don't want you to build a barrier for the Taj Mahal.

MR. GOLDFEDER: That's a good point to contend because somebody may put up a large wooden structure, and then you say whoa, wait a minute, I didn't mean that.

MR. BRENNER: We're talking reasonable.

MR. GOLDFEDER: Something that is aesthetically pleasing, like, landscaping.

MR. BRENNER: I think that's a reasonable request, and I'm not looking to break their bank.

MS. BRENNER: And the landscaping would be on their property?

MR. GESSIN: Yes.

MS. BRENNER: Then where would the landscaping...
walkway be? Is there room for landscaping on the other side of the walkway?

MR. GOLDFEDER: Yeah.

MR. SARETSKY: 12 foot 3, right, or I guess slightly --

MR. TERZI: 10 feet.

MS. ROLLIN: Where my garden is now.

MR. GESSIN: Or when you build the rail, you know, I'm just going to suggest this, maybe what you do rather than just a regular rail, you do a slatted, you know, turn it this way, and --

MR. BRENNER: Like, a louver?

MR. GESSIN: For that one little section, and then don't worry about the landscaping.

MR. GOLDFEDER: Okay. So that's 2C.

MR. BRENNER: We thank you.

MR. GOLDFEDER: That's it, those were your only concerns?

MS. BRENNER: Absolutely.
Everything else is fine. Thank you.

(whereupon Mr. And Mrs. Brenner exited the Zoning Board Hearing.)

MR. GESSIN: Does the Board have any other questions on the five variances that they are looking for?

MR. CASHIN: Can we go through them real quick?

MR. GESSIN: Sure. Do you have anything else you'd like to add?

MR. TERZI: No, I think we should go through it.

MR. GOLDFEDER: Is there a finished product for the plans?

MR. TERZI: Elevations?

MR. GOLDFEDER: Well, just an honest rendering?

MS. ROLLIN: We had elevations that we sent to Bob.

MR. CASHIN: Here's the rendering for SEQRA.

MR. GOLDFEDER: No, but just to get a sense of how SEQRA helps --

MS. ROLLIN: It's going to be cedar sided.
MR. GOLDFEDER: That's a garage?

MS. ROLLIN: Two garages.

MR. PROKOP: Where is that?

MS. ROLLIN: The garages are here (indicating).

MR. GOLDFEDER: Under the house.

MS. ROLLIN: Because the septic takes up so much space.

MR. GOLDFEDER: No, I walk the property and I see how much water can come up during the lunar tide on that property, that's why I'm surprised to see --

MS. ROLLIN: I think we are graded, that hole we're sitting in, so we're going to end up having to bring some sand in there.

MR. CASHIN: Do we have the plans in the file? We should. Do you have another set.

MR. TERZI: This is the only set we have printed. We can certainly send you the PDF.

MR. GOLDFEDER: The other thing we will ask for is the lighting plan for Flynn Stenography & Transcription Service
MR. GESSIN: We'll get into that.

They don't even know about that.

MR. TERZI: In actuality, the house itself is really not that big once you subtract the -- if you look at the footprint versus the existing house, we're mostly squaring off the existing house, and then it's the decks and walkways to get around the house that are adding.

MR. GESSIN: Do you want to go through them one item at a time?

MR. SARETSKY: Let's just roll through it.

MR. GESSIN: The first one, 1A, a rear yard setback of 19.5 for a primary structure where a primary structure is requested where a setback of 42.9 is required.

MR. CASHIN: Where is that?

MR. TERZI: So that's the --

MR. SARETSKY: They used the closest, 66.4.

MS. ROLLIN: Remember, your rear Flynn Stenography & Transcription Service
yard is facing the road.

MR. GESSIN: When you're on the water, the water is the front of the house.

MR. PROKOP: I thought that was different for the bay than it is for the ocean. Are you sure about that?

MS. ROLLIN: That's what Bob told us.

MR. TERZI: Or at least that's how he wrote the --

MR. CASHIN: So you're requesting 19.5 and the code is what?

MR. SARETSKY: 42.9. They're moving up a foot.

MR. CASHIN: This is another one of the grandfathered --

MS. ROLLIN: Well, if you look at --

MR. GOLDFEDER: It's an angled foot.

MS. ROLLIN: Look down at 1A, we're currently at 20.9 there.

MR. GESSIN: Yes, and you're going down to 19.5 for the house, and I
guess, 12.7 for the deck.

MS. ROLLIN: So where is my --

MR. GOLDFEDER: So this brings you closer on the left side.

MS. ROLLIN: Yeah. I mean, we're basically -- there's already a deck here, and we're just asking to square this off so we can get around to the back of the house, put a walkway around here to the back of the house.

MR. SARETSKY: I thought the walkway, again, doesn't count. In other words, maybe you could argue that it could be chamfered, but if that were truly a walkway --

MR. GESSIN: Permitted encroachment into the front and side yards.

MR. SARETSKY: So you sort of have that.

MR. GESSIN: Bob wrote this, they didn't write it.

MR. SARETSKY: Just for precedent setting, if 12.7 doesn't really need to be 12.7 because that's a walkway.
then --

MR. TERZI: There's 1A and 2A in terms of the variance --

MR. GESSIN: Let's do the first one first, and then we'll go onto the second one. So they're looking for a little more than 1 more foot relief than they currently have on the house setback.

MR. CASHIN: I don't have an objection.

MR. GESSIN: Let's go to the second one, a rear yard setback of 12.7 -- this is the walkway -- for an accessory structure is requested where the setback would normally be 20 foot as a requirement. Now, is that that -- let's just measure it. If it's 4 foot or less, they don't need that variance.

MR. SARETSKY: I think it's just that corner that's going to be the piece that's 12.7, so then we could get out of that.

MR. GESSIN: Yeah. See, that's the problem, to the outside of the rail.
it's 6 feet.

MS. ROLLIN: Okay. So hang on,
you should really be measuring this
one. On this floor it cuts in a little
bit so that I could have a little bit
more space here, but on this floor --

MR. SARETSKY: This is which floor
now?

MS. ROLLIN: This is the second
floor.

MR. SARETSKY: It's the lower
floor that counts.

MR. PROKOP: I wouldn't overrule
the building inspector on this. I
mean, it's my recommendation.

MR. GOLDFEDER: So the accessory
structure is which? The shed is coming
out.

MS. ROLLIN: The shed is coming
out. He's calling the decks accessory
structures. That wasn't my reading of
the code, but that was his reading of
the code.

MR. GOLDFEDER: That would be on
the west side over the septic?
MR. TERZI: This is the east side corner that --

MS. ROLLIN: We're talking about this line right here (indicating).

MR. GOLDFEDER: Is that going to come out to the same foot over as the previous?

MR. TERZI: The 2A, the house is --

MS. ROLLIN: This corner right here is the first one, so -- and that's -- so then, like I said, if we're saying that -- where did it go?

MR. GOLDFEDER: So it's just making it more symmetrical is what you're trying to do, is what it looks like.

MS. ROLLIN: Yes. This is the edge of the house that you just approved the first variance for. So then the walkway is only three feet more than the variance you just approved.

MR. GESSIN: On the second floor, but not on the first floor.
MR. GOLDFEDER: So you want to begin the walkway a little closer to --

MR. GESSIN: Well, they're not making it into a walkway, they're making it into a sitting deck. It's not a typical walk around walkway.

MR. SARETSKY: I was only just listening to what Joe said, I don't want to upset the apple cart, but I was only trying to avoid another one if that was possible, but you know, I'll defer to you.

MR. GESSIN: Yeah, I mean, personally if we pulled back the 4 feet I don't think we need a variance.

MR. SARETSKY: Right. And then that comes off the table, and it's as of right, and it's a little simpler I think.

MS. ROLLIN: Here's the thing, though. I could because I have the variance already for this edge of the house, jut the house out there and then I've only got --

MR. GESSIN: No, you'd --
MS. ROLLIN: I made my kitchen smaller right here so that I could have a little --

MR. GESSIN: Instead of 19.5 feet, you'd have 17.5.

MS. ROLLIN: No, the variance that we just -- is it 19.5?

MR. SARETSKY: 19.5.

MR. GESSIN: You're at 20.9.

MS. ROLLIN: I was just trying to drink coffee and watch the neighbors go by.

MR. SARETSKY: It's just that corner. In other words, this 12.7, you move that corner back to the amount you need to be at, which I can't do it in my head, then either you have a little chamfered piece there, and it's totally as of right. You don't need --

MR. GESSIN: It's a regular walkway like every other house in the Village.

MR. SARETSKY: I'm just worried about precedent setting down the road.

It's one thing to understand your Flynn Stenography & Transcription Service
request for the front of the house, the
distance to the street, but then, you
know, across the street from you we had
a whole big thing about this.

MR. GESSIN: Yeah.

MR. SARETSKY: This was a big deal
with your neighbor who was completely
redoing a deck on their porch.

MR. GESSIN: Would you be okay
pulling this back to 4 feet?

MS. ROLLIN: The deck above is
going to hang out over that.

MR. GESSIN: Well, that one may
have to go back also or eliminated.

MR. TERZI: What would be -- in
terms of the feasibility of not pulling
the house in there so that we're asking
then for 1 more foot?

MR. GESSIN: Say that again.

MS. ROLLIN: If we were to square
the house off, so you square that off
right there (indicating), would you
give us that so that this is not an
issue?

MR. GESSIN: Then your variance
MS. ROLLIN: Yeah.

MR. PROKOP: You just couldn't do it today, we'd have to re-notice the meeting.

MR. GESSIN: You have to tell us if that's what you want to do. You have to redraw this and resubmit it.

MR. TERZI: The main concern is the two bedrooms above that are a little tight, so if we pull that in a foot, and then have to pull in that walkway as well then we lose a foot off that bedroom.

MR. SARETSKY: This is 30 feet right here?

MS. ROLLIN: Yeah.

MR. SARETSKY: If that 3 foot could line up in that corner --

MR. GESSIN: It's 4 foot to the outside of the rail.

MR. SARETSKY: It doesn't seem like it's a problem as you go further to the left, it's really just this corner.
MS. ROLLIN: And we're not taking those trees out, those trees are staying.

MR. SARETSKY: That's fine.

Fixing the corner is going to necessarily effect the trees.

MS. ROLLIN: No, no, I'm just saying that we're not taking the trees out, so you can't really see it, there's big olive trees there that I'm going to make them leave.

MR. TERZI: If possible, we'd like to keep this dimension as much as possible.

MR. SARETSKY: Harvey, I don't think this dimension is effected by what we're talking about, it's this corner and the level below that just needs to get -- however the architect shows something to bring it in, it would then -- I think that that would be kind of bullet proof.

MR. TERZI: So we'd be okay with this deck overhanging the other deck by a foot?
MR. SARETSKY: I think you might have to make that same line. In other words, whatever you cut the corner to, you can't go over it on the deck above because that's the whole point to it. The envelope of whatever it is is the same, but I don't want to beat a dead horse. I mean, Joe your recommendation is to leave it.

MR. PROKOP: No, I don't have a recommendation. We have to repost the notice, and my only two comments is I just want to make sure that -- forget about the thing about the building inspector because you're past that now, if you increase -- if you decrease any of the setbacks, meaning you increase the variance, you have to re-notice it, but I don't know if this is going to be resolved today anyway, but it just definitely something to keep in mind.

MR. GESSIN: I'm actually not following what you're talking about with the second floor. This wall and the wall below line up or no?
MS. ROLLIN: No.

MR. GESSIN: They don't line up?

See, I can't tell that.

MR. SARETSKY: So the second floor sticks out further?

MS. ROLLIN: The second floor sticks out a little bit further there. It lines up with this (indicating).

MR. GESSIN: So you need an additional variance for that also. You're actually down to 17.5.

MS. ROLLIN: Not according to Bob.

MR. GESSIN: So Bob is wrong.

MR. SARETSKY: So that's not right.

MR. GESSIN: This variance is incorrect. That's really 17.5 on the house.

MS. ROLLIN: I had it for 3 months.

MR. PROKOP: What was going on in 2013, there's several revisions, were you just trying to get this --

MR. TERZI: That was just starting the process.
MS. ROLLIN: We had an architect, disappeared on us. We got another architect, which you know how Fox is.

MR. GOLDFEDER: And you needed to keep updated with the DEC as well.

MR. TERZI: I arrow marked the wetlands in 2013, we did the test hole in 2013.

MR. GOLDFEDER: Did anything change after Sandy on the property?

MS. ROLLIN: No.

MR. CASHIN: I wanted to address something you mentioned. If we're going to grant a variance here and the building inspector is using the grandfathered location, so we're really talking about a foot or something like that whereas really because of the grandfathered thing the application reads 10 or 11 feet, that's a bad precedent for us. Somebody else could come back with it and say listen, you granted them an 11 foot variance when actually it was only a foot, you know, because it's grandfathered. So we have
to be careful how we word it. Do you understand what I'm saying?

MR. GOLDFEDER: Yeah, so it's nonconforming.

MR. PROKOP: The house that's existing --

MR. SARETSKY: I'm not trying to punish them.

MR. PROKOP: This is what we went through with Yale's house. When you remove the house, you don't get grandfathered if the house is taken away.

MR. CASHIN: We'd have to record it as a 10 foot variance or more?

MS. ROLLIN: That's not our understanding.

MR. PROKOP: As a new variance. I mean, you could say it's not going to increase the impact because it's where they were before, but you would just have to notice that beforehand.

MR. CASHIN: I think we should have that verbiage in there because otherwise someone is going to come back
and say wait a minute, you granted them
12 feet when we're not really, we're
talking about a foot.

MR. PROKOP: I mean, it's logical
that you would grant it, it's just that
we should word it differently so it's
recognized.

MR. SARETSKY: Right. That's my
only concern, it comes back, and
nothing against you guys.

MR. CASHIN: Do we have to go over
the other ones?

MR. SARETSKY: We might as well
because if they have to fix this one,
then let's make sure the other two are
okay.

MR. TERZI: Now, if we cut a foot
off the house and kept the second floor
off a foot and then cut both decks back
so that they are just walkways, then
we're --

MR. SARETSKY: Then you're as of
right, my understanding.

MR. GOLDFEDER: Yeah.

MR. SARETSKY: That's the best.
You don't even -- we're not even --
this group is not even involved.

MR. GESSIN: Are you talking about
the walkway, or are you talking about
the house?

MR. GOLDFEDER: Both.

MR. SARETSKY: If the house got
pushed back so that it's conforming --

MS. ROLLIN: The top part of the
house.

MR. SARETSKY: So we're saying if
we gave you the foot at the bottom, you
got that, you stay to that dimension,
then that's the only piece.

MR. GESSIN: Oh, you want to
instead of having this two feet over
the first floor, you want to make it
one foot over the first floor?

MR. SARETSKY: Right. That's what
we were saying before, so you either
shift everything back, you take a foot
off the deck, however you do it,
compress it in some shape or form.

MS. ROLLIN: You said as long as
we're within 4 feet of the house with
the walkway, then we're fine.

MR. GESSIN: The walk around walkways have been historically permitted to be front and side yard encroachment to walk from the front to the back.

MS. ROLLIN: And it's 4 feet?

MR. GESSIN: Yes, including the rails.

MR. SARETSKY: Are you sure it's 4?

MR. PROKOP: It's 4.

MS. ROLLIN: 3 with the rails would be impossible.

MR. SARETSKY: When you have it redrawn, I want it to be the last.

MR. PROKOP: The other thing I want to mention is this, if the pre-'92 footprint is grandfathered, the footprint -- and the problem with the other house was that it wasn't -- we had, like, a moving footprint.

MR. GOLDFEDER: At '95 it was moved, that's right.

MR. PROKOP: If this is the
footprint of the house, that's grandfathered.

MR. SARETSKY: For new?

MR. PROKOP: Really for everything. It's on the property.

MR. GESSIN: Any preexisting, pre-'92 footprint does not need additional variances?

MR. PROKOP: That's guaranteed footprint by federal law.

MR. CASHIN: Okay. What's the next one?

MR. TERZI: That should make the others easy.

MR. GESSIN: An east side yard setback of 12.3 feet for an accessory structure requested where a setback of 20 foot is required.

MS. ROLLIN: That's existing.

MR. SARETSKY: So this one is matching existing, the only issues, which we've covered already, is you have to work on the sound, acoustical kind of issue.

MR. GESSIN: And we're going to
(631) 727-1107
flip-flop the --

MR. SARETSKY: So you understand
that, right, you're going to indent it.

MS. ROLLIN: Not into the house,
next to the house.

MR. CASHIN: And we're going to
change the wording.

MR. SARETSKY: So the next one
with the 10 foot 1, I didn't see that
measurement.

MR. PROKOP: That's what I said
before. I think it's right next to the
14.9.

MS. ROLLIN: Because the 12.3 is
for the walkway, and the 10.1 is for
the utility platform.

MR. SARETSKY: Oh, so that goes
away.

MR. TERZI: It flips.

MS. ROLLIN: It doesn't go away,
it flips.

MR. SARETSKY: But right now it's
12.3, right, existing?

MS. ROLLIN: No.

MR. GESSIN: Just as a comment,
when we come back next time, you really
need to redraw this because you really
need to figure out in advance so you
have your platform in the right place
where this generator is going to go.
You need space, I think it's 5 feet
from the window. You have to figure
out where -- the air conditioning
doesn't matter with the window, but the
generator will.

MR. TERZI: Because of the
burning.

MR. GESSIN: Right, because of the
exhaust. So you should figure out in
case you want to shift it down a little
bit, which I think -- what you really
want to do is put it more like that
(indicating). I don't think it matters
where on this wall it is, but I think
you should pick the right spot for this
air conditioner and maybe adjust your
windows or whatever you have to do so
that -- the other thing you might be
able to do, okay, for example, you got
the mud room here, you know, maybe this
is not a window but maybe it's a fixed window.

MR. TERZI: Good point.

MS. ROLLIN: The generator, I don't care about putting it over here if I can cantilever over on this side because it won't be on that much.

MR. GOLDFEDER: You definitely don't want to have the exhaust from one be part of the intake for the other.

MR. GESSIN: If you're going to move them, move everything.

MR. CASHIN: See what the options are from the architect.

MR. GESSIN: Like I said, if you either get rid of this window or mark this as a fixed window, I think that would alleviate your problem.

MS. ROLLIN: Just to be clear, the first variance, which is 2B, is for this line right here, which is existing.

MR. SARETSKY: Going back to what Joe said before, it's an existing condition, even though it doesn't
comply with the proper setback, it's because it was before the '95 or '92 --

MR. PROKOP: It doesn't apply to accessory structures, it's the footprint of the house.

MR. SARETSKY: That's why it requires a variance.

MR. PROKOP: Yes.

MR. SARETSKY: This is a walkway at grade, or this is a walkway at the same height of your deck?

MR. TERZI: Deck.

MR. CASHIN: Okay. What's next?

MS. ROLLIN: Are you fine with that one?

MR. CASHIN: I guess so. You said it's existing, right?

MR. SARETSKY: What Joe is saying, if I'm following correctly, that only applies to the footprint of the house, an accessory structure, like a walkway doesn't automatically get grandfathered; am I saying that right?

MR. PROKOP: Right. That just means it's not grandfathered. Existing
has to do with the impact. If it's existing and you're just going up to that line again, that is relevant to whether or not there's going to be an impact by the new structure.

MR. GESSIN: Let's go onto the next one, this is 2C, I believe. An east side yard setback of 10.1 for accessory utility platform is requested where setback of 20 foot is required.

MR. SARETSKY: It's essentially the same but --

MS. ROLLIN: Yeah, it's --

MR. GOLDFEDER: Is this for the spa?

MS. ROLLIN: No, the spa doesn't need a variance. That side we're conforming.

MR. PROKOP: What fuel are you going to use is this? Is it going to be propane with an underground tank? If it's an underground tank, the only reason why I'm asking you this, if it's going to be underground, it needs to be indicated on the survey, and you need a Flynn Stenography & Transcription Service
building permit for it.

MS. ROLLIN: We'll do that when we
go to get the building permit.

MR. GESSIN: Say that again.

MR. PROKOP: If it's an
underground tank it has to be indicated
on the survey, and you need a building
permit for it.

MR. GESSIN: Really? Is that new?

MR. PROKOP: No. Yes, it's new.

MS. ROLLIN: It's parking lot of
the building permit check off.

MR. GOLDFEDER: Will they let you
put an underground tank over there?

MR. GESSIN: Propane?

MR. GOLDFEDER: Yeah, it's really
close to the water.

MS. ROLLIN: The architect said we
have plenty of places to put it.

MR. SARETSKY: It could go in your
driveway.

MR. GOLDFEDER: Yeah, because it's
going to be, like, that corner where
the tree is basically.

MS. ROLLIN: It's going to be
underground. We could put it right in
the middle of the driveway.

MR. GESSIN: I don't think I
understand 2C3, the 10.1 feet.

MS. ROLLIN: That's for this
(indicating).

MR. GESSIN: It doesn't say that
on the survey.

MR. TERZI: The dimension of that
piece is missing from the survey.

MR. SARETSKY: 10.1, 14.9, but
it's not, that's 25 and it's saying 20,
so I'm not --

MS. ROLLIN: He didn't ask for it
to be marked apparently.

MR. GOLDFEDER: So 2C is primarily
for the tank?

MR. TERZI: For the platform for
the air conditioner and generator.

MS. ROLLIN: And the east yard
setback of 10.1 that we currently
have 10.

MR. SARETSKY: If I'm reading
it -- this is their existing, if I
understand, it's showing it at 10.
It's the next drawing.

MR. CASHIN: I see, yeah.

MR. SARETSKY: I think she's saying that 10 is existing, and now it's going to be 10.1.

MS. ROLLIN: An inch.

MR. GOLDFEDER: 2C is what we talked about before which is what the neighbors objected to in terms of noise.

MR. GESSIN: It's going to be more than 10.1.

MS. ROLLIN: Why?

MR. GESSIN: Right?

MS. ROLLIN: No.

MR. GESSIN: Oh, okay.

MR. PROKOP: The 14.9 is correct, but the 10.1 is --

MR. CASHIN: Is missing.

MR. PROKOP: -- is missing.

MR. CASHIN: The 14.9 is for the path for the deck.

MR. SARETSKY: Without the utilities.

MR. GESSIN: So basically they're
going to have 4 feet for the utilities
and 4 feet for the walkway.

MR. GOLDFEDER: Exactly. Per
Harvey's suggestion.

MR. TERZI: Will the 4 feet still
count even if it's separated from the
house because -- or will the utilities
be considered part of the house?

MS. ROLLIN: They'll still call it
utility platform, but the requirement
will be we put it next to the house.

MR. GOLDFEDER: You've agreed to
add some landscaping sound buffers as
part of 2C?

MS. ROLLIN: Not --

MR. PROKOP: You'll still get
14.9, but you'll need it for the
utility platform, not for the walkway,
so the walkway passed inside of the
14.9 will be okay, but you'll need the
variance for 14.9 for the platform.

MS. ROLLIN: The platform is at
10.

MR. PROKOP: If you move it in.

MR. TERZI: We are moving it.
MS. ROLLIN: So are you saying we need the variance of 10.1 for the walkway and 14.9 --

MR. PROKOP: You won't need a variance if --

MS. ROLLIN: We're not moving this in because we have to be able to walk around it.

MR. GESSIN: The dimensions are staying the same, you're just flipping the utilities.

MR. PROKOP: So the utility will be next to the house.

MR. GESSIN: The walkway will go around it.

MR. PROKOP: The utility platform will now be 14.9, so they'll need a variance for the 14.9, but it will be for the utility platform, not for the walkway. The walkway, which is going to encroach another 4 feet, they will not need a variance for that because that's a 4 foot walk.

MS. ROLLIN: We already have a variance for the 12.7.
MR. CASHIN: No, he's talking about the side.

MS. ROLLIN: This is the side. We already have 12.3.

MR. PROKOP: If you flip it around --

MS. ROLLIN: We've already got 12.3 on this side.

MR. PROKOP: If the utility platform goes in here, they'll need just 14.9 for the utility platform --

MS. ROLLIN: But we already have 12.3 for here, so why do we need one that's even less for that one little corner?

MR. GESSIN: I think you're right, you don't need it for the walkway, but you need it for the utilities.

MR. PROKOP: The walkway, which will encroach further, you don't need it for.

MS. ROLLIN: As long as nothing changes on the lines there.

MR. GESSIN: Now we're on D, right? 2D, a front yard setback of Flynn Stenography & Transcription Service
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58.7 for an accessory structure is requested when the setback of 70 foot is required.

MR. SARETSKY: Where is that 58.7 on the drawing?

MR. GESSIN: It's the back, not the front of the --

MS. ROLLIN: 2 inches.

MR. CASHIN: I don't have any problem with that, it's just that we got to word it properly because the way the variance is going to be drafter, it looks like we're giving you 7 feet, you know, the difference between 58.7 --

MR. SARETSKY: You're asking for a 2 inch variance there.

MR. CASHIN: I want the record to show that we're only granting 2 inches and not whatever the difference between 70 and 58.7 is.

MR. GOLDFEDER: And this doesn't contradict the DEC's approval?

MS. ROLLIN: No, they approved it.

MR. GOLDFEDER: And this is within their guideline of that space?
MR. TERZI: Yes.

MR. GOLDFEDER: So you're maximizing to the point of DEC approval?

MS. ROLLIN: Yes. Existing footprint plus walkway.

MR. CASHIN: I have no problem with that one.

MR. GESSIN: Joe, now that we passed that, what do we do, how do we handle this next, what do we do?

MR. PROKOP: We'll do another notification. The survey needs to be -- a couple of changes, maybe changes in the plans, and then we'll do another notification.

MR. GOLDFEDER: While you're updating that plan --

MS. ROLLIN: Just to be clear, another notification, we're actually bringing the top of the house back to conform with the setback that you're granting, and then we get the 4 feet for the walkway on both the first and second floors. So I'm just trying to
understand why we have to do another
notification --

MR. GESSIN: Because it's
different from this.

MS. CASHIN: You have to give the
neighbors a chance to complain.

MR. SARETSKY: Even though they
said it's okay what you're saying so.

MR. GOLDFEDER: When were you
looking to start?

MS. ROLLIN: October, November.

MR. PROKOP: Plenty of time.

MR. GOLDFEDER: And the other
thing, since you're redoing the plans,
we are going to ask for a lighting
plan, exterior lighting plan.

MS. ROLLIN: Anything else guys?

MR. GESSIN: It's actually very
simple. All we're looking to do is not
have --

MS. ROLLIN: We're not having -- I
don't want lights either. It drives me
insane when I walk or drive and all the
lights are on. I put a telescope up on
the roof deck --
MR. GESSIN: You'll probably be in compliance without even knowing it. If you have it ready, submit your light fixture, where it's located --

MR. SARETSKY: Shining down, how many watts.

MR. GESSIN: It's not broadcasting right at your neighbor.

MR. GOLDFEDER: It's Article 12 of the Southampton code.

MS. ROLLIN: So a couple of questions: One, I would prefer not to have to put landscaping, unless it's a fence because I've got an existing garden, and I would like to -- and she had a bunch of stuff there that would have --

MR. GESSIN: Buffer the rail, you know, make it slatted so that they're leaning down and the air will go through.

MS. ROLLIN: They're going to think we're going to put trees there, and they had stuff there and she took it out so.
MR. GOLDFEDER: Any acceptable sound abatement that you and your neighbor could come to terms with would be acceptable.

MR. GESSIN: And just fix the plans so you have this in the right place wherever you want it.

MS. ROLLIN: Second, in terms of things that you've enacted recently, I want to make sure I don't have to come back here. I'm planning on using geothermal, so I know that some authority accepted Brookhaven's recommendations for geothermal. I wanted to see if you guys had done that, or according to Bob, there's no regulations on geothermal. I know I have to get permits for solar.

MR. GOLDFEDER: How far down do you have to go for geothermal because the water table is very shallow.

MS. ROLLIN: It's very shallow. We're doing it in the pilings.

MR. GESSIN: What does that mean?

MS. ROLLIN: They're doing it in the pilings.
Jersey right now. You cut grooves in
the pilings, and you run the tubes in
the pilings. It's not a deep water
well, it's all enclosed, I'm not
hitting the aquifers.

MR. GESSIN: Why in the pilings?

MS. ROLLIN: They do this in
cement pilings all the time, and now
they're doing it in wood. Instead of
30,000 dollars to drill, it's 1,000
dollars.

MR. GOLDFEDER: There's no
decomposition of the internal material?

MS. ROLLIN: No, it's all
self-contained tubing.

MR. GOLDFEDER: But the bottom is
not, I mean, it has to open?

MS. ROLLIN: No.

MR. TERZI: It's a closed loop
system. You can use however many
pilings that you've got as part of the
service there.

MR. GOLDFEDER: Where does it take
the heated air in the piling?

MR. SARETSKY: Water.
MR. TERZI: It runs water through the tubes in the piling in order to get down below the frost line.

MR. SARETSKY: So basically, like, 50 degree water most of the year.

MS. ROLLIN: Even the air conditioners won't be --

MR. GESSIN: It's actually pipe imbedded into the pilings, and that's saving you to drill?

MS. ROLLIN: 30,000 dollars to drill, yeah.

MR. TERZI: That's what we've been told so far. The routing grooves in the pilings --

MR. GESSIN: All your pilings would be about 30,000 dollars.

MS. ROLLIN: They are like 1, 200 a pile these days. That's the plan. I mean, I'm trying to be as environmentally --

MR. GOLDFEDER: Terrific.

MS. ROLLIN: I would have done a grey water system and all of that, but the DEC doesn't care, sanitation.
doesn't care.

MR. GOLDFEDER: I was just thinking decomposition of the arsenic inside the pilings and how it begins to decompose the tubing.

MR. SARETSKY: But you're saying it's notched in the edge of it, it's not going into the middle?

MS. ROLLIN: No.

MR. SARETSKY: That's how they get away with it.

MR. TERZI: Apparently it was pioneered in the UK.

MR. GESSIN: Sounds good.

MR. GOLDFEDER: It will be interesting to watch.

MR. TERZI: So the process, do we need Bob to write new --

MS. ROLLIN: No, we just have to redo the plans.

MR. PROKOP: Get the new plans together, we'll look at it.

MR. GESSIN: We'll help you through it.

Anything else, or should we just

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close this session.

MR. TERZI: We'll send you the plans for review, and as well have any modifications made.

MR. GESSIN: You have to fix the dimensions on the survey.

MR. SARETSKY: The good part is he doesn't have to come out, he just has to make the correction.

MR. GESSIN: There's no field work.

MS. ROLLIN: The only correction we have to do really is --

MR. GESSIN: Change this dimension, whatever it is.

MS. ROLLIN: This has to come back a foot.

MR. GESSIN: Right. This, you've got to put this dimension on, the 10.1.

Fix this, and you'll bring it to Fox.

MR. TERZI: Is there anyone better?

MS. ROLLIN: If I tell him David has to work on this --

MR. CASHIN: They're all slow.
MS. ROLLIN: They're not slow, it's just they don't do it right. They've got two girls in there who can't read plans.

MR. GESSIN: And they think you're an idiot. I don't mean you.

MS. ROLLIN: Well, the first time we got the plans they squared the house on the property, and we were like we can't do that so.

MR. GESSIN: We're going to close this session for this evening and put it off for next meeting.

MR. PROKOP: Just a motion to adjourn.

MR. GESSIN: I'd like to make a motion to adjourn.

MR. GOLDFEDER: Second.

MR. SARETSKY: Second.

MR. CASHIN: Second.

MR. GESSIN: So adjourned.
(631) 727-1107
CERTIFICATE

STATE OF NEW YORK )

) SS:

COUNTY OF SUFFOLK )

I, AMY BOHLEBER, 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 June 11, 2016.

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 20th day of June, 2016.

AMY BOHLEBER

Flynn Stenography & Transcription Service