INCORPORATED VILLAGE OF WESTHAMPTON DUNES

ZONING BOARD OF APPEALS

October 29, 2016

10:00 a.m.

Meeting held at 906 Dune Road, Westhampton Dunes, New York

APPEARANCES:

Harvey Gessin - Chairman
James Cashin - Member
Kenneth W. Siegel - Member
Eric Saretsky - Member
Joseph Prokop - Village Attorney
Angela Sadeli - Village Clerk
(Whereupon the meeting was called to order at 10:11 a.m.)

CHAIRMAN GESSIN: I'd like to call this meeting to order of the Westhampton Dunes Zoning Board. We'd like to start with the Pledge of Allegiance.

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

CHAIRMAN GESSIN: Maybe you should briefly -- I was going to say that you don't have to read that in, but I think we should just do it.

MS. SADELI: A rear yard setback of 17.4 feet for a primary structure is requested where a setback of 42.9 feet is required as per section 560-41-0-2.

The existing primary structure setback is 20.9 feet. A rear yard setback of 12.7 feet for an accessory structure is requested where a setback of 20 feet is required by section 560-8. An east side yard setback of 12.3 feet for an
accessory structure is requested where a setback of 14 feet is required by Flynn Stenography & Transcription Service (631) 727-1107

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section 560-8. The existing accessory structure setback is 12.2 feet. A front yard setback of 58.7 feet for an accessory structure is requested where a setback of 70 feet is required by section 560-8. The existing accessory structure setback is 58.5 feet.

CHAIRMAN GESSIN: Okay. This is a continuation, I assume, of the meeting we had on June 23rd, and the applicant has issued some new plans, including a landscape plan that we're going to go over today. I'll start with a couple of questions, and we'll just get into it and see if we can get this done today.

The first thing is I noticed, and I don't know if this is a big deal or not, but Aram can tell me, on the request, the rear yard setback is stated as 17.4, but on the plan -- on
the site plan it's 17.3. That doesn't matter, right, because it's less?

MR. TERCHUNIAN: I think that's within.

MR. PROKOP: The setback is less?

MR. TERCHUNIAN: The variance is less.

MR. PROKOP: Okay. So what is the setback they proposed? I'm sorry, excuse me.

CHAIRMAN GESSIN: They are proposing 17.4.

MR. PROKOP: They want 17.4 setback?

CHAIRMAN GESSIN: No, they want 17.3.

MR. TERCHUNIAN: They want a
variance of 17.3 and we advertised it as 17.4.

MR. PROKOP: Then you're all set to go.

CHAIRMAN GESSIN: Although, which is now revised on the site plan, the deck itself in the front yard is at 12.7.

MR. PROKOP: Okay.

CHAIRMAN GESSIN: So we are still okay?

MR. PROKOP: The decks are 12.7, and what did we say in the notice?

MS. SADELI: 12.7.

CHAIRMAN GESSIN: Yeah the accessory structure is the deck.

MR. SIEGEL: This is called the rear yard.

MR. TERCHUNIAN: Yeah, just for the Board's information, the street is the rear yard on a bay front lot and the bay is the front yard.

MR. PROKOP: We're good.
MS. ROLLIN: Just so you know, there it's a 16 foot -- what is that called?

MR. TERZI: Easement.

MS. ROLLIN: The easement between the road to the property line is 16 feet, which is almost double what it is any place else in the village.

MR. TERZI: We'll come to that.

MR. TERCHUNIAN: Let's get through understanding what the application is, let the applicants say what they have to say, and then everybody else can have a shot. And let the Board ask, and then everybody else can have a shot.

CHAIRMAN GESSIN: Let's get right into the plans then. What we were viewing here based on this and the landscape plan, let me get the landscape plan out so you can see. One of the Board's concerns is the parking. We just want to make sure that you or
the next purchaser also have the
availability of parking, off street
parking. Basically the way we see this
is that the landscaping will actually
cut off this corner here, so basically
you only have 17 feet wide to park
however many cars you're going to have
there, which is basically two cars.

MS. ROLLIN: Plus here, which
everybody else uses as well.

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CHAIRMAN GESSIN: How much do you
think that is?

MS. ROLLIN: It's 16 feet from
here to here (indicating), and from
over here on the corner it's 13, almost
14 feet. So we've got a huge --

MR. SIEGEL: Are there cars parked
in this direction here (indicating)?

MS. ROLLIN: Yeah. Not here
(indicating). These are existing trees
that we're going to leave.

CHAIRMAN GESSIN: Oh, this is
existing?
MS. ROLLIN: Yes. There's trees there. They're Russian olives, they're big, I'm leaving them. I've told everybody, I'm going to be there, they're not taking those out.

CHAIRMAN GESSIN: First thing that has to get fenced is that or they'll --

MR. CASHIN: So they can put another car here, which is what I was talking about.

MS. ROLLIN: We can put two cars there, and plus we've got two garages.

CHAIRMAN GESSIN: So basically the way you see it, you have two here, two here, that's four, and another two in here is six?

MS. ROLLIN: Yes.

CHAIRMAN GESSIN: Great. And basically, Aram, you think we're okay with the stairs here?

MR. TERCHUNIAN: Yeah.

CHAIRMAN GESSIN: Almost up to the property line?
MR. TERCHUNIAN: If they're four foot -- Joe, usually if they're four feet or less, they're fine.

MR. PROKOP: How many stairs are there?

CHAIRMAN GESSIN: What do you mean, treads?

MR. PROKOP: Yes.

CHAIRMAN GESSIN: All the way up?

MR. PROKOP: If it's more than three, it's a structure.

CHAIRMAN GESSIN: Oh, no, it's more than three.

MR. PROKOP: If it's less than four feet wide, then no, it's not part of the side access. So the stairs need a variance. I don't know about a landing, that's state law.

CHAIRMAN GESSIN: This is part of the accessory structure of the front deck then?

MR. PROKOP: Yes. Is this the landing?
CHAIRMAN GESSIN: It's a landing, intermediate landing.

MR. PROKOP: So it looks like they meet the state code, they just need to meet the -- typically the way the Boards look at this is if there's three or more stairs, then it's a structure. So to get from your front door down to the ground, you can have two or three stairs. You can have three stairs. If it's more than three stairs, then it's a structure.

CHAIRMAN GESSIN: Three treads?

MR. PROKOP: Right, three treads.

CHAIRMAN GESSIN: So do we have to issue an additional variance for this or this is okay?

MR. PROKOP: I think I would submit an additional variance on that.

MR. TERCHUNIAN: Joe and I have different opinion on this. My experience is that if the stairs are required for access to the building,
and they're only four feet wide, that
they're considered essential for access
and don't count into -- are not
considered a structure, they're
considered access to the structure.
I'm not familiar with Joe's standard of
three treads maximum.

MR. PROKOP: It's up to the Board.
I mean, I think we could look at other
applications we had in the past. I
think there was one we did last year
that had stairs.

CHAIRMAN GESSIN: Well, I know
most of the ocean homes, okay, they're
built as of right, have encroachments
into the front yard because they have
no access. None of them have
variances. So basically, in a sense,
Board should be silent on this also.

Are we okay with that?

    MR. CASHIN: I'm all right with that.

    MR. SIEGEL: One minor thing is that at the base of the stair there's supposed to be a landing that's equal in length to the width.

    MR. TERCHUNIAN: That will be up for the building inspector to mark up the building plan.

    CHAIRMAN GESSIN: What is that, New York State code?

    MR. SIEGEL: New York State, yeah.

    MR. TERCHUNIAN: So the architect will have to show that on the building plans.

    CHAIRMAN GESSIN: He has to add on a platform here?

    MR. SARETSKY: It's a run out.

    MR. SIEGEL: It's not necessarily a platform, but it can't be sand. They wouldn't even let me use grass for
that, I had to put slate there.

MS. ROLLIN: Okay.

MR. SIEGEL: Which is completely fine, but the point is it's supposed to be on your property.

MS. ROLLIN: It will be.

CHAIRMAN GESSIN: What Ken is saying, it has to be four feet. I mean, I didn't scale it.

MR. SIEGEL: If this is four, then four would bring you to about here. This can be made to work somehow.

MR. TERZI: Some sort of pervious material?

MR. TERCHUNIAN: No, impervious.

CHAIRMAN GESSIN: I think the intermediary platform is much bigger than what's here.

MR. SIEGEL: The minimum on this is three here, so this is already four or five, it could be slightly pulled, but that could be pushed just a tad.
looks to me the short side of the
intermediary platform is about six or
seven feet, so you could shrink that
and pull the other stair back and
you'll be good.

MR. SIEGEL: Yeah, and it will be
just as comfortable walking up.

CHAIRMAN GESSIN: You look good on
this side right here.

MR. TERZI: That's New York State
code?

MR. SIEGEL: Yes.

CHAIRMAN GESSIN: Next thing
actually what I want to just get out of
the way, what happened to the lighting
plan? Oh, here it is. This Board, you
know, views I think the lighting plan a
little bit as insignificant, but
somehow it got rammed down this Board's
throat. Did I say that the right way,
Aram?

MR. TERCHUNIAN: Okay.

CHAIRMAN GESSIN: Until the
Village comes up with their own code,
it's actually going to be only in front
of the Zoning Board, but eventually
there will be a Village code.

Basically you've tried to comply with
as we suggested the Southampton Town
code 360 on lighting spread, night
lighting, outside night lighting, and
when we reviewed the plan we noticed
that most of your pictures are in
compliance. The problem is more on
this plan that, in our opinion, you
have an excess of lighting here. This
may look like a landing pad by the time
you get done with this thing. You
know, and we had a discussion before
the meeting that basically what we
think we're supposed to be complying
with is spread off of the property
line. Most of these lights, except for
a couple of the carriage lights, are
mostly down lights, so they would
basically stay within the structure of
the home. Just the amount that you
have there might actually cause a
spread, and we don't have a way of
calculating that, so we're going to
need some input from you guys to help
us make a determination on that.

MR. TERZI: So a couple of things
to keep in mind, most of that is recess
lights because of the -- that they're
going into the ceilings of the
walkways, so they're to provide lights
on the walkways. We also, because we
were feeling that we were bound to
this, so we needed to put everything
that we could possibly want on this and
are expecting to subtract later, but I
was going to assume that the right way
to go was to --

CHAIRMAN GESSIN: Minimize, not
maximize.

MS. ROLLIN: We're not looking to
-- we're just looking to -- you know,
we're getting older, we're planning to
retire there, we just want to be able
to walk around the house without
tripping and falling.

MR. TERZI: Given that these are
all recessed cans, the circle from an

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eight or nine foot height should be a
fairly tight circle. What we did was
to put a string of recessed lights that
could be used to walk safely around the
house in the dark, and then to do a
couple of lights around the doors. The
recessed lighting would, you know,
would not generally be meant to be left
on unless people were walking around
and coming or going, and then the
recess -- I mean, the wall mounted
fixtures for just to have a switch near
the door to be able to turn those on
and to have some immediate light there.
But we could certainly improve --
increase the spread between them.
Everything, even the fixtures around
the doors have -- the ones that I think
you're referring to that aren't
straight downward pointing have a dark
sky cylinder incorporated in the
fixture.
MR. SIEGEL: The floodlights? The ones that are the floods?

MR. TERZI: No, the ones on the sides of the doors.

MS. ROLLIN: So you can't see the bulb. They're night sky.

CHAIRMAN GESSIN: These are down, this is in front of the house, I believe, right, these here?

MR. TERZI: Right. And the fixture incorporated --

MS. ROLLIN: We wanted something a little nicer for the front. Look, honestly, there's very little selection in these lights, very little.

MR. TERZI: In order to have a fully shielded bulb. And that's all covered walkway as well. But that fixture, the one that was selected for there, incorporates a dark sky cylinder to protect the bulb and keep any light egress below the 90 degree mark.

CHAIRMAN GESSIN: How are you
21 actually building -- constructing the
22 walkways? Are they going to be
23 waterproof on the top?
24 MS. ROLLIN: Yes.
25 MR. TERZI: Yes.

CHAIRMAN GESSIN: Because
basically from what I see the hi-hats
you're using are not really meant as
outside fixtures.

MR. TERZI: I think the model
number -- Halo makes those in a large
variety of waterproof insulation,
non-insulation, so I may have grabbed
the wrong model number for that.

CHAIRMAN GESSIN: I'm just trying
to give you a heads up more than
anything else. The other thing is, and
only from my own experience, if you can
get these cans in anything except
metal, if you can get them in aluminum
or whatever because they don't last.

MR. CASHIN: You'll be replacing
them in two years.
CHAIRMAN GESSIN: Not the fronts, the cans. The cans will -- the first time you go to change a bulb, you'll have nothing to hang them back up on from firsthand experience.

MR. SIEGEL: The outdoor is not drip through?

CHAIRMAN GESSIN: That's basically what they're saying. They're waterproofing the top of it. But these lights, you're going to have to go for a different fixture on these because these are basically the typical spotlights that, you know, even though you're stating you're going to aim them down at a 45 degree angle, they could always be readjusted.

MR. TERZI: They can be lamped with 900 lumen or less.

CHAIRMAN GESSIN: That wasn't the issue.

MR. SARETSKY: It's just that they're shining out past your property
line that way or they have the capability to do that.

   MS. ROLLIN: There's an after market shield that can be put on them.

   CHAIRMAN GESSIN: I think you got to go to a different fixture.

   MS. ROLLIN: No, I mean, there's aftermarket shields that you could actually purchase to put around the

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   fixture.

   CHAIRMAN GESSIN: No, I think you have to go to a different fixture that's not adjustable.

   MS. ROLLIN: Oh.

   MR. SARETSKY: And that way it just solves the problem. It spreads in some way that gives you enough light, but it doesn't go out beyond your property.

   MR. TERZI: In the places where the property line is not close, are those fixtures still acceptable?

   Because there's some areas that we may
want, and I think we have the room, to
have the light without needing to --

MS. ROLLIN: Like the back.

MR. SIEGEL: Those are
tloodlights, you know, and floodlights
generally look like gigantic lights
that light up a whole bunch of space.
Is that what you're tyying to do?

MR. TERZI: Just to be able to
have that if we do need to do something
back there that we've got the space to

light the backyard.

MR. SIEGEL: Straight out the back
here with nothing going this way?

MR. TERZI: Right. So the code
said that if they're lammed under 900
lumens per bulb, maximum of 1800 lumens
for the total fixture mounted 12 feet
or less, you'll notice they're on the
piling plan, not on the first floor
plan in order to be able to comply with
being no more than 12 feet above the
surface that they're lighting, you
know, compared to many of the existing
floodlights that you see that are at
the eves and so forth that.

MR. SIEGEL: At the very top.

MR. TERZI: Yes, that are, like,
lighting a parking lot. You know, that
if we are doing things at night in the
sand down here, to be able to have that
option.

MS. ROLLIN: And this is just,
honestly, so that I can get into my
garden at night because sometimes I
forget to pick herbs during the day and

then I'm out there at night trying to
pick herbs.

MR. TERZI: We understand the
height requirement to keep them 12 feet
off the -- no higher than 12 feet. So
that means they'll be mounted on the
pilings to keep the -- which should --

MR. SIEGEL: They have that code,
the 900 and the 1800. There can't be
more than two, that doesn't say you
can't have eight of them. So when you put them all on, it gets a little crazy sometimes.

CHAIRMAN GESSIN: That's the whole issue with the entire lighting plan.

MR. SIEGEL: If you turn it all on, you could look like a lunar lander.

MR. PROKOP: That's what we're hoping to avoid.

MR. TERZI: And we understand and agree. We also felt that we couldn't show one fixture here, one fixture over there, and then we come back and say this is completely dark, what do we do? Go back to the Zoning Board to ask for

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permission to --

MS. ROLLIN: We understand not wanting to make it look like a lighting pad, but on the other hand, don't we have the right to be able to see our property at night?

CHAIRMAN GESSIN: As long as you're not disturbing your neighbor,
yes. That's basically what it's about.

You know, Aram, we had the issue with Yale and the next door neighbors, and we're still going on with that, and it's all about, believe it or not, these type of fixtures.

MR. TERCHUNIAN: Those are wall mounts, wall packs. They just spread light like crazy.

CHAIRMAN GESSIN: You know, even if you get further away, you're still going to see the eyeball, even though it won't be as offensive, but you'll still see that eyeball from -- especially going down -- of course, there's no house there yet, but eventually there will be a house there.

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I'm assuming. This side can definitely be effected, and this is an existing house already.

MR. CASHIN: So what fixture are we recommending for them?

MR. TERZI: There we still have 14
feet.

CHAIRMAN GESSIN: I think you need something that's nonadjustable and they call it with cut offs so that the light goes straight down. This way you could see what you want to see, okay, if you have to see in the garden you may have to bring a flashlight at night.

MR. SIEGEL: Or a miner's helmet.

CHAIRMAN GESSIN: We're not telling you to get rid of the fixtures, but we're telling you that we think, in our opinion, that these are inappropriate for your neighbors.

MR. SIEGEL: Was there ever a possibility of putting some kind of a light on a pole near the property line that shoots back towards their house on the other side of their garden?

MR. TERZI: There seem to be bigger restrictions within the Southampton code in terms of lights mounted on anything freestanding, like,
MR. TERCHUNIAN: They don't want you to light your building.

CHAIRMAN GESSIN: Which makes it worse.

MR. TERZI: And we tried to pick everything that we could that would be within our best understanding of the Southampton code. And I could, you know, there are areas -- I mean, I understand what you're saying, there's a few that I see that you've made a mark I think for this one here that this is enough an area that lighting -- being able to light the cars, and I believe we specified we put these all on motion detectors with the code being that the maximum time between cessation of activity and them turning off is five minutes, so we're not talking about things that would be on all the time. On this side where we are much closer to the property line, I could
see that we could look at replacing all
of these with straight down lights that
are nonadjustable, but I would want to
keep here and a couple of these. I
don't think we need --

MR. SIEGEL: Six of them?

MR. TERZI: Yeah. We have two
existing, we have two of those two
packs on the back of the existing --

MS. ROLLIN: We have three of
them.

MR. TERZI: Three on the back of
the existing property now.

MS. ROLLIN: We turn them on when
we're out there and we turn them off
when we come back in. We don't leave
them on.

MR. TERZI: I don't want to be
hamstrung to not be able to have a
fixture by asking for too little now,
but we could certainly cut out some.

CHAIRMAN GESSIN: I think you're
going to have to select a different
fixture.

   MR. TERZI: For every floodlight, or can we say that it's for this side where we're closer to the property line.

   CHAIRMAN GESSIN: I think for all of them.

   MR. SARETSKY: For all the C fixtures.

   MR. SIEGEL: When these lights are on, you can see fine down here.

   MS. ROLLIN: It's 12 feet, 14 feet up.

   MR. SIEGEL: Mine is, like, 30 feet.

   CHAIRMAN GESSIN: From the hi-hats that you have on that first floor deck, you'll be able to light up your driveway.

   MR. SARETSKY: And you're going to have tread lights, right?

   MS. ROLLIN: Clam shells. They're not like tread lights which you can actually see the light, they point down.
MR. SIEGEL: Those are really nice.

MR. TERZI: They're four watts, like, 80 lumens, 85 lumens. So they're not -- they're not doing much but lighting the tread, at least from my -- I mean 85 lumens is less than a lot of flashlights.

MR. SIEGEL: Those are nice. They'll make it safe. Even if there was something like one of these little ones on the sides of the garage door.

CHAIRMAN GESSIN: You have two fixtures at the garage.

MR. SIEGEL: On the sides of the garage doors?

MS. ROLLIN: So this is an overhang and it's actually0.

CHAIRMAN GESSIN: Maybe rather than a down light here, maybe just put this fixture over the garage doors, which will actually light the driveway right here.

MR. SIEGEL: Or on the sides of them here.
CHAIRMAN GESSIN: Right now they have them above the doors.

MR. SIEGEL: Yeah, that would be tons of light.

CHAIRMAN GESSIN: At least then you'd have some ambient light coming forward and it won't be blasting everybody away.

MR. TERZI: But across the back, I mean, we're not to be able to light the sand and the path to the bay, if we need. You're saying no floodlights, even though the --

MS. ROLLIN: I come back from fishing at night.

MR. SIEGEL: Will it turn on? Will it see you?

MR. TERZI: In the Southampton code, the floodlights, provided the lamping is kept down and the aiming is kept down, they're allowed.

CHAIRMAN GESSIN: Aram, what do you think about the back of the house?
MR. TERCHUNIAN: Frankly, I have mixed feelings. I understand the desire of the applicant, you know, that they have light to see what's going on. On the other hand, if you focus that much light on your backyard, it's definitely going to effect your neighbors. I don't think it's reasonable to say that you have, what, six fixtures along 60 feet, and you turn all them on, you're going to see that from a ways away.

MR. TERZI: We're not really planning on putting in sixty fixtures.

CHAIRMAN GESSIN: Well, show us what you're really going to do.

MR. TERCHUNIAN: Do a lighting plan that shows where the lights are going to go. All the lighting companies provide software to have that done. You know, I can see doing three or four, I don't know, but six just seems really excessive.
MR. TERZI: We'll cut that to three.

MR. SIEGEL: The other thing I was asking was if you're coming back from Flynn Stenography & Transcription Service (631) 727-1107

Wes...
Get rid of this one, change the two F's to an A or something similar to the A.

MR. SIEGEL: Where is the F?

MR. TERZI: Those are fully shielded.

CHAIRMAN GESSIN: Well, we want you to get rid of these and use the garage lights to light the driveway, that's what we were talking about.

MR. TERZI: Okay.

MR. SIEGEL: So what Harvey is saying is that you don't get any light out of the side of this one, but you do get some light out of the side of this one, so this will help the driveway.

MS. ROLLIN: We could apply either way, so that is not a show stopper.

MR. SIEGEL: No, it's just a matter of how much light you want going towards the front.

CHAIRMAN GESSIN: Aram, how do we...
deal with this lighting level now on all of the upper lights? Since we don't really understand whether there's -- you know, with the excess of lights, we don't really know what it's going to do until it's done.

MR. TERCHUNIAN: You know, I can't remember the name of the company, but Flynn Stenography & Transcription Service (631) 727-1107

one of the lighting companies actually makes software, you just plug all this stuff in, and you put in the fixture and a lumen and it generates a plan for you.

CHAIRMAN GESSIN: And it will tell you the spread?

MR. TERCHUNIAN: Yeah, everything.

MR. SIEGEL: Are you requesting that?

MR. TERCHUNIAN: It would provide comfort for you guys that you're going to get the light that you're looking to get, and it will provide the Board, you know, with the solid document that
allows them to determine its reasonable nature.

CHAIRMAN GESSIN: Is that okay?

MS. ROLLIN: It's okay.

CHAIRMAN GESSIN: We're just trying to get you done, not break your chops.

MS. ROLLIN: I know.

CHAIRMAN GESSIN: Also I just want to let the audience know that we've already dealt with the relocation of the mechanical equipment on the eastern side of the house, it's no longer on the deck, it's been relocated up onto the roof, so it's very, very far away from the vacant lot.

Do we think as a Board we're okay with the explanation of the parking so that we don't have to do much further forward with that front deck?

MR. CASHIN: Yeah, I think they could fit cars where we were. This morning we didn't think they could, but
CHAIRMAN GESSIN: We'll just share with you what our thoughts were, and thank God you came and explained to us what we didn't understand. Our thinking at the time was to eliminate a portion or all of the side yard deck to allow you to have more parking, but we think now that it's probably okay.

MS. ROLLIN: Thank you.

CHAIRMAN GESSIN: Anybody on the Board have any other comments?

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MR. CASHIN: No.

MR. SIEGEL: I'd like to hear these guys.

CHAIRMAN GESSIN: We'd like to hear from the audience now.

MR. BRENNER: Thank you. Thanks for having us here.

MR. CASHIN: State your name please also.

MR. BRENNER: Hi, everybody.

Steve Brenner, 10 Dune Lane adjacent to
the house.

CHAIRMAN GESSIN: You're to the west?

MR. BRENNER: We're on the east side. Thank you for accommodating us for the air-conditioning, I appreciate that. That was a major issue. A couple of things, we really weren't privy when I first looked on the Dune Road being the backyard because I'm accustomed to the backyard being on the opposite side. So, I mean, you know, a couple of questions that I have about that. So far as I know, there's no other house in the Village that is as close to the road, any road, either Dune, Cove --

MS. ROLLIN: Not true.

MR. BRENNER: As I said, if I'm wrong, then you can prove me wrong, but this is extremely close to the edge of Dune Lane and aesthetically it brings this way out of position for the rest
of the houses. If you go all the way
down Dune Lane on the north side,
almost every house until you get to the
other bend is significantly back off
the road. So if you're coming down
Dune Lane and you come to bend, the,
you know, you have this big house
that's staring you right in the face
that's right on the street. I think,
you know, I just -- I think it's out of
whack, out of sink with the rest of the
street.

Now, with respect to that, you
brought up the lighting. There are
motion detectors, yes, are there motion
detectors in the front of the house?

CHAIRMAN GESSIN: I believe
they're actually timers, right?

MR. SIEGEL: Yeah, they're motion
with timers.

CHAIRMAN GESSIN: So they're not
on all the time.

MR. BRENNER: Okay. There's a lot
of traffic that goes down Dune Lane.
Every time a car goes by on Dune Lane close to the curb, are those lights going to be tripped on?

CHAIRMAN GESSIN: In theory, they shouldn't be.

MR. TERZI: And the State of Southampton requirements say that the motion detectors cannot be tripped by activity outside of the property line, so if they are, they are out of compliance and need to be adjusted, so we understand that.

MR. BRENNER: Okay. Fine.

MR. SIEGEL: They are adjustable so the cars cannot turn those on.

MR. BRENNER: They cannot turn them on. Another question that I have with respect to lighting, because I live at 8 Dune Lane, and if you look to the east we have one home that's fairly adjacent, probably a couple of hundred feet away, and then there's a large
white house that's adjacent to that, it's a new house that was built a couple of years ago.

MR. SARETSKY: I'm not familiar with which one.

MS. ROLLIN: Harvey, that's the one you built.

CHAIRMAN GESSIN: Oh, 858?

MR. BRENNER: 858. So now, the lights facing west are on all night until 3:00 in the morning. Is there not a Village statute that says when lights should be turned off?

MR. CASHIN: We're actually working on that. We've talked about that.

CHAIRMAN GESSIN: Right now there's nothing.

MR. BRENNER: Now --

CHAIRMAN GESSIN: That's why this is in front of our Board.

MR. BRENNER: That's why. I mean, God bless them, they should have lots
of parties in their house, but how long
do the lights stay on? If you have a
party until 3:00 in the morning, are
you allowed to keep the lights on until
3:00 in the morning?

CHAIRMAN GESSIN: Do you have an
answer for that?

MR. PROKOP: You can have the
lights on, they just can't shine on the
neighbor's property.
CHAIRMAN GESSIN: Shine beyond the
property line.

MR. BRENNER: Okay. How do you
measure that?
CHAIRMAN GESSIN: We're learning.

MR. BRENNER: As you just said,
you know, you don't know. That piece
of property, 10 Dune Lane, is empty
right now. So whatever light is going
to be there is going to extend onto
that property and would impact us
because my windows, some of my windows

face that way. Now, I feel badly for
the people next to the white house.

CHAIRMAN GESSIN: You can actually see through all those trees, the lights?

MR. BRENNER: Oh, absolutely because the lights are up on the top of the house. The lights are not low down, they go all the way up.

CHAIRMAN GESSIN: What floor are you talking about? I thought you were talking about on the garage level.

MR. BRENNER: Above the garage. There are lights that are above the garage, and then the lights are on in the windows. Nobody turns the lights off in the windows.

MR. TERCHUNIAN: We're not going there.

MR. BRENNER: I mean, at 3:00 in the morning, should the, you know, I mean.

MR. SIEGEL: I have that too. The kitchen light on all night long.

MR. TERCHUNIAN: Let's refocus.
MR. BRENNER: I think it does impact us.

CHAIRMAN GESSIN: Oh, we a hundred percent agree and we're trying to work on that.

MR. TERCHUNIAN: And the plan that we've asked them to prepare is a type of document that is -- you know, it's light engineering, if you will, and has general acceptance to, you know, address this issue.

CHAIRMAN GESSIN: If we could explain a little background, this is only the second applicant that is dealing with this lighting plan. So we're sort of learning as we're going also, and I think what will happen is by the time we get to the next applicant, it will be a building code.

MR. BRENNER: You'll be more prepared. No major issue with that. One thing I notice, for example, on the plans that we got in the mail, which I have here, says nothing about garages.

CHAIRMAN GESSIN: You just have a
site plan, right?

MR. BRENNER: Yeah.

CHAIRMAN GESSIN: Well, if you

look on -- they have two garages, they

have one here and one here

(indicating).

MR. TERCHUNIAN: But they're under

the building.

CHAIRMAN GESSIN: Garage under.

MR. BRENNER: Under the building,

so you drive in from the street?

CHAIRMAN GESSIN: Correct. They

have two garages.

MR. BRENNER: Two garages. And

the parking, where are they allowed to

have cars? Where would there be space

for cars? They have visitors come,

their car is in the garage --

CHAIRMAN GESSIN: Basically one

here, one here.

MR. BRENNER: This is Dune Lane up

here?

CHAIRMAN GESSIN: Yes. And then

this is their property line, but the
here, so they're going to have the second one here, third one here, fourth one here, then they have one in the building and one here. So they have six comfortable.

MR. BRENNER: They have three bedrooms, so they're allowed six, is that the way it is?

MR. PROKOP: Parking for six cars? I don't know, do we limit?

MR. BRENNER: Yeah, sure we do.

MR. PROKOP: Except that overnight you can have one car per bedroom and one for the house.

MR. BRENNER: So that would be four.

MR. PROKOP: From 1:00 a.m. to 6:00 a.m., one per bedroom and one for the house.

MR. CASHIN: That doesn't apply to the building code, that applies to the occupancy issue.
MR. PROKOP: To the occupancy issue, right, but it's still a Village code.

MR. PROKOP: Right. So they could allow for parking on the plans, but at 1:00 a.m. they could be written up for if there's more than four cars there, they'll receive a warning.

MR. SARETSKY: You can have more parking, you just can want use it.

MR. TERZI: After 1:00 a.m.

MR. PROKOP: Theoretically.

CHAIRMAN GESSIN: Let me just answer your question about the front yard setback. Here's their current house. If you could see the current house to this corner is 20.5, what
they're requesting is -- I think you had left earlier at the last meeting.

MR. BRENNER: Right.

CHAIRMAN GESSIN: See this 17.5, this is to the second floor. To the

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first floor it's 19.7 so that basically this corner and this corner of the first floor is exactly virtually in the same spot.

MR. BRENNER: However, they're going to have a walkway, and that walkway impacts the distance between here and here. It's not to the house. So essentially when the walkway is down, the house is really closer to the street.

CHAIRMAN GESSIN: 12.7.

MR. BRENNER: Well, that's a big difference between that and 17 --

MS. ROLLIN: There's 16 feet between our property line and the street there, Steve, 16 feet.

MR. BRENNER: It's supposed to be
20, isn't it?

CHAIRMAN GESSIN: No, no, no, what she's saying is there's an additional 16 feet right here (indicating).

MR. TERCHUNIAN: In between the property line and the edge of the pavement.

MR. BRENNER: So it's 28 feet.

Okay. Got that.

MR. TERZI: The distance from the corner of the walkway to the actual pavement would be 29 and a half feet.

MR. BRENNER: Okay. All right.

CHAIRMAN GESSIN: Next question?

MR. BRENNER: The last thing I have is the relationship between the property -- our property line and their house. Is there a law about how big that's supposed to be?

CHAIRMAN GESSIN: That's what they're here for a variance.
MR. BRENNER: It's supposed to be 20 feet, right?

MS. ROLLIN: 14.

MR. TERCHUNIAN: No, on the side yard? Side yard they meet the side yard.

MR. BRENNER: Which is?

MR. TERCHUNIAN: Which is 3/10.

MR. TERZI: 14.

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MR. PROKOP: We're 1.7 feet off. It's 1.7 feet shorter than it should be. That's what they're asking.

MR. BRENNER: 1.7 feet, so it's going to be 1.7 feet closer to my property?

MS. ROLLIN: No, no, it's the same as it is now.

MR. BRENNER: What about the walkway? Doesn't the walkway bring it closer to our property line?

MS. ROLLIN: We're looking for a variance for that.

CHAIRMAN GESSIN: Steve, look at
Currently they're at, I'll circle it, see, they're at 10 foot, and now the new dimension is 14 feet. They're actually less than they currently are.

MR. SIEGEL: Further away.

MS. ROLLIN: What we're asking for -- the variance we're asking for is for the --

CHAIRMAN GESSIN: Is all the way in the back here.

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MS. ROLLIN: Which is existing.

CHAIRMAN GESSIN: See, this is 12.3 and right here they're 12.2. They're virtually in the same spot.

MR. BRENNER: Okay. I can't argue then.

CHAIRMAN GESSIN: Well, you can.

MR. BRENNER: I mean, if it's in the existing footprint, then we don't have --

CHAIRMAN GESSIN: Well, that's what good about these meetings. You
came, at least you don't see some
horror thing being built once they get
started.

MR. BRENNER: Can I just ask my
wife if she has any other questions?

MS. BRENNER: I think it's all
covered.

CHAIRMAN GESSIN: Thank you.

Next?

MS. AGINS: We're observing.

CHAIRMAN GESSIN: Board have any
other questions?

MR. CASHIN: No.

MR. SARETSKY: No.

MR. SIEGEL: If this side yard is
existing and it's being taken down and
then put back in the same existing
spot --

CHAIRMAN GESSIN: Mostly in the
same spot.

MR. SIEGEL: Even if it was
exactly the same, what if it's less
than required?
CHAIRMAN GESSIN: What does that mean?

MR. SIEGEL: Like, what would be the actual required number?

CHAIRMAN GESSIN: What's the required side yard?

MR. TERCHUNIAN: 14. Because it's a substandard lot, so the 3/10 rule applies.

CHAIRMAN GESSIN: So they're in compliance here, in the front they're in compliance. It's only where -- I think there's actually steps there, right? It really flares out from the steps.

MR. TERCHUNIAN: It was 3/10 because it's centered.

MR. SIEGEL: So the 12.3 is 1.7 off, and that's the variance?

MR. TERCHUNIAN: Yes.

CHAIRMAN GESSIN: Because of the steps; am I correct with that? That's where the deck flares here because of
the stairs.

MS. ROLLIN: The deck flares there because it's existing, that's the existing deck there, but we do need it to flare out for the stairs.

MR. SIEGEL: Some of what's on this plan is existing.

CHAIRMAN GESSIN: No, no, it's not. If you would eliminate the stair, this could be straight again and be exactly where it was before.

MS. ROLLIN: No, no, this is exactly where it is.

CHAIRMAN GESSIN: You're right. Sorry, I looked at it wrong. You're correct, that's exactly where it was before.

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MS. ROLLIN: We tried as best we could to stay in the existing footprint. So just so you know, if we conformed to DEC and the Village, we'd have negative building envelope.

MR. SIEGEL: I don't think it's a
big deal.

MR. PROKOP: So the first thing you need, we have a public hearing now, so the first thing you need to do if you would like to start moving towards a conclusion is to close the public hearing, so there would be a motion to close the public hearing.

CHAIRMAN GESSIN: Just the one question I have is what we were trying to do with the lighting plan and the landscape plan was to get everything completed at the public hearing to that we don't have a back and forth between you, the Board, and the building inspector at a later date. It seems like everything has been addressed now except the lighting. So Aram, what do you think we should do, just so we don't have that issue in the future?

MR. TERCHUNIAN: What you can do, and Joe and I have done this before, is you can close the public hearing
pending a written submittal of a lighting plan that's acceptable,
prepare and submit the lighting plan, say, within -- give them a timeframe that's reasonable for them to do it, and for, you know, at least you and the Board to look at it. If it looks like it's going to pass muster, then the hearing is closed, you can move to a decision. If you don't like it, reopen the hearing and go over the lighting plan.

CHAIRMAN GESSIN: Are we prepared to do that?

MR. SARETSKY: Yes.

CHAIRMAN GESSIN: I'd like to make a motion to close the public hearing on this application.

MR. TERCHUNIAN: Reserving the right --

CHAIRMAN GESSIN: Reserving the right to reopen the case on the -- assuming that the lighting plan is not
MR. TERCHUNIAN: What is the timeframe that you can submit the lighting plan, is 30 days enough?

MS. ROLLIN: I've got to go find the software.

CHAIRMAN GESSIN: When we conclude this, we're going to schedule another meeting at this time because the second applicant for today wasn't prepared. So hopefully they'll have it done by that time, and we can then have our vote and be done with your case.

MR. TERCHUNIAN: So written submittal in 30 days, and then the Board is, you know, if they're satisfied with that, they can -- then they can move to a decision.

MS. ROLLIN: Okay.

CHAIRMAN GESSIN: So I'd like to have a motion to close the public hearing.

MR. SARETSKY: Second.
MR. SIEGEL: Second.

CHAIRMAN GESSIN: Meeting is closed. Angela, can you give us some calendar dates?

MS. SADELI: Joe, you're not available the third Saturday?

MR. PROKOP: Right. The third Saturday I'm not.

MS. SADELI: So November 19th is out. So there's the 5th, the 12th, and the 26th, which is after Thanksgiving.

CHAIRMAN GESSIN: We don't need any notification, other notification for this, right?

MR. TERCHUNIAN: For them, no.

CHAIRMAN GESSIN: And what about for the other application?

MS. SADELI: I have to re-notice it.

CHAIRMAN GESSIN: Oh, because they didn't notice it. So how soon could we do the other application?

MR. SIEGEL: Does it have to be Saturday?

MR. CASHIN: Yeah, does it have to
be Saturdays?

CHAIRMAN GESSIN: We've always had them on Saturdays.

MR. CASHIN: It's going to be tough this month.

MS. SADELI: We have a meeting on the 18th.

MR. SIEGEL: Who is we?

MS. SADELI: Village Board of Trustees has a meeting on the 18th.

CHAIRMAN GESSIN: What's the soonest that we can do the Dune Road application with the notification?

MS. SADELI: I would have to get it to the paper on -- it would be the 12th because it has to go in for five days.

MR. PROKOP: If it went in this week, it would be in on the 3rd.

MS. SADELI: It has to run the whole week, so the 12th.

CHAIRMAN GESSIN: How are we doing on the 12th?

MR. SARETSKY: I'm not sure.

MR. CASHIN: I got something in
Nassau County on Saturday night. I could do Sunday.

MR. TERCHUNIAN: We can't hold the hearing on Sunday.

MS. SADELI: I don't think you're allowed to.

MR. TERCHUNIAN: I've never seen it done.

CHAIRMAN GESSIN: So what about the next weekend?

MR. CASHIN: Joe can't make it.

MR. PROKOP: But I'm not controlling it. If you want an attorney, I'll get an attorney here. I just can't.

MR. CASHIN: 19th works best for me.

CHAIRMAN GESSIN: I think I'm okay on the 19th.

MR. SARETSKY: I'll check. I'm not sure. Those two weekends I was trying to go away, the 12th and the 19th, but don't do it around me.
CHAIRMAN GESSIN: Let's reach out for Joe to see if he's okay.

MR. SARETSKY: I think he's out of the country, but hopefully he's back shortly.

MS. SADELI: His away message had a date when he would be back. I'll get an e-mail and maybe check.

MR. SIEGEL: I think that --

CHAIRMAN GESSIN: Let's do it tentative for the 19th, and what's the next date after that?

MS. SADELI: 26th, which is --

MR. SARETSKY: The Saturday after Thanksgiving, which I'm okay with, but don't do that.

MS. SADELI: Then that gets us to December 3rd.

MR. CASHIN: December 3rd works for me.

CHAIRMAN GESSIN: I think I'm in Florida that weekend.

MR. SIEGEL: Sounds like it has to
be the 19th.

CHAIRMAN GESSIN: I'm bad the first two weekends in December.

MS. SADELI: So the 19th, and I'll

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e-mail Joe.

CHAIRMAN GESSIN: Let's try,
otherwise we'll just poll it again.
Let's see if we can get it done on the 19th.

MR. PROKOP: They need to get their plans to us a couple of days in advance.

MS. ROLLIN: The next meeting that you'll --

MS. SADELI: Hear the lighting plan.

MS. ROLLIN: Oh, that's not what I understood that you said. You said the lighting plan, if you were okay with it, you could go ahead and --

MR. CASHIN: If we can't approve it by telephone, then we have to have another hearing.
MR. TERCHUNIAN: But we need to
set the 19th for the other case, but it
also gives you an opportunity to --

CHAIRMAN GESSIN: A target time.

MS. ROLLIN: So he was going to
say something to us?

MR. TERCHUNIAN: Let's finish the
record. Are we done with the --

CHAIRMAN GESSIN: I think so.

MR. TERCHUNIAN: Is this for the
record or is this just --

MR. SIEGEL: It has to do with the
lighting plan that they're asking, the
photometrics, I don't think they have
to find software for it, I think that
if you go to this place that you were
planning on purchasing those lights,
they can help you with it.

MR. TERCHUNIAN: He is correct.
The manufacturer and the distributor
will do it for you.

MR. CASHIN: They want to sell you
something.
MS. ROLLIN: So we physically go to their shop?

MR. SARETSKY: No, you can e-mail them.

MR. TERCHUNIAN: Send them the plans.

MR. SIEGEL: Or call on the phone.

MS. ROLLIN: I can't tell you, I spent two weeks on this with our architect. He said he's never had to do a set for residential in Southampton, that only commercial requires a lighting plan.

MR. TERZI: At least in terms of photometrics, the appendix that specifies the requirements for the lighting plan is --

CHAIRMAN GESSIN: The only reason we're requesting this is because you have so many lights. If you didn't have so many lights, we wouldn't request it.

MR. TERZI: Is there a benchmark
where if we say that we will reduce the
number of fixtures by half that we
would reach an acceptable point there?

MR. TERCHUNIAN: Time out. We've
closed the hearing, so we can't have a
conversation about the substance of
your case because the hearing is
closed.

MR. CASHIN: Actually, we didn't
close it. She's still going.

MR. TERCHUNIAN: The Zoning Board
is open but the --

MR. PROKOP: This is a public
meeting, it's okay.

MR. TERCHUNIAN: Okay. I just
want them protected.

CHAIRMAN GESSIN: Yeah, if you
want to reduce the lighting, maybe we
can just shepherd it through.

MS. ROLLIN: All right. We'll
reduce the lighting by half then.

CHAIRMAN GESSIN: You got to give
us something.
MR. SARETSKY: And you have to fix that type C fixture.

CHAIRMAN GESSIN: And you have to fix the floodlights. Get it to us quick this way maybe we can get it done.

MS. ROLLIN: The other question I have is on that front --

MR. PROKOP: Excuse me, just get it into the Village at least a couple of days before the meeting so if one of the neighbors has a question, they can come in and see it if somebody wants to comment.

MS. ROLLIN: On that front variance, Harvey, you know we're building modular, right, so --

CHAIRMAN GESSIN: It doesn't matter.

MS. ROLLIN: It does to us because we have to get the plans done, and I can't go after and say change this. So do you have feeling for the chances on
whether that's going to be granted or not?

CHAIRMAN GESSIN: I can't give you an answer. I don't know. I don't know what these guys are thinking. I'm only one vote.

MS. ROLLIN: There are other houses in the Village that are as close to the property line or closer.

CHAIRMAN GESSIN: All I could say, in my opinion, and I don't know about the rest of these guys here. I don't think the house is the biggest issue, I think it's really that corner of that deck, and we'll just see how the vote goes. From what I'm hearing here, I don't think the house is an issue.

MS. ROLLIN: All right.

CHAIRMAN GESSIN: Did that help you?

MS. ROLLIN: Because you also said we don't need a variance for that walkway, right, because it's --
CHAIRMAN GESSIN: Well, you need it for the front walkway.

MS. ROLLIN: Regardless?

CHAIRMAN GESSIN: Oh, yeah, definitely. But if you're doing modular, it's not going to come with the deck on it. The deck is going to get tacked on later.

MS. ROLLIN: The point is if you were to say you can't -- you had a problem with where the house goes, then I have to make the house smaller, and that does effect me.

CHAIRMAN GESSIN: You know, we can't tell you officially, but it doesn't seem to be, from what I hear,
the design, this is not just a deck,
it's a major thing going on here.
That's the side. There's the front. I mean, there's columns going all the way up to the third, almost four floors on that one corner. Is there a front yard pyramid shown anywhere?

MR. TERCHUNIAN: Yeah, it meets it.

MR. CASHIN: Right here.
MR. TERZI: Flip and I think you've got all of it.

MS. ROLLIN: They're all here.
MR. TERZI: Keep going.
MR. TERCHUNIAN: We went through this. There's actually three pyramid lines on it because the way it slices across the front. We only spent eight weeks on that.

MR. TERZI: What a long strange trip it's been.
MR. CASHIN: It's a lot to be considered.
MR. SIEGEL: This is what we're calling a deck, anything that's not a house. It's this whole thing here.

MS. ROLLIN: Is it just visually you don't like it or --

MR. SIEGEL: I didn't say I don't like it, it actually looks pretty nice, you know, it's just big.

CHAIRMAN GESSIN: It's amassing at the road.

MR. SIEGEL: It's waterproof. It looks beautiful, it's going to be a beautiful house.

MS. ROLLIN: Thank you.

MR. CASHIN: Okay.

CHAIRMAN GESSIN: Can we close the hearing?

MR. PROKOP: The hearing is closed. It's just a public meeting, so we just need to adjourn the public

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meeting.

CHAIRMAN GESSIN: I'd like to make a motion to adjourn the public meeting.
MR. CASHIN: Second.

CHAIRMAN GESSIN: This meeting is closed.

(Whereupon the meeting was adjourned at 11:07 a.m.)
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 October 29, 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 12th day of November, 2016.

AMY BOHLEBER

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