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INCORPORATED VILLAGE OF WESTHAMPTON DUNES  
ZONING BOARD OF APPEALS

March 4, 2017  
10:00 a.m.

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

APPEARANCES:

- Harvey Gessin - Chairman
- James Cashin - Member
- Joseph Mizzi - Member
- Eric Saretsky - Member
  
- Joseph Prokop - Village Attorney
- Angela Sadeli - Village Clerk

1           (Whereupon, the meeting was called to  
2 order at 10:05 a.m. after the Pledge of  
3 Allegiance.)

4           CHAIRMAN GESSIN: This is the Westhampton  
5 Dunes Zoning Board. Today is 3/4/17.

6           The first item on -- only item on the  
7 agenda is -- what name is this under?

8           MR. HULME: 13 Dune Lane.

9           MS. SADELI: 13 Dune Lane, LLC.

10          CHAIRMAN GESSIN: 13 Dune Lane.

11          MR. TERCHUNIAN: It's a continuation of  
12 the hearing.

13          CHAIRMAN GESSIN: A continuation of the  
14 last hearing.

15          MR. HULME: Good morning. Good to see you  
16 all. Just real briefly, and hopefully real  
17 quickly, we had since the last --

18          (Mr. Prokop entered the meeting)

19          MS. SADELI: Oh.

20          CHAIRMAN GESSIN: Oh, look at that. We  
21 started.

22          MR. HULME: Since the last hearing, we  
23 submitted a new survey, as well as a lighting  
24 plan. I wanted to go over real quickly the  
25 changes shown on the survey.

1           As you recall, when this case was  
2 originally constituted, there were four  
3 variances. They remain the same four variances  
4 based on this new plan, but they've changed in  
5 scale and scope.

6           The first one was a front yard setback for  
7 the principal structure. Originally, we were  
8 seeking 44 feet, but we've slid the house  
9 forward four feet, so now we're seeking 40 feet  
10 in the front yard.

11           For the front yard, for the accessory  
12 structure, we were originally seeking 36.4 feet,  
13 we're now seeking 36 feet. That was made  
14 possible by the fact that we redesigned the  
15 staircase in the front to be the minimum  
16 necessary to get up into the house, as opposed  
17 to the more grand staircase that was there  
18 originally.

19           Since the front yard setback request --

20           MR. PROKOP: Can I just ask -- I'm sorry,  
21 I apologize. I'm sorry, I had to do something  
22 with my family --

23           CHAIRMAN GESSIN: That's okay.

24           MR. PROKOP: -- before I came. I'm sorry  
25 that I'm late. I couldn't -- I was stuck.

1           CHAIRMAN GESSIN: We only started a minute  
2 before you walked in.

3           MR. PROKOP: Thanks. The front yard  
4 variance is 20 feet, or the setback is -- or 40  
5 feet?

6           MR. HULME: The requirement is what, 50?

7           MR. PROKOP: Sixty.

8           MR. HULME: Sixty? So then the variance  
9 we're seeking now is 40, instead of 36.

10          MR. PROKOP: Okay.

11          MR. HULME: Okay. And then --

12          MR. PROKOP: We had the -- we have the  
13 front yard, the setback at 40 and the variance  
14 at 20. So, I guess --

15          MR. HULME: Right, because we -- hold on.  
16 It's 40 feet now; it was 44 feet originally. So  
17 this is the new advertisement. So, hopefully,  
18 you're tracking with what we filed, not what we  
19 originally filed.

20          MR. PROKOP: Okay. So I'm sorry, I -- I'm  
21 really sorry, I apologize.

22          CHAIRMAN GESSIN: What he's saying is you  
23 need a 20-foot variance.

24          MR. HULME: Yes. Right, yes.

25          CHAIRMAN GESSIN: What you're showing

1 today.

2 MR. PROKOP: So you need a 20-foot  
3 variance.

4 MR. HULME: Yes. And for the --

5 MR. PROKOP: Okay, good.

6 MR. HULME: -- staircase, we need a --

7 CHAIRMAN GESSIN: Twenty-four foot.

8 MR. HULME: Twenty-four foot variance.

9 And for the rear yard, we went from -- the  
10 original request was 15, 15 feet, and now it's  
11 19 feet.

12 CHAIRMAN GESSIN: Right.

13 MR. HULME: So what was -- what's the rear  
14 yard requirement? I'm sorry. It's 30?

15 MR. PROKOP: Thirty.

16 MR. HULME: Okay. So we need an 11-foot  
17 variance.

18 MR. PROKOP: Okay. So we got that.

19 MR. HULME: And then the lot coverage, we  
20 were originally seeking 25.3, when 25 was  
21 required, and now it's been reduced to 24.3,  
22 which is 4.3.

23 MR. PROKOP: So originally -- it's 24.3  
24 now?

25 MR. HULME: It's 24.3 now, because we --

1 MR. PROKOP: So you're looking for 4.3?

2 MR. HULME: Yes. And so we redesigned the  
3 staircase, which is what caused that number to  
4 go down.

5 MR. PROKOP: And so it's still 2.02% for  
6 the main structure?

7 MR. HULME: 22.02 is the main structure.

8 MR. PROKOP: Okay. So the variance for  
9 the main structure is two -- excuse me, 2.02?

10 MR. HULME: Yes.

11 MR. PROKOP: I just have a question about  
12 the -- I don't mean to interrupt your  
13 presentation.

14 MR. HULME: No, go ahead.

15 MR. PROKOP: I'm sorry, but I might as  
16 well ask it now. So the -- it's a 5,000 square  
17 foot lot?

18 MR. HULME: Yup.

19 MR. PROKOP: So how did you calculate the  
20 -- so 20% is 1,000 square feet, right? So is  
21 that what's you're at?

22 MR. HULME: Yes -- no, we're at -- the  
23 total coverage is twelve -- 1,216.9 square feet,  
24 is what -- is what we're at.

25 MR. PROKOP: Okay. And that's --

1 MR. HULME: Of which --

2 MR. PROKOP: If I divide that out, that  
3 comes to 24%.

4 MR. HULME: Twenty -- that comes out to  
5 24.3.

6 MR. PROKOP: Okay, that's fine.

7 MR. HULME: And the proposed staircase is  
8 115.9 square feet.

9 MR. PROKOP: How much is the staircase?

10 MR. HULME: 115.9.

11 MR. PROKOP: Okay.

12 MR. HULME: So if you subtract that out of  
13 the 1216, you come up with 22.02.

14 CHAIRMAN GESSIN: No, no, that's the deck  
15 and the stair.

16 MR. HULME: Oh, I'm sorry.

17 CHAIRMAN GESSIN: Yeah, I did the math.  
18 The stair is only 48.

19 MR. HULME: Okay, all right.

20 MR. PROKOP: The stairs are 48?

21 CHAIRMAN GESSIN: Yeah.

22 MR. HULME: Okay.

23 CHAIRMAN GESSIN: So the deck, the deck  
24 and the house are 1,168.5.

25 MR. HULME: Okay. And does that come out

1 to 22.02?

2 CHAIRMAN GESSIN: It all comes -- yeah,  
3 the numbers all add up.

4 MR. HULME: Okay.

5 CHAIRMAN GESSIN: But that's the real  
6 number.

7 MR. HULME: Okay.

8 CHAIRMAN GESSIN: Okay?

9 MR. HULME: Oh, okay, perfect. So, and as  
10 we discussed last time, the reason why we moved  
11 it was so that we'd come into more close  
12 compliance with --

13 CHAIRMAN GESSIN: The rest of the houses.

14 MR. HULME: -- the variances and the rest  
15 of the houses.

16 CHAIRMAN GESSIN: Right.

17 MR. HULME: So that's basically it on the  
18 change to the house.

19 CHAIRMAN GESSIN: Okay.

20 MR. HULME: We submitted a lighting plan  
21 yesterday. I don't know if you had a chance to  
22 look at it. It shows nine lights in various  
23 locations, and the specs for the -- the only --  
24 the form of the light is on there, and it's  
25 direct down lighting, so.



1 CHAIRMAN GESSIN: Just like the moon ones.

2 MR. HULME: Yes. So there's one, two,  
3 three, four, five.

4 MR. CASHIN: And they're all this model?

5 MR. HULME: And they're all that, every  
6 one of them that. Six, seven, eight. There's a  
7 ninth one somewhere. One, two, oh, three, four,  
8 five, six, seven, eight, nine. There's one  
9 downstairs over the garage. So that's basically it.

10 CHAIRMAN GESSIN: Okay. The main comment  
11 I have is that I think we're attempting to get  
12 you under 23.5.

13 MR. HULME: Right.

14 CHAIRMAN GESSIN: And you're still at  
15 24.3. But I thought we discussed, and correct  
16 me if I'm wrong, with making these stairs into  
17 pervious stairs, so they wouldn't --

18 MR. HULME: Oh, yes, yes, they are.

19 CHAIRMAN GESSIN: Okay.

20 MR. HULME: That we -- that's correct.

21 CHAIRMAN GESSIN: Okay. It's not called  
22 out on the plan.

23 MR. HULME: Okay. I can represent for the  
24 record that those stairs --

25 CHAIRMAN GESSIN: That's what they will be,

1       okay.

2               MR. HULME:  -- will be pervious.

3               CHAIRMAN GESSIN:  And I guess the  
4       schedule, I guess, will have to be amended, this  
5       schedule.

6               MR. HULME:  Okay.

7               CHAIRMAN GESSIN:  This is going to be part  
8       of the official record.

9               MR. HULME:  If you -- hopefully, you'll  
10      take action today, subject to my providing a map  
11      that will --

12              CHAIRMAN GESSIN:  We'll see what they say.

13              MR. HULME:  Yeah.  No.  That's why I said  
14      hopefully.

15              MR. PROKOP:  The 23.5 that you're  
16      suggesting, is that -- how does that break down  
17      between the accessory and the --

18              CHAIRMAN GESSIN:  How does it break down  
19      between?

20              MR. PROKOP:  The house and the --

21              CHAIRMAN GESSIN:  Well, the house is -- I  
22      have to do it backwards.

23              MR. PROKOP:  Because they're at 22 with  
24      the house and --

25              CHAIRMAN GESSIN:  Yeah.

1 MR. HULME: I think the discussion last  
2 time was that if we agreed that the stairs were  
3 -- the goal was to get the lot coverage below  
4 23%; 23 1/2%? 23%. The house itself is at  
5 22.02. If the stairs count, we're above, we're  
6 at 24.3. But I think what was discussed last  
7 time is that if we agree to construct pervious  
8 steps, then -- stairs, then they don't count as  
9 part of the coverage. And so the variance we  
10 would be seeking would be for the house and the  
11 deck only, which we believe to be 22.02%, which  
12 is below 23 1/2.

13 CHAIRMAN GESSIN: Yeah. The house is  
14 1101.

15 MR. HULME: Right.

16 CHAIRMAN GESSIN: The covered portion of  
17 the -- the covered porch is 67.9. That will get  
18 you up to 1168.5.

19 MR. HULME: Right.

20 CHAIRMAN GESSIN: Which is 23.37.

21 MR. HULME: Oh, okay, there we go, 23.37,  
22 which is less than 23.5, which is --

23 CHAIRMAN GESSIN: A little bit, but it's  
24 less.

25 MR. HULME: Yes, which has been

1 established as the standard in the community.

2 CHAIRMAN GESSIN: And the 48 will be  
3 eliminated, because that would be the pervious  
4 stairs. I think that I did that right, right?

5 MR. SARETSKY: I think so.

6 MR. HULME: Okay. Do the -- does the --  
7 we still need the setback variance for the  
8 stairs? It's just a coverage thing.

9 CHAIRMAN GESSIN: What do think?

10 MR. PROKOP: It's still a structure.

11 CHAIRMAN GESSIN: We still do?

12 MR. HULME: Okay, so -- but, again, we've  
13 reduced the stairs to the minimum necessary.

14 CHAIRMAN GESSIN: Yup.

15 MR. HULME: And they extend only so far  
16 into the front yard --

17 CHAIRMAN GESSIN: Right.

18 MR. HULME: -- as they need to in order to  
19 have a 4-foot wide set of stairs.

20 CHAIRMAN GESSIN: Right. Just refresh my  
21 memory on the sanitary system. I believe Mike  
22 spoke about this last time, that it was not a  
23 concrete wall, and it only --

24 MR. HULME: And I think it's been  
25 confirmed to us that it can be.

1 MR. BURNER: Yes. It was confirmed to  
2 Nick Vero with a phone call to the Health  
3 Department.

4 CHAIRMAN GESSIN: Okay. And what's the  
5 maximum height.

6 MR. CASHIN: What was confirmed?

7 MR. BURNER: I'm sorry?

8 CHAIRMAN GESSIN: Maximum height.

9 MR. CASHIN: What was confirmed?

10 MR. HULME: That they can be rails instead  
11 of concrete, they can be wood railroad ties.

12 CHAIRMAN GESSIN: But what's the maximum  
13 height?

14 MR. BURNER: I think the -- I think they  
15 were talking about a foot-and-a-half, two feet.

16 CHAIRMAN GESSIN: Some of the railroad  
17 ties --

18 MR. CASHIN: Wood rails instead of  
19 concrete for the --

20 CHAIRMAN GESSIN: I actually don't know  
21 that, 7.6.

22 MR. SARETSKY: But he's saying that the  
23 architect spoke to --

24 MR. BURNER: I'm sorry?

25 MR. SARETSKY: You're saying the

1 architect, Nick Vero, spoke to the Health  
2 Department?

3 MR. BURNER: Yes.

4 MR. SARETSKY: And they represent that  
5 it's okay --

6 MR. HULME: Yes.

7 MR. SARETSKY: -- as railroad ties?

8 MR. HULME: Yes.

9 MR. BURNER: That's correct.

10 MR. HULME: And the top of the railroad  
11 tie is spec'd out at 7.6 feet, and it looks like  
12 the grade at the corner there, the lowest grade  
13 is 5.9.

14 MR. CASHIN: This is to go around the  
15 sanitation?

16 MR. HULME: Yeah.

17 MR. CASHIN: I thought that had to be  
18 concrete. Okay.

19 MR. HULME: Well, I mean, obviously, we  
20 got to go to the Health Department and get a  
21 permit, so we will certainly get -- we'll  
22 certainly --

23 MR. BURNER: Right.

24 MR. HULME: -- build whatever it is that  
25 they require us. Our architect spoke to one of

1 the engineers and they said that under the  
2 circumstance, the railroad tie --

3 MR. CASHIN: Is there something particular  
4 to this one that allows for that?

5 MR. HULME: I don't want to speak beyond  
6 my scope. All I know is that he asked them  
7 about railroad ties for this location, and it  
8 was indicated that that was fine. If we have to  
9 do a concrete wall, we'll have to do a concrete  
10 wall.

11 CHAIRMAN GESSIN: Yeah. I mean, our only  
12 issue is not the wall or the railroad ties,  
13 really just the landscaping that would be --  
14 that had been historically required by this  
15 Board around the wall.

16 What do you guys want to do about that,  
17 leave it alone, let them come back and visit it  
18 if it's over a certain height?

19 MR. HULME: Yeah. Right now, it looks  
20 like we're slightly over a foot-and-a-half at  
21 the maximum.

22 CHAIRMAN GESSIN: Yeah, that's what it  
23 looks like.

24 MR. HULME: Maximum height of the wall.

25 MR. SARETSKY: Or just make it consistent

1 with others that we've done, that we've provided  
2 variances for.

3 CHAIRMAN GESSIN: Yeah. We've never had  
4 one this low, though.

5 MR. MIZZI: Yeah. What I was saying, if  
6 it's literally a foot-and-a-half, I would think  
7 it's okay.

8 MR. HULME: It's going to look more like a  
9 garden bin --

10 MR. MIZZI: Yeah,

11 MR. HULME: -- I think, than a monolithic  
12 wall.

13 MR. MIZZI: I would say like if it's --  
14 maybe we'd make it provisional on being no  
15 greater than a foot-and-a-half.

16 MR. SARETSKY: No greater than a  
17 foot-and-a-half.

18 MR. MIZZI: Yeah.

19 MR. SARETSKY: And if it is --

20 MR. HULME: Are you okay with that, Mike?

21 MR. SARETSKY: -- then send us a  
22 landscape plan.

23 CHAIRMAN GESSIN: Okay.

24 MR. BURNER: I for one would be fine. If  
25 it's going to be more than a foot-and-a-half,



1 then we'll give you a landscape plan, and, you  
2 know, for your approval.

3 MR. HULME: And, for the record, who was  
4 speaking was Mike Burner, who is the Managing  
5 Member of the LLC. That's the applicant here.

6 I think that's it.

7 MR. PROKOP: Okay. The tax map number  
8 that you referred to in your writeup here is  
9 incorrect. Could you just confirm the correct  
10 tax map number, please?

11 MR. HULME: According to the survey, it's  
12 907-1-1-48.

13 MR. PROKOP: 1-48. And then the other  
14 thing is we're at a 5,000 square foot lot, and  
15 in your application you rely on 560-41A. And  
16 normally we -- normally there's a house  
17 existing, so we don't question this, but in this  
18 case there's no house there, right?

19 MR. HULME: No.

20 MR. PROKOP: So how do you  
21 have compliance? Could you just show us how you  
22 have compliance?

23 MR. HULME: A single and separate search  
24 that indicates that the -- that it's been in  
25 single and separate ownership since 1957.

1 MR. PROKOP: Okay. Can I see?

2 MR. HULME: You can have it.

3 MR. PROKOP: That's what we need. Thanks.

4 MR. HULME: And it follows that it's been  
5 in single and separate ownership since the  
6 Village itself came into existence.

7 MR. PROKOP: All right. So we need to  
8 keep this in the file.

9 CHAIRMAN GESSIN: Sure. Okay. So keep  
10 going? We're good?

11 MR. PROKOP: Yeah.

12 CHAIRMAN GESSIN: Okay.

13 MR. PROKOP: The way the statute is  
14 written, it's a little unusual. But as long as  
15 we have the single and separate, it's okay.

16 CHAIRMAN GESSIN: Okay, great. Okay,  
17 good. Is there anything else the Board has to  
18 say?

19 MR. CASHIN: I'm good.

20 CHAIRMAN GESSIN: Anybody in the audience?  
21 Anything you want to say, Mike?

22 MR. BURNER: I think it's an extremely  
23 nice project. It should be approved by this  
24 Board for the betterment of this community.

25 CHAIRMAN GESSIN: I think it would be,

1 yes, I agree.

2 MR. CASHIN: That's 50% of the audience.

3 CHAIRMAN GESSIN: Okay. So we have a few  
4 variances to vote on on this application. I  
5 guess we'll start with the front yard. Do we  
6 have it actually written up or no?

7 MS. SADELI: I do, but was it right, Joe?

8 MR. PROKOP: To have what written up?

9 MR. CASHIN: The variances, the individual  
10 variances.

11 MR. PROKOP: Yes. Yes. Do you want to  
12 see it?

13 CHAIRMAN GESSIN: No. Do you want --  
14 maybe we'll just read it right into the record  
15 at this point.

16 MR. PROKOP: It's a front -- so the first,  
17 the first variance that's requested is a front  
18 yard, at this point, a front yard setback  
19 variance of 20 feet.

20 CHAIRMAN GESSIN: Okay. Well, let's do  
21 them one at a time and we'll vote on them as we  
22 go; how's that?

23 MR. PROKOP: Okay.

24 CHAIRMAN GESSIN: Okay? So the first  
25 variance we're going to vote on is the front

1 yard --

2 MR. PROKOP: So the 20-foot front --  
3 20-foot front yard variance for a primary  
4 structure where a front yard setback of 60 feet  
5 is required, and the proposed front yard setback  
6 is 40 feet.

7 CHAIRMAN GESSIN: Okay. Would someone  
8 like to make a motion?

9 MR. SARETSKY: (Raised hand).

10 MR. PROKOP: Well, we're supposed to  
11 consider whether it's -- those five factors.

12 CHAIRMAN GESSIN: Okay.

13 MR. PROKOP: We could do them all. Does  
14 anybody have a comment as to whether the  
15 granting of this -- do you have the five?

16 CHAIRMAN GESSIN: No

17 MR. CASHIN: I think I do.

18 MR. MIZZI: I have a copy of it.

19 MR. PROKOP: Yeah, we could -- I have it.

20 CHAIRMAN GESSIN: You want to read it  
21 right in?

22 MR. MIZZI: No. I gave it to Joe.

23 MR. PROKOP: Thank you. So we'll just do  
24 it as a combined vote, if that's okay with  
25 everybody, since we're voting individually.

1           So whether an undesirable change will be  
2 produced in the character of the neighborhood,  
3 or a detriment to nearby properties, does  
4 anybody have a comment about that?

5                           (No Response)

6           MR. PROKOP: This is for the front yard  
7 variance we're talking about.

8           Whether the benefit sought by the  
9 applicant can be achieved by some method  
10 feasible for the applicant to pursue other than  
11 the front yard variance?

12           CHAIRMAN GESSIN: No comment.

13           MR. PROKOP: Whether the requested area  
14 variance is substantial, the front yard  
15 variance?

16                           (No Response)

17           MR. PROKOP: Whether the proposed variance  
18 will have an adverse effect on physical or  
19 environmental conditions in the neighborhood?

20           CHAIRMAN GESSIN: No comment.

21           MR. PROKOP: Okay. And then whether the  
22 alleged difficulty was self-created.

23           CHAIRMAN GESSIN: Any comments?

24           MR. SARETSKY: It sort of is, isn't it?

25           CHAIRMAN GESSIN: It always is.

1 MR. PROKOP: It doesn't -- this one, it  
2 actually says it's not consequential in the  
3 consideration of the variance.

4 MR. SARETSKY: All right.

5 CHAIRMAN GESSIN: That's true.

6 MR. PROKOP: Okay. So then the front --  
7 all the variances are variances being granted to  
8 a single family residential structure. So,  
9 therefore, it's a Type II Action for purposes of  
10 SEQRA, and no further SEQRA review is required.

11 So the vote now is a vote to approve -- we  
12 need a motion to approve a front yard variance  
13 of 20 feet for a primary structure where the  
14 required setback is 60 feet, and the proposed  
15 front yard setback is 40 feet.

16 CHAIRMAN GESSIN: Okay. Would someone  
17 like to make a motion?

18 MR. CASHIN: Sure, I'll make that motion

19 CHAIRMAN GESSIN: Okay. Second?

20 MR. SARETSKY: (Raised hand).

21 CHAIRMAN GESSIN: Okay. All vote in  
22 favor?

23 MR. CASHIN: Aye.

24 MR. MIZZI: Aye.

25 MR. SARETSKY: Aye.

1 CHAIRMAN GESSIN: Aye.

2 Okay. So the next one, I guess, is the  
3 accessory structure, the front stairs.

4 MR. PROKOP: There's front stairs, front  
5 yard setback variance of 24 feet, with a front  
6 stairs -- they have a required setback of 50  
7 feet and the setback that's proposed of 26 feet.

8 MR. HULME: Thirty-six feet.

9 MR. PROKOP: Thirty-six feet. So it's  
10 14 feet. So the front yard variance is 14 feet.  
11 Fourteen and 36 is 50, right? Yeah.

12 MR. HULME: Yes.

13 MR. PROKOP: Okay. That's good. Thanks.  
14 So it's -- with regard to the stair variance of  
15 14 feet, does anybody think it's going to have  
16 an undesirable change in the character of the  
17 neighborhood or detriment to nearby properties?

18 CHAIRMAN GESSIN: No.

19 MR. PROKOP: Whether the benefit sought by  
20 the applicant can be achieved by some other  
21 method?

22 CHAIRMAN GESSIN: No.

23 MR. PROKOP: Whether the required --  
24 whether the requested variance is substantial?

25 CHAIRMAN GESSIN: No.

1 MR. PROKOP: Whether the proposed variance  
2 will have an adverse impact or effect on the  
3 physical or environmental conditions in the  
4 neighborhood?

5 CHAIRMAN GESSIN: No

6 MR. SARETSKY: No.

7 MR. PROKOP: Whether the alleged  
8 difficulty was self-created?

9 CHAIRMAN GESSIN: No.

10 MR. PROKOP: Okay. So now we're -- the  
11 motion would be a motion to approve a front yard  
12 setback variance of 14 feet.

13 CHAIRMAN GESSIN: Second?

14 MR. SARETSKY: (Raised hand).

15 CHAIRMAN GESSIN: Okay. All in favor?

16 MR. CASHIN: Aye.

17 MR. MIZZI: Aye.

18 MR. SARETSKY: Aye.

19 CHAIRMAN GESSIN: Aye.

20 MR. PROKOP: Okay. The third variance is  
21 a rear yard setback variance of 11 feet for the  
22 primary structure, where a rear yard setback of  
23 30 feet is required under the three-tenths  
24 reduction of the rear yard, and the proposed  
25 rear yard setback is 19 feet. So it's an



1 11-foot rear yard variance.

2 Does anybody think that there'll be an  
3 undesirable change in the character of the  
4 neighborhood or a detriment to nearby  
5 properties?

6 CHAIRMAN GESSIN: No.

7 MR. MIZZI: For the rear yard variance?

8 MR. PROKOP: For the rear yard variance.

9 CHAIRMAN GESSIN: No.

10 MR. MIZZI: No.

11 MR. PROKOP: Does anybody think that the  
12 benefit sought by the applicant can be achieved  
13 by some other method?

14 CHAIRMAN GESSIN: No.

15 MR. PROKOP: Whether the proposed variance  
16 is substantial?

17 CHAIRMAN GESSIN: No.

18 MR. SARETSKY: No.

19 MR. PROKOP: Whether the proposed variance  
20 will have an adverse impact or effect on the  
21 physical or environmental conditions in the  
22 neighborhood?

23 CHAIRMAN GESSIN: No.

24 MR. SARETSKY: No.

25 MR. PROKOP: And then, finally, whether

1 the alleged difficulty is self-created?

2 CHAIRMAN GESSIN: No.

3 MR. PROKOP: Okay. And so the motion is a  
4 motion to approve a rear yard setback variance  
5 of 11 feet.

6 MR. CASHIN: I make a motion.

7 MR. SARETSKY: Second.

8 CHAIRMAN GESSIN: All vote in favor?

9 MR. CASHIN: Aye.

10 MR. MIZZI: Aye.

11 MR. SARETSKY: Aye.

12 CHAIRMAN GESSIN: Aye.

13 MR. PROKOP: Okay. The final variance is  
14 the maximum is a lot -- maximum lot coverage  
15 variance of 3.3 feet for the main --

16 MR. HULME: 3.37.

17 MR. PROKOP: Excuse me, 3.3%.

18 MR. HULME: Three-seven, actually, 3.37.

19 CHAIRMAN GESSIN: 3.37.

20 MR. PROKOP: Three-seven, okay.

21 MR. HULME: Yes.

22 MR. PROKOP: 3.37, which is 2.02% for the  
23 main structure and 1.05 -- no, one point -- what  
24 does it work out to? It's 2.02% for the main  
25 structure, which is 1.68% for the deck.

1 MR. HULME: Covered deck.

2 CHAIRMAN GESSIN: The covered porch.

3 MR. PROKOP: Covered porch.

4 CHAIRMAN GESSIN: Is that what it's  
5 called?

6 MR. HULME: Yes.

7 MR. PROKOP: And where the required --  
8 where the provided maximum lot coverage is 20%  
9 and the proposed lot coverage total is 3.7% --  
10 is 23.7%.

11 Does anybody think that the --

12 MR. HULME: 23.37%.

13 MR. PROKOP: What's -- so it's 23.37.

14 MR. HULME: Point three seven, right.

15 MR. PROKOP: 23.37.

16 MR. HULME: I'll take the 23.7.

17 MR. PROKOP: Excuse me. Does anybody  
18 think that the -- a maximum lot coverage  
19 variance of 3.37% will have an undesirable  
20 change in the character of the neighborhood or a  
21 detriment to nearby properties?

22 CHAIRMAN GESSIN: No.

23 MR. PROKOP: Does anybody think the  
24 granting of a maximum lot coverage variance of  
25 3.37% -- excuse me. Whether the benefit sought

1 by the applicant in the maximum lot coverage  
2 variance can be achieved by some other method?

3 CHAIRMAN GESSIN: No.

4 MR. PROKOP: Does anybody think that the  
5 requested lot coverage variance is substantial?

6 CHAIRMAN GESSIN: No.

7 MR. PROKOP: Does anybody think that the  
8 proposed lot coverage variance of 3.37% will  
9 have an adverse effect or impact on the physical  
10 or environmental conditions of the neighborhood?

11 CHAIRMAN GESSIN: No.

12 MR. PROKOP: And whether the alleged  
13 difficulty is self-created?

14 CHAIRMAN GESSIN: No.

15 MR. PROKOP: Okay. Does -- so the motion  
16 would be a motion to approve a maximum lot  
17 coverage variance of 3.37%.

18 CHAIRMAN GESSIN: Right, for a total of  
19 23.37. Would somebody like to make a motion?

20 MR. CASHIN: Motion.

21 CHAIRMAN GESSIN: Second?

22 MR. SARETSKY: Second.

23 CHAIRMAN GESSIN: All in favor?

24 MR. CASHIN: Aye.

25 MR. MIZZI: Aye.

1 MR. SARETSKY: Aye.

2 CHAIRMAN GESSIN: Aye.

3 Okay. And, of course, it's conditioned on  
4 correcting the site plan to reflect the 1,168.5  
5 total coverage for a percentage of 23.37, and to  
6 correct the plan to show the steps, entry stairs  
7 as pervious.

8 MR. HULME: Okay, we'll do that.

9 MR. MIZZI: You're going to make it about  
10 the wall?

11 CHAIRMAN GESSIN: And that the wall, the  
12 height of the wall will not exceed 18 inches, or  
13 the applicant will be required to come back to  
14 the Board with a landscape plan.

15 MR. HULME: Okay.

16 CHAIRMAN GESSIN: Anything else we left  
17 out?

18 MR. CASHIN: Is that wall height dictated  
19 by the Health Department?

20 CHAIRMAN GESSIN: Yeah.

21 MR. SARETSKY: Yeah. Well, I think it's  
22 dictated by the performance of the tanks.

23 CHAIRMAN GESSIN: Amount of sand, the  
24 height and the sand.

25 MR. MIZZI: And the elevation of the water

1 from the property.

2 MR. HULME: And we believe that what's  
3 shown on the survey is what they will approve,  
4 so it shouldn't -- we're not expecting that it  
5 should change, but if it does --

6 CHAIRMAN GESSIN: Right.

7 MR. HULME: -- and it gets taller, we'll  
8 have to come back.

9 MR. CASHIN: And then you're going to  
10 verify that you can use railroad ties?

11 MR. HULME: Yes.

12 MR. CASHIN: That doesn't make sense to  
13 me, because, you know, water gets through  
14 everything.

15 MR. HULME: Well, then we won't get a  
16 permit if the Health Department says no to it.

17 CHAIRMAN GESSIN: They won't get approved,  
18 that's all.

19 MR. HULME: So we can't tell them, "Well,  
20 these guys were fine with it, you know, so it's  
21 okay." They're going to do what they're going  
22 to do and that will be it.

23 CHAIRMAN GESSIN: Okay. So I'd like to  
24 make a motion to close.

25 MR. PROKOP: Can we do one other thing?

1           CHAIRMAN GESSIN: Yeah, sure.

2           MR. PROKOP: So what I did was I prepared  
3 two resolutions for today, one granting the  
4 application. And I'm going to hand out this, if  
5 that's okay. This is more or less a draft,  
6 because there was one or two minor changes that  
7 occurred. And then there's going to be  
8 conditions that will be added at the end.

9           It will be -- the actual vote will be put  
10 in here, inserted. And I had this as a one vote  
11 on all the variances, but it will be individual  
12 votes, and I have the voting people.

13          CHAIRMAN GESSIN: Okay.

14          MS. SADELI: Thank you.

15          MR. PROKOP: So the -- I will add the  
16 three conditions at the end. The site plan has  
17 to be corrected to reflect 23.37%. The --  
18 number two is the stairs have to be shown as  
19 pervious; and three, that the height of the wall  
20 will not exceed 18 inches, or the applicant has  
21 to come back to the ZBA.

22          CHAIRMAN GESSIN: Right.

23          MR. PROKOP: Those three conditions. So  
24 with those three conditions, can I ask the Board  
25 to approve this resolution, and that we will

1 make this the written decision?

2 CHAIRMAN GESSIN: So we have to actually  
3 make a vote on that?

4 MR. PROKOP: Yes. Otherwise, it will --  
5 otherwise, it will carry over to the next  
6 meeting.

7 CHAIRMAN GESSIN: Right. Just on the site  
8 plan, there has -- they have to correct the  
9 square footage, too, 1168.5.

10 MR. PROKOP: I'm sorry. Correct?

11 CHAIRMAN GESSIN: 1168.5.

12 MR. PROKOP: 1168 point --

13 CHAIRMAN GESSIN: Five. That's the  
14 maximum, which is 23.37, which you had already.

15 MR. PROKOP: Okay. What I'll do is  
16 I'll -- if it's okay with everybody, I'll make  
17 these changes, and then I'll circulate it before  
18 it becomes the official --

19 CHAIRMAN GESSIN: Okay.

20 MR. PROKOP: -- decision, if that's okay.

21 CHAIRMAN GESSIN: Sure.

22 MR. PROKOP: See, otherwise, it carries  
23 over. If we can more approve in this --

24 MR. MIZZI: Yeah.

25 MR. PROKOP: At least in this form,



1 otherwise, it carries over to the next month.

2 MR. MIZZI: We get it.

3 CHAIRMAN GESSIN: Yeah, we're okay with it  
4 this way.

5 MR. PROKOP: Okay.

6 CHAIRMAN GESSIN: Okay.

7 MR. HULME: Thanks.

8 CHAIRMAN GESSIN: So would someone like to  
9 make a motion to approve the Findings and  
10 Determination and Decision of this hearing?

11 MR. CASHIN: I'll make a motion.

12 CHAIRMAN GESSIN: Can I have a second?

13 MR. SARETSKY: (Raised hand).

14 CHAIRMAN GESSIN: Okay. All vote in favor  
15 of approving it?

16 MR. CASHIN: Aye.

17 MR. MIZZI: Aye.

18 MR. SARETSKY: Aye.

19 CHAIRMAN GESSIN: Aye.

20 It's approved. Thank you.

21 (Whereupon, the meeting was adjourned at  
22 10:41 a.m.)

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C E R T I F I C A T I O N

STATE OF NEW YORK )

SS:

COUNTY OF SUFFOLK )

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on March 4, 2017.

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 18th day of March, 2017.

*Lucia Braaten*  
\_\_\_\_\_  
Lucia Braaten