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

Flynn Stenography & Transcription Service
(631) 727-1107
(Whereupon, the meeting was called to
order at 10:05 a.m. after the Pledge of
Allegiance.)

CHAIRMAN GESSIN: This is the Westhampton
The first item on -- only item on the
agenda is -- what name is this under?

MR. HULME: 13 Dune Lane.

MS. SADELI: 13 Dune Lane, LLC.

CHAIRMAN GESSIN: 13 Dune Lane.

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

CHAIRMAN GESSIN: A continuation of the
last hearing.

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

(Mr. Prokop entered the meeting)

MS. SADELI: Oh.

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

MR. HULME: Since the last hearing, we
submitted a new survey, as well as a lighting
plan. I wanted to go over real quickly the
changes shown on the survey.
As you recall, when this case was originally constituted, there were four variances. They remain the same four variances based on this new plan, but they've changed in scale and scope.

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

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

Since the front yard setback request --

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

CHAIRMAN GESSIN: That's okay.

MR. PROKOP: -- before I came. I'm sorry that I'm late. I couldn't -- I was stuck.
CHAIRMAN GESSIN: We only started a minute before you walked in.

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

MR. HULME: The requirement is what, 50?

MR. PROKOP: Sixty.

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

MR. PROKOP: Okay.

MR. HULME: Okay. And then --

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

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

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

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

MR. HULME: Yes. Right, yes.

CHAIRMAN GESSIN: What you're showing
MR. PROKOP: So you need a 20-foot variance.

MR. HULME: Yes. And for the --

MR. PROKOP: Okay, good.

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

CHAIRMAN GESSIN: Twenty-four foot.

MR. HULME: Twenty-four foot variance.

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

CHAIRMAN GESSIN: Right.

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

MR. PROKOP: Thirty.

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

MR. PROKOP: Okay. So we got that.

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

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

MR. HULME: It's 24.3 now, because we --
MR. PROKOP: So you're looking for 4.3?
MR. HULME: Yes. And so we redesigned the staircase, which is what caused that number to go down.
MR. PROKOP: And so it's still 2.02% for the main structure?
MR. HULME: 22.02 is the main structure.
MR. PROKOP: Okay. So the variance for the main structure is two -- excuse me, 2.02?
MR. HULME: Yes.
MR. PROKOP: I just have a question about the -- I don't mean to interrupt your presentation.
MR. HULME: No, go ahead.
MR. PROKOP: I'm sorry, but I might as well ask it now. So the -- it's a 5,000 square foot lot?
MR. HULME: Yup.
MR. PROKOP: So how did you calculate the -- so 20% is 1,000 square feet, right? So is that what's you're at?
MR. HULME: Yes -- no, we're at -- the total coverage is twelve -- 1,216.9 square feet, is what -- is what we're at.
MR. PROKOP: Okay. And that's --
MR. HULME: Of which --

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

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

MR. PROKOP: Okay, that's fine.

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

MR. PROKOP: How much is the staircase?

MR. HULME: 115.9.

MR. PROKOP: Okay.

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

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

MR. HULME: Oh, I'm sorry.

CHAIRMAN GESSIN: Yeah, I did the math.

The stair is only 48.

MR. HULME: Okay, all right.

MR. PROKOP: The stairs are 48?

CHAIRMAN GESSIN: Yeah.

MR. HULME: Okay.

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

MR. HULME: Okay. And does that come out
to 22.02?

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

MR. HULME: Okay.

CHAIRMAN GESSIN: But that's the real number.

MR. HULME: Okay.

CHAIRMAN GESSIN: Okay?

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

CHAIRMAN GESSIN: The rest of the houses.

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

CHAIRMAN GESSIN: Right.

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

CHAIRMAN GESSIN: Okay.

MR. HULME: We submitted a lighting plan yesterday. I don't know if you had a chance to look at it. It shows nine lights in various locations, and the specs for the -- the only -- the form of the light is on there, and it's direct down lighting, so.
CHAIRMAN GESSIN: Just like the moon ones.

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

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

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

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

MR. HULME: Right.

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

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

CHAIRMAN GESSIN: Okay.

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

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

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

CHAIRMAN GESSIN: That's what they will be,
okay.

MR. HULME: -- will be pervious.

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

MR. HULME: Okay.

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

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

CHAIRMAN GESSIN: We'll see what they say.


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

CHAIRMAN GESSIN: How does it break down between?

MR. PROKOP: The house and the --

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

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

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

CHAIRMAN GESSIN: Yeah. The house is
1101.

MR. HULME: Right.

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

MR. HULME: Right.

CHAIRMAN GESSIN: Which is 23.37.

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

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

MR. HULME: Yes, which has been
established as the standard in the community.

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

MR. SARETSKY: I think so.

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

CHAIRMAN GESSIN: What do think?

MR. PROKOP: It's still a structure.

CHAIRMAN GESSIN: We still do?

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

CHAIRMAN GESSIN: Yup.

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

CHAIRMAN GESSIN: Right.

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

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

MR. HULME: And I think it's been
confirmed to us that it can be.
MR. BURNER: Yes. It was confirmed to Nick Vero with a phone call to the Health Department.

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

MR. CASHIN: What was confirmed?

MR. BURNER: I'm sorry?

CHAIRMAN GESSIN: Maximum height.

MR. CASHIN: What was confirmed?

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

CHAIRMAN GESSIN: But what's the maximum height?

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

CHAIRMAN GESSIN: Some of the railroad ties --

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

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

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

MR. BURNER: I'm sorry?

MR. SARETSKY: You're saying the

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architect, Nick Vero, spoke to the Health Department?

MR. BURNER: Yes.

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

MR. HULME: Yes.

MR. SARETSKY: -- as railroad ties?

MR. HULME: Yes.

MR. BURNER: That's correct.

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

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

MR. HULME: Yeah.

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

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

MR. BURNER: Right.

MR. HULME: -- build whatever it is that they require us. Our architect spoke to one of
the engineers and they said that under the

circumstance, the railroad tie --

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

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

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

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

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

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

MR. HULME: Maximum height of the wall.

MR. SARETSKY: Or just make it consistent
with others that we've done, that we've provided
variances for.

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

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

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

MR. MIZZI: Yeah,

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

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

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

MR. MIZZI: Yeah.

MR. SARETSKY: And if it is --

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

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

CHAIRMAN GESSIN: Okay.

MR. BURNER: I for one would be fine. If
it's going to be more than a foot-and-a-half,
then we'll give you a landscape plan, and, you
know, for your approval.

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

I think that's it.

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

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

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

MR. HULME: No.

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

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

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MR. PROKOP: Okay. Can I see?

MR. HULME: You can have it.

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

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

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

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

MR. PROKOP: Yeah.

CHAIRMAN GESSIN: Okay.

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

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

MR. CASHIN: I'm good.

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

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

CHAIRMAN GESSIN: I think it would be,
yes, I agree.

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

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

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

MR. PROKOP: To have what written up?

MR. CASHIN: The variances, the individual variances.

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

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

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

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

MR. PROKOP: Okay.

CHAIRMAN GESSIN: Okay? So the first variance we're going to vote on is the front yard...
MR. PROKOP: So the 20-foot front -- 20-foot front yard variance for a primary structure where a front yard setback of 60 feet is required, and the proposed front yard setback is 40 feet.

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

MR. SARETSKY: (Raised hand).

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

CHAIRMAN GESSIN: Okay.

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

CHAIRMAN GESSIN: No

MR. CASHIN: I think I do.

MR. MIZZI: I have a copy of it.

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

CHAIRMAN GESSIN: You want to read it right in?

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

MR. PROKOP: Thank you. So we'll just do it as a combined vote, if that's okay with everybody, since we're voting individually.
So whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties, does anybody have a comment about that?

(No Response)

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

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

CHAIRMAN GESSIN: No comment.

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

(No Response)

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

CHAIRMAN GESSIN: No comment.

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

CHAIRMAN GESSIN: Any comments?

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

CHAIRMAN GESSIN: It always is.
MR. PROKOP: It doesn't -- this one, it actually says it's not consequential in the consideration of the variance.

MR. SARETSKY: All right.

CHAIRMAN GESSIN: That's true.

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

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

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

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

CHAIRMAN GESSIN: Okay. Second?

MR. SARETSKY: (Raised hand).

CHAIRMAN GESSIN: Okay. All vote in favor?

MR. CASHIN: Aye.

MR. MIZZI: Aye.

MR. SARETSKY: Aye.
CHAIRMAN GESSIN: Aye.

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

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

MR. HULME: Thirty-six feet.

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

MR. HULME: Yes.

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

CHAIRMAN GESSIN: No.

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

CHAIRMAN GESSIN: No.

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

CHAIRMAN GESSIN: No.
MR. PROKOP: Whether the proposed variance will have an adverse impact or effect on the physical or environmental conditions in the neighborhood?

CHAIRMAN GESSIN: No

MR. SARETSKY: No.

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

CHAIRMAN GESSIN: No.

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

CHAIRMAN GESSIN: Second?

MR. SARETSKY: (Raised hand).

CHAIRMAN GESSIN: Okay. All in favor?

MR. CASHIN: Aye.

MR. MIZZI: Aye.

MR. SARETSKY: Aye.

CHAIRMAN GESSIN: Aye.

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

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

CHAIRMAN GESSIN: No.

MR. MIZZI: For the rear yard variance?

MR. PROKOP: For the rear yard variance.

CHAIRMAN GESSIN: No.

MR. MIZZI: No.

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

CHAIRMAN GESSIN: No.

MR. PROKOP: Whether the proposed variance is substantial?

CHAIRMAN GESSIN: No.

MR. SARETSKY: No.

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

CHAIRMAN GESSIN: No.

MR. SARETSKY: No.

MR. PROKOP: And then, finally, whether
the alleged difficulty is self-created?

CHAIRMAN GESSIN: No.

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

MR. CASHIN: I make a motion.

MR. SARETSKY: Second.

CHAIRMAN GESSIN: All vote in favor?

MR. CASHIN: Aye.

MR. MIZZI: Aye.

MR. SARETSKY: Aye.

CHAIRMAN GESSIN: Aye.

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

MR. HULME: 3.37.

MR. PROKOP: Excuse me, 3.3%.

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

CHAIRMAN GESSIN: 3.37.

MR. PROKOP: Three-seven, okay.

MR. HULME: Yes.

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

CHAIRMAN GESSIN: The covered porch.

MR. PROKOP: Covered porch.

CHAIRMAN GESSIN: Is that what it's called?

MR. HULME: Yes.

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

Does anybody think that the --

MR. HULME: 23.37%.

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

MR. HULME: Point three seven, right.

MR. PROKOP: 23.37.

MR. HULME: I'll take the 23.7.

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

CHAIRMAN GESSIN: No.

MR. PROKOP: Does anybody think the granting of a maximum lot coverage variance of 3.37% -- excuse me. Whether the benefit sought
by the applicant in the maximum lot coverage variance can be achieved by some other method?

CHAIRMAN GESSIN: No.

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

CHAIRMAN GESSIN: No.

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

CHAIRMAN GESSIN: No.

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

CHAIRMAN GESSIN: No.

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

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

MR. CASHIN: Motion.

CHAIRMAN GESSIN: Second?

MR. SARETSKY: Second.

CHAIRMAN GESSIN: All in favor?

MR. CASHIN: Aye.

MR. MIZZI: Aye.
MR. SARETSKY: Aye.

CHAIRMAN GESSIN: Aye.

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

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

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

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

MR. HULME: Okay.

CHAIRMAN GESSIN: Anything else we left out?

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

CHAIRMAN GESSIN: Yeah.

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

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

MR. MIZZI: And the elevation of the water
from the property.

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

CHAIRMAN GESSIN: Right.

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

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

MR. HULME: Yes.

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

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

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

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

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

MR. PROKOP: Can we do one other thing?
CHAIRMAN GESSIN: Yeah, sure.

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

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

CHAIRMAN GESSIN: Okay.

MS. SADELI: Thank you.

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

CHAIRMAN GESSIN: Right.

MR. PROKOP: Those three conditions. So with those three conditions, can I ask the Board to approve this resolution, and that we will
make this the written decision?

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

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

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

MR. PROKOP: I'm sorry. Correct?

CHAIRMAN GESSIN: 1168.5.

MR. PROKOP: 1168 point --

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

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

CHAIRMAN GESSIN: Okay.

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

CHAIRMAN GESSIN: Sure.

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

MR. MIZZI: Yeah.

MR. PROKOP: At least in this form,
otherwise, it carries over to the next month.

MR. MIZZI: We get it.
CHAIRMAN GESSIN: Yeah, we're okay with it this way.

MR. PROKOP: Okay.
CHAIRMAN GESSIN: Okay.
MR. HULME: Thanks.
CHAIRMAN GESSIN: So would someone like to make a motion to approve the Findings and Determination and Decision of this hearing?

MR. CASHIN: I'll make a motion.
CHAIRMAN GESSIN: Can I have a second?
MR. SARETSKY: (Raised hand).
CHAIRMAN GESSIN: Okay. All vote in favor of approving it?

MR. CASHIN: Aye.
MR. MIZZI: Aye.
MR. SARETSKY: Aye.
CHAIRMAN GESSIN: Aye.

It's approved. Thank you.

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

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