

INCORPORATED VILLAGE OF WEST HAMPTON DUNES
ZONING BOARD OF APPEALS

May 5, 2018

10:00 a.m.

Meeting held at
906 Dune Road, West Hampton Dunes, New York

APPEARANCES:

Harvey Gessin - Chairman

Joseph Mizzi - Member

Eric Saretsky - Member

Kenneth W. Siegel - Member

Joseph Prokop - Village Attorney

Angela Sadeli - Village Clerk

Aram Terchunian - Commissioner of Wildlife
Protection

I N D E X

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APPLICATIONS:

Page

846 Dunes, LLC 3-71

SCTM #0907-02-04

846 Dune Road

West Hampton Dunes, NY

Robert and Christina Young 72-107

SCTM #0907-02-02-17

812 Dune Road

West Hampton Dunes, NY

Kathleen Rollin and Robert Terzi 107-118

SCTM #907-1-1-37

12 Dune Lane

West Hampton Dunes, NY

1 (The meeting was called to order after the
2 Pledge of Allegiance at 10:11 a.m.)

3 CHAIRMAN GESSIN: I'd like to call to order
4 a meeting of the West Hampton Dunes Zoning Board.
5 Do I need a second on that, Joe?

6 MR. PROKOP: No.

7 CHAIRMAN GESSIN: Okay. The first
8 application that we're going to hear is the Weber
9 application.

10 MR. HULME: Good morning.

11 CHAIRMAN GESSIN: Hi.

12 MR. HULME: For the applicant, James N.
13 Hulme, 323 Mill Road, Westhampton Beach -- Wesh?
14 Westhampton Beach, New York.

15 (Laughter)

16 MS. SADELI: Also known as.

17 MR. HULME: Also known as. Well, good to
18 see you all.

19 This, you've characterized it as the Weber
20 application.

21 CHAIRMAN GESSIN: Yeah, we understand it's
22 changed.

23 MR. HULME: The ownership about a month ago
24 changed hands from Ray Weber to 846 Dunes, LLC.
25 We provided an updated application to the Village

1 reflecting that. And Mr. Freedman, who's the
2 managing member of 846 Dunes, LLC is present here
3 today. But in -- at least from our perspective,
4 and I'll handle this any way you'd like, but this
5 is really just a continuing hearing --

6 CHAIRMAN GESSIN: Correct.

7 MR. HULME: -- on all of the effort and all
8 the information that we've provided in the past.

9 But just to recap real quickly, the property
10 is located at 846 Dune Road. It contains two
11 single family residences. The Village Building
12 Inspector a number of years ago issued separate
13 COs for those, so they are both deemed separate
14 single family residences. We're seeking to
15 subdivide the property in half.

16 As we walked about in the past, at least
17 from my perspective, one of the overarching goals
18 of zoning at all is to compel or to bring
19 compliance with the zoning regulations. This is a
20 residential zone, as it's a residential zone that
21 requires one house per lot. We have a preexisting
22 situation of two houses per lot, and we're trying
23 to get back to the more zoning-favored condition
24 of one house per lot.

25 In order to get that subdivision, we require

1 a number of variances, nine or ten in total,
2 depending on something that we'll talk about in a
3 minute. Of the variances being sought, which
4 range from lot area to lot width, side yard relief
5 and things like that, there's only two of them
6 that are really real new variances. The other
7 variances we're seeking, although they're
8 technically required, are either existing
9 conditions, for example, if you look at Lot 2, I
10 think it's Lot 2, the bay lot, it is currently --
11 Lot 2, it's currently approximately 75 feet wide,
12 and it will remain 75 feet wide, but technically
13 it still deviates from the requirement.

14 So a number of -- a number of the variances
15 we are seeking are related to existing conditions
16 that are not changed or altered by the variance.
17 And then other than the two lot area variances,
18 the other variances that we're seeking are all
19 really internal to the lot. They impact each
20 other, but, arguably, they don't impact anybody
21 else.

22 Now the one question is I think we finally
23 got it right. We submitted a pyramid calculation
24 which shows the pyramid line does slice off a
25 little bit of the very upper story of the roof,

1 and to the extent that that is something more than
2 de minimus and would require a variance, we would
3 obviously ask for that relief, or a finding by the
4 Board that no relief for that was required.

5 Now, when we last left off, we were, I
6 believe, my notes --

7 MR. PROKOP: Is that for a new house or is
8 that for the existing house?

9 MR. HULME: That's for the existing house.

10 MR. PROKOP: Is it created -- what is -- is
11 it created because of the subdivision?

12 MR. HULME: Yes. It -- because the --
13 because of the flagpole for the -- because of the
14 proposed flagpole for the Lot No. 2, the property
15 line moves in --

16 MR. PROKOP: Oh, right, okay.

17 MR. HULME: -- twelve feet. If we had an
18 11 1/2 foot wide flagpole --

19 MR. PROKOP: Okay, thanks.

20 MR. HULME: -- we would need no relief.
21 But, again, that's internal impact. It impacts
22 us, it doesn't impact -- the practical impact of
23 it is only on us and not on anybody else.

24 I believe we were last here on September 9th,
25 if my notes properly reflect that. And at the

1 point we stopped, we were in the midst of, I
2 think, a variance-by-variance SEQRA determination,
3 if --

4 MR. PROKOP: We stopped the hearing. We
5 adjourned -- we stopped the meeting. We adjourned
6 to get an updated survey.

7 MR. HULME: Yes, which --

8 MR. PROKOP: And the water, the mean high
9 water line, and also I think the wetlands.

10 MR. HULME: There was a list of 10 items,
11 which I believe we provided in the most current
12 version.

13 MR. PROKOP: Is that the -- that's the
14 Wednesday survey?

15 MR. HULME: That's the Wednesday survey,
16 yes.

17 MR. PROKOP: Do we have all -- does
18 everybody have a copy? So the most recent survey
19 is from Wednesday.

20 CHAIRMAN GESSIN: Oh, I don't -- I don't
21 know what I have.

22 MR. HULME: Okay. It's not a small one,
23 it's a big one.

24 CHAIRMAN GESSIN: Oh, I don't have it.

25 MS. SADELI: Did you give it back to me the

1 other day?

2 CHAIRMAN GESSIN: Say again.

3 MS. SADELI: The one that you -- did you
4 leave it in Aram's office?

5 CHAIRMAN GESSIN: Did you give those to me?

6 MS. SADELI: Yeah, those two were for you.

7 CHAIRMAN GESSIN: Oh.

8 MR. SARETSKY: April 23rd. Is that dated?

9 MS. SADELI: No, those were the ones that
10 were in the --

11 MR. SARETSKY: I thought that was part of
12 the one we got.

13 MS. SADELI: Yes.

14 MR. FREEDMAN: It's the good one.

15 MR. HULME: Yes. Yes, that's the correct
16 one. Prior to April 23rd. Yeah, if it says April
17 23rd, that's --

18 MR. PROKOP: Okay. Okay, thanks.

19 MR. HULME: Now --

20 CHAIRMAN GESSIN: And what's the difference
21 between these two?

22 MR. HULME: According to the surveyor, the
23 subdivision map, map name, and the actual lot
24 coverage calculation.

25 MR. SIEGEL: Subdivision map name?

1 MR. HULME: Name and --

2 MR. SIEGEL: Which is where? Where is the
3 name?

4 MR. HULME: Up at the top.

5 MR. SIEGEL: It says subdivision map?

6 MR. HULME: Yeah. The smaller version of
7 the map said Ray Weber still, and that now says
8 that. And I'm not sure how it changed, but there
9 was --

10 MR. SIEGEL: Lot coverage.

11 MR. HULME: Lot coverage. But no matter how
12 he calculated it, we're way under the required lot
13 coverage.

14 But just to finish this SEQRA thought for a
15 minute, because I think you were in the midst of
16 voting and analyzing, and in the interest of
17 making that aspect of it, if and as and when we
18 get to it, it may be a little easier.

19 I took a minute to look at the SEQRA
20 regulations, and under the Type II Action, which
21 requires no further deliberation or consideration,
22 under a Type II Action is the granting of
23 individual setback and lot line variances, and the
24 granting of area variances for single two-family
25 or three-family residences. So we're not seeking

1 anything other than that. So I would suggest that
2 this is a Type II Action, and, therefore, doesn't
3 -- SEQRA doesn't need any further attention.

4 And with that, I'll be happy to answer any
5 further questions.

6 CHAIRMAN GESSIN: On the -- along the
7 average debris line, is that the wetland line?

8 MR. HULME: Yes, yes. I went there and
9 looked at it myself. I believe -- I was hoping
10 that Aram was going to be here. I spoke to him
11 yesterday about this and he indicated that that
12 was the case.

13 CHAIRMAN GESSIN: Okay.

14 MR. SIEGEL: Which line did you just refer
15 to on this?

16 MR. HULME: On the --

17 CHAIRMAN GESSIN: The rear property line.

18 MR. SIEGEL: Tide line.

19 MR. HULME: Along average debris line.

20 CHAIRMAN GESSIN: Whether that's the wetland
21 or not.

22 MR. SIEGEL: Along average debris line.

23 MR. HULME: My understanding that that's
24 what that is. I mean, if you -- you know, if we
25 get to the point where we can close the hearing

1 today --

2 CHAIRMAN GESSIN: We should correct it.

3 MR. HULME: I'll be happy to call the
4 surveyor tomorrow and get him to changed the
5 words.

6 CHAIRMAN GESSIN: All right.

7 MR. PROKOP: I thought he flagged it, so I
8 don't know why -- I don't know if he would have
9 flagged the wetland -- the water line.

10 MR. SIEGEL: Tide line along average debris
11 line.

12 MR. HULME: What I think he was saying, I
13 think what Aram concluded was that they were one
14 and the same.

15 MR. SIEGEL: Is there a -- what does tide
16 line mean? Is that -- is there a wall there?

17 MR. HULME: No, that's just a --

18 CHAIRMAN GESSIN: No.

19 MR. HULME: That's just a deed thing. You
20 got to -- you know, in order to --

21 CHAIRMAN GESSIN: You have to close.

22 MR. HULME: In order to close the square,
23 you need to go from one to the other. And this
24 approximates the shoreline, but it's -- he's
25 referred to as a tide line, just so that the west,

1 northwest corner and the northeast corner connect
2 on his map.

3 CHAIRMAN GESSIN: Correct. On your --

4 MR. HULME: There is no wall there as of --
5 I was there this morning, so as of this morning
6 there was no wall.

7 CHAIRMAN GESSIN: Yeah. On your picture of
8 the -- with the -- of the house with pyramid
9 code --

10 MR. HULME: Yeah.

11 CHAIRMAN GESSIN: -- do you -- I believe
12 this house had a flat ceiling.

13 MR. MIZZI: Yes.

14 CHAIRMAN GESSIN: It has a flat roof, but I
15 mean --

16 MR. HULME: Yeah.

17 CHAIRMAN GESSIN: -- I assume it has a flat
18 ceiling.

19 MR. FREEDMAN: This is my Architect, Brad --

20 MR. HULME: Oh, sorry, yes.

21 MR. FREEDMAN: -- so he could answer some
22 questions, too.

23 CHAIRMAN GESSIN: Could you tell me where
24 the ceiling is?

25 MR. HULME: Relative to the roof line?

1 CHAIRMAN GESSIN: Yeah.

2 MR. HULME: Hopefully. If you could give
3 your name and address to the stenographer.

4 MR. BERNSTEIN: Brad Bernstein, 1201
5 Smithbridge Road, Chadds Ford, that's C-H-A-D-D-S,
6 Ford, Pennsylvania, 19317.

7 MR. HULME: And he's our architect. And you
8 understand the question? Did you hear the
9 question?

10 MR. SIEGEL: You didn't come all the way
11 from Pennsylvania for this.

12 MR. BERNSTEIN: No. I built a couple of
13 houses out here already.

14 MR. SIEGEL: Oh, nice.

15 MR. BERNSTEIN: And I'm a New York boy
16 before moving down to Philadelphia.

17 CHAIRMAN GESSIN: Could you tell me where
18 the ceiling is in the house?

19 MR. BERNSTEIN: In the front house?

20 MR. HULME: The front house, yes.

21 CHAIRMAN GESSIN: Yeah.

22 MR. HULME: Relative to --

23 MR. BERNSTEIN: Stumped.

24 (Laughter)

25 MR. BERNSTEIN: How high is the ceiling in

1 the -- we haven't done any work on the front
2 house. I have all the work on the second house.
3 I think it has 9-foot ceilings as well. I can go
4 back and check, measure it and come back.

5 CHAIRMAN GESSIN: Okay. Why don't you go
6 do -- why don't you go do that, okay?

7 MR. BERNSTEIN: All right.

8 CHAIRMAN GESSIN: Can you do a --

9 MR. BERNSTEIN: You want to know exactly
10 where the bottom of the ceiling is?

11 CHAIRMAN GESSIN: Yeah, I want to know -- I
12 want to know where in this roof line that house --
13 that ceiling is.

14 MR. BERNSTEIN: Could do that.

15 CHAIRMAN GESSIN: Okay.

16 MR. BERNSTEIN: Anymore questions?

17 CHAIRMAN GESSIN: That's all I need from you.

18 MR. BERNSTEIN: That's all?

19 CHAIRMAN GESSIN: Yeah.

20 MR. BERNSTEIN: Oh, darn, I have all this
21 stuff. Okay.

22 MR. HULME: You walked?

23 MR. BERNSTEIN: I walked.

24 MR. HULME: Do you want to -- the black
25 Tahoe.

1 MR. BERNSTEIN: What is it?

2 MR. HULME: The black Tahoe parked out
3 there.

4 MR. FREEDMAN: Thanks. Thanks, Brad.

5 CHAIRMAN GESSIN: So this is more like that
6 mansard.

7 MR. FREEDMAN: Yeah, yeah.

8 CHAIRMAN GESSIN: When you stand up there,
9 you can't walk right off the roof.

10 MR. FREEDMAN: Right, correct.

11 MR. SIEGEL: Can you see it from above?

12 MR. MIZZI: No. I stayed at the house once.
13 I rented it years ago and --

14 MR. HULME: Oh, yeah? Well, that's
15 interesting.

16 MR. PROKOP: Did you rent it for more than
17 two weeks or less than that?

18 MR. MIZZI: I can't say.

19 (Laughter)

20 MR. HULME: On the advice of counsel.

21 MR. MIZZI: There might not be a permit in
22 the file, so --

23 MR. SIEGEL: Knowing this house, there's two
24 permits and they both don't agree. Harvey, are
25 you thinking about a second story?

1 CHAIRMAN GESSIN: No, no, no, no, no. From
2 what I understand is the pyramid code has to not
3 go through the top plate of the house, highest
4 floor. So if the plate -- if the top plate's down
5 here, he doesn't need a variance for this.

6 MR. MIZZI: That's what I think.

7 MR. HULME: Okay.

8 MR. SIEGEL: Yeah. This house, you will be
9 able to get a second floor on it without a pyramid
10 problem, just putting it off to the side, if you
11 extend this up here, and you take this and put it
12 here.

13 MR. HULME: Well, it would be narrow or --
14 well, it would be narrow.

15 MR. SIEGEL: I mean, just saying one less.
16 I don't know what else.

17 CHAIRMAN GESSIN: Okay. Does anyone on the
18 Board have any additional questions on this
19 application?

20 MR. SIEGEL: Does -- I don't know. Does the
21 sale of the property like make you feel any
22 different about it?

23 CHAIRMAN GESSIN: No. It shouldn't have any --
24 it shouldn't matter.

25 MR. SIEGEL: And you know how --

1 MR. HULME: Except, maybe if you like
2 Howard, no.

3 (Laughter)

4 MR. HULME: No offense to Ray.

5 MR. MIZZI: Ray who?

6 (Laughter)

7 MR. HULME: Your landlord.

8 MR. SIEGEL: The properties down on this
9 side are -- there is different zoning, the R --
10 the residence zones, and there are properties that
11 are pretty small around. It just so happens that
12 this particular one is not in that spot, it's
13 further down.

14 MR. HULME: The residential zoning in the
15 Village is all R-40.

16 MS. SADELI: Right.

17 MR. HULME: And there's no --

18 MR. SIEGEL: There's no changes?

19 MR. HULME: There's no different zoning
20 anywhere in the Village of West Hampton Dunes.
21 And so, as a result of that, almost -- well, not
22 almost, but many, many lots are undersized. We
23 had given some examples, obviously, down on
24 Dune Lane, which is down the road in one
25 direction, there's a whole bunch of 5,000 square

1 foot lots. We're double that. If you go the
2 other way to 830 -- what was it? 830 -- I think
3 it's 836.

4 MR. SIEGEL: Why don't we keep this table in
5 the book?

6 MR. HULME: A, B, C.

7 MR. SIEGEL: This is -- this has, you know,
8 country residence, starting from country
9 residence, and then it goes from R-120 all the way
10 down to R-10.

11 MR. HULME: Because when the Village was, as
12 I understand it, and then Joe can speak to this,
13 too, but when the Village was created, you guys
14 initially adopted Southampton zoning, and that's a
15 table directly out of the Southampton Town Zoning
16 Code. Now over the years, it's been amended in
17 some significant ways. For example, you went from
18 45 degrees to 60 degrees on the pyramid law, is
19 one major example, and other -- in other manners,
20 but you never unadopted that chart.

21 MR. SIEGEL: This chart. So everything is
22 R-40 and it all works on this.

23 MR. HULME: Yes, it's all -- it's all in
24 a -- all subject to that one column, because there
25 aren't any of these other zones. There might be

1 some -- oh, those are all residence -- yeah,
2 there's like a multi-family zone on there. You
3 don't have multi-family zone in the Village
4 anywhere, you don't have any business districts in
5 the Village

6 MR. SIEGEL: Probably not even country
7 residence.

8 MR. HULME: And no country residence here,
9 no. So it's all R-40.

10 MR. SIEGEL: I guess, I guess what I was
11 thinking of, Harvey, was that if there was the
12 differences here, it might be even simpler to just
13 change the zone of the house --

14 CHAIRMAN GESSIN: Uh-huh.

15 MR. SIEGEL: -- so that it complied with all
16 the things.

17 CHAIRMAN GESSIN: Okay.

18 MR. SIEGEL: It's like a spot zoning change.

19 MR. HULME: Yeah. That would be a good
20 idea, but you don't have any other zones.

21 MR. SIEGEL: Right, but we have plenty of
22 houses that --

23 MR. HULME: Don't comply.

24 MR. SIEGEL: Don't even come close --

25 MR. HULME: To complying.

1 MR. SIEGEL: -- to complying with this.

2 MR. HULME: And that's part of, you know,
3 the neighbor, the community -- you know, the --

4 MR. SIEGEL: So it's not like we're creating
5 a monster, we're just spreading the monster.

6 (Laughter)

7 CHAIRMAN GESSIN: Okay.

8 MR. HULME: We would like to think about
9 that as neighborhood conditions, and the
10 conditions of the neighborhood are lots that
11 don't --

12 CHAIRMAN GESSIN: Conform.

13 MR. HULME: Don't conform at all.

14 CHAIRMAN GESSIN: Right. Like the --

15 MR. SIEGEL: So could the next door neighbor
16 decide to knock down his house and divide it in
17 half, or is this just so special because it's in
18 here like that?

19 MR. HULME: Well, I would --

20 CHAIRMAN GESSIN: I think it's a little bit
21 different.

22 MR. HULME: Yeah, because we have two
23 houses.

24 CHAIRMAN GESSIN: Right.

25 MR. HULME: If somebody -- if somebody next

1 door to us had one house on a similarly sized lot,
2 they -- I would have a much more difficult time
3 making this case to you guys. That the thing that
4 drives this case is that we have a CO for two
5 separate residences.

6 MR. SIEGEL: Right. We're knocking one
7 house down, we're dividing it into two and making
8 two houses.

9 MR. HULME: Right. Well, we have two
10 houses.

11 MR. SIEGEL: No. I'm saying. I'm now the
12 neighbor.

13 MR. HULME: On the other -- on the other
14 circumstance, yes.

15 MR. SIEGEL: I'm like thinking about like
16 what are we creating.

17 CHAIRMAN GESSIN: Maybe you want to knock
18 your house down to make two lots.

19 MR. SIEGEL: Maybe, with your help.

20 (Laughter)

21 CHAIRMAN GESSIN: Can't help you.

22 MR. HULME: It's not possible, but it's -- I
23 would never want to say it's impossible, because
24 somebody might hire me to do it, but --

25 (laughter)

1 CHAIRMAN GESSIN: Well, all of the 836's,
2 there's like a mess of them.

3 MR. HULME: Right, yeah. They all have just
4 one residence on them. I'm sure there are others,
5 but I didn't do an inventory of the whole village,
6 but it's --

7 CHAIRMAN GESSIN: Right, yeah. If you go
8 down to the 836's, there's houses behind houses
9 all over the place there.

10 MR. HULME: Yeah.

11 MR. SIEGEL: And are they going to be the
12 next ones to the table here?

13 CHAIRMAN GESSIN: They already are, they're
14 already separate.

15 MR. SIEGEL: They're already what?

16 CHAIRMAN GESSIN: Separate.

17 MR. MIZZI: Yeah, like these.

18 CHAIRMAN GESSIN: They're single and
19 separate already.

20 MR. PROKOP: Some are and some aren't.

21 MR. MIZZI: Just like three deep, you know.

22 MR. SIEGEL: Oh, no, I'm talking about the
23 ones that are --

24 MR. SARETSKY: It's being subdivided.

25 MR. SIEGEL: -- on one lot that want to be

1 subdivided, like this wants to be subdivided.

2 CHAIRMAN GESSIN: That doesn't currently
3 have two houses on it?

4 MR. SIEGEL: That does currently have two.

5 CHAIRMAN GESSIN: I don't know if there's
6 any left.

7 MR. SIEGEL: That's what I was asking. Is
8 there any left that is one lot with two houses --

9 MR. EFF: There is.

10 MR. SIEGEL: -- that is going to be --

11 MR. EFF: And I own it.

12 (Laughter)

13 MR. SIEGEL: You own it?

14 MR. EFF: 828.

15 MR. HULME: There's one other.

16 MR. SIEGEL: It's two houses, one lot?

17 MR. EFF: Right.

18 MR. SIEGEL: Okay.

19 MR. HULME: But it's rare, it's not a common
20 thing. So, you know, the fact that our -- I guess
21 I could use this term. The fact that our hook
22 here is the fact that we have two single family
23 residences, you're not opening up a floodgate,
24 because there's not a whole bunch of properties
25 that have --

1 MR. SIEGEL: Right.

2 MR. HULME: -- two residences.

3 MR. SIEGEL: Might not be opening a
4 floodgate, but we are starting a precedent, and I
5 want to know how far this precedent is going to
6 go. And if it's going to go to one more property,
7 then we're not going to be part of this forever,
8 it's just one more property. But if it's nine
9 more properties --

10 CHAIRMAN GESSIN: Right. Well, let me ask
11 Aram.

12 MR. SIEGEL: That's a big --

13 CHAIRMAN GESSIN: The 826's and the 836's,
14 all those ones with A, B's and C's and D's and --
15 okay?

16 MR. TERCHUNIAN: Okay.

17 CHAIRMAN GESSIN: Did they -- were they
18 single and separate before the Village was
19 created, or did the --

20 MR. TERCHUNIAN: Yes.

21 CHAIRMAN GESSIN: They were.

22 MR. TERCHUNIAN: Yeah. Those groups where
23 it's like a tree?

24 CHAIRMAN GESSIN: All over the place, right,
25 yeah.

1 MS. SADELI: Yeah.

2 MR. TERCHUNIAN: Yeah, those are all
3 preexisting lots.

4 CHAIRMAN GESSIN: Right, right. So we're
5 not doing anything different than is already here.

6 MR. SIEGEL: So there's one more that we
7 know of.

8 CHAIRMAN GESSIN: Say again.

9 MR. SIEGEL: There's one more that we know of.

10 CHAIRMAN GESSIN: Except for yours.

11 MR. SIEGEL: The fellow is right here.
12 Okay. He's next to the table.

13 CHAIRMAN GESSIN: Are you next?

14 MR. EFF: Excuse me?

15 CHAIRMAN GESSIN: Are you -- they want to
16 know if you're next.

17 MR. SIEGEL: You don't have to answer that.
18 You don't have to answer that.

19 (Laughter)

20 MR. EFF: At this point, I'm here observing.

21 CHAIRMAN GESSIN: Good.

22 MR. PROKOP: There was nothing on T.V. this
23 morning, so he came.

24 MR. EFF: Right.

25 (Laughter)

1 MR. BERNSTEIN: Thank you all for your
2 patience. To the underside of the roof deck is
3 12-foot-4. The ceiling throughout the entire
4 house to the sheetrock, it's 8-foot.

5 CHAIRMAN GESSIN: Okay, good. So this roof
6 is at -- the roof is at -- this is measuring -- I
7 don't know what this wall is, but it's measuring
8 from here, and the deck is 9-foot-6.

9 MR. SIEGEL: Could you say that one more
10 time? I apologize. I'm an architect, too, as
11 well, by the way. Ken Siegel.

12 MR. BERNSTEIN: Okay.

13 MR. SIEGEL: Nice to meet you.

14 MR. BERNSTEIN: Twelve-foot-four to the
15 underside of the roof deck.

16 MR. SIEGEL: This says -- this says 12.5
17 feet from here to here. Eight plus 4.5 is 12.5,
18 so that's 8-foot-6 to this edge. That's what this
19 drawing shows. And 8 foot is what it says, you
20 say is the ceiling height?

21 MR. BERNSTEIN: The ceiling height inside to
22 the sheetrock is 8 foot.

23 MR. SIEGEL: Okay.

24 MR. BERNSTEIN: Then I opened up the stairs
25 that lead to the attic, or whatever. And from the

1 sheetrock to the bottom of the roof deck, the flat
2 roof deck was exactly 4-foot-4. So this is saying
3 4-foot-6 and 8. Two inches?

4 CHAIRMAN GESSIN: So, Ken, so the top plate
5 of that floor, is it 8 foot?

6 MR. SIEGEL: Which means that to the corner.

7 CHAIRMAN GESSIN: Which means -- I think
8 it's good.

9 MR. BERNSTEIN: Yeah, this is correct.

10 CHAIRMAN GESSIN: He's good.

11 MR. HULME: Okay.

12 CHAIRMAN GESSIN: So he doesn't need a
13 variance for that.

14 MR. SIEGEL: Okay.

15 CHAIRMAN GESSIN: I don't believe.

16 MR. HULME: Just so the record is clear, our
17 Architect is testifying that the ceiling height
18 inside the first floor of the building on
19 Lot No. 1 is at 8 feet.

20 CHAIRMAN GESSIN: Correct.

21 MR. HULME: And says --

22 MR. SIEGEL: Which pretty much means the
23 plate is at 8 feet.

24 MR. HULME: So the plate is at 8 feet.

25 CHAIRMAN GESSIN: Right.

1 MR. HULME: And since the pyramid line does
2 not penetrate the house at all until well above
3 8 feet --

4 CHAIRMAN GESSIN: Yeah, it's coming through
5 at about 9 1/2 feet.

6 MR. HULME: Okay. It appears that a
7 variance for that piercing is not necessary.

8 CHAIRMAN GESSIN: Is not necessary.

9 MR. HULME: Okay.

10 CHAIRMAN GESSIN: Anything else, guys?

11 (No Response)

12 CHAIRMAN GESSIN: And the only other issue
13 is the 6.7 side yard, which, as I mentioned, I had
14 discussed this with Aram last week, and they can
15 actually amend this application and get rid of
16 this deeded driveway and go to an easement, and
17 then they would not even need a side yard
18 variance.

19 MR. SIEGEL: So you're looking to minimize
20 the amount of variances?

21 CHAIRMAN GESSIN: Well, no, no. We're
22 actually going to --

23 MR. SIEGEL: Like minimize what it was.

24 CHAIRMAN GESSIN: No. We would minimize it
25 by having them amend the -- amend this map.

1 MR. SIEGEL: They would reduce the amount of
2 variances.

3 CHAIRMAN GESSIN: Yes. But then we have
4 a -- then we have a deeded easement, which has
5 been historically problemistic in this village.

6 MR. TERCHUNIAN: Correct.

7 CHAIRMAN GESSIN: So this is a better plan.

8 MR. HULME: Balancing one versus the other,
9 you're better off having a deeded flagpole.

10 CHAIRMAN GESSIN: Right.

11 MR. HULME: Because, as the Chairman has
12 indicated, I've been directly involved in a number
13 of disputes over access to other people's
14 property --

15 CHAIRMAN GESSIN: Absolutely.

16 MR. HULME: -- over rights-of-way, whereas
17 this makes it clear. And so although it creates
18 the need for a variance, again, it's one of those
19 internal variances. The effective -- the
20 effective setback for this house, as compared to
21 the actual neighbor, is in compliance.

22 CHAIRMAN GESSIN: Right. So, Aram, so let's
23 assume we approve this application. What else do
24 they have to do to complete the subdivision at
25 this point?

1 MR. TERCHUNIAN: They have to go to the
2 Suffolk County Department of Health and get a
3 subdivision approval there. Then they have to
4 come back to the Village Planning Board, which is
5 the Village Board of Trustees, and get their final
6 subdivision approval, and then they're done.

7 CHAIRMAN GESSIN: Pay their fees, and
8 whatever, right?

9 MR. TERCHUNIAN: As well as the DEC.

10 CHAIRMAN GESSIN: Right.

11 MR. TERCHUNIAN: They have to finish the DEC
12 process.

13 CHAIRMAN GESSIN: And those couple of minor
14 things, like separate the water and/or electric,
15 if necessary.

16 MR. TERCHUNIAN: Right.

17 CHAIRMAN GESSIN: They have to be separated.

18 MR. HULME: Oh, that reminds me. I think I
19 communicated with the Board, but just to be clear,
20 there are two electric meters on this property.

21 CHAIRMAN GESSIN: I think you did, yes.

22 MR. HULME: There is only one water meter.

23 CHAIRMAN GESSIN: Right.

24 MR. HULME: But, obviously, if this is a
25 condition of the approval, my client is more than

1 happy to put in a --

2 CHAIRMAN GESSIN: Put a second --

3 MR. HULME: -- second meter.

4 CHAIRMAN GESSIN: Separate water main.

5 MR. HULME: Likely, he may do it anyway.

6 CHAIRMAN GESSIN: Right.

7 MR. PROKOP: I think we were going to ask
8 Aram if the -- this thing that's indicated as the
9 tide line is the mean high water mark, and also
10 the wetlands boundary.

11 MR. TERCHUNIAN: It's not the mean high
12 water mark, but it's very close to it. It's
13 probably about five feet above it. I did flag
14 this about a year ago, and I can go back and
15 reflag it, but it was very close to that line.

16 CHAIRMAN GESSIN: Right. I think, really,
17 the only concern that the Board has is that they
18 have at least 75 feet clear of the wetlands on the
19 Lot 2. So we can make it conditioned on amending
20 this map.

21 MR. HULME: We're 88 from the tide line.

22 MR. TERCHUNIAN: Yeah.

23 MR. HULME: The deck is 88.

24 MR. TERCHUNIAN: The deck is 88.

25 MR. HULME: Yeah.

1 MR. TERCHUNIAN: Okay. I can go back and
2 reflag that, but I think it would meet that 75
3 feet.

4 CHAIRMAN GESSIN: Yeah, it might, it might
5 be fine, but we'll just make that a condition,
6 that this has to get amended, that the plan has to
7 get amended showing the wetlands of the minimum of
8 75 feet from the back of the deck.

9 MR. HULME: Do I need to formally request
10 him to -- of the village to go do it?

11 CHAIRMAN GESSIN: You can.

12 MR. HULME: Or can he just go do it?

13 MR. PROKOP: Did the plan come in with the
14 easement?

15 CHAIRMAN GESSIN: I think he formally does
16 it no matter what, right?

17 MR. TERCHUNIAN: I think the Chairman's
18 asking me to do that right now.

19 MR. HULME: Okay, that's fine.

20 MR. PROKOP: Did the plan, the plan as we
21 have it, does it have the easement, or does it
22 have the dedeed?

23 MR. HULME: It has the dedeed.

24 CHAIRMAN GESSIN: Deeded.

25 MR. PROKOP: It has the dedeed version?

1 MR. HULME: Yes.

2 CHAIRMAN GESSIN: Yeah.

3 MR. PROKOP: So we noticed it with the
4 variances that are necessary for the deed, the
5 deeded version?

6 MR. HULME: Yes.

7 MR. PROKOP: Okay.

8 CHAIRMAN GESSIN: Okay. So now I do not
9 think I have a list of all the variances. I think
10 that was in my old file. That's what happens when
11 it's delayed for too many months, right?

12 MR. HULME: This is the -- I don't know if
13 you can read -- oh, that's easier to read. I had
14 trouble reading this one, too.

15 MS. SADELI: It's like microscopic.

16 MR. PROKOP: So we just need to do SEQRA
17 before we do the variances.

18 CHAIRMAN GESSIN: Okay.

19 MR. PROKOP: We just need to do a vote --

20 CHAIRMAN GESSIN: Yeah. I just want to see
21 if we covered everything.

22 MR. SIEGEL: I just have one more
23 question --

24 CHAIRMAN GESSIN: Go ahead.

25 MR. SIEGEL: -- for this fellow who's

1 sitting here. He said that he had stuff to show
2 us having to do with the other house. Can we see
3 what that is?

4 CHAIRMAN GESSIN: I don't think it matters
5 to the -- you can ask him, but I don't think it
6 matters at this point.

7 MR. SIEGEL: Okay. If it doesn't matter, I
8 mean, if it's -- okay.

9 MR. HULME: The variance that we're looking
10 for is based on exactly what's right there.

11 CHAIRMAN GESSIN: Hopefully, has nothing to
12 do with what's in his folder.

13 MR. HULME: If they're choosing to do
14 something else, they obviously have to come back
15 to the village, and if it needs further variances,
16 then we have to come back here.

17 MR. BERNSTEIN: It has nothing to do with
18 this.

19 MR. SIEGEL: The subdivision and what's
20 there is all part of one big thing.

21 MR. HULME: Right.

22 MR. SIEGEL: Which is what we're dealing
23 with.

24 CHAIRMAN GESSIN: Correct.

25 MR. SIEGEL: If they want to remodel one of

1 the houses, they're welcome to remodel.

2 MR. SARETSKY: Right, or could do two COs.

3 MR. SIEGEL: And if it requires another
4 variance, then they have to come back here again.

5 CHAIRMAN GESSIN: Correct.

6 MR. SIEGEL: But it almost seems like if
7 you're -- when this happened, that the next is
8 definitely going to happen, and you're going to
9 feel like, oh, we've get to give the second
10 variance, too?

11 MR. SARETSKY: Right.

12 MR. HULME: No, I don't think you -- you
13 don't have to. I mean, we -- I don't even -- I
14 don't even know what they're contemplating, so
15 it's really in the same state.

16 MR. SIEGEL: I guess that's what I
17 was thinking about. Are we contemplating another
18 one like sitting here already?

19 MR. BERNSTEIN: Ken, can I answer that?

20 MR. SIEGEL: Yeah.

21 MR. BERNSTEIN: The preliminary design that
22 I have for the second house, the one facing the
23 bay, requires no variances.

24 MR. SIEGEL: Well, that's an as-of-right
25 submission which won't come here.

1 CHAIRMAN GESSIN: Right.

2 MR. BERNSTEIN: Yeah.

3 MR. SIEGEL: All right.

4 MR. HULME: And if something were to come
5 here, it has to be analyzed in accordance with the
6 law. There's nothing about this grant that makes
7 that more or less likely. I mean, we would have
8 to meet the same standards for that particular,
9 particular thing. And, you know -- well, I don't
10 want to say it then.

11 MR. SIEGEL: Yeah. I mean, if I am hired to
12 do a variance for somebody, I mean, I try my
13 hardest to make it so that we don't have to do a
14 variance --

15 MR. HULME: Right.

16 MR. SIEGEL: -- you know, because it's a
17 tough road to walk down.

18 MR. HULME: Yes, it is.

19 MR. SIEGEL: And if it turns out that we
20 need one, then we'll fight for that one, you know.

21 MR. HULME: Yeah.

22 MR. SIEGEL: And -- but there are times when
23 I come to a meeting and I see people going for
24 seven variances for their client, you know --

25 MR. HULME: Right.

1 CHAIRMAN GESSIN: Probably seven.

2 (Laughter)

3 MR. SIEGEL: And -- wow. There is nine or
4 12 of them right here.

5 CHAIRMAN GESSIN: This was only 10. No,
6 this is 10.

7 MR. HULME: Ten.

8 MR. SIEGEL: So like what's one more?

9 MR. HULME: But you still fully retain your
10 ability to review those applications in the
11 context of the zoning code and --

12 CHAIRMAN GESSIN: Right. And you will --

13 MR. SIEGEL: It just seems like it's --

14 CHAIRMAN GESSIN: -- be able to vote on this
15 application.

16 MR. SIEGEL: Okay.

17 MR. PROKOP: The new house is the front one,
18 the front one?

19 CHAIRMAN GESSIN: Yes.

20 MR. PROKOP: The one that's closest to the
21 road, that's going to be a new house?

22 CHAIRMAN GESSIN: No.

23 MR. HULME: No. We haven't proposed any new
24 houses at all.

25 CHAIRMAN GESSIN: Right. As far as we're --

1 MR. PROKOP: I thought this plan --

2 CHAIRMAN GESSIN: As far as what's in front
3 of this Board, there's no change other than the
4 water main, and they're showing --

5 MR. PROKOP: Excuse me, I'm sorry. Okay.

6 CHAIRMAN GESSIN: They're putting two --

7 MR. PROKOP: I thought we were looking at an
8 image of a new house. Okay.

9 MR. HULME: No.

10 MR. PROKOP: Excuse me.

11 CHAIRMAN GESSIN: And they're creating two
12 parking areas for --

13 MR. PROKOP: Okay.

14 CHAIRMAN GESSIN: -- each house.

15 MR. HULME: Yes.

16 CHAIRMAN GESSIN: Okay. So what should we
17 do next, Joe? I think we're done.

18 MR. SIEGEL: Is creating parking areas for
19 the house part of this application?

20 MR. HULME: It's on there.

21 MR. PROKOP: The question I was going to ask
22 was just, and I'm sure Aram knows the answer to
23 this, the house doesn't have to be centered on the
24 lot, right?

25 CHAIRMAN GESSIN: What's that?

1 MR. PROKOP: Does the house have to be
2 centered on the lot on the bay side?

3 MR. TERCHUNIAN: It can either be centered
4 or not, but if you center it, you'd get a better
5 side yard setback. If you don't center it, if
6 you're offset, then you have the four-tenths rule.
7 If you center it, you can use the three-tenths
8 rule.

9 MR. PROKOP: So if we -- if we allow them to
10 -- if we do the alternative where we -- where
11 they're deeding the access, does that change
12 around the setbacks?

13 MR. TERCHUNIAN: Yes.

14 MR. PROKOP: And was the application based
15 on the changed around setbacks?

16 MR. TERCHUNIAN: Yes.

17 MR. PROKOP: Okay. Also, that was the
18 question.

19 MR. SARETSKY: Can we go through these?

20 CHAIRMAN GESSIN: Say again.

21 MR. SARETSKY: Can we go through these?

22 CHAIRMAN GESSIN: You want to go through
23 each one?

24 MR. SARETSKY: Again, I'm just kind of
25 curious, because, again, this is somewhat

1 interpretive.

2 CHAIRMAN GESSIN: Okay. All right. Let me
3 open it up.

4 MR. SARETSKY: You know, when it talks about
5 undesirable change --

6 MR. TERCHUNIAN: Well, first thing you want
7 to do is to complete your State Environmental
8 Quality Review procedure. So, Joe, I think you
9 have the language for that.

10 MR. PROKOP: Right. So it's my opinion that
11 the -- because it's a subdivision, it's what's --
12 it's an Unlisted Action for purposes of SEQRA. So
13 the Board should first vote to adopt Lead Agency
14 and determine that this is an Unlisted Action for
15 purposes of SEQRA. That would be the motion.

16 CHAIRMAN GESSIN: Okay.

17 MR. HULME: The only comment I would make
18 about that is that you're not granting the
19 subdivision, you're granting variances, and area
20 variances only. And the SEQRA regulations
21 indicate that area variances alone are a Type II
22 Action, not an Unlisted Action. The Planning
23 Board may very well have to take it up from the
24 perspective that Joe suggests, because they're the
25 ones that are actually granting the subdivision.

1 You guys are --

2 MR. TERCHUNIAN: But there could only be one
3 SEQRA.

4 MR. HULME: So okay. I think it should rest
5 with the Planning Board.

6 CHAIRMAN GESSIN: So it is a --

7 MR. PROKOP: You can't. It's called -- what
8 he's talking about is called segmentation, where
9 you're dividing up the SEQRA review, and you
10 can't. You can't be one level at one Board and
11 then a lower level at another Board.

12 MR. TERCHUNIAN: Right.

13 MR. PROKOP: That's called segmentation.

14 MR. HULME: Okay. I just wanted to --

15 MR. PROKOP: So I just -- I don't think it's
16 going to change the result, but I would --

17 CHAIRMAN GESSIN: So we -- for this Board,
18 are we calling it a subdivision?

19 MR. TERCHUNIAN: No.

20 CHAIRMAN GESSIN: We're just -- we just have
21 area variances.

22 MR. TERCHUNIAN: You're just doing area
23 variances, but the overall action is unlisted.

24 MR. PROKOP: Right. So the vote would be to
25 adopt Lead Agency status, and determine that this

1 is an Unlisted Action for purposes of SEQRA.

2 CHAIRMAN GESSIN: Okay. Everyone heard what
3 Joe just said? Would someone like to --

4 MR. TERCHUNIAN: You need a motion.

5 CHAIRMAN GESSIN: Would someone like to make
6 a motion?

7 MR. SIEGEL: I'm unaware of the legal part
8 of it, so I'm sort of staying out of that.

9 CHAIRMAN GESSIN: What? Say it again.

10 MR. TERCHUNIAN: Well, the Board can't act
11 unless they do SEQRA. SEQRA says -- the State
12 Environmental Quality Review Act, S-E-Q-R-A,
13 requires all discretionary actions of all
14 municipal entities within the State of New York to
15 first under -- go through the SEQRA process,
16 identify the level of action it is, and whether or
17 not it has -- make a Positive or a Negative
18 Declaration of environmental impact. Then the
19 Board is free to make their decision on the
20 specifics of the case. But unless you undertake
21 SEQRA first, you cannot make the decision. So
22 this is -- this is a pro forma action that must be
23 taken.

24 MR. PROKOP: This first vote is just to
25 determine that you're the Board that's going to be

1 doing SEQRA, and to determine that it's an
2 unlisted action. Then we'll get into whether or
3 not it will have an impact on the environment.
4 There's -- it's a two-vote process. So this first
5 vote is just to identify that you're going to be
6 what's called the Lead Agency, meaning you're
7 going to be the Board that determines SEQRA, which
8 you already -- you don't have a choice, you are.

9 MR. TERCHUNIAN: You are.

10 CHAIRMAN GESSIN: So would someone like to
11 make this motion?

12 MR. SIEGEL: Yeah, I mean, I'll make the
13 motion that this -- I'm not sure of the exact
14 words say.

15 MR. PROKOP: The motion is for the Zoning
16 Board of Appeals to adopt Lead Agency status and
17 determine that this is an Unlisted Action for
18 purposes of SEQRA.

19 MR. SIEGEL: I have to learn that, those
20 words.

21 CHAIRMAN GESSIN: You don't have to learn
22 it, you have Joe.

23 MR. TERCHUNIAN: You need a second and a
24 vote.

25 MR. SIEGEL: I make that motion.

1 CHAIRMAN GESSIN: I'll second it.

2 MR. TERCHUNIAN: So you have to call the
3 vote, Mr. Chairman.

4 MS. SADELI: All in favor?

5 CHAIRMAN GESSIN: All in favor of becoming
6 Lead Agency, I guess it is, right, Aram?

7 MR. TERCHUNIAN: Yup.

8 MR. SARETSKY: So, Joe, this does not
9 determine --

10 CHAIRMAN GESSIN: All in favor?

11 MR. PROKOP: This doesn't determine
12 anything.

13 MR. SIEGEL: Yeah, we're not voting for this
14 yet.

15 CHAIRMAN GESSIN: All in favor?

16 MR. MIZZI: Aye.

17 MR. SARETSKY: Aye.

18 MR. SIEGEL: I'm in favor.

19 CHAIRMAN GESSIN: Aye.

20 MR. PROKOP: Okay. So now you're Lead
21 Agency and you can talk about the potential for
22 impacts on the environment. The potential for
23 impacts on the environment -- excuse me. The
24 considerations that you must consider are the
25 potential for impacts on light, utility usage,

1 traffic, noise, views, whether this will generate
2 large groups of people for more than one -- more
3 than one time, things like that. And other things
4 that you might think about is impacts on the
5 environment.

6 CHAIRMAN GESSIN: So we have to make a
7 motion on that?

8 MR. PROKOP: Yeah.

9 MR. TERCHUNIAN: Yeah. So under SEQRA, once
10 a Board makes themselves a Lead Agency, they then
11 have to determine whether or not this action will
12 have a significant environmental impact. This is
13 the -- this is the standard, significant
14 environmental impact on the values that Joe
15 described, air, light, noise, water. So the
16 question before you is will creating two lots with
17 a house on each lot, where there now is one lot
18 with a -- with two houses, create a significant
19 environmental impact on those, air, light, water,
20 noise.

21 CHAIRMAN GESSIN: Okay. Before we vote on
22 that, does anyone want to discuss that?

23 MR. SIEGEL: Yeah.

24 MR. SARETSKY: Yeah.

25 MR. SIEGEL: I want to say -- I have

1 something to say about it, because up until
2 basically right now, I thought we were voting on
3 whether to allow this subdivision to happen, but
4 this subdivision may never happen after these
5 variances happen. I mean, they seem to want to,
6 because they're making drawings that show that
7 they want to, but it doesn't seem like it's in our
8 hand, this subdivision thing, it's other people
9 that I've never met.

10 MR. TERCHUNIAN: Well, this Board plays an
11 integral part in the process, and that process is
12 a twofold process. First, the applicant may not
13 proceed to the subdivision procedure unless this
14 Board agrees to grant these variances.

15 MR. SIEGEL: Correct.

16 MR. TERCHUNIAN: So it is -- the action of
17 this Board is integral to the subdivision process,
18 and the subdivision process cannot take place
19 without the approval of this Board. But this is
20 not -- only a Planning Board can create a
21 subdivision in the State of New York, that is the
22 State Law. This Board doesn't have that
23 authority. But the Planning Board, on the other
24 hand, does not have the authority to vary the
25 setbacks. The variance procedure, that power lies

1 with this Board. So it's a two-board process.

2 MR. SIEGEL: And it seems like this is what
3 they want, that's on this page.

4 MR. TERCHUNIAN: Well, if they change this
5 at any point, they have to come back. If they go
6 to the Planning Board and they say, "You know, we
7 had a great time at the Zoning Board for two
8 years, but we've decided we don't like this
9 layout, we're going to do a new layout," the
10 Planning Board is going to say, "Well, you got to
11 go back to the Zoning Board."

12 MR. SARETSKY: I think the hard part is just
13 that it seems like there were neighbors who were
14 against this. They may have given up. They may --
15 I know their houses were for sale. They were --
16 whatever the reasons were, combined were where --
17 that some of these where the rules are -- probably
18 Joe. The criteria for whether things -- it can be
19 perceived as undesirable to some and --

20 MR. TERCHUNIAN: That's a different standard
21 than SEQRA.

22 MR. PROKOP: Those are different. We're
23 just talking about --

24 MR. TERCHUNIAN: You're a step ahead.

25 MR. SARETSKY: Okay.

1 MR. TERCHUNIAN: You got to -- you got to
2 stay with SEQRA.

3 MR. SARETSKY: I'm sorry, I'm sorry.

4 MR. TERCHUNIAN: SEQRA gives you the
5 authority to act.

6 MR. SARETSKY: I'm sorry.

7 MR. TERCHUNIAN: It's a prescribed process.

8 MR. PROKOP: It is a -- it is a little
9 related, because one of the questions that you
10 have, one of the five questions is whether there's
11 going to be an impact on the environment. So
12 Zoning Boards kind of get tripped up sometimes,
13 because they decide that they -- for SEQRA, they
14 say it's not going to have an impact on the
15 environment, and then they get to the five
16 questions and they say that, "Wait a second, it is
17 going to have an impact on the environment." I'm
18 not -- and I'm not saying that this application
19 will, but -- so the answer to your question is
20 you're talking about the five questions, but one
21 of the five questions is the impact on the
22 environment.

23 MR. TERCHUNIAN: And the standard is
24 significant environmental impact. Everything has
25 an environmental impact. The question is, is it

1 significant or not? So when you're answering that
2 question for yourselves, my suggestion is, your
3 balancing is there are two houses there now,
4 they're occupied, they're used, and they have the
5 impact that they have. This will create an
6 imaginary line separating the ownership of these
7 two houses. Will that action significantly change
8 and increase the environmental impact that
9 presently exists? That is the way that you weight it.

10 MR. SARETSKY: But when we get to the term
11 significant, in other words, it's again somewhat
12 subjective. And, again, I come back to is it
13 better for the neighborhood, is it not?

14 MR. TERCHUNIAN: But you're not on
15 neighborhood.

16 MR. SARETSKY: Right, I understand.

17 MR. TERCHUNIAN: In other words, answer the
18 questions in a step-wise manner. If you create --
19 if you allow them to create this imaginary line,
20 will it significantly change the shade on the
21 site, the light on the site, the way that the air
22 flows on the site, yes or no?

23 MR. SIEGEL: I would say no.

24 MR. SARETSKY: No.

25 MR. TERCHUNIAN: Okay. If they -- you grant

1 this imaginary line, will it significantly change
2 the amount of noise that's generated on this site?

3 MR. SIEGEL: Only if the people who buy one
4 of the houses likes to have noisy parties.

5 MR. SARETSKY: Right.

6 MR. TERCHUNIAN: Right, but they could have
7 a noisy party now, couldn't they?

8 MR. SIEGEL: Yeah, and they can.

9 MR. TERCHUNIAN: But would it be a routine
10 thing? In other words, would this be like
11 creating a factory that has a hammer going eight
12 hours a day?

13 MR. SARETSKY: Well, I would say no --

14 MR. SIEGEL: No.

15 MR. SARETSKY: -- because previously it was
16 used as an Airbnb.

17 MR. TERCHUNIAN: So you would say?

18 MR. SIEGEL: I would say this would be less.

19 MR. SARETSKY: If it's sub -- oh, so you're
20 saying if it's subdivided --

21 MR. TERCHUNIAN: Right.

22 MR. SARETSKY: -- it would need approval.

23 MR. TERCHUNIAN: Well, all I'm saying, would
24 it be significantly worse if you granted -- would
25 there be significantly more noise if you granted

1 this imaginary line?

2 MR. SIEGEL: There's no way I could tell.

3 MR. TERCHUNIAN: So water, would this have a
4 significant impact on the amount of water that's
5 used, or what happens to the water when it's used?
6 In other words, are you taking a residential waste
7 stream and making it a commercial waste stream?

8 MR. SARETSKY: No.

9 MR. SIEGEL: Okay.

10 MR. TERCHUNIAN: No, okay. So these are
11 what SEQRA is designed to look at. Will you
12 create -- will your -- will this action create a
13 significant environmental impact beyond what
14 exists right now based on the basic parameters of
15 air, water, noise? And if the answer to those
16 questions are no, it won't, then you -- this Board
17 would make a Negative Declaration of Significant
18 Environmental Impact, which then would -- then you
19 are looking at the five criteria.

20 So you have to get through this step, which
21 is really pro forma, and it's very simple in the
22 sense of are you going to have a significant
23 impact or not. You know, are you building a gas
24 station, or is this an imaginary line separating
25 two houses that already exist? So --

1 CHAIRMAN GESSIN: Really, the only change is
2 to these.

3 MR. SARETSKY: Right.

4 CHAIRMAN GESSIN: Whatever they could do now
5 they'll be able to do later, and vice versa.

6 MR. SIEGEL: That's really true.

7 MR. TERCHUNIAN: So the question to the
8 Board is will a Board member make a motion that
9 based upon the information in the record, that
10 there is a Negative -- a Negative Declaration of
11 Significant Environmental Impact?

12 MR. SIEGEL: May I ask, are these leaching
13 pools all existing --

14 MR. HULME: Yes.

15 MR. SIEGEL: -- at this time?

16 MR. HULME: Yes.

17 MR. SIEGEL: They're existing?

18 MR. HULME: Yes, pursuant to a Health
19 Department permit.

20 MR. SIEGEL: Okay. I only ask that because
21 as I was driving over here, I saw a new project
22 that went in that has like 4-foot-tall walls,
23 concrete walls, and the tops of the tanks are
24 right at the top of that, and like, wow, those are
25 big walls. Anybody planning on building giant

1 walls around here?

2 MR. BERNSTEIN: No, it's all in the ground.

3 MR. SIEGEL: You know what I mean? So --

4 MR. HULME: And they're modern septic
5 systems. They've been approved recently and
6 installed recently. And so when we do go to the
7 Health Department for -- they do have subdivision
8 approval. We will just get a certification from
9 our architect or an engineer that these comply
10 with the current code. And as long as we're not
11 building anything new or further, which would have
12 other reviews in the village and elsewhere, they
13 will approve the subdivision.

14 MR. SIEGEL: I think that we should -- well,
15 should I make a motion?

16 CHAIRMAN GESSIN: Let's make a motion.

17 MR. SIEGEL: All right. So let's make a
18 motion --

19 MR. TERCHUNIAN: Just make a motion.

20 MR. SIEGEL: -- that this action is -- has
21 no negative --

22 MR. TERCHUNIAN: It's a Negative
23 Declaration --

24 MR. SIEGEL: It's a Negative Declaration --

25 MR. TERCHUNIAN: -- of Significant

1 Environmental Impact.

2 MR. SIEGEL: -- of Significant Environmental
3 Impact.

4 MR. TERCHUNIAN: So you need a second and a
5 vote on that.

6 CHAIRMAN GESSIN: Somebody like to second?
7 I'll second it.

8 MR. SIEGEL: Okay.

9 CHAIRMAN GESSIN: Okay. Now let's vote.

10 MR. SIEGEL: Just the four of us, right?

11 CHAIRMAN GESSIN: All in favor? (Raised
12 hand).

13 MR. SIEGEL: (Raised hand). Two-two. We
14 need another person.

15 MR. PROKOP: So the motion doesn't pass.
16 And now we're -- now we're stuck. Maybe what you
17 could do is put -- I don't have a recommendation.
18 I was just going to say put it over until the next
19 meeting, but I'm not going to recommend.

20 MR. MIZZI: I mean, I feel like we -- I feel
21 like I missed a meeting, and I feel like, you
22 know, then I got -- I got a small packet in the
23 mail and I was just handed a big packet, now
24 something is being explained to us that I wasn't
25 clear on and --

1 MR. PROKOP: So we're kind of stuck now. So
2 maybe the thing to do is to put it off for a
3 meeting, as long as you -- but I'm not
4 recommending that.

5 MR. MIZZI: I mean, I don't know. The
6 survey that was issued on Wednesday, I didn't
7 receive it. I got a packet before Wednesday, I
8 didn't get another, you know.

9 MS. SADELI: It was all -- all that is
10 exactly what was in the -- all the previous
11 packets.

12 MR. MIZZI: What I was handed --

13 MR. HULME: The only change was the name and
14 a lot coverage --

15 MR. MIZZI: What I was handed was not in
16 the --

17 MR. HULME: This application has not changed
18 in any significant way since the beginning of this
19 process two years ago.

20 MR. MIZZI: I just don't understand why I
21 got -- why I got one packet. This is -- I got a
22 very small packet.

23 MR. SARETSKY: I'm still uncomfortable with
24 it, that's why I'm not really voting for it.

25 MR. SIEGEL: But you're not actually voting

1 for it.

2 MR. TERCHUNIAN: I'm going to explain the
3 process again, because I think that maybe you
4 don't understand the process. When you vote on
5 SEQRA, you are not voting to approve or disapprove
6 the project. You are merely voting to give the
7 Board the authority to approve or disapprove the
8 project. And so --

9 MR. SARETSKY: And again -- again, I have no
10 -- then I suppose I have no issue with it. I just
11 am reluctant to for other reasons. So I'm -- if
12 your recommendation, then, is that this is not
13 leading to the decision, then I guess I don't have
14 an issue with it -- against it.

15 CHAIRMAN GESSIN: Well, the decision will be
16 the 10 variances that they are requesting.

17 MR. TERCHUNIAN: Which you will go through
18 one at a time and review each variance, and then
19 vote on -- right, Joe? That's the way you do it,
20 right?

21 MR. PROKOP: Well, they could vote as a
22 group or vote individually.

23 You know, one of the things that happened
24 with the application is we had -- the last meeting
25 on this was in September, and we were -- we

1 adjourned it to have a survey, which we got. And
2 I think -- I think, basically, the -- what the
3 members are expressing is they're uncomfortable
4 because of the lapse of time. You know, we need
5 basically a rebooting of the discussion which we
6 -- which we had today, but that's what I'm --

7 CHAIRMAN GESSIN: So would you guys like to
8 adjourn this to another meeting?

9 MR. TERCHUNIAN: Well, at least get through
10 the SEQRA process.

11 MR. HULME: You're in the middle of the
12 SEQRA process.

13 MR. TERCHUNIAN: You really should complete
14 the SEQRA process.

15 MR. HULME: Because there's a motion pending
16 on the SEQRA determination. If you decide there's
17 no Neg Dec, then it's a Positive Dec, then we have
18 to go do a Generic Environmental Impact Study, and
19 these are just for variances. This is -- if we
20 could at least get past the SEQRA part.

21 MR. PROKOP: The problem is --

22 MR. MIZZI: Okay. Could you clarify, Joe?

23 MR. PROKOP: So what's happened is we don't
24 have a vote, then we just -- we just denied the --

25 MR. HULME: Well, these two guys didn't

1 actually vote. There were two yes votes and --

2 MR. PROKOP: Can I just advise my client,
3 please?

4 MR. HULME: You can, but I want it for the
5 record.

6 MR. PROKOP: And then you can have all day.
7 I'll sit here and listen to you all day.

8 MR. HULME: Okay.

9 MR. PROKOP: Why don't you let me finish?

10 MR. HULME: I will take you up on that, Joe.

11 MR. PROKOP: Okay. My uninterrupted advice
12 to the Board -- what just happened is we had a non
13 -- we just had a denial of a motion to adopt a
14 Negative Declaration. So the choices that you
15 have is to either -- to do a new motion, which
16 would be to determine that -- excuse me, Jim, I'm
17 sorry, I apologize that I cut you off. I'm sorry.

18 MR. HULME: All right.

19 MR. PROKOP: We could either redo the motion
20 as a -- what's called a Positive Declaration,
21 which is that we can determine that it will have a
22 significant negative impact on the environment.
23 You should express the aspects of the environment
24 that you think that it will have a significant
25 impact on.

1 There's one other alternative, which is
2 called a Conditioned Negative Declaration, which
3 is that you could determine that it will not have
4 a significant negative impact on the environment
5 provided certain conditions are met, okay? So I
6 didn't -- we haven't really talked about
7 conditions, so I'm not -- I'm not suggesting that,
8 because I don't know what conditions you would
9 consider imposing, but those are your choices.
10 So --

11 MR. TERCHUNIAN: Just to clarify what Joe
12 said, because he brought out a very important
13 point, but I want to underscore it, the Board's
14 choice at this point is to make a Negative
15 Declaration of Environmental Impact and proceed to
16 a decision yay or nay, or, if you don't make a
17 negative decision, it becomes a positive
18 environmental impact, which is then instructions
19 to the applicant to prepare an Environmental
20 Impact Statement, which then will come back to
21 this Board, and then this Board will have to act
22 on that.

23 I can tell you in my 35 years of practice,
24 I've never done a Pos Dec on a variance, what's
25 called a Pos Dec, a Positive Declaration of

1 Environmental Impact. They just -- they don't
2 rise to that level of --

3 MR. PROKOP: On a residential.

4 MR. TERCHUNIAN: -- significance on a
5 residential.

6 MR. MIZZI: What was that last thing you
7 mentioned, a condition?

8 MR. PROKOP: A conditioned negative -- I'm
9 sorry, these pretzels are my breakfast. I'm sorry
10 if I'm --

11 CHAIRMAN GESSIN: It's okay.

12 MR. PROKOP: -- nibbling on these, I
13 apologize.

14 (Laughter)

15 MR. PROKOP: You can have what's called a
16 Conditioned Negative Declaration, which means that
17 you visualize conditions that you want to impose,
18 that you want to impose on the applicant. They
19 could be mild or they could be significant. But
20 you tell the applicant as long as you don't --
21 we're willing to give you a Negative Declaration,
22 as long as you comply with these conditions, one
23 condition, a couple of conditions. But we haven't
24 really talked about conditions, so I don't know
25 what they would be.

1 MR. SARETSKY: I guess, Joe, the question I
2 have on that is the conditions are not really my
3 issue, it's really the issue of the subdivision
4 that I'm more concerned about. So, again, as far
5 as the variances and us going through them, and
6 that, you know, I'm open to reviewing that, but
7 it's --

8 CHAIRMAN GESSIN: Yeah. But what I think
9 you're saying is that you think that this
10 application is going to positively affect -- needs
11 to be pos dec'd, because it will negatively affect
12 the environment, the community, or something else.

13 MR. SARETSKY: Yes. Yes.

14 MR. TERCHUNIAN: I'm sorry. Yes?

15 MR. SARETSKY: Yes, I think it -- that it
16 has an impact like that.

17 MR. HULME: But there's nothing in the
18 record that suggests that's the case. There's
19 absolutely nothing in the record to base that
20 conclusion on.

21 MR. SARETSKY: I'm talking about the
22 subdivision component of it.

23 MR. TERCHUNIAN: Well, but this --

24 MR. SARETSKY: I'm not talking about the
25 environmental piece, so to speak, the light --

1 MR. TERCHUNIAN: But, see, that decision --
2 in my opinion --

3 MR. SARETSKY: Okay.

4 MR. TERCHUNIAN: -- this is a two-part
5 decision. Part one decision is we give ourselves
6 the authority under State Law to make a
7 determination. That's what SEQRA is. Part two of
8 the decision is I'm looking at these individual
9 variances being -- are being requested, and either
10 I like them, or I don't like them, or I like them
11 with conditions. So when I hear you talking, what
12 I'm hearing you say is you're talking about the
13 actual decision of the Board, as opposed to the
14 decision that gives the Board the authority to
15 make that decision.

16 CHAIRMAN GESSIN: See, what I think Aram is
17 saying is we really -- we're not empowered to vote
18 on the subdivision, okay? But you can vote
19 negatively on every one of these variances that
20 might actually negatively affect this subdivision
21 and it may never happen.

22 MR. TERCHUNIAN: The subdivision cannot
23 occur with without these variances. So if you
24 vote these variances down, there's no subdivision.

25 MR. SARETSKY: Okay.

1 MR. TERCHUNIAN: But you cannot vote on
2 these variances until you adopt SEQRA.

3 MR. PROKOP: The other thing is that you
4 could --

5 CHAIRMAN GESSIN: In other words, all these
6 setback issues, do they negatively affect SEQRA?

7 MS. SADELI: Right.

8 MR. SARETSKY: Joe, do you recommend that
9 this is the route we go?

10 MR. SIEGEL: Can we even?

11 MR. PROKOP: Are there -- can I talk to you
12 for a second?

13 MR. TERCHUNIAN: Yeah.

14 (Mr. Prokop and Mr. Terchunian stepped away
15 from the meeting.)

16 MR. HULME: One possible solution here is
17 that we can deal with SEQRA now, then we can
18 adjourn it. I can come back. You guys can look
19 at everything we've supplied. I can come back
20 with the discussion of the five elements again,
21 and then you can make a decision on the variance
22 the next time.

23 I think that there's an -- I think that
24 there is an indication that some of the members
25 weren't sure what they were voting on when the

1 SEQRA vote was called for. It's just the -- it's
2 just the -- you're not approving the variances by
3 adopting SEQRA, negative, positive, or otherwise.
4 Your Board will have plenty of opportunity to
5 analyze and discuss the individual variances. And
6 until they get to that point and they actually
7 grant or deny those variances, we're not anywhere.

8 So I would ask that you reconsider the vote
9 on the Neg Dec, and so that we can at least get
10 that far, and then move on from there.

11 MR. PROKOP: So I think that there may be
12 reservations -- there may be concerns about the
13 application that are catching us now in the SEQRA
14 vote. I think that there may be conditions that
15 you might want to consider, you know, about future
16 development and things like that. But I don't --
17 but I don't think that that should necessarily
18 hold up the SEQRA vote.

19 So, Aram, do you have a recommendation for
20 the SEQRA vote?

21 MR. TERCHUNIAN: Yes, I do. I've reviewed
22 this application, and based on my professional
23 opinion, I recommend that the Board adopt a
24 Negative Declaration pursuant to SEQRA and proceed
25 to its decision.

1 CHAIRMAN GESSIN: Now we can adopt SEQRA and
2 we can actually --

3 MR. SARETSKY: Okay.

4 MR. MIZZI: We're prepared to do it.

5 MR. SARETSKY: We're prepared to do it.

6 MR. PROKOP: And the kinds of things that
7 you expressed, concerns about the neighbors'
8 opinion, you can -- you're still going to be able
9 to address that --

10 MR. SARETSKY: Okay, good.

11 MR. PROKOP: -- in the decision.

12 MR. SARETSKY: Okay.

13 MR. PROKOP: So now, if you wanted to
14 re-vote, it would be a new motion to determine
15 that the approval of variances will not have a
16 significant negative impact on the environment,
17 and, therefore, the Board is adopting a Negative
18 Declaration for purposes of SEQRA.

19 MR. TERCHUNIAN: So you need a motion, a
20 second and a vote.

21 MR. SIEGEL: You can do that and I'll second. It.

22 CHAIRMAN GESSIN: Okay. I'd like to, yes.

23 MR. TERCHUNIAN: So, Mr. Chairman, you're
24 making that motion?

25 CHAIRMAN GESSIN: Yes. I'd like to make

1 that motion, yes. Would you like to --

2 MR. SIEGEL: And I'll second that motion.

3 CHAIRMAN GESSIN: Sorry.

4 MR. TERCHUNIAN: Call the question.

5 CHAIRMAN GESSIN: I'm going to call for a
6 vote. All in favor?

7 MR. MIZZI: (Raised hand)

8 MR. SARETSKY: (Raised hand)

9 MR. SIEGEL: (Raised hand)

10 CHAIRMAN GESSIN: (Raised hand)

11 Oh, we actually got a vote.

12 Okay. Would you guys like to adjourn at
13 this point?

14 MR. SIEGEL: It seems that there's more to
15 talk about, and voting on the variances right now
16 is going to be --

17 CHAIRMAN GESSIN: Okay.

18 MR. SIEGEL: It's going to go bad.

19 CHAIRMAN GESSIN: Would you -- should we
20 give Jim some instructions on information he may
21 want to bring back to bring this vote to a head
22 next time?

23 MR. SIEGEL: I don't mean to be any kind of
24 a problem, but a letter --

25 CHAIRMAN GESSIN: I'm not trying to put you

1 under pressure. Just if you have anything you
2 want him to deal with, let's put it down.

3 MR. SIEGEL: A letter from each of the side
4 neighbors saying they don't mind --

5 CHAIRMAN GESSIN: You heard that, Jim?

6 MR. HULME: What's that? What did he say?

7 CHAIRMAN GESSIN: He wants you -- he's
8 joking.

9 (Laughter)

10 MR. SIEGEL: I wasn't trying to be funny,
11 but a letter from the neighbors would be really
12 nice.

13 MR. PROKOP: The relevant consideration
14 before the Board, when -- if we -- at the next
15 meeting on this, the relevant consideration will
16 be the -- those five questions.

17 CHAIRMAN GESSIN: Yes.

18 MR. PROKOP: So I think that -- I think that
19 if Jim is going to provide us with anything, which
20 he already has, but he could maybe go through that
21 more in depth.

22 MR. HULME: I'll be happy to do it again.

23 CHAIRMAN GESSIN: Okay.

24 MR. PROKOP: Jim should give us an analysis,
25 you know, at least a week before the meeting.

1 CHAIRMAN GESSIN: Okay.

2 MR. HULME: Okay.

3 MR. PROKOP: And I think that we should have
4 a meeting at least 30 days from today.

5 CHAIRMAN GESSIN: Okay.

6 MR. PROKOP: Or at the next cycle of our
7 meeting date.

8 MR. TERCHUNIAN: And if the -- you know, the
9 members have -- now this is all front and center,
10 and you have thoughts that come to you that you
11 want him to address, just communicate them to the
12 Clerk, and she will pass them along, you know, to
13 the applicant and his agent, so that, you know --
14 because it would be better to give them a chance
15 to --

16 MR. SARETSKY: Sure.

17 MR. TERCHUNIAN: -- you know, understand
18 your concern and address it before your next
19 meeting.

20 CHAIRMAN GESSIN: And, Jim, I think we
21 should maybe do a little research into the 826's
22 and 36's.

23 MR. HULME: Sure.

24 CHAIRMAN GESSIN: Okay?

25 MR. SARETSKY: Yeah, that would be great.

1 MR. HULME: I've already --

2 CHAIRMAN GESSIN: Which is very similar.

3 MR. HULME: Yeah.

4 MR. SIEGEL: What's that, Harvey?

5 CHAIRMAN GESSIN: What's that?

6 MR. SIEGEL: What's that, 826?

7 CHAIRMAN GESSIN: This is the other group
8 that's very similar to this application.

9 MR. PROKOP: I think the hearing's
10 technically closed. Will you consent to give us
11 the extension of time --

12 MR. HULME: Yes.

13 MR. PROKOP: -- for the next meeting,
14 please?

15 MR. HULME: Yes. Thank you.

16 CHAIRMAN GESSIN: So we have to make a
17 motion to close this --

18 MR. PROKOP: No, it's a motion to adjourn
19 the meeting.

20 CHAIRMAN GESSIN: To adjourn it. Would you
21 like to make a motion to adjourn this meeting?

22 MR. SIEGEL: Yes, I would like to make a
23 motion to adjourn this meeting.

24 CHAIRMAN GESSIN: Who would like to second it?

25 MR. PROKOP: On this application.

1 MR. SARETSKY: Second.

2 MR. HULME: Adjourn this application. I
3 think you have another applicant.

4 CHAIRMAN GESSIN: Right.

5 MR. HULME: You don't want to --

6 CHAIRMAN GESSIN: Yes.

7 MR. HULME: -- tell them that you're not
8 going to hear them today.

9 (Laughter)

10 CHAIRMAN GESSIN: Okay.

11 MR. SIEGEL: If we did that, it's all your
12 fault.

13 MR. HULME: It would be my fault. I would
14 take it.

15 CHAIRMAN GESSIN: Well, we're getting close.

16 MR. HULME: Yes. Thank you.

17 CHAIRMAN GESSIN: Okay.

18 MR. HULME: So you'll find a date.

19 CHAIRMAN GESSIN: We'll come up with a date, yes.

20 MR. HULME: Come up with a date and let me
21 know. All right. Thank you.

22 MR. FREEDMAN: Thank you very much.

23 MR. GESSIN: Come on up.

24 MS. SADELI: Oh, sorry, Mr. Chairman.

25 CHAIRMAN GESSIN: Yes.

1 MS. SADELI: This is a hearing for Robert
2 and Christina Young, Suffolk County Tax Map
3 #0907-02-02-17, 812 Dune Road, West Hampton Dunes,
4 New York, requesting a variance of 44 feet of the
5 front yard setback requirement of Section 560-8
6 for a deck, where the required setback is 70 feet,
7 and application proposes a setback for a deck of
8 26 feet.

9 A variance of 44 feet of the front yard
10 setback requirement of Section 560-8 for a pool,
11 where the required setback is 70 feet, and the
12 application proposes a setback for a pool of 26
13 feet.

14 MR. VERO: Good morning. Nicholas Vero,
15 Architect, 120 Mill Road, Westhampton Beach, for
16 the applicants, Robert and Christina Young. I'll
17 wait for you to finish.

18 CHAIRMAN GESSIN: Go ahead. No, no, go, go.

19 MR. VERO: Okay. So the applicant is
20 looking to build a pool on their house, and we're
21 here to seek variances for front yard setback from
22 Cove Lane. Because of the nature of the
23 cul-de-sac on Cove Lane, we have two front yards,
24 Dune Road being the southerly front yard, and now,
25 obviously, Cove Lane being the rear of the

1 property, which would require the setback, the
2 front yard setback from Cove Lane.

3 Just pointing out, Aram reminded me before
4 that there was a variance granted on this house
5 for front yard setback when the house was built.
6 The name was Dina Sante (phonetic). I believe Jim
7 Hulme did the variance years ago. I designed the
8 house after the variance was granted, so --

9 MR. SIEGEL: Is that the 13.9?

10 MR. VERO: That's the 13.9, yeah. So that
11 would put this variance back to that day.

12 So this is the only logical position that we
13 can place a pool. We comply to the two side yard
14 setbacks of -- on the northerly property line of
15 26.6 feet, and to the westerly property line of
16 21.8 feet to the deck, and 25.8 feet to the pool.
17 So we're limiting the size of the pool to a
18 20-by-30.

19 Most houses along Dune Road, Cove Lane, and
20 the surrounding properties do have pools. Unique
21 situation here because of the cul-de-sac on Cove
22 Lane. It's not like we're, you know, sitting out
23 on Dune Road asking for a front yard variance from
24 the Dune Road setback for a front yard variance
25 for a pool.

1 Cove Lane, obviously, the people who live on
2 Cove Lane, once in a while they'll come down here,
3 turn around and leave Cove Lane, you know, back
4 out onto Dune Road where the exit -- where it
5 comes out to Dune Road to the east of us.

6 So, like I said, the only variances that are
7 required here are for the deck setback, the pool
8 setback. We don't need a variance for lot
9 coverage, because we meet our lot coverage
10 requirement of 20%.

11 And I'll answer any questions.

12 MR. SIEGEL: Yeah. I missed when the Clerk
13 read out the variance requests, and it's probably
14 written here somewhere.

15 MS. SADELI: Do you want a copy here?

16 CHAIRMAN GESSIN: No, we actually don't have it.

17 MR. SIEGEL: We don't have --

18 CHAIRMAN GESSIN: I don't have it.

19 MR. SIEGEL: -- the variance request? The
20 variance says that you find what we needed. Did I
21 see this?

22 MR. VERO: Two front -- a front yard
23 variance for a deck and a pool, and the front yard
24 variances are from Cove Lane. So the requirement
25 is 70 feet.

1 MR. SIEGEL: So you're asking for a variance
2 of 44.

3 CHAIRMAN GESSIN: Yes, the 26.1, the 22.1.

4 MR. VERO: Right.

5 MR. SIEGEL: So it's the pool and the deck.

6 MR. VERO: Pool and the deck.

7 MR. SIEGEL: It's the same situation with
8 the 70 --

9 MR. VERO: Correct.

10 MR. SIEGEL. -- versus the -- these numbers
11 here.

12 MR. VERO: Your required -- your Required
13 rear yard setback for the zone is 70 feet.

14 MR. SIEGEL: Okay. I actually have a couple
15 of other questions.

16 CHAIRMAN GESSIN: Go ahead.

17 MR. SIEGEL: The pool, the height of the
18 pool, what is the proposed height?

19 MR. VERO: The height of the pool is down at
20 the lower level deck, not at the upper level deck.
21 So it's going to be probably 8 feet above grade,
22 maybe a little bit less.

23 MR. SIEGEL: So you're talking about flush
24 with the current deck that's there?

25 MR. VERO: Flush, flush with the current

1 deck that's on the first floor, yes.

2 MR. SIEGEL: Right.

3 MR. VERO: First floor deck, not the second.

4 MR. SIEGEL: And how -- about 8 feet there?

5 MR. VERO: It's about 8 feet, maybe a little
6 bit less.

7 MR. SIEGEL: And this is like a gunite pool,
8 so you're going to do like a gunite pool?

9 MR. VERO: Yeah, we'll do a gunite.

10 MR. SIEGEL: A hundred percent out of the
11 ground.

12 MR. VERO: Yes, yes, correct.

13 MR. SIEGEL: And there would need to be some
14 kind of skirt.

15 MR. VERO: Yeah. Well, a skirt, the outside
16 probably with a lattice. You know, that's -- it's
17 on the house right now.

18 MR. SIEGEL: I would say also that you
19 actually -- you don't need a safety fence around
20 the property, but you would -- but the home would
21 become -- you'd have to have some kind of alarms
22 for the pool and stuff like that.

23 MR. VERO: Yeah, all -- we would meet State
24 Code once we would get our building permit, State
25 Code. So either the alarm --

1 MR. SIEGEL: Because there's no way you can
2 get there from the property.

3 MR. VERO: Correct.

4 MR. SIEGEL: From the homes.

5 MR. VERO: Right.

6 CHAIRMAN GESSIN: Yeah.

7 MR. VERO: Well, that's a requirement of the
8 Building Department.

9 CHAIRMAN GESSIN: You know, they have to
10 have alarms on the --

11 MR. VERO: Or alarms on the door, or, you
12 know, the safety fence between the house now, or
13 another safety fence between the pool and --

14 MR. SIEGEL: True.

15 MR. VERO: -- the house. So, either way,
16 however they want us to handle it, once we put in
17 a building permit.

18 MR. SIEGEL: Right.

19 MR. VERO: So it's either way.

20 MR. SIEGEL: But the fence is ridiculous.

21 MR. VERO: Right, right.

22 MR. SIEGEL: It's not the way to go. I have
23 one question.

24 MR. VERO: I mean, I think the other thing
25 that I'm sure that the Youngs would want to do,

1 and I'll offer this up right now, we will screen
2 the property line on Cove Lane --

3 MR. SIEGEL: That was my next question.

4 MR. VERO: -- with hedging so --

5 MR. SIEGEL: You're talking about
6 landscaping?

7 MR. VERO: Yes, we would definitely
8 landscape screen there. And I'm sure they're
9 going to want their privacy, because it is the
10 front yard, so to speak. I don't know if anybody
11 cuts through their property to go to the beach
12 through Cove Lane, but --

13 MR. MIZZI: They may never like that.

14 MR. TERCHUNIAN: The Mayor used to drive
15 through there.

16 MR. VERO: Oh, the Mayor used to drive --

17 MS. YOUNG: I actually don't want anyone
18 coming through, because it's -- there's a few --

19 MR. MIZZI: People used to cut through
20 there.

21 MS. YOUNG: Yeah.

22 MR. VERO: Yeah. So we would hedge that
23 entire area off for privacy, the entire rear,
24 yeah.

25 MS. YOUNG: And put like a real fence that

1 people don't rip down on us.

2 MR. SIEGEL: The interesting thing about the
3 screening that we're talking about, being that the
4 pool is so up in the air, it really doesn't give
5 you any privacy.

6 MR. VERO: Yeah, that's true, too. They
7 would have to put something else there.

8 MR. SIEGEL: So if you're really talking
9 about like privacy, you may consider having a
10 couple of steps down to that piece of the pool
11 deck and lower the pool into the ground a little
12 bit.

13 I know that the variances we're talking
14 about are distance variances, they're not really
15 bulk variances, not like -- I don't know what bulk
16 is. FAR? Not really, but, you know, like it only
17 is in plan. It has nothing to do with the height.
18 But the reality is the higher it is the more
19 imposing it is.

20 CHAIRMAN GESSIN: So is your concern the
21 pool or the view -- or the view on the ground?

22 MR. MIZZI: You're saying that this would be
23 like the mass of the --

24 MR. SIEGEL: Yeah.

25 MR. MIZZI: Is that what you're saying?

1 MR. SIEGEL: So what I'm saying is we are
2 going to try to agree to allow the pool to be
3 there, and so there's -- it's this new big thing
4 in the backyard, and it's -- the size of it in
5 plan is not the question, and these setbacks are
6 not a giant question for me. But if it's -- if it
7 was in the ground, you wouldn't even know this
8 thing was happening, but it would be tough to get
9 to the pool, because you've got to go 8 feet down
10 to get to it. So that's like not a great
11 solution. If it's up at the top, exactly over
12 here, that would be the maximum request, in my
13 opinion.

14 And for variances, it always seems to me
15 that you should like, you know, mitigate your
16 request to some degree to make it like the least
17 that you can ask for. So I'm not suggesting make
18 the pool smaller, because that's the plan problem,
19 but there is this height thing. So if it was like
20 down lower, it would be lesser of a thing that
21 we're approving.

22 MR. VERO: So here's my comment on this. It
23 is an upside down house. Their living area is
24 up -- their living area is up on the second
25 floor --

1 MR. SIEGEL: Okay.

2 MR. VERO: -- upper level, okay?

3 MR. SIEGEL: I got it.

4 MR. VERO: Okay. So the bedrooms are
5 downstairs. So for them to come from the living
6 area down to the deck down to another deck,
7 that's -- you know, I mean, it's a little bit of a
8 strategic, you know, problem, because kitchen's
9 upstairs, you know, parties and entertaining
10 take -- okay?

11 Problem number two is the further we go into
12 the ground, then we're talking about possibility
13 of dewatering, and dewatering is a nightmare in
14 your village, in any village, anywhere where's
15 dewatering, because, you know, we either have to
16 pump the water back into the ground, okay, or the
17 water has to go into a trough or a dry well, and
18 it becomes, you know, all kinds of problems in the
19 permit process and that is --

20 MR. SIEGEL: So is the -- do you know if the
21 depth of the pool is going to be around 8 feet?

22 MR. VERO: The depth of the -- we're
23 doing --

24 MS. YOUNG: No.

25 MR. VERO: We're going to probably wind up

1 doing --

2 MS. YOUNG: Sport, like four feet.

3 MR. VERO: Yeah, sport, four foot, right, so
4 right, so.

5 MR. SIEGEL: So four feet?

6 CHAIRMAN GESSIN: But all you're going to
7 see is lattice.

8 MR. VERO: Right, all you're going to see is
9 lattice and, you know --

10 MR. SIEGEL: So, but, I mean --

11 CHAIRMAN GESSIN: No. All you're going to
12 see is the --

13 MR. VERO: You're not going to see -- you're
14 not going to see lattice.

15 CHAIRMAN GESSIN: You're going to see this
16 further out.

17 MR. SARETSKY: Right. You're going to see
18 the mass.

19 CHAIRMAN GESSIN: That's all you're going to
20 see. You're not going to see the pool.

21 MR. VERO: But you're not even going to see
22 that, because if we hedge along the property line,
23 somebody at grade --

24 CHAIRMAN GESSIN: That's true.

25 MR. VERO: -- is only going to see hedging,

1 not going to see the pool. People in the pool are
2 going to see the end of the street.

3 MR. SIEGEL: Mitigation is that it will not
4 be at the level of the kitchen.

5 MR. VERO: Right.

6 MR. SIEGEL: It's already 8 feet lower than
7 what they really wanted.

8 CHAIRMAN GESSIN: You're not asking for it
9 on the second floor, right?

10 MR. VERO: No.

11 CHAIRMAN GESSIN: First floor.

12 MR. VERO: First floor.

13 CHAIRMAN GESSIN: Yeah. No, he's only
14 asking for the first floor.

15 MR. SIEGEL: I know, I know.

16 MR. MIZZI: You made a comment about the --

17 MR. SIEGEL: They lowered it 8 feet from
18 where they wanted it.

19 MR. MIZZI: No. And you made a comment
20 about the hedges being for privacy for -- it's not
21 the privacy for the swimming, it's to conceal
22 the -- to make it look nice when you drive by.

23 MR. SIEGEL: I agree.

24 MR. MIZZI: So I think if -- if that's what
25 Nick is proposing --

1 CHAIRMAN GESSIN: So you would like the
2 plantings, the way I see it, at grade covering the
3 lattice, as opposed to at the pool deck level
4 covering let's say the railings and the people?

5 MR. SIEGEL: Oh, I never suggested putting
6 plantings up on the pool deck level.

7 CHAIRMAN GESSIN: Okay.

8 MR. SIEGEL: I would not suggest that. And
9 as long as there was some kind of screening,
10 whether it's at the property line --

11 MR. VERO: True.

12 MR. SIEGEL: -- or against the --
13 or against the pool --

14 MR. SARETSKY: Structure.

15 MR. SIEGEL: -- structure itself, that's not
16 relevant to me.

17 MR. MIZZI: Not those little shrubs they put
18 down the street.

19 MR. SIEGEL: Oh, those little guys?

20 MR. MIZZI: Not those little shrubs you guys
21 were putting down the street.

22 MR. SIEGEL: Oh, those little ones?

23 MR. MIZZI: Those little --

24 MR. VERO: I have -- I forgot a pencil. I
25 have a crayon with me. So, I mean, I would want

1 to do something like that.

2 MR. SIEGEL: Yeah.

3 MR. VERO: And if you do something 6 to 8
4 feet high, you know, the people on the street in
5 Cove Lane or the people in the car are not going
6 to see the pool. The further you're out onto your
7 property line with the -- with your screening,
8 it's going to have less impact of what you're
9 going to see 26 feet away. So we're not too
10 concerned about them being on their deck looking
11 at the people out in the street, okay?

12 MR. SIEGEL: One thing that this does not
13 show is that there's a house right here.

14 MR. VERO: Correct.

15 MR. SIEGEL: You know. And that I would
16 potentially suggest that maybe if you use the same
17 budget --

18 MR. VERO: Oh, yeah, actually, no, we
19 would --

20 MR. SIEGEL: That it go to here.

21 MR. VERO: Yeah. So let me take my crayon
22 out, yeah.

23 MR. MIZZI: And for clarity, this 26 he's
24 compliant?

25 MR. VERO: You can borrow my crayon any

1 time.

2 MR. MIZZI: This 26 for the accessory to the
3 back of the pool is compliant?

4 MR. VERO: Yeah, That's compliant, yes.

5 CHAIRMAN GESSIN: Yes, yes, yes.

6 MR. VERO: That's compliant. Yeah, we could
7 do it all the way across.

8 MR. SARETSKY: So the only real -- so the
9 variance really is for this, right?

10 MR. MIZZI: This.

11 MS. YOUNG: No. That we already have.

12 MR. SIEGEL: No, no, that's already a
13 variance.

14 MR. MIZZI: Just this.

15 MR. VERO: Just that, that's the only
16 variance.

17 MR. SIEGEL: Because this is a front yard
18 and this is a front yard.

19 MR. VERO: Two front yards.

20 MR. SIEGEL: How many properties have two
21 front yards?

22 MR. VERO: There might three or four in the
23 Village. Aram would know that. How many -- how
24 many properties have two front yards in the
25 Village, three?

1 MR. TERCHUNIAN: Well, these --

2 CHAIRMAN GESSIN: The one next door.

3 MR. VERO: There's one next door.

4 CHAIRMAN GESSIN: On each end of Dune Road.

5 MR. VERO: Right, that's four.

6 MS. SADELI: Wait. For the stenographer,
7 everybody has to speak one at a time.

8 MR. SARETSKY: We get excited sometimes.

9 MR. VERO: So I guess the question was how
10 many --

11 MR. PROKOP: We need more than one
12 stenographer now.

13 (Laughter)

14 CHAIRMAN GESSIN: This is the other variance
15 that this Board issued before when you were on the
16 Board. This is the house next door?

17 MR. SIEGEL: Yeah. What was that for?

18 MR. SARETSKY: It was for --

19 CHAIRMAN GESSIN: The pool.

20 MR. SARETSKY: The pool.

21 CHAIRMAN GESSIN: It's in the side yard --
22 actually, the front yard.

23 MR. MIZZI: Which he blamed -- he blamed
24 Colucci for putting in his pool, which didn't have
25 a permit. He wanted his pool.

1 MR. VERO: I had nothing to do with that,
2 did I? I don't think so.

3 (Laughter)

4 CHAIRMAN GESSIN: So that's sort of, without
5 the lattice, what it's going to look like, if you
6 do no plantings.

7 MR. SIEGEL: That's also lower down than
8 that.

9 CHAIRMAN GESSIN: Not much.

10 MR. VERO: No, it's right there, up there.

11 MS. YOUNG: They're all flush with the first
12 level.

13 MR. PROKOP: Whose house is that high?

14 MS. YOUNG: The one next door.

15 CHAIRMAN GESSIN: It's eight-twelve.

16 MS. SADELI: No, eight-ten.

17 CHAIRMAN GESSIN: Aram, what's the name on
18 that?

19 MR. VERO: Eight-ten, eight-ten.

20 MR. TERCHUNIAN: The name is Gomeran.

21 MR. PROKOP: Oh, that's Gomeran?

22 MR. TERCHUNIAN: Yeah.

23 MR. PROKOP: I thought we -- I didn't know
24 you approved a pool.

25 MR. MIZZI: We did.

1 CHAIRMAN GESSIN: Yeah, yeah, yeah, we did
2 that.

3 MR. PROKOP: A deck?

4 MR. MIZZI: A lower deck.

5 MR. SARETSKY: It was the -- there were deck
6 clearances.

7 CHAIRMAN GESSIN: No, they're about at the
8 same elevation. I mean, I don't have them in the
9 one shot.

10 MR. MIZZI: I'm good with this, with the
11 landscaping.

12 MR. SIEGEL: So I had a question, and it was
13 the neighbor in the rear. Do they know about this
14 application?

15 MR. VERO: Of course.

16 MS. SADELI: Yeah.

17 MS. YOUNG: Well, they were noticed.

18 MR. VERO: They were noticed.

19 MR. SIEGEL: And they're not here to say --

20 CHAIRMAN GESSIN: I actually ran into them
21 this morning when I took the pictures and they had
22 no opinion on it.

23 MR. SARETSKY: The only question I have --

24 MR. MIZZI: And we're in compliance up
25 against the property line. We're really going

1 really into --

2 MR. SARETSKY: The only question I raise is,
3 you know, and I know what the applicant said, but
4 maybe the screening should be more around the
5 structure, because here, is it more -- I'm not
6 sure which is better, but I'm not sure it matters.

7 MR. MIZZI: And also like the -- while
8 it's -- while it's --

9 MR. SIEGEL: Yeah. As far as the
10 perspective view goes, when you go away, you get
11 more benefit from something closer to where you're
12 looking from than over here, you're really going
13 to --

14 MR. MIZZI: And also, also take note that
15 like this was somebody's property line. It's --
16 it would be just up against someone's property.

17 MR. VERO: That's correct.

18 MR. MIZZI: But this is actually in a road
19 and --

20 MR. SIEGEL: Right.

21 MR. MIZZI: -- the real road like --

22 MR. VERO: Road is all the way back there,
23 so it's another -- right, it's another 20 feet
24 away.

25 MR. MIZZI: It's not even -- it's not as

1 great a distance.

2 MR. SARETSKY: I mean, I was just asking
3 more than concerned about it.

4 MR. VERO: And what we tried to do, we tried
5 to maintain what we conceived as a side yard
6 setback, that's why the pool is set back.

7 MS. YOUNG: This is the only thing, is like
8 I'm just going to put hedges, what's perceived in
9 the middle of the property. I mean, obviously I
10 would put my hedges here along the property line,
11 but the fencing is kind of here, because the
12 street is actually here.

13 MR. VERO: But You can't have fencing on
14 their -- on village property.

15 CHAIRMAN GESSIN: Yeah, the fencing has to
16 go on --

17 MR. VERO: This is village property.

18 MS. YOUNG: I don't want anymore fencing.

19 MR. MIZZI: Which is okay. You could have
20 landscaping on --

21 MR. VERO: But you have -- your Landscaping
22 cannot be on village property, it would have to be
23 on the property line. So you can go -- the
24 perception is that that's currently on top.

25 MR. SIEGEL: That's going to be a little

1 weird for you.

2 MR. VERO: Yeah, it's going to be weird,
3 right.

4 MR. SIEGEL: I mean, it's going to seem like
5 it's halfway between the street --

6 MS. YOUNG: I mean, not to pry or anything.
7 Does anyone else have these things? I mean,
8 there's all nonconforming pools around me. So the
9 guy next door to me has the pool 8 feet up at his
10 first level to -- when you're facing the street on
11 the left --

12 MR. MIZZI: But I was joking before, though.
13 What happened is --

14 MS. YOUNG: -- and on the right.

15 MR. MIZZI: What happened is --

16 MS. YOUNG: With no planting.

17 MR. MIZZI: -- somebody had a pool with no
18 plantings. The next guy said, "Well, that guy put
19 the pool in with no plantings, I'm entitled to a
20 pool." We approved it, now there's two, now
21 there's a third. And so I think we're allowing --
22 we're approving variances to let people put pools
23 in, and I think it's prudent to address it with
24 landscaping.

25 MR. VERO: Which is not -- which is not --

1 MR. SIEGEL: I have a suggestion.

2 MR. VERO: -- unusual.

3 MR. SIEGEL: I have a suggestion, and that
4 is that --

5 MR. MIZZI: And we had to --

6 CHAIRMAN GESSIN: Let's try to talk one at a
7 time.

8 MS. YOUNG: I mean, we're going to put
9 plantings, because we want privacy. I'm just like
10 trying to figure it out. It's just --

11 CHAIRMAN GESSIN: Please, guys, one at a
12 time. One at a time.

13 MS. YOUNG: I'm just trying to figure out.
14 Obviously, the plantings, we want plantings
15 anyway, because I do want my privacy. So I'm
16 not -- I'm not concerned about this. I'm just
17 thinking how this is going to look --

18 MR. MIZZI: Can I make a suggestion?

19 MS. YOUNG: -- in the middle of the
20 property.

21 MR. MIZZI: Could you -- if we approve -- we
22 could approve landscaping that gets approved, and
23 what we've done in the past is that if Nick
24 draws -- talks to you, draws something up, submits
25 it and we approve it.

1 MS. YOUNG: For the landscaping.

2 MR. MIZZI: Yeah.

3 MS. YOUNG: Okay.

4 MR. MIZZI: You know, we approve this
5 variance subject to --

6 MS. YOUNG: To --

7 CHAIRMAN GESSIN: A landscape plan.

8 MS. YOUNG: Because I am going to -- we are
9 going to do landscaping.

10 MR. MIZZI: An acceptable -- an acceptable
11 landscape plan.

12 CHAIRMAN GESSIN: So you get the pool in and up.

13 MS. YOUNG: That makes sense. Thank you.

14 MR. PROKOP: Okay. So I think we can adopt
15 SEQRA.

16 CHAIRMAN GESSIN: Are you sure?

17 MR. MIZZI: I can't adopt SEQRA either.

18 (Laughter)

19 MR. VERO: You want me to leave and come
20 back?

21 MR. MIZZI: And give us an environmental
22 assessment plan.

23 CHAIRMAN GESSIN: Okay. So is there any
24 other comments anybody would like to make?

25 MR. SARETSKY: I don't think I have any

1 issues.

2 MR. MIZZI: I'm good. I'm good, subject to
3 a --

4 CHAIRMAN GESSIN: A landscape plan.

5 MR. MIZZI: -- a landscape plan.

6 MR. SIEGEL: Me, too.

7 CHAIRMAN GESSIN: Okay. So let's -- I guess
8 we have to adopt SEQRA first.

9 MR. SIEGEL: Can I say something about the
10 landscape plan?

11 CHAIRMAN GESSIN: Anything you want.

12 MR. SIEGEL: But we can adopt SEQRA, too, by
13 the way, if you want.

14 CHAIRMAN GESSIN: If you have more comments,
15 keep going.

16 MR. SIEGEL: Well, having, too, the
17 landscape plan, I just wanted to ask a question
18 about outdoor lighting, outdoor lighting.
19 Sometimes we're pretty sensitive to the neighbors
20 about outdoor lighting, so I would say that the
21 landscape plan should also include lighting.

22 MR. VERO: Okay.

23 CHAIRMAN GESSIN: Lighting and landscape
24 plan.

25 MR. SIEGEL: Correct.

1 MR. PROKOP: We've done that in the past.

2 MR. SIEGEL: Something that shows that
3 you're not having like a --

4 MR. SARETSKY: A-dollar-and-seventeen
5 lights --

6 MR. SIEGEL: Yeah.

7 MR. SARETSKY: -- shining on it.

8 MS. YOUNG: No, no, I get it. We just had
9 somebody do that to us.

10 MR. SARETSKY: Well, I had that near my
11 house.

12 MR. PROKOP: The first motion is a motion
13 for the Board to adopt Lead Agency status, and
14 determine that this is a Type II Action for SEQRA,
15 and that, therefore, no further SEQRA is required.

16 CHAIRMAN GESSIN: Make a motion?

17 MR. SARETSKY: Yes.

18 CHAIRMAN GESSIN: Okay. All vote.

19 MR. MIZZI: (Raised hand)

20 MR. SARETSKY: (Raised hand)

21 MR. SIEGEL: (Raised hand)

22 CHAIRMAN GESSIN: (Raised hand)

23 Okay. That one was pretty easy. Okay.

24 Keep going, Joe.

25 MR. PROKOP: The next motion is a motion for

1 the Board to determine --

2 MS. SADELI: Oh, Joe, she said she didn't
3 get a second.

4 MS. BRAATEN: Was there a second? I got a
5 motion, but --

6 MR. SIEGEL: Second.

7 MS. YOUNG: Thank you.

8 MR. VERO: Wait, not done yet.

9 (Laughter)

10 MR. PROKOP: The next motion is for the
11 Board to determine with respect to the five --

12 MR. TERCHUNIAN: Nope, nope, Negative
13 Declaration.

14 MR. PROKOP: I did. No, it's a Type II
15 Action.

16 MR. TERCHUNIAN: Oh, it's a Type II.

17 MR. PROKOP: Yeah.

18 MR. TERCHUNIAN: Okay.

19 MR. PROKOP: With respect to the five
20 criteria, I suggest that the Board determine that
21 the granting of the requested variances will not
22 produce a negative -- excuse me -- will not
23 produce an undesirable change in the character of
24 the neighborhood or a detriment to nearby
25 properties, provided there's proper buffering that

1 the applicant is going to submit in a landscaping
2 plan.

3 That the benefit sought by the applicant
4 cannot be achieved by some other method feasible
5 for the applicant to pursue other than the
6 requested area variances.

7 The requested variances are not substantial.

8 The requested variances will not have an
9 adverse effect or impact on the physical or
10 environmental conditions in the neighborhood or
11 district, provided that a proper landscaping plan
12 is submitted, because the variances are other than
13 for a permanent structure. I'm sorry, just end it
14 at that. They're not going to have a negative
15 impact on the environmental conditions in the
16 neighborhood.

17 And that the alleged -- the alleged
18 difficulty was self-created, but that
19 consideration does not preclude the granting of
20 the requested area variance by the Board.

21 MR. MIZZI: I have one question. If that
22 wasn't a special condition, like say that if
23 that -- if there wasn't a road, Cove Lane wasn't
24 there, what's the required side yard setback?

25 MR. VERO: Twenty feet.

1 MR. MIZZI: Twenty feet.

2 MR. PROKOP: Well, if it wasn't there, the
3 side back setback would be -- for an accessory
4 structure, I think it's -- for a pool, I think
5 it's 40.

6 MR. TERCHUNIAN: No, it's 20 feet.

7 MR. VERO: It's 20 feet.

8 CHAIRMAN GESSIN: Twenty.

9 MR. TERCHUNIAN: Twenty feet.

10 MR. MIZZI: So I think it should --

11 MR. PROKOP: On one side it is 25 feet -- 26
12 feet on one side, something like that.

13 MR. VERO: But, I can answer your -- I'll
14 answer your question. If we didn't have Cove Lane
15 there, then we would have a rear yard problem.

16 MR. MIZZI: Okay.

17 MR. VERO: We have no rear yard. Actually,
18 then that becomes a rear yard.

19 CHAIRMAN GESSIN: You're right, you'd still
20 need a variance.

21 MR. VERO: So we'd still probably need a
22 variance, unless -- what's our rear yard setback?
23 Twenty feet accessory.

24 CHAIRMAN GESSIN: No.

25 MR. TERCHUNIAN: Accessory is 20 feet, yeah.

1 MR. VERO: Yeah. No, so we wouldn't need
2 anything --

3 MR. MIZZI: I guess what I'm saying is I
4 think -- I'd like it to be noted that my approval
5 of this is specific to this condition, where the
6 front of the house is on Dune Road, clearly.
7 There just happens to be this road here, which is
8 creating the second --

9 MR. TERCHUNIAN: The situation is created by
10 two front yards.

11 MR. MIZZI: Yeah, exactly.

12 MR. VERO: Two front yards, that's it.

13 MR. TERCHUNIAN: That oppose each other.

14 MR. VERO: That's it.

15 MR. MIZZI: Yeah, because that --

16 MR. SARETSKY: You need to put -- note that
17 just --

18 MR. MIZZI: As we look at other variances,
19 like this wouldn't even need to come to us if it
20 weren't -- that was somebody's property.

21 MR. PROKOP: I think you're expressing that
22 it's due to the unique circumstances of this
23 application.

24 MR. VERO: Which is what I stated in the
25 opening statement, right.

1 CHAIRMAN GESSIN: Yes, he did.

2 MR. PROKOP: Okay. So that would be the
3 motion with regard to the five considerations,
4 if -- based on what I heard from the Board, that
5 would be my recommended motion.

6 CHAIRMAN GESSIN: Would you like to make a
7 motion?

8 MR. SIEGEL: I would make that motion, as
9 read by our Attorney.

10 CHAIRMAN GESSIN: Would someone like to
11 second it?

12 MR. SARETSKY: (Raised hand)

13 CHAIRMAN GESSIN: Okay. All in favor?

14 MR. MIZZI: (Raised hand)

15 MR. SARETSKY: (Raised hand)

16 MR. SIEGEL: (Raised hand)

17 CHAIRMAN GESSIN: (Raised hand)

18 MR. PROKOP: Okay. So now you did SEQRA,
19 you did the five considerations, so now you're
20 free to take action on the application. And this
21 is two variances. One is for the pool and one is
22 for the deck.

23 CHAIRMAN GESSIN: Okay. So --

24 MR. PROKOP: But you could take -- do it in
25 one decision. Excuse me.

1 CHAIRMAN GESSIN: Okay. Do we want to vote
2 and close this hearing today, or do we want to put
3 it off, let them bring the landscape and lighting
4 plan in the next 10 days and approve it at the
5 next meeting?

6 MR. MIZZI: I'm willing to approve it
7 subject to an acceptable landscaping plan.

8 MR. TERCHUNIAN: Okay. Who's going to
9 accept the landscape plan? Somebody has to say
10 yay or nay to that.

11 CHAIRMAN GESSIN: Say that again.

12 MR. TERCHUNIAN: In other words, if they
13 submit a plan that's not acceptable, what -- who's
14 going to make that determination that it is or is
15 not acceptable?

16 MR. VERO: Is it you, is it the Building
17 Department? Sometimes the conditions are the
18 building Department.

19 MR. MIZZI: In the past --

20 CHAIRMAN GESSIN: Well, in the past it's
21 been this Board.

22 MR. VERO: Okay. Then it's fine.

23 CHAIRMAN GESSIN: Right.

24 MR. MIZZI: I mean, what we -- actually, in
25 the past, someone said we're going to do this --

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MR. VERO: Okay.

MR. MIZZI: -- and then they didn't really do it, and we came back and said, "You really didn't do it," and they fixed it. So I think if we just know that you're going to do it, it wouldn't prevent the start of the pool. I assume you want the pool for the summer.

MR. PROKOP: Once you submit the plan, you have to -- don't start until you submit the plan on this.

MR. MIZZI: Yeah.

CHAIRMAN GESSIN: Don't start construction?

MR. PROKOP: Right. We shouldn't -- they shouldn't build it.

MS. YOUNG: Until you submit the --

MR. VERO: Right.

MR. SARETSKY: Landscape plan.

MR. VERO: All right. So we'll -- the condition, we'll meet the condition, if that's what you guys want to do for 10 day, that's absolutely perfect. No problem with that at all.

CHAIRMAN GESSIN: Okay, which means we then have to schedule another public hearing to --

MR. TERCHUNIAN: Not a public hearing, it's

1 for decision only.

2 CHAIRMAN GESSIN: The next one?

3 MR. TERCHUNIAN: (Nodded yes)

4 MR. SARETSKY: We did this before.

5 CHAIRMAN GESSIN: Oh, but we have to
6 schedule another meeting.

7 MS. YOUNG: Do I need to --

8 MR. PROKOP: No, you're going to vote on it
9 today.

10 MS. YOUNG: Do you need to send out notices
11 on that and everything?

12 MR. VERO: No, no.

13 CHAIRMAN GESSIN: We're going to vote on
14 this now.

15 MR. PROKOP: You should vote on this
16 today --

17 CHAIRMAN GESSIN: Okay.

18 MR. PROKOP: -- subject to the submission of
19 a --

20 CHAIRMAN GESSIN: Of a landscape and
21 lighting plan.

22 MR. SIEGEL: And the landscaping would need
23 irrigation as well, so that --

24 MR. VERO: Of course, yeah.

25 CHAIRMAN GESSIN: Well, don't say that.

1 We've had applications --

2 MR. VERO: No, I'm sorry. I apologize.

3 CHAIRMAN GESSIN: -- that actually did not
4 want to do irrigation.

5 MR. PROKOP: What's the drainage of the
6 pool? How is the pool going to be drained?

7 MR. VERO: We'll have a dry well.

8 MR. PROKOP: How's the pool going to be
9 drained?

10 MR. VERO: We'll have a dry well for
11 backflow, put in, you know, for flushing.

12 MR. PROKOP: Okay.

13 MR. VERO: That's typical of a pool.

14 MR. TERCHUNIAN: Just throw that on the
15 landscape plan.

16 MR. VERO: We'll put it on the landscape
17 plan, sure.

18 MR. SIEGEL: Yeah, because that's not shown
19 on the survey.

20 MR. PROKOP: So that's the motion.

21 CHAIRMAN GESSIN: Okay. So let's make a
22 motion to --

23 MR. TERCHUNIAN: Close the hearing.

24 CHAIRMAN GESSIN: Close the hearing.

25 MR. TERCHUNIAN: Take written submissions

1 within 10 days of an acceptable landscape plan,
2 including lighting and --

3 MR. VERO: Irrigation.

4 MR. TERCHUNIAN: Irrigation.

5 MR. VERO: And drainage.

6 MR. TERCHUNIAN: And drainage.

7 CHAIRMAN GESSIN: All in favor?

8 MR. MIZZI: Aye.

9 MR. SARETSKY: Aye.

10 MR. SIEGEL: In favor.

11 CHAIRMAN GESSIN: (Raised hand). Unanimous.

12 MR. PROKOP: And you have to vote to approve
13 it -- approve it. You just voted to close the
14 hearing and accept the plan. You want to vote to
15 approve it.

16 MR. TERCHUNIAN: Right.

17 MR. PROKOP: So now we need a vote to
18 approve it.

19 MR. TERCHUNIAN: Subject to.

20 MR. PROKOP: Subject to.

21 CHAIRMAN GESSIN: Okay. Would someone like
22 to make a motion to --

23 MR. SARETSKY: Sure

24 CHAIRMAN GESSIN: -- approve this
25 application subject to the landscape plan, the

1 lighting plan --

2 MR. VERO: Irrigation.

3 CHAIRMAN GESSIN: Irrigation and drainage?

4 MR. SARETSKY: Sure.

5 MR. SIEGEL: Acceptable.

6 MR. TERCHUNIAN: We have a motion by

7 Mr. Saretsky. Who's the second?

8 MR. SIEGEL: Second.

9 MR. TERCHUNIAN: Mr. Siegel.

10 CHAIRMAN GESSIN: All in favor?

11 MR. MIZZI: Aye.

12 MR. SARETSKY: Aye.

13 MR. SIEGEL: Aye.

14 CHAIRMAN GESSIN: (Raised hand).

15 MR. VERO: Okay.

16 MS. YOUNG: Thank you.

17 MR. VERO: Thank you. Take care. Thank

18 you, Ladies and Gentlemen.

19 MS. YOUNG: Thank you very much. Thank you.

20 Thank you.

21 CHAIRMAN GESSIN: You're welcome.

22 MR. PROKOP: Just I past around a draft

23 decision for Rollin and Terzi. So Rollin and

24 Terzi --

25 CHAIRMAN GESSIN: Okay. I brought my file.

1 Do you know, it was so long ago, Joe, I forgot
2 what we approved.

3 (Laughter)

4 MR. PROKOP: And I looked at -- I read the
5 minutes and I can't -- I can't figure out what we
6 approved.

7 MR. MIZZI: Which one?

8 CHAIRMAN GESSIN: The one with the steps
9 that never got approved.

10 MS. SADELI: On Dune Lane?

11 MR. PROKOP: They applied for five
12 variances, including the steps, and we --

13 MS. SADELI: On Dune Lane?

14 CHAIRMAN GESSIN: They got everything except
15 the steps.

16 MR. PROKOP: We approved four without the
17 steps, right, because --

18 CHAIRMAN GESSIN: Right.

19 MR. PROKOP: And then they ended up
20 making -- changing it, so they don't need it. So
21 this is more or less the -- I have to give this to
22 these people. So maybe what you could do is
23 approve this subject -- and maybe something --

24 CHAIRMAN GESSIN: Okay. Let me -- I brought
25 the file with me.

1 MR. PROKOP: We approved the variances.

2 CHAIRMAN GESSIN: This is the biggest file
3 I've ever had in one house.

4 MR. SARETSKY: For that one?

5 CHAIRMAN GESSIN: That, yeah, look.

6 MR. SARETSKY: Wow. I was just saying my
7 only clarification was that we didn't approve the
8 stair. Harvey, because of the issue we had with
9 the other home --

10 CHAIRMAN GESSIN: And the Village -- and
11 they had the right to come back.

12 MR. SARETSKY: So they were able to do it
13 without it.

14 CHAIRMAN GESSIN: But they didn't own the
15 house. Remember they --

16 MR. SARETSKY: And then it stopped.

17 MR. TERCHUNIAN: All right. You're killing
18 the poor stenographer when the two of you talk at
19 the same time. And I'm going to chastise
20 everybody here, okay?

21 CHAIRMAN GESSIN: Yes.

22 MR. TERCHUNIAN: Because it makes her nuts
23 and she doesn't say anything because she's so
24 polite. So you return the politeness.

25 MR. SARETSKY: And I just said I was sorry.

1 (Laughter)

2 MR. SIEGEL: And say you apologize as well.

3 MR. SARETSKY: Eric Saretsky apologizes as
4 well.

5 (Laughter)

6 MR. SIEGEL: No side discussions.

7 MR. SARETSKY: No side bars.

8 MR. SIEGEL: So I asked our Attorney on this
9 one why there is no problem with the stair
10 anymore, and the answer was --

11 CHAIRMAN GESSIN: They don't have the
12 stairs.

13 MR. SIEGEL: -- they changed it, and there's
14 no stair issue.

15 CHAIRMAN GESSIN: Well, that's fine.

16 MR. SARETSKY: It's compliant.

17 MR. SIEGEL: It's now compliant. So they
18 don't even have to show us what they did.

19 CHAIRMAN GESSIN: As long -- yeah, as long
20 as they --

21 MR. SIEGEL: It's as-of-right.

22 CHAIRMAN GESSIN: Yeah. Remember, they
23 wanted a variance to be three feet from the
24 property line.

25 MR. SIEGEL: And who determined that it was

1 as-of-right, Bob?

2 CHAIRMAN GESSIN: If they -- all they have
3 to do is turn the stairs sideways, it's
4 as-of-right.

5 MR. SIEGEL: Well, do you see a drawing of it?

6 CHAIRMAN GESSIN: They didn't build the
7 house.

8 MR. SARETSKY: They didn't require that.

9 MR. PROKOP: They're waiting for this.

10 MR. SARETSKY: They got rid of a variance
11 for it.

12 MR. SIEGEL: Okay.

13 CHAIRMAN GESSIN: They have the house, all
14 their setbacks, that's all been voted and approved
15 by this Board, okay? And they were waiting for
16 the Village to create language for stairs in -- I
17 guess you call it the front of the house or front
18 yard, so for egress, okay, to see whether they can
19 comply with that or have to come back to this
20 Board, okay? I'm assuming they are going to
21 comply with it, because they haven't come back to
22 this Board.

23 MR. SARETSKY: We're not approving a
24 variance for a stair change or a deviation.

25 MR. PROKOP: Oh. So I guess what I did

1 also, that -- here's a copy of the public notice
2 that we did for --

3 CHAIRMAN GESSIN: Rollin?

4 MR. PROKOP: Rollin.

5 MR. SARETSKY: I think we should just
6 explain to Ken that this was like on the fast
7 track for a while, but they were really trying to
8 get it going and then it stopped, right, Harvey?
9 I mean --

10 CHAIRMAN GESSIN: Well, having nothing to do
11 with us, they just didn't go forward.

12 MR. SARETSKY: The only reason why this has
13 been --

14 CHAIRMAN GESSIN: Right.

15 MR. SARETSKY: -- such a long lapse in time.

16 MR. SIEGEL: So the cross-out is what used
17 to be the stair problem?

18 MR. PROKOP: And here's a copy of the --
19 this is actually a copy of the minutes when we
20 approved it. Because it was so long ago, I
21 printed out the minutes, so here.

22 MR. SIEGEL: What's the cross-out?

23 MR. PROKOP: Those are just changes. We --

24 CHAIRMAN GESSIN: Originally, they had a --
25 if I remember correctly, they had a generator

1 on --

2 MR. PROKOP: Yeah.

3 CHAIRMAN GESSIN: -- the east side of the
4 house and the neighbor objected to it.

5 MR. SARETSKY: And the people came.

6 CHAIRMAN GESSIN: We made him get rid of
7 that platform.

8 MR. SIEGEL: All right.

9 MR. PROKOP: This is the transcript.

10 CHAIRMAN GESSIN: Joe, what's the last one?
11 Refresh my memory on what the last variance was.
12 Front yard setback of 58.7 feet for an accessory
13 structure is requested where a setback of 70 feet
14 is required by the Board.

15 MR. PROKOP: I'm sorry, I don't see it.
16 Maybe I missed it.

17 CHAIRMAN GESSIN: The very last one.

18 MR. SARETSKY: It's this one here.

19 MR. PROKOP: It's going to be in the minutes
20 I gave you. Oh, the drawing?

21 MR. SIEGEL: Do we have any drawings on
22 this?

23 CHAIRMAN GESSIN: Yeah, we do.

24 MR. PROKOP: Oh, the variance that they
25 needed is 11.3 feet. The variance is 11.3 feet.

1 MR. MIZZI: What are we doing now?

2 CHAIRMAN GESSIN: We're just trying to go
3 over Rollin, because it was never written. Joe
4 never wrote it up, and no one remembers it.

5 MR. TERCHUNIAN: Joe, is there some action
6 the Board has to take on this?

7 CHAIRMAN GESSIN: No, we're done. No, no,
8 no.

9 MS. SADELI: Should she should not -- oh.

10 CHAIRMAN GESSIN: Sorry.

11 MS. SADELI: She was taking minutes for it.

12 CHAIRMAN GESSIN: Yes.

13 MS. BRAATEN: I could stop where we left
14 off.

15 MR. PROKOP: We're going to adjourn in a few
16 minutes. Keep taking them until we adjourn.

17 CHAIRMAN GESSIN: Yeah. Joe just has to
18 write the decision, that's all.

19 MR. SARETSKY: Okay.

20 CHAIRMAN GESSIN: We previously voted on it.

21 MR. PROKOP: Could you approve this decision
22 subject to the changes, the corrections? And so
23 you just pointed out one correction. And then I
24 actually took this from the notice and from
25 also -- but also from the transcript. So a front

1 yard setback variance of 11.3 feet instead of
2 58.7 feet, that's the -- where a setback of 70
3 feet is required.

4 CHAIRMAN GESSIN: Which one is that?

5 MR. PROKOP: The last one you were just
6 asking about.

7 CHAIRMAN GESSIN: Oh, okay.

8 MR. PROKOP: Front yard setback, it should
9 be front yard setback, 11.3 feet.

10 CHAIRMAN GESSIN: Okay.

11 MR. PROKOP: For an existing structure that
12 has 58.7 feet.

13 MR. SARETSKY: We didn't agree to it that
14 way, right?

15 MR. MIZZI: I remember.

16 MR. SARETSKY: It's coming back to you?

17 MR. MIZZI: The nice couple, yeah.

18 CHAIRMAN GESSIN: With all the lights.

19 MR. MIZZI: Yeah.

20 MR. SARETSKY: Right.

21 MS. SADELI: They didn't start it yet.

22 MR. MIZZI: Oh, that's a house down on -- my
23 house faces -- there's a house down there with a
24 bunch of lights.

25 CHAIRMAN GESSIN: No, no, no.

1 MR. MIZZI: So is that why -- are they
2 getting ready to build and is that why they
3 brought it back up again?

4 CHAIRMAN GESSIN: No, they're blaming Joe.
5 They haven't started building, because Joe didn't
6 write the decision. You knew that.

7 MR. PROKOP: If Gary and I didn't talk about
8 this, we would have nothing else to talk about.

9 (Laughter)

10 MR. PROKOP: We talk all -- can we approve
11 it subject to --

12 CHAIRMAN GESSIN: Yes.

13 MR. PROKOP: Okay. Please do.

14 CHAIRMAN GESSIN: We don't need to vote on
15 it, it's --

16 MR. PROKOP: Yeah. Could you vote, please?

17 CHAIRMAN GESSIN: Do you want us to vote on it?

18 MR. PROKOP: Yes, please.

19 CHAIRMAN GESSIN: Okay.

20 MR. MIZZI: Can I change my vote?

21 (Laughter)

22 MR. PROKOP: No, you're not voting on --
23 you're just voting on this --

24 CHAIRMAN GESSIN: We'd like to -- just like
25 to make a motion on the Rollin application.

1 MR. TERCHUNIAN: To amend the written
2 decision.

3 CHAIRMAN GESSIN: It's not amending it.

4 MR. PROKOP: No, it's to adopt.

5 CHAIRMAN GESSIN: To adopt.

6 MR. PROKOP: To adopt a written decision.

7 MR. TERCHUNIAN: Oh.

8 CHAIRMAN GESSIN: That's correct.

9 MR. TERCHUNIAN: Oh, I'm sorry.

10 MR. PROKOP: For variances that were --

11 CHAIRMAN GESSIN: That we've reviewed the
12 written decision that Joe has typed up and is
13 correct.

14 MR. SIEGEL: As amended.

15 CHAIRMAN GESSIN: As amended.

16 MR. PROKOP: With that one change, right.

17 CHAIRMAN GESSIN: As amended for Joe's
18 mistake.

19 (Laughter)

20 MR. PROKOP: My gross mistake.

21 MR. MIZZI: Do you want him to write it up
22 for Joe?

23 (Laughter)

24 CHAIRMAN GESSIN: Okay. I made that motion.
25 Would you like to second it?

1 MR. SIEGEL: I second the motion.

2 MR. SARETSKY: Second.

3 CHAIRMAN GESSIN: All in favor.

4 MR. MIZZI: Aye.

5 MR. SARETSKY: Aye.

6 MR. SIEGEL: Aye.

7 CHAIRMAN GESSIN: Aye.

8 MR. TERCHUNIAN: Okay. Now you have a
9 motion to adjourn.

10 CHAIRMAN GESSIN: Okay. I'd like to make a
11 motion to end this meeting, finally.

12 MR. SIEGEL: Second.

13 MR. SARETSKY: Second, third.

14 (The meeting was adjourned at 11:49 a.m.)

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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 May 5, 2018.

I further certify that I am not related to
any of the parties to this action by blood or
marriage, and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 20th day of May, 2018.

Lucia Braaten

A				B
A-dollar-and-sev...	adverse 98:9	36:19 39:22 49:19	109:1 111:14	B 18:6
96:4	advice 15:20 59:11	50:17 52:15 74:11	112:20	B's 25:14
a.m 1:5 3:2 118:14	advise 59:2	99:13,14 110:10	approving 65:2	back 4:23 7:25 14:4
ability 38:10	affect 62:10,11	answering 50:1	80:21 92:22	14:4 31:4 32:14
able 16:9 38:14	63:20 64:6	anybody 5:20 6:23	111:23	33:1,8 35:14,16
53:5 66:8 109:12	Agency 41:13	53:25 78:10 94:24	approximately 5:11	36:4 48:5,11
absolutely 30:15	42:25 44:6,16	anymore 14:16	approximates	50:12 60:20 64:18
62:19 103:22	45:6,21 46:10	91:18 110:10	11:24	64:19 67:21 73:11
accept 102:9	96:13	anyway 32:5 93:15	April 8:8,16,16	74:3 81:16 86:3
106:14	agent 69:13	apologize 27:10	Aram 1:21 10:10	90:22 91:6 94:20
acceptable 94:10	ago 3:23 4:12 15:13	59:17 61:13 105:2	11:13 25:11 29:14	99:3 103:4 109:11
94:10 102:7,13,15	32:14 56:19 73:7	110:2	30:22 32:8 39:22	111:19,21 115:16
106:1 107:5	108:1 112:20	apologizes 110:3	45:6 63:16 65:19	116:3
access 30:13 40:11	agree 15:24 80:2	Appeals 1:2 44:16	73:3 86:23 88:17	backflow 105:11
accessory 86:2 99:3	83:23 115:13	APPEARANCES	Aram's 8:4	backyard 80:4
99:23,25 113:12	agrees 47:14	1:12	architect 12:19	bad 67:18
achieved 98:4	ahead 34:24 48:24	appears 29:6	13:7 27:10 28:17	balancing 30:8
acre 22:24	72:18 75:16	applicant 3:12	54:9 72:15	50:3
act 43:10,12 49:5	air 46:15,19 50:21	47:12 60:19 61:18	area 5:4,17 9:24	bars 110:7
60:21	52:15 79:4	61:20 69:13 71:3	41:19,21 42:21,22	base 62:19
action 9:20,22 10:2	Airbnb 51:16	72:19 90:3 98:1,3	78:23 80:23,24	based 35:10 40:14
41:12,14,22,22	alarm 76:25	98:5	81:6 98:6,20	52:14 53:9 65:22
42:23 43:1,16,22	alarms 76:21 77:10	applicants 72:16	areas 39:12,18	101:4
44:2,17 46:11	77:11	application 3:8,9	arguably 5:20	basic 52:14
47:16 50:7 52:12	alleged 98:17,17	3:20,25 16:19	as-of-right 36:24	basically 47:2 58:2
54:20 96:14 97:15	Allegiance 3:2	29:15 30:23 38:15	110:21 111:1,4	58:5
101:20 114:5	allow 40:9 47:3	39:19 40:14 49:18	asked 110:8	bay 5:10 36:23 40:2
119:14	50:19 80:2	56:17 57:24 62:10	asking 24:7 33:18	beach 3:13,14
actions 43:13	allowing 92:21	65:13,22 70:8,25	73:23 75:1 83:8	72:15 78:11
actual 8:23 30:21	altered 5:16	71:2 72:7,12	83:14 91:2 115:6	becoming 45:5
63:13	alternative 40:10	89:14 100:23	aspect 9:17	bedrooms 81:4
additional 16:18	60:1	101:20 106:25	aspects 59:23	beginning 56:18
address 13:3 66:9	amend 29:15,25,25	116:25	assessment 94:22	believe 6:6,24 7:11
69:11,18 92:23	117:1	applications 2:3	assume 12:17 30:23	10:9 12:11 28:15
adjourn 58:8 64:18	amended 18:16	38:10 105:1	103:7	73:6
67:12 70:18,20,21	33:6,7 117:14,15	applied 108:11	assuming 111:20	benefit 90:11 98:3
70:23 71:2 114:15	117:17	approval 31:3,6,25	attention 10:3	Bernstein 13:4,4,12
114:16 118:9	amending 32:19	47:19 51:22 54:8	attic 27:25	13:15,19,23,25
adjourned 7:5,5	117:3	66:15 100:4	Attorney 1:19	14:7,9,14,16,18
58:1 118:14	amount 29:20 30:1	approve 30:23	101:9 110:8	14:20,23 15:1
adopt 41:13 42:25	51:2 52:4	54:13 57:5,7	authority 47:23,24	27:1,12,14,21,24
44:16 59:13 64:2	analysis 68:24	93:21,22,25 94:4	49:5 57:7 63:6,14	28:9 35:17 36:19
65:23 66:1 94:14	analyze 65:5	102:4,6 106:12,13	average 10:7,19,22	36:21 37:2 54:2
94:17 95:8,12	analyzed 37:5	106:15,18,24	11:10	better 30:7,9 40:4
96:13 117:4,5,6	analyzing 9:16	108:23 109:7	Aye 45:16,17,19	50:13 69:14 90:6
adopted 18:14	and/or 31:14	114:21 116:10	106:8,9 107:11,12	beyond 52:13
adopting 65:3	Angela 1:20	approved 54:5	107:13 118:4,5,6	big 7:23 25:12
66:17	answer 10:4 12:21	88:24 92:20 93:22	118:7	35:20 53:25 55:23
	22:20 26:17,18	108:2,6,9,16		

80:3	building 4:11 28:18 52:23 53:25 54:11 76:24 77:8,17 102:16,18 116:5	14:11,15,17,19 15:5,8 16:1,17,23 19:14,17 20:7,12 20:14,20,24 21:17 21:21 22:19 23:1 23:7,13,16,18 24:2,5 25:10,13 25:17,21,24 26:4 26:8,10,13,15,21 27:5 28:4,7,10,12 28:15,20,25 29:4 29:8,10,12,21,24 30:3,7,10,11,15 30:22 31:7,10,13 31:17,21,23 32:2 32:4,6,16 33:4,11 33:15,24 34:2,8 34:18,20,24 35:4 35:11,24 36:5 37:1 38:1,5,12,14 38:19,22,25 39:2 39:6,11,14,16,25 40:20,22 41:2,16 42:6,17,20 43:2,5 43:9 44:10,21 45:1,3,5,10,15,19 46:6,21 53:1,4 54:16 55:6,9,11 57:15 58:7 61:11 62:8 63:16 64:5 66:1,22,23,25 67:3,5,10,17,19 67:25 68:5,7,17 68:23 69:1,5,20 69:24 70:2,5,7,16 70:20,24 71:4,6 71:10,15,17,19,24 71:25 72:18 74:16 74:18 75:3,16 77:6,9 79:20 82:6 82:11,15,19,24 83:8,11,13 84:1,7 86:5 87:2,4,14,19 87:21 88:4,9,15 88:17 89:1,7,20 91:15 93:6,11 94:7,12,16,23 95:4,7,11,14,23 96:16,18,22 99:8	99:19,24 101:1,6 101:10,13,17,23 102:1,11,20,23 103:13,23 104:2,5 104:13,17,20,25 105:3,21,24 106:7 106:11,21,24 107:3,10,14,21,25 108:8,14,18,24 109:2,5,10,14,21 110:11,15,19,22 111:2,6,13 112:3 112:10,14,24 113:3,6,10,17,23 114:2,7,10,12,17 114:20 115:4,7,10 115:18,25 116:4 116:12,14,17,19 116:24 117:3,5,8 117:11,15,17,24 118:3,7,10	circumstances 22:6 100:22 clarification 109:7 clarify 58:22 60:11 clarity 85:23 clear 28:16 30:17 31:19 32:18 55:25 clearances 89:6 clearly 100:6 Clerk 1:20 69:12 74:12 client 31:25 37:24 59:2 close 10:25 11:21 11:22 19:24 32:12 32:15 70:17 71:15 102:2 105:23,24 106:13 closed 70:10 closer 90:11 closest 38:20 code 12:9 16:2 18:16 38:11 54:10 76:24,25 Colucci 87:24 column 18:24 combined 48:16 come 13:10 14:4 19:24 31:4 33:13 35:14,16 36:4,25 37:4,23 48:5 50:12 60:20 64:18 64:19 69:10 71:19 71:20,23 74:2 81:5 94:19 100:19 109:11 111:19,21 comes 74:5 coming 29:4 78:18 115:16 comment 41:17 80:22 83:16,19 comments 94:24 95:14 commercial 52:7 Commissioner 1:21 common 22:22 24:19 communicate 69:11
biggest 109:2 bit 5:25 20:20 75:22 76:6 79:12 81:7 black 14:24 15:2 blamed 87:23,23 blaming 116:4 blood 119:14 Board 1:2 3:4 6:4 16:18 31:4,5,19 32:17 39:3 41:13 41:23 42:5,10,11 42:17 43:10,19,25 44:7,16 46:10 47:10,14,17,19,20 47:22,23 48:1,6,7 48:10,11 52:16 53:8,8 57:7 59:12 60:21,21 63:13,14 65:4,23 66:17 68:14 87:15,16 96:13 97:1,11,20 98:20 101:4 102:21 111:15,20 111:22 113:14 114:6 Board's 60:13 Boards 49:12 Bob 111:1 book 18:5 borrow 85:25 bottom 14:10 28:1 boundary 32:10 boy 13:15 Braaten 97:4 114:13 119:7,21 Brad 12:19 13:4 15:4 breakfast 61:9 bring 4:18 67:21,21 102:3 brought 60:12 107:25 108:24 116:3 budget 85:17 buffering 97:25 build 72:20 103:15 111:6 116:2	built 13:12 73:5 bulk 79:15,15 bunch 17:25 24:24 115:24 business 19:4 buy 51:3	<hr/> C C 18:6 119:1,1 C's 25:14 C-H-A-D-D-S 13:5 calculated 9:12 calculation 5:23 8:24 call 3:3 11:3 45:2 67:4,5 111:17 called 3:1 42:7,8,13 44:6 59:20 60:2 60:25 61:15 65:1 calling 42:18 car 85:5 care 107:17 case 10:12 21:3,4 22:1,5,7 43:20 62:18 catching 65:13 ceiling 12:12,18,24 13:18,25 14:10,13 27:3,20,21 28:17 ceilings 14:3 center 40:4,5,7 69:9 centered 39:23 40:2,3 certain 60:5 certification 54:8 certify 119:9,13 Chadds 13:5 Chairman 1:13 3:3 3:7,11,21 4:6 7:20 7:24 8:2,5,7,20 10:6,13,17,20 11:2,6,18,21 12:3 12:7,11,14,17,23 13:1,17,21 14:5,8	Chairman's 33:17 chance 69:14 change 19:13,18 39:3 40:11 41:5 42:16 48:4 50:7 50:20 51:1 53:1 56:13 97:23 111:24 116:20 117:16 changed 3:22,24 5:16 9:8 11:4 40:15 56:17 110:13 changes 17:18 112:23 114:22 changing 108:20 character 97:23 characterized 3:19 chart 18:20,21 chastise 109:19 check 14:4 choice 44:8 60:14 choices 59:14 60:9 choosing 35:13 Christina 2:9 72:2 72:16 circumstance 21:14 22:22	

communicated 31:19	considerations 45:24 101:3,19	created 6:10,11 18:13 25:19 100:9	104:1 107:23 114:18,21 116:6 117:2,6,12	97:1,11,20
community 20:3 62:12	construction 103:13	creates 30:17	deck 27:2,8,15 28:1 28:2 32:23,24 33:8 72:6,7 73:16 74:7,23 75:5,6,20 75:20,24 76:1,3 79:11 81:6,6 84:3 84:6 85:10 89:3,4 89:5 101:22	determined 110:25
compared 30:20	contains 4:10 119:10	creating 20:4 21:16 39:11,18 46:16 51:11 100:8	Declaration 43:18 52:17 53:10 54:23 54:24 59:14,20 60:2,15,25 61:16 61:21 65:24 66:18 97:13	determines 44:7
compel 4:18	contemplating 36:14,17	criteria 48:18 52:19 97:20	deed 11:19 34:4	detriment 97:24
complete 30:24 41:7 58:13	context 38:11	cross-out 112:16,22	deeded 29:16 30:4 30:9 33:22,23,24 33:25 34:5	development 65:16
compliance 4:19 30:21 89:24	continuing 4:5	cul-de-sac 72:23 73:21	deeding 40:11	deviates 5:13
compliant 85:24 86:3,4,6 110:16 110:17	copy 7:18 74:15 112:1,18,19	curious 40:25	denial 59:13	deviation 111:24
complied 19:15	corner 12:1,1 28:6	current 7:11 54:10 75:24,25	denied 58:24	dewatering 81:13 81:13,15
comply 19:23 54:9 61:22 73:13 111:19,21	correct 4:6 8:15 11:2 12:3 15:10 28:9,20 30:6 35:24 36:5 47:15 75:9 76:12 77:3 85:14 90:17 95:25 117:8,13 119:11	currently 5:10,11 24:2,4 91:24	Department 31:2 53:19 54:7 77:8 102:17,18	difference 8:20
complying 19:25 20:1	correction 114:23	cut 59:17 78:19	depending 5:2	differences 19:12
component 62:22	corrections 114:22	cuts 78:11	depth 68:21 81:21 81:22	different 16:22 17:9,19 20:21 26:5 48:20,22
conceal 83:21	correctly 112:25	cycle 69:6	described 46:15	difficult 21:2
conceived 91:5	COs 4:13 36:2	<hr/> D <hr/>	design 36:21	difficulty 98:18
concern 32:17 69:18 79:20	counsel 15:20	D 2:1	designed 52:11 73:7	Dina 73:6
concerned 62:4 85:10 91:3 93:16	country 18:8,8 19:6 19:8	D's 25:14	determination 7:2 58:16 63:7 102:14	direction 17:25
concerns 65:12 66:7	County 31:2 72:2 119:5	darn 14:20	determine 41:14 42:25 43:25 44:1 44:17 45:9,11 46:11 59:16,21 60:3 66:14 96:14	directly 18:15 30:12
concluded 11:13	couple 13:12 31:13 61:23 75:14 79:10 115:17	date 69:7 71:18,19 71:20	debris 10:7,19,22 11:10	disapprove 57:5,7
conclusion 62:20	course 89:15 104:24	dated 8:8	Dec 31:9,11 58:17 58:17 60:24,25 65:9	discretionary 43:13
concrete 53:23	Court 119:7	day 8:1 51:12 59:6 59:7 73:11 103:21 119:18	deal 64:17 68:2	discuss 46:22 65:5
condition 4:23 31:25 33:5 61:7 61:23 98:22 100:5 103:20,20	Cove 72:22,23,25 73:2,19,21 74:1,2 74:3,24 78:2,12 85:5 98:23 99:14	days 69:4 102:4 106:1	dealing 35:22	discussed 29:14
conditioned 32:19 60:2 61:8,16	coverage 8:24 9:10 9:11,13 56:14 74:9,9	de 6:2	definitely 36:8 78:7	discussion 58:5 64:20
conditions 5:9,15 20:9,10 60:5,7,8 61:17,22,23,24 62:2 63:11 65:14 98:10,15 102:17	covered 34:21	deal 64:17 68:2	degree 80:16	discussions 110:6
conform 20:12,13	covering 84:2,4	dealing 35:22	degrees 18:18,18	disputes 30:13
connect 12:1	crayon 84:25 85:21 85:25	debris 10:7,19,22 11:10	delayed 34:11	distance 79:14 91:1
consent 70:10	create 46:18 47:20 50:5,18,19 52:12 52:12 111:16	Dec 31:9,11 58:17 58:17 60:24,25 65:9	deliberation 9:21	district 98:11
consider 45:24 60:9 65:15 79:9		dec'd 62:11	denial 59:13	districts 19:4
consideration 9:21 68:13,15 98:19		decide 20:16 49:13 58:16	denied 58:24	divide 20:16

draws 93:24,24
drive 78:14,16
 83:22
drives 21:4
driveway 29:16
driving 53:21
dry 81:17 105:7,10
due 100:22
Dune 1:8 2:6,11,16
 4:10 17:24 72:3
 72:24 73:19,23,24
 74:4,5 87:4 100:6
 108:10,13
Dunes 1:1,8 2:4,7
 2:12,17 3:4,24 4:2
 17:20 72:3

E

E 2:1 119:1
easement 29:16
 30:4 33:14,21
easier 9:18 34:13
east 74:5 113:3
easy 22:11,12 96:23
edge 27:18
EFF 24:9,11,14,17
 26:14,20,24
effect 98:9
effective 30:19,20
effort 4:7
egress 111:18
eight 27:17 51:11
eight-ten 88:16,19
 88:19
eight-twelve 88:15
either 5:8 40:3
 59:15,19 63:9
 76:25 77:15,19
 81:15 94:17
electric 31:14,20
elements 64:20
elevation 89:8
empowered 63:17
ended 108:19
engineer 54:9
entertaining 81:9
entire 27:3 78:23
 78:23
entities 43:14

entitled 92:19
environment 44:3
 45:22,23 46:5
 49:11,15,17,22
 59:22,23 60:4
 62:12 66:16
environmental
 41:7 43:12,18
 46:12,14,19 49:24
 49:25 50:8 52:13
 52:18 53:11 55:1
 55:2 58:18 60:15
 60:18,19 61:1
 62:25 94:21 98:10
 98:15

Eric 1:15 110:3
everybody 7:18
 87:7 109:20
exact 44:13
exactly 14:9 28:2
 35:10 56:10 80:11
 100:11
example 5:9 18:17
 18:19
examples 17:23
excited 87:8
excuse 26:14 39:5
 39:10 45:23 59:16
 97:22 101:25
exist 52:25
existing 5:8,15 6:8
 6:9 53:13,17
 115:11
exists 50:9 52:14
exit 74:4
explain 57:2 112:6
explained 55:24
express 59:23
expressed 66:7
expressing 58:3
 100:21
extend 16:11
extension 70:11
extent 6:1

F

F 119:1
faces 115:23
facing 36:22 92:10

fact 24:20,21,22
factory 51:11
family 4:11,14
 24:22
far 25:5 38:25 39:2
 62:4 65:10 79:16
 90:9
fast 112:6
fault 71:12,13
favor 45:4,5,10,15
 45:18 55:11 67:6
 101:13 106:7,10
 107:10 118:3
feasible 98:4
feel 16:21 36:9
 55:20,20,21
fees 31:7
feet 5:11,12 6:17
 27:17 28:19,23,24
 29:3,5 32:13,18
 33:3,8 72:4,6,8,9
 72:11,13 73:15,16
 73:16 74:25 75:13
 75:21 76:4,5 80:9
 81:21 82:2,5 83:6
 83:17 85:4,9
 90:23 92:9 98:25
 99:1,6,7,9,11,12
 99:23,25 110:23
 113:12,13,25,25
 115:1,2,3,9,12
fellow 26:11 34:25
fence 76:19 77:12
 77:13,20 78:25
fencing 91:11,13,15
 91:18
fight 37:20
figure 93:10,13
 108:5
file 15:22 34:10
 107:25 108:25
 109:2
final 31:5
finally 5:22 118:11
find 71:18 74:20
finding 6:3
fine 33:5,19 102:22
 110:15
finish 9:14 31:11

59:9 72:17
first 3:7 22:12
 28:18 41:6,13
 43:15,21,24 44:4
 47:12 76:1,3
 83:11,12,14 88:11
 92:10 95:8 96:12
five 32:13 49:10,15
 49:20,21 52:19
 64:20 68:16 97:11
 97:19 101:3,19
 108:11
fixed 103:5
flag 32:13
flagged 11:7,9
flagpole 6:13,14,18
 30:9
flat 12:12,14,17
 28:1
floodgate 24:23
 25:4
floor 16:4,9 28:5,18
 76:1,3 80:25 83:9
 83:11,12,14
flows 50:22
flush 75:23,25,25
 88:11
flushing 105:11
folder 35:12
foot 6:18 18:1
 27:19,22 28:5
 82:3
Ford 13:5,6
foregoing 119:10
forever 25:7
forgot 84:24 108:1
forma 43:22 52:21
formally 33:9,15
forward 112:11
four 55:10 82:2,3,5
 86:22 87:5 108:16
four-tenths 40:6
free 43:19 101:20
Freedman 4:1 8:14
 12:19,21 15:4,7
 15:10 71:22
front 13:19,20 14:1
 38:17,18 39:2
 69:9 72:5,9,21,23

72:24 73:2,5,23
 73:24 74:22,22,23
 78:10 86:17,18,19
 86:21,24 87:22
 100:6,10,12
 111:17,17 113:12
 114:25 115:8,9
fully 38:9
funny 68:10
further 9:21 10:3,5
 17:13 35:15 54:11
 81:11 82:16 85:6
 96:15 119:13
future 65:15

G

Gary 116:7
gas 52:23
generate 46:1
generated 51:2
generator 112:25
Generic 58:18
Gentlemen 107:18
Gessin 1:13 3:3,7
 3:11,21 4:6 7:20
 7:24 8:2,5,7,20
 10:6,13,17,20
 11:2,6,18,21 12:3
 12:7,11,14,17,23
 13:1,17,21 14:5,8
 14:11,15,17,19
 15:5,8 16:1,17,23
 19:14,17 20:7,12
 20:14,20,24 21:17
 21:21 22:19 23:1
 23:7,13,16,18
 24:2,5 25:10,13
 25:17,21,24 26:4
 26:8,10,13,15,21
 27:5 28:4,7,10,12
 28:15,20,25 29:4
 29:8,10,12,21,24
 30:3,7,10,15,22
 31:7,10,13,17,21
 31:23 32:2,4,6,16
 33:4,11,15,24
 34:2,8,18,20,24
 35:4,11,24 36:5
 37:1 38:1,5,12,14

38:19,22,25 39:2
 39:6,11,14,16,25
 40:20,22 41:2,16
 42:6,17,20 43:2,5
 43:9 44:10,21
 45:1,5,10,15,19
 46:6,21 53:1,4
 54:16 55:6,9,11
 57:15 58:7 61:11
 62:8 63:16 64:5
 66:1,22,25 67:3,5
 67:10,17,19,25
 68:5,7,17,23 69:1
 69:5,20,24 70:2,5
 70:7,16,20,24
 71:4,6,10,15,17
 71:19,23,25 72:18
 74:16,18 75:3,16
 77:6,9 79:20 82:6
 82:11,15,19,24
 83:8,11,13 84:1,7
 86:5 87:2,4,14,19
 87:21 88:4,9,15
 88:17 89:1,7,20
 91:15 93:6,11
 94:7,12,16,23
 95:4,7,11,14,23
 96:16,18,22 99:8
 99:19,24 101:1,6
 101:10,13,17,23
 102:1,11,20,23
 103:13,23 104:2,5
 104:13,17,20,25
 105:3,21,24 106:7
 106:11,21,24
 107:3,10,14,21,25
 108:8,14,18,24
 109:2,5,10,14,21
 110:11,15,19,22
 111:2,6,13 112:3
 112:10,14,24
 113:3,6,10,17,23
 114:2,7,10,12,17
 114:20 115:4,7,10
 115:18,25 116:4
 116:12,14,17,19
 116:24 117:3,5,8
 117:11,15,17,24
 118:3,7,10

getting 71:15 116:2
giant 53:25 80:6
give 7:25 8:5 13:2
 36:9 57:6 61:21
 63:5 67:20 68:24
 69:14 70:10 79:4
 94:21 108:21
given 17:23 48:14
gives 49:4 63:14
go 11:23 14:3,5,6
 16:3 18:1 23:7
 25:6,6 29:16 31:1
 32:14 33:1,10,12
 34:24 40:19,21,22
 43:15 48:5,11
 54:6 57:17 58:18
 64:9 67:18 68:20
 72:18,18,18 75:16
 77:22 78:11 80:9
 81:11,17 85:20
 90:10 91:16,23
 112:11 114:2
goals 4:17
goes 18:9 90:10
going 3:8 10:10
 23:11 24:10 25:5
 25:6,7 29:22 32:7
 36:8,8 37:23
 38:21 39:21 42:16
 43:25 44:5,7 48:9
 48:10 49:11,14,17
 51:11 52:22 55:18
 55:19 57:2 62:5
 62:10 66:8 67:5
 67:16,18 68:19
 71:8 75:21 76:8
 78:9 80:2 81:21
 81:25 82:6,8,11
 82:13,14,15,17,19
 82:20,21,25 83:1
 83:2 85:5,8,9 88:5
 89:25 90:12 91:8
 91:25 92:2,4 93:8
 93:17 94:8,9
 95:15 96:24 98:1
 98:14 102:8,14,25
 103:6 104:8,13
 105:6,8 109:19
 111:20 112:8

113:19 114:15
Gomerman 88:20
 88:21
good 3:10,17 8:14
 19:19 26:21 27:5
 28:8,10 66:10
 72:14 89:10 95:2
 95:2
grade 75:21 82:23
 84:2
grant 37:6 47:14
 50:25 65:7
granted 51:24,25
 73:4,8
granting 9:22,24
 41:18,19,25 97:21
 98:19
great 48:7 69:25
 80:10 91:1
gross 117:20
ground 54:2 76:11
 79:11,21 80:7
 81:12,16
group 57:22 70:7
groups 25:22 46:2
guess 19:10,10
 24:20 36:16 45:6
 57:13 62:1 87:9
 95:7 100:3 111:17
 111:25
gunite 76:7,8,9
guy 92:9,18,18
guys 18:13 21:3
 29:10 42:1 58:7
 58:25 64:18 67:12
 84:19,20 93:11
 103:21

H

half 4:15 20:17
halfway 92:5
hammer 51:11
Hampton 1:1,8 2:7
 2:12,17 3:4 17:20
 72:3
hand 47:8,24 55:12
 55:13 67:7,8,9,10
 96:19,20,21,22
 101:12,14,15,16

101:17 106:11
 107:14 119:18
handed 55:23
 56:12,15
handle 4:4 77:16
hands 3:24
happen 36:8 47:3,4
 47:5 63:21
happened 36:7
 57:23 58:23 59:12
 92:13,15
happening 80:8
happens 17:11
 34:10 52:5 100:7
happy 10:4 11:3
 32:1 68:22
hard 48:12
harder 22:4,5,7,9,9
hardest 37:13
Harvey 1:13 15:24
 19:11 70:4 109:8
 112:8
head 67:21
Health 31:2 53:18
 54:7
hear 3:8 13:8 22:8
 63:11 71:8
heard 43:2 68:5
 101:4
hearing 4:5 7:4
 10:25 63:12 72:1
 102:2 103:24,25
 105:23,24 106:14
hearing's 70:9
hedge 78:22 82:22
hedges 83:20 91:8
 91:10
hedging 78:4 82:25
height 27:20,21
 28:17 75:17,18,19
 79:17 80:19
held 1:7
help 21:19,21
hereunto 119:17
Hi 3:11
high 7:8 13:25 32:9
 32:11 85:4 88:13
higher 79:18
highest 16:3

hire 21:24
hired 37:11
historically 30:5
hold 65:18
home 76:20 109:9
homes 77:4
hook 24:21
Hopefully 13:2
 35:11
hoping 10:9
hours 51:12
house 4:21,24 6:7,8
 6:9 12:8,12 13:18
 13:19,20 14:2,2
 14:12 15:12,23
 16:3,8 19:13
 20:16 21:1,7,18
 27:4 29:2 30:20
 35:2 36:22 38:17
 38:21 39:8,14,19
 39:23 40:1 46:17
 72:20 73:4,5,8
 76:17 77:12,15
 80:23 85:13 87:16
 88:13 96:11 100:6
 109:3,15 111:7,13
 111:17 113:4
 115:22,23,23
houses 4:22 13:13
 19:22 20:23 21:8
 21:10 22:16,18
 23:8,8 24:3,8,16
 36:1 38:24 46:18
 48:15 50:3,7 51:4
 52:25 73:19
How's 105:8
Howard 17:2
Hulme 3:10,12,13
 3:17,23 4:7 6:9,12
 6:17,20 7:7,10,15
 7:22 8:15,19,22
 9:1,4,6,11 10:8,16
 10:19,23 11:3,12
 11:17,19,22 12:4
 12:10,16,20,25
 13:2,7,20,22
 14:22,24 15:2,14
 15:20 16:7,13
 17:1,4,7,14,17,19

18:6,11,23 19:8
 19:19,23,25 20:2
 20:8,13,19,22,25
 21:9,13,22 22:3
 22:21 23:3,10
 24:15,19 25:2
 28:11,16,21,24
 29:1,6,9 30:8,11
 30:16 31:18,22,24
 32:3,5,21,23,25
 33:9,12,19,23
 34:1,6,12 35:9,13
 35:21 36:12 37:4
 37:15,18,21,25
 38:7,9,23 39:9,15
 39:20 41:17 42:4
 42:14 53:14,16,18
 54:4 56:13,17
 58:11,15,25 59:4
 59:8,10,18 62:17
 64:16 68:6,22
 69:2,23 70:1,3,12
 70:15 71:2,5,7,13
 71:16,18,20 73:7
hundred 76:10

I

idea 19:20
identify 43:16 44:5
II 9:20,22 10:2
 41:21 96:14 97:14
 97:16
image 39:8
imaginary 50:6,19
 51:1 52:1,24
impact 5:19,20
 6:21,22,22 43:18
 44:3 46:12,14,19
 49:11,14,17,21,24
 49:25 50:5,8 52:4
 52:13,18,23 53:11
 55:1,3 58:18
 59:22,25 60:4,15
 60:18,20 61:1
 62:16 66:16 85:8
 98:9,15
impacts 6:21 45:22
 45:23,25 46:4
important 60:12

impose 61:17,18
imposing 60:9
 79:19
impossible 21:23
inches 28:3
include 95:21
including 106:2
 108:12
INCORPORAT...
 1:1
increase 50:8
indicate 41:21
indicated 10:11
 30:12 32:8
indication 64:24
individual 9:23
 63:8 65:5
individually 57:22
information 4:8
 53:9 67:20
initially 18:14
inside 27:21 28:18
Inspector 4:12
installed 54:6
instructions 60:18
 67:20

integral 47:11,17
interest 9:16
interested 119:15
interesting 15:15
 79:2
internal 5:19 6:21
 30:19
interpretive 41:1
inventory 23:5
involved 30:12
irrigation 104:23
 105:4 106:3,4
 107:2,3
issue 29:12 57:10
 57:14 62:3,3
 109:8 110:14
issued 4:12 56:6
 87:15
issues 64:6 95:1
items 7:10

J

James 3:12

Jim 59:16 67:20
 68:5,19,24 69:20
 73:6
Joe 3:5 18:12 39:17
 41:8,24 43:3
 44:22 45:8 46:14
 48:18 57:19 58:22
 59:10 60:11 62:1
 64:8 96:24 97:2
 108:1 113:10
 114:3,5,17 116:4
 116:5 117:12,22
Joe's 117:17
joking 68:8 92:12
Joseph 1:14,19

K

Kathleen 2:14
keep 18:4 95:15
 96:24 114:16
Ken 27:11 28:4
 36:19 112:6
Kenneth 1:16
kill 109:17
kind 40:24 49:12
 56:1 67:23 76:14
 76:21 84:9 91:11
kinds 66:6 81:18
kitchen 83:4
kitchen's 81:8
knew 116:6
knock 20:16 21:17
knocking 21:6
know 7:21 10:24
 11:8,8,20 14:9,11
 14:12 16:16,20,25
 18:7 20:2,3 22:17
 23:21 24:5,20
 25:5 26:7,9,16
 27:7 34:12 36:14
 37:9,16,20,24
 41:4 48:6,15
 52:23 54:3 55:22
 56:5,8 57:23 58:4
 60:8 61:24 62:6
 65:15 68:25 69:8
 69:12,13,17 71:21
 73:22 74:3 76:16
 77:9,12 78:10

79:13,15,16 80:7
 80:15 81:7,8,9,15
 81:18,20 82:9
 83:15,15 85:4,15
 86:23 88:23 89:13
 90:3,3 94:4 103:6
 105:11 108:1
Knowing 15:23
known 3:16,17
knows 39:22

L

Ladies 107:18
landlord 17:7
landscape 78:8
 94:7,11 95:4,5,10
 95:17,21,23 102:3
 102:9 103:18
 104:20 105:15,16
 106:1,25
landscaping 78:6
 89:11 91:20,21
 92:24 93:22 94:1
 94:9 98:1,11
 102:7 104:22
Lane 2:16 17:24
 72:22,23,25 73:2
 73:19,22 74:1,2,3
 74:24 78:2,12
 85:5 98:23 99:14
 108:10,13
language 41:9
 111:16
lapse 58:4 112:15
large 46:2
lattice 76:16 82:7,9
 82:14 84:3 88:5
laughter 3:15 13:24
 15:19 17:3,6 20:6
 21:20,25 22:10,14
 24:12 26:19,25
 38:2 61:14 68:9
 71:9 87:13 88:3
 94:18 97:9 108:3
 110:1,5 116:9,21
 117:19,23
law 18:18 37:6
 47:22 63:6
layout 48:9,9

leaching 53:12
lead 27:25 41:13
 42:25 44:6,16
 45:6,20 46:10
 96:13
leading 57:13
learn 44:19,21
leave 8:4 74:3
 94:19
left 6:5 24:6,8
 92:11 114:13
legal 43:7
lesser 80:20
let's 30:22 54:16,17
 55:9 68:2 84:4
 93:6 95:7 105:21
letter 67:24 68:3,11
level 42:10,11
 43:16 61:2 75:20
 75:20 81:2 83:4
 84:3,6 88:12
 92:10
lies 47:25
light 45:25 46:15
 46:19 50:21 62:25
lighting 95:18,18
 95:20,21,23 102:3
 104:21 106:2
 107:1
lights 96:5 115:18
 115:24
likes 51:4
limiting 73:17
line 5:24 6:15 7:9
 9:23 10:7,7,14,17
 10:18,19,22 11:9
 11:10,11,16,25
 12:25 14:12 29:1
 32:9,15,21 50:6
 50:19 51:1 52:1
 52:24 73:14,15
 78:2 82:22 84:10
 85:7 89:25 90:15
 91:10,23 110:24
list 7:10 34:9
listen 59:7
little 5:25 9:18
 20:20 49:8 69:21
 75:22 76:5 79:11

81:7 84:17,19,20
84:22,23 91:25
live 74:1
living 80:23,24
81:5
LLC 2:4 3:24 4:2
located 4:10
logical 73:12
long 54:10 56:3
61:20,22 84:9
108:1 110:19,19
112:15,20
look 5:9 9:19 52:11
64:18 83:22 88:5
93:17 100:18
109:5
looked 10:9 108:4
looking 29:19 35:9
39:7 52:19 63:8
72:20 85:10 90:12
lot 4:21,22,24 5:4,4
5:9,10,10,11,17
5:19 6:14 8:23
9:10,11,12,23
21:1 22:4,4,18
23:25 24:8,16
28:19 32:19 39:24
40:2 46:17,17
56:14 74:8,9
lots 17:22 18:1
20:10 21:18 22:23
26:3 46:16
lower 42:11 75:20
79:11 80:20 83:6
88:7 89:4
lowered 83:17
Lucia 119:7,21

M

mail 55:23
main 32:4 39:4
maintain 91:5
major 18:19
making 9:17 21:3,7
47:6 52:7 66:24
108:20
managing 4:2
manner 50:18
manners 18:19

mansard 15:6
map 8:23,23,25 9:5
9:7 12:2 29:25
32:20 72:2
mark 32:9,12
marriage 119:15
mass 79:23 82:18
matter 9:11 16:24
33:16 35:7 119:16
matters 35:4,6 90:6
maximum 80:12
Mayor 78:14,16
mean 7:8 10:24
11:16 12:15 16:15
32:9,11 35:8
36:13 37:7,11,12
44:12 47:5 54:3
55:20 56:5 67:23
77:24 81:7 82:10
84:25 89:8 91:2,9
92:4,6,7 93:8
102:24 112:9
meaning 44:6
means 28:6,7,22
61:16 103:23
measure 14:4
measuring 27:6,7
meet 27:13 33:2
37:8 74:9 76:23
103:20
meeting 1:7 3:1,4
7:5 37:23 55:19
55:21 56:3 57:24
58:8 64:15 68:15
68:25 69:4,7,19
70:13,19,21,23
102:5 104:6
118:11,14
member 1:14,15,16
4:2 53:8
members 58:3
64:24 69:9
memory 113:11
mentioned 29:13
61:7
merely 57:6
mess 23:2
met 47:9 60:5
meter 31:22 32:3

meters 31:20
method 98:4
microscopic 34:15
middle 58:11 91:9
93:19
midst 7:1 9:15
mild 61:19
Mill 3:13 72:15
mind 68:4
minimize 29:19,23
29:24
minimum 33:7
minus 6:2
minor 31:13
minute 5:3 9:15,19
minutes 108:5
112:19,21 113:19
114:11,16
missed 55:21 74:12
113:16
mistake 117:18,20
mitigate 80:15
Mitigation 83:3
Mizzi 1:14 12:13
15:12,18,21 16:6
17:5 22:7 23:17
23:21 45:16 55:20
56:5,12,15,20
58:22 61:6 66:4
67:7 78:13,19
79:22,25 83:16,19
83:24 84:17,20,23
85:23 86:2,10,14
87:23 88:25 89:4
89:10,24 90:7,14
90:18,21,25 91:19
92:12,15,17 93:5
93:18,21 94:2,4
94:10,17,21 95:2
95:5 96:19 98:21
99:1,10,16 100:3
100:11,15,18
101:14 102:6,19
102:24 103:3,12
106:8 107:11
108:7 114:1
115:15,17,19,22
116:1,20 117:21
118:4

modern 54:4
monster 20:5,5
month 3:23
months 34:11
morning 3:10 12:5
12:5 26:23 72:14
89:21
motion 41:15 43:4
43:6 44:11,13,15
44:25 46:7 53:8
54:15,16,18,19
55:15 58:15 59:13
59:15,19 66:14,19
66:24 67:1,2
70:17,18,21,23
96:12,12,16,25,25
97:5,10 101:3,5,7
101:8 105:20,22
106:22 107:6
116:25 117:24
118:1,9,11
move 65:10
moves 6:15
moving 13:16
multi-family 19:2,3
municipal 43:14

N

N 2:1 3:12 119:1
name 8:23,25 9:1,3
13:3 56:13 73:6
88:17,20
narrow 16:13,14
nature 72:22
nay 60:16 102:10
near 96:10
nearby 97:24
necessarily 65:17
necessary 29:7,8
31:15 34:4
need 3:5 6:20 10:3
11:23 14:17 16:5
28:12 29:17 30:18
33:9 34:16,19
37:20 43:4 44:23
51:22 55:4,14
58:4 66:19 74:8
76:13,19 87:11
99:20,21 100:1,16
100:19 104:7,10
104:22 106:17
108:20 116:14
needed 74:20
113:25
needs 35:15 62:10
Neg 58:17 65:9
negative 43:17
52:17 53:10,10
54:21,22,24 59:14
59:22 60:2,4,14
60:17 61:8,16,21
65:3,24 66:16,17
97:12,22 98:14
negatively 62:11
63:19,20 64:6
neighbor 20:3,15
21:12 30:21 89:13
113:4
neighborhood 20:9
20:10 50:13,15
97:24 98:10,16
neighbors 48:13
68:4,11 95:19
neighbors' 66:7
never 18:20 21:23
47:4,9 60:24
63:21 78:13 84:5
108:9 114:3,4
new 1:8 3:14 5:6
6:7 13:15 38:17
38:21,23 39:8
43:14 47:21 48:9
53:21 54:11 59:15
66:14 72:4 80:3
119:3,8
nibbling 61:12
nice 13:14 27:13
68:12 83:22
115:17
Nicholas 72:14
Nick 83:25 93:23
nightmare 81:13
nine 5:1 25:8 38:3
Nodded 104:3
noise 46:1,15,20
51:2,25 52:15
noisy 51:4,7
non 59:12

nonconforming 92:8
nope 97:12,12
northeast 12:1
northerly 73:14
northwest 12:1
Notary 119:8
note 90:14 100:16
noted 100:4
notes 6:6,25
notice 112:1 114:24
noticed 34:3 89:17 89:18
notices 104:10
number 4:12 5:1,14 5:14 30:12 81:11
numbers 75:10
nuts 109:22
NY 2:7,12,17

O

O 119:1
objected 113:4
observing 26:20
obviously 6:3 17:23 31:24 35:14 72:25 74:1 91:9 93:14
occupied 50:4
occur 63:23
offense 17:4
offer 78:1
office 8:4
offset 40:6
oh 6:16 7:20,24 8:7 12:20 13:14 14:20 15:14 19:1 23:22 31:18 34:13 36:9 51:19 67:11 71:24 78:16 84:5,19,22 85:18 88:21 97:2 97:16 104:5 111:25 113:20,24 114:9 115:7,22 117:7,9
okay 3:7 6:16,19 7:22 8:18,18 10:13 14:5,6,15 14:21 16:7,17 19:17 20:7 24:18

25:15,16 26:12 27:5,12,23 28:11 28:14 29:6,9 33:1 33:19 34:7,8,18 35:7,8 38:16 39:5 39:8,13,16 40:17 41:2,16 42:4,14 43:2 45:20 46:21 48:25 50:25 52:9 52:10 53:20 55:8 55:9 58:22 59:8 59:11 60:5 61:11 63:3,18,25 66:3 66:10,12,22 67:12 67:17 68:23 69:1 69:2,5,24 71:10 71:17 72:19 75:14 81:1,2,4,10,16 84:7 85:11 91:19 94:3,14,23 95:7 95:22 96:18,23,23 97:18 99:16 101:2 101:13,18,23 102:1,8,22 103:2 103:23 104:17 105:12,21 106:21 107:15,25 108:24 109:20 111:12,15 111:18,20 114:19 115:7,10 116:13 116:19 117:24 118:8,10
old 34:10
once 15:12 46:9 74:2 76:24 77:16 103:9
ones 8:9 23:12,23 25:14 41:25 84:22
open 41:3 62:6
opened 27:24
opening 24:23 25:3 100:25
opinion 41:10 63:2 65:23 66:8 80:13 89:22
opportunity 65:4
oppose 100:13
opposed 63:13 84:3
order 3:1,3 4:25

11:20,22
Originally 112:24
outcome 119:16
outdoor 95:18,18 95:20
outside 76:15
overall 42:23
overarching 4:17
ownership 3:23 50:6

P

packet 55:22,23 56:7,21,22
packets 56:11
page 2:3 48:3
parameters 52:14
parked 15:2
parking 39:12,18
part 8:11 20:2 25:7 35:20 39:19 43:7 47:11 48:12 58:20 63:5,7
particular 17:12 37:8,9
parties 51:4 81:9 119:14
party 51:7
pass 55:15 69:12
patience 27:2
Pay 31:7
pencil 84:24
pending 58:15
penetrate 29:2
Pennsylvania 13:6 13:11
people 37:23 46:2 47:8 51:3 74:1 78:19 79:1 83:1 84:4 85:4,5,11 92:22 108:22 113:5
people's 30:13
perceived 48:19 91:8
percent 76:10
perception 91:24
perfect 103:22
permanent 98:13

permit 15:21 53:19 76:24 77:17 81:19 87:25
permits 15:24
person 55:14
perspective 4:3,17 41:24 90:10
Philadelphia 13:16
phonetic 73:6
physical 98:9
picture 12:7
pictures 89:21
piece 62:25 79:10
piercing 29:7
place 23:9 25:24 47:18 73:13
plan 30:7 33:6,13 33:20,20 39:1 79:17 80:5,18 94:7,11,22 95:4,5 95:10,17,21,24 98:2,11 102:4,7,9 102:13 103:9,10 103:18 104:21 105:15,17 106:1 106:14,25 107:1
planning 31:4 41:22 42:5 47:20 47:23 48:6,10 53:25
planting 92:16
plantings 84:2,6 88:6 92:18,19 93:9,14,14
plate 16:3,4 28:4,23 28:24
plate's 16:4
platform 113:7
plays 47:10
please 59:3 70:14 93:11 116:13,16 116:18
Pledge 3:2
plenty 19:21 65:4
plus 27:17
point 7:1 10:25 26:20 30:25 35:6 48:5 60:13,14 65:6 67:13

pointed 114:23
pointing 73:3
polite 109:24
politeness 109:24
pool 22:7 72:10,12 72:20 73:13,16,17 73:25 74:7,23 75:5,6,17,18,19 76:7,8,22 77:13 79:4,10,11,21 80:2,9,18 81:21 82:20 83:1,1 84:3 84:6,13 85:6 86:3 87:19,20,24,25 88:24 91:6 92:9 92:17,19,20 94:12 99:4 101:21 103:7 103:8 105:6,6,8 105:13
pools 53:13 73:20 92:8,22
poor 109:18
pos 60:24,25 62:11
position 73:12
positive 43:17 58:17 59:20 60:17 60:25 65:3
positively 62:10
possibility 81:12
possible 21:22 22:2 64:16
potential 45:21,22 45:25
potentially 85:16
power 47:25
practical 6:22
practice 60:23
precedent 25:4,5
preclude 98:19
preexisting 4:21 26:3
preliminary 36:21
prepare 60:19
prepared 66:4,5
prescribed 49:7
present 4:2
presently 50:9
pressure 68:1
pretty 17:11 28:22

95:19 96:23
pretzels 61:9
prevent 103:7
previous 56:10
previously 51:15
 114:20
printed 112:21
Prior 8:16
privacy 78:9,23
 79:5,9 83:20,21
 93:9,15
pro 43:22 52:21
probably 19:6
 32:13 38:1 48:17
 74:13 75:21 76:16
 81:25 99:21
problem 16:10
 58:21 67:24 80:18
 81:8,11 99:15
 103:22 110:9
 112:17
problemistic 30:5
problems 81:18
procedure 41:8
 47:13,25
proceed 47:13
 60:15 65:24
proceedings 119:11
process 31:12 43:15
 44:4 47:11,11,12
 47:17,18 48:1
 49:7 56:19 57:3,4
 58:10,12,14 81:19
produce 97:22,23
professional 65:22
project 53:21 57:6
 57:8
Prokop 1:19 3:6
 6:7,10,16,19 7:4,8
 7:13,17 8:18 11:7
 15:16 23:20 26:22
 32:7 33:13,20,25
 34:3,7,16,19
 38:17,20 39:1,5,7
 39:10,13,21 40:1
 40:9,14,17 41:10
 42:7,13,15,24
 43:24 44:15 45:11
 45:20 46:8 48:22

49:8 55:15 56:1
 57:21 58:21,23
 59:2,6,9,11,19
 61:3,8,12,15 64:3
 64:11,14 65:11
 66:6,11,13 68:13
 68:18,24 69:3,6
 70:9,13,18,25
 87:11 88:13,21,23
 89:3 94:14 96:1
 96:12,25 97:10,14
 97:17,19 99:2,11
 100:21 101:2,18
 101:24 103:9,14
 104:8,15,18 105:5
 105:8,12,20
 106:12,17,20
 107:22 108:4,11
 108:16,19 109:1
 111:9,25 112:4,18
 112:23 113:2,9,15
 113:19,24 114:15
 114:21 115:5,8,11
 116:7,10,13,16,18
 116:22 117:4,6,10
 117:16,20
proper 97:25 98:11
properly 6:25
properties 17:8,10
 22:16 24:24 25:9
 73:20 86:20,24
 97:25
property 4:9,15
 6:14 10:17 16:21
 25:6,8 30:14
 31:20 73:1,14,15
 76:20 77:2 78:2
 78:11 82:22 84:10
 85:7 89:25 90:15
 90:16 91:9,10,14
 91:17,22,23 93:20
 100:20 110:24
proposed 6:14
 38:23 75:18
proposes 72:7,12
proposing 83:25
Protection 1:22
provide 68:19
provided 3:25 4:8

7:11 60:5 97:25
 98:11
prudent 92:23
pry 92:6
public 103:24,25
 112:1 119:8
pump 81:16
purposes 41:12,15
 43:1 44:18 66:18
pursuant 53:18
 65:24
pursue 98:5
put 16:11 32:1,2
 55:17,18 56:2
 67:25 68:2 73:11
 77:16 78:25 79:7
 84:17 91:8,10
 92:18,22 93:8
 100:16 102:2
 105:11,16
putting 16:10 39:6
 84:5,21 87:24
pyramid 5:23,24
 12:8 16:2,9 18:18
 29:1

Q

Quality 41:8 43:12
question 5:22 13:8
 13:9 34:23 39:21
 40:18 46:16 49:19
 49:25 50:2 53:7
 62:1 67:4 77:23
 78:3 80:5,6 87:9
 89:12,23 90:2
 95:17 98:21 99:14
questions 10:5
 12:22 14:16 16:18
 49:9,10,16,20,21
 50:18 52:16 68:16
 74:11 75:15
quickly 4:9

R

R 17:9 119:1
R-10 18:10
R-120 18:9
R-40 17:15 18:22
 19:9
railings 84:4

raise 90:2
Raised 55:11,13
 67:7,8,9,10 96:19
 96:20,21,22
 101:12,14,15,16
 101:17 106:11
 107:14
ran 89:20
range 5:4
rare 24:19
Ray 3:24 9:7 17:4,5
re-vote 66:14
read 34:13,13
 74:13 101:9 108:4
reading 34:14
ready 116:2
real 4:9 5:6 78:25
 86:8 90:21
reality 79:18
really 4:5 5:6,19
 32:16 36:15 52:21
 53:1,6 56:24
 58:13 60:6 61:24
 62:2,3 63:17
 68:11 79:4,8,14
 79:16 83:7 86:9
 89:25 90:1,12
 103:3,4 112:7
rear 10:17 72:25
 75:13 78:23 89:13
 99:15,17,18,22
reason 112:12
reasons 48:16
 57:11
rebooting 58:5
recap 4:9
receive 56:7
recommend 55:19
 64:8 65:23
recommendation
 55:17 57:12 65:19
recommended
 101:5
recommending
 56:4
reconsider 65:8
record 22:13 28:16
 53:9 59:5 62:18
 62:19

redo 59:19
reduce 30:1
refer 10:14
referred 11:25
reflag 32:15 33:2
reflect 6:25
reflecting 4:1
Refresh 113:11
regard 101:3
regulations 4:19
 9:20 41:20
related 5:15 49:9
 119:13
Relative 12:25
 13:22
relevant 68:13,15
 84:16
relief 5:4 6:3,4,20
reluctant 57:11
remain 5:12
remember 109:15
 110:22 112:25
 115:15
remembers 114:4
reminded 73:3
reminds 31:18
remodel 35:25 36:1
rent 15:16
rented 15:13
Reporter 119:7
request 33:9 74:19
 80:12,16
requested 63:9
 97:21 98:6,7,8,20
 113:13
requesting 57:16
 72:4
requests 74:13
require 4:25 6:2
 73:1 111:8
required 5:8 6:4
 9:12 22:24 72:6
 72:11 74:7 75:12
 75:12 96:15 98:24
 113:14 115:3
requirement 5:13
 72:5,10 74:10,24
 77:7
requires 4:21 9:21

36:3,23 43:13
research 69:21
reservations 65:12
residence 17:10
 18:8,9 19:1,7,8
 23:4
residences 4:11,14
 9:25 21:5 24:23
 25:2
residential 4:20,20
 17:14 52:6 61:3,5
respect 97:11,19
Response 29:11
rest 42:4
result 17:21 42:16
retain 38:9
return 109:24
review 38:10 41:8
 42:9 43:12 57:18
reviewed 65:21
 117:11
reviewing 62:6
reviews 54:12
rid 29:15 111:10
 113:6
ridiculous 77:20
right 5:23 6:16
 11:6 14:7 15:9,10
 17:16 19:21 20:14
 20:24 21:6,9 22:3
 22:18 23:3,7
 24:17 25:1,10,24
 26:4,4,11,24
 28:25 30:10,22
 31:8,10,16,23
 32:6,16 33:16,18
 34:11 35:10,21
 36:2,11 37:1,3,15
 37:25 38:4,12,25
 39:24 41:2,10
 42:12,24 45:6
 47:2 50:16 51:5,6
 51:21 52:14 53:3
 53:24 54:17 55:10
 57:19,20 59:18
 64:7 67:15 71:4
 71:21 75:4 76:2
 76:17 77:5,18,21
 77:21 78:1 82:3,4

82:8,17 83:5,9
 85:13 86:9 87:5
 88:10 90:20,23
 92:3,14 99:19
 100:25 102:23
 103:14,17,19
 106:16 108:17,18
 109:11,17 112:8
 112:14 113:8
 115:14,20 117:16
rights-of-way
 30:16
rip 79:1
rise 61:2
road 1:8 2:6,11
 3:13 4:10 13:5
 17:24 37:17 38:21
 72:3,15,24 73:19
 73:23,24 74:4,5
 87:4 90:18,21,22
 98:23 100:6,7
Robert 2:9,14 72:1
 72:16
Rollin 2:14 107:23
 107:23 112:3,4
 114:3 116:25
roof 5:25 12:14,25
 14:12 15:9 27:2,5
 27:6,15 28:1,2
route 64:9
routine 51:9
rule 40:6,8
rules 48:17

S

S-E-Q-R-A 43:12
Sadeli 1:20 3:16
 7:25 8:3,6,9,13
 17:16 26:1 34:15
 45:4 56:9 64:7
 71:24 72:1 74:15
 87:6 88:16 89:16
 97:2 108:10,13
 114:9,11 115:21
safety 76:19 77:12
 77:13
sale 16:21 48:15
Sante 73:6
Saretsky 1:15 8:8

8:11 23:24 36:2
 36:11 40:19,21,24
 41:4 45:8,17
 46:24 48:12,25
 49:3,6 50:10,16
 50:24 51:5,13,15
 51:19,22 52:8
 53:3 56:23 57:9
 62:1,13,15,21,24
 63:3,25 64:8 66:3
 66:5,10,12 67:8
 69:16,25 71:1
 82:17 84:14 86:8
 87:8,18,20 89:5
 89:23 90:2 91:2
 94:25 96:4,7,10
 96:17,20 100:16
 101:12,15 103:18
 104:4 106:9,23
 107:4,7,12 109:4
 109:6,12,16,25
 110:3,3,7,16
 111:8,10,23 112:5
 112:12,15 113:5
 113:18 114:19
 115:13,16,20
 118:2,5,13
saw 53:21
saying 11:12 16:15
 21:11 28:2 49:18
 51:20,23 62:9
 63:17 68:4 79:22
 79:25 80:1 100:3
 109:6
says 8:16 9:5,7
 27:16,16,19 28:21
 43:11 74:20
schedule 103:24
 104:6
screen 78:1,8
screening 79:3 84:9
 85:7 90:4
SCTM 2:5,10,15
second 3:5 14:2
 15:25 16:9 32:2,3
 36:9,22 44:23
 45:1 49:16 55:4,6
 55:7 64:12 66:20
 66:21 67:2 70:24

71:1 76:3 80:24
 83:9 97:3,4,6
 100:8 101:11
 107:7,8 117:25
 118:1,2,12,13
Section 72:5,10
see 3:18 15:11
 34:20 35:2 37:23
 63:1,16 74:21
 82:7,8,12,13,14
 82:15,17,20,20,21
 82:25 83:1,2 84:2
 85:6,9 111:5,18
 113:15
seek 72:21
seeking 4:14 5:7,15
 5:18 9:25
segmentation 42:8
 42:13
self-created 98:18
send 104:10
sense 52:22 94:13
sensitive 95:19
separate 4:12,13
 21:5 23:14,16,19
 25:18 31:14 32:4
separated 31:17
separating 50:6
 52:24
September 6:24
 57:25
septic 54:4
SEQRA 7:2 9:14
 9:19 10:3 34:16
 41:12,15,20 42:3
 42:9 43:1,11,11
 43:15,21 44:1,7
 44:18 46:9 48:21
 49:2,4,13 52:11
 57:5 58:10,12,14
 58:16,20 63:7
 64:2,6,17 65:1,3
 65:13,18,20,24
 66:1,18 94:15,17
 95:8,12 96:14,15
 101:18
set 91:6 119:18
setback 9:23 30:20
 40:5 64:6 72:5,6,7

72:10,11,12,21
 73:1,2,5,24 74:7,8
 75:13 91:6 98:24
 99:3,22 113:12,13
 115:1,2,8,9
setbacks 40:12,15
 47:25 73:14 80:5
 111:14
seven 37:24 38:1
shade 50:20
sheetrock 27:4,22
 28:1
shining 96:7
shoreline 11:24
shot 89:9
show 35:1 47:6
 85:13 110:18
showing 33:7 39:4
shown 105:18
shows 5:24 27:19
 96:2
shrubs 84:17,20
side 5:4 16:10 17:9
 29:13,17 40:2,5
 68:3 73:13 87:21
 91:5 98:24 99:3
 99:11,12 110:6,7
 113:3
sideways 111:3
Siegel 1:16 8:25 9:2
 9:5,10 10:14,18
 10:22 11:10,15
 13:10,14 15:11,23
 16:8,15,20,25
 17:8,18 18:4,7,21
 19:6,10,15,18,21
 19:24 20:1,4,15
 21:6,11,15,19
 22:1,15 23:11,15
 23:22,25 24:4,7
 24:10,13,16,18
 25:1,3,12 26:6,9
 26:11,17 27:9,11
 27:13,16,23 28:6
 28:14,22 29:19,23
 30:1 34:22,25
 35:7,19,22,25
 36:3,6,16,20,24
 37:3,11,16,19,22

38:3,8,13,16 39:18 43:7 44:12 44:19,25 45:13,18 46:23,25 47:15 48:2 50:23 51:3,8 51:14,18 52:2,9 53:6,12,15,17,20 54:3,14,17,20,24 55:2,8,10,13 56:25 64:10 66:21 67:2,9,14,18,23 68:3,10 70:4,6,22 71:11 73:9 74:12 74:17,19 75:1,5,7 75:10,14,17,23 76:2,4,7,10,13,18 77:1,4,14,18,20 77:22 78:3,5 79:2 79:8,24 80:1 81:1 81:3,20 82:5,10 83:3,6,15,17,23 84:5,8,12,15,19 84:22 85:2,12,15 85:20 86:12,17,20 87:17 88:7 89:12 89:19 90:9,20 91:25 92:4 93:1,3 95:6,9,12,16,25 96:2,6,21 97:6 101:8,16 104:22 105:18 106:10 107:5,8,9,13 110:2,6,8,13,17 110:21,25 111:5 111:12 112:16,22 113:8,21 117:14 118:1,6,12 significance 61:4 significant 18:17 46:12,13,18 49:24 50:1,11 52:4,13 52:17,22 53:11 54:25 55:2 56:18 59:22,24 60:4 61:19 66:16 significantly 50:7 50:20 51:1,24,25 similar 70:2,8 similarly 21:1	simple 52:21 simpler 19:12 single 4:11,14 9:24 23:18 24:22 25:18 sit 59:7 site 50:21,21,22 51:2 sitting 35:1 36:18 73:22 situation 4:22 73:21 75:7 100:9 size 73:17 80:4 sized 21:1 skirt 76:14,15 slice 5:24 small 7:22 17:11 55:22 56:22 smaller 9:6 22:24 80:18 Smithbridge 13:5 solution 64:16 80:11 somebody 20:25,25 21:24 37:12 55:6 82:23 92:17 96:9 102:9 somebody's 90:15 100:20 someone's 90:16 somewhat 40:25 50:11 sorry 12:20 39:5 49:3,3,6 59:17,17 61:9,9 62:14 67:3 71:24 98:13 105:2 109:25 113:15 114:10 117:9 sort 43:8 88:4 sought 5:3 98:3 Southampton 18:14,15 southerly 72:24 speak 18:12 62:25 78:10 87:7 special 20:17 98:22 specific 100:5 specifics 43:20 spoke 10:10 sport 82:2,3	spot 17:12 19:18 spreading 20:5 square 11:22 17:25 SS 119:4 stair 109:8 110:9 110:14 111:24 112:17 stairs 27:24 110:12 111:3,16 stand 15:8 standard 46:13 48:20 49:23 standards 37:8 start 103:7,10,13 115:21 started 116:5 starting 18:8 25:4 state 36:15 41:7 43:11,14 47:21,22 63:6 76:23,24 119:3,8 stated 100:24 statement 60:20 100:25 station 52:24 status 42:25 44:16 96:13 stay 49:2 stayed 15:12 staying 43:8 stenographer 13:3 87:6,12 109:18 step 48:24 52:20 step-wise 50:18 stepped 64:14 steps 79:10 108:8 108:12,15,17 stop 114:13 stopped 7:1,4,5 109:16 112:8 story 5:25 15:25 strategic 81:8 stream 52:7,7 street 83:2 84:18,21 85:4,11 91:12 92:5,10 Strike 22:13 structure 84:14,15 90:5 98:13 99:4	113:13 115:11 stuck 55:16 56:1 Study 58:18 stuff 14:21 35:1 76:22 Stumped 13:23 sub 51:19 subdivide 4:15 subdivided 23:24 24:1,1 51:20 subdivision 4:25 6:11 8:23,25 9:5 30:24 31:3,6 35:19 41:11,19,25 42:18 47:3,4,8,13 47:17,18,21 54:7 54:13 62:3,22 63:18,20,22,24 subject 18:24 94:5 95:2 102:7 104:18 106:19,20,25 108:23 114:22 116:11 subjective 50:12 submission 36:25 104:18 submissions 105:25 submit 98:1 102:13 103:9,10,16 submits 93:24 submitted 5:23 98:12 substantial 98:7 Suffolk 31:2 72:2 119:5 suggest 10:1 84:8 85:16 97:20 suggested 84:5 suggesting 60:7 80:17 suggestion 50:2 93:1,3,18 suggests 41:24 62:18 summer 103:8 supplied 64:19 suppose 57:10 sure 9:8 22:20,21 23:4 39:22 44:13	64:25 69:16,23 77:25 78:8 90:6,6 94:16 105:17 106:23 107:4 surrounding 73:20 survey 7:6,14,15,18 56:6 58:1 105:19 surveyor 8:22 11:4 swimming 83:21 systems 54:5 <hr/> T <hr/> T 119:1,1 T.V 26:22 table 18:4,15 23:12 26:12 Tahoe 14:25 15:2 take 16:11 41:23 47:18 59:10 71:14 81:10 85:21 90:14 101:20,24 105:25 107:17 114:6 taken 43:23 119:12 talk 5:2 45:21 64:11 67:15 93:6 109:18 116:7,8,10 talked 60:6 61:24 talking 23:22 42:8 48:23 49:20 62:21 62:24 63:11,12 75:23 78:5 79:3,8 79:13 81:12 talks 41:4 93:24 tanks 53:23 Tax 72:2 technically 5:8,12 70:10 tell 12:23 13:17 52:2 60:23 61:20 71:7 ten 5:1 38:7 Terchunian 1:21 25:16,20,22 26:2 30:6 31:1,9,11,16 32:11,22,24 33:1 33:17 40:3,13,16 41:6 42:2,12,19 42:22 43:4,10 44:9,23 45:2,7
--	--	---	--	--

46:9 47:10,16
 48:4,20,24 49:1,4
 49:7,23 50:14,17
 50:25 51:6,9,17
 51:21,23 52:3,10
 53:7 54:19,22,25
 55:4 57:2,17 58:9
 58:13 60:11 61:4
 62:14,23 63:1,4
 63:22 64:1,13,14
 65:21 66:19,23
 67:4 69:8,17
 78:14 87:1 88:20
 88:22 97:12,16,18
 99:6,9,25 100:9
 100:13 102:8,12
 103:25 104:3
 105:14,23,25
 106:4,6,16,19
 107:6,9 109:17,22
 114:5 117:1,7,9
 118:8
term 24:21 50:10
Terzi 2:14 107:23
 107:24
testifying 28:17
Thank 27:1 70:15
 71:16,21,22 94:13
 97:7 107:16,17,17
 107:19,19,20
thanks 6:19 8:18
 15:4,4
thing 11:19 21:3
 24:20 32:8 35:20
 37:9 41:6 47:8
 51:10 56:2 61:6
 64:3 77:24 79:2
 80:3,8,19,20
 85:12 91:7
things 5:5 19:16
 31:14 46:3,3
 48:18 57:23 65:16
 66:6 92:7
think 5:10,22 7:2,9
 9:15 11:12,13
 14:3 16:6 18:2
 20:8,20 22:5,19
 28:7 31:18,21
 32:7,16 33:2,15

33:17 34:9,9 35:4
 35:5 36:12 39:17
 41:8 42:4,15 46:4
 48:12 54:14 57:3
 58:2,2 59:24 62:8
 62:9,15 63:16
 64:23,23 65:11,14
 65:17 68:18,18
 69:3,20 70:9 71:3
 77:24 83:24 88:2
 92:21,23 94:14,25
 99:4,4,10 100:4
 100:21 103:5
 112:5
thinking 15:25
 19:11 21:15 36:17
 93:17
third 92:21 118:13
thought 8:11 9:14
 11:7 39:1,7 47:2
 88:23
thoughts 69:10
three 23:21 86:22
 86:25 110:23
three-family 9:25
three-tenths 40:7
throw 105:14
tide 10:18 11:10,15
 11:25 32:9,21
time 21:2 27:10
 46:3 48:7 53:15
 57:18 58:4 64:22
 67:22 70:11 86:1
 87:7 93:7,12,12
 109:19 112:15
times 37:22
today 4:3 11:1 58:6
 69:4 71:8 102:2
 104:9,16
tomorrow 11:4
top 9:4 16:3,4 28:4
 53:24 80:11 91:24
tops 53:23
total 5:1
tough 37:17 80:8
Town 18:15
track 112:7
traffic 46:1
transcript 113:9

114:25
transcription
 119:11
tree 25:23
tried 91:4,4
tripped 49:12
trouble 34:14
trough 81:17
true 53:6 77:14
 79:6 82:24 84:11
 119:11
Trustees 31:5
try 37:12 80:2 93:6
trying 4:22 67:25
 68:10 93:10,13
 112:7 114:2
turn 74:3 111:3
turns 37:19
twelve 6:17
Twelve-foot-four
 27:14
Twenty 98:25 99:1
 99:8,9,23
two 4:10,22 5:5,17
 8:6,21 15:17,23
 20:22 21:4,7,8,9
 21:18 22:17 24:3
 24:4,8,16,22 25:2
 28:3 31:20 36:2
 39:6,11 46:16,18
 48:7 50:3,7 52:25
 56:19 58:25 59:1
 63:7 72:23 73:13
 74:22 81:11 86:19
 86:20,24 92:20
 100:10,12 101:21
 109:18
two-board 48:1
two-family 9:24
two-part 63:4
Two-two 55:13
two-vote 44:4
twofold 47:12
Type 9:20,22 10:2
 41:21 96:14 97:14
 97:16
typed 117:12
typical 105:13

U

Uh-huh 19:14
ultimately 22:1
unadopted 18:20
Unanimous 106:11
unaware 43:7
uncomfortable
 56:23 58:3
underscore 60:13
underside 27:2,15
undersized 17:22
understand 3:21
 13:8 16:2 18:12
 50:16 56:20 57:4
 69:17
understanding
 10:23
undertake 43:20
undesirable 41:5
 48:19 97:23
uninterrupted
 59:11
unique 73:20
 100:22
unlisted 41:12,14
 41:22 42:23 43:1
 44:2,17
unusual 93:2
updated 3:25 7:6
upper 5:25 75:20
 81:2
upside 80:23
upstairs 81:9
usage 45:25
use 24:21 40:7
 85:16
utility 45:25

V

values 46:14
variance 5:16 6:2
 16:5 28:13 29:7
 29:18 30:18 35:9
 36:4,10 37:12,14
 47:25 57:18 60:24
 64:21 72:4,9 73:4
 73:7,8,11,23,24
 74:8,13,19,20,23
 75:1 86:9,13,16

87:14 94:5 98:20
 99:20,22 110:23
 111:10,24 113:11
 113:24,25 115:1
variance-by-vari...
 7:2
variances 5:1,3,6,7
 5:14,17,18 9:23
 9:24 29:20 30:2
 30:19 34:4,9,17
 35:15 36:23 37:24
 41:19,20,21 42:21
 42:23 47:5,14
 57:16 58:19 62:5
 63:9,19,23,24
 64:2 65:2,5,7
 66:15 67:15 72:21
 74:6,24 79:13,14
 79:15 80:14 92:22
 97:21 98:6,7,8,12
 100:18 101:21
 108:12 109:1
 117:10
vary 47:24
Vero 22:9,13 72:14
 72:14,19 73:10
 74:22 75:4,6,9,12
 75:19,25 76:3,5,9
 76:12,15,23 77:3
 77:5,7,11,15,19
 77:21,24 78:4,7
 78:16,22 79:6
 80:22 81:2,4,22
 81:25 82:3,8,13
 82:21,25 83:5,10
 83:12 84:11,24
 85:3,14,18,21,25
 86:4,6,15,19,22
 87:3,5,9 88:1,10
 88:19 89:15,18
 90:17,22 91:4,13
 91:17,21 92:2,25
 93:2 94:19 95:22
 97:8 98:25 99:7
 99:13,17,21 100:1
 100:12,14,24
 102:16,22 103:2
 103:17,19 104:12
 104:24 105:2,7,10

105:13,16 106:3,5
107:2,15,17
versa 53:5
version 7:12 9:6
33:25 34:5
versus 30:8 75:10
vice 53:5
view 79:21,21
90:10
views 46:1
village 1:1,19,20
3:25 4:11 17:15
17:20 18:11,13
19:3,5 22:24 23:5
25:18 30:5 31:4,5
33:10 35:15 54:12
81:14,14 86:23,25
91:14,17,22
109:10 111:16
visualize 61:17
vote 34:19 38:14
41:13 42:24 43:24
44:5,24 45:3
46:21 55:5,9 57:4
57:19,21,22 58:24
59:1 63:17,18,24
64:1 65:1,8,14,18
65:20 66:20 67:6
67:11,21 96:18
102:1 104:8,13,15
106:12,14,17
116:14,16,17,20
voted 106:13
111:14 114:20
votes 59:1
voting 9:16 45:13
47:2 56:24,25
57:5,6 64:25
67:15 116:22,23

W

W 1:16
wait 49:16 72:17
87:6 97:8
waiting 111:9,15
walk 15:9 37:17
walked 4:16 14:22
14:23
wall 11:16 12:4,6

27:7
walls 53:22,23,25
54:1
want 14:9,11,12,24
21:17,23 23:25
25:5 26:15 34:20
35:25 37:10 40:22
41:6 46:22,25
47:5,7 48:3 59:4
60:13 61:17,18
65:15 67:21 68:2
69:11 71:5 74:15
77:16,25 78:9,17
84:25 91:18 93:9
93:14,15 94:19
95:11,13 102:1,2
103:8,21 105:4
106:14 116:17
117:21
wanted 42:14 66:13
83:7,18 87:25
95:17 110:23
wants 24:1 68:7
wasn't 55:24 68:10
98:22,23,23 99:2
waste 52:6,7
water 7:8,9 11:9
31:14,22 32:4,9
32:12 39:4 46:15
46:19 52:3,4,5,15
81:16,17
way 4:4 9:12 13:10
18:2,9 27:11 50:9
50:21 52:2 56:18
57:19 77:1,15,19
77:22 84:2 86:7
90:22 95:13
115:14 119:15
ways 18:17
we'll 5:2 33:5 37:20
44:2 71:19 76:9
103:19,20 105:7
105:10,16
we're 3:8 4:14,22
5:7,18 9:12,25
18:1 20:4,5 21:6,7
22:8 25:7 26:4
29:21 32:21 35:9
35:22 38:25 39:17

42:20 45:13 48:9
48:22 54:10 55:16
55:16 56:1 61:21
63:17 65:7 66:4,5
71:15 72:20 73:17
73:22 79:3,13
80:21 81:12,22,25
85:9 89:24,25
92:21,22 93:8
95:19 102:25
104:13 111:23
114:2,7,15
we've 4:8 36:9 48:8
64:19 93:23 96:1
105:1 117:11
Weber 3:8,19,24
9:7
Wednesday 7:14
7:15,19 56:6,7
week 29:14 68:25
weeks 15:17
weight 50:9
weird 92:1,2
welcome 36:1
107:21
went 10:8 18:17
53:22
weren't 64:25
100:20
Wesh 3:13
Weshampton 3:13
west 1:1,8 2:7,12
2:17 3:4 11:25
17:20 72:3
westerly 73:15
Westhampton 3:14
72:15
wetland 10:7,20
11:9
wetlands 7:9 32:10
32:18 33:7
WHEREOF
119:17
wide 5:11,12 6:18
width 5:4
Wildlife 1:21
willing 61:21 102:6
wind 81:25
WITNESS 119:17

words 11:5 44:14
44:20 50:11,17
51:10 52:6 64:5
102:12
work 14:1,2
works 18:22
worse 51:24
wouldn't 80:7
100:1,19 103:7
wow 38:3 53:24
109:6
write 114:18 116:6
117:21
written 74:14
105:25 114:3
117:1,6,12
wrote 114:4

X

X 2:1

Y

yard 5:4 29:13,17
40:5 72:5,9,21,24
73:2,5,13,23,24
74:22,23 75:13
78:10 86:17,18
87:21,22 91:5
98:24 99:15,17,18
99:22 111:18
113:12 115:1,8,9
yards 72:23 86:19
86:21,24 100:10
100:12
yay 60:16 102:10
yeah 3:21 8:6,16
9:6 12:7,10,16
13:1,21 14:11,19
15:7,7,14 16:8
19:1,19 20:22
22:3 23:3,7,10,17
25:22,25 26:1,2
28:9 29:4 32:22
32:25 33:4 34:2
34:20 36:20 37:2
37:11,21 44:12
45:13 46:8,9,23
46:24 51:8 62:8
64:13 69:25 70:3
73:10 74:12 76:9

76:15,23 77:6
78:21,22,24 79:6
79:24 82:3 83:13
85:2,18,21,22
86:4,6 87:17
88:22 89:1,1,1,16
90:9 91:15 92:2
94:2 96:6 97:17
99:25 100:1,11,15
103:12 104:24
105:18 109:5
110:19,22 113:2
113:23 114:17
115:17,19 116:16
year 32:14
years 4:12 15:13
18:16 48:8 56:19
60:23 73:7
yesterday 10:11
York 1:8 3:14
13:15 43:14 47:21
72:4 119:3,9
Young 2:9 22:11
72:2,16 78:17,21
78:25 81:24 82:2
86:11 88:11,14
89:17 91:7,18
92:6,14,16 93:8
93:13,19 94:1,3,6
94:8,13 96:8 97:7
103:16 104:7,10
107:16,19
Youngs 77:25
Yup 45:7

Z

zone 4:20,20 19:2,3
19:13 75:13
zones 17:10 18:25
19:20
zoning 1:2 3:4 4:18
4:19 17:9,14,19
18:14,15 19:18
38:11 44:15 48:7
48:11 49:12
zoning-favored
4:23

0

0907-02-02-17 2:10

72:3 0907-02-04 2:5	4-foot-4 28:2 4-foot-6 28:3 4-foot-tall 53:22 4.5 27:17 40 99:5 44 72:4,9 75:2 45 18:18	9-foot-6 27:8 906 1:8 907-1-1-37 2:15 9th 6:24		
<hr/> 1 <hr/>	<hr/> 5 <hr/>			
1 28:19 1/2 6:18 29:5 10 7:10 38:5,6 57:16 102:4 103:21 106:1 10:00 1:5 10:11 3:2 107-118 2:14 11 6:18 11.3 113:25,25 115:1,9 11:49 118:14 12 2:16 38:4 12-foot-4 27:3 12.5 27:16,17 120 72:15 1201 13:4 13.9 73:9,10 19317 13:6	5 1:4 119:12 5,000 17:25 560-8 72:5,10 58.7 113:12 115:2 115:12			
<hr/> 2 <hr/>	<hr/> 6 <hr/>			
2 5:9,10,11 6:14 32:19 20 90:23 99:6,7,25 20-by-30 73:18 20% 74:10 2018 1:4 119:12,18 20th 119:18 21.8 73:16 22.1 75:3 23rd 8:8,16,17 25 99:11 25.8 73:16 26 72:8,12 85:9,23 86:2 99:11 26.1 75:3 26.6 73:15	6 85:3 6.7 29:13 60 18:18			
<hr/> 3 <hr/>	<hr/> 7 <hr/>			
3-71 2:4 30 69:4 323 3:13 35 60:23 36's 69:22	70 72:6,11 74:25 75:8,13 113:13 115:2 72-107 2:9 75 5:11,12 32:18 33:2,8			
<hr/> 4 <hr/>	<hr/> 8 <hr/>			
	8 27:19,22 28:3,5 28:19,23,24 29:3 75:21 76:4,5 80:9 81:21 83:6,17 85:3 92:9 8-foot 27:4 8-foot-6 27:18 812 2:11 72:3 826 70:6 826's 25:13 69:21 828 24:14 830 18:2,2 836 18:3 836's 23:1,8 25:13 846 2:4,6 3:24 4:2 4:10 88 32:21,23,24			
	<hr/> 9 <hr/>			
	9 29:5 9-foot 14:3			