INCORPORATED VILLAGE OF WEST HAMPTON DUNES

ZONING BOARD OF APPEALS

August 25, 2018

10:00 AM

Meeting held at

906 Dune Road, West Hampton Dunes, NY

APPEARANCES:

Harvey Gessin, Chairman
Kenneth Siegel, Member
Eric Saretsky, Member

ALSO PRESENT:

Joseph Prokop, Village Attorney
Angela Sadeli, Village Clerk
Aram Terchunian, Commissioner of Wildlife Protection
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SCTM #0907-02-04
846 Dune Road
West Hampton Dunes, NY

Robert and Christina Young 53 - 60
SCTM #0907-02-02-17
812 Dune Road
West Hampton Dunes, NY
CHAIRPERSON GESSIN: I'd like to call to order the meeting of the West Hampton Dunes Zoning Board.

What application do we start with first?

MS. SADELI: 846 Dunes, LLC.

CHAIRPERSON GESSIN: Okay.

MR. PROKOP: Just state for the record who is here.

MR. HULME: For the applicant James N. Hulme, 323 Mill Road West Hampton Beach, New York. Also with me is our landscape designer. I'll let her identify herself.

MS. WILCENSKI: Landscape architect, Susan Wilcenski from Spaces Landscape Architecture, I'm out of Quogue.

MR. HULME: And also with me is Mr. Freedman, who's the principal of the LLC.

As you all may recall we were here back on June 16th where we received conditional approval of the variances we were seeking that were necessary to undertake the underlying subdivision that forms the basis for this application. We wanted to -- we're back here today to review with you the submissions that we made which we believe address the various
conditions that were required as part of that decision.

So I brought Sue with us today because a lot of the conditions were with the landscaping. We did submit a landscape plan as one of our submissions and I wanted her to be here to answer any questions that you may have. Depending on how you count the conditions that were listed in the decision, there were somewhere between 11 and 13 conditions. So I wanted to go over them first on the site plan and then on the -- I mean first on the landscape plan, second on the site plan, and then lastly on the survey.

So if we go through the planting scheme, the first condition was a screening on the east and west property lines in conjunction with the pre-existing landscaping. As you can see from the drawing, there was some fairly extensive -- at least on the west side --

MS. WILCENSKI: Both sides.

MR. HULME: Both sides. A screening that existed, and we identified that on the planting plan and we have also identified some additional new screening plans -- plantings.

MS. WILCENSKI: Can I just add to that?
MR. HULME: Yes, please.

MS. WILCENSKI: So I'm just going to add onto what Jim is saying. I do want to explain that there is actually a big piece of property that -- on both east and west side -- there is some really nice material that is both native and has, kind of, naturalized on the site, including some beautiful pines, great spans of bayberry, and there are some rationals, but it's attractive, and there's also some, you know, some beach grass too. So it's kind of got a nice mix of very beachy, you know, plant material that is just right for the area. So just keeping that in mind, I was taking off of what was already existing. Okay?

MR. HULME: I think the second area of the screening has to do with the screening between the two new lots and we provided that.

Another condition had to do with foundation plantings. And there was significant and existing plantings proposed in that.

MS. WILCENSKI: So the property lines are very heavy with existing vegetation. Where there are holes, we will be putting some of the bayberry, pines, I do have some grasses,
ornamental grasses in there, a majority of them
are native grasses. For around the foundation,
we've got some taller grasses, and I want to keep
a beachy feel. That's for along the property
lines.

If you want, the front of the property line
along the roadside, that's where we're going to
introduce more evergreens. We're going to bring
in some pines, a couple varieties of Junipers.
This is all stuff that will take our conditions,
flooding and everything, mixed in with some
masses of some ornamental grasses, as well as
just a little bit of color too that you typically
see along Dune Road, you know, with the butterfly
bush, and -- let's see what I have -- St. Johns
Wort, which is yellow, white butterfly bush, blue
butterfly bush. Just low maintenance and just be
beautiful and just kind of meld into this area,
this lot and this area.

MR. HULME: I think the next condition was
irrigation poles along with the landscaping.

MS. WILCENSKI: Sorry. I had to handwrite
-- well, actually, my drafter handwrote it. He
wrote that in.

Of course there will be irrigation. There's
always irrigation, especially in this area being sandy and, you know, the water, just leeching down so quickly. So we'll plant everything -- we're going to keep the existing sandlot because we're going to do ground-cover beach grass. So where we're going to place the plants individually, we'll put in a nice amount of topsoil so everything will grow and be fine. But I'm going to try and minimize, you know, try to keep existing conditions as much as possible, to have the least impact. But again, the goal on this site is to keep it very natural looking, beachy, and just, you know, fill everything in with plants that will do well.

MR. HULME: Okay. The next area of screening is the parking areas. As you can see, there's some significant plantings proposed to screen that from the road, to screen that from the driveway, to screen that from this side.

MS. WILCENSKI: And it's more evergreens around the courtyard, and again, just build it into -- with the bayberry and some Juniper. I did put a few ornamentals in there, that's in bloom right now, white and purple, just for a little color.
MR. HULME: The next area of screening was the screening from the road.

MS. WILCENSKI: Right. That's where, again, we have layers of evergreens in there, low and high. It will all grow in and it will be coverage from the road.

MEMBER SIEGEL: What is the line that connects these things? Is that --

MS. WILCENSKI: That means that that's the same type of plant material. So you'll see these right here, these are pines, it just means that that is all the same plant material.

MEMBER SIEGEL: I was just wondering what the indicator was.

MR. TERCHUNIAN: Native pines.

MS. WILCENSKI: Yeah. And you'll see 11-PR, so you go over to the key, and just look at PR.

MEMBER SIEGEL: That's what that all is?

MS. WILCENSKI: Yeah. And actually, we're doing native pines here as Aram just mentioned. So it's not -- the pines that will do well. We're going to locate some decent sized native pines.

MR. HULME: And the next thing --

MR. PROKOP: Is that on your plan?
MS. WILCENSKI: Yes.

MR. PROKOP: The native pines?

MS. WILCENSKI: I don't have it identified as native.

MR. TERCHUNIAN: Yes, it's a native species.

MR. PROKOP: I'm just asking if it's identified on the plan.

MS. WILCENSKI: It is.

MR. PROKOP: Okay. Thanks.

MR. HULME: The next area to -- the next condition is identified on the planting plan here, as well as the site plan -- which we'll get to in just a second -- is that you require a separate driveway for Lot Number 1.

MS. WILCENSKI: Yeah. The driveway -- unfortunately, I'll try and transplant what's there. There's some nice bayberry there in pure sand. We have to remove a little bit of the existing vegetation for that, but then we'll plant along the edge to get it to separate these two lots.

CHAIRPERSON GESSIN: It was hard for us to tell whether the existing vegetation was on 844 or 846.

MS. WILCENSKI: Well, the native is on 844
-- I'm sorry, 846, and the non-native is on 844. But they kind of -- they are mature enough that they are merging nicely.

MR. HULME: And so the separate driveway is also shown on the --

MR. PROKOP: Can I just ask you a question about that, about what you said? So the existing buffer, where it says existing vegetation, that's not on this lot, is it?

MS. WILCENSKI: That is -- it's along the edge of the lot, but mainly, no, it's existing. There's a large span of planted vegetation on 844.

MR. PROKOP: So for the buffer, the vegetation is done for 844?

MS. WILCENSKI: Well, we'll plant along the edge, but because of the property and we're making the driveway as narrow as possible, with this very limited room, but of course we will -- once we get in there, we'll plant along the edge and keep the edge clean. And if there's any holes, I'll fill the holes.

MR. HULME: And then we're proposing some substantial plantings inward of that driveway as well.
MR. PROKOP: So you -- I'm sorry. I just want to make sure it conforms with the condition. So your landscape plan is about -- the buffer that is in your landscaping plan is really not on the property. Does that meet the condition?

MR. HULME: Well, we do have this buffer here.

MS. WILCENSKI: There's a buffer that's existing.

MR. HULME: We need to be able to put the driveway in.

MS. WILCENSKI: And when we put the driveway in, if there's any kind of holes or anything that needs to be filled in, we'll do that with our plant material.

MEMBER SIEGEL: Even if it's on the other side of the property line?

MS. WILCENSKI: Yeah. It will be planted on the property line. So, you know, it's very dense right now. So as I said, we will keep everything we can outside of this new driveway, and then we'll --

MEMBER SIEGEL: That sounds like to me like it still meets the condition.

MEMBER SARETSKY: I have a question about
the fence. I didn't recall how we left the fence. This showing the fence, just this little section here?

MR. HULME: Right.

MS. WILCENSKI: Parallel to the house.

MEMBER SARETSKY: Okay.

MS. WILCENSKI: Only because the neighbor is right on the property line. So -- and we need our parking lot -- we need our parking area. So it's very tight.

MEMBER SARETSKY: Any fence restrictions?

MR. FREEDMAN: What do you mean the neighbors are right there?

MS. WILCENSKI: This neighbor here, their decking and walkway and everything is right on the property line.

CHAIRPERSON GESSIN: This?

MS. WILCENSKI: Yeah. See all this? See here? All of this.

MEMBER SARETSKY: I thought this is where their air conditioning units are.

MS. WILCENSKI: Also, their utilities are facing 846, too.

MEMBER SIEGEL: This is called 844?

MS. WILCENSKI: Yes.
MEMBER SARETSKY: I guess my other question is: I don't really remember ever seeing a stockade fence separating two properties in West Hampton Dunes. And it's not on this side. I just -- would this be better served with it being vegetation? I'm just asking.

MR. HULME: One of the things we're going to talk to you about later is the swimming pool which needs an enclosure. The vegetation wouldn't provide a fence.

MEMBER SARETSKY: But isn't the pool -- it's on an elevated deck, right? That's fenced off?

MS. WILCENSKI: Yeah, the pool is on an elevated deck. But as it exists right now, this 844 is completely exposed to 846 and they're right on the property line.

MEMBER SIEGEL: This is 846?

MS. WILCENSKI: Yeah.

CHAIRPERSON GESSIN: But all he has to do is: The flag pole -- this is in the parking area where the fence is?

MS. WILCENSKI: This is parking area right here.

CHAIRPERSON GESSIN: Right. So if you have an issue here, just move the parking area over a
little bit.

  MS. WILCENSKI: There's pilings right there.

  MR. TERCHUNIAN: But Eric, to your point, I agree. A stockade fence is probably not appropriate here, because somebody has to have the bad side. So I would suggest, if you're going to do a six-foot fence, you do it with, you know, the double sided something, like a tongue-in-groove or something like that where both sides are finished.

  MS. WILCENSKI: Okay. I was thinking a stockade fence because it weathers gray. The good side always has to face the neighbor.

  MR. TERCHUNIAN: But then your client is looking at the ugly side.

  MS. WILCENSKI: We could double-side it, that's not a problem.

  MR. PROKOP: Well, I mean, everybody in the community is looking at it.

  MS. WILCENSKI: It's really -- it's hidden.

  MEMBER SARETSKY: She's right. There's not enough room to put the landscaping.

  MR. PROKOP: Is a six-foot fence allowed under our code? I thought it was four feet?

  MR. TERCHUNIAN: In a rear yard, yes -- or
behind the house.

MEMBER SARETSKY: Okay.

MEMBER SIEGEL: Yeah, he's not even going to see it.

MS. WILCENSKI: The only people who -- our client on 846 is really the only one who is just staring at their house right there, it's affected by it. So it's just a little bit of privacy. It's parallel to their structure.

CHAIRPERSON GESSIN: Okay. The way we see this, you're proposing an overhang deck on that side, the deck isn't there yet.

MS. WILCENSKI: There is -- we have -- there's the existing deck over here right now.

CHAIRPERSON GESSIN: How wide is that?

MS. WILCENSKI: Can I ask you a question?

CHAIRPERSON GESSIN: Sure.

MS. WILCENSKI: What we're talking about here is, you know, where can we move the driveway a little bit. Right now, the deck -- do you know how far away it is now?

MR. FREEDMAN: Yeah, I think it's about four or five feet.

MS. WILCENSKI: Okay. And this was -- how wide is this?
MR. FREEDMAN: Eight feet.

MS. WILCENSKI: Okay. So it comes out another four feet from where it is right now.

CHAIRPERSON GESSIN: Well, since the proposed deck is not part of this application, why don't you move the driveway over?

MR. FREEDMAN: Well, Jim, aren't we, at the same time, trying to get approval for the landscaping and for the pool?

MR. HULME: That's part of the pool application.

CHAIRPERSON GESSIN: I don't think we can give that at this application.

MR. HULME: Well, the -- all the decision said was we have to come back to you to talk about the pool. It didn't say we have to come back in the form of another application.

CHAIRPERSON GESSIN: I guess we can discuss that.

MS. WILCENSKI: It does give us a little more of parking here.

MR. PROKOP: Let me just ask: Is there a deck in existence that's not shown on the plan? Is that what this is?

MS. WILCENSKI: There is a deck that's in
existence that is -- yeah, we're showing a proposed --

MR. FREEDMAN: I have a picture.

MEMBER SARETSKY: On the old survey -- I'm looking at a survey that's dated -- hold on -- it looks like it's dated March -- here we go, April 2018. And it doesn't show any deck on that side.

MR. HULME: Is there a deck?

MR. FREEDMAN: Yeah, there is a deck.

MS. WILCENSKI: There's a deck.

MR. FREEDMAN: Here, I have a picture.

MS. WILCENSKI: Maybe it shows the --

MR. PROKOP: Well, does either Wednesday's survey or Thursday's survey show it? The ones we got this week?

MR. HULME: The survey that was submitted shows a -- well -- yeah, the survey that was submitted shows a proposed deck on that side.

MR. PROKOP: The survey that we're relying on shows the existing conditions?

CHAIRPERSON GESSIN: Correct, right.

MS. WILCENSKI: So explain this.

MR. FREEDMAN: This is looking east, that's the neighbor's house, and the deck is extended.
MS. WILCENSKI: We need this part over here. Do you have that?

MR. PROKOP: So what would you like us to do? Draw the existing conditions on your survey so it matches what's there?

CHAIRPERSON GESSIN: Well, we have an accurate survey, it's just that this is not a survey, it's a site plan.

MR. PROKOP: Does the survey show the deck?

CHAIRPERSON GESSIN: No.

MR. PROKOP: Then it's not accurate.

CHAIRPERSON GESSIN: No, the one previously.

MR. HULME: It doesn't appear that there's a deck on that side. Is there a walk on that side?

MR. FREEDMAN: Wait. On the --

MR. HULME: On the west side.

MR. FREEDMAN: No. On the east side there is no deck, I'm sorry, and the west side there is a deck. The east side has no deck. We were proposing -- when I did the -- we did the landscaping taking into consideration that I was going to ask for a pool. So I thought it didn't make sense to do landscaping and then come back and say we want a pool and then I have to change the landscaping. So we thought we would come to
you at the same time saying we want a pool and this is the landscaping, rather than --

MEMBER SIEGEL: And a deck.

MR. FREEDMAN: Correct.

MEMBER SIEGEL: Pool, deck, landscaping is all part of it.

MR. FREEDMAN: Right. That's what we were trying to do.

MR. HULME: The landscaping is part of the condition of the variance approval.

CHAIRPERSON GESSIN: Correct.

MR. HULME: One of the other conditions of the variance approval was that if you want to do something else on the property, you have to come back.

So we have already decided -- I don't know if we can talk about this now, but I think there was a sense that the pool was not in any way offensive to the Board. So we came back with a couple of different plans, but one of the plans shows a proposed pool which also shows a proposed deck on the east side.

CHAIRPERSON GESSIN: And on the --

MEMBER SARETSKY: And on the west side too.

MR. HULME: Yes.
MEMBER SARETSKY: And Joe, correct me if I'm wrong, which I usually am, it just seems to me that if they're coming back, they would have to come back to the Zoning Board for an actual application if there's a variance involved for either the deck or the pool?

MR. PROKOP: Yes.

MEMBER SARETSKY: So we should just stay focused on the subdivision application and the existing conditions. If you want to have a separate conversation at some other time about the deck and the pool.

MR. HULME: I don't know that there's a variance required for the pool. The only reason we'd be coming back is because the Zoning Board decision said you have to come back and talk to us about other structures.

MEMBER SARETSKY: You're saying that -- you're proposing that the pool and the deck are an as-of right?

MR. HULME: Yeah.

MEMBER SARETSKY: After the fact? After a subdivision?

MR. HULME: Yeah.

MR. FREEDMAN: In fact, it's on the survey.
And I met with the building department and went through it and I'm under the 20 percent.

MR. HULME: Before the subdivision.

MR. FREEDMAN: Well, no, but he looked at two different lots, Jim, and he said --

MR. PROKOP: The problem is: The variances that we're granting -- we did discuss the deck. We said that we wanted it to be a separate application. But the variances that we're granting are determined based on the impact on the adjoining properties, and that was based on an application without a pool or deck. So it is a different --

CHAIRPERSON GEESIN: Correct.

MR. PROKOP: Whether it meets --

MR. HULME: I'll do whatever it is that you like.

MR. PROKOP: I have a transcript if you like.

MR. HULME: I don't dispute that the transcript says what it says.

MEMBER SARETSKY: I think that the pitch point here is that you desire to achieve some parking in that location --

MR. FREEDMAN: And a deck.
MEMBER SARETSKY: -- and in so doing, you don't have any area leftover for landscaping.

MS. WILCENSKI: Yeah. That's -- but as far as the driveway, basically, we have a five-car --

MEMBER SARETSKY: Is there a way we can accomplish all three of those things?

MR. HULME: Whatever the form of the fence is, because of the close proximity of the structures, might -- you might agree is a better solution.

MEMBER SARETSKY: I would, because the issue is everything --

MR. HULME: Well, I'm not asking you, I'm asking him.

MEMBER SARETSKY: Well, it's 8 feet above grade, and that's higher than the fence. So we're looking for -- I think my sense of what the Board was looking for was something that would provide, you know, some screening, not just for when you're standing on the ground, but you're going to have two decks 20 feet apart from each other. Do you want to pass a cup of sugar back and forth between them? Or would you like a nice screened buffer zone?

MR. FREEDMAN: I do like them, they're nice
people.

MEMBER SIEGEL: It's got to be high like that to block the deck at the two heights.

MR. FREEDMAN: At the deck height? Sure.

MEMBER SIEGEL: It's high up, about 10 feet.

So you're 8 plus 10, 18. Do they stay skinny or do you have to trim them?

MEMBER SARETSKY: You have to trim them.

MEMBER SIEGEL: Would --

MR. PROKOP: Is there -- I'm sorry, go ahead.

MEMBER SIEGEL: Would anybody consider -- I don't know if this is in our purview or not, but to ask the neighbor what they would prefer out of the choices? Whether they would prefer giant trees or vegetation?

CHAIRPERSON GESSIN: If the neighbors -- I don't think we should ask the neighbors.

MR. HULME: No.

MS. WILCENSKI: Considering that the neighbor is, you know, completely used this whole space up and has no plantings, I don't think that it matters to them because of the proximity of these houses.

MEMBER SARETSKY: Let's not worry about
whether it matters to someone else. Let's focus --

MS. WILCENSKI: Right.

MEMBER SARETSKY: -- on what the Board was trying to achieve.

MS. WILCENSKI: What we're trying to achieve here is the parking and to continue this road where it comes in, and then bring it and end it over here for the parking spots, three parking spots here. We need a number to be able to back up and go out. So that's really why the parking in the driveway is over here, for, you know, for improved backup.

MEMBER SIEGEL: And what is this?

MS. WILCENSKI: These are all -- this is all plants along the foundation.

MEMBER SIEGEL: What are they?

MS. WILCENSKI: Those are tall ornamental grasses.

MR. HULME: So they're 4, 5 feet?

MS. WILCENSKI: Yeah. It's just to cover the base and cover any utilities.

CHAIRPERSON GESSIN: You're going to move some plantings here and move the driveway over a little bit.
MR. TERCHUNIAN: You want two parking spaces there, I get it, but the most important thing there is to have a turnaround.

MS. WILCENSKI: Right.

MR. TERCHUNIAN: So the turnaround, parking spaces, and planting. Although it doesn't give your client everything they're looking for, I think it's an artful compromise.

MR. HULME: How many bedrooms?

MR. FREEDMAN: Four.

MR. HULME: In the back?

MR. FREEDMAN: Four.

MR. HULME: So we need five spots?

MS. WILCENSKI: Right. This is five spots.

MR. HULME: So we have two and two?

MEMBER SARETSKY: Yeah, we can't move it this way.

CHAIRPERSON GESSIN: I think just an eight-foot deck.

MR. HULME: I think where Aram was heading was short grass.

MR. TERCHUNIAN: Well, let's find room for the plants. How much room do we need to put in, say, eastern red cedars, or pitch pine or something like that that's going to grow to 12 or
18 feet? What do you need 4 feet? 16 feet?
18 feet?

MS. WILCENSKI: Well, on the landscape plan, these circles here, is basically the same. They're more narrow they're Hetzi Columnaris, Juniper. So you see this circle, bring it over here, and that takes up -- and that's -- it could get bigger. That would be this scale, bring it over here and it takes, minimal, that much room.

MR. TERCHUNIAN: Well, let's find something that's thinner then.

MS. WILCENSKI: Thinner than a Hetzi Columnaris?

MR. TERCHUNIAN: What about a -- you can actually do Privet there, and you could trim it up.

MS. WILCENSKI: We can't get Privet that tall.

MR. TERCHUNIAN: All this stuff is going to grow in over time. The object is to blend these two guys together and use some greens to cover the rough edges. So let's try to do that.

MEMBER SIEGEL: You see that eight-foot proposed deck? Eight-foot is an awkward dimension for anything happening between those
two houses. In any case, the minimum requirement -- if you -- you're not going to sit there anyway in that little zone. So if you want to get around the house, your minimum requirement is going to be three feet. So we just need five feet.

MR. FREEDMAN: Okay. I really --

MEMBER SIEGEL: Put a three-foot thing there for length of -- until the house ends, then you have -- you picked up five feet where the parking is. Then, if you need to bounce out again to get around the pool, you still got no cars over there, so over there where that fence is, you can put the fatter plant. So it's more like, thin then fat. You gain yourself five feet, that's a lot of feet for a plant.

MS. WILCENSKI: Okay. Why don't I do this: Why don't I, you know, I'll modify this and I'll put a hedge in here, a Privet hedge, and I can even just write that in on these plans right now and date and sign it, if you want.

MR. FREEDMAN: The main reason I need --

MR. SIEGEL: If that works --

MR. FREEDMAN: -- decking on that side is for the pool. I just wanted enough space to get
around that. So that's all I need, enough space to get around the house.

MEMBER SARETSKY: But you need pool equipment.

MR. FREEDMAN: But I just need enough room to come around the house.

CHAIRPERSON GESSIN: On the other side?

MR. HULME: Is there room to? This is our copy.

MR. FREEDMAN: So is there room to come around there? We can do just that, if that's what you're suggesting.

MR. HULME: So if we make this section three feet and make this four feet.

MEMBER SIEGEL: That goes for the length of the house.

MR. HULME: Well, here we have plenty of room to plant.

MR. TERCHUNIAN: You have eight feet of deck? You're never using that.

MS. WILCENSKI: Even if we --

MEMBER SIEGEL: And it's green also.

MS. WILCENSKI: I'm just going to plan that that's -- I'll move this over four feet, right here.
MEMBER SIEGEL: You have five.

MS. WILCENSKI: But for a hedge, four is good. And then we'll propose a hedge.

MEMBER SARETSKY: In the northern part there, why don't you revert back? Because you have room.

MS. WILCENSKI: Well, I actually -- why don't we do a hedge to here --

MEMBER SARETSKY: Right.

MS. WILCENSKI: -- to the parking. And I'll put this over there.

So this will be a hedge, and then we'll bring in some -- right there. Okay? I'll duplicate this, and then we'll see --

MR. TERCHUNIAN: That's a really good compromise.

MR. FREEDMAN: Does that mean, Jim, that -- what would be on this side? No decking at all? Or enough for my platforms?

MR. HULME: No, you'll have this deck here, it will come in and then we'll step out.

MS. WILCENSKI: We'll step out here, however you want to do that.

MR. FREEDMAN: Can you walk around or not walk around?
MR. HULME: Yeah.

MEMBER SIEGEL: You can definitely still get around.

MS. WILCENSKI: All right. So then I can just make this seven -- seven of the same here, which are, you know, evergreens, so it's better.

MEMBER SARETSKY: Seven is a good number.

The next four houses have some decks on their size.

MS. WILCENSKI: No, I think they're four feet.

MEMBER SARETSKY: Well mine is one of them and it's not four.

MS. WILCENSKI: Really? This is definitely not three feet here, this is at least four feet.

CHAIRPERSON GESSIN: Well, they don't have an elevated deck.

MEMBER SARETSKY: Three or four-foot.

MR. HULME: So you don't want the fence? You want the fence out or you want the fence also?

CHAIRPERSON GESSIN: You don't need the fence.

MS. WILCENSKI: No, I'll take the fence out. So for the Board, do you want me to just modify
the plans and date and sign it?

    MR. TERCHUNIAN: Well, we have some other
    things on those plans that we have to talk about.
    MS. WILCINSKI: Oh, okay.
    MR. TERCHUNIAN: So if you're going to
    submit them, there's some proposed things that
    are not part of this application that we need to
    redact.
    MS. WILCINSKI: Okay. So just so the Board
    knows, I'll slide this driveway over four feet.
    I'll continue this line of plant material over to
    the end of the parking, then we will start the
    larger plant material, that's the same as this
    over here. Okay?
    CHAIRPERSON GESSIN: Okay. How are we
    handling this application with additional
    information on it. How do we do this? Because
    this is actually not what we were discussing.
    MR. TERCHUNIAN: Well, I mean, Joe, the
    proposed pool and the proposed decks are not part
    of this application. They're not part of the
    subdivision approval. So they don't belong on
    any plan.
    MR. HULME: I think what you're going to say
    to us is you need this landscape plan modified to
reflect the structures as they exist right now

MR. TERCHUNIAN: And the landscape as proposed.

MR. HULME: Relative to the existing, so to speak, and then submit a separate plan.

MS. WILCENSKI: What I'm saying is: Since this is just a slight modification, we're just moving this over, it's staying the same.

CHAIRPERSON GESSIN: We're not talking about the landscaping.

MR. PROKOP: My suggestion is that we get this down to the way we want it, and then she gives us a plan that deletes --

MR. TERCHUNIAN: That matches it.

MR. PROKOP: Right. Matches what we have on the application.

MS. WILCENSKI: So just take this out?

MR. TERCHUNIAN: Right.

MR. HULME: Can we do that without actually coming back? Can we just submit it?

MR. TERCHUNIAN: It's okay with me.

MR. HULME: I mean, obviously, someone could look at it and say no, this is not what we said --

MS. WILCENSKI: Right.
MR. HULME: -- but that way we could get it reviewed sooner rather than later.

MR. PROKOP: Well, I don't think we have to vote again. I think we should vote to approve the plan that she brought today.

MR. HULME: Okay.

MR. PROKOP: But I don't think a building permit should be issued. I don't think anything should happen in the Village until the plan --

MS. WILCENSKI: Yeah.

MEMBER SARETSKY: I don't want to hold another hearing.

MR. HULME: I want to get the -- and who would do the reviewing? Could the Board designate somebody to do that?

CHAIRMAN GESSIN: Okay. So let me ask a question: On the newly created lots, okay, is it four-tenths or three-tenths?

MR. TERCHUNIAN: Both.

CHAIRPERSON GESSIN: What does that mean?

MR. TERCHUNIAN: It depends on which -- in other words, a three-tenths requires a centered home and a four-tenths requires an off-center. So the applicant can choose which they want.

MEMBER SARETSKY: If they're centered.
CHAIRPERSON GESSIN: On a new lot?

MR. TERCHUNIAN: Yeah, if they want to do three-tenths, they can use three-tenths that allows them to center the house on the lot, and if they want to use four-tenths and off-center the house, because the four-tenths is inherently off-center.

MR. PROKOP: It's not different for new homes, everything is the same.

MEMBER SIEGEL: I know I'm a little dense, but that three-tenths or, you know, 30 percent vs. 40 percent is representative to what?

MR. TERCHUNIAN: The side yard. The total side yard.

MEMBER SIEGEL: Okay.

CHAIRPERSON GESSIN: Three-tenths of the lot width?

MEMBER SIEGEL: Three-tenths of lot width for side yards only. It has nothing to do with coverage or FAR?

MR. TERCHUNIAN: Nothing to do with FAR. It's for -- it's for the house and deck, but walkways -- a three-foot walkway would be exempt.

CHAIRPERSON GESSIN: What I mean is: The house would have to be centered?
MEMBER SARETSKY: But a three-foot walkway is exempt?

MR. TERCHUNIAN: Yes.

MEMBER SARETSKY: So my suggestion to you would be to make it four-foot, you're using up coverage.

MR. HULME: Also true. But I think we're setting that part of this aside for now, but I think that's a point worth making.

MEMBER SARETSKY: Yes.

MR. HULME: I'm going to write that down now that you said it.

MR. PROKOP: He doesn't speak for the Board.

MR. HULME: True. I'm going to come back next time and blame him.

CHAIRPERSON GESSIN: You have 73 on the wetlands, it should be 75.

MEMBER SIEGEL: Do you think that it can be a sharp corner in this spot right here?

MR. TERCHUNIAN: That's representative.

MEMBER SIEGEL: It's parallel at this and thin cut, and it's not like --

CHAIRPERSON GESSIN: The only other question I have, and I don't think it's any of our business but I'll ask anyhow: What's the
situation of covering the septic systems?

MR. TERCHUNIAN: That's acceptable, but they're going to need a covenant from the Health Department, which is --

CHAIRPERSON GESSIN: What is that?

MR. TERCHUNIAN: A covenant, basically -- and this is just routine.

MR. HULME: It is a routine thing. And the covenant is the funniest thing you'll ever have seen because basically what it says is: We the Health Department think it's a bad idea, and we're telling you it's a bad idea, but we're going to let you do it if you give us $900.

CHAIRPERSON GESSIN: Really?

MR. HULME: That's really what it is.

MR. TERCHUNIAN: The best part about that covenant is that if you're a commercial establishment, you can do this all day.

MR. HULME: Exactly.

MS. WILCENSKI: So basically, what it entails is traffic-bearing tops on all of this, and it's very common.

CHAIRPERSON GESSIN: Right. I don't have a problem with it, I just want to make sure we are doing something we can do.
MR. HULME: We can definitely get approval with it, it's an administrative thing.

CHAIRPERSON GESSIN: So while you're fixing everything, just fix the parking areas to show the septic.

MR. HULME: On the survey?

CHAIRPERSON GESSIN: On the site plan.

MR. HULME: We've been reading off of the site plan that Sue created, not necessarily --

MEMBER SARETSKY: What we're saying is: Can we conform these?

MR. HULME: Yeah. The only reason I submitted that survey, was that the last -- one of the last conditions was moving the right-of-way from the west side to the east side. That's the only purpose of that document, is to show that.

CHAIRPERSON GESSIN: And also to show the pool.

MR. HULME: Right. It also shows all that other stuff, but the only reason is was necessary, was that particular feature was not shown anywhere else. And, in fact, it was not shown --

MR. PROKOP: Is that the Wednesday survey or
West Hampton Dunes ZBA - 8/25/18

1 the Saturday survey?

2 MR. HULME: No. That's the Saturday Survey.

3 MR. PROKOP: Can you give us the Saturday survey that doesn't show the --

4 MR. HULME: Yes.

5 MR. PROKOP: -- deck and the pool?

6 MR. HULME: Yes.

7 MR. PROKOP: We need a survey that shows --

8 MR. HULME: The existing conditions.

9 MR. PROKOP: Right.

10 MR. HULME: More of a real survey?

11 MR. PROKOP: Correct.

12 MEMBER SIEGEL: That means nothing proposed?

13 MR. HULME: Right.

14 MEMBER SIEGEL: Not even the driveway?

15 MR. HULME: Right.

16 CHAIRPERSON GESSIN: No, no, no. They have to show the driveway that's part of their --

17 MR. HULME: We have to show all the conditions.

18 MEMBER SIEGEL: The proposed --

19 MR. HULME: Right.

20 CHAIRPERSON GESSIN: It's not going to show the expanded decks and the pool.

21 MEMBER SIEGEL: The conditional stuff, the
MEMBER SARETSKY: That you've required them to.

MR. HULME: We're not going to show any proposed features that are not conditions of the approval. We're only going to show proposed features that are a condition of the approval.

MR. PROKOP: In a survey.

MR. HULME: Sorry?

MR. PROKOP: In a survey, not a site plan.

CHAIRPERSON GESSIN: Well, isn't a survey an actual and a site plan is proposed?

MS. WILCENSKI: Yes.

MEMBER SIEGEL: He means that on my submissions, a lot of times I have to submit surveys by a surveyor with proposed conditions on it. And then at the end, you have to give them the actual conditions, and then they compare the actual and proposed to see if you cheated.

MR. HULME: Well, I'm going to work with Sue and then we'll take the site plan and turn it to the approved site plan.

CHAIRPERSON GESSIN: Okay. Anything else, guys?

MEMBER SIEGEL: Did we go through
everything?

MR. HULME: No. Not yet.

Road screening we talked about.

Transitional approval of the site plan from the planting plan to the site plan. The site plan proposes separate water services for both buildings.

Right now, both are served this way with a little spur here and then back to this. As it's proposed now, one line comes here, and the other line comes here.

Parking areas are per code.

MR. PROKOP: Hold on. Are these supposed to have a separate driveway?

CHAIRPERSON GESSIN: They have separate driveways.

MS. WILCENSKI: Yes. Two driveways.

MR. PROKOP: Okay. How is it separated?

CHAIRPERSON GESSIN: If you look on Number One.

MR. PROKOP: Okay. I'm sorry. I see it now. Thanks.

MR. HULME: Four spots here, five spots here.

MR. PROKOP: That's great. Thanks.
MEMBER SIEGEL: I have a question on the four spots.

MR. HULME: Yes.

MEMBER SIEGEL: This one here, with the curb on it.

MS. WILCENSKI: Yes.

MEMBER SIEGEL: Is this pretty much the existing condition driveway on the site plan?

MS. WILCENSKI: No. I think it just comes straight in.

MEMBER SIEGEL: Well, this one here is not the existing condition?

MS. WILCENSKI: No.

MEMBER SIEGEL: Something in the middle here was, approximately, the existing?

MS. WILCENSKI: Yeah.

MEMBER SIEGEL: So this is what would be called the existing -- the original existing?

This is the new one here, this is the proposed.

MS. WILCENSKI: Right.

MEMBER SIEGEL: So it's darn close to being there that no one will notice.

MS. WILCENSKI: Right.

MEMBER SIEGEL: This is the additional one right here. I know that I've had issues with
curb cut. Is there any curb-cut provision requirements? There's no curb, really. It's not --

MS. WILCENSKI: Yeah. It's really tight.
MEMBER SIEGEL: Does it have to be relocated?

MS. WILCENSKI: No, we can still flare it out. It's -- we'll just have to be careful.
MR. HULME: It's outside there.
MEMBER SIEGEL: So there's zero problems with this?

MR. HULME: It's a paved road. The paved road is out here.
MS. WILCENSKI: Yeah. If you look at the site plan --

MR. PROKOP: So heres a question: The other access should be approved at their next meeting, just pro forma, you get one access --
MR. HULME: Yes, but --
MEMBER SIEGEL: This one is for this.
MS. WILCENSKI: This is the flag here.
MR. PROKOP: We just have to --
MEMBER SARETSKY: It's just gravel, right?
MS. WILCENSKI: Yes. It's all gravel, there's curbing. And then on this area, this
courtyard is actually pervious pavement, so it's going to -- it's going to help with any KIND OF drainage.

    MEMBER SIEGEL: It's gravel and it goes right out to the road? To an apron?

    MS. WILCENSKI: Yeah. No apron proposed.

    MR. HULME: And back to the parking for a second, one of the conditions was that we not use the flag pole for parking, which we haven't.

    CHAIRPERSON GESSIN: Does planning have any issue with the parking?

    MEMBER SARETSKY: I'll look on my way out but it should be okay.

    CHAIRPERSON GESSIN: I'd move the pole.

Just so you know, it's under $1,000.

    MR. FREEDMAN: Oh, okay.

    MEMBER SIEGEL: I misheard you say $100,000.

    MR. FREEDMAN: That makes sense.

    MS. WILCENSKI: Right. It's just a process to do it.

    MR. HULME: Now, one of the other conditions was an 85 percent survival rate on the plants. I presume that that's covered by a covenant? Is that --

    MEMBER SARETSKY: Well, just write it into
the --


MR. HULME: But ultimately, will there be a covenant for that?

MEMBER SARETSKY: No.

MR. HULME: And then with the decision to bring future expansions brought to the Board, and then the last item was the right-of-way moving from the west side to the east side which we have attempted to show, but we'll get all these documents to line up.

MR. PROKOP: So if there's not going to be a covenant, and we'll have to have the conditions -- we need to have a block of all the conditions, 5 to 11, on the plane.

MEMBER SARETSKY: Yeah.

MR. PROKOP: Whatever we approve.

MEMBER SARETSKY: On the subdivision plan you have a blank space right there.

CHAIRPERSON GESSIN: Joe, so let's say we finish this up, okay, how do -- since we've never done this where they have to come back to the Board again for every exterior alteration, how does that actually work in conjunction to what has been previously approved -- that we have
approved and have to do? Do they have to do that
work first, or can they come back and get the
approval with the additional --

    MR. PROKOP: They would need approval at a
    public meeting.

    CHAIRPERSON GESSIN: Okay. What I'm saying
is: Can they do it all at one shot? Or they
have to do the -- what was approved from the
Planning Board for the variances first?

    MEMBER SIEGEL: You're talking about the
    actual construction?

    CHAIRPERSON GESSIN: Yeah, the plantings,
    the this, the that.

    MEMBER SARETSKY: So after they get through
here, they're going to the planning board. Your
question is: While they're at the Planning
Board, can they come back to us for the pool and
the deck?

    CHAIRPERSON GESSIN: Before they do all the
other work.

    MEMBER SARETSKY: I see. That's -- Joe?

    MR. PROKOP: I would be cautious. I mean,
they're going to be there for the next trustee's
meeting, so I don't know.

    MR. HULME: If the work we propose comports
with the plan that you've approved, what's the risk?

CHAIRPERSON GESSIN: I don't know, I'm just asking.

MR. HULME: Okay.

MR. FREEDMAN: And I was hoping to get the deck before I do the landscaping because the landscaping will get damaged when I put piles for the pool.

MR. HULME: Well, that's another issue. I mean, yes, you have to go back to the Planning Board to approve this, but we also have to go to two other agencies to get subdivision approval as well. So we're not going to do this -- we're not going to be in a position to do this work until we have all those approvals. Because if we don't get all those approvals, we're not going to do the subdivision work.

MEMBER SARETSKY: If the pool and the deck are as-of right for whatever the subdivision becomes, I'm not sure we have an issue.

MR. TERCHUNIAN: Because we granted them with a zoning variance with the condition they must come back.

MEMBER SARETSKY: I understand that. So
they give us a drawing, it shows --

MR. TERCHUNIAN: It makes your job easy.

MEMBER SARETSKY: Right.

CHAIRPERSON GESSIN: Remember how we ended up with that restriction was a very difficult --

MEMBER SARETSKY: I understand that.

CHAIRPERSON GESSIN: -- decision. So that's why.

MR. PROKOP: I think if they comply with that condition that they come back, I don't think it matters when they come back.

CHAIRPERSON GESSIN: They can actually wait, come back the first time, the second time, go through everything, and then do everything in one shot?

MR. PROKOP: Yes.

CHAIRPERSON GESSIN: Okay. Okay.

MR. PROKOP: Do you see a problem with that?

MEMBER SARETSKY: No, I'm comfortable with that.

MR. PROKOP: But this all has to be straightened out. We can't get the plans the day of the meeting.

CHAIRPERSON GESSIN: Right. I think he understands it's A and then B.
MR. PROKOP: We can't get the plans at the same meeting, we can't get the plans the day of the meeting. This all has to be -- there should be one set of plans that we approve and then they can start on the next.

MR. HULME: Yup.

CHAIRPERSON GESSIN: But it's not another formal application, is it?

MR. TERCHUNIAN: No, it's just a plan.

MR. PROKOP: It's a plan that we'll discuss at a public meeting. It won't be noticed to the neighbors but it will be a public meeting.

MR. HULME: That's my question. Okay.

MR. FREEDMAN: So can I understand? So we're going to go back and we're going to change the landscape plan in accordance with, you know, make it the three feet and change all that.

MR. HULME: No. The first thing we're going to do is we're going to take these three documents and make them --

MR. FREEDMAN: All the same?

MR. HULME: -- all the same --

MR. FREEDMAN: Gotcha.

MR. HULME: -- and reflect it only existing conditions with proposals that are conditions of
the approval.

MR. FREEDMAN: I understand.

MR. HULME: We're going to submit that.

MR. FREEDMAN: Okay.

MR. HULME: And somebody is going to look at that and say, yeah, that's correct. And then thereafter, we, by letter, will contact the Board and submit a proposed plan in the context of all of this.

MR. FREEDMAN: I see.

CHAIRPERSON GESSIN: With no public hearing.

MR. HULME: At a public meeting but not a public hearing.

MR. FREEDMAN: Would it be advisable for me to go to the Building Department to make sure it complies with that? Get them to say it's okay before I come?

MEMBER SARETSKY: I don't think so because it's not conditional on -- this is sort of an usual situation, right?

MR. FREEDMAN: I just thought it might --

MR. HULME: I think it might be helpful to the Zoning Board to know that the only reason we're coming back is because of the condition, not because we need further variances. I would
think that it would make a difference.

CHAIRPERSON GESSIN: You could talk to them.

MR. FREEDMAN: I just wondered if that's helpful. We didn't --

MR. PROKOP: I'm sorry. So what he should do is file an application for building permit, and then come to us before the permit is issued.

MR. FREEDMAN: Oh, that's fine.

MR. HULME: That's excellent.

MR. FREEDMAN: That's a better way. That's a good idea.

MR. HULME: Thank you, Joe.

CHAIRPERSON GESSIN: Joe, on 11, you have counsel abstaining.

MR. PROKOP: Eric abstained also.

CHAIRPERSON GESSIN: Three. Me -- you left my name off --

MR. HULME: I heard him.

MR. PROKOP: Well --

MR. HULME: I have the transcript.

MEMBER SARETSKY: Joe abstained, you have three votes.

CHAIRPERSON GESSIN: Okay. So I -- Harvey, James, and Ken are in favor and Eric and Joe are abstaining.
MR. HULME: I mean, the motion Mr. Siegel voted yes, Mr. Cashen voted yes, Mr. Saretsky voted yes.

MR. PROKOP: That's what I said.

MR. HULME: He didn't. He abstained. The Chairman asked "all against" and there was two abstentions.

MEMBER SARETSKY: They got Saretsky?

MR. HULME: And then determined yes, the motion carries.

CHAIRPERSON GESSIN: Okay. So that's correct.

The only thing that's missing, and maybe the Board missed this, we're not involved anymore in the lighting plan? There's a lighting law now?

MR. TERCHUNIAN: Yeah. Well -- you're not involved unless you want to be involved.

CHAIRMAN GESSIN: No, I don't want to be involved.

MEMBER SARETSKY: So you're -- I'm sorry. The lighting plan is --

CHAIRPERSON GESSIN: There's --

MEMBER SIEGEL: That's part of his building permit?

MEMBER SARETSKY: Not related to this, but
is that going to be cleaning up West Hampton Dunes plan?

MR. PROKOP: There's another thing on the application that needs to be changed on Page 3. On the bottom, we said that we determined the variances separately and we actually determined them together. So I'm just going to change that.

CHAIRPERSON GESSIN: Okay. So are we just adjourning? Is that what we're doing or are we signing?

MR. PROKOP: We're not signing it. We could approve it with those changes and then you could sign it whenever I get it to you.

MR. HULME: Why don't we approve it with the changes, subject to the receipt of a conforming set of maps?

CHAIRPERSON GESSIN: You want to state --

MR. PROKOP: The motion is to approve the written decision with the changes that we discussed: The change on Page 3, the word "separately" to the word "together", and change the vote tally to show that Chairman Gessin voted yes, and Eric Saretsky abstained, and that the approval of the written decision is subject to the submission of plans that were conformed with
both the discussion today and the conditions of
the written decision.

That's the motion.

CHAIRPERSON GESSIN: I'd like to make a
motion to amend the decision as Joe has just
stated.

MEMBER SIEGEL: Second.

CHAIRPERSON GESSIN: Eric?

MEMBER SARETSKY: Yes.

MR. PROKOP: Then we take a vote. So all in
favor?

CHAIRPERSON GESSIN: All in favor?

MEMBER SARETSKY: Yes.

MEMBER SIEGEL: Yes.

CHAIRPERSON GESSIN: Okay. New application?

What I see missing, I believe we discussed
this before this decision, was the relocation of
this fence?

MR. PROKOP: Sorry?

CHAIRPERSON GESSIN: No fence, right?

MEMBER SARETSKY: Right.

CHAIRPERSON GESSIN: Removal or relocation.

MS. YOUNG: What?

CHAIRPERSON GESSIN: It's beyond your
property line.
MS. YOUNG: Okay.

MEMBER GESSIN: This fence.

MS. YOUNG: Yeah, I know what fence you're talking about. So when was that proposed that it needed to be removed?

CHAIRPERSON GESSIN: That was part of our discussion.

MS. YOUNG: When we were here the last time?

CHAIRPERSON GESSIN: Yes.

MS. YOUNG: That it needed to be removed?

MEMBER SARETSKY: Either removed or relocated to your property.

MEMBER SIEGEL: Is there a reason -- is the reason for it that people cut through? People are walking through?

MS. YOUNG: Yes. People trespass all the time, so we're trying -- and it's in-line with our neighbors.

CHAIRPERSON GESSIN: We like the fence, we just want it on your property, that's all.

MS. YOUNG: So it's funny because my neighbor has his fence exactly in the same location at 810 Dune Road. And I'm assuming he has the same setback that I do, so I'm just kind of curious as to -- it's been like that for I
don't know how many years.

CHAIRPERSON GESSIN: We have no knowledge that yours was not on your property nor his, and when you made the submission you clearly can see that. We can't finish the application with that.

MS. YOUNG: Okay. So I just have to move it back and then you'll grant my variance?

CHAIRPERSON GESSIN: We're doing that anyway. It will just be one of your conditions. We're granting you your variance.

MS. YOUNG: Okay.

CHAIRPERSON GESSIN: We actually already voted on that.

MS. YOUNG: Okay.

MEMBER SARETSKY: Today, we're adopting the written decision and want to make sure that the conditions are clear and accurate.

MS. YOUNG: Okay.

MEMBER SIEGEL: If that fence blends into the view you're not really going to feel that you can't walk there anymore or have to jump over the fence to walk. Does anyone from your home walk back here much, you guys? I mean, because you have a big side yard.

MS. YOUNG: Uh-huh.
CHAIRPERSON GESSIN: Well, you probably don't need the fence here, you could probably start it this way and go this way. You probably don't need the fence.

MEMBER SIEGEL: Especially since there is pretty bushes there. So you can pretty much cut through your backyard. You can pretty much go from --

MS. YOUNG: Well, they come in through my side yard.

MEMBER SIEGEL: Which side yard?

MS. YOUNG: This entire yard. People will cut along all the way here, cut in wherever they can break the fence. We have had to rewire the fence numerous times every season we've been here. So if we're not out, people will break the fence. So it is what it is. My husband has posted signs, so.

MEMBER SIEGEL: What else can you do here?

MS. YOUNG: I mean, that's --

MEMBER SIEGEL: Can you run the landscaping all the way through? Can you get a walkway all the way through in a straight line?

MEMBER SARETSKY: Those are issues --

MS. YOUNG: Don't put it past my husband not
to do that. It's probably better he's not here.

    MEMBER SIEGEL: You could go a straight line
    from your house straight to here.

    MS. YOUNG: Well, I don't want to cut off
    any of the property. You know, the point is,
    we're just trying to maximize our space. Our
    property line is here. So we will have a fence
    to our property line, and we're just, you know,
    and we do -- we do walk along here, we have dogs,
    and that's it. But if I have to pull it in, I
    mean, you know, I have to pull it in.

    CHAIRPERSON GESSIN: Is this your fence also
    or is this the neighbor's fence?

    MS. YOUNG: It's kind of, like, shared. I
    don't, you know, so. I think this fence might be
    there's.

    MEMBER SIEGEL: It's on their property, so
    it's theirs.

    MS. YOUNG: Yeah.

    MEMBER SARETSKY: So looking at the
    landscaping plan, the six-foot-high Arbor Vitae
    and four-foot on center is acceptable.

    MS. YOUNG: Thank you.

    MEMBER SIEGEL: So that's what we ask for.

    MR. PROKOP: Could you just write in that
plan "approved" with today's date and we'll keep that in the file?

MEMBER SARETSKY: And also, those conditions, just put fence to be removed or relocated.

MR. PROKOP: Thanks.

MEMBER SIEGEL: So who do you think the people are that are coming through this? Everybody who lives here?

MEMBER SARETSKY: The people on Cove Lane. Let me ask you a question -- go ahead.

MEMBER SIEGEL: I was going to say, what if you sold, to those people, three feet --

MS. YOUNG: No. Not going to happen.

MEMBER SIEGEL: You could make a million bucks.

MS. YOUNG: It's not going to be worth it, no. No.

MEMBER SARETSKY: If you put -- if you pushed it as far away as from your property your edge here --

MS. YOUNG: I already had a conversation with my husband. It's not going to happen. As long as I stay married and I own the property, no one is selling that piece. Unless you want to go
home and live with my husband and deal with him,
he's far less charming than I am.

If I -- I can plant -- excuse me,
Harvey, I don't mean to interrupt you.
If I want to plant there, I can, right? Along my
property line?

CHAIRPERSON GESSIN: Sure. Absolutely.

MEMBER SARETSKY: Yes.

MS. YOUNG: As long as it's within my
property line. I'll probably have to do pricker
bushes along the way.

MR. PROKOP: The ones with the big needles,
roses.

CHAIRPERSON GESSIN: You could plant it and
put a deer fence.

MEMBER SARETSKY: A fence inside of it.

MS. YOUNG: Yeah. We're going to do -- I
know. I'm just exhausted and I wanted it for
this season but that's not going to happen. But
it's fine, we'll just get it next season. So as
long as it's granted.

MR. PROKOP: So can we have a vote to
approve the written decision?

CHAIRPERSON GESSIN: I'd like to make a
motion to accept the decision as stated and
accept the signed landscape plan.

MEMBER SIEGEL: Conditional landscape design.

CHAIRPERSON GESSIN: Conditional design.

MEMBER SARETSKY: I'll move.

CHAIRPERSON GESSIN: Yes.

MEMBER SIEGEL: Second.

CHAIRPERSON GESSIN: All in favor?

MEMBER SARETSKY: This has to be amended to be fence to be relocated.

MR. PROKOP: We'll put that in.

CHAIRPERSON GESSIN: Okay.

MS. YOUNG: Thank you.

MR. PROKOP: Thank you, Ms. Young.

MEMBER SARETSKY: Move to adjourn.

CHAIRPERSON GESSIN: Second?

MEMBER SIEGEL: Aye.

(Whereupon, this proceeding was concluded at 11:20 AM.)
CERTIFICATE

I, SARA GALANTE, a Notary Public in and for the State of New York, do hereby certify:

THAT the within transcript is a true record of the proceedings contained.

I further certify that I am not related either by blood or marriage, to any of the parties in this action; and

THAT I am in no way interested in the outcome of this matter.

SARA GALANTE