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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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1 CHAIRPERSON GESSIN: I'd like to call to
2 order the meeting of the West Hampton Dunes
3 Zoning Board.

4 What application do we start with first?

5 MS. SADELI: 846 Dunes, LLC.

6 CHAIRPERSON GESSIN: Okay.

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

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

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

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

18 As you all may recall we were here back
19 on June 16th where we received conditional
20 approval of the variances we were seeking that
21 were necessary to undertake the underlying
22 subdivision that forms the basis for this
23 application. We wanted to -- we're back here
24 today to review with you the submissions that we
25 made which we believe address the various

1 conditions that were required as part of that
2 decision.

3 So I brought Sue with us today because a lot
4 of the conditions were with the landscaping. We
5 did submit a landscape plan as one of our
6 submissions and I wanted her to be here to answer
7 any questions that you may have. Depending on
8 how you count the conditions that were listed in
9 the decision, there were somewhere between 11 and
10 13 conditions. So I wanted to go over them
11 first on the site plan and then on the -- I mean
12 first on the landscape plan, second on the site
13 plan, and then lastly on the survey.

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

20 MS. WILCENSKI: Both sides.

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

25 MS. WILCENSKI: Can I just add to that?

1 MR. HULME: Yes, please.

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

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

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

22 MS. WILCENSKI: So the property lines are
23 very heavy with existing vegetation. Where there
24 are holes, we will be putting some of the
25 bayberry, pines, I do have some grasses,

1 ornamental grasses in there, a majority of them
2 are native grasses. For around the foundation,
3 we've got some taller grasses, and I want to keep
4 a beachy feel. That's for along the property
5 lines.

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

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

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

25 Of course there will be irrigation. There's

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

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

20 MS. WILCENSKI: And it's more evergreens
21 around the courtyard, and again, just build it
22 into -- with the bayberry and some Juniper. I
23 did put a few ornamentals in there, that's in
24 bloom right now, white and purple, just for a
25 little color.

1 MR. HULME: The next area of screening was
2 the screening from the road.

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

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

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

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

15 MR. TERCHUNIAN: Native pines.

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

18 MEMBER SIEGEL: That's what that all is?

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

24 MR. HULME: And the next thing --

25 MR. PROKOP: Is that on your plan?

1 MS. WILCENSKI: Yes.

2 MR. PROKOP: The native pines?

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

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

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

8 MS. WILCENSKI: It is.

9 MR. PROKOP: Okay. Thanks.

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

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

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

25 MS. WILCENSKI: Well, the native is on 844

1 -- I'm sorry, 846, and the non-native is on 844.
2 But they kind of -- they are mature enough that
3 they are merging nicely.

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

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

10 MS. WILCENSKI: That is -- it's along the
11 edge of the lot, but mainly, no, it's existing.
12 There's a large span of planted vegetation on
13 844.

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

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

23 MR. HULME: And then we're proposing some
24 substantial plantings inward of that driveway as
25 well.

1 MR. PROKOP: So you -- I'm sorry. I just
2 want to make sure it conforms with the condition.
3 So your landscape plan is about -- the buffer
4 that is in your landscaping plan is really not on
5 the property. Does that meet the condition?

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

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

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

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

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

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

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

25 MEMBER SARETSKY: I have a question about

1 the fence. I didn't recall how we left the
2 fence. This showing the fence, just this little
3 section here?

4 MR. HULME: Right.

5 MS. WILCENSKI: Parallel to the house.

6 MEMBER SARETSKY: Okay.

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

11 MEMBER SARETSKY: Any fence restrictions?

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

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

17 CHAIRPERSON GESSIN: This?

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

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

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

24 MEMBER SIEGEL: This is called 844?

25 MS. WILCENSKI: Yes.

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

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

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

13 MS. WILCENSKI: Yeah, the pool is on an
14 elevated deck. But as it exists right now, this
15 844 is completely exposed to 846 and they're
16 right on the property line.

17 MEMBER SIEGEL: This is 846?

18 MS. WILCENSKI: Yeah.

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

22 MS. WILCENSKI: This is parking area right
23 here.

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

1 little bit.

2 MS. WILCENSKI: There's pilings right there.

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

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

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

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

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

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

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

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

25 MR. TERCHUNIAN: In a rear yard, yes -- or

1 behind the house.

2 MEMBER SARETSKY: Okay.

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

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

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

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

15 CHAIRPERSON GESSIN: How wide is that?

16 MS. WILCENSKI: Can I ask you a question?

17 CHAIRPERSON GESSIN: Sure.

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

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

24 MS. WILCENSKI: Okay. And this was -- how
25 wide is this?

1 MR. FREEDMAN: Eight feet.

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

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

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

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

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

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

18 CHAIRPERSON GESSIN: I guess we can discuss
19 that.

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

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

25 MS. WILCENSKI: There is a deck that's in

1 existence that is -- yeah, we're showing a
2 proposed --

3 MR. FREEDMAN: I have a picture.

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

9 MR. HULME: Is there a deck?

10 MR. FREEDMAN: Yeah, there is a deck.

11 MS. WILCENSKI: There's a deck.

12 MR. FREEDMAN: Here, I have a picture.

13 MS. WILCENSKI: Maybe it shows the --

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

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

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

22 CHAIRPERSON GESSIN: Correct, right.

23 MS. WILCENSKI: So explain this.

24 MR. FREEDMAN: This is looking east, that's
25 the neighbor's house, and the deck is extended.

1 MS. WILCENSKI: We need this part over here.
2 Do you have that?

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

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

9 MR. PROKOP: Does the survey show the deck?

10 CHAIRPERSON GESSIN: No.

11 MR. PROKOP: Then it's not accurate.

12 CHAIRPERSON GESSIN: No, the one previously.

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

15 MR. FREEDMAN: Wait. On the --

16 MR. HULME: On the west side.

17 MR. FREEDMAN: No. On the east side there
18 is no deck, I'm sorry, and the west side there is
19 a deck. The east side has no deck. We were
20 proposing -- when I did the -- we did the
21 landscaping taking into consideration that I was
22 going to ask for a pool. So I thought it didn't
23 make sense to do landscaping and then come back
24 and say we want a pool and then I have to change
25 the landscaping. So we thought we would come to

1 you at the same time saying we want a pool and
2 this is the landscaping, rather than --

3 MEMBER SIEGEL: And a deck.

4 MR. FREEDMAN: Correct.

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

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

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

11 CHAIRPERSON GESSIN: Correct.

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

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

23 CHAIRPERSON GESSIN: And on the --

24 MEMBER SARETSKY: And on the west side too.

25 MR. HULME: Yes.

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

7 MR. PROKOP: Yes.

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

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

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

21 MR. HULME: Yeah.

22 MEMBER SARETSKY: After the fact? After a
23 subdivision?

24 MR. HULME: Yeah.

25 MR. FREEDMAN: In fact, it's on the survey.

1 And I met with the building department and went
2 through it and I'm under the 20 percent.

3 MR. HULME: Before the subdivision.

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

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

14 CHAIRPERSON GESSIN: Correct.

15 MR. PROKOP: Whether it meets --

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

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

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

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

25 MR. FREEDMAN: And a deck.

1 MEMBER SARETSKY: -- and in so doing, you
2 don't have any area leftover for landscaping.

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

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

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

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

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

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

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

1 people.

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

4 MR. FREEDMAN: At the deck height? Sure.

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

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

8 MEMBER SARETSKY: You have to trim them.

9 MEMBER SIEGEL: Would --

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

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

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

19 MR. HULME: No.

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

25 MEMBER SARETSKY: Let's not worry about

1 whether it matters to someone else. Let's
2 focus --

3 MS. WILCENSKI: Right.

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

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

14 MEMBER SIEGEL: And what is this?

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

17 MEMBER SIEGEL: What are they?

18 MS. WILCENSKI: Those are tall ornamental
19 grasses.

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

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

23 CHAIRPERSON GESSIN: You're going to move
24 some plantings here and move the driveway over a
25 little bit.

1 MR. TERCHUNIAN: You want two parking spaces
2 there, I get it, but the most important thing
3 there is to have a turnaround.

4 MS. WILCENSKI: Right.

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

9 MR. HULME: How many bedrooms?

10 MR. FREEDMAN: Four.

11 MR. HULME: In the back?

12 MR. FREEDMAN: Four.

13 MR. HULME: So we need five spots?

14 MS. WILCENSKI: Right. This is five spots.

15 MR. HULME: So we have two and two?

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

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

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

22 MR. TERCHUNIAN: Well, let's find room for
23 the plants. How much room do we need to put in,
24 say, eastern red cedars, or pitch pine or
25 something like that that's going to grow to 12 or

1 18 feet? What do you need 4 feet? 16 feet?

2 18 feet?

3 MS. WILCENSKI: Well, on the landscape plan,
4 these circles here, is basically the same.

5 They're more narrow they're Hetzii Columaris,
6 Juniper. So you see this circle, bring it over
7 here, and that takes up -- and that's -- it could
8 get bigger. That would be this scale, bring it
9 over here and it takes, minimal, that much room.

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

12 MS. WILCENSKI: Thinner than a Hetzii
13 Columanaris?

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

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

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

23 MEMBER SIEGEL: You see that eight-foot
24 proposed deck? Eight-foot is an awkward
25 dimension for anything happening between those

1 two houses. In any case, the minimum requirement
2 -- if you -- you're not going to sit there anyway
3 in that little zone. So if you want to get
4 around the house, your minimum requirement is
5 going to be three feet. So we just need five
6 feet.

7 MR. FREEDMAN: Okay. I really --

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

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

22 MR. FREEDMAN: The main reason I need --

23 MR. SIEGEL: If that works --

24 MR. FREEDMAN: -- decking on that side is
25 for the pool. I just wanted enough space to get

1 around that. So that's all I need, enough space
2 to get around the house.

3 MEMBER SARETSKY: But you need pool
4 equipment.

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

7 CHAIRPERSON GESSIN: On the other side?

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

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

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

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

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

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

21 MS. WILCENSKI: Even if we --

22 MEMBER SIEGEL: And it's green also.

23 MS. WILCENSKI: I'm just going to plan that
24 that's -- I'll move this over four feet, right
25 here.

1 MEMBER SIEGEL: You have five.

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

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

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

9 MEMBER SARETSKY: Right.

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

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

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

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

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

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

24 MR. FREEDMAN: Can you walk around or not
25 walk around?

1 MR. HULME: Yeah.

2 MEMBER SIEGEL: You can definitely still get
3 around.

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

7 MEMBER SARETSKY: Seven is a good number.
8 The next four houses have some decks on their
9 size.

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

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

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

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

18 MEMBER SARETSKY: Three or four-foot.

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

22 CHAIRPERSON GESSIN: You don't need the
23 fence.

24 MS. WILCENSKI: No, I'll take the fence out.
25 So for the Board, do you want me to just modify

1 the plans and date and sign it?

2 MR. TERCHUNIAN: Well, we have some other
3 things on those plans that we have to talk about.

4 MS. WILCINSKI: Oh, okay.

5 MR. TERCHUNIAN: So if you're going to
6 submit them, there's some proposed things that
7 are not part of this application that we need to
8 redact.

9 MS. WILCINCKI: Okay. So just so the Board
10 knows, I'll slide this driveway over four feet.
11 I'll continue this line of plant material over to
12 the end of the parking, then we will start the
13 larger plant material, that's the same as this
14 over here. Okay?

15 CHAIRPERSON GESSIN: Okay. How are we
16 handling this application with additional
17 information on it. How do we do this? Because
18 this is actually not what we were discussing.

19 MR. TERCHUNIAN: Well, I mean, Joe, the
20 proposed pool and the proposed decks are not part
21 of this application. They're not part of the
22 subdivision approval. So they don't belong on
23 any plan.

24 MR. HULME: I think what you're going to say
25 to us is you need this landscape plan modified to

1 reflect the structures as they exist right now

2 MR. TERCHUNIAN: And the landscape as
3 proposed.

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

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

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

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

14 MR. TERCHUNIAN: That matches it.

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

17 MS. WILCENSKI: So just take this out?

18 MR. TERCHUNIAN: Right.

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

21 MR. TERCHUNIAN: It's okay with me.

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

25 MS. WILCENSKI: Right.

1 MR. HULME: -- but that way we could get it
2 reviewed sooner rather than later.

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

6 MR. HULME: Okay.

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

10 MS. WILCENSKI: Yeah.

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

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

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

19 MR. TERCHUNIAN: Both.

20 CHAIRPERSON GESSIN: What does that mean?

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

25 MEMBER SARETSKY: If they're centered.

1 CHAIRPERSON GESSIN: On a new lot?

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

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

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

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

15 MEMBER SIEGEL: Okay.

16 CHAIRPERSON GESSIN: Three-tenths of the lot
17 width?

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

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

24 CHAIRPERSON GESSIN: What I mean is: The
25 house would have to be centered?

1 MEMBER SARETSKY: But a three-foot walkway
2 is exempt?

3 MR. TERCHUNIAN: Yes.

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

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

10 MEMBER SARETSKY: Yes.

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

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

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

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

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

20 MR. TERCHUNIAN: That's representative.

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

23 CHAIRPERSON GESSIN: The only other question
24 I have, and I don't think it's any of our
25 business but I'll ask anyhow: What's the

1 situation of covering the septic systems?

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

5 CHAIRPERSON GESSIN: What is that?

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

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

14 CHAIRPERSON GESSIN: Really?

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

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

19 MR. HULME: Exactly.

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

23 CHAIRPERSON GESSIN: Right. I don't have a
24 problem with it, I just want to make sure we are
25 doing something we can do.

1 MR. HULME: We can definitely get approval
2 with it, it's an administrative thing.

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

6 MR. HULME: On the survey?

7 CHAIRPERSON GESSIN: On the site plan.

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

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

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

18 CHAIRPERSON GESSIN: And also to show the
19 pool.

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

25 MR. PROKOP: Is that the Wednesday survey or

1 the Saturday survey?

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

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

5 MR. HULME: Yes.

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

7 MR. HULME: Yes.

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

9 MR. HULME: The existing conditions.

10 MR. PROKOP: Right.

11 MR. HULME: More of a real survey?

12 MR. PROKOP: Correct.

13 MEMBER SIEGEL: That means nothing proposed?

14 MR. HULME: Right.

15 MEMBER SIEGEL: Not even the driveway?

16 MR. HULME: Right.

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

19 MR. HULME: We have to show all the
20 conditions.

21 MEMBER SIEGEL: The proposed --

22 MR. HULME: Right.

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

25 MEMBER SIEGEL: The conditional stuff, the

1 pool.

2 MEMBER SARETSKY: That you've required them
3 to.

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

8 MR. PROKOP: In a survey.

9 MR. HULME: Sorry?

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

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

13 MS. WILCENSKI: Yes.

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

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

23 CHAIRPERSON GESSIN: Okay. Anything else,
24 guys?

25 MEMBER SIEGEL: Did we go through

1 everything?

2 MR. HULME: No. Not yet.

3 Road screening we talked about.

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

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

12 Parking areas are per code.

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

15 CHAIRPERSON GESSIN: They have separate
16 driveways.

17 MS. WILCENSKI: Yes. Two driveways.

18 MR. PROKOP: Okay. How is it separated?

19 CHAIRPERSON GESSIN: If you look on Number
20 One.

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

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

25 MR. PROKOP: That's great. Thanks.

1 MEMBER SIEGEL: I have a question on the
2 four spots.

3 MR. HULME: Yes.

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

6 MS. WILCENSKI: Yes.

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

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

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

13 MS. WILCENSKI: No.

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

16 MS. WILCENSKI: Yeah.

17 MEMBER SIEGEL: So this is what would be
18 called the existing -- the original existing?
19 This is the new one here, this is the proposed.

20 MS. WILCENSKI: Right.

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

23 MS. WILCENSKI: Right.

24 MEMBER SIEGEL: This is the additional one
25 right here. I know that I've had issues with

1 curb cut. Is there any curb-cut provision
2 requirements? There's no curb, really. It's
3 not --

4 MS. WILCENSKI: Yeah. It's really tight.

5 MEMBER SIEGEL: Does it have to be
6 relocated?

7 MS. WILCENSKI: No, we can still flare it
8 out. It's -- we'll just have to be careful.

9 MR. HULME: It's outside there.

10 MEMBER SIEGEL: So there's zero problems
11 with this?

12 MR. HULME: It's a paved road. The paved
13 road is out here.

14 MS. WILCENSKI: Yeah. If you look at the
15 site plan --

16 MR. PROKOP: So heres a question: The other
17 access should be approved at their next meeting,
18 just pro forma, you get one access --

19 MR. HULME: Yes, but --

20 MEMBER SIEGEL: This one is for this.

21 MS. WILCENSKI: This is the flag here.

22 MR. PROKOP: We just have to --

23 MEMBER SARETSKY: It's just gravel, right?

24 MS. WILCENSKI: Yes. It's all gravel,
25 there's curbing. And then on this area, this

1 courtyard is actually pervious pavement, so it's
2 going to -- it's going to help with any KIND OF
3 drainage.

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

6 MS. WILCENSKI: Yeah. No apron proposed.

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

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

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

14 CHAIRPERSON GESSIN: I'd move the pole.
15 Just so you know, it's under \$1,000.

16 MR. FREEDMAN: Oh, okay.

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

18 MR. FREEDMAN: That makes sense.

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

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

25 MEMBER SARETSKY: Well, just write it into

1 the --

2 MS. WILCENSKI: Okay. Not a problem.

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

5 MEMBER SARETSKY: No.

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

12 MR. PROKOP: So if there's not going to be a
13 covenant, and we'll have to have the conditions
14 -- we need to have a block of all the conditions,
15 5 to 11, on the plane.

16 MEMBER SARETSKY: Yeah.

17 MR. PROKOP: Whatever we approve.

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

20 CHAIRPERSON GESSIN: Joe, so let's say we
21 finish this up, okay, how do -- since we've never
22 done this where they have to come back to the
23 Board again for every exterior alteration, how
24 does that actually work in conjunction to what
25 has been previously approved -- that we have

1 approved and have to do? Do they have to do that
2 work first, or can they come back and get the
3 approval with the additional --

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

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

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

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

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

19 CHAIRPERSON GESSIN: Before they do all the
20 other work.

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

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

25 MR. HULME: If the work we propose comports

1 with the plan that you've approved, what's the
2 risk?

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

5 MR. HULME: Okay.

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

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

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

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

25 MEMBER SARETSKY: I understand that. So

1 they give us a drawing, it shows --

2 MR. TERCHUNIAN: It makes your job easy.

3 MEMBER SARETSKY: Right.

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

6 MEMBER SARETSKY: I understand that.

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

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

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

16 MR. PROKOP: Yes.

17 CHAIRPERSON GESSIN: Okay. Okay.

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

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

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

24 CHAIRPERSON GESSIN: Right. I think he
25 understands it's A and then B.

1 MR. PROKOP: We can't get the plans at the
2 same meeting, we can't get the plans the day of
3 the meeting. This all has to be -- there should
4 be one set of plans that we approve and then they
5 can start on the next.

6 MR. HULME: Yup.

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

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

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

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

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

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

21 MR. FREEDMAN: All the same?

22 MR. HULME: -- all the same --

23 MR. FREEDMAN: Gotcha.

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

1 the approval.

2 MR. FREEDMAN: I understand.

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

4 MR. FREEDMAN: Okay.

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

10 MR. FREEDMAN: I see.

11 CHAIRPERSON GESSIN: With no public hearing.

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

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

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

21 MR. FREEDMAN: I just thought it might --

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

1 think that it would make a difference.

2 CHAIRPERSON GESSIN: You could talk to them.

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

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

8 MR. FREEDMAN: Oh, that's fine.

9 MR. HULME: That's excellent.

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

12 MR. HULME: Thank you, Joe.

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

15 MR. PROKOP: Eric abstained also.

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

18 MR. HULME: I heard him.

19 MR. PROKOP: Well --

20 MR. HULME: I have the transcript.

21 MEMBER SARETSKY: Joe abstained, you have
22 three votes.

23 CHAIRPERSON GESSIN: Okay. So I -- Harvey,
24 James, and Ken are in favor and Eric and Joe are
25 abstaining.

1 MR. HULME: I mean, the motion Mr. Siegel
2 voted yes, Mr. Cashen voted yes, Mr. Saretsky
3 voted yes.

4 MR. PROKOP: That's what I said.

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

8 MEMBER SARETSKY: They got Saretsky?

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

11 CHAIRPERSON GESSIN: Okay. So that's
12 correct.

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

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

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

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

22 CHAIRPERSON GESSIN: There's --

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

25 MEMBER SARETSKY: Not related to this, but

1 is that going to be cleaning up West Hampton
2 Dunes plan?

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

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

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

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

17 CHAIRPERSON GESSIN: You want to state --

18 MR. PROKOP: The motion is to approve the
19 written decision with the changes that we
20 discussed: The change on Page 3, the word
21 "separately" to the word "together", and change
22 the vote tally to show that Chairman Gessin voted
23 yes, and Eric Saretsky abstained, and that the
24 approval of the written decision is subject to
25 the submission of plans that were conformed with

1 both the discussion today and the conditions of
2 the written decision.

3 That's the motion.

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

7 MEMBER SIEGEL: Second.

8 CHAIRPERSON GESSIN: Eric?

9 MEMBER SARETSKY: Yes.

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

12 CHAIRPERSON GESSIN: All in favor?

13 MEMBER SARETSKY: Yes.

14 MEMBER SIEGEL: Yes.

15 CHAIRPERSON GESSIN: Okay. New application?
16 What I see missing, I believe we discussed
17 this before this decision, was the relocation of
18 this fence?

19 MR. PROKOP: Sorry?

20 CHAIRPERSON GESSIN: No fence, right?

21 MEMBER SARETSKY: Right.

22 CHAIRPERSON GESSIN: Removal or relocation.

23 MS. YOUNG: What?

24 CHAIRPERSON GESSIN: It's beyond your
25 property line.

1 MS. YOUNG: Okay.

2 MEMBER GESSIN: This fence.

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

6 CHAIRPERSON GESSIN: That was part of our
7 discussion.

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

9 CHAIRPERSON GESSIN: Yes.

10 MS. YOUNG: That it needed to be removed?

11 MEMBER SARETSKY: Either removed or
12 relocated to your property.

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

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

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

21 MS. YOUNG: So it's funny because my
22 neighbor has his fence exactly in the same
23 location at 810 Dune Road. And I'm assuming he
24 has the same setback that I do, so I'm just kind
25 of curious as to -- it's been like that for I

1 don't know how many years.

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

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

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

11 MS. YOUNG: Okay.

12 CHAIRPERSON GESSIN: We actually already
13 voted on that.

14 MS. YOUNG: Okay.

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

18 MS. YOUNG: Okay.

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

25 MS. YOUNG: Uh-huh.

1 CHAIRPERSON GESSIN: Well, you probably
2 don't need the fence here, you could probably
3 start it this way and go this way. You probably
4 don't need the fence.

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

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

11 MEMBER SIEGEL: Which side yard?

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

19 MEMBER SIEGEL: What else can you do here?

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

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

24 MEMBER SARETSKY: Those are issues --

25 MS. YOUNG: Don't put it past my husband not

1 to do that. It's probably better he's not here.

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

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

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

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

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

19 MS. YOUNG: Yeah.

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

23 MS. YOUNG: Thank you.

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

25 MR. PROKOP: Could you just write in that

1 plan "approved" with today's date and we'll keep
2 that in the file?

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

6 MR. PROKOP: Thanks.

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

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

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

14 MS. YOUNG: No. Not going to happen.

15 MEMBER SIEGEL: You could make a million
16 bucks.

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

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

22 MS. YOUNG: I already had a conversation
23 with my husband. It's not going to happen. As
24 long as I stay married and I own the property, no
25 one is selling that piece. Unless you want to go

1 home and live with my husband and deal with him,
2 he's far less charming than I am.

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

7 CHAIRPERSON GESSIN: Sure. Absolutely.

8 MEMBER SARETSKY: Yes.

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

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

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

16 MEMBER SARETSKY: A fence inside of it.

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

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

24 CHAIRPERSON GESSIN: I'd like to make a
25 motion to accept the decision as stated and

1 accept the signed landscape plan.

2 MEMBER SIEGEL: Conditional landscape
3 design.

4 CHAIRPERSON GESSIN: Conditional design.

5 MEMBER SARETSKY: I'll move.

6 CHAIRPERSON GESSIN: Yes.

7 MEMBER SIEGEL: Second.

8 CHAIRPERSON GESSIN: All in favor?

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

11 MR. PROKOP: We'll put that in.

12 CHAIRPERSON GESSIN: Okay.

13 MS. YOUNG: Thank you.

14 MR. PROKOP: Thank you, Ms. Young.

15 MEMBER SARETSKY: Move to adjourn.

16 CHAIRPERSON GESSIN: Second?

17 MEMBER SIEGEL: Aye.

18 (Whereupon, this proceeding was concluded at
19 11:20 AM.)

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C E R T I F I C A T E

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