Protection

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4 Zoning Board of Appeals 4/6/19 1 (The meeting was called to order at 10:13 a.m. After the Pledge of Allegiance) 2 ACTING CHAIRMAN SARETSKY: Call the meeting 3 4 to order. First case -- the first one we're going to go through is I guess the older one, which 5 6 is --7 MR. GESSIN: Landscaping. 8 ACTING CHAIRMAN SARETSKY: Landscaping. MS. SADELI: 21 Dune Lane. 9 10 ACTING CHAIRMAN SARETSKY: 21 Dune Lane. 11 MR. HULME: For the applicant, James N. 12 Hulme, 323 Mill Road, Westhampton Beach. Also 13 present is my client, the owner of the property. 14 ACTING CHAIRMAN SARETSKY: Good morning. MR. HULME: Good morning. How are you? As 15 16 you may recall, we --17 MR. DICIOCCIO: Can I just -- before we 18 start, aren't you going to recuse yourself on 19 this? 20 MR. GESSIN: Yes, I am. That's why --21 MR. DICIOCCIO: Okay. 22 ACTING CHAIRMAN SARETSKY: That's why I'm --23 MR. DICIOCCIO: All right. Do you want 24 to --25 MR. TERCHUNIAN: Harvey, you should --

1	MR. DICIOCCIO: Yeah, we have plenty of, you
2	know, members, so I don't think you should
3	participate.
4	MR. GESSIN: Okay.
5	MR. TERCHUNIAN: All right. And so, Harvey,
6	you should
7	MR. GESSIN: You want me to go sit back
8	there?
9	MR. TERCHUNIAN: Yeah.
10	MR. DICIOCCIO: Yeah, I think that's
11	probably just so you don't
12	(Laughter)
13	MR. HULME: I think he's telling you to
14	get out.
15	MR. GESSIN: He was looking for coaching.
16	MR. DICIOCCIO: We're kicking you out.
17	ACTING CHAIRMAN SARETSKY: He was my coach
18	to help me through.
19	MR. HULME: I'll coach you.
20	MR. GESSIN: All right.
21	(Laughter)
22	MEMBER CASHIN: It took two lawyers this
23	time to get you out of here.
24	MR. GESSIN: Okay, okay, I'm going.
25	MEMBER SIEGEL: So shouldn't that be on the

1	record?
2	MS. SADELI: She's recording it.
3	MR. PROKOP: And Prokop recuses himself,
4	too. I'm present, but I'm not
5	ACTING CHAIRMAN SARETSKY: Harvey, we have
6	your drawings, so. All right. So
7	MR. HULME: If you will recall, we were here
8	a couple of weeks ago. We've reviewed the actual
9	technical variances that were required, and
10	compared and contrasted them to the conditions in
11	the neighborhood. And we seem to be in general
12	agreement, that from that perspective, we were in
13	a good place.
14	And I think the only outstanding issue was
15	the height of the wall required for the two septic
16	systems. And you had asked for a landscape plan,
17	proposed landscape plan, to show how we could kind
18	of soften, and that's what this is.
19	ACTING CHAIRMAN SARETSKY: So we looked at
20	the plan, and I believe it was suggested to us
21	that two things we should address.
22	MR. TERCHUNIAN: Well, you know,
23	Mr. Chairman, if I might brief the Board.
24	ACTING CHAIRMAN SARETSKY: Sure, of course.
25	MR. TERCHUNIAN: So I reviewed the plan that

was proposed by the applicant, and I have some
suggestions.
This is -- if you'll look on the plan in

This is -- if you'll look on the plan in front of you, they've -- they're looking at four different species. One is privet, four to five feet, red switch grass, crepe myrtle and grass. So, in reviewing them, I recall that the Board had desired something on the edge of the wall that would drape over the wall. So I'm recommending that they add in, which is the procumbens juniper, which there's a photo of that I've given you, as well as the other plants that are on the list. So that could be in the place of the switch grass that's on the plan, or in addition to the switch grass, but it should be around the perimeter of the wall.

ACTING CHAIRMAN SARETSKY: And I think the other issue, I think that we talked about earlier, was that it should -- the walls themselves should be either rubbed to a smooth finish, or have a stucco finish, so that it's -- because you're going to see them through the --

MR. HULME: Right.

MEMBER SIEGEL: The privets.

ACTING CHAIRMAN SARETSKY: Not the privet,

1	the hanging juniper, right?
2	MR. TERCHUNIAN: Uh-huh.
3	ACTING CHAIRMAN SARETSKY: But privets, yes.
4	MEMBER CASHIN: Aram, I don't see a lot of
5	privet on the in the town. Is that in the
6	Village. Is that something that survives in
7	this
8	MR. TERCHUNIAN: Yeah, privet will grow in
9	this environment. It does need to be burlapped in
10	the winter, the same with the myrtle.
11	MEMBER CASHIN: I don't see them.
12	ACTING CHAIRMAN SARETSKY: It takes a little
13	work.
14	MR. HULME: Oh, we would be happy to adopt
15	both of those. We'll create a smooth wall, and
16	we'll substitute the suggested juniper for the
17	switch grass.
18	ACTING CHAIRMAN SARETSKY: Okay. So I guess
19	the second question, Aram, is there were no other
20	issues that I thought, right? This was the only
21	thing we were waiting for?
22	MR. TERCHUNIAN: That's all I saw on the
23	on the landscape plan.
24	MR. HULME: And I think this was I think
25	we had a thorough discussion of the basis for the

1	variances themselves the last time, and I think
2	there was there seemed to be general agreement
3	that, you know, we kind of met the neighborhood
4	standard, so to speak. I think there was some
5	discussion about defining what the neighborhood
6	was in this particular case.
7	ACTING CHAIRMAN SARETSKY: Maybe, just
8	because Joe didn't hear that last time, maybe you
9	can repeat that, just that portion of how it
10	matches up with the neighborhood.
11	MR. HULME: Okay. Well, the easiest way to
12	look at that is
13	MEMBER MIZZI: The shortened version is
14	fine.
15	MR. HULME: Yeah. This should be in your
16	packet, but this is a this is a chart that
17	compares what we're proposing to the neighborhood
18	average to one specific home that was nearby and
19	to the required. And as you can see, we're very
20	close within the parameters of what has been
21	defined in the past by the
22	MEMBER MIZZI: What's 13 Dune Lane?
23	MR. HULME: 13 Dune Lane is a house down the
24	street
25	MEMBER MIZZI: Okay.

1	MR. HULME: that was granted relief by
2	the Board to have those dimensions.
3	MEMBER MIZZI: Got it.
4	MR. HULME: That's a recent one, that's why
5	I included that as a separate
6	MEMBER MIZZI: Got it.
7	MR. HULME: item. And if you'll look at
8	the look at the I didn't bring that, but if
9	you look at the kind of the neighborhood map,
10	that this lot sits kind of to one end, but kind of
11	amongst
12	MEMBER MIZZI: I'm familiar. I live
13	right
14	MR. HULME: Yeah.
15	MEMBER MIZZI: I live on around the
16	corner.
17	MR. HULME: Okay. Amongst a whole bunch of
18	lots that are exactly the same size, is what we're
19	proposing.
20	ACTING CHAIRMAN SARETSKY: So I don't know
21	if anyone else is here from the audience to talk
22	about it. Aram, do I is that something I'm
23	supposed to ask?
24	MR. TERCHUNIAN: Yes, that's you're
25	supposed to ask for public comments

1	ACTING CHAIRMAN SARETSKY: Public comments.
2	MR. TERCHUNIAN: after the Board has
3	commented.
4	MEMBER SIEGEL: I have one question, and
5	this has to do with my house, and it probably is
6	going to have to do with this house, too. The
7	fuel for the heating is probably going to be LP,
8	and you're going to need an LP tank somewhere.
9	MR. HULME: Right.
10	MEMBER SIEGEL: And I have the situation
11	where I have to relocate my LP tank because
12	there's no good place for it. And so I think that
13	you guys should be showing where your LP tank is
14	going to be, unless
15	MR. HULME: Well, there's two options with
16	that. One is if you're going to bury it, there's
17	a 10-foot setback requirement.
18	MEMBER SIEGEL: From the property line?
19	MR. HULME: From the property line, as well
20	as the structure. But if you choose to do it with
21	above-ground tanks, which seems odd to me, you can
22	strap those tanks right to the side of the
23	building.
24	MEMBER SIEGEL: I know. Isn't that crazy?
25	MR. HULME: Yeah. So

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1	MEMBER SIEGEL: So
2	MR. HULME: we're not.
3	MEMBER SIEGEL: Yeah. So here's 11 feet.
4	MEMBER MIZZI: Although, they were telling
5	me, they do require some sort of a concrete pad.
6	MR. HULME: Yeah. Oh, yeah. I'm being a
7	little facetious, because I think it's odd.
8	MEMBER MIZZI: Tell me about it.
9	MR. HULME: You can't bury it.
10	MEMBER MIZZI: Tell me about it. I'm taking
11	mine out of the ground
12	MR. HULME: Right.
13	MEMBER MIZZI: to strap it to my house.
14	It's stupid.
15	MR. HULME: Exactly. Exactly.
16	MEMBER SIEGEL: Yeah. I'm doing a very
17	similar situation with mine. But do you have a
18	proposed location?
19	MR. HULME: I don't know that we know.
20	MEMBER SIEGEL: Does that matter for a
21	variance?
22	MR. HULME: Well, I think what I would say
23	about that is that we will comply with the
24	regulation. I can't say how necessarily, but
25	we'll either find a place on the if we choose

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1	to no in that dispostion
1	to go in that direction.
2	MEMBER CASHIN: I don't think they have a
3	place.
4	MR. HULME: We may not. Then we'll be doing
5	it with above
6	MEMBER SIEGEL: Well, it's possible that it
7	could be here, I guess, because this might fit,
8	and the truck could get back here.
9	MR. HULME: True, so that there is a
10	location way in the back.
11	MEMBER SIEGEL: So there a possible
12	location.
13	MR. HULME: It's kind of
14	MEMBER CASHIN: It's a long run.
15	MR. HULME: A long run, but
16	MR. TERCHUNIAN: I think the most
17	MEMBER CASHIN: The house is here.
18	MR. HULME: Yeah.
19	MR. TERCHUNIAN: The most appropriate thing
20	for the Zoning Board to do
21	MR. HULME: Oh, yeah.
22	MR. TERCHUNIAN: is to note that if they
23	do choose LP, it must comply.
24	ACTING CHAIRMAN SARETSKY: Right.

MS. SADELI: Right.

25

1	MR. HULME: Right. And that's I will be
2	willing to represent that.
3	MEMBER SIEGEL: And if it's oil, it needs to
4	comply with the oil code.
5	MR. HULME: Yeah. I don't
6	MS. PARROTTINO: All codes we have to.
7	
	MS. SADELI: I would make sure it's plotted
8	on the survey, too, so that the Village can see.
9	MR. HULME: Okay.
10	MR. TERCHUNIAN: Well, that would be on
11	the one of the building permits.
12	MR. HULME: That's a that's a
13	construction detail for the building permit.
14	MEMBER SIEGEL: It's just a thought.
15	MR. HULME: For now, we will
16	MR. TERCHUNIAN: Good thought.
17	MR. HULME: For now we're representing that
18	our plan is to comply.
19	ACTING CHAIRMAN SARETSKY: I guess the next
20	thing, then, is to move to
21	MR. DICIOCCIO: What I would
22	MR. TERCHUNIAN: I think you would
23	MR. DICIOCCIO: I mean, what I would suggest
24	is that we reserve decision today, and that will
25	allow me to draft up a decision for the Board to

1	review, and then we can it seems to me that
2	you're leaning in the direction of approving it.
3	ACTING CHAIRMAN SARETSKY: Well, I think
4	they've satisfied all the things we had that
5	were
6	MEMBER CASHIN: Yeah, you were here last
7	meeting.
8	MR. DICIOCCIO: Right.
9	MEMBER CASHIN: Yeah. We asked them to come
10	back with a landscaping plan.
11	MR. DICIOCCIO: Yeah.
12	MEMBER CASHIN: I think we were okay with
13	the rest of the work.
14	MR. DICIOCCIO: So that's why I'm suggesting
15	that we do reserve decision, just because at the
16	first meeting, we had a lot of discussion
17	regarding the precedent in the neighborhood. So
18	I'd like it to be clear that we're treating
19	Dune Lane as its own little community within,
20	within the Village
21	ACTING CHAIRMAN SARETSKY: Okay.
22	MR. DICIOCCIO: as opposed to Dune Road,
23	and that will
24	ACTING CHAIRMAN SARETSKY: Okay.
25	MR. DICIOCCIO: help us in the future.

1	ACTING CHAIRMAN SARETSKY: Not to have
2	setting a precedent for the rest.
3	MR. DICIOCCIO: Right, exactly.
4	MR. TERCHUNIAN: So I think you would
5	recommend closing for purposes
6	MR. DICIOCCIO: Yeah. You'd make a motion
7	to close the public hearing, reserve decision, and
8	that's it.
9	MR. HULME: Okay. The only thing I
10	modification I would suggest is we can probably
11	get you an updated plan with the different
12	planting.
13	MR. DICIOCCIO: I mean, that would be
14	helpful, but I'll just in the decision, I'll
15	note what Aram and I have spoken to, and the
16	decision will be subject to you
17	MR. HULME: Okay.
18	MR. DICIOCCIO: complying with the
19	procumbens juniper. I'll have to call Aram
20	up to
21	(Laughter)
22	ACTING CHAIRMAN SARETSKY: And the finishing
23	of the wall.
24	MR. DICIOCCIO: Yeah, and the smooth finish
25	of the wall.

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1	MR. HULME: Okay, that's fine.
2	MR. DICIOCCIO: And also the LP tank
3	being
4	MR. HULME: Very good.
5	MR. DICIOCCIO: you know, located in a
6	code compliant location.
7	MR. HULME: All right. Thank you.
8	MR. DICIOCCIO: So it's a motion to we'd
9	have to wait for the other
10	ACTING CHAIRMAN SARETSKY: Wait for Joe to
11	come back.
12	MR. DICIOCCIO: Wait for Joe to come back.
13	We'll make a motion to close the public hearing
14	and reserve decision.
15	MR. TERCHUNIAN: So does somebody on the
16	Board want to make that motion?
17	ACTING CHAIRMAN SARETSKY: We're waiting
18	for Joe.
19	MS. SADELI: You have a quorum.
20	ACTING CHAIRMAN SARETSKY: We have enough?
21	MR. DICIOCCIO: I know. You should
22	MS. SADELI: Yeah.
23	MR. DICIOCCIO: He started the hearing.
24	ACTING CHAIRMAN SARETSKY: Okay.
25	MEMBER MIZZI: All right, guys.

1	ACTING CHAIRMAN SARETSKY: That's okay. So,
2	Joe, we're going to make a move to close the
3	hearing. Our Attorney had suggested that we make
4	some notations so that this doesn't get sort of
5	become a precedent for the rest of West Hampton
6	Dunes.
7	MEMBER MIZZI: Why is Joe Prokop not our
8	attorney here?
9	MS. SADELI: Because he recused himself from
10	this case.
11	MR. PROKOP: This woman doesn't realize it,
12	but she's my client.
13	MEMBER MIZZI: Oh.
14	(Laughter)
15	MS. SADELI: He has not been the Attorney
16	for the entire case.
17	MEMBER MIZZI: You know, just when I got
18	comfortable in this group, now I'm getting thrown
19	out of sorts here.
20	(Laughter)
21	ACTING CHAIRMAN SARETSKY: We're making it a
22	little more a little more exciting.
23	MS. SADELI: Switching it up.
24	MEMBER CASHIN: Confused.
25	MEMBER MIZZI: Yeah, exactly, confused. I

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1	mice are mosting and leak what because
1	miss one meeting and look what happens.
2	MEMBER CASHIN: It's getting very incestual.
3	ACTING CHAIRMAN SARETSKY: All right. So
4	I'm going to make I'm going to suggest we make
5	a someone make a move.
6	MR. DICIOCCIO: Motion to close the public
7	hearing.
8	ACTING CHAIRMAN SARETSKY: Motion to close
9	the hearing.
10	MEMBER SIEGEL: Second.
11	MEMBER CASHIN: Second. First, second.
12	MS. SADELI: Motion to close the public
13	hearing.
14	MEMBER CASHIN: Second.
15	MR. DICIOCCIO: And a motion to reserve
16	decision.
17	MEMBER SIEGEL: I make a motion to reserve
18	decision.
19	ACTING CHAIRMAN SARETSKY: Okay. Second.
20	MR. TERCHUNIAN: All in favor?
21	ACTING CHAIRMAN SARETSKY: (Raised hand)
22	MEMBER CASHIN: (Raised hand)
23	MEMBER MIZZI: (Raised hand)

MEMBER SIEGEL: (Raised hand)

MR. TERCHUNIAN: Any opposed?

24

25

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1	(No Response)
2	MR. TERCHUNIAN: Unanimous.
3	ACTING CHAIRMAN SARETSKY: Okay.
4	MR. HULME: All right. Thank you. Thank
5	you very much.
6	MS. PARROTTINO: Thank you.
7	ACTING CHAIRMAN SARETSKY: Harvey, it's not
8	as easy as it looks, you know.
9	(Laughter)
10	MS. SADELI: Harvey makes it look easy.
11	ACTING CHAIRMAN SARETSKY: You make it look
12	easy. All right. Thank you. And we'll take care
13	of the paperwork. Okay.
14	So we're going to move on to until Aram
15	comes back to life. Aram. Aram, can you come
16	back so we can
17	MR. TERCHUNIAN: Sure.
18	ACTING CHAIRMAN SARETSKY: I need all the
19	help I can get.
20	So we're going to move on to our second,
21	second proposed variance, 846 Dune Road. Could
22	you pass that down? That's Harvey's.
23	MR. HULME: For the applicant, James N.
24	Hulme, 323 Mill Road, Westhampton Beach.
25	ACTING CHAIRMAN SARETSKY: All right. So do

1	I need to move to open this? We're moving along.
2	MR. TERCHUNIAN: No. This is a this is a
3	brand new hearing.
4	MS. SADELI: Yup.
5	MR. TERCHUNIAN: So Joe needs to tell you
6	you have jurisdiction to open the hearing.
7	MR. PROKOP: Did were the notices sent?
8	MS. SADELI: Yes.
9	MR. PROKOP: And it was published in the
10	paper?
11	MS. SADELI: Yes.
12	MR. PROKOP: One of the questions about this
13	application, there's no denial letter in the file
14	from the Building Inspector. Was a excuse me.
15	Was a building application filed?
16	MS. SADELI: Yes. It's in the it's in
17	the file.
18	MR. PROKOP: I meant my papers that I
19	received from you. Did you do we have a copy
20	of the denial letter?
21	MS. SADELI: Yes.
22	ACTING CHAIRMAN SARETSKY: This is really
23	essentially it. That's it.
24	MR. PROKOP: Okay. So Angela represented
25	that there's a copy of the denial letter in the

1	file, so you have jurisdiction.
2	ACTING CHAIRMAN SARETSKY: To proceed.
3	MR. PROKOP: To proceed. So you can open
4	the public hearing now.
5	ACTING CHAIRMAN SARETSKY: So I'm going
6	to motion to open.
7	MR. TERCHUNIAN: You don't have to have a
8	motion. Just, you know
9	ACTING CHAIRMAN SARETSKY: Okay.
10	MR. TERCHUNIAN: call the application and
11	let's hear what the applicant has to say.
12	MR. PROKOP: Okay. Angela
13	MS. SADELI: Okay. I think it's in yours.
14	ACTING CHAIRMAN SARETSKY: All right. So
15	the proposed variance is to put a pool on the side
16	yard setback of 846, correct?
17	MR. HULME: Correct. And just so there's no
18	confusion, we spent a lot of time, you guys and
19	us, on this particular project relative to a
20	subdivision, which we're not we're not
21	abandoning, we're still moving forward with that
22	for the other in other agencies. So by making
23	this application for this variance, we're not
24	undoing we're not asking that that variance be
25	undone.

One of the topics of conversation during that proceeding was the possibility that we would come back for a pool. In wanting to come back now, rather than after we're finished with the subdivision in a year from now or so, we wanted to come back now for the pool, and that had certain legal requirements that bring us here, and which I discussed in detail in the application, but which I'll just touch upon briefly here.

But I just wanted to be clear that this request is separate and apart, and we're not seeking to nullify the grant -- the variance that you already granted us, that's going to move on in whatever manner it does.

But, basically, from the perspective of this application, as we discussed at length before, we have a legally constituted preexisting nonconforming use, that is two residences on one lot. The Village Code and State Law allows that circumstance to continue for as long as the houses continue as having separate identities.

The Village Code also allows for the expansion of that circumstance under certain circumstances. And the code, the Village Code very nicely provides very specific guidance as to

how to address such a request. It is, in fact, a variance, which is why we're here.

I believe that the Building Inspector has looked at this, and the rejection of it is based not on the location or the dimensional setbacks, but the fact that we're, quote-unquote, expanding a legally constituted preexisting nonconforming use.

If you look in your code at Section 560-52(B), well, 560-52 is a section of this Village Code that provides for -- I wouldn't call them automatic variances, but variances that the Board is empowered to grant, I think is the specific word. And one such type of variance is found in 560-52(B), which has to do with nonconforming uses, building structures and lots, which is the category that we fall in. And it kind of has four standards that you have to look at in considering the variance in deciding whether it's appropriate, and deciding whether you are choosing to use your power to grant the variance.

The first of these restrictions, elements is that you can't increase the nonconforming use by more than 50%. So what we -- very simply, in the paperwork that I've provided you, we took -- we

1	took the square footage of the additional pool and
2	divided it by the existing square footage on the
3	property and we came up with a number that was
4	less than 50%, so
5	MEMBER SIEGEL: Is this in the memorandum?
6	MR. HULME: Yes. That well, the memo is
7	from
8	MS. SADELI: Aram.
9	MR. HULME: Mr. Terchunian, I believe. In
10	my application, in the attachments to my
11	application, I've reviewed that specifically. Let
12	me just
13	MEMBER SIEGEL: Is the denial letter here or
14	not?
15	MS. SADELI: It should be, yeah. It should
16	have been in the packet.
17	MEMBER SIEGEL: I don't have
18	ACTING CHAIRMAN SARETSKY: I don't see it.
19	MR. PROKOP: There's no denial letter.
20	MEMBER SIEGEL: I don't see it here.
21	MS. SADELI: It was in Joe's packet.
22	MEMBER SIEGEL: I just want to see what the
23	denial is. Certificate of Occupancy, an
24	authorization.
25	MS. SADELI: I think it got stuck into

1	yours, because Aram and I talked about it before I
2	sent yours.
3	MR. PROKOP: Aram, is a pool allowed in the
4	side yard under the code, that you know of?
5	MR. TERCHUNIAN: I believe it is.
6	MR. HULME: It's not in a required side
7	yard, it's in the side yard, which is permitted,
8	as opposed to within the required side yard, which
9	would require a variance.
10	ACTING CHAIRMAN SARETSKY: Are there any
11	homes that have a side yard pool?
12	MEMBER MIZZI: Yes.
13	ACTING CHAIRMAN SARETSKY: Are there
14	MEMBER MIZZI: On Dune Road.
15	ACTING CHAIRMAN SARETSKY: On Dune Road?
16	MEMBER MIZZI: On kind of a beach hut.
17	ACTING CHAIRMAN SARETSKY: Okay.
18	MEMBER MIZZI: My neighbor has one.
19	MEMBER SIEGEL: Yeah, the beach hut is this
20	one that's up in the air.
21	MR. TERCHUNIAN: Yes, that's right, brand
22	new, or within the last two years.
23	MEMBER SIEGEL: Brand new. It's not even
24	finished back there.
25	MEMBER MIZZI: It's next to my house, yeah.

1	ACTING CHAIRMAN SARETSKY: Okay.
2	MR. PROKOP: So I misspoke before. There is
3	a denial letter. I didn't recognize the form.
4	MR. DICIOCCIO: Thank you, guys. I'll
5	see you.
6	ACTING CHAIRMAN SARETSKY: Take care.
7	MR. PROKOP: Bye, J.R. Thank you.
8	MR. DICIOCCIO: It's a lot warmer out here.
9	MR. TERCHUNIAN: It always is.
10	(Laughter)
11	ACTING CHAIRMAN SARETSKY: So, Aram
12	MR. HULME: Can I see that for a second?
13	MR. TERCHUNIAN: Let's make sure Jim gets
14	all the way through before we ask questions.
15	ACTING CHAIRMAN SARETSKY: Oh, I'm sorry.
16	I'm sorry, go ahead. Continue. I'm sorry.
17	MR. HULME: All right. So as you can see
18	from the denial letter, the Building Inspector has
19	indicated that the only relief that we're looking
20	for is the relief that we were talking about at
21	560-52(B)(1), which is the and as I indicated,
22	that has four different elements.
23	The first element is the cap, a 50% cap on
24	the expansion. The existing floor area on the
25	property is 2,115.4 square feet, and the

additional area to be covered by the proposed pool is 845 square feet. So we're certainly less than the -- excuse me -- 50% there.

The second element that has to do with parking, the addition of a pool doesn't have a parking requirement, so the parking requirement doesn't change either before or after. And I think, as we demonstrated in the other variance application, we have ample space to provide parking on this property pursuant to the code.

The third is lot coverage. Even after the pool is included in the lot coverage calculation, we're only at 17.3%, and the allowable is 20%, so we meet that requirement.

And the fourth and final element is -- has to do with density as to -- excuse me a second -- as to lot coverage and -- well, lot coverage and density is the last kind of standard.

As I indicated before, we have a legal situation where we have two houses on this property, and the addition of a pool in no way increases the density of the residential use on the property. And as I also indicated, we meet the 20% lot coverage limit as well.

So based on that, it appears that we meet

1	all four of the standards that are required under
2	560-52(B)(1), and that's the basis on which we're
3	seeking the variance.
4	MEMBER SIEGEL: The 11.5 number that's here
5	and here
6	MR. HULME: Yeah.
7	MEMBER SIEGEL: those are that's
8	those have been determined to be the required from
9	the widths?
10	MR. HULME: Mr. Freedman met with Mr. Kalfur
11	about that specific issue.
12	MEMBER SIEGEL: So those numbers are fine?
13	MR. FREEDMAN: And they have to match up in
14	order to center it, so I had to do a deck on the
15	one side that would make it conform, to make sure
16	it's centered on the property.
17	MEMBER SIEGEL: Okay. Right, okay. And so
18	this deck has nothing to do with the variance that
19	we're looking at today?
20	MR. HULME: No.
21	MR. TERCHUNIAN: Well, yes, it does, because
22	it's an expansion of the nonconforming use.
23	MEMBER CASHIN: So is this new also?
24	MR. TERCHUNIAN: So any expansion is a part
25	of the variance.

1	MR. HULME: Yes.
2	MEMBER SIEGEL: This yellow is new.
3	MR. HULME: But that's included in the
4	square footage as well.
5	MEMBER SIEGEL: This yellow is new.
6	MS. SADELI: Just one person talk at a time.
7	MEMBER SIEGEL: Okay. So I was just looking
8	at the diagram, so I just said in the diagram, the
9	colors are yellow and red. Yellow is additional,
10	and the red is to be removed, so
11	MEMBER CASHIN: So you're adding to both
12	sides of the house.
13	MR. HULME: Well, we're adding the pool to
14	the one side and removing
15	MEMBER SIEGEL: Removing the deck.
16	MR. HULME: Removing the deck. And then
17	we're adding a deck, some decking to the other
18	side for the sole purpose of meeting the
19	centering this project so that we meet the
20	setbacks.
21	MEMBER SIEGEL: And the areas that you read
22	to us before include
23	MR. HULME: Yes.
24	MEMBER SIEGEL: all of the yellow?
25	MR. HULME: Yes.

1	MEMBER SIEGEL: Not just the pool?
2	MR. HULME: No. What I what I did was I
3	took the existing coverage and then subtracted
4	from it the coverage afterwards, and that's how I
5	came up with the 845 square feet of expansion.
6	MR. TERCHUNIAN: So the calculation on the
7	survey includes all the expansions on the site.
8	MEMBER SIEGEL: Which is what I said.
9	MR. HULME: Thank you. What he said.
10	(Laughter)
11	ACTING CHAIRMAN SARETSKY: So, Aram, right
12	now they filed with the DEC for an application for
13	this.
14	MR. TERCHUNIAN: That's right. And there's
15	correspondence in your file of the DEC's response,
16	as well as a sketch, which appears to be the DEC's
17	recommendation for a location. That location is
18	the location that they have placed in their
19	application.
20	I reviewed the lot coverage and the side
21	yard setbacks and they appear to meet the standard
22	for this area based on the three-tenths rule for
23	the side yard setbacks and the 20% for the lot
24	coverage.
25	MR. PROKOP: The I'm sorry.

1	ACTING CHAIRMAN SARETSKY: Go ahead.
2	MR. PROKOP: The expansion that we're or
3	the nonconforming use that we're here for is
4	regarding the pool?
5	MR. TERCHUNIAN: The pool and the deck.
6	MR. PROKOP: And the deck, okay. I just
7	want to make sure. Okay.
8	ACTING CHAIRMAN SARETSKY: And the concept
9	of putting the pool behind the house doesn't work
10	because?
11	MR. TERCHUNIAN: The DEC indicated it would
12	be too close to the wetland and that's why they
13	recommended the location on the side.
14	ACTING CHAIRMAN SARETSKY: Okay.
15	MR. FREEDMAN: And when I met with the DEC,
16	they said their preference would be to go away
17	from the wetlands as much as you can, and they
18	would prefer that I didn't put the pool on the
19	what I originally proposed with the DEC is to put
20	the pool on the bay side, and they said, "We'd
21	really like if you could come away from the
22	wetlands," so that's why I revised it.
23	MEMBER CASHIN: Well, you said you had to
24	meet the deck to balance the site. Can the house
25	be moved east to accomplish the same thing, no

1	deck, but with a pool?
2	MR. HULME: Well, except for the cost of
3	doing that exceeding
4	MEMBER CASHIN: Oh, this is an existing one?
5	MR. HULME: Yeah, this is an existing house.
6	ACTING CHAIRMAN SARETSKY: Yes.
7	(Laughter)
8	MR. HULME: There's a house here. We
9	aren't we're not building a new house, not yet
10	anyway.
11	MEMBER CASHIN: I'm sorry.
12	MEMBER MIZZI: He's asking to move the
13	house?
14	(Laughter)
15	MR. HULME: We could do that, but
16	MR. TERCHUNIAN: I think I think the
17	important thing to point out is as it's proposed
18	to you, it meets the Zoning Code for side yard
19	setbacks and lot coverage, and it's under the 50%
20	that this Board is allowed to grant up to on the
21	expansion of the use.
22	ACTING CHAIRMAN SARETSKY: But I guess the
23	question, Aram, is didn't we approve the
24	subdivision under the auspices that anything else
25	that had to be done would come back before

1	MR. TERCHUNIAN: And that's what you have.
2	ACTING CHAIRMAN SARETSKY: Okay. But,
3	again, we've already deviated in the subdivision,
4	right?
5	MR. TERCHUNIAN: Well, yes. A variance was
6	granted for the subdivision having to do with lot
7	area, but not any of these not any variances
8	well, there were some also variances for side
9	yard setbacks that applied to the other lot, but
10	as so what you have in front of you now is that
11	as that subdivision moves forward on its track
12	through the DEC and the County, they've come back
13	and said, "Well, if this lot was constituted, this
14	is what zoning would allow us to do," and they
15	wouldn't but, because it is not yet subdivided,
16	they need to come to this Board to get that
17	approval. But the things that they're asking for
18	comply with the Zoning Code.
19	ACTING CHAIRMAN SARETSKY: So let me ask the
20	question a different way, maybe. Why wouldn't
21	they just finish what they have with the
22	subdivision?
23	MR. TERCHUNIAN: Because it's going to take
24	two years.
25	MR. HULME: And we'd like to have a pool

1	this year.
2	MR. PROKOP: Two years to do what?
3	MR. HULME: To finish the subdivision.
4	MR. PROKOP: Okay. So
5	MR. HULME: Yeah, I think that's a good
6	point, and I think we should
7	MR. PROKOP: The question is not the
8	MR. HULME: We should pause and dwell on
9	that for a minute.
10	If, in fact, we weren't interested in having
11	a pool now and we were going to wait for the two
12	years, or whatever it is, to finish the
13	subdivision, well, we'd have to come back here
14	only because the decision that you gave us in the
15	subdivision application required us to come back
16	for any changes. But for that, we meet we
17	would meet all of the requirements of the of
18	the Zoning Code. And this would not be an
19	expansion of a preexisting nonconforming use, so
20	we wouldn't even be talking about all these
21	details in Section 52.
22	MR. TERCHUNIAN: Yeah. I mean, that's
23	important. Does everybody understand that? If
24	they go through the subdivision process, what
25	they're asking for right now would be an

1	as-of-right, they would not be coming to this
2	Board. They would go to the Building Inspector
3	and the Building Inspector would grant them a
4	building permit
5	MR. PROKOP: I don't agree with that,
6	because part of the approval of the subdivision
7	was that any
8	MR. TERCHUNIAN: If not for that particular
9	reservation of right on this particular property,
10	if this was any other property in the Village and
11	they came in and asked for this level of approval,
12	the Building Inspector himself would write the
13	permit without coming to this Board.
14	MR. PROKOP: And then they could wait and
15	see if the subdivision is approved, because,
16	really, they're like back-dooring. This is like a
17	back door to see
18	MR. HULME: Well, no, this is a
19	MR. PROKOP: I mean, they either want
20	MR. HULME: I'm sorry.
21	MR. PROKOP: They either want one or the
22	other. I mean, we approve the subdivision based
23	on anything that is done, they have to come to us.
24	Right. So this is a they just wait until
25	this if they're claiming now that the

subdivision hasn't been approved yet, so now 1 2 they're coming to us, then why -- then why shouldn't they just wait until the subdivision is 3 4 approved? 5 MR. TERCHUNIAN: I think that's up to the 6 Board to decide. I think they have to -- the 7 Board has to weigh, you know, the imposition to 8 the applicant of not being able to enjoy their 9 property to the extent that the Zoning Code would 10 allow, if not for this particular reservation, 11 against any adverse impacts that would occur to 12 the Village. So --13 MR. PROKOP: But they -- he got a -- he had a big lift with the Board already and he got the 14 approval of the subdivision. 15 16 MR. HULME: Right. MR. PROKOP: So I don't think he can 17 18 complain that he's not being allowed to enjoy his property, you know, given that. 19 But my other -the other question I have is that this --20 21 MR. HULME: I think you can't evaluate this 22 application in that context, then. MR. PROKOP: There's changes that are being 23 24 made to the -- on the survey that you gave us from 25 John Gallagher, dated March 20th, 2019, there's

1	changes that are being made to the front house
2	also. Are those part of the copy are those
3	part of the application?
4	MR. HULME: That probably shouldn't be
5	there?
6	MR. FREEDMAN: They're in the application.
7	MR. HULME: Oh.
8	MR. FREEDMAN: They're in the calculation,
9	yes.
10	MR. HULME: Oh, okay.
11	MR. FREEDMAN: What I thought was going to
12	happen is, so when I came to the Zoning before, I
13	was approved subject to coming back to you for a
14	change of the footprint to the height. So then I
15	was told it's going to take a long so I had a
16	choice. I could either file a new application to
17	get and at that meeting we talked about a pool,
18	and the indication I was given, that pool
19	shouldn't be a problem. And so I didn't want to
20	go through two years to find out, because as part
21	of my application two years from now, you say,
22	"Oh, okay, we've approved it, but you can't ever
23	have a pool in the subdivision." So I wanted to
24	see that, in fact, I could have a pool, and that's
25	why I wanted to do it now, rather than waiting two

years, because in your approval, you had said,

"It's subject to coming back to us, and we want to

make sure you're not building these two huge

houses."

When I put in the application, I thought, you know what, why don't I put everything on here, the pool and the deck for the back house, and then expand the deck for the front house, just so that I'm not piecemealing it. So that's what my thinking was. And I had asked, when I -- the Village to see what do I need to do, and they said, "You have two choices," and so that's why I went this route.

MR. HULME: And I'd just like to indicate that this is -- I disagree with the characterization that this being a back door. The requirement in the subdivision variance was we have to come back to you guys if we're going to put a pool in. Well, we're back. We haven't finished the subdivision yet, but we're back. So you guys are going to get to look at the pool. It's not like we're going to another agency to get this pool approved by this other agency and then put it in, and then come back to you guys and say, "Well, we got it a different way." We're coming

back to you. It seems to me that's the front 1 2 door, not the back door. And -- number one. 3 And number two, I think that you really need 4 to evaluate this application in the context of the section of the code that applies, which is the 5 6 560-52(B), and, you know, that's the analysis that 7 we need to go through. 8 I mean, obviously, you can't un-remember 9 that we had this whole other analysis when you 10 granted this other variance, that's absolutely 11 true. And whatever -- you have an opportunity now 12 to articulate and to deal with whatever reservations you had at the time of the other 13 14 variance relative to the pool. But my own recollection of the discussions that we had was 15 16 that the -- without committing the Board to 17 anything, and without suggesting a pre-approval or 18 anything like that, but that this particular Board 19 was not adverse to a pool, you know, because that 20 was discussed specifically. MEMBER CASHIN: Well, let's remember, this 21 22 is a pool and a deck, this is not just a pool. 23 MR. HULME: Right, right. 24 ACTING CHAIRMAN SARETSKY: And it's also a 25 pool on --

1	MEMBER SIEGEL: It's more than a pool and a
2	deck.
3	ACTING CHAIRMAN SARETSKY: It's also a pool
4	on the side of the home
5	MR. PROKOP: Two decks.
6	ACTING CHAIRMAN SARETSKY: which is a
7	bit while it may exist in West Hampton Dunes,
8	it's a bit of an anomaly to the average pool.
9	So what I'm listening to Joe say, and
10	others, and sort of my opinion, is that why
11	wouldn't we get through the impact of the
12	subdivision and the work that's going to happen so
13	that you could see this in sort of realtime,
14	rather than just go ahead with this part now?
15	I mean, one, we don't know that they're
16	going to approve the DEC, although it seems is if
17	they will.
18	MR. HULME: We should have the DEC permit
19	next week or the week after.
20	MR. TERCHUNIAN: In the correspondence from
21	the DEC, they indicated that this was the
22	preferred location, so I interpret that as they're
23	ready to issue a permit.
24	ACTING CHAIRMAN SARETSKY: So, Aram, let me
25	ask a different question on the side piece. The

1	deck in the back of the house is 12 feet deep, or
2	something; 12 feet?
3	MR. TERCHUNIAN: Yes.
4	ACTING CHAIRMAN SARETSKY: So is the DEC
5	saying that you cannot go any further back?
6	MR. TERCHUNIAN: That's correct.
7	ACTING CHAIRMAN SARETSKY: Any further,
8	not
9	MR. TERCHUNIAN: No, not an inch.
10	ACTING CHAIRMAN SARETSKY: Okay. So if you
11	were to put if you were to put a pool there,
12	you know, not unlike other people who have pools
13	in their backyards that have a small deck because
14	of the pool, it could be done? In other words,
15	you could have a
16	MR. TERCHUNIAN: I don't think it can be
17	done here, because you need separation between the
18	house and the pool to get in and out of the pool.
19	ACTING CHAIRMAN SARETSKY: Okay.
20	MR. TERCHUNIAN: It's not safe to have it in
21	the way you're describing.
22	MEMBER SIEGEL: I have a question. This
23	subdivision, I am hearing, is going to take
24	upwards of two years?
25	MR. HULME: Yeah.

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1	MEMBER SIEGEL: And so that seems like a
2	long time for anything to take. But that's
3	not my
4	MR. HULME: Well, think how long the ZBA
5	took
6	MEMBER SIEGEL: That's not
7	MR. HULME: the ZBA part of it took.
8	MS. SADELI: To approve it.
9	(Laughter)
10	MEMBER SIEGEL: What I was going to say is
11	what is the chance that during that two-year
12	period this does not happen?
13	MR. HULME: What does not happen?
14	MEMBER SIEGEL: They don't someone down
15	the road says, "Absolutely not, this can't be."
16	Not the variance people, of course, the
17	other two-year
18	MR. HULME: That the subdivision doesn't
19	happen.
20	MEMBER SIEGEL: Right. We don't allow this,
21	it can't happen.
22	MR. HULME: That's a there's a chance of
23	that, yeah.

MEMBER SIEGEL: Okay. So assuming --

MR. HULME: Anything can happen.

24

1	MEMBER SIEGEL: that on the off chance
2	that that happens during the two-year period, and
3	there's now a pool and decks here
4	MR. HULME: Right.
5	MEMBER SIEGEL: does that affect us in
6	any other negative way? Like are we upset that
7	there's
8	MR. TERCHUNIAN: I think that's precisely
9	the question. The question is, viewed in a
10	vacuum, looking at what is in front of you, how
11	does it comply or not comply with the Village
12	Zoning Code? So
13	MEMBER SIEGEL: Today's code?
14	MR. TERCHUNIAN: So today's code, as it
15	sits. And so the answer to that question is, for
16	lot coverage, it complies, for side yard setbacks,
17	it complies, and for expansion of a nonconforming
18	use, it complies.
19	MEMBER SIEGEL: So even if there was no
20	subdivision going on here at all, they wouldn't
21	even be here.
22	MR. TERCHUNIAN: Well, they would be here,
23	because they need an expansion of the
24	nonconforming use.
25	MR. HULME: Yes.

1	MR. TERCHUNIAN: But up to 50%.
2	MR. HULME: We're here because of this
3	section of the code.
4	MEMBER SIEGEL: Okay.
5	MR. TERCHUNIAN: It's very important. This
6	is very important you understand. This Zoning
7	Board is authorized by the Village Code to grant
8	expansions of nonconforming use up to 50%, based
9	upon the criteria explained in the code.
10	MEMBER SIEGEL: And by listening to that,
11	these little things here on this road, it doesn't
12	seem like it's going to bother anybody. I mean,
13	this, this over here, there's a home over here.
14	Maybe there should be some bushes here, and I
15	don't know, that's about it.
16	MR. PROKOP: Aram, wasn't there argument,
17	when they made the application the first time,
18	wasn't there argument I want to and I want
19	to talk to you about 560-17
20	MR. TERCHUNIAN: Okay.
21	MR. PROKOP: of the code when I get done,
22	when I get done with this part of it. Wasn't
23	there argument before the before the in the
24	subdivision application that they weren't pre
25	nonconforming, because they had the two C of O's

1	that they had just gotten? They got the C of O's.
2	They got two C excuse me. When I say "they", I
3	mean you. I'm sorry.
4	MR. FREEDMAN: It's okay
5	MR. PROKOP: Please excuse me.
6	MR. FREEDMAN: It's okay.
7	MR. PROKOP: But the owner got two C of O's
8	a week before the Zoning Board hearing, right? So
9	wasn't their argument before the Zoning Board that
10	they didn't it was not nonconforming
11	MR. TERCHUNIAN: No.
12	MR. PROKOP: because they had two
13	C of 0's?
14	MR. TERCHUNIAN: No. The argument that I
15	recall in front of the Zoning Board was that they
16	enjoyed two C of O's, and as a consequence,
17	although they were nonconforming, they were
18	preexisting nonconforming, and, therefore, legally
19	existing.
20	MR. HULME: Oh, they got C of O's as
21	nonconforming, okay. So
22	MR. HULME: Although, I like Joe's argument
23	better, because then we don't need to be here
24	at all.
25	(Laughter)

1	MR. HULME: Because if this is a conforming
2	lot, then this pool meets the zoning setbacks and
3	there's and I'm going to withdraw my
4	application.
5	MR. PROKOP: We could do these, because
6	we the approval was that you have to come
7	before us. I'm just trying to figure
8	MR. HULME: Right. Well, we could, in fact,
9	abandon that application and leave
10	MR. TERCHUNIAN: No, no.
11	MR. HULME: which we're not doing,
12	because I don't agree with Counsel on that, but
13	MR. FREEDMAN: But your point is very good.
14	I mean, there's a chance that I won't get through
15	the subdivision, so I didn't want to spend two
16	years not getting through it, and then, you
17	know
18	MR. HULME: And start the pool at that
19	point.
20	MR. FREEDMAN: And starting the pool. When
21	you had given me your approval subject to getting,
22	you know, approval for changing the footprint, I
23	thought, well, let me find out now if that's going
24	to be a problem, because so I did another
25	application.

1	ACTING CHAIRMAN SARETSKY: But the only
2	thing, in fairness to that, is when we agreed to
3	this, at least I didn't see a pool sticking out of
4	the side of the house like that and an expanded
5	deck. So we sort of agreed to this. And it was
6	not an easy thing, you're absolutely right, for
7	various reasons, which are not important to go
8	through.
9	But, I mean, I guess my first question would
10	be, well, the baby steps here are you're filing
11	with the DEC to get this permit.
12	MR. HULME: Right.
13	ACTING CHAIRMAN SARETSKY: Wouldn't that
14	really be the next thing to do, in other words
15	MR. HULME: Well, we've done that.
16	ACTING CHAIRMAN SARETSKY: No. But I'm
17	saying, if you think you're going to get it in a
18	week
19	MR. HULME: Right.
20	ACTING CHAIRMAN SARETSKY: you get it,
21	okay, and, again, just like those step roads of
22	getting the two-year of the subdivision, you don't
23	know that it's going to take two years. But I'm
24	just afraid we're designing and basically moving
25	forward on things that are

1	MR. TERCHUNIAN: Well, let me offer you
2	a path.
3	ACTING CHAIRMAN SARETSKY: Okay.
4	MR. TERCHUNIAN: Okay? First of all,
5	there's no reason to close this hearing today.
6	There's some things that I think this Board should
7	be asking for, number one.
8	Number two, that if the applicant's agent is
9	correct, that within say the next 30 days they get
10	a DEC permit, they can furnish it to the Board.
11	There's no reason you know, so I think that
12	what I would recommend to the Board is to look at
13	this application and say, "What would we be asking
14	for from an applicant that we don't see on this
15	page?" And the first thing that comes to my mind,
16	to address your concern with the pool on the side
17	yard, is how are you going to mitigate this to
18	your neighbor, which is typically landscaping.
19	ACTING CHAIRMAN SARETSKY: Okay.
20	MR. TERCHUNIAN: So it seems appropriate to
21	me to ask for a landscape plan. In this case, it
22	would have to be a native landscape plan, because
23	they're right next to the wetland. And then any
24	other mitigative action that this Board could
25	contemplate, based upon your expressed concern,

1	it's in the side yard, which by definition makes
2	it closer to the neighbor, and any other concern
3	that other Board Members might have. And then
4	tell the applicant come back with this, so we can,
5	you know, exam it.
6	ACTING CHAIRMAN SARETSKY: Sounds
7	reasonable.
8	MEMBER SIEGEL: It sounds reasonable to me
9	as well. I do remember, when we were considering
10	splitting this one lot into two lots with two
11	houses, that a major concern of ours was that
12	these were going to turn into McMansions. And
13	what I see going on here is someone investing
14	money in it not being a McMansion. They're
15	investing money in a pool and a deck. It's not
16	like he's saying, "Okay, now I'm coming before you
17	to put a second story on this and a third story or
18	this before we get our subdivision." Like I don't
19	see that as I see these as very, very tiny
20	requests. That's the way I see it.
21	ACTING CHAIRMAN SARETSKY: Maybe we should
22	follow
23	MEMBER MIZZI: I have one comment. And I'm
24	not I'm not proposing this, I'm just making a

statement. If we're -- if we're adding a deck

1	onto one side of the house just to balance the
2	to meet the compliance that it's set, you know,
3	does it make sense, I mean, to be to be looking
4	at a pool and not building a deck that you're only
5	putting on because you're trying to comply with
6	the
7	ACTING CHAIRMAN SARETSKY: Center?
8	MEMBER MIZZI: No. He's saying he's trying
9	to comply with the if the house is centered,
10	you get a certain side yard setback. If it's not
11	centered, you don't get that benefit of that,
12	so
13	MR. HULME: Well, that would add a variance
14	to the application.
15	MEMBER MIZZI: I understand.
16	MR. HULME: And under the under the guise
17	of requesting the minimum relief necessary to
18	accomplish the goal, we thought
19	MEMBER MIZZI: No, I hear you. I'm
20	just putting this
21	MR. HULME: The deck is pretty innocuous,
22	and it's not interior space. It doesn't create
23	additional bedrooms, it doesn't create
24	MEMBER MIZZI: No, but
25	MR. HULME: additional loads.

1	MEMBER MIZZI: But it does. There's a house
2	not 9 feet away
3	MR. HULME: Right.
4	MEMBER MIZZI: on it that you're building
5	a deck, or 9 feet off their property line, so
6	and so we're
7	ACTING CHAIRMAN SARETSKY: And then a pool
8	on the other side that's 11 feet away.
9	MEMBER MIZZI: Yeah, right. Yeah. I'm just
10	saying, is if you're adding this deck to center
11	the to center to keep the house plan
12	centered to comply, so that you get the benefit of
13	that particular rule, and there is a house that's
14	existing situated 9 feet away, it's something to
15	think about.
16	MR. TERCHUNIAN: Well, it is something to
17	think about, but I would suggest that the Board
18	think about it this way. They have an as-of-right
19	to do that under the small lot rule, so why
20	shouldn't they be allowed to do it? Unless
21	there's you know, typically, you would restrict
22	somebody's as-of-right on a piece of property
23	because they're asking you for something extra
24	that they're not entitled to.
25	MEMBER MIZZI: But if it's as-of-right to

like enjoying the pool sounds like something 1 2 that's time-sensitive. Having more deck space, like you could allow for it later, put it up later 3 4 when you get the -- when you get the variance or 5 this, the subdivision here. 6 MR. HULME: Well, we need the variance for the pool, regardless. 7 8 MEMBER MIZZI: I understand, I know. 9 MR. PROKOP: Doesn't centering -- doesn't the centering rule apply to the principal 10 11 structure, not to the -- not to accessory 12 structures? You get the benefit if you center the 13 principal structure. 14 MR. TERCHUNIAN: Yeah. But, you know, if 15 you attach decks to it, we really consider -- if 16 it's just a walkway, it applies only to the principal. Once you put a deck on it that's more 17 18 than 4 feet wide, then that really becomes part of 19 the principal structure. MR. FREEDMAN: Just so you know, I'll be --20 21 I would be happy to have a pool on this side and 22 just be able to get to my mechanicals and walk around, if that's a simple process. I didn't 23 24 necessarily need a big deck on the side --25 MEMBER MIZZI: Right.

1	MR. FREEDMAN: except I the Building
2	Department said, "This is what you're required
3	to do."
4	MEMBER MIZZI: Understood.
5	MR. FREEDMAN: So that's the way we drew it.
6	But I'd be very happy to just be able to have a
7	pool.
8	MEMBER MIZZI: Right.
9	MR. FREEDMAN: And I'm very concerned about
10	going back to the DEC with pushing it out, because
11	they seem to claim that everyone's wrong there,
12	and then I'm opening up a whole can of worms with
13	the DEC, so
14	MEMBER MIZZI: I was just tossing out an
15	idea.
16	MR. FREEDMAN: No, it's it would be okay
17	with me. I'm not looking to get this huge deck.
18	I just wanted to have a pool and to be able to
19	service my equipment.
20	ACTING CHAIRMAN SARETSKY: Could the pool go
21	in front of the home?
22	MR. TERCHUNIAN: Pardon me?
23	ACTING CHAIRMAN SARETSKY: Could the pool go
24	in front of the home?
25	MR. TERCHUNIAN: No, it cannot go on the

1	south side of the home, because the sanitary
2	system is there.
3	ACTING CHAIRMAN SARETSKY: Okay.
4	MEMBER SIEGEL: Could the proposed deck on
5	the eastern side have been additional principal
6	structure? Could they have built the house out to
7	that 11.5 feet?
8	MR. TERCHUNIAN: Yes.
9	MEMBER SIEGEL: To your point of
10	MR. TERCHUNIAN: Yes.
11	MEMBER SIEGEL: And that's not even being
12	requested here.
13	MR. TERCHUNIAN: Correct. I mean, I
14	understand your point, but I say, you know, if
15	they're entitled to it, why wouldn't you allow it?
16	ACTING CHAIRMAN SARETSKY: Well, I mean,
17	there's a couple of reasons.
18	MR. HULME: I like that.
19	MR. PROKOP: Can I just say, you did this
20	is a really nice drawing you did for the Board,
21	but it's only for the unless I'm mistaken, it's
22	only for the north house?
23	ACTING CHAIRMAN SARETSKY: There's another
24	drawing here, Joe, that shows that.
25	MR. PROKOP: Oh. I didn't know it would be

1	colored
2	MEMBER SIEGEL: The colored portion of it.
3	MR. PROKOP: the colored one.
4	MR. TERCHUNIAN: Actually, I did the color
5	one, Joe.
6	(Laughter)
7	MR. HULME: I'd like to take credit for it.
8	MR. TERCHUNIAN: So I'm taking full credit.
9	MR. FREEDMAN: I just understand that the
10	deck went up to 6 feet on the other house in the
11	back.
12	ACTING CHAIRMAN SARETSKY: If that's what
13	you're asking
14	MR. PROKOP: No, I understand.
15	MS. SADELI: Sorry, one person at a time.
16	MR. TERCHUNIAN: Gentlemen. Gentlemen, we
17	have to respect our Court Reporter.
18	ACTING CHAIRMAN SARETSKY: I think we should
19	go back to what Aram said. In asking you for
20	those items, let's get your I mean, right now,
21	you you've gone through the effort of filing
22	with the DEC, so let that happen. I mean, Joe, do
23	you agree with it?
24	MR. PROKOP: Yes, that would be my
25	recommendation.

1	ACTING CHAIRMAN SARETSKY: And then, in the
2	meantime, this is the first meeting we've talked
3	about this, so we can close well, we can leave
4	it open.
5	MR. TERCHUNIAN: We adjourn it for all
6	purposes, but you should give the client the
7	applicant some direction as to, "Listen, what is
8	the courtesy you're going to show to your
9	neighbors and neighborhood? Come back with some
10	mitigation."
11	MEMBER CASHIN: Let me ask a couple of
12	questions. What's the is this spiral staircase
13	south of the pool new also?
14	MR. FREEDMAN: Yes.
15	MEMBER CASHIN: Okay. That's not in yellow,
16	is it?
17	ACTING CHAIRMAN SARETSKY: Yellow, yes.
18	MEMBER CASHIN: And then what's the reveal
19	on the east side west side? What's the reveal
20	for the that the neighbor's going to be looking
21	at? How high is the you know, what's he going
22	to be looking at up and down?
23	MR. FREEDMAN: It's going to be the same
24	height as the
25	MR. TERCHUNIAN: Yes. But what is the wall

1	going to be that the skirt around the pool?
2	MR. FREEDMAN: I can show you details of
3	that. So what's
4	MR. HULME: The finished first floor
5	is 14.3.
6	MR. TERCHUNIAN: But what is the neighbor
7	going to see when they're on the ground? What
8	you know, is it going to be open pilings? Is it
9	going to be lattice? Is it going to be a wall?
10	MR. FREEDMAN: I can provide you that.
11	MEMBER CASHIN: So it's a gunite pool on
12	piers.
13	MR. FREEDMAN: Yes.
14	MEMBER SIEGEL: 6.3 versus 14.
15	MR. TERCHUNIAN: So, that's a great thing to
16	say. Please show us the elevations on the east
17	and west side so we know what it's going to look
18	like.
19	MEMBER CASHIN: Well, also on the north side
20	and on all sides.
21	MEMBER SIEGEL: It appears to be 8 feet tall
22	off the ground.
23	MEMBER CASHIN: I don't remember seeing
24	that.
25	MEMBER SIEGEL: Well, here's 6.5 and here's

1	approximately 14.5.
2	ACTING CHAIRMAN SARETSKY: On the north
3	side, right?
4	MR. HULME: On the north side of the south
5	house.
6	MEMBER SIEGEL: The first floor is 14.3,
7	that's the elevation, and the ground out there is
8	like 6.5. You see these little marks here?
9	That's 6.5 here, 5.5, in that range, so it's
10	approximately 8 feet off the ground.
11	MR. HULME: Right.
12	MEMBER SIEGEL: So the view of those 8 feet
13	would be appropriate.
14	MR. HULME: Okay. We can come back with
15	this.
16	MR. FREEDMAN: So it's going to be
17	basically
18	MEMBER SIEGEL: Level with the deck.
19	MR. FREEDMAN: as if it's flush within
20	the deck, exactly.
21	MEMBER SIEGEL: And the pool is going to be
22	100%
23	MR. TERCHUNIAN: Pardon me. That's not what
24	the Board is asking for. The Board is asking for
25	the elevated view on the east, west and north

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1	sides.
2	MR. FREEDMAN: I have that.
3	MR. TERCHUNIAN: Okay.
4	MR. FREEDMAN: I mean, I can provide that.
5	MR. TERCHUNIAN: Perfect.
6	MEMBER SIEGEL: And landscaping mitigation.
7	MR. TERCHUNIAN: And landscaping. Is there
8	anything else that the Board can think that would
9	be mitigative?
10	MEMBER SIEGEL: Lighting.
11	ACTING CHAIRMAN SARETSKY: Lighting would be
12	helpful.
13	MEMBER SIEGEL: Exterior lighting.
14	MR. TERCHUNIAN: Exterior lighting,
15	excellent. That's something we always look at.
16	MEMBER MIZZI: But they seem to be
17	referencing some sort of point 5. something.
18	MEMBER CASHIN: And this pool is 40 by
19	MR. PROKOP: 560-17(D) I think needs to be
20	looked at, and, also
21	MEMBER MIZZI: What does that mean?
22	MR. PROKOP: The location of a pool. And,
23	also, whether the whether there's a lot

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coverage, lot coverage maximum on the yard that

the pool is placed in. And, also --

24

1	MEMBER MIZZI: Could you explain that, that
2	rule, just to make sure? He said it needs to be
3	looked at.
4	MR. PROKOP: Well, 150 560-17(D) talks
5	about putting a pool in the rear yard, and the
6	calculation of the lot coverage based on just the
7	rear yard. So I have to check and see and make
8	sure that it's allowable in the side yard.
9	MEMBER MIZZI: Okay. So you're saying the
10	calculations that are being referenced
11	MR. PROKOP: Are for the entire lot, rather
12	than just for the yard that it's located in.
13	MEMBER MIZZI: Okay.
14	MR. HULME: And under your code, which is
15	similar to the Southampton code, there is a rear
16	yard lot requirement. We're not proposing the
17	pool in the rear yard, therefore, we don't need to
18	worry about that.
19	The other thing that I believe is your
20	code says is that you can't put accessory
21	structures in required yards, but it does not say
22	that you can't put an accessory structure in a
23	side yard, it just says you can't put it in a
24	required side yard. That's why we had to center
25	the property.

1	MEMBER MIZZI: Required side yard being the
2	11.25?
3	MR. HULME: Yes, exactly. And so we're not
4	proposing that we're proposing the house and
5	the side yard, yes. We are not proposing the pool
6	in a required side yard.
7	MR. TERCHUNIAN: So, Counselor, you
8	should you should write a memo to the Board
9	explaining how you comply with that section of the
10	code.
11	MR. HULME: I will do that.
12	MR. PROKOP: But I that's a and then
13	the final thing is just to check the centering of
14	the lot, the centering provision that Aram and ${f I}$
15	were talking about before.
16	MR. HULME: Okay. I can you guys, you
17	can address that. I'll address that the next time
18	as well.
19	MR. FREEDMAN: Would the Board would the
20	Board prefer that I come back with a smaller side
21	yard deck? Is that more appealing or
22	MEMBER SIEGEL: No, no.
23	MR. HULME: I wouldn't do that yet.
24	MR. FREEDMAN: Okay.
25	MEMBER SIEGEL: This pool has this

1	existing wood deck that's going to remain here for
2	4 feet, and then it's going to go out 9 feet, and
3	it doesn't show anything on the other three sides,
4	okay? So that means that the pool is going to
5	be it's going to end
6	MR. HULME: Yeah, there's not there's not
7	a perimeter deck around that side of the pool.
8	MEMBER SIEGEL: No additional decking?
9	MR. HULME: No, no.
10	MEMBER SIEGEL: And if there's at times,
11	when I see pools like that, I see like what they
12	call
13	ACTING CHAIRMAN SARETSKY: Infinity edge?
14	MEMBER SIEGEL: infinity edge, and the
15	water drips down and stuff like that. Are you
16	doing anything like that?
17	MR. FREEDMAN: No, we're not doing that.
18	MEMBER SIEGEL: So there's no water going
19	down?
20	MR. FREEDMAN: No.
21	MR. HULME: You had mentioned, you know, the
22	fear for McMansions, and let's keep in mind what
23	this is, okay?
24	MEMBER SIEGEL: Yeah.
25	MR. HULME: This is two little cottages.

1	MEMBER SIEGEL: Yeah, we get it.
2	MR. HULME: These are two little cottages
3	that are never going to be much more than some
4	very nice cottages. You know, things like
5	MEMBER SIEGEL: Which goes to his favor.
6	MR. HULME: infinity edge pools and
7	things like that are I think are beyond the
8	scope of this.
9	MEMBER SIEGEL: And at what point does so
10	if this variance is granted, is there a proposed
11	construction period for this? Are you going to
12	try to get this in for the summer?
13	MR. FREEDMAN: That's what I'd like to,
14	because the DEC told me I'll have the approval
15	next week, which has taken me months to meet with
16	them and back and forth. And then I was hoping
17	to, you know, get it in for the summer
18	MEMBER SIEGEL: Get it going.
19	MR. FREEDMAN: because I had proposals
20	from a pool company and the pile company.
21	MEMBER SIEGEL: After after and if the
22	Board grants this variance for this and he's going
23	to go into construction, does he have to go to
24	back to the Building Department for with a
25	submission?

1	MR. TERCHUNIAN: Yes.
2	MR. HULME: We have to get a building
3	permit, an extra building permit.
4	MEMBER SIEGEL: And that permit is going to
5	show compliance with pools surround code?
6	MR. HULME: Yeah. Oh, yeah. We need it
7	MR. TERCHUNIAN: The other thing that this
8	Board can do is the Board can restrict the
9	construction window, which is normal, you know, to
10	exclude the deep part of the summer season.
11	MR. HULME: As opposed to the deep end of
12	the pool?
13	MEMBER SIEGEL: I'm not going to get
14	involved in that.
15	(Laughter)
16	MR. PROKOP: So with all that, if that's
17	so I guess Aram and I together agree are
18	together recommending that you adjourn the hearing
19	for all purposes.
20	ACTING CHAIRMAN SARETSKY: Okay.
21	MEMBER CASHIN: Is this pool I'm sorry.
22	Can I say something?
23	MR. PROKOP: Of course.
24	MEMBER CASHIN: Is this pool a consistent
25	depth all the way through

1	MS. BRAATEN: I'm sorry. Can you say that
2	again? I didn't hear that.
3	MS. SADELI: The Court Reporter sorry.
4	MS. BRAATEN: Mr. Cashin, could you just
5	repeat that?
6	MEMBER CASHIN: Yeah. I had asked if the
7	pool was going to be a consistent depth end
8	to end.
9	MR. TERCHUNIAN: So, Mr. Chairman, I believe
10	someone in the audience would like to be heard.
11	MR. GESSIN: Hi. My name is Harvey Gessin.
12	MEMBER CASHIN: Wait, hold on. Could he
13	answer the question first?
14	MR. GESSIN: Oh, sure.
15	MR. FREEDMAN: So the plan is it's to be 4
16	feet, and then drop down to 6 feet in the middle,
17	then go back to 4 feet, approximately.
18	MR. TERCHUNIAN: I'm sorry, I apologize.
19	MEMBER SIEGEL: A question from the
20	audience.
21	ACTING CHAIRMAN SARETSKY: Question from the
22	audience.
23	MR. GESSIN: Hi. My name is Harvey Gessin,
24	for the record. I have a couple of questions. Is
25	there an accurate survey showing the wetlands

1	setback?
2	MR. HULME: Well, we the survey that we
3	submitted has the wetland setback that was
4	required, that was flagged as part of the other
5	application. The DEC, as my client indicated,
6	disagrees with that line. We were while
7	complying with the DEC wishes in getting this
8	permit, we were hoping not to make that line the
9	official line. But if that's what
10	ACTING CHAIRMAN SARETSKY: So, Aram, you're
11	the one that usually marks it, right?
12	MR. HULME: Yup.
13	ACTING CHAIRMAN SARETSKY: So could he apply
14	in that manner in some way?
15	MR. TERCHUNIAN: Well, I think when you get
16	the DEC permit, you're going to see it.
17	ACTING CHAIRMAN SARETSKY: Okay. So maybe
18	that's helpful. Another helpful reason
19	MR. GESSIN: Well, I mean, my position is he
20	has if this is the accurate survey, he's got
21	plenty of room to put it in the backyard.
22	MR. HULME: All right. Well, then
23	MR. GESSIN: Okay. And sometimes it takes a
24	little fighting with the DEC, a field meeting and
25	to resolve it. And it's a better pool in the

1 backyard, not only for the neighbors, but you have 2 sun all day. MR. HULME: Right. Well, we agree. And we, 3 in fact, took those steps, and the result is the 4 permit from them in the side yard. 5 6 MR. GESSIN: No. But what I'm saying is did anybody have a field meeting of it? 7 8 MR. HULME: Yes, yeah. MR. FREEDMAN: 9 Yes. 10 MR. HULME: My client met with them several 11 times. 12 MR. GESSIN: Okay. So --13 MR. HULME: They were at the site. 14 MR. GESSIN: Okay. MR. HULME: There were discussions along the 15 16 lines of what you suggested. 17 MR. GESSIN: So are we going to get a copy 18 of a survey that shows the accurate --19 MR. HULME: Yes. 20 MR. GESSIN: -- wetlands setback? 21 MR. HULME: Yup. MEMBER SIEGEL: When you say accurate, you 22 23 mean whose lot --24 MR. GESSIN: Well, this is showing --25 MEMBER SIEGEL: -- because, apparently,

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1	there's two different lots.
2	MR. GESSIN: the closest point to be 87
3	feet
4	MS. SADELI: Just one time.
5	MR. HULME: Right. No, we will
6	MR. GESSIN: Eight-seven feet, you're in
7	like Flynn.
8	MR. HULME: We will adopt the DEC line and
9	we'll show it on an amended survey.
10	ACTING CHAIRMAN SARETSKY: So you're going
11	to show the DEC's line and you're going to show
12	Aram's line?
13	MR. TERCHUNIAN: My line disappears. DEC
14	line trumps me.
15	ACTING CHAIRMAN SARETSKY: I know. But I'm
16	saying what you think it would
17	MR. HULME: That's a poor choice of words.
18	MR. GESSIN: But Aram's never wrong.
19	ACTING CHAIRMAN SARETSKY: Right. No, no.
20	What I'm saying
21	MR. HULME: Well, we tried that argument
22	with the DEC, too.
23	(Laughter)

20-foot deck -- you know, I think to Harvey's

ACTING CHAIRMAN SARETSKY: If there was a

24

1	point, is
2	MEMBER MIZZI: Do what I did. Put your own
3	in and just say Aram marked it out for you.
4	MR. HULME: We will we will establish the
5	DEC line on the survey, so that we can all know
6	what they think.
7	MEMBER SIEGEL: What line are you talking
8	about?
9	MR. HULME: The wetlands line.
10	MR. GESSIN: The wetland line.
11	MEMBER SIEGEL: The wetland line and the
12	setback line.
13	MR. GESSIN: If he had 87 feet, he could put
14	a pool in the backyard.
15	MR. HULME: Right.
16	MR. GESSIN: If he had 75 feet, he can't.
17	MR. HULME: Which was the assumption that we
18	had made.
19	MR. FREEDMAN: Just so you know, when I met
20	with the DEC, they said, and they looked at
21	pictures, they said this entire area is all
22	wetlands back here. And I showed them everyone's
23	house and they said, "I don't care about
24	everyone's house, but everyone has wetlands back
25	here." It wasn't my property in particular.

1	So then we discussed how we would work
2	through that, and we came up with a plan. They
3	said, "Look, rather than opening up a can of worms
4	with everyone that has a pool back there," and
5	whether things were done and get involved with it,
6	they said, "Could you just go away from the
7	wetlands?"
8	And so we didn't really argue the toss as to
9	where the wetlands line was, we just I said,
10	"Okay. Can we live with the house coming away
11	from this area," and they said, "Yes, that would
12	be our proposed"
13	ACTING CHAIRMAN SARETSKY: But I think I
14	think the point is, is that
15	MR. HULME: We will establish for this Board
16	where that line is.
17	ACTING CHAIRMAN SARETSKY: Right. While the
18	DEC would like you to do it this way
19	MR. HULME: Yes.
20	ACTING CHAIRMAN SARETSKY: it certainly
21	has more impact
22	MR. HULME: Yes. Oh, yeah.
23	ACTING CHAIRMAN SARETSKY: or possible
24	impact than if you if you could have it here,
25	and if there's

1	MR. HULME: Right.
2	ACTING CHAIRMAN SARETSKY: It's well it's
3	a good question, and we should
4	MR. GESSIN: I mean, it sounds like you need
5	a field meeting with the DEC, not an aerial
6	meeting.
7	MR. HULME: Yup, we will do that.
8	ACTING CHAIRMAN SARETSKY: Okay. So give us
9	that and that would be helpful as well, very
10	helpful.
11	MEMBER MIZZI: And if and if we
12	understood from Aram what he really believed it
13	to be
14	ACTING CHAIRMAN SARETSKY: Because maybe we
15	could help you with that.
16	MEMBER MIZZI: Because, of course, they want
17	you to put it on you know, that's going to be
18	their default position.
19	MR. HULME: Right. I think we would need
20	the Mayor to require Aram to
21	MEMBER MIZZI: You got to hire him.
22	(Laughter)
23	MR. HULME: Well, no, we can't. Believe me,
24	I would love to hire him, but I think that there's
25	a bit of a conflict there.

1	MEMBER MIZZI: Yeah. I'm half joking. I
2	don't know
3	MR. HULME: If you want
4	MEMBER MIZZI: I defer to Aram.
5	MR. HULME: Mr. Terchunian to engage with
6	the DEC, I think that has to come as an
7	instruction from his employer in this particular
8	case.
9	MEMBER MIZZI: Yeah. I defer to Aram on
10	that stuff.
11	MR. GESSIN: I have another question.
12	MEMBER MIZZI: I was joking, joking for the
13	record.
14	MR. GESSIN: Has all conditions of the
15	original variances been met? The field work, the
16	driveway, the water main.
17	MR. HULME: No, we haven't installed any of
18	that, because we're waiting for Mr. Prokop to
19	comment on some additions to the survey, some
20	notes for the survey.
21	ACTING CHAIRMAN SARETSKY: So
22	MR. GESSIN: Like what?
23	ACTING CHAIRMAN SARETSKY: Do you know what
24	he's talking about?
25	MR. GESSIN: Joe.

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1	MR. PROKOP: No.
2	MR. HULME: There's a November 13th, 2018
3	letter to Mr. Prokop outlining what we believe to
4	be the appropriate notes for the final landscape
5	plan and survey.
6	MR. PROKOP: What's the date again?
7	MR. HULME: Here. And so what
8	Mr. Terchunian has
9	MR. PROKOP: The Attorney just threw at me.
10	Is this the letter?
11	MR. HULME: Yeah.
12	MR. PROKOP: You got that?
13	(Laughter)
14	MR. HULME: The letter that I have mailed to
15	you, I have emailed to you, I have emailed to you,
16	and I have called you on the phone about.
17	MR. PROKOP: As long as that was understood.
18	MR. HULME: Thank you.
19	MEMBER CASHIN: Let the record show the
20	letter was tossed to Counsel.
21	(Laughter)
22	MR. TERCHUNIAN: It's a pass.
23	ACTING CHAIRMAN SARETSKY: Passed. I have
24	to assume
25	(Laughter)

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1	MR. HULME: I apologize for tossing it	
2	at you.	
3	ACTING CHAIRMAN SARETSKY: It was passed	
4	quickly.	
5	MEMBER CASHIN: While he's looking at that,	
6	can you ask your surveyor to put your address on	
7	your survey.	
8	MR. FREEDMAN: Okay.	
9	MR. HULME: Sure.	
10	MR. PROKOP: And spell West Hampton Dunes	
11	correctly.	
12	MR. HULME: Oh, that's why you didn't get	
13	it, I guess.	
14	(Laughter)	
15	MR. TERCHUNIAN: This is getting good.	
16	MR. GESSIN: I think we would like to see	
17	that work move forward and get done, and rather	
18	that first than the pool.	
19	MR. HULME: Well, maybe we could do it all	
20	at the same time. Point taken.	
21	MR. FREEDMAN: So could I ask	
22	MR. HULME: No.	
23	MR. GESSIN: And let me just point out,	
24	also, you do realize your 9-foot pool is only	

7 feet wide?

25

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1	MR. FREEDMAN: Yes.
2	MR. GESSIN: Okay.
3	MEMBER CASHIN: It's a lap pool, basically.
4	MR. FREEDMAN: Yes.
5	MEMBER SIEGEL: By the way, unless one foot
6	of it is underneath the 4-foot deck.
7	MR. GESSIN: Say that again.
8	MEMBER SIEGEL: Unless one foot of it is
9	the beam is under the 4-foot part of the deck.
10	MR. HULME: And that's where we'll find the
11	bodies, I guess.
12	(Laughter)
13	MEMBER CASHIN: By the way, 4-feet is not
14	sufficient for a speed turn, just so you know.
15	(Laughter)
16	MEMBER CASHIN: So when you do a lap I
17	have one in my backyard.
18	MR. FREEDMAN: Okay.
19	MEMBER CASHIN: And 4 I made it 4 feet
20	and it's not deep enough for me to do a speed
21	turn.
22	MR. HULME: Well, you're a little bit taller
23	than him.
24	MR. FREEDMAN: I'm short, but I appreciate
25	that.

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1	(Laughter)
2	MR. TERCHUNIAN: You're going to put a
3	height notice on the pool.
4	MEMBER SIEGEL: You have plenty of depth,
5	you got 8 feet.
6	ACTING CHAIRMAN SARETSKY: So I need to
7	we need a motion to
8	MR. TERCHUNIAN: Adjourn for all purposes.
9	ACTING CHAIRMAN SARETSKY: Adjourn for all
10	purposes. And they're going to get back to us
11	with this list of items.
12	MR. TERCHUNIAN: Yeah. And we recommend
13	you need a second on that.
14	MEMBER SIEGEL: I second that.
15	MR. TERCHUNIAN: And call the question. All
16	in favor?
17	ACTING CHAIRMAN SARETSKY: All in favor?
18	MEMBER SIEGEL: Aye.
19	MEMBER CASHIN: Aye.
20	MEMBER MIZZI: Aye.
21	ACTING CHAIRMAN SARETSKY: Aye.
22	MR. TERCHUNIAN: Any opposed?
23	ACTING CHAIRMAN SARETSKY: Any opposed?
24	(No Response)
25	MR. TERCHUNIAN: Unanimous.

1	ACTING CHAIRMAN SARETSKY: Okay.
2	MR. TERCHUNIAN: I would just you know,
3	based upon what you're telling this Board, I would
4	encourage you to get us that information ASAP, so
5	that the Board has an opportunity to review it and
6	schedule the hearing.
7	MR. HULME: Yup.
8	MR. FREEDMAN: Thank you for your time, I
9	appreciate it.
10	MR. GESSIN: Yeah. Let me ask you another
11	question as a resident. Would it help for the
12	Board to write the in the letter that could be
13	brought to the DEC, explaining how we would prefer
14	that pool be on the north side?
15	MR. HULME: We would not be adverse to that.
16	I don't you know, we'd be happy to deliver that
17	to them and see if it moves the needle.
18	ACTING CHAIRMAN SARETSKY: What's your
19	concern?
20	MR. HULME: We would prefer it there, too.
21	MR. FREEDMAN: Well, the concern is I've
22	spent six months with them with I've had
23	meetings with them, and letters, and back and
24	forth, and they seem to indicate this is this
25	is going to become a much bigger thing because of

1	all the houses out there. And they saw that all
2	these the houses were built and they think it's
3	all wetlands. So the concern is just opening up a
4	big can of worms with the DEC and having a you
5	know, an extended issue with them, and spend, you
6	know they said I would have to go for hearings,
7	and it would take, you know, a long time. And I
8	was just trying to, you know, move on and, you
9	know, have a pool and a deck, and just enjoy my
10	house, as opposed to spending thousands of dollars
11	with third parties, and spending time and money to
12	try to get them to change their position.
13	ACTING CHAIRMAN SARETSKY: I think the
14	problem, though, is that the DEC has been somewhat
15	of a thorn in our side for since the creation
16	of West Hampton Dunes.
17	MR. GESSIN: Well, it's they're a thorn
18	in everybody's side
19	ACTING CHAIRMAN SARETSKY: Right.
20	MR. GESSIN: not just this Village.
21	ACTING CHAIRMAN SARETSKY: Okay. And
22	that all we're saying is that this is not us
23	conspiring against you. This is us trying to make
24	this the best it can be for the neighbors and
25	others, and future things that will be

80

ACTING CHAIRMAN SARETSKY: But if we think
we could help you, I think we're saying we would.

7 MR. HULME: Yes. Thank you.

8 ACTING CHAIRMAN SARETSKY: Okay.

9 MR. HULME: Thank you.

10 ACTING CHAIRMAN SARETSKY: I think we're

good.

1

2

3

4

MR. TERCHUNIAN: Motion to adjourn.

13 ACTING CHAIRMAN SARETSKY: Motion to

14 adjourn.

MR. TERCHUNIAN: Second?

MR. PROKOP: Wait a second. Hold on.

17 ACTING CHAIRMAN SARETSKY: Sorry.

MR. PROKOP: Are you adjourning the meeting

or this application?

MR. TERCHUNIAN: Well, we've adjourned the

application. Did you want to do something else?

MS. SADELI: Oh, yeah. We have the decision

23 for --

MR. TERCHUNIAN: Oh, sorry.

MS. SADELI: I'm sorry.

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1	MR. TERCHUNIAN: Our fault.
2	MS. SADELI: We have to change the decision
3	for SCTM
4	MR. PROKOP: The Wildlife Commissioner
5	asking promoting an adjournment is not is
6	not an official
7	MR. TERCHUNIAN: I was just trying to
8	help out.
9	MR. PROKOP: Don't worry about it.
10	(Laughter)
11	MR. PROKOP: So here's the decision, if you
12	want.
13	CHAIRMAN GESSIN: Oh, I can come back now,
14	right?
15	MR. PROKOP: I only
16	MEMBER SARETSKY: Yes, you're back.
17	MS. SADELI: Yeah, you can come back for
18	this.
19	MR. PROKOP: If you can share a copy, I'd
20	appreciate it.
21	MS. SADELI: It was the pool at 812 Dune
22	Road that was
23	ACTING CHAIRMAN SARETSKY: Cul-de-sac up
24	there.
25	MS. SADELI: Yes.

1	ACTING CHAIRMAN SARETSKY: Of Cove Lane.
2	MS. SADELI: Yeah.
3	MR. PROKOP: Yeah. So there was a mistake.
4	MS. SADELI: It just needed a modified
5	decision.
6	MR. PROKOP: There was a mistake in the
7	reading of the application where the pool it
8	was believed that the pool the setback for the
9	pool and the deck were the same, when actually the
10	deck had a smaller had a smaller setback.
11	MEMBER CASHIN: Yeah, I wasn't at the
12	meeting.
13	MR. PROKOP: So the setback of the deck is
14	21.9 feet. I'm reading off I'm not reading off
15	the same one you have, but the setback of the deck
16	that was proposed is 21.9 feet. And we advertised
17	for that. We didn't advertise it correctly for
18	the I didn't do the notice correctly for the
19	original approval, but the plans and everything
20	that you reviewed had and the discussion at the
21	meeting was on 21.9 feet, it wasn't on the
22	mistaken setback of 26 feet. It was on the
23	smaller setback, not the larger setback, which is
24	a larger variance.
25	MR. TERCHUNIAN: I'm sorry, Joe, but you

```
1
         keep saying 22.9. Is it 22.1?
               MR. PROKOP: 22.1.
 2
               MEMBER CASHIN: Yeah, that's what it is on
 3
 4
         that one.
               MR. PROKOP: Yeah, I'm getting .1 and .9 --
 5
 6
         is that right?
 7
               MEMBER SARETSKY: Yeah, it says --
 8
               MEMBER MIZZI: It says .1.
 9
               MS. SADELI: 22.9, isn't it?
               MR. PROKOP: It's 22.9?
10
11
               MEMBER MIZZI: One.
12
               MS. SADELI: One?
               MEMBER MIZZI: One.
13
14
               MS. SADELI: I don't know.
               MS. SADELI: I didn't have that.
15
16
               MR. PROKOP: 22.1.
17
               MEMBER MIZZI: It's written as one.
               MR. PROKOP: Which is a setback -- which is
18
19
         a setback of 47.9.
20
               MR. TERCHUNIAN:
                                Nine.
21
               MR. PROKOP: Correct. It -- so, anyway, it
22
        was discussed correctly, it just wasn't advertised
23
         correctly, and the decision was not written
24
         correctly. So we -- I was doing it off the
25
         notice, which was incorrect, which was my
```

1	incorrect mistake.
2	So what we did was we renoticed it for the
3	last time that you met as a Board with the correct
4	information, and that and that re-noticing was
5	adjourned until today. So what we would like you
6	to do is to vote on this approve this decision,
7	which is for the smaller setback and the larger
8	variance by that amount, which is which is the
9	variance that you discussed. It is it was the
10	larger variance that you discussed at the meeting.
11	But she just needs this correction so the Building
12	Inspector can issue her a building permit.
13	MEMBER SARETSKY: So I can relinquish my
14	command.
15	CHAIRMAN GESSIN: No, you can keep going,
16	you're doing great.
17	MEMBER SARETSKY: No, no, no. I'm happy to
18	give it back.
19	(Laughter)
20	MR. PROKOP: Right, there's no there's no
21	conflict with this.
22	CHAIRMAN GESSIN: Okay. We'd like to make a
23	motion to amend?
24	MR. TERCHUNIAN: To adopt a new decision.
25	MR. PROKOP: Yeah.

1	CHAIRMAN GESSIN: To adopt a new decision
2	for
3	MR. PROKOP: They have the correct decision.
4	MR. TERCHUNIAN: It's right here.
5	MEMBER SARETSKY: 812 Dune Road.
6	MS. SADELI: For 812 Dune Road.
7	MR. TERCHUNIAN: Sorry to toss it at you.
8	MR. PROKOP: Which is Young.
9	CHAIRMAN GESSIN: For 812 Dune Road, Young,
10	Christine Young. Would somebody like to make a
11	motion on that?
12	MEMBER CASHIN: I'm going to abstain,
13	because I wasn't at that meeting.
14	MEMBER SARETSKY: Sure.
15	MEMBER CASHIN: And I'm not sure if I'm
16	MR. PROKOP: Okay.
17	MEMBER SARETSKY: Again, Joe, what you're
18	saying is that we're approving the same thing.
19	MS. SADELI: Yes.
20	MEMBER SARETSKY: It's a correct it's a
21	corrected
22	MR. PROKOP: We're correcting the decision
23	to reflect the discuss the application and
24	discussion.
25	MEMBER SARETSKY: And what we actually

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1	agreed to.	
2	CHAIRMAN GESSIN: We approved it correctly.	
3	Joe wrote it incorrectly.	
4	MEMBER SARETSKY: Okay.	
5	CHAIRMAN GESSIN: That's all.	
6	MS. SADELI: The discussion at the meeting	
7	went with this decision.	
8	MEMBER SARETSKY: I'll move to agree	
9	with it.	
10	MEMBER MIZZI: I second the motion to bail	
11	out Joe.	
12	(Laughter)	
13	CHAIRMAN GESSIN: All in favor?	
14	MEMBER SARETSKY: Aye.	
15	MEMBER SIEGEL: Aye.	
16	MEMBER MIZZI: Aye.	
17	CHAIRMAN GESSIN: Okay.	
18	MR. TERCHUNIAN: Any opposed?	
19	MEMBER CASHIN: One abstention.	
20	MR. PROKOP: Now we can	
21	MR. TERCHUNIAN: You have to say, "Any	
22	opposed?"	
23	CHAIRMAN GESSIN: Any opposed?	
24	MR. TERCHUNIAN: No.	
25	CHAIRMAN GESSIN: No. Okay.	

87 Zoning Board of Appeals 4/6/19 MR. TERCHUNIAN: Then you say "unanimous". 1 CHAIRMAN GESSIN: Okay, unanimous. This has 2 been a unanimous vote. 3 MEMBER CASHIN: No, it wasn't unanimous, I 4 5 abstained. MR. TERCHUNIAN: Oh, one abstention. 6 7 MS. SADELI: Yeah. 8 MR. TERCHUNIAN: That's right. 9 CHAIRMAN GESSIN: With one abstention. MR. TERCHUNIAN: Thank you. 10 11 CHAIRMAN GESSIN: Yes. 12 MS. SADELI: Thank you. 13 MR. PROKOP: Thank you. 14 MR. TERCHUNIAN: Anything else, Joe, before I rush you out of the room? 15 16 MR. PROKOP: No, that's okay. 17 (The meeting was adjourned at 11:20 a.m.) 18 19 20 21 22 23 24 25

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1	CERTIFICATION	
2		
3	STATE OF NEW YORK)	
4	SS:	
5	COUNTY OF SUFFOLK)	
6		
7	I, LUCIA BRAATEN, a Court Reporter and	
8	Notary Public for and within the State of New	
9	York, do hereby certify:	
10	THAT, the above and foregoing contains a	
11	true and correct transcription of the proceedings	
12	taken on April 6, 2019.	
13	I further certify that I am not related to	
14	any of the parties to this action by blood or	
15	marriage, and that I am in no way interested in	
16	the outcome of this matter.	
17	IN WITNESS WHEREOF, I have hereunto	
18	set my hand this 18th day of April, 2019.	
19		
20		
21	Lucia Braaten	
22	Lucia Braaten	
23		
24		
25		

		i		
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