INCORPORATED VILLAGE OF WEST HAMPTON DUNES
ZONING BOARD OF APPEALS

April 6, 2019
10:00 a.m.

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

MEMBERS PRESENT:
Eric Saretsky - Acting Chairman
Harvey Gessin - Chairman
James Cashin - Member
Joseph Mizzi - Member
Kenneth Siegel - Member

ALSO PRESENT:
Joseph Prokop, Esq. - Attorney
Representing the Village
John R. Dicioccio, Esq. - Attorney
Representing the Village
Angela Sadeli - Village Clerk
Aram Terchunian - Commissioner of Wildlife
Protection
APPEARANCES:

James N. Hulme, Esq.
Representing Applicants
323 Mill Road, Westhampton

Christine Parrottino, Applicant,
21 Dune Lane, West Hampton Dunes

Howard Freedman, Applicant
846 Dune Road, West Hampton Dunes
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(The meeting was called to order at 10:13 a.m. After the Pledge of Allegiance)

ACTING CHAIRMAN SARETSKY: Call the meeting to order. First case -- the first one we're going to go through is I guess the older one, which is --

MR. GESSIN: Landscaping.

ACTING CHAIRMAN SARETSKY: Landscaping.

MS. SADELI: 21 Dune Lane.

ACTING CHAIRMAN SARETSKY: 21 Dune Lane.

MR. HULME: For the applicant, James N. Hulme, 323 Mill Road, Westhampton Beach. Also present is my client, the owner of the property.

ACTING CHAIRMAN SARETSKY: Good morning.

MR. HULME: Good morning. How are you? As you may recall, we --

MR. DICI OCCIO: Can I just -- before we start, aren't you going to recuse yourself on this?

MR. GESSIN: Yes, I am. That's why --

MR. DICI OCCIO: Okay.

ACTING CHAIRMAN SARETSKY: That's why I'm --

MR. DICI OCCIO: All right. Do you want to --

MR. TERCHUNIAN: Harvey, you should --
MR. DICIOCCIO: Yeah, we have plenty of, you know, members, so I don't think you should participate.

MR. GESSIN: Okay.

MR. TERCHUNIAN: All right. And so, Harvey, you should --

MR. GESSIN: You want me to go sit back there?

MR. TERCHUNIAN: Yeah.

MR. DICIOCCIO: Yeah, I think that's probably -- just so you don't --

(Laughter)

MR. HULME: I think he's telling you to get out.

MR. GESSIN: He was looking for coaching.

MR. DICIOCCIO: We're kicking you out.

ACTING CHAIRMAN SARETSKY: He was my coach to help me through.

MR. HULME: I'll coach you.

MR. GESSIN: All right.

(Laughter)

MEMBER CASHIN: It took two lawyers this time to get you out of here.

MR. GESSIN: Okay, okay, I'm going.

MEMBER SIEGEL: So shouldn't that be on the
record?

MS. SADELI: She's recording it.

MR. PROKOP: And Prokop recuses himself, too. I'm present, but I'm not --

ACTING CHAIRMAN SARETSKY: Harvey, we have your drawings, so. All right. So --

MR. HULME: If you will recall, we were here a couple of weeks ago. We've reviewed the actual technical variances that were required, and compared and contrasted them to the conditions in the neighborhood. And we seem to be in general agreement, that from that perspective, we were in a good place.

And I think the only outstanding issue was the height of the wall required for the two septic systems. And you had asked for a landscape plan, proposed landscape plan, to show how we could kind of soften, and that's what this is.

ACTING CHAIRMAN SARETSKY: So we looked at the plan, and I believe it was suggested to us that two things we should address.

MR. TERCHUNIAN: Well, you know, Mr. Chairman, if I might brief the Board.

ACTING CHAIRMAN SARETSKY: Sure, of course.

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 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,
the hanging juniper, right?

MR. TERCHUNIAN: Uh-huh.

ACTING CHAIRMAN SARETSKY: But privets, yes.

MEMBER CASHIN: Aram, I don't see a lot of

privet on the -- in the town. Is that -- in the

Village. Is that something that survives in

this --

MR. TERCHUNIAN: Yeah, privet will grow in

this environment. It does need to be burlapped in

the winter, the same with the myrtle.

MEMBER CASHIN: I don't see them.

ACTING CHAIRMAN SARETSKY: It takes a little

work.

MR. HULME: Oh, we would be happy to adopt

both of those. We'll create a smooth wall, and

we'll substitute the suggested juniper for the

switch grass.

ACTING CHAIRMAN SARETSKY: Okay. So I guess

the second question, Aram, is there were no other

issues that I thought, right? This was the only

thing we were waiting for?

MR. TERCHUNIAN: That's all I saw on the --
on the landscape plan.

MR. HULME: And I think this was -- I think

we had a thorough discussion of the basis for the
variances themselves the last time, and I think
there was -- there seemed to be general agreement
that, you know, we kind of met the neighborhood
standard, so to speak. I think there was some
discussion about defining what the neighborhood
was in this particular case.

ACTING CHAIRMAN SARETSKY: Maybe, just
because Joe didn't hear that last time, maybe you
can repeat that, just that portion of how it
matches up with the neighborhood.

MR. HULME: Okay. Well, the easiest way to
look at that is --

MEMBER MIZZI: The shortened version is
fine.

MR. HULME: Yeah. This should be in your
packet, but this is a -- this is a chart that
compares what we're proposing to the neighborhood
average to one specific home that was nearby and
to the required. And as you can see, we're very
close within the parameters of what has been
defined in the past by the --

MEMBER MIZZI: What's 13 Dune Lane?

MR. HULME: 13 Dune Lane is a house down the
street --

MEMBER MIZZI: Okay.
MR. HULME: -- that was granted relief by the Board to have those dimensions.
MEMBER MIZZI: Got it.
MR. HULME: That's a recent one, that's why I included that as a separate --
MEMBER MIZZI: Got it.
MR. HULME: -- item. And if you'll look at the -- look at the -- I didn't bring that, but if you look at the -- kind of the neighborhood map, that this lot sits kind of to one end, but kind of amongst --
MEMBER MIZZI: I'm familiar. I live right --
MR. HULME: Yeah.
MEMBER MIZZI: I live on -- around the corner.
MR. HULME: Okay. Amongst a whole bunch of lots that are exactly the same size, is what we're proposing.
ACTING CHAIRMAN SARETSKY: So I don't know if anyone else is here from the audience to talk about it. Aram, do I -- is that something I'm supposed to ask?
MR. TERCHUNIAN: Yes, that's -- you're supposed to ask for public comments --
ACTING CHAIRMAN SARETSKY: Public comments.

MR. TERCHUNIAN: -- after the Board has commented.

MEMBER SIEGEL: I have one question, and this has to do with my house, and it probably is going to have to do with this house, too. The fuel for the heating is probably going to be LP, and you're going to need an LP tank somewhere.

MR. HULME: Right.

MEMBER SIEGEL: And I have the situation where I have to relocate my LP tank because there's no good place for it. And so I think that you guys should be showing where your LP tank is going to be, unless --

MR. HULME: Well, there's two options with that. One is if you're going to bury it, there's a 10-foot setback requirement.

MEMBER SIEGEL: From the property line?

MR. HULME: From the property line, as well as the structure. But if you choose to do it with above-ground tanks, which seems odd to me, you can strap those tanks right to the side of the building.

MEMBER SIEGEL: I know. Isn't that crazy?

MR. HULME: Yeah. So --
MEMBER SIEGEL: So --

MR. HULME: -- we're not.

MEMBER SIEGEL: Yeah. So here's 11 feet.

MEMBER MIZZI: Although, they were telling me, they do require some sort of a concrete pad.

MR. HULME: Yeah. Oh, yeah. I'm being a little facetious, because I think it's odd.

MEMBER MIZZI: Tell me about it.

MR. HULME: You can't bury it.

MEMBER MIZZI: Tell me about it. I'm taking mine out of the ground --

MR. HULME: Right.

MEMBER MIZZI: -- to strap it to my house.

It's stupid.

MR. HULME: Exactly. Exactly.

MEMBER SIEGEL: Yeah. I'm doing a very similar situation with mine. But do you have a proposed location?

MR. HULME: I don't know that we know.

MEMBER SIEGEL: Does that matter for a variance?

MR. HULME: Well, I think what I would say about that is that we will comply with the regulation. I can't say how necessarily, but we'll either find a place on the -- if we choose
to go in that direction.

MEMBER CASHIN: I don't think they have a place.

MR. HULME: We may not. Then we'll be doing it with above --

MEMBER SIEGEL: Well, it's possible that it could be here, I guess, because this might fit, and the truck could get back here.

MR. HULME: True, so that there is a location way in the back.

MEMBER SIEGEL: So there a possible location.

MR. HULME: It's kind of --

MEMBER CASHIN: It's a long run.

MR. HULME: A long run, but --

MR. TERCHUNIAN: I think the most --

MEMBER CASHIN: The house is here.

MR. HULME: Yeah.

MR. TERCHUNIAN: The most appropriate thing for the Zoning Board to do --

MR. HULME: Oh, yeah.

MR. TERCHUNIAN: -- is to note that if they do choose LP, it must comply.

ACTING CHAIRMAN SARETSKY: Right.

MS. SADELI: Right.
MR. HULME: Right. And that's -- I will be willing to represent that.

MEMBER SIEGEL: And if it's oil, it needs to comply with the oil code.

MR. HULME: Yeah. I don't --

MS. PARROTTINO: All codes we have to.

MS. SADELI: I would make sure it's plotted on the survey, too, so that the Village can see.

MR. HULME: Okay.

MR. TERCHUNIAN: Well, that would be on the -- one of the building permits.

MR. HULME: That's a -- that's a construction detail for the building permit.

MEMBER SIEGEL: It's just a thought.

MR. HULME: For now, we will --

MR. TERCHUNIAN: Good thought.

MR. HULME: For now we're representing that our plan is to comply.

ACTING CHAIRMAN SARETSKY: I guess the next thing, then, is to move to --

MR. DICIOCCIO: What I would --

MR. TERCHUNIAN: I think you would --

MR. DICIOCCIO: I mean, what I would suggest is that we reserve decision today, and that will allow me to draft up a decision for the Board to
review, and then we can -- it seems to me that you're leaning in the direction of approving it.

   ACTING CHAIRMAN SARETSKY: Well, I think they've satisfied all the things we had that were --

   MEMBER CASHIN: Yeah, you were here last meeting.

   MR. DICIOCCIO: Right.

   MEMBER CASHIN: Yeah. We asked them to come back with a landscaping plan.

   MR. DICIOCCIO: Yeah.

   MEMBER CASHIN: I think we were okay with the rest of the work.

   MR. DICIOCCIO: So that's why I'm suggesting that we do reserve decision, just because at the first meeting, we had a lot of discussion regarding the precedent in the neighborhood. So I'd like it to be clear that we're treating Dune Lane as its own little community within, within the Village --

   ACTING CHAIRMAN SARETSKY: Okay.

   MR. DICIOCCIO: -- as opposed to Dune Road, and that will --

   ACTING CHAIRMAN SARETSKY: Okay.

   MR. DICIOCCIO: -- help us in the future.
ACTING CHAIRMAN SARETSKY: Not to have --
setting a precedent for the rest.

MR. DICI OCCIO: Right, exactly.

MR. T ERCHUNIAN: So I think you would
recommend closing for purposes --

MR. DICI OCCIO: Yeah. You'd make a motion
to close the public hearing, reserve decision, and
that's it.

MR. HULME: Okay. The only thing I --
modification I would suggest is we can probably
get you an updated plan with the different
planting.

MR. DICI OCCIO: I mean, that would be
helpful, but I'll just -- in the decision, I'll
note what Aram and I have spoken to, and the
decision will be subject to you --

MR. HULME: Okay.

MR. DICI OCCIO: -- complying with the
procumbens juniper. I'll have to call Aram
up to --

(Laughter)

ACTING CHAIRMAN SARETSKY: And the finishing
of the wall.

MR. DICI OCCIO: Yeah, and the smooth finish
of the wall.
MR. HULME: Okay, that's fine.
MR. DICIOCCIO: And also the LP tank being --
MR. HULME: Very good.
MR. DICIOCCIO: -- you know, located in a code compliant location.
MR. HULME: All right. Thank you.
MR. DICIOCCIO: So it's a motion to -- we'd have to wait for the other --

ACTING CHAIRMAN SARETSKY: Wait for Joe to come back.

MR. DICIOCCIO: Wait for Joe to come back. We'll make a motion to close the public hearing and reserve decision.

MR. TERCHUNIAN: So does somebody on the Board want to make that motion?

ACTING CHAIRMAN SARETSKY: We're waiting for Joe.

MS. SADELI: You have a quorum.
ACTING CHAIRMAN SARETSKY: We have enough?
MR. DICIOCCIO: I know. You should --
MS. SADELI: Yeah.
MR. DICIOCCIO: He started the hearing.

ACTING CHAIRMAN SARETSKY: Okay.
MEMBER MIZZI: All right, guys.
ACTING CHAIRMAN SARETSKY: That's okay. So, Joe, we're going to make a move to close the hearing. Our Attorney had suggested that we make some notations so that this doesn't get -- sort of become a precedent for the rest of West Hampton Dunes.

MEMBER MIZZI: Why is Joe Prokop not our attorney here?

MS. SADELI: Because he recused himself from this case.

MR. PROKOP: This woman doesn't realize it, but she's my client.

MEMBER MIZZI: Oh.

(Laughter)

MS. SADELI: He has not been the Attorney for the entire case.

MEMBER MIZZI: You know, just when I got comfortable in this group, now I'm getting thrown out of sorts here.

(Laughter)

ACTING CHAIRMAN SARETSKY: We're making it a little more -- a little more exciting.

MS. SADELI: Switching it up.

MEMBER CASHIN: Confused.

MEMBER MIZZI: Yeah, exactly, confused. I
miss one meeting and look what happens.

MEMBER CASHIN: It's getting very incestual.

ACTING CHAIRMAN SARETSKY: All right. So I'm going to make -- I'm going to suggest we make a -- someone make a move.

MR. DICIoccio: Motion to close the public hearing.

ACTING CHAIRMAN SARETSKY: Motion to close the hearing.

MEMBER SIEGEL: Second.

MEMBER CASHIN: Second. First, second.

MS. SADELI: Motion to close the public hearing.

MEMBER CASHIN: Second.

MR. DICIoccio: And a motion to reserve decision.

MEMBER SIEGEL: I make a motion to reserve decision.

ACTING CHAIRMAN SARETSKY: Okay. Second.

MR. TERCHUNIAN: All in favor?

ACTING CHAIRMAN SARETSKY: (Raised hand)

MEMBER CASHIN: (Raised hand)

MEMBER MIZZI: (Raised hand)

MEMBER SIEGEL: (Raised hand)

MR. TERCHUNIAN: Any opposed?
(No Response)

MR. TERCHUNIAN: Unanimous.

ACTING CHAIRMAN SARETSKY: Okay.

MR. HULME: All right. Thank you. Thank you very much.

MS. PARROTTINO: Thank you.

ACTING CHAIRMAN SARETSKY: Harvey, it's not as easy as it looks, you know.

(Laughter)

MS. SADELI: Harvey makes it look easy.

ACTING CHAIRMAN SARETSKY: You make it look easy. All right. Thank you. And we'll take care of the paperwork. Okay.

So we're going to move on to -- until Aram comes back to life. Aram. Aram, can you come back so we can --

MR. TERCHUNIAN: Sure.

ACTING CHAIRMAN SARETSKY: I need all the help I can get.

So we're going to move on to our second, second proposed variance, 846 Dune Road. Could you pass that down? That's Harvey's.

MR. HULME: For the applicant, James N. Hulme, 323 Mill Road, Westhampton Beach.

ACTING CHAIRMAN SARETSKY: All right. So do...
I need to move to open this? We're moving along.

MR. TERCHUNIAN: No. This is a -- this is a brand new hearing.

MS. SADELI: Yup.

MR. TERCHUNIAN: So Joe needs to tell you you have jurisdiction to open the hearing.

MR. PROKOP: Did -- were the notices sent?

MS. SADELI: Yes.

MR. PROKOP: And it was published in the paper?

MS. SADELI: Yes.

MR. PROKOP: One of the questions about this application, there's no denial letter in the file from the Building Inspector. Was a -- excuse me. Was a building application filed?

MS. SADELI: Yes. It's in the -- it's in the file.

MR. PROKOP: I meant my papers that I received from you. Did you -- do we have a copy of the denial letter?

MS. SADELI: Yes.

ACTING CHAIRMAN SARETSKY: This is really essentially it. That's it.

MR. PROKOP: Okay. So Angela represented that there's a copy of the denial letter in the
file, so you have jurisdiction.

ACTING CHAIRMAN SARETSKY: To proceed.

MR. PROKOP: To proceed. So you can open
the public hearing now.

ACTING CHAIRMAN SARETSKY: So I'm going
to -- motion to open.

MR. TERCHUNIAN: You don't have to have a
motion. Just, you know --

ACTING CHAIRMAN SARETSKY: Okay.

MR. TERCHUNIAN: -- call the application and
let's hear what the applicant has to say.

MR. PROKOP: Okay. Angela --

MS. SADELI: Okay. I think it's in yours.

ACTING CHAIRMAN SARETSKY: All right. So
the proposed variance is to put a pool on the side
yard setback of 846, correct?

MR. HULME: Correct. And just so there's no
confusion, we spent a lot of time, you guys and
us, on this particular project relative to a
subdivision, which we're not -- we're not
abandoning, we're still moving forward with that
for the other -- in other agencies. So by making
this application for this variance, we're not
undoing -- we're not asking that that variance be
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
took the square footage of the additional pool and
divided it by the existing square footage on the
property and we came up with a number that was
less than 50%, so --

MEMBER SIEGEL: Is this in the memorandum?

MR. HULME: Yes. That -- well, the memo is

from --

MS. SADELI: Aram.

MR. HULME: Mr. Terchunian, I believe. In

my application, in the attachments to my

application, I've reviewed that specifically. Let

me just --

MEMBER SIEGEL: Is the denial letter here or

not?

MS. SADELI: It should be, yeah. It should

have been in the packet.

MEMBER SIEGEL: I don't have --

ACTING CHAIRMAN SARETSKY: I don't see it.

MR. PROKOP: There's no denial letter.

MEMBER SIEGEL: I don't see it here.

MS. SADELI: It was in Joe's packet.

MEMBER SIEGEL: I just want to see what the
denial is. Certificate of Occupancy, an

authorization.

MS. SADELI: I think it got stuck into
yours, because Aram and I talked about it before I sent yours.

MR. PROKOP: Aram, is a pool allowed in the side yard under the code, that you know of?

MR. TERCHUNIAN: I believe it is.

MR. HULME: It's not in a required side yard, it's in the side yard, which is permitted, as opposed to within the required side yard, which would require a variance.

ACTING CHAIRMAN SARETSKY: Are there any homes that have a side yard pool?

MEMBER MIZZI: Yes.

ACTING CHAIRMAN SARETSKY: Are there --

MEMBER MIZZI: On Dune Road.

ACTING CHAIRMAN SARETSKY: On Dune Road?

MEMBER MIZZI: On kind of a beach hut.

ACTING CHAIRMAN SARETSKY: Okay.

MEMBER MIZZI: My neighbor has one.

MEMBER SIEGEL: Yeah, the beach hut is this one that's up in the air.

MR. TERCHUNIAN: Yes, that's right, brand new, or within the last two years.

MEMBER SIEGEL: Brand new. It's not even finished back there.

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 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
all four of the standards that are required under 560-52(B)(1), and that's the basis on which we're seeking the variance.

MEMBER SIEGEL: The 11.5 number that's here and here --

MR. HULME: Yeah.

MEMBER SIEGEL: -- those are -- that's -- those have been determined to be the required from the widths?

MR. HULME: Mr. Freedman met with Mr. Kalfur about that specific issue.

MEMBER SIEGEL: So those numbers are fine?

MR. FREEDMAN: And they have to match up in order to center it, so I had to do a deck on the one side that would make it conform, to make sure it's centered on the property.

MEMBER SIEGEL: Okay. Right, okay. And so this deck has nothing to do with the variance that we're looking at today?

MR. HULME: No.

MR. TERCHUNIAN: Well, yes, it does, because it's an expansion of the nonconforming use.

MEMBER CASHIN: So is this new also?

MR. TERCHUNIAN: So any expansion is a part of the variance.
MR. HULME: Yes.
MEMBER SIEGEL: This yellow is new.
MR. HULME: But that's included in the square footage as well.
MEMBER SIEGEL: This yellow is new.
MS. SADELI: Just one person talk at a time.
MEMBER SIEGEL: Okay. So I was just looking at the diagram, so I just said in the diagram, the colors are yellow and red. Yellow is additional, and the red is to be removed, so --
MEMBER CASHIN: So you're adding to both sides of the house.
MR. HULME: Well, we're adding the pool to the one side and removing --
MEMBER SIEGEL: Removing the deck.
MR. HULME: Removing the deck. And then we're adding a deck, some decking to the other side for the sole purpose of meeting the -- centering this project so that we meet the setbacks.
MEMBER SIEGEL: And the areas that you read to us before include --
MR. HULME: Yes.
MEMBER SIEGEL: -- all of the yellow?
MR. HULME: Yes.
MEMBER SIEGEL: Not just the pool?

MR. HULME: No. What I -- what I did was I took the existing coverage and then subtracted from it the coverage afterwards, and that's how I came up with the 845 square feet of expansion.

MR. TERCHUNIAN: So the calculation on the survey includes all the expansions on the site.

MEMBER SIEGEL: Which is what I said.

MR. HULME: Thank you. What he said.

(Laughter)

ACTING CHAIRMAN SARETSKY: So, Aram, right now they filed with the DEC for an application for this.

MR. TERCHUNIAN: That's right. And there's correspondence in your file of the DEC's response, as well as a sketch, which appears to be the DEC's recommendation for a location. That location is the location that they have placed in their application.

I reviewed the lot coverage and the side yard setbacks and they appear to meet the standard for this area based on the three-tenths rule for the side yard setbacks and the 20% for the lot coverage.

MR. PROKOP: The -- I'm sorry.
ACTING CHAIRMAN SARETSKY: Go ahead.

MR. PROKOP: The expansion that we're -- or the nonconforming use that we're here for is regarding the pool?

MR. TERCUNIAN: The pool and the deck.

MR. PROKOP: And the deck, okay. I just want to make sure. Okay.

ACTING CHAIRMAN SARETSKY: And the concept of putting the pool behind the house doesn't work because?

MR. TERCUNIAN: The DEC indicated it would be too close to the wetland and that's why they recommended the location on the side.

ACTING CHAIRMAN SARETSKY: Okay.

MR. FREEDMAN: And when I met with the DEC, they said their preference would be to go away from the wetlands as much as you can, and they would prefer that I didn't put the pool on the -- what I originally proposed with the DEC is to put the pool on the bay side, and they said, "We'd really like if you could come away from the wetlands," so that's why I revised it.

MEMBER CASHIN: Well, you said you had to meet the deck to balance the site. Can the house be moved east to accomplish the same thing, no
1 deck, but with a pool?
2 MR. HULME: Well, except for the cost of doing that exceeding --
3 MEMBER CASHIN: Oh, this is an existing one?
4 MR. HULME: Yeah, this is an existing house.
5 ACTING CHAIRMAN SARETSKY: Yes.
6 (Laughter)
7 MR. HULME: There's a house here. We aren't -- we're not building a new house, not yet anyway.
8 MEMBER CASHIN: I'm sorry.
9 MEMBER MIZZI: He's asking to move the house?
10 (Laughter)
11 MR. HULME: We could do that, but --
12 MR. TERCHUNIAN: I think -- I think the important thing to point out is as it's proposed to you, it meets the Zoning Code for side yard setbacks and lot coverage, and it's under the 50% that this Board is allowed to grant up to on the expansion of the use.
13 ACTING CHAIRMAN SARETSKY: But I guess the question, Aram, is didn't we approve the subdivision under the auspices that anything else that had to be done would come back before --
MR. TERCHUNIAN: And that's what you have.

ACTING CHAIRMAN SARETSKY: Okay. But, again, we've already deviated in the subdivision, right?

MR. TERCHUNIAN: Well, yes. A variance was granted for the subdivision having to do with lot area, but not any of these -- not any variances -- well, there were some -- also variances for side yard setbacks that applied to the other lot, but as -- so what you have in front of you now is that as that subdivision moves forward on its track through the DEC and the County, they've come back and said, "Well, if this lot was constituted, this is what zoning would allow us to do," and they wouldn't -- but, because it is not yet subdivided, they need to come to this Board to get that approval. But the things that they're asking for comply with the Zoning Code.

ACTING CHAIRMAN SARETSKY: So let me ask the question a different way, maybe. Why wouldn't they just finish what they have with the subdivision?

MR. TERCHUNIAN: Because it's going to take two years.

MR. HULME: And we'd like to have a pool
MR. PROKOP: Two years to do what?

MR. HULME: To finish the subdivision.

MR. PROKOP: Okay. So --

MR. HULME: Yeah, I think that's a good point, and I think we should --

MR. PROKOP: The question is not the --

MR. HULME: We should pause and dwell on that for a minute.

If, in fact, we weren't interested in having a pool now and we were going to wait for the two years, or whatever it is, to finish the subdivision, well, we'd have to come back here only because the decision that you gave us in the subdivision application required us to come back for any changes. But for that, we meet -- we would meet all of the requirements of the -- of the Zoning Code. And this would not be an expansion of a preexisting nonconforming use, so we wouldn't even be talking about all these details in Section 52.

MR. TERCHUNIAN: Yeah. I mean, that's important. Does everybody understand that? If they go through the subdivision process, what they're asking for right now would be an
as-of-right, they would not be coming to this Board. They would go to the Building Inspector and the Building Inspector would grant them a building permit.

MR. PROKOP: I don't agree with that, because part of the approval of the subdivision was that any --

MR. TERCHUNIAN: If not for that particular reservation of right on this particular property, if this was any other property in the Village and they came in and asked for this level of approval, the Building Inspector himself would write the permit without coming to this Board.

MR. PROKOP: And then they could wait and see if the subdivision is approved, because, really, they're like back-dooring. This is like a back door to see --

MR. HULME: Well, no, this is a --

MR. PROKOP: I mean, they either want --

MR. HULME: I'm sorry.

MR. PROKOP: They either want one or the other. I mean, we approve the subdivision based on anything that is done, they have to come to us. Right. So this is a -- they just wait until this -- if they're claiming now that the
subdivision hasn't been approved yet, so now
they're coming to us, then why -- then why
shouldn't they just wait until the subdivision is
approved?

MR. TERCHUNIAN: I think that's up to the
Board to decide. I think they have to -- the
Board has to weigh, you know, the imposition to
the applicant of not being able to enjoy their
property to the extent that the Zoning Code would
allow, if not for this particular reservation,
against any adverse impacts that would occur to
the Village. So --

MR. PROKOP: But they -- he got a -- he had
a big lift with the Board already and he got the
approval of the subdivision.

MR. HULME: Right.

MR. PROKOP: So I don't think he can
complain that he's not being allowed to enjoy his
property, you know, given that. But my other --
the other question I have is that this --

MR. HULME: I think you can't evaluate this
application in that context, then.

MR. PROKOP: There's changes that are being
made to the -- on the survey that you gave us from
John Gallagher, dated March 20th, 2019, there's
changes that are being made to the front house also. Are those part of the copy -- are those part of the application?

MR. HULME: That probably shouldn't be there?

MR. FREEDMAN: They're in the application.

MR. HULME: Oh.

MR. FREEDMAN: They're in the calculation, yes.

MR. HULME: Oh, okay.

MR. FREEDMAN: What I thought was going to happen is, so when I came to the Zoning before, I was approved subject to coming back to you for a change of the footprint to the height. So then I was told it's going to take a long -- so I had a choice. I could either file a new application to get -- and at that meeting we talked about a pool, and the indication I was given, that pool shouldn't be a problem. And so I didn't want to go through two years to find out, because as part of my application two years from now, you say, "Oh, okay, we've approved it, but you can't ever have a pool in the subdivision." So I wanted to see that, in fact, I could have a pool, and that's 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
door, not the back door. And -- number one.

And number two, I think that you really need
to evaluate this application in the context of the
section of the code that applies, which is the
560-52(B), and, you know, that's the analysis that
we need to go through.

I mean, obviously, you can't un-remember
that we had this whole other analysis when you
granted this other variance, that's absolutely
true. And whatever -- you have an opportunity now
to articulate and to deal with whatever
reservations you had at the time of the other
variance relative to the pool. But my own
recollection of the discussions that we had was
that the -- without committing the Board to
anything, and without suggesting a pre-approval or
anything like that, but that this particular Board
was not adverse to a pool, you know, because that
was discussed specifically.

MEMBER CASHIN: Well, let's remember, this
is a pool and a deck, this is not just a pool.

MR. HULME: Right, right.

ACTING CHAIRMAN SARETSKY: And it's also a
pool on --
MEMBER SIEGEL: It's more than a pool and a
deck.

ACTING CHAIRMAN SARETSKY: It's also a pool
on the side of the home --

MR. PROKOP: Two decks.

ACTING CHAIRMAN SARETSKY: -- which is a
bit -- while it may exist in West Hampton Dunes,
its a bit of an anomaly to the average pool.

So what I'm listening to Joe say, and
others, and sort of my opinion, is that why
wouldn't we get through the impact of the
subdivision and the work that's going to happen so
that you could see this in sort of realtime,
rather than just go ahead with this part now?

I mean, one, we don't know that they're
going to approve the DEC, although it seems is if
they will.

MR. HULME: We should have the DEC permit
next week or the week after.

MR. TERCHUNIAN: In the correspondence from
the DEC, they indicated that this was the
preferred location, so I interpret that as they're
ready to issue a permit.

ACTING CHAIRMAN SARETSKY: So, Aram, let me
ask a different question on the side piece. The
deck in the back of the house is 12 feet deep, or
something; 12 feet?

MR. TERCHUNIAN: Yes.

ACTING CHAIRMAN SARETSKY: So is the DEC
saying that you cannot go any further back?

MR. TERCHUNIAN: That's correct.

ACTING CHAIRMAN SARETSKY: Any further,
not --

MR. TERCHUNIAN: No, not an inch.

ACTING CHAIRMAN SARETSKY: Okay. So if you
were to put -- if you were to put a pool there,
you know, not unlike other people who have pools
in their backyards that have a small deck because
of the pool, it could be done? In other words,
you could have a --

MR. TERCHUNIAN: I don't think it can be
done here, because you need separation between the
house and the pool to get in and out of the pool.

ACTING CHAIRMAN SARETSKY: Okay.

MR. TERCHUNIAN: It's not safe to have it in
the way you're describing.

MEMBER SIEGEL: I have a question. This
subdivision, I am hearing, is going to take
upwards of two years?

MR. HULME: Yeah.
MEMBER SIEGEL: And so that seems like a long time for anything to take. But that's not my --

MR. HULME: Well, think how long the ZBA took --

MEMBER SIEGEL: That's not --

MR. HULME: -- the ZBA part of it took.

MS. SADELI: To approve it.

(Laughter)

MEMBER SIEGEL: What I was going to say is what is the chance that during that two-year period this does not happen?

MR. HULME: What does not happen?

MEMBER SIEGEL: They don't -- someone down the road says, "Absolutely not, this can't be." Not the variance people, of course, the other two-year --

MR. HULME: That the subdivision doesn't happen.

MEMBER SIEGEL: Right. We don't allow this, it can't happen.

MR. HULME: That's a -- there's a chance of that, yeah.

MEMBER SIEGEL: Okay. So assuming --

MR. HULME: Anything can happen.
MEMBER SIEGEL: -- that on the off chance that that happens during the two-year period, and there's now a pool and decks here --

MR. HULME: Right.

MEMBER SIEGEL: -- does that affect us in any other negative way? Like are we upset that there's --

MR. TERCHUNIAN: I think that's precisely the question. The question is, viewed in a vacuum, looking at what is in front of you, how does it comply or not comply with the Village Zoning Code? So --

MEMBER SIEGEL: Today's code?

MR. TERCHUNIAN: So today's code, as it sits. And so the answer to that question is, for lot coverage, it complies, for side yard setbacks, it complies, and for expansion of a nonconforming use, it complies.

MEMBER SIEGEL: So even if there was no subdivision going on here at all, they wouldn't even be here.

MR. TERCHUNIAN: Well, they would be here, because they need an expansion of the nonconforming use.

MR. HULME: Yes.
MR. TERCHUNIAN: But up to 50%.

MR. HULME: We're here because of this section of the code.

MEMBER SIEGEL: Okay.

MR. TERCHUNIAN: It's very important. This is very important you understand. This Zoning Board is authorized by the Village Code to grant expansions of nonconforming use up to 50%, based upon the criteria explained in the code.

MEMBER SIEGEL: And by listening to that, these little things here on this road, it doesn't seem like it's going to bother anybody. I mean, this, this over here, there's a home over here. Maybe there should be some bushes here, and I don't know, that's about it.

MR. PROKOP: Aram, wasn't there argument, when they made the application the first time, wasn't there argument -- I want to -- and I want to talk to you about 560-17 --

MR. TERCHUNIAN: Okay.

MR. PROKOP: -- of the code when I get done, when I get done with this part of it. Wasn't there argument before the -- before the -- in the subdivision application that they weren't pre -- nonconforming, because they had the two C of O's
that they had just gotten? They got the C of O's.
They got two C -- excuse me. When I say "they", I
mean you. I'm sorry.

   MR. FREEDMAN: It's okay
   MR. PROKOP: Please excuse me.
   MR. FREEDMAN: It's okay.
   MR. PROKOP: But the owner got two C of O's
a week before the Zoning Board hearing, right? So
wasn't their argument before the Zoning Board that
they didn't -- it was not nonconforming --

   MR. TERCHUNIAN: No.
   MR. PROKOP: -- because they had two
   C of O's?
   MR. TERCHUNIAN: No. The argument that I
recall in front of the Zoning Board was that they
enjoyed two C of O's, and as a consequence,
although they were nonconforming, they were
preexisting nonconforming, and, therefore, legally
existing.

   MR. HULME: Oh, they got C of O's as
nonconforming, okay. So --
   MR. HULME: Although, I like Joe's argument
better, because then we don't need to be here
at all.

   (Laughter)
MR. HULME: Because if this is a conforming lot, then this pool meets the zoning setbacks and there's -- and I'm going to withdraw my application.

MR. PROKOP: We could do these, because we -- the approval was that you have to come before us. I'm just trying to figure --

MR. HULME: Right. Well, we could, in fact, abandon that application and leave --

MR. TERCHUNIAN: No, no.

MR. HULME: -- which we're not doing, because I don't agree with Counsel on that, but --

MR. FREEDMAN: But your point is very good. I mean, there's a chance that I won't get through the subdivision, so I didn't want to spend two years not getting through it, and then, you know --

MR. HULME: And start the pool at that point.

MR. FREEDMAN: And starting the pool. When you had given me your approval subject to getting, you know, approval for changing the footprint, I thought, well, let me find out now if that's going to be a problem, because -- so I did another application.
ACTING CHAIRMAN SARETSKY: But the only thing, in fairness to that, is when we agreed to this, at least I didn't see a pool sticking out of the side of the house like that and an expanded deck. So we sort of agreed to this. And it was not an easy thing, you're absolutely right, for various reasons, which are not important to go through.

But, I mean, I guess my first question would be, well, the baby steps here are you're filing with the DEC to get this permit.

MR. HULME: Right.

ACTING CHAIRMAN SARETSKY: Wouldn't that really be the next thing to do, in other words --

MR. HULME: Well, we've done that.

ACTING CHAIRMAN SARETSKY: No. But I'm saying, if you think you're going to get it in a week --

MR. HULME: Right.

ACTING CHAIRMAN SARETSKY: -- you get it, okay, and, again, just like those step roads of getting the two-year of the subdivision, you don't know that it's going to take two years. But I'm just afraid we're designing and basically moving forward on things that are --
MR. TERCHUNIAN: Well, let me offer you a path.

ACTING CHAIRMAN SARETSKY: Okay.

MR. TERCHUNIAN: Okay? First of all, there's no reason to close this hearing today. There's some things that I think this Board should be asking for, number one.

Number two, that if the applicant's agent is correct, that within say the next 30 days they get a DEC permit, they can furnish it to the Board. There's no reason -- you know, so I think that what I would recommend to the Board is to look at this application and say, "What would we be asking for from an applicant that we don't see on this page?" And the first thing that comes to my mind, to address your concern with the pool on the side yard, is how are you going to mitigate this to your neighbor, which is typically landscaping.

ACTING CHAIRMAN SARETSKY: Okay.

MR. TERCHUNIAN: So it seems appropriate to me to ask for a landscape plan. In this case, it would have to be a native landscape plan, because they're right next to the wetland. And then any other mitigative action that this Board could contemplate, based upon your expressed concern,
it's in the side yard, which by definition makes it closer to the neighbor, and any other concern that other Board Members might have. And then tell the applicant come back with this, so we can, you know, exam it.

ACTING CHAIRMAN SARETSKY: Sounds reasonable.

MEMBER SIEGEL: It sounds reasonable to me as well. I do remember, when we were considering splitting this one lot into two lots with two houses, that a major concern of ours was that these were going to turn into McMansions. And what I see going on here is someone investing money in it not being a McMansion. They're investing money in a pool and a deck. It's not like he's saying, "Okay, now I'm coming before you to put a second story on this and a third story on this before we get our subdivision." Like I don't see that as -- I see these as very, very tiny requests. That's the way I see it.

ACTING CHAIRMAN SARETSKY: Maybe we should follow --

MEMBER MIZZI: I have one comment. And I'm not -- I'm not proposing this, I'm just making a statement. If we're -- if we're adding a deck
onto one side of the house just to balance the --
to meet the compliance that it's set, you know,
does it make sense, I mean, to be -- to be looking
at a pool and not building a deck that you're only
putting on because you're trying to comply with
the --

ACTING CHAIRMAN SARETSKY: Center?

MEMBER MIZZI: No. He's saying he's trying
to comply with the -- if the house is centered,
you get a certain side yard setback. If it's not
centered, you don't get that benefit of that,
so --

MR. HULME: Well, that would add a variance
to the application.

MEMBER MIZZI: I understand.

MR. HULME: And under the -- under the guise
of requesting the minimum relief necessary to
accomplish the goal, we thought --

MEMBER MIZZI: No, I hear you. I'm
just putting this --

MR. HULME: The deck is pretty innocuous,
and it's not interior space. It doesn't create
additional bedrooms, it doesn't create --

MEMBER MIZZI: No, but --

MR. HULME: -- additional loads.
MEMBER MIZZI: But it does. There's a house not 9 feet away --

MR. HULME: Right.

MEMBER MIZZI: -- on it that you're building a deck, or 9 feet off their property line, so --
and so we're --

ACTING CHAIRMAN SARETSKY: And then a pool on the other side that's 11 feet away.

MEMBER MIZZI: Yeah, right. Yeah. I'm just saying, is if you're adding this deck to center the -- to center -- to keep the house plan centered to comply, so that you get the benefit of that particular rule, and there is a house that's existing situated 9 feet away, it's something to think about.

MR. TERCHUNIAN: Well, it is something to think about, but I would suggest that the Board think about it this way. They have an as-of-right to do that under the small lot rule, so why shouldn't they be allowed to do it? Unless there's -- you know, typically, you would restrict somebody's as-of-right on a piece of property because they're asking you for something extra that they're not entitled to.

MEMBER MIZZI: But if it's as-of-right to --
like enjoying the pool sounds like something that's time-sensitive. Having more deck space, like you could allow for it later, put it up later when you get the -- when you get the variance or this, the subdivision here.

MR. HULME: Well, we need the variance for the pool, regardless.

MEMBER MIZZI: I understand, I know.

MR. PROKOP: Doesn't centering -- doesn't the centering rule apply to the principal structure, not to the -- not to accessory structures? You get the benefit if you center the principal structure.

MR. TERCHUNIAN: Yeah. But, you know, if you attach decks to it, we really consider -- if it's just a walkway, it applies only to the principal. Once you put a deck on it that's more than 4 feet wide, then that really becomes part of the principal structure.

MR. FREEDMAN: Just so you know, I'll be -- I would be happy to have a pool on this side and just be able to get to my mechanicals and walk around, if that's a simple process. I didn't necessarily need a big deck on the side --

MEMBER MIZZI: Right.
MR. FREEDMAN: -- except I -- the Building Department said, "This is what you're required to do."

MEMBER MIZZI: Understood.

MR. FREEDMAN: So that's the way we drew it. But I'd be very happy to just be able to have a pool.

MEMBER MIZZI: Right.

MR. FREEDMAN: And I'm very concerned about going back to the DEC with pushing it out, because they seem to claim that everyone's wrong there, and then I'm opening up a whole can of worms with the DEC, so --

MEMBER MIZZI: I was just tossing out an idea.

MR. FREEDMAN: No, it's -- it would be okay with me. I'm not looking to get this huge deck. I just wanted to have a pool and to be able to service my equipment.

ACTING CHAIRMAN SARETSKY: Could the pool go in front of the home?

MR. TERCHUNIAN: Pardon me?

ACTING CHAIRMAN SARETSKY: Could the pool go in front of the home?

MR. TERCHUNIAN: No, it cannot go on the
south side of the home, because the sanitary
system is there.

ACTING CHAIRMAN SARETSKY: Okay.
MEMBER SIEGEL: Could the proposed deck on
the eastern side have been additional principal
structure? Could they have built the house out to
that 11.5 feet?

MR. TERCHUNIAN: Yes.
MEMBER SIEGEL: To your point of --
MR. TERCHUNIAN: Yes.
MEMBER SIEGEL: And that's not even being
requested here.

MR. TERCHUNIAN: Correct. I mean, I
understand your point, but I say, you know, if
they're entitled to it, why wouldn't you allow it?

ACTING CHAIRMAN SARETSKY: Well, I mean,
there's a couple of reasons.

MR. HULME: I like that.

MR. PROKOP: Can I just say, you did -- this
is a really nice drawing you did for the Board,
but it's only for the -- unless I'm mistaken, it's
only for the north house?

ACTING CHAIRMAN SARETSKY: There's another
drawing here, Joe, that shows that.

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.
ACTING CHAIRMAN SARETSKY: And then, in the meantime, this is the first meeting we've talked about this, so we can close -- well, we can leave it open.

MR. TERCHUNIAN: We adjourn it for all purposes, but you should give the client -- the applicant some direction as to, "Listen, what is the courtesy you're going to show to your neighbors and neighborhood? Come back with some mitigation."

MEMBER CASHIN: Let me ask a couple of questions. What's the -- is this spiral staircase south of the pool new also?

MR. FREEDMAN: Yes.

MEMBER CASHIN: Okay. That's not in yellow, is it?

ACTING CHAIRMAN SARETSKY: Yellow, yes.

MEMBER CASHIN: And then what's the reveal on the east side -- west side? What's the reveal for the -- that the neighbor's going to be looking at? How high is the -- you know, what's he going to be looking at up and down?

MR. FREEDMAN: It's going to be the same height as the --

MR. TERCHUNIAN: Yes. But what is the wall
going to be that -- the skirt around the pool?

MR. FREEDMAN: I can show you details of that. So what's --

MR. HULME: The finished first floor is 14.3.

MR. TERCHUNIAN: But what is the neighbor going to see when they're on the ground? What -- you know, is it going to be open pilings? Is it going to be lattice? Is it going to be a wall?

MR. FREEDMAN: I can provide you that.

MEMBER CASHIN: So it's a gunite pool on piers.

MR. FREEDMAN: Yes.

MEMBER SIEGEL: 6.3 versus 14.

MR. TERCHUNIAN: So, that's a great thing to say. Please show us the elevations on the east and west side so we know what it's going to look like.

MEMBER CASHIN: Well, also on the north side and on all sides.

MEMBER SIEGEL: It appears to be 8 feet tall off the ground.

MEMBER CASHIN: I don't remember seeing that.

MEMBER SIEGEL: Well, here's 6.5 and here's
approximately 14.5.

ACTING CHAIRMAN SARETSKY: On the north side, right?

MR. HULME: On the north side of the south house.

MEMBER SIEGEL: The first floor is 14.3, that's the elevation, and the ground out there is like 6.5. You see these little marks here? That's 6.5 here, 5.5, in that range, so it's approximately 8 feet off the ground.

MR. HULME: Right.

MEMBER SIEGEL: So the view of those 8 feet would be appropriate.

MR. HULME: Okay. We can come back with this.

MR. FREEDMAN: So it's going to be basically --

MEMBER SIEGEL: Level with the deck.

MR. FREEDMAN: -- as if it's flush within the deck, exactly.

MEMBER SIEGEL: And the pool is going to be 100% --

MR. TERCHUNIAN: Pardon me. That's not what the Board is asking for. The Board is asking for the elevated view on the east, west and north
sides.

MR. FREEDMAN: I have that.

MR. TERCHUNIAN: Okay.

MR. FREEDMAN: I mean, I can provide that.

MR. TERCHUNIAN: Perfect.

MEMBER SIEGEL: And landscaping mitigation.

MR. TERCHUNIAN: And landscaping. Is there anything else that the Board can think that would be mitigative?

MEMBER SIEGEL: Lighting.

ACTING CHAIRMAN SARETSKY: Lighting would be helpful.

MEMBER SIEGEL: Exterior lighting.

MR. TERCHUNIAN: Exterior lighting, excellent. That's something we always look at.

MEMBER MIZZI: But they seem to be referencing some sort of point -- 5. something.

MEMBER CASHIN: And this pool is 40 by --

MR. PROKOP: 560-17(D) I think needs to be looked at, and, also --

MEMBER MIZZI: What does that mean?

MR. PROKOP: The location of a pool. And, also, whether the -- whether there's a lot coverage, lot coverage maximum on the yard that the pool is placed in. And, also --
MEMBER MIZZI: Could you explain that, that rule, just to make sure? He said it needs to be looked at.

MR. PROKOP: Well, 150 -- 560-17(D) talks about putting a pool in the rear yard, and the calculation of the lot coverage based on just the rear yard. So I have to check and see and make sure that it's allowable in the side yard.

MEMBER MIZZI: Okay. So you're saying the calculations that are being referenced --

MR. PROKOP: Are for the entire lot, rather than just for the yard that it's located in.

MEMBER MIZZI: Okay.

MR. HULME: And under your code, which is similar to the Southampton code, there is a rear yard lot requirement. We're not proposing the pool in the rear yard, therefore, we don't need to worry about that.

The other thing that I believe is -- your code says is that you can't put accessory structures in required yards, but it does not say that you can't put an accessory structure in a side yard, it just says you can't put it in a required side yard. That's why we had to center the property.
MEMBER MIZZI: Required side yard being the 11.25?

MR. HULME: Yes, exactly. And so we're not proposing that -- we're proposing the house and the side yard, yes. We are not proposing the pool in a required side yard.

MR. TERCHUNIAN: So, Counselor, you should -- you should write a memo to the Board explaining how you comply with that section of the code.

MR. HULME: I will do that.

MR. PROKOP: But I -- that's a -- and then the final thing is just to check the centering of the lot, the centering provision that Aram and I were talking about before.

MR. HULME: Okay. I can -- you guys, you can address that. I'll address that the next time as well.

MR. FREEDMAN: Would the Board -- would the Board prefer that I come back with a smaller side yard deck? Is that more appealing or --

MEMBER SIEGEL: No, no.

MR. HULME: I wouldn't do that yet.

MR. FREEDMAN: Okay.

MEMBER SIEGEL: This pool has -- this
existing wood deck that's going to remain here for 4 feet, and then it's going to go out 9 feet, and it doesn't show anything on the other three sides, okay? So that means that the pool is going to be -- it's going to end --

MR. HULME: Yeah, there's not -- there's not a perimeter deck around that side of the pool.

MEMBER SIEGEL: No additional decking?

MR. HULME: No, no.

MEMBER SIEGEL: And if there's -- at times, when I see pools like that, I see like what they call --

ACTING CHAIRMAN SARETSKY: Infinity edge?

MEMBER SIEGEL: -- infinity edge, and the water drips down and stuff like that. Are you doing anything like that?

MR. FREEDMAN: No, we're not doing that.

MEMBER SIEGEL: So there's no water going down?

MR. FREEDMAN: No.

MR. HULME: You had mentioned, you know, the fear for McMansions, and let's keep in mind what this is, okay?

MEMBER SIEGEL: Yeah.

MR. HULME: This is two little cottages.
MEMBER SIEGEL: Yeah, we get it.

MR. HULME: These are two little cottages that are never going to be much more than some very nice cottages. You know, things like --

MEMBER SIEGEL: Which goes to his favor.

MR. HULME: -- infinity edge pools and things like that are -- I think are beyond the scope of this.

MEMBER SIEGEL: And at what point does -- so if this variance is granted, is there a proposed construction period for this? Are you going to try to get this in for the summer?

MR. FREEDMAN: That's what I'd like to, because the DEC told me I'll have the approval next week, which has taken me months to meet with them and back and forth. And then I was hoping to, you know, get it in for the summer --

MEMBER SIEGEL: Get it going.

MR. FREEDMAN: -- because I had proposals from a pool company and the pile company.

MEMBER SIEGEL: After -- after and if the Board grants this variance for this and he's going to go into construction, does he have to go to -- back to the Building Department for -- with a submission?
MR. TERCHUNIAN: Yes.

MR. HULME: We have to get a building permit, an extra building permit.

MEMBER SIEGEL: And that permit is going to show compliance with pools surround code?

MR. HULME: Yeah. Oh, yeah. We need it --

MR. TERCHUNIAN: The other thing that this Board can do is the Board can restrict the construction window, which is normal, you know, to exclude the deep part of the summer season.

MR. HULME: As opposed to the deep end of the pool?

MEMBER SIEGEL: I'm not going to get involved in that.

(Laughter)

MR. PROKOP: So with all that, if that's -- so I guess Aram and I together agree -- are together recommending that you adjourn the hearing for all purposes.

ACTING CHAIRMAN SARETSKY: Okay.

MEMBER CASHIN: Is this pool -- I'm sorry.

Can I say something?

MR. PROKOP: Of course.

MEMBER CASHIN: Is this pool a consistent depth all the way through --
MS. BRAATEN: I'm sorry. Can you say that again? I didn't hear that.

MS. SADELI: The Court Reporter -- sorry.

MS. BRAATEN: Mr. Cashin, could you just repeat that?

MEMBER CASHIN: Yeah. I had asked if the pool was going to be a consistent depth end to end.

MR. TERCHUNIAN: So, Mr. Chairman, I believe someone in the audience would like to be heard.

MR. GESSIN: Hi. My name is Harvey Gessin.

MEMBER CASHIN: Wait, hold on. Could he answer the question first?

MR. GESSIN: Oh, sure.

MR. FREEDMAN: So the plan is it's to be 4 feet, and then drop down to 6 feet in the middle, then go back to 4 feet, approximately.

MR. TERCHUNIAN: I'm sorry, I apologize.

MEMBER SIEGEL: A question from the audience.

ACTING CHAIRMAN SARETSKY: Question from the audience.

MR. GESSIN: Hi. My name is Harvey Gessin, for the record. I have a couple of questions. Is there an accurate survey showing the wetlands
setback?

MR. HULME: Well, we -- the survey that we submitted has the wetland setback that was required, that was flagged as part of the other application. The DEC, as my client indicated, disagrees with that line. We were -- while complying with the DEC wishes in getting this permit, we were hoping not to make that line the official line. But if that's what --

ACTING CHAIRMAN SARETSKY: So, Aram, you're the one that usually marks it, right?

MR. HULME: Yup.

ACTING CHAIRMAN SARETSKY: So could he apply in that manner in some way?

MR. TERCHUNIAN: Well, I think when you get the DEC permit, you're going to see it.

ACTING CHAIRMAN SARETSKY: Okay. So maybe that's helpful. Another helpful reason --

MR. GESSIN: Well, I mean, my position is he has -- if this is the accurate survey, he's got plenty of room to put it in the backyard.

MR. HULME: All right. Well, then --

MR. GESSIN: Okay. And sometimes it takes a little fighting with the DEC, a field meeting and to resolve it. And it's a better pool in the
backyard, not only for the neighbors, but you have sun all day.

MR. HULME: Right. Well, we agree. And we, in fact, took those steps, and the result is the permit from them in the side yard.

MR. GESSIN: No. But what I'm saying is did anybody have a field meeting of it?

MR. HULME: Yes, yeah.

MR. FREEDMAN: Yes.

MR. HULME: My client met with them several times.

MR. GESSIN: Okay. So --

MR. HULME: They were at the site.

MR. GESSIN: Okay.

MR. HULME: There were discussions along the lines of what you suggested.

MR. GESSIN: So are we going to get a copy of a survey that shows the accurate --

MR. HULME: Yes.

MR. GESSIN: -- wetlands setback?

MR. HULME: Yup.

MEMBER SIEGEL: When you say accurate, you mean whose lot --

MR. GESSIN: Well, this is showing --

MEMBER SIEGEL: -- because, apparently,
there's two different lots.

MR. GESSIN: -- the closest point to be 87 feet --

MS. SADELI: Just one time.

MR. HULME: Right. No, we will --

MR. GESSIN: Eight-seven feet, you're in like Flynn.

MR. HULME: We will adopt the DEC line and we'll show it on an amended survey.

ACTING CHAIRMAN SARETSKY: So you're going to show the DEC's line and you're going to show Aram's line?

MR. TERCHUNIAN: My line disappears. DEC line trumps me.

ACTING CHAIRMAN SARETSKY: I know. But I'm saying what you think it would --

MR. HULME: That's a poor choice of words.

MR. GESSIN: But Aram's never wrong.

ACTING CHAIRMAN SARETSKY: Right. No, no. What I'm saying --

MR. HULME: Well, we tried that argument with the DEC, too.

(Laughter)

ACTING CHAIRMAN SARETSKY: If there was a 20-foot deck -- you know, I think to Harvey's
MEMBER MIZZI: Do what I did. Put your own in and just say Aram marked it out for you.

MR. HULME: We will -- we will establish the DEC line on the survey, so that we can all know what they think.

MEMBER SIEGEL: What line are you talking about?

MR. HULME: The wetlands line.

MR. GESSIN: The wetland line.

MEMBER SIEGEL: The wetland line and the setback line.

MR. GESSIN: If he had 87 feet, he could put a pool in the backyard.

MR. HULME: Right.

MR. GESSIN: If he had 75 feet, he can't.

MR. HULME: Which was the assumption that we had made.

MR. FREEDMAN: Just so you know, when I met with the DEC, they said, and they looked at pictures, they said this entire area is all wetlands back here. And I showed them everyone's house and they said, "I don't care about everyone's house, but everyone has wetlands back here." It wasn't my property in particular.
So then we discussed how we would work through that, and we came up with a plan. They said, "Look, rather than opening up a can of worms with everyone that has a pool back there," and whether things were done and get involved with it, they said, "Could you just go away from the wetlands?"

And so we didn't really argue the toss as to where the wetlands line was, we just -- I said, "Okay. Can we live with the house coming away from this area," and they said, "Yes, that would be our proposed" --

ACTING CHAIRMAN SARETSKY: But I think -- I think the point is, is that --

MR. HULME: We will establish for this Board where that line is.

ACTING CHAIRMAN SARETSKY: Right. While the DEC would like you to do it this way --

MR. HULME: Yes.

ACTING CHAIRMAN SARETSKY: -- it certainly has more impact --

MR. HULME: Yes. Oh, yeah.

ACTING CHAIRMAN SARETSKY: -- or possible impact than if you -- if you could have it here, and if there's --
MR. HULME: Right.

ACTING CHAIRMAN SARETSKY: It's well -- it's a good question, and we should --

MR. GESSIN: I mean, it sounds like you need a field meeting with the DEC, not an aerial meeting.

MR. HULME: Yup, we will do that.

ACTING CHAIRMAN SARETSKY: Okay. So give us that and that would be helpful as well, very helpful.

MEMBER MIZZI: And if -- and if we understood from Aram what he really believed it to be --

ACTING CHAIRMAN SARETSKY: Because maybe we could help you with that.

MEMBER MIZZI: Because, of course, they want you to put it on -- you know, that's going to be their default position.

MR. HULME: Right. I think we would need the Mayor to require Aram to --

MEMBER MIZZI: You got to hire him.

(Laughter)

MR. HULME: Well, no, we can't. Believe me, I would love to hire him, but I think that there's a bit of a conflict there.
MEMBER MIZZI: Yeah. I'm half joking. I don't know --

MR. HULME: If you want --

MEMBER MIZZI: I defer to Aram.

MR. HULME: -- Mr. Terchunian to engage with the DEC, I think that has to come as an instruction from his employer in this particular case.

MEMBER MIZZI: Yeah. I defer to Aram on that stuff.

MR. GESSIN: I have another question.

MEMBER MIZZI: I was joking, joking for the record.

MR. GESSIN: Has all conditions of the original variances been met? The field work, the driveway, the water main.

MR. HULME: No, we haven't installed any of that, because we're waiting for Mr. Prokop to comment on some additions to the survey, some notes for the survey.

ACTING CHAIRMAN SARETSKY: So --

MR. GESSIN: Like what?

ACTING CHAIRMAN SARETSKY: Do you know what he's talking about?

MR. GESSIN: Joe.
MR. PROKOP: No.

MR. HULME: There's a November 13th, 2018 letter to Mr. Prokop outlining what we believe to be the appropriate notes for the final landscape plan and survey.

MR. PROKOP: What's the date again?

MR. HULME: Here. And so what Mr. Terchunian has --

MR. PROKOP: The Attorney just threw at me. Is this the letter?

MR. HULME: Yeah.

MR. PROKOP: You got that?

(Laughter)

MR. HULME: The letter that I have mailed to you, I have emailed to you, I have emailed to you, and I have called you on the phone about.

MR. PROKOP: As long as that was understood.

MR. HULME: Thank you.

MEMBER CASHIN: Let the record show the letter was tossed to Counsel.

(Laughter)

MR. TERCHUNIANN: It's a pass.

ACTING CHAIRMAN SARESKY: Passed. I have to assume --

(Laughter)
MR. HULME: I apologize for tossing it at you.

ACTING CHAIRMAN SARETSKY: It was passed quickly.

MEMBER CASHIN: While he's looking at that, can you ask your surveyor to put your address on your survey.

MR. FREEDMAN: Okay.

MR. HULME: Sure.

MR. PROKOP: And spell West Hampton Dunes correctly.

MR. HULME: Oh, that's why you didn't get it, I guess.

(Laughter)

MR. TERCHUNIAN: This is getting good.

MR. GESSIN: I think we would like to see that work move forward and get done, and rather that first than the pool.

MR. HULME: Well, maybe we could do it all at the same time. Point taken.

MR. FREEDMAN: So could I ask --

MR. HULME: No.

MR. GESSIN: And let me just point out, also, you do realize your 9-foot pool is only 7 feet wide?
MR. FREEDMAN: Yes.

MR. GESSIN: Okay.

MEMBER CASHIN: It's a lap pool, basically.

MR. FREEDMAN: Yes.

MEMBER SIEGEL: By the way, unless one foot of it is underneath the 4-foot deck.

MR. GESSIN: Say that again.

MEMBER SIEGEL: Unless one foot of it is -- the beam is under the 4-foot part of the deck.

MR. HULME: And that's where we'll find the bodies, I guess.

(Laughter)

MEMBER CASHIN: By the way, 4-feet is not sufficient for a speed turn, just so you know.

(Laughter)

MEMBER CASHIN: So when you do a lap -- I have one in my backyard.

MR. FREEDMAN: Okay.

MEMBER CASHIN: And 4 -- I made it 4 feet and it's not deep enough for me to do a speed turn.

MR. HULME: Well, you're a little bit taller than him.

MR. FREEDMAN: I'm short, but I appreciate that.
MR. TERCHUNIAN: You're going to put a height notice on the pool.
MEMBER SIEGEL: You have plenty of depth, you got 8 feet.

ACTING CHAIRMAN SARETSKY: So I need to -- we need a motion to --
MR. TERCHUNIAN: Adjourn for all purposes.

ACTING CHAIRMAN SARETSKY: Adjourn for all purposes. And they're going to get back to us with this list of items.

MR. TERCHUNIAN: Yeah. And we recommend -- you need a second on that.
MEMBER SIEGEL: I second that.

MR. TERCHUNIAN: And call the question. All in favor?

ACTING CHAIRMAN SARETSKY: All in favor?
MEMBER SIEGEL: Aye.
MEMBER CASHIN: Aye.
MEMBER MIZZI: Aye.

ACTING CHAIRMAN SARETSKY: Aye.
MR. TERCHUNIAN: Any opposed?

ACTING CHAIRMAN SARETSKY: Any opposed?
(No Response)

MR. TERCHUNIAN: Unanimous.
ACTING CHAIRMAN SARETSKY: Okay.

MR. TERCHUNIAN: I would just -- you know, based upon what you're telling this Board, I would encourage you to get us that information ASAP, so that the Board has an opportunity to review it and schedule the hearing.

MR. HULME: Yup.

MR. FREEDMAN: Thank you for your time, I appreciate it.

MR. GESSIN: Yeah. Let me ask you another question as a resident. Would it help for the Board to write the -- in the letter that could be brought to the DEC, explaining how we would prefer that pool be on the north side?

MR. HULME: We would not be adverse to that. I don't -- you know, we'd be happy to deliver that to them and see if it moves the needle.

ACTING CHAIRMAN SARETSKY: What's your concern?

MR. HULME: We would prefer it there, too.

MR. FREEDMAN: Well, the concern is I've spent six months with them with -- I've had meetings with them, and letters, and back and forth, and they seem to indicate this is -- this is going to become a much bigger thing because of
all the houses out there. And they saw that all
these -- the houses were built and they think it's
all wetlands. So the concern is just opening up a
big can of worms with the DEC and having a -- you
know, an extended issue with them, and spend, you
know -- they said I would have to go for hearings,
and it would take, you know, a long time. And I
was just trying to, you know, move on and, you
know, have a pool and a deck, and just enjoy my
house, as opposed to spending thousands of dollars
with third parties, and spending time and money to
try to get them to change their position.

ACTING CHAIRMAN SARETSKY: I think the
problem, though, is that the DEC has been somewhat
of a thorn in our side for -- since the creation
of West Hampton Dunes.

MR. GESSIN: Well, it's -- they're a thorn
in everybody's side --

ACTING CHAIRMAN SARETSKY: Right.

MR. GESSIN: -- not just this Village.

ACTING CHAIRMAN SARETSKY: Okay. And
that -- all we're saying is that this is not us
conspiring against you. This is us trying to make
this the best it can be for the neighbors and
others, and future things that will be
MR. HULME: Well, we'll take a look and we'll call upon the Village, if we think that the Village can assist us.

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

MR. HULME: Yes. Thank you.

ACTING CHAIRMAN SARETSKY: Okay.

MR. HULME: Thank you.

ACTING CHAIRMAN SARETSKY: I think we're good.

MR. TERCHUNIAN: Motion to adjourn.

ACTING CHAIRMAN SARETSKY: Motion to adjourn.

MR. TERCHUNIAN: Second?

MR. PROKOP: Wait a second. Hold on.

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 for --

MR. TERCHUNIAN: Oh, sorry.

MS. SADELI: I'm sorry.
MR. TERCHUNIAN: Our fault.

MS. SADELI: We have to change the decision for SCTM --

MR. PROKOP: The Wildlife Commissioner asking -- promoting an adjournment is not -- is not an official --

MR. TERCHUNIAN: I was just trying to help out.

MR. PROKOP: Don't worry about it.

(Laughter)

MR. PROKOP: So here's the decision, if you want.

CHAIRMAN GESSIN: Oh, I can come back now, right?

MR. PROKOP: I only --

MEMBER SARETSKY: Yes, you're back.

MS. SADELI: Yeah, you can come back for this.

MR. PROKOP: If you can share a copy, I'd appreciate it.

MS. SADELI: It was the pool at 812 Dune Road that was --

ACTING CHAIRMAN SARETSKY: Cul-de-sac up there.

MS. SADELI: Yes.
ACTING CHAIRMAN SARETSKY: Of Cove Lane.

MS. SADELI: Yeah.

MR. PROKOP: Yeah. So there was a mistake.

MS. SADELI: It just needed a modified decision.

MR. PROKOP: There was a mistake in the reading of the application where the pool -- it was believed that the pool -- the setback for the pool and the deck were the same, when actually the deck had a smaller -- had a smaller setback.

MEMBER CASHIN: Yeah, I wasn't at the meeting.

MR. PROKOP: So the setback of the deck is 21.9 feet. I'm reading off -- I'm not reading off the same one you have, but the setback of the deck that was proposed is 21.9 feet. And we advertised for that. We didn't advertise it correctly for the -- I didn't do the notice correctly for the original approval, but the plans and everything that you reviewed had -- and the discussion at the meeting was on 21.9 feet, it wasn't on the mistaken setback of 26 feet. It was on the smaller setback, not the larger setback, which is a larger variance.

MR. TERCHUNIAN: I'm sorry, Joe, but you
keep saying 22.9. Is it 22.1?

MR. PROKOP: 22.1.

MEMBER CASHIN: Yeah, that's what it is on that one.

MR. PROKOP: Yeah, I'm getting .1 and .9 -- is that right?

MEMBER SARETSKY: Yeah, it says --

MEMBER MIZZI: It says .1.

MS. SADELI: 22.9, isn't it?

MR. PROKOP: It's 22.9?

MEMBER MIZZI: One.

MS. SADELI: One?

MEMBER MIZZI: One.

MS. SADELI: I don't know.

MS. SADELI: I didn't have that.

MR. PROKOP: 22.1.

MEMBER MIZZI: It's written as one.

MR. PROKOP: Which is a setback -- which is a setback of 47.9.

MR. TERCHUNIAN: Nine.

MR. PROKOP: Correct. It -- so, anyway, it was discussed correctly, it just wasn't advertised correctly, and the decision was not written correctly. So we -- I was doing it off the notice, which was incorrect, which was my
incorrect mistake.
So what we did was we renoticed it for the last time that you met as a Board with the correct information, and that -- and that re-noticing was adjourned until today. So what we would like you to do is to vote on this -- approve this decision, which is for the smaller setback and the larger variance by that amount, which is -- which is the variance that you discussed. It is -- it was the larger variance that you discussed at the meeting. But she just needs this correction so the Building Inspector can issue her a building permit.

MEMBER SARETSKY: So I can relinquish my command.
CHAIRMAN GESSIN: No, you can keep going, you're doing great.
MEMBER SARETSKY: No, no, no. I'm happy to give it back.
(Laughter)
MR. PROKOP: Right, there's no -- there's no conflict with this.
CHAIRMAN GESSIN: Okay. We'd like to make a motion to amend?
MR. TERCHUNIAN: To adopt a new decision.
MR. PROKOP: Yeah.
CHAIRMAN GESSIN: To adopt a new decision for --

MR. PROKOP: They have the correct decision.

MR. TERCHUNIAN: It's right here.

MEMBER SARETSKY: 812 Dune Road.

MS. SADELI: For 812 Dune Road.

MR. TERCHUNIAN: Sorry to toss it at you.

MR. PROKOP: Which is Young.

CHAIRMAN GESSIN: For 812 Dune Road, Young, Christine Young. Would somebody like to make a motion on that?

MEMBER CASHIN: I'm going to abstain, because I wasn't at that meeting.

MEMBER SARETSKY: Sure.

MEMBER CASHIN: And I'm not sure if I'm --

MR. PROKOP: Okay.

MEMBER SARETSKY: Again, Joe, what you're saying is that we're approving the same thing.

MS. SADELI: Yes.

MEMBER SARETSKY: It's a correct -- it's a corrected --

MR. PROKOP: We're correcting the decision to reflect the discuss -- the application and discussion.

MEMBER SARETSKY: And what we actually
agreed to.

CHAIRMAN GESSIN: We approved it correctly.

Joe wrote it incorrectly.

MEMBER SARETSKY: Okay.

CHAIRMAN GESSIN: That's all.

MS. SADELI: The discussion at the meeting went with this decision.

MEMBER SARETSKY: I'll move to agree with it.

MEMBER MIZZI: I second the motion to bail out Joe.

(Laughter)

CHAIRMAN GESSIN: All in favor?

MEMBER SARETSKY: Aye.

MEMBER SIEGEL: Aye.

MEMBER MIZZI: Aye.

CHAIRMAN GESSIN: Okay.

MR. TERCHUNIAN: Any opposed?

MEMBER CASHIN: One abstention.

MR. PROKOP: Now we can --

MR. TERCHUNIAN: You have to say, "Any opposed?"

CHAIRMAN GESSIN: Any opposed?

MR. TERCHUNIAN: No.

CHAIRMAN GESSIN: No. Okay.
MR. TERCHUNIAN: Then you say "unanimous".
CHAIRMAN GESSIN: Okay, unanimous. This has been a unanimous vote.
MEMBER CASHIN: No, it wasn't unanimous, I abstained.
MR. TERCHUNIAN: Oh, one abstention.
MS. SADELI: Yeah.
MR. TERCHUNIAN: That's right.
CHAIRMAN GESSIN: With one abstention.
MR. TERCHUNIAN: Thank you.
CHAIRMAN GESSIN: Yes.
MS. SADELI: Thank you.
MR. PROKOP: Thank you.
MR. TERCHUNIAN: Anything else, Joe, before I rush you out of the room?
MR. PROKOP: No, that's okay.
(The meeting was adjourned at 11:20 a.m.)
CERTIFICATION

STATE OF NEW YORK )

SS:

COUNTY OF SUFFOLK )

I, LUCIA BRAATEN, a Court Reporter and Notary Public for and within the State of New York, do hereby certify:

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on April 6, 2019.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of April, 2019.

Lucia Braaten

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