

INCORPORATED VILLAGE OF WESTHAMPTON DUNES

ZONING BOARD OF APPEALS

General Meeting

April 15, 2023

9:00 a.m.

914 Dune Road

Westhampton Beach, New York

MEMBERS PRESENT:

Eric Saretsky - Chairman

Irwin Krasnow - Member

Jeff Farkas - Member

Jim Cashin - Member

Joseph Mizzi - Member

ALSO PRESENT:

Joseph Prokop - Village Attorney

Angela Sadeli - Village Clerk

TAKEN & TRANSCRIBED BY:

Amy Thomas - Court Reporter

1 (The meeting was called to order
2 at 9:17 a.m.)

3 CHAIRMAN SARETSKY: All right.
4 Let's call the meeting to order. Let's
5 do the Pledge of Allegiance.

6 (Whereupon the Pledge of
7 Allegiance was recited.)

8 CHAIRMAN SARETSKY: All right. We
9 have an agenda today of three issues.
10 The first one I believe is 2 Cove Lane.

11 CLERK SADELI: Right.

12 CHAIRMAN SARETSKY: Gentlemen, the
13 last we left things you were going to
14 look at what you have and --

15 MR. DAVIS: And you had made
16 request of us, the Board had made
17 requests of us, and I think we
18 accommodated them. One of the requests
19 was to give similar to a radius map,
20 it's an overlay basically of our
21 proposal on the lot compared with a 200
22 foot radius around it to see --
23 basically to show the Board that what
24 we're asking for is very similar to
25 what has been already approved and on

1 the ground. We have a lot directly
2 across the street on Cove Lane that has
3 a border in the front yard that is
4 actually closer than what we have
5 requested.

6 MEMBER KRASNOW: Do you have
7 copies for everybody?

8 CLERK SADELI: You mailed it.

9 CHAIRMAN SARETSKY: I didn't bring
10 it.

11 CLERK SADELI: I have an extra in
12 there.

13 MEMBER CASHIN: I've got one.

14 CHAIRMAN SARETSKY: Why don't you
15 go on in the meantime?

16 MR. DAVIS: So what we're asking
17 for, this is a nonconforming lot in an
18 R-40 zone. The relief we're asking has
19 already been granted, and if you look
20 it's superimposed what we're asking
21 for. The rear yard relief, the front
22 yard reliefs have all been previously
23 given, and I think the picture actually
24 depicts a pretty good showing of
25 exactly what is there. We also had

1 supplied plans to the neighbors, which
2 was requested of this Board, and there
3 were certain items missing on the
4 survey that have been addressed as well
5 showing the rear yard to the corner of
6 the house. You wanted to see how far
7 the steps were to the front yard, that
8 was taken care of. We imposed the IA
9 system onto the survey so you could see
10 exactly where that is going to be, and
11 I believe that those were the requested
12 items. So we're here seeking approval
13 based on --

14 THE COURT: So some time has
15 passed --

16 MR. DAVIS: Two months basically,
17 yes.

18 CHAIRMAN SARETSKY: And some of
19 the questions that came up when we were
20 together last week -- or last month I
21 should say, did you submit a new
22 drawing showing how the house could or
23 might fit into a pyramid to achieve
24 what you want?

25 MR. DAVIS: I don't believe that

1 was requested, and I do not believe --

2 CHAIRMAN SARETSKY: I think it was
3 part of the -- maybe we didn't make it
4 clear enough, but I think the issue
5 partially is that maybe we can find
6 some comps with other homes, but I
7 think we would like to see what you are
8 trying to achieve in program in what
9 you can do as of right. I mean, Aram,
10 am I saying that out of tune?

11 MR. TERCHUNIAN: That's correct.

12 CHAIRMAN SARETSKY: So again, what
13 I was sorting hoping today was that
14 your architect was going to look at
15 what you can accomplish to achieve. I
16 mean, I think you wanted three masters
17 or two master bedrooms, one downstairs,
18 one upstairs, but the house is not --
19 doesn't have a third story, if I recall
20 correctly, and again, the variances
21 you're looking for are to sort of
22 accommodate a program for a three story
23 house of what you want, but again, it
24 would be great to see what could work.

25 MR. DAVIS: I don't think you can

1 accomplish building any house on this
2 lot without the variances. You have a
3 60 foot front yard setback, you have a
4 70 foot rear yard setback, and this lot
5 is only 116 feet in depth. You cannot
6 meet anything under the code. This is
7 a nonconforming lot within an R-40
8 zone. So there is no way a house can
9 be constructed on this lot without
10 relief. And we're trying to limit the
11 amount of relief that we have
12 requested, and we also tried to be in
13 conformance with what is also on the
14 ground. And I think that we have
15 accomplished that, and I think that
16 this depiction of the site plan with
17 the -- our survey and superimposed on
18 it pretty much shows that we have
19 accomplished what we need to in order
20 to comply with the rest of the
21 neighborhood.

22 MEMBER MIZZI: Would it be
23 possible to just review the relief
24 that's being sought?

25 CHAIRMAN SARETSKY: Yeah, why

1 don't we just go through that again,
2 the variances that you're looking for?

3 MEMBER MIZZI: I want to make sure
4 I understand.

5 CHAIRMAN SARETSKY: It's been a
6 while now.

7 MEMBER MIZZI: And we didn't have
8 -- I missed a meeting, but the last
9 meeting I was at we didn't have the
10 plans, and then we got mailed the
11 plans, so now that I have the plans in
12 front of me, I want to --

13 MR. DAVIS: So the first variance
14 is lot coverage. So what is required
15 under the code is 20 percent, we're
16 seeking 22 percent, 2 percent over what
17 is required under the code.

18 MEMBER CASHIN: So lot coverage?

19 MR. DAVIS: Okay. Lot coverage we
20 have 20 percent is required under the
21 code, we're asking for 22 percent.
22 Front yard setback for a principal
23 structure, 60 feet is required, we are
24 asking for 43.8 feet, so we're asking
25 for relaxation of 16.2 feet.

1 CHAIRMAN SARETSKY: Can I ask a
2 question on that? So on the front yard
3 setback I think part of the issue is
4 you're also asking for the driveway to
5 be on the Dune Road side, does that
6 have any impact on that variance?

7 MR. DAVIS: No, it does not.

8 CHAIRMAN SARETSKY: Go on.

9 MEMBER KRASNOW: Did you look at
10 -- since he mentioned that, we had
11 asked or I thought I had asked you to
12 look at putting -- the address is Cove
13 Road, and you kind of put the house on
14 Dune Road. Did you look at putting the
15 -- at least the -- I wanted to say the
16 way the house faces, I understand you
17 want to have it, but the driveway on
18 Cove Road to take -- you know,
19 especially when people are backing out
20 into Dune Road when it's busy, I mean,
21 any time I do a project on it, they
22 always want me on the less trafficked
23 side, and I had thought we had asked
24 you to take a look at that. I'm not
25 saying make you turn the house around,

1 I know you probably want a Dune Road
2 address, and it's probably more
3 valuable, but can you move the
4 driveway?

5 MR. DAVIS: Well, we have the IA
6 system there and --

7 MEMBER KRASNOW: Can you move the
8 IA system?

9 MR. DAVIS: It's at the highest
10 point, and if we put it any other place
11 it would pose other problems and
12 possible retaining walls, so we're
13 trying to avoid all of that.

14 CHAIRMAN SARETSKY: The problem
15 we're going to have, and we're going to
16 look to Aram for part of this and to
17 Joe, we're supposed to judge things
18 based on a negative impact, whether
19 something is self-imposed and some of
20 those reasons. This is self-imposed,
21 and it is a negative impact to have a
22 driveway that goes -- an additional
23 driveway that goes into Dune Road when
24 it doesn't have to, and clearly that's
25 not where it's intended to be. So

1 we're sort of starting I think at a
2 point where this is a little bit of a
3 problem. In other words, we should be
4 looking at how the system goes where it
5 can go, where it should go, and at the
6 same time where the driveway should be
7 as Irwin mentioned. So again, my
8 opinion, I'm not going to speak for the
9 whole Board here, but I think that they
10 probably are in the same camp as I am
11 with that, so let's continue down the
12 list of variances.

13 MR. DAVIS: Okay. So I was at
14 front yard setback for the principal
15 structure. And then we're asking for a
16 front yard setback for the principal
17 structure on Cove Lane as well because
18 you have a double front yard, so we
19 need front yard relief where 60 is
20 required, we're asking for 38.7.

21 MEMBER MIZZI: Can I ask a
22 clarifying question? Joe or Aram, is
23 that -- we typically -- it's not a
24 matter of establishing a front yard and
25 then considering the other a side yard,

1 we have to both street sides --

2 MR. TERCHUNIAN: It's a corner
3 lot, both are front yards.

4 MEMBER MIZZI: Just asking.

5 MEMBER KRASNOW: You're right
6 because I'm dealing with a property
7 that's got four -- and they're killing
8 me because we've got the whole block,
9 and they're killing us on it.

10 MR. DAVIS: Four front yards.

11 MEMBER KRASNOW: You got to be
12 kidding me.

13 MR. DAVIS: Then we're asking for
14 rear yard setback for the principal
15 residence where 70 feet is required and
16 we've asked for 49 feet, so a variance
17 of 21 feet.

18 ATTORNEY PROKOP: Which side are
19 you using as the rear yard?

20 MR. DAVIS: The northerly side,
21 the northerly property line.

22 Then we're asking for the front
23 yard setback for an accessory
24 structure, 70 feet is required, we're
25 asking for 57.3 for a variance of 12.7

1 feet.

2 MEMBER CASHIN: Which accessory
3 structure would that be?

4 MR. DAVIS: The pool.

5 MEMBER CASHIN: What's the
6 required?

7 MR. DAVIS: 70.

8 MEMBER CASHIN: And you're asking
9 for 57?

10 MR. DAVIS: 57.3, yes.

11 MEMBER FARKAS: 57 is the setback?

12 MR. DAVIS: Yes.

13 ATTORNEY PROKOP: Where is that
14 indicated on the plan?

15 MR. DAVIS: It's not. It shows
16 the 50 foot to the corner of the house
17 from Dune Road to the southeasterly
18 corner of the house, and then you have
19 another setback of 7 feet that gets you
20 to the beginning of the deck for the
21 pool.

22 ATTORNEY PROKOP: Where is that
23 setback indicated?

24 MR. DAVIS: It's not.

25 ATTORNEY PROKOP: So you need to

1 have that, please, Mr. Davis, have that
2 indicated.

3 MR. DAVIS: No problem.

4 MEMBER KRASNOW: Excluding your
5 lot coverage, which you're asking for
6 10 percent, everything else you're
7 asking for almost 30 percent.

8 MR. DAVIS: Two percent for lot
9 coverage -- oh, yeah, ten percent, yes.

10 MEMBER KRASNOW: Well, it's ten
11 percent of the thing, but everything
12 else you're asking for almost 30
13 percent.

14 MR. DAVIS: Correct because we
15 have nonconforming lot, so that's the
16 reason for the --

17 MEMBER KRASNOW: I'm not saying
18 you shouldn't get it, I'm just saying
19 it's a significant percentage some
20 people would consider.

21 MR. DAVIS: I don't consider
22 percentages when we're dealing with
23 nonconforming lots because based on the
24 code every single variance you get has
25 a large percentage on it, so I look at

1 what's on the ground more than anything
2 else and how it conforms to the
3 community that we're asking for the
4 relief in. And I truly believe that
5 this falls right within that community
6 standard.

7 CHAIRMAN SARETSKY: So the other
8 five houses that are on Cove Lane on
9 the same side and opposite, you have
10 studied those, and how do they fall
11 into what you're asking for? That was
12 one of the things I think we talked
13 about.

14 MR. DAVIS: Correct. And I think
15 that this depiction of it shows it very
16 well.

17 CHAIRMAN SARETSKY: So the one on
18 the corner --

19 MR. DAVIS: Right. So this is
20 Mr. Colucci's house, I believe.

21 MEMBER CASHIN: Which corner are
22 you on?

23 MR. DAVIS: They right here
24 (indicating). So it shows his setback
25 to be pretty much the same as -- for

1 the accessory structure, the deck and
2 the pool, to be in line with his front
3 yard setback. Ours happens to be
4 behind it. So we're asking for less
5 relief than he has already on -- that
6 he's been established and given on Dune
7 Road.

8 CHAIRMAN SARETSKY: So one thing,
9 and I'm going to look to Aram and to
10 Joe, it's hard for us to give variances
11 in pieces as we do things. So as far
12 as a front yard setback, I understand
13 the issue, again, not speaking for
14 others, but I don't think we can do
15 this, tell you that's okay, go fix the
16 rest, okay.

17 MR. TERCHUNIAN: You know, you're
18 right. And, you know, pardon me, I
19 haven't been introduced to you before,
20 and I come late to the application, but
21 I have some observations I'd like to
22 share. First of all, and I don't want
23 you to twist around, but so this is a
24 corner lot and with two front yards,
25 and the way our code is written is that

1 the rear yard is the yard opposite the
2 shortest front yard. So the shortest
3 you have 100 and -- where is that? You
4 have 106 on the south side and 91 on
5 the west side, so that would make the
6 east property line your rear yard. So
7 and that would make then your north
8 property line your side yard. Okay?
9 So let's just orient ourselves in that
10 manner. The second part of it is that
11 because you are a small lot you have
12 automatic relief under the four-tenths
13 rule and the three-tenths rule. So the
14 four-tenths rule and the three-tenths
15 rule apply to side yards only. So the
16 three tenths rule only applies if you
17 center the building on the lot, which
18 you're not doing here, so we'll move to
19 the four-tenths rule. The four-tenths
20 rule says that you are -- that your
21 side yards will be equal to four-tenths
22 of the lot width, and that's for total
23 side yard.

24 ATTORNEY PROKOP: Combined side
25 yard, you mean.

1 MR. TERCHUNIAN: Combined side
2 yard. And then the minimum side yard
3 would be four-tenths of four-tenths.
4 In this case that is actually I believe
5 less than you're looking for on the
6 rear yard. Let me just do the
7 calculation quickly. I thought I just
8 did it. So this is 116 feet times
9 four-tenths, times four-tenths, so your
10 side yard, which is the north, is
11 allowed for the principal building at
12 18.56 feet.

13 MR. DAVIS: So we're in
14 compliance?

15 MR. TERCHUNIAN: So you're in
16 compliance. But your angles have room
17 to give, number one. Number two, the
18 rear yard is calculated on a small lot
19 with the three-tenths rule. So in this
20 particular case, you're at three-tenths
21 of the lot depth, so that will be
22 three-tenths of 131 feet. So you would
23 be entitled to a rear yard on the
24 eastern boundary of 39.3 feet.

25 MR. DAVIS: For the principal, not

1 for any accessory?

2 MR. TERCHUNIAN: Not for the
3 accessory.

4 MEMBER MIZZI: What is this
5 dimension? I see 20 to the pool, and I
6 don't see this dimension. What's the
7 dimension from the house to the
8 property line?

9 MR. DAVIS: Well, he didn't do
10 that because we thought that was the
11 side yard and we were in compliance.

12 MEMBER MIZZI: I just wanted to
13 understand what the dimension is.

14 What scale is this? Let's verify.

15 MR. TERCHUNIAN: It's a 20 scale.

16 MEMBER MIZZI: It's a little
17 greater than 20.

18 MR. TERCHUNIAN: So --

19 MEMBER MIZZI: It's 40 some odd
20 feet.

21 MR. TERCHUNIAN: So my point in
22 bringing this up is that you can
23 actually push this house north and
24 west, and that changes the relief
25 you're asking for.

1 MR. DAVIS: Understood.

2 MR. TERCHUNIAN: And so I think
3 that you should take a look at that.
4 The second part of it is you've
5 provided an excellent aerial photo and
6 described it, but you're asking for
7 very specific relief, and so if you're
8 going to rely on this aerial photo, you
9 really need to tabulate the data that
10 you're showing us in written form as
11 opposed to a picture that enables the
12 Board to understand the particular
13 cases that you're pointing to. If
14 there's a particular setback -- and a
15 neighborhood analysis doesn't look at
16 just one building, it looks at the
17 neighborhood, which is what the Board
18 is -- that's what they have to
19 consider.

20 MR. DAVIS: Understand. And we
21 have almost two different neighborhoods
22 here. You have south Dune Road, which
23 are very skinny and long lots where
24 there is --

25 MR. TERCHUNIAN: But Cove Lane is

1 its own neighborhood.

2 MR. DAVIS: Correct. That's where
3 I was headed.

4 MR. TERCHUNIAN: And my
5 recommendation is look at Cove Lane,
6 there's a limited number of lots, do
7 the front yards and side yards on those
8 -- it's actually all front yards, look
9 at the front yards, specifically look
10 at all of the corner lots and tell us
11 what those dimensions are. Because if
12 you fall within the character of the
13 neighborhood, that is a major
14 consideration of the Board, but without
15 that information there's no way to know
16 if you do.

17 MR. DAVIS: I got you.

18 MR. TERCHUNIAN: The last point I
19 would make would be that I fully concur
20 with the Chairman and Members that
21 backing out of Dune Road is from my
22 perspective very, very dangerous, and I
23 would urge you to consider strongly
24 moving your driveway to Cove Lane
25 because it's simply unsafe.

1 MEMBER KRASNOW: And the other
2 house you're referencing has their
3 driveway on Cove Lane.

4 MR. MERONE: I thought Mr. Colucci
5 said that the benefit was on Dune Road
6 because he's on the side over here,
7 that's what he was saying the last
8 time.

9 MR. DAVIS: Just so you know,
10 you're going to have engineering issues
11 with the Health Department and
12 sanitary. You're going to have to do a
13 covenant and build it properly.

14 MR. TERCHUNIAN: You can relocate
15 that sanitary system to the Dune Road
16 side, it's not a problem. You have
17 plenty of depth to ground water.
18 Elevation here is plus 9 and a half,
19 it's not a problem.

20 MEMBER CASHIN: Aram, do you know
21 without doing a lot of math whether by
22 moving that house I think he said north
23 and west, does that eliminate his need
24 for the variances?

25 MR. TERCHUNIAN: No, not eliminate

1 it, but it does reduce it.

2 MEMBER KRASNOW: It might take it
3 from 30 to 20 percent, I mean, just
4 statistically.

5 MR. TERCHUNIAN: Yeah. And it
6 may, if you do the analysis of all the
7 other corner lots, you may be the same,
8 who knows, but without that information
9 you can't understand it.

10 MEMBER CASHIN: The other thing I
11 would say is that in my opinion I think
12 the house has to face Dune Road. I
13 wouldn't want looking at the side of
14 the house from Dune Road in terms of
15 the driveway and all that. I think the
16 house should face Dune Road.

17 MEMBER FARKAS: The house can face
18 with the parking on the side.

19 MEMBER CASHIN: That's what I'm
20 saying. I'm just making sure. I
21 wouldn't want to see it flipped.

22 MR. DAVIS: They're going to have
23 to move the sanitary over here, put the
24 driveway over here, shift this house
25 northeast on --

1 MEMBER KRASNOW: I'm not sure -- I
2 think it's northeast, Aram, because
3 west he's already short over there.

4 MR. DAVIS: So it's moving it
5 northeast, not northwest.

6 MR. TERCHUNIAN: Correct.

7 MEMBER KRASNOW: It would go to
8 the right.

9 MEMBER CASHIN: East, right.

10 MEMBER KRASNOW: That was
11 confusing me.

12 MR. TERCHUNIAN: Thank you for
13 clarifying that.

14 CHAIRMAN SARETSKY: So we'll
15 adjourn this?

16 ATTORNEY PROKOP: Can I ask you a
17 question? Did we get elevations, or
18 could we get elevations? I would
19 recommend that we get elevations.

20 MR. DAVIS: I think you have.

21 MR. TERCHUNIAN: I think they're
22 in the file. They're in the --
23 elevations, your building elevations,
24 or the ground elevations?

25 CHAIRMAN SARETSKY: Maybe it was

1 in the first set of plans?

2 MR. TERCHUNIAN: They're in there,
3 they're, like, page five or something.
4 There they are. I think it's the
5 second or third page from the back,
6 Joe.

7 ATTORNEY PROKOP: Can we get
8 additional copies then? Does everybody
9 have a copy?

10 CLERK SADELI: I mailed it out.

11 ATTORNEY PROKOP: Oh, we do have,
12 I'm sorry.

13 MEMBER MIZZI: So because this is
14 skinnier than 116 versus 131 this
15 becomes the rear, that becomes the
16 side, and what are we recommending,
17 other than the driveway?

18 MR. TERCHUNIAN: Well, you know,
19 conform to the four-tenths rule for the
20 side yard, and to the three-tenths rule
21 for the rear yard, and that allows this
22 to come off of Cove Lane and a small
23 amount but a larger amount off of Dune
24 Road. And the setback should be to
25 this covered porch, not to the

1 building. The setback has to be to the
2 covered porch because it's got a roof,
3 and even if it was just a deck, it's
4 attached to the house and part of the
5 house, so the setback really needs to
6 be --

7 MEMBER MIZZI: This is a deck,
8 right, that's the house?

9 MR. TERCHUNIAN: Yeah, this deck
10 goes all the way across the house.

11 MEMBER FARKAS: Aram, you said you
12 could go to 18 feet here, so they can
13 move it back 10 feet assuming -- well,
14 it depends where this goes.

15 MR. TERCHUNIAN: That's I think --

16 MR. DAVIS: That includes -- the
17 28.1 takes it to the principal
18 structure, so I don't know that we can
19 move it too far.

20 MR. TERCHUNIAN: I mean, you got a
21 7 foot wide deck back there. What are
22 you doing with that?

23 CHAIRMAN SARETSKY: It's a
24 walkway.

25 MR. TERCHUNIAN: Not at 7.7 feet

1 wide, that's the width of this room.

2 MEMBER FARKAS: You can move the
3 whole house back.

4 MR. DAVIS: I got it.

5 MEMBER MIZZI: Are we of the
6 opinion that once it's shifted that the
7 footprint of the house is in
8 conformance?

9 MR. TERCHUNIAN: Well, no, I think
10 that the analysis becomes once you
11 conform to the side and the rear yards,
12 then the question is look at the other
13 corner lots on Cove Lane, what are
14 their front yards? Are you within that
15 average range?

16 MR. DAVIS: We'll never be in
17 compliance with the code.

18 CHAIRMAN SARETSKY: I think where
19 Aram is headed is front yard setbacks
20 we have -- this Board has in the past
21 made adjustments in unique situations
22 particularly when it was consistent
23 with others.

24 MR. TERCHUNIAN: There's at least
25 one case that this Board decided ten

1 years ago on the corner of Cove Lane at
2 the -- on the inside bend in the
3 northwest corner.

4 CLERK SADELI: 812 Dune Road.

5 CHAIRMAN SARETSKY: As far as the
6 setbacks to the neighbors that would
7 probably have an opinion about it,
8 whatever you can do to move the house
9 as Aram described so that you're asking
10 for less, and then we can look at what
11 you're going to give us in some sort of
12 grid layout of -- comps basically is
13 what we're calling it.

14 MR. TERCHUNIAN: Basically. And I
15 don't know if -- if this is a covered
16 porch, that has to be in lot coverage.

17 MR. MERONE: It is.

18 MR. TERCHUNIAN: What about these
19 enclosed HVAC units and stuff, are that
20 in the lot coverage as well?

21 MR. DAVIS: I don't know. Not
22 sure.

23 CHAIRMAN SARETSKY: We talked
24 about trying to combine those for
25 logical reasons and putting them in a

1 spot where you could, one, for your own
2 efficiency but more because I think
3 it -- I think the neighbor who was on
4 the Zoom call with us mentioned it.

5 CLERK SADELI: And they are on the
6 Zoom call now.

7 CHAIRMAN SARETSKY: Again, I don't
8 think you really want four condensers
9 at four different corners. I've never
10 seen that done before. There's a
11 builder here, and he'll tell you.

12 MR. BURNER: It's not cost
13 effective.

14 CHAIRMAN SARETSKY: So I would
15 find the side where it's the least
16 offensive of an issue and try to --

17 MR. MERONE: It will be in line
18 with the house. I know over here shows
19 that it sticks out, but they would not
20 be sticking out.

21 MR. DAVIS: So he's got to show it
22 then where it's actually going to be so
23 that they'll understand and you
24 understand, but like he said, four is
25 just not cost effective for you.

1 CHAIRMAN SARETSKY: I mean, that's
2 not our reason for it.

3 MEMBER MIZZI: It --

4 CHAIRMAN SARETSKY: But I don't
5 think you want that.

6 MEMBER MIZZI: You want to check
7 if you want it. But look, if they're
8 somehow under the house, aligned with
9 the house in different locations we
10 wouldn't know it because if it's
11 indicated differently in the plan.
12 Right now it's indicated as bumping
13 out.

14 MEMBER CASHIN: You don't want
15 them under the house.

16 MR. TERCHUNIAN: You don't want
17 them under the house.

18 MR. MERONE: Not inside, but right
19 on the edge.

20 MEMBER CASHIN: You don't want
21 them enclosed.

22 MR. MERONE: They're going to be
23 -- you know, it will be just the pylons
24 with the lattice.

25 MEMBER CASHIN: On a platform. I

1 wouldn't even put lattice around them
2 but --

3 MR. TERCHUNIAN: It's the salt,
4 the salt just eats those things.

5 MR. DAVIS: So question for you,
6 Mr. Prokop, with these changes in
7 variances, the notice is still going to
8 be asking for more than what we are
9 going to change this footprint to. Do
10 we have to re-notice, re-mail, re-post,
11 do all that? Because our relief is
12 actually going to be less than that, so
13 since the relief is less than that --

14 ATTORNEY PROKOP: Well, we have a
15 policy that we re-notice anyway. We do
16 a notice every time, so what I was
17 going to do, I was waiting until the
18 discussion ended, if you could get us
19 whatever your changes are about two
20 weeks ahead of our next meeting, and
21 then we'll have time to do -- well,
22 actually a little bit before that, and
23 we'll have time to look at it and see
24 if we have any questions and then also
25 get a notice in. We will re-notice it

1 and send it to the neighbors.

2 MR. DAVIS: I'll talk to you
3 outside what we have to do.

4 ATTORNEY PROKOP: I think did you
5 have the application from the
6 beginning?

7 MR. DAVIS: Yes.

8 ATTORNEY PROKOP: It was a nice
9 job, professional job that you did.
10 Thank you for your work on it.

11 MEMBER CASHIN: Aram, if an HVAC
12 unit is on a platform, does that count
13 for lot coverage?

14 MR. TERCHUNIAN: I got to check
15 with the building inspector.

16 MEMBER CASHIN: I don't know the
17 answer to that.

18 MR. TERCHUNIAN: I don't know.

19 MEMBER FARKAS: The house across
20 the street on Cove, did they get any
21 variances here?

22 CHAIRMAN SARETSKY: Not that I
23 recall. At least not in my tenure.
24 Aram, I don't know if you recall, the
25 house on the corner, that didn't have

1 any variances?

2 MR. TERCHUNIAN: No, because that
3 was preexisting.

4 MEMBER MIZZI: One comment. If
5 you do end up looking for, like, a
6 variance in this direction, I think
7 it's going to be hard to approve an
8 extra two feet for this bump out.
9 There's a walk-in closet that's
10 sizable, and there's an 8 foot hallway
11 here, so I don't know that this little
12 bump out is doing much if you're
13 ultimately going to be asking for
14 relief from here to here as opposed
15 from here to here.

16 CHAIRMAN SARETSKY: That was my
17 point sort of in the beginning that I
18 thought you were going to have your
19 architect look at, I mean, Joe sort of
20 has that background, so he's really
21 looking at it that way, but I thought
22 today we were going to look at a set of
23 plans that were going to show that you
24 tried to make an 8 foot hallway 6 feet,
25 and you were going to take a closet and

1 whatever so that you wouldn't need
2 something. Because we have people who
3 are on the Zoom connection, and we're
4 going to ask them if there's any
5 comments from them in a moment. But
6 again, we're here trying to help you
7 get through this.

8 MR. DAVIS: I appreciate that.

9 CHAIRMAN SARETSKY: But we really
10 need that to make it happen. Again, if
11 you can't get to some point, well then
12 you'll raise your flag and tell us, but
13 we need you to try.

14 MR. DAVIS: Sure. I understand.

15 MR. TERCHUNIAN: Mr. Chairman, my
16 apologies, but I have another meeting I
17 have to go to.

18 (A discussion was held off the
19 record.)

20 CHAIRMAN SARETSKY: For everyone
21 who is on the Zoom call, are there any
22 questions on this application? We want
23 to open up comments for people on the
24 Zoom call.

25 CLERK SADELI: So if there's

1 anybody who wants to raise their hand,
2 I'll un-mute you, or I think you can
3 un-mute yourselves.

4 CHAIRMAN SARETSKY: Maybe --

5 MS. BLACKSBERG: Michelle
6 Blacksberg at 4 Cove Lane. Can you
7 hear me okay? It was a little bit hard
8 to hear on Zoom, if you can just
9 clarify is the setback between 2 Cove
10 Lane and 4 Cove Lane now considered the
11 side or the rear? I'm sorry, it was
12 really hard to hear.

13 CHAIRMAN SARETSKY: It's
14 considered the side.

15 MEMBER MIZZI: Side.

16 MS. BLACKSBERG: Okay. So I do
17 have an objection to the increase in
18 lot coverage. I know you mentioned it
19 already, the increase from 3,311 square
20 feet. Developing the property with
21 adherence to the maximum lot coverage
22 will not create any hardship to the
23 owners. However, increasing the lot
24 coverage will negatively effect the
25 view, the sunlight, and the overall

1 enjoyment of 4 Cove Lane. It would
2 also negatively effect the property
3 value. I believe your request for
4 variance is a self-created hardship for
5 preference to make the house bigger at
6 the cost of the property value of the
7 neighbors. And so I'd like to object
8 to that increase.

9 CHAIRMAN SARETSKY: 4 is to the
10 north.

11 CLERK SADELI: Nellie, are you 4?

12 MS. BLACKSBERG: This is Michelle,
13 this is Nellie's daughter, we are 4
14 Cove Lane.

15 CHAIRMAN SARETSKY: Again, I think
16 we understand your concerns, and I
17 think today we came to sort of a
18 crossroad where we're going to have him
19 redraft it and remeasure some of these
20 things to see what can be done to make
21 things perhaps more compact. At the
22 same time, some of his as of right
23 construction will be what it is, and
24 then what variances, if any, are issued
25 will be -- we're going to consider your

1 concerns as well as any others, if that
2 answers the question. In other words,
3 we're not making a decision today.

4 MS. BLACKSBERG: Okay. I
5 appreciate that. Thank you so much.

6 MEMBER FARKAS: When is the next
7 hearing on this?

8 CLERK SADELI: So our next date
9 that we had scheduled was for May 6th,
10 but I think that that is too soon, and
11 I'm not available the following
12 weekend.

13 MEMBER KRASNOW: Mother's Day.

14 CLERK SADELI: It's my son's
15 communion, my daughter's first
16 birthday, Mother's Day. I think the
17 24th.

18 ATTORNEY PROKOP: Is that Saturday
19 of Memorial Day weekend, the 24th?

20 CLERK SADELI: No, Memorial Day
21 Weekend is the following weekend.

22 CHAIRMAN SARETSKY: So the 20th
23 sounds like the date.

24 CLERK SADELI: Oh, yeah, 20th.

25 MS. BLACKSBERG: I have one more

1 question. Are all the HVAC units and
2 everything still going to be located, I
3 guess, what now would be considered the
4 side yard facing 4 Cove Lane?

5 MEMBER CASHIN: I think we don't
6 know yet.

7 CHAIRMAN SARETSKY: We don't know
8 yet, but we've expressed our concerns
9 with it and try to put it in a location
10 that would be least offensive to
11 yourself or anybody else.

12 MS. BLACKSBERG: Great. Thank you
13 so much.

14 MEMBER FARKAS: If the meeting is
15 going to be on May 20th, people should
16 probably try to come in person.

17 CHAIRMAN SARETSKY: Yeah, if you
18 can.

19 CLERK SADELI: What what the Board
20 members are saying is if, you know,
21 since it's going to be in May, you
22 know, maybe you could come in person.
23 We'll still offer it by Zoom.

24 CHAIRMAN SARETSKY: We're going to
25 work on that, but we still think that

1 being in person, if you can -- we're
2 going to try to accommodate you in any
3 way we can, but if you can come in
4 person it would be great.

5 So Joe, to move on from 2 Cove,
6 we're going to leave the hearing open.

7 ATTORNEY PROKOP: It's just a
8 motion to continue the hearing to the
9 next date.

10 CHAIRMAN SARETSKY: So can I get a
11 motion to continue?

12 CLERK SADELI: Do we want to just
13 make sure there's no more public
14 comment?

15 MEMBER KRASNOW: Sorry, yes.
16 Absolutely.

17 CLERK SADELI: Is there anymore
18 public comment? Dave, do you have
19 anything?

20 MR. ALVILLAR: No. I appreciate
21 very much the comments of the Board and
22 Michelle. I share the concern about
23 the driveway being on Dune Road versus
24 Cove Lane. Sounds like you guys all
25 agree with that. I was looking at all

1 corner lots going from Dune Lane to
2 Widgeon's Way, they all have Dune Lane
3 and Widgeon's Way driveways, not Dune
4 Road driveways, and I think that the
5 owner will also find that to be more
6 helpful to them. Pulling in and out of
7 Dune Road is very difficult, and having
8 more driveway space you'll find to be
9 very helpful. So I share that concern.
10 Otherwise, thank you very much for
11 including us and --

12 MEMBER CASHIN: Can you just
13 identify yourself for the recorder?

14 MR. ALVILLAR: David Alvillar, 813
15 Dune Road.

16 CHAIRMAN SARETSKY: So move to
17 close -- or I should say to keep it
18 open --

19 MEMBER KRASNOW: Anybody else?

20 CLERK SADELI: I don't think
21 there's anybody else on for this one.

22 CHAIRMAN SARETSKY: Okay. So move
23 -- can someone make a second to --

24 MEMBER CASHIN: Second.

25 MEMBER FARKAS: All in favor?

1 CHAIRMAN SARETSKY: All in favor?

2 (Aye said in unison.)

3 CHAIRMAN SARETSKY: See you soon.

4 CLERK SADELI: We're done with 2
5 Cove Lane, if you don't want to stay on
6 for the rest.

7 ATTORNEY PROKOP: Can you give us
8 a typed list in Word of -- not PDF, but
9 Word of what the list of the variances
10 -- the new variances.

11 MR. DAVIS: I'm going to redo it
12 based on the changes.

13 ATTORNEY PROKOP: So I can copy it
14 into the notes.

15 CHAIRMAN SARETSKY: Jim, we're
16 going to do 772 now, right?

17 CLERK SADELI: So the next
18 application is going to be 772 Dune
19 Road.

20 CHAIRMAN SARETSKY: All right. So
21 one request that I have on behalf of
22 the Board is we had this on our
23 calendar for two months ago, Angela, am
24 I saying that right?

25 CLERK SADELI: No, we never had it

1 on the calendar.

2 MEMBER FARKAS: We got the
3 paperwork in February.

4 CHAIRMAN SARETSKY: So we got some
5 paperwork, but can we start from the
6 very beginning.

7 MR. HULME: Yeah, I don't think
8 I've presented this to you.

9 MEMBER FARKAS: There has not been
10 a presentation on this.

11 CLERK SADELI: We did get the
12 paperwork a while ago.

13 ATTORNEY PROKOP: Can I have the
14 file, please?

15 CHAIRMAN SARETSKY: Angela, I
16 should probably give you this. This is
17 the -- Aram's environmental assessment
18 form that you should hold.

19 CLERK SADELI: Yes, he said he was
20 going to give it to me.

21 MR. HULME: So for the applicant,
22 James N. Hulme, 323 Mill Road,
23 Westhampton Beach. Good morning, all.
24 I think it's still morning. I'm here
25 on a subdivision application far a lot

1 located at 772 Dune Road, which is
2 located in the Village's R-40 Zoning
3 District. Just a little bit of history
4 on this property, the -- there was some
5 very similar relief already granted a
6 form of this property back in 2006, and
7 I'll talk to that in a minute. But at
8 that time, the property was 52,000 plus
9 square feet, and it was 70 feet wide by
10 640 feet deep, and it was and still is
11 improved with a two story house with
12 associated (inaudible) depicted on the
13 survey that we submitted, the
14 subdivision application that we
15 submitted. So in that context back in
16 2006, variances were sought to
17 undertake a subdivision of this
18 property at that time, and the Board
19 approved a plan that was two lots that
20 were 19,000 square feet in size, and
21 then an open space along Moriches Bay
22 of 13,000 plus square feet. The actual
23 additional variances granted were lot
24 width, lot area, side yards, total side
25 yard, all very similar to what we're

1 asking for today. And it was -- that
2 relief was granted on a couple of
3 conditions, one was that the footprint
4 of the house on the vacant lot that
5 would have been created was limited to
6 2,000 square feet, the four-tenths rule
7 would apply to the side yard setbacks
8 for that lot, no further subdivision,
9 and the open space requirement. So
10 armed with that, if things hadn't
11 changed, and I'll explain that in a
12 moment, we could have gone onto the
13 Planning Board and completed the
14 subdivision. However, as you know,
15 since then and maybe at that time there
16 was litigation between this property
17 owner as well as others and the Town
18 Trustees over the actual ownership of
19 the property. So that as it pertains
20 to this lot, that litigation was
21 recently settled, and the settlement
22 involved dedicating a portion of the
23 original lot to the Town Trustees and
24 -- to the Town Trustees, and then the
25 remaining lot being confirmed as being

1 in title for the owner. And so since
2 that changed some of the relief that is
3 necessary to do that, we filed a new
4 Zoning Board application based on the
5 new configuration. And the new
6 configuration after subtracting almost
7 20,000 square feet that is going to the
8 hands of the Trustees and will be
9 forever preserved and un-developable,
10 that reduced my client lot from 52,000
11 plus square feet to a little less than
12 33,000 square feet. So and now it's
13 instead of being 70 by 640, it's 70 by
14 470 feet. And so what we're hoping to
15 achieve here as far as subdivided lots
16 is a front lot with the house of 12,430
17 square feet, and a vacant lot behind it
18 of 20,400 square feet.

19 MEMBER KRASNOW: So you're doing a
20 flag lot?

21 MR. HULME: Yes. The flag lot was
22 what was approved last time as well.
23 So really the only thing that has
24 changed from the last grant in 2006 was
25 that the lot with the house on it is

1 not 19,000 square feet, it's reduced to
2 about 13,000 square feet. And that's
3 because the amount of land that the
4 Town took increased by that same
5 amount. So the overall percentages and
6 development of the overall original lot
7 is exactly the same as it was. You end
8 up with a preserved lot, which was key
9 to the determination last time, but
10 it's preserved by the Town as well as
11 -- as opposed to being preserved by the
12 homeowner.

13 MEMBER KRASNOW: Question. Aren't
14 you choosing how you're dividing the
15 lot up?

16 MR. HULME: Yes.

17 MEMBER KRASNOW: In theory this
18 could be 25,000 feet and this could be,
19 like, 8,000? You are making the choice
20 to make the house that's already there
21 and exists and trying to keep this as
22 conforming, you're kind of choosing it?

23 MR. HULME: Yes, yes. You know,
24 the larger lot on the water side I
25 think is a more valuable commodity

1 anyway, but yes, that's exactly.

2 MEMBER KRASNOW: I would imagine
3 the problem is the lot that should have
4 been here, let's say for argument's
5 sake this was 30,000 feet and this now
6 would be 10 because you lost 20.

7 MR. HULME: Right, yeah.

8 ATTORNEY PROKOP: You gave us the
9 decision of the prior --

10 MR. HULME: I did.

11 ATTORNEY PROKOP: What?

12 MR. HULME: The prior decision? I
13 did give you a copy.

14 ATTORNEY PROKOP: I was going to
15 ask you a question, I'm sorry.

16 MR. HULME: Okay. Forgive me.
17 Please, proceed.

18 ATTORNEY PROKOP: Thank you. You
19 gave us the decision from 2006; do you
20 have a copy of the plans, the survey
21 from 2006?

22 MR. HULME: I don't have it with
23 me. I can provide it, if I didn't
24 provide it already. I will certainly
25 provide that.

1 MEMBER CASHIN: Is this the first
2 time this has come before us, this
3 Board?

4 CHAIRMAN SARETSKY: Yes.

5 MR. HULME: Yes.

6 MEMBER CASHIN: Because I'm not
7 familiar with this at all, and I'm
8 going to ask a stupid question. This
9 house is here?

10 MEMBER KRASNOW: Yes.

11 MR. HULME: Yes.

12 MEMBER CASHIN: And you had a
13 decision with respect to the balance of
14 that lot -- for this back lot, and then
15 it's changed because of this taking
16 or --

17 MR. HULME: Yes, essentially. The
18 original lot was this and included this
19 part, and this Board in 2006 granted
20 all the necessary variances to create a
21 19,000 square foot lot, a 19,000 square
22 foot lot, and a 13,000 square foot open
23 space.

24 MEMBER CASHIN: That was granted,
25 but they didn't approve anything built

1 on this lot?

2 MR. HULME: The only comment in
3 the prior decision that was part of the
4 condition of that decision was that the
5 side yards needed to be subject to the
6 four-tenths rule.

7 MEMBER MIZZI: It would be helpful
8 to see the depiction and plan of what
9 was approved last time.

10 MEMBER KRASNOW: So and now this
11 is going to be a 13,000 foot lot?

12 MR. HULME: The house will be
13 almost 13.

14 MEMBER KRASNOW: Smaller than the
15 lot we were just working on.

16 MEMBER FARKAS: Jim, the reality
17 of this is this is always going to be
18 open space.

19 MR. HULME: Yes.

20 MEMBER FARKAS: So if this was
21 15,000 -- if lot two was 15,000 square
22 feet, you still have the benefit --
23 this lot will still have the benefit of
24 the open space. So if you do the math,
25 I mean, it's a pretty impressive parcel

1 on the bay side.

2 MR. HULME: Okay.

3 MEMBER FARKAS: Right? How much

4 -- the open space is what?

5 MR. HULME: It's a half acre, it's
6 19,000 and change.

7 MEMBER FARKAS: 20 and 15 would be
8 35.

9 MR. HULME: True.

10 MEMBER MIZZI: Are there houses on
11 these lots?

12 MR. HULME: Yes, to the west is --

13 CLERK SADELI: 776.

14 CHAIRMAN SARETSKY: This drawing
15 shows --

16 MEMBER MIZZI: I was going to say
17 it would be helpful for us to see that
18 too. I have the packet, I don't know
19 if it's in mine. It didn't come in my
20 packet.

21 MR. HULME: This is a Google map.
22 Would you like one, Joe?

23 ATTORNEY PROKOP: Sure, please.

24 CHAIRMAN SARETSKY: So immediately
25 to the west there is -- that's 776 I

1 guess. So 774 is the next westerly
2 lot, right?

3 MR. HULME: Right.

4 CHAIRMAN SARETSKY: Which there's
5 nothing at the moment is what your
6 survey shows, formerly Merle Debuski
7 (phonetic) and Gary Vigliante.

8 MEMBER KRASNOW: Isn't there a big
9 house down here now?

10 CHAIRMAN SARETSKY: That's two
11 over, that's 776.

12 MEMBER KRASNOW: It's right here.

13 MR. HULME: This house is the
14 Mancini house. This is us here. This
15 is Harvey Gessin's house, I believe.

16 MEMBER FARKAS: No, this is Harvey
17 here.

18 MEMBER KRASNOW: Isn't this the
19 big house that's being built on the bay
20 right now?

21 CLERK SADELI: You just need to
22 talk one at a time.

23 MR. HULME: And there is a big
24 house being built apparently in front
25 of the Mancini house.

1 MEMBER FARKAS: Could I borrow
2 that marker for a second?

3 MR. HULME: That's not a marker,
4 it won't mark.

5 CHAIRMAN SARETSKY: So maybe you
6 could explain for me, the big house
7 that's being built on the bay right
8 now, that's 774 or 776?

9 MR. HULME: Right.

10 CLERK SADELI: That's 774A.

11 CHAIRMAN SARETSKY: So it's the
12 next property to the west.

13 CLERK SADELI: It's behind.

14 CHAIRMAN SARETSKY: So that's on
15 your survey it's shown as Gary
16 Vigliante, right?

17 MR. HULME: Yes. I don't believe
18 he's in title any longer.

19 CHAIRMAN SARETSKY: But he was
20 once?

21 MR. HULME: Yes.

22 CHAIRMAN SARETSKY: So that house
23 is being built, and that is building as
24 of right, correct?

25 MR. HULME: I --

1 CHAIRMAN SARETSKY: Personally I
2 don't know of any variance that has
3 come before this Board.

4 ATTORNEY PROKOP: You can't make
5 that determination, you can just -- we
6 just know that there was no application
7 to this Board.

8 CHAIRMAN SARETSKY: Okay. So I
9 guess what I'm trying to understand,
10 Joe, and maybe I'm asking it the wrong
11 way is I and Joe who are the oldest
12 members of this Board were not involved
13 in the 2006 decision. So this
14 property, 774, it was subdivided into
15 two lots, right?

16 CLERK SADELI: 772.

17 CHAIRMAN SARETSKY: 772, I'm
18 sorry. That's done.

19 MR. HULME: It was never divided.
20 The Zoning Board decided in 2006 the
21 variance is necessary to do that, but
22 the Planning Board -- it was never went
23 to the Planning Board for them to
24 approve the subdivision.

25 ATTORNEY PROKOP: Legally, if we

1 just talk about the law for a second,
2 you know, if you could transition.
3 Legally we have a decision on this
4 property. The Zoning Board has a
5 decision on this property, so I think
6 you need to at least decide whether you
7 consider this to be a rehearing. I
8 think you need to tell us -- and I'm
9 not giving you advice what to do, but
10 just mention in your application
11 whether you consider this to be a
12 rehearing of that application, or
13 whether you consider this to be new
14 matter because of changed
15 circumstances. Because we address --
16 they have to be addressed differently.
17 You don't have to tell us now.

18 MR. HULME: No, I'm just making a
19 not, and I will ask for time to think
20 about that, but I will answer that.

21 So what I hear you all saying on
22 this end at least is that maybe lot
23 number two should be little smaller,
24 lot number one might be a little
25 bigger.

1 MEMBER MIZZI: It would be helpful
2 for me to see -- I mean, I see the
3 thing, but if the discussion is this
4 and ultimately any restrictions on the
5 placement of the house, it would be
6 nice to see a plan that laid out the
7 current structures and what seems to be
8 under way.

9 MEMBER KRASNOW: With the risk of
10 getting shot in this room, one of the
11 concerns we were discussing with the --
12 another application we have in front of
13 us is a similar situation where you
14 have 70 foot lots, and then you want to
15 have two flag lots on them, and not
16 having a precedent of two lots becoming
17 six lots, so how do we navigate this
18 while we're navigating that, but we're
19 trying not to have everybody start
20 dividing all of their lots in half and
21 in backs and fronts and then we're, you
22 know, trying to keep some semblance of
23 the neighborhood, and I know there are
24 some flag lots, but I just have a
25 concern there.

1 MEMBER MIZZI: I guess I was just
2 asking to see what -- how this fits
3 into what's around it.

4 CHAIRMAN SARETSKY: I mean, I'm
5 echoing what Irwin's saying in that,
6 again, I'm most concerned with
7 precedent setting things. And again,
8 I'd like to understand what was done in
9 2006. So again, I think the Board
10 wants to better understand that with
11 some help from Joe maybe, but maybe in
12 the meantime you can give us a sketch
13 showing what you're proposing.

14 MR. HULME: You mean, as far as
15 the building envelope on lot two?

16 CHAIRMAN SARETSKY: Yeah, I mean,
17 I guess the how and the why of this,
18 you know, I don't have yet. I'd like
19 to understand that, you know, from Joe,
20 I guess, to help us with it, what
21 actually took place in 2006, and at the
22 same time going forward echoing what
23 Irwin was saying, I mean, I don't want
24 to go down Dune Road and have, like,
25 flag lots every lot. I mean, how do we

1 prevent that from happening? Again,
2 how is this different? If it's
3 different that in 2006 it was already
4 done, well then it's fair and so be it.

5 MR. HULME: Whether this is a
6 rehearing or a new application, the
7 2006 decision should be of interest to
8 you, and it is, and I'll provide -- I
9 provided the decision, I will endeavor
10 to find the approved map.

11 MEMBER MIZZI: That would be
12 great, that would be helpful.

13 MR. HULME: And we can probably
14 update our survey to show the
15 structures in the surrounding area.

16 MEMBER KRASNOW: What is the
17 definition of a front yard setback on a
18 flag lot?

19 ATTORNEY PROKOP: I have to review
20 the code.

21 MEMBER KRASNOW: Is it from the
22 street, is it from the house behind?
23 I'm just wondering how do you consider
24 that.

25 MR. HULME: I think it's from the

1 internal lot line, not from the street.

2 MEMBER KRASNOW: So it would be 60
3 feet behind the house or something. I
4 just -- not something --

5 MR. HULME: I think.

6 MEMBER KRASNOW: That's why --

7 THE COURT REPORTER: If I could
8 just have everyone speak one at a time.

9 MEMBER CASHIN: Are we bound by
10 the 2006 decision?

11 ATTORNEY PROKOP: You're not bound
12 by it, but how you proceed is different
13 based on whether this is -- whether
14 Mr. Hulme would like us to consider
15 this a rehearing or a hearing based on
16 new circumstances, but you're not bound
17 by it.

18 MEMBER KRASNOW: Now, again,
19 another hypothetical question. If this
20 lot is 20,000 feet or 15,000, whatever
21 the number comes out to be, do you guys
22 have a -- kind of a spec plan in mind
23 that will fit into the envelope that
24 won't be requiring a lot of relief, or
25 whatever size it is it will still be

1 requiring a lot of relief?

2 MR. HULME: I don't think we have
3 a particular house designed, but I
4 think we can place some type of a
5 building envelope on the lot to show
6 that we can meet the four-tenths.

7 MEMBER KRASNOW: So you probably
8 wouldn't need much additional relief?

9 MR. HULME: No, other than the --
10 we'll take a look at that, but at the
11 moment, other than the determination --
12 a condition that if you approve this
13 that it would be subject to the
14 four-tenths rule for side yard setback.

15 MEMBER KRASNOW: So the larger the
16 lot, the larger the house you can
17 build.

18 MR. HULME: Right.

19 MEMBER KRASNOW: Okay.

20 CHAIRMAN SARETSKY: Say that
21 again.

22 MEMBER KRASNOW: Let's say for
23 argument sake they have 30, about
24 35,000 feet, Jim?

25 MR. HULME: Yes.

1 MEMBER KRASNOW: So you have
2 35,000 feet here, they cut this off at
3 15, they get 20, they can build a
4 larger house. If they make this 20 and
5 20, or 20 and 15, so that's how --

6 CHAIRMAN SARETSKY: I understand.
7 A reconfiguration of the existing --

8 MEMBER KRASNOW: Right. So
9 depending on how they decide to split
10 it would possibly decrease the amount
11 of possible relief they might need for
12 the new house. So it's advantageous at
13 this point to --

14 MR. HULME: And it occurs to me,
15 and maybe this is against my own
16 interest, but if we make the front lot
17 a little bit bigger, we reduce or
18 eliminate some of the relief that we
19 need.

20 MEMBER FARKAS: That's where I was
21 going.

22 MR. HULME: That's what I figured.

23 MEMBER FARKAS: Tell me, what are
24 the driveway requirements for a flag
25 lot?

1 MR. HULME: We've shown a 10 foot
2 wide driveway.

3 ATTORNEY PROKOP: I think the
4 requirement is larger than that. We
5 have to go back and see -- what we have
6 had a few of these that we've decided,
7 we'll go back and see what they were.

8 MEMBER MIZZI: There was some
9 landscaping, I believe, that we asked
10 for.

11 MR. HULME: And it also occurs to
12 me that a condition requiring both the
13 front and the rear lot to get access
14 from one point as opposed to two
15 driveways might alleviate your concern
16 about driveway, driveway -- driveway,
17 driveway -- driveway, driveway.

18 MEMBER KRASNOW: But when you do
19 the driveway, does that make the lot in
20 front narrower because you're giving up
21 the space, or is it an easement?

22 MR. HULME: No, I mean, both of
23 them could come in the ten foot
24 flagpole, and then the front lot you
25 could just turn in after you're in the

1 lot.

2 MEMBER MIZZI: Yeah.

3 MEMBER KRASNOW: In this case,
4 your driveway is on the other side of
5 where you're doing this.

6 MR. HULME: Right.

7 MEMBER KRASNOW: So you might move
8 the driveway?

9 MR. HULME: Well, there is a
10 parking area right here that's close,
11 you know, so if we -- if that were
12 ultimately a condition of the approval,
13 we could accomplish that, and then give
14 the front lot an easement over the
15 flagpole so that they can get there.

16 CHAIRMAN SARETSKY: Okay. I mean,
17 again, I think you are going to give us
18 this other additional information.

19 MR. HULME: I have a nice long
20 list, yeah.

21 CHAIRMAN SARETSKY: And the maybe,
22 Joe, if it's okay, he can send it to us
23 ahead of time ideally we can meet the
24 third week of May and --

25 MR. HULME: The 20th, right?

1 CHAIRMAN SARETSKY: And we'll be
2 able to --

3 MEMBER FARKAS: Is there a
4 driveway to the west or to the east on
5 this? I mean, I don't think there's --

6 CHAIRMAN SARETSKY: To the east it
7 goes into this center opening.

8 MEMBER FARKAS: Right. So a
9 that's no.

10 CHAIRMAN SARETSKY: And to the
11 west.

12 MEMBER FARKAS: Because there's a
13 house back here, where is the driveway
14 for this home?

15 MEMBER KRASNOW: It's to the west
16 of 772 and the right of the -- that
17 little California type house. So the
18 driveway would be almost next -- the
19 driveways would almost be next to each
20 other.

21 MR. HULME: This might be even
22 more helpful. Here is our lot, this is
23 that adjacent lot, and this shows a
24 flag to get to --

25 CHAIRMAN SARETSKY: So they'd be

1 side by side?

2 MR. HULME: Right, right.

3 CHAIRMAN SARETSKY: I don't know
4 if that's good or bad.

5 MEMBER FARKAS: Can you do the
6 driveway on the east side?

7 MR. HULME: We could take a look
8 at that.

9 MEMBER KRASNOW: I don't know
10 whose property that is.

11 CHAIRMAN SARETSKY: On the east
12 side you probably -- if you're
13 reconfiguring this house in the front,
14 you have more space, but that is a
15 choice.

16 MR. HULME: Right.

17 CHAIRMAN SARETSKY: Particularly
18 if you're redoing --

19 MR. HULME: If there's a driveway
20 here, and there's a driveway here, is
21 that better than driveway, driveway?

22 MEMBER MIZZI: I don't want to say
23 that -- people configure their houses
24 knowing that they have a driveway,
25 like, where there's one driveway to

1 your side or two, rather than having
2 one on each side.

3 MEMBER KRASNOW: I would almost
4 say it would be nice if, you know, they
5 could -- the driveway that Harvey is
6 putting in, if they could almost get an
7 easement to just turn off of that and
8 just have that one driveway there and
9 then access -- that would have to
10 require somebody else giving
11 permission, but it would just make it a
12 lot cleaner than having the two
13 driveways and paving over more, or you
14 know, obviously more impervious.

15 MEMBER FARKAS: Maybe all four
16 houses can share the same driveway.

17 MR. HULME: I know Mr. Gessin --

18 MEMBER KRASNOW: I'm not saying
19 it's required, I'm just saying since
20 it's there --

21 MEMBER MIZZI: He's got that car
22 collection, he'll be coming out of the
23 driveway, all those cars.

24 CHAIRMAN SARETSKY: All right.

25 ATTORNEY PROKOP: With these next

1 applications, could we agree on the
2 record on the date that we need the
3 material by? Otherwise it will
4 automatically kick over to June.

5 CLERK SADELI: I looked at the
6 calendar, and we gave the last
7 application two weeks prior, so that
8 would be a date of May 5th to have
9 everything submitted to be reviewed.

10 ATTORNEY PROKOP: Okay. So can we
11 -- Eric, can we just agree on the
12 record that if we don't get material --
13 the requested material by May 5th, it
14 will automatically go to June.

15 MR. HULME: That's fine.

16 MEMBER KRASNOW: Angela, May 5th
17 gives you enough time if you have to do
18 notices, are you just doing notices to
19 the neighbors and not having to publish
20 it?

21 CLERK SADELI: Jim notices the
22 neighbors and then sends me the
23 certified receipts, and Joe puts
24 together the notice.

25 MR. HULME: You have a five day

1 notice requirement. Except for this
2 application, there's a five day notice
3 requirement.

4 CLERK SADELI: Just one at a time.

5 MR. HULME: So if I get everything
6 to you before the 5th, there's still 15
7 days.

8 MEMBER KRASNOW: I wanted to make
9 sure you didn't get caught up in the
10 publishing, which has happened to
11 people before too, and notices.

12 CHAIRMAN SARETSKY: All right.
13 Joe, so I make a motion to -- sorry,
14 does anyone on the Zoom call have any
15 comments?

16 CLERK SADELI: I don't think
17 anybody is on for this application.

18 CHAIRMAN SARETSKY: All right. So
19 I'm going to make motion to adjourn
20 this --

21 CLERK SADELI: We don't want to
22 adjourn it, we want to continue it,
23 right?

24 CHAIRMAN SARETSKY: Keep it open
25 until our next meeting.

1 MEMBER FARKAS: Second.

2 CHAIRMAN SARETSKY: All in favor?

3 (Aye said in unison.)

4 CHAIRMAN SARETSKY: All right. So
5 now we're moving on to 738 and 742. So
6 why don't we do this, if it's okay,
7 because some people weren't at the last
8 meeting, maybe we could just do a
9 little recap of where we left off, and
10 probably better you do it than me.

11 MR. HULME: Sure. We'll see. So
12 just -- so what we're here for is we
13 are seeking the necessary variances so
14 that we can return to the Planning
15 Board and get approval of the creation
16 of three lots from the two lots that my
17 client owns. So that's what we're here
18 about. The background on this is that
19 the property is located at -- the two
20 properties are located at 738 and 742
21 Dune Road adjacent to each other.
22 They're in the R-40 Zone, and as I
23 indicated, we're seeking variances
24 necessary to at the end of the day end
25 up with three lots. That necessitates

1 only one variance for each of the lots,
2 which is a lot width variance. As you
3 know, and as we discussed, the
4 requirement under the code for lot
5 width is 150 feet, and we are seeking
6 79.3 feet lot width for each of the
7 lots that we're hoping to create.
8 Right now 738 is almost 70,000 square
9 feet in size, and it's 119 feet wide.
10 And 742 is almost 65,000 square feet in
11 size, and it's also 118 almost 119
12 square feet in size. The proposed lots
13 are all oversized from the area
14 requirement. They range from 42,000 to
15 46,000 square feet in size, and as
16 indicated, they'll have 79.3 foot lot
17 widths in each particular case, and
18 that's the source of the only variances
19 that we're seeking here.

20 The last time we were here we
21 provided a neighborhood analysis that
22 showed that the neighbors -- the
23 neighboring lots in this area range
24 from 50 to 80 feet, so even at 79.3
25 feet these lots will be at the upper

1 end of the neighborhood lot widths.

2 And in addition, we spent a lot of
3 time talking about the Skudrna
4 application, which was a three lot
5 subdivision from the early 2000's, as I
6 recall.

7 CHAIRMAN SARETSKY: To the west of
8 these three.

9 MR. HULME: Just to the west,
10 yeah.

11 MEMBER FARKAS: I'm looking at a
12 Skudrna survey from 6/15/09.

13 MR. HULME: So and that -- the end
14 result there was an approval of lots
15 that were 66 feet in width.

16 CHAIRMAN SARETSKY: I thought
17 there were 83.

18 MEMBER FARKAS: 83.33.

19 MR. HULME: I'm sorry, I had the
20 wrong number.

21 CHAIRMAN SARETSKY: They were
22 slightly larger.

23 MR. HULME: So they're at the high
24 end of the range of the neighborhood,
25 as are we.

1 CHAIRMAN SARETSKY: I'm sorry,
2 continue.

3 MR. HULME: Okay. And --

4 CHAIRMAN SARETSKY: While you're
5 thinking, the point I was going to make
6 about Skudrna was we had lot area --
7 lot setbacks on the sides of greater
8 than normal, which was part of the
9 variance agreement. And we asked you,
10 I believe, to follow in suit.

11 MR. HULME: Right.

12 CHAIRMAN SARETSKY: So I'm sorry
13 if I interrupted, but that's where
14 you're headed?

15 MR. HULME: Yes. So you had asked
16 us to do a number of things based on
17 the details -- well, as you will also
18 recall one of the things of great
19 concern here was the view, and we went
20 through an analysis of showing the
21 impact the as of right would have on
22 the view and the proposed would have on
23 that view. And I think we went through
24 a lot of mathematical calculations to
25 show that the actual view area was

1 larger for the neighbors across the
2 street with the three smaller houses
3 than it was with the two as of right
4 houses. You asked us to provide
5 setback details, which we have done on
6 both the as of right as well as the
7 proposed. We've provided the specific
8 size of the homes, which you also
9 requested. And the other thing that
10 you had asked for was to have
11 superimposed the as of right on top of
12 the three lots. So that's what that
13 shows. And I think this just
14 emphasizes -- it gets a little busy,
15 but it just emphasizes the fact --

16 CHAIRMAN SARETSKY: I think it
17 helps to see it.

18 MR. HULME: The three lots have
19 less of an impact on the view than the
20 two as of rights.

21 CHAIRMAN SARETSKY: So with your
22 new proposal, what is the setback
23 between the homes?

24 MR. HULME: Okay. So 32 feet
25 total.

1 CHAIRMAN SARETSKY: So it's 16
2 feet?

3 MR. HULME: Well, it averages 16
4 feet.

5 MEMBER MIZZI: 19.7.

6 MR. HULME: So it's 12 feet, 19,
7 15, 15, 19, and 12.

8 CHAIRMAN SARETSKY: And how much
9 does that exceed what the normal
10 without a variance would have -- in
11 other words, how much greater is it?

12 MEMBER FARKAS: Are you asking how
13 much greater it is than the two houses?

14 CHAIRMAN SARETSKY: No, not the
15 two houses. I think it's really --
16 when we agreed to the Skudrna piece
17 back in '06, whatever it was, the
18 setbacks between these houses were
19 greater than normal, in other words; am
20 I say that right, Joe?

21 ATTORNEY PROKOP: Well, I don't
22 know because --

23 MEMBER FARKAS: The side yards.

24 CHAIRMAN SARETSKY: The side yards
25 were --

1 ATTORNEY PROKOP: It depends on
2 the size of the house, but what was --
3 excuse me, what was agreed to in
4 Skudrna was that there would be a total
5 side yard of at least 36 feet with a
6 minimum on each side of 18 feet.

7 CHAIRMAN SARETSKY: Right. So I
8 thought we had left it that to be in
9 keeping with what we did for Skudrna
10 that we were going to try to achieve
11 something similar.

12 MR. HULME: For example, the
13 middle proposed lot the house is
14 centered, and under the three-tenths
15 rule that would give us 12 feet on each
16 side, but instead what we've shown is
17 15.8 feet.

18 ATTORNEY PROKOP: I know, but the
19 problem is that -- excuse me, I'm
20 sorry, if you don't mind, the problem
21 with that analogy is that the applicant
22 would be getting considerable relief,
23 and this is what happened in Skudrna by
24 the allowance of the subdivision, and
25 therefore you can impose conditions

1 that are separate from --

2 CHAIRMAN SARETSKY: So I guess
3 where I'm headed is that I think we
4 wanted to make sure the Skudrna lots
5 are 80 feet in width, these are 79.

6 MEMBER FARKAS: It's 83 versus 79.

7 CHAIRMAN SARETSKY: Okay. I'm
8 sorry, 83 --

9 ATTORNEY PROKOP: If I could just
10 give another thought before I lose it.
11 The 30 percent rule would be based on
12 the normal. The logic of the 30
13 percent rule is based on the minimum
14 lot width, which is whatever is 100
15 feet.

16 MEMBER KRASNOW: 150 feet.

17 ATTORNEY PROKOP: So the 30
18 percent rule never really conceived,
19 you know, these minimum lot width
20 variances also. When we started out
21 with that rule it was mainly --

22 MEMBER MIZZI: I have a question
23 when you're done.

24 CHAIRMAN SARETSKY: Go ahead, Joe.

25 ATTORNEY PROKOP: That was it, I

1 just wanted to make that point.

2 MR. HULME: We're at 32 feet is
3 what we've shown here, which is not 36,
4 but it's 32.

5 MEMBER MIZZI: My question was
6 regarding the 12 foot side yard for the
7 two houses. Was that something that
8 was discussed last time? I wasn't
9 here.

10 MR. HULME: I think we were just
11 trying to open up the space between the
12 houses by shifting --

13 MEMBER MIZZI: Are there
14 neighboring houses that --

15 MR. HULME: There's a neighboring
16 house here, there's nothing here. This
17 is Skudrna, which is completely vacant.
18 This is 734, and this is the location
19 of the 734 house. There's some --

20 MEMBER MIZZI: There was a
21 building zone though agreed upon for
22 Skudrna? Like, when we granted that --

23 MEMBER KRASNOW: That subdivision
24 is about 83 feet.

25 MEMBER MIZZI: I'm saying when we

1 grated that, didn't we, like, agree,
2 like, that the houses would be placed
3 in a certain place?

4 CHAIRMAN SARETSKY: For whatever
5 reason, Jeff has an old -- something
6 old, I thought we staggered them, but I
7 think instead -- and Joe, correct me if
8 I'm wrong, I think what we did is we
9 just brought them closer to the street
10 because that's what the owners across
11 on the ocean side wanted. And I think
12 that's how it got -- at least that's
13 showing on this survey how it got left.
14 It would be nice if they were staggered
15 not unlike the ones we're proposing for
16 this just because it certainly looks
17 good but --

18 MEMBER MIZZI: It's been a long
19 time. I thought we established, like,
20 an area where they could develop the
21 house, and it give them some --

22 MEMBER FARKAS: It gave them this
23 line in the rear.

24 MEMBER MIZZI: I think, like, a
25 zone in which they could --

1 CHAIRMAN SARETSKY: Correct.

2 MEMBER MIZZI: -- place the house.

3 CHAIRMAN SARETSKY: I think that's
4 what it was left at.

5 ATTORNEY PROKOP: So the idea was
6 -- I'm sorry, the idea was that there
7 was a line to the north, and they could
8 not be built farther north than that
9 line. The reason why is because they
10 didn't want to block the view of the
11 houses to the east. And what's
12 happening here -- I just want to make
13 this comment, not as -- I don't want to
14 become a planner, because I'm not.
15 When you stagger -- if you have a house
16 that's 60 feet from north to south, or
17 a row of houses that are 60 feet from
18 north to south, the massing of the
19 blocking of the view is 60 feet. If
20 you stagger three houses that are 60
21 feet, then it could be 180, it could be
22 120.

23 MR. HULME: Which is the logic of
24 this. This improves the views.

25 ATTORNEY PROKOP: It blocks --

1 MS. BREEN: It doesn't improve my
2 view.

3 ATTORNEY PROKOP: My point was
4 that it blocks --

5 MR. HULME: It has to block
6 somebody's view.

7 ATTORNEY PROKOP: My point is that
8 it has a larger negative impact on the
9 side views because instead of looking
10 at one house that has a depth of 60
11 feet, you're looking at three staggered
12 houses, and one goes 20 feet farther,
13 the other --

14 MEMBER MIZZI: Yeah, like, if you
15 were viewing from here, instead of
16 seeing this, you're seeing I guess.

17 MR. ANTONOCCI: But all up here
18 would be worse.

19 MR. HULME: All up here would be
20 more akin to this. This as of right --
21 this configuration here is a vast
22 improvement over this from a point of
23 view of views from across the street.

24 MS. BREEN: Not if you're looking
25 west.

1 MEMBER MIZZI: You're talking
2 about from a difference perspective,
3 not head on.

4 ATTORNEY PROKOP: Yeah, and if
5 you're east of this looking to the
6 west, you would have a greater negative
7 impact on your view.

8 MR. ANTONACCI: I don't agree with
9 that.

10 MEMBER FARKAS: I think what Joe
11 the attorney is saying is that this
12 proposal, the proposed house is not the
13 best view, but it's better than the two
14 homes. The three homes in a line would
15 be worse.

16 ATTORNEY PROKOP: I don't want to
17 make a planning comment about this
18 application, I'm only making comment
19 about having sat through the Skudrna
20 application. That was the logic of the
21 Skudrna. I'm not submitting that as a
22 planning consideration in this
23 application.

24 CHAIRMAN SARETSKY: Joe, if I
25 follow what you're saying is if you

1 take the three homes and you line them
2 up then the view from here -- in other
3 words, you're getting this whole swath.
4 In other words, 60 feet, whatever it
5 is, you're getting 100 and something
6 that's sort of blocking your view as
7 opposed to if they were lined up,
8 right?

9 MEMBER MIZZI: If you were looking
10 from say -- say you were looking from
11 over there.

12 CHAIRMAN SARETSKY: From 737.

13 MEMBER MIZZI: Like if it's
14 staggering back --

15 CHAIRMAN SARETSKY: You're
16 blocking more.

17 MEMBER MIZZI: You're blocking
18 more, yeah.

19 CHAIRMAN SARETSKY: But if you put
20 three that are forward that are lined
21 up not unlike it possibly could be done
22 on Skudrna because we gave a boundary
23 let's call it, I mean, ideally it would
24 be nice if whoever builds these homes
25 staggers them in such a way that, you

1 know, forward, back, forward, back,
2 whatever, but I'm not sure maybe what
3 the right thing to do is because you're
4 -- I'm sorry, your name?

5 MS. BREEN: Rosanne Breen, 733, so
6 I'm this house that's not on the -- my
7 first question would be can you please
8 indicate on either of these or the one
9 that has the superimposed where the
10 bunny hut is? Because that's what we
11 all call that house that is existing,
12 so is that on here?

13 CHAIRMAN SARETSKY: I believe it's
14 the middle of this.

15 MEMBER KRASNOW: We have an
16 aerial.

17 MR. ANTONOCCI: Survey of existing
18 lots with the structure on it right
19 here.

20 CHAIRMAN SARETSKY: So it's
21 slightly --

22 MS. BREEN: Oh, so there you go.

23 MR. HULME: Is that this here?

24 MR. ANTONOCCI: It should be, yes.

25 CHAIRMAN SARETSKY: That's it.

1 MS. BREEN: I would like to see it
2 on this one because this is the one --

3 MEMBER FARKAS: Which is your
4 house?

5 MS. BREEN: Where is the public
6 walkway?

7 MR. HULME: Over here.

8 MR. ANTONOCCI: That is not the
9 public walkway.

10 MEMBER FARKAS: This is your
11 house?

12 MS. BREEN: Yes. So if you are --

13 THE COURT REPORTER: I just need
14 one at a time. I'm sorry.

15 MS. BREEN: The only view that
16 really I think people care about is
17 when you're looking west because that
18 is the sunset view. The sunrise view
19 is on the ocean side, so our views of
20 the sunset are what's impacted. So
21 like these houses aren't really quite
22 as impacted as these houses.

23 MR. ANTONACCI: I think these
24 houses are closer than these houses, so
25 they have more of an impact than these

1 houses.

2 MS. BREEN: Not for the sunset.

3 MR. HULME: I think what you need
4 is you need to contrast it with what we
5 can do without any relief at all. And
6 this is an improvement over that.

7 CHAIRMAN SARETSKY: My only --

8 MR. HULME: This is an improvement
9 over that.

10 CHAIRMAN SARETSKY: But Jim, the
11 only thing I think, if I understand
12 your point, is that if this house were
13 pulled forward, so maybe they're like
14 this, they're set up as an arrow or
15 whatever, a V, maybe it helps these two
16 homes with what you're looking for.

17 MS. BREEN: I just want -- on this
18 -- you think this spot here is here?

19 MEMBER MIZZI: There's a map that
20 shows both. These are on the same --

21 MS. BREEN: Right. So okay. It
22 does, and I'm here.

23 MEMBER FARKAS: What number are
24 you, 737?

25 MS. BREEN: No, 733. I'm this

1 next house. So this house is
2 problematic I think.

3 CHAIRMAN SARETSKY: If you think
4 of it like this, so your view is
5 something akin to that.

6 MS. BREEN: This house is going to
7 block it anyway.

8 MEMBER FARKAS: The as of right
9 house would block you anyway.

10 MEMBER KRASNOW: Were you here for
11 the last meeting?

12 MS. BREEN: I was.

13 CHAIRMAN SARETSKY: So I'm just
14 doing this to show you the angle. I
15 think we're trying to sort of find some
16 common ground here because what they
17 can do as of right by building these
18 two homes, you know, seems to hurt you
19 perhaps more. If it's this home that's
20 really the problem, I mean, I think
21 pulling it forward doesn't really -- I
22 don't think it really hurts anybody.

23 MR. HULME: Well, if she's here,
24 these houses -- she's not going to see
25 this house because there's a house here

1 and a house here. If we pull this
2 back, that's actually going to detract
3 from her view here.

4 MS. BREEN: Are you influenced at
5 all by the fact that every single house
6 east is lined up straight. I don't
7 know if it's because of the way the bay
8 came in, but really and truly all of
9 those houses are lined up straight.

10 CHAIRMAN SARETSKY: I believe --

11 MR. HULME: Can I consult with my
12 client for 30 seconds?

13 MR. ANTONOCCI: Just one thing
14 before, the staggering was the
15 recommendation of the Board at our
16 first meeting. So we took that and --

17 CLERK SADELI: One at a time.

18 MEMBER KRASNOW: Again, we're
19 trying to --

20 THE COURT REPORTER: I need
21 everyone to speak one at a time. I
22 can't take a record.

23 CLERK SADELI: She can't do the
24 record if we're talking over each
25 other.

1 CHAIRMAN SARETSKY: One at a time.

2 MEMBER CASHIN: You need to
3 identify yourself also, please.

4 MR. ANTONACCI: Alex Antonacci,
5 I'm managing member of the LLC that
6 owns the two properties.

7 So the staggering, again, was done
8 at the request of the Board. In order
9 to improve views for not just one
10 house, for numerous homes, and the
11 homes across the street initially were
12 perceived to be impacted more so than
13 homes that are not that close. So we
14 can go all the way down the line of
15 Dune Road, everybody is going to have a
16 different impact, but we were looking
17 to see the overall benefit to all of
18 the homes, and that's what the Board
19 came up with, and we accommodated that.
20 We staggered the proposed locations of
21 the homes, and but that can be adjusted
22 as well, but I don't know which is
23 better or worse for which property.

24 MS. BREEN: That's valid, that's
25 definitely valid.

1 MR. ANTONOCCI: Our initial
2 application was I believe they were
3 lined up, and then we staggered them
4 accordingly.

5 MEMBER KRASNOW: I think what
6 we've been trying to do here is get
7 input from people like you and the
8 neighbors who are the most effected and
9 see what is the best solution out of
10 the two alternatives. And just to, you
11 know, recap what I pointed out at the
12 last meeting is that they can build
13 these two very large houses as of right
14 and start construction tomorrow in
15 theory. If we are granting them the
16 variances then we can put restrictions
17 and covenants in there so if it's
18 better to have the houses staggered, we
19 would have them staggered for your
20 benefit. If it's not good to have the
21 houses staggered, we would keep them in
22 line for your benefit. You would also
23 have the control as to the size of the
24 house, what they might look like, and
25 also when they can construct because

1 somebody had an issue about
2 constructing during the season. So
3 again, those are -- so it's a trade
4 off. So whichever at the end of the
5 day you think is going to make your --
6 something is being built there. So
7 it's a matter of now -- you know, as I
8 always say, something is happening
9 there, it's not going to be vacant. It
10 was great that it's been vacate all
11 this time. So now it's a matter of
12 working out a solution that is kind of
13 the compromise to the best of both
14 worlds that, you know, will make this
15 gentleman happy and will also make the
16 neighbors happy because, you know, it's
17 going to get done, so it's a matter of
18 which, you know -- and yes, maybe if
19 you're at 733 and somebody is at 737 it
20 might be little bit different as
21 opposed to the people that are across
22 the street. You know, it's not going
23 to be -- everybody is going to have a
24 little bit of an issue with the
25 location, the size. It's not going to

1 be perfect, but he is entitled to build
2 something, and it's just a matter of
3 working with everybody, and that's why
4 we have these meetings to, you know,
5 come up with what's going to make
6 everybody the most satisfied or the
7 most -- the at least upset.

8 MEMBER MIZZI: Equally unhappy.

9 MEMBER FARKAS: So if he's
10 building two houses -- I'm just going
11 back to the angle here, this house here
12 is going to block it worse than the
13 three.

14 MS. BREEN: Yes. And I'm not
15 going to speak for all of my neighbors,
16 but I personally would rather see three
17 smaller houses than two gigantic
18 houses.

19 CHAIRMAN SARETSKY: Well, I think
20 just -- I think we're at this crossroad
21 now because they've agreed to build
22 three smaller houses than the two
23 original that are as of right. So like
24 Irwin said, we are now at this point
25 where we can approve this in such a way

1 -- perhaps the way to do it is not
2 unlike the Skudrna with coming up with
3 a line. I mean, maybe we come up with
4 a line, and then we allow the builder
5 to decide where these houses would be
6 best done, forward or back, something
7 along those lines. Joe, is that a
8 fair --

9 ATTORNEY PROKOP: Yeah, well, I
10 think you need to decide the impacts,
11 you know.

12 MS. BREEN: So your original plan
13 was to build three houses somewhat
14 straight across?

15 MR. ANTONOCCI: Correct.

16 MS. BREEN: That was your original
17 plan. And you staggered them at the
18 recommendation of the Board thinking
19 possibly --

20 CHAIRMAN SARETSKY: I don't think
21 it came from us as much as it came
22 from --

23 MR. HULME: It came out of a
24 discussion on what on the whole were
25 the least impacts to the view.

1 MEMBER KRASNOW: And that's why
2 they drew these view corridors and
3 these lines to show the people that
4 we're effecting what might transpose
5 based upon the different designed.

6 MEMBER FARKAS: Also if I'm saying
7 this right, the sunset starts out early
8 in the season over here, and it
9 basically moves. So I think that if
10 you're concerned about this, it's
11 really only early in the season. I
12 don't think that later in the season
13 your sunset is going to be effected.

14 ATTORNEY PROKOP: One of the
15 things the Zoning Board can do is you
16 can make a request to the Planning
17 Board to give you a recommendation on
18 things like this. So if you want you
19 could vote to -- if you have a question
20 like this, as an example, you know,
21 that way you bring in a larger
22 consensus, and it's just, you know, an
23 important consideration like this for
24 the Village, it's just not this Board
25 acting on its own. You can get

1 additional input that way.

2 CHAIRMAN SARETSKY: I mean, I
3 think we -- how do I say it? I think
4 we've gone where Joe is now, I think
5 we've exhausted the options. In other
6 words, like Irwin said, he has the
7 right to build these two homes. We
8 thought, and I think your neighbors
9 agreed that three smaller homes like
10 this were a better compromise, lesser
11 of all evils, whatever you want to call
12 it.

13 MR. HULME: There's nothing evil
14 about any of this.

15 MEMBER KRASNOW: Wasn't my word.

16 CHAIRMAN SARETSKY: Let's just the
17 lesser impact perhaps.

18 MR. HULME: Yes, thank you.

19 CHAIRMAN SARETSKY: So the only
20 question in my mind is -- and maybe we
21 should do what Joe is saying, that we
22 should allow the Planning Board -- who
23 is the Planning Board, by the way?

24 ATTORNEY PROKOP: I don't know,
25 but they have a PO Box. It's the

1 Village Board.

2 CLERK SADELI: It's the Board of
3 Trustees.

4 CHAIRMAN SARETSKY: Maybe we
5 should kick this to them and let them
6 help decide on which they would prefer.
7 My thoughts on this are sort of a more
8 10,000 foot approach of these are
9 unique lots as were the three Skudrna
10 lots that have not yet been built.
11 They exceed in my mind 75 feet, and
12 when Joe and I were on the board for
13 that ruling I don't want this to become
14 a precedent for all sorts of other
15 things. This is a unique situation,
16 and these -- something is going to get
17 built on all six of these someday, so
18 having six homes that are tastefully
19 built in such a way I think are going
20 to compliment Westhampton Dunes. I
21 don't want to see this turn into 12
22 flag lots or something else.

23 MS. BREEN: We talked about not
24 making that --

25 MEMBER FARKAS: A house here and a

1 house here by variance.

2 MS. BREEN: I got it, I got it.

3 MEMBER FARKAS: That would

4 really --

5 MS. BREEN: Which is a possibility

6 if you didn't grant this variance

7 because of the rules.

8 CHAIRMAN SARETSKY: Because if we

9 grant it we can do what Irwin said and

10 we can put these, you know, covenants

11 on it, what it can and can't be.

12 MS. BREEN: So I know what it's

13 like to have the bunny hut there, I

14 know what it does to my views, so I

15 would really think having that third

16 house somewhat be on the footprint of

17 where the existing house is. We all

18 know what it's like to have that house

19 in that spot, so I think that would be

20 reasonable.

21 MEMBER FARKAS: The problem is is

22 that we've already -- the other

23 neighbors have already --

24 MEMBER CASHIN: And we have other

25 people on here too.

1 CLERK SADELI: And one has a
2 question, so if we want to take that
3 question now, or do you want to wait?

4 MEMBER MIZZI: I had one question
5 because I wasn't at the last one, but I
6 don't personally, like, I don't have an
7 objection, but it seems we are
8 allowing, like, these two houses to be
9 placed in a way that is nonconforming
10 if it was just a single lot, like, it
11 would be the four --

12 MR. ANTONOCCI: I don't -- I'm
13 sorry.

14 MEMBER MIZZI: Can I finish,
15 please?

16 MR. ANTONOCCI: Yes.

17 MEMBER MIZZI: It would be the
18 four-tenths rule and an 80 foot lot, if
19 it were centered, would get the benefit
20 of four-tenths. If not, it would need
21 to be three-tenths, and so this side
22 yard -- this 12 foot side yard wouldn't
23 be permissible.

24 ATTORNEY PROKOP: There's a claim
25 that the three-tenths rule is

1 applicable, but we went through this
2 before, but my comment to that is that
3 the three-tenths rule really doesn't
4 apply because you can -- as a condition
5 you can impose whatever setback you
6 want really because you're --

7 MEMBER MIZZI: I guess what I'm
8 saying is -- let me ask the question
9 differently. If it was a single 80
10 foot lot, and someone went to the
11 building inspector, they would be able
12 to offset the lot to get --

13 ATTORNEY PROKOP: If they centered
14 the principle structure they would have
15 the possibility of going to the
16 three-tenths rule.

17 MR. HULME: This is four-tenths
18 what we've shown here.

19 MR. ANTONOCCI: And it was moved
20 with the intention of getting bigger
21 yards in between the homes.

22 MEMBER MIZZI: Okay. I guess, I'm
23 not proposing centering, I'm just
24 saying this is four-tenths, this is --
25 if this was a single lot off-centered

1 it would be able to get to 12.

2 MR. HULME: And 80 foot lot under
3 the four-tenths would have a total side
4 yard of 32 feet and single side yard of
5 down to 10.

6 ATTORNEY PROKOP: So Aram -- I'm
7 sorry, excuse me, I apologize. So Aram
8 mentioned something before about the
9 small lot rule. So we're going to have
10 to look at that and bring that up to
11 the Board because there's another
12 overlay to this, but just in terms of
13 the four-tenths and three-tenths, what
14 you said is correct.

15 MEMBER KRASNOW: Can I ask you a
16 technical question? Going back to what
17 Eric was originally saying before about
18 Skudrna and they had 36 feet between
19 each lot, or about 18 feet, if again,
20 as part of a variance we were granting
21 we could also ask for a minimum of 36
22 feet between each lot. I mean, so
23 forget about the four-tenths, we could
24 ask for that as part of it, right? We
25 have the -- I mean, that's -- again, I

1 don't know if it really was going to
2 make a difference for anybody's view
3 for what it's worth.

4 MR. HULME: It might because if we
5 had to narrow the houses, we might
6 choose to make them longer.

7 MEMBER FARKAS: You're 35 and a
8 half here.

9 MR. HULME: Yes.

10 MEMBER KRASNOW: No, no, I'm just
11 asking if we -- if for somebody -- what
12 Eric was talking about, the precedent
13 before that we granted, if we wanted to
14 stay within the same precedent, we
15 could say we wanted 18 feet, you know,
16 side yard setback. I'm not saying we
17 should, but again, we have flexibility.

18 CHAIRMAN SARETSKY: Whatever that
19 percent of the Skudrna was. So
20 Skudrna, I'm not sure whether it was
21 three-tenths, or four-tenths, or what
22 percentage, but it landed on 36 feet
23 for an 83 foot house. You could have
24 the same -- you should have -- in my
25 opinion, you should have the same or

1 greater.

2 MR. ANTONOCCI: So we had proposed
3 four-tenths, which was recommended to
4 us, and also I think that the Skudrna
5 was four-tenths. So the numbers might
6 be a little different because the
7 property is a little wider, but still
8 the four-tenths that was requested.

9 MEMBER FARKAS: I think if anybody
10 did the math there I think that they
11 are probably in compliance with
12 Skudrna.

13 CHAIRMAN SARETSKY: I think that
14 would be my guess. That to the people
15 who live near this, getting that
16 four-tenths rule of that setback and
17 the space between it, you're getting
18 something better than what you might
19 get if he built two houses as of right.
20 And at the same time, the homes that
21 are built there get the luxury of
22 having a bigger space between them. So
23 in a way I see it as a benefit for
24 Westhampton Dunes of its existing
25 residents and new residents.

1 MS. BREEN: Well, the benefit also
2 is that you can impose rules that you
3 can't impose on the two house
4 situation.

5 CHAIRMAN SARETSKY: Correct,
6 correct.

7 CLERK SADELI: Are you interested
8 in hearing --

9 MEMBER CASHIN: Sure.

10 CLERK SADELI: So there were two
11 questions here, buy Mr. Grande was
12 first, so I'm going to un-mute him.

13 MR. GRANDE: Yes, hi, everyone.
14 My name is Frank Grande, 749 Dune Road.
15 I'm kind of across the street, I'm on
16 the other side of the house. So I just
17 -- this is the first I'm kind of --
18 I've heard some rumors of what was
19 going on, so bear with me a little bit.

20 Can you guys hear me okay?

21 CLERK SADELI: Yes.

22 MR. GRANDE: All right. So are
23 these plans available digitally?
24 Because I'm not in New York, I probably
25 won't come back for another couple of

1 weeks. I am a developer in New York
2 also, so I kind of understand. Listen,
3 they're going to get built, that's
4 great, that's progress, right? It's
5 like you guys are talking about plans
6 that nobody can see when we're on Zoom.
7 So is there a way to get access to
8 these digitally, or even a link?

9 CLERK SADELI: I have them in
10 e-mail.

11 MEMBER KRASNOW: We only have --
12 we're only looking at site plans, and
13 we're not looking at any elevations or
14 anything like that, but yes, I think
15 whatever Angela has in digital I think
16 she can share it or put it on the
17 website. However you -- whatever is
18 the easiest way for you to share it.

19 CLERK SADELI: If you want to
20 e-mail me and request it?

21 MR. GRANDE: Perfect.

22 CLERK SADELI: And I'll send it to
23 you or whoever wants it then can e-mail
24 me and request that.

25 MR. GRANDE: Yeah, I'll find your

1 e-mail. And so now these three lots,
2 the proposal is to merge them into two
3 lots, correct?

4 MEMBER KRASNOW: No, we're going
5 from two lots to three lots. We're
6 going the other way.

7 MR. GRANDE: Oh, they want to go
8 from two lots that are there now to
9 three lots? They're building two
10 houses.

11 MEMBER CASHIN: Three.

12 MEMBER KRASNOW: Possibly three.
13 They can build two as of right and
14 three with a variance that they're
15 seeking the relief for.

16 MR. GRANDE: Okay. So do we know
17 -- so again, forgive me for my
18 ignorance, but what's the FAR? So in
19 other words -- (inaudible). But really
20 how big are these houses going to be on
21 the lots? So if it's two versus three,
22 that's where it kind of throws off the
23 neighborhood with some of the houses
24 going down back and forth, you know, if
25 it's going to be a five, six thousand

1 square foot house, then there's going
2 to be three of them, that's probably
3 going to be an issue.

4 MR. HULME: Well, those details
5 are all on the map that Angela will be
6 sending you, but the houses are a fair
7 bit below the allowable FAR in this
8 area and certainly less than the as of
9 right.

10 MEMBER KRASNOW: What was
11 originally the estimated as of right,
12 it was about 8,000 feet of house or
13 something like that?

14 MR. ANTONOCCI: 8,000 footprint.

15 MEMBER KRASNOW: They were very
16 large, they were about 8,000 foot
17 footprints if they just built two
18 houses. They're very large.

19 CHAIRMAN SARETSKY: You could have
20 a 16,000 foot --

21 MR. GRANDE: Got you. They want
22 three stories or two stories? That's
23 the other thing. You understand that's
24 where I think a lot of the -- at least
25 from what I gathered from the people

1 that I spoke with, the misunderstanding
2 is it's like are they three stories?
3 So it really doesn't matter what my
4 side view is going to be if I can't
5 look above that, if it's going, you
6 know, 10 feet above my house at my
7 second floor then there's going to be
8 an issue --

9 CHAIRMAN SARETSKY: I think --
10 Mr. Grande, I think there's a pyramid
11 rule that they have to fit into,
12 whether it's one story, two story, or
13 three story. As you've seen in
14 Westhampton Dunes, it has to fit inside
15 that pyramid rule. Joe, am I saying
16 that right?

17 ATTORNEY PROKOP: If you read the
18 code, that's what the code says, yes.

19 CHAIRMAN SARETSKY: That's what
20 the code says. So again, in other
21 words, these homes are probably big
22 enough with the new proposed ones that
23 it probably doesn't need a third story,
24 but if they want to we weren't at this
25 moment prohibiting it just as the homes

1 on the ocean can do the same.

2 MR. HULME: And again, if I --

3 MR. GRANDE: Okay. I'll just
4 e-mail for the plans to get an idea
5 because for because for me I need to
6 see the plans so I can get a better
7 understanding. I thought it was the
8 other way around, three houses down to
9 two, and I'm like what's the big deal
10 with that? But if it's two lots going
11 to three then that does change
12 dramatically what it can and can't be
13 and what it's going to look like over
14 there. And my personal concern is I'm
15 on the other side, what I'm looking
16 straight at at my house, so on the
17 other side of the little house. Now,
18 if you're going to do that over there
19 and then it's going to be a precedent
20 to do it over here, and it's really
21 going to throw off -- I knew when I
22 bought my house I'm not going to have
23 that view forever, right? It was great
24 while it lasted. But you know, you
25 also have to make sure that you're not

1 going to basically put up a brick wall
2 of three or four houses right in front
3 of you and you're not going to be able
4 to see anything.

5 MR. HULME: Well, the purpose of
6 the discussion today as well as at the
7 last hearing and the analysis -- the
8 view shed analysis that we provided
9 demonstrates that your view would be
10 more interfered with by our as of right
11 two lot construction as opposed to the
12 proposed three lot construction. And
13 as far as the height, we could, you
14 know, the as of right can go to the
15 maximum height permitted under the code
16 and would therefore also interfere more
17 with your view than what we proposed
18 even at the same height. You get a
19 better -- you're not going to keep your
20 view, but you're getting a lesser
21 impact.

22 CLERK SADELI: We can only hear
23 one person at a time.

24 MR. GRANDE: I'm sorry. So you're
25 saying three houses will be less

1 imposing than two houses?

2 MR. HULME: Yes, as far as your
3 ability to view. And that's what's
4 demonstrated on the drawings that
5 Angela will be sending you.

6 MR. GRANDE: That's great. So you
7 know what, I'll stop. I can't really
8 make any good, you know, I guess
9 judgments for lack of a better word,
10 you know, until I see kind of what's
11 going on with what's being proposed on
12 the plans. But thank you for your
13 time.

14 MEMBER FARKAS: I just want to add
15 to that that across the street from 749
16 there's already a subdivision of three
17 homes that's been approved in 2009
18 so --

19 MR. GRANDE: Isn't that size a
20 little bit larger than the others?

21 CHAIRMAN SARETSKY: They're almost
22 the same size.

23 MEMBER KRASNOW: A couple of feet
24 larger each lot, nothing significant.

25 MEMBER FARKAS: The lots across

1 the street from you are 83, and the
2 lots that are proposed that we're
3 talking about today is 79.

4 MR. GRANDE: Got you. Okay.

5 CLERK SADELI: Lauren, do you
6 still have a question?

7 MS. NANNARIELLO: I do.

8 CHAIRMAN SARETSKY: Let her
9 identify herself.

10 CLERK SADELI: Lauren, can you
11 just state your name and the address
12 for the record?

13 MS. NANNARIELLO: Lauren
14 Nannariello, 743 Dune Road.

15 CLERK SADELI: Okay. Go ahead.

16 MS. NANNARIELLO: My concerns, I
17 guess, are pretty much the elevations
18 being that they've increased over the
19 past couple of years. They can start 3
20 to 6 feet higher than our houses in the
21 surrounding areas. So when you are
22 going to be building these homes,
23 they're going to be starting a lot
24 higher, and with the pyramid they're
25 going to go much higher than people

1 realize. It's like 63 feet right now,
2 that type of home, so it's going to be
3 there. They're going to maximize their
4 space obviously, you know, if they can
5 go as high as they want to go.

6 MR. HULME: We can go as high as
7 the code will allow us to go, but we
8 can go there as of right without any
9 variances with two houses that will
10 interfere more with your view than the
11 three houses will.

12 MS. NANNARIELLO: That's an
13 opinion.

14 MR. HULME: Yes, it is. Based on
15 the facts as presented.

16 ATTORNEY PROKOP: You should read
17 the code for the height -- you should
18 read the code for the height
19 limitation.

20 CLERK SADELI: Go ahead, Lauren.

21 MS. NANNARIELLO: If you have the
22 two homes there that are front to back
23 with 743 and 745, you'll have 36 feet
24 between the two homes, if not more. I
25 think that's what we have between our

1 two homes.

2 MR. HULME: That's correct for the
3 as of right.

4 MS. NANNARIELLO: So, I mean, by
5 saying that you're going to put three
6 homes there with 12 feet side yards,
7 it's 12 feet.

8 MR. HULME: If you take the two
9 lot configuration and you add up the
10 side yards, and you take the three lot
11 configuration and you add up the side
12 yards, you get a bigger number for the
13 three lots.

14 MS. NANNARIELLO: With the
15 three-tenth rule.

16 MR. HULME: No, with the
17 four-tenths rule as shown.

18 MR. MIZZI: Is there a way to
19 show?

20 MS. NANNARIELLO: We would be more
21 apt to obviously the four-tenths rule,
22 and that's to go into the same rules
23 that Skudrna had to comply with.

24 MR. HULME: I think it's been
25 concluded that the same calculus was

1 applied.

2 CHAIRMAN SARETSKY: Right now the
3 plan is, if we agree to something, it
4 would be to follow consistent with the
5 Skudrna approval.

6 MS. BREEN: With the ability to
7 put restrictions.

8 MS. NANNARIELLO: I just feel like
9 the lines (inaudible) a couple of
10 meetings ago, each house lines up one
11 to one in the whole area up to Pikes
12 Beach besides the last two houses that
13 are -- you know, it's the continuity of
14 the neighborhood, not to just put as
15 many houses as you can. It's a huge
16 variance they're requesting. It's a
17 large variance, it's not a small
18 variance.

19 MR. HULME: Again, I have to take
20 exception to that. My opinion. But
21 the lot widths that we are proposing
22 are very consistent and, in fact, at
23 the high end of the lot widths in the
24 neighborhood.

25 CHAIRMAN SARETSKY: And I don't

1 know if you heard what I said earlier
2 that we wanted to put something in the
3 approval, if we agree to it, that this
4 would be only for homes that are in
5 excess of 75 feet in width so that it
6 would help not set a precedent for
7 something in the future.

8 MS. NANNARIELLO: We already got
9 that with Skudrna, right?

10 CHAIRMAN SARETSKY: No. With
11 Skudrna, I mean, they're 83 foot wide
12 lots that are very similar in size.
13 And again, this is somewhat in keeping
14 with that, but it's very different from
15 other homes in Westhampton Dunes that
16 are, you know -- these would be on the
17 bay side some of the largest width
18 lots.

19 MS. NANNARIELLO: I know. So let
20 me ask you, you said that as far as,
21 like, the neighborhood being flag lot
22 thing, that really wasn't pertaining to
23 this situation? There's no chance of
24 it going -- the DEC won't even let you
25 go beyond the lots of the envelope.

1 MEMBER FARKAS: If we approve the
2 three lots, there will be no flag lots
3 behind these homes.

4 MS. NANNARIELLO: They couldn't be
5 there is my point.

6 MEMBER KRASNOW: I don't know if
7 that's true or not.

8 MS. NANNARIELLO: My whole biggest
9 problem is if it was front to back,
10 that was my first thought, which is
11 what I wanted to have it for the
12 continuity with the neighborhood, but
13 they gave us this schematic, this
14 footprint with the house that would be
15 4,200 to 4,500; is that just the first
16 two floors, is that including the third
17 floor? How much third floor are they
18 going to build? You've seen what's
19 been going on. The houses are like
20 brick walls going up lately. So every
21 house has character in this
22 neighborhood, every house is a little
23 bit different. And you know, they're
24 trying to maximize the square feet,
25 it's square, and it's high because the

1 height levels are at least 3 to 6 feet
2 higher than they were when we built our
3 home, so its' definitely -- it's not
4 going to go with the neighborhood to be
5 honest, but we can't control the fact
6 that you guys -- I mean, it's better of
7 course the height is now raised. It's
8 good. But I'm saying it's not going
9 with the houses that are there now.
10 They're all built around 2000, the late
11 90's. Mike Roski's (phonetic) house
12 past Skudrna, that house was built,
13 like, '99, '96, whatever it was. So
14 those houses aren't high.

15 CHAIRMAN SARETSKY: I think the
16 explanation maybe we could give you, or
17 at least my understanding of this, the
18 three houses versus the two houses, you
19 wind up with greater space between the
20 homes, and if they want to make the
21 houses fit within that pyramid with a
22 small third floor, I mean, again, we
23 can't really stop them from doing that
24 with a two house scenario.

25 MS. NANNARIELLO: Actually voice

1 our opinions to make them smaller. If
2 we do the three lots, we should have a
3 say in what the max square footage
4 should be in the homes.

5 MEMBER KRASNOW: We would. If we
6 grant the variance, we do have
7 conditions and restrictions we can put
8 on the homes that we're trying to say
9 to the neighbors if this is better for
10 you, then we will work to accommodate
11 you. If we don't grant a variance,
12 they can build two houses with about an
13 8,000 footprint each, and they can go
14 three stories high, whatever the code
15 allows them as of right, and they can
16 construct any time of the year.

17 MS. NANNARIELLO: I understand
18 that. And I actually don't have a
19 problem with that to be honest. If
20 that was the case, I don't care. But
21 if we can get the four-tenths rule, and
22 get the square footage under control,
23 and see a schematic like Frank was
24 saying, that would be helpful.

25 MEMBER KRASNOW: I apologize, you

1 said you don't have a problem with
2 which scenario? I'm not sure what
3 you're referring to.

4 MS. NANNARIELLO: I don't have a
5 problem -- I actually don't have a
6 problem with the two house scenario
7 because I feel it lines up. You know,
8 my house is 7,000 square feet, and I'm
9 on the same size lot as 738, obviously
10 I have to expect a 7,000 square feet
11 home across the street from me. That's
12 what it is. But like you're saying,
13 the only reason why I would even really
14 be okay with it is if we do the
15 four-tenth rule, and also make sure the
16 houses aren't going to be, like, a
17 schematic so it conforms to the
18 neighborhood, not have three identical
19 houses and look like 653 where it's
20 just a big block of house. That's
21 what's been going up lately because
22 they want to try to maximize the square
23 footage and get more money for their
24 homes. They're going to sell them. So
25 I mean, to keep the continuity of the

1 neighborhood, these homes were all
2 built 20 years ago, 25 years ago in the
3 90's.

4 CHAIRMAN SARETSKY: I understand
5 your concern. You know, this Board,
6 you know, is tasked with we follow
7 certain rules, certain training that
8 we've had, and we've kind of gotten to
9 this point of three versus two. You
10 know, if you look at the size of the
11 houses to the immediately to the east
12 of it, the two homes they could build,
13 while they're closer in size to your
14 home on the ocean, they're considerably
15 smaller or I should say considerably
16 narrower than the homes on the bay
17 side. You know, as far as what's in
18 keeping, that's opinion, and I respect
19 yours. We're just trying to come up
20 with a solution here that everybody can
21 live with.

22 MS. NANNARIELLO: I think that the
23 gentleman that said before that it
24 should definitely be the same as
25 Skudrna, if not more. It should be at

1 least the 18 feet side yards.

2 CHAIRMAN SARETSKY: I think that
3 we're following that ratio right now.
4 We'll double check that.

5 MS. NANNARIELLO: The ratio is
6 less. It's 79 feet by -- because I
7 think Mr. Hulme was saying the side
8 yards they're requesting, or is it 15?
9 I'm confused. Was he saying 12 or 15
10 feet side yard?

11 MEMBER FARKAS: Between the two
12 homes it's 35.5 feet, Skudrna is 36
13 feet. The Skudrna property is 83.33
14 feet wide, and these lots are 39.33.

15 CHAIRMAN SARETSKY: I mean, it's
16 inches.

17 MEMBER FARKAS: So the ratio is
18 higher for this proposal. You're
19 talking now about the side yards to the
20 east -- to the house on the east and
21 the house on the west?

22 MS. NANNARIELLO: Right.

23 MEMBER FARKAS: Which is 12 and
24 12.

25 MEMBER KRASNOW: What was

1 Skudrna's on the east and the west?

2 MS. NANNARIELLO: Skudrna I
3 thought was 36 feet.

4 MR. ANTONOCCI: I thought it was
5 just the envelopes, I don't know --

6 MEMBER FARKAS: 18 to the east and
7 the west?

8 CHAIRMAN SARETSKY: On the west
9 you can scale it, but it doesn't really
10 show. It shows all but that one spot.

11 MR. ANTONOCCI: I also wanted to
12 mention these are deeper lots, so
13 they're bigger lots than Skudrna in lot
14 area. So that's a consideration as
15 well. The bigger lots might be a
16 little bit wider, but these are bigger
17 lot area.

18 CLERK SADELI: Lauren, do you want
19 to make just one more final comment?
20 And then we're going to take it back to
21 the Board.

22 MS. NANNARIELLO: No, I think what
23 the gentleman was saying about the side
24 yards is positive. Larger side yards.

25 CLERK SADELI: Are there any other

1 questions from any other Zoom members
2 or anyone here in the room?

3 MR. MACRONE: I actually have a
4 question. John Macrone, 734 and 739
5 Dune Road. The issue concerning as of
6 right, the two properties that could be
7 built without any relief, my question
8 is if 150 feet width is required and
9 it's approximately 120 each, 240 total,
10 I don't know if it's divided equally,
11 but there's no relief required with the
12 150?

13 MEMBER KRASNOW: They're
14 preexisting.

15 MR. MACRONE: And the right to a
16 view, that's a question that comes up a
17 lot. Does anyone actually have a legal
18 right to a view?

19 ATTORNEY PROKOP: It's relevant to
20 this Board as far as impacts. And I'm
21 saying that as somebody when I owned a
22 house on the ocean in the Village, I
23 had a one mile unobstructed view with
24 nobody to the west of me for one mile.
25 But it's not -- whether or not there's

1 a legal right to a view is not -- can't
2 be determined by this Board, but what's
3 relevant to this Board is the impacts
4 of obstruction of the view or
5 mitigating the obstruction.

6 MR. MACRONE: And one final
7 question, the five part test, which
8 number three, the substantial nature of
9 the variance, you know, to go down to a
10 79 foot lot, does the Board think
11 that's somewhat substantial to grant
12 that type of relief? Even based on
13 Skudrna, is that typically something
14 that is granted?

15 CHAIRMAN SARETSKY: I'm not sure I
16 understand the question.

17 MEMBER CASHIN: From what to what?

18 MR. MACRONE: To go down to 79.

19 MEMBER CASHIN: From?

20 MR. MACRONE: From I guess it
21 would be it's 120 now, so approximately
22 240 total.

23 CHAIRMAN SARETSKY: Do we think
24 it's substantial? I mean, you know,
25 substantially good or --

1 MR. MACRONE: Just a lot of relief
2 based on what the lot is existing to go
3 down to 79.

4 MR. HULME: As a percentage of the
5 requirement, it's a large percentage,
6 but it's my understanding of the law in
7 that area that you have to look at that
8 in the context of the neighborhood.
9 And in the context of the neighborhood,
10 an 80 foot wide lot is the
11 neighborhood. There aren't any lots
12 that are 150 foot wide in the area of
13 this lot.

14 MEMBER KRASNOW: I think the lots
15 run from about 40 feet to maybe a
16 little over 100, but you know, we have
17 a lot of lots that are 40, 50, 60 feet
18 in the neighborhood.

19 MR. HULME: So you can't look at
20 that in a vacuum.

21 MR. MACRONE: Not as the
22 percentage but as --

23 MR. HULME: That would be my
24 position.

25 MR. MACRONE: That's exactly the

1 question I had. So it's more based on
2 the neighboring properties or other
3 ones in the community more than the
4 percentage.

5 MR. HULME: Yes, I would say.

6 ATTORNEY PROKOP: So the Village's
7 opinion on that is it's a balancing.
8 There's several considerations. One of
9 them is the proportion or whether it's
10 a substantial variance. In a balancing
11 of that is the -- one of the other --
12 one or two of the other considerations
13 is whether or not it's consistent with
14 other lots in the neighborhood, whether
15 or not there's been variances granted.
16 Some of the lots that Mr. Hulme was
17 talking about that are smaller lots may
18 have been the product of other
19 variances that were granted, which also
20 has relevance. So it's the conformity
21 with the -- substantial is determinable
22 -- is relevant on its own, but it also
23 has to be taken into consideration with
24 the conformity with existing
25 circumstances in the neighborhood, and

1 that also has to be taken into
2 consideration with whether some of
3 those existing circumstances were the
4 product of other variances that were
5 granted. That's relevant also.

6 MR. MACRONE: Thank you.

7 MS. BREEN: I'm under the
8 impression that the bunny hut was an
9 original surviving structure from the
10 storms in the 80's that has been
11 updated and whatnot over time, just
12 recently actually. Is there a plan for
13 the bunny hut, preserving it, moving
14 it?

15 CHAIRMAN SARETSKY: I think there
16 was chat about it, but I don't know.

17 MEMBER KRASNOW: I think --

18 CLERK SADELI: What about a
19 donation to the Village?

20 MEMBER KRASNOW: I think you were
21 okay with it, the question was where to
22 put it.

23 MR. ANTONOCCI: Yes, I'm not
24 looking to the demolish the house, just
25 looking to repurpose it elsewhere in

1 the Village, elsewhere on the property,
2 something to that effect.

3 MEMBER KRASNOW: I think that was
4 discussed, and he was very open to
5 that, so it's just a matter of if we
6 could find a place to put it.

7 MR. HULME: Find a home for the
8 home.

9 MS. BREEN: Does our Village have
10 an Architectural Review Board?

11 CLERK SADELI: No.

12 MS. BREEN: It does not. So when
13 plans are submitted, the Building
14 Department approves them basically?

15 CHAIRMAN SARETSKY: Right. So if
16 it's as of right, meaning it complies
17 with the pyramid and all those zoning
18 rules, this Board does not get
19 involved.

20 MS. BREEN: And you can build two
21 identical houses. I think that was one
22 of Lauren's worries. I would hate to
23 see three identical houses.

24 CHAIRMAN SARETSKY: So one of the
25 things we could -- that this Board, if

1 we grant this variance we could say
2 that we would like to have the three
3 homes have different character,
4 whatever, something. I mean, we can
5 come up with something.

6 MR. HULME: The only thing --

7 CHAIRMAN SARETSKY: But we don't
8 dictate --

9 MR. HULME: Yeah, and since there
10 is not an Architectural Review Board in
11 the Village, and there's no Historic
12 District in the Village, there's no
13 standard by which that can be judged.
14 And we agree that you can condition
15 this on a lot of things, but the
16 conditions have to be related to the
17 relief that we're looking for, and I'm
18 not sure the style of the home has
19 anything to do with that.

20 CHAIRMAN SARETSKY: Well, in my
21 experience on the Zoning Board, there
22 are things that we have -- Joe,
23 particularly, and I have done. There's
24 landscaping issues, if there are septic
25 system, walls, and there are various

1 things that we have been able to
2 instigate. In other words, say hey,
3 listen. There are other rules that
4 exist that, you know, we could -- there
5 are lighting rules, there are things
6 that exist without us that need to be
7 complied to. We can be more specific
8 about it to some degree. I mean, look,
9 we're not trying to make this a
10 hardship for someone who is building
11 it, and at the same time we could try
12 to come up with something and ask for
13 their best intent to do certain things,
14 but we can't really say this house,
15 this one is going to be a Mediterranean
16 house, this one is going to be
17 traditional, and this one is going to
18 be --

19 MS. BREEN: Modern, whatever.

20 MEMBER MIZZI: Would it be
21 objectionable if there was a request
22 not to have them all be exactly the
23 same?

24 MR. ANTONOCCI: Well, it's not
25 going to be to our benefit to make them

1 exactly the same.

2 MEMBER MIZZI: No, I'm just saying
3 -- but my question was -- I mean,
4 that's your question, right?

5 MS. BREEN: Right. You don't want
6 it to look like three houses have been
7 built for a little development. I
8 mean, when you go up and down starting
9 from where the pillars are that say
10 you're entering the Dunes, from that to
11 that there's almost not one house that
12 matches.

13 MEMBER MIZZI: Let me give you an
14 example, I think your house, right --
15 those houses were built --

16 MEMBER CASHIN: There's three of
17 my house.

18 MEMBER MIZZI: Those houses were
19 built together, but they were built
20 slightly differently so they don't look
21 exactly the same.

22 MEMBER CASHIN: They're pretty
23 much the same, but they're separated by
24 other houses. The one two houses west
25 of me is an exact duplicate -- east,

1 east of me.

2 MEMBER FARKAS: I think the owner
3 would agree.

4 MS. BREEN: You hear the request
5 that they don't look like a
6 development?

7 MR. ANTONOCCI: Yes.

8 CHAIRMAN SARETSKY: What you're
9 really saying is you don't want each
10 window for each house to be exactly the
11 same, and certain things to give it
12 character so that they're slightly
13 different. But at the same time we
14 can't totally dictate --

15 MS. BREEN: No, I get that.

16 CHAIRMAN SARETSKY: So I think --
17 I don't want to speak for you.

18 MR. ANTONOCCI: You can. My
19 intent is not to make them identical.

20 MS. BREEN: There you go.

21 MEMBER KRASNOW: They're going to
22 be fraternal triplets.

23 CHAIRMAN SARETSKY: I think you
24 touched on it by saying it's not in his
25 interest to build three, like, clones

1 of each other.

2 MR. ANTONOCCI: Correct, correct.

3 CHAIRMAN SARETSKY: For various
4 reasons.

5 MEMBER FARKAS: Eric, I'd like to
6 address Lauren's comments about the
7 side yards on the end property. So the
8 house to the east, what is -- is there
9 a driveway, a non-buildable driveway to
10 the east of that?

11 MR. ANTONOCCI: There are two
12 independently owned lots, so there is
13 more of a buffer between the house to
14 the east because of these two parcels.

15 MEMBER FARKAS: Are either of
16 those buildable?

17 CLERK SADELI: No. They're just
18 easements.

19 MR. ANTONOCCI: They're deeded,
20 somebody owns them.

21 CLERK SADELI: Yeah, and they were
22 noticed.

23 MEMBER FARKAS: But you can't
24 build on them?

25 MR. HULME: No.

1 MS. BREEN: Unfortunately because
2 I would build some place just so they
3 couldn't park 20 cars there.

4 MEMBER FARKAS: So the side yard
5 you're proposing 12 on the --

6 MR. ANTONOCCI: With the intent of
7 making the center a little bit wider.

8 MR. HULME: I think what you're
9 getting at is the effective side yard
10 between 734 is, in fact, larger because
11 of those two access ways.

12 CHAIRMAN SARETSKY: I'm not sure
13 if the people on the Zoom call
14 understand that, I'm not sure if you
15 understand that.

16 MS. BREEN: No, I totally get it.

17 CHAIRMAN SARETSKY: So it gets
18 better.

19 MEMBER FARKAS: I'm trying to say
20 it gets better. So now, how would we
21 address because if Skudrna is doing 18,
22 and this proposed is 12, that's only 30
23 feet, and I think that was one of the
24 objections.

25 CHAIRMAN SARETSKY: So that would

1 be one we would need you guys to look
2 at. In other words, on this side you
3 pick up that extra space, and that's
4 great, it helps make people's views
5 better. But on this side where we only
6 have the 12 foot, if you could center
7 -- put this centered, however you want
8 to do it, we would want that to be at
9 least what Skudrna has. Right now you
10 have 12 plus --

11 MEMBER FARKAS: Well, at least it
12 should be the four-tenths rule, and
13 you're already over the four-tenths
14 rule according to my math.

15 CHAIRMAN SARETSKY: I don't think
16 that's really a hardship for you
17 because, again --

18 MR. HULME: Are you suggesting
19 that this house here be just centered?

20 CHAIRMAN SARETSKY: Yeah. Right?
21 Wouldn't that help you?

22 MR. HULME: That would help here,
23 but does that help here? I mean,
24 everything we give we're taking away.

25 CHAIRMAN SARETSKY: I guess,

1 maybe --

2 MR. HULME: Our attempt was a
3 balance.

4 CHAIRMAN SARETSKY: So if it's 18
5 feet on this side, maybe you shift this
6 over a foot or two, whatever it is, or
7 maybe you leave it. Maybe -- I don't
8 know. Listen, no one has built a house
9 yet on Skudrna. You'll be first.

10 MR. HULME: If we're ahead of them
11 presumably then they can build based on
12 what you may approve here.

13 CHAIRMAN SARETSKY: Right.

14 MR. HULME: They don't have to
15 build to the limits of that side of the
16 house.

17 MS. BREEN: So that property
18 that's not developed yet, their
19 variances are already in place, so once
20 they decide to build they have the as
21 of right.

22 MR. HULME: That is correct, but
23 they have to go to the Planning Board.

24 MS. BREEN: To get the --

25 MEMBER KRASNOW: Their subdivision

1 is approved, not their variance.

2 ATTORNEY PROKOP: Whenever you're
3 ready, I have a suggestion.

4 CHAIRMAN SARETSKY: Joe, let's
5 hear -- I think we've have covered
6 everybody's comments. Guys, hang on
7 one second.

8 ATTORNEY PROKOP: I think you're
9 at the point probably where, you know,
10 what you should do is to communicate to
11 the Planning Board slash Trustees that
12 you'd like input on the question of
13 whether the houses should be -- whether
14 there should be a north -- definitive
15 north line, or staggering, or both.
16 And then also seek public comment on
17 that from the people that are online,
18 now they can submit public comments --
19 they can submit comments. The other
20 thing I think you might consider
21 happening just to see if you can come
22 to -- if there's going to be a middle
23 ground that you can come to with the
24 applicant is to request the applicant's
25 attorney to provide a proposed covenant

1 based on the Skudrna decision, Skudrna,
2 and also based on the comments that
3 he's had so far here so we don't have
4 to spend another two or three meetings
5 going over a covenant.

6 MR. HULME: I can do that.

7 ATTORNEY PROKOP: And I don't have
8 to sit in my office on a Sunday doing
9 it.

10 MR. HULME: I get to sit in my
11 office on a Sunday doing it.

12 CHAIRMAN SARETSKY: All right. So
13 for everyone that's on the Zoom call,
14 we'd ask for you to give us any
15 comments you have, correct, Joe?

16 ATTORNEY PROKOP: Yeah. And we
17 encourage specifically comments about
18 whether the houses should be staggered
19 or --

20 CHAIRMAN SARETSKY: Versus in a
21 row.

22 ATTORNEY PROKOP: Or a definitive
23 north line.

24 CHAIRMAN SARETSKY: Or a border
25 like Skudrna had. And then, I guess,

1 the other question is as far as any --
2 Irwin mentioned it before -- any
3 considerations that we're looking for,
4 we'd like those too. So any comments
5 that people have that you want a
6 landscaping request or you want a --

7 MS. BREEN: No pile driving
8 between the 4th of July and Labor Day.

9 CHAIRMAN SARETSKY: Whatever it is
10 within reason.

11 MS. BREEN: No. At all. I'm not
12 saying no building, I'm saying no pile
13 driving.

14 CHAIRMAN SARETSKY: I don't think
15 you're -- well, I don't know what the
16 rules are right now, so I can't speak
17 to that, but in any event, give us what
18 you have in writing to Angela and try
19 to get it to us in the next couple of
20 weeks so that we have it --

21 CLERK SADELI: By May 5th so we
22 have everything to review.

23 CHAIRMAN SARETSKY: Okay.

24 CLERK SADELI: Lauren, did you
25 hear that?

1 CHAIRMAN SARETSKY: We'll send an
2 e-mail out saying that. The idea is
3 that when we get together next time we
4 are --

5 MS. NANNARIELLO: Yes, I heard
6 that.

7 CLERK SADELI: So any public
8 comment, just send to me, if you have
9 it. Okay?

10 MS. NANNARIELLO: Yes.

11 MR. HULME: Procedurally, how --
12 maybe this is a question for Counsel.
13 How do we get in front of the Trustees?

14 ATTORNEY PROKOP: You don't do
15 anything. We're going to send a
16 communication to the Trustees.

17 MR. HULME: And the drawings?

18 ATTORNEY PROKOP: Angela has the
19 drawings.

20 MEMBER KRASNOW: Just technical
21 question, back to the beginning, does
22 he have to merge the lots and then
23 subdivide --

24 ATTORNEY PROKOP: So here's what
25 happened with this application. I try

1 to say this at least once a meeting, I
2 was going to try to avoid it today. I
3 was contacted by the Village -- excuse
4 me, I was berated by forcing -- because
5 it was said that I was forcing the
6 applicant to merge the lots and then
7 un-merge them. If you read the
8 application, what it actually says is
9 that the application is to merge the
10 lots and then un-merge them. So it
11 wasn't my recommendation. But what's
12 going to happen here I think is that
13 there will be a plan filed, which is
14 basically just dissolving the two lots
15 into three lots. There's going to be a
16 superseding plan filed with Suffolk
17 County, which will be the plot, the new
18 plots of this property, which will be
19 three lots instead of two lots. The
20 question that we need to have the
21 applicant resolve, hopefully amicably,
22 with the Village and my office is
23 whether you want the same name on those
24 three lots or different names, and how
25 you want us to handle that. You know,

1 because you're taking a lot that is
2 owned -- two lots that are owned by two
3 different entities, and we're going to
4 go to the County and say we want these,
5 so the first thing the County is going
6 to say is well, what's the name? You
7 probably want to transfer one of them
8 into the -- excuse me, one of the two
9 into the same name as the other one so
10 then they can have the same name, or
11 your attorney will advise you on how to
12 do that, but that's the next step that
13 you have to be thinking about.

14 MEMBER KRASNOW: Suffolk County
15 Health Department will have to approve
16 this also.

17 MR. HULME: Yes.

18 ATTORNEY PROKOP: So the answer to
19 your question, the short answer is I
20 don't think we can go through the
21 merger line, the merger process. I
22 think it's just going to be an overlay
23 of a new plot map that's going to be
24 given to the County.

25 MEMBER KRASNOW: As long as you

1 guys have a blueprint for it, I just
2 wanted to make sure that -- I didn't --
3 I had the feeling --

4 MR. HULME: I agree with Counsel.

5 CHAIRMAN SARETSKY: Okay.

6 MEMBER FARKAS: What's the
7 timeframe based on everything we've
8 heard today as to when construction
9 would start?

10 MR. HULME: Tomorrow? Probably
11 not until the fall at the earliest, I
12 would think. The question is really
13 when will we be fully approved to start
14 construction?

15 MEMBER FARKAS: How long does it
16 typically take?

17 MR. HULME: The Health Department
18 is going to take several months.
19 That's going to be the big driver of
20 time here. And the reason why we
21 haven't applied yet is because
22 obviously there's been a lot of
23 interest and concern, and we didn't
24 want to apply for something that wasn't
25 going to get approved.

1 MEMBER FARKAS: I'm just thinking
2 when are you going to start driving
3 those piles for two houses or three
4 houses?

5 MR. HULME: Probably sometime in
6 the winter.

7 MEMBER FARKAS: Unlikely before
8 Labor Day.

9 MR. HULME: No, not a chance.

10 MS. BREEN: I only mention it
11 because 2017 was our first summer, and
12 for, like, three weeks I don't know
13 where it was, but there was pile
14 driving. And we spent a lot of time
15 out at the house during the week, and
16 you could really like, you know, drive
17 a nail into your head because it's so
18 rhythmic and so long.

19 MR. HULME: And if there's more
20 than one going on at the same time,
21 that's got to be terrible.

22 MS. BREEN: 4th of July to Labor
23 Day is kind of sacred out here. And
24 I'm not suggesting that you can't do
25 construction, I'm just suggesting the

1 pile driving.

2 CHAIRMAN SARETSKY: We certainly
3 put that on the list and we'll try to
4 make it so that --

5 CLERK SADELI: Will you build all
6 three houses at the same time?

7 MR. ANTONOCCI: Probably not.
8 Maybe two, or start one and then
9 stagger the build. See how things are
10 when all approvals are in place.

11 MEMBER KRASNOW: You're waiting
12 for interest rates to go up more before
13 you start?

14 CHAIRMAN SARETSKY: All right. So
15 I can make a motion to keep this open
16 and close --

17 ATTORNEY PROKOP: No, we're going
18 to adjourn the public hearing open
19 until the next meeting date.

20 CHAIRMAN SARETSKY: Someone
21 second?

22 MEMBER KRASNOW: Aye.

23 CHAIRMAN SARETSKY: All in favor?

24 (Aye said in unison.)

25 CHAIRMAN SARETSKY: Thank you for

1 all coming. Thanks for listening.

2 MEMBER MIZZI: I have one comment
3 before we go. I think just
4 procedurally, I'm not sure it's the
5 case, but it seems to be the case,
6 we're inviting people to a Zoom
7 meeting, when I accept the invite to a
8 Zoom meeting, I assume that the
9 materials that are being shown are
10 going to be available, and it sounds
11 like people are just giving comments
12 based on not, like -- if we're going to
13 do Zoom, we should do a screen share,
14 documents that people are looking at.

15 MEMBER KRASNOW: And we need a
16 speaker. We need an external speaker.

17 MEMBER MIZZI: Otherwise it's
18 wasting time if people are giving
19 comments that are not relevant because
20 they're not looking at the materials.

21 ATTORNEY PROKOP: Do we have
22 anything else on the agenda today? I
23 just had one item. (Hanging).

24 So Angela, what I did was -- I
25 thought I had so many copies of this.

1 Oh I do. Angela, what I did was I made
2 one copy of what we're going to talk
3 about. I think this is what we're
4 looking at, and I copied the
5 transcript, I copied the transcript
6 from the last date that we actually
7 voted on it, and I pasted it in the
8 file after the decision so that way it
9 will actually become part of the
10 decision so we can see what we talked
11 about. So this is what will go into
12 your office, and then we need to
13 discuss this.

14 So here is my recommendation for
15 decision. I'm sorry you're getting it
16 today, but it basically lists the
17 meetings that we talked about this. It
18 was a relatively simple application
19 based on the comments and what took
20 place at the last meeting. If you look
21 at Page 4 after -- where it says
22 therefore, I have the maximum lot
23 coverage variance at 3.7 percent is
24 granted. We have to talk about that.
25 One of the conditions is the applicant

1 is required to pay the -- reimburse the
2 Village prior to a building permit
3 being issued for stenography,
4 consulting, and professional costs.
5 The letter -- okay. There's a note in
6 this -- I made a note here because it
7 somehow has to be dealt with. The
8 Building Inspector sent an applicant a
9 letter midstream that said that the
10 side yard is not compliant. The side
11 yard is shown as being 20.3 feet, and
12 the minimum is supposed to be 20.8
13 feet, and there was no variance
14 requested for that. So I don't know,
15 do you have any explanation?

16 MR. HULME: We adjusted. The
17 final version of the map we adjusted
18 that side yard setback so that it
19 complied.

20 ATTORNEY PROKOP: Okay. So I'll
21 take that out and then have Eric sign.
22 And then the other thing is your
23 survey -- you made a comment at the
24 last meeting that your survey showed
25 the lot coverage was 23.8 percent, but

1 what was applied for was 23.7 percent,
2 so how do you want to deal with that?

3 MR. HULME: Well, I think what
4 happened was when we updated the survey
5 and reduced the side yard, the lot
6 coverage was recalculated based on the
7 current conditions. So we'll need the
8 larger relief.

9 CHAIRMAN SARETSKY: Also Joe, I
10 remember when you said this, we agreed
11 that they would put no extra solar
12 panels on that side, but you write here
13 that there shall be no additional solar
14 panels added. In other words, is that
15 -- I though you said we couldn't
16 prohibit that?

17 ATTORNEY PROKOP: You could if
18 it's going to be an impact. You think
19 it's --

20 CHAIRMAN SARETSKY: I guess, what
21 I'm saying is if they wanted to add a
22 solar panel in a place that's not
23 offensive to the neighbor --

24 ATTORNEY PROKOP: Okay. Not on
25 that side.

1 CHAIRMAN SARETSKY: I thought
2 there was some issue with the State,
3 you couldn't -- we can only prohibit
4 them --

5 CLERK SADELI: I think in a
6 location.

7 CHAIRMAN SARETSKY: -- language
8 that I think is okay.

9 ATTORNEY PROKOP: What about
10 approving exterior lighting, you want
11 to do that, or no, you don't care?

12 CHAIRMAN SARETSKY: I think we
13 wanted to.

14 ATTORNEY PROKOP: Okay. So I
15 added that in. And then the ground
16 floor, there was a comment by the
17 applicant that the ground floor is to
18 be used for storage and garage use
19 only.

20 CHAIRMAN SARETSKY: That's okay
21 with me.

22 ATTORNEY PROKOP: Okay. I asked
23 him that. So then we -- so otherwise
24 what I'd like to do basically is kind
25 -- I know it's kind of backwards

1 because you're getting this today, but
2 maybe we could vote to approve this,
3 and then everybody take it with them
4 and have, like, a week or two to edit
5 it if you want, and then we'll have
6 Eric sign it based on whatever comments
7 we get. Don't sign that one because I
8 have to make the adjustments that we
9 talked about.

10 MEMBER KRASNOW: So we're
11 approving it as potentially modified?

12 ATTORNEY PROKOP: Yes, with the
13 comments that we got today.

14 MEMBER MIZZI: Approved as to be
15 noted.

16 ATTORNEY PROKOP: If that's okay.

17 MEMBER KRASNOW: This helps him so
18 he can get started, is that why we're
19 trying to --

20 CLERK SADELI: Yeah, so once we
21 have the signed decision and he pays
22 the fees to the Zoning Board, which
23 he's already paid the first fee, so it
24 would be for the second meeting, then
25 he can get his permit.

1 MEMBER MIZZI: Approved subject to
2 there's no objections to the further
3 modifications.

4 ATTORNEY PROKOP: Yes, you can
5 make that motion.

6 CHAIRMAN SARETSKY: I'll make a
7 motion to approve it.

8 MEMBER CASHIN: I'm going to
9 abstain, unless it matters because I
10 wasn't at this meeting and I don't know
11 anything about this.

12 MEMBER MIZZI: I was at prior
13 meetings, I was not at the last
14 meeting, so I can vote on it, but I --
15 you know.

16 MEMBER CASHIN: If you don't need
17 my vote, I'll abstain.

18 MEMBER FARKAS: You should make
19 the motion should be for Eric Saretsky
20 to sign the approval.

21 CHAIRMAN SARETSKY: My name is
22 already on it.

23 MEMBER FARKAS: I understand.
24 You're going to get all the comments
25 and you're going to say this is okay,

1 this is not okay.

2 MEMBER KRASNOW: As noted slash
3 modified.

4 MEMBER MIZZI: I'm just saying I
5 was at other meetings that are noted
6 here, I wasn't at the last meeting.
7 I'm willing to -- if it's okay for me
8 to vote, I'm willing to vote.

9 CHAIRMAN SARETSKY: All in favor?
10 (Aye said in unison.)

11 MEMBER CASHIN: One abstention.

12 ATTORNEY PROKOP: We can close --

13 MEMBER KRASNOW: All right. Make
14 a motion to adjourn the meeting.

15 MEMBER CASHIN: Second.

16 CHAIRMAN SARETSKY: All in favor?

17 (Aye said in unison.)

18 (The meeting was adjourned at
19 11:36 a.m.)

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C E R T I F I C A T E

I, AMY THOMAS, 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 held on April 15, 2023, and were
reported by me.

I further certify that I am not related to
any of the parties to this action by blood or
by 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 21st day of APRIL, 2023.

AMY THOMAS

A				
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