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VILLAGE OF WEST HAMPTON DUNES

COUNTY OF SUFFOLK : STATE OF NEW YORK

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VILLAGE OF WEST HAMPTON DUNES

ZONING BOARD OF APPEALS

-----x

November 4, 2023

9:00 AM

906 Dune Road

West Hampton Beach, NY 11901

A P P E A R A N C E S:

ERIC SARETSKY, Chairman

IRWIN KRASNOW, Board Member

JAMES CASHIN, Board Member

JEFFREY FARKAS, Board Member

JOSEPH MIZZI, Board Member

ARAM TERCHUNIAN, Consultant

JOSEPH PROKOP, ESQ., Board Counsel

JR DI CIOCCIO, ESQ., Substitute Board Counsel

ROBIN SANTORA, Village Clerk

GARY VEGLIANTE, Mayor  
Village of West Hampton Dunes

ALL OTHER INTERESTED PARTIES

CHAIRMAN SARETSKY: All  
right, we're going to call the  
meeting to order. First we're  
going to do the pledge of  
allegiance.

(Whereupon the Pledge of  
Allegiance was recited.)

CHAIRMAN SARETSKY: All  
right, I'll call the meeting to  
order. The first item on the  
agenda is 772 Dune Road. I think  
we should start JR, why don't you  
introduce yourself.

MR. DI CIOCCIO: Okay.

CHAIRMAN SARETSKY: Why  
don't you explain why you're here.

MR. DI CIOCCIO: I'm JR  
DiCioccio. I'm filling in for the  
Village Attorney Joseph Prokop just  
on this application. Over the past  
week or so I've reviewed all of the  
previous submissions and reviewed  
all of the hearing transcripts, I  
think there were four of them. So

I'm pretty much, you know, up to speed on where we're at, what's happened in the past.

CHAIRMAN SARETSKY: So one thing I would just like to add is that we spoke briefly to Joe Prokop and there was a list of items from -- Aram produced the list after our meeting last time and some of those items have arrived as late as yesterday.

BOARD MEMBER KRASNOW: Here's a list if you want (indicating).

CHAIRMAN SARETSKY: Okay, so we're catching up on this items. I think there's 14 items. I don't know that we really need to go through the list because I thought that Aram -- should we go through it.

BOARD MEMBER KRASNOW: No. I'm just using it as a reference. I'm not saying you have to --

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CHAIRMAN SARETSKY: Okay.

So, in any event, I want to make sure everybody understands that some of the information that we were supposed to have ten days prior hasn't -- some of it hasn't arrived and some of it arrived as late as yesterday.

MR. HULME: I would just like to say for the record that I was never provided with a list.

CHAIRMAN SARETSKY: Okay.

MR. HULME: So everything that I was asked to provide, I provided within ten days or longer ago.

CHAIRMAN SARETSKY: Okay.

MR. HULME: And I'd be happy to try to respond to the other items, but if we could --

CHAIRMAN SARETSKY: We'll speak to Aram about them.

MR. HULME: Sure. It might be useful to quickly start

from the beginning if that's  
alright?

CHAIRMAN SARETSKY: That's  
a good place to start.

MR. HULME: So 772 Dune  
Road, we're looking for some  
variances as the Board is aware.  
Just a little bit of background,  
the property was the subject to a  
2006 Zoning Board approval, which,  
if followed through on, would  
create three lots; one lot 19,732  
square feet with a home on it; the  
second lot would have been 19,737  
square feet, which would have been  
vacant and there was a reserve lot  
of 13,161 square feet, which was to  
remain undeveloped. And at that  
time the approximate lot size was  
52,630 square feet in total. And  
if you add up the numbers that I  
just mentioned to you, you would  
come to that number.

So let's fast forward to

late 2022, early 2023. After many years of protracted litigation with the Town Trustees, a settlement was reached wherein a part of 772 was transferred to the into the ownership of the Trustees.

And in addition, I would like the Board to take notice that in the interim between 2006 and 2022, this particular parcel of property lost 7,651 square feet of shoreline. So that disappeared.

As reflected on the subdivision map last dated October 5, 2023, which was recently filed with this Board, what is being proposed now is a first lot that is --

MR. DI CIOCCIO: 15,000 --

MR. HULME: Thank you.

15,100 square feet, a second lot that is 17,790 square feet and what is effectively a reserve lot of 12,079 square feet, which is now

1                   titled in the hands of the Town  
2  
3                   Trustees.

4                   Our entree to this Board  
5                   was as a result of a Planning Board  
6                   application for the subdivision  
7                   application, which took place in  
8                   February of 2023, wherein the  
9                   Planning Board denied the  
10                  subdivision application based on  
11                  its need for various variances.

12                  MR. DI CIOCCIO: You're  
13                  saying the Planning Board denied  
14                  this subdivision application in  
15                  2023?

16                  MR. HULME: Yes.

17                  MR. DI CIOCCIO: Oh, I  
18                  didn't know that.

19                  MR. HULME: A version of  
20                  this; an early version of this.

21                  MR. DI CIOCCIO: Oh.

22                  CHAIRMAN SARETSKY: So do  
23                  we have that denial?

24                  MR. HULME: I don't  
25                  believe it was in writing. It was

just an oral motion made.

BOARD MEMBER KRASNOW:

Denied based upon?

MR. HULME: Its need for  
variances.

BOARD MEMBER KRASNOW:

Okay, sending it back to the Zoning  
Board?

MR. HULME: Sending it to  
the Zoning Board to get the  
variances necessary.

BOARD MEMBER FARKAS:

Sending it back, as opposed to  
denying it?

MR. HULME: Well, the  
Planning Board denied it because  
they couldn't grant it because they  
needed variances and that was our  
invitation to come and visit with  
you guys.

BOARD MEMBER KRASNOW: And  
then, if you got your variances,  
they still have to approve it?

MR. HULME: Yes. Assuming

we ultimately get the necessary variances granted here, we'd have to go back to the Zoning Board -- the Planning Board for the ultimate approval of the map.

So, also recently submitted and actually submitted a couple times over time, hopefully you all have the neighborhood analysis packet that I filed ten days ago. That included a number of exhibits. Exhibit A is the one I want to talk to you about right now. That one is a detail of what I believe to be the variances necessary for the subdivision. It's Exhibit A to that packet.

CHAIRMAN SARETSKY:

(Perusing) Okay, here we go.

MR. HULME: And you can review those. For the proposed Lot 1, there's an area variance with variance and then side yard variances mostly related to the

fact that there's an existing house  
on Lot Number 1.

And then on proposed Lot  
Number 2, we're looking for area  
variances, as well as a small  
variance for the flagpole that  
serves Lot Number 2 and also  
looking for the necessary relief to  
apply the four-tenths rule to the  
side yard, the side yard for the  
Lot Number 2.

MR. DI CIOCCIO: So I'm  
just looking at the call of the  
meeting and it doesn't have the --  
any variance request for the  
accessory structure on Lot 1 unless  
I'm missing it.

MR. HULME: We talked  
about that and you added it, I  
thought.

MR. TERCHUNIAN: The  
accessory structure?

MR. HULME: Yeah.

MR. TERCHUNIAN: What do

you mean, the deck?

MR. HULME: Yes.

MR. TERCHUNIAN: Just treating the deck as part of the house really. I didn't think to look for a separate variance for the deck.

MR. HULME: All right. We do call that a 1.9 foot side yard on that side.

MR. DI CIOCCIO: I'm just saying, the variance you say you're looking for is not what we have. So just keep that in mind.

MR. HULME: I think the creator of the advertiser is saying that he's assumed all of that relief into the one --

CHAIRMAN SARETSKY: I think what JR is saying --

MR. DI CIOCCIO: It doesn't matter what the average is. It says --

MR. HULME: Well, if we

1                   need to readvertise --

2                               (Whereupon, there was  
3                   crosstalk.)

4                               MR. DI CIOCCIO:  -- that's  
5                   when you need to get a building  
6                   permit.  If you don't meet the  
7                   code, then you have to come back.

8                               MR. HULME:  Okay, got it.  
9                   So moving on, the bulk of the  
10                  memorandum that I filed had to do  
11                  with a neighborhood analysis.  And  
12                  the first step, I think, in doing a  
13                  neighborhood analysis is deciding  
14                  what the neighborhood is and so in  
15                  my memo, I discussed that.

16                               I also, as Exhibit B,  
17                  provided this, which was a view, as  
18                  requested, of four different  
19                  possibilities of neighborhoods.  
20                  The first one being -- if I can  
21                  read upsidedown -- is from Cove  
22                  Lane all the way to the Village  
23                  property line and that's  
24                  5,200 square feet in length.  
25

The second one is from Cove Lane to 748 Dune Lane, which is approximately putting the subject property in the middle of that area.

The third one is from 798 Dune Road to 752 Dune Road, which is a 1,500 square foot plan.

BOARD MEMBER MIZZI:

Linear feet, right?

MR. HULME: Linear feet, centered around the property. And the last possible neighborhood was from 782 to 756, which is approximately 1,000 feet. And in thinking about this a little bit, I think the first cut of the neighborhood is the Zoning District. So, you know, one possible conclusion that could be reached as to the neighborhood within which this property exists is the R-40 neighborhood, which the entire Village is situated.

1                   Personally, I don't think that  
2                   makes sense, but I read some court  
3                   decisions which have led to that  
4                   result.  
5

6                   Starting at the 1,000 foot  
7                   and I don't think that's reflective  
8                   of the neighborhood at all. The  
9                   definition that I found of the  
10                  neighborhood is substantially  
11                  similar. And in a 1,000 foot  
12                  length, that's Pike's Beach parking  
13                  lot is contained in there, and it  
14                  says there's almost no lots at all.  
15                  There's no real significant line of  
16                  demarcation that suggests why the  
17                  neighborhood should only be that  
18                  wide. So I'm not sure that that's  
19                  an actual appropriate definition.

20                  I think on the whole other  
21                  end of things, ocean side of Dune  
22                  Road, different neighborhood than  
23                  the bay side of Dune Road. So I  
24                  think it's appropriate to limit the  
25                  neighborhood analysis to the bay

side.

As I said, I think the 1,000-foot neighborhood is too small and there's nothing within that 1,000 feet that says that you should stop there or start there. I think that's the same problem with the other two intermediate ones. I think that the neighborhood that I proposed from Cove Lane to the Village border was actually an appropriate definition of what the neighborhood that this particular lot sits in.

Cove Lane and Dune Lane are very different areas in the Village, I think, and developed in very different ways than the rest of the Village. But I think from Cove Lane to the -- you know, I don't think we can go beyond the Village border to decide what the neighborhood is, but from Cove Lane to the Village boundary is a whole

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series of lots that, as the data

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will suggest, some of them are

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significantly larger, some of them

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are significantly smaller than the

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subject lots would be if the

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variance was granted.

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I think before I get into

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the data itself, I want to talk for

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a few minutes about the methodology

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that I adopted in developing this

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data. And basically what I did for

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the most part is I went on the

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Town's GIS system where they have a

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tax map, which is essentially what

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Exhibit B is overlaid onto the

17

property.

18

And they identify

19

specifically from the tax --

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perhaps, the assessor's point of

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view, what the size of the lot is.

22

Okay? So that is the lot size that

23

I adopted. You accepted a couple

24

of cases, which I've identified

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where I actually got this.

1                                   The second thing that I  
2  
3                   wanted to say about that is, as it  
4                   pertains to the lot width, I did,  
5                   in fact, scale it off of the tax  
6                   map using the scaling devices  
7                   available on the GIS, however, what  
8                   I did is, to the extent that I had  
9                   surveys, I confirmed that the  
10                  numbers that I was generating by  
11                  scaling the GIS information was, in  
12                  fact, equivalent to, at least in  
13                  those particular instances, the  
14                  surveys that I had, thereby proving  
15                  the method that I choose in that  
16                  area.

17                               The third thing that I  
18                   want you to take notice of is if  
19                   you look along the shoreline, you  
20                   will see tax maps that extend into  
21                   the water, as well as tax maps that  
22                   do not extend quite to the water.  
23                   So rather than trying make an  
24                   adjustment to each of those lots,  
25                   it seemed to me that there were

sufficient lots of either size that by averaging the data over the neighborhood, any error introduced by the fact that some were bigger than actual and some were smaller than actual would then average out and the results that I came up with would be a representative analysis of the neighborhood as a whole.

And remember, we're applying this neighborhood analysis to the neighborhood, not to any one particular lot. So to the extent that one particular lot may be, in fact, a little bit bigger or a little bit smaller, in and of itself, doesn't, I don't believe, negatively impact the overall results.

So the easy one here, I think, is the lot width. And, as I indicated in the table that is in my memorandum, which I filed ten days ago, the average lot width in

1 the neighborhood is 72. The  
2 biggest is 130, the smallest is 40  
3 with a standard deviation, which  
4 Mr. Terchunian explained to you the  
5 meaning of that, of approximately  
6 20. What we are proposing are 56  
7 and 70, so kind of at the low  
8 range, but certainly well within  
9 with the range and well within the  
10 standard deviation for that range  
11 for the properties.  
12

13 And then I did the same  
14 thing with the lot area and as you  
15 can see from that data, although  
16 the average size was a little bit  
17 bigger than what we're proposing,  
18 the areas that we are proposing  
19 were well within the range of the  
20 max and the min as defined also by  
21 the standard deviation, which was  
22 calculated for those features.

23 So then as it pertains to  
24 what I believe -- well, I did it  
25 for all the neighborhoods, but as

1  
2 it pertains to what I believe is  
3 the neighborhood, which is from  
4 Cove Lane to both the western --  
5 eastern Village line. I created  
6 what's known as a scattergram,  
7 which has a data point for each of  
8 the properties that was analyzed  
9 and I compared lot width to lot  
10 area and you can see that the two  
11 lots in question have been  
12 highlighted in that data. And,  
13 again, I grant that it's towards  
14 the lower end of the range, but  
15 it's certainly not outside the  
16 range of sizes and shapes that  
17 exist in the -- in what I have  
18 defined as -- what I believe to be  
19 the appropriate definition of the  
20 neighborhood.

21 MR. DI CIOCCIO: Do we  
22 know if those -- I guess the  
23 minimum lot width, the minimum lot  
24 area, do we know if those were  
25 created as a result of variances by

1 this Board?

2 BOARD MEMBER KRASNOW:

3 That's a good question.

4 MR. HULME: No, they're  
5 not, for the most part.

6 CHAIRMAN SARETSKY:

7 Because I'm the oldest one on the  
8 Board and I don't think that I was  
9 part of any of them.

10 MR. DI CIOCCIO: I don't  
11 mean like this actual Board, but  
12 the Zoning Board in general.

13 BOARD MEMBER KRASNOW: I  
14 thought a lot of the small lots,  
15 and we even have some on the beach  
16 side, that were just part of when  
17 this was just bungalows and they  
18 just preexisted. I don't know how  
19 many of these -- okay, you can  
20 answer.

21 MR. TERCHUNIAN: The  
22 answer is that these lots were  
23 created in the 20's and 30's  
24 through the Heelbarb (phonetic)  
25

subdivision. So they all preexist zoning in the Town, as well as the creation of the Village.

MR. HULME: One other thing that I wanted to say about the methodology that I went about. There are a couple of lots which we originally excluded from this analysis because they were off-scale of the Skudrna, Pinellas, Antonucci. But in both cases of Pinellas and Skudrna, there's an approved Zoning Board, which creates a lot of a certain size and of certain widths, so I did include those.

BOARD MEMBER KRASNOW:  
Aren't those about 80 feet?

MR. HULME: Yes.

CHAIRMAN SARETSKY: I mean, to your original point, I think Antonucci, Skudrna are anomalies.

MR. HULME: Right.

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CHAIRMAN SARETSKY: And  
for that reason, they should be  
looked at that way.

BOARD MEMBER KRASNOW: And  
they're also not flag lots.

CHAIRMAN SARETSKY: Right.

MR. HULME: We're not here  
to get approval for a flag lot.  
There's no prohibition in the  
Village Code for flag lots. They  
are legally constituted lots.  
There is, in fact, regulations  
under the Village Code that say how  
you deal with a flag lot. For  
example, the lot width for a flag  
lot is measured not at the  
flagpole, but internal to the lot.

MR. DI CIOCCIO: I was  
reading that this morning. It does  
say -- it says for approved flag  
lots.

MR. HULME: Right.

MR. DI CIOCCIO: So how do  
we -- I guess I'll ask Aram. When

are flag lots considered approved?

MR. TERCHUNIAN: Well, they either, I would say, they preexist the Village, which a bunch of them do or they're created by application to the Zoning Board and Planning Board.

CHAIRMAN SARETSKY: So it doesn't do that for either. It's not a preexisting condition and it hasn't been approved.

MR. DI CIOCCIO: No.

MR. HULME: Right, but there's no prohibition in the Village Code.

CHAIRMAN SARETSKY: I don't think we're saying there is.

MR. HULME: And the important thing about that is, if it's not specifically prohibited, then it's allowed under applicable law. You have to construe the law in favor of the applicant, not in the favor of the Village. So you

1                   have to assume that flag lots are  
2  
3                   permitted. And the building  
4                   inspector agrees with you because  
5                   he did not require us to get a  
6                   variance for the creation of the  
7                   flag lot.

8                   CHAIRMAN SARETSKY: Just  
9                   back to baby steps. I don't think  
10                  that we're here because this Board  
11                  is against a subdivision flag lot.  
12                  We're here because we're looking  
13                  for variances that would enable  
14                  that for that reason, correct?

15                 MR. HULME: Yes, I agree  
16                 with that.

17                 CHAIRMAN SARETSKY: So the  
18                 variances, some of them being  
19                 substantial, okay, and therefore --

20                 MR. HULME: But I don't  
21                 think out of keeping with the  
22                 neighborhood. But that's what you  
23                 guys have to decide, whether you  
24                 agree with that or not.

25                 CHAIRMAN SARETSKY: Right,

1 but, again, some of your analysis  
2 goes from Cove Lane to the eastern  
3 end of the Village and excludes  
4 everything to the west.  
5

6 MR. HULME: Right.

7 CHAIRMAN SARETSKY: Which  
8 is a substantial piece of West  
9 Hampton Dunes. I'm not sure of the  
10 exact percentage, but maybe it's  
11 half, maybe it's more.

12 MR. HULME: Okay, but I  
13 think my --

14 CHAIRMAN SARETSKY: And I  
15 understand your position and I  
16 understand why you're --

17 MR. HULME: If you want me  
18 to go back and look at every lot in  
19 the Village, I can do that.

20 CHAIRMAN SARETSKY: We're  
21 trying to look at everything as a  
22 whole --

23 MR. HULME: Right.

24 CHAIRMAN SARETSKY: -- and  
25 this Board is trying to be fair and

all the things that go along with  
it and use the same principals that  
we've been taught to move forward.  
And we're all listening to what  
you're saying and looking at what  
you produce, but some of it, like I  
said, I'm looking at on short  
notice, but continue on, please.

MR. HULME: Okay.

BOARD MEMBER FARKAS: You  
were talking about Skudrna and --

MR. HULME: That's as a  
matter of --

CHAIRMAN SARETSKY: -- and  
I appreciate that's an anomaly.

MR. HULME: Yes, but on  
the idea -- you know, I started out  
my comments by saying that a court  
of law may very well find it to be  
within the neighborhood, but I  
think that if I went through that  
analysis, we would still come up  
with a situation where we are  
within the minimums and the

1                   maximums of the Village. I don't  
2  
3                   think redefining the neighborhood  
4                   is going to change the result.

5                   CHAIRMAN SARETSKY: Let me  
6                   ask another question.

7                   MR. HULME: Sure.

8                   CHAIRMAN SARETSKY: Maybe  
9                   it's in the stuff you submitted and  
10                  I just haven't seen it yet. Of the  
11                  nonconforming lots in West Hampton  
12                  Dunes, how many of them that are  
13                  similar to this situation have a  
14                  flag lot on it?

15                  MR. HULME: I don't know.

16                  BOARD MEMBER KRASNOW:  
17                  What are their widths? I was going  
18                  to ask, is there eight in the  
19                  neighborhood; is it ten? And what  
20                  are the end-of-the-day widths? So  
21                  is this lot going to be similar to  
22                  those and what percentage of those  
23                  is in the whole Village?

24                  CHAIRMAN SARETSKY: I  
25                  think there's about 14 or 15 flag

lots in the all of West Hampton Dunes. That's a guess from months ago looking at it on Google Maps. So following what I was saying earlier, I don't know how many of those are nonconforming unless...

MR. HULME: They're all nonconforming.

CHAIRMAN SARETSKY: Well, I'm saying out of the --

MR. DI CIOCCIO: Are you saying that the Zoning Board has never granted a variance that would allow for a subdivision that creates a flag lot?

MR. HULME: I think that's probably the case.

MR. TERCHUNIAN: No, that's not the case. The case is the Zoning Board has granted three variances to create flag lots; one on this property, one on the property next door and one for Pinellas. Those are all

subdivisions approved by the Zoning Board that have flag lots.

MR. DI CIOCCIO: You said Pinellas?

MR. TERCHUNIAN: Yes, Pinellas.

BOARD MEMBER KRASNOW: What year was that on?

MR. TERCHUNIAN: That's in the material submitted. So 772, 774 and I don't remember Pinellas' address.

MR. DI CIOCCIO: 782.

CHAIRMAN SARETSKY: 782?

MR. TERCHUNIAN: Yes.

MR. HULME: 772 and 776, which is a guesstimate.

MR. TERCHUNIAN: No.

MR. HULME: That's a flag lot.

MR. TERCHUNIAN: Oh, you're right.

MR. HULME: So 772, 776.

MR. TERCHUNIAN: 774.

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MR. HULME: 774 and 778.

CHAIRMAN SARETSKY: How  
about 782?

MR. DI CIOCCIO: So you're  
saying there's four previous  
applications --

MR. HULME: For flag lots.

MR. DI CIOCCIO: -- where  
variance were granted.

MR. HULME: Where  
variances were granted to allow the  
creation of flag lots.

MR. DI CIOCCIO: Okay.

CHAIRMAN SARETSKY: So how  
do we look at those four and see  
those four? In other words, how do  
we look at those four and  
understand lot area coverage,  
whatever it was --

MR. DI CIOCCIO: I guess  
you'd have to get the surveys and  
the decisions.

MR. HULME: Which have  
been --

MR. DI CIOCCIO: They're  
already provided I believe.

MR. HULME: Yes, I've  
submitted at least the decisions.  
Pinellas is submitted. Well, I  
think we may have to readvertise  
that one.

MR. DI CIOCCIO: I don't  
think so actually. There was some  
parenthesis, it says accessory. So  
Aram did know, even though he  
didn't know he did.

MR. TERCHUNIAN: Oh.

CHAIRMAN SARETSKY: You're  
smarter than you know.

MR. TERCHUNIAN: Thank  
God.

BOARD MEMBER FARKAS:  
Aram, you mentioned 782, did that  
originally have two houses on it?

MR. TERCHUNIAN: No.

BOARD MEMBER FARKAS:  
Where is the flag lot on 782? How  
am I missing that?

MR. HULME: 782, is that  
Pinellas?

MR. TERCHUNIAN: Yes.

MR. HULME: So Pinellas  
never went back to the Planning  
Board to get the subdivision  
approved, but the Zoning Board  
approved a subdivision with a flag  
lot, very similar to this.

BOARD MEMBER FARKAS:  
Currently there is no flag lot at  
782?

MR. HULME: No, because he  
hasn't gone to the Planning Board  
yet.

MR. DI CIOCCIO: Is that a  
similar situation to the applicant?  
Did his lot decrease in size as  
well?

MR. HULME: It did early  
on. Not since -- no. That was  
before. I think he was --

BOARD MEMBER KRASNOW: He  
wasn't part of the lawsuit though?

MR. HULME: He was in the lawsuit, but I think he settled.

MR. TERCHUNIAN: I don't know.

MR. HULME: Well, why don't I do this: Since that is of great interest, I will analyze that and the other four and provide that information. But in the original 772 and the original 77 -- is Gessin 76?

BOARD MEMBER KRASNOW:  
Yes.

MR. HULME: The scheme was two lots with a reserve lot. And now the reserve lot has become a lot of the Trustees, but it achieves the same -- my point is that it achieves the same result. So I did want to speak again for a few minutes about the prior variance that this --

BOARD MEMBER MIZZI: Can I ask one clarifying question?

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MR. HULME: Sure.

BOARD MEMBER MIZZI: On  
the Schedule A, Item 4, I just want  
to make sure I understand that.  
Total side yard of 14 feet where  
60 feet is required. How can there  
be a 60-foot side yard required in  
a 70-foot lot?

MR. HULME: That's the  
requirement in the Village Code  
under R-40. The total --

MR. DI CIOCCIO: Is that  
total?

MR. HULME: The total side  
yard.

BOARD MEMBER KRASNOW:  
It's supposed to be 150-foot lot.  
So that would be 30 on each side  
even though none of the lots are --  
our code says 150 feet, right?

MR. HULME: No. You're  
code specifically says the total  
side yards need to be 60 feet and  
were proposing a lot that's going

to have a 14-foot side yard.

BOARD MEMBER KRASNOW: The standard lot, let's say, is 150?

MR. HULME: Yes.

BOARD MEMBER KRASNOW: So if you take 60 off 150, you have a 90-foot wide house. Even though it doesn't exist in most properties, that's where it comes from.

BOARD MEMBER MIZZI: Because the reason I was asking was like people that have lots of this size, I don't remember them coming and asking for a variance for side yard.

MR. TERCHUNIAN: That's because the Village has automatic relief granted for lots that preexist the formation of the Village. So if there's a preexisting lot that's narrower --

BOARD MEMBER MIZZI: Okay. So this is a newly created lot, so we have to go back to the --

MR. TERCHUNIAN: That's  
right.

MR. HULME: I agree with  
you.

BOARD MEMBER MIZZI: I  
just want to make sure I was  
understanding that correctly.

MR. HULME: Right, and I  
understand the Board's concern  
about precedential value of other  
applications and I don't  
necessarily agree with that as it  
pertains to other lots. But I  
would suggest that the fact that  
this lot itself received a variance  
that created two lots back in 2006,  
it's not -- I'm not arguing that  
someplace else in the Village  
somebody got to do something so I  
should be able to do it here. What  
I'm suggesting with that is that we  
did -- technically, what we're  
trying to do now is create two  
lots. And we did it in 2006 and

the Zoning Board said okay. And so  
I think that that is --

BOARD MEMBER FARKAS: But  
those lots were more than  
19,000-square feet and now you're  
down to 15 and 17.

MR. HULME: Correct.

BOARD MEMBER FARKAS: You  
know, you would probably be making  
the same argument if you were down  
to 12 and 12.

MR. HULME: I would.

BOARD MEMBER FARKAS: I  
know.

MR. HULME: And I would  
still believe I was correct. At  
the end of the day, what are you  
getting? You're getting two houses  
on two lots. You already said that  
that's okay in this part of the  
Village. That's my point.

BOARD MEMBER KRASNOW: Did  
the Planning Board approve that  
subdivision after the variance

were --

MR. HULME: No. As we discussed last time, the lawsuit came. Everything stopped. We never got -- Harvey was quicker than we were. He got his Planning Board approval. We did not. So Harvey has his two lots and we didn't.

BOARD MEMBER FARKAS: On 774?

MR. HULME: Yes.

BOARD MEMBER FARKAS: But wasn't it originally 776?

MR. HULME: 776, I'm sorry.

BOARD MEMBER KRASNOW: No. 774 is the one that he's building.

(Whereupon, there was crosstalk.)

BOARD MEMBER KRASNOW: The one he's putting the second house on.

BOARD MEMBER FARKAS: 774.

MR. TERCHUNIAN: 774 was the first subdivision that was done prior to this subdivision and the Gessin subdivision. Then Gessin subdivided 776 and went to the Planning Board and got his approval and created two lots there.

BOARD MEMBER FARKAS: Did 774 originally have two homes?

MR. TERCHUNIAN: Yes.

BOARD MEMBER MIZZI: One more question. How come proposed Lot Number 2 doesn't require that same --

MR. HULME: Because it's existing and there's a section of the code that says nonconforming conditions are allowed to remain. There's a house there already and we're looking for relief -- I'm sorry, ask your question again.

BOARD MEMBER MIZZI: I'm saying Lot 1 requires this 60-foot -- the variance because of the 60

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foot --

MR. HULME: Yes.

BOARD MEMBER MIZZI: This  
one doesn't require (indicating) --

MR. HULME: Yes, it does  
and I think that --

BOARD MEMBER MIZZI: It  
doesn't say that.

MR. HULME: Yes, it does.  
It says -- I did it in shorthand.  
The advertising did it in a much  
more complete way.

BOARD MEMBER MIZZI: It  
doesn't say it here (indicating).

MR. HULME: Well, it's  
side yard and total side yard  
relief to be calculated using the  
four-tenths rule. It says that.  
The way it was advertised was  
compared to the 40 feet -- compared  
to the requirement.

BOARD MEMBER MIZZI: Okay,  
understood. Thank you.

MR. HULME: It's just a

1                   little shorthand. I got tired of  
2                   writing.  
3

4                   BOARD MEMBER MIZZI: As a  
5                   good salesman told me once, stop  
6                   talking. You made the sale. Just  
7                   kidding.

8                   (Laughter.)

9                   MR. HULME: So I think  
10                  that's all I wanted to say so far.

11                  CHAIRMAN SARETSKY: So now  
12                  that we're going back, one of the  
13                  things that we asked for, and  
14                  perhaps you've given it to us, is,  
15                  if you were to comply with the  
16                  original variance, do we have  
17                  anything that shows that? In other  
18                  words, if you didn't ask for  
19                  anything different than what you  
20                  asked for before, do we have that?

21                  MR. HULME: Yes, we have  
22                  the map from before.

23                  CHAIRMAN SARETSKY: No, I  
24                  understand.

25                  MR. HULME: And you have

the decision which reflects the relief that you granted.

MR. DI CIOCCIO: There's no way that they can do what they were approved for before because the --

CHAIRMAN SARETSKY: I understand. So it would have to be smaller homes, whatever it is. So the question was, as of right, whether you're looking at the previous variance, we've talked about that variance being not existing anymore or versus it being reissued. I wanted --

MR. DI CIOCCIO: It doesn't apply because it can't. There's not enough --

CHAIRMAN SARETSKY: I understand that the land has shrunk and therefore it's smaller, but --

BOARD MEMBER FARKAS: And the settlement with the Town.

CHAIRMAN SARETSKY: Right,

1                   because of the settlement with the  
2  
3                   Town.

4                   MR. HULME:   The settlement  
5                   is about 12,000 square feet of the  
6                   missing lot.   The original variance  
7                   had a reserve area of about 13,000  
8                   square feet.   So the reserve  
9                   area -- the effective reserve area  
10                  is the same.   What the hardship --  
11                  there's a good word -- the hardship  
12                  that my client faces in this  
13                  adventure is that she lost  
14                  70-square feet of property to the  
15                  bay.

16                  CHAIRMAN SARETSKY:   I  
17                  guess maybe I'm saying it the wrong  
18                  way.   Now that we've brought up  
19                  Mr. Gessin's house to the west  
20                  because he acted faster, quicker,  
21                  whatever reason, he was able to do  
22                  it, correct?

23                  MR. HULME:   That seems to  
24                  be the case.

25                  CHAIRMAN SARETSKY:   With

the existing variance that he was issued in 2006?

MR. DI CIOCCIO: Well, I think that if the applicant acted quicker and --

CHAIRMAN SARETSKY: But --

MR. DI CIOCCIO: Let's just say they got those variances. I think the settlement would have been different because they would have taken -- the Town Trustees would have taken a portion of the lot where the -- of the lot, the proposed Lot 2. If they would have built everything --

MR. HULME: So the steps for the Gessin lot was: Variances were granted; Planning Board approved; subdivision complete; litigation starts. Okay? Litigation goes forward; litigation settles.

BOARD MEMBER MIZZI: What year was the litigation settled

again?

MR. TERCHUNIAN: 2023.

MR. HULME: Recently.

BOARD MEMBER MIZZI: Oh,  
recently?

MR. HULME: Yes. The  
steps in Fabrizio, the case that  
we're here before, was Zoning Board  
approval; litigation; no Planning  
Board. So the Gessin property was  
fully divided and recognized as  
separate lots prior to the  
litigation. So that's why he's  
where he is and that's why we are  
back here.

BOARD MEMBER FARKAS: But  
also 774 had two homes originally  
from before the Village was  
created.

MR. HULME: True.

MR. TERCHUNIAN: Yes, but  
that's not the Gessin property.  
Gessin is 776.

BOARD MEMBER FARKAS: We're

1 talking 774.

2  
3 BOARD MEMBER KRASNOW: So  
4 he has a subdivision on 776 because  
5 it looks like the lot -- after what  
6 he lost, it looks tiny. It doesn't  
7 even look -- I mean, it must be  
8 less than 20,000 feet, I'm  
9 guessing. Based upon the map that  
10 Jim just showed us where the  
11 Trustees took the land, there's  
12 very little left over here.

13 CHAIRMAN SARETSKY: So  
14 she's 772, he's 774?

15 MR. TERCHUNIAN: 774 is  
16 owned by a corporation controlled  
17 by Gessin.

18 BOARD MEMBER KRASNOW:  
19 Right, but --

20 MR. TERCHUNIAN: But you  
21 said 776 is the Gessin house.

22 BOARD MEMBER KRASNOW:  
23 Right. You said that has a  
24 subdivision also?

25 MR. TERCHUNIAN: Yes.

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BOARD MEMBER KRASNOW:

Because if you look at the map that  
Jim has, it seems very small now.  
On this map that he gave us  
(indicating) --

MR. TERCHUNIAN: I gave  
you that.

BOARD MEMBER KRASNOW: Oh.

BOARD MEMBER MIZZI: Aram,  
for clarity, are we talking about  
the one he got approved with the  
one owned by the corporation or the  
one he got approved for his house?

BOARD MEMBER KRASNOW: Both.

BOARD MEMBER MIZZI:  
Because people keep saying he got  
approved right before. Which one  
are we talking about?

MR. TERCHUNIAN: Well, 776  
was approved at the same time as 772.

BOARD MEMBER MIZZI: So  
when we say --

MR. TERCHUNIAN: So stick  
with the addresses and it will be

clearer.

BOARD MEMBER MIZZI: When you say one got approved by the Zoning Board and then approved as a subdivision, that's which one?

MR. TERCHUNIAN: That's 776.

BOARD MEMBER MIZZI: And that's the one on the left?

MR. TERCHUNIAN:

(Perusing) No.

BOARD MEMBER KRASNOW:

Look at this map. It's a little bit easier (indicating).

BOARD MEMBER FARKAS: 776 doesn't show a subdivision on this map.

MR. TERCHUNIAN: That's because of the settlement. That shows the settlement map. That's the post-settlement tax map.

MR. HULME: I'll be happy to provide some clarity on all four of the lots.

MR. DI CIOCCIO: Is 776

built?

MR. TERCHUNIAN: No. Only  
one house is built there.

BOARD MEMBER MIZZI: Is  
one under construction?

MR. TERCHUNIAN: No.  
That's 774.

CHAIRMAN SARETSKY: Okay,  
well --

(Whereupon, there was  
crosstalk.)

CHAIRMAN SARETSKY: One of  
them is piles.

MR. HULME: If you go by  
there today, yes.

CHAIRMAN SARETSKY: 776 is  
an existing home with an approved  
subdivision behind it.

MR. TERCHUNIAN: That's  
right.

MR. HULME: All right,  
I'll provide clarity on all four of  
those flag lots.

BOARD MEMBER FARKAS: Just

1 if you know and you probably don't  
2 have any information, but what are  
3 the two size lots on 776?

4 MR. HULME: I don't know,  
5 but I will tell you.

6 BOARD MEMBER FARKAS: And  
7 shouldn't it been on the --

8 MR. HULME: It probably  
9 is, but I can't read it, it's so  
10 small.

11 BOARD MEMBER MIZZI: 776  
12 is shown as 40-some-odd thousand  
13 square feet.

14 BOARD MEMBER FARKAS: If  
15 it was subdivided, shouldn't it be  
16 on here, the two sizes?

17 BOARD MEMBER MIZZI: 774 A  
18 and B are shown as subdivided.

19 MR. HULME: I don't think  
20 that's 776.

21 BOARD MEMBER MIZZI:  
22 That's shown as not subdivided.

23 MR. HULME: I don't want  
24 to take a position on 776 right now  
25

1 because I don't want to say the  
2 wrong thing.

3  
4 BOARD MEMBER KRASNOW:

5 You're saying 782 got a variance,  
6 but never went to the Planning  
7 Board?

8 MR. HULME: That's what  
9 I'm saying, yes. That's Pinellas.

10 MR. TERCHUNIAN: You know  
11 what, on further consideration, I  
12 think the same thing happened to  
13 776 that happened to 772. The  
14 litigation came before they could  
15 get to the Planning Board. I think  
16 they're both in the same situation.  
17 Because 774 was subdivided years  
18 before.

19 BOARD MEMBER FARKAS: But  
20 776, again, had two homes on the  
21 property from day one.

22 MR. TERCHUNIAN: Yes.

23 BOARD MEMBER KRASNOW: I  
24 have a question. There's two 772's  
25 on this property and they're next

1 to each other, they're not one  
2 behind each other. So the  
3 subdivision, one is 782 or this lot  
4 is subdivided, I'm confused (indicating)?

5 MR. DI CIOCCIO: The Board  
6 granted variances to allow a  
7 side-to-side subdivision as opposed  
8 to a flag lot?  
9

10 MR. TERCHUNIAN: No, this  
11 is --

12 MR. DI CIOCCIO: 782.

13 BOARD MEMBER KRASNOW: No,  
14 this, I thought, was 782  
15 (indicating). That's why I'm  
16 confused. Is that 78 -- it's a  
17 typo?

18 MR. TERCHUNIAN: Yes.

19 BOARD MEMBER KRASNOW:  
20 It's 784. Okay, that's why I  
21 wanted to ask.

22 BOARD MEMBER FARKAS: So  
23 this is 784 to the west of 782?

24 BOARD MEMBER KRASNOW:  
25 Yes, yes.

MR. TERCHUNIAN: Yes. My  
mistake.

BOARD MEMBER FARKAS:  
That's okay.

BOARD MEMBER MIZZI: I  
have a question --

BOARD MEMBER KRASNOW: The  
next house has subdivision.

BOARD MEMBER MIZZI: 770  
on this map, which is just above  
Pike's Beach, it's showing as a  
19,000-square foot lot in your  
calculations and that's the big --

MR. HULME: It's shown  
there as a small lot. That's  
19,000-square feet, the Tax Map  
that's shown on that map.

MR. TERCHUNIAN: That goes  
to Jim's description of his  
methodology. He took the Tax Map  
area and some were bigger, some  
were smaller. It's his assumption  
that they evened out.

BOARD MEMBER KRASNOW: I

1                   West Hampton Dunes ZBA                   November 4, 2023                   55  
2                   thought 770 goes all the way to the  
3                   water.

4                   MR. TERCHUNIAN:   Agreed.

5                   When Jim did his analysis, he  
6                   didn't have access to the survey  
7                   that shows -- this is what I  
8                   gathered:  He didn't have access to  
9                   the survey showing the exact size  
10                  of the lot for all of the lots, so  
11                  he chose a methodology that used  
12                  the Tax Map area for all the lots,  
13                  some being bigger, some being  
14                  smaller.

15                  BOARD MEMBER MIZZI:

16                  Because that's a big difference.

17                  CHAIRMAN SARETSKY:  Yeah,

18                  that's a big difference.

19                  MR. HULME:  But it's one

20                  lot of out of 50.

21                  CHAIRMAN SARETSKY:  And

22                  it's the one that's next door.

23                  MR. HULME:  And look at

24                  the shoreline.  Look at the

25                  shoreline relative to the Tax Map.

1  
2           There are areas where the shoreline  
3           goes beyond and there are areas  
4           where the Tax Map goes into the  
5           water and vice versa. So on  
6           average, they're going to balance  
7           out.

8                       BOARD MEMBER MIZZI: I  
9           don't know about that, but --

10                      MR. HULME: But I do.

11                      MR. DI CIOCCIO: No,  
12           you've lost me. What are we  
13           talking about?

14                      MR. HULME: I took the Tax  
15           Map data. That's what I compared.  
16           And in some cases the Tax Map was  
17           smaller than the actual lot and in  
18           some cases the tax map is bigger.

19                      BOARD MEMBER KRASNOW: So  
20           you're saying there's a beneficial  
21           difference?

22                      BOARD MEMBER MIZZI: This  
23           gentlemen came and said he has this  
24           whole lot and it's showing as  
25           19,000 square feet because it's

being calculated based on it's --

MR. HULME: That's the Tax  
Map.

CHAIRMAN SARETSKY: It  
goes all the way --

MR. DI CIOCCIO: It's a  
60,000 square foot lot. So in your  
neighborhood analysis, you  
calculate it as 19,000-square  
foot --

MR. HULME: Yes. And I  
did the same thing for lots that  
were into the water that shouldn't  
have the benefit of being in the  
water.

CHAIRMAN SARETSKY: But,  
again, I think what Mr. Mizzi is  
saying and, JR, you're saying that  
it's balancing out, but that's an  
opinion.

MR. HULME: And you guys  
have to decide whether it makes  
sense or not.

CHAIRMAN SARETSKY: I

1 understand, but it's concerning  
2 that this is the lot that's next  
3 door when that person came in and  
4 passionately pleaded against this.  
5 And I don't mean to balance it  
6 out --

7  
8 MR. HULME: It's a  
9 neighborhood analysis. It's not a  
10 neighbor analysis. And the fact  
11 that -- if I could?

12 CHAIRMAN SARETSKY: Sure.

13 MR. HULME: And in fact, I  
14 believe the law is that if  
15 something that effects just one  
16 particular neighbor is not  
17 appropriately determined by the  
18 Board. And the reality is that, if  
19 we choose not to do the  
20 subdivision, we could put a house  
21 exactly where it is that he was  
22 complaining where we might put it.  
23 He doesn't have the right to views.  
24 He has a right light and air, but  
25 he does not have a right to views.

CHAIRMAN SARETSKY: Okay,  
and you wouldn't need a variance to  
do it and we wouldn't be here and  
that's the crux of it all.

MR. DI CIOCCIO: The Board  
was more concerned of the fact that  
in your analysis you say it's  
19,000-square feet, but in reality  
it's 60,000 square feet.

MR. HULME: Okay. I will  
go through each lot. I will go  
through each lot and I will adjust  
every lot for what the actual lot  
size is and I will then come back  
and the result will be the same.  
But I'm happy to do it that if  
that's what you'd like me to do.

BOARD MEMBER MIZZI: To be  
clear, you said it balances out. I  
don't know whether the map balances  
out or not. I don't know where it  
falls in the cluster map. I'm just  
saying it looks to be, on the  
calculation, similar in square

footage to the lots that are being discussed, but it appears very different.

MR. HULME: Okay. Well, I'm happy to go back and do that for you. I was trying to avoid several hours of time to get to the same answer.

BOARD MEMBER MIZZI: No, I'm not suggesting you had a motive for it. I'm saying it's confusing for me.

MR. HULME: Well, my motive was to make the best case I could on behalf of my client.

CHAIRMAN SARETSKY: We understand.

(Laughter.)

BOARD MEMBER MIZZI: I wasn't implying that --

MR. HULME: I was explaining in detail how I arrived at the numbers I arrived at.

CHAIRMAN SARETSKY: And

1 while we're getting into it, the  
2 amount of time we're spending on  
3 this particular case --

4 MR. HULME: Right, and  
5 you're not even getting paid.

6 CHAIRMAN SARETSKY:  
7 Exactly.

8 MR. HULME: At least I am  
9 getting paid.

10 CHAIRMAN SARETSKY: If you  
11 want to --

12 (Laughter.)

13 MR. HULME: I do not wish  
14 to do that.

15 CHAIRMAN SARETSKY: I  
16 understand. Nor do I.

17 BOARD MEMBER KRASNOW:  
18 Four hours this week on this stuff.

19 MR. HULME: All right,  
20 what else? What's next? You had a  
21 list. Some of it I answered.

22 CHAIRMAN SARETSKY: Well,  
23 I wanted to go throughout list.

24 MR. HULME: We'll do it  
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whatever way you want. I want to  
get to a point where I have all of  
your questions so I can give you  
all of the answers and then you can  
make up your mind. And if it's  
easier, send me the list.

CHAIRMAN SARETSKY: I  
think you have it.

MR. HULME: I don't.

MR. TERCHUNIAN: No, he  
doesn't.

MR. HULME: Nobody ever  
gave it to me.

MR. TERCHUNIAN: (Handing.)

MR. HULME: I have the  
list.

CHAIRMAN SARETSKY: No  
sense in me reading it to you.

MR. HULME: No. It's a  
lengthy list.

CHAIRMAN SARETSKY: Some  
of it I think you have.

MR. HULME: All right, so  
why don't we adjourn this at this

point so I can...

BOARD MEMBER CASHIN: Aram --

MR. TERCHUNIAN: I'll just walk you through it because I assembled this document.

MR. DI CIOCCIO: I think most of the items are there.

MR. HULME: I don't know.

MR. TERCHUNIAN: So I took the list that the Board had put together. I consolidated information that the applicant had provided and I assembled it all in one place so that you could see it all in one place. And then I did a couple of extra things. Okay, so I'll explain it.

You wanted to see what the original lot is? There is a survey of the original lot.

You wanted to see what the original subdivision was? There's a copy of the subdivision map in there.

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You wanted a copy of the current application? That map is in.

You wanted to know the difference between 2016 -- and it's actually 2006 actually, typo again -- and 2023? So on Exhibit D, there's a table that walks you through that. All those differences -- and when you read it, you'll hear Mr. Hulme's testimony that the numbers are very similar, if not the same.

Then what I created was an overlay of -- again, another typo -- 2006 and 2023 overlay. The purpose of doing that, which is Exhibit D, and I gave you a large-scale copy of that, was so that you could see how the lot changed and where the reserve areas were on the two different subdivisions and in comparison.

You wanted to know the

as-of-right building envelope?

There's a map in there showing you  
the as-of-right building envelope.

And, again, that's something I  
created.

Then you wanted the  
chronology? There's a written  
chronology in there.

Then what I also created  
was location maps, which are the  
color aerial photos of pre- and  
post-settlement boundaries on the  
Tax Maps. I wanted you to see how  
the Tax Maps were changed as a  
result of the settlement.

The Trustee Settlement was  
supposed to be in there, but I sent  
it separately. And good news, even  
though it's 40 pages, you only have  
to read like 6.

VILLAGE CLERK SANTORA:

There's a couple copies on the  
table in the center.

MR. TERCHUNIAN: And

they're tabbed for the pages to  
look at.

You wanted to compile all  
the submissions? The clerk has  
provided all that and you have  
that.

CHAIRMAN SARETSKY: Robin,  
it's this (indicating)?

VILLAGE CLERK SANTORA:  
Yes, where tab goes.

MR. TERCHUNIAN: You  
wanted the neighborhood analysis?  
Mr. Hulme provided it and explained  
it.

BOARD MEMBER CASHIN: What  
exhibit are you on, Aram?

MR. TERCHUNIAN: Number  
11.

CHAIRMAN SARETSKY: One  
question on that while we're on  
that one. So the neighborhood  
analysis goes from Cove Lane, east  
to the beginning of the Village.  
Again, I'm not sure that it's an

1  
2 issue, but I'm looking at some of  
3 it for the first time. I'm a  
4 little curious what the rest of  
5 West Hampton Dunes looks like or  
6 some random spots of it that would  
7 apply.

8 MR. TERCHUNIAN: Yeah, you  
9 know what, when I was going through  
10 the file, I found another analysis  
11 that was done for either Skudrna or  
12 done for this original application.  
13 So I'll dig that up and see if we  
14 can save some time and effort.

15 CHAIRMAN SARETSKY: Okay.

16 MR. TERCHUNIAN: I think  
17 that was actually done.

18 CHAIRMAN SARETSKY: Great.  
19 I think that would be helpful to  
20 look at.

21 MR. TERCHUNIAN: Then,  
22 let's see, you wanted -- number 12  
23 was a revised survey with lot  
24 areas. The applicant provided  
25 that.

1                                   You wanted the  
2  
3                                   spreadsheets excluding the flag  
4                                   lots and the flag lot only. I  
5                                   thought that information was in  
6                                   Exhibit J, but Mr. Hulme is going  
7                                   to provide now more detail on that.

8                                   Same thing with Number 14.

9                                   Number 15, check the lot  
10                                  size at 770. I said the lot area  
11                                  is not correct, but the answer is  
12                                  the lot area is from the Tax Map,  
13                                  not from the actual and we've had a  
14                                  lengthy discussion and that will be  
15                                  sorted out.

16                                 CHAIRMAN SARETSKY: That's  
17                                 14?

18                                 MR. TERCHUNIAN: That's  
19                                 15. And 16 is the same. So I  
20                                 apologize if there was a delay in  
21                                 getting the materials to you. I  
22                                 was trying to compile it all in one  
23                                 place so it would be easier for you  
24                                 to look at.

25                                 BOARD MEMBER MIZZI: I

1 just have a question. So we're  
2 using -- for 772, we're using the  
3 square footage the 32,900 square  
4 feet based upon the settlement?

5 MR. TERCHUNIAN: Uh-huh.

6 BOARD MEMBER MIZZI: It's  
7 probably likely that the Tax Maps  
8 you looked at are not going to be  
9 updated for the settlement.

10 MR. HULME: They are.

11 BOARD MEMBER MIZZI: They  
12 are?

13 MR. TERCHUNIAN: Yes,  
14 that's it. That's right off there.  
15 That's the settlement.

16 BOARD MEMBER MIZZI: I'm  
17 saying for this one it is. It's  
18 clear for 772.

19 MR. TERCHUNIAN: It's  
20 clear for all of them.

21 BOARD MEMBER MIZZI: Okay.  
22 So all these calculations have been  
23 recalculated based on this  
24 (indicating)?  
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MR. TERCHUNIAN: Yes.

BOARD MEMBER FARKAS: So  
then that brings you back to 776,  
which is only one lot, if it's all  
based on settlement.

MR. DI CIOCCIO: I think  
you said 776 never proceeded to the  
Planning Board.

MR. TERCHUNIAN: They're  
in the same situation as 772. Got  
a variance; litigation stopped.

BOARD MEMBER KRASNOW: So  
they would --

MR. TERCHUNIAN: They  
would have to come back.

BOARD MEMBER KRASNOW:  
Come back. It would be a similar  
situation to 772 if they wanted to  
subdivide.

MR. TERCHUNIAN: That's  
correct.

BOARD MEMBER FARKAS: The  
gentlemen that was here, Mr. Smith,  
that lives at 770, he mentioned by

right he could build a house behind him?

MR. TERCHUNIAN: Yes.

Well, not behind. He can build anywhere he wants on the lot, but he can only build one house unless he comes here and gets a subdivision.

BOARD MEMBER KRASNOW:

Well, he could get a subdivision. I mean, based upon everybody else, he could be entitled to one based upon past precedent or something.

MR. HULME: He's right.

He's right.

BOARD MEMBER KRASNOW:

Aram said that.

MR. HULME: All in favor

(indicating)?

(Laughter.)

MR. TERCHUNIAN: If he made an application for a subdivision, it wouldn't necessarily come from this Board

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and you would evaluate it based on  
the facts.

BOARD MEMBER KRASNOW: But  
he's starting at 60,000 feet as  
opposed to starting at 32,000 feet,  
so he would have a better case for  
it.

BOARD MEMBER MIZZI: He's  
with us.

BOARD MEMBER KRASNOW: Oh,  
he's on? Robin, can you maybe  
share with us who's on?

VILLAGE CLERK SANTORA:  
Adam is on and a J. Jacobs and then  
a Jeff. I don't know if the Jeff  
is Jeff Jacobs or...

MR. TERCHUNIAN: J. Jacobs  
should be the constable.

BOARD MEMBER KRASNOW:  
Jake?

VILLAGE CLERK SANTORA:  
John.

MR. TERCHUNIAN: Just ask  
them who they are.

MR. HULME: All right, so what I have heard of concern so far is you would like me to provide details of the four or five lots that at least had Zoning Board approval to create flag lots. I don't know what you want me to do about my approach to the lot sizes. I can spot -- I can spot check. I can go back and recalculate for every one.

CHAIRMAN SARETSKY: I think Aram said there might be something that exists for that.

MR. HULME: No. What he said, I think, is something exists for the rest of the Village.

CHAIRMAN SARETSKY: Yes.

MR. HULME: I'm looking for guidance as to what you want me to do about the manner in which I calculated the data that I presented to you. The rest of the Village, Aram -- Mr. Terchunian

1                   might have something. And I can  
2                   certainly investigate further the  
3                   situation with 770 Dune Road itself  
4                   as to why the Tax Map doesn't  
5                   reflect a what the homeowner  
6                   believes is his ownership.

7  
8                   BOARD MEMBER FARKAS: Can  
9                   I ask you two questions?

10                  MR. HULME: Yes.

11                  BOARD MEMBER FARKAS: So  
12                  could you do an analysis from the  
13                  western end of Pike's parking lot  
14                  through Skudrna?

15                  MR. HULME: Sure.

16                  BOARD MEMBER FARKAS: Have  
17                  you provided that? Has that been  
18                  provided on here?

19                  MR. HULME: I don't think  
20                  so.

21                  BOARD MEMBER FARKAS: And  
22                  the other question is, the lot is  
23                  32,900 square feet?

24                  MR. HULME: Yes.

25                  BOARD MEMBER FARKAS: If

you were building one house, how big a house could you build on that?

MR. TERCHUNIAN: It's in your packet.

BOARD MEMBER FARKAS: In this packet (indicating)?

MR. TERCHUNIAN: In that packet. Go to Exhibit --

MR. HULME: It's subject to the 20 percent lot coverage.

MR. TERCHUNIAN: Exhibit E.

BOARD MEMBER FARKAS: E?

MR. HULME: And it's subject to the setbacks for an existing lot.

MR. TERCHUNIAN: You'll find that there's a building envelope of, I think, 10,000 square feet and there's a lot coverage limitation of like 6,500 square feet.

BOARD MEMBER CASHIN:  
That's D or E?

MR. TERCHUNIAN: It says E  
on the thing, but I've been really  
bad on the typos lately. I think  
it's D, as of right development.

BOARD MEMBER CASHIN:  
Okay.

MR. TERCHUNIAN: So the  
allowable lot coverage of  
20 percent would result in 6,500  
square feet of coverage. So if you  
say -- and as the note below says,  
if you have a pool and deck of  
1,500 square feet, you could have  
two stories of 4,000-square feet or  
8,000-square feet and it's outlined  
right there (handing).

BOARD MEMBER FARKAS: So  
6,500-square feet... right. And if  
it was subdivided and you left the  
original house, what would the size  
of the second house be?

MR. TERCHUNIAN: That's up  
to the Board.

MR. HULME: And in that

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regard, the thing I would point out, which I think I pointed out at previous hearings, is that the original Zoning Board decision here limited the house size on Lot Number 2 to 2,000 square feet of footprint and my clients would be willing to agree to something along those same lines.

BOARD MEMBER FARKAS: And the house on Lot 1 and Lot 2?

MR. HULME: The house on Lot 1 is the house on Lot 1.

BOARD MEMBER FARKAS: What's the existing?

MR. HULME: What's the sides of it?

BOARD MEMBER FARKAS: Yes.

BOARD MEMBER KRASNOW: It's the existing house that needs most of the variances, right?

MR. HULME: Yes, Lot 1.

BOARD MEMBER KRASNOW: The one with the 14 feet and all that?

MR. HULME: Yeah, but we're not looking to necessarily build a new house.

MR. TERCHUNIAN: So the existing house on Lot 1 is 1,372-square feet of footprint for the house and 1,650 square feet for the decks.

BOARD MEMBER FARKAS: So that's 3,200 and what would the house lot be for --

MR. TERCHUNIAN: For the other lot, the house was approved at 2,000 square feet, no mention of deck or accessory --

BOARD MEMBER FARKAS: So that's 5,200-square feet plus deck?

MR. TERCHUNIAN: Yes, plus deck.

BOARD MEMBER FARKAS: Whereas here -- I'm just thinking out loud here. If you build one big beautiful house, you know, you could really get a lot on that

property.

MR. TERCHUNIAN: Yes.

MR. HULME: True.

Absolutely true, but, you know, one of the stumbling blocks to a positive decision here is the size of the relative improvements. We're happy to make an offer relative to that.

BOARD MEMBER KRASNOW: So the building envelope for Lot 2 would be about 3,400 square feet and then probably 2,000 could be the house and the rest can be the accessory structures or the deck?

MR. TERCHUNIAN: That's correct.

BOARD MEMBER KRASNOW: Are those the correct numbers in my head?

MR. TERCHUNIAN: Yes.

BOARD MEMBER KRASNOW: It's not a big footprint of the house.

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MR. HULME: There is a  
principal building envelope --

(Whereupon, there was  
crosstalk.)

BOARD MEMBER KRASNOW:  
It's not much bigger than her  
existing house. It's not a big  
house.

MR. HULME: No, because  
it's not a big lot.

BOARD MEMBER KRASNOW:  
Right.

MR. HULME: You know, when  
you said 15,000; 12,000; 10,000;  
yeah, but house itself, you know --

BOARD MEMBER KRASNOW: I  
put it in perspective to show that  
it's, you know, reasonable size.

MR. HULME: So what else?  
So I can save some time, are you  
packaging this and delivering it to  
the Board?

MR. TERCHUNIAN: If you're  
really smart, you'll ask for an

electronic copy.

MR. HULME: I was going to ask for that off line. I didn't want to appear rude.

BOARD MEMBER FARKAS: As they mentioned before, the previous variances that were issues and previous things, it's impossible to even build that.

CHAIRMAN SARETSKY: I think this is what I wanted to see.

BOARD MEMBER FARKAS: Yes, this is what you wanted.

MR. TERCHUNIAN: I finally did something right.

CHAIRMAN SARETSKY: I don't know why.

BOARD MEMBER FARKAS: D and the E, but --

MR. TERCHUNIAN: And the dates.

BOARD MEMBER KRASNOW: Do we want to ask anybody online if they have anything --

CHAIRMAN SARETSKY: Yeah,  
why don't we do that. I think the  
Board -- I mean, I'm --

VILLAGE CLERK SANTORA:  
Adam is on. Go ahead.

MR. SMITH: Good morning,  
Board. Can everybody hear me okay?

CHAIRMAN SARETSKY: Yes.

MR. SMITH: All right,  
sorry I couldn't be with you today.  
I appreciate you allowing me to  
join online here. Just a few  
comments. I won't repeat what I've  
said in previous meetings, but  
those points do remain even  
following today's proposal.

I do think a few things  
that were stated today just maybe  
need to be challenged a bit. To  
claim that this application for  
variance doesn't minimize the  
impact for future precedent, I  
think, is disingenuous. These  
variances, if approved, would, I

1 believe, indisputably make it  
2 easier to argue for future  
3 variances in this neighborhood,  
4 even this neighborhood however it's  
5 defined.  
6

7 Which maybe leads me to  
8 the next point and I think in the  
9 previous ZBA meetings it was asked  
10 of counsel to view this  
11 neighborhood from Cove Lane to my  
12 property, which is the property  
13 that adjoins Pike's Beach. And  
14 unless I've misunderstood, I don't  
15 think any of the four definitions  
16 of the neighborhood have done that.  
17 I think, coincidentally, I believe  
18 it would be -- would be hard to  
19 believe for me, but my property was  
20 excluded from one of those  
21 definitions all the way up to just  
22 the property adjoining me, which is  
23 the property in discussion today.

24 I do think that describing  
25 my property based on the Tax Map, I

1 don't understand why it shows  
2 19,000 feet. That is surprising to  
3 me. But my property is 100 feet  
4 wide by 500 feet deep as I  
5 understand it. So we're talking  
6 about a 50,000-square foot lot  
7 versus as what's been described  
8 as 19.  
9

10 Again, I do think that  
11 that is a bit misleading. I hope  
12 not intentionally, but last time  
13 that we met, there was also a  
14 creative attempt to show a metric  
15 that was not anywhere in the  
16 Building Code, is not anywhere in  
17 what this variance is requesting.  
18 And I think that if the application  
19 was more valid, we wouldn't have to  
20 be finding creative ways to make it  
21 seem like it is fitting within this  
22 neighborhood.

23 I do think that the  
24 analysis excluding my lot and using  
25 the Tax Map as a way to try to make

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this seem much more palatable feels  
a bit like we are trying to steer  
this group away from what we're  
actually here to talk about.

And that will bring me to  
my last point and that is we keep  
talking about and referring to an  
approval that marginally passed in  
2006 when the lot size was 8,000  
square feet larger. This  
settlement has impacted that lot  
and the impact of the settlement  
can't be ignored in this decision.

I'll pause there, but I  
maybe will just state that a  
comment was made, if I heard  
correctly, about, I think, my lack  
of attendance today. I promise you  
this is just as important to me as  
it has been the last few times I  
have showed up at this meeting.  
And I promise you, I am currently  
missing an important family  
obligation to be here and listen to

you all here today. So this  
remains important.

It was also stated that I  
could build on my lots if I wanted  
to. That's all true. Without  
variances, I could build conforming  
lot homes and I have chosen not to.  
And I also think it was stated that  
one large home could be built on  
the Fabrizio property. That also  
is true, but that would be one home  
that would not require variances.  
It would be conforming to that lot.

So, again, we seem to be  
talking about a few things that are  
not in dispute, but would also not  
require a variance, which, again,  
is, I think, the issue at hand  
today. Thank you very much.

BOARD MEMBER KRASNOW: Can  
I ask Adam a question? Adam, Irwin  
Krasnow; I have a question for you.  
You were part of the lawsuit,  
correct?

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MR. TERCHUNIAN: No.

MR. SMITH: No, sir. My  
property was not part of the  
lawsuit.

BOARD MEMBER KRASNOW: Oh,  
okay.

THE REPORTER: Could you  
have him state his name?

VILLAGE CLERK SANTORA:  
Adam Smith, 770 Dune.

MR. SMITH: I'm sorry.  
Yes, Adam Smith, 770 Dune Road. My  
assumption would be that Aram  
probably knows more about why my  
property was not part of that  
lawsuit than I do. Prior to my  
purchasing the property in December  
of 2010, the previous owner had a  
separate litigation and my  
understanding was that he was  
successful in his pursuit of  
subdivision, but chose not to after  
he had already decided to build the  
house, the structure, where it is

1 today. And because of that, my  
2 property was not part of this  
3 multiple-property litigation that  
4 has recently been settled.  
5

6 MR. TERCHUNIAN: Yes.

7 Adam, you got that mostly right.  
8 So the previous owner's name was  
9 Buoninfante. He was involved in  
10 the litigation with the Southampton  
11 Town Trustees. He did prevail in  
12 that litigation, but the lot has  
13 remained as one parcel and was  
14 never subdivided.

15 BOARD MEMBER FARKAS:

16 Aram, how were some of the  
17 residents successful and some just  
18 agreed to the settlement? Why  
19 didn't everyone fight?

20 MR. TERCHUNIAN: Because  
21 over the course of 13 years, the  
22 Trustees settled out the other 30  
23 lots, which really weren't the  
24 focus of this litigation because  
25 they're on the other side of Pike's

1 Beach, you know, more than a 1,000  
2 feet away. Really the focus of the  
3 litigation was always on seven  
4 lots.  
5

6 BOARD MEMBER FARKAS: But  
7 of the seven lots, how many are  
8 part of the settlement and how  
9 many --

10 MR. TERCHUNIAN: All of  
11 them.

12 BOARD MEMBER FARKAS: But  
13 not him?

14 MR. TERCHUNIAN: No  
15 because Buoninfante, the previous  
16 owner, won a separate litigation.  
17 The Trustees sued him because he  
18 was building a house and they  
19 claimed ownership of the land.  
20 They went to court and the Court  
21 sided with Buoninfante and said,  
22 no, that was natural accreted land.

23 BOARD MEMBER FARKAS: But  
24 wouldn't that have a set precedent  
25 for the other six homeowners?

MR. TERCHUNIAN: Yes, it did. That's why they sued 37 people over a mile beach as opposed to 7 people.

BOARD MEMBER FARKAS: Understood.

MR. TERCHUNIAN: And that's why they let the other 30 out.

BOARD MEMBER FARKAS: Understood.

BOARD MEMBER KRASNOW: But the lawsuit was based upon accretion that the Town claimed they owned, even though they had erosion on top of it now?

MR. TERCHUNIAN: Yes.

BOARD MEMBER FARKAS: First came the accretion, then came the erosion.

CHAIRMAN SARETSKY: Why don't we ask if anyone else has any questions.

TOWN CLERK SANTORA: All

right. Anybody else have a  
question? J. Jacobs?

(No response.)

VILLAGE CLERK SANTORA:

That's it.

MR. HULME: I would like  
to say, in response to one of the  
things Mr. Smith said, I don't  
believe that I said anything about  
his not being here.

CHAIRMAN SARETSKY: No,  
you didn't.

MR. HULME: And if any my  
remarks suggested I was saying that  
and implying that, that was not the  
case.

BOARD MEMBER KRASNOW: I  
don't think you did.

CHAIRMAN SARETSKY: We  
didn't take it that way. We  
appreciate him coming last time and  
we appreciate his position.

MR. HULME: Yes, he's  
entitled.

CHAIRMAN SARETSKY: Yes,  
of course.

MR. TERCHUNIAN: Okay, so  
Mr. Hulme was looking for guidance  
on a couple of issues and I just  
want to make sure we've given it to  
him.

MR. HULME: Let me get  
through my list, if I could, then.  
I'm going to provide more detailed  
information about the various  
variances that created the other  
five lots in the Village.

I'm going to investigate  
-- and I'm sure others are going to  
investigate -- the history on 770.

I'm going to look at the  
data that I've been analyzing and  
selecting the neighborhood to the  
west end of Pike's to the Skudrna  
property.

Aram, I believe, is going  
to look into the information  
available about lot sizes in the

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balance of the Village beyond what

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I've provided.

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And the only other thing

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that I would like to know is

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whether you want me to go

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recalculate my numbers based on

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actual estimates of actual shore

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lines and actual lot sizes?

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MR. TERCHUNIAN: You know,

11

one thing. I've been thinking

12

about that. Could you open up --

13

where is Mr. Hulme's exhibit, the

14

blue one?

15

BOARD MEMBER MIZZI: I

16

would suggest that we need to at

17

least like -- like these are --

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MR. TERCHUNIAN: What I

19

was thinking was, I can -- well, as

20

a first approximation, I can

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calculate quite easily how much is

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in the water and how much is in the

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sand and we'll know if those

24

numbers balance.

25

BOARD MEMBER MIZZI: Sure.

MR. TERCHUNIAN: And I'll  
do that as a first approximation.

BOARD MEMBER MIZZI: Yeah.  
I was just looking for like -- I  
noticed here like these two are  
calculated. This line cuts right  
through the guy's house  
(indicating).

MR. TERCHUNIAN: Yes.

BOARD MEMBER MIZZI: So it  
would be helpful -- like I don't  
think -- it doesn't need to be down  
to the square inch, but like when  
we do look at these numbers,  
they're showing as 10,000-square  
feet because they're only covering  
a portion of the lot.

MR. TERCHUNIAN: We just  
have to decide which way we want  
the analysis done. If you want an  
estimate based on an aerial photo  
of what the lot area is currently,  
that's one thing to do. A second  
thing is, the way I described it, I

1                   can do a quick mass balance and see  
2  
3                   if these two areas equal out the  
4                   way Mr. Hulme thinks they do.

5                   BOARD MEMBER MIZZI: Yeah,  
6                   I guess, I haven't drawn a  
7                   conclusion whether they'll balance  
8                   out or not. But like it just would  
9                   be good to look at a map and some  
10                  calculations that are generally  
11                  where there's no, you know, things  
12                  sticking out as inaccurate.

13                 MR. TERCHUNIAN: Well, I  
14                 don't think they're inaccurate. He  
15                 choose a particular methodology.

16                 BOARD MEMBER MIZZI: Fair.

17                 MR. HULME: To avoid this  
18                 confusion, but we have the  
19                 confusion.

20                 MR. DI CIOCCIO: It seems  
21                 like the Board would prefer to know  
22                 what's actually on the ground as  
23                 opposed to what's in the book.

24                 MR. HULME: If that's the  
25                 mandate to me, I will do it. But I

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want you to -- I'm trying to find out what it is that you want me to do and that's one of the open questions that I still have.

BOARD MEMBER KRASNOW: So you might come back with this though as a 40,000 lot, but really 15,000 feet is in the water and it's really a 35,000 lot.

MR. HULME: Yes.

BOARD MEMBER KRASNOW: That's what you're saying?

MR. HULME: Right. This, by visual inspection, it seems --

MR. DI CIOCCIO: How does the Village treat underwater land? Does that count towards lot area?

MR. TERCHUNIAN: No.

BOARD MEMBER MIZZI: But like, just -- it's nothing to do with this application, but, I guess, whoever this is --

MR. TERCHUNIAN: Joe, what I hear you saying is you want to

know the lot size from an aerial photo today.

BOARD MEMBER MIZZI: Yes.

MR. TERCHUNIAN: So just say that.

BOARD MEMBER MIZZI: I'm saying, unfortunately, this person, if they're really paying taxes on half their lot and they're not even including the area where their house is, like, they're fortunate. Maybe we should into it so they pay proper taxes. I'd like to pay property tax on only part of my lot.

MR. HULME: I don't want to pay taxes on this half (indicating).

BOARD MEMBER MIZZI:  
Exactly.

(Laughter.)

MR. HULME: I'll do that and I'll work with Mr. Terchunian as to the best method to do that.

MR. TERCHUNIAN: Sure.

BOARD MEMBER FARKAS: And  
also just some information,  
clarification, on what transpired  
with 774, 776.

MR. HULME: Yes. 772,  
774, 776, 782, and 784. I'll  
provide all the detail that I can  
about the variances that were there  
including the maps. Anything else?

MR. SMITH: If I could,  
just maybe one last comment. I do  
think the numbers would be helpful  
for all of us. I do think that the  
three meetings I've been a part of,  
we've had to do that all three  
times, but I do think, no matter  
what the numbers change,  
fundamentally, the decision will  
still come down to approving  
variances that are, in some cases,  
50 percent required or under  
required; in one case 70 percent  
under required.

1                               So I do think that those  
2  
3                               changes in the numbers will help us  
4                               see exactly what they are, but  
5                               don't expect them to materially  
6                               change and the variances will still  
7                               remain significant.

8                               MR. HULME:   Which is why  
9                               these variance decisions are made  
10                              in context and not in a vacuum.  
11                              And that's why we do the  
12                              neighborhood analysis to see if  
13                              what we created is so different  
14                              from the neighborhood that it  
15                              shouldn't be granted.

16                             CHAIRMAN SARETSKY:   Adam,  
17                             I think to your point, I think the  
18                             Board understands the sensitivity  
19                             of it and we're going to try to  
20                             look at it in all the ways.   That's  
21                             why we want these other pieces of  
22                             information, to make a clear  
23                             decision.

24                             BOARD MEMBER MIZZI:   One  
25                             last question.   On Lot 2, these on

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the front and rear yard setbacks,  
these are --

MR. HULME: Per code.

BOARD MEMBER MIZZI: Per  
code?

MR. HULME: Yes.

BOARD MEMBER MIZZI: And  
what's that number?

MR. TERCHUNIAN: The front  
yard is 60 and rear yard is 70.

BOARD MEMBER MIZZI: Thank  
you.

MR. TERCHUNIAN: You can't  
read that?

MR. HULME: And the side  
yards are --

BOARD MEMBER MIZZI: My  
eyes have gotten worse since  
reading the submission from  
Mr. Hulme.

MR. HULME: Mine too. I  
put them on my screen and I blow  
them up so I can read them. The  
side yards are based on the

four-tenths rule. The building envelope is centered. That's another way to do it.

BOARD MEMBER FARKAS:

Yeah.

MR. TERCHUNIAN: If the Board is satisfied, then I guess you could just adjourn this for all purposes.

MR. DI CIOCCIO: Yes. You want to hold another public hearing, yeah. That would be the --

CHAIRMAN SARETSKY: Right, because we're going to get this new information. We have all this new information that we are really trying to catch up on.

MR. DI CIOCCIO: Right.

CHAIRMAN SARETSKY: So, yeah, I think that's the right way to go.

MR. TERCHUNIAN: All right, so you need a motion.

CHAIRMAN SARETSKY: Can I

get a motion to adjourn the  
hearing, right?

(Whereupon, there was  
crosstalk.)

BOARD MEMBER KRASNOW: I  
make a motion to adjourn the  
meeting.

BOARD MEMBER FARKAS: I'll  
second.

CHAIRMAN SARETSKY: All in  
favor?

(Chorus of "ayes.")

MR. HULME: It was  
adjourned to when?

VILLAGE CLERK SANTORA: We  
have to pick a date for the next  
meeting.

MR. TERCHUNIAN: We'll  
advise you. The Board will pick  
that after they finish  
deliberating.

MR. HULME: Okay.

CHAIRMAN SARETSKY: It  
will be approximately a month from

1 now.

2  
3 MR. HULME: And I will  
4 remember to provide this  
5 information ten days prior.

6 MR. TERCHUNIAN: And for  
7 the record, he did supply it ten  
8 days ahead of time. The delay is  
9 my response.

10 CHAIRMAN SARETSKY: Just  
11 so you know our frustration. I  
12 know that between Aram and Joe it  
13 goes through, and Robin. So the  
14 ten days, it's not like we got it  
15 ten days, so we didn't really have  
16 time.

17 MR. HULME: Understood.

18 (Whereupon, a brief recess  
19 was taken.)

20 CHAIRMAN SARETSKY: All  
21 right, so we're on to the next  
22 order of business. Next on the  
23 agenda is 9 Dune Lane.

24 MR. HULME: For the  
25 applicant James N. Hulme, 323 Mill

Road, Westhampton Beach. Good morning. Good to see you all.

We're here for a property located at 9 Dune Lane. I think you all know where it is. Just an aerial photograph identifying the property in question. As advertised, we are -- as recently re-advertised, we're seeking relief from the pyramid regulations as well as the third-story limitation from the Village.

As to the pyramid relief, unfortunately I do not have a drawing, but my architect assures me that we can do this project without the pyramid relief. So that relief we're no longer looking for.

So the question is, whether relief is still necessary for this project because it's a third story. As I believe the Board knows, the Village Code

limits properties in the Village to  
two stories and so --

CHAIRMAN SARETSKY: Excuse  
me, I don't think that's --

MR. TERCHUNIAN: Yes,  
that's true.

CHAIRMAN SARETSKY: So how  
come -- Joe, I thought there's a  
house being built with four stories.

VILLAGE ATTORNEY PROKOP:  
I'm not sure. I don't go over the  
plans.

CHAIRMAN SARETSKY: All  
right, I'm sorry.

VILLAGE ATTORNEY PROKOP:  
From a legal standpoint, I can  
confirm that the code is two  
stories. And I have just have a  
suggestion and if there's an  
impediment to -- Aram came across  
something, which I appreciate,  
which might be an impediment to you  
acting on this today, which is that  
many years ago we acted on a

1 resolution which approved an IMA  
2 with Suffolk County, which has to  
3 do with the referrals that are  
4 required under the General  
5 Municipal Law.  
6

7 So when a builder does an  
8 application for certain things, a  
9 variance and site plan approval,  
10 subdivisions among them, and  
11 they're within certain criteria --  
12 they meet certain criteria, which  
13 is generally within 500 feet of a  
14 list of things. One of the list of  
15 things is the boundary of the  
16 Village.

17 So unless I'm mistaken --  
18 and Mr. Hulme -- I welcome  
19 correction from Mr. Hulme -- I  
20 believe that this house is within  
21 500 feet of the boundary of the  
22 Village and is therefore subject to  
23 that referral process.

24 So what we intended to do  
25 many years ago, as I've done with

1 other Villages, is to enter an IMA  
2 with the County and we had -- my  
3 understanding was that we were  
4 subject to an IME. Aram contacted  
5 the county yesterday and apparently  
6 there's a difference of opinion  
7 about that. So I believe that  
8 probably that's an impediment to  
9 you acting on this today.

11 CHAIRMAN SARETSKY: So  
12 when you say 500 feet, we're  
13 talking about Cupsogue Beach?

14 MR. TERCHUNIAN: No, we're  
15 talking about the bay.

16 BOARD MEMBER KRASNOW: The  
17 bay, which is Brookhaven?

18 MR. TERCHUNIAN: No. The  
19 bay is a municipal boundary. So  
20 everything in the Village is within  
21 500 feet of water.

22 BOARD MEMBER KRASNOW: So  
23 wouldn't every application?

24 MR. TERCHUNIAN: Every  
25 Zoning application has to go to

1 Suffolk County Planning and it  
2 does.

3  
4 VILLAGE ATTORNEY PROKOP:

5 We do. On 738 we sent it in. We  
6 did it to the file on this  
7 application. I can't confirm that  
8 it was -- excuse me, I can't  
9 confirm that it was sent in and I  
10 also thought that we were subject  
11 to the IMA, so it didn't matter. I  
12 had been prepared to advise the  
13 Board that.

14 But the other thing is, if  
15 there's going to be a change in the  
16 application, I think that you  
17 should act when you receive the  
18 change or actually consider it when  
19 you receive the change, not on a  
20 hypothetical change in the  
21 application, with all due respect  
22 to counsel.

23 CHAIRMAN SARETSKY: He's  
24 suggesting that there's an  
25 architectural drawing that is going

to show the cut of the pyramid.

MR. HULME: Right.

CHAIRMAN SARETSKY: It's  
going to show it not needing  
additional relief.

(Whereupon, there was  
crosstalk.)

BOARD MEMBER KRASNOW:  
They're conforming, from that  
perspective.

CHAIRMAN SARETSKY: From  
that perspective.

MR. HULME: Right.

CHAIRMAN SARETSKY: So as  
far as the third floor, Aram, maybe  
can you give us some color on this,  
but there are homes with three  
floors.

MR. HULME: Yes, that's my  
presentation today.

MR. TERCHUNIAN: Two  
things. Let him do his  
presentation and then we'll hear  
it.

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CHAIRMAN SARETSKY: Okay,  
I'm sorry. Continue on.

MR. TERCHUNIAN: And the  
second thing would be the same.

BOARD MEMBER KRASNOW:  
Just as a -- Jim, does it make  
sense to do the presentation  
without the plan as opposed to  
waiting for the plan?

MR. HULME: Well, what's  
the disadvantage? If you grant me  
the relief for the third story and  
I go to the Building Department to  
get a building permit and the plans  
that I submit require a pyramid  
relief, then he will not give me a  
building permit.

VILLAGE ATTORNEY PROKOP:  
Is there going to be any change to  
the exterior of the house?

MR. HULME: Yes.

VILLAGE ATTORNEY PROKOP:  
Then I don't think you should -- I  
mean, if you want to let him speak

1 to it, it's up to you, but I don't  
2 think you should render an opinion  
3 on the application.  
4

5 MR. HULME: I'm not asking  
6 them to render an opinion today.  
7 I'm asking them to let me complete  
8 my presentation.

9 CHAIRMAN SARETSKY: So,  
10 Joe, we'll wait until the drawing  
11 comes.

12 (Whereupon, there was  
13 crosstalk.)

14 BOARD MEMBER KRASNOW: I  
15 was just asking which was more  
16 advantageous to you. I wasn't  
17 saying that you shouldn't do it.

18 MR. HULME: It's more  
19 advantageous to me to get this --  
20 move this along.

21 BOARD MEMBER KRASNOW:  
22 Okay. That's why I asked you.

23 CHAIRMAN SARETSKY: Do you  
24 agree?

25 MR. TERCHUNIAN: (Nodding.)

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MR. HULME: I appreciate that. So anyway, what we're left with is whether or not there's -- a determination of whether or not a variance for the third story is necessary and, if so, we're looking to have that variance granted.

And so what I did and what I've said, in writing to you ten days ago was that, you know, you just have to drive around the Village here and look at the properties and you'll see that there's some kind of a third story feature on almost -- on many. I can't characterize it percentage-wise, but many in the vicinity of this property, and I submitted this with my submission last week.

I've identified a number of parcels. Here's the 9 Dune Lane and there's a number of parcels in the area that if you just drive by,

you will see that they exhibit some type of third story feature, whether it's a mezzanine, a loft or a full third story, that's something to be discussed.

And what I also submitted was details -- not about all of these, but a number of these.

11 Dune Lane has an attic space with a full set of stairs, which looks almost like a third story, but it could be just for storage.

13 Dune Lane has been what's been characterized as a loft. I don't know really what that is, vis-a-vis a mezzanine, which has open below, 50 percent of the below area, all that kind of stuff, a loft or full third story.

15 Dune Lane also has a loft with a standard set of stairs and all of this information has been submitted already.

18 Dune Lane has a loft with stairs and a bathroom, which is virtually identical to what we're trying to do at that 9 Dune Lane.

Continuing further, 880 Dune Road has what was characterized a mezzanine with stairs and then also 895 also has a loft with stairs and a bathroom, again, very similar to what we've done.

None of those lots received zoning relief to do this. All of these lots received a building permit to construct what is, in fact, there; the lofts, the mezzanine, the third stories, however you want to characterize it.

What we're looking to do is very similar to the few examples that I've provided and I'm sure I can provide many, many, many, many

1                   more that are exactly. So the  
2  
3                   threshold question is whether this  
4                   requires a variance at all and then  
5                   the second question is, if it does  
6                   require a variance, it's certainly  
7                   within the character of this  
8                   neighborhood to grant whatever  
9                   variance is necessary relative to  
10                  this third story structure --  
11                  feature to allow this project to go  
12                  forward without any additional  
13                  pyramid relief.

14                               BOARD MEMBER FARKAS: Are  
15                   you saying that the people that  
16                   have three-story homes on the  
17                   block, that they don't have  
18                   variances and that they do have a  
19                   bathroom and a bedroom on the third  
20                   floor?

21                               MR. HULME: That's exactly  
22                   what I'm saying.

23                               CHAIRMAN SARETSKY:  
24                   Because they comply with the  
25                   pyramid or they apparently did.

1 MR. HULME: Well, one of  
2 the five or six lots that I  
3 mentioned did require a little bit  
4 of pyramid to do it, but that's no  
5 longer an issue in this particular  
6 application. It's a question of  
7 whether what we want to put above  
8 the second floor is a third story  
9 and, therefore, in need of a  
10 variance under the code or some  
11 other creature that has led prior  
12 -- current and prior building  
13 inspectors to issue building  
14 permits for these features.

15 So it's not that these  
16 particular properties hid the fact  
17 of what they were doing in their  
18 attics. The plans actually show  
19 something above the second floor,  
20 the regular set of steps going up  
21 to it with a room with a door and a  
22 separate bathroom.

23 CHAIRMAN SARETSKY: I  
24 think whether it's -- I don't want  
25

1                   to speak for the Board, but I am in  
2                   a way. The third floor mezzanine,  
3                   attic, loft, whatever we're calling  
4                   it, I don't think that was ever our  
5                   issue as long as it satisfied the  
6                   building inspector. The issue we  
7                   had was the pyramid and if it's  
8                   complying, I think you should give  
9                   us that drawing and we go from  
10                  there.  
11

12                   MR. HULME: Okay.

13                   CHAIRMAN SARETSKY: And  
14                   Joe? Aram?

15                   MR. TERCHUNIAN: I'll give  
16                   some color on this. A mezzanine is  
17                   permitted under New York State  
18                   Building Code. If this application  
19                   complies with the mezzanine, he  
20                   doesn't need a variance from this  
21                   Board. If it doesn't comply with  
22                   the mezzanine, then it becomes a  
23                   third story and must come to this  
24                   Board. So the threshold question  
25                   is, does this comply with the

mezzanine?

BOARD MEMBER KRASNOW:

Does a mezzanine allow for a

bedroom and a bathroom?

MR. TERCHUNIAN: No.

BOARD MEMBER KRASNOW:

Right, isn't that -- but don't they

want to put a bathroom?

MR. HULME: Yes. That's

why I changed the relief. That's

why I said what I said a month and

a half ago or a month ago or

whenever it was, that we need to

look at this third story issue.

MR. TERCHUNIAN: Right.

MR. HULME: Because what

we want is a bedroom with a

bathroom above the second floor.

BOARD MEMBER KRASNOW: I

have another question; 13 Dune, you

built that, right, Mike?

AUDIENCE MEMBER: Maybe.

BOARD MEMBER KRASNOW:

Last time you said you did. Is

there a bathroom on that third floor?

AUDIENCE MEMBER: You think I remember?

MR. HULME: In accordance with the plans for that property, which I submitted to this Board, the answer is no. It's just a space.

BOARD MEMBER KRASNOW: So it doesn't have a bathroom?

MR. HULME: It does not have a bathroom, but I don't know that it qualifies as a mezzanine and certainly the installations at 880 Dune Road -- I'm sorry, 18 Dune Lane and 895 Dune Road both have bathrooms.

So on that basis alone, they don't qualify. Even if they qualify square footage and I would suspect that 895 wouldn't get close to meeting the square footage limit and it's also an open space. It's

not an open space. It's not open to below, which is also, I believe, a requirement.

MR. TERCHUNIAN: Well, if the building inspector issued a permit in error because they didn't understand the code, that doesn't obligate this Board to grant anything. And the Board has never seen a third floor variance before?

CHAIRMAN SARETSKY: I don't think, not in 13 years, have I seen one.

MR. TERCHUNIAN: So that's the question in front of you is, do you want to grant a third story?

BOARD MEMBER MIZZI: I had a question. So far we've addressed zoning. This is a Building Code.

MR. TERCHUNIAN: No. This is zoning.

(Whereupon, there was crosstalk.)

MR. HULME: It's two

1 stories. We want a third if it's  
2 determined that what we are looking  
3 for is, in fact, a third story.  
4

5 CHAIRMAN SARETSKY: Maybe  
6 I'm missing something. What Joe  
7 just said, if it fits into the  
8 pyramid...

9 MR. TERCHUNIAN: You are  
10 missing something.

11 CHAIRMAN SARETSKY: Okay.

12 MR. TERCHUNIAN: The  
13 Village Zoning Code says you may  
14 have a two-story structure that  
15 fits within the pyramid. It does  
16 not allow you to have a three-story  
17 structure. The issue before you is  
18 that Mr. Hulme's client wants a  
19 third story where only two stories  
20 are permitted.

21 BOARD MEMBER MIZZI: But  
22 the bedroom issue, doesn't it tie  
23 to like -- aren't there  
24 requirements for --

25 CHAIRMAN SARETSKY: Fire

alarm, sprinkler?

MR. TERCHUNIAN: Right.

BOARD MEMBER MIZZI: But  
also I think -- I thought there was  
a requirement for number of  
bedrooms in the house tied to a  
septic system.

MR. HULME: We only have  
two bedrooms in this house right  
now and we have a system that would  
take three or more.

BOARD MEMBER MIZZI: My  
house has what might appear to be a  
third story. It's a mezzanine.  
It's open to the floor below. It's  
a certain size, a certain function,  
and I would be concerned that  
everyone -- like I might say, this  
is great, I'll make a third floor  
now. I'll just modify my mezzanine  
because on the plans you're  
required to comply with the  
Village.

MR. HULME: I'm not saying

1                   that anybody misled the building  
2                   inspector with what they submitted.  
3                   The plans as submitted reflect what  
4                   they reflect.  
5

6                   BOARD MEMBER CASHIN:   Is  
7                   there a working definition of a  
8                   third floor?

9                   MR. TERCHUNIAN:   Yes.

10                  BOARD MEMBER FARKAS:   I  
11                  was going to ask for a little  
12                  education for all of us.

13                  BOARD MEMBER MIZZI:  
14                  There's a clear definition of what  
15                  a mezzanine is, which makes it not  
16                  a third floor.

17                  BOARD MEMBER CASHIN:  
18                  What's a definition of a third  
19                  floor?

20                  MR. TERCHUNIAN:   The third  
21                  floor, it's a definition of a story  
22                  is the way that Building Code -- so  
23                  a story is -- I can't give you the  
24                  definition off the top of my head,  
25                  but a mezzanine is not a story, but

1  
2 if you enclose that area with  
3 doors, it becomes a story.

4 BOARD MEMBER CASHIN: It's  
5 not predicated on height or whether  
6 you have a bathroom?

7 MR. TERCHUNIAN: No.

8 VILLAGE ATTORNEY PROKOP:  
9 So a story starts with the first  
10 finished floor. It's a finished  
11 floor, habitable space, that starts  
12 with the first floor, finished  
13 floor, that's above grade. So  
14 whatever the first floor is, which  
15 is a point of controversy, wherever  
16 the first finished floor is, you  
17 then count floors above that.

18 And basically a story is  
19 considered to be something that's  
20 habitable space. So to be  
21 habitable space, you have to meet  
22 some of these definitions that  
23 you're kicking around. So it has  
24 to have something like -- it can't  
25 be -- it has to have a certain

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height on the inside of it, which  
I'm just going to say it has to  
have a certain height. I'm not  
sure --

MR. TERCHUNIAN: Seven  
feet I think.

VILLAGE ATTORNEY PROKOP:  
I think it's six feet, seven  
inches.

MAYOR VEGLIANTE: Seven  
feet.

VILLAGE ATTORNEY PROKOP:  
I'm surprised that --

MAYOR VEGLIANTE: My voice  
is shot.

VILLAGE ATTORNEY PROKOP:  
Please correct me. There's my  
mentor back there and I'm proud of  
it.

So it's a height, it's the  
stairway leading up to it and now  
also they're looking for escape  
windows. You have to have at least  
one escape window and that makes it

1                   this thing called habitable space.  
2  
3                   But the fact that something has a  
4                   stairway -- and the stairway has to  
5                   be 36 inches wide. That's  
6                   basically the stairway we're  
7                   talking about.

8                   So the fact that something  
9                   has a stairway going up to it  
10                  doesn't make it a story because it  
11                  has to do with whether the floor up  
12                  there is finished, the height of  
13                  the ceiling when you get up to that  
14                  level and escape windows and things  
15                  like that.

16                 MR. TERCHUNIAN: If I may,  
17                 Joe, just jump in because I just  
18                 pulled up the Village Code. So  
19                 I'll just read you what the  
20                 definition of a story is.

21                 BOARD MEMBER MIZZI: Great.

22                 MR. TERCHUNIAN: It says:  
23                 Story, that portion of a building  
24                 which is between one floor level  
25                 and the next higher floor level or

the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed a story.

CHAIRMAN SARETSKY:

Greater than one-third of the floor below.

VILLAGE ATTORNEY PROKOP:

Yes, so just to wrap this up, so what's happened is, we have -- it's a misnomer that we have not enforced the story issue. And the fact that somebody went through to building -- with respect to, Jim, the fact that somebody went through building plans, if you see a stairway, that doesn't mean that there's a story up there. If you see something that says an attic, that doesn't mean there's a third story up there.

I can tell you that we have enforced this. We actually made a Trustees cut -- he got a

1 crew of guys. He made two cuts  
2 around the entire perimeter of his  
3 house that were a foot apart and  
4 somehow they knocked it out and  
5 dropped the house down a foot  
6 because they wanted to collapse the  
7 upper area so that it wasn't over  
8 the height limitation that the  
9 Mayor mentioned. So it has been  
10 enforced.  
11

12 The other thing about this  
13 is this whole thing about open  
14 space and a mezzanine and  
15 everything, that has changed in the  
16 law. It changed about six or seven  
17 or eight years ago. And I'm  
18 talking about the State Code  
19 definition of this thing called a  
20 mezzanine.

21 A mezzanine could be more  
22 than one-third of the floor below,  
23 whatever Aram just read for the  
24 area below. Now that's determined  
25 to be the room below. So if it's

1                   above like a living room, if the  
2                   living room is 300-square feet --  
3                   that's probably a small living room  
4                   -- is 300-square feet and the  
5                   entire area of that floor is  
6                   600-square feet, it can't be more  
7                   than one-third of 300 not  
8                   600-square feet.  
9

10                   So if you drive around and  
11                   see, most of these houses were  
12                   built under the old definition. So  
13                   the fact that it has a mezzanine  
14                   upstairs doesn't mean that we  
15                   didn't do our job or we weren't  
16                   caring about it. We were caring  
17                   about it and careful.

18                   BOARD MEMBER FARKAS: So  
19                   going back to this situation. So  
20                   if it was a mezzanine and you put  
21                   in a bathroom and you left it  
22                   open --

23                   MR. HULME: I think the  
24                   bathroom keeps it from becoming a  
25                   mezzanine.

1 BOARD MEMBER FARKAS: Why,  
2  
3 Aram?

4 MR. HULME: I think it has  
5 to be one room.

6 MR. TERCHUNIAN: Yes. So  
7 the code also says the following  
8 about a story: An attic shall be  
9 deemed a story where it meets the  
10 requirements for habitable space.  
11 So this actually wouldn't be an  
12 attic -- well, it would be an  
13 attic. Well, if it's completely  
14 open and it's less than one-third,  
15 it's a mezzanine.

16 BOARD MEMBER FARKAS: And  
17 can you have a bathroom in that  
18 mezzanine?

19 MR. TERCHUNIAN: I don't  
20 know.

21 BOARD MEMBER KRASNOW: It  
22 wouldn't be open.

23 MR. TERCHUNIAN: Well,  
24 with no door.

25 BOARD MEMBER KRASNOW: Yeah,

1                   so that's really -- I don't think  
2                   you put a bathroom in a mezzanine,  
3                   but you could put a bathroom in a  
4                   third story.

5                   MR. TERCHUNIAN: If you  
6                   have a door, it's a story.

7                   CHAIRMAN SARETSKY: It's a  
8                   story. That's what I --

9                   BOARD MEMBER FARKAS: Any  
10                  door?

11                 MR. TERCHUNIAN: Any door.

12                 BOARD MEMBER FARKAS: If  
13                 you have a closet.

14                 MR. TERCHUNIAN: A closet  
15                 is okay I think.

16                 MR. HULME: If we take the  
17                 door off this space, can we keep  
18                 the bathroom and not have it become  
19                 a mezzanine?

20                 BOARD MEMBER CASHIN: Use  
21                 a curtain, Jim.

22                 (Laughter.)

23                 BOARD MEMBER FARKAS: If  
24                 you're asking for a variance for a  
25

third floor, isn't that going to  
open up for everybody?

CHAIRMAN SARETSKY: But  
right now --

MR. HULME: My point is  
the character in the neighborhood  
in the entire Village is everybody  
has something on a third story.

BOARD MEMBER KRASNOW:  
Okay, I think that's not --

MR. HULME: Okay, it's --

BOARD MEMBER KRASNOW:  
Frankly, I don't think so. That's  
a stretch.

CHAIRMAN SARETSKY: But  
why don't we do this: Following  
what Joe said, give us the drawing.

MR. HULME: Okay.

CHAIRMAN SARETSKY: I  
don't think we're really -- again,  
whether it's one or the other, we  
can help you cross that bridge  
maybe.

MR. TERCHUNIAN: Can you

also just provide us with the calculation? What is the square footage of this area and what is the square footage below and make sure it meets the -- that it's consistent with the new definition of mezzanine.

CHAIRMAN SARETSKY: I think that's really -- am I saying that right? We're really concerned about --

BOARD MEMBER CASHIN: I forgot what you said, are you changing the outside shape of the building?

MR. HULME: Yes. It's not changing the height.

CHAIRMAN SARETSKY: It's not changing the pyramid.

(Whereupon, there was crosstalk.)

MR. HULME: It fits within -- let me be clear. It fits within the pyramid relief that we already

1 have.

2  
3 MR. TERCHUNIAN: All  
4 right, and also just for the  
5 Board's recollection, one of the  
6 items before you on this  
7 application is to legalize a  
8 pyramid encroachment that came from  
9 the previous owner. They got a  
10 pyramid variance and then they  
11 overbuilt.

12 BOARD MEMBER KRASNOW: So  
13 is the new structure going to  
14 eliminate that part?

15 MR. TERCHUNIAN: We'll  
16 have to see when we see the  
17 drawings.

18 VILLAGE ATTORNEY PROKOP:  
19 Aram is right. Thanks for bring  
20 that up. I'm sorry. We should  
21 leave the pyramid relief in it  
22 unless Mr. Hulme feels otherwise,  
23 but he's right, there was  
24 overbuilding of a prior application.

25 BOARD MEMBER KRASNOW: So

they might not need it for the  
mezzanine, but they might need it  
to clean up what exists?

MR. HULME: Well, there's  
a variance out there already that  
gives us 385 cubic feet. And I  
believe what the architect has told  
me is that he can provide this  
third story feature, whatever it  
might be, within the confines of  
that 385 cubic feet, which will --

CHAIRMAN SARETSKY: Let's  
not speculate.

(Whereupon, there was  
crosstalk.)

MR. HULME: Which will  
eliminate whatever overbuilding  
might have been.

CHAIRMAN SARETSKY: That  
might solve it.

VILLAGE ATTORNEY PROKOP:  
You can issue an interpretation to  
the Building Code of your own  
accord -- the Zoning Code of your

own accord. So he may submit an application to protect his client that you may determine doesn't need a variance. So I think that it's important that you see it because that will give guidance to the Village in the future.

MR. HULME: I'm happy to do that, but I wanted to have this conversation so you can ask the questions that you've asked me in the context of what I think is happening and I appreciate the opportunity.

BOARD MEMBER MIZZI: I was just -- wouldn't it be to the benefit of the building inspector reviewing what you're proposing first?

MR. HULME: Sure, I would assume.

CHAIRMAN SARETSKY: That would be ideal.

BOARD MEMBER MIZZI: And

then letting us know what they  
think is acceptable or not.

MR. HULME: Sure.

CHAIRMAN SARETSKY: That  
would be great.

MR. HULME: Okay. I would  
ask you, therefore, to adjourn it  
for all purposes.

CHAIRMAN SARETSKY: Okay.  
Can I get a motion to adjourn?

BOARD MEMBER KRASNOW:  
Motion to adjourn.

CHAIRMAN SARETSKY:  
Someone to second?

BOARD MEMBER FARKAS:  
Second.

CHAIRMAN SARETSKY: All in  
favor?

(Chorus of "ayes.")

MR. HULME: Thank you.  
Appreciate it. I learned a lot  
today.

CHAIRMAN SARETSKY: Me  
too. We saved the best for last.

1 All right, come on up. So 738,  
2 742. Here we are, back at it. So,  
3 Joe, why don't you take us out  
4 because I know you prepared or were  
5 working on...

7 VILLAGE ATTORNEY PROKOP:

8 So I worked on the -- based on  
9 discussions that had occurred at  
10 prior meetings, and so a couple of  
11 things going on with this  
12 application. This application was,  
13 I can confirm, was referred to for  
14 the lot width portion of this  
15 application. It was referred to  
16 the Suffolk County Planning  
17 Commission and we did get a letter  
18 back in May of 2022 that said that  
19 it was what's called a matter of  
20 local determination, which means we  
21 can proceed and we don't need the  
22 approval of that agency. We don't  
23 need any further input from that  
24 agency.

25 So I think, for my

1  
2 purposes of giving you a legal  
3 background of what you need to  
4 consider today, so I think that the  
5 Board is ready to move ahead on the  
6 decision of the lot width  
7 variances.

8 In preparing for today, I  
9 noticed that -- and also in  
10 discussing this with Aram, that  
11 there had been discussions about  
12 side yard variances along with the  
13 application. It has come up in  
14 discussions that we had. However,  
15 there has not been any side yard  
16 variances that were noticed in a  
17 public notice and I don't think it  
18 matters that they were not  
19 mentioned to the Suffolk County  
20 Planning Commission. I think that  
21 that's okay to add on other  
22 variances as far as that agency is  
23 concerned because they were  
24 primarily looking at the  
25 subdivision. But anyway, so we

1                   didn't have a public notice on side  
2                   yard variances.  
3

4                   CHAIRMAN SARETSKY:   Can I  
5                   ask a question?

6                   VILLAGE ATTORNEY PROKOP:  
7                   Yes.

8                   CHAIRMAN SARETSKY:   I  
9                   thought that we, with the public,  
10                  all -- they agreed and we agreed to  
11                  a four-tenths ruling, which was  
12                  essentially the side yard, correct?

13                  VILLAGE ATTORNEY PROKOP:   Yes.

14                  CHAIRMAN SARETSKY:   So we  
15                  did it.   I mean, we covered it, right?

16                  VILLAGE ATTORNEY PROKOP:  
17                  That's what I thought, but it  
18                  wasn't -- a smaller -- a reduced  
19                  side yard, which is what I thought  
20                  was intended, which, in looking  
21                  back --

22                  CHAIRMAN SARETSKY:   I  
23                  mean, it came up as two things, and  
24                  correct me if I'm wrong, guys.   One  
25                  was were we were trying to sort of

match off to Skudrna in some shape  
or form, which the four-tenths  
essentially did, right?

VILLAGE ATTORNEY PROKOP: Yes.

MR. TERCHUNIAN:

Mr. Chairman, I think what Joe is  
saying is that, yes, the Board  
discussed this issue in detail and  
arrived at a resolution, but the  
notice that was filed in the paper  
did not include.

CHAIRMAN SARETSKY: Okay,  
I'm sorry. Continue on, Jim.

VILLAGE ATTORNEY PROKOP: Yes,  
thanks, I could have said those two  
words there.

CHAIRMAN SARETSKY: You  
could have cut me off sooner.

VILLAGE ATTORNEY PROKOP:  
So I think that the Board is  
prepared to move ahead on action on  
the lot width and I think you need  
to discuss the conditions to make  
sure that there's agreement among

the Board and input from the  
applicant today.

CHAIRMAN SARETSKY: When  
you say the side, we're looking to  
approve the whole thing, right? In  
other words, we're doing it in  
pieces or --

MR. TERCHUNIAN: What  
Mr. Prokop is saying is the Board  
doesn't have jurisdiction to rule  
on the side yards, but they do have  
jurisdiction to rule on the lot.

CHAIRMAN SARETSKY: Okay.

VILLAGE ATTORNEY PROKOP:  
So you can approve the lot widths  
today and you're ready to do that  
if that's what you decide to do.  
We need to discuss the conditions  
and then decide what to do with the  
lot widths, but you don't have  
jurisdiction to act on --

CHAIRMAN SARETSKY:  
Understood.

BOARD MEMBER KRASNOW: Why

would we approve it in piecemeal?

VILLAGE ATTORNEY PROKOP:

You don't have to, but we would need a waiver of -- a continued waiver from the applicant because we're under the 60-day deadline starting September 23rd or whatever that date was.

MR. HULME: So lot size to accommodate the required side yards, it would be a narrow house. So it would seem to me that one way to approach this side yard issue would be to say that this came up as a condition of the -- the side yard relief was not requested, but as a condition of the lot width, you have asked us to agree to four-tenths.

CHAIRMAN SARETSKY: Joe, I mean, is that...

VILLAGE ATTORNEY PROKOP:

Yeah, well four-tenths. So four-tenths, that's 80 feet.

MR. HULME: So it comes in  
as a condition as opposed to --

CHAIRMAN SARETSKY: Is  
that --

VILLAGE ATTORNEY PROKOP:  
The problem is that the existing  
code requires combined side yards  
of 60 feet with a one-side minimum  
of 30 feet.

MR. TERCHUNIAN: Twenty.

VILLAGE ATTORNEY PROKOP:  
Twenty. So it's at 60 feet. So if  
we apply the four-tenths rule,  
which that's the rule that should  
apply, it would be four-tenths of  
80, which is combined 30 and 32,  
which is less than the combined 60,  
which is what the Zoning Code  
requires, 60 feet.

BOARD MEMBER KRASNOW: Why  
are the two houses that are  
adjoining neighbors have the  
smaller side yards as opposed to  
the houses that he's building? Why

1 is that?

2 MR. TERCHUNIAN: The lots  
3 are narrower.

4 BOARD MEMBER KRASNOW: I  
5 thought all the lots were the same  
6 size. They're all the same size.  
7 So if they're all 80 feet, you have  
8 the 12 foot on east and the 12 foot  
9 on the west, which really effects  
10 the neighbor who has no control  
11 over it. Why would --

12 MR. TERCHUNIAN: The  
13 answer to your question is, so the  
14 four-tenths is an offset. The one  
15 side always -- one side yard is  
16 always larger than the other.

17 BOARD MEMBER KRASNOW:  
18 Right, but why --

19 MR. HULME: Because we  
20 went through this whole visual  
21 analysis with you guys and we tried  
22 to maximize the lanes through,  
23 which people could get views and  
24 this is the orientation that you  
25

guys thought worked the best, so  
that's why we showed it this way.

MR. TERCHUNIAN: Time out.

The side yards are the largest  
between -- from the middle lot to  
either side in order to accomplish  
the view shed.

BOARD MEMBER KRASNOW:

Okay. I just wanted to know, based  
upon the fact that we're talking  
about side yard relief, why it was  
that way. And I apologize, there's  
so many different hearings and  
issues, if I don't remember  
everything. I'm sorry, Jim, I'm  
just trying to get clarification  
here.

CHAIRMAN SARETSKY: I'm  
with you 110 percent. All right.  
So, Joe, I think we're all on the  
same boat here.

MR. HULME: So you're  
saying it needs to be re-advertised  
for the side yard?

1  
2  
3  
4  
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VILLAGE ATTORNEY PROKOP:

I think the Board --

CHAIRMAN SARETSKY: Can it  
be a condition that's approved or  
does it need to just be  
re-notified?

VILLAGE ATTORNEY PROKOP:

I mean, it could be a condition,  
but if you're granting relief --

MR. TERCHUNIAN: I think  
what Mr. Prokop is saying is, you  
could act today and grant the lot  
width variances, but they still  
would not be able to build on those  
lots until they re-advertised for  
the side yard setback variances,  
which has already been discussed  
and resolved. So yes, you can do  
it in two steps or you could tell  
them to wait and readvertise and do  
it in one step. It's really what  
the Board wants to do.

BOARD MEMBER CASHIN: I

think we should do it in two steps.

CHAIRMAN SARETSKY: Guys,  
what do you think?

MR. ANTONUCCI: I'm okay  
with the mechanics of what we have  
to do is readvertise and then you  
close it and then you wait  
another --

MR. HULME: No. What  
they're saying, I think, is that  
they will approve the variance  
today for the lot width.

MR. ANTONUCCI: But that  
doesn't help us.

MR. HULME: But they have  
to readvertise the side yard relief  
and the risk to you is that if they  
grant this relief and then it's a  
whole different Board or a whole  
different set of rules or a whole  
different opportunity for people to  
oppose this application again, that  
you don't get the side yard relief  
and so we're left with 19-foot wide  
houses on this property.

MR. ANTONUCCI: The mechanics of it, we'd have to open up the application again as a new application?

MR. TERCHUNIAN: No. Let me walk you through it.

MR. ANTONUCCI: Yes.

MR. TERCHUNIAN: Let's say, for example, today, the Board votes to approve the lots. You get that variance. Mr. Hulme files another application, it gets noticed in the paper. This Board opens a hearing and --

CHAIRMAN SARETSKY: Baby steps. So we open a hearing next month at our next meeting.

MR. TERCHUNIAN: At the next meeting.

CHAIRMAN SARETSKY: Open it up. Continue.

MR. TERCHUNIAN: Okay. Mr. Hulme incorporates by reference the entire record from the previous

1                   hearings. The Board, if they have  
2                   questions, will ask them. The  
3                   public, if they have questions,  
4                   will ask them. And then the Board  
5                   has the choice of closing the  
6                   hearing and deciding that day.

7                   MR. ANTONUCCI: Oh, so it  
8                   could be closed and a decision made  
9                   that same day. I thought it just  
10                  goes on.

11                 MR. TERCHUNIAN: Well, the  
12                 Board -- you cannot prejudge what's  
13                 going to happen on any given day.  
14                 So the Board has the authority and  
15                 the ability to close the hearing  
16                 and decide.

17                 BOARD MEMBER KRASNOW: Why  
18                 do it in two steps and not all a  
19                 once when we advertise and go  
20                 forward?

21                 CHAIRMAN SARETSKY: Do you  
22                 have a reason, Jim, wanting to do  
23                 it twice?  
24                 25

BOARD MEMBER CASHIN:

Whatever you prefer. I was trying  
to throw him a bone.

BOARD MEMBER KRASNOW: But  
he can't move forward with it.

MR. HULME: I think, from  
our -- although I said it opposite  
to what I was said a few moments  
ago. If we proceed with the way in  
Mr. Terchunian has outlined, we  
have our relief for the width. And  
so the only thing that can be  
discussed at the next hearing is  
the side yards.

MR. TERCHUNIAN: Right.

MR. HULME: As opposed to  
reopening the hearing, amending it  
to include this relief and then  
having another hearing.

MR. TERCHUNIAN: Where  
everything is on the table.

MR. HULME: Where  
everything is on the table again.

So if you're asking us what our

1 preference would be, I think it  
2 would be that if you're inclined to  
3 grant the relief for the width  
4 today, we'll be happy to take that  
5 and then we'll submit a new request  
6 for the side yard.  
7

8 BOARD MEMBER FARKAS: Do  
9 the residents in the perimeter, are  
10 they notified?

11 MR. HULME: Yes.

12 BOARD MEMBER FARKAS: And  
13 so we could have people coming in  
14 again and giving us their opinion,  
15 giving us their comments.

16 BOARD MEMBER CASHIN: On  
17 the side yards.

18 MR. TERCHUNIAN: Solely.

19 BOARD MEMBER FARKAS:  
20 Right. How is that going to appear  
21 if it's only the side yards and  
22 we're not talking about --

23 CHAIRMAN SARETSKY: That's  
24 why doing it piecemeal I think  
25 is --

1                   MR. HULME: Well, if you  
2  
3                   said in this decision that it's  
4                   your intent -- that the relief that  
5                   you granted here for the widths is  
6                   based on the condition of the  
7                   four-tenths and it's merely a  
8                   technicality to have to readvertise  
9                   for the purpose of granting that  
10                  part of the condition, that I  
11                  think --

12                 CHAIRMAN SARETSKY: I  
13                  think that's what we're sort of  
14                  saying, right?

15                 BOARD MEMBER FARKAS: Yes.

16                 MR. HULME: I agree.

17                 CHAIRMAN SARETSKY: Again,  
18                  Joe put together documentation.  
19                  There were various items in there  
20                  which we haven't really had a  
21                  chance to go through, but they were  
22                  all things I think that you all  
23                  agreed to already.

24                 MR. HULME: Yes. I  
25                  haven't seen it, but I'm sure they

are.

CHAIRMAN SARETSKY: So I think as far as this piece goes, I mean, I'll defer to Joe. If you think one is better than the other, whether we need to do -- give it to him today or give him the whole thing --

MR. TERCHUNIAN: I would recommend that the Board proceed today. I'm going to jump in front of you. Sorry, Joe. And if they're comfortable granting the lot width relief, grant it and then sending them on their way to complete the process.

BOARD MEMBER KRASNOW: But doesn't that owe us certain conditions that we have to --

MR. TERCHUNIAN: Yes. The conditions are in your --

BOARD MEMBER KRASNOW: But we don't have the decision finalized. How do we grant this

without having a decision that we are in agreement on?

MR. TERCHUNIAN: Well, I think that's discussion you have right now. Just go through the conditions.

BOARD MEMBER KRASNOW: Right, but we can't -- I think the decision should be discussed in some private, some public. But one of the questions that I had that seems to have gotten lost in the shuffle is the outcome of the Bunny House and what we're doing with that and we had brought it up and discussed it.

CHAIRMAN SARETSKY: It had come up.

BOARD MEMBER KRASNOW: And I really would like to know and let the neighbors know what the thoughts or the plans are about preserving it, saving it, possibly moving it, which you said you were

1                   amendable, but it kind of got lost  
2  
3                   in the shuffle here.

4                   MR. HULME:   Well, what do  
5                   you think that he said that he's  
6                   amendable to?

7                   CHAIRMAN SARETSKY:   He  
8                   made a comment that, I thought, you  
9                   were willing to save it if someone  
10                  -- whatever it was --

11                  BOARD MEMBER KRASNOW:   I  
12                  want to say maybe --

13                  MR. ANTONUCCI:   I'm open  
14                  to discussion.

15                  BOARD MEMBER KRASNOW:  
16                  Maybe we can relocate it to this  
17                  property or something or put it in  
18                  the back of one of the properties.  
19                  So I kind of want to -- I didn't  
20                  want to necessarily destroy it if  
21                  it didn't have to be and I kind of  
22                  wanted to know what would happen to  
23                  it and I think that it should be  
24                  part of the discussion.

VILLAGE ATTORNEY PROKOP:

The idea is for him to donate it for the Village use, repurpose for Village use and the use would be designated by the Village.

CHAIRMAN SARETSKY: And then if the Village chooses not to do it --

(Whereupon, there was crosstalk.)

CHAIRMAN SARETSKY: -- then at least he did it and checked the box.

MR. HULME: -- off of the property.

CHAIRMAN SARETSKY: Yes, yes. That something and I think Irwin brought it up because someone mentioned it and I think the answer was something favorable and that's where we are. I mean, another item that was similar to it that the Board spoke about and it came up on previous Boards when another

Chairman was in charge, that we wanted to make sure that the septic systems, if they are raised, which they may or not may not be, and you can speak to that, that they would be landscaped in front of them and irrigated and that was a condition that we did --

MR. TERCHUNIAN: I think the most organized way to approach this is, I believe, Mr. Prokop has given you a list of conditions. Why don't you go through them one at a time?

BOARD MEMBER KRASNOW: Okay.

VILLAGE ATTORNEY PROKOP: That's what I was going to say before. I think we're doing this backwards and I think we should go through the conditions. We may not even be able to proceed today because there may be a difference on the conditions.

BOARD MEMBER KRASNOW: Do

you have a copy of that, Robin?

VILLAGE CLERK SANTORA: I  
don't.

BOARD MEMBER KRASNOW: Do  
you have an extra copy? I thought  
I brought my copy. I know I  
printed it.

CHAIRMAN SARETSKY: We can  
share.

VILLAGE ATTORNEY PROKOP:  
I have copies. Use my copy  
(handing).

CHAIRMAN SARETSKY: Do you  
mind if they look it or do you want  
to wait?

VILLAGE ATTORNEY PROKOP:  
Well, they're going to have to look  
at the conditions.

CHAIRMAN SARETSKY: Yeah,  
that's what I meant.

BOARD MEMBER FARKAS: Why  
don't we go through them and  
discuss them?

MR. HULME: Go ahead. I

submitted, a month or so ago, a list of what I parsed as the conditions at that last hearing we had.

BOARD MEMBER CASHIN: It starts on Page 7.

VILLAGE ATTORNEY PROKOP: Yes, we'll go through them.

MR. TERCHUNIAN: Joe, we said yes, I can share this with counsel?

VILLAGE ATTORNEY PROKOP: That's up to Eric. I don't have a legal impediment.

CHAIRMAN SARETSKY: These are all things that, I think, we've already agreed.

BOARD MEMBER KRASNOW: This is a draft of what we're considering.

VILLAGE ATTORNEY PROKOP: So everybody should have one that says at the top: Draft Lot Width Variances November 4th.

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CHAIRMAN SARETSKY: Yes.

MR. TERCHUNIAN: Joe, if I  
may, the conditions begin on  
Page 7. There's a lot of preamble,  
but perhaps we will --

CHAIRMAN SARETSKY: Moving  
right along. Very nice.

BOARD MEMBER FARKAS:  
Bottom of Page 7, Number 1, which  
seems to be at the top of Page 8.

MR. TERCHUNIAN: Jeff  
spent way too much time on this  
project.

BOARD MEMBER FARKAS: We  
all have.

BOARD MEMBER KRASNOW: We  
all have. We're trying be a help,  
not a hindrance.

CHAIRMAN SARETSKY: This  
was a draft from Joe, just so you  
know.

MR. ANTONUCCI: I know,  
but this is a lot.

VILLAGE ATTORNEY PROKOP:

This is -- the public hearing is closed. This is really for the Board. We're just cooperating to try to make this a joint construction.

MR. ANTONUCCI: But these are going to be a CNR (phonetic) recorded on the property? So I just want to make sure what they are.

MR. TERCHUNIAN: That's the whole purpose of this conversation.

VILLAGE ATTORNEY PROKOP:  
That's why we're here.

BOARD MEMBER CASHIN: And we've discussed them with you before. They're not new.

MR. ANTONUCCI: Okay.

BOARD MEMBER FARKAS: I don't think there's any surprises.

VILLAGE ATTORNEY PROKOP:  
Jim was right. He did submit, but

I didn't have those in front of me.  
They went into the record, so I  
just did the best I could.

There will be a limit on  
the development of the northern  
portion of the subject lots as  
referenced as "line of building  
envelope" last shown on the June 8,  
2023 survey prepared by Metes and  
Bounds. I don't even know if  
that's the right reference.

MR. HULME: Yes, it is.  
June 8, 2023.

VILLAGE ATTORNEY PROKOP:  
So we can add in a shaded area. We  
can call this the shaded area or  
not shaded.

MR. TERCHUNIAN: Simpler  
is better. It says line of  
building envelope. Pretty easy.

BOARD MEMBER FARKAS:  
What's this line here (indicating)?

MR. HULME: That's the  
dash line on the road side. I'm

sorry, the north. That's correct.

CHAIRMAN SARETSKY: You  
want a highlighter, just so we're  
all on the same page?

VILLAGE ATTORNEY PROKOP:  
Can you look at this map, Aram?

CHAIRMAN SARETSKY: Here  
you go, here's the highlighter  
(handing).

BOARD MEMBER KRASNOW:  
This is the wrong date though.  
Mine are all dated November 17,  
2022.

CHAIRMAN SARETSKY: Just  
so we're all on the same page,  
guys, that's the line, right?  
Where the yellow is, right  
(indicating)? Number one, Joe, I'm  
checking it off.

BOARD MEMBER KRASNOW: Can  
you pass it down?

BOARD MEMBER MIZZI: Is  
that this (indicating)?

(Whereupon, there was

crosstalk.)

VILLAGE ATTORNEY PROKOP:

Okay, so it says there will be a  
limit on the --

BOARD MEMBER KRASNOW:

This is the 17th one also that I  
have.

MR. HULME: No. Look on  
the top. The last item. The top  
right-hand corner.

BOARD MEMBER MIZZI: If we  
learned anything with this  
application, you have to read all  
the words.

MR. HULME: It gives a  
whole list. Maybe you have it.

(Whereupon, there was  
crosstalk.)

MR. TERCHUNIAN: Okay, one  
at a time. One at a time.

VILLAGE ATTORNEY PROKOP:

Okay. So it says my legalese says,  
there will be a limit on the  
development of the northern portion

of the subject lots as referenced,  
but it doesn't say what the limit  
on the development is. What is the  
limit on the development? It just  
says there's a limit on the  
development.

MR. TERCHUNIAN: Yes.  
Development, period, as defined in  
the code.

VILLAGE ATTORNEY PROKOP:  
Is it prohibited? Developments  
prohibited or what is it?

MR. TERCHUNIAN: Yes.

VILLAGE ATTORNEY PROKOP:  
So how would you word that, Aram?  
Preclusion on development? Instead  
of saying there is a limit on  
development, there shall be no  
development?

MR. TERCHUNIAN: No  
development. The one exception  
would be an elevated walkway to the  
water.

CHAIRMAN SARETSKY: If you

1 want to put that in, that's fine.

2 VILLAGE ATTORNEY PROKOP:

3 I'll put that in, except elevated  
4 walkway. Okay, so number one says:  
5 There will be no development --  
6

7 BOARD MEMBER MIZZI: And  
8 to be clear, that ties to the words  
9 line of building envelope and where  
10 is that on the top?

11 MR. HULME: That's this  
12 (indicating).

13 BOARD MEMBER FARKAS: Get  
14 the highlighter. There you go.  
15 That's the building envelope. So  
16 he can build anywhere south of that  
17 line (indicating).

18 BOARD MEMBER MIZZI: Got  
19 it.

20 MR. ANTONUCCI: Would the  
21 Village consider a dock breaking  
22 development --

23 MR. TERCHUNIAN: Well, the  
24 walkway to get to the dock would be  
25 accepted and the dock is not in the

Village.

CHAIRMAN SARETSKY: It's not us. If you can get a dock, God bless you.

MR. ANTONUCCI: There is a dock.

MR. TERCHUNIAN: There is a dock.

CHAIRMAN SARETSKY: Well, then keep it.

MR. ANTONUCCI: Absolutely, but just future expansion, revision --

MR. TERCHUNIAN: That is not in our jurisdiction.

BOARD MEMBER FARKAS: It's not us. It's not us.

MR. ANTONUCCI: Okay, but if the dock was to come, according to DC approvals, if that were to come further in --

MR. HULME: That would be a walkway.

MR. TERCHUNIAN: That

would be a walkway.

MR. ANTONUCCI: Okay.

VILLAGE ATTORNEY PROKOP:

This is confusing also: The limitation of the development of the lots shall be restricted by the four tenths rule as to minimum and total side yards.

MR. TERCHUNIAN: But what you're saying, Joe, is the Board does not have the jurisdiction to act on that at this point, unless you want to put it in as a condition. Is that what you said?

VILLAGE ATTORNEY PROKOP:  
We don't have jurisdiction, right.

CHAIRMAN SARETSKY: So this is going to the Planning Board, right?

MR. TERCHUNIAN: No. This has to do with the side yards.

CHAIRMAN SARETSKY: Oh, because it has to get listed.

BOARD MEMBER FARKAS: This

has to do with the notice.

MR. HULME: But it is a condition of the approval, so it should be there --

CHAIRMAN SARETSKY: So why don't you put it in and then --

MR. TERCHUNIAN: Right.

(Whereupon, there was crosstalk.)

CHAIRMAN SARETSKY: Number two. Wait, we're on to three.

VILLAGE ATTORNEY PROKOP: The southern face of the principal structures and accessory structures shall be located at least 70 feet from the north side of the Dune Road public right-of-way.

MR. TERCHUNIAN: It's actually -- Joe, it should be 60 feet. The required -- this is a rear yard because the water is the front yard. So the required rear yard setback --

VILLAGE ATTORNEY PROKOP:

No, but in our code it says it's  
70 feet from the street side.  
That's the problem. We talked  
about this.

MR. TERCHUNIAN: Yes.

BOARD MEMBER KRASNOW:

Because he's showing 88 on here.

BOARD MEMBER FARKAS: And  
that's -- no.

BOARD MEMBER KRASNOW: --  
even slide it up and down.

(Whereupon, there was  
crosstalk.)

MR. HULME: If this is the  
code, then it's the code.

MR. ANTONUCCI: If it's  
the code, then why is it an  
additional restriction?

CHAIRMAN SARETSKY: You  
want to just put it in as the code,  
Joe, and then whatever that is,  
that's fine?

BOARD MEMBER MIZZI: Well,

we can't define the building  
envelope different than the code.

VILLAGE ATTORNEY PROKOP:

That's a problem.

MR. TERCHUNIAN: That's

not a problem.

BOARD MEMBER MIZZI: But

you're creating a building develop  
and then we approved --

MR. ANTONUCCI: What does

the code say?

MR. TERCHUNIAN:

Seventy feet.

MR. ANTONUCCI: From the

front?

MR. TERCHUNIAN: From the

rear yard, which is the street.

VILLAGE ATTORNEY PROKOP:

It may also say that, but it  
actually says 70 feet from the  
street. I'd rather leave it in if  
that's okay.

CHAIRMAN SARETSKY:

Listen, you guys today are going to

1                   hear it all and because it's  
2  
3                   getting listed, we'll all talk  
4                   about how we get there.

5                   BOARD MEMBER MIZZI:   But  
6                   we're saying this is going to move.  
7                   You're saying this is 70, right  
8                   (indicating)?

9                   MR. TERCHUNIAN:   Instead  
10                  of the total.

11                  VILLAGE ATTORNEY PROKOP:  
12                  The total north-south length of the  
13                  principal structure of each of the  
14                  homes to be constructed on the  
15                  created lots shall not exceed  
16                  67.3 feet.

17                  (PHONE RINGING.)

18                  CHAIRMAN SARETSKY:   While  
19                  Jim's on the phone, what this was,  
20                  which we had agreed to a minimum or  
21                  maximum size and I think Joe backed  
22                  them into that number.

23                  MR. TERCHUNIAN:   It's  
24                  right here.   It's their number.

25                  CHAIRMAN SARETSKY:   Okay.

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BOARD MEMBER KRASNOW:

3,200 feet he has.

MR. TERCHUNIAN: Well, he has a distance on there, 67.3, the north-south distance on the shaded principal building envelope, the principal building structure.

BOARD MEMBER KRASNOW: But he says not to exceed 3,200-square feet.

MR. TERCHUNIAN: It says both.

BOARD MEMBER KRASNOW: Again, that's something you guys agree greed to, right?

MR. TERCHUNIAN: They proposed it.

BOARD MEMBER FARKAS: Who has the highlighter?

CHAIRMAN SARETSKY: Here you go (handing). The I'll bring more next time. You want other colors?

BOARD MEMBER FARKAS: You

1 have a red pen?

2 (Whereupon, there was  
3 crosstalk.)

4 CHAIRMAN SARETSKY: So,  
5 Joe, the totals, just explain the  
6 north-south.

7 VILLAGE ATTORNEY PROKOP:  
8 The chairman of the Planning Board  
9 is in the audience.

10 CHAIRMAN SARETSKY: Do you  
11 want that explained?

12 MR. HULME: No.

13 CHAIRMAN SARETSKY: You're  
14 okay with that?

15 MR. HULME: I understand  
16 it, yes.

17 CHAIRMAN SARETSKY: Okay.  
18 So for the moment, you're good?

19 MR. ANTONUCCI: Yes.

20 CHAIRMAN SARETSKY: Five,  
21 Joe.

22 VILLAGE ATTORNEY PROKOP:  
23 The total area of the lot to be  
24 developed -- it should be the total  
25

1 area of the portion of the lot to  
2 be developed will not exceed  
3 20 percent lot coverage as defined  
4 in the Village Code. And there's  
5 close paren, but there's not  
6 opening -- oh, no, there is. And  
7 all --

8  
9 BOARD MEMBER FARKAS:

10 Twenty percent within the principal  
11 building envelope or --

12 MR. TERCHUNIAN: No,

13 20 percent of your lot of your  
14 upland area.

15 MR. ANTONUCCI: Okay. Can

16 we say it that way?

17 VILLAGE ATTORNEY PROKOP:

18 And all development will be  
19 contained within the envelopes  
20 labeled "reduced principal building  
21 envelope" and described as 7,000 --  
22 whatever that is.

23 BOARD MEMBER FARKAS:

24 Those are your numbers that you  
25 gave us.

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MR. HULME: Yes.

MR. ANTONUCCI: Can we  
revise it to include what Aram  
said?

MR. TERCHUNIAN: No,  
because it's as per the code and  
that's what the code says.

MR. ANTONUCCI: So we  
don't have the language.

CHAIRMAN SARETSKY: Your  
numbers reflect the code.

VILLAGE ATTORNEY PROKOP:  
The HVAC equipment for the home  
shall not be located in either the  
side yard or the Dune Road side of  
the homes.

BOARD MEMBER FARKAS:  
Where does it go then? Does it go  
in the back?

BOARD MEMBER KRASNOW:  
North, it would be north. It has  
to be north.

BOARD MEMBER FARKAS:  
Backwards is really the front.

BOARD MEMBER KRASNOW:

Right. Do they need a variance for having their HVAC in the front yard?

(Whereupon, there was crosstalk.)

MR. TERCHUNIAN: Guys, you really have to be disciplined here.

MR. ANTONUCCI: I just asked a question, why the Board had a problem with potential HVAC units on the side yards. It's very common.

CHAIRMAN SARETSKY: I think it stems from another application where they were everywhere and it came from some comment from someone. I guess if it was in the rear on the side, maybe it would be okay, but I think.

MR. HULME: We're talking about the required side yard or the side yard?

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CHAIRMAN SARETSKY: I

don't know.

VILLAGE ATTORNEY PROKOP:

The side yard. So the reason why you see them on the ocean is because there's a covenanted easement on the water side of those houses, so they can't have them there. Excuse me, this is not my legal opinion, but that is why that is, because they can't actually put them in the rear yard.

BOARD MEMBER MIZZI: The

desire was to have them in the rear. We can't -- the ocean front, but were trying to do that --

VILLAGE ATTORNEY PROKOP:

Yeah, right, so on the ocean everybody has them under the deck, some people have them on the deck or --

BOARD MEMBER KRASNOW: But

the rear is the front yard on this house technically.

VILLAGE ATTORNEY PROKOP:

That's why it doesn't say --

MR. HULME: We talked about, per the transcript, is that it wouldn't be located in required side yard, not in any side yard.

MR. TERCHUNIAN: I think you can say required because they're chewing up building envelope to do that.

BOARD MEMBER FARKAS: Why don't you just let them put it between the houses?

MR. ANTONUCCI: That's what I would like to do.

CHAIRMAN SARETSKY: Well, if you do that, if you have them on the side between your houses, then no one can say anything.

BOARD MEMBER FARKAS: That's my point.

MR. HULME: -- bound to say something.

CHAIRMAN SARETSKY: No,

no; that's a good compromise.

(Whereupon, there was  
crosstalk.)

MR. TERCHUNIAN: Woe, woe,  
woe, just remember she's writing  
everything down.

BOARD MEMBER MIZZI: The  
suggestion is not to allow them at  
these two locations; is that it  
what we're saying?

CHAIRMAN SARETSKY: Yes, I  
think that's basically Jeff's  
conclusion.

BOARD MEMBER KRASNOW: So  
allowing them in the middle between  
the houses they're building, but  
not between the neighbors?

BOARD MEMBER MIZZI: Not  
in the 12 foot with the two 12-foot  
zones.

BOARD MEMBER CASHIN:  
Well, the people who buy the houses  
are not going to like it.

VILLAGE ATTORNEY PROKOP:

Well, not as a required side yard setback.

MR. ANTONUCCI: I think what he proposed --

CHAIRMAN SARETSKY: What Jeff proposed is okay?

MR. ANTONUCCI: I think that's okay. We put it between the homes in the side yards, that will be fine, but not outside of the required yards because, again, that would be outside the building envelope.

VILLAGE ATTORNEY PROKOP:  
And it shall be screened per --

MR. ANTONUCCI: Sure.  
That benefits everybody.

MR. TERCHUNIAN: Screened for sight and sound.

BOARD MEMBER KRASNOW:  
Does that leave leeway for them to be here and here or only on these spots (indicating).

MR. HULME: It requires that we cannot put it on the outside edge. We can put it anywhere else that the code allows us to put it.

BOARD MEMBER KRASNOW: I'm sorry, what's your definition of the outside edge?

MR. HULME: The east side of the western lot or the west side of the eastern lot.

BOARD MEMBER KRASNOW: Okay, that's what I was getting at...

MR. HULME: Yes, but they can be placed anywhere else on property that the code allows.

BOARD MEMBER FARKAS: He's not going to do anything to hurt the house next door, at least I hope you don't.

MR. TERCHUNIAN: The HVAC equipment for the home shall not be located in either the east side yard of Parcel C or the west side

yard of Parcel A or on the Dune  
Road side of the homes and screen  
for site and sound.

CHAIRMAN SARETSKY: If  
that's good with you?

MR. ANTONUCCI: Fine.

CHAIRMAN SARETSKY: Thank  
you.

VILLAGE ATTORNEY PROKOP:  
So according to you, they can put  
it in the required side yard,  
interior side yards of the two  
houses. Why would we do that?

MR. TERCHUNIAN: Because  
the utilities are treated  
differently than the building. The  
utilities can have a ten feet  
setback per code.

MR. HULME: Okay, the next  
one has to do with lighting.

BOARD MEMBER MIZZI: He  
seems to be --

VILLAGE ATTORNEY PROKOP:  
I mean, we're giving a lot of

1 relief in the subdivision. Now we  
2 just had a statement by Aram that  
3 the equipment can be put ten feet  
4 off the property line. I don't  
5 know that -- first off, I don't  
6 know if I agree that that's the  
7 code and secondly, you should think  
8 about that. I'm not telling you  
9 what to do, but you --

11 MR. ANTONUCCI: Typically  
12 they're put in the side yards.

13 MR. HULME: What we're  
14 agreeing to do is not to put it in  
15 these two spots and put it anywhere  
16 else permitted by the code. So  
17 whatever the code says, we're going  
18 to comply with. We're just not  
19 going to put it on the east side of  
20 the west lot or the west side of  
21 the east lot.

22 BOARD MEMBER FARKAS: So  
23 what you're saying is they could  
24 build a platform ten feet and then  
25 put it at the end of the ten feet?

VILLAGE ATTORNEY PROKOP:

Yes, that is. According to what you just heard, right. I'm not sure why we went -- why it was you couldn't put it in the required side yard and then we got to you couldn't put it in the required side yard basically the two-perimeter side yard.

MR. ANTONUCCI: If I

recall, that was not something the Board requested; it was something is that you requested. And it's something that's very common within the Village to have the units installed in the side yards of the homes. It wasn't an issue of the Board.

CHAIRMAN SARETSKY: I

think if it complies with the West Hampton Dunes.

VILLAGE ATTORNEY PROKOP:

You know, I'm a professional of the Board and I'm allowed to make

1                    recommendations. So I made a  
2                    recommendation. I'm sorry if that  
3                    bothers you. And I explained why  
4                    half the houses in the Village have  
5                    them on the side yard is because  
6                    those poor people gave up 400 feet  
7                    of their property. So, as a  
8                    benefit to them, they're allowed to  
9                    have it.  
10                   

11                    MR. ANTONUCCI: Okay.

12                    BOARD MEMBER FARKAS: Joe,  
13                    if the units were going to be in  
14                    the back, in the back of the  
15                    house --

16                    BOARD MEMBER CASHIN: You  
17                    mean the front.

18                    BOARD MEMBER MIZZI: The  
19                    bay side.

20                    BOARD MEMBER FARKAS: --  
21                    could it still be on a ten-foot  
22                    platform and extend past the  
23                    building envelope?

24                    VILLAGE ATTORNEY PROKOP:  
25                    I don't know.

MR. TERCHUNIAN: I think we're way off here. We're far afield. The applicant will be governed by what he submits to the building inspector. If it complies with the code, he can do it. If it doesn't comply with the code, he can't do it and he can't put it on either the east side of Parcel C or the west side of Parcel A.

BOARD MEMBER KRASNOW: But we are allowed to put -- I'm not saying we should change anything, but we are allowed to put requirements on this as a result of granting the variance. So if someone felt it was intrusive or not, we could make that choice, correct?

MR. TERCHUNIAN: Absolutely.

BOARD MEMBER KRASNOW: We're within our bounds.

CHAIRMAN SARETSKY: But we kind of achieved it I think, but

1                   having him put, not on east and  
2  
3                   west of those lots --

4                   BOARD MEMBER KRASNOW: No,  
5                   no, I'm not saying we should change  
6                   anything. I'm just making a point  
7                   that we have the ability to whether  
8                   it's Joe giving us a recommendation  
9                   or an opinion, we have the ability  
10                  to, you know, follow that.

11                  MR. HULME: You absolutely  
12                  could.

13                  CHAIRMAN SARETSKY: This  
14                  way you have the opportunity to  
15                  make it as architecturally pleasing  
16                  as possible for your three homes.

17                  VILLAGE ATTORNEY PROKOP:  
18                  Aram, can I ask you a question?

19                  MR. TERCHUNIAN: Yes.

20                  VILLAGE ATTORNEY PROKOP:  
21                  What is the side yard setbacks that  
22                  are going to that -- what are the  
23                  side yard setbacks that you  
24                  envision?

25                  MR. TERCHUNIAN: For what?

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VILLAGE ATTORNEY PROKOP:

For the homes.

MR. TERCHUNIAN: For the  
homes?

VILLAGE ATTORNEY PROKOP: Yes.

MR. TERCHUNIAN: It's  
defined in the building envelope.  
It's the four-tenths rule.

VILLAGE ATTORNEY PROKOP:  
But you gave specific --

BOARD MEMBER FARKAS:  
There's specific numbers on here,  
Joe.

VILLAGE ATTORNEY PROKOP:  
Okay. So beyond that, what's  
allowed for the home? I know this  
is all subject to the building  
inspector's determination, but what  
do you believe is allowed beyond  
that?

MR. TERCHUNIAN: I'm  
looking it up. This is going to  
take a while.

CHAIRMAN SARETSKY: Why

1 don't we go on to number seven? So  
2 number seven, and actually number  
3 eight, Mr. Mizzi and myself, our  
4 mentor, Mr. Gessin, taught us these  
5 two items and it just says that you  
6 will comply with West Hampton Dunes  
7 lighting, exterior lighting code.  
8

9 MR. ANTONUCCI: That's  
10 understood. It's in the code  
11 already.

12 CHAIRMAN SARETSKY: Again,  
13 when we spoke to people in the  
14 community, we assured them that we  
15 were doing this. So another box we  
16 want to be able to check that we  
17 did.

18 And number eight, which is  
19 a landscaping plan is basically the  
20 same thing that I was saying for,  
21 particularly, if you have a septic  
22 system wall, which you may have  
23 most likely and then we just want  
24 to make sure that you have  
25 landscaping in front of it.

1                                   MR. ANTONUCCI: I'm sorry,  
2  
3                                   just one thing on number seven. So  
4                                   you are to require us to submit an  
5                                   exterior lighting plan?

6                                   CHAIRMAN SARETSKY: So  
7                                   what you can do is you could take  
8                                   your drawings, when you produce  
9                                   them, show the lighting that you  
10                                  have on it, put notes that the  
11                                  elevation -- I think it talks about  
12                                  how high the light is and it talks  
13                                  about how it's shielded and the  
14                                  amount of --

15                                 MR. TERCHUNIAN: The  
16                                 regulation is very specific, but  
17                                 his question is why is it coming  
18                                 back to the Zoning Board and that's  
19                                 my question too. You should just  
20                                 tell the building inspector to do  
21                                 this.

22                                 CHAIRMAN SARETSKY: But it  
23                                 was a stipulation of, almost  
24                                 identically, of what we did on  
25                                 prior approvals.

VILLAGE ATTORNEY PROKOP:

This is the standard language as  
adopted by the --

MR. TERCHUNIAN: You  
should not be reviewing lighting  
plans.

CHAIRMAN SARETSKY: Well,  
we don't have to review it.

MR. TERCHUNIAN: Yes, you  
do.

CHAIRMAN SARETSKY: But  
what I'm saying is we want to make  
sure it complies, that's all.

MR. HULME: That's the  
building inspector's job.

BOARD MEMBER MIZZI: The  
only thing is we did have cases  
where people agreed to landscaping  
and they never did it.

(Whereupon, there was  
crosstalk.)

MR. TERCHUNIAN: Two  
things. Number 1, they can't get a  
CO unless they do. And Number 2,

this is all put in a covenant.

CHAIRMAN SARETSKY: So the only exception to what we're saying is, it doesn't have to be approved by us. It just has to be something that's in the note that says it's going to be governed by West Hampton Dunes, however you want to say it.

VILLAGE ATTORNEY PROKOP: It says on here it's going to be approved.

(Whereupon, there was crosstalk.)

CHAIRMAN SARETSKY: Okay. So again, we're not making it a hardship for you. I'm sure it's something you would be doing anyway.

MR. ANTONUCCI: Yes, complying with the code would require it, but coming back to the Board is --

CHAIRMAN SARETSKY: You

1 don't have to. I mean, Joe, I

2 don't think we're hung up on --

3 BOARD MEMBER MIZZI: It's

4 not going to be delayed by --

5 (Whereupon, there was  
6 crosstalk.)

7 BOARD MEMBER MIZZI: It's

8 just a CR. This lasts forever.

9 It's an additional obligation on

10 the property that you're placing

11 for no particular reason.

12 MR. HULME: And it's

13 really building inspector'S job.

14 VILLAGE ATTORNEY PROKOP:

15 Can I make a suggestion? This is

16 like major relief you're granting

17 in this application and I really

18 don't think we should be hung up on

19 who is going to approve the

20 lighting plan. But it's up to the

21 applicant if he wants to hold it up

22 based on that.

23 BOARD MEMBER KRASNOW:

24 Well, you put it in there for a

reason, so --

MR. HULME: -- if you  
agree to put it in the building  
inspector's hands.

(Whereupon, there was  
crosstalk.)

VILLAGE ATTORNEY PROKOP:  
This is our standard language.

MR. TERCHUNIAN: I don't  
agree. It's the building  
inspector's job.

CHAIRMAN SARETSKY: And it  
still will be, but I think the  
point was that we, together with  
Joe, we've put this in before  
countless times and, again, it's  
not for a hardship. It's really  
because we told everybody that we  
would do this.

VILLAGE ATTORNEY PROKOP:  
So I think it should be reviewed.  
This is what I think. My  
recommendation is that it should be  
reviewed by the Zoning Board of

1 Appeals and approved by the  
2 building inspector. So that way  
3 you comment on it, but it's not --

4 MR. HULME: What if you  
5 guys don't meet for six months?

6 CHAIRMAN SARETSKY: We  
7 don't have to meet to --

8 MR. HULME: Yes, you do.  
9 If we're submitting something to  
10 you for review, you have to have a  
11 meeting where you review that and  
12 approve the process.

13 BOARD MEMBER MIZZI: It's  
14 a lighting plan for new buildings  
15 that you've not even constructed.  
16 The idea is if you submit the  
17 plan --

18 CHAIRMAN SARETSKY: Send  
19 us a scan.

20 BOARD MEMBER MIZZI: --  
21 it's going to take you a year or  
22 two to build the houses. We just  
23 need to see -- like present it in  
24 the beginning when you present your  
25

plans for approval and we'll look at it.

CHAIRMAN SARETSKY: We're not going to hold your approval up and we're not going to hold your CO up, but, again, it's something we want to make sure you do.

BOARD MEMBER FARKAS: I think Joe is right. The magnitude of this thing is --

MR. HULME: Well, for the record, all we're looking for is lot width relief. This is not the other case where I'm looking for --

CHAIRMAN SARETSKY: But we're doing the whole thing, right?

MR. ANTONUCCI: Yeah, but every time we come, there have just been additional items, but this doesn't even need to be. It's already there because it's already enforceable by --

CHAIRMAN SARETSKY: I understand, but realize one thing.

1 We represented to all of the West  
2 Hampton Dunes residents that we  
3 would give them these things and  
4 FOR benefit of them to give you the  
5 benefit of the subdivision.  
6

7 MR. ANTONUCCI: Of course.

8 CHAIRMAN SARETSKY: So by  
9 putting it here in writing, we can  
10 change the way it's written -- you  
11 know, I'll defer to Joe for that --  
12 but I really think we want to be  
13 able to check the box and say that  
14 you're living up to it. That's  
15 all. So if you want to word it a  
16 different way, you guys can talk to  
17 Joe about it. Fair enough?

18 MR. HULME: Why don't we  
19 submit it to the building inspector  
20 for approval, but it will be  
21 submitted to you, but not for your  
22 review. If you have an issue with  
23 it, you can take it up with the  
24 building inspector.  
25

VILLAGE ATTORNEY PROKOP:

Today is really about -- today is a work session of the Board where the public and the applications are -- I mean, the public and applicant are allowed to attend, of course, because it's a public meeting, but this is really a benefit that you're giving to the applicant that we're discussing, all this, and I just wanted to point that out to you. So far the lengthiest discussion we've had has been on this paragraph number seven.

MR. ANTONUCCI: It's just additional restrictions that are being placed.

VILLAGE ATTORNEY PROKOP:  
You don't have to accept the variance.

CHAIRMAN SARETSKY: Right, it's not meant to be a hardship. We're not asking you for extra fixtures, we're not asking you for

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really special fixtures and we're  
not asking you for landscaping  
that's excessive in any way. We're  
asking you to put the lighting as  
you would for regular application --

MR. HULME: We don't have  
any issue with that. The issue we  
have is that if we need to submit  
this to you --

CHAIRMAN SARETSKY: So let  
us have that discussion.

BOARD MEMBER KRASNOW:  
Okay. We will -- counsel suggested  
it, you guys are opposed to it. We  
will discuss it later. Let's keep  
moving on so maybe by next month  
we'll have a decision for you.

CHAIRMAN SARETSKY: We're  
trying to move forward.

(Whereupon, there was  
crosstalk.)

CHAIRMAN SARETSKY: We  
love to get together with you guys,  
but -- sorry.

1 BOARD MEMBER FARKAS: Not  
2  
3 to beat a dead horse, but once he  
4 has the CO and down the road the  
5 next homeowners wants to change the  
6 lighting, do they have to come back  
7 to the Zoning Board?

8 CHAIRMAN SARETSKY: Yes, I  
9 think they would.

10 BOARD MEMBER FARKAS: But  
11 that's --

12 CHAIRMAN SARETSKY: So we  
13 can put it in such a way that they  
14 don't have to.

15 VILLAGE ATTORNEY PROKOP:  
16 I don't think they have to.

17 MAYOR VEGLIANTE: They  
18 have to comply with current law.

19 CHAIRMAN SARETSKY: That's  
20 still --

21 VILLAGE ATTORNEY PROKOP:  
22 You know, this isn't a trivial  
23 matter in the Village. We had a  
24 lot of people complaining.

25 CHAIRMAN SARETSKY: To

1 tell you guys, other variances that  
2 we've agreed to for the last  
3 13 years that Joe and I have sat  
4 through, these were conditions of  
5 us giving guys variances. And,  
6 again, they all did it with no real  
7 hardship.

8 MR. ANTONUCCI: Okay.

9 VILLAGE ATTORNEY PROKOP:

10 No future or further subdivision of  
11 any one of the three lots.

12 MR. ANTONUCCI: Number 8,  
13 each property shall submit a  
14 landscaping plan, which shall be  
15 approved by the ZBA. So that's  
16 something that's going to be  
17 another hearing? How does that --  
18 what's going to happen there?

19 VILLAGE ATTORNEY PROKOP:

20 It comes up in a meeting. You  
21 submit the plan and it comes up at  
22 our next meeting.

23 CHAIRMAN SARETSKY:

24 Whatever meeting we have.  
25

2

MR. ANTONUCCI: Is it a

3

notice?

4

CHAIRMAN SARETSKY: No,

5

and we're really just looking to

6

see that you're putting stuff that

7

will grow and, at the same time,

8

that you're going to irrigate,

9

which you would anyway because you

10

don't want it to die. And let's

11

face it, you don't want to build a

12

home for yourself or someone else

13

and the concrete wall in front of

14

it sits there bare. It's sort of a

15

blight on the neighborhood that

16

way, so...

17

BOARD MEMBER KRASNOW: How

18

come we don't have an answer to the

19

concrete? Is there definitely

20

going to be a concrete wall? How

21

come we don't have an answer to

22

that?

23

CHAIRMAN SARETSKY:

24

Because sometimes they can put a

25

system in that doesn't require it,

right, Aram?

MR. ANTONUCCI: Do you  
ever request that?

BOARD MEMBER KRASNOW:  
He's talking about if you're doing  
it. My question to you is, are you  
doing it? If you're not doing it,  
why are we worried about it?

MR. ANTONUCCI: It was  
never --

MR. HULME: Because the  
system hasn't been --

(Whereupon, there was  
crosstalk.)

MR. TERCHUNIAN: Because  
it's not designed yet. When they  
design it, the Health Department  
will determine whether or not they  
need a concrete wall. It's not our  
jurisdiction.

CHAIRMAN SARETSKY: And  
then if you don't need it and you  
submit us a plan, you may have all  
that much less landscaping and it's

1 a moot point.

2 VILLAGE ATTORNEY PROKOP:

3 So in the landscaping in Number 8,  
4 do you want me to put in -- well,  
5 you gave us some language that the  
6 IA system is going to be buffered.  
7 What do you want to say about the  
8 IA system?  
9

10 CHAIRMAN SARETSKY: I'll  
11 defer to Aram. How would you  
12 suggest we put that?

13 MR. TERCHUNIAN: Just  
14 say --

15 CHAIRMAN SARETSKY: We put  
16 it in others, so we can use similar  
17 language.

18 MR. TERCHUNIAN: Yes, just  
19 say, any retaining wall required by  
20 Suffolk County Department of Health  
21 will be sufficiently buffered with  
22 landscape.

23 CHAIRMAN SARETSKY: Okay.  
24 I thought those were the easy ones.

25 MR. HULME: Number 9.

VILLAGE ATTORNEY PROKOP:

No future further subdivision.

MR. TERCHUNIAN: Can we  
agree on that?

MR. HULME: Yes.

MR. TERCHUNIAN: Now  
that's the easiest one.

CHAIRMAN SARETSKY: That  
was the mother of all of lies.

MR. HULME: So is that all  
the conditions?

BOARD MEMBER MIZZI: I  
want to go back to the equipment,  
CAT equipment.

MR. HULME: Or the about  
the Bunny Hut.

CHAIRMAN SARETSKY: Are  
you okay with the rest of these?

MR. HULME: The rest of  
those are just boilerplate. This  
says we're going to do a covenant.

MR. ANTONUCCI: What  
covenant?

MR. HULME: The covenant

is going to reflect --

VILLAGE ATTORNEY PROKOP:

That will reflect 33,592-square feet.

CHAIRMAN SARETSKY: Which

we already talked about.

VILLAGE ATTORNEY PROKOP:

Or the non-development easement.

MR. ANTONUCCI: It's kind

of moot since most of the property is included in prior --

VILLAGE ATTORNEY PROKOP:

Okay. Footprint of the structure of the house, of the home to be constructed on each of the lots shall not exceed 2,800-square feet. That's the footprint of the principal house.

MR. ANTONUCCI: Thirty-two.

MR. HULME: The final map says 32.

BOARD MEMBER KRASNOW: I

was going to ask you.

(Whereupon, there was

crosstalk.)

CHAIRMAN SARETSKY: So  
change it.

BOARD MEMBER FARKAS: Now  
you sound like -- I'm not going to  
say it. It's 3,200?

VILLAGE ATTORNEY PROKOP:  
3,200 square feet. The variances  
granted herein shall only apply to  
the site plan presented to the ZBA  
as amended in the application and  
to no -- in this application and to  
no other plan, subdivision or  
configuration of the properties.  
The variances are rescinded and  
void if any other plan is applied  
for or pursued by the Applicants or  
any other --

MR. ANTONUCCI: No. I  
won't agree to that.

MR. HULME: I would never  
agree to that. The second part of  
Number 12 --

BOARD MEMBER CASHIN: So

1                   you're still pursuing the  
2  
3                   other possible --

4                   MR. ANTONUCCI:   I don't  
5                   know what I'm pursuing.   Why should  
6                   I limit my rights?

7                   BOARD MEMBER CASHIN:   Just  
8                   a question.

9                   VILLAGE ATTORNEY PROKOP:  
10                  Because -- so there's a problem  
11                  that we're creating where we're  
12                  granting -- and this isn't a  
13                  hypothetical.   There's already  
14                  another plan submitted.   Normally I  
15                  would give you this advise about a  
16                  hypothetical plan.   In this case,  
17                  there is a plan.

18                  The problem is that you're  
19                  granting variance and it's for  
20                  significant things here and there's  
21                  another plan out there.   So there's  
22                  a question as to whether or not  
23                  these variances can be carried over  
24                  to that other plan.

25                  MR. HULME:   Well, we would

1  
2 agree that these variances don't  
3 apply to any other plan, but we  
4 can't agree that the applying of  
5 another plan waives these  
6 variances. Well, it's not up to us  
7 to agree or not agree. We agree  
8 that these variances are related to  
9 this plan. If we decide or --

10 CHAIRMAN SARETSKY: Or  
11 somebody owns --

12 MR. HULME: So if we  
13 decide to submit a different plan  
14 sometime in the future, that can't  
15 stand for the revocation of all  
16 this relief because that plan might  
17 not work out and then we can have  
18 to come back and do this all over  
19 again.

20 CHAIRMAN SARETSKY: Joe,  
21 why don't you put that in?

22 VILLAGE ATTORNEY PROKOP:  
23 Okay.

24 BOARD MEMBER KRASNOW: Are  
25 you still pursuing the other --

MR. HULME: We haven't decided.

BOARD MEMBER KRASNOW: -- three-lot subdivision with the plan? I mean, why are we moving forward with this if you haven't decided -- if you're going on that other application or what you're doing?

MR. HULME: Because we have an application before you that's entitled to a decision and we're asking you to decide based on what we presented.

BOARD MEMBER KRASNOW: So if we decide yes on this, you can use the basis of our decision to push the other plan?

MR. HULME: No, no. What I'm saying is that we agree that this doesn't give us an advantage -- this has nothing to do with any other plan that may be filed relative to this property. We

1  
2 agree that these variances apply to  
3 this plan and this plan only.

4 What we are encouraging  
5 not to include in the decision,  
6 maybe is the more correct way, is  
7 that of we file other plan, that  
8 that automatically voids this  
9 decision.

10 BOARD MEMBER CASHIN:  
11 Right, because it might not work  
12 out.

13 MR. HULME: Because that  
14 might not work out. And if that  
15 filing voids this and that doesn't  
16 work out, we have to go through all  
17 this all over again to get back to  
18 this point.

19 BOARD MEMBER KRASNOW: So  
20 why would you file -- so in other  
21 words, you got this because it was  
22 the best you could do with us, but  
23 you still want to do better, so you  
24 file another plan hypothetically?

25 MR. HULME: I think that's

our right to.

BOARD MEMBER KRASNOW: I'm  
not saying it's not your right.  
I'm just trying to understand the  
logic.

BOARD MEMBER MIZZI:  
Clarifying question. Would that  
other plan require you to come back  
to us?

MR. ANTONUCCI: No.

VILLAGE ATTORNEY PROKOP:  
You should ask -- the other plan is  
not a --

MR. HULME: Our goal is --  
I'm sorry.

VILLAGE ATTORNEY PROKOP:  
-- is not a nonconforming plan.  
The other plan requires at least  
five variances.

BOARD MEMBER MIZZI:  
Because I was going to say it  
almost would seem like if you were  
submitting something as of right,  
it shouldn't void it, but you're

saying why should you have to come back. But you're going to make us see something else when you're ready to come back.

MR. HULME: I think I can go as far as to say that our goal with filing the other plan was to find a plan that didn't require variances.

BOARD MEMBER MIZZI: So can we clarify that?

MR. TERCHUNIAN: That has nothing to do with this application. You're diving into something that has nothing to do with what's in front of you.

BOARD MEMBER MIZZI: No, I guess what I'm saying is I can see -- like you shouldn't be, in my view, penalized for submitting other plan, but if it's another plan that we've been here, we spent a lot of time on this thing. Now you're going to spit something else

that's going to come back to us and  
we're going to start again --

MR. HULME: We don't want  
to come back to you guys.

BOARD MEMBER MIZZI: So  
maybe you shouldn't submit a plan  
that requires variances if you want  
this approval.

VILLAGE ATTORNEY PROKOP:  
So let me give you an example. One  
of the problems with the other plan  
that was submitted is one of the  
lots did not have the required lot  
width. So there's -- in this  
application, you're granting a  
variance for lot width. So my only  
concern is that they carry this  
over to the other one and say --

CHAIRMAN SARETSKY: So why  
don't we put language in it that  
says that they can't do that.

MR. TERCHUNIAN: It is.  
That is what the first sentence is.

BOARD MEMBER KRASNOW:

They're not agreeing to it.

MR. HULME: No. We're  
agreeing to the first sentence, not  
the second sentence.

(Whereupon, there was  
crosstalk.)

MR. TERCHUNIAN: The first  
sentence says these conditions  
apply to this plan and this plan  
only. That's pretty clear. And I  
don't think, quite the geologist  
practicing law, but I don't think  
you can automatically rescind a  
variance. There's a thing called  
due process.

CHAIRMAN SARETSKY:

Understood.

VILLAGE ATTORNEY PROKOP:

No, but a variance is granted based  
on the circumstances that are  
before the Board and the  
circumstances before the Board are  
this subdivision, not some other

subdivision.

MR. HULME: Correct,  
correct.

VILLAGE ATTORNEY PROKOP:  
And I'm going to quote Mr. Hulme on  
this. There's a sentence that he  
gave, which I'm going to add, which  
is these variances and relief have  
nothing to do with any other plan  
or subdivision.

MR. HULME: Fine. Thank  
you. You have to give me credit  
though.

VILLAGE ATTORNEY PROKOP:  
I do have a footnote that says Jim  
Hulme.

MR. ANTONUCCI: I would  
like to see the final draft of the  
CNRs before --

MR. HULME: Sure.

MR. ANTONUCCI: -- because  
they might morph.

MR. TERCHUNIAN: We try  
not to.

(Whereupon, there was  
crosstalk.)

BOARD MEMBER KRASNOW: So  
they can still submit other plans.

VILLAGE ATTORNEY PROKOP:  
No, they can submit another plan  
that requires variances. They  
can't submit another plan using  
these variances. The only  
variances that they can use these  
for -- excuse me, the only plan  
they can use these variances for is  
the June 2023 plan.

CHAIRMAN SARETSKY: Perfect.

BOARD MEMBER MIZZI: Just  
on this equipment on the side yard,  
I think what I heard was the  
permissible is 10 feet and I think  
this shows 19, 15.

MR. ANTONUCCI: Those are  
the side yards to the principal  
structure.

BOARD MEMBER MIZZI: Let  
me finish my question.

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MR. ANTONUCCI: Okay.

BOARD MEMBER MIZZI: I  
heard that you're asking us to  
agree to 10 feet.

MR. HULME: No.

MR. ANTONUCCI: No.

MR. HULME: What we're  
asking is: We won't put it here,  
we won't put it here, we won't put  
it here, we can put it anywhere  
else that the code allows us to put  
it (indicating).

BOARD MEMBER MIZZI: The  
code allows 10 feet?

MR. TERCHUNIAN: I said 10  
feet and I can't find it in the  
code.

(Whereupon, there was  
crosstalk.)

CHAIRMAN SARETSKY: I've  
never seen --

BOARD MEMBER MIZZI: My  
only point was, I don't object it  
to being in the side yard, but it

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would seem odd if there was some way to separate the equipment from the house and put them, you know, in -- some were in the zone, I would say it should be attached to the house. Just my suggestion.

MR. ANTONUCCI: It's fine. But that wasn't our intent.

MR. TERCHUNIAN: I think they're going to have to comply with zoning.

VILLAGE ATTORNEY PROKOP: Although wait a second. I mean, they have to comply with zoning, but we're giving relief, so we can put a condition in -- they can put a condition in.

MR. TERCHUNIAN: Well, they can't go outside the envelope that they have right here. The mechanicals have to fit in that envelope. There's no separate --

BOARD MEMBER KRASNOW: The building envelope or the side yard?

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MR. TERCHUNIAN: The side  
yard.

CHAIRMAN SARETSKY: They  
can build a deck, that appendage  
piece, and put compressors and  
pumps and --

MR. TERCHUNIAN: No.

VILLAGE ATTORNEY PROKOP:  
That's what everybody has.

CHAIRMAN SARETSKY: That's  
what everybody has, so that's why --

VILLAGE ATTORNEY PROKOP:  
They either have it on the catwalk  
or under the catwalk.

MR. TERCHUNIAN: Right.

MR. HULME: But we're  
agreeing to comply with the code,  
whatever it says.

BOARD MEMBER FARKAS: I  
think we told the neighbors that  
you're going to have four-tenths  
and you're going to have this view.

CHAIRMAN SARETSKY: But  
they're still getting the

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four-tenths.

BOARD MEMBER FARKAS: I  
know, but now you're going to have  
an AC compressor right in the  
middle of that.

MR. HULME: But that's  
below their view. The view is up.

(Whereupon, there was  
crosstalk.)

MR. HULME: We're 20 feet  
below.

BOARD MEMBER FARKAS: I'm  
the guy that suggested let them put  
it between the houses, so...

MR. HULME: Don't retreat  
it.

(Laughter.)

CHAIRMAN SARETSKY: I  
think it's okay.

MR. ANTONUCCI: Adjacent  
to the house?

BOARD MEMBER MIZZI: I  
think if it's attached to the  
house, it's okay.

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MR. ANTONUCCI: It's the  
side yard, not attached to the  
house.

CHAIRMAN SARETSKY: Okay,  
so let's go back to the favorite  
topic, the Bunny Hut. So we need  
some language that's fair and  
whatever that says -- I'm just  
thinking out loud, so let's go  
slowly here. Maybe it says that  
you'll allow the Village or some  
Village order to --

BOARD MEMBER KRASNOW: Or  
a nonprofit.

CHAIRMAN SARETSKY: --  
remove it before you do the  
demolition.

MR. ANTONUCCI: Okay.

CHAIRMAN SARETSKY: And,  
again, not to slow you down.

MR. ANTONUCCI: The intent  
was not to demolish it. The intent  
is to repurpose it, either on the  
property or some other purpose

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within the Village. I don't have a problem with that.

CHAIRMAN SARETSKY: So if you're able to reuse it, I think that's the best all worlds, maybe. Guys, that would be great.

BOARD MEMBER CASHIN: But where is he going to put it? Is he going to leave it where it is?

CHAIRMAN SARETSKY: No. He has to move it.

MR. ANTONUCCI: I'm not sure. Possibly within -- the way we're restricted here is --

MAYOR VEGLIANTE: First it goes to him, second should be to the Village.

CHAIRMAN SARETSKY: Perfect.

MR. ANTONUCCI: Yes.

CHAIRMAN SARETSKY: And then there should be some language that the Village doesn't hold you up because we don't know where to put it or whatever.

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MR. ANTONUCCI: I could  
temporarily --

CHAIRMAN SARETSKY:  
Whatever it is. I think -- again,  
this is language that's, again,  
going to be acceptable and at the  
same time, we did what we were  
asked.

MR. HULME: We could offer  
it to the Village and agree to give  
a reasonable period of time.

CHAIRMAN SARETSKY: I  
think Gary said it the best. First  
it's yours, second it's the  
Village's and third it's trash.

MAYOR VEGLIANTE: Or  
mutually agreed.

CHAIRMAN SARETSKY: Right.

BOARD MEMBER KRASNOW:  
Does that include the BBPA if the  
Village --

MAYOR VEGLIANTE: They  
could be the next one too.

1 BOARD MEMBER KRASNOW: I'm  
2  
3 just saying, shouldn't that be an  
4 option before trash?

5 MAYOR VEGLIANTE: Oh, yeah  
6 of course.

7 CHAIRMAN SARETSKY: Maybe  
8 that's three before trash.

9 MAYOR VEGLIANTE: It's  
10 first him, second the Village, then  
11 a modified charity.

12 BOARD MEMBER FARKAS: All  
13 assuming it remains on private  
14 property here, who is going to be  
15 responsible to preserve it and  
16 maintain it?

17 CHAIRMAN SARETSKY: If  
18 it's on his lot, he owns it and  
19 it's his property.

20 BOARD MEMBER CASHIN:  
21 Doesn't that open up a whole  
22 other --

23 (Whereupon, there was  
24 crosstalk.)

25 MAYOR VEGLIANTE: It's not

1 a historic thing. It's not a  
2 historic structure.

3  
4 BOARD MEMBER KRASNOW: It  
5 can be land marked. Isn't over 40,  
6 50 years old?

7 MAYOR VEGLIANTE: There's  
8 no landmark.

9 VILLAGE ATTORNEY PROKOP:  
10 Legally it has to be removed.  
11 Otherwise you're approving two  
12 dwelling units on that.

13 MAYOR VEGLIANTE: Not if  
14 they're connected by a roof.

15 VILLAGE ATTORNEY PROKOP:  
16 Well, it's supposed to be -- it's  
17 not by roof. It's by connecting  
18 space.

19 MR. TERCHUNIAN: It can be  
20 accessory provided it doesn't have  
21 a bedroom or a kitchen.

22 MR. HULME: We would agree  
23 that if we can't incorporate it  
24 into our own use, we will offer it  
25 to the Village and the Village will

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have a reasonable amount of time to  
respond.

CHAIRMAN SARETSKY: I  
think that language, Joe, is  
something that can check a box.

VILLAGE ATTORNEY PROKOP:  
We have disagreement. I think the  
Board needs to consider that.

CHAIRMAN SARETSKY: Guys,  
what do you think?

BOARD MEMBER CASHIN: I'm  
wondering if he keeps it and moves  
it, doesn't that open a whole new  
issue with codes and everything?

MR. HULME: We have to use  
it -- if we use it, we have to use  
it in accordance with the code. So  
we can't use it --

BOARD MEMBER CASHIN:  
Right, and the code is going to  
allow --

MR. HULME: Maybe it  
becomes a pool house. Maybe we  
connect it to the front of the new

house that we're proposing.

VILLAGE ATTORNEY PROKOP:

That's not in our code. All these things he's talking about -- the applicant's attorney, what he's talking about is not in our code. You can't take a second dwelling unit and say --

MR. TERCHUNIAN: That's

not what he's saying. That's not what he's saying. He's saying --

VILLAGE ATTORNEY PROKOP:

He's saying we're going to attach it or we're going to move it.

MAYOR VEGLIANTE: It can

become a pool house.

MR. TERCHUNIAN: What he's

saying is, whatever use it is put to must and will comply with the code. It cannot be a second dwelling, therefore, it would have to be changed to be something other than a separate dwelling, like an accessory structure like a studio,

like a pool house.

VILLAGE ATTORNEY PROKOP:

You're making things up that aren't  
in our code.

MR. TERCHUNIAN: Yes, they  
are. Read accessory structure.

MR. HULME: But it doesn't  
matter. What matters is what we do  
with it has to comply with the  
code, whatever that means. If we  
can't incorporate it into our  
property in a manner that complies  
with the code, then we have  
to eliminate it.

MAYOR VEGLIANTE: Right.

CHAIRMAN SARETSKY: The  
Village --

MR. HULME: And before we  
eliminate it, we will offer it to  
the Village.

BOARD MEMBER KRASNOW:

What is your first preference? You  
must have thought about it. I  
mean, this can't be the first --

1                                   MR. ANTONUCCI: Well, it's  
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3                                   kind of on the back burner with all  
4                                   the other issues we were going  
5                                   through. But initially I thought  
6                                   it's a great part of the Village  
7                                   and it's part of the history and  
8                                   maybe preserve it on the property  
9                                   since it was moved to the property  
10                                  years and years ago. If it doesn't  
11                                  fit into the plan, I would be happy  
12                                  to donate it to the Village.

13                                BOARD MEMBER CASHIN: I  
14                                don't see how an accessory of that  
15                                size -- all this talk about codes,  
16                                can be plopped down on any one of  
17                                those things and still be in the  
18                                code.

19                                MR. HULME: Well, maybe it  
20                                can't and then we have to donate  
21                                it.

22                                BOARD MEMBER CASHIN: I  
23                                don't see how it can possibly be.

24                                MR. HULME: But you guys  
25                                don't have to worry about that

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because we're agreeing that  
whatever we're going to do with it  
will comply or we'll get rid of it  
and before we get rid of it, we'll  
offer it to the Mayor.

BOARD MEMBER CASHIN: Okay,  
and that's what's --

MR. HULME: Well, that's  
fine. And the Village may say we  
don't want it and then we'll tear  
it down.

CHAIRMAN SARETSKY: And  
then it goes to another charity or  
it can go in the dumpster.

MR. HULME: Yes.

CHAIRMAN SARETSKY: I  
think the important part is, just  
to reiterate, is we promised we  
would make a best effort to  
preserve it and this would  
accomplish that.

MR. ANTONUCCI: I have to  
say that I agree. It will make a  
great place to hang your hat or

hang my hat while we have a few of  
the homes building.

BOARD MEMBER KRASNOW: You  
can use it temporarily instead of  
getting a construction trailer --

VILLAGE ATTORNEY PROKOP:  
Can somebody --

MR. HULME: I think he's  
talking about living there.

(Whereupon, there was  
crosstalk.)

MR. TERCHUNIAN: One at a  
time, please.

VILLAGE ATTORNEY PROKOP:  
Just because your attorney raised  
their voice and gives you legal  
advise, it doesn't mean it's  
correct. You can't have two  
dwelling units on a property, if  
you're connected by a roof, you do  
this, you do that, if you call it a  
pool -- there's examples of other  
people doing that that are not  
correct.

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CHAIRMAN SARETSKY: But --

VILLAGE ATTORNEY PROKOP:

It doesn't --

CHAIRMAN SARETSKY: Sorry,  
Joe. I think what we're saying is,  
you may have to make modifications  
to the construction, inside and  
out, to make it comply as it  
accessory structure, whatever it is  
that --

MAYOR VEGLIANTE: The  
Village Code permits.

CHAIRMAN SARETSKY: -- the  
building inspector would say, hey,  
here's the middle house that's  
going to have this thing on the  
side, on the front or whatever  
and --

BOARD MEMBER KRASNOW: My  
definition of a pool house has  
kitchen anyway, but that's a  
different neighborhood maybe, but,  
yes, I understand what you're  
saying.

MAYOR VEGLIANTE:

Definitely a different neighborhood.

MR. HULME: I think we are  
in agreement.

CHAIRMAN SARETSKY: Okay.

BOARD MEMBER KRASNOW:

Right, we'll have to work out --

VILLAGE ATTORNEY PROKOP:

Can I be the attorney for a minute?

CHAIRMAN SARETSKY: Yes.

Joe, you're our leader. Just  
because we get out of hand --

VILLAGE ATTORNEY PROKOP:

I mean, so far I heard we're  
hanging our hat, we're going to  
make it something to comply --  
you're approving an application for  
a dwelling that already has a  
dwelling on it. You're the Board,  
you know --

BOARD MEMBER KRASNOW:

Well, if he takes out the kitchen,  
is it still a dwelling?

VILLAGE ATTORNEY PROKOP:

Accessory buildings shall not include any building with sleeping facilities used for sleeping purposes --

CHAIRMAN SARETSKY: So the beds come out.

BOARD MEMBER KRASNOW:

Right, but if it becomes like a loft or a studio or an artist thing, doesn't that solve that part of the issue?

MAYOR VEGLIANTE: Or a pool house.

BOARD MEMBER KRASNOW: He can't keep the interior as it is, but he can keep the exterior and the physical structure; isn't that what we're trying to do?

MAYOR VEGLIANTE: If it complies with the Village Code.

MR. ANTONUCCI: There's currently two lots. If we receive the approval of the Village, of the

1                   ZBA, it will be three lots. So as  
2  
3                   I'm building one or two, the home,  
4                   the existing Bunny Hut can still  
5                   remain where it is, for the time  
6                   being, until a new structure is  
7                   built.

8                   CHAIRMAN SARETSKY: It  
9                   sounds reasonable.

10                  BOARD MEMBER KRASNOW: Yeah.

11                  MR. ANTONUCCI: I'm not  
12                  saying two dwellings on one lot.  
13                  We have two right now. We're going  
14                  to have three possibly.

15                  BOARD MEMBER FARKAS: He  
16                  doesn't know how to incorporate it.  
17                  So what you can do is give it to  
18                  the Village first, wait until he  
19                  says how he wants to use it and  
20                  then the Village can make a  
21                  decision if they want to give it to  
22                  him or not.

23                  VILLAGE ATTORNEY PROKOP:  
24                  So when you say give it to him  
25                  first, you say give him the

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decision?

BOARD MEMBER FARKAS: No,  
no, give it to the Village, give  
the Bunny Hut to the Village.

CHAIRMAN SARETSKY: Sorry  
to interrupt. Then he produces a  
plan where the Bunny Hut is now  
going to be X, Y, Z and the Village  
says, okay, can you keep it, right?

MAYOR VEGLIANTE: Why does  
he have to give it to the Village?

CHAIRMAN SARETSKY: I  
don't know. I'm trying to find the  
simplest way.

MAYOR VEGLIANTE: He has  
to comply with zoning, period. And  
he has to comply with the Building  
Code. That's all he can do.

MR. HULME: If the owner  
has no use for the building, no  
legal use, we will donate it.

VILLAGE ATTORNEY PROKOP:  
So it should say that in no  
circumstance shall there be two

dwelling units on any of these  
lots.

MR. HULME: The code says  
it.

MAYOR VEGLIANTE: But the  
code says that.

BOARD MEMBER MIZZI: I  
have a question. You drew these  
(indicating). This thing,  
accessory building envelope, is  
that intended to be --

MR. ANTONUCCI: No. We  
discussed that last time. It's  
not.

CHAIRMAN SARETSKY: So,  
Joe, there's one thing I can think  
of. I'm trying to think of all  
possible problems. So some day he  
doesn't want it, okay? We don't  
want it.

MAYOR VEGLIANTE: It  
should go to the Village first.

CHAIRMAN SARETSKY: Okay,  
so it goes to the Village. For

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whatever reason, what I'm saying  
is, let's assume nobody wants it,  
who is then going to pay to get rid  
of it?

MR. HULME: He is.

CHAIRMAN SARETSKY: That's  
what I want to make sure.

MAYOR VEGLIANTE: It's his  
property.

CHAIRMAN SARETSKY: So as  
long as that happens, no one gets  
hurt, right? The Village is  
protected, the neighbors are  
protected because they got their  
shot at it, right, that's what  
matters here?

MAYOR VEGLIANTE: Yes.

VILLAGE ATTORNEY PROKOP:  
I'm telling you, you're approving a  
building envelope for a new  
dwelling and there's already a  
dwelling on the lot. You have to  
have language in here that says  
that there should not be two

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dwelling units on there.

CHAIRMAN SARETSKY: So  
when --

VILLAGE ATTORNEY PROKOP:  
Excuse me, I'm sorry. So what lot  
is it on; do you know?

MR. TERCHUNIAN: It's on  
Parcel B.

CHAIRMAN SARETSKY: Let  
him talk; let him talk.

VILLAGE ATTORNEY PROKOP:  
When Parcel B is developed --

MAYOR VEGLIANTE: Issued a  
permit.

VILLAGE ATTORNEY PROKOP:  
Right. When a building permit is  
issue, the Bunny House will be  
removed.

MR. TERCHUNIAN: How about  
the simple language that says,  
there shall be only one dwelling  
unit on each parcel?

VILLAGE ATTORNEY PROKOP:  
That's fine with me.

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CHAIRMAN SARETSKY: Okay.

Sold to the guy with the mustache.

VILLAGE ATTORNEY PROKOP:

And otherwise comply with the  
Zoning Code.

MR. TERCHUNIAN: Let's

just word salad that sucker to  
death.

VILLAGE ATTORNEY PROKOP:

Okay, only one dwelling unit on it  
as well.

CHAIRMAN SARETSKY: You

had me at someplace else, but...

MR. ANTONUCCI: Are you

okay with that language?

MR. HULME: Yes.

VILLAGE ATTORNEY PROKOP:

If the Bunny House is to be removed  
-- what is it removed or not used?

CHAIRMAN SARETSKY:

Whatever you want to call it.

BOARD MEMBER KRASNOW:

Relocated.

MR. TERCHUNIAN: I wrote

1                   this: The Bunny Hut will be  
2                   preserved by the owner, the  
3                   Village, a 501(c)(3) or disposed  
4                   of.  
5

6                   MAYOR VEGLIANTE: In that  
7                   order.

8                   MR. TERCHUNIAN: In that  
9                   order.

10                  VILLAGE ATTORNEY PROKOP:  
11                  Will be used by what?

12                  MR. TERCHUNIAN: By the  
13                  owner, the Village, a 501(c)(3) or  
14                  disposed of in that priority order.

15                  MR. ANTONUCCI: What is  
16                  that third?

17                  CHAIRMAN SARETSKY: It's a  
18                  charity.

19                  MR. TERCHUNIAN: A charity.

20                  BOARD MEMBER KRASNOW: A  
21                  charity, a not-for-profit. Kind of  
22                  like with what we did with the  
23                  Windmill I guess.

24                  MR. HULME: If we give it  
25                  to the Village, it's leaving the

property.

CHAIRMAN SARETSKY: Yes.

MR. HULME: It doesn't say that. So if the Village says, we accept it and have you to leave it there, what do we do with it?

MR. TERCHUNIAN: Well, you're screwed.

BOARD MEMBER KRASNOW: That was the plan, Jim, all along. You just caught it. Why do you think Gary is smiling behind you all this time?

VILLAGE ATTORNEY PROKOP: As long as it's in the building envelope and less than 3,200-square feet and as long as the HVAC is not on the street side.

(Laughter.)

CHAIRMAN SARETSKY: So I think...

MR. TERCHUNIAN: The discussions seem to have reached a conclusion.

CHAIRMAN SARETSKY: Seeing  
how this is not an open hearing,  
right? This is a work session.

MR. TERCHUNIAN: Well, no,  
it's a public meeting. We're  
just --

CHAIRMAN SARETSKY: So  
we're going to move to close it,  
right?

MR. TERCHUNIAN: No. It's  
closed. This is a discussion.  
We're adjourning.

CHAIRMAN SARETSKY:  
Whatever it is, we're leaving.

VILLAGE ATTORNEY PROKOP:  
You have some more work to do. So  
we got the -- we just formulated  
the conditions to be put in the  
decision and we agreed in the  
transcript. Okay? I took notes  
and now the language is now in the  
transcript.

As I had gotten in the  
habit of doing the last year or

two, anything that's agreed to or stated by the -- anything that's acknowledged on the transcript should become a condition of the decision as if it was in the decision. So because there were things we agreed to and we want to make sure the writing is correct.

So the next thing that we need to do is, as I said, this was referred to the County. The County determined they didn't have any say with this, so we can proceed. The applicant submitted, initially, a short form EAF and then, at the Board's request, a full EAF, which was -- and Aram, as the environmental consultant of the Board, prepared both a part two to -- a short form part two and also a full EAF part two. So we actually have both of them. I don't think it matters, that we choose which one to use. We can

1 actually use both of them if we  
2 have them.

3  
4 And those are analysis of  
5 the potential for the impacts on  
6 the environment. Aram, when you  
7 prepared the short EAF part two and  
8 the full EAF part two, did you  
9 determine that there was going to  
10 be a significant negative impact on  
11 the environment?

12 MR. TERCHUNIAN: No. My  
13 finding is that there is no  
14 significant impact on the  
15 environment.

16 VILLAGE ATTORNEY PROKOP:  
17 Okay, and prior to today I  
18 circulated among the Board a copy  
19 of the criteria recommend by the  
20 DEC for us to consider the 617.7.  
21 Does anybody have the criteria --  
22 does anybody have any feeling or  
23 opinion as to the potential for  
24 impact on the environment if you  
25 approve this subdivision?

BOARD MEMBER KRASNOW: No.

CHAIRMAN SARETSKY: No.

VILLAGE ATTORNEY PROKOP:

And one of the things that you're analyzing is the subdivision from vacant space, but also the subdivision as an alternative. So one of the things that could happen with this property, it could be an as-of-right development of the property for two lots.

So you're actually comparing the potential for environmental impacts on the subdivision compared to vacant property, but more importantly, the subdivision compared to the as-of-right development, which would be -- we have acknowledged would be significant.

So it's my recommendation that first the Board adopt a resolution whereby you adopt lead agency status and determine that

1                   this application is an unlisted  
2  
3                   action for purposes of SEQRA. So  
4                   we need a motion and a second and a  
5                   vote.

6                   CHAIRMAN SARETSKY: A  
7                   motion to approve it or to create  
8                   it?

9                   MR. TERCHUNIAN: No. A  
10                  motion to declare it an unlisted  
11                  action and then to assume lead  
12                  agency status.

13                  CHAIRMAN SARETSKY: Okay,  
14                  do we have a second?

15                  BOARD MEMBER FARKAS: I'll  
16                  second it.

17                  CHAIRMAN SARETSKY: All in  
18                  favor?

19                  (Board members indicating.)

20                  MR. TERCHUNIAN: Let the  
21                  record show motion by the Chairman,  
22                  second by Member Farkas, unanimous  
23                  vote.

24                  VILLAGE ATTORNEY PROKOP:  
25                  Okay, the next resolution to adopt

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has to do with the potential for impacts. As I said, the Board was provided, in advance, the criteria under the DEC regulation 617.7 and there was significant discussion at each of the meetings, including input from the public as to potential for impacts.

It's my recommendation, based on the input from Environmental Consultant, Aram Terchunian and the discussion with the Board, that the Board determined that the approval of this application will not have a significant impact on the environment and that therefore a negative declaration is adopted and that, if you agree, you can make a motion and approve it to that effect.

So this would be that there is no impact on the environment and that a negative

declaration is adopted.

CHAIRMAN SARETSKY: So...

MR. TERCHUNIAN: It's a  
motion for a negative iteration  
pursuant to SEQRA.

BOARD MEMBER CASHIN: Can  
we just say I move so?

MR. TERCHUNIAN: Yes.

CHAIRMAN SARETSKY: All in  
favor?

(Board members indicating.)

MR. TERCHUNIAN: So motion  
proposed by Mr. Krasnow and  
seconded by Member Cashin.

BOARD MEMBER CASHIN:  
Opposite.

MR. TERCHUNIAN: Okay.  
Motion by Member Cashin, seconded  
by Member Krasnow and the vote was  
unanimous.

VILLAGE ATTORNEY PROKOP:  
Okay. So now what we need to do is  
we need to go through the five  
criteria, which are stated in the

draft decision that we have. It starts on Page 11.

CHAIRMAN SARETSKY: What was the date of that?

VILLAGE ATTORNEY PROKOP: So at the top it says: Draft lot with variances November 4th.

CHAIRMAN SARETSKY: What page are you on?

VILLAGE ATTORNEY PROKOP: Page 11, which used to start on Page 10. Page 11, Number 1. So the first criteria, the first thing that we need to discuss is whether the applicants have made a showing to the Zoning Board of Appeals that the improvements in the provisions will create a hardship which is unique and which will not apply to other -- if granted, will not alter the essential character of the neighborhood provided there are certain conditions that are imposed on the variances, if granted, as

1                   stated in this decision.

2                               So the question is whether  
3                   the granting of these variances  
4                   will create a change in the  
5                   essential character of the  
6                   neighborhood.  
7

8                               BOARD MEMBER KRASNOW:

9                   This is not -- we're not approving  
10                  this today, are we?

11                              BOARD MEMBER FARKAS:   Yes.

12                              BOARD MEMBER KRASNOW:   How  
13                  are we approving this without -- I  
14                  don't...

15                              BOARD MEMBER FARKAS:   Ask  
16                  Joe.

17                              BOARD MEMBER KRASNOW:   You  
18                  know, we're doing all these  
19                  comments and changes, I think we  
20                  need to read through it.  I'm mean,  
21                  I'm not comfortable.  I don't have  
22                  an issue with what we just did, but  
23                  I'm not comfortable approving it  
24                  until we have it in a hard copy  
25                  with directions.

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CHAIRMAN SARETSKY: Is  
there a problem with you updating  
everything and then approving it?

BOARD MEMBER KRASNOW:  
Yes, I need to see it in writing.

BOARD MEMBER MIZZI: The  
stuff on this plan (indicating).

CHAIRMAN SARETSKY: Joe,  
is there any issue doing it that  
way? I think we're here with this.  
It just would be nice to have the  
cake baked and see it all.

MR. TERCHUNIAN: That's  
the Board's -- the Board controls  
that. Whatever you guys are  
comfortable with.

VILLAGE ATTORNEY PROKOP:  
So often what we've done in the  
past is you can approve the  
variances subject to written  
resolution and then we'll get the  
wording together and you can adopt  
the actual written resolution at  
the next meeting.

CHAIRMAN SARETSKY: What  
do you think?

BOARD MEMBER KRASNOW: I  
would prefer to see a written  
resolution first. Sorry. It's  
just anything I'm signing or doing,  
I want to read and make sure  
that --

CHAIRMAN SARETSKY: Do you  
guys have a problem with that?

BOARD MEMBER KRASNOW:  
Because I have a marked up copy, he  
marked it up, there's stuff in the  
transcript. I want to make sure.  
You know, I want to review it. The  
other day there were some typos and  
stuff.

CHAIRMAN SARETSKY: It  
would be great for us to see it all  
done.

MR. HULME: As long as you  
can provide our ability to apply in  
the interim for the other relief  
that we need.

VILLAGE ATTORNEY PROKOP:

Robin, when is the cuff-off for  
public notices for this week?

VILLAGE CLERK SANTORA:

For this week? I might be able to  
do it Monday morning first thing if  
you want in Thursday's paper?

VILLAGE ATTORNEY PROKOP:

Yes.

VILLAGE CLERK SANTORA:

Yes, Monday early.

VILLAGE ATTORNEY PROKOP:

That would be the nine days, not  
ten days. Is it ten days, Aram, or  
five days?

MR. TERCHUNIAN: Five

days.

VILLAGE ATTORNEY PROKOP:

Five day? Okay. What we could do  
is -- what we could do is we could  
have a meeting. We're free to meet  
in two weeks if that's agreeable.

CHAIRMAN SARETSKY:

Whatever is good.

MR. ANTONUCCI: What I'd like to do, if it's okay, is to possibly get a decision on what we discussed and then we'll be back in two weeks or so to review the rest of the lot width issues we were discussing and then maybe just a final read on.

CHAIRMAN SARETSKY: I think that's what Irwin is saying is we'll give you the -- Joe, if this is okay to say, verbally, I think, we're okay with everything.

MR. ANTONUCCI: Okay.

CHAIRMAN SARETSKY: We just want to see the whole thing --

MR. ANTONUCCI: Sure.

CHAIRMAN SARETSKY: -- on a piece of paper so that everybody can say yeah, right. Irwin, is that a fair way to say it?

BOARD MEMBER KRASNOW: As far as the concept goes, we're fine with working with you to get this

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done; however, without having the actual document in writing, proofed and making sure, you know, there's no miscommunication or somebody said this or that or this is wrong. I need to read it and go through it and I can't read it in piecemeal that she has some stuff on the transcript, Joe has some stuff in the notes. And I do not want to do this to hold you up, but I want to do it to make sure that the decision that we make is what we're all in agreement with.

BOARD MEMBER MIZZI: What we think we agreed to.

BOARD MEMBER KRASNOW:  
Yeah.

BOARD MEMBER FARKAS: I think what Joe is saying is you still have to do a notice for the side yard stuff.

VILLAGE ATTORNEY PROKOP:  
Yeah, and we can meet in two weeks.

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BOARD MEMBER FARKAS: So I  
think Joe is saying, let's get it  
all bundled up in one shot. Is  
that right, Joe?

VILLAGE ATTORNEY PROKOP: Yes.  
(Whereupon, there was  
crosstalk.)

CHAIRMAN SARETSKY: I  
think we're all agreeing with  
Irwin. I mean, again, we've spent  
so much time on this, to get it  
right is more important than  
anything else.

MR. HULME: Okay.

CHAIRMAN SARETSKY: Right,  
Joe?

VILLAGE ATTORNEY PROKOP: Yes.

BOARD MEMBER MIZZI: Plus  
any other restrictions you want to  
recommend to the committee.

VILLAGE ATTORNEY PROKOP:  
I'll put a couple in.

BOARD MEMBER MIZZI: Just  
kidding.

(Laughter.)

CHAIRMAN SARETSKY: All kidding aside, there was one thing we didn't talk about. You agreed to -- again, it's part of the code that we don't drive piles from Memorial Day to Labor Day.

MR. TERCHUNIAN: Oh, is that in the code?

MAYOR VEGLIANTE: No. Mondays and Fridays --

BOARD MEMBER KRASNOW: Well, I put that in the notes that we said to the neighbors that --

MR. TERCHUNIAN: You can --

CHAIRMAN SARETSKY: But I think you represented to --

BOARD MEMBER FARKAS: You agreed to that.

MR. ANTONUCCI: I did.

CHAIRMAN SARETSKY: That you wouldn't do, I guess, pile driving during the summer. You can

do it any time during the rest of the year. You can do whatever. But for whatever reason, I think you agreed to it.

MR. ANTONUCCI: Not the summer. I think it was between --

MAYOR VEGLIANTE: July and August.

BOARD MEMBER KRASNOW: Memorial Day and Labor Day.

MR. ANTONUCCI: -- July 4th and Labor Day.

BOARD MEMBER KRASNOW: Not Memorial Day?

MR. ANTONUCCI: If I recall --

MR. HULME: I think we need to check the transcript.

BOARD MEMBER KRASNOW: We need to check that out because that has to be in there.

MR. TERCHUNIAN: Yes.

MR. ANTONUCCI: I'm fine. Whatever we agreed to, I'm fine with.

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BOARD MEMBER KRASNOW: Now  
it could be -- are they allowed  
like Tuesday, Wednesday, Thursday  
during that period? What are they  
allowed?

MAYOR VEGLIANTE:  
Currently you're only allowed  
Tuesday, Wednesday, Thursday. No  
pile driving Mondays or Fridays.

MR. ANTONUCCI: It was  
July 1st through Labor Day.

BOARD MEMBER KRASNOW: Oh,  
not Memorial Day.

MR. ANTONUCCI: No, it was  
July 1st.

BOARD MEMBER FARKAS: Why  
don't you think about --

BOARD MEMBER KRASNOW:  
That might be Westhampton.

MAYOR VEGLIANTE:  
Westhampton, if you get a variance,  
there's no construction.

BOARD MEMBER KRASNOW: No,  
that's why I wasn't sure if we were

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similar to them.

BOARD MEMBER FARKAS: What  
do you think your timing is on this  
project?

BOARD MEMBER KRASNOW:  
Pending us?

BOARD MEMBER FARKAS: I  
think we're good.

MR. ANTONUCCI: It's been  
a year and a half, so any time I  
had is out the window.

CHAIRMAN SARETSKY: I  
didn't bring this up to make it  
harder. It's something we told  
everyone, so it needs to be in  
there.

MR. ANTONUCCI: Yeah, so  
after is this is Trustees, Health  
Department, DEC, so...

MR. HULME: The  
transcript, I think, reflects what  
he agreed to and he mentioned it  
and that's fine.

CHAIRMAN SARETSKY: I'm

1  
2 sorry.

3 VILLAGE ATTORNEY PROKOP:

4 Can you -- so the next meeting is  
5 basically just going to be -- we're  
6 going to open and close the public  
7 hearing on the side yards and then  
8 we're going to just vote on the  
9 resolution. So can you give me the  
10 benefit of something right now?

11 Does anybody think there's  
12 going to be an alteration -- that  
13 granting this will alter the  
14 essential character of the  
15 neighborhood, properties or the  
16 conditions in the community?

17 CHAIRMAN SARETSKY: No.

18 BOARD MEMBER MIZZI: No.

19 MR. HULME: No.

20 VILLAGE ATTORNEY PROKOP:

21 So unanimous, no.

22 CHAIRMAN SARETSKY: Unanimous.

23 VILLAGE ATTORNEY PROKOP:

24 The benefits sought by the  
25 applicants for the variances of the

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requirements for minimum lot width  
cannot be achieved by any other  
method feasible for the applicants  
to pursue. Do you think that --

BOARD MEMBER KRASNOW:

They can buy Skudrna.

(Laughter.)

BOARD MEMBER KRASNOW:

Sorry.

VILLAGE ATTORNEY PROKOP:

Do you think that there's any other  
way that they could build the three  
houses on the property?

BOARD MEMBER CASHIN: No.

CHAIRMAN SARETSKY: No.

VILLAGE ATTORNEY PROKOP:

So that's a unanimous no.

BOARD MEMBER FARKAS:

Wait, but doesn't he have an  
application before the Board of  
Trustees to do this a little  
differently?

VILLAGE ATTORNEY PROKOP:

Yes, but it's not as of right.

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MAYOR VEGLIANTE: Or  
approved.

VILLAGE ATTORNEY PROKOP:  
It's not as of right.

BOARD MEMBER MIZZI: So  
you mean, without these variances?

VILLAGE ATTORNEY PROKOP:  
Yes. So the question to you is  
whether there's another way that's  
feasible for him to do this.

BOARD MEMBER FARKAS: I  
don't know. How --

BOARD MEMBER KRASNOW: He  
created the another way to do it  
technically.

BOARD MEMBER FARKAS: How  
do we know?

MAYOR VEGLIANTE: Without  
a variance.

MR. TERCHUNIAN: Well --

CHAIRMAN SARETSKY: It  
appears not.

MR. TERCHUNIAN: Joe, I  
don't know why you're going through

1 each one of the five parts. I  
2 mean, they're in that written  
3 decision and the Board, when they  
4 vote to approve the decision, is  
5 approving that language.  
6

7 VILLAGE ATTORNEY PROKOP:

8 So you're challenging how my  
9 recommendation is?

10 MR. TERCHUNIAN: I don't

11 understand it is all.

12 VILLAGE ATTORNEY PROKOP:

13 Because if it's litigated, I'd like  
14 to be upheld and not waste the last  
15 year and a half of my life.

16 The benefit to the -- so  
17 it appears to me that there's no  
18 other way feasible to do this other  
19 than a major reconfiguration of the  
20 property that I don't think is  
21 feasible. It may be possible, but  
22 it's not feasible.

23 The third thing is whether  
24 the variance that are requested are  
25 substantial.

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BOARD MEMBER CASHIN:

Yeah, they are.

CHAIRMAN SARETSKY: Yes,  
they are.

BOARD MEMBER CASHIN: You  
told me once before, we can vote no  
on a couple and yes on three others  
and still approve?

VILLAGE ATTORNEY PROKOP: Yes.

CHAIRMAN SARETSKY: So I  
guess yes, it is.

MAYOR VEGLIANTE: Is it  
substantial as it applies to the  
rest of the Village?

CHAIRMAN SARETSKY: But  
the givebacks, the idea is that it  
cancels out.

BOARD MEMBER CASHIN: The  
variances are substantial.

VILLAGE ATTORNEY PROKOP:  
I think it should be stated on the  
record that the lot width variances  
are substantial mathematically, but  
the area of the lots is still

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compliant.

BOARD MEMBER MIZZI:

Consistent.

CHAIRMAN SARETSKY: Right.

He's giving back to the  
four-tenths. So it's substantially  
giving back as much as it's  
getting.

BOARD MEMBER FARKAS: Do

you put that in the decision, what  
Eric is talking about?

VILLAGE ATTORNEY PROKOP:

It's in the decision. The Court,  
if this was ever challenged, needs  
to be shown that --

CHAIRMAN SARETSKY: I

think Jim makes an excellent point.  
That they substantial, but there  
are also substantial considerations  
for doing it, not unlike Skudrna  
was.

VILLAGE ATTORNEY PROKOP:

To reduce the impact, that's right.

BOARD MEMBER FARKAS: Well,

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I'm asking if you put in the other things that we're getting?

VILLAGE ATTORNEY PROKOP:

Yes.

BOARD MEMBER FARKAS:

You're going to connect it. Yes, it is substantial, but no further subdivisions and four-tenths rule and, you know, the benefits of doing it that way, the detriment of substantial.

VILLAGE ATTORNEY PROKOP:

Yes, okay. Thank you.

BOARD MEMBER FARKAS:

You're welcome.

CHAIRMAN SARETSKY: I

think that's excellent.

VILLAGE ATTORNEY PROKOP:

The next one is whether granting these variances will have an overall adverse effect or an impact on the environmental conditions in the neighborhood. You already decided by adopting the SEQRA

1 resolution that this will not have  
2 a significant negative impact on  
3 the environment. Does anybody  
4 disagree on that?

5  
6 BOARD MEMBER CASHIN: No.

7 CHAIRMAN SARETSKY: No.

8 VILLAGE ATTORNEY PROKOP:

9 The final one is whether or not the  
10 relief that's necessary is  
11 self-created. But if the answer to  
12 this is yes, it's not a controlling  
13 on the application. That's what  
14 the law says.

15 CHAIRMAN SARETSKY: It is,  
16 yes, but, again, the net gain for  
17 the Village and everything every is...

18 MR. TERCHUNIAN: I don't  
19 think it is self-created.  
20 Self-created means I built without  
21 a permit and I created the problem  
22 by doing that.

23 CHAIRMAN SARETSKY: It's  
24 self-created because he could have  
25 just build two houses, right?

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MR. TERCHUNIAN: That's  
not really self-created. Everybody  
is entitled to ask for a variance.  
They didn't create anything. They  
asked for a variance. Self-created  
means I did something illegal and  
now I'm trying to legalize it.

CHAIRMAN SARETSKY: They  
didn't do that.

BOARD MEMBER MIZZI: Yeah,  
but I think if receiving a variance  
on like a structure --

VILLAGE ATTORNEY PROKOP:  
Like 9 Dune is an example of that.

BOARD MEMBER MIZZI: The  
site is not created yet, so it's not.

CHAIRMAN SARETSKY: Okay,  
so then it's not self created.

VILLAGE ATTORNEY PROKOP:  
Okay. Everybody in agreement?

BOARD MEMBER KRASNOW: (Nodding.)

VILLAGE ATTORNEY PROKOP:  
So those are the five criteria. So  
we got through that. So now the

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final part of this will be to adopt  
the written decision. Is everybody  
okay with the 18th?

CHAIRMAN SARETSKY: Yes.  
My life resolves around this now.  
The 18th? Gary, are you good?

MAYOR VEGLIANTE: I want  
to tell you --

MR. HULME: I have a  
question. Is it possible for us to  
see the revised version ahead of  
time?

VILLAGE ATTORNEY PROKOP:  
I don't care.

BOARD MEMBER MIZZI: Sure.  
Previously I had asked if we can  
start these meetings at 10:00  
instead of 9:00 because I've been  
driving in from Brooklyn in the  
morning.

VILLAGE ATTORNEY PROKOP:  
It should be a short meeting. I  
don't want to jinx us.

BOARD MEMBER CASHIN: I

can do 10:00.

VILLAGE ATTORNEY PROKOP:

This will be the only thing on the agenda.

VILLAGE CLERK SANTORA:

You said the 18th?

VILLAGE ATTORNEY PROKOP:

Yes. I'll get you notice by Monday morning.

MR. HULME: Thank you all very much. Appreciate it.

BOARD MEMBER MIZZI: Don't thank us yet.

VILLAGE ATTORNEY PROKOP:

So motion to --

BOARD MEMBER FARKAS: Oh, I can't do the 18th.

BOARD MEMBER MIZZI: The next week is Thanksgiving.

BOARD MEMBER KRASNOW:  
Yeah, I can't do the next weekend, the following week after the 18th.

CHAIRMAN SARETSKY: That's December 2nd.

BOARD MEMBER CASHIN: Does  
it have to be a Saturday?

VILLAGE ATTORNEY PROKOP:  
No, but we have to meet in person.  
We need four people.

BOARD MEMBER CASHIN:  
Well, if we go over it and you have  
no objections unless he sees  
something that --

BOARD MEMBER KRASNOW:  
Well, you're going to see it ahead  
of time anyway.

BOARD MEMBER FARKAS: I'm  
okay with it.

BOARD MEMBER CASHIN: The  
rest of us can make it. Are you  
okay with that?

BOARD MEMBER FARKAS: I'm  
totally fine with that.

VILLAGE ATTORNEY PROKOP:  
Okay, so we'll leave it for the  
18th and I'll get this to you.

BOARD MEMBER FARKAS: Just  
so you know, we operate a food

pantry in Manhattan and the  
Saturday before Thanksgiving is a  
busy day.

BOARD MEMBER CASHIN:

That's more important to you?

BOARD MEMBER FARKAS: To

the 500 people waiting in line it's  
going to be important.

MR. HULME: All right,

well, thank you, all.

CHAIRMAN SARETSKY: Motion

to adjourn? All in favor?

VILLAGE ATTORNEY PROKOP:

Can we have an agreement to waive  
until -- waive the deadline until  
the next meeting?

MR. HULME: Sure, yes.

VILLAGE ATTORNEY PROKOP: Okay.

BOARD MEMBER KRASNOW: Was

that on the record?

VILLAGE ATTORNEY PROKOP:

Yes, it's on.

(Whereupon, the meeting

was adjourned at 12:24 p.m.)

C E R T I F I C A T I O N

I, REBECCA WOOD, a Shorthand Reporter and  
Notary Public in and for the State of New York,  
do hereby certify:

THAT the above and foregoing contains a  
true and correct transcription of the  
proceedings.

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

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

IN WITNESS WHEREOF, I have hereunto set my  
hand this 9th day of November, 2023.

  
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REBECCA WOOD

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