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INCORPORATED VILLAGE OF WESTHAMPTON DUNES  
ZONING BOARD OF APPEALS

April 11, 2015  
10:00 a.m.

Meeting held at  
914 Dune Road, Westhampton Dunes, New York

APPEARANCES:

- Harvey Gessin - Chairman
- Barry Goldfeder - Member
- Eric Saretsky - Member
  
- Joseph Prokop - Village Attorney
- Aram Terchunian - Commissioner of Wildlife Protection
- Laura Dalessandro - Zoning Clerk

1           (Whereupon, the meeting was called to order at  
2           10:24 a.m.)

3           CHAIRMAN GESSIN: Okay. Let's all stand for  
4           the Pledge of Allegiance.

5           (Whereupon, all stood for the Pledge of  
6           Allegiance.)

7           CHAIRMAN GESSIN: I would like to call this  
8           session of the Westhampton Dunes Zoning Board to  
9           order. The first item on the agenda is Kronberg.

10          MR. BATCHELLER: Okay. Hi. Ed Batcheller for  
11          Sandra Kronberg.

12          So last time we met, we were discussing the two  
13          variances, one with front yard setback and the other  
14          was the lot coverage.

15          CHAIRMAN GESSIN: Yes.

16          MR. BATCHELLER: And it was pretty much your  
17          conclusion that we really can't increase the lot  
18          coverage.

19          So I went back to the client and explained the  
20          whole situation, and what we were able to do is bring  
21          it back exactly to the same lot coverage. What we  
22          did was we -- there was a side deck and the door to  
23          the side deck, which once I found out what that was,  
24          it's just a utility room closet. So we take that  
25          whole deck out, just leave a little landing for the

1 door itself, because it's not really used, except for  
2 checking electric, or whatever. Anyway, and so --

3 CHAIRMAN GESSIN: It's a platform for the  
4 electrical meter, basically.

5 MR. BATCHELLER: Yeah, it's inside, yeah, the  
6 electrical closet in there. And so I have here the  
7 revised proposal, a couple of sets. You might want  
8 to take a look at that. So it shows the lot coverage  
9 calculations on the first page, and then there's a  
10 plan view that shows the deck, the proposed deck, and  
11 elevation showing that as well.

12 So, basically, prior to the -- the prior  
13 application had this deck going all the way over to  
14 here.

15 CHAIRMAN GESSIN: Correct.

16 MR. BATCHELLER: So we've taken all that out.  
17 We've cut this back, and we're just going to build --  
18 this is essentially the increase right here.

19 CHAIRMAN GESSIN: Yes, okay.

20 MR. BATCHELLER: As far as the setback goes, I  
21 did a little more research in the Village. I found  
22 this handy Raynor and Marcks analysis, and a lot of  
23 the -- the setbacks are typically 39 feet, 39.6,  
24 40.2, 40.1, 39.6, etcetera. So I think our setback  
25 is 39.6, 39. -- no 39.3 feet. I think we're in the

1 same, you know, sort of aesthetic of that area.

2 I also did another -- did some other things.  
3 There really are only two -- there are three lots in  
4 that area that are around the same size as Sandra's.  
5 This is 5,033. That's 11 Dune Lane. This one is for  
6 874, Catherine Vaczy, and this one Liere. I believe  
7 that was --

8 MEMBER SARETSKY: Burns.

9 MR. BATCHELLER: That was burns. So Vaczy has  
10 a 23% -- went from a 20 to 23% lot coverage at some  
11 point, and this, they had gotten a setback to 40  
12 feet. So my point is, and I think what we're  
13 proposing is, in keeping with the spirit, you know,  
14 of the existing neighborhood, and not really changing  
15 anything from what's already there.

16 Oh, this one -- and Liere has a 27.2% lot  
17 coverage on their property.

18 MEMBER SARETSKY: Did you say how -- what the  
19 lot coverage would be with this now?

20 CHAIRMAN GESSIN: Yeah, he did. He's got --

21 MEMBER SARETSKY: 26.7.

22 MR. BATCHELLER: It's a little bit --

23 MR. SARETSKY: It's staying the same.

24 CHAIRMAN GESSIN: Almost the same.

25 MR. BATCHELLER: Plus or minus, we're --

1 MEMBER SARETSKY: 2.2%.

2 MR. BATCHELLER: Yeah. And, you know, that's a  
3 little bit debatable, because I don't know if the  
4 house actually measures, you know, what -- you know,  
5 what the surveyor did. I mean, it probably does, but  
6 I think we're in the ball park.

7 MR. TERCHUNIAN: And so you're saying the  
8 existing coverage is 26.5%, and this house was built  
9 under benefit of a variance.

10 CHAIRMAN GESSIN: It has a variance, yeah.

11 MR. TERCHUNIAN: But was the variance for  
12 26.5%?

13 MR. BATCHELLER: You know, I didn't see that  
14 document, so I can't answer that question. But  
15 whatever the lot coverage was, it's -- what we're  
16 doing is essentially the same. By removing the side  
17 deck and pushing -- you know, taking that square  
18 footage and applying it towards the front deck. So  
19 kind of, you know, whatever the lot coverage was and  
20 what is proposed are essentially the same. We  
21 didn't -- you know, within a couple; 2%, 2, 3% or  
22 something.

23 This, actually, proposal is what Sandra  
24 originally asked me to design for her, so we really  
25 just went back to the original design.

1           CHAIRMAN GESSIN: And I sort of remember  
2 something earlier in this application about an  
3 earlier variance, and I, for some reason, don't see  
4 it, when this house was originally reconstructed or  
5 constructed.

6           MR. TERCHUNIAN: Yeah, because this was a new  
7 house. All those new houses have variances.

8           MR. BATCHELLER: Like Liere has a 27% lot  
9 coverage.

10          MR. TERCHUNIAN: I don't remember what they  
11 were, though.

12          MR. BATCHELLER: I have it on there.

13          MR. TERCHUNIAN: Because they have -- they all  
14 have variances.

15          MR. BATCHELLER: Yeah, Liere was granted a  
16 variance of 27.2% lot coverage and 39.5 foot setback.  
17 That's the house that's literally next door to -- I  
18 believe, to Sandra's. It's a very similar type of  
19 house.

20          MR. TERCHUNIAN: It would probably be useful if  
21 you walked the Board through the five-part balancing  
22 test for variances.

23          CHAIRMAN GESSIN: Did you pull the file on this  
24 house for the Village?

25          MR. BATCHELLER: I did, but not originally,

1 but, yes.

2 CHAIRMAN GESSIN: Yeah. Do you have the survey  
3 of the --

4 MR. BATCHELLER: The old survey?

5 CHAIRMAN GESSIN: Well, the existing, the  
6 survey of what exists there now.

7 MR. BATCHELLER: You mean the current survey?

8 CHAIRMAN GESSIN: Yes.

9 MR. BATCHELLER: Yeah, you have -- you should  
10 have that in your file.

11 CHAIRMAN GESSIN: Something with a surveyor's  
12 stamp on it.

13 MR. BATCHELLER: Yeah, yeah.

14 CHAIRMAN GESSIN: I don't seem to have it.

15 MR. BATCHELLER: Yeah, you have a bunch of  
16 them. Didn't I just pull that out here? I just  
17 showed you. Here.

18 CHAIRMAN GESSIN: Oh, okay.

19 MEMBER SARETSKY: Oh, okay. I didn't see that  
20 either.

21 MR. TERCHUNIAN: Yeah.

22 CHAIRMAN GESSIN: Doesn't say what the coverage is.

23 MEMBER SARETSKY: Yeah. This survey doesn't  
24 show the lot coverage.

25 MR. BATCHELLER: There is a lot coverage

1 survey, I think, in -- what does it say?

2 MR. TERCHUNIAN: 26. -- 24.6.

3 CHAIRMAN GESSIN: 24.6. So it's less than what  
4 we have on here.

5 MR. BATCHELLER: All right. But -- so the  
6 calculation would simply be the same. I mean, it  
7 would be 24.6, and mine would be 24.8.

8 MR. TERCHUNIAN: Let me just do some  
9 interpretation for you.

10 MR. BATCHELLER: Yes.

11 MR. TERCHUNIAN: The last time we were here,  
12 went through your presentation, the Board's reaction.  
13 At that point, you agreed to go back to speak with  
14 your client and to try to find a way to maintain  
15 existing lot coverage.

16 MR. BATCHELLER: Right.

17 MR. TERCHUNIAN: You've come to us with a  
18 sketch that you prepared that shows that.

19 MR. BATCHELLER: Right.

20 MR. TERCHUNIAN: There appears to be some small  
21 discrepancy between the survey and the sketch you  
22 prepared.

23 MR. BATCHELLER: Right.

24 MR. TERCHUNIAN: Typically, the Board will act  
25 on a survey --



1 MR. BATCHELLER: Sure.

2 MR. TERCHUNIAN: -- as opposed to a sketch.

3 MR. BATCHELLER: Okay.

4 MR. TERCHUNIAN: So it would be necessary for  
5 the surveyor to take the information you've created  
6 and to reproduce that on their survey with their  
7 license --

8 MR. BATCHELLER: Got it.

9 MR. TERCHUNIAN: -- to verify this information.

10 MR. BATCHELLER: Okay.

11 MR. SARETSKY: The proposed piece or --

12 MR. TERCHUNIAN: Yeah, the existing and the  
13 proposed, and that they're both the same, and then  
14 that that's normal, typical the way it's done.

15 The other thing is that there -- since there  
16 was a variance on this property in order for this  
17 building to be constructed, the Board should see that  
18 before they act to make sure they're not -- that they  
19 have that as part of their record, and I don't think  
20 that's been produced. We can't find it.

21 MR. BATCHELLER: Okay.

22 CHAIRMAN GESSIN: Because we'll actually have  
23 to amend that variance.

24 MR. BATCHELLER: You have to amend the  
25 variance?

1 MR. TERCHUNIAN: Well, we're going to replace it.

2 CHAIRMAN GESSIN: Replace the variance.

3 MR. BATCHELLER: Yeah.

4 CHAIRMAN GESSIN: Replace that variance.

5 MR. BATCHELLER: Okay. Was that before Sandra  
6 purchased it?

7 MR. TERCHUNIAN: Oh, yeah. This is on initial  
8 construction, which goes back to the late '90s.

9 MR. BATCHELLER: Okay.

10 MR. TERCHUNIAN: These are -- all these lots  
11 are substandard --

12 MR. BATCHELLER: Right.

13 MR. TERCHUNIAN: -- and they all went through  
14 the variance procedure, and they all came up with  
15 roughly the same --

16 MR. BATCHELLER: Okay. So let me ask you this:  
17 Is there a way to sort of approve this deck on the  
18 contingency that the survey will verify what I claim  
19 is the case? I mean, because what I removed from my  
20 drawing is proportionately the same as what's on the  
21 survey, so --

22 CHAIRMAN GESSIN: Well, we think you're going  
23 to end up getting to where you want to be, but we've  
24 got to see all the documents.

25 MR. TERCHUNIAN: The answer is that's probably

1 not the best way for your client, because if there's  
2 any discrepancy and the hearing is closed, we have to  
3 re-advertise this whole thing. That's what you don't  
4 want to do, because that's going to cost you more  
5 time.

6 So the thing to do is to get the documents that  
7 the Board needs in order to confirm what you have,  
8 and make sure that they have that before the meeting,  
9 before the next meeting, so that they can be reviewed  
10 by the Village Attorney.

11 MR. BATCHELLER: Yeah.

12 MR. TERCHUNIAN: And the Board can understand  
13 what they're looking at and be -- have all the  
14 information in front of them so they can close the  
15 hearing.

16 MR. BATCHELLER: Okay. So you want two things,  
17 an updated survey with the existing lot coverage and  
18 the proposed lot coverage; is that correct?

19 CHAIRMAN GESSIN: Correct.

20 MR. BATCHELLER: And you want a copy of the  
21 variance, you want the documents from the file --

22 CHAIRMAN GESSIN: Correct.

23 MR. BATCHELLER: -- that explain the variance?

24 MR. TERCHUNIAN: Just so that --

25 CHAIRMAN GESSIN: That's part of what you

1 currently have.

2 MR. TERCHUNIAN: So they understand what was  
3 done by a previous Board.

4 MR. BATCHELLER: Okay. And that was just  
5 simply to the build the house, the variance?

6 MR. TERCHUNIAN: Yeah.

7 MR. BATCHELLER: Okay.

8 CHAIRMAN GESSIN: Yeah, for whatever's there  
9 currently.

10 MR. BATCHELLER: Right, okay.

11 CHAIRMAN GESSIN: So we know what's there  
12 now --

13 MR. BATCHELLER: Yeah.

14 CHAIRMAN GESSIN: -- has a variance.

15 MR. BATCHELLER: Right. So everything that's  
16 there now was there.

17 CHAIRMAN GESSIN: We don't know. Maybe there's  
18 some other stuff that --

19 MR. BATCHELLER: I don't know.

20 CHAIRMAN GESSIN: -- appeared.

21 MR. BATCHELLER: Yeah. All right. So we got  
22 another go-around. You really like this stuff.

23 CHAIRMAN GESSIN: You're close.

24 MR. TERCHUNIAN: Let me encourage you to get  
25 that -- you know, get that into the Village office

1 well in advance of the next meeting so it can be  
2 reviewed. So, if there's any other issue, we can  
3 make sure that the paperwork is correct when you show up.

4 MR. BATCHELLER: Right. You know, surveyors  
5 have their timetable.

6 MR. TERCHUNIAN: Yes, they do.

7 MR. BATCHELLER: As we know.

8 CHAIRMAN GESSIN: All that I'm saying is if we  
9 would have had this in advance, we would have been  
10 back to you, and you could have had it for this  
11 meeting --

12 MR. BATCHELLER: Yeah.

13 CHAIRMAN GESSIN: -- and been done with this.

14 MR. BATCHELLER: All right. I didn't realize I  
15 needed to get this survey redone, but it makes sense.

16 CHAIRMAN GESSIN: Okay.

17 MR. BATCHELLER: All right.

18 CHAIRMAN GESSIN: Thank you.

19 MR. PROKOP: So you should vote to adjourn the  
20 hearing.

21 CHAIRMAN GESSIN: I want to adjourn this  
22 hearing to the next meeting, which we'll pick the  
23 date shortly at the end of this meeting.

24 MR. BATCHELLER: Okay.

25 CHAIRMAN GESSIN: You want to pick a date now

1 or no?

2 MS. DALESSANDRO: Sure.

3 CHAIRMAN GESSIN: You want to pick a date now  
4 so he knows where we're going?

5 MEMBER SARETSKY: Sure.

6 CHAIRMAN GESSIN: How long do you need, Laura?

7 MS. DALESSANDRO: At least a couple of weeks.

8 MR. TERCHUNIAN: He's got to get a survey,  
9 which means he's got to get to --

10 MR. BATCHELLER: We'll see.

11 MEMBER SARETSKY: Someone's got to do it and  
12 then plot -- you know, put it on. But, hopefully,  
13 this guy will do it for you fast, but --

14 MR. TERCHUNIAN: Nothing happens fast.

15 MR. SARETSKY: Nothing happens fast.

16 MR. BATCHELLER: Young & Young has been pretty  
17 good, but we'll see.

18 MR. TERCHUNIAN: I think he needs at least a  
19 month to get what he needs. Am I -- do you think so?

20 MR. BATCHELLER: I don't know. I don't want to  
21 have it too soon and then he can't get the survey,  
22 right?

23 MR. TERCHUNIAN: Right.

24 MR. BATCHELLER: Everything else isn't a  
25 problem, it's just the survey.

1 MR. GOLDFEDER: Tentatively scheduled May 9th?

2 MR. PROKOP: That's good with me.

3 CHAIRMAN GESSIN: I think I'm okay. I think  
4 I'm okay.

5 MS. PETINO: Isn't it Mother's Day? I think  
6 it's Mother's Day.

7 CHAIRMAN GESSIN: Oh, is it?

8 MR. TERCHUNIAN: Thank you.

9 MR. SARETSKY: That's going to be a problem.

10 MS. PETINO: Get ready.

11 MR. BATCHELLER: I'm going to send my mother  
12 over.

13 (Laughter)

14 CHAIRMAN GESSIN: I guess we'll do the 16th,  
15 then.

16 MR. PROKOP: I'm not going to be able to do the  
17 16th.

18 MR. BATCHELLER: Do you have the variances with  
19 you?

20 MR. PROKOP: We can't do it the day before  
21 Mother's Day?

22 MR. TERCHUNIAN: I don't keep those files on me.

23 MEMBER SARETSKY: And if we did it on the 23rd,  
24 then it would give you plenty of time.

25 MR. BATCHELLER: 23rd, wow.

1 MEMBER SARETSKY: That way, if we have a  
2 conflict on the 16th --

3 MR. BATCHELLER: Yeah. Just, you know, she  
4 wants to get this deck built for the opening of the  
5 season.

6 MEMBER SARETSKY: Oh, okay. Well, I think the  
7 problem is that -- is Mother's Day on Saturday or  
8 Sunday?

9 MS. PETINO: Oh, it's Sunday.

10 MR. SARETSKY: So it's the next day.

11 MS. PETINO: It's always on Sunday. That's  
12 fine.

13 MR. TERCHUNIAN: Yeah, it's the next day.

14 MEMBER SARETSKY: So the 9th maybe is okay.

15 MR. TERCHUNIAN: I'm going to be in Newport.  
16 You don't need me.

17 MR. SARETSKY: Well, we need Aram, so.

18 MR. TERCHUNIAN: No, you don't need me.

19 MEMBER SARETSKY: Oh, I do.

20 (Laughter)

21 MR. BATCHELLER: So what's the date? Is it May  
22 9th?

23 MR. GOLDFEDER: May 9th?

24 CHAIRMAN GESSIN: I don't know. I may not be  
25 good that weekend.



1           MEMBER SARETSKY: Well, I mean, maybe the thing  
2 to do is just let us see how we do and then we'll  
3 call you and tell you. I mean, do we need to pick it  
4 this second?

5           MR. GOLDFEDER: Yeah. If there's any change,  
6 Laura will notify you.

7           MR. SARETSKY: Obviously, we need Harvey.

8           MR. BATCHELLER: So tentative for May 9th.

9           MR. GOLDFEDER: Schedule for May 9th. Any  
10 change, Laura will notify you.

11          MEMBER SARETSKY: Yeah, okay. We'll start with  
12 that.

13          CHAIRMAN GESSIN: It's tentative the 9th; if  
14 not, what, the 23rd? What's Memorial Day weekend?

15          MR. SARETSKY: I assume --

16          MR. BATCHELLER: That might be it.

17          MEMBER SARETSKY: No. I would assume that  
18 Memorial is the 30th and 31st.

19          MR. BATCHELLER: I don't know the weekend.

20          MEMBER SARETSKY: I don't know that, but it  
21 makes sense.

22          MS. PETINO: I think it's early this year.

23          MR. PROKOP: That's the -- that's Memorial Day  
24 weekend, the 23rd.

25          MS. PETINO: Yeah.

1 MR. SARETSKY: Oh, the 23rd?

2 MR. BATCHELLER: Yes, right.

3 CHAIRMAN GESSIN: Wow, it's early.

4 MR. BATCHELLER: Yeah.

5 MR. PROKOP: Can we -- if this is only an  
6 adjourned hearing, can we leave it for the 9th and  
7 then let's see what happens?

8 CHAIRMAN GESSIN: Yeah, we could leave it for  
9 the 9th, yeah, sure.

10 MR. BATCHELLER: Okay.

11 MR. PROKOP: Because we don't have to re-notice  
12 the application all over again, we only have to  
13 notice the meeting part.

14 MR. BATCHELLER: So do you keep those or I --

15 CHAIRMAN GESSIN: You can have them. You want  
16 them back?

17 MEMBER SARETSKY: That's yours, this is yours.  
18 I marked this one up, if you want to take that one as  
19 part of the set. It was three sheets or two?

20 CHAIRMAN GESSIN: It was three.

21 MR. BATCHELLER: It was three.

22 MR. TERCHUNIAN: We have -- we have a file  
23 copy.

24 MR. SARETSKY: Okay, fine.

25 MR. TERCHUNIAN: Unless, Harvey --

1 CHAIRMAN GESSIN: As long as we have one set,  
2 it doesn't matter.

3 MEMBER SARETSKY: Okay. There you go.

4 MR. BATCHELLER: Thank you.

5 CHAIRMAN GESSIN: Our next application --

6 MR. PROKOP: I wanted to thank you, I forgot at  
7 the beginning of the meeting, for doing the  
8 stenography minutes, because it's really helping me a  
9 lot in going through this stuff.

10 CHAIRMAN GESSIN: Oh, it has?

11 MR. PROKOP: Yeah.

12 CHAIRMAN GESSIN: Great.

13 MR. PROKOP: Because everything's right there,  
14 it's so much easier. Thank you very much.

15 CHAIRMAN GESSIN: Right, rather than memory.

16 MR. PROKOP: Yeah. And it also goes on our  
17 website --

18 CHAIRMAN GESSIN: Or sloppy notes.

19 MR. PROKOP: -- if anybody, any of the  
20 neighbors or anybody else has questions on it. It  
21 makes you guys sound really smart, too

22 MEMBER SARETSKY: That's difficult.

23 CHAIRMAN GESSIN: Do we have anything to  
24 discuss on those determinations right now?

25 MR. PROKOP: Well, we have the decisions in

1 these files.

2 MEMBER SARETSKY: Yeah, you got one here.

3 MR. PROKOP: There's one for everybody. Maybe  
4 pass them down to Laura.

5 MEMBER SARETSKY: I have one that I could give  
6 to Laura. I guess, Laura, you should hold the rest  
7 of them. You got one?

8 MR. GOLDFEDER: Yes, in my folder.

9 MR. PROKOP: And one for me. I forgot to keep  
10 one. So that we know, that on Panayis is done with  
11 that other thing that we talked about. So we have  
12 Autorino. I don't think on Autorino there were any  
13 changes at the meeting, so I just copied it off the  
14 notice. So that was basically it. And then we --  
15 Autorino, what happened with Autorino? We actually  
16 went over this at the last meeting.

17 CHAIRMAN GESSIN: Yeah, we did.

18 MR. PROKOP: And there was a One and a Two at  
19 the end, and I took out One and this is Two. That  
20 was -- the minutes say that we approved this and you  
21 wanted me to delete -- you know, at the end, there  
22 was a Number One and there was Number Two. So this  
23 Number One here is what was Number Two the last time.  
24 I deleted the one you told me to take out.

25 CHAIRMAN GESSIN: Okay. Right, right.

1 MR. PROKOP: And I don't even know that this  
2 applies.

3 MEMBER SARETSKY: This is just for the septic.

4 MR. PROKOP: Yeah.

5 CHAIRMAN GESSIN: Yeah.

6 MEMBER SARETSKY: Which is being handled by the  
7 Building Inspector.

8 MR. PROKOP: He's really doing -- he's really  
9 doing it, so, I mean, I --

10 MEMBER SARETSKY: So just, I guess, for more  
11 information than anything else.

12 MR. GOLDFEDER: So since this was conditional,  
13 do we need to get that verification back from the  
14 Building Inspector to attach to the record?

15 MR. PROKOP: Yeah. Well, one of the things --  
16 it should be in our file. One of the things that you  
17 might consider is submitting a septic certification,  
18 and then take it out from the Suffolk County  
19 Department of Health Services. Take out that -- just  
20 so they get a separate certification from somebody,  
21 so it could be the architect.

22 CHAIRMAN GESSIN: Whoa, I don't follow you.

23 MEMBER SARETSKY: He's saying that we take this  
24 piece out.

25 MR. PROKOP: It's Number One.

1 CHAIRMAN GESSIN: Cross out --

2 MR. SARETSKY: Suffolk County Department of  
3 Health, and we accept submitting a septic  
4 certification. It doesn't say it has to be who it's  
5 from, just from --

6 MR. PROKOP: Yeah, approved by the Building  
7 Inspector, because it's not going to come from  
8 Suffolk County, they don't do that.

9 CHAIRMAN GESSIN: So we should write that in?

10 MR. PROKOP: Take out "Suffolk County".

11 MEMBER SARETSKY: Submitting a septic  
12 certification for the new -- in other words, this is  
13 going to be from someone.

14 MR. PROKOP: Yeah. Just take out "from the  
15 Suffolk County Department of Health Services,"  
16 because they don't do that, they're not going to do it.

17 MEMBER SARETSKY: Okay.

18 MR. PROKOP: We got -- we just -- we educated  
19 ourselves on this on.

20 CHAIRMAN GESSIN: So just cross out "Suffolk  
21 County Department of Health Services"?

22 MR. PROKOP: Yes. So there will be a  
23 certification in the file, and it may or may not be  
24 from the Suffolk County Health Department, and with  
25 that, we can approve it also.

1           And then on the next one is Herson. Herson  
2           there was changes. Now, in the beginning, the first  
3           page, the first page and the top of the second page,  
4           this is what they requested, but I just want to note  
5           that the lot coverage of -- so the variance that  
6           they're requesting at the end was lot coverage  
7           variance of 4.9%. It was reduced from 11%. They  
8           started off requesting 31% and they reduced -- we  
9           asked them to reduce it.

10           CHAIRMAN GESSIN: What page are you on?

11           MR. PROKOP: Page 1 of Herson. And it says,  
12           Number One, "Lot coverage variance of 4.9." And I  
13           have in parenthesis "reduced from 11," because they  
14           came in originally asking for 31% and they knocked it  
15           down. They reduced it at our request of 24.9.  
16           And I noted in there that the existing structures  
17           have 23.9.

18           The original -- the rear yard setback variance  
19           was 5. -- that they ended up asking was 5.97 feet,  
20           which was reduced from the original request. There  
21           was a slight reduction in the rear yard setback  
22           request.

23           Number Three was a side yard setback of 1.6  
24           feet. That was actually withdrawn, and I have in  
25           there noted that it's withdrawn.

1 Oh, this is where Barry came up with the 4 --  
2 that's why you were saying it was 4, 5, because I  
3 withdrew some of these. I'm sorry, you're right, I  
4 apologize.

5 Front yard setback variance of 19.3 feet. A  
6 front yard setback of 41 feet. Number 5, what is it?

7 MEMBER SARETSKY: I'm sorry. Number 4 is 40.7,  
8 you have.

9 MR. PROKOP: Yeah. The variance is 19.3 for an  
10 existing -- because the 40.7 is actually the setback.  
11 The variance that's requested is 19.3, and the  
12 setback is 40.7. That's a primary structure.

13 And then Number Five is the deck, which is 70  
14 feet. So it's supposed to be 70 feet, so it's a  
15 41-foot variance. And then there's a front -- other  
16 front yard setbacks.

17 Now, I just want to -- in the decision on the  
18 last page of this, which is Page 4 of this --

19 CHAIRMAN GESSIN: Hold on one second. On  
20 Number Five, on my notes, unless I had it written  
21 down incorrectly, instead of 41, I had 40.6 and 29.4.

22 MR. PROKOP: 40.6.

23 CHAIRMAN GESSIN: Aram, you want to check mine,  
24 check me on that, on Number Five?

25 MR. PROKOP: Oh, 29.4? Okay. Sorry.



1 CHAIRMAN GESSIN: I have 40.6.  
2 MR. TERCHUNIAN: Yeah.  
3 CHAIRMAN GESSIN: Is that right?  
4 MR. TERCHUNIAN: Yeah.  
5 CHAIRMAN GESSIN: Okay.  
6 MR. TERCHUNIAN: It's on the survey.  
7 CHAIRMAN GESSIN: And 29.4.  
8 MR. TERCHUNIAN: Right.  
9 CHAIRMAN GESSIN: Okay. So I should just cross  
10 that out?  
11 MR. TERCHUNIAN: Uh-huh.  
12 MR. PROKOP: Okay.  
13 CHAIRMAN GESSIN: I guess I'll initial it.  
14 This is the original.  
15 MR. SARETSKY: I mean, he's the one that's  
16 going to sign --  
17 MR. PROKOP: Yeah, that's fine, so go ahead and  
18 sign in.  
19 MEMBER SARETSKY: Okay.  
20 CHAIRMAN GESSIN: Okay. Which one, Joe, on  
21 that?  
22 MR. PROKOP: Okay. At the end.  
23 MEMBER SARETSKY: Page 4.  
24 MR. PROKOP: Start with the determinations, 3  
25 -- Page 3, I have one, because, according to my

1 notes, some of these we approved. We did not approve  
2 the maximum lot coverage variance, right? We denied  
3 it. We made him go back to 23.9, I think.

4 MR. TERCHUNIAN: Yeah.

5 MR. PROKOP: Okay. So they did that right.

6 CHAIRMAN GESSIN: 23.9, right.

7 MR. PROKOP: Okay. So the benefit to the  
8 applicant for the maximum lot coverage variance will  
9 not outweigh the detriment to the health and safety,  
10 but it will for the other ones, Two through Seven.

11 MR. TERCHUNIAN: I think, Joe, bottom of Page 4 --

12 MR. PROKOP: Yeah.

13 MR. TERCHUNIAN: -- motion to approve the  
14 remaining Two through Seven.

15 MR. PROKOP: You're right. I'm sorry, I  
16 apologize.

17 MEMBER SARETSKY: Change to approve from deny,  
18 right?

19 MR. TERCHUNIAN: Yeah.

20 MR. PROKOP: Yeah, I'm sorry.

21 MR. TERCHUNIAN: It was -- the lot coverage was  
22 maintained status quo, and the others --

23 MR. PROKOP: Yeah, I got it backwards. So it's  
24 motion to deny is the top. I'm sorry. So it should  
25 say -- under Six, it should say "motion to deny".

1 MEMBER SARETSKY: You have it as motion to  
2 deny.

3 MR. PROKOP: Oh, I'm sorry. It's motion to --

4 MR. SARETSKY: It's motion to approve.

5 MR. PROKOP: No, no, I had it right. It's  
6 approve the Findings and Determination and deny --

7 MR. TERCHUNIAN: Deny the maximum lot coverage.  
8 And then at the very bottom sentence, most  
9 sentence --

10 MR. PROKOP: Oh, it should be motion to  
11 approve.

12 MR. TERCHUNIAN: To approve the remaining Two  
13 through Seven.

14 MR. PROKOP: That's correct, yeah. Okay,  
15 you're right. I'm sorry.

16 MR. TERCHUNIAN: Otherwise, we'll just deny  
17 them all.

18 (Laughter)

19 MR. PROKOP: Good pickup, thanks.

20 MEMBER SARETSKY: Okay.

21 MR. PROKOP: And I think -- yeah, thanks Aram.  
22 I think everything else is good.

23 CHAIRMAN GESSIN: Okay? Next one is Panayis.

24 MR. PROKOP: Panayis, there was just the one  
25 change. We went over this the last time.

1           CHAIRMAN GESSIN: No, there's another  
2 correction.

3           MR. PROKOP: I'm sorry.

4           CHAIRMAN GESSIN: What I saw that was missing  
5 in here is the maximum -- the maximum house size. I  
6 believe we had that on the record, too.

7           MR. PROKOP: Okay.

8           CHAIRMAN GESSIN: I think it was -- and now I  
9 got to look it up.

10          MR. PROKOP: It might have been from the  
11 meeting before we started --

12          CHAIRMAN GESSIN: I think it was --

13          MR. PROKOP: The November meeting we didn't  
14 have it.

15          CHAIRMAN GESSIN: Yeah. Let me find this file  
16 now.

17          MEMBER SARETSKY: I think I have it. Panayis,  
18 right?

19          CHAIRMAN GESSIN: If I remember correctly, we  
20 read into the record that we were going to do similar  
21 language to the other applications. So should we --  
22 how do we do that, then, now?

23          MR. PROKOP: Oh, similar applications on the  
24 bay?

25          MR. TERCHUNIAN: Oh, on Panayis you're talking

1 about. Yes, definitely.

2 CHAIRMAN GESSIN: So what do we do now, just  
3 take one of them, cut it and stick it on here?

4 MR. PROKOP: Yeah. I mean, I have the  
5 decisions with me, if you want. At the end, we can  
6 mark them up, you know, make the changes, so we have  
7 clean things printed. We can print it out right  
8 here. I'm not sure what the other requirement was.

9 CHAIRMAN GESSIN: It was really just on the  
10 maximum footprint.

11 MR. TERCHUNIAN: Yes.

12 CHAIRMAN GESSIN: Maximum square footage,  
13 footprint of the house

14 MR. TERCHUNIAN: It was defining the envelope  
15 and the maximum house size.

16 MR. PROKOP: So why don't you give me the  
17 language at the end then we'll -- what I can do is  
18 I'll get Brian to open up the computer and just print  
19 it quick and do it. It will just take a second.

20 CHAIRMAN GESSIN: Okay.

21 MR. TERCHUNIAN: Let me do the math on this.

22 CHAIRMAN GESSIN: Last one of the day. Yale  
23 Nelson, 836 Dune Road. Give this back to Joe. All  
24 right. This is a continuation of our last meeting.  
25 We stopped because we hadn't heard from the County as

1 yet, but now we have and they have no comment.

2 MS. DALESSANDRO: No.

3 CHAIRMAN GESSIN: So it's basically up to the  
4 Village to decide what we want to do here at this  
5 Board.

6 MR. PROKOP: Can I see it?

7 CHAIRMAN GESSIN: Sure.

8 MR. PROKOP: Okay. So they said that they  
9 consider it to be a matter of local determination,  
10 which means they don't want to get involved with it.  
11 So, basically, it's for us to deal with.

12 CHAIRMAN GESSIN: I think our Board is pretty  
13 much done with our review. I don't know if anyone in  
14 the public has any further comments. Do you have any  
15 further comments, anybody?

16 MS. PETINO: I think we've been asking since  
17 November what is the lot coverage of the new  
18 construction. It seems to be a mystery.

19 CHAIRMAN GESSIN: I don't think so, it's --

20 MS. PETINO: What? Maybe I misheard. What  
21 would it be?

22 MEMBER SARETSKY: Here's existing and proposed,  
23 right?

24 CHAIRMAN GESSIN: Yeah.

25 MEMBER SARETSKY: Basically.

1 CHAIRMAN GESSIN: It's the same, 23.6.

2 MEMBER SARETSKY: 23.6.

3 MS. PETINO: But what are the dimensions,  
4 because I'm -- 23.6% is 2478 square feet.

5 CHAIRMAN GESSIN: Well, we have 2495.

6 MS. PETINO: Close enough.

7 CHAIRMAN GESSIN: Yeah.

8 MS. PETINO: But what would the dimensions be?  
9 To get that, I mean, 46-by-53 would equal that, and  
10 their house seems to be a little bit bigger. I'm  
11 just curious what the dimensions are.

12 CHAIRMAN GESSIN: Of the lot?

13 MS. PETINO: Carol Petino.

14 CHAIRMAN GESSIN: Of the lot?

15 MS. PETINO: Yeah -- no, not of the lot, of the  
16 new construction, so that I can understand lot  
17 coverage.

18 CHAIRMAN GESSIN: Well, it's -- I mean, it's  
19 that.

20 MS. PETINO: 23.6% is 2478, would be 46-by-53.  
21 What are the dimensions? Why is this a mystery?

22 CHAIRMAN GESSIN: That's what it looks like.

23 MS. PETINO: What are the dimensions?

24 CHAIRMAN GESSIN: I don't know, just like that.

25 MS. PETINO: How can you -- well, then how can

1       you --

2               CHAIRMAN GESSIN: It was given to us by a  
3 surveyor.

4               MS. PETINO: -- know what the lot coverage is  
5 if you don't know what the dimensions are?

6               CHAIRMAN GESSIN: Well, it was given to us --  
7 we went through this last time. It was given to us  
8 by a surveyor, it was done by computer, and that's  
9 what it comes out to.

10              MS. PETINO: What -- so what are the  
11 dimensions?

12              CHAIRMAN GESSIN: I just said, it was given to  
13 us by a surveyor, a licensed surveyor. We went  
14 through this last time.

15              MS. PETINO: But why is it a mystery what the  
16 dimensions are?

17              CHAIRMAN GESSIN: I'm not going to answer that  
18 question anymore. I gave you the answer last time  
19 and this time. If you have another question, please  
20 ask it.

21              MS. PETINO: So you're not going to follow the  
22 law, okay.

23              MR. MERRELL: But the Building Codes clearly  
24 state the dimensions should be on there, and yet  
25 they're not.



1 MS. PETINO: They're not.

2 CHAIRMAN GESSIN: Okay. Do you have another  
3 question?

4 MS. PETINO: Why won't you answer this  
5 question?

6 MR. MERRELL: Why are you approving something  
7 without the proper information on it?

8 CHAIRMAN GESSIN: This is a survey, okay? I'm  
9 not -- do you have another question?

10 MS. PETINO: No, just this one.

11 CHAIRMAN GESSIN: Okay. Asked and answered.  
12 Do you have another question?

13 MS. PETINO: Well, you haven't answered it.

14 MR. MERRELL: You haven't answered.

15 CHAIRMAN GESSIN: Okay. Does anybody else have  
16 a question?

17 MR. MERRELL: I'd like to know why the house  
18 measures bigger than what the survey says.

19 CHAIRMAN GESSIN: I'm relying on a surveyor,  
20 and I am not privy to answer that. I'm going to  
21 continue this --

22 MS. PETINO: Then how can you make an educated,  
23 knowledgeable decision?

24 MEMBER SARETSKY: I think Aram said this last  
25 time.

1           MR. TERCHUNIAN: This is an irregularly shaped  
2 house. We've been given a document that's signed and  
3 sealed by a New York State Licensed Surveyor  
4 certifying to the dimensions of that building. The  
5 dimensions are clearly shown on the survey of the  
6 side yard setbacks, front yard setbacks, rear yard  
7 setbacks.

8           MS. PETINO: Where is the side yard setback? I  
9 didn't see it on there.

10          MR. MERRELL: The setbacks are not listed, and  
11 the side yards --

12          MS. PETINO: Tell me what the side yard setback  
13 is. I was unable to --

14          MR. MERRELL: And according to the Building  
15 Codes, those must be on there.

16          MR. TERCHUNIAN: As I was completing my  
17 sentence in answer to your question --

18          MS. PETINO: Thank you.

19          MR. TERCHUNIAN: -- all of those setbacks are  
20 on that document, and the document is a signed,  
21 sealed survey, and it speaks for itself.

22          MS. PETINO: So tell me. I could not see it on  
23 there what the --

24          MR. MERRELL: Why not the setback?

25          MS. PETINO: -- side yard setback is.

1 MR. MERRELL: If it's on there, point out the  
2 setback on the map.

3 MS. PETINO: What is it?

4 MR. TERCHUNIAN: Joe is reviewing the document.

5 MS. PETINO: Can't you tell me what that number  
6 is? Why? I've been asking since November?

7 MR. MERRELL: And the --

8 MS. PETINO: That's it. That's pretty  
9 straightforward.

10 MR. MERRELL: The codes say that has to be on  
11 there. It is not there, period.

12 MR. TERCHUNIAN: If you would like to examine  
13 this document, I'm pointing over here on the eastern  
14 side, there are two measurements denoted. This is 13  
15 feet from the eastern property line to the eastern  
16 corner of the -- the southeastern corner of the deck,  
17 so that's 13 feet. And then there's 16.7 feet from  
18 the eastern boundary line to the southeastern corner  
19 of the building. Those are the two side yard  
20 setbacks on that side of the property. If we go over  
21 to the left side of the property, we notice that  
22 there's a side yard setback of 17.4 feet to the  
23 corner of the building.

24 MS. PETINO: But this is -- there's something  
25 here.

1           MR. TERCHUNIAN: Yes, and it is 13 -- I believe  
2 that this is 4 feet, and this deck is 4 feet wide,  
3 which would give you 13.4 feet on the western side of  
4 the building. If you add those two together, you  
5 will get the total side yard setback, and those  
6 setbacks conform with what's called the Three-Tenths  
7 Rule in the Village, where the total side yards have  
8 to be three-tenths of the total lot width.

9           MR. MERRELL: So You're saying the two setbacks  
10 are 13 and 13 on the two sides?

11          MR. TERCHUNIAN: 13.4 and -- 13 and 13.

12          MS. PETINO: So, if this is 30, that means that  
13 this is 40 feet across. It's not. But this setback  
14 is --

15          MR. TERCHUNIAN: It's 69 feet.

16          MS. PETINO: -- 13 and 17. That comes to 30.

17          MR. MERRELL: No, no, it's 13 because of the  
18 deck.

19          MS. PETINO: I know, but we're going by his  
20 numbers, so that means this is only 40 feet across.  
21 It's not.

22          MR. TERCHUNIAN: Ma'am, this Board -- what's in  
23 front of this Board is the documents that have been  
24 presented to the Board by a New York State Licensed  
25 Surveyor certifying that these dimensions and

1 calculations are correct. If you have another  
2 document that you believe challenges this, feel free  
3 to bring it forward.

4 MS. PETINO: Okay, thank you.

5 MR. PROKOP: The applicant is asking for a  
6 specific variance --

7 MR. MERRELL: Okay. What is the back and the  
8 front and the rear? It's showing his house as 44  
9 feet wide. If you minus this, minus that, 40 feet,  
10 because the lot is the lot.

11 CHAIRMAN GESSIN: We're going to accept this  
12 document as submitted and we're going to vote on this  
13 document as is.

14 MS. PETINO: What would be the -- this rear,  
15 the line to here?

16 CHAIRMAN GESSIN: Okay. We'd like to move  
17 forward, please.

18 MS. PETINO: Go right ahead.

19 CHAIRMAN GESSIN: Thank you.

20 MR. PROKOP: The applicant is requesting a  
21 specific variance for lot coverage and then also for  
22 setbacks.

23 CHAIRMAN GESSIN: Yes.

24 MR. PROKOP: If it ends up -- we have a  
25 certified document in front of us, which is what

1 we're required to have, a certified survey.

2 CHAIRMAN GESSIN: Yes, we do.

3 MR. PROKOP: We -- if there's any -- the  
4 applicant is limited to the relief that's granted by  
5 the Board. So if there's some issue later on with  
6 what's constructed, or that's another -- that's up to  
7 the -- an issue created by the applicant for  
8 themselves, has nothing to do with the Board. We may  
9 grant or deny a specific variance and that would be  
10 it, basically.

11 CHAIRMAN GESSIN: Right.

12 MR. PROKOP: That would be what the applicant  
13 is limited to.

14 CHAIRMAN GESSIN: Right, right.

15 MR. PROKOP: If we -- if it's approved.

16 CHAIRMAN GESSIN: Okay. I was reviewing the  
17 file myself this morning and I had a couple of my own  
18 observations that I'd like to just mention to the  
19 Board and to the public that is not part of this  
20 application.

21 I don't see as part of this file yet any  
22 variances requested for height, which I don't believe  
23 that it is -- that it does exceed the height. I  
24 don't see any requests for any relief in -- of the  
25 side yards as it relates to the Pyramid Code. I

1 don't believe that they violated the Pyramid Code,  
2 but I don't see any relief requested, or any relief  
3 for front yard setbacks as relates to the entry  
4 stairs in the front yard. I'm assuming that the  
5 Building Department will check that or has checked  
6 that, and that if there is any relief that they may  
7 need in the future, that they'll either come back to  
8 this Board, or alter the house to comply with  
9 whatever the code is.

10 Does the Board have any questions on that?

11 MR. GOLDFEDER. No. I agree with those  
12 findings?

13 MR. SARETSKY: I'm fine.

14 CHAIRMAN GESSIN: Do you have any questions on  
15 that?

16 MR. NELSON: No.

17 MR. PROKOP: So any determination by this Board  
18 is not a ruling on those three things, Pyramid Law,  
19 height, or the front --

20 CHAIRMAN GESSIN: Yeah. There's been no --  
21 there has not been any relief requested as far as  
22 those three items are concerned.

23 MR. GOLDFEDER: We would also like to receive a  
24 set of the plans for the file. I think we should  
25 have that for the package as well.

1           CHAIRMAN GESSIN: Okay. And is there anything  
2 else?

3           MEMBER SARETSKY: That covers it.

4           CHAIRMAN GESSIN: Okay. At this time, I guess  
5 we're about ready to --

6           MR. PROKOP: Yeah, let's get the plans in front  
7 of us.

8           CHAIRMAN GESSIN: Say it again.

9           MR. PROKOP: Let's get the plans, so they're  
10 part of the record, before we move on.

11          CHAIRMAN GESSIN: Okay.

12          MR. PROKOP: Please.

13          CHAIRMAN GESSIN: Yes.

14          MR. MERRELL: You've required on other  
15 applications that we've sat here and listened to  
16 previous variances for anything over 20%. Even that  
17 plan says it's 23.4. Where's the -- where are the  
18 variances for that? The house was built, changed in  
19 the -- had the C of O in the mid '90s, so there  
20 should be variances on the files for it to be at 23%.  
21 Where are those variances?

22          CHAIRMAN GESSIN: I don't understand your  
23 question.

24          MR. MERRELL: He's built at 23%, that's what  
25 he's saying now. There is no variances to be at 23%.



1 All the other houses --

2 CHAIRMAN GESSIN: This is a new application.  
3 We're reviewing this as a new application. We went  
4 through this last time.

5 MR. MERRELL: All right. So he has no right  
6 over 20%, then.

7 MS. PETINO: So, really, why --

8 CHAIRMAN GESSIN: Excuse me. We reviewed this  
9 last time, okay? I don't want to go over this a  
10 second time.

11 MS. PETINO: I do.

12 CHAIRMAN GESSIN: Okay.

13 MR. MERRELL: But you did not make it clear  
14 last time, okay?

15 CHAIRMAN GESSIN: This is a new application  
16 that stands on its own.

17 MR. MERRELL: Okay.

18 CHAIRMAN GESSIN: Okay?

19 MR. MERRELL: So which means --

20 CHAIRMAN GESSIN: That's why he elected to come  
21 back to this Board.

22 MR. MERRELL: Can I ask a question about that?

23 CHAIRMAN GESSIN: No. We went over this last  
24 time. I don't want to go over it a second time.

25 MR. MERRELL: So there is no variances from

1 before?

2 CHAIRMAN GESSIN: I didn't say that.

3 MR. MERRELL: He's asking for a new variance?

4 CHAIRMAN GESSIN: I didn't say that. He's here  
5 under a new application, and this application is  
6 going to stand on its own.

7 MR. MERRELL: Okay.

8 CHAIRMAN GESSIN: Thank you.

9 MR. MERRELL: Which means all previous --

10 MS. PETINO: So why is he able to build without  
11 approval? It continues to be built.

12 CHAIRMAN GESSIN: I am not the Building  
13 Department.

14 MR. MERRELL: Yes, you are.

15 CHAIRMAN GESSIN: No, I'm not.

16 MR. MERRELL: You are the zone Zoning Board and  
17 you have a right to issue a stop work order at any  
18 moment.

19 CHAIRMAN GESSIN: I am the Zoning Board, I am  
20 not the Building Department. Thank you.

21 MR. MERRELL: You can -- no.

22 CHAIRMAN GESSIN: You have another question?

23 MR. PROKOP: Aram, what do we have? What did  
24 we just get?

25 MR. TERCHUNIAN: Nothing.

1           CHAIRMAN GESSIN: His application is clearly a  
2 new application.

3           MEMBER SARETSKY: Uh-huh.

4           MR. PROKOP: Well, this application has to do  
5 with the footprint, the right to build -- it's not  
6 the difference between this variance that's requested  
7 and some other variance. It's the right between this  
8 -- it's the difference between this variance and the  
9 footprint that's guaranteed by either the -- the  
10 greater of either the footprint that's guaranteed by  
11 the stipulation, the Rapf Stipulation, or the 20%.  
12 They don't have to justify something else, I mean,  
13 that's what it is under our code.

14          CHAIRMAN GESSIN: Correct, but this also is a  
15 brand new application.

16          MR. PROKOP: But it's a brand new -- a brand  
17 new application.

18          CHAIRMAN GESSIN: Right.

19          MEMBER SARETSKY: But the stip covers it,  
20 right?

21          CHAIRMAN GESSIN: Yes.

22          MEMBER SARETSKY: So that's the answer, I  
23 guess.

24          CHAIRMAN GESSIN: All right. I'd like to make  
25 a motion to close this hearing. Anybody like to

1 second?

2 MEMBER SARETSKY: Second.

3 CHAIRMAN GESSIN: Okay. This hearing is  
4 closed.

5 MR. NELSON: You're not going to vote on it?

6 CHAIRMAN GESSIN: We're going to do that at the  
7 next meeting.

8 MR. TERCHUNIAN: So your motion is to close for  
9 determination only.

10 CHAIRMAN GESSIN: For determination.

11 MR. TERCHUNIAN: Until the next meeting.

12 MR. NELSON: Tell me, why is that? I'm just  
13 trying to understand.

14 MR. MERRELL: Can I see the survey for a  
15 second?

16 CHAIRMAN GESSIN: Sure.

17 MR. NELSON: Why aren't you voting?

18 MRS. NELSON: Because we don't have the plan?

19 MR. TERCHUNIAN: No. It's for the Board -- you  
20 would still have to wait for a written decision --

21 MRS. NELSON: Okay.

22 MR. TERCHUNIAN: -- because it's not written.  
23 They vote today, and they write the decision, and  
24 then read the decision into the record, because  
25 it's --

1           MR. GOLDFEDER: Any other questions from anyone  
2 else?

3           MR. TERCHUNIAN: Well, you can't, you closed  
4 the hearing.

5           MR. GOLDFEDER: Closed the hearing.

6           MR. PROKOP: If you want to wait a minute, we  
7 can make those changes. If you sign them and give  
8 them to Laura, that will be the filing of the  
9 decision. It will just take me a second.

10          MR. GOLDFEDER: Motion to close the hearing.

11          CHAIRMAN GESSIN: I'd like to make a motion to  
12 close the hearing.

13          MR. GOLDFEDER: I'll second that.

14          CHAIRMAN GESSIN: Thank you very much.

15                 (Whereupon, the meeting was adjourned at 11:13 a.m.)

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STATE OF NEW YORK )

SS:

COUNTY OF SUFFOLK )

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

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on April 11, 2015.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of April, 2015.

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Lucia Braaten