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COUNTY OF SUFFOLK STATE OF NEW YORK

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PLANNING BOARD
REGULAR MEETING

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906 Dune Road
West Hampton Beach, New York

July 10, 2015
7:38 p.m.

B E F O R E:

- GARY VEGLIANTE - CHAIRMAN
- GARY TRIMARCHI - MEMBER
- MICHAEL CRAIG - MEMBER
- CATHERINE WOOLFSON - MEMBER
- JOSEPH PROKOP - VILLAGE ATTORNEY
- CLAIRE VEGLIANTE - TREASURER
- LAURA DALESSANDRO - VILLAGE CLERK
- ARAM TERCHUNIAN - WILDLIFE COMMISSIONER

1
2 CHAIRMAN VEGLIANTE: I'm going to
3 open the Board of Trustees, the
4 Planning Board.

5 Just for basic information, the
6 Planning Board is the acting Board of
7 Trustees, the Board of Trustees acts as
8 the Planning Board in this regard.

9 The determination of the Zoning
10 Board of Appeals is a very limited
11 Board. They spend a good amount of
12 time formalizing the application of the
13 applicants and they have the ability to
14 grant the variance, and once the Zoning
15 Board comes to a determination, the
16 Zoning Board does not have the capacity
17 to approve. An approved subdivision,
18 that has a preliminary approval, the
19 Planning Board has to then either
20 support or deny the hearing.

21 Let me get my copy. Where are we?

22 We have three approvals in front
23 of us.

24 Two of them date back, Catherine,
25 to when you were on the Zoning Board.

1 MS. WOOLFSON: Yes. I have a
2 question for you and our attorney.
3

4 CHAIRMAN VEGLIANTE: Yes.

5 MS. WOOLFSON: Since I was serving
6 on the Zoning Board at the time that
7 those two were approved, should I
8 recuse myself from voting on those two?

9 MR. PROKOP: No, you don't have to
10 recuse. It's okay.

11 MS. WOOLFSON: I do not have to
12 recuse.

13 MR. PROKOP: No.

14 MS. WOOLFSON: Thank you.

15 CHAIRMAN VEGLIANTE: Did you get
16 that?

17 Catherine Woolfson asked Joe
18 Prokop if she had to --

19 MS. WOOLFSON: -- recuse myself.

20 CHAIRMAN VEGLIANTE: -- recuse
21 herself because two of the hearings had
22 been done while she was on the Zoning
23 Board.

24 Joe Prokop said she doesn't have
25 to.

1 The first one -- I think we'll do
2
3 the old ones first.

4 The application for Harvey Gessin
5 and Laura Fabrizio.

6 Do we have any applicants?

7 Yes, would you like to join us,
8 Jim?

9 MR. HULME: I would. Thank you.

10 CHAIRMAN VEGLIANTE: Please
11 announce for the stenographer.

12 MR. HULME: Actually, for all
13 three applicants tonight, James N.
14 Hulme, Law Firm of Kelly & Hulme, 323
15 Mill Road, Westhampton Beach.

16 Good evening.

17 CHAIRMAN VEGLIANTE: You can
18 begin.

19 MR. HULME: As I have discovered
20 in my most recent visits to your Zoning
21 Board, apparently I, or actually my
22 clients, are getting charged by the
23 word, so I'll try to be as brief as
24 possible.

25 CHAIRMAN VEGLIANTE: By the letter
Flynn Stenography & Transcription Service
(631) 727-1107

1
2 and spaces.

3 (Laughter)

4 MR. HULME: I'll be happy to talk
5 about one of these applications and
6 then say ditto for the other two.

7 As you can see from each of the
8 three applications, they have both been
9 vetted over long periods of time before
10 the Zoning Board.

11 The Zoning Board has granted a
12 certain series of variances that are
13 necessary to create these, to allow the
14 creation of these lots which were,
15 therefore, subject to these zoning
16 modifications before forming the lots.

17 The Village of West Hampton Dunes,
18 as the mayor, or the chairperson of the
19 Planning Board I guess in this case,
20 indicated, the Zoning Board has the
21 ability to grant the variances but does
22 not have the authority to actually
23 create the lots, so we trust this Board
24 to do just that.

25 CHAIRMAN VEGLIANTE: That's it?

1 MR. HULME: And that's it. Unless
2
3 you have any questions.

4 MR. PROKOP: That is for which
5 one?

6 CHAIRMAN VEGLIANTE: He's the
7 attorney for all three.

8 MR. PROKOP: We should actually do
9 them separately.

10 CHAIRMAN VEGLIANTE: We're doing,
11 right now Harvey Gessin.

12 Does he have to repeat this for
13 all three?

14 MR. HULME: What I just said.

15 (Laughter)

16 CHAIRMAN VEGLIANTE: Harvey
17 Gessin, now, additionally, after they
18 get our approval, it has to be sent to
19 Suffolk County Planning Board; is that
20 correct?

21 MR. TERCHUNIAN: This is the
22 preliminary subdivision approval and
23 after they gain approval from Suffolk
24 County Department of Health, they will
25 come back to this Board for final

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subdivision approval; is that correct?

MR. PROKOP: No. I think this is the --

MR. HULME: As far as the Suffolk County Planning Commission, the applications were referred --

CHAIRMAN VEGLIANTE: -- to the Zoning Board probably.

MR. HULME: And they commented and those comments are part of the record prior to the adoption of the variances.

MR. CRAIG: I'm sorry, once this decision has been made, it still goes through the Suffolk County process?

MR. TERCHUNIAN: No. It already has.

MR. HULME: Once this Board has acted, it's active and these lots exist.

Now, whatever requirements the Building Department may have in order to get a building variance, we'll have to deal with it.

CHAIRMAN VEGLIANTE: Also at the
Flynn Stenography & Transcription Service
(631) 727-1107

1 end of this, there will be an
2 application for a zoning lot number and
3 address change.
4

5 MR. HULME: Right.

6 But we still have to meet the
7 requirements. The Village requirements
8 are from the issuance of a building
9 permit.

10 CHAIRMAN VEGLIANTE: And as you
11 can see in the findings, there have
12 been quite a few and very specific
13 requirements on the building lot.

14 MR. PROKOP: Which are you
15 referring to, Mr. Gessin's?

16 CHAIRMAN VEGLIANTE: Yes.

17 MR. HULME: There are a series of
18 conditions as to the footprint of the
19 house and the ability to use the
20 four-tenths rule for the side-yard
21 setbacks, a requirement with no further
22 subdivisions, things of those natures
23 and another issue, and I imagine is
24 because of the size of the lot because
25 this creates, actually, a third lot,

1 subdivision that is open space.

2
3 CHAIRMAN VEGLIANTE: Okay.

4 MR. TRIMARCHI: That remains open
5 space?

6 MR. HULME: That remains open
7 space, yes.

8 CHAIRMAN VEGLIANTE: The applicant
9 is also here if anyone has any
10 questions for him.

11 MR. PROKOP: Section seven dash
12 seven thirty of the Village Law, the
13 Board has the right to request a
14 set-aside of up to ten percent -- the
15 Planning Board which is the Board of
16 Trustees has the right to require a
17 set-aside of up to ten percent of the
18 property for recreation or park
19 purposes; and in lieu of that, you can
20 also require a contribution to the
21 Village -- if it's not practical to do
22 that on the layout of the property, you
23 can request a contribution by the
24 applicant up to the value of the same
25 amount to Village Parks and Recreation.

1 MR. HULME: I would suggest in Mr.
2
3 Gessin's case, he is creating a
4 separate lot that's dedicated to open
5 space. It is, in fact, the oceanfront
6 lot, so I --

7 MS. WOOLFSON: The bay-front.

8 MR. HULME: The bay-front.

9 I upgraded you, Harvey.

10 MR. GESSIN: Say again.

11 MR. HULME: I put you on the ocean
12 side.

13 I think that this far exceeds that
14 requirement.

15 CHAIRMAN VEGLIANTE: Yes.

16 MR. CRAIG: Can we just see that?

17 MS. WOOLFSON: Yes.

18 CHAIRMAN VEGLIANTE: I didn't get
19 anything.

20 MS. WOOLFSON: You do.

21 MR. HULME: Do you have it now?

22 CHAIRMAN VEGLIANTE: Yes.

23 MR. HULME: I gave you a whole
24 bunch of copies.

25 CHAIRMAN VEGLIANTE: That's 20,000

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square feet?

MR. HULME: That's a
20,000-square-foot -- it's thirty,
sixty, eighty, ten percent of eighty is
eight, so this open space is three
times larger than the ten percent.

CHAIRMAN VEGLIANTE: Yes.

Okay. I'll ask for a Zoning Board
motion.

This is the open period. If
anyone wants to make a comment, you're
welcome to speak.

(Whereupon, there is no comments
from the public.)

CHAIRMAN VEGLIANTE: Thank you.

Okay. Motion.

MS. WOOLFSON: Motion.

CHAIRMAN VEGLIANTE: Catherine.

Motion to approve?

MR. CRAIG: Second.

CHAIRMAN VEGLIANTE: Second.

All in favor?

(All Said Aye)

CHAIRMAN VEGLIANTE: All opposed?

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None.

Up next is Laura Fabrizio.

It's a similar application, only the size is smaller and it was not practical on that for a donation?

MR. HULME: I think there is a dedicated area.

CHAIRMAN VEGLIANTE: There is an area?

MR. HULME: There is a dedicated area 13,161 square feet, which is twenty-five percent of the --

MR. TRIMARCHI: Is there a survey?

MR. PROKOP: Here is another one.

MR. HULME: The Zoning Board variances in each of these cases specifically required a twenty-five percent dedication and that's exactly what we did.

MR. CRAIG: This is required to have twenty-five percent, 13,161 square feet dedicated to open space; what side of the lot?

MR. HULME: North side.

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MR. CRAIG: North side.

CHAIRMAN VEGLIANTE: Any other questions or comments from the public?

(Whereupon, there were no comments from the public.)

CHAIRMAN VEGLIANTE: Board, any questions?

(Whereupon, there were no comments from the Board.)

CHAIRMAN VEGLIANTE: Motion to approve?

MR. CRAIG: Motion.

CHAIRMAN VEGLIANTE: Mike.

Second?

MS. WOOLFSON: Second.

CHAIRMAN VEGLIANTE: Catherine.

All in favor?

(All Said Aye)

MR. PROKOP: The approval should read that it's subject to the conditions that were imposed by the Zoning Board of Appeals.

CHAIRMAN VEGLIANTE: It is subject, yes.

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Okay.

The third application in front of us is Panayis. It's a more recent application.

MR. HULME: Again for the applicant James N. Hulme, Law Firm of Kelly & Hulme, 323 Mill Road, Westhampton Beach.

This is also a two-lot subdivision; however, the lots by contrast with the other two applications, the lots here are significantly larger.

The conditions that the Zoning Board placed on those with the open space was not repeated here, I think in part because one of the lots is actually in --

MR. TERCHUNIAN: Do we have a survey?

MR. HULME: Lot number 2 is 40,000 square feet and lot 1 is, which has an existing home on it already, is 26,000 feet so I think because of the size, we

1 can only put one house on the lot
2 number 2, so the fact that we've
3 achieved a substantial amount of open
4 space on the location of the wetlands
5 lying and the setback requirement --

6
7 MR. TRIMARCHI: Requirements for
8 lot coverage is twenty-five percent; is
9 that correct?

10 MR. HULME: Yes.

11 So this one is much more recent --
12 we came to you guys, you made a call a
13 year or so ago and we had several
14 interesting and productive
15 conversations with the Zoning Board and
16 they had ultimately approved all of the
17 necessary variances to allow us to
18 achieve this.

19 MR. CRAIG: There is a setback,
20 it's --

21 CHAIRMAN VEGLIANTE: They asked if
22 there was a requirement for a
23 dedication to open space and I
24 explained that the lot will permit only
25 twenty percent lot coverage, provides

1 as much open space as should be
2 accommodated.

3
4 MR. TERCHUNIAN: Just a point of
5 information on Condition D on page 6 of
6 the Zoning Board decision, places the
7 responsibility for the twenty-five
8 percent open space to be determined by
9 the Village Trustees and the Planning
10 Board, so I think what the attorney was
11 saying earlier is that he will
12 incorporate that as a covenant to be
13 placed on the deed as part of the
14 provision; is that correct?

15 CHAIRMAN VEGLIANTE: Are we right
16 in saying that?

17 MR. PROKOP: That's right, and the
18 trustees have to decide whether
19 twenty-five percent will be allocated
20 so --

21 MR. CRAIG: At what point?

22 MR. PROKOP: Now.

23 MR. CRAIG: Are you talking about
24 the square footage?

25 MR. PROKOP: Twenty-five percent

1 of the area of the lot, similar to the
2 other one.

3
4 What the Zoning Board wanted to do
5 was have the same condition on the
6 Panayis as were included with Gessin
7 and Fabrizio.

8 MS. VEGLIANTE: Why wasn't it?

9 MR. HULME: I think in their
10 decision they said, you guys get the
11 call.

12 I don't think at this point that
13 the Zoning Board is going to create a
14 whole other lot.

15 CHAIRMAN VEGLIANTE: No.

16 MR. HULME: But you can create a
17 setback from the water up to a point
18 that's --

19 MR. CRAIG: That would accommodate
20 twenty-five percent.

21 MR. HULME: -- twenty-five percent
22 and designate that as open space, so
23 it's open space or under open space or
24 whatever is --

25 CHAIRMAN VEGLIANTE: The setback

1 from the water south toward the road
2 would be twenty-five percent of this
3 area --

4 MR. PROKOP: Covenants and --

5 MR. CRAIG: But the maximum square
6 footage is 2,000.

7 MR. HULME: Twenty percent of the
8 lot.

9 MR. CRAIG: It doesn't say that.
10 It says 2,000 square feet that's --

11 MR. HULME: Oh, if that condition
12 is, that condition is there.

13 MR. CRAIG: The builder is
14 committed by the building --

15 MR. HULME: Yes.

16 CHAIRMAN VEGLIANTE: Motion to
17 carry?

18 MS. WOOLFSON: Yes.

19 MS. DALESSANDRO: Public comment.

20 CHAIRMAN VEGLIANTE: Anybody got
21 any comments? Motion.

22 Carried.

23 Second by Michael.

24 All in favor?

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Regular Meeting July 10, 2015

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(All Said Aye)

CHAIRMAN VEGLIANTE: Thank you
very much.

(Time noted: 8:00 p.m.)

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CERTIFICATION

I, STEPHANIE O'KEEFFE, a Notary Public
in and for the State of New York, do hereby
certify:

THAT the witness whose testimony is
herein before set forth, was duly sworn by me;
and.

THAT the within transcript is a true
record of the testimony given by said witness.

I further certify that I am not related, either
by blood or marriage, to any of the parties to
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 10th day of July, 2015.

STEPHANIE O'KEEFFE