

INCORPORATED VILLAGE OF WESTHAMPTON DUNES

ZONING BOARD OF APPEALS

General Meeting

January 7, 2023

9:00 a.m.

906 Dune Road

Westhampton Beach, New York

MEMBERS PRESENT:

Eric Saretsky - Chairman

Irwin Krasnow - Member

Jeff Farkas - Member

Jim Cashin - Member

ALSO PRESENT:

Joseph Prokop - Village Attorney

Angela Sadeli - Village Clerk

TAKEN & TRANSCRIBED BY:

Amy Thomas - Court Reporter

1 (The meeting was called to order
2 at 9:01 a.m.)

3 CHAIRMAN SARETSKY: Let's stand
4 for the Pledge of Allegiance.

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

7 CHAIRMAN SARETSKY: I think the
8 first thing we should do, Joe, if it's
9 okay, could we -- there are people --
10 new faces here. Can we just go around
11 the room; is that okay?

12 ATTORNEY PROKOP: That's a good
13 idea.

14 CHAIRMAN SARETSKY: Why don't we
15 start by the door?

16 MR. ANTONACCI: Alex Antonacci.

17 CHAIRMAN SARETSKY: Alex, you're
18 the applicant?

19 MR. ANTONACCI: I am.

20 MR. HULME: Jim Hulme for the
21 applicant.

22 MR. MACRONE: John Macrone, 734
23 and 739 Dune.

24 MR. TERCHUNIAN: Aram Terchunian,
25 First Coastal, for the Village.

1 MR. ATANASIO: Charles Atanasio,
2 747 Dune Road.

3 MR. PROKOP: Joe Prokop, Village
4 Attorney.

5 MEMBER KRASNOW: Irwin Krasnow,
6 929 Dune Road. I'm on the Zoning
7 Board.

8 MEMBER FARKAS: Jeff Farkas, 820A,
9 on the Zoning Board.

10 CHAIRMAN SARETSKY: Eric Saretsky,
11 Zoning Board.

12 CLERK SADELI: Angela Sadeli,
13 Zoning Clerk, Village Clerk.

14 CHAIRMAN SARETSKY: Okay. So I
15 believe our first order is -- our only
16 order, which is 738 and 742. So this
17 is a continuation, Joe, right?

18 ATTORNEY PROKOP: This is a public
19 hearing. It's the beginning of the
20 approval.

21 MR. ATANASIO: What does that
22 mean?

23 ATTORNEY PROKOP: It means it's
24 the beginning of the public hearing.

25 MR. TERCHUNIAN: The initiation of

1 the review of the application.

2 MR. ATANASIO: If you don't mind,
3 I don't want to cause any wrinkles in
4 this. I've never done this before, so
5 I'm --

6 CLERK SADELI: We'll just keep all
7 public comments until the end.

8 MR. ATANASIO: Can I ask
9 questions?

10 CLERK SADELI: At the end.

11 CHAIRMAN SARETSKY: Joe, we're
12 going to let Jim give a presentation?

13 ATTORNEY PROKOP: Yes.

14 MR. HULME: Good morning. Good to
15 see you all. Jim Hulme from Kelly and
16 Hulme in Westhampton Beach for the
17 applicant. We're here to look at the
18 two properties, 738, 742 Dune Road
19 owned by two different LLC's, both of
20 which LLC's are -- the principal of
21 which is my client to the left of me.
22 We're looking to create -- we have two
23 lots, we're looking to turn that into
24 three lots. The property is located in
25 the Village's R-40 Zone, which as we

1 all know requires 40,000 square feet of
2 area and a lot width of 150 feet.

3 Currently 738 is just shy of 70,000
4 square feet, and 742 is just shy of
5 65,000 square feet, and each of the
6 lots has an existing lot width of
7 approximately 119 feet. As proposed,
8 we would create three lots, each of
9 which would be on the plus side over
10 40,000 square feet, and each would have
11 a lot width of approximately 79.3 feet
12 in width. So as you can see the lots
13 as proposed meet the area requirement
14 but do not meet the --

15 MEMBER KRASNOW: This is the stuff
16 you e-mailed us in August?

17 CLERK SADELI: This was e-mailed
18 to Carlin while I was out.

19 MEMBER KRASNOW: That's why I
20 brought my computer in case you didn't
21 have any.

22 CLERK SADELI: Yeah, I didn't know
23 that she didn't send them out. But Joe
24 said that it was reviewed so.

25 ATTORNEY PROKOP: So basically --

1 the basic relief that we're looking for
2 here is not lot area, but the lot
3 width. Just before we get into the
4 more details of the proposal itself, I
5 just wanted to review, if I could, a
6 little history of the property. This
7 was -- the existing lots were subject
8 to a Zoning Board determination back in
9 2000, an application brought by Nancy
10 Fenner, one of the prior owners of the
11 properties, and apparently there was
12 some mistakes in the way that they were
13 deeded, and they were accidentally
14 inadvertently merged, the two lots, and
15 this Zoning Board determination -- if
16 you want to keep one and hand them down
17 -- the Zoning Board determination
18 reestablished -- undid that error and
19 reestablished the lots as separately
20 existing lots. So I did want to
21 provide that to you.

22 MEMBER KRASNOW: So in 2000 they
23 made them into two separate lots?

24 MR. HULME: Well, prior to 2000
25 they were two separate lots, and an

1 attorney apparently representing the
2 Fenner's mistaken -- not understanding
3 the law put both lots in title in the
4 same name, and which under the Village
5 Code caused a merger of the --

6 MEMBER CASHIN: When you say same
7 name, you mean same owner?

8 MR. HULME: Same owner. Same
9 name. Both lots were put into --

10 MEMBER KRASNOW: Separate deeds or
11 one deed?

12 MR. HULME: I believe they were
13 separate deeds, but they were -- had
14 the same name on them as the owner.

15 MEMBER CASHIN: Were they owned by
16 the same person?

17 MR. HULME: Yes, they were owned
18 by Nancy Fenner.

19 MEMBER CASHIN: I don't understand
20 then.

21 MR. TERCHUNIAN: Let me explain
22 it. The Fenner's have owned this
23 property for decades. They were
24 transferring the property into
25 different trusts to get it out of

1 individual names, and they
2 inadvertently -- the attorney who was
3 doing that transfer put both properties
4 in the same trust and entitled both
5 properties in the same name when he
6 transferred the deed from them as
7 persons to them as a trust. And so
8 they came back to the Village and they
9 asked for two things. They said the
10 lots are of unequal width, one was 104
11 and the other one was 100 and something
12 else. They said we'd like to make them
13 even, and we'd like to un-merge them,
14 which was done inadvertently in the
15 deed transfer.

16 MEMBER CASHIN: When was that?

17 MR. TERCHUNIAN: That was 2000.

18 MEMBER CASHIN: No, when was the
19 request to change the size and --

20 MR. TERCHUNIAN: 2000. It's in
21 this decision. So this decision said
22 the merger was inadvertent, it was a
23 clerical error and then allowed them to
24 do what's called a lot line change,
25 which evened the width of the two lots

1 to what they are today.

2 ATTORNEY PROKOP: But the decision
3 that we just got handed out, it doesn't
4 say that. Where does it say that?

5 MR. TERCHUNIAN: Yeah, it does.

6 MEMBER KRASNOW: So in 2020 --

7 ATTORNEY PROKOP: I'm sorry, I
8 apologize, it does say. I read the
9 second page. It does say that. Thank
10 you.

11 MEMBER KRASNOW: So in 2020, the
12 Village granted them two nonconforming
13 lots?

14 CLERK SADELI: 2000.

15 MEMBER KRASNOW: 2000, but two
16 nonconforming lots because they weren't
17 150 feet either.

18 MR. TERCHUNIAN: So in 2019 they
19 were two lots, separate names of
20 unequal width, one was 104 and the
21 other one was whatever that number is.

22 MEMBER KRASNOW: You mean 1999.

23 CLERK SADELI: So many years ago.

24 MR. TERCHUNIAN: And so then the
25 lawyer made this title change because

1 they were putting things into trusts.

2 MEMBER KRASNOW: So they were
3 trying to be fair, split the property,
4 we'll give you the same, but they were
5 still nonconforming lots.

6 MR. TERCHUNIAN: Right. They were
7 nonconforming to begin with and they're
8 nonconforming at the end.

9 MR. HULME: Nonconforming as to
10 lot width only.

11 MEMBER KRASNOW: Yes. But isn't
12 that what -- we are discussing lot
13 width, right?

14 MR. HULME: Yes, yes, yes. And
15 just one other, I don't know, useful
16 aspect of that is that the Zoning Board
17 at that time under SEQRA determined
18 that it was a Type II action and that
19 no further environmental review of that
20 project was required. And I bring that
21 up because after adding some additional
22 information to that, one of our
23 requests would be for this Board to
24 make that same determination going
25 forward. But anyway, that was just

1 really provided for historical
2 information.

3 So the matter at hand is the lot
4 width really. And so I took a look at
5 -- and one of the things that you look
6 at when you're looking at these kinds
7 of variances is what the community
8 looks like. Angela, if you could keep
9 one of those and hand those down. So
10 this is tax map of the area in question
11 where I've identified the two
12 properties owned by my client, 738 and
13 742. And I didn't --

14 MEMBER CASHIN: Jim, can I
15 interrupt you for a second? Are these
16 properties east or west of that brown
17 house that sits back off the road a
18 little bit?

19 MR. HULME: I think these are that
20 property.

21 MR. ANTONACCI: The cottage.

22 MEMBER CASHIN: The cottage is
23 included in this property?

24 MR. HULME: This is this property.

25 MEMBER CASHIN: So that would be

1 razed as part of whatever you're doing?

2 MR. HULME: R-A-Z-E-D, yes.

3 CHAIRMAN SARETSKY: The cottage
4 sits on 742, right?

5 MR. HULME: Yes, 742, yes.

6 MEMBER KRASNOW: What's the square
7 footage of the cottage?

8 MR. ANTONACCI: 300 square feet,
9 400 square feet. It's small.

10 MR. HULME: So it's bigger than
11 this. We could have had the meeting
12 there, I guess.

13 MR. TERCHUNIAN: The cottage was
14 affectionately known as the bunny
15 hutch.

16 MEMBER CASHIN: It's a survivor,
17 right?

18 MR. TERCHUNIAN: It's a survivor.

19 MEMBER KRASNOW: It's kind of
20 featured prominently in the video. I
21 mean --

22 MR. ANTONACCI: So that's a
23 consideration to move it rather than to
24 take it down.

25 MR. ATANASIO: That was originally

1 on the ocean side.

2 MR. ANTONACCI: That's my
3 understanding, yes.

4 MR. ATANASIO: It washed to
5 obviously where it is now, but that was
6 originally on the ocean side.

7 MEMBER CASHIN: Jim continues.

8 MR. HULME: Yes, thank you. So I
9 looked on the GIS, and I identified
10 various surveys of the various adjacent
11 properties. I didn't identify them
12 all, but you can compare and contrast
13 the existing lots to the east and the
14 west of us and determine for yourself
15 that they all are within the same range
16 of widths. For example, five or six
17 properties to the east it's a width of
18 63 feet. Four properties to the east
19 it's 79 feet, the lot width. The
20 property just to the east of us is 65
21 feet. I'll get to the Skudrna property
22 in just a minute, and then you'll see
23 the other side of Skudrna is 50 feet.
24 So as I think you will agree, the lot
25 widths that we are proposing here are

1 very much in keeping with the lot
2 widths of this part of the community,
3 which is the bay side of Dune Road in
4 and adjacent to the properties that we
5 own and that we're seeking to
6 subdivide.

7 MEMBER CASHIN: Jim, what about
8 the other widths? You only have, like,
9 three --

10 MS. NANNARIELLO: What's across
11 the street, what are those?

12 CLERK SADELI: We're just going to
13 keep public comment to the end.

14 MR. HULME: I think that what I
15 assumed that we could all do is you can
16 interpellate for yourself, but I mean,
17 I'm happy to fill in the blanks. But
18 the 79.25 lot is probably the widest
19 lot in the vicinity, and the 50 foot
20 one is probably the narrowest one. All
21 of the other lots are somewhere in
22 between. And if you go further to the
23 east I think you will see that some of
24 them get even smaller than the 63 feet,
25 or you know, more equivalent to the 50

1 foot wide. So defining the community
2 as the north side of Dune Road on the
3 bay, what we are proposing is very,
4 very much in keeping as far as lot
5 width goes, with the lot widths of our
6 neighbors to the east and to the west.
7 Obviously the lot widths of some but
8 not all of the lots across the street
9 are wider, but you know, zoning boards
10 have routinely looked at the ocean side
11 community as something different than
12 the bay side community, but even if
13 that's -- even if you want to look at
14 that, if you look further east and
15 further west you'll see that there are
16 some very comparably widthed lots as
17 well along the ocean and it's really
18 only the lots that are directly across
19 the street that are -- match the
20 current width, although that's a
21 substandard width as well of our
22 proposed lots.

23 So moving on from that for a
24 minute to the Skudrna project, and
25 that's a variance that is a subdivision

1 which hasn't been completed, but -- for
2 reasons unknown to me -- but it did go
3 through the Zoning Board process and
4 was granted Zoning Board relief to
5 create lots that were 66 feet in width,
6 to create three lots in 66 feet of
7 width, and that's the determination
8 that the Zoning Board reached, and this
9 is the map that was ultimately
10 approved. And so there was a
11 substantial and significant discussion
12 during that Zoning Board hearing which
13 took place in 2010, but the Zoning
14 Board did ultimately grant -- actually
15 it's more akin to -- because of the
16 open space parcel, and I'll address
17 that from our perspective in a few
18 minutes, this is essentially a three
19 lot subdivision with 83 -- I'm sorry,
20 did I -- the width of the lots were 83
21 feet. If I said 66 --

22 MEMBER KRASNOW: They're actually
23 wider than these.

24 MR. HULME: By about three feet,
25 three and a half feet wider than what

1 we're proposing, but you know, still
2 very much in keeping with the
3 neighborhood that surrounds it and
4 surrounds us. To --

5 MEMBER CASHIN: Jim, I'm sorry, I
6 don't understand this. How can three
7 lots be 80 feet --

8 MEMBER KRASNOW: Different
9 property, it's the property to the
10 west. If you look at the large --

11 MR. HULME: The little map is
12 Skudrna, not us.

13 MEMBER CASHIN: Oh, got you.

14 MEMBER KRASNOW: Showing what was
15 granted previously, precedent.

16 MEMBER FARKAS: Jim --

17 MR. HULME: Basically supporting
18 my argument that the lot sizes that we
19 are proposing, the lot widths that we
20 are proposing very much within the
21 scale and scope of the lot widths of
22 the lots to either side of us on the
23 bay side.

24 MEMBER CASHIN: So you're
25 comparing 83 to 79?

1 MR. HULME: Yeah, I think they're
2 comparable. I'm not sure that you
3 could see that difference from the
4 street without measuring it. I'm also
5 comparing and contrasting it to 50 feet
6 and 63 feet and 65 feet and 79 feet.
7 So you know, if I were to take some
8 kind of an average we would be well
9 within the average of the lot widths.
10 In fact, other than the subject
11 property and the yet to be
12 divided Skudrna -- so and the other
13 thing I wanted to -- the other thing I
14 wanted to point out about Skudrna is
15 that the Board there under SEQRA
16 determined that that three lot
17 subdivision was a Type II action under
18 SEQRA and therefore brought to an end
19 any further environmental review of the
20 subject property.

21 Now, the Skudrna, I think, which
22 is very analogous to the relief that
23 we're looking for had a couple of
24 aspects or requirements that this Board
25 sought as offsetting the impact of the

1 narrow lots, and one of them was the
2 preservation of some open space along
3 the shoreline as a separately created
4 and deeded lot, and the other
5 discussion had to do with view,
6 people's view from the ocean over to
7 the bay side, and they -- the Board,
8 your Board at that time accommodated
9 that particular comment by restricting
10 the development that could take place
11 on those lots in the rear yard, the
12 street yard, the Dune Road side, and
13 didn't allow for any accessory
14 structures to be constructed in what
15 would be the required rear -- the
16 street is the rear in this Village,
17 correct, and the water is the front?

18 So --

19 CHAIRMAN SARETSKY: I believe that
20 was the plan.

21 MEMBER KRASNOW: Right. And then
22 we --

23 ATTORNEY PROKOP: But it was a
24 reserve decision.

25 MR. HULME: Now, as far as that

1 goes, we would -- if you're inclined to
2 move forward with this in the manner
3 that we've suggested that the way that
4 we would prefer to handle that is
5 through a conservation easement or
6 through some kind of a covenant as
7 opposed to actually extracting that
8 part of the property from the lots, and
9 the reason for that is that -- well,
10 two reasons. One here, that would
11 create another variance that we would
12 require because it would then cause the
13 lots that -- the developable that we
14 are proposing to be less than 40,000
15 square feet, and so we would require an
16 area variance for that. And but -- but
17 perhaps that would be grantable as it
18 was in Skudrna in return for the
19 dedication of the balance of the
20 property. The other issue, however,
21 though is that we will ultimately need
22 to get a permit for this subdivision
23 from the Health Department and the
24 Department of Environmental
25 Conservation. The Health Department

1 requires 20,000 square foot lots, so
2 that decision doesn't really impact
3 that at all, but it's my understanding
4 that the DEC requires 40,000 square
5 foot lots, and so if we were to create
6 this open space by reducing the size of
7 our lots we would then require a more
8 difficult variance to get from the DEC.
9 But I think that we could accomplish
10 the same end with a covenant that would
11 -- a non-disturbance covenant of a
12 certain portion of each of the lots so
13 that the lots themselves remain above
14 the 40,000 square feet, but the Village
15 nonetheless got the benefit of creating
16 this non-disturbable -- non-disturbable
17 area on each of the lots, and certainly
18 that covenant could contain enforcement
19 requirements -- enforcement ability and
20 things of that nature. So I think that
21 moving in that direction you would end
22 up effectively in the same place, but
23 you would reduce for us the number of
24 variances needed to seek here and the
25 number of variances we might need to

1 seek from another agency.

2 MEMBER KRASNOW: Can I ask a few
3 questions on that? Would the
4 conservation type easement provide --
5 similar to this one, would it provide
6 public access, and would it then allow
7 them to build docks out to the
8 easement, or they wouldn't be able to
9 build a cat walk?

10 MR. HULME: Well, the answer to
11 the first question I think is we'd have
12 to consider that. It wouldn't
13 necessarily provide for public access.
14 I don't know that the Skudrna proposal
15 provided for public access, I think it
16 just provided --

17 MEMBER KRASNOW: That's to me the
18 definition of open space, so that's why
19 I was asking you that question.

20 MR. HULME: As far as the second
21 question, we would want to reserve for
22 ourselves the ability to construct a
23 walkway across that --

24 MEMBER KRASNOW: Wouldn't that be
25 disturbing the property?

1 MR. HULME: Well, that's why we
2 would have to agree to reserve that
3 out, and it would just be a four foot
4 wide walkway to get to the bay similar
5 to what, I believe, the Trustees and
6 the DEC -- the Trustees and the -- some
7 other land owners have done in the
8 settlement of the Southampton Town
9 Trustee lawsuit. There was -- that
10 land I believe was going to be
11 dedicated to the Trustees, but the
12 owners reserved for themselves the
13 right to build a four foot walkway out
14 to the water and to establish a dock.
15 So I don't think that would be an
16 unreasonable request, but as I said --

17 MR. TERCHUNIAN: Just an FYI,
18 sorry to interrupt, but we're getting
19 ahead of ourselves there. Just
20 understand that the Board, if they were
21 to agree to that, could constrain the
22 design and the materials and the manner
23 in which such a walkway could be done.

24 MEMBER FARKAS: Jim, would it be
25 one walkway for the three homes, or

1 would it be --

2 MR. HULME: Well, I think we would
3 prefer to have one walkway for each of
4 the homes, but, you know, we'll --
5 we're happy to discuss with you any
6 reasonable restrictions that you might
7 like to put.

8 MEMBER KRASNOW: I'm sorry, I know
9 we're really jumping ahead, but since
10 you showed Skudrna, you showed open
11 space, and you said something similar,
12 and you said conservation easement,
13 that's why I was discussing that ahead
14 of -- because you went there, that's
15 why I was asking.

16 MR. HULME: Well, I would like to
17 withdraw that word from the record,
18 please. What I really meant to say was
19 some kind of a covenant that created a
20 non-disturbable natural condition,
21 whether there could be some public
22 access along the water or something,
23 that's certainly something we could
24 discuss, but not something that we
25 considered. But obviously -- well,

1 yeah so that's --

2 MEMBER CASHIN: The settlement you
3 referenced before, does that include --
4 would that include the space? You're
5 still going to need DEC permits?

6 MR. HULME: That settlement didn't
7 involve this property.

8 MEMBER CASHIN: So you're still
9 going to need DEC permits?

10 MR. HULME: Yes, and that's why --
11 well, in the first instance we need DEC
12 approval for the subdivision, and
13 that's why we want to retain at least
14 visibly for the DEC a 40,000 square
15 foot lot because that makes that
16 application a lot easier. It would be
17 a separate application to the DEC for a
18 walkway and a dock into the water, but
19 whatever we design and took to the DEC
20 in that regard would certainly be
21 subject to whatever design restrictions
22 that if this Board were inclined to
23 grant these variances would impose.

24 CHAIRMAN SARETSKY: One thing I
25 think I'd like to do, maybe Joe, if you

1 think it's okay, and Aram, I think we
2 should just go back for the benefit of
3 the people here and for the benefit of
4 the Board Members who weren't involved
5 in Skudrna, and just -- you covered
6 much of it, but there are a few pieces
7 I don't think you did.

8 So one, we talked about the
9 location of the homes, which the
10 homeowners on the ocean side had wanted
11 brought forward as opposed to setting
12 them to their maximum back, and I think
13 that Mr. Fenner, if I recall correctly,
14 was part of this. And again, this
15 was -- this outcome was based on
16 everyone's agreement; is that fair,
17 Joe?

18 ATTORNEY PROKOP: Yes.

19 MR. TERCHUNIAN: Yeah, there was
20 general consensus, and you hit the two
21 points correctly. There was, number
22 one, bringing it towards the road so
23 that it wasn't farther -- even though
24 it's closer to the road, it was better
25 from a view point of view for the

1 people on the other side. And the
2 other was staggering the homes so that
3 it didn't block the view of the people
4 to the east, which in fact, was Fenner,
5 and he made that argument.

6 CHAIRMAN SARETSKY: The open
7 parcel --

8 MR. HULME: We don't have any
9 issue with any of those requests.

10 CHAIRMAN SARETSKY: So the open
11 parcel was -- I'm not sure of the exact
12 genesis of that. Again, it didn't
13 really -- I don't think it really
14 harmed Skudrna in any way. He still
15 could have access. So again, if it's
16 something consistent with that, I'm not
17 sure that that -- there was some
18 advantage to the Village of owning it,
19 correct?

20 MR. TERCHUNIAN: Well, it was
21 really more of a control issue I
22 thought. There is a provision in the
23 DEC code that you can do what's called
24 a cluster, they allow you to do a
25 cluster, in which case you would get to

1 count the overall area towards your
2 yield of three lots, but you're
3 separating out this one parcel.

4 CHAIRMAN SARETSKY: I don't think
5 we did it as a punishment for the
6 square footage, it was more an
7 accommodation.

8 ATTORNEY PROKOP: The
9 representative was a planner from the
10 town, was experienced in things like
11 cluster development, things like that,
12 so he had come up with that idea and
13 prosed it. It was something that was
14 acceptable to everyone.

15 MR. TERCHUNIAN: But to your
16 point, if you chose a different -- if
17 the Board chose a different vehicle, it
18 could accomplish the same goal.

19 CHAIRMAN SARETSKY: Again, not to
20 get too far ahead here, but would the
21 issue of the people that were on the
22 ocean side concerned about views, I
23 would say that now we are using this a
24 little bit as a precedent, which we
25 could talk about that momentarily. But

1 one concern, I guess, I have is the lot
2 is slightly smaller, although probably
3 not significant, the problem or the
4 issue that offsets that, if there is
5 anything, would be the setbacks.

6 MR. TERCHUNIAN: Right. The side
7 yard setback.

8 CHAIRMAN SARETSKY: Side yard
9 setbacks.

10 MR. TERCHUNIAN: I should have
11 brought a copy of the Skudrna
12 subdivision map.

13 MR. HULME: I did. They have it.

14 MR. TERCHUNIAN: Did it define the
15 -- so yeah, I think that looks like 16
16 feet on the side.

17 MR. HULME: 18.

18 ATTORNEY PROKOP: There was a
19 concession they made as far as the
20 setbacks.

21 MR. TERCHUNIAN: I think that
22 was --

23 CHAIRMAN SARETSKY: Which, again,
24 was something that for the people that
25 are on the ocean side improved their

1 light --

2 MR. HULME: I'd like to address
3 that, if I could, when you're finished.

4 CHAIRMAN SARETSKY: I guess, the
5 last point I was going to make is the
6 Skudrna -- well, whatever we're calling
7 the division -- was one lot converting
8 to three. This is a little different
9 in that we're taking two lots and
10 combining to three of which one of them
11 is a larger lot and for the sake of,
12 again, whatever it is for the math,
13 we're taking two to make three. That I
14 think has some concern with precedent
15 of how -- in other words, the Skudrna
16 lot was 240 feet, and obviously it
17 wasn't really going to work as one
18 home. So dividing it to three 83 foot
19 lots at the time was -- I'm not sure
20 the right word, Joe, but it was in
21 keeping, I guess, with the
22 neighborhood; is that a fair way of
23 putting it?

24 MR. TERCHUNIAN: That was the
25 determination of the Board.

1 CHAIRMAN SARETSKY: Okay. So
2 we're headed down a similar path, and
3 now the question is how do we not
4 impede the oceanfront properties in
5 some adverse way, which we're talking
6 about, and at the same time not set a
7 precedent for, you know, some other
8 small lot that wants to combine two to
9 make three, or three to make four,
10 whatever it is.

11 MR. TERCHUNIAN: I think Joe will
12 agree with me is that the way that you
13 do that is you treat the facts of this
14 case as their own facts and you apply
15 the five part standard that the State
16 has identified for us, and you make an
17 objective determination as to whether
18 that fits with the character of the
19 neighborhood or not regardless of, you
20 know, anything that's happened before
21 or will happen after.

22 ATTORNEY PROKOP: So Skudrna's
23 decision determined that there would be
24 a negative impact on the surrounding
25 neighbor and the community, but that it

1 would be mitigated by the granting of
2 -- 25 percent of the land area was set
3 aside for this open parcel, and also
4 the setbacks, there was concessions on
5 the setbacks by the owner.

6 CHAIRMAN SARETSKY: Three feet on
7 each side.

8 ATTORNEY PROKOP: All different
9 ways, I believe.

10 CHAIRMAN SARETSKY: Okay. I just
11 -- I wanted to just bring it up because
12 I want to make sure everyone here
13 understands what happened, the how and
14 the why and then why we're here. And
15 Jim, go ahead with your point now.

16 MR. HULME: The -- I think that we
17 can accomplish -- Counsel will advise
18 you obviously about this, but I think
19 we can accomplish with a covenant the
20 same end as far as preserving 25
21 percent or whatever number that's
22 determined, if any number at all is
23 determined as being appropriate and an
24 appropriate offset. So that's -- so
25 but I think we can -- if that's

1 something that the Board would require
2 in return for granting the variances,
3 that's certainly something we could
4 accommodate. The side yard setback and
5 the offsetting of the homes is
6 certainly something that we could take
7 a look at as well. The moving the
8 houses closer to the road, if that's
9 something that the Board would like --

10 CHAIRMAN SARETSKY: To that point,
11 Jim, sorry to interrupt, that was a
12 request, if I'm not mistaken, Joe, by
13 the homeowners on the ocean side. It
14 wasn't really a direct request from the
15 Board at the time, but it was sort of,
16 I guess, an accommodation if I'm --
17 Aram, am I saying that right?

18 MR. TERCHUNIAN: I think you're
19 right, yeah.

20 CHAIRMAN SARETSKY: So I think
21 some of those people I know are here
22 today, if that's in keeping with what
23 would satisfy that issue then I think
24 -- I don't want to speak for my fellow
25 Board members, again, that's why that

1 happened.

2 MR. HULME: Right. Okay. So then
3 -- and I think that we would be
4 amenable to a reasonable request in
5 that nature.

6 The other thing I wanted to talk
7 about was the side yard setbacks, and I
8 think because this is the R-40 and
9 because it requires 20 foot setbacks
10 and a total of 60, the Board is going
11 to have to take a -- we're going to ask
12 the Board to take a position on what
13 the side yard setbacks should be for
14 these lots if the Board determines that
15 the variances are warranted here. And
16 so just kind of as a starting point for
17 that, what I looked at is if we were to
18 provide the four tenths relief to the
19 side yard setbacks for these three
20 lots, we would end up with a total side
21 yard of 47.2 -- no, I'm sorry, we would
22 end up with a total side yard of 31.6,
23 almost 32 feet, and a single side yard
24 of 12.7 feet. So the lots as they
25 currently are constituted I believe are

1 entitled to the four tenths setback
2 relief already. So what I did was I
3 compared the open space that would be
4 available to view through this lot
5 under either scenario. And so taking
6 the two lots and applying the four
7 tenths rule to the setback requirement
8 and then adding up the total side yard
9 setbacks for the, you know, right,
10 left, right left, I come up with 94.2
11 feet.

12 CHAIRMAN SARETSKY: Of total side
13 yard?

14 MR. HULME: Of total side yard.

15 CHAIRMAN SARETSKY: So what does
16 that work out to?

17 MR. HULME: If I apply that same
18 restriction and that same rule to the
19 three lots, we would come up with gaps
20 totaling 95 feet. So it's virtually
21 equivalent as far as the view through
22 the lot goes.

23 CHAIRMAN SARETSKY: I don't want
24 to speak on behalf of the owners from
25 across the street, but I would think

1 that the open space is probably of less
2 benefit to them than side yards that
3 are more in keeping with Skudrna or
4 exceeding it. Fair enough?

5 MR. TERCHUNIAN: I would think
6 that's a reasonable position.

7 CHAIRMAN SARETSKY: I don't want
8 to speak on anyone else's behalf, so
9 we'll get to public --

10 MR. TERCHUNIAN: Just to follow --
11 to complete Jim's math, if we're
12 looking at 95 feet of total side yard
13 on three lots, you're 31 foot and a
14 fraction for each, which is just under
15 16 feet.

16 CHAIRMAN SARETSKY: So that would
17 be two feet or a foot let's just say
18 per side less than --

19 MR. TERCHUNIAN: Basically two
20 feet, yeah.

21 MEMBER FARKAS: What would be the
22 distance between the homes?

23 MR. TERCHUNIAN: It would be about
24 31 and a half.

25 CHAIRMAN SARETSKY: Whereas on

1 Skudrna it's 36.

2 MEMBER KRASNOW: I have a
3 question. On the map you're showing
4 11.9 and 11.9 between them. I'm
5 getting that as really 22, 23 feet.

6 MR. HULME: I think that's based
7 on three tenths.

8 MR. TERCHUNIAN: There's two rules
9 in the Village, the three tenths rule
10 if you put the side yards even and four
11 tenths if you offset it.

12 MEMBER KRASNOW: But really you're
13 not getting 95 feet, you're really
14 getting about 63 feet.

15 MR. HULME: Under the three
16 tenths, yes. I'm suggesting a
17 different analysis because --

18 MEMBER KRASNOW: That's why the
19 math wasn't adding up.

20 MR. HULME: I read Skudrna last
21 night and I thought that three tenths
22 might be a little bit of an overreach,
23 so I said let's compare it at four
24 tenths.

25 ATTORNEY PROKOP: So the three

1 tenths is available if the principle
2 structure is centered on the property.
3 But I just want to point out that the
4 application didn't mention anything to
5 do with any of the setbacks, and so it
6 wasn't included in the notice. So it
7 wouldn't really be fair -- well, the
8 Board, you know, looks over the
9 application, but I don't think it would
10 be really fair to the public to be able
11 to respond today that now you're asking
12 for setbacks.

13 MR. HULME: We fully expect that
14 we're going to have to do some
15 modifications on the plan as proposed,
16 so that we'll be happy to come back at
17 the next meeting, and it will be
18 properly noticed at that point by the
19 Village.

20 ATTORNEY PROKOP: How do we know
21 what to propose to the public? I mean,
22 you basically excluded the public from
23 that discussion.

24 MR. HULME: Well, this is not the
25 only public hearing that's going to

1 take place, I imagine, relative to this
2 project before this Board. What I'm
3 suggesting is that after we complete
4 our discussion today we will go back
5 and absorb what the Board has indicated
6 to us and make a further proposal as to
7 what the subdivision should look like.

8 MR. TERCHUNIAN: And if that
9 proposal differs from your original
10 application, you'll be required to
11 re-notice.

12 MR. HULME: Well, I believe that
13 Joe's position would be that the
14 meeting would have to be re-noticed
15 regardless, but yes.

16 So what I'm hearing is that by
17 analogy to Skudrna, you would like us
18 to take a look without any promises or
19 commitments at the Skudrna type
20 setbacks.

21 CHAIRMAN SARETSKY: I'm saying
22 that as the Chairman, but I haven't
23 discussed it yet with my fellow Board
24 members. There are people here who
25 also --- I'd like to hear what Aram and

1 Joe think about it as well. I'm just
2 thinking that at the very least I don't
3 think I'd want to do anything or
4 propose anything that's in less keeping
5 than Skudrna, unless anyone feels
6 otherwise.

7 MEMBER KRASNOW: I think your
8 comment earlier was Skudrna came from
9 public input, and the public hasn't
10 even given their input yet, so I think
11 when we get to that point I think we
12 should -- you know, this was a decision
13 that the public said we like this, we
14 like that, so I think the people that
15 it effects should have a chance to give
16 input on that in terms of trying to get
17 everybody as happy as possible.

18 MR. HULME: I agree. We fully
19 expected public comments. I at least
20 did not expect that I would speak all
21 these words of wisdom today and you
22 would immediately jump up and say
23 that's wonderful, granted. I
24 understand that this is a process, and
25 I'm happy to engage.

1 MEMBER KRASNOW: I'll give you
2 first part, it's wonderful. I give you
3 that part, Jim.

4 MR. HULME: So anyway, that's --
5 oh, we did get a couple of letters from
6 neighbors, which I'd like to make part
7 of the record from 771 and --

8 MEMBER CASHIN: That's across the
9 street, I assume?

10 CLERK SADELI: No.

11 MR. HULME: And then 879 --

12 MS. NANNARIELLO: No, it's down
13 past Pike.

14 MR. HULME: -- indicating they
15 didn't have any objection.

16 MEMBER KRASNOW: Is 771 the new
17 construction, or is it the house east
18 of that?

19 MS. NANNARIELLO: East of that.

20 MEMBER KRASNOW: You mentioned
21 something about the Southampton Board.
22 Can you -- what address was that?

23 MR. HULME: No. Whoever was
24 involved in that lawsuit, I was not
25 part of that lawsuit, so I don't really

1 know much about that.

2 CHAIRMAN SARETSKY: I'm not sure
3 that has -- from my understanding of
4 that, that only has any real bearing --

5 MR. TERCHUNIAN: I don't think
6 anybody understands it.

7 MEMBER KRASNOW: Well, since he
8 mentioned it, I wanted to --

9 MR. HULME: Including me. If Aram
10 doesn't understand it then there's no
11 chance that I understand it.

12 MEMBER KRASNOW: Was that in the
13 Village?

14 MR. HULME: Yes.

15 MEMBER KRASNOW: Was that 774 I'm
16 guessing?

17 MR. TERCHUNIAN: Yes.

18 CHAIRMAN SARETSKY: I think it was
19 some sort of crazy land grab by the
20 Trustees.

21 MR. TERCHUNIAN: Well, it only
22 took 16 years to resolve it.

23 CHAIRMAN SARETSKY: Thankfully I
24 think it has no bearing on what we're
25 doing today.

1 MR. HULME: I only brought it up
2 because there was a reservation in that
3 settlement that allowed for those
4 homeowners who are no longer on the
5 water to get a walkway to the water.

6 MEMBER CASHIN: Jim, can you
7 discuss again you think your client
8 would be willing to do in terms of open
9 space on this one?

10 MR. TERCHUNIAN: Could I interrupt
11 you for a second? I was just reading
12 the Skudrna decision, there was a
13 couple of points I wanted to clarify
14 because they weren't clear until I read
15 this. So it says on page 10 where the
16 open space land is not dedicated to the
17 Village but remains the property of the
18 owners of the subdivision. So the open
19 space that was created there is still
20 privately owned, it's not dedicated to
21 the Village.

22 MEMBER CASHIN: By whom?

23 MR. TERCHUNIAN: By the
24 subdividers.

25 MEMBER CASHIN: All three equally

1 as one lot?

2 MR. TERCHUNIAN: It doesn't --
3 just all deeds of conveyance shall
4 contain covenants which will guarantee
5 the open space remains open and subject
6 to a conservation easement in
7 perpetuity. It doesn't go into who --

8 MR. HULME: And since that hasn't
9 been completed, it's still not -- it
10 doesn't exist as the subdivision map
11 shows. It exists as one giant lot.
12 None of that exists yet.

13 MEMBER CASHIN: None of this
14 exists.

15 MR. HULME: But the Zoning Board
16 requirements for that when that
17 subdivision is completed is that if
18 that space is not dedicated to the
19 Village it will be subject to a
20 conservation easement.

21 MEMBER CASHIN: What is it your
22 client seeks in that regard?

23 MR. HULME: We would -- our
24 preference would not be to transfer
25 title to that property to the Village.

1 MEMBER CASHIN: Because of the
2 square footage issue?

3 MR. HULME: Well, I think that
4 Skudrna required 25 percent of the land
5 to be preserved. We would have to look
6 at that in detail, but I think that
7 that number or something like that
8 number would work for us.

9 MEMBER FARKAS: You have to do the
10 math.

11 MR. HULME: Exactly.

12 MEMBER CASHIN: You might want to
13 do that before the next meeting.

14 MR. HULME: Absolutely. We wanted
15 to come -- I was pretty sure that the
16 setback issue was going to remain an
17 open issue that we would have to come
18 back on anyway, but we wanted to get --
19 this is exactly the feedback and what
20 the neighbors will say, we wanted to
21 get that feedback as well so we can
22 come back. I can't say that we're
23 going to concede on every issue that
24 was raised, but we will certainly
25 consider --

1 CHAIRMAN SARETSKY: The issue of
2 the open space I don't think was really
3 to limit the size of what they could
4 build. In other words, I'm trying to
5 remember the exact reason. I just read
6 through it. Joe, I don't know if you
7 recall?

8 ATTORNEY PROKOP: It had to do
9 with the views.

10 MR. TERCHUNIAN: Yeah, and just
11 for general open space being there.
12 But also in reading the decision I just
13 wanted to congratulate the Chairman on
14 his 13 years of service on the Board.

15 CHAIRMAN SARETSKY: It's so long
16 that I don't remember.

17 But to Jeff's point that he made
18 earlier, I don't think it was ever
19 intended that this was a public
20 easement because that wasn't going to
21 be something that benefitted the
22 oceanfront people by having people go
23 up and down nor the owners of Skudrna
24 or in this case, this application. It
25 was more just that it was going to be

1 some land that was going to be
2 untouched, which essentially is
3 untouched on everybody's property on
4 the bay because --

5 MR. TERCHUNIAN: Although more or
6 less of it, but less of it per lot.

7 CHAIRMAN SARETSKY: For the sake
8 of I think us here, I don't know that
9 it changes things that much, other than
10 maybe the mathematical calculations.

11 MR. TERCHUNIAN: I think that's
12 fair.

13 MR. HULME: And the useful thing
14 about the covenant is that covenant can
15 contain enforcement requirements that
16 go above and beyond what the Village
17 can do anyway to, you know, if somebody
18 were to encroach or to violate it. And
19 it gets recorded against the property,
20 so anybody who would try to do
21 something would have to do it subject
22 to whatever those restrictions were.

23 CHAIRMAN SARETSKY: I mean, my
24 personal opinion, and I would defer to
25 Aram and Joe, I don't want to do

1 anything that encovers the Village to
2 have unnecessary management of it in
3 such a way that if it was owned by
4 private ownership it would be someone's
5 issue.

6 MR. HULME: And it also keeps it
7 on the tax roll, to the extent that
8 that generates more income.

9 MEMBER KRASNOW: -- should do that
10 too, right?

11 MR. HULME: Right.

12 MEMBER KRASNOW: Question for you
13 on your three lot subdivision
14 approximately is that whether the --
15 obviously if the side lot setbacks
16 change, this might change, but
17 approximately how many square feet
18 would each house be and at what height
19 would the houses be?

20 MEMBER FARKAS: The width of the
21 houses.

22 MEMBER KRASNOW: You have the
23 envelopes, but it doesn't really kind
24 of tell us what might be built there or
25 what are you --

1 MR. HULME: I don't think we've
2 designed homes, but I don't know.

3 MEMBER KRASNOW: What would you be
4 allowed based upon the current code?

5 MR. HULME: We'd be allowed 20
6 percent lot coverage of the upland
7 area.

8 MEMBER KRASNOW: Of the --

9 MEMBER CASHIN: That looks like a
10 lot of --

11 MR. ANTONACCI: The setbacks.

12 MR. HULME: The envelope merely
13 reflects the code.

14 MR. ANTONACCI: It wouldn't be the
15 size of the home.

16 MR. TERCHUNIAN: You put your
17 finger on the right issue.

18 MEMBER KRASNOW: So can we kind
19 of, like -- because the people across
20 the street might want to know is this
21 going to be a three story -- you know,
22 and again, approximately how big? Just
23 to give them an idea, you know.

24 Obviously by right you could build two
25 houses of probably of a larger size, so

1 if they were building just kind of, you
2 know, let people --

3 MR. TERCHUNIAN: I think with or
4 without is a good analysis for the
5 Board to look at. So without a
6 variance, they have two lots, they're
7 entitled to the three tenths rule and
8 20 percent coverage. You can do a
9 calculation as to how big a building
10 can be built, it's gigantic. With
11 three lots and 20 percent coverage and
12 different side yards, you can do a
13 calculation of how big each one of
14 those buildings can be. And further,
15 after looking at that the Board can say
16 well, that's nice, but we'd like it to
17 be smaller, and you have the authority
18 because you're granting a variance to
19 say you can't have it that big, you can
20 have it this big.

21 MEMBER KRASNOW: So would that be
22 something, Jim, you can provide us the
23 calculations and a sample? I think it
24 puts things in perspective. It's hard
25 to look at something in one dimension

1 that's going to be three dimensional
2 for the people who are looking at it.

3 MR. HULME: And we can show what
4 would be the --

5 MEMBER KRASNOW: -- an idea as to
6 what house may be on Dune Road that
7 would be similar to this. I think that
8 would be --

9 MR. HULME: What we can provide is
10 a principle building envelope, which
11 would be limited to the 20 percent, and
12 subject to -- and we can do a study of
13 what three tenths would look like, what
14 four tenths would look like, what
15 Skudrna would look like.

16 MEMBER FARKAS: That would help.

17 CHAIRMAN SARETSKY: Also I think
18 that -- sort of repeating, Aram touched
19 on it, if the homes that are built
20 there are built, you know, forward and
21 back, you know, ocean -- bay to street,
22 and the setbacks are greater like
23 Skudrna then I think the people who are
24 on the ocean side who may be the ones
25 that benefit from greater views, better

1 views, and in keeping with the
2 neighborhood it's even better in the
3 sense that we're not getting houses on
4 top of each other.

5 MR. TERCHUNIAN: I think the type
6 of analysis that the Board has outlined
7 would be very useful for that.

8 MR. HULME: We can provide that.

9 MEMBER KRASNOW: Maybe an
10 elevation diagram. I don't know if
11 you'll go 3D like I did.

12 MR. HULME: You're looking for an
13 opportunity to require that from
14 somebody.

15 MEMBER KRASNOW: No, I don't want
16 to inflict any pain that's been put on
17 me on anybody else at all, but what I
18 do realize is that when you're trying
19 to share it with Board or with the
20 neighbors, there's a value in that type
21 of --

22 MR. HULME: We can do some type of
23 an elevation --

24 MR. ANTONACCI: An elevation
25 rendering.

1 MEMBER KRASNOW: We called it a
2 view corridor, stuff like that. I
3 think it helps visually.

4 ATTORNEY PROKOP: Fenner was
5 required to provide view sheds from all
6 angles.

7 MR. HULME: Skudrna, right.

8 ATTORNEY PROKOP: Skudrna, I
9 apologize.

10 MR. HULME: Okay. We'd be happy
11 to do all of that.

12 MEMBER CASHIN: Ready to hear from
13 the public?

14 CHAIRMAN SARETSKY: To hear the
15 public do we have to close?

16 MR. TERCHUNIAN: No, no.

17 CHAIRMAN SARETSKY: Ladies first.
18 I think --

19 MS. NANNARIELLO: I do, I do, and
20 it goes to the continuity of the map --

21 MEMBER KRASNOW: State who you are
22 and where you live.

23 MS. NANNARIELLO: I'm Lauren
24 Nannariello, I'm 743 across the street
25 from 738. And if you look at the maps

1 that are in front of you, all of the
2 lots from the low 700's, they all line
3 up with each other. So we line up with
4 738. 745 lines up with 742. 747, 749,
5 751, all three of those lots lined up
6 with Skudrna. So one of the reasons
7 why we conceded Skudrna to give them
8 three lots, if you remember, is because
9 we really kind of went with each house
10 having a house in front of it, not
11 having five where he wanted to
12 originally put five. We were, like,
13 look, just be fair with the
14 neighborhood. Keep it, like, you know,
15 one in front of each other. That's
16 more what we really wanted, to keep the
17 continuity of the neighborhood of not
18 putting three houses on where there
19 should be two. Where we are front to
20 back, Fenner owned 240 on the bay and
21 240 on the ocean. We have two houses
22 that are 120 foot lots next door to
23 each other and, you know, of course, we
24 were promised we would get to buy those
25 lots that faced our house, but that

1 ship has sailed. So when they want to
2 put three there, I just strongly feel
3 that the continuity of not just in
4 front of my home, it's all the other
5 homes that are before and after if you
6 go to the east or the west, but let's
7 go north to south because that's what
8 we're looking at. And I think all the
9 neighbors agree, and they weren't able
10 to come here today, and we will send
11 letters obviously to state the
12 positions, it's not just me, it's just
13 the continuity of this really special
14 place that in this one area that really
15 people just drive by and stop. I have
16 videos, they just stop, they get out of
17 the car, and they just look. It's such
18 a beautiful area just to look at. So
19 if these two lots are given a variance
20 to put three lots, you see what's going
21 up now, these houses that have
22 supposedly three stories but it's
23 really four. I mean, these things are
24 monstrosities. And it's just something
25 that we just would love to keep the

1 neighborhood what it is. We can't
2 control what they put. If they want to
3 put two ten thousand square foot houses
4 in front of me, that's their right, and
5 I'm fine with that. But to break it
6 into three, you know, I'd have to see
7 obviously what the elevation is. Like
8 Mr. Saretsky was saying, what are we
9 looking at, what are you going to try
10 to put there for us? Whereas Skudrna
11 we really had a lot of neighborhood
12 impact. Fenner was really -- he was
13 really -- he was good because he really
14 wanted to keep -- not what happened at
15 754 when that guy put the house back on
16 the bay and killed the other guy's view
17 forever. He was, like, you know, he
18 had three houses that were here and one
19 gets jumped in the back. So Fenner
20 said what I want to do is make sure
21 that going forward, if they're ever
22 sold, they're all going to have a line
23 where they really can't ruin someone's
24 view, like, they have, you know, a
25 continuity of the neighborhood. So

1 that's what I'm really here to be
2 strongly advocating for is the
3 continuity. And the 120 feet lots is
4 -- I don't know why they want to divide
5 it. There's no hardship there,
6 basically it's just money. Obviously
7 it's a lot of money, but it's -- the
8 Dunes is a place where I just don't
9 want to see it become, like, you know,
10 all these houses bunched in.

11 MEMBER CASHIN: Just so I make
12 sure I understand, one of your concerns
13 is that north to south the houses
14 should line up?

15 MS. NANNARIELLO: Correct. And if
16 it goes through the Tax Map --

17 MEMBER KRASNOW: Looks like they
18 do right now. That's kind of like
19 you're in this house over here, you're
20 opposite 738?

21 MS. NANNARIELLO: That's me. See
22 these? With Skudrna, these three lined
23 up with him. He wanted five, and
24 Charles and Fenner and me and the guy
25 that was here at the time, 749, he sold

1 the house, we all were very, very vocal
2 about, you know, we want the
3 continuity. So we agreed with the 83,
4 83, 83. He's 100, they're 75, but they
5 all line up.

6 MEMBER KRASNOW: What's your
7 width?

8 MS. NANNARIELLO: 120. Yeah, so
9 this is 120, this is 120, and these are
10 all with that, and these guys are all
11 together, and this guy with that, these
12 guys all line up one to one. That's
13 the continuity. If you put an extra
14 width in there, it's just not going to
15 give us the continuity of the
16 neighborhood that we've had. And it's
17 -- I mean, 50 years, to see the change
18 like that, it's upsetting.

19 CHAIRMAN SARETSKY: The
20 mathematical calculation of the various
21 versions that Aram described, I think
22 we're all trying to accomplish a
23 similar goal. We all understand the
24 value of views and everything like it
25 and not having homes on top of each

1 other. I want you to know the Board,
2 myself particularly, we want to achieve
3 that. At the same time people have
4 certain rights to build what they can
5 and even --

6 MS. NANNARIELLO: They need a
7 variance.

8 CHAIRMAN SARETSKY: They have
9 rights to do that.

10 MS. NANNARIELLO: With a variance.

11 MR. TERCHUNIAN: Well, they have
12 rights without a variance.

13 MS. NANNARIELLO: That's what I
14 said, you can do two houses. That's
15 what they're legally allowed to do.

16 MEMBER FARKAS: Once he does the
17 calculations and provides some
18 information, you might actually like it
19 better.

20 MS. NANNARIELLO: I agree. I'm
21 not disputing that.

22 MEMBER KRASNOW: If they do what I
23 suggested, you might look at this and
24 say --

25 MS. NANNARIELLO: You're right

1 because look at what I'm --

2 MEMBER KRASNOW: That's why I
3 think they should visualize it, then
4 you can see and then decide. And
5 then --

6 MS. NANNARIELLO: That's we did
7 with Skudrna except that we were just
8 concerned with, like, he wanted to put
9 five. He said well, the next four are
10 all 50 foot lots, so I can do that.
11 And we were, like, no, like, let's be
12 reasonable here. So he did 83, 83, 83,
13 which was a third, but they did line up
14 with the houses across the street,
15 which is why we sort of were, like, you
16 know.

17 MEMBER FARKAS: Reasonable might
18 be three homes. You might see it that
19 way.

20 MEMBER KRASNOW: That's why I
21 suggested that.

22 CHAIRMAN SARETSKY: Because with
23 the greater setbacks you might achieve
24 more daylight through --

25 MS. NANNARIELLO: Right. No, I

1 understand.

2 CHAIRMAN SARETSKY: And that was
3 part of the Skudrna piece.

4 MS. NANNARIELLO: Yes. No, I
5 agree.

6 CHAIRMAN SARETSKY: Again, I
7 think --

8 MS. NANNARIELLO: I agree. I do
9 know that as it is now they have the
10 right to build a very large house.

11 MEMBER FARKAS: We're not making a
12 decision today.

13 MS. NANNARIELLO: No, no, I
14 understand.

15 MEMBER FARKAS: You might look at
16 it and say wow, this is great. So keep
17 an open mind at the moment.

18 MR. HULME: I think that we're
19 going to be able to demonstrate that
20 the views between the houses are going
21 to increase if you contrast what we
22 could build now versus what we could
23 build with the three lots.

24 MEMBER CASHIN: Are you going to
25 show elevations on yours?

1 MR. HULME: We're going to show
2 simple elevations, yeah. But the
3 elevation -- my comment about the
4 elevation is that the elevation is
5 going to be per code, and it's going to
6 be per code whether it's two houses or
7 three houses.

8 CHAIRMAN SARETSKY: It will help
9 illustrate.

10 MR. HULME: So the real question
11 to be asking is how much room between
12 the houses will there be to view the,
13 you know, on the rare day when you
14 prefer to look at the bay as opposed to
15 the ocean.

16 MEMBER FARKAS: It's always better
17 to look at the bay, Jim.

18 CHAIRMAN SARETSKY: I don't know
19 if this is the right way to say it, but
20 I would say it should be consistent
21 with Skudrna at least.

22 MR. HULME: Understood. And we
23 can offset the houses so that there's
24 actually view windows that are larger.

25 CHAIRMAN SARETSKY: Those are all

1 larger things that I think will appeal
2 to people.

3 MR. TERCHUNIAN: With the
4 elevation analysis you're going to do,
5 I think it would be most valuable to
6 the oceanfront people if the view is
7 without a variance you have two houses,
8 they're of this mass, and you're
9 looking at it. And then you have a
10 comparative analysis with the three
11 houses, whatever the side yards you
12 want to propose are, and they can see
13 the difference.

14 MEMBER CASHIN: I think that would
15 help.

16 MEMBER KRASNOW: As you living
17 across the street you might want to --
18 what I would be curious is if I was
19 living across the street is where does
20 this corridor compare to where my house
21 is? Is it in my driveway, my window,
22 or am I sitting on my second story
23 window or my second story deck, and I
24 can see right through the bay, or is it
25 blocked where my deck is? And those

1 are the things, you know, those are
2 personal things that would -- but they
3 -- obviously I know they directly
4 affect you.

5 MS. NANNARIELLO: Right, right.

6 MEMBER KRASNOW: I mean, you know,
7 any time there's a vacant property and
8 somebody wants to build on it, it
9 changes what you had, but you know, you
10 don't own it, so they have a right to
11 build on it.

12 MS. NANNARIELLO: Of course.

13 MR. HULME: And we're happy to do
14 the study, and we will do the study,
15 and we will try to do -- in the context
16 of our goals do the right thing. But
17 just keep in mind that there is no
18 absolute entitlement to view. The
19 people have the views that they have,
20 and they're subject to the ability of
21 what people can do on other properties.

22 MR. TERCHUNIAN: There is an
23 entitlement to air and light.

24 MR. HULME: Not really. We're not
25 building a 20 story high-rise.

1 ATTORNEY PROKOP: The
2 difference --

3 MR. ATANASIO: There's no
4 entitlement to variance.

5 MR. HULME: There isn't. But
6 there is process by which a variance
7 can be granted.

8 MR. ATANASIO: There's a process
9 where you can get a view too.

10 MR. HULME: True. I don't want to
11 make a legal argument about that. If I
12 have to, I will, but that's not the
13 point.

14 MR. ATANASIO: I have lawyers.

15 MR. HULME: So do I. Oh, wait,
16 that's me.

17 ATTORNEY PROKOP: View is one of
18 the impacts that the Board can take
19 into consideration. Lauren, did you
20 have anything else?

21 MS. NANNARIELLO: At the meeting
22 in May you said you were going to send
23 notices out to houses 300 feet from the
24 property line. Did you do that?
25 Because my neighbor --

1 MR. HULME: That's what he did,
2 that's exactly what we did.

3 MS. NANNARIELLO: 300 feet from --

4 MR. HULME: We got the addresses
5 from the Village, and I verified with
6 Angela that the people we noticed were
7 within 300 feet, and we did it ten days
8 ahead of time instead of the normally
9 required five days.

10 MS. NANNARIELLO: From the edge of
11 738, 300 feet?

12 CLERK SADELI: We looked at the
13 GIS.

14 MS. NANNARIELLO: No one got
15 anything.

16 CLERK SADELI: Who didn't get
17 anything?

18 MS. NANNARIELLO: 749, 737.

19 MR. ATANASIO: I only got one
20 thing.

21 MS. NANNARIELLO: But you're 747.
22 749 didn't get anything.

23 MEMBER FARKAS: When you notice,
24 do you notice to the house here, or do
25 you notice to the address on the --

1 MR. HULME: I took the addresses
2 that the Village provided me.

3 MS. NANNARIELLO: 737 didn't get
4 anything, and they're right across the
5 street. There should have been a lot
6 of them.

7 MR. HULME: The addresses are
8 generally where the tax bill goes and
9 that's where the --

10 CLERK SADELI: When I looked it up
11 on GIS, I looked for 300 feet.

12 MS. NANNARIELLO: How many houses
13 got notified?

14 CLERK SADELI: Seven.

15 MS. NANNARIELLO: 1, 2, 3, 4, 5
16 --- that's only --

17 MEMBER KRASNOW: Why don't you
18 read it to us?

19 CLERK SADELI: I'm I allowed to do
20 that?

21 ATTORNEY PROKOP: Yes.

22 CLERK SADELI: Eric Nathan, Kevin
23 Nathan, 743 Dune Road, 745.
24 Mr. Atanasio, the Macrone's, and
25 Skudrna.

1 MS. NANNARIELLO: So only me, you,
2 Lynne, and the two driveways. That's
3 not 300 feet.

4 MR. ATANASIO: It's wrong. Next.
5 They got caught. Next.

6 MEMBER CASHIN: Not next. Let's
7 make sure that --

8 MR. ATANASIO: Get it right.

9 CHAIRMAN SARETSKY: We'll correct
10 it.

11 MS. NANNARIELLO: Our neighbors
12 were all -- first of all, we received
13 ours on January 3rd, and the neighbors
14 were, like, when, when? Monday?

15 CHAIRMAN SARETSKY: We're going
16 over it today. We're not making a
17 decision, so we'll update that
18 accordingly.

19 CLERK SADELI: You're saying 739
20 didn't get noticed?

21 MS. NANNARIELLO: I'm saying 737.

22 MEMBER CASHIN: Angela, are those
23 certified mail?

24 CLERK SADELI: Yes.

25 MS. NANNARIELLO: Joe had said on

1 the meeting in May this should be a
2 neighborhood thing and they were going
3 to go 300 feet out from each property
4 line.

5 CLERK SADELI: And I looked it up
6 on GIS, and that was what --

7 ATTORNEY PROKOP: Did we get the
8 proof of mailing?

9 CLERK SADELI: Yes.

10 ATTORNEY PROKOP: So I think
11 that's something we'll work on.

12 CHAIRMAN SARETSKY: We'll make
13 sure it's correct.

14 MR. HULME: If you give me another
15 set of addresses, I'm happy to do the
16 mailing. I'll mail it to wherever
17 anybody wants me to mail it.

18 MEMBER KRASNOW: And plus, these
19 minutes will be available for your
20 neighbors. This is all public, so your
21 comments --

22 MEMBER CASHIN: It's our
23 responsibility to tell Jim where they
24 have to go.

25 MR. HULME: The addresses come

1 from the Village, and I notice based on
2 what they tell me.

3 CHAIRMAN SARETSKY: All right.

4 Let's --

5 MEMBER CASHIN: I think, right,
6 Joe, it's our responsibility to
7 determine the 300 feet?

8 ATTORNEY PROKOP: Yes.

9 MR. HULME: And there's also a
10 notice in the paper.

11 MEMBER CASHIN: I read them every
12 day.

13 MR. HULME: I study them every
14 week myself, but I'm weird that way.

15 CHAIRMAN SARETSKY: Any other
16 comments?

17 MR. MACRONE: No, just what has
18 been said, but we'll await the drawings
19 and renderings --

20 MEMBER KRASNOW: Can you identify
21 yourself?

22 MR. MACRONE: Yes, John Macrone,
23 734 and 739. We'll just be awaiting
24 anything you can provide with the size
25 of the homes, where they'll be located,

1 the elevation, anything like that.

2 MS. NANNARIELLO: I think the
3 reason why they were brought back as
4 they were saying with Skudrna so far to
5 the street was because they were
6 limiting the depth due to the whole 754
7 situation, if you remember. That's why
8 they were --

9 CHAIRMAN SARETSKY: I thought it
10 was a visual thing because I didn't
11 really agree with the logic of it
12 myself, but I know, Charles, that when
13 it came up that people felt for some
14 reason or another that the corridor it
15 created for sunsets and things were
16 better. I sort of --

17 MR. TERCHUNIAN: It seemed
18 counterintuitive to me as well.

19 CHAIRMAN SARETSKY: To me, I
20 thought pushing it back helped you
21 more, but again, that's me --

22 MR. TERCHUNIAN: You know, that's
23 by Baskin and Robbins makes more than
24 one flavor of ice cream.

25 CHAIRMAN SARETSKY: Charles, I

1 don't know if you recall the reason?

2 MR. ATANASIO: I think if I
3 understand what you're saying, I think
4 the people east lost the sunset if it
5 was further set back.

6 CHAIRMAN SARETSKY: Okay. So
7 maybe that's the reason. So by
8 bringing it forward it helped Fenner.

9 MR. ATANASIO: That's the
10 interesting thing about who you send
11 these letters to. If you're saying
12 within 300 feet, and I had -- I want to
13 stand corrected, I have gone through
14 this very diligently, lawyered up, and
15 I want through Skudrna, whatever his
16 name was for three years, whatever it
17 was. The only reason I said I had
18 never been in the first meeting, they
19 called me in later, so I wanted to be
20 clear on that. I do know a lot about
21 what's going on and what went on. But
22 I think that was the answer, the people
23 east all the way down to the end. So
24 why wouldn't they get a letter?

25 MEMBER CASHIN: It's not required.

1 MEMBER KRASNOW: But it's noticed
2 on the Village website and it's noticed
3 in the paper.

4 MR. HULME: The law in the Village
5 and all Villages and Towns, there's a
6 very specific noticing requirement, and
7 the applicant is required to meet that
8 obligation.

9 CLERK SADELI: Abutting and
10 adjacent. And the Planning Board --

11 MR. HULME: There's nothing that
12 prevents you from talking to anybody --

13 MR. ATANASIO: Just as a public
14 service when these people are really
15 getting affected. It isn't, like, I
16 don't have to know that.

17 MR. HULME: Go talk to them.

18 MR. ATANASIO: Oh, I did. Believe
19 me, we have.

20 MR. HULME: We --

21 CLERK SADELI: We have to speak
22 one at a time.

23 MR. ATANASIO: You have no idea
24 what you're in for. Trust me.

25 CHAIRMAN SARETSKY: All right.

1 MR. HULME: This is not my first
2 rodeo.

3 MR. ATANASIO: Is it my turn?

4 CLERK SADELI: Sure.

5 MR. ATANASIO: I went through this
6 with the moron across the street.

7 CLERK SADELI: Mr. Atanasio, if
8 you could just state your name.

9 MR. ATANASIO: Charles Atanasio,
10 747 Dune Road. I went through -- I
11 lawyered up, we went to war.
12 Unfortunately we didn't really know
13 what we were doing because it was like
14 anything else in this neighborhood
15 here, it's the wild, wild west, every
16 year it's a different game. Okay. We
17 didn't know what we were agreeing to,
18 but we felt to be fair, and we did what
19 we did, but the truth is nobody to this
20 day wanted that. If you ask them to do
21 that deal again, they'd say no in a
22 heartbeat.

23 MEMBER CASHIN: What deal are you
24 talking about?

25 MR. ATANASIO: To change that to

1 three houses. Skudrna. What's going
2 to happen next? What kind of precedent
3 is next? What are you going to do?
4 You're ruining this neighborhood, and
5 the only way you're going to find out
6 is all these are going to get voted
7 out. Okay.

8 I have two problems. When I
9 lawyered up -- Fenner came to me and
10 asked me if he wanted -- if I wanted
11 get involved with the problem that he
12 had on his side because to be honest
13 with you, didn't even know about it,
14 didn't even care, didn't even know you
15 could do anything. When I got into it,
16 I found out, so him and I became best
17 friends. Best friends. That property
18 that was across the street, your
19 property, that was owned by his wife's
20 family, and the deal I had with him was
21 -- because he came to me and said do
22 you want to buy the property? And at
23 the same time Cooper came in and he was
24 there, he just moved in. And I told
25 him I'm going to buy the property. He

1 said well, why don't you do this? Let
2 me buy the property, he says, I'll
3 guarantee you that we will never build
4 on it, he says, and I'll guarantee you
5 that if I sell it you get right of
6 first refusal. I sat down with
7 everybody in his family, they all
8 agreed. They all agreed. Okay. What
9 happened? I don't know. But how is
10 this? I will find out. I will find
11 out. Okay. Because something
12 happened. Because Cliff don't need
13 money. Okay. And I'm not sure, and
14 I'm going to find out. Can you give us
15 the owners of the LLC?

16 MR. HULME: He's sitting right
17 here.

18 MR. ATANASIO: Who is in the LLC,
19 just you? You're the only person?

20 MR. ANTONACCI: I have another
21 member.

22 MR. ATANASIO: Do we know who that
23 is?

24 MR. ANTONACCI: I can let the
25 Board know next time.

1 MR. ATANASIO: Okay. Am allowed
2 to ask questions?

3 MR. HULME: No. Your comments
4 should directed to the Board. And how
5 he came into title has nothing to do
6 with -- we're entitled to make this
7 application. What deal you may or may
8 not have had with Mr. Cooper on the
9 side has nothing to do with this.

10 MR. ATANASIO: We're going to find
11 out.

12 MR. HULME: We're here. You may
13 have a cause of action against Mr.
14 Cooper. We're here --

15 MR. ATANASIO: Listen, my in house
16 lawyers are working on it as I speak.
17 This is not going to be a one and done.
18 Trust me. This is not going to be --

19 MEMBER FARKAS: You have to
20 address the Board.

21 CHAIRMAN SARETSKY: One thing to
22 one of your comments. So if we're out
23 300 feet, it would be almost five
24 properties at least to the east of 738,
25 so we're going to look into those five

1 properties. I think it will --

2 MS. NANNARIELLO: Sorry to
3 interrupt you, but the two properties
4 to the east of 738 are not buildable
5 properties. They're deeded properties
6 as Aram has clarified to me, but
7 they're a parking strip, and they're a
8 six foot lot, and they get notified. I
9 mean, I don't know how they have skin
10 in this game if they're just a parking
11 space.

12 ATTORNEY PROKOP: Well, they get
13 notified. It goes by owner.

14 MS. NANNARIELLO: Okay. But it
15 really can't be considered an owner.
16 It should be going to Macrone and then
17 White.

18 MEMBER FARKAS: 300 feet.

19 MEMBER KRASNOW: 300 feet is 300
20 feet.

21 MEMBER FARKAS: So if each
22 property is approximately 60 feet, then
23 five houses or five lots to the east,
24 all five should have been notified; is
25 that right?

1 MEMBER CASHIN: And across the
2 street, and the other side.

3 CHAIRMAN SARETSKY: From a
4 sunsetting concept, if you look at this
5 map, you're welcome to take a look at
6 it if you want, we should be able to
7 help those people and yourself
8 understand how it does or doesn't
9 impact.

10 MS. NANNARIELLO: It doesn't
11 really impact me, to be honest. I
12 appreciate --

13 CHAIRMAN SARETSKY: To your --

14 MR. ATANASIO: The sunset doesn't
15 affect us. What affects us is the view
16 to the bay, and that's why they
17 conceded with some of these -- I forget
18 what the number was between each house,
19 it was larger than normal.

20 CHAIRMAN SARETSKY: It became 18
21 feet.

22 MEMBER FARKAS: 18 and 18 is 36
23 between the homes.

24 MR. HULME: I think we're going to
25 be able to demonstrate to you that your

1 view with the three houses is going to
2 be larger than your view with the two
3 houses.

4 MR. ATANASIO: With all due
5 respect, Counsel, that deal was wrong.

6 MEMBER FARKAS: Charles, you have
7 to address the Board.

8 MR. ATANASIO: With all due
9 respect, gentlemen, that deal was
10 wrong. It's like saying to me we
11 operated on this guy, it didn't work.
12 Let's do the same operation because
13 that was what was precedent. We did it
14 wrong. Okay. We did it wrong as far
15 as the community is concerned. Legally
16 that's a different story, which I don't
17 -- I do know, but if you ask anybody on
18 that road would they want to have what
19 happened there, they would all say no.
20 I don't know where he got these two
21 cronies down at 777 and -- okay. They
22 don't even know what's going on. Why
23 don't you ask the people that are
24 around it?

25 CHAIRMAN SARETSKY: Charles, let's

1 do this: Let us -- we're going to send
2 the notification to the people 300 feet
3 on either side. It's going to be at
4 least five properties. We'll make
5 sure --

6 MEMBER CASHIN: It's going to be a
7 lot more than that because you have to
8 do across the street.

9 CHAIRMAN SARETSKY: I'm saying
10 five on the bay side to the east alone.

11 MS. NANNARIELLO: And west.

12 MR. HULME: To the west on the bay
13 Skudrna is over 200 feet.

14 CHAIRMAN SARETSKY: Skudrna -- you
15 only have one house on the other side
16 of Skudrna.

17 MR. HULME: I don't want to -- you
18 tell me who you want me to notice, we
19 will notice them.

20 CHAIRMAN SARETSKY: We'll take
21 care of that.

22 MEMBER FARKAS: Let's not get
23 ahead of ourselves. Let them -- let
24 him --

25 MR. ATANASIO: I just wanted to be

1 clear what the concern was.

2 MEMBER FARKAS: Let's see what the
3 final product could look like --

4 MR. ATANASIO: That was the
5 process I got in when we had the last
6 one. I got in when they showed us the
7 maps and the this and the that. I get
8 that. Okay.

9 CHAIRMAN SARETSKY: Listen,
10 Skudrna is not the barometer for
11 everything.

12 MR. ATANASIO: That's right. It
13 shouldn't be because it's wrong.

14 MR. TERCHUNIAN: Fair.

15 MR. ATANASIO: It was wrong.

16 MS. NANNARIELLO: Now it's
17 precedent.

18 CHAIRMAN SARETSKY: Skudrna is
19 merely a comparison and an
20 understanding of why and how, and we're
21 not going to make our decision on that
22 alone.

23 MR. ATANASIO: Good.

24 CHAIRMAN SARETSKY: We have to
25 have for smaller homes --

1 MR. ATANASIO: You can't set a
2 precedent here, guys. We would be
3 crazy to do that.

4 CHAIRMAN SARETSKY: As Board
5 members, that's the one thing we don't
6 want to do.

7 MR. ATANASIO: You can't do that.
8 But we're going to fight. I'm
9 fighting. I'm fighting with every --

10 MEMBER FARKAS: Can you at least
11 see what you're fighting against?

12 MR. ATANASIO: I already know what
13 I'm fighting against. I already know.
14 I know their game. We all know their
15 game. And they have the right to play
16 that game, they do. Come on. I'm a
17 realist. I didn't get to where I was
18 without saying what isn't the truth.
19 The truth is they want to do something
20 which is good for them. God bless
21 them. I want to do something that's
22 good for community, not for me, the
23 community. Okay. Okay. That's what I
24 want to do, and if you guys don't want
25 to do that, I'll vote you's out.

1 CHAIRMAN SARETSKY: We want to go
2 through the proper process --

3 MR. ATANASIO: That's right. You
4 should.

5 CHAIRMAN SARETSKY: And we have to
6 follow the direction from --

7 MR. ATANASIO: You should. It's
8 your obligation to protect this
9 community.

10 CHAIRMAN SARETSKY: And that's
11 what we're going to do.

12 MR. HULME: It's their obligation
13 to follow the law.

14 MR. ATANASIO: And they should.
15 And if they don't --

16 MR. HULME: Their conclusion --

17 THE COURT REPORTER: I need you to
18 speak one at a time.

19 MR. HULME: If they conclude based
20 on following the law that we're
21 entitled --

22 MR. ATANASIO: And I will stretch
23 this out for years. For years.

24 MR. HULME: That's fine.

25 MR. ATANASIO: Guaranteed.

1 Guaranteed.

2 MR. HULME: You don't need to
3 threaten me or anybody else.

4 MR. ATANASIO: I'm not threatening
5 you.

6 MR. HULME: You are, sir.

7 MR. ATANASIO: I don't threaten
8 anybody, I just tell people what I'm
9 going to do.

10 MR. HULME: I'm taking exception
11 to the rudeness.

12 MR. ATANASIO: I'm sorry you take
13 it that way. I live across the
14 street --

15 MR. HULME: I'm being polite to
16 you, I would ask that you extend me the
17 same courtesy.

18 MR. ATANASIO: I won't take
19 being --

20 CHAIRMAN SARETSKY: Listen,
21 Charles, you have the right to do
22 what's in your capacity to do, and we
23 have to sort of --

24 MR. ATANASIO: I have to live
25 across from the monsters. Okay. And

1 so does she.

2 MEMBER KRASNOW: We're listening
3 to --

4 MR. ATANASIO: Thank you. Listen,
5 you all know of me in this town, I love
6 this town. I don't have to live here.
7 I can live any place I want.

8 MEMBER FARKAS: Charles, we love
9 this town too.

10 MR. ATANASIO: I love this town,
11 and if we don't protect this town, it's
12 our fault, shame on us. We're the ones
13 that are protecting --

14 MEMBER KRASNOW: But they still
15 have a right --

16 MR. ATANASIO: I understand that.
17 And he should have a right.

18 MEMBER KRASNOW: We have to listen
19 to --

20 MR. ATANASIO: I'm not arguing
21 anything that's legal. I'm just saying
22 as a resident here my heart is here
23 because I love the community. Okay.
24 That's what I care about.

25 MEMBER KRASNOW: I think we all

1 do.

2 MR. ATANASIO: Thank you. Thank
3 you. Thank you.

4 CHAIRMAN SARETSKY: All right. So
5 I need to make a -- does anyone move to
6 close the hearing?

7 MR. TERCHUNIAN: No, not close.
8 Adjourn for all purposes.

9 MEMBER FARKAS: Do we have any
10 other residents here that want to
11 speak?

12 CHAIRMAN SARETSKY: Alex, do you
13 have a house here? Do you live here?

14 MR. ANTONACCI: No.

15 CHAIRMAN SARETSKY: So I --

16 ATTORNEY PROKOP: So it would be a
17 motion to adjourn the public hearing
18 not to a specific date.

19 MR. ATANASIO: I want to ask a
20 question. Can you give me a time
21 schedule on when the next -- so I can
22 make sure if I need people here to help
23 me, lawyers. Can you give me -- how
24 fast will I -- when will I be able to
25 know when the next meeting is?

1 CLERK SADELI: When one is set.

2 MR. ATANASIO: Is there --

3 MEMBER KRASNOW: They have to
4 provide us the public notice.

5 MR. HULME: They need to send the
6 date. As soon as that date is set, we
7 will provide all the information that
8 we provide all the information that we
9 promised to provide.

10 ATTORNEY PROKOP: Wait a second.
11 It's not going to go like that. We
12 don't set dates and then we get the
13 information the day before the date.
14 We need you to supply the information.
15 When we feel that you've met your
16 requirements, then we'll set the date.
17 We can't have last minute submissions.

18 MR. TERCHUNIAN: Mr. Chairman, if
19 I may speak? What I plan on doing is
20 summarizing what I've heard at the
21 meeting, providing a memo to you and
22 the Board and to Joe what I believe the
23 information needs of the Village are,
24 and then asking that to be forwarded to
25 the applicant. When the applicant has

1 indicated to us that they have that
2 information, I'd like the Board to set
3 another meeting date.

4 CHAIRMAN SARETSKY: And we have to
5 give notification at least 7 to 10
6 days.

7 MR. HULME: 10 days.

8 CHAIRMAN SARETSKY: So you're
9 going to have plenty of time to be
10 notified, plenty of time to --

11 MR. ATANASIO: A month? Two
12 weeks?

13 MR. HULME: It's probably more in
14 the order of a month plus. Sir, please
15 feel free to call my office any time
16 you'd like.

17 MR. ATANASIO: I will have people
18 call your office. I need your card.

19 MR. HULME: I don't have a card
20 with me.

21 MR. ATANASIO: I'm done. I'd have
22 my people call your people.

23 ATTORNEY PROKOP: I have a problem
24 with you writing a memo to the Board.
25 I'll discuss that with you separately.

1 Because I don't want your particular
2 opinion on the application. I don't
3 want --

4 MR. TERCHUNIAN: I'm not going to
5 do an opinion --

6 ATTORNEY PROKOP: I would prefer
7 that what we do -- because this is
8 something that comes up every time.
9 I'd prefer that what we do is we
10 discuss now what we want him to
11 provide, the applicant to provide
12 between now and the next meeting, and
13 it goes into the minutes so we have a
14 clear record. So my -- just to start
15 that, and my understanding is that
16 we're going to get an analysis of the
17 as of right construction with the lots
18 the way that they are, and the as of
19 right construction with the lots as a
20 proposed subdivision. And I'd like
21 that to also include with that land
22 reserved in the back, okay, to see what
23 the impact -- what that would impact.
24 So that's really three things. And
25 then I'm suggesting to the Board that

1 you request these things called a view
2 shed. So an elevation, you're
3 basically just looking at the house,
4 but the view shed will actually show
5 you what the view will be like. That's
6 what we required Skudrna to do.

7 CHAIRMAN SARETSKY: Okay. I think
8 that would be helpful.

9 MEMBER CASHIN: That will include
10 the building envelope.

11 MR. HULME: Just to put a little
12 finer point on that, what we plan to
13 show is the -- what we can construct at
14 three tenths, four tenths, and Skudrna.

15 CHAIRMAN SARETSKY: All that is
16 helpful.

17 MR. HULME: And we'll provide the
18 view shed information as well as the as
19 of right for two lots.

20 ATTORNEY PROKOP: There's another
21 discussion that we have to have that we
22 -- the Board sent you a letter several
23 months ago suggesting that what we do
24 is the two lots that exist, that the
25 application be to take basically a

1 third of each, the innermost third of
2 each lot and then merge those thirds.
3 Right? So basically you would
4 subdivide a third, one third off of
5 each lot, the inner third, the
6 adjoining thirds, and then merge those
7 thirds together, so then you would have
8 three lots, right? You would have the
9 two thirds -- the two combined one
10 thirds, and the two thirds on the other
11 side. They was an objection -- as I
12 understand it, there was an objection
13 -- although I never got a communication
14 directly, except you requesting a
15 meeting with the Village, as I
16 understand it there was an objection by
17 you because you claim that the Board
18 was requiring you to merge the lots. I
19 would just like to point out to you
20 that your application, what your
21 application states is that -- the
22 application that you made to the Board,
23 I don't know if you'd like to change it
24 or reconsider it. The application you
25 made to the Board was to merge the two

1 lots and then to subdivide them. So I
2 would like you to --

3 MR. HULME: For getting this
4 variance.

5 ATTORNEY PROKOP: I'd like you to
6 clarify what --

7 MR. HULME: We had a discussion
8 about this, Joe. We met with the
9 Board, and the Board decided that this
10 application would move forward as one
11 application. We're not going to merge
12 these lots prior to any determination,
13 and we're not required to merge these
14 lots before any determination.
15 Whatever we may have said --

16 ATTORNEY PROKOP: Again, I'm not
17 going to have an intellectual debate
18 over whether or not you're required to
19 merge them or not. I don't think --
20 I'm just trying to accommodate what
21 your application was for. Your
22 application in your June 1st letter was
23 to merge the lots and then to subdivide
24 them. If you could just clarify on the
25 record what your application --

1 MR. HULME: My application is get
2 the necessary variances so that when we
3 do merge the lots we have those
4 variances in place so that we can go
5 back to the Planning Board and get the
6 final map approved.

7 ATTORNEY PROKOP: What is the
8 mechanism that you want for merging the
9 lots? You want us to merge it into one
10 tax lot or just --

11 MR. HULME: I don't want you to do
12 anything until we're done. Until we
13 have final Planning Board -- final
14 Zoning Board approval, if that's
15 forthcoming, and then final Planning
16 Board approval. We will then prepare a
17 map that though shows the three lots.
18 We will record that map in the County
19 Clerk's office, and the County will
20 then assign three separate tax map
21 numbers to these lots.

22 ATTORNEY PROKOP: Right. I don't
23 think you have --

24 MR. HULME: Until that point,
25 there's nothing to be done in that

1 regard, other than continuing to
2 prosecute this application.

3 ATTORNEY PROKOP: I think your
4 statement of the process is correct,
5 and I don't think that that involves
6 the merger that you suggested in your
7 June 1st letter. That's all I'm
8 getting at. If this ever was to become
9 approved or some version of this was to
10 become approved, I think you just need
11 to file an updated map showing whatever
12 the approved configuration is.

13 MR. HULME: I agree with you.

14 ATTORNEY PROKOP: Is there a
15 subdivision map that needs to be
16 abandoned? Your research indicated
17 that there's a subdivision map that
18 needs to be abandoned in order to do
19 this?

20 MR. HULME: I don't recall.

21 ATTORNEY PROKOP: We'll have to --
22 I'll have to work on that for the
23 Board.

24 MR. HULME: I don't understand the
25 point, but I'll provide whatever

1 information that you require of me.

2 But we're here.

3 ATTORNEY PROKOP: Those are the
4 only two things I have. Thanks.

5 MR. ATANASIO: Could I ask one
6 question? The letter that you're going
7 to send to everybody east of the
8 property concerning the sunset, who is
9 going to draft that letter?

10 CHAIRMAN SARETSKY: It's not a
11 specific thing on sunset. It's just
12 going to be a notification of the
13 meeting we're going to have, and then
14 we're going to provide at the meeting
15 the information.

16 MR. ATANASIO: Oh, so you can't
17 say anything about sunset on that
18 letter?

19 CLERK SADELI: No.

20 MR. ATANASIO: Why?

21 MR. TERCHUNIAN: Because it's
22 really a notice that a meeting is going
23 to be held, and you're welcome to come
24 to the meeting and hear everything
25 that's said. Not one thing,

1 everything.

2 MR. ATANASIO: I get it but --

3 ATTORNEY PROKOP: The notice is
4 going to say -- the notice will say --
5 we're going to add language in this
6 notice that says that the minutes of
7 the January 7th meeting are available
8 on the website.

9 MR. HULME: Give me the minutes, I
10 will include them in my mailing.

11 MR. ATANASIO: Is it against the
12 law to say concerning your sunset?

13 ATTORNEY PROKOP: Yes. We're not
14 going to put -- we can't suggest an
15 impact on the public notice. It's
16 going to be a public notice, the
17 regular public notice, but it will
18 include language so that the public
19 knows that the minutes are available on
20 the website from today's meeting. And
21 if they read those minutes, they'll see
22 all the concerns that were made.

23 MR. ATANASIO: So there's no other
24 way of doing it?

25 MR. TERCHUNIAN: No.

1 MR. ATANASIO: Are you sure?

2 MR. TERCHUNIAN: Yes.

3 MEMBER KRASNOW: From the Village.

4 MR. ATANASIO: From the Village?

5 I don't know what that means, but I'll

6 --

7 ATTORNEY PROKOP: We have to be
8 fair to both sides.

9 MR. ATANASIO: I said I don't know
10 what that means, but I'll accept it. I
11 generally don't do that. I have a
12 question. I know you're a lawyer.

13 MR. HULME: I am.

14 MR. ATANASIO: Are you a lawyer?

15 MR. ANTONACCI: I am.

16 MR. ATANASIO: Do you work for
17 Harvey?

18 MR. ANTONACCI: No. Who is
19 Harvey?

20 CLERK SADELI: I don't think this
21 is appropriate.

22 CHAIRMAN SARETSKY: We're going to
23 move to close the meeting -- adjourn
24 the meeting, sorry.

25 MEMBER FARKAS: I'll make a

1 second.

2 CHAIRMAN SARETSKY: All in favor?

3 MEMBER FARKAS: Aye.

4 MEMBER KRASNOW: Aye.

5 MEMBER CASHIN: Aye.

6 (The meeting was adjourned at

7 10:24 a.m.)

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

THAT the above and foregoing contains a true and correct transcription of the proceedings held on January 7, 2023, and were reported by me.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of JANUARY, 2023.

AMY THOMAS

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