

1 INCORPORATED VILLAGE OF WESTHAMPTON DUNES
2 ZONING BOARD OF APPEALS
3 General Meeting
4 January 7, 2023
5 9:00 a.m.
6 906 Dune Road
7 Westhampton Beach, New York

8
9 MEMBERS PRESENT:

- 10 Eric Saretsky - Chairman
11 Irwin Krasnow - Member
12 Jeff Farkas - Member

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14
15

16 ALSO PRESENT:

- 17 Joseph Prokop - Village Attorney
18 Angela Sadeli - Village Clerk

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21 TAKEN & TRANSCRIBED BY:

- 22 Amy Thomas - Court Reporter

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24
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1 (The meeting was called to order
2 at 9:18 a.m.)

3 CHAIRMAN SARETSKY: Ladies and
4 gentlemen, we're going to start. We're
5 waiting for one more person, but we can
6 start without him. So we're going to
7 do the Pledge of Allegiance. Please
8 stand.

9 (Whereupon the Pledge of
10 Allegiance was recited.)

11 CHAIRMAN SARETSKY: So the first
12 item on our agenda is 662, right?

13 CLERK SADELI: Yes.

14 CHAIRMAN SARETSKY: So for
15 Mr. Hulme and those that are going to
16 make the presentation, we moved the
17 chairs back a little bit just so that
18 everybody can see what we're going to
19 look at. If anyone wants to come
20 closer, you can.

21 MR. HULME: It's very scary up
22 here.

23 CHAIRMAN SARETSKY: We want to
24 make sure that everybody can see it.
25 So without further ado, we'll let you

1 start. We had met before and we asked
2 you to do a few things, make a few --
3 make a new presentation to us on what
4 your efforts are to try to solve the
5 problems.

6 MR. HULME: Sure. So as you know,
7 my client, Mr. Crane, is here. So we
8 were here before, we were looking
9 basically for a lot area variance to
10 make a one story addition to the
11 subject premises. We had done some
12 analysis before. You had asked us to
13 take a look at maybe reducing the size
14 of what we were proposing, and we did
15 just that in a couple of different
16 ways. We increased the proposed front
17 yard setback from 68 and a half feet to
18 65 and a half feet, and we increased
19 the side yard setback from 19.1 to 20
20 feet. The purpose of that was to
21 eliminate the need for a side yard
22 variance, so I believe with this
23 proposal we have 20 feet on the west
24 side and 44 feet on the east side, so
25 the total side yard now is 64.3 feet,

1 which exceeds the 60 foot requirement
2 that existed before. My clients, as
3 requested, took a very close look at
4 their space needs, and that was what
5 resulted in the reduction we're now
6 proposing. And according to
7 Mr. Foxwood, that now amounts to is a
8 lot coverage variance to allow 23.8
9 percent when only 20 percent was
10 required. As we indicated before,
11 because of the loss of shoreline, the
12 existing house, which was 20 percent
13 when it was built changed to now 21.8
14 percent. So although it's a 3.8
15 percent increase over the 20, it's only
16 2 percent increase over what's actually
17 existing. We submitted a new set of
18 plans for the house that show the
19 reduction. And in addition, as you may
20 recall, I did my own estimate of the
21 lot coverage of the properties to the
22 east and the west, and the request was
23 made to see if I could find out more
24 information in support of that. I was
25 able to find a survey in the Village

1 files for the property to the west of
2 us I believe. Yes, the Meinwald
3 property, which I guess was the Craig
4 property as well, and I'll provide you
5 a copy of that. And that shows that
6 their lot coverage is --

7 CHAIRMAN SARETSKY: This is the
8 adjacent house?

9 MR. HULME: Yeah, this is the
10 adjacent house, and it has a lot
11 coverage of 24.5 percent. In support
12 of my own ability to do math, that was
13 pretty close to what I had calculated
14 with my own estimate. I couldn't find
15 a comparable survey for the property to
16 the other side, but if you recall, I
17 did make my own estimate of that, and
18 that was in excess of the 20 percent as
19 well. So basically I think that what
20 we're looking for is a good balance
21 between my client's needs and
22 mitigating the impacts of the addition
23 under the Zoning Code and not out of
24 keeping with the direct neighborhood,
25 the immediate neighbors, as far as lot

1 coverage goes. So I think we did as
2 best we could what you asked us to do,
3 and I'm happy to answer any questions.

4 CHAIRMAN SARETSKY: So the setback
5 on the west side would be -- what's the
6 exact dimension now?

7 MR. HULME: 20.3 is the closest.

8 MEMBER FARKAS: 20.03.

9 MR. HULME: 20.3 the survey says.
10 I would go with the surveyor as opposed
11 to the architect, the survey that we
12 submitted that supposedly matches that,
13 it says 20.3, but it's over 20 either
14 way, so it meets the requirement.

15 MEMBER KRASNOW: Can you clarify
16 something?

17 MR. HULME: Sure.

18 MEMBER KRASNOW: What actually --
19 what and where are you building on here
20 compared to what exists?

21 MR. HULME: Just this area, the
22 shaded area.

23 MEMBER KRASNOW: Okay. Okay. Is
24 that interior also?

25 MR. HULME: That's all interior,

1 yeah. That gets us no closer than 20.3
2 feet from that property line, and 20
3 foot is the minimum side yard under the
4 Village Code.

5 CHAIRMAN SARETSKY: So the 23.8
6 percent compared to your neighbor is
7 less.

8 MR. HULME: It's a little less
9 than the one neighbor, I believe it's a
10 little bit more than the other
11 neighbor, but both neighbors I believe
12 are over.

13 MEMBER KRASNOW: So you're saying
14 more than the east, but less than the
15 west?

16 MR. HULME: Yes. A little bit.
17 But both of them -- both the east and
18 definitely the west by virtue of that
19 survey, and my estimate, yes, but both
20 of them are both over 20 percent.

21 CHAIRMAN SARETSKY: So the two
22 concerns I guess that have come up were
23 the solar panel and the lighting issue,
24 correct?

25 MR. CRANE: I spoke to Michael

1 Craig on that. We are not adding any
2 other solar panels, and I will put no
3 additional lighting in without showing
4 Michael first what we're doing. Right
5 now there is no need for any lighting.

6 CHAIRMAN SARETSKY: Okay.

7 CLERK SADELI: That's great.

8 CHAIRMAN SARETSKY: That's great.
9 I think that solves that.

10 MR. HULME: Outside. We'll need
11 lights inside.

12 CHAIRMAN SARETSKY: Any additional
13 lighting would have to be approved by
14 the Board.

15 MR. HULME: That's fine. If you
16 want to make that a condition.

17 MEMBER KRASNOW: Is there any
18 current lighting that's bleeding over
19 that's bothering him?

20 MR. CRANE: So when I redid my
21 back deck, I added lighting on each
22 post, and it stayed on overnight for
23 the first couple of weeks. Michael
24 said that at night from his bedroom he
25 could see the lights, so we put it on a

1 sensor, and it turns off around 9:00 or
2 10:00 at night, and he was fine with
3 that.

4 MEMBER KRASNOW: Okay. So I
5 didn't know if you were able to shade
6 it down, you know, down light it so it
7 stays --

8 MR. CRANE: It goes off way before
9 he's going to bed.

10 MEMBER FARKAS: Do you use the --
11 between your house and Michael's house
12 towards the back of the house, do you
13 use that for parking?

14 MR. CRANE: No. My driveway
15 doesn't go past the front of our house.

16 CHAIRMAN SARETSKY: It's just --

17 MR. CRANE: Sand pit, like.

18 MEMBER FARKAS: There's sand
19 there, or is there gravel?

20 MR. CRANE: No. To the side of
21 the house between Michael's house and
22 mine? That's all sand. I keep adding
23 every year, and it blows away.

24 MEMBER FARKAS: I know the
25 feeling.

1 MEMBER KRASNOW: Hopefully on our
2 dunes.

3 CHAIRMAN SARETSKY: I don't know
4 that I really have any questions. Do
5 you guys I think --

6 MEMBER KRASNOW: Michael's letter
7 was in reference to the lighting and
8 the aesthetics?

9 CLERK SADELI: Solar panels.

10 MEMBER KRASNOW: Since we're not
11 adding solar panels, there's no
12 aesthetic issue, and he's agreed to
13 handle the lighting, so I think from
14 my --

15 CHAIRMAN SARETSKY: There's no
16 dispute with what you're proposing it
17 seems.

18 MEMBER KRASNOW: Right. I think
19 there's no issue with what Michael was
20 concerned about.

21 CHAIRMAN SARETSKY: Right. So,
22 Joe --

23 ATTORNEY PROKOP: Can I ask a
24 question? So what is the use of the --
25 are you expanding the ground floor?

1 MR. CRANE: No. The ground floor,
2 that's the only expansion I'm doing is
3 on the ground floor.

4 ATTORNEY PROKOP: So the first
5 level is raised, right, the first floor
6 that's on pilings basically, you're not
7 expanding that?

8 MR. CRANE: I am. When you go up
9 the steps, it's taking a bedroom that
10 existed, and I'm making it larger by
11 pushing out to the side 13 feet and
12 taking away my front deck on that side,
13 and putting that all interior to make a
14 master bedroom suite.

15 ATTORNEY PROKOP: And then the
16 space underneath that, are you
17 expanding that also, or are you going
18 to leave --

19 MR. CRANE: Whatever is going to
20 be underneath the house I'm going to
21 square it off, and yes.

22 ATTORNEY PROKOP: So what is the
23 use of that going to be?

24 MR. CRANE: A one car garage and
25 possibly storage.

1 MR. HULME: Which is permitted.

2 MEMBER KRASNOW: This is what he's
3 building here, this master bedroom
4 suite?

5 MR. HULME: Yes, basically.

6 MR. CRANE: Underneath the master
7 bedroom suite would be the one car
8 garage.

9 MEMBER FARKAS: Do you have a
10 garage there now?

11 MR. CRANE: Yes.

12 MEMBER FARKAS: So in theory, a
13 two car garage?

14 MR. CRANE: Correct.

15 MEMBER FARKAS: Are you going to
16 do double depth?

17 MR. CRANE: Right now the drawing
18 is not to do that. I did that on the
19 main lot, on the main spot, the first
20 spot I went straight back, and I got
21 approval. I have all the permits for
22 that.

23 MR. HULME: And parking is
24 permitted so.

25 ATTORNEY PROKOP: What's the

1 surface of your garage now, what's the
2 surface of the garage?

3 MR. CRANE: In the house now?

4 ATTORNEY PROKOP: Yes.

5 MR. CRANE: Cement. And I have
6 plenty of lattices for flow for the
7 water.

8 ATTORNEY PROKOP: In the
9 expansion, are you going to go beyond
10 that with the deck?

11 MR. CRANE: No, no.

12 ATTORNEY PROKOP: On the west
13 side?

14 MR. CRANE: No, there is no deck
15 on the west side, and behind the house
16 is not being touched.

17 MEMBER KRASNOW: That's Michael's.
18 This is the survey. I guess this area
19 here is all the extension he's doing.

20 MEMBER FARKAS: That's all
21 interior?

22 MR. HULME: Right. And there's
23 obviously a foundation underneath it
24 because it's not going to float in
25 space.

1 CHAIRMAN SARETSKY: I don't think
2 that we -- as you know, there's only
3 three of us today, and I don't think we
4 have any -- Irwin, unless you have any
5 issues, I don't think there's any
6 objection to this.

7 MEMBER KRASNOW: I think we have
8 to take public comment. But I wanted
9 to just make sure that Michael had sent
10 a letter --

11 CLERK SADELI: It was covered.

12 MEMBER KRASNOW: This is going to
13 be basically a new roof on the first
14 level?

15 MR. HULME: Yes.

16 CHAIRMAN SARETSKY: Maybe we
17 should open it up for any questions?
18 Are there any questions that others
19 have about it with the changes that
20 have now been made?

21 ATTORNEY PROKOP: We do have a
22 letter from Mr. Craig, and it will be
23 entered in the record. It doesn't have
24 to be read into the record. It was
25 referred to, but I just want to say

1 that we'll make it part of the record.

2 CHAIRMAN SARETSKY: I don't think
3 we need Aram for this.

4 ATTORNEY PROKOP: No. So there's
5 no public comment, so then it would be
6 a motion to close the public hearing.

7 MEMBER KRASNOW: Second.

8 MEMBER FARKAS: All in favor?

9 CHAIRMAN SARETSKY: All in favor?

10 (Aye said in unison.)

11 ATTORNEY PROKOP: So the first
12 thing is I would deal with SEQRA. So
13 this is a -- because it's a residential
14 variance only, it's a Type II action,
15 and therefore SEQRA is not required, so
16 I would just ask that the Board make a
17 motion to determine that this is a Type
18 II action for which no environmental
19 review is required.

20 CHAIRMAN SARETSKY: Make a motion
21 to --

22 MEMBER KRASNOW: Second.

23 CHAIRMAN SARETSKY: All in favor?

24 (Aye said in unison.)

25 ATTORNEY PROKOP: So now you can

1 go through the five criteria.

2 CHAIRMAN SARETSKY: Sure. So I
3 guess number one is does this have a
4 negative impact? And I don't believe
5 it does because the neighbors have
6 been, you know, given their
7 opportunity, and it seems that it's
8 been satisfied, any concerns. Joe,
9 what are the other four?

10 ATTORNEY PROKOP: I'm going to
11 pull it up.

12 CHAIRMAN SARETSKY: One is is it
13 self-created? And the answer is yes,
14 right?

15 MR. HULME: So it's substantial
16 character of the neighborhood,
17 alternatives, environmental impact, and
18 self-created are the five.

19 CHAIRMAN SARETSKY: I think yes,
20 it's self-created. I don't think it's
21 not in keeping or a negative impact.
22 There's two more, right?

23 MR. HULME: Alternative methods to
24 achieve.

25 CHAIRMAN SARETSKY: So we've

1 attempted alternative methods.

2 MEMBER FARKAS: And we've
3 succeeded.

4 MR. HULME: Environmental.

5 CHAIRMAN SARETSKY: And we said
6 that there is no environmental, in
7 fact, because it's a Type II
8 classification.

9 MR. HULME: Right. And also it's
10 a single family residence now, and it
11 will be a single family residence
12 after.

13 ATTORNEY PROKOP: I think the main
14 thing is whether it will change the
15 character of the neighborhood, and
16 whether it will be a significant impact
17 on the environment. We already
18 determined it won't be a significant
19 impact on the environment, so really
20 the question is the size of the
21 variance, and whether it will change
22 the character of the neighborhood.

23 CHAIRMAN SARETSKY: I mean, I
24 think it's okay. I don't think it's a
25 significant impact, you know,

1 gentlemen, do you agree?

2 MEMBER FARKAS: I agree.

3 MEMBER KRASNOW: I agree. Don't
4 we have to be politically correct,
5 don't we have to change it from master
6 bedroom to primary bedroom? I was told
7 master bedroom is no longer allowed to
8 be used.

9 ATTORNEY PROKOP: So now you went
10 through the five criteria, and now
11 you're able to vote on the application.

12 CHAIRMAN SARETSKY: So I'd like to
13 make a motion to approve it.

14 MEMBER FARKAS: I second the
15 motion.

16 ATTORNEY PROKOP: And this would
17 be subject to the conditions that --

18 MEMBER FARKAS: Wait a minute, we
19 have to talk about the lighting and the
20 no additional solar panels on the
21 extension, which they agreed to, and
22 consent before they do any additional
23 lighting.

24 MEMBER KRASNOW: Exterior
25 lighting. We don't want to keep them

1 in the dark.

2 CHAIRMAN SARETSKY: I'd like to
3 make a motion to approve it with those
4 constraints.

5 MEMBER FARKAS: Second.

6 CHAIRMAN SARETSKY: All in favor?

7 (Aye said in unison.)

8 MR. HULME: Thank you very much.

9 MR. CRANE: Thank you. I
10 appreciate it. Thank you for your
11 time.

12 CHAIRMAN SARETSKY: Now we're
13 going to move onto 772 --

14 CLERK SADELI: 738, 742.

15 CHAIRMAN SARETSKY: Mr. Hulme,
16 you're up again.

17 MR. HULME: I am, yes.

18 CHAIRMAN SARETSKY: We'll make
19 room for you. Here is the set of
20 drawings.

21 MR. HULME: And my client is here
22 again.

23 MEMBER KRASNOW: For the audience,
24 why don't you turn one opposite so that
25 everyone can see it?

1 CHAIRMAN SARETSKY: I'm turning
2 this one to them.

3 CLERK SADELI: Since we haven't
4 met in a while, I mean, we just
5 started, Dr. Blank is asking if you
6 could just say who you are because he
7 doesn't know who the Board members are.

8 CHAIRMAN SARETSKY: Eric Saretsky,
9 840 Dune Road.

10 MEMBER FARKAS: Jeff Farkas, 820A
11 Dune Road.

12 CHAIRMAN SARETSKY: Joe Prokop is
13 the Village Attorney.

14 MEMBER KRASNOW: Irwin Krasnow,
15 929 Dune Road. And you are?

16 DR. BLANK: Andrew Blank, 755.

17 CLERK SADELI: And we're missing
18 two Board members today, Joe Mizzi and
19 Jim Cashin.

20 CHAIRMAN SARETSKY: Okay. So this
21 is --

22 ATTORNEY PROKOP: Can I just ask
23 that since Mr. Hulme introduced this
24 person as the applicant, I'm sorry,
25 sir, respectfully, can you just say

1 your name?

2 MR. ANTONOCCI: Alex Antonocci.

3 CHAIRMAN SARETSKY: So this is a
4 continuation from roughly two months
5 ago.

6 CLERK SADELI: January 7th.

7 CHAIRMAN SARETSKY: And the Board
8 had asked and some of the neighbors as
9 well for a drawing to show some of the
10 sight lines, and I believe that's sort
11 of where we're starting off today.
12 Fair enough?

13 MR. HULME: Sure. A real quick
14 recap, we own two lots, both of them
15 are almost 70,000 square feet and 118
16 feet wide. We're looking to create a
17 subdivision where the two lots will
18 become three lots, all three of which
19 would be over the 40,000 square foot
20 requirement in the Zone, but obviously
21 somewhat reduced in lot width to just
22 under 80 feet. So the only variance
23 necessary for this is that lot width
24 variance. So we will -- that's really
25 the main thing that we'll be

1 discussing. We had provided a
2 neighborhood analysis last time we were
3 here that showed that the properties in
4 the vicinity of this property ranged in
5 width from 50 to 80 feet, so at 79 feet
6 we're in the upper end of the lot width
7 range in the immediate neighborhood of
8 this property. So what we did at your
9 request was we showed on my right, your
10 left, most of your lefts, Irwin's up as
11 opposed to down, our as of right
12 location. And then -- and we showed
13 the various lines of sight for the
14 buildings across the street. We've
15 also located on the map the property
16 just to the east of us as well, so you
17 can --

18 MR. TERCHUNIAN: Mr. Saretsky, may
19 I interrupt for a moment?

20 CHAIRMAN SARETSKY: Sure.

21 MR. TERCHUNIAN: Aram Terchunian,
22 First Coastal, consultant for the
23 Village. If members of the audience
24 want to look at this, please come up
25 and do so.

1 MEMBER KRASNOW: Do you take my
2 copy and share it?

3 CHAIRMAN SARETSKY: Maybe we
4 should just explain a little bit in
5 more layman's terms what -- the first
6 set on the right side of the drawing
7 shows --

8 MS. HOBERMAN: Can we look?

9 CHAIRMAN SARETSKY: Absolutely.
10 And there's one right there too.

11 MS. HOBERMAN: But I love to have
12 him point to it.

13 CHAIRMAN SARETSKY: So maybe Jim,
14 just explain it. So these two houses
15 are as of right?

16 MR. HULME: Yes, in an as of right
17 location.

18 CHAIRMAN SARETSKY: What the
19 applicant could do right now without a
20 variance?

21 MR. HULME: Correct, with just a
22 building permit. And what is shown
23 here graphically is the sight lines
24 that each of the houses from across the
25 street would have based on the location

1 of these as of right houses.

2 CHAIRMAN SARETSKY: Correct.

3 MR. HULME: I have always felt
4 that a simpler way to look at this is
5 to add up the width of the allies
6 between, if you will, between the homes
7 and then compare that to a similar
8 calculation for what is proposed. And
9 if you do that, you come up with 71.6
10 feet of space adding this, this, and
11 this (indicating). You come up with
12 70.

13 MEMBER FARKAS: You're taking
14 three allies, you're taking to the east
15 and to the west?

16 MR. HULME: Right. And then in
17 between.

18 MEMBER FARKAS: And then in
19 between.

20 MR. HULME: And so you come up
21 with 71.6 feet of alleyway.

22 CHAIRMAN SARETSKY: Jim, I think
23 the other thing to explain why you're
24 coming up with that number is these
25 houses, the setback that you would

1 have, this is what, the four-tenths?

2 MR. HULME: This is actually based
3 on -- yes, based on -- no, based on
4 three-tenths because under the code
5 we're proposing to center the homes.

6 CHAIRMAN SARETSKY: So a 79 foot
7 lot would have a setback of --

8 MR. ANTONOCCI: I'm sorry, those
9 are 119.

10 CHAIRMAN SARETSKY: I'm sorry,
11 this would be 119, so they would have a
12 setback of?

13 MR. HULME: Of 17.9.

14 CHAIRMAN SARETSKY: Between each
15 house. That's what they can do as of
16 right.

17 MS. HOBERMAN: That's at
18 three-tenths coverage?

19 CHAIRMAN SARETSKY: Right. And
20 that's what they're allowed to do.

21 MEMBER FARKAS: So what are the
22 numbers on the three-tenths? So you
23 have 119 feet, so you have 30 feet in
24 between, Jim?

25 MR. HULME: Well, 17.9 times 4.

1 CHAIRMAN SARETSKY: For everyone
2 who is here that's thinking about it,
3 they have 17.9 on each side of the
4 house?

5 MR. HULME: Yes.

6 CHAIRMAN SARETSKY: So close to 18
7 feet?

8 MEMBER KRASNOW: 36 feet.

9 CHAIRMAN SARETSKY: 36 feet
10 combined.

11 MS. HOBERMAN: What size house
12 does that become at a three-tenths, do
13 you have a sense of that?

14 CHAIRMAN SARETSKY: Yeah, it would
15 be 119 minus 36 feet.

16 MEMBER FARKAS: No.

17 (Crosstalk.)

18 CLERK SADELI: Wait, sorry,
19 everybody has to talk one at a time.

20 CHAIRMAN SARETSKY: Go ahead with
21 your question.

22 MS. HOBERMAN: Roughly the square
23 footage.

24 ATTORNEY PROKOP: We should stop
25 the other meeting.

1 CHAIRMAN SARETSKY: Aram, let's
2 either bring everyone over here or do
3 something because we should do this all
4 together. I'm sorry, Jim, go ahead.
5 The question that was just asked is
6 what size house could they build as of
7 right today with the two homes?

8 MR. HULME: The house as shown
9 here is -- so that's just slightly
10 under 60, and that's slightly under 80,
11 so 2,400, is that --

12 MR. ANTONOCCI: Jim, just to make
13 it a little easier, so .7 of 119 is 83
14 wide, the width. So the depth can be
15 quite substantial. So the house that
16 could be built there as of right is 6,
17 7, 8,000 square feet, I think. I don't
18 know if I'm speaking out of turn, but I
19 believe that's what it is because the
20 lot width times whatever depth we want
21 to go, two floors, whatever.

22 CHAIRMAN SARETSKY: As long as it
23 fits within -- to your question --

24 MEMBER KRASNOW: 80 times 40 would
25 be 6,400 feet on two floors.

1 MR. ANTONOCCI: Well, that's 40.

2 I'm not sure how deep we can go.

3 MEMBER KRASNOW: I'm giving you --
4 I don't think 40 is that deep, I'm just
5 saying the reality is you could have a
6 6,400 foot house if you do two levels.

7 MR. ANTONOCCI: With a 40 depth.

8 MEMBER KRASNOW: I understand.

9 MR. HULME: But the impact on the
10 people across the street is really the
11 width, it's not, you know, to a greater
12 extent the --

13 CHAIRMAN SARETSKY: Yes. Again,
14 they're here today to speak for
15 themselves, but there have been a
16 variety of issues that came up also
17 with the Skudrna approval that was
18 somewhat similar to this.

19 MR. HULME: I'll go through
20 Skudrna and compare and contrast in
21 detail.

22 MEMBER KRASNOW: What is the
23 average width on the three --

24 MR. HULME: 79 feet.

25 MEMBER KRASNOW: No, no, the

1 average width of the house. So it's 79
2 minus the --

3 MR. ANTONOCCI: 47.6 would be
4 the --

5 MEMBER KRASNOW: So you have 80
6 feet here, and you have about 46 feet
7 wide here?

8 MR. HULME: Yes.

9 MEMBER KRASNOW: I just want to
10 show proportionally.

11 CHAIRMAN SARETSKY: And to your
12 question, the depth of the house, the
13 distance going back, in other words,
14 can be -- and Aram, you can talk to
15 this, but the only thing is the lot
16 area coverage, which is still the same
17 or not quite the same with a smaller
18 house, and at the same time the setback
19 for the wetlands.

20 MR. TERCHUNIAN: Yeah, that's
21 right. And this is illustrated here.
22 This dashed line on the lot to the
23 west, and this smaller dashed line area
24 on the lot to the east is what we call
25 the building envelope, so that is the

1 envelope within which they could build
2 anything, house, pool, deck, garage.

3 CHAIRMAN SARETSKY: So long as it
4 complies with the lot area coverage.

5 MEMBER KRASNOW: So the western
6 houses --

7 ATTORNEY PROKOP: Hold on for a
8 second. We can't -- that's not
9 correct, I'm sorry. It's not you can
10 build anything. The three-tenths goes
11 if the main structure is centered on
12 the lot, and then there's other
13 analyses that have to be performed by
14 the building inspector.

15 MR. TERCHUNIAN: My point is that
16 there are two measurements, one is the
17 building envelope, which is the area
18 within which things can be built, and
19 the second part is lot coverage. Lot
20 coverage is 20 percent of the upland
21 area, so you would subtract out this
22 piece of wetland from this lot, and
23 then this would be the total lot area
24 here. So the lot area coverage of 20
25 percent is very large.

1 CHAIRMAN SARETSKY: I don't know
2 if that answers your question.

3 MS. HOBERMAN: Yeah.

4 MR. TERCHUNIAN: Just for our
5 information, Jim, what is the area of
6 this western lot?

7 MR. HULME: It's 40 --

8 MR. TERCHUNIAN: Right now?

9 MR. HULME: It's 69,761.5 feet.

10 MR. TERCHUNIAN: So you get 20
11 percent of 69,000 square feet. Under
12 the code, you're allowed to cover 20
13 percent of 69,000, that's almost 14,000
14 square feet.

15 MR. ANTONOCCI: On a footprint.

16 MEMBER KRASNOW: So you're saying
17 -- understand this guideline here, that
18 they could have a pool or a deck out of
19 this area here?

20 MR. TERCHUNIAN: Joe is correct,
21 the primary structure enjoys the
22 three-tenths rule, the accessory
23 structures have specified setbacks.
24 But the 20 percent of 14,000 square
25 feet on the one lot, and probably

1 something close to it because this is
2 only a small area that's coming out of
3 here, so let's say this is something on
4 the order of 10,000, then you would be
5 restricted to what you can build by
6 this building envelope. But it's still
7 10,000 square feet.

8 CHAIRMAN SARETSKY: Of footprint.

9 MS. HOBERMAN: How do you know
10 what this is?

11 CHAIRMAN SARETSKY: So Aram, you
12 should speak to that.

13 MR. TERCHUNIAN: Initially when
14 the application was filed, they asked
15 me to go flag the wetlands, so I
16 flagged the wetlands, and you can see I
17 put little pink ribbons. And then the
18 surveyor comes out and locates those
19 flags and places it on the survey.

20 MS. HOBERMAN: And there's no
21 other wetlands in that --

22 MR. TERCHUNIAN: There's a lot of
23 wetlands -- there's wetlands over here,
24 there's wetlands here, and there's
25 wetlands all along here.

1 MEMBER FARKAS: I'm sorry, can you
2 state your name and your address for
3 the record?

4 MS. HOBERMAN: I'm sorry, Lori
5 Hoberman, 753 Dune. I'm not on this
6 map, I'm over here.

7 DR. BLANK: Who defines the
8 wetland?

9 MR. TERCHUNIAN: I delineate the
10 wetland based upon the guidance
11 provided by New York State. So New
12 York State has a list of plants that
13 constitute a wetland, and those plants
14 are either obligatory or indicative.
15 If it's obligatory, it's an absolute
16 wetland without question. If it's an
17 indicator plant, then there has to be
18 50 percent or more of that plant in
19 that particular area.

20 CHAIRMAN SARETSKY: Maybe Aram
21 just explain --

22 MR. HULME: And I want to be clear
23 that Aram did this for the Village. We
24 requested it, but this is a service
25 that the Village provides.

1 CHAIRMAN SARETSKY: I was only
2 going to explain that Aram is a
3 licensed engineer in the State of New
4 York.

5 MR. TERCHUNIAN: No, no, I'm not.

6 CHAIRMAN SARETSKY: Oh, I'm sorry.

7 MS. HOBERMAN: It sounded good.

8 MR. TERCHUNIAN: I'm an
9 environmental scientist and a coastal
10 geologist. I've been flagging wetlands
11 for 40 years.

12 CLERK SADELI: If anybody is going
13 to speak, we just need to say your name
14 and address for the record.

15 CHAIRMAN SARETSKY: Sorry. All
16 right, Jim.

17 MR. HULME: Okay. In any event,
18 the width is really what we were
19 looking at, and we were looking at the
20 impacts. As Mr. Terchunian correctly
21 pointed out, you know, these are big
22 lots, and you know, the driver for a
23 lot of zoning is lot area more than
24 anything else, and we still meet the
25 lot area requirement for the new lots.

1 But to compare and contrast the impact
2 on view with the simple math that I
3 suggested we do, this creates alleyways
4 that total the 71.6 feet. This layout
5 here, and I'll talk about the stagger
6 in a minute, creates alleyways that
7 total 95.2 feet. So this scenario here
8 actually gives almost 25 feet more open
9 space between the homes, and I think
10 that would be of most concern to 743
11 and 745.

12 CHAIRMAN SARETSKY: Let's do this
13 in baby steps, particularly for me. So
14 let's just for everyone who is here, if
15 there are any other questions on the as
16 of right two homes that he can build
17 today, let's go over your questions.

18 DR. BLANK: Andrew Blank, 755. So
19 I have a question. The houses to the
20 east are on smaller lots, and then
21 these houses are on larger lots. Just
22 historically, how do these get defined
23 as larger lots versus the ones to the
24 east as smaller lots. When did that
25 occur, how did that -- how has that

1 been defined, who made those decisions?
2 I'm just curious where that history is?

3 MR. TERCHUNIAN: Aram Terchunian
4 on behalf of the Village. This entire
5 area was subdivided back in the 40's,
6 and the way that subdivision was done
7 in those days was they would create
8 small lots, and then people would buy
9 one, two, or three of those lots and
10 put them together, and that's why you
11 have lots of varying sizes around the
12 Village. Some of them are very small
13 and some of them are much larger.

14 MR. HULME: And the shoreline
15 itself dictates the depth of a lot of
16 these lots. This is an excerpt of the
17 tax map. These are the two properties
18 in question, and as you can see, the
19 shoreline undulates from east to west
20 or west to east, and because of that
21 the lots in this area have greater
22 depth than the lots here and here.

23 DR. BLANK: So these sizes are
24 sacrosanct basically historically from
25 the 1940's.

1 MEMBER KRASNOW: The widths.

2 MR. TERCHUNIAN: They're
3 grandfathered.

4 MR. HULME: That's a better word.
5 I like sacrosanct.

6 MR. TERCHUNIAN: That's tomorrow.

7 MR. HULME: For some.

8 CHAIRMAN SARETSKY: When you say
9 the width, it's really -- the length,
10 the only thing that changed them was
11 the storm and natural erosion, right?

12 MR. TERCHUNIAN: Right. And just
13 for historical reference, this whole
14 shoreline was completed recreated after
15 the breach in '92 because it was --

16 CHAIRMAN SARETSKY: When it cut
17 through.

18 MR. TERCHUNIAN: It was water.

19 MR. HULME: And the other thing
20 that this shows, which we talked about
21 before, is if you look at the lot
22 widths up and down this side of the
23 street, here is a 50 and here is an 80.
24 And if you, you know, you can compare
25 what I've scaled with the rest of the

1 lots, they're all very similarly sized,
2 and our lots are oversized for that
3 number and exactly in the high end of
4 the range if subdivided.

5 CHAIRMAN SARETSKY: Okay. We're
6 going to get to that next. So let's
7 just finish with the two house as of
8 right, if anyone has any other
9 questions, not that we can't come back
10 to it, but for me it's helpful to go in
11 this slow motion way. Does everyone
12 understand it, and are there any other
13 questions?

14 MEMBER FARKAS: I have a question.
15 You could probably build as of right,
16 according to Aram's calculations, you
17 could probably build at least 20,000
18 square foot homes on each of those
19 lots, give or take.

20 MR. HULME: 20,000 square
21 footprints.

22 MR. TERCHUNIAN: Well, no, 10 or
23 14, but yeah, 20,000 square feet of
24 interior space.

25 MEMBER FARKAS: That's huge as of

1 right.

2 CHAIRMAN SARETSKY: As of right.

3 MR. HULME: And we are not -- we
4 recognize that if there is a variance
5 granted, you're going to control where
6 on these lots we can build these houses
7 likely.

8 MEMBER FARKAS: And how big.

9 MR. HULME: But you don't have --
10 we don't have to come to you for this,
11 so we could, you know, to the extent
12 that this building envelope goes down
13 to here, we could build the house way
14 down here.

15 ATTORNEY PROKOP: Not everything
16 that's being said is correct. And
17 first off, it's a 40,000 square foot
18 lot, is it 40,000?

19 MR. HULME: The proposed lots or
20 the existing lots?

21 ATTORNEY PROKOP: The proposed
22 lots.

23 MR. HULME: Are 41,000 plus.

24 ATTORNEY PROKOP: So the footprint
25 would be 20 percent of that.

1 MR. HULME: Correct. I was
2 talking about --

3 (Crosstalk.)

4 CLERK SADELI: One at a time,
5 please.

6 MR. HULME: I was not talking
7 about the size, I was talking about
8 where on the lot we could locate it
9 relative to setbacks from the water.

10 ATTORNEY PROKOP: So the so-called
11 as of right that you drew, is that
12 based on the 30 percent rule?

13 MR. HULME: On the three-tenths
14 rule, yes.

15 ATTORNEY PROKOP: I'm sorry, the
16 three-tenths.

17 MR. HULME: Yes.

18 MR. ANTONOCCI: Each lot is
19 approximately an acre and a half.
20 They're very large lots.

21 CHAIRMAN SARETSKY: Joe, is it
22 appropriate to talk about Skudrna
23 that's on the adjacent side of this?

24 ATTORNEY PROKOP: Yes.

25 CHAIRMAN SARETSKY: For everyone

1 who is here who wasn't involved, and I
2 don't think it's many, I know some, but
3 very few, maybe Jim, you could talk
4 about the property that's to the west
5 of this that was a very similar type
6 situation. It's owned by a gentleman
7 named Skudrna, and that lot was 240
8 feet I think in width, and it was
9 subdivided with the approval of the
10 Zoning Board and particularly its
11 neighbors, some of them who are here,
12 into three 80 foot lots.

13 MR. HULME: Correct.

14 CHAIRMAN SARETSKY: For that
15 subdivision it was agreed to move those
16 houses closer to Dune Road for some
17 view issues that were perceived to be
18 better. Also the lot area -- I'm
19 sorry, the space in between the homes
20 was increased by I forgot what the
21 percentage was, but a greater amount to
22 make something to similar to where Jim
23 is headed now in the space in between
24 the homes. Now, Jim is going to talk
25 about this three house concept versus

1 the two house, and what I want everyone
2 to understand because I sat through
3 this with Aram and Joe and a couple of
4 other people here, obviously we care
5 very much about what everybody feels
6 here and how it effects you or doesn't,
7 but at the same time what we can do to
8 make it as palatable as possible, but
9 also to do this in a way that's, you
10 know, fair and reasonable I guess maybe
11 is the way to say it.

12 MR. HULME: So what we're
13 proposing is the creation of three
14 lots, all of which are in excess of
15 40,000 square feet. So they ring that
16 bell. So the only variances that are
17 needed for this subdivision are related
18 to the side yard and total side yard.
19 The analysis that we've done here is
20 assuming the four-tenths rule because
21 the houses aren't being centered, and
22 so under the four-tenths rule we end up
23 with a total side yard of almost 32
24 feet and with no single side yard being
25 less than 12.7 feet. So on one side we

1 have 12.7, on the other side we have
2 19.2 -- 19.02, sorry. We've located --
3 we proposed the location of these
4 houses on the north -- on the south
5 side of the property so that -- when we
6 talk about Skudrna that seemed to be of
7 great interest to avoid building closer
8 north.

9 CHAIRMAN SARETSKY: Maybe just
10 explain. So that's consistent with
11 what we did before, that the people
12 across the street requested the houses
13 be brought forward so they're being
14 consistent with that in this request.
15 Just going slowly, but go ahead.

16 MS. HOBERMAN: Are you able to
17 write in the numbers? I love numbers,
18 but I'm having a hard time keeping
19 track. Is that 12 point something
20 feet?

21 CHAIRMAN SARETSKY: Jim will --
22 why don't you repeat that? The setback
23 that you were just asking about.

24 MS. HOBERMAN: So are you able to
25 write in the numbers? I'm having a

1 hard time keeping them all in mind. Is
2 that 12.1 did you say?

3 MEMBER FARKAS: 12.7.

4 MR. HULME: This is 12.7, this is
5 12.7.

6 MR. ANTONOCCI: Jim, also the
7 numbers are on the actual -- I don't
8 know if that helps.

9 MR. HULME: I don't know what's
10 easier to see.

11 CHAIRMAN SARETSKY: We have this
12 one out, so let's work with this.

13 MR. HULME: This is 19, this is
14 19. Now, in order to improve the sight
15 lines, the middle house is actually
16 centered, but it was centered based on
17 the -- still using the four-tenths. So
18 31. -- 32 is -- so this is 16 and 16
19 approximately is what those dimensions
20 are.

21 ATTORNEY PROKOP: So I'm sorry,
22 just one second. We asked for view
23 shed, you did a sight line, but the
24 thing is that on the sight line
25 comparison, you used the one-third rule

1 for the --

2 MEMBER FARKAS: Three-tenths,
3 four-tenths.

4 ATTORNEY PROKOP: -- for the
5 existing, what you call as of right and
6 four-tenths for the -- so why wouldn't
7 you have used four-tenths for both of
8 them so it would be an equivalent
9 analysis, comparison?

10 MR. HULME: Well, because we
11 wanted to create more space for the
12 neighbors.

13 MR. ANTONOCCI: You're referring
14 to the as of right per se homes?
15 That's what permitted.

16 MR. HULME: We have an as of right
17 four-tenths here. If what you're
18 telling me is we have an as of right
19 four-tenths here -- three-tenths.

20 ATTORNEY PROKOP: No, I didn't say
21 that.

22 MR. HULME: One of the concerns of
23 this Board and the neighbors was
24 sufficient view space, and certainly
25 calculating at three-tenths would

1 reduce that, so we used the
2 four-tenths.

3 ATTORNEY PROKOP: So if the
4 Board --

5 CHAIRMAN SARETSKY: Go ahead, Joe.
6 But just explain the three-tenths and
7 the four-tenths rule for everyone who
8 is here so they can understand the
9 advantage of one to the other.

10 MR. HULME: Okay. So in your
11 Village Code there's a code section
12 that says in general the side yard
13 requirement is four-tenths of the lot
14 width, and then the -- for the total
15 side yard, and the single side yard is
16 four-tenths of the four-tenths.

17 ATTORNEY PROKOP: Can't be less
18 than four-tenths of the four-tenths.
19 Any side yard cannot be less than
20 four-tenths of the four-tenths.

21 MR. HULME: Correct. But your
22 code goes on to say that if you agree
23 to build the houses centered with equal
24 side yards, then you are entitled to
25 use a three-tenths rule as opposed to a

1 four-tenths rule. So instead of taking
2 four-tenths of the lot width, you take
3 three-tenths of the lot width, which is
4 a smaller setback. And then in that
5 case you just divide by two because you
6 have to have the same setbacks on both
7 sides. And as long as the single
8 setback is no less than three-tenths of
9 the three-tenths, you've met the
10 requirements of the code.

11 CHAIRMAN SARETSKY: I don't know
12 if that's helpful.

13 MS. HOBERMAN: So are you in that
14 four-tenths on this, do you satisfy the
15 four-tenths?

16 MR. HULME: We satisfied the
17 three-tenths here, we're entitled to it
18 here. We're not entitled to
19 three-tenths here, which is why we went
20 to four-tenths.

21 MS. HOBERMAN: Do you hit the
22 four-tenths there, do you satisfy the
23 four-tenths?

24 MR. HULME: Yes, these numbers are
25 based on --

1 CHAIRMAN SARETSKY: On the two
2 outer houses, right?

3 MR. HULME: Yes.

4 CHAIRMAN SARETSKY: So the inner
5 house is the three-tenths?

6 MR. HULME: Well, no, it's still
7 the four-tenths, but instead of moving
8 the house to one side of the lot or the
9 other, we just chose to show that house
10 right in the middle.

11 CHAIRMAN SARETSKY: Again, this is
12 proposed.

13 MEMBER FARKAS: And the
14 three-tenths is narrower than the
15 four-tenths.

16 MS. HOBERMAN: Right. Of course.
17 I got that.

18 CHAIRMAN SARETSKY: It's a good --

19 MR. HULME: And based on that
20 analysis, we've created almost 25 more
21 feet of view between the homes.

22 MR. ANTONOCCI: Also the intent of
23 laying out the homes as we did so it
24 creates bigger alleyways between the
25 homes. By centering the middle home

1 and pushing out the two flanking homes,
2 it gives us a little more space in
3 between. That was the intent.

4 MR. HULME: It doesn't change the
5 total that we would achieve, but it
6 does make these middle alleyways
7 bigger.

8 DR. BLANK: So what's the total
9 here?

10 MR. HULME: This is 19 and 16,
11 which is 35 and 35 between the houses,
12 and then it's 12 and 12.

13 MEMBER KRASNOW: Jim, I have a
14 question.

15 MEMBER FARKAS: So I think what
16 you're asking, he has 95 feet of side
17 yard between the three homes versus 72
18 feet of side yard on that side.

19 MEMBER KRASNOW: Can you explain
20 why my math is coming up different than
21 what you're saying? Because if I'm
22 looking at this I got 23 feet here, 23
23 feet here, and then I'm not getting
24 that much, you know, this is showing --

25 MR. HULME: 19 and -- 19 here, 16

1 here, 16 here, 19 here, I think --

2 MR. ANTONOCCI: You might have an
3 older version.

4 MEMBER KRASNOW: Do we have that?
5 Does anybody have this?

6 MR. HULME: Well, that's this.

7 MEMBER KRASNOW: Well, this is
8 what we just got, but does anybody else
9 on the Board have this? We never got
10 this. Do you have more copies?

11 MR. ANTONOCCI: Yeah (handing).

12 MEMBER KRASNOW: Okay. Now, I'm
13 sorry, I'm a math guy, and the math is
14 not -- you're showing me this, and
15 whether you stagger or not --

16 MR. HULME: In answer to your
17 question, you're looking at the wrong
18 map.

19 MEMBER KRASNOW: Is that my fault,
20 Jim?

21 MR. HULME: Not your fault, no.

22 CHAIRMAN SARETSKY: All right.

23 So --

24 (Crosstalk.)

25 CLERK SADELI: Sorry. It has to

1 be one at a time.

2 MR. HULME: And we also -- well,
3 why don't we have -- if there's
4 questions about the side yards?

5 CHAIRMAN SARETSKY: Let's continue
6 along the process of what you did, the
7 why, and the how, and then we can talk
8 about questions that people may or may
9 not have.

10 MEMBER KRASNOW: If you would like
11 to see this and the dimensions, it's
12 spelled out for you.

13 MR. HULME: This is a lot more
14 detail than this obviously, but this
15 and this --

16 MEMBER KRASNOW: One was to show
17 you the views, that was to show you the
18 actual dimensions.

19 MR. HULME: And so the other thing
20 we did, which was kind of per Skudrna
21 as well, is that we staggered the
22 location. The homes are all towards
23 the south end of the property, and
24 they're staggered.

25 CHAIRMAN SARETSKY: Just go back

1 up a second. When the Skudrna approval
2 came in years ago, that was part of it
3 as well. So by staggering them here,
4 you also have the improvement of the
5 greater space between them as well as
6 the staggering, so it doesn't look as
7 uniform as some of what Westhampton
8 Dunes has. Again, as the chairman, I'm
9 not pushing this either way, I just
10 want to make sure everybody here
11 understands what happened, and why, and
12 how, and what people's concerns were,
13 and what the Board eventually agreed
14 to.

15 MR. HULME: And staggering it also
16 increases this angle, so somebody
17 further down the street gets a view
18 that they wouldn't get if the houses
19 were all in alignment. And I believe
20 that's one of the reasons -- the other
21 reason they did it in Skudrna was that
22 purpose. And we chose this direction
23 for the stagger because if we did it
24 the other way, if we built this house
25 out here, we'd be right in front of

1 744, so this retains some direct view.

2 CHAIRMAN SARETSKY: Maybe you
3 should just explain that there was I
4 think an issue that this house would
5 have its views blocked and sunsets,
6 whatever it might be, and by pushing
7 that that way I guess it minimizes that
8 impact to that house.

9 MS. HOBERMAN: Is that person
10 here?

11 CHAIRMAN SARETSKY: I don't know.
12 Oh, yes.

13 MR. MACRONE: 734 and 739. So
14 we're directly impacted by the location
15 of those houses, and you know, I know
16 technically no one has a right to a
17 view is my understanding, but to
18 accommodate -- especially if there's
19 enough buildable lot to make sure that
20 people can still have, you know, what
21 they've gotten used to, that's
22 beneficial to that property.

23 MR. HULME: So that's why we did
24 this because if we go back to the
25 so-called as of right, this house could

1 be built in the front of this envelope
2 and would directly take that view away,
3 and in this view we've restored some of
4 that.

5 CHAIRMAN SARETSKY: You understand
6 that piece, right?

7 MR. MACRONE: I understand.

8 MEMBER KRASNOW: Why is your house
9 -- why is 739 not on here?

10 MR. MACRONE: It's an undeveloped
11 lot.

12 MEMBER KRASNOW: Oh, it's a lot.
13 Okay. Now I understand. I just wanted
14 to know why it's not -- okay.

15 ATTORNEY PROKOP: So the right --
16 the statement that nobody has a right
17 to a view, that's not exactly correct,
18 but the view is one impact that the
19 Board can consider.

20 CHAIRMAN SARETSKY: Okay. Again,
21 Joe, I guess the question then for the
22 Board is there's an impact whether you
23 build this house as a so to speak as of
24 right to this house, and again, there
25 are pros and cons, I suppose you can

1 make the argument, and you're here
2 today to tell us with your other
3 neighbors, I guess, your opinions. But
4 in the meantime, why don't we let Jim
5 continue on through the three lot
6 subdivision.

7 DR. BLANK: Can I ask one more
8 question, please? In this process, is
9 this a guarantee that this house will
10 be here and not back here?

11 MR. HULME: Well, there will be --
12 assuming this Board chooses to grant
13 the variances that we're looking for,
14 there will be conditions on where these
15 houses can be located as part of that
16 approval, and you know, it's up to
17 them.

18 MEMBER FARKAS: I think that's a
19 yes, but I'm not sure. I have to defer
20 to the attorney.

21 (Crosstalk.)

22 THE COURT REPORTER: Hold on. One
23 at a time, please.

24 CHAIRMAN SARETSKY: So why don't
25 we just repeat that? The covenants or

1 whatever the right terms are, the
2 conditions that would be on any of
3 these houses in this scheme -- in this
4 scheme they can do whatever they can
5 file as of right and get a building
6 permit to do it, and this Board would
7 have no say in it.

8 MS. HOBERMAN: Is that true? The
9 Board has -- I was going to ask that
10 question.

11 CHAIRMAN SARETSKY: I mean, Aram
12 and Joe can speak to it, but my
13 understanding is that it only comes
14 before us when a variance is needed.

15 CLERK SADELI: Right.

16 MR. TERCHUNIAN: Correct.

17 CHAIRMAN SARETSKY: So in that
18 situation, them building this or some
19 version thereof that complies, this
20 meeting doesn't happen, and we're not
21 all here.

22 MS. HOBERMAN: Got it.

23 MEMBER FARKAS: I'll take it one
24 step further. You would not even get
25 notified as to what they're building,

1 you would have to take action and go to
2 the Village Hall and check the plans.

3 MS. HOBERMAN: Thank you.

4 MR. TERCHUNIAN: Just to speak
5 directly to the Doctor's point, this
6 Board has total control over its
7 decision, and they can place any
8 conditions they deem reasonable onto
9 any approval they care to grant.

10 MR. HULME: And if they do that,
11 just to reinforce that, they will
12 likely require us to record a covenant
13 against the property reflecting those
14 conditions so that anybody who would
15 own this property in the future would
16 own it with notice that they have these
17 limitations. So yes. And the Village
18 would enforce it.

19 MS. BREEN: I'm Rosanne Breen,
20 733, which is here, and I have
21 beautiful views, and you did not take
22 into account my sight lines. So how
23 did you decide that? And my other
24 question is --

25 MR. HULME: Where are you relative

1 to him?

2 MS. BREEN: This is my house right
3 here, 733.

4 MR. HULME: You're looking at the
5 ocean.

6 MS. BREEN: I am, but that
7 diminish that I have gorgeous sunset
8 views from my house.

9 MEMBER FARKAS: Which is your
10 house?

11 MS. BREEN: This one. And so my
12 next question is what is the process of
13 notification? Because this was my
14 first notification, so I'm getting the
15 vibe that there have been more
16 meetings, but nobody notified me.

17 MR. HULME: There was a meeting.

18 MEMBER KRASNOW: You might not be
19 in the 300 feet.

20 CLERK SADELI: It was edited to be
21 300 feet at the Planning Board meeting.

22 MS. BREEN: But so I got this one
23 though.

24 CLERK SADELI: It was my mistake
25 that everybody didn't get notices the

1 first time, and then I went back and I
2 redid the 300 feet to include everybody
3 that was within the 300 feet. So more
4 people were actually notified this way
5 than that way because the Skudrna lot
6 is so large.

7 MS. BREEN: And there are no
8 houses on that Skudrna lot yet.

9 CLERK SADELI: No, but there could
10 be.

11 CHAIRMAN SARETSKY: There could
12 be. And just so you know, we haven't
13 decided anything, so you haven't --

14 MS. BREEN: Here I am.

15 CHAIRMAN SARETSKY: It was our
16 mistake that you didn't get it, but the
17 reality is nothing has happened.

18 MS. BREEN: Okay. So can you tell
19 me this sliver that's to the west has a
20 little designation, and people park
21 there constantly. So is that not part
22 of this property? Is that a separate
23 lot? Does somebody own that?

24 CLERK SADELI: Yes.

25 MS. BREEN: Someone owns that

1 little tiny sliver?

2 CLERK SADELI: Yes, and they were
3 notified too.

4 MS. BREEN: And they're allowed to
5 park 20 cars there?

6 CLERK SADELI: I think that's an
7 issue for the constabulary, not for the
8 Zoning Board.

9 MS. DONELAN: I would like to add
10 to that, I'm 737.

11 MS. BREEN: I do have one other
12 question. So let's say this all goes
13 through, and three houses are going to
14 go there, does the Village have an
15 Architectural Board?

16 CLERK SADELI: No, we don't have
17 an Architectural Review Board.

18 MS. BREEN: So we grant variances
19 based on math, but then you can build
20 anything you want the way it looks?

21 CLERK SADELI: No.

22 CHAIRMAN SARETSKY: Within reason.

23 CLERK SADELI: Those are part of
24 the conditions that they would put on.

25 CHAIRMAN SARETSKY: For example,

1 there are houses that have been built
2 in the Village -- and Aram, tell me if
3 I'm going the right path -- where the
4 cesspools are built closer to the road,
5 whatever it is, and we've required them
6 to have landscaping and irrigation so
7 that it doesn't die and it maintains
8 its camouflage for what it is and looks
9 pleasant. Various things like that
10 this Board in the past has -- Joe, I'm
11 okay with this so far?

12 ATTORNEY PROKOP: Yes.

13 CHAIRMAN SARETSKY: Conditions
14 that would go with it. So again, they
15 can't build, you know --

16 MS. BREEN: So this would be my
17 one -- one of the beauties of Dune Road
18 is that there's, like, no houses that
19 are the same. My house is not modern,
20 my neighbor is, like, ultramodern.
21 Traditional ones all look different.
22 Like, I would hate to see three
23 identical --

24 MEMBER FARKAS: You don't want
25 three Levitt houses there?

1 MS. BREEN: You know, I don't want
2 it to look like a, you know --

3 CHAIRMAN SARETSKY: So we have --
4 in my experience, we have not been able
5 to direct people as to the
6 architecture. One can have a
7 Mediterranean, the other could have --

8 MS. BREEN: Right. That's the
9 beauty.

10 CHAIRMAN SARETSKY: But we're not
11 able to do that.

12 MR. TERCHUNIAN: I don't know. It
13 would be up to Joe to determine if
14 there's a nexus.

15 CHAIRMAN SARETSKY: We can only do
16 things that are one, in other words, if
17 there was something that this group of
18 people had that was a real issue we
19 could talk about that and possibly make
20 it a condition if the Board agrees with
21 it, but for the most part we in the
22 past --

23 MR. TERCHUNIAN: Yeah, Mr.
24 Chairman, typically the conditions that
25 the Board places on approvals involve

1 landscaping, screening, lighting, light
2 trespass, those types of things. In my
3 experience, the Board has never placed
4 a condition, an architectural condition
5 on anything.

6 MS. BREEN: Are any --

7 MR. TERCHUNIAN: And I would go
8 further to say I don't think they have
9 the authority to do that.

10 MS. BREEN: No, but do we have any
11 situation where you have one builder
12 build three houses next to each other
13 at the same time? Like, you're not
14 going to build three houses --

15 MEMBER KRASNOW: Across the street
16 they're very similar.

17 CLERK SADELI: And that was all a
18 subdivision.

19 MEMBER FARKAS: Why don't we ask
20 the owner what his intention is?

21 MS. BREEN: Is that your intention
22 to make them different?

23 MR. ANTONOCCI: No, they're all
24 going to be distinct.

25 MEMBER KRASNOW: I'm going to -- I

1 don't know if I'm allowed to make this
2 comment. I've been on the other side a
3 lot trying to get things approved, and
4 a lot of times, you know, they trying
5 to work with me to have it approved,
6 and they said to the neighbors, listen,
7 they're going to do it, but if you want
8 to have conditions and things, you
9 know, maybe you should work with the
10 both sides. Now, as of right this
11 gentleman can build these two very
12 large houses. They can be exactly the
13 same, they could be bookends, and they
14 can block this view or that view
15 because he's allowed to put them here,
16 and you basically have no say.
17 However, if you don't like this, and
18 you prefer him to build staggered
19 houses, and you want to have some input
20 in terms of what the houses, you know,
21 where the houses might sit, and certain
22 conditions and criteria, then you could
23 be part of the process of us if we
24 decide to grant the variance by working
25 with him. Here in this scenario he can

1 do this, and you basically have to
2 smile and look at it. In this
3 scenario, we can work together
4 collaboratively. This gentleman can
5 get his three lots, you can get views
6 you want, you can get staggered houses,
7 and those are basically the two
8 options. I'm not saying we're granting
9 the variance, but I'm saying if we were
10 to grant the variance and work with the
11 neighbors together with the builder,
12 you have some control over what
13 happens. Otherwise you have no control
14 here.

15 MR. DONELAN: 737 Dune Road,
16 Donelan is the last name. All due
17 respect, we also have an ocean view,
18 but we're not here to talk about the
19 views. So if he wanted the two, he
20 could do the two, but he wants to do
21 three. So my first question, is this
22 map -- and I don't know the answer to
23 this -- is the slight line map, like,
24 we're relying on this map for
25 discussion, right? Is this valid? Do

1 we know -- it's being produced by the
2 people who want to do it.

3 MR. HULME: It was prepared by an
4 architect with a license from the State
5 of New York.

6 CHAIRMAN SARETSKY: We believe it
7 to be accurate.

8 MR. DONELAN: And then second
9 part, same rules apply bedrooms to
10 cars, right?

11 MR. TERCHUNIAN: Yes.

12 MR. DONELAN: So if you've got
13 five bedrooms, no more than five cars,
14 right?

15 MEMBER FARKAS: Six. Five plus
16 one.

17 MR. HULME: If we wanted to do
18 something different than those rules,
19 we'd be asking for other variances, and
20 we're not.

21 MR. DONELAN: The reason I ask
22 that is separate from -- because the
23 beaches are getting narrower and
24 narrower, and we have birds that take
25 up the entire beach, so the more people

1 we add the less it is for people --
2 it's a public beach, and it's very hard
3 for people to get on it now.

4 CHAIRMAN SARETSKY: All valid --
5 that's what we're here for today.

6 MR. ANTONOCCI: Just one thing I
7 wanted to add. Even though there's no
8 Architectural Review Board in this
9 Village, whatever is built there has to
10 comply to the code. There's height
11 requirements, there's different
12 overhang requirements, there's survey
13 requirements, there's a lot of things
14 that kind of will restrict what's done
15 there. It's not just do whatever we
16 want. So that's also important to keep
17 in mind.

18 MS. HOBERMAN: There's no Planning
19 Board either?

20 CLERK SADELI: Yes, the Planning
21 Board refers these applications to the
22 Zoning Board.

23 MR. HULME: The Planning Board is
24 the Trustees. By State Village Law the
25 Planning -- the Trustees could have

1 created a Planning Board, or they could
2 keep that authority with themselves,
3 and they kept that authority
4 themselves. We appeared in front of
5 them several months ago, and they
6 referred us here because they can't
7 create lots that don't have conforming
8 dimensions. And so assuming -- well,
9 not assuming, but in the event that
10 this Board chooses to grant the relief
11 that we're looking for then we will
12 have to go back to the Planning Board
13 and they will --

14 MR. DONELAN: Is there a scenario
15 where the Board will just agree to go
16 straight across?

17 CHAIRMAN SARETSKY: To put the
18 houses straight across?

19 ATTORNEY PROKOP: So what will
20 happen is it went to what our Planning
21 Board is, which in this Village is the
22 Trustees. The Trustees were required
23 to deny it because it was
24 nonconforming, the lots were too narrow
25 and were too small because they were

1 too narrow, and so it came to the
2 Zoning Board. But when we get done
3 with the Zoning Board, if it were to
4 move ahead, then it has to go back to
5 the Planning Board slash Board of
6 Trustees. That Board is not required
7 to approve it because of -- it's not
8 required to approve it, it has to make
9 a separate decision on whether or not
10 to grant the subdivision. Even if the
11 lots are technically conforming at that
12 stage or had they been conforming to
13 begin with, whatever Board is reviewing
14 the subdivision, which in this case
15 will be the Board of Trustees, it does
16 not have to grant the subdivision. It
17 looks at things like impacts on
18 traffic, impacts on the environment,
19 frowning, things like that. I'm not
20 saying that those things exist, I'm
21 just saying that those are the
22 criteria. So in this Board, if we get
23 to the point in the future -- some day
24 in the future that this Board considers
25 making a decision, this Board can

1 impose conditions on it, and on an
2 approval if that was to happen, but
3 also the Planning Board slash Trustees
4 could also impose other approvals --
5 additional approvals if they wanted to.
6 So this Board would be more the
7 dimensional approvals -- dimensional
8 conditions. The Planning Board could
9 be -- or the Trustees could be more the
10 things you're talking about, you know,
11 things that are aesthetic conditions.
12 So there's a couple of levels that it
13 has to go through still.

14 MS. DONELAN: Can I make my point
15 before I lose my train of thought?
16 Because it was going to come right
17 after her point. I'm Danielle Donelan,
18 737 Dune Road. She was saying that,
19 you know, views would be blocked, but I
20 was more concerned actually about the
21 number of people coming into the beach
22 because we do have, which is not on
23 here, that parking spot which can be
24 about 10 cars at some point, I think
25 it's being rented out, but never mind

1 that. So that's, to me, a fourth
2 house. That's ten cars on a weekend
3 with five people in each car, now we're
4 talking about 1, 2, 3, and a 4th little
5 area that's all coming around to the
6 beach.

7 CHAIRMAN SARETSKY: So one
8 question that I have, and I'm sorry to
9 interrupt, I'm -- and the Board members
10 that I'm with here, I don't know that
11 we're really familiar with this piece
12 of land, and who owns it, and what's
13 being done with it, I'm not sure it has
14 any bearing on --

15 MR. TERCHUNIAN: It doesn't have
16 any bearing on --

17 MEMBER KRASNOW: It doesn't have
18 any bearing on this.

19 MS. DONELAN: No, I understand, it
20 doesn't, it's just adding to the number
21 of people.

22 CHAIRMAN SARETSKY: Of course.

23 MS. DONELAN: So to me it's a
24 fourth house almost, which it's not
25 really a house, but it's just more

1 people. That's my concern.

2 CHAIRMAN SARETSKY: Again, we
3 understand that the more people is, you
4 know, could be perceived -- not
5 perceived, could be a negative impact.
6 So but the only thing is what's going
7 on here in this lane is probably
8 something that maybe between Joe and
9 Aram --

10 MR. TERCHUNIAN: Or the
11 constables.

12 CLERK SADELI: It's really an
13 issue for the constabulary.

14 CHAIRMAN SARETSKY: Because it
15 sounds like there's a problem with how
16 it's being used.

17 MS. DONELAN: I agree it's a
18 problem, it's been a problem, but I'm
19 just saying now you're adding to the
20 problem by having an extra house.
21 That's all my point is, that was it.

22 CHAIRMAN SARETSKY: And very valid
23 what you're making. We're only to the
24 point now that, look, they can build
25 these two extremely large houses here.

1 MR. DONELAN: They don't want to.
2 That's why we're here, right?

3 CHAIRMAN SARETSKY: Right. I
4 understand. But that's not going to
5 change the problem you have with
6 whatever this is.

7 MS. DONELAN: But it's just adding
8 to the problem, that's all my point is.
9 More people.

10 DR. BLANK: How many bedrooms are
11 in that lane? Just kidding. I'm
12 joking.

13 MEMBER KRASNOW: Speaking of
14 bedrooms, Joe, maybe it might help, I
15 don't know if it hurts or helps,
16 approximately how many bedrooms would
17 be in these two houses, approximately
18 how many bedrooms would be in these two
19 houses? How much really difference is
20 there between the two and the three
21 based upon what you're estimating
22 building?

23 MR. ANTONOCCI: Well, we haven't
24 fully developed the plans yet because
25 of waiting to see what direction the

1 Board might take us. The larger homes
2 obviously we can get more bedrooms so
3 that's just one factor to consider.
4 Possibly four to five in the other one,
5 this one I'm not sure what the
6 restrictions are, probably septic
7 restrictions or something like that,
8 maybe five or six.

9 MEMBER KRASNOW: Yeah, and I
10 didn't know if this was going to be 12
11 and this was going to be 8.

12 MR. ANTONOCCI: No, I don't think
13 so. Just maybe a couple more just
14 to --

15 MR. HULME: I don't know about the
16 Village Code, but the Health Department
17 code wouldn't allow us to have that
18 many bedrooms. They have a limit on
19 how many of them can be bedrooms.

20 MEMBER FARKAS: Joe, you said
21 something before, if we were to approve
22 this, and I'm not saying that we will,
23 but if we were to approve it, and we
24 put in a condition that the houses had
25 to be staggered in this scheme, can the

1 Board of Trustees undo that?

2 ATTORNEY PROKOP: No.

3 MEMBER FARKAS: They have to abide
4 by our conditions?

5 ATTORNEY PROKOP: They could deny
6 it.

7 MEMBER FARKAS: They can deny the
8 whole thing, yay or nay, but they can't
9 make any changes?

10 ATTORNEY PROKOP: They couldn't
11 change the covenant, correct.

12 MEMBER KRASNOW: Staggering it
13 helps the views, right? Does
14 staggering hurt anybody?

15 MR. DONELAN: That's why I was
16 asking about the --

17 MEMBER KRASNOW: Because that will
18 give you wider views. I didn't know
19 why you wouldn't -- when you asked if
20 they could be -- you wouldn't want --
21 you don't prefer them lined in
22 straight, do you? You want to have --

23 MR. DONELAN: I'm going on what
24 you presented as fact. If it's
25 factual, then logically, yes, what

1 you're saying makes sense.

2 ATTORNEY PROKOP: I thought the
3 discussion in the Skudrna matter 14
4 years, 13 years ago was that the
5 neighbors wanted the houses lined up.
6 Because if you're off to the east of
7 this looking at this, if the houses are
8 lined up, if the depth of the house is
9 60 feet, then you're looking at 60 feet
10 of your view is obstructed. But if the
11 houses are staggered, and I'm talking
12 about you have to view this as an
13 impact, you have to consider this as an
14 impact. If the houses are staggered
15 you're looking at 60 plus half of the
16 other house is 30 and it's 90 and then
17 half the other house, so you have an
18 obstruction of 120 feet. If you're at
19 734, 730 whatever is to the east --

20 CHAIRMAN SARETSKY: I guess the
21 only question to that, Joe, and sorry
22 if I'm going the wrong way, by
23 staggering them you get away from the
24 comments you had before of having
25 things be more uniform. Unfortunately

1 the homes that on the ocean,
2 particularly across from this, they
3 have a setback problem with the dune
4 and a setback from the street, so
5 they're fixed where they can be. So
6 because they are fixed in that spot,
7 you have a very segmented kind of look.
8 Here is sort of an opportunity -- and
9 by all means, we're not selling this,
10 we're just sort of mentioning it
11 because it's a possibility. If you
12 stagger it, you get more to your point
13 of not having uniformity. And perhaps
14 you help --

15 MR. HULME: The people across the
16 street get a better view in the
17 staggered situation. If you look at
18 747, for example, if you were to move
19 this house back so that they were next
20 to each other, this view line moves
21 this way. And so it directly -- you
22 know, for better or for worse, whatever
23 we do, it's going to impact somebody.
24 So this is really kind of averaging the
25 different impacts and --

1 CHAIRMAN SARETSKY: To the point
2 you just made, maybe you should just
3 explain, and maybe Aram, this is for
4 you, if these two houses that are as of
5 right were pushed back contrary to what
6 was done during Skudrna, it would cut
7 off 734, it would also -- in other
8 words, it's a different -- it's sort of
9 six of one, half dozen of the other.
10 You're effecting in a different way.

11 MR. TERCHUNIAN: I think that the
12 point here is what's the most
13 appropriate balance. Where does the
14 applicant and the community get the
15 greatest mutual benefit? I think
16 that's what this Board is wrestling
17 with.

18 CHAIRMAN SARETSKY: And just to --
19 Chris, to your point, the Board is
20 concerned, me particularly, in the
21 concern over subdivision. In other
22 words, there's a variety of problems, I
23 can see the impact of it in a Village
24 like this where more people isn't
25 necessarily helping with the beach and

1 what have you. That being the case,
2 three houses this size versus two
3 houses that size, I'm not sure, I'm
4 saying this -- I'm not sure that there
5 is an impact, significant. But what we
6 don't want to do is we don't want to
7 set a precedent. And for Joe and Aram,
8 these three homes or these two homes I
9 should say, they're very large, very
10 wide empty pieces of land. In other
11 words, a home that's sitting on a 50
12 foot wide lot that's looking to
13 subdivide, that's a different story, in
14 other words, in our opinion.

15 MEMBER FARKAS: That's a problem.

16 CHAIRMAN SARETSKY: It's a problem
17 as we see it because we can't really
18 have everybody on the bay side
19 subdividing to turn every house into a
20 three flag lot. Okay? Now, there are
21 some in Westhampton Dunes because
22 historically it's the way it was, but
23 that doesn't help the character of the
24 neighborhood to your opinion, and a
25 variety of things. So I just want you

1 to know that the Board takes this
2 seriously, and we're trying hard to
3 balance it, what's their right to do
4 because he bought the land and he can
5 do what he wants to do with these two,
6 how does it help or how does it hurt,
7 and to do something along these lines.
8 At the same time, the Skudrna Act that
9 -- whatever we're calling it, not the
10 Skudrna Act, but it goes back 13 years,
11 believe it or not I was still here.
12 That, you know, is sort of consistent
13 with this in my opinion.

14 MR. DONELAN: Does anyone speak
15 for the birds? You have that whole
16 area is roped off for the last ten
17 years, right, and the beach is, like,
18 in half. Do they look at impact on the
19 birds of adding more folks to the area?

20 MR. TERCHUNIAN: You're talking
21 about on the ocean beach?

22 MR. DONELAN: The pipers, yeah.
23 Because they own it, that's their
24 beach, which is great, but it keeps
25 getting smaller and smaller. They get

1 bigger and bigger.

2 MR. TERCHUNIAN: Two things,
3 number one, they're an endangered
4 species, and they get their territory,
5 and that's that. I don't know that the
6 greater population has any impact on
7 that at all. They stand alone, number
8 one. Number two, our beach is
9 scheduled to get bigger in about two
10 years.

11 MEMBER FARKAS: Aram, if the
12 plovers were nesting over here, would
13 they be allowed to build the houses as
14 of right?

15 MR. TERCHUNIAN: No, probably not.
16 The good news is they'll only nest on
17 sandy beaches.

18 CLERK SADELI: They don't go to
19 the bay. It's only on the ocean side.

20 MR. TERCHUNIAN: They feed over
21 there.

22 MR. HULME: So if we see any,
23 we'll know what happened.

24 MS. BREEN: Rosanne Breen, 733.
25 So these houses will all be built on

1 pilings, like everybody else's house.
2 So does the Village have rules about
3 when you can drive those pilings?

4 CHAIRMAN SARETSKY: Yes.

5 MS. BREEN: Like, between the 4th
6 of July and Labor Day, is there no pile
7 driving?

8 MR. TERCHUNIAN: Let me answer
9 your question. The first question is
10 these buildings will be built to the
11 FEMA code as enforced by the Village,
12 whatever that code is, whether it's
13 pilings or some other form of
14 foundation. But it will be built to
15 code, number one. Number two, because
16 there's a variance involved, the Zoning
17 Board has full authority to regulate
18 the time of year of construction.

19 MS. BREEN: I would say it's a
20 short season, and I have been -- we do
21 spend weekdays out here, and we have
22 been here where there have been pile
23 driving in July, and it's not
24 appropriate.

25 CLERK SADELI: During the week

1 they can do that, just not on the
2 weekends.

3 MEMBER KRASNOW: That might not
4 even need a variance.

5 MS. BREEN: Can we say --

6 CHAIRMAN SARETSKY: But in your
7 situation, I think where you're going,
8 I don't want to speak for you, where
9 Aram was headed is if we agree to this,
10 we could put a stipulation that Monday
11 to Friday in July and August they can't
12 drive piles for this proposed project.
13 Fair enough, Aram?

14 MR. TERCHUNIAN: Correct.

15 MS. BREEN: But between July 4th
16 and Labor Day no pile driving at all.

17 CHAIRMAN SARETSKY: That's
18 possible.

19 CLERK SADELI: But Joe, is that
20 fair to everyone else in the Village
21 who would be driving piles in July?

22 ATTORNEY PROKOP: We can only
23 limit these properties.

24 CLERK SADELI: There would other
25 -- if there was other building going on

1 in the Village at that time, they would
2 be allowed to drive piles.

3 MEMBER KRASNOW: Because they
4 might not need a variance. Building as
5 of right, they have more rights to do
6 things than if we grant the variances
7 and we can put conditions on what they
8 do. That's what I said to you earlier.
9 That's where you have some -- if they
10 get the variances to do this, you have
11 a lot of control over what they do. If
12 they go with these two lots, you
13 basically have no control and smile.

14 CHAIRMAN SARETSKY: So an example
15 of that is, I don't recall, and I don't
16 know if Joe and Aram remember, but on
17 the Skudrna thing I don't think we
18 limited that.

19 CLERK SADELI: I don't think so.

20 MR. HULME: You did not.

21 MS. BREEN: So 2017 we had a whole
22 week in July somebody was pile driving
23 and you might as well go home.

24 MR. TERCHUNIAN: To your point,
25 this Board has full authority to stop

1 that, I think you've made -- on this
2 project.

3 CLERK SADELI: For only this
4 project.

5 MR. TERCHUNIAN: You've impressed
6 that upon them.

7 MEMBER FARKAS: If the gentleman
8 who owns 739 decides to build as of
9 right, he can start with the pile
10 driving.

11 MS. BREEN: I got you.

12 MR. MACRONE: Shows you how much
13 we love our views, right?

14 MR. HULME: We talked a lot about
15 Skudrna, so I'd like to dive into
16 Skudrna a little.

17 MR. TERCHUNIAN: Excuse me,
18 Mr. Chairman, I apologize, but I have
19 the St. Patrick's Day Parade that I
20 must attend.

21 MS. BREEN: Which explains your
22 outfit.

23 CHAIRMAN SARETSKY: So before Aram
24 leaves, is there any special questions
25 we have for Aram before he leaves?

1 ATTORNEY PROKOP: What are these,
2 the three boxes that you show on these
3 plans, what are these?

4 MR. ANTONOCCI: That's the septic.

5 ATTORNEY PROKOP: They're not
6 accessory structures?

7 MR. ANTONOCCI: No, they're just
8 calling out the general location of the
9 septic.

10 MR. HULME: If you look on the map
11 instead of the aerial.

12 CHAIRMAN SARETSKY: So they're
13 just proposed, right?

14 (Crosstalk.)

15 CLERK SADELI: One at a time,
16 guys.

17 ATTORNEY PROKOP: What is the
18 front yard, Aram?

19 MR. TERCHUNIAN: The front yard
20 here is the water, and the road is the
21 rear yard. The other thing about the
22 septic is just to give you a heads up,
23 they -- you can -- I believe, Joe,
24 you're checking on this condition, but
25 I believe you could condition that they

1 don't have any retaining walls and they
2 use a system which is low profile, and
3 that would remove one of the visual
4 obstructions.

5 ATTORNEY PROKOP: We're going to
6 get it in the transcript.

7 MS. HOBERMAN: While you're here,
8 what about an environmental review, is
9 there any environmental review required
10 on this?

11 ATTORNEY PROKOP: This Board does
12 the environmental review. It's not an
13 environmental impact statement, but
14 it's an environmental review.

15 MR. TERCHUNIAN: And the
16 environmental review process is called
17 the State Environmental Quality Review
18 Act, and in that process there are
19 three types of approval. A Type I, a
20 Type II, and an unlisted. This Board
21 reviews all the facts put before it
22 both supplied by the applicant,
23 questions and information from the
24 audience, materials that Joe and I will
25 provide, and they make a determination

1 if it's a Type I, which is an
2 environmental impact statement, which
3 actually can't do -- this doesn't
4 trigger that, or a Type II, which means
5 there's no significant environmental
6 impact, and you can proceed with the
7 decision, or an unlisted action, which
8 is one that doesn't fit into those
9 categories, and typically that's done
10 as what they call a conditional
11 negative declaration. That means if
12 you do these conditions, you will not
13 have a significant environmental
14 impact. And the word significant is
15 important. Everything has an
16 environmental impact.

17 ATTORNEY PROKOP: Why is one
18 wetland setback 300 feet and the other
19 one is 75 feet?

20 MR. TERCHUNIAN: One is a
21 jurisdictional line, and the other is
22 the setback from the wetland itself.
23 The 300 feet is jurisdictional.

24 MS. HOBERMAN: So there was a
25 determination made that this is not --

1 MR. TERCHUNIAN: There is no
2 determination made. Before this Board
3 can decide they will make that
4 determination, it's called a SEQRA
5 determination, and they'll type the
6 action, and then they'll make a
7 determination.

8 MS. HOBERMAN: Got it. Thank you.

9 MR. TERCHUNIAN: And see you all
10 at the parade. It's going to stop
11 raining.

12 MEMBER FARKAS: What are the hours
13 of the parade, Aram?

14 MR. TERCHUNIAN: It kicks off at
15 noon and usually runs a couple of
16 hours.

17 CHAIRMAN SARETSKY: All right.
18 Thanks, Aram. So let's continue on.

19 MR. HULME: Sure. So we talked a
20 lot about Skudrna, so I thought it
21 would be useful to compare and
22 contrast, to the extent that there was
23 any value in that. Skudrna, which is
24 this large property here, essentially
25 it was one lot instead of two, but it

1 was asking for essentially the same end
2 result as what we're looking for. It
3 was looking for plus 40,000 square foot
4 lots that were approximately 80 feet in
5 width. So very similar from that --
6 very similar to our project. There was
7 a specific finding in Skudrna that
8 there was no undesirable change in the
9 character of the neighborhood would
10 result from the granting of that
11 subdivision. There was --

12 CHAIRMAN SARETSKY: Maybe we
13 should --

14 MR. DONELAN: How many years ago
15 was that?

16 MR. HULME: 14.

17 CHAIRMAN SARETSKY: So this piece
18 of land, the Skudrna piece, it's 240
19 feet could be a house that's, like,
20 bigger than the Reese house, and it
21 would be ginormous I guess is the best
22 word I can think of. So again, fellow
23 -- your fellow neighbors were involved
24 in the decision, and it was decided
25 that for various reasons the three

1 houses would be more desirable than one
2 hotel, like, looking --

3 MS. DONELAN: I have a question.
4 Those homes, do they feed into -- the
5 people who go to Pike's Beach, how do
6 they get to the beach from those homes?

7 CHAIRMAN SARETSKY: That's a good
8 question. I don't know.

9 CLERK SADELI: There's a walk
10 over.

11 MEMBER FARKAS: There's a walk
12 over by 732.

13 MR. ANTONOCCI: A little bit to
14 the east.

15 MS. DONELAN: So there's more
16 accessibility in that area than our
17 area, that's my point.

18 MR. HULME: As we are offering,
19 the Skudrna application required a
20 non-disturbance area. The way it was
21 achieved in Skudrna was as a separate
22 lot.

23 CHAIRMAN SARETSKY: Right.

24 MR. HULME: That was then -- I
25 don't know if it was -- well, Skudrna

1 has never gone back to the Planning
2 Board, so it was never finished, but I
3 think it was envisioned that that area
4 would have been transferred to a
5 not-for-profit or to the Village.

6 CHAIRMAN SARETSKY: But I think --
7 just explain to everyone here. So the
8 idea was that this piece of land that
9 was on the water for Skudrna was going
10 to be given to the Village. In my
11 opinion, it didn't really help any of
12 you in any way, in other words, it
13 didn't change any way you would use the
14 waterfront there or anything. It was
15 more of --

16 MR. HULME: It was an
17 environmental --

18 CHAIRMAN SARETSKY: Accommodation.

19 MR. HULME: Yes.

20 CHAIRMAN SARETSKY: Again, while
21 it was all fine and good, I think that
22 for the people here who have real
23 concerns --

24 MR. DONELAN: You're adding 50
25 people to the beach on the weekends for

1 sure.

2 CHAIRMAN SARETSKY: It didn't
3 provide people with access to it or
4 anything else. All it did was --

5 CLERK SADELI: Preserve it.

6 MR. DONELAN: I'm just doing a
7 comparison of the two. This is
8 definitely going to be 50 extra people
9 in an area that can't even handle what
10 we have now.

11 MEMBER FARKAS: How do you get to
12 50 extra people?

13 MR. DONELAN: Three houses, six
14 bedrooms. You have to figure at least
15 ten people are going to be here on the
16 beach during the weekend from each
17 house. I don't think they're coming
18 here to stare at the rooms.

19 MR. HULME: But you have to
20 subtract from it the 20 people that
21 would be at the as of right houses.

22 MR. DONELAN: But that's not what
23 we're here for. They can do that.
24 We're not talking about that.

25 MR. HULME: But you need to

1 compare and contrast the two.

2 MR. DONELAN: I don't think you
3 do. You're asking for a variance on
4 that.

5 MR. HULME: We're asking for a
6 variance on this, but the basis for
7 getting the variance is the --

8 MR. DONELAN: So you can do that.
9 That's not a debate. I'm saying if you
10 do three, you just add an extra five
11 bedrooms.

12 MEMBER KRASNOW: Yeah, but they
13 can invite as many people -- whether
14 you --

15 MR. DONELAN: You know how this
16 works, each family has the house, they
17 invite their people. This is basic
18 stuff.

19 MEMBER KRASNOW: I understand.
20 But I think the car rule is overnight
21 parking, so the reality is they can
22 each invite 50 people every weekend.

23 MR. DONELAN: You're just giving
24 my point.

25 CHAIRMAN SARETSKY: I understand

1 what you're saying.

2 MR. DONELAN: We don't own the
3 land. I hope you guys make a ton of
4 money --

5 (Crosstalk.)

6 CLERK SADELI: Amy can't take good
7 notes.

8 CHAIRMAN SARETSKY: Before we
9 agree to anything we're going to hear
10 everybody out, and we're going to
11 listen to it, and we're going to spend
12 some time with Joe Prokop, the Village
13 Attorney, talk about it, and try to
14 come to some fair and reasonable
15 solution.

16 MR. HULME: So the other problem
17 with the way that they did this open
18 space the last time was it actually
19 required a second group of variances
20 because by taking part of this land
21 away, these three lots became less than
22 40,000 square feet. So the variance
23 that was actually granted there was
24 both lot width and lot area. We're not
25 adverse to creating some open space, a

1 non-disturbance zone on the property,
2 and that's the purpose of this line
3 here, which is also on here. That's
4 about 34,000 square foot of area that
5 we're happy to create a non-disturbance
6 area. But what we're suggesting is
7 that we do that by covenant rather than
8 by reducing the size of the lots
9 because we don't want to ask you for
10 two variances, we only want to ask you
11 for one variance.

12 CHAIRMAN SARETSKY: So one
13 question that I have, and maybe going a
14 little off course here, and I guess,
15 Joe, it's probably to you first, this
16 gentleman Chris brought up something,
17 and we talked about it briefly, how do
18 we know -- assuming we agree to this --
19 that these houses will never be
20 subdivided into multiple homes?

21 ATTORNEY PROKOP: So the two
22 covenants that I -- because there would
23 be covenants, and then the other thing
24 is that what actually happened in
25 Skudrna was that it was covenanted as

1 open space. It wasn't taken or given
2 to anyone, that was a misstatement. So
3 what happened was the owner agreed to
4 preserve it as open space, so it still
5 retained the owners. The owner in that
6 situation still retained the ownership
7 of the property, it was just an open
8 space covenant that was filed. So it
9 would be my suggestion to the Board
10 that you consider that in this
11 application also.

12 MR. HULME: We're offering that.

13 DR. BLANK: Can you explain that?

14 ATTORNEY PROKOP: Do you mind if I
15 explain?

16 CHAIRMAN SARETSKY: No, go ahead.

17 ATTORNEY PROKOP: So what would
18 happen is there would be a covenant --
19 there would actually a covenant
20 recorded, which would then, you know,
21 show up in the title forever that
22 whatever portion is agreed on would be
23 preserved as open space.

24 DR. BLANK: Behind the three
25 houses?

1 ATTORNEY PROKOP: The chairman
2 also mentioned no further subdivisions,
3 no two family houses, whatever you
4 want. That would also be a covenant
5 that would be recorded.

6 CHAIRMAN SARETSKY: And an
7 advantage to that, back to your
8 concern, which I share, you know, there
9 have been some other subdivisions,
10 there may be some pending, I don't know
11 yet, but I don't want to see these
12 large pieces of land turn from three to
13 nine or whatever.

14 MEMBER KRASNOW: Six lots.

15 MR. DONELAN: Because that can
16 happen, in theory.

17 CHAIRMAN SARETSKY: Again, we
18 might not be on the Board anymore, it
19 might be other people who are here, I
20 don't know, but if we make it
21 conditional for the approval, perhaps I
22 can leave some sort of legacy here of
23 something better so that it doesn't
24 turn into something like that.

25 MS. BREEN: Meaning that you can't

1 sell this piece and somebody build a
2 house there.

3 MEMBER KRASNOW: It was more flag
4 lots. It was more, like, the concern
5 was if this was divided into three
6 lots, then they could have -- because
7 it's still a large lot, they could have
8 three houses in front and three houses
9 in the back, and that could have been
10 six houses.

11 CHAIRMAN SARETSKY: Or something
12 greater than one.

13 MEMBER KRASNOW: We didn't want
14 that to be a possibility that they
15 could --

16 MR. DONELAN: So now you could
17 take two --

18 MEMBER KRASNOW: Not that you're
19 going to, but he could flip the
20 property, somebody could go back and
21 ask for another bite of the apple, so
22 what we're trying to do is if the
23 variance is granted for three houses,
24 it will only be three houses, it could
25 never be more.

1 DR. BLANK: I'll say something.
2 So actually an example of that is what
3 happened just up the road. They put
4 that house behind what used to be the
5 Pink Palazzo house on the bay side,
6 they put a big house right on the water
7 behind all those other houses.

8 CHAIRMAN SARETSKY: I don't know
9 -- I know what you're talking about,
10 maybe Joe can speak to that. I think
11 that's the house behind Harvey's house.

12 DR. BLANK: It's brand new, it's
13 just built.

14 CHAIRMAN SARETSKY: I think that
15 that was an existing piece of land that
16 was --

17 DR. BLANK: I'm just saying that
18 that can happen here too.

19 ATTORNEY PROKOP: I don't know
20 anything about that, I'm sorry, I
21 apologize. Although I'm asked about it
22 from time to time, but it wouldn't be
23 fair for me to say.

24 CHAIRMAN SARETSKY: This Board has
25 not been involved in it because --

1 DR. BLANK: Because it was already
2 existing and it was --

3 CHAIRMAN SARETSKY: Apparently.
4 In other words --

5 MEMBER FARKAS: As of right.

6 CHAIRMAN SARETSKY: As of right.
7 So gets back to something along the
8 scheme of this.

9 MS. BREEN: What you're saying is
10 if we do not grant the variance --

11 CHAIRMAN SARETSKY: Let me stop
12 you. There's no threat to you if --

13 MS. BREEN: No, I'm just saying,
14 but if you don't grant the variance and
15 it remains like this, it's a
16 possibility that the owner could then
17 somehow put more houses back here.

18 MR. HULME: We'd have to come --
19 in either scenario, even if you did
20 absolutely nothing at all, we would
21 have to come back to this Board for
22 substandard lots.

23 CHAIRMAN SARETSKY: If they want
24 to subdivide these two lots some day,
25 they would have to come before the

1 Zoning Board, right?

2 ATTORNEY PROKOP: Yes. There's an
3 additional problem because the back
4 area -- that's a question I asked Aram
5 because I knew we were going to discuss
6 this. The back area is within a
7 wetland setback, so there would be
8 additional -- that could also be
9 avoided.

10 CHAIRMAN SARETSKY: I just don't
11 want you to think that I'm suggesting
12 it as leverage, that's why you should
13 agree to one or the other. I'm merely
14 saying that we on the Board --

15 MEMBER KRASNOW: I was just saying
16 -- sorry. If you hated this, you have
17 -- there's a possible option. If you
18 don't hate this, you know.

19 MEMBER FARKAS: Also we have
20 control as we sit here today and we
21 make a decision, and we can close that
22 door 100 percent for sure, correct?

23 ATTORNEY PROKOP: Yes.

24 MEMBER FARKAS: Whereas if he
25 builds as of right, and there's a new

1 Board in ten years, and he comes, and
2 things change, anything could happen.

3 MS. BREEN: You can't close the
4 door on anything that happens here?

5 CHAIRMAN SARETSKY: Yes.

6 MEMBER FARKAS: We'll try.

7 CHAIRMAN SARETSKY: We'll try, but
8 I don't think I can.

9 MR. HULME: You can by granting
10 this.

11 CLERK SADELI: You really couldn't
12 because he could build this and not
13 have to go the Zoning Board, he could
14 come to the Village for a building
15 permit and it be approved.

16 CHAIRMAN SARETSKY: In theory,
17 this leaves that door open some way.

18 MS. BREEN: Got you.

19 MEMBER FARKAS: So kind of like
20 balancing what will be the benefits
21 and what are the drawbacks.

22 MS. BREEN: You also have to think
23 do you like the idea of two gigantic
24 houses or three smaller houses.

25 MS. HOBERMAN: What's the square

1 footage projected for the smaller
2 houses?

3 MR. ANTONOCCI: Between four and
4 five, like, maybe 42, 45. It's not
5 been fully --

6 MS. HOBERMAN: So still very
7 large. Three stories up or two stories
8 up?

9 MR. HULME: Whatever the code
10 allows.

11 MR. ANTONOCCI: You have to start
12 on a higher level because of all the
13 wetland requirements.

14 MS. HOBERMAN: Right. Living
15 quarters. Three stories of living
16 quarters?

17 MR. ANTONOCCI: I believe that's
18 what we're going to have, yes.

19 CHAIRMAN SARETSKY: But we could
20 control --

21 MS. HOBERMAN: And that's what I
22 wanted to ask.

23 CHAIRMAN SARETSKY: So in other
24 words, the third story has to fit
25 inside the pyramid as an approval, and

1 many of the houses --

2 MS. HOBERMAN: What's the line
3 of --

4 CHAIRMAN SARETSKY: I think it was
5 32, it went to 34 feet, Joe?

6 ATTORNEY PROKOP: It went to 34.

7 CHAIRMAN SARETSKY: It was raised
8 to 34 feet, but by the time you get to
9 that pyramid it gets relatively small,
10 that's why there's not a lot of space
11 in it, but that's not something -- if
12 they do it, in other words, to comply,
13 that we can stop. But we could --

14 MS. HOBERMAN: You could set
15 limits.

16 CHAIRMAN SARETSKY: We could set
17 limits. But I mean, again, I don't --
18 yeah, I guess, anything is possible.

19 ATTORNEY PROKOP: That's another
20 thing. So it's 34 feet above base
21 flood. So there's houses in the
22 Village that have a base flood of 16,
23 so you're looking at fairly significant
24 houses. That's probably something
25 you --

1 MS. HOBERMAN: Can you say that
2 again? 34 feet above --

3 ATTORNEY PROKOP: I think it's
4 base flood. This is really Aram's
5 realm, but I think it's 34 above base
6 flood.

7 MS. HOBERMAN: So 50 feet you're
8 talking about?

9 ATTORNEY PROKOP: And there are
10 some houses that are 16 foot -- as I
11 understand it, 16 foot base flood
12 level.

13 MR. ANTONOCCI: I don't know if
14 that's the case here, just making an
15 example.

16 ATTORNEY PROKOP: I don't know
17 either.

18 MR. HULME: We're in AE12, so our
19 finished first floor would start at 14,
20 although there's a --

21 CHAIRMAN SARETSKY: The road I
22 think -- I think the road is 9, if I'm
23 not mistaken. So when you drag it
24 across.

25 MEMBER FARKAS: To your point, I

1 don't think you're allowed to have
2 bedrooms on the third floor. I don't
3 think so.

4 DR. BLANK: Unless you have a
5 sprinkler system.

6 MR. HULME: You need the
7 sprinklers for the third story
8 regardless.

9 MEMBER FARKAS: You need the
10 sprinklers for the third story no
11 matter what. I don't think you're
12 allowed to have a closed room, closed
13 bedroom.

14 MR. HULME: I haven't studied this
15 in your code, but most of the plans
16 that I've seen in this area had a loft
17 on the third floor, but nothing more
18 significant than that.

19 ATTORNEY PROKOP: And it's
20 sprinkler to egress.

21 MR. HULME: I don't think it
22 increases the capacity for the house to
23 hold more people by any significant
24 way.

25 CHAIRMAN SARETSKY: Why don't we

1 go back to where you were. I think you
2 were comparing it to Skudrna.

3 MR. HULME: Yeah, so three and
4 three, 80 foot wide. The side yards
5 we're proposing are 16 and 30 -- 16
6 single, 32 total. In Skudrna you had
7 18 and 36 I think was the side yards
8 that you compelled there.

9 CHAIRMAN SARETSKY: So what was
10 the combined Skudrna number?

11 MR. HULME: 36.

12 CHAIRMAN SARETSKY: And this would
13 be 32?

14 MR. HULME: Yes.

15 MEMBER FARKAS: We can limit that
16 if we need to.

17 CHAIRMAN SARETSKY: Right.

18 MR. HULME: So in a lot of ways
19 it's the same application 14 years
20 later.

21 MEMBER FARKAS: Also Skudrna homes
22 are closer to Dune Road and they're not
23 staggered.

24 MR. HULME: Right. I'm sorry,
25 that was in my notes.

1 MEMBER FARKAS: I can see your
2 notes from here.

3 MR. HULME: You can't read them
4 though. I can barely read my
5 handwriting. But I believe the Skudrna
6 limitation was that the houses merely
7 needed to be built to the -- not on the
8 north part of the property. I'm not
9 sure how that was defined in that case,
10 but there was not a stagger required,
11 but we understand I think the value of
12 the stagger to at least some of the
13 neighbors.

14 MEMBER KRASNOW: That was based
15 upon the neighbors' input at that time
16 14 years ago. I don't know if the same
17 neighbors are there.

18 MR. HULME: I think you're getting
19 different input 14 years later.

20 CHAIRMAN SARETSKY: I mean, I
21 think to your point I don't think that
22 Skudrna approval really changes this
23 one, other than what's consistent with
24 one or the other, and also what helps
25 in some of your concerns. Rosanne,

1 your concern of staggering the houses I
2 think helps a little bit. I think it
3 helps a little bit with views, even if
4 the other three houses are built
5 straight, these three being staggered
6 make the six of them look better than
7 six in a row. So again, just my
8 opinion. Is there anymore on Skudrna?

9 MR. HULME: No, that's it.

10 MS. BREEN: Are those houses being
11 planned?

12 CLERK SADELI: No.

13 CHAIRMAN SARETSKY: It was
14 approved by the --

15 MEMBER KRASNOW: 14 years ago.
16 They never did anything.

17 CLERK SADELI: Like Joe said, it
18 never went back to the Planning Board.

19 MS. BREEN: So maybe that will
20 happen here too, if we're lucky.

21 MR. HULME: Unlikely.

22 MEMBER KRASNOW: I would doubt
23 that.

24 MR. HULME: It's more likely that
25 you might want to buy one of the lots

1 after they're created.

2 CHAIRMAN SARETSKY: So should we
3 open it up for questions, Joe, or how
4 should I proceed?

5 ATTORNEY PROKOP: Yes.

6 CHAIRMAN SARETSKY: Are there any
7 other comments or questions that people
8 have? I think the Board today -- and
9 I'm not excluding you from making a
10 comment. I think that we've heard the
11 concerns. There's only three of us
12 here today. Two of the Board members
13 could not make this meeting. We
14 probably want to spend some time with
15 Joe Prokop and Aram to review what's
16 been said today, some of the concerns.
17 I think that this document that you
18 gave us today we should -- I'll give it
19 to you to make copies for us.

20 MEMBER FARKAS: That's important.

21 CHAIRMAN SARETSKY: These are
22 important, and I think some of the
23 points that were made we want to sort
24 of review how it effects things. But I
25 don't want to limit anybody from making

1 any comments.

2 MR. HULME: I would suggest that
3 you leave it open for all purposes.

4 CLERK SADELI: I was going to say
5 we can leave it open for public
6 comment.

7 MEMBER KRASNOW: Can I ask the
8 neighbors a question? Chris, your
9 concern seems to be the amount of
10 people.

11 MR. DONELAN: I'm worried about
12 the birds and the beach.

13 MEMBER KRASNOW: Did anybody have
14 a major concern about the views or an
15 issue with it either way? Nobody seems
16 to have addressed that.

17 MR. DONELAN: That's why --

18 MS. BREEN: It bothers me but --

19 MR. DONELAN: We don't own it,
20 it's not our decision. Obviously you'd
21 rather have nothing there, but that's
22 not the point. But that's not going to
23 happen, and that's not right, but we're
24 just going off on what you're
25 presenting. So what you're presenting

1 really is, if it's accurate, then you
2 kind of -- but you're also presenting
3 something you want, so that's why I
4 get, like, I'm asking where this comes
5 from.

6 MEMBER KRASNOW: It's not
7 something I want.

8 CHAIRMAN SARETSKY: The developer,
9 the owner.

10 MR. DONELAN: No disrespect.

11 MEMBER KRASNOW: I'm trying to
12 solicit some input and ask -- I'm
13 trying to understand your concerns, and
14 right now I'm getting the main concern
15 is that you think there will just be
16 more people.

17 MR. DONELAN: It's not about the
18 people, we don't own this land.

19 MS. BREEN: It is the people
20 because being the public walkway is
21 here to the beach between 37 and 33,
22 and there is this lot that is a
23 problem, and maybe we can address that
24 after --

25 CLERK SADELI: Yeah, that's not

1 for this Board.

2 MS. BREEN: How the neighbors have
3 any recourse because does Pike's Beach
4 have a bathroom?

5 CLERK SADELI: Yeah.

6 MS. BREEN: It does. Okay. So
7 these people walk over the public
8 walkway, and there is no bathroom, and
9 so they urinate in the dunes while
10 we're --

11 CLERK SADELI: You have to speak
12 with Sergeant Hennig and Sergeant
13 Turner about it.

14 MS. BREEN: But so do we have any
15 recourse about what that piece of
16 property is exactly? Because it has
17 markings for parking and --

18 ATTORNEY PROKOP: What piece of
19 property are you talking about?

20 CLERK SADELI: They're talking
21 about the Nathan lot.

22 ATTORNEY PROKOP: How wide is it?

23 CLERK SADELI: I'm not sure.

24 MS. DONELAN: I think it's 18.

25 (Crosstalk.)

1 CLERK SADELI: Just one at a time
2 because Amy can't --

3 MR. DONELAN: I think it does kind
4 of play into it.

5 ATTORNEY PROKOP: We'll mention it
6 to the constables.

7 MR. DONELAN: I think your point
8 is the beaches are really going to get
9 effected by it. Two or three, do
10 whatever you want.

11 MS. HOBERTMAN: I want to come back
12 to the views. Irwin, you asked a
13 question about the views, right? So I
14 don't have enough of a sense of whether
15 staggering the houses or putting them
16 straight maximizes the views.

17 MEMBER KRASNOW: They have a right
18 to build something, and the views are
19 going to get blocked.

20 MS. HOBERTMAN: I understand. I
21 don't have a sense of which is the
22 least impact.

23 MR. HULME: I would suggest that
24 without the stagger it's just a
25 mathematical sum, and without the

1 stagger there's 25 more feet of open
2 view space than there is with the as of
3 right. What the stagger does is it
4 increases the view as you go down the
5 other side of the street because the
6 angles get bigger between the
7 buildings. If this building were
8 pulled back to be lined up with that,
9 this line here would move over here,
10 and you would -- you'd get to a point
11 sooner that you couldn't see the water
12 anymore.

13 MS. HOBERMAN: But the houses go
14 back further, so I think maybe you were
15 saying the houses go back further, so I
16 don't have enough of a sense of whether
17 that minimizes -- it seems to me that
18 that would minimize the view.

19 CHAIRMAN SARETSKY: Here's a point
20 to make. You live at 737, you said?

21 CLERK SADELI: 53.

22 CHAIRMAN SARETSKY: 753. So I
23 suppose the best way to look at it is
24 just 737 has this alley that looks
25 through the house that's already

1 existing and this proposed one of the
2 third division. It's got almost the
3 same alley looking through when there's
4 two houses here, so to them -- I mean,
5 again, I'm just using it as an example,
6 they're showing this, it's not really
7 helping you in your view, but it's
8 showing that for this person here it's
9 not making a difference. For these
10 views that look through here, it's
11 somewhat better in some opinion to the
12 staggering. I think that, again, just
13 my opinion, I think staggering is just
14 more aesthetic than anything else. I
15 think that mathematically it helps a
16 little bit, but I think that it's sort
17 of like six of one, half dozen of the
18 other. I think it's more appealing,
19 you know, in sort of an architectural
20 way, the way I think of it, but because
21 you get the greater amount of space in
22 this sort of form than this, that's
23 where I think you're getting the
24 advantage.

25 DR. BLANK: Let me say something.

1 I was a physics major, I studied
2 optics, but this is logic. I think
3 that this whole thing about these views
4 is a lot of smoke and mirrors. I think
5 the aesthetics is the key point here
6 because I think honestly if you make
7 these houses longer, there's nobody who
8 is getting a view of anything. If
9 these houses tend to be a little
10 deeper, even if they are staggered, so
11 you're not going to get views. And if
12 these houses are like this, you'll get
13 more of a view. Perhaps if they were
14 this way, you'd get better views than
15 from this side, but you'll get worse
16 views from this side. So when you try
17 to look this way, if this house is
18 behind this one, and this house is
19 behind this one, you're not getting any
20 view through those houses. If they're
21 this way, you not getting any view
22 through these houses to anything over
23 here. Okay. So the view part I think
24 is just irrelevant.

25 CHAIRMAN SARETSKY: To your

1 comment --

2 DR. BLANK: But the aesthetics, I
3 agree.

4 CHAIRMAN SARETSKY: There were
5 people that brought up some of the
6 neighbors at the last meeting, and
7 that's why we asked them to do this.
8 We didn't do it because the Board --

9 DR. BLANK: No, no, I understand.
10 I'm not a laying blame. I'm just
11 pointing out that the aesthetics I
12 totally agree with you, but the actual
13 -- this thing about having more view
14 from any of these houses really is not
15 -- and how they build them will change
16 all of that completely.

17 MEMBER FARKAS: Doctor, don't you
18 think that -- and again, I agree with
19 what you're saying, but don't you think
20 that if you're at four-tenths versus
21 the three-tenths you'd have more space
22 between the houses?

23 DR. BLANK: But only when you
24 drive by. Only truly when you drive by
25 and you look through the middle.

1 CHAIRMAN SARETSKY: But if you
2 look from across the street, and you
3 live in one of these homes, and you
4 have a greater space between the
5 homes --

6 DR. BLANK: But it all depends on
7 where, how deep they are.

8 CHAIRMAN SARETSKY: Yes, yes.

9 DR. BLANK: Because it will cut
10 off that view if the house happens to
11 be deeper no matter where it starts.

12 CHAIRMAN SARETSKY: Oh, of course.
13 If they're long rectangles --

14 (Crosstalk.)

15 CLERK SADELI: Just one at a time,
16 please.

17 DR. BLANK: I just wanted to make
18 sure that everybody understands that --

19 CHAIRMAN SARETSKY: It's a good
20 point.

21 DR. BLANK: Agree with the
22 aesthetics, but when you change the
23 depths, you may get no view at all no
24 matter what angle you're at except when
25 you drive by.

1 MR. HULME: That's why I went with
2 the arithmetic, just the easiest way to
3 look at this is the space between the
4 homes. To the extent that there's
5 value in having more space between the
6 homes, the subdivided provides more of
7 that than the un-subdivided.

8 MEMBER KRASNOW: Doctor, that
9 seemed to have been a concern at the
10 previous meeting. There were a couple
11 of different neighbors there, and so we
12 asked them to do this to kind of show
13 the neighbors where the houses were,
14 what it would be, and like I said
15 before it didn't seem to be as much of
16 a concern at today's meeting that
17 anybody was really -- you know, so I
18 just was trying to make that point.

19 CHAIRMAN SARETSKY: So one
20 question we had --

21 CLERK SADELI: Aram wanted to know
22 what the plans were for the bunny
23 hutch.

24 CHAIRMAN SARETSKY: The existing
25 house that's there.

1 MR. ANTONOCCI: Sure.

2 CHAIRMAN SARETSKY: Is there a
3 plan for it?

4 MR. ANTONOCCI: Looking to
5 repurpose it in whatever way is best
6 for the Village.

7 DR. BLANK: Is it a landmark?

8 MEMBER KRASNOW: Well, it's in the
9 video. Maybe we could put it behind
10 the BPPA or somewhere over here?

11 MR. DONELAN: As a donation to the
12 Village?

13 MEMBER KRASNOW: Prefer it not to
14 be demolished.

15 MR. HULME: The overriding thing
16 in Skudrna seemed to be north versus
17 south for the location of the homes. I
18 don't know that the stagger -- I don't
19 think that I reviewed any minutes from
20 that. Stagger I don't think came up.

21 CHAIRMAN SARETSKY: I think Joe
22 read that it wasn't a staggering issue,
23 it had to do with bringing houses up,
24 and I think the reason for it -- Joe,
25 correct me if I'm wrong, is that the

1 house that was -- the bunny hutch is
2 what, 742? So I think that that house,
3 it was adversely effecting that house,
4 so they were pushed forward, if I'm not
5 mistaken.

6 MR. HULME: I guess what I'm
7 trying to say is that we could live
8 with either restriction. If the
9 restriction is nothing north, fine. If
10 the restriction is nothing north and
11 staggered, fine.

12 CHAIRMAN SARETSKY: So I think
13 if --

14 ATTORNEY PROKOP: Whenever you're
15 done, I have a couple. So I think that
16 we should ask the applicant to fill in
17 these dimensions on this so we know
18 what we're talking about, please. And
19 the other thing is I think it's
20 probably worthwhile for the Board to
21 have -- I'm not looking to delay this,
22 but just have a planner look at this
23 and just see if they have any comments
24 about what we're looking at here. And
25 there are people, like, Kyle Collins is

1 a name that comes to mind, but probably
2 he is too busy, but somebody like that
3 just to spend an hour looking at this,
4 see if they have comments.

5 And then are you able to come up
6 with sizes that you're agreeing to
7 limit yourself to?

8 MR. HULME: I believe that we --

9 MR. ANTONOCCI: I can put
10 something together.

11 ATTORNEY PROKOP: Maybe you could
12 let us know what that is in the next
13 two weeks or so.

14 And then I still go back to the
15 first meeting that we had on this
16 application, so I still don't
17 understand -- I haven't conceptualized
18 and I don't understand the application
19 as far as you're asking us to merge the
20 lots and then to --

21 MR. HULME: I'm asking you to give
22 us the subdivisions we need so that the
23 Planning Board can create the two lots
24 in conforming fashion.

25 MEMBER KRASNOW: Three lots.

1 MR. HULME: Three lots. Thank
2 you.

3 ATTORNEY PROKOP: This was a big
4 point of controversy that was started
5 outside the Village and involves the
6 Village, but the application that you
7 filed was for a merger and then a
8 subdivision. So are you changing that
9 now? You want --

10 MR. HULME: I used whatever words
11 I used in the application. However you
12 want to characterize it, that's fine.

13 ATTORNEY PROKOP: But it's your
14 application.

15 MR. HULME: Right. I want the
16 variance relief to create three lots.
17 That's my application. We can't put
18 these lots together and then
19 re-separate them, that doesn't make any
20 sense.

21 ATTORNEY PROKOP: I agree with
22 you, and that's what I said. When you
23 filed this application, that's what I
24 said. That's your application. So can
25 you just give us a note so we have

1 something in the file?

2 MR. HULME: Sure.

3 ATTORNEY PROKOP: The last thing
4 that we have is your request to merge
5 the lots and --

6 MR. HULME: Okay. I will clarify
7 that.

8 CHAIRMAN SARETSKY: So one thing I
9 would like to add -- one thing I'd also
10 like to add for the neighbors and for
11 the Board members, if you wouldn't mind
12 taking either this drawing or this
13 drawing, whichever one is easier, this
14 was your surveyor, could you
15 superimpose the two houses onto this,
16 just a shading of -- the architect
17 could do it or whichever is easier for
18 you to do, I think it would maybe help
19 see the -- to your comparison as to how
20 to look at them, if there is any
21 difference. I know there's a
22 difference, but again, I think visually
23 it helps.

24 MR. ANTONOCCI: Not a problem.

25 MEMBER FARKAS: I had one

1 question. Are you planning on selling
2 these three homes, or are you planning
3 on using them for family? Is it three
4 bothers, and they're going to each have
5 a house or --

6 MR. ANTONOCCI: I'm planning to
7 retain one of them for myself for my
8 own use with my family.

9 MEMBER FARKAS: So you're going to
10 be neighbors with all these people.

11 MR. ANTONOCCI: Sure.

12 MEMBER FARKAS: I just wanted to
13 bring that to the forefront.

14 CHAIRMAN SARETSKY: Are there any
15 other comments for today? If not, I'm
16 going to propose, Joe, that we leave
17 the hearing open and that we --

18 MEMBER FARKAS: The public
19 hearing.

20 CHAIRMAN SARETSKY: The public
21 hearing open so that we're not limited,
22 and that we spend some time on this
23 particularly with a full Board, and
24 spend some time with you and Aram
25 accordingly.

1 ATTORNEY PROKOP: Okay.

2 MR. HULME: Next meeting is April
3 1st.

4 ATTORNEY PROKOP: We have -- to
5 discuss the application, it has to be
6 in public, but you can get legal advice
7 from counsel only. You can get legal
8 advice from counsel in a separate --

9 CHAIRMAN SARETSKY: That's what
10 I'm proposing. We would discuss it
11 with you.

12 MS. HOBERMAN: Will the neighbors
13 be similarly noticed before the next
14 meeting?

15 MEMBER FARKAS: April 1st.

16 MS. HOBERMAN: Is that my notice?

17 MR. HULME: The Village will
18 require us to mail again to the 300
19 feet more than ten days -- at least ten
20 days ahead of schedule.

21 DR. BLANK: Will it be on a
22 Saturday again?

23 MR. HULME: Yes.

24 ATTORNEY PROKOP: So the answer to
25 your question is we're not required to

1 -- because we're adjourning to a
2 particular date, we're not required to
3 send notices again because everybody
4 had notice of today's date. So would
5 you like notices to be sent again?

6 CHAIRMAN SARETSKY: I think it
7 would be nice.

8 MEMBER FARKAS: Yes.

9 ATTORNEY PROKOP: We will do the
10 notices.

11 MEMBER KRASNOW: It should also be
12 on website, right? So if anyone looks
13 at the website -- because you might not
14 be within that 200 feet, but you'll
15 know what's going on. And that's --

16 CHAIRMAN SARETSKY: All right.

17 DR. BLANK: Great presentation.
18 Thank you.

19 CHAIRMAN SARETSKY: Thank you for
20 coming.

21 DR. BLANK: Thanks for your hard
22 work.

23 CHAIRMAN SARETSKY: We want to
24 make sure that it's as satisfactory as
25 possible. So I'm going to move to

1 close the meeting.

2 MEMBER KRASNOW: Motion.

3 CHAIRMAN SARETSKY: All in favor?

4 (Aye said in unison.)

5 (The meeting was adjourned at

6 11:07 a.m.)

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C E R T I F I C A T E

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

THAT the above and foregoing contains a true and correct transcription of the proceedings held on March 11, 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 24th day of MARCH, 2023.

AMY THOMAS