

1 INCORPORATED VILLAGE OF WESTHAMPTON DUNES
2 ZONING BOARD OF APPEALS
3 General Meeting
4 May 20, 2023
5 9:30 a.m.
6 914 Dune Road
7 Westhampton Beach, New York
8

9 MEMBER PRESENT:

- 10 Eric Saretsky - Chairman
11 Irwin Krasnow - Member
12 Jeff Farkas - Member
13 Jim Cashin - Member
14 Joseph Mizzi - Member
15
16

17 ALSO PRESENT:

- 18 Joseph Prokop - Village Attorney
19 Angela Sadeli - Village Clerk
20 Aram Terchunian - Village Environmental
21 Consultant
22

23 TAKEN & TRANSCRIBED BY:

- 24 Wayne Galante - Court Reporter
25

1 -- 2006. And this was, for whatever
2 reason, it was never built out to
3 whatever it was, and then there was a
4 lawsuit that was settled and it changed.
5 Take us through that.

6 MR. HULME: Sure. Well, first of
7 all, for the applicant, James M. Hulme,
8 323 Mill Road, Westhampton Beach, New
9 York.

10 Good morning, all.

11 CHAIRMAN SARETSKY: Good to see you.

12 Excuse me. First of all, why don't
13 we identify ourselves.

14 Eric Saretsky, Chairman of the
15 Zoning Board.

16 MEMBER MIZZI: Joe Mizzi, Zoning
17 Board member.

18 MEMBER CASHIN: Jim Cashin, Zoning
19 Board member.

20 MEMBER FARKAS: Jeff Farkas, Zoning
21 Board member.

22 MEMBER KRASNOW: Irwin Krasnow,
23 Zoning Board member.

24 ATTORNEY PROKOP: Joseph Prokop, the
25 Village Attorney.

1 CLERK SADELI: Angela Sadeli,
2 Village Clerk.

3 MR. TERCHUNIAN: Aram Terchunian,
4 Village Environmental Consultant.

5 CHAIRMAN SARETSKY: Thank you.

6 ATTORNEY PROKOP: On this
7 application I just want to disclose to
8 the Board, I don't think it's a
9 conflict, but I just want to disclose in
10 case somebody later brings it up.

11 In the litigation that was referred
12 to, probably about eight years ago, I
13 briefly did work as a consultant in that
14 litigation. That was, like I said,
15 about eight years ago.

16 And then also --

17 MEMBER CASHIN: It was as consultant
18 to whom?

19 ATTORNEY PROKOP: To the
20 attorneys -- to this person and also to
21 the attorneys that were working on this.

22 MEMBER CASHIN: I'm sorry, plaintiff
23 or defendant?

24 ATTORNEY PROKOP: Fabrizio, the
25 applicant. And because they needed

1 knowledge that was specific to the
2 Village, so I was asked to, I get paid
3 to provide, you know, ten hours of
4 service, whatever it was back then. Some
5 time ago.

6 Also, I represented this person in
7 a tax grievance as recently as I think
8 about four years ago, which is over, so,
9 and it's been a significant amount of
10 time.

11 MEMBER CASHIN: Was the tax
12 grievance against the Village of
13 Westhampton Dunes?

14 ATTORNEY PROKOP: No, the Town of
15 Southampton.

16 MR. TERCHUNIAN: Also, Mr. Chairman,
17 in the interest of full disclosure,
18 Laura Fabrizio is a friend of mine. I
19 was involved in the same litigation as
20 Mr. Prokop; specifically because of my
21 unique knowledge in the Village was
22 called upon to assist the defendants in
23 their case.

24 MR. HULME: Well, then I suppose I
25 should disclose, Ms. Fabrizio is my

1 client in this matter and she is a
2 friend of mine as well. But I have no
3 objection to any of the professionals
4 continuing to advise the Board on behalf
5 of this application.

6 ATTORNEY PROKOP: I think I
7 periodically purchased clothing from her
8 company.

9 MR. HULME: And the disclosers go on
10 and on and on.

11 In any event, we are here to talk
12 about 772 Dune Road, and as the Chairman
13 alluded to, there is a bit of history to
14 this property.

15 There was an application to this
16 Board and to the Planning Board made
17 back in 2006 to subdivide this property
18 into two buildable lots and an open
19 space lot.

20 The lot number one in that case was
21 -- and Zoning Board relief was in fact
22 granted for that, with lot number one
23 being a little under 20,000 square feet;
24 lot number two being a little under
25 20,000 square feet; and the open space

1 lot being 13,161 square feet. And if
2 you would like for the record, this is a
3 copy of that subdivision map.

4 CHAIRMAN SARETSKY: I have one. We
5 could share it.

6 MR. HULME: All right.

7 MEMBER KRASNOW: Both sides?

8 MR. HULME: Yes, I believe that is.

9 MEMBER KRASNOW: So this is what was
10 originally approved.

11 MR. HULME: Yes, is that 13,000 --

12 MEMBER KRASNOW: This says the Town
13 of Southampton, so, that's not the open
14 space, is it? Because that's not hooked
15 up.

16 MR. HULME: Well, it isn't now, but
17 it was then. This is the actual
18 approved map, so.

19 MEMBER CASHIN: Can you just show us
20 which lot is which?

21 MR. HULME: Sure. This is lot number
22 one. This is lot number two. And this
23 is the preserved lot.

24 So, would anybody else like a copy?

25 ATTORNEY PROKOP: Yes.

1 CHAIRMAN SARETSKY: So we should
2 take one, too.

3 MR. HULME: Sure.

4 MEMBER KRASNOW: But she doesn't own
5 the 13,000 feet anymore?

6 MR. HULME: She did then. She
7 doesn't now. She owns actually a little
8 -- she owns a little more. She owns a
9 little more less than that -- a little
10 less more than that. Well, the amount
11 that she doesn't own is larger than the
12 preserved lot, based on the litigation.

13 So moving forward to that, the
14 reason why this subdivision was never
15 fully realized was because of that
16 litigation and the dispute that it
17 represented over the ownership of the
18 front portion of the lot in question.

19 MEMBER CASHIN: I don't understand
20 that. The front being Dune Road?

21 MR. HULME: No, the front being the
22 water.

23 MEMBER CASHIN: Okay.

24 MR. HULME: So let me step back.
25 So, 2006, the Zoning Board approved

1 essentially a three-lot subdivision.

2 Lot number one was a residential
3 lot occupied by a house on Dune Road at
4 about a little under 20,000 square feet.

5 CHAIRMAN SARETSKY: And that's the
6 existing house that's there now.

7 MR. HULME: That's the existing
8 house that is there now.

9 Lot number two was a vacant lot
10 also slightly under 20,000 square feet.
11 And what I'm calling lot number three
12 was a 13,161 square foot lot on Moriches
13 Bay that by virtue of the Zoning Board
14 determination was, I don't know if it
15 was going to be dedicated, but it was
16 never going to be developed;
17 non-disturbance, et cetera, et cetera.

18 So, fast forward to, I guess
19 earlier this year, the litigation that
20 prevented this plan from being
21 finalized, because it was a dispute over
22 who owned the part of the property on
23 the bay, was settled. And in Ms.
24 Fabrizio's case it was settled by her
25 agreeing to transfer, ultimately, to the

1 Town Trustees --

2 CHAIRMAN SARETSKY: Just explain,
3 this is the Town Trustees of
4 Southampton?

5 MR. HULME: Yes, Southampton Town
6 Trustees. It's not the Village.

7 CHAIRMAN SARETSKY: Not everybody
8 probably knows there was a lawsuit with
9 those Trustees, had nothing to do with
10 Westhampton Dunes except the people were
11 in Westhampton Dunes.

12 MR. HULME: Correct.

13 CHAIRMAN SARETSKY: Okay, go ahead.

14 MR. HULME: And so by virtue of the
15 settlement of that action, almost 20,000
16 square feet was transferred from Ms.
17 Fabrizio to the Southampton Town
18 Trustees. And that's what, it was
19 depicted on the original subdivision map
20 that I provided you when we filed this
21 application, and that's what is depicted
22 on the updated map that I filed between
23 the last meeting and --

24 CHAIRMAN SARETSKY: So that's the
25 main one?

1 MR. HULME: Yes, that's the most
2 recent one. So --

3 MEMBER FARKAS: Jim, can you just
4 tell us, I was not in the Village at the
5 time. What was that lawsuit about?

6 MR. HULME: The lawsuit was about,
7 what's the word, accretion, and so
8 these, the deeds for these properties
9 are what is known as riparian deeds,
10 which means that the deed describes the
11 ownership as continuing to the mean high
12 water. And so when sand under certain
13 circumstance is deposited on the shore,
14 your property gets bigger by virtue of
15 the fact that you have a riparian deed.

16 So there was a dispute between the
17 Southampton Town Trustees who own the
18 bay bottoms in Moriches Bay, with the
19 landowners over whether or not title
20 actually transferred from the Trustees,
21 because that area had been under water,
22 to the landowners when it became up out
23 of the water. So it was, and the
24 lawsuit continued for a
25 decade-and-a-half?

1 MR. TERCHUNIAN: Yes.

2 MR. HULME: And so it was just
3 literally recently this year settled by
4 an agreement between this homeowner and
5 the Trustees that the approximately
6 19,000 square feet on the water would be
7 taken off of what she owed and given to
8 the ownership of the Town Trustees, with
9 the agreement that what was left was
10 hers and there was no longer a dispute
11 over the title.

12 MEMBER KRASNOW: Does she and the
13 other owners have easements over the
14 property?

15 MR. HULME: I think they have the
16 right to build a dock, a walkway and a
17 dock, so they have a right to get water
18 access, but obviously that lot will
19 never be improved in any way and will be
20 left to grow as it would actually
21 normally grow.

22 MEMBER KRASNOW: But it wasn't just
23 her lot, wasn't there a few lots that
24 were part --

25 MR. HULME: There were a number of

1 lots that were part of this lawsuit. My
2 knowledge at this moment is restricted
3 to her because I had gotten to
4 understand that from her perspective.

5 ATTORNEY PROKOP: So what happened,
6 in the early part of the Village, um,
7 one of the second or third areas to be
8 developed was this area which included a
9 lot that was owned by Mayor Vegliante,
10 and we were in a period of time where
11 like every six months the Trustees
12 and/or the Town figured out a new way to
13 torture us and try to take us out of
14 existence. And so when Mayor Vegliante
15 had a subdivision of his lot approved,
16 he attempted to, in the middle of that,
17 the Town decided to try to sterilize his
18 property and take him out. And a lot of
19 people fell in that group, one of which
20 was this owner. But there was a
21 basically made-up story which is not, is
22 not enforced anywhere else in Moriches
23 Bay where this happens, that the
24 Trustees believed that they owned this
25 property.

1 That's my, the Village version of
2 it, not the, obviously Southampton has a
3 different version.

4 But their basic focus was on Mayor
5 Vegliante, and unfortunately a group of
6 people were in the same circumstances,
7 and got pulled in. Included.

8 MR. HULME: We certainly agree with
9 Mr. Prokop's characterization of that. I
10 think that's exactly what occurred.

11 But, in any event, we were left
12 with a lot that used to be 52,000 square
13 feet but is now 32,000 square feet. And
14 it is the remaining lot that we are
15 seeking to subdivide.

16 I would suggest that the ultimate
17 result here is exactly the same as what
18 was approved back in 2006 because you
19 have a lot with a house on it.

20 MEMBER FARKAS: Jim, which lot are
21 you looking to subdivide?

22 MR. HULME: What's left.

23 MEMBER FARKAS: Three or two?

24 MR. HULME: The, if you look at the
25 new map that we -- this is what we own.

1 From here to here. And that's
2 approximately 32,000 square feet. So we
3 are looking to divide those two, in a
4 manner very similar to what we did back
5 in 2006, which was a house -- a lot with
6 a house on it, a vacant lot and a
7 preserved lot, so we effectively have,
8 although the numbers have been jiggered
9 a little bit, we effectively will end up
10 at the same place: We'll have a lot
11 with a house on it, a vacant lot, and a
12 preserved lot.

13 Although the current case, the
14 preserved lot is bigger, actually, than
15 what was required.

16 MEMBER FARKAS: Even after the
17 taking from --

18 MR. HULME: Well, no. We are not --
19 the, what I referred to for the
20 preserved lot now, I'm referring to the
21 19,000 square-foot lot that we gave to
22 the Town.

23 I'm just saying that they are
24 different ownership, but they are
25 equivalent plans.

1 We have, you know, at the end of
2 the day, this lot is divided into lot
3 number one with the house, lot number
4 two that is vacant, and a third lot that
5 is now owned by, that is now owned by
6 the Town Trustees. That will be
7 preserved forever, in a manner very
8 similar and very analogous to what was
9 approved by the Zoning Board back in
10 2006. A lot number one with a house on
11 it, a lot number two that was vacant and
12 then a preserved lot. So.

13 MEMBER FARKAS: Jim, does lot number
14 two have a separate tax bill, or a
15 separate lot or lot registration?

16 MR. HULME: We don't have the relief
17 yet to create the current lot number
18 two. This never moved forward past the
19 Zoning Board in 2006.

20 ATTORNEY PROKOP: They couldn't get
21 Health Department approval. So the map
22 was never filed and the lot was never
23 created because they couldn't get Health
24 Department approval.

25 MEMBER KRASNOW: Joe, I have a

1 question. This that was approved is no
2 longer this in the form it was approved
3 based upon the square footage and
4 everything else, because of the taking
5 or the giving up from the Town of
6 Southampton, is this still valid? Or is
7 this kind of technically void because of
8 the fact that the criteria here is not
9 now going to be met?

10 ATTORNEY PROKOP: I think it's void
11 as far as the relief that was granted,
12 but I think that some of the
13 determinations that were made, and the
14 determinations that were made in it that
15 resulted in that final relief, like
16 impacts, decisions on impacts on
17 neighbors, things like that, those
18 determinations might still be relevant.
19 But the decision itself, I don't think
20 there is any benefit to the applicant
21 that flows from that -- excuse me. I
22 think the decision itself is void.
23 Because there's different circumstances.

24 MEMBER KRASNOW: So it would be a
25 new decision from us to subdivide the

1 property and give them the relief that
2 they are requesting as of 2023 as
3 opposed to what was granted in 2006; is
4 that kind of --

5 ATTORNEY PROKOP: Yes, I think it's
6 a new decision, right.

7 MEMBER KRASNOW: Okay. So it's not
8 giving a variance to this decision, it's
9 giving a total variance on the
10 properties that this was never granted.
11 But they are using this as a precedent
12 for something that was, in the past was
13 agreed to. Is that, am I stating that
14 right?

15 MR. TERCHUNIAN: I think you are, I
16 would just phrase it this way. As Mr.
17 Prokop said, the decision itself is void
18 because the facts have changed, but the
19 reasoning upon which the decision was
20 reached are probably still relevant.

21 ATTORNEY PROKOP: Thank you.

22 MEMBER KRASNOW: Got it.

23 MR. HULME: I mean, I think there
24 are, the situations are analogous
25 because at the end of the day we end up

1 pretty much where we were before. It's
2 just that that preserved lot is owned by
3 the Trustees as opposed to being owned
4 by my client or the Village of
5 Westhampton Dunes.

6 MEMBER KRASNOW: And if I recall
7 from the previous meeting, to try to
8 accomplish this is you are going to
9 actually shrink the size of the original
10 lot one and increase the size of lot two
11 to get --

12 MR. HULME: Actually, the other way
13 around. We increased what we -- oh, as
14 compared to 2006? Or as compared to
15 what we originally filed?

16 MEMBER KRASNOW: Right. Compared to
17 2006. I thought now you are shrinking
18 lot one so you can greater lot two so
19 you can get a bigger building envelope
20 as opposed to what was the original plan
21 because you lost land.

22 MR. HULME: Right. Well, originally
23 we did that. But based on the comments
24 that were made by the Board the last
25 time we were here, we had modified the

1 current application by increasing the
2 size of lot number one and decreasing
3 the size of lot number two.

4 MEMBER KRASNOW: So you are making
5 lot number one bigger than it currently
6 is or are you talking about increasing
7 it from the original application?

8 MR. HULME: Lot number one is the
9 whole lot.

10 MEMBER KRASNOW: All right.

11 MR. HULME: So we filed an
12 application, we had a hearing a month
13 ago. There was a map presented at that
14 point in time. Lot number one was I
15 think about 12 or 13,000 square feet
16 proposed, and lot number two was
17 proposed at almost 20,000 square feet.

18 MEMBER KRASNOW: Okay.

19 MR. HULME: Based on Board comments,
20 we readjusted what we were looking for
21 and that is what is reflected in the May
22 1st map. So now --

23 MEMBER KRASNOW: Okay, so is this
24 lot number one you are calling it, is
25 that the way to define it, parcel one?

1 MR. HULME: It's lot one. You are
2 looking at the 2006 map. You need to
3 look at this map.

4 So lot number one, from the
5 commencement of the current application,
6 went from 13,000 square feet up to
7 15,000 square feet of the proposed.

8 And lot number two as proposed went
9 from 20,000 square feet down to 17,000
10 square feet.

11 MEMBER KRASNOW: So based upon the
12 17,000 square feet and your four-tenths
13 rule, what size house can you make?

14 MR. HULME: There is a building
15 envelope on lot number two, which has an
16 area of 17,000 square feet.

17 MEMBER KRASNOW: Right.

18 MR. HULME: Where we are subject to
19 the 20% lot coverage limit. So 20% --
20 I'm sorry, that's not the building
21 envelope. The lot size is 17,000 square
22 feet. So the house, pool, deck, et
23 cetera, would be limited to 20% of
24 17,000 square feet.

25 MEMBER KRASNOW: So that's 3,400

1 feet.

2 MR. HULME: Yes.

3 MEMBER KRASNOW: Now, in the
4 previous decision it says something
5 about 2,000 feet. Is that the footprint
6 or is that the total size of the house?

7 MR. HULME: That's probably the
8 footprint.

9 CHAIRMAN SARETSKY: My question for
10 Aram and Joe is --

11 MR. HULME: Well, if you could,
12 there are some important changes that we
13 made, and I would like to identify those
14 before we --

15 CHAIRMAN SARETSKY: Okay.

16 MR. HULME: So one of the reasons we
17 increased the size of lot number one is
18 to reduce the number of variances that
19 we needed overall.

20 When we first made this application
21 this time around, we needed a lot
22 coverage variance and we needed a rear
23 yard setback relief for the house and
24 for the deck.

25 We've now increased lot number one

1 to a sufficient size so that the lot
2 coverage on lot number one, if approved,
3 will be 20%. So we've eliminated the
4 need for that variance.

5 By virtue of the increase in the
6 lot size of lot number one, we have also
7 increased the rear yard setback and the
8 accessory rear yard setback so that
9 those now comply as well. So we have
10 eliminated the variances that were
11 needed for that as well.

12 We have also shown a building
13 envelope on lot two which features a
14 four-tenths. We applied the four-tenths
15 rule, the more restrictive four-tenths
16 rule in proposing the side yard setbacks
17 for that. And the building envelope
18 that we have shown on lot number two
19 complies with the rear yard and front
20 yard setbacks for a lot. So we've
21 eliminated the need for those variances
22 as well. So.

23 CHAIRMAN SARETSKY: So on the
24 coattails of what you are saying, what I
25 want to ask is, what as-of-right can you

1 build without a variance right now; of
2 this proposed, in other words, we are
3 starting from scratch, in other words,
4 we, this Board, is very sensitive to
5 subdivisions, and we are here for a few
6 others today that are somewhat
7 controversial and we are sensitive to
8 this. So I guess what I'm asking is --

9 MR. HULME: Oh, one other thing.
10 I'm sorry. While I'm thinking of it.
11 The Board had expressed a concern about
12 flag lots and all of these driveways.

13 What we have proposed here as a
14 reasonable condition is that both lots
15 will access from one driveway. So there
16 won't be two curb cuts here.

17 CHAIRMAN SARETSKY: But again, what
18 I'm saying, if we go back to the
19 original decision from 2006, and you can
20 build two lots here, in however you are
21 going to do it, how do you do that
22 without asking this Board for a
23 variance? Or is that not possible?

24 MEMBER KRASNOW: This doesn't exist
25 anymore. So from that perspective, we

1 are starting from scratch.

2 MR. HULME: We are starting from a
3 vacant lot.

4 (Board members and applicant are
5 all speaking simultaneously).

6 MR. TERCHUNIAN: Whoa, whoa, whoa,
7 whoa. One at a time.

8 MR. HULME: I think the rationale of
9 the 2006 decision has some bearing on
10 your decision because at the end of the
11 day, if you approve this, it's virtually
12 the same as what you approved before.

13 So the actual effect is, but
14 because the lot itself has changed, the
15 decision itself no longer automatically
16 applies.

17 But in terms of what we can build
18 here, we have right now a 32,000 square
19 foot lot, and we could build 20% of
20 that, which is one house.

21 MEMBER FARKAS: One house.

22 MR. HULME: One house, right. So if
23 we go to the map, if we divide that lot
24 in half, we can build 20% coverage on
25 each lot, but the sum total of those two

1 coverages would equal the size of the
2 house that we could build on the one
3 lot. It would just be in form of two
4 houses, not one.

5 MEMBER FARKAS: So 32,000 square
6 feet, the total one lot, you can go to
7 6,400. So you could build two homes --

8 MR. HULME: Right. 3,200 square
9 feet.

10 MEMBER FARKAS: And that's kind of
11 what you're asking for, generally
12 speaking.

13 MR. HULME: Well, we are asking to
14 preserve the existing house, which is
15 not 32,000 square feet. I mean, 3,200
16 square feet.

17 You know, there are other things
18 that impact this, like the lot width,
19 which is one of the, part of the relief
20 we are looking for, which will make them
21 even smaller.

22 MEMBER MIZZI: I have a question.

23 MR. HULME: Go ahead.

24 MEMBER MIZZI: You are looking for
25 side yard relief for the lot number one?

1 MR. HULME: For the existing house.
2 We are not going to remove the existing
3 house.

4 MEMBER MIZZI: Right, what I'm
5 saying, you were saying it's compliant,
6 but there is, would need to be a
7 variance by virtue --

8 MR. HULME: Yes, we need the side
9 yard relief on the west side because we
10 are driving a flag pole past it.

11 MEMBER MIZZI: I think that's what
12 Eric is asking, is what are you asking
13 for.

14 MR. HULME: Well, we are asking for
15 a number of things. We are asking for
16 lot area, because neither the existing
17 lot nor the two proposed lots meet the
18 40,000 square feet requirement.

19 We are asking for lot width on the
20 front lot because we are taking ten feet
21 off of the front lot to get to the rear
22 lot.

23 We are asking for side yard relief
24 and therefore total side yard relief on
25 lot number one, because we are stealing

1 ten feet from the west side of that lot.

2 I think somewhere in your code the
3 flag pole is required to be 20 feet, and
4 we are only proposing a ten foot.

5 MEMBER KRASNOW: So cars can pass
6 that way, if it was 20 feet. The width
7 of cars is okay.

8 MR. HULME: I think ten feet is more
9 than sufficient for a fire truck. But,
10 I mean, one of the reasons that we are
11 providing for a common driveway is so
12 that we can provide whatever access you
13 want, but only one, not two separate
14 driveways.

15 MEMBER KRASNOW: Currently the
16 driveway is on the east side, right?

17 MR. HULME: Yes, currently the
18 driveway is on the east side.

19 MEMBER KRASNOW: So you would move
20 it to the west side then make it one,
21 that's what I think we discussed last
22 time.

23 MR. HULME: Yes. So you would enter
24 the property for both lots on the flag
25 pole, and then somewhere internal to the

1 flag pole you would take a right turn on
2 to lot number one property or continue
3 back to lot number two. And then I
4 think the lot coverage issue goes away.
5 That was one of the, that was some, part
6 of the relief that we were looking for
7 when we first filed this application.
8 But by increasing the size of lot one,
9 that coverage is 20%. So it would no
10 longer need that variance.

11 The other variances that we
12 originally were seeking in this
13 application were rear lot setbacks for
14 the house and, the existing house and
15 the existing deck. By virtue of the
16 increase in the size of the lot number
17 one, those are no longer necessary.

18 MEMBER FARKAS: Say that again,
19 please?

20 MR. HULME: When we filed the
21 current application we needed, in
22 addition to the relief that I just
23 talked about, for lot number one, we
24 needed lot coverage relief, we needed
25 rear lot setback relief for the house,

1 and rear lot setback relief for the
2 deck, on existing lot one.

3 Both of those have been eliminated
4 by the increase in the size of lot
5 number one.

6 CHAIRMAN SARETSKY: To recount this.
7 There are four things. There's lot size,
8 there's the width, there's the side
9 yard, and the flag pole from 20 foot to
10 ten foot.

11 MR. HULME: Side yard and total side
12 yard for lot number one.

13 MEMBER KRASNOW: All right. Joe, not
14 sure if you were here when the original
15 decision was granted, but why was not
16 the flag lot on those issues taken into
17 consideration when they originally
18 granted, it seems like they missed part
19 of the approval process for this. Or I'm
20 missing something. Because stuff he's
21 asking for relief now, why was that not
22 provided originally?

23 ATTORNEY PROKOP: Well, there was, I
24 think the original, um, access that was
25 approved was 15 feet, and that was a

1 major decision by the Board. That was a
2 lot of discussion, a major decision by
3 the Board to go down to 15 feet.

4 I mean that should be pointed out
5 as one of the major differences between
6 the two applications.

7 And, um, the access to the main
8 house had already existed, so I don't
9 know how this is proposed that this is
10 what, if this is going to be now
11 disconnected from the road.

12 MR. HULME: Yes.

13 ATTORNEY PROKOP: I'm not sure, I
14 mean, I don't know if that's realistic
15 to believe that that is, I mean, that's
16 a major driveway, access point. I don't
17 know. But in any event --

18 MR. HULME: If that's a condition
19 that is imposed on the approval, we are
20 obligated to do it. And what I'm saying
21 is that on behalf of my client, she is
22 proposing to do that.

23 ATTORNEY PROKOP: Yes. In any event,
24 one of the main differences, one of the
25 differences between the two

1 applications, is the width of the
2 access. And there was a lot of
3 discussion for a long time back then as
4 to how wide that needed to be. And I
5 think the Board settled on 15 feet, as a
6 minimum. And I believe there was some
7 discussion as to a standard, but I'm not
8 sure. I don't want to say that without
9 looking at the transcript, if we have
10 one.

11 MR. HULME: Well, I don't know if
12 this would satisfy that requirement, but
13 we could certainly flair the flagpole
14 out as we reach the road so that we get,
15 it's actually 15 feet at the road, and
16 then as we move into the property, the
17 next back in to the ten feet.

18 MEMBER KRASNOW: This might be more
19 engineering, I'm just curious, since
20 they already have the opening on east
21 side, and you already a driveway there,
22 is there a reason why you are not just
23 continuing along the east side? I mean,
24 it's just, or does that cause more
25 variances on --

1 MR. HULME: The west side, the west
2 side was 16 feet wide, and the east side
3 -- the west side has a 16-foot side yard
4 setback. The east side has a 12-foot
5 side yard setback, so there was more
6 room on the --

7 MEMBER KRASNOW: I'm not saying it
8 should be on one side or the other.
9 Since you have already have the curb
10 cut, you already have the area, you
11 already have the driveway there, I was
12 wondering why not go through that side.

13 MR. HULME: The existing curb cut is
14 not along either property.

15 MEMBER KRASNOW: It's along the
16 middle of the houses.

17 MR. HULME: So we would have to move
18 one way or the other.

19 MEMBER KRASNOW: All right.

20 MR. HULME: There was more room to
21 drive a driveway on the west side than
22 there was on the east side.

23 MEMBER KRASNOW: And there is going
24 to be a driveway next to this. There is
25 a driveway next to this now. West of

1 this driveway, this driveway is going to
2 go to the house that is being built at
3 774, 774-A, whatever it's called over
4 there.

5 ATTORNEY PROKOP: I just want to
6 mention to the Board that this has to be
7 re-noticed. We have to have a
8 continuation of the public hearing with
9 a new notice and the variances, and this
10 also has be to be referred to Suffolk
11 County, with whatever the applicant
12 considers to be the final version of the
13 application. So that you shouldn't,
14 today is really just an administrative.

15 CHAIRMAN SARETSKY: I think it's
16 very helpful to listening. I'm sort of
17 myself digesting it from the very
18 beginning to some of it that we got just
19 this week. We got the original
20 approval. Again, no one wants to make
21 any --

22 MR. HULME: That's fine.

23 CHAIRMAN SARETSKY: I'm saying,
24 again, I don't know if the rest of the
25 Board --

1 MR. HULME: When we are finished
2 today, what I will offer to do is I will
3 update this map in any way that you
4 think is appropriate. And I will
5 resubmit the map with a table that
6 details specifically all of the zoning
7 relief that we are now looking for based
8 on the modifications as we discussed.

9 ATTORNEY PROKOP: We need a long
10 form.

11 MR. HULME: Long form EAF?

12 ATTORNEY PROKOP: I should say full
13 EAF, please.

14 MEMBER MIZZI: How did you have --
15 when you first presented, is it on the
16 other side, you are saying the road --

17 ATTORNEY PROKOP: It was 15, yes,
18 same side.

19 MEMBER CASHIN: But didn't they
20 change the New York State building codes
21 to now read five feet, for fire safety?

22 ATTORNEY PROKOP: I'm not sure.

23 MEMBER CASHIN: From any location?
24 So I don't know how, you are showing 5.9
25 feet. I'm not really seeing that.

1 MR. HULME: 5.9 feet where?

2 MEMBER MIZZI: Between the house and
3 the road. The property line. Between
4 the house and the road is the proposed
5 property.

6 MR. HULME: If we make it 15 feet
7 then we are at 0.9 from the house, so --

8 MEMBER FARKAS: That's my point.

9 MEMBER MIZZI: And that should
10 probably refresh your lot area as well.
11 If you have five foot to the other lot.

12 MR. HULME: Yeah, I mean, I can
13 adjust the depths, relative depth. I
14 don't want to come back and say now I
15 need lot coverage relief.

16 One of our bright points is we want
17 to get to 20,000 square feet without
18 asking for a variance.

19 MEMBER FARKAS: If you look at the
20 5.9, I don't believe that's 5.9 because
21 there is some sort of structure there,
22 isn't there?

23 MR. HULME: I don't know what that
24 is there. I'll have to find out what
25 that is.

1 MEMBER FARKAS: That looks like a
2 protrusion of maybe three or four feet.

3 MR. TERCHUNIAN: That's a utility
4 platform.

5 MEMBER FARKAS: So can that be
6 moved?

7 MR. HULME: Sure. Well, I guess,
8 the question I'm asking is do you want
9 me to show a 15-foot wide flag pole all
10 the way back or do you just want me to
11 have the entrance to be 15 feet?

12 MEMBER MIZZI: Or can the road be 15
13 feet and be on both properties?

14 MR. HULME: We can accommodate that
15 any way you would like.

16 MEMBER FARKAS: Or a shared
17 driveway.

18 MR. HULME: I'm proposing a shared
19 driveway.

20 MEMBER FARKAS: A shared driveway
21 with the neighbor.

22 MR. HULME: I don't know if he would
23 do that, frankly. I mean I'm happy to
24 ask him and I'll give you the answer.

25 MEMBER KRASNOW: When was the last

1 time this Board approved recently a flag
2 lot/subdivision?

3 CHAIRMAN SARETSKY: It would be
4 Weber.

5 CLERK SADELI: Yes. Greg Weber.

6 MEMBER KRASNOW: Which was how long
7 ago?

8 CLERK SADELI: Seven years ago. I
9 came on right as it was done.

10 (The stenographer requests that
11 only one person speak at a time).

12 MEMBER KRASNOW: So nothing
13 recently.

14 MR. HULME: I would say Weber is
15 recent.

16 MEMBER KRASNOW: Okay, everything is
17 relevant depending upon --

18 CHAIRMAN SARETSKY: But to Joe's
19 point, Weber was two homes that were
20 already there that were being subdivided
21 into two separate homes.

22 MEMBER KRASNOW: Okay, so when was
23 the last time we approved a flag lot
24 subdivision where they were actually
25 were able to build a brand new home?

1 ATTORNEY PROKOP: I'm sorry, I don't
2 recall.

3 MR. HULME: This was a subdivision a
4 long time ago. The Vegliante property.

5 CHAIRMAN SARETSKY: Is that 25 years
6 ago, is it --

7 MR. HULME: Maybe not 25 but --

8 MR. TERCHUNIAN: It was 2006.

9 MR. HULME: That's right, because it
10 was parallel, it was the same time as
11 this one.

12 (Board members and Applicant are
13 speaking over each other).

14 CLERK SADELI: Just one at a time.

15 MR. HULME: (Continuing). These guys
16 to the west were like a couple of days
17 ahead of over here, so they actually
18 made it to the map. The tax map.

19 CHAIRMAN SARETSKY: So what is the
20 status of that subdivision now, the one
21 to the west?

22 MR. TERCHUNIAN: It's subdivided.

23 CHAIRMAN SARETSKY: It's subdivided.
24 Okay.

25 MEMBER FARKAS: They had a decision

1 in 2006 and they went through with it.

2 MR. HULME: Yes.

3 ATTORNEY PROKOP: I don't think they
4 came to this Board. I think those were
5 as-of-right subdivisions.

6 MR. TERCHUNIAN: No, they came to
7 this Board.

8 ATTORNEY PROKOP: Vegliante?

9 MR. TERCHUNIAN: Yes.

10 CHAIRMAN SARETSKY: I mean not this
11 Board. They came to the Zoning Board,
12 but not any of us.

13 MR. TERCHUNIAN: No.

14 MEMBER MIZZI: And Skudrna was a
15 subdivision, but not flag lots.

16 MR. HULME: Correct.

17 MEMBER KRASNOW: That's why it's
18 specific to flag lots.

19 MR. HULME: But also, that's where
20 the 2006 decision for this property
21 comes to bear, because it doesn't exist
22 as a relief for this property because
23 this property doesn't exist anymore.
24 But the rationale is the same. We get a
25 lot with the house, a vacant lot, and an

1 open space.

2 MEMBER KRASNOW: That's why I was
3 hoping this decision was valid, then we
4 would just be making decisions about
5 variances and not granting you a flag
6 lot. Now we would actually be granting
7 you -- that's why I was worried about
8 precedent. If that had been valid then
9 we could give you relief without setting
10 a precedent. Now we have to set a new
11 precedent to give you the relief that
12 you want.

13 MR. TERCHUNIAN: I don't know that
14 that is accurate. You have a decision
15 that if it was duly authorized and at
16 the time that established a flag lot.
17 The site conditions changed and now you
18 are reviewing the same type of
19 application with a slightly different
20 fact set. But the fact is you as the
21 Zoning Board approved a flag lot
22 subdivision on this parcel.

23 MEMBER FARKAS: I know Joe said that
24 this is properly relevant now in some
25 aspects, the 2006 decision, but I just

1 have a curious question. That Board
2 decided that there should be no further
3 subdivision of either lot one or two. I
4 understand how that is not relevant
5 anymore. But I'm just curious, they also
6 said they wanted a minimum of 25% of the
7 total existing lot area preserved.

8 Do we meet that requirement, based
9 on the --

10 MR. HULME: Well, if you give us
11 credit for the lot that we gave to
12 the --

13 MEMBER FARKAS: What percentage is
14 that?

15 MR. HULME: Well, I don't know the
16 percentage.

17 MEMBER FARKAS: Is it more than 25%.

18 MR. HULME: Yes, because the
19 preserved lot in 2006 was 13,000 plus.
20 This lot is 19,000,

21 MEMBER FARKAS: You also gave a
22 15-foot driveway.

23 MR. HULME: Yes, there was a 15-foot
24 driveway on that map. That's correct.

25 MEMBER FARKAS: Which you may not be

1 able to do today with the New York State
2 Fire Code, because you have to have five
3 feet, correct?

4 MR. HULME: That I don't know.

5 MEMBER FARKAS: So you should check
6 that.

7 ATTORNEY PROKOP: So that's an
8 example, other than the Fire Code --
9 thank you for bringing that up -- that's
10 an example of a rationale that I said,
11 and Aram said, was preserved. So while
12 the legal part of the decision is not
13 binding, the rationale that ended up in
14 granting that flag lot is relevant, and
15 one of those was that there was, you
16 know, the width of the access.

17 MR. HULME: Well, assuming the fire
18 code now prevents us from being 15 feet
19 all the way back, would you consider us
20 being 15 feet -- because you seem to
21 care -- the problem was five lots, I
22 think, is you get two driveways in a
23 short space. So what I'm trying to get
24 with this is we will provide one access
25 to both lots.

1 MEMBER CASHIN: I think that's
2 desirable, yes.

3 MR. HULME: Okay. But I don't know
4 that I can get 15 feet all the way back,
5 but I can certainly get 15 feet well up
6 the property.

7 MEMBER CASHIN: Well, the Fire
8 Department requested 10 feet, and if you
9 just left it open.

10 MR. HULME: Right. Well, if that's
11 the requirement then we'll meet that
12 requirement. But I'll investigate the
13 Fire Code and I'll answer that question.

14 MEMBER CASHIN: Okay. I think we
15 are all for the single driveway, I mean,
16 there's no doubt about that.

17 MR. HULME: That's what I thought.

18 So are there any other concerns
19 about this configuration?

20 CHAIRMAN SARETSKY: None that I
21 could think of. I mean, I think I need
22 some time to go through what Angelo has
23 sent us this week, and I have some
24 questions for Joe and Aram to answer.

25 MRS. BREEN: Can I ask a question?

1 CHAIRMAN SARETSKY: Sure.

2 MR. BREEN: Roseanne Breen, 733.

3 I didn't even come for this
4 case, but I'm interested, am I hearing
5 there is property being given to the
6 Village?

7 MEMBER FARKAS: No. To the
8 Township. Town of Southampton.

9 MRS. BREEN: So how does that
10 affect the taxes that would come to the
11 Village from that piece of property?

12 MR. TERCHUNIAN: It doesn't have a
13 material affect. It's a very small
14 amount of land and it won't change the
15 value of the underlying property to any
16 significant extent.

17 MR. HULME: However, if the
18 subdivision is granted, it will have a
19 significant impact on an increase in the
20 amount of taxes this property would
21 generate.

22 CLERK SADELI: There will be two
23 taxable lots.

24 MEMBER CASHIN: Jim, you come before
25 this Board on a regular basis. Can you

1 do me a favor, can you ask your
2 surveyors to put the address on the
3 survey? The address is not on there.

4 MR. HULME: Sure. That's a pet
5 peeve of mine as well.

6 CHAIRMAN SARETSKY: Before we close
7 this, does anyone on the phone have any
8 questions on this particular case?

9 MR. TERCHUNIAN: We are adjourning.
10 We're not closing it yet.

11 CHAIRMAN SARETSKY: Adjourning, I'm
12 sorry. Thank you.

13 (No response).

14 So if there are no further
15 questions, Mr. Hulme will try and
16 provide some additional information. The
17 Board will get an opportunity to look at
18 what was sent this week.

19 MR. HULME: Well, if I were you, I
20 would not spend any time looking on what
21 I sent so far. I'll send a new a
22 package which will have a spreadsheet
23 showing exactly the relief that we need
24 and I will answer the three or four
25 questions that you had about the fire

1 code, moving the platform, et cetera, et
2 cetera.

3 MRS. BREEN: Was this meeting
4 noticed to the surrounding properties?
5 Because I happen to know the people that
6 live at 770 who would be greatly
7 impacted.

8 CLERK SADELI: It's only to
9 neighbors that are adjacent and
10 abutting. Everyone was noticed. I have
11 copies of all --

12 MRS. BREEN: Okay.

13 MEMBER KRASNOW: They got the
14 original notice.

15 MR. HULME: They need to be
16 re-noticed of any specific meeting. We
17 did it and it's required.

18 CLERK SADELI: Also we should set a
19 date for the next meeting so that Jim
20 can submit the paperwork that you are
21 looking to --

22 CHAIRMAN SARETSKY: I thought we had
23 dates already.

24 CLERK SADELI: No, we only have
25 dates for May.

1 ATTORNEY PROKOP: Can we not do the
2 10th and the 17th, if that's possible?
3 Can we shoot for the 24th?

4 CLERK SADELI: Sure, I don't know
5 that I'll be here.

6 CHAIRMAN SARETSKY: So the 24th?

7 MEMBER CASHIN: June 24th, I'm not
8 here.

9 ATTORNEY PROKOP: July 1st?

10 CLERK SADELI: So we just need a
11 form. So if the 24th works for
12 everybody else. I could still come for
13 that meeting.

14 MEMBER KRASNOW: I would rather have
15 the 24th.

16 MEMBER MIZZI: I could do the 24th
17 or the 1st but not the 17th.

18 MR. HULME: And the last time which
19 was offered to me was to set a deadline
20 by which I needed to submit. So if you
21 want to d that.

22 CLERK SADELI: So I would say if we
23 are doing the 24th, the deadline would
24 be the 10th, and that way we get, the
25 Board can get noticed properly.

1 MEMBER MIZZI: Also, in the
2 meantime, does it have to be nine
3 o'clock, because I drive in from the
4 city in the morning.

5 MEMBER KRASNOW: You want it later?

6 MEMBER MIZZI: It used to be 10:00.
7 We changed it to 9:00 for some reason.

8 MEMBER KRASNOW: Joe, you should be
9 here in June all the time.

10 CHAIRMAN SARETSKY: I'm okay with
11 ten o'clock.

12 MEMBER MIZZI: Trust me. I know we
13 have a beach house and we never use it.
14 Ten works for me.

15 CHAIRMAN SARETSKY: Ten is fine.
16 Thank you.

17 ATTORNEY PROKOP: I'll be here at
18 10:15.

19 CLERK SADELI: 9:30 for you, Joe.

20 CHAIRMAN SARETSKY: So, I can make a
21 motion to adjourn.

22 MEMBER CASHIN: Second.

23 CHAIRMAN SARETSKY: All in favor?

24 (ALL AYES).

25 MR. HULME: Thank you, very much.

1 CLERK SADELI: So it's going to be
2 June 24th, and the deadline to submit
3 everything is the 10th, and I'll mail
4 that out to the Board.

5 CHAIRMAN SARETSKY: The next case is
6 9 Dune Lane, right?

7 CLERK SADELI: Yes, which is also
8 Jim.

9 CHAIRMAN SARETSKY: All right, 9
10 Dune Lane.

11 MR. HULME: For the applicant, James
12 Hulme, 323 Mill Road, Westhampton Beach.
13 Good morning. Good to see you all
14 again.

15 We are here to talk about a project
16 at, the proposed project at 9 Dune Lane.
17 Just handing out an interesting aerial
18 showing that.

19 So the lot outlined in yellow is
20 the lot in question. As you can see,
21 there is an existing house located
22 there. That house -- so the house that
23 was there was built in 1998, was the
24 original house, the original CO for the
25 house, it was a two-story house. In

1 order to build it, it needed Zoning
2 Board relief, specifically for front
3 yard relief as well as pyramid relief.

4 There was some further Zoning Board
5 relief granted the property in 2014,
6 pursuant to which a 2016 CO was issued
7 in that case that had to do with the
8 expansion of the deck on the property
9 and outdoor stairs. And I believe front
10 yard and lot coverage relief was granted
11 in 2014. So that's how the house
12 retained in its current condition.

13 The one thing I wanted to say about
14 the prior pyramid relief, a couple
15 things to say about that, is that the
16 Board found at that time, quote, that
17 the property is unique in the Village in
18 its location and configuration and that
19 variances were necessary in order for
20 the reasonable development of the
21 property.

22 Also, the pyramid relief that was
23 granted prior was considered minimal. I
24 think it was described as -- what was
25 the word used -- slight pyramid relief

1 was how it was described in its
2 decision.

3 So, in any event, my clients are
4 hoping to establish a loft on the top
5 floor of the building pursuant to the
6 plans that we submitted, as a result of
7 which pyramid relief totaling 833.39
8 cubic feet is being requested.

9 However, the current pyramid
10 relief, the current house, based on
11 prior relief, encroaches into the sky
12 plane 341.95 square feet already. And
13 it's my understanding of applicable
14 zoning law that if a variance is
15 granted, that that becomes the zoning
16 for the property in question. And
17 although current conditions can be
18 certainly are a factor in deciding that,
19 what you are really deciding is a
20 variance of whether or not we can get
21 the extra 491 cubic feet and not the 833
22 cubic feet that we will ultimately
23 develop because we already have relief
24 for 341 cubic feet of it.

25 ATTORNEY PROKOP: So just to stop

1 you for a second. So give us the number
2 that you think you need.

3 MR. HULME: So let me do it in
4 stages.

5 ATTORNEY PROKOP: Can you just give
6 us the number that you think you need.

7 MR. HULME: I think I need 491.5
8 cubic feet.

9 ATTORNEY PROKOP: So there was an
10 omission in the plans where your
11 architect didn't give us the amount that
12 was necessary. We contacted that -- the
13 Village contacted the architect. The
14 architect subsequently provided the
15 information, but the information that he
16 provided was 400 cubic feet.

17 So basically we can't go ahead. I
18 mean, it's up to you what you want to
19 do. But it was not noticed correctly
20 and we really can't have the public
21 hearing.

22 MR. HULME: The submission that he
23 made indicated that the proposed new
24 volume was 491.5 cubic feet, and that
25 the total --

1 ATTORNEY PROKOP: When did you make
2 that submission?

3 MR. HULME: With my application.

4 ATTORNEY PROKOP: Because the denial
5 letter didn't have any cubic feet.

6 MR. TERCHUNIAN: Joe, it's in the
7 upper right corner of the plan.

8 ATTORNEY PROKOP: This isn't a new
9 plan?

10 MR. TERCHUNIAN: No.

11 CLERK SADELI: No. From the other
12 side.

13 ATTORNEY PROKOP: Okay, then your
14 plan wasn't reviewed in the Village.
15 I'm sorry. I'm just going by what we're
16 getting from the Building Inspector.

17 MR. TERCHUNIAN: Okay.

18 CHAIRMAN SARETSKY: It shows on this
19 drawing.

20 ATTORNEY PROKOP: But it doesn't
21 show -- it does show up here. Okay. All
22 right, then the Building Inspector
23 didn't pick that up. I'm sorry.

24 Anyway, the Building Inspector
25 claims that it was communicated to him

1 that it's 400 cubic feet, which is what
2 this hearing is based on. And your
3 application --

4 MR. HULME: What does the
5 advertisement say?

6 ATTORNEY PROKOP: Apparently it's
7 for 833 --

8 MR. HULME: What does the
9 advertisement say?

10 ATTORNEY PROKOP: I think it says
11 400 cubic feet, but I'm not sure.

12 MR. HULME: It does say 400. That's
13 true.

14 ATTORNEY PROKOP: And the denial
15 letter was for 400.

16 MR. HULME: Well, I don't know --

17 CHAIRMAN SARETSKY: So what do we
18 do?

19 MEMBER CASHIN: Are we allowed to
20 ask questions?

21 ATTORNEY PROKOP: We can have a
22 meeting but can't have a hearing. We
23 have to reschedule it.

24 MR. HULME: I'm happy to talk about
25 the application and then we can adjourn

1 it and re-advertise it.

2 MEMBER MIZZI: I just want to
3 understand the timeline we laid out.
4 So, this is the same owners?

5 MR. HULME: No. Zoning relief, the
6 original was Person A. The Zoning
7 relief in 2015 was Person B and we are
8 Person C. I forget, sorry, I forget the
9 actual names.

10 MEMBER MIZZI: No problem. I'm just
11 trying to understand.

12 CLERK SADELI: I think, was it
13 Barbara Cromberg?

14 MR. HULME: Cromberg was the last
15 owner before us, but there was another
16 owner before them, I believe.

17 MEMBER MIZZI: I don't know, Joe or
18 Aram, is there precedent where we grant
19 relief and we do it again for more?

20 MR. TERCHUNIAN: Well, I think Joe
21 will agree with the description that you
22 examine the facts, you weigh those facts
23 against the five factors and you make a
24 decision.

25 MEMBER MIZZI: Got it.

1 MEMBER CASHIN: Jim, can you walk me
2 through this.

3 MEMBER MIZZI: Do we view it as,
4 review it against the base guidelines or
5 against what is previously approved?

6 MR. TERCHUNIAN: I think you view it
7 against the factor that the community,
8 the character of the neighborhood and
9 those other factors. But you view it
10 against the original -- you view it
11 against the code itself.

12 MEMBER MIZZI: Right. So the 800,
13 whatever that number exactly is.

14 ATTORNEY PROKOP: Yes. So the
15 application is actually for 833 cubic
16 feet.

17 MR. TERCHUNIAN: Right.

18 ATTORNEY PROKOP: Which that's the
19 way that it should be stated.

20 MR. HULME: Okay, well I just, for
21 the record, I don't agree with that
22 legal analysis, but.

23 ATTORNEY PROKOP: Well, it's your
24 legal analysis.

25 MR. HULME: That's what I'm saying.

1 That once the original variance was
2 granted to allow the pyramid relief,
3 that became the requisite zoning for
4 this lot, and so I'm not saying that you
5 can't consider the fact that you already
6 gave pyramid relief, but what I'm saying
7 is that the measurement is what is in
8 addition to that, not the whole number.

9 MEMBER MIZZI: I'm not implying that
10 it's not approved. I'm just saying it's
11 like I can come back every year and ask
12 for a foot, and at some point it becomes
13 ten feet, and someone says, well, you
14 know, I'm only asking for a foot.

15 MR. HULME: Yes, and I thought about
16 that, before I even thought to make this
17 argument, and that's why I say that you
18 can consider the fact that I already
19 have nine feet. But when you are
20 measuring the actual relief that I need,
21 it's a foot. But the five factors will
22 draw into that, the fact that it was a
23 nine foot variance already granted.

24 MEMBER MIZZI: That was my question.
25 Thank you.

1 MEMBER CASHIN: Jim, walk me through
2 this. Is this the area we are talking
3 about here?

4 MR. HULME: Yes, right here. That's
5 the area.

6 MEMBER CASHIN: Is this square
7 footage or cubic feet?

8 MR. HULME: Cubic feet. So it's
9 this (indicating).

10 CHAIRMAN SARETSKY: Everything
11 outside of the --

12 MR. HULME: Here is the 60 degree
13 line. So everything --

14 MEMBER CASHIN: So this is
15 existing, the piece that sticks out?

16 MR. HULME: Part of it is existing.
17 This is the new roof here.

18 MEMBER CASHIN: So this is all new
19 here.

20 MR. HULME: I'm sorry. Here is the
21 existing roof with the existing, and
22 then the existing roof back here.

23 So this here was the original
24 pyramid relief granted in 2015. This
25 here is the additional space, pyramid

1 relief that we are asking for, and so
2 this here all together is the total
3 amount that it would pierce the sky
4 plane. That's the 833.49 cubic feet.

5 MEMBER CASHIN: Where is the, trace
6 me the existing roof line right now.

7 MR. HULME: The existing roof line
8 is there (indicating), and then there is
9 another --

10 MEMBER CASHIN: Without this
11 balcony.

12 MR. HULME: Yes. And this is another
13 roof line in the back of the property.

14 MEMBER CASHIN: All right. Thank
15 you.

16 ATTORNEY PROKOP: Just one
17 difference with the application is that
18 when Cromberg did this, it was not, she
19 still only had two floors on the house.
20 This application is, if I'm reading it
21 correctly, is to add a third or fourth
22 floor, whatever it is.

23 MR. HULME: A loft. Which I believe
24 is permitted under the Building Code.

25 ATTORNEY PROKOP: What do you mean

1 by a "loft"? Why do you call it a loft?

2 MR. HULME: It's defined under the
3 Building Code as a non-story, it's less
4 percentage of the flooring.

5 MEMBER MIZZI: Yes, the percentage,
6 it has to be open to subject to the
7 floor below and certain maximum
8 percentage of the floor below.

9 ATTORNEY PROKOP: I don't think that
10 is the code anymore.

11 MR. TERCHUNIAN: Yes, it definitely
12 is. It's a mezzanine.

13 MR. HULME: And that's what gets
14 into the controversy of whether this was
15 an existing two-story or three-story
16 house, and whether this additional space
17 is a third-story or fourth-story.

18 If the conclusion is that it's a
19 third-story, then the issue is
20 sprinkler. But if it's a fourth-story,
21 then this issue is construction. But
22 the State Building Code defines a thing
23 called a mezzanine or a loft, which is
24 less than a certain percentage of the
25 floor below, and doesn't count as a

1 story under the code, and doesn't
2 require sprinklers.

3 MEMBER KRASNOW: How does this house
4 compare to the one that was built a few
5 years ago. 13? Which also has kind of
6 a loft area.

7 MR. HULME: It does. That's one of
8 my arguments is that these lofts are
9 pretty common in these houses. The two
10 houses directly next door to this house
11 have the same configuration with the
12 loft above.

13 MEMBER KRASNOW: So were they
14 granted a pyramid?

15 MR. HULME: That, I don't know, and
16 that's something I'll find out.

17 MEMBER CASHIN: Very helpful.

18 MEMBER KRASNOW: That was a house
19 recently built, that's why I thought it
20 was a good example.

21 MR. BERNER: There was no term that
22 was --

23 (The stenographer asks the
24 speaker to identify himself).

25 CLERK SADELI: Berner. B-E-R-N-E-R.

1 MEMBER FARKAS: Could they put a
2 mezzanine in by right without the
3 extended?

4 MR. HULME: I don't believe the
5 mezzanine would fit without the
6 extended, without the additional pyramid
7 relief.

8 MEMBER FARKAS: They are only
9 seeking relief on the west side, right?

10 MR. HULME: Correct. And for
11 whatever it's worth, to put it in
12 perspective, even if we look at it as
13 833 cubic feet, the house is 36 feet
14 deep, and so we are talking about like a
15 5x5 tube, if you will. That's, you
16 know, it's not a lot of, not a lot of
17 area. If you think of it that way.

18 So the impacts would be small.

19 MEMBER KRASNOW: Just to clarify the
20 math. The original relief is 342 cubic
21 feet, approximately?

22 MR. HULME: Yes.

23 MEMBER KRASNOW: And now you are
24 asking for an additional 491 on top of
25 that? It's not the 341. It's not an

1 extra 150 cubic feet, it's actually
2 almost another 500 cubic feet?

3 MEMBER MIZZI: Yes, 833 total.

4 MEMBER KRASNOW: Okay. So you asking
5 for almost 150% above the original.

6 MR. HULME: I'm asking for 491 cubic
7 feet in addition to what we have right
8 now.

9 MEMBER KRASNOW: Okay. If that's a
10 percentage. Okay. So I just wanted to
11 understand.

12 MR. HULME: Which would be an area
13 would be 13 square-feet over the 36-foot
14 length of the house.

15 MEMBER KRASNOW: Have any of the
16 neighbors come out in terms of concern
17 about this with shadows or?

18 MR. HULME: I don't know if anybody
19 is here. But we have not heard from
20 anybody.

21 CHAIRMAN SARETSKY: Is there anybody
22 online? Is there anybody that has any
23 questions with regard to this issue at 9
24 Dune Lane?

25 (No response).

1 CHAIRMAN SARETSKY: Okay. We
2 notified the neighbors on each side,
3 right?

4 CLERK SADELI: Yes, we did.

5 MEMBER FARKAS: Can everybody be
6 muted that we are not hearing them?

7 CLERK SADELI: No, they can raise
8 their hand and they can un-mute
9 themselves.

10 MEMBER KRASNOW: And this little
11 deck is esthetic, with no access to
12 the --

13 MR. HULME: It's esthetic.

14 MEMBER KRASNOW: Okay, esthetic.

15 MEMBER FARKAS: Was the applicant
16 trying to get letters from the neighbors
17 supporting this?

18 MR. HULME: Not that I'm aware of.
19 But nobody knocked on the door and said
20 they were really upset about it.

21 And I would suggest it doesn't
22 affect anybody. It's 40-feet in the air
23 and it's, you know, not a lot of square
24 footage, but.

25 ATTORNEY PROKOP: Is it possible to

1 get an overlay of the proposed over the
2 existing?

3 MR. HULME: It's on there.

4 CHAIRMAN SARETSKY: It's a little
5 hard to follow.

6 MR. HULME: If you look, there is a
7 red line that is identified as the
8 existing roof line and then --

9 ATTORNEY PROKOP: I got it.

10 MR. HULME: Then the proposed new
11 roof line. And then it calculates both
12 square footages.

13 ATTORNEY PROKOP: So we actually
14 have, we have a consultant that reviews
15 these floor issues, and he should
16 probably look at this. And then also
17 there is other potential zoning issues
18 that I would like to discuss with the
19 Board separately.

20 CHAIRMAN SARETSKY: Okay. So you'll
21 talk to us about it separately and
22 you'll set up to have this consultant
23 look at it?

24 ATTORNEY PROKOP: Yes.

25 MR. HULME: May I know who that

1 consultant is?

2 ATTORNEY PROKOP: Nelson and Pope.

3 Mike Sciara.

4 MR. HULME: Okay.

5 MEMBER MIZZI: I mean, the only
6 general comment I would make is that
7 there is area within the pyramid to
8 develop the house and, you know, it's
9 nice if they would like to have a, you
10 know, a mezzanine level space, but it's
11 not like the house is maxed out within
12 the pyramid. They've just chosen not to
13 develop, you know, facing the plan on
14 the left side of the pyramid and they
15 are expanding the top right-hand corner.
16 And so, I guess I could see what they
17 are trying to do. I mean it's nice to
18 have a top floor loft that they could
19 probably get some views of the ocean.
20 But I think, the challenge to, if it's
21 better that they couldn't try to look
22 the other way. But particularly a part
23 of it is the stair, you know, maybe
24 there is a way to --

25 MR. HULME: We'll take a look at

1 that and we'll either come back and say
2 it's possible, it's not possible, or we
3 don't want to do it, or hey, it's worked
4 out really well, maybe, maybe not, if we
5 need relief, we'll be happy to take look
6 at it.

7 MEMBER KRASNOW: Does the chimney
8 require relief or is that okay?

9 MR. HULME: Chimneys are usually an
10 exception.

11 MEMBER KRASNOW: Okay. Only because
12 it's outside of the pyramid. I just
13 wanted to know if it was okay.

14 MR. HULME: Pyramids, weather veins,
15 flagpoles --

16 CHAIRMAN SARETSKY: I think eaves,
17 too.

18 MR. HULME: Are generally exempted
19 from the pyramid --

20 CHAIRMAN SARETSKY: Okay, if there
21 are no questions from anybody on line,
22 I'll make a motion to adjourn.

23 MR. TERCHUNIAN: Well, we didn't
24 open the hearing, so.

25 CHAIRMAN SARETSKY: Oh, okay. Then

1 we'll vote to move on.

2 MR. HULME: And it will be
3 re-advertised for different relief, more
4 relief, I guess. Is the that the case?

5 MR. TERCHUNIAN: Yes.

6 MR. HULME: And that should end up
7 on the next -- I don't know if the
8 consultant will have time. I would ask
9 that you, that we try to put it on for
10 the 24th.

11 CHAIRMAN SARETSKY: We'll try.
12 Right, Joe?

13 ATTORNEY PROKOP: Sure.

14 CHAIRMAN SARETSKY: We'll do what
15 the parties discussed and try to make
16 that happen.

17 MR. HULME: I appreciate that.

18 CHAIRMAN SARETSKY: All right, so
19 the third and final issue for today is
20 738-742 Dune Road. This was an issue on
21 the Trustee call and not everybody was
22 on the Trustee call, and some of the
23 people who were on the Trustee call, I'm
24 not sure had all the information from
25 the beginning of this.

1 The Zoning Board has been working
2 on this issue for, I don't know, at
3 least three or four meetings, and, um,
4 there are a few issues I want to make
5 sure we cover today so that everybody
6 understands everything.

7 One, there was a letter written by
8 Mrs. Breen, and this letter, do you want
9 to speak to it personally? Basically
10 talked about some of the considerations
11 for this subdivision, and essentially an
12 agreement by some of the neighbors if
13 these things were addressed.

14 MRS. BREEN: I'm not speaking for
15 any of the neighbors.

16 CHAIRMAN SARETSKY: Okay, so this is
17 just from you then?

18 MRS. BREEN: Yes.

19 CHAIRMAN SARETSKY: But I believe
20 this is in keeping with some of the
21 other people's issues as well.

22 So the place I thought we should
23 start today, if it's okay with everyone,
24 I just would like to, for the sake of
25 the people online and for the people

1 that are here, I would like to go back
2 to the Skudrna approval, which I don't
3 know how many years old it is, six or
4 seven?

5 CLERK SADELI: Longer than that.

6 CHAIRMAN SARETSKY: So the Skudrna
7 approval was to the west of this issue.
8 So the west of 742.

9 MEMBER KRASNOW: But it's contiguous
10 lots.

11 CHAIRMAN SARETSKY: Right. So it's
12 approximately 240-foot contiguous lot,
13 and this Board, who at the time was
14 myself and Joe, right?

15 ATTORNEY PROKOP: Yes.

16 CHAIRMAN SARETSKY: And the two of
17 us and others agreed with the neighbors
18 that were adjacent and across the
19 street, to allow a subdivision of three
20 80-foot lots.

21 And for that consideration they
22 agreed to use the four-tenths rule, or
23 slightly in excess, if I recall. And
24 the reason for this was that building a
25 200-foot house, something tremendous,

1 was not in keeping with Westhampton
2 Dunes and was also provided some
3 corridors of access or I should say
4 views for the neighbors on the ocean
5 side as well as well as looking on an
6 angle, oblique angles.

7 So I bring this up because this
8 particular case of 738 and 742 is almost
9 identical in size. It's actually a
10 couple of feet shorter. But the lots
11 would essentially be the same size and
12 they would also follow a four-tenths
13 rule.

14 For everyone's understanding, the
15 four-tenths rule is a greater setback
16 between the homes, providing more light
17 and air through those homes.

18 The Board had been going through
19 this from time to time, and then there
20 were issues that the neighbors had asked
21 for: When the houses would be built,
22 that they would be, this subdivision
23 would be permanent and final, and there
24 would never be a flag lot built on these
25 lots. And I'm trying to think of any

1 other vent that the Village --

2 MEMBER CASHIN: Are you talking
3 about height?

4 CHAIRMAN SARETSKY: So the height
5 restriction is what it is. And this
6 Board is not in a position to be able to
7 govern that because that is encouraged
8 by FEMA to be a certain height and even
9 exceeded it, I think, in years past,
10 from 32 to 34. Am I saying that right,
11 Aram?

12 MR. TERCHUNIAN: Yes.

13 ATTORNEY PROKOP: Can we just talk
14 about height for a second.

15 CHAIRMAN SARETSKY: Sure.

16 ATTORNEY PROKOP: So the house is,
17 what is the tallest house that is in the
18 Village, that is under construction or
19 has been constructed right now? From
20 grade.

21 MR. TERCHUNIAN: From grade? Well,
22 grade varies. But from zero it's 56
23 feet, on the ocean.

24 ATTORNEY PROKOP: So we are talking
25 56 feet.

1 MR. TERCHUNIAN: But on these lots
2 it is going to be much less than that
3 because it's based off the flood
4 elevation plus two feet for freeboard,
5 and plus an additional two feet that the
6 Village gives to go above freeboard for
7 extra safety.

8 So it would be, the top elevation
9 here would be 40 feet, on these houses.

10 ATTORNEY PROKOP: From grade.

11 MR. TERCHUNIAN: No, from zero.

12 ATTORNEY PROKOP: What is zero?

13 MR. TERCHUNIAN: Zero, let's just
14 call it sea level.

15 But the grade here, if you look on
16 the map, is something on the order of
17 nine or ten.

18 CHAIRMAN SARETSKY: I look at it as
19 32 feet plus now two feet higher from
20 the base.

21 MR. TERCHUNIAN: It's actually four
22 feet high.

23 CHAIRMAN SARETSKY: So 36 feet.

24 MR. TERCHUNIAN: Yes.

25 CHAIRMAN SARETSKY: Okay.

1 ATTORNEY PROKOP: So I'm just trying
2 to figure out, because if the decision
3 made on this is going to affect views
4 from across the street and from the
5 sides, right? So I'm just trying to
6 figure out what the they'll actually be
7 looking at. I don't want to come like a
8 year later have somebody come back and
9 say, well, you know, somebody pays an
10 engineer to come out with an angle and
11 figures out that the house is 60 feet
12 high because we, this discussion, well,
13 it's from zero, it's from whatever.
14 What is the height?

15 MR. TERCHUNIAN: Thank you. All
16 right. Question for the applicant.
17 What flood zone are you in?

18 MR. HULME: That's a good question.

19 ATTORNEY PROKOP: There we go.

20 MEMBER MIZZI: How would our
21 decision affect the height? Isn't that
22 governed by the Building Code.

23 ATTORNEY PROKOP: Height is one of
24 the things you can discuss, as far as
25 impact.

1 MEMBER MIZZI: I see.

2 MEMBER CASHIN: Joe, in the last
3 Board meeting where several participants
4 -- several residents participated, there
5 was a lot of talk about height. They
6 were very, very concerned about height.
7 And we don't have the power to change
8 that or on this, well, I guess we do,
9 but we are not going to change the
10 height. So this is not a height issue.
11 We are not looking to zone higher
12 buildings.

13 MR. HULME: AE-12.

14 ATTORNEY PROKOP: What about
15 restricted?

16 CHAIRMAN SARETSKY: We were not
17 looking to restrict it. In other words,
18 again, we thought that was bad practice
19 in the dunes because height is helpful
20 in flood issues, and encouraged by FEMA.

21 MR. TERCHUNIAN: So here is the
22 situation. If you look on this
23 particular map, okay, and if you look,
24 there is a horizontal line that cuts
25 through the house on the eastern lot.

1 Board felt that reducing the height was
2 not appropriate nor a direction we
3 should go in. We've never done it
4 before, that I know of.

5 MR. TERCHUNIAN: The question is is
6 there a nexus between the height in this
7 application, and I would say I don't see
8 it.

9 CHAIRMAN SARETSKY: I don't think we
10 do either.

11 ATTORNEY PROKOP: Can I just ask one
12 other question, if you don't mind.

13 Do you have the dimensional tables
14 on your phone for the Village?

15 MR. TERCHUNIAN: I don't. I have
16 them in my head, though.

17 ATTORNEY PROKOP: So what is the
18 numbers, if you look at the dimensional
19 table for the Village, what is the
20 number of stories that are allowed?

21 MR. TERCHUNIAN: Two stories. I'm
22 sorry, no. In the village. Three.
23 Three stories.

24 ATTORNEY PROKOP: Where do you get
25 that? Because if you look at the table,

1 I thought it said two.

2 MR. TERCHUNIAN: No, it definitely
3 allows three stories.

4 ATTORNEY PROKOP: Okay.

5 MR. HULME: I think it's in the text
6 of the code.

7 MR. TERCHUNIAN: It's in the text of
8 the code.

9 ATTORNEY PROKOP: Okay.

10 CHAIRMAN SARETSKY: All right, so
11 the, where we left off with this was
12 that it appeared as if neighbors and the
13 Board were weighing the value of three
14 homes versus two homes. Because of the
15 way this is set up, it could be one
16 extremely large house and one -- or two
17 extremely large houses. And the
18 disadvantage to that is what I mentioned
19 on the Skudrna case is that this would
20 allow more air and light through those
21 homes, and as a consideration for this,
22 the applicant was willing to use the
23 four-tenths rule and/or match up to the
24 Skudrna piece which, it escapes me
25 whether it was four-tenths or something

1 in excess of four-tenths.

2 ATTORNEY PROKOP: Four-tenths.

3 CHAIRMAN SARETSKY: Other issues
4 that came up, not totally related to
5 this, but came up, there was, on the
6 Trustee call there was a topic mentioned
7 about water and other utility things,
8 and Aram, you and I spoke about this.

9 MR. TERCHUNIAN: Right.

10 CHAIRMAN SARETSKY: You were going
11 to give us your opinion and at the same
12 time talk to Suffolk County Water and
13 talk about how one house versus two
14 houses versus three houses, or anything
15 like that, could adversely affect
16 Westhampton Dunes, particularly with
17 this past winter where we had some water
18 failures due to infrastructure in the
19 ground.

20 MR. TERCHUNIAN: Yes. So I do have a
21 call in to the Water Authority but I was
22 unable to get through to the people I
23 wanted to. But I'll tell you what I
24 know.

25 So most people don't realize that

1 there is a major Suffolk County Water
2 Authority well in Westhampton Dunes.
3 It's a 12-inch wide, 400 foot deep
4 artesian well. And it's on that little
5 piece of property just opposite the
6 entrance, the western entrance to Dune
7 Lane. So it's a big lot with a little
8 tiny building on it. And then you'll see
9 a stand pipe out there. That thing
10 actually survived all the storms,
11 getting washed over and everything, and
12 the Water Authority came back in and
13 hooked it up.

14 And I remember speaking to the guys
15 who were doing the hook up there, and
16 they were so happy to get that back
17 online, because that particular well
18 actually back-pressures all of Dune Road
19 up to the bridge where the other water
20 line comes in, and for over a decade it
21 had been out of service and they were
22 extremely concerned about summer water
23 usage and not having enough for fires.

24 So that is a giant well, it
25 provides water not just for our Village

1 but for the Town of Southampton and into
2 Westhampton Beach. And it is, you know,
3 plenty of water there for one home, two
4 homes, ten homes. You know, 50 homes.
5 It's a really deep, big, productive
6 well.

7 MEMBER FARKAS: When was that
8 offline, that well?

9 MR. TERCHUNIAN: That was offline
10 between '91 and '96, '98.

11 MR. HULME: And the lots will be
12 served by public water. The public
13 utility has the obligation to provide
14 water for this site.

15 CHAIRMAN SARETSKY: I think the
16 concern is that when as we continue to
17 tap in, again, I think Aram is touching
18 on it now, we want to make sure that
19 utilities, for your benefit as well as
20 everybody's here, is not adversely
21 affected, and because of what happened
22 this past winter there was concern about
23 it.

24 So Aram is going to follow through
25 with Suffolk County Water and confirm

1 that pressure and volume will not be
2 adversely affected.

3 MEMBER CASHIN: But it sounds like
4 your opinion is already --

5 MR. TERCHUNIAN: Yes, my opinion is
6 it's well in excess of what we need.

7 MEMBER MIZZI: No pun intended.

8 CHAIRMAN SARETSKY: All right, so
9 just to recap some of what I said. Some
10 of the items were that they would not
11 drive piles during certain periods of
12 time. I forget what the code is in
13 Westhampton Dunes. You are not allowed
14 to do it --

15 MEMBER CASHIN: I think at the
16 meeting that I attended a couple weeks
17 ago, didn't they settle on Tuesday
18 through Thursday for pile driving?

19 ATTORNEY PROKOP: Yes, during the
20 season. But we can put a, since that
21 was raised as an issue at this meeting,
22 we could raise that as a condition.

23 CHAIRMAN SARETSKY: Okay, as a
24 condition. So I mean, Mrs. Breem wrote
25 her letter, talked about not doing it

1 during, between the 4th of July and
2 Labor Day. We briefly touched on that
3 with you but I'm not sure we finished
4 it.

5 The second piece --

6 MEMBER KRASNOW: So let's address
7 that.

8 CHAIRMAN SARETSKY: Okay.

9 MEMBER KRASNOW: So as of right they
10 can do it Tuesday through Thursday, now
11 with the new code, they can do it
12 Tuesday through Thursday between
13 Memorial Day and Labor Day?

14 MR. HULME: That is what is
15 proposed. I don't think that the
16 ordinance --

17 MEMBER KRASNOW: If they were
18 building two houses, when would they be
19 allowed to put piles in?

20 ATTORNEY PROKOP: I think it's
21 Monday through Friday now, if I'm not
22 mistaken.

23 CHAIRMAN SARETSKY: During the
24 season.

25 ATTORNEY PROKOP: It might be Monday

1 through Thursday. Yes, it's Monday
2 through Thursday during the season.

3 MEMBER KRASNOW: If they were
4 granted a variance, it should say can
5 only do pilings from September to April,
6 and not disturbance, or they could say
7 they can do it between, within the
8 Tuesday through, you know, we could have
9 some control and input on that, correct?

10 CHAIRMAN SARETSKY: Correct.

11 ATTORNEY PROKOP: Yes.

12 MEMBER KRASNOW: Okay, I just wanted
13 to make that clear.

14 CHAIRMAN SARETSKY: The second item
15 in Mrs. Breen's letter, which, I'm not
16 sure, some of the people who are on the
17 phone or on the Zoom call, was
18 staggering the homes. We talked about
19 it back and forth --

20 MEMBER CASHIN: Staggered, meaning?

21 CHAIRMAN SARETSKY: (Indicating) as
22 shown on that drawing.

23 MEMBER CASHIN: For the people on
24 the Zoom call, when we say staggering,
25 we're talking about the criss-cross on

1 Dune Road.

2 CHAIRMAN SARETSKY: So the
3 eastern-most houses would be the closest
4 to Dune Road and the western-most houses
5 would be the furthest set back.

6 Again, we didn't finish that. We
7 talked about it as a consideration. I'm
8 trying to see if there is anything else
9 I left out.

10 MEMBER CASHIN: Can you put this in
11 front of the camera just so people can
12 see it?

13 CLERK SADELI: Sure.

14 MRS. BREEN: Could they address the
15 square footage under the two scenarios?
16 What is the square footage of the homes
17 if it was two houses and how many
18 bedrooms; and what is the square footage
19 in the three-house scenario to the
20 homes.

21 CHAIRMAN SARETSKY: I think they are
22 two 20 now.

23 MRS. BREEN: No, I understand --

24 MR. HULME: We are entitled to 20%
25 lot coverage. So 20% and 20% is going

1 to be exactly equal to 20% and 20% and
2 20%.

3 CHAIRMAN SARETSKY: It's pretty much
4 they can build that volume whether it's
5 two or three.

6 MRS. BREEN: Can you give me a
7 number? Are you talking a 5,000
8 square-foot house, an 8,000 square-foot
9 house? I don't have my calculator.

10 MR. HULME: What's 47 times 57.

11 MR. ANTONACCI: Alex Antonacci, I'm
12 a principal of 742 and 738 Dune Road,
13 the owners of the properties.

14 So it doesn't, to me, doesn't
15 really make sense to even talk those
16 numbers because this Village is governed
17 by lot coverage. So 20% lot coverage of
18 let's say the smaller lot would be 8,700
19 square-foot lot coverage. So that's a
20 tremendous lot coverage. And if you
21 double that, let's say two stories, that
22 is 18,000 square-foot house. You know,
23 something like that. So it's very, very
24 large, what could be permitted under the
25 smaller and the larger. So the larger

1 would be, um, so let's say 13,000
2 square-foot of lot coverage on the
3 larger parcels, times it by two, let's
4 say, is 26,000. It's very generous, to
5 allow under either scenario.

6 MR. HULME: And it could under
7 either scenario, because it's
8 percentages of the overall lot size.

9 So, you know, and you have the
10 zoning code that controls what you can
11 do on the specific lot. And, you know,
12 there needs to be a relationship between
13 the relief - the only relief that we
14 are looking for is lot width. And there
15 needs to be a relationship between the
16 relief that we are looking for and the
17 condition that you are going to impose.
18 And it seems to me that the impact of
19 the narrower lots is the view. But if
20 you go with the four-tenths setback on
21 these lots, and you compare and contrast
22 it to what we can do as-of-right, you
23 end up with much greater view angles
24 between the homes.

25 CHAIRMAN SARETSKY: I think there is

1 a way to explain it a little bit better
2 or favorable, if you want.

3 Because you would have three homes
4 instead of two, and you have the
5 four-tenths rule, which you would not
6 have to do, you wind up with a bigger
7 space and a narrower space. So you pick
8 up that, that is a benefit.

9 MEMBER MIZZI: Yes. And two of the
10 houses on 240 feet is 120 feet, two
11 properties, if they were centered with
12 the three-tenths rule, you could have
13 basically two 84-foot wide houses
14 centered on two lots versus three houses
15 of 47-foot wide.

16 MRS. BREEN: No, but I think as
17 neighbors what you are saying is you are
18 not going to build two 13,000
19 square-foot houses. You might build two
20 10,000 square-foot houses, so that might
21 lead to only have two.

22 MEMBER MIZZI: If you want to do
23 like, if you built your house, let's say
24 you build your house to the bay views,
25 you could in theory on two lots have

1 two, you know, they don't need to be ten
2 or 20,000 square-foot houses, but they
3 can be 80-foot long like Mr. Reese says,
4 you know, on the road, a very long
5 house, to take advantage of the views,
6 and then there would not be the
7 requirement to have side yard setback, a
8 setback between both, between two
9 houses, and the setback would be one
10 sliver between three-tenths of each
11 property, between each other, with the
12 three-tenths side yard setback.

13 So the view, the views that Eric
14 made reference to between the houses
15 would be narrower and less.

16 MR. ANTONACCI: One thing that I
17 want to offer, with the three homes,
18 there is more of the pyramid restriction
19 than the two homes. So the tops of the
20 homes would be, occupy less space on the
21 three homes than the two homes. I just
22 want to offer that.

23 MEMBER KRASNOW: I have a design
24 question. Just curious. The concern I
25 keep hearing is the views, the views,

1 the views. Is there a reason why, and
2 again, this is a design question. If
3 the houses were narrower, but elongated,
4 that would increase the views but would
5 that make the houses not, you know,
6 because I'm just wondering if that helps
7 anybody or doesn't really create
8 problems for the area.

9 MR. ANTONACCI: Well, I would think
10 by making it longer it would affect
11 other neighbors. So the neighbors to
12 the east or west would be blocking more.
13 So I'm not sure if that's.

14 MR. HULME: This is essentially a
15 zero sum gain. If you do this, you're
16 upset. If you do this, you're happy but
17 they're upset.

18 MEMBER KRASNOW: That's why I wanted
19 to ask.

20 MR. HULME: So my suggestion to the
21 Trustees who chose not to weigh in on
22 this issue at all, is, you know, the
23 four-tenths rule maximizes the views
24 between the houses, and let Village zone
25 control the balance of the -- these are

1 not undersized lots. These are 40,000
2 square-foot lots. Whatever size house
3 we put on these lots are going to be
4 scaled appropriately.

5 MEMBER MIZZI: Right. But I think
6 when we did Skudrna, the idea was if it
7 was an 80 foot lot, you generally can do
8 what is permitted. If you are getting
9 permission to take two lots and make it
10 three lots, we get to have a little more
11 say in what you do. And that's the
12 trade off.

13 MR. HULME: And that's why we're
14 here. And that's why are making the
15 suggestion of the four-tenths rule as
16 opposed to the three-tenths rule.

17 MEMBER MIZZI: Right. But I think,
18 you know, our input, based on feedback
19 from the neighbors, you know, is, our
20 suggestions, should be considered.

21 CHAIRMAN SARETSKY: Right. I think,
22 again, when we did the Skudrna piece,
23 the Board at the time really followed
24 the impetus of the people that were
25 across the street on the ocean and

1 adjacent to it, and that is what they
2 wanted. The net gain to them was to get
3 three instead of one or whatever it was
4 going to be. And, um, again, my sort of
5 when I brought that up today, I think
6 that this would be consistent with
7 Skudrna.

8 Unlike anything else in Westhampton
9 Dunes, these become 80-foot and 79-foot
10 lots. They are big, really big. And
11 with the four-tenths rule they are big
12 setbacks.

13 This, in my opinion, benefits
14 Westhampton Dunes in a couple of ways.
15 One, I think the character of the
16 neighborhood is enhanced better by
17 having a four-tenths rule than having
18 houses closer together.

19 Two, these are good, can be
20 good-size houses that will only help
21 people's property values. Again, I'm
22 not, I have no vested interest, nor does
23 anybody on this Board that I know of,
24 have any financial impact on this.

25 The last, I guess, is that, you

1 know, Joe brought up like Mr. Reese's
2 house, which, again, I don't think is,
3 he likes it, it's nice, it's good for
4 him. But in keeping with the character
5 of the neighborhood, I want to make sure
6 that a 75-foot wide lot, which is,
7 79-foot lot, is not a precedent for
8 subdivision.

9 In other words, that's, to me this
10 is something very different than
11 anything else. It's similar to Skudrna,
12 but after that there are no other lots
13 that fall into this category. Fair
14 enough? In other words, we don't have
15 any more 240 foot lots to come to terms
16 with.

17 MR. TERCHUNIAN: That's correct.

18 MEMBER FARKAS: Well, you have them.
19 It would be if they have homes on them.

20 CHAIRMAN SARETSKY: They have homes.
21 Again.

22 MEMBER MIZZI: The only thing is
23 that, I'm not suggesting it's fully
24 relevant, but, you know, I think we have
25 to be very specific to this point

1 because if people believe they can get
2 together, you know, neighbor, like Eric
3 and I live, if we lived next door to
4 each other, hey, let's get together and
5 let's take our 120-foot property and
6 make it into three 40-foot lots and sell
7 it, and knock our houses down, because
8 the dollars work.

9 So I think the fact that this is,
10 you know, is 280-foot -- 240-feet going
11 to 80 foot, I think people should, we
12 have to, we can't have -- it seems to me
13 companies go around buying houses all
14 the time now, and it's like people think
15 they can go around buying people's
16 houses and then next thing you know they
17 are combining lots and selling it.

18 MEMBER KRASNOW: Wasn't Skudrna
19 vacant, from a precedent standpoint?

20 MEMBER MIZZI: It was.

21 MEMBER KRASNOW: So it's
22 predominantly vacant.

23 MEMBER MIZZI: If I recall
24 correctly, the gentleman that owned the
25 house at the time, he came and he

1 endorsed, it was an older gentleman. He
2 came and he endorsed, um --

3 CHAIRMAN SARETSKY: He was part of
4 it.

5 MEMBER MIZZI: He was -- he favored
6 the Skudrna subdivision.

7 CLERK SADELI: Can I just ask, the
8 Chats, if you want to take them now.

9 CHAIRMAN SARETSKY: Sure. Are you
10 guys okay with going off to the --

11 MEMBER FARKAS: I just wanted to
12 finish. What's the size of the homes,
13 of the three homes, approximately.

14 MR. ANTONACCI: What we are
15 proposing?

16 MEMBER FARKAS: Yes.

17 MR. ANTONACCI: We haven't really
18 fully studied that because our initial
19 application was for the three-tenths and
20 then we scaled down to four-tenths side
21 yard. So really we don't know, we
22 didn't develop a full house yet. A full
23 set of plans for a new home.

24 ATTORNEY PROKOP: You have building
25 envelopes.

1 MR. ANTONACCI: We have the building
2 envelopes. Again, the only thing
3 governs is the 20% lot coverage.

4 MR. TERCHUNIAN: Mr. Chairman, if I
5 could. According to the plans, they are
6 showing a proposed house which is
7 exclusive of decks, pools and other
8 accessory structures, with a footprint
9 of about 2,708 square feet.

10 CHAIRMAN SARETSKY: And what's that
11 as a percentage of the lot?

12 MR. TERCHUNIAN: Oh, God. Hold on.

13 MEMBER FARKAS: What do they believe
14 as 20% of the lot?

15 MR. HULME: The lot is 40,000 plus.
16 20% of 40,000 is 8,000 something. So I
17 mean, these are just.

18 CHAIRMAN SARETSKY: So if it's twice
19 the size of that, it would still be a
20 third.

21 MR. TERCHUNIAN: If the Board were
22 to approve the plan as it sits right
23 now, this is the largest house they
24 could build. They could add a deck,
25 pool and other stuff to it, but their

1 proposal right now is to build that as a
2 home.

3 MR. HULME: We put on the map, at
4 the request of the Board, a typical
5 house. Just to show, this was for the
6 purposes of showing location. This was
7 not for the purpose of limiting the size
8 of the house we could build on this
9 property.

10 MEMBER CASHIN: Well, that's an
11 important question.

12 MEMBER MIZZI: So the proposed house
13 is not what you are proposing?

14 MR. HULME: We are proposing a
15 three-lot subdivision with a four-tenths
16 side yard.

17 ATTORNEY PROKOP: So we are back to
18 square one.

19 MEMBER CASHIN: Joe, can you clarify
20 that for us?

21 ATTORNEY PROKOP: Yes. What he
22 said, basically, is we just went back
23 about six months in these hearings. So
24 they are not willing to limit the size
25 of the house. So it's really up to us --

1 CHAIRMAN SARETSKY: What was it in
2 Skudrna? In other words --

3 MEMBER MIZZI: They created a
4 building zone.

5 MR. HULME: But you did not restrict
6 the size of the home that they could
7 build.

8 ATTORNEY PROKOP: The thing is
9 though that Skudrna is not -- one of the
10 relevant parts of Skudrna is the
11 requirement for the conservation
12 easement. Much of Skudrna is helpful
13 but is not relevant because the
14 conditions in the Village are different
15 now. The Village is more built out,
16 there's more impacts on people.

17 One of the things I wanted to
18 discuss with this is since we have, I
19 mean you are saying you don't want to
20 discuss limiting the size of the house.
21 But somebody gave us a plan with
22 building envelopes on it. Where did
23 this come from?

24 MR. HULME: The question that was
25 asked was how could you stagger these

1 homes? So we put equal-sized homes in a
2 staggered location.

3 ATTORNEY PROKOP: Okay, so now I
4 wanted to just have this discussion for
5 the Board's benefit with Aram.

6 This is what I was afraid of, what
7 Aram said, is that those are the
8 building envelopes but not for most of
9 the improvements that people are going
10 to put outside their house, like decks
11 and pools and everything else.

12 So the pools are supposed to be in
13 rear yards, if I'm not mistaken, but
14 they have been allowed in side yards.

15 So we are going to need
16 clarification as to whether we are just
17 wasting our time with those building
18 envelopes because they are going to
19 filled in with --

20 MR. HULME: Well, there is a
21 building envelope on the map.

22 ATTORNEY PROKOP: I know, but our
23 consultant said that that is for the
24 house.

25 MR. TERCHUNIAN: May I?

1 ATTORNEY PROKOP: Yes.

2 MR. TERCHUNIAN: So let's just look
3 at this map and understand what it says.
4 So let's take the easternmost lot. On
5 the easternmost lot it shows a building
6 envelope of 5,896.6 square-feet. So that
7 is the building envelope for house,
8 pool, deck, everything. Okay?

9 And, then within that building
10 envelope they show proposed house,
11 exclusive of all accessory structures at
12 about 2,700 square feet.

13 MEMBER KRASNOW: 2,700 square-foot
14 footprint. Not feet.

15 MR. TERCHUNIAN: Yes. Everything
16 I'm talking about is lot coverage.
17 Okay? So, and all of that would be
18 limited by 20% of the upland area.

19 If you go to the center lot, the
20 building envelope is 6,879.3 square
21 feet, and you have a proposed home
22 exclusive of all accessories, again, of
23 2,708 square feet.

24 But if you go to the western lot,
25 it's much, much different. Okay? That

1 is a 14,435 square-foot building
2 envelope. All right? So it's literally
3 more than double the other two building
4 envelopes.

5 MEMBER CASHIN: That was, I think
6 the basic question here. If we, you are
7 talking about views, you know, if they
8 make these houses, you know, really,
9 really long from north to south, now you
10 are talking other views.

11 My question is can this Board limit
12 the size of the house.

13 ATTORNEY PROKOP: Yes.

14 MEMBER CASHIN: As a condition of
15 making the variance.

16 ATTORNEY PROKOP: Yes.

17 MEMBER CASHIN: Then I want to know
18 how big the house is going to be. I want
19 to know what you are proposing.

20 MR. HULME: I respectfully disagree
21 with counsel on that issue. It doesn't
22 have anything to do with the variance
23 that we are looking for. We are looking
24 for a lot width variance. What the
25 ultimate size of the house, that brings

1 into play the side yard setbacks. But
2 in my mind that is all it brings into
3 play.

4 Whether the house is 50-feet long
5 or -- 50-feet in depth or 80-feet in
6 depth, is not material to the relief
7 that we are looking for. We are not
8 looking for lot coverage. We are not
9 looking for any other variance relief
10 but the width of the lot.

11 MEMBER MIZZI: Can I comment? I
12 mean, it did feel, to be honest, like
13 why would we be considering neighbors'
14 viewpoints on views if we have no idea
15 how long these houses are going to be?
16 And it's a waste of time, because if
17 this house is this long and this house
18 is this long, we are seeing a staggering
19 them in the front, let's say, it just
20 doesn't make sense.

21 MR. HULME: But the comparison's
22 apples to apples, not apples to oranges.
23 So we are comparing what we can do
24 as-of-right versus what we could do if
25 it's subdivided. There are too many

1 variables.

2 MEMBER MIZZI: Right. I guess I'm
3 just saying, you gave us a plan with a
4 proposed dimension, you know, off the
5 road and in the area of the proposed
6 house and now you are saying that is
7 really not what you are proposing, you
8 proposing the ability to make these
9 houses longer.

10 MR. HULME: What we are proposing is
11 a lot with a 79-foot width.

12 ATTORNEY PROKOP: I think we have
13 gone backwards with your discussion in
14 this application, significantly. And
15 I'm not saying that to be sarcastic or
16 negative in any way. But I think we
17 need to know from the applicant exactly
18 what they want to do.

19 MR. TERCHUNIAN: Yes, Joe. Yes, I
20 agree we need to know what they want.
21 But I want to speak to a different
22 issue, and the issue that comes to my
23 attention, which is the western-most
24 building envelope, is gigantic.

25 Now, the applicant is seeking

1 dimensional relief. It's my opinion
2 that there is a nexus between that
3 dimensional relief and the building
4 envelope. Not the size of the home, but
5 the building envelope. And if I look at
6 the central and the eastern building
7 envelopes, they seem reasonable to me.
8 They are not gigantic, but they are
9 quite large.

10 I look at the western building
11 envelope, and it's almost triple the
12 eastern.

13 MR. HULME: And that's driven by the
14 wetlands line.

15 MR. TERCHUNIAN: I understand that.
16 But this Board can proscribe a building
17 envelope because it's a dimensional
18 relief that is being requested. That's
19 my opinion. My opinion is there is a
20 nexus between those two.

21 So, if you wanted to make the
22 western building envelope similar in
23 size to the central and eastern, I think
24 that is within your power, and I think
25 it's reasonable, and I think it

1 addresses the ability to create a giant,
2 long house.

3 CHAIRMAN SARETSKY: So maybe what
4 they need to do is look at these and
5 decide, give us what the maximum is
6 going to be.

7 In other words, you don't have to
8 build to that, but show us so that
9 everybody else can see what you might --

10 MR. HULME: What we are looking for
11 is the lot width with the building
12 envelopes that are shown. And I would
13 suggest that my client would likely be
14 happy to reduce the proposed building
15 envelope on the western-most lot so that
16 it matches the building envelopes on the
17 other two.

18 But I would strongly, we would
19 strongly resist a condition on the
20 overall size of the house itself within
21 that building envelope.

22 MEMBER KRASNOW: If you reduce the
23 building envelope on the western lot,
24 won't that impede your ability to have a
25 pool and a deck in the back part,

1 because most of the building envelope is
2 in the front on Dune Road?

3 MR. HULME: No, the building
4 envelope -- again, this is, these
5 locations are shown because you guys
6 wanted to see a staggering. That's what
7 we were willing to do.

8 MEMBER KRASNOW: No, I understand --

9 MR. HULME: If we move this back,
10 the house would move back, because there
11 is plenty of building envelope on that
12 lot, on the other side. On all of these
13 houses.

14 ATTORNEY PROKOP: But the problem
15 you are creating for yourself, the
16 problem you are creating for the Board
17 is that from day one your argument was,
18 has been that the Board should grant
19 this because it's better than existing
20 conditions, because under existing
21 conditions you could build gigantic
22 houses that would be really offensive to
23 everybody.

24 But now you are telling us --

25 MR. HULME: I don't think they'll be

1 offensive.

2 ATTORNEY PROKOP: Do you have a
3 problem? Can I talk, without you
4 laughing?

5 MR. HULME: No. Proceed.

6 ATTORNEY PROKOP: Thank you.

7 So the problem that you created is
8 that we asked you for viewsheds, we
9 asked you for diagrams, you know,
10 showing staggering. We are trying to
11 figure out the impact of what this will
12 do, which is fully within the Board's
13 purview.

14 You have a different opinion. I
15 advise the Board. You don't advise the
16 Board. And I've litigated this
17 particular issue many times.

18 The problem that you created is
19 that you gave us an illustration when we
20 asked for an illustration of impacts.
21 The illustration shows basically -- we
22 got an opinion here that you can go
23 three floors. I don't know if I agree
24 with that or not. But basically your
25 illustration shows that you can build

1 three houses that are basically 8,000
2 square-foot houses, right? And now you
3 are saying that you gave us that to do
4 an analysis together with the viewshed.
5 I think this was the viewshed, which it
6 really isn't, but this is what we
7 accepted as a viewshed. But you don't
8 want to be limited to 8,000 square-foot
9 houses.

10 So to me, you came to us saying
11 that we should allow you to do this
12 because it would be a much better
13 situation. And now you are telling us,
14 after all the weeks and months that we
15 have been sitting here that you don't
16 want to be limited to 8,000 square-foot
17 houses.

18 MR. HULME: No, that's not what I'm
19 saying at all. What I'm saying is that
20 in order to properly evaluate the
21 viewsheds from the as-of-right to this,
22 you need to show comparably-sized
23 houses.

24 If you want us to show the maximum
25 house we can build as-of-right on the

1 two lots and compare that to the maximum
2 house that we can build on the three
3 lots, you would still come to the same
4 answer, that the views are better on the
5 three lots than the two lots. But the
6 house sizes need to be related in some
7 manner.

8 MR. ANTONACCI: Just let me add
9 something real quick. Are you looking
10 for a number; the 8,000 square-foot
11 number, is that the number you are
12 looking for?

13 ATTORNEY PROKOP: The Board -- I'm
14 sorry. Excuse me. I apologize. The Board
15 is required to determine the impacts of
16 what you going to do, right? They would
17 just like to know what you plan to do. I
18 mean, that's not a mystery. We just
19 would like to know.

20 CLERK SADELI: That's also in the
21 comments here, too.

22 MR. TERCHUNIAN: Let me just put a
23 final point on that, okay? If the Board
24 approved this, you would be limited to
25 this. Okay? If you want something

1 different than this, you need to tell
2 the Board what it is. Because if you
3 want a longer house, then just tell us
4 what it is so they, because otherwise
5 they cannot do an evaluation of the
6 impact without having the actual
7 information.

8 MR. ANTONACCI: Are you referring to
9 the envelopes again? Or are you
10 referring to the actual structure?

11 MR. TERCHUNIAN: The actual homes.
12 It doesn't have it be a designed home,
13 but it should show the footprint of what
14 the house, of where -- if you are going
15 to stagger the homes, you should show us
16 what is actually going to be on the
17 ground once they are staggered.

18 I mean, if you give us an
19 illustration like this and then to build
20 something that doesn't comply with this,
21 that's, I don't understand how the Board
22 does its job.

23 CHAIRMAN SARETSKY: Think of it this
24 way. You are showing us three squares.
25 If you want to build a long rectangle,

1 we need to understand that is what the
2 shape of it is.

3 MR. ANTONACCI: That is not the
4 intent. We are not looking to build
5 very large homes. The only thing I
6 wanted to reserve is I'm not sure
7 exactly where it's going to extend to.

8 I can go, if you give me some
9 discretion within certain numbers -- we
10 have side yards that we are willing to
11 establish. That's fine. It's just the
12 depth at this point.

13 CHAIRMAN SARETSKY: So show us a
14 depth that you think you can fit within.

15 MR. TERCHUNIAN: I'm sorry, let me
16 put a final point on it. You need to do
17 that. And I understand it's extra
18 effort, but in my opinion you don't get
19 over the finish line without it.

20 MR. ANTONACCI: Okay, so if I were
21 to suggest that these are the envelopes,
22 these are the footprints.

23 CHAIRMAN SARETSKY: 14,000 square
24 feet?

25 MR. TERCHUNIAN: No, he's talking

1 about 2,700 square feet.

2 CLERK SADELI: One at a time.

3 MEMBER KRASNOW: 2,800 foot
4 footprint for each house plus the pool
5 and deck. So that area could be 5,600
6 or possibly, with the pyramid rule, the
7 houses could be 7,000. With the pyramid
8 rule.

9 MR. ANTONACCI: The footprints that
10 are represented here, would the Board be
11 okay with that, if I agree to limit it
12 to these sizes?

13 CHAIRMAN SARETSKY: I think we were
14 headed in that direction. I mean,
15 speaking for myself and not for the rest
16 of the Board.

17 MR. TERCHUNIAN: And I'm not
18 attempting to limit you. All I'm saying
19 is if it's 2,700 or 2,800 or 3,200,
20 whatever it is, put it on that piece of
21 paper. Show us.

22 MR. ANTONACCI: Okay, understood.

23 MEMBER KRASNOW: And then give us
24 kind of clue as to what the second and
25 third floor. So we would also have --

1 MR. TERCHUNIAN: I don't think we
2 should do that.

3 MEMBER KRASNOW: No? Okay. You just
4 want the footprint size now.

5 MR. TERCHUNIAN: Just the footprint
6 size.

7 MR. ANTONACCI: These are the
8 footprint sizes.

9 MR. TERCHUNIAN: Are you sure?

10 ATTORNEY PROKOP: We can move on
11 this --

12 MR. ANTONACCI: My question is this
13 a condition that the Board puts on the
14 property looking for variance such as
15 this? We have resulting properties that
16 are much larger than the majority of the
17 Village, in terms of lot area and also
18 in terms of lot width. So we are
19 looking to establish a whole series of
20 additional restrictions that are not
21 really proposed on other properties. So
22 that's just my --

23 MR. TERCHUNIAN: May I?

24 MR. ANTONACCI: Yes.

25 MR. TERCHUNIAN: No, no, I just told

1 you, if you want a different footprint
2 you should put it down there and let
3 them evaluate it. If you want something
4 different than this, the door is open.

5 MR. ANTONACCI: Gotcha.

6 MR. TERCHUNIAN: You make whatever
7 it is you think that you want there, and
8 the Board will review it.

9 MR. ANTONACCI: Okay.

10 MR. TERCHUNIAN: That's why when you
11 said will you accept this, I said, are
12 you sure. Because quite frankly, if
13 it's 32 or 36 or 40 or 22, I don't know.
14 That's your call.

15 MEMBER MIZZI: Well, speaking for
16 myself, I was led to believe that I was
17 considering views, and to me,
18 considering views is looking at the
19 front of the house and the back of the
20 house and the staggering of the houses.
21 So I would like --

22 MR. TERCHUNIAN: The decks and the
23 pool don't matter. It's the house.

24 MEMBER MIZZI: Right. Say this is a
25 roughly 2,000 square foot -- 2,700,

1 right. And so personally I was
2 considering the placement and
3 configuration of these proposed houses.
4 I'm not saying it has to be the entire
5 house, but in my mind, per Joe's
6 comment, I believe it was being limited
7 to what was shown here. And that is
8 something I believe we have done in the
9 past.

10 MR. TERCHUNIAN: Well, you did it on
11 Skudrna?

12 MEMBER MIZZI: Yes.

13 MR. HULME: What was the limit you
14 imposed on Skudrna?

15 MEMBER MIZZI: We gave them a
16 building zone.

17 CHAIRMAN SARETSKY: We gave them a
18 envelope. Ground floor envelope.

19 MR. TERCHUNIAN: A ground floor and
20 a placement within the envelope. It's
21 on the plan.

22 MR. ANTONACCI: No, I believe I have
23 that. But the envelopes are similar to
24 the envelopes of two of the properties I
25 have here.

1 MR. TERCHUNIAN: Yes. And listen,
2 if you want to do accessory structures
3 in the rest of that envelope, knock
4 yourself out. It's not really affecting
5 air and light.

6 MR. ANTONACCI: All right.

7 MEMBER FARKAS: Who determines about
8 the staggering and not staggering?

9 CHAIRMAN SARETSKY: Let's see if we
10 have comments.

11 MR. HULME: Before we do that. If
12 we looked at Skudrna and those
13 limitations on the house size and
14 location are acceptable to us, is that
15 acceptable to you?

16 CHAIRMAN SARETSKY: I think you
17 should give us the revised drawings
18 showing it that way.

19 MR. ANTONACCI: I would like to
20 agree to the proposal.

21 CHAIRMAN SARETSKY: And now it's up
22 to the Board as far as some direction on
23 staggering, because that is still an
24 issue that I'm open to. And if that is
25 something also that you want to lead

1 back to the Planning Board and Trustees
2 to work on, that's fine.

3 I think as far as staggering goes,
4 I'm not sure the Board has any real
5 issue on staggering. I think this was
6 more of something for the neighbors on
7 each side. I believe that Mrs. Breen is
8 here, is an advocate of staggering it. I
9 don't know if anybody that's on the Zoom
10 call --

11 MEMBER MIZZI: There is a bunch of
12 stuff in the Chat.

13 CLERK SADELI: Lauren is available.

14 Lauren, do you want me to read what
15 you wrote here into the record, or do
16 you want to give your public comment
17 now?

18 MR. TERCHUNIAN: Who is this?

19 CLERK SADELI: Lauren Nannariello,
20 743 Dune Road.

21 MR. ANTONACCI: Can that speaker be
22 made louder?

23 CLERK SADELI: No, it's just a
24 microphone.

25 ATTORNEY PROKOP: Can you turn up

1 the volume?

2 CLERK SADELI: No, this is as loud
3 as it goes.

4 THE STENOGRAPHER: It's kind of
5 tough to hear.

6 CLERK SADELI: Well, I'm going to
7 read it.

8 So her comments: 47-foot wide
9 houses can be very large homes with
10 three stories. Skudrna's piece lined up
11 with the three ocean houses, that's why
12 we went for it. We have 140-foot lot at
13 699. They are not going to commit to
14 tell us what is being built here. Per
15 the Skudrna ruling, they can not go
16 beyond the northern line toward the bay.
17 We drew it. And then she commented yes,
18 they can. Which I think was to limit
19 the sizes. Is that what you were
20 saying, Lauren?

21 MS. NANNARIELLO: Yes.

22 CLERK SADELI: She also commented
23 that we need more information from the
24 applicant. Please show us comparable,
25 Mr. Hulme.

1 Is there anything else you want?

2 MS. NANNARIELLO: The thing about
3 staggering, I think when the Board was
4 saying how Peter Feder was for the
5 division, Peter Feder was very vehement
6 in keeping very, very tight caveats with
7 this subdivision, and one of them was
8 not going beyond the depth of the houses
9 to the east because he wanted to
10 preserve the views of the homes on the
11 ocean to the east and the homes on the
12 bay to the east. So he wanted to keep
13 them in line, and that was I think put
14 into the subdivision caveat, that if it
15 was ever developed next to it, that it
16 could not go and do what the houses in
17 back did, the house that sits in the
18 bay.

19 So I think they shouldn't stagger
20 it because if they are going to put a
21 bigger house to the west next to the,
22 it's going to beyond what was agreed to
23 (inaudible).

24 THE STENOGRAPHER: It's going to be
25 beyond --

1 CLERK SADELI: What was agreed to
2 in the previous subdivision.

3 So what Lauren says, if you
4 couldn't hear it -- I'm sorry. I bought
5 a new system, but it didn't come in time
6 -- Is that basically in the Skudrna
7 decision, they didn't stagger the houses
8 and it was decided to put them in a row
9 for the views of the ocean homes across
10 the street. Is that right, Lauren?

11 (The stenographer indicates to
12 Clerk Sadeli the audio is garbled and
13 not discernable).

14 CHAIRMAN SARETSKY: So again, the
15 Board really was not, I mean, again, I
16 don't think we really had an issue on
17 the staggering.

18 MEMBER CASHIN: I can't hear her.
19 Is she for or against the staggering?

20 MS. NANNARIELLO: Against. I.

21 (The stenographer indicates to
22 Clerk Sadeli the audio is garbled and
23 not discernable).

24 CHAIRMAN SARETSKY: Yes. So I think
25 what you are saying in that in the

1 Skudrna decision we controlled how far
2 back they could go and then we had a
3 setback from the street that was
4 required, in other words obviously you
5 have to setback, and that's really the
6 space they had to build their houses.

7 They had to use four-tenths rule on
8 either side, so the width was determined
9 or I should say minimized, and they
10 could build any size house they want
11 within that space, but in that case not
12 staggered. Well, I guess they could
13 stagger it.

14 MR. TERCHUNIAN: They could stagger
15 it.

16 CHAIRMAN SARETSKY: They could
17 stagger it. We didn't require
18 staggering.

19 MR. TERCHUNIAN: The plan shows it
20 staggered. Totally.

21 MR. HULME: So the plan shows the
22 line at an angle to the side yards that
23 you couldn't build, I can't remember if
24 it's in front or behind.

25 MR. ANTONACCI: It's totally limited

1 (indicating).

2 CHAIRMAN SARETSKY: For you on the
3 video phone, we have the Skudrna
4 drawings. We are just taking a look at
5 it. Bear with us.

6 MRS. BREEN: My request is the
7 property not be staggered.

8 MEMBER KRASNOW: The staggering was
9 with the consent of the neighbors. I
10 don't think we have an issue either way.
11 It was just of a matter of preference.
12 That's part of the staggering.

13 (Multiple conversations going on
14 between Board members).

15 CHAIRMAN SARETSKY: So then -- guys,
16 let's just have one conversation.

17 So what I just heard, and maybe
18 it's my mistake, Mrs. Breen suggested
19 that she is okay with it not staggered.
20 So if those of you on the phone are okay
21 with it not staggered, the only real
22 reason why it's somewhat staggered in
23 the Skudrna approval was just because of
24 the line drawn. It doesn't mean the
25 homes have to be staggered. They can be

1 in that window. It might be centered
2 more to the north than to the south, and
3 whatever size fits in the lot area
4 coverage. I think we are okay with the
5 same.

6 MS. NANNARIELLO: I'm more concerned
7 with the size of the homes than
8 staggered. Right now, the idea of
9 building homes down in the area is
10 pretty much bigger and better. And
11 larger and bigger.

12 Is there -- there is no general
13 review board in town so we might just
14 get three houses that are, you know,
15 very big, and not, and I don't really
16 mind about the fact that they are three
17 or two. I prefer two, because of the
18 neighborhood and the continuity of the
19 lot line. But it seems like the Board
20 and everybody else supports three. So
21 if we are going to go with three, I
22 think -- I appreciate the fact the Board
23 is really questioning the size of these
24 homes. It's not going to fit with the
25 houses around it.

1 So I think that, I really take the
2 fact that if we are going to grant the
3 three homes, we'll have some control
4 over the steps and the whole size of the
5 homes. How do you do that?

6 CHAIRMAN SARETSKY: Well, I think
7 you have to understand what this Board
8 is, you know, entitled to do and by law
9 what we are supposed to do.

10 So the four-tenths rules that they
11 would provide is something better,
12 regardless of what size house it is. So
13 that's the first thing that you are
14 getting if you go down this road.

15 (Multiple voices speaking, the Zoom
16 caller is inaudible and the stenographer
17 states he can not hear what is going on
18 at this time).

19 The second piece is as far as
20 limiting the size of the house --

21 (Zoom caller is inaudible/muffled
22 and multiple voices are speaking at
23 once).

24 CHAIRMAN SARETSKY: When you say
25 70-foot variance --

1 (Zoom caller is inaudible/muffled
2 and multiple voices are speaking at
3 once).

4 MR. HULME: The requirement is 150
5 square feet. We are asking for 80 feet.

6 MEMBER KRASNOW: That's why she's
7 saying a 70-foot variance.

8 MS. NANNARIELLO: You have to admit
9 that's a very large ask, for a 79-foot
10 and 80-foot lot.

11 MR. HULME: Well, the only thing I
12 would say in response to that is that is
13 exactly the width of the neighborhood,
14 and we've demonstrated that very early
15 on.

16 MS. NANNARIELLO: Mine is 120 and so
17 is 745.

18 CHAIRMAN SARETSKY: Lauren, I have
19 to stop you for a second. The homes on
20 the ocean are not really the same as the
21 homes on the bay. A 79-foot lot on the
22 bay falls into a category that is
23 probably larger than most of the
24 bay-front homes.

25 MS. NANNARIELLO: In that area?

1 CHAIRMAN SARETSKY: Yes. In all of
2 Westhampton Dunes.

3 MR. TERCHUNIAN: Yes. That's
4 correct.

5 CHAIRMAN SARETSKY: So Aram, the
6 environmental person, consultant, is
7 confirming that.

8 In other words, the ocean-front
9 lots, particularly the homes that you
10 live in and 747 or Charles Antonacci's
11 numbers, those are different lots, and
12 they are governed by the dunes behind
13 it.

14 MEMBER MIZZI: The depth of the --

15 MS. NANNARIELLO: Right. Yes.

16 CHAIRMAN SARETSKY: But it's not
17 really fair to compare those from one to
18 another.

19 So in this situation, I think we
20 the Board understand your concern and we
21 have been trying to address it, but I
22 don't think we can really weigh in to
23 compare the ocean-front properties to
24 this. In comparing character.

25 MS. NANNARIELLO: Well, if you are

1 going to subdivide the two lots with the
2 white line and put the third house in
3 the middle of that -- I agree with the
4 fact that you are going to grant them
5 the 70-foot variance per lot, then maybe
6 we should have a bigger say on, you
7 know, the size and depth of what they
8 are going to be. We are not going to
9 get, like you said -- at one point
10 you're saying oh, we'll have smaller
11 houses to the big monstrosities. I
12 don't know that, because once they have
13 the power to build a house --

14 CHAIRMAN SARETSKY: Well, that's why
15 we are having that conversation, and it
16 would appear right now he's agreeing to
17 the footprint that is shown on this
18 drawing now. That was not really --

19 MS. NANNARIELLO: Correct.

20 CHAIRMAN SARETSKY: But, which is
21 advantageous, I think, to all.

22 MS. NANNARIELLO: Yes, it is. Thank
23 you.

24 CHAIRMAN SARETSKY: So I think if
25 that's the case, we just have to ask Joe

1 and Aram how something like that is
2 memorialized. And we would basically
3 build that into the approval.

4 Are there any other comments from
5 people on the Zoom call?

6 CLERK SADELI: No.

7 MR. CONRAD: Vincent K. Conrad, I
8 live at 834. I have just one general
9 comment. I'm not really contiguous to
10 the lots, but I kind of have a general
11 question, because just from the talk
12 about subdividing, there's flag lots
13 and, um, you know, infrastructure.

14 I'm out here most of the year, and
15 during this last winter we had two water
16 main breaks that caused -- we really
17 didn't have water for about, anywhere
18 from 12 to 24 hours. And when I talked
19 to the Suffolk County Water folks they
20 said that, well, we've got very old
21 pipes out here.

22 Now, as we continue to build more
23 homes, renovate, tap into these things,
24 that chances are there is going to be
25 more water main breaks.

1 I appreciate what Aram said that we
2 have plenty of water. But I'm
3 wondering, has anybody ever done an
4 infrastructure study? Because these
5 pipes are not going to last forever.
6 Each time they'd be tapping into these
7 pipes from the Suffolk County Water
8 folks, we've got pipes 50-plus years
9 old, that what is going to happen to all
10 this, and we are going to have more
11 water breaks, fire main breaks and
12 stoppages, and I can imagine folks might
13 get really upset if these happen during
14 the middle of the summer. I mean,
15 during the middle of winter it was very
16 inconvenient.

17 So, I mean, you know, it's just
18 that, and basically we are increasing
19 the density of the town, especially when
20 we are talking about subdividing flag
21 lots and things like that. Doesn't that
22 kind of change the whole character of
23 what the Dunes really was when we all
24 bought into it?

25 CHAIRMAN SARETSKY: I'm going to

1 defer to Aram on the water issue.

2 MR. TERCHUNIAN: On the water issue,
3 so it's a 24-inch duct-to-line main, and
4 the main was replaced after the breach
5 in '91. And so that pipe was put in in
6 probably '96 or '97.

7 Your water main breaks are water
8 main breaks. They happen all the time.
9 I don't think that adding an extra home
10 or two or ten has a material affect on
11 the, you know, the pipes that are in the
12 ground.

13 And as I said, this is a very
14 important well for the Water Authority.
15 So they are going to make sure that the
16 water main that it services, I don't
17 know, the thousand-plus homes between
18 here and the bridge, they are going to
19 make sure that everything is well
20 maintained. And the water authority is
21 a pretty good operation, in my
22 experience. And I understand what you
23 are saying, I just think that it's well
24 handled.

25 MR. CONRAD: Okay, as long as

1 everyone is, you know, aware of it,
2 because as I said, when the water main
3 breaks happened this winter, they
4 happened within a couple of weeks of one
5 another. And living out here is
6 somewhat concerning.

7 MEMBER FARKAS: The Water Authority
8 is also responsible for delivering water
9 to us and they do have a capital
10 project, and I'm sure if they've had
11 some negative impact due to the age of
12 the pipes, they would have to come in
13 and replace them.

14 MR. TERCHUNIAN: As I said, I have a
15 call in, if I get any new information,
16 I'll share it.

17 MR. CONRAD: Okay.

18 CHAIRMAN SARETSKY: On the other
19 topic that I think you brought up, and
20 to the woman who was on the Zoom phone
21 call, I mean, Skudrna and this proposed
22 subdivision, being 79 and 80-foot wide
23 lots, these are big for Westhampton
24 Dunes on the bay side. And for a
25 four-tenths setback -- I'm just

1 repeating what I said earlier -- this
2 will be something better, greater in air
3 and view than the rest of Dune Road on
4 that side. On either side.

5 So, again, I understand your
6 concern with the length of the homes or
7 the size of the homes, but the fact that
8 the applicant is willing to essentially
9 agree to the size of the homes that are
10 shown on his drawing, I think that you,
11 in this case some, Ms. Nannariello,
12 Lauren, and, you know, to Roseanne Breen
13 is here and others who may or may not be
14 here in person or on the phone, I think
15 you are getting something for it that
16 you may not realize that, one, these are
17 not going to be subdivided again. It's
18 going to be part of the approval. It's
19 not going to become a flag lot, which
20 is, you know, to Jay's point that he's
21 just made. That's six lots that are
22 locked in for eternity or whatever the
23 right word is. It would seem that it
24 benefits Westhampton Dunes, both the
25 Village and adjacent neighbors.

1 You know, we are taking what you
2 are saying to heart and, um, I, again,
3 I'm not going to speak on behalf of the
4 rest of the Board, but I think this is
5 something that you should support, for
6 the reasons I mentioned.

7 MEMBER KRASNOW: So just to kind of
8 recap where we have kind of gone today,
9 is that the applicant is willing to have
10 the houses in line, if that's what the
11 neighbors want. They don't have to be
12 staggered. And he's willing to accept
13 the envelope footprint of the houses
14 based upon this 47.5x57 square-foot
15 footprint for each house, keeping them,
16 that would be the maximum they could be,
17 and he could make them smaller. That's
18 kind of where we, kind of where we got
19 it down to at this point.

20 MEMBER FARKAS: And no flag lots
21 ever.

22 MEMBER KRASNOW: Yes.

23 MRS. NANNARIELLO: I have a comment.

24 CHAIRMAN SARETSKY: Sure, go ahead.

25 MRS. NANNARIELLO: So At 4,700

1 square feet, is that the six bedrooms --

2 CHAIRMAN SARETSKY: No, it's 47

3 square feet by 57 square feet --

4 MR. TERCHUNIAN: It's 2,700 square
5 feet.

6 (Zoom caller is inaudible and
7 multiple voices are speaking at once).

8 CLERK SADELI: Just one at a time,
9 please.

10 CHAIRMAN SARETSKY: It's 47 by 57.
11 Roughly. 47 by 57. 2,700 square feet.

12 MRS. BREEN: And do all decks and
13 pools have to fall within that?

14 MR. TERCHUNIAN: No.

15 MRS. BREEN: No. That's strictly for
16 the house.

17 CHAIRMAN SARETSKY: And the reason
18 that Aram mentioned it, that doesn't
19 affect air and light.

20 MRS. BREEN: Could I ask one more
21 question. Was there any consideration
22 in that Skudrna ruling about the
23 architectural similarities? Because now
24 you are saying it could be within five
25 years there might be six houses lined up

1 one right next to the other. Can we
2 restrict that they cannot all be
3 identical?

4 CHAIRMAN SARETSKY: So those three,
5 there was no restriction on them.

6 CLERK SADELI: I think the
7 applicant'S already said he doesn't plan
8 on building identical houses. He said
9 that at the last meeting. And I think
10 the meeting before that.

11 MR. TERCHUNIAN: Two things.
12 Skudrna is done. And that will go to
13 the Building Inspector. There is no ARB.
14 There is no Architectural Review Board
15 in the Village, and there is no nexus
16 between the architecture and dimensional
17 relief. So it's not within the purview
18 of this Board.

19 MRS. BREEN: Okay.

20 MEMBER FARKAS: It's in the
21 builder's best interest not to have
22 three of the same houses.

23 MRS. BREEN: Right. Okay.

24 CHAIRMAN SARETSKY: So you are
25 hearing it from him, but we can't really

1 enforce some architectural details.

2 MR. BREEN: Gotcha.

3 CHAIRMAN SARETSKY: I understand
4 your reasoning for it, it makes sense,
5 but until such time that there is --

6 CLERK SADELI: Also there are houses
7 in the Village that are identical.

8 MRS. BREEN: Yes, but not six of
9 them in a row, on Dune Road. There
10 really aren't.

11 CLERK SADELI: Right across the
12 street.

13 MRS. BREEN: No, I get that.

14 CHAIRMAN SARETSKY: All right, we
15 covered that.

16 MR. HULME: Can we make it 2,800
17 square feet, the footprint?

18 MEMBER KRASNOW: It came out to 28.

19 MR. HULME: It's a little more than
20 27, but.

21 MEMBER FARKAS: 2,679 is what it
22 came out to, which is what we have on
23 the diagram. I mean, this is what we
24 have been talking about.

25 MR. HULME: One of them is 27.

1 MR. ANTONACCI: 2,707.5.

2 MRS. NANNARIELLO: Excuse me, is the
3 2,700 square-feet --

4 CHAIRMAN SARETSKY: Lauren, hold on
5 one second. People are talking. We
6 couldn't hear you.

7 MR. HULME: It's 2,707.5.

8 CHAIRMAN SARETSKY: Okay.
9 So, your question again, Lauren?

10 MRS. NANNARIELLO: 2,700
11 square-feet, does that include the third
12 floor?

13 CHAIRMAN SARETSKY: No, it's the
14 footprint of the house. So
15 theoretically you could double it, and
16 if you could fit a third floor or
17 whatever it is into the pyramid rule,
18 you can do that.

19 MS. NANNARIELLO: So 5,400.

20 CHAIRMAN SARETSKY: You could --
21 yes. And at the same time it doesn't
22 include the decks, pools, all those
23 things which don't affect air and light.

24 MS. NANNARIELLO: Can they go
25 beyond that line that they drew for the

1 division? Can they go beyond the 734?

2 CHAIRMAN SARETSKY: Well, the
3 Skudrna line has nothing to do with
4 them, if we're giving them this size.

5 In other words, if we are giving
6 them this square-foot locked-in piece,
7 then we are not giving them a line. If
8 we want to give them a line --

9 MR. TERCHUNIAN: What are we doing
10 about the western envelope?

11 CHAIRMAN SARETSKY: He's going to
12 change that to the same size.

13 MR. TERCHUNIAN: Okay.

14 MEMBER FARKAS: Going back, are we
15 staggering or not staggering?

16 CHAIRMAN SARETSKY: And we are not
17 staggering. Or there is -- we are going
18 to leave that up to the builder, but our
19 intent is not to force them to stagger.
20 Just as in Skudrna, he's not forced to
21 stagger.

22 MEMBER KRASNOW: So I don't really
23 have to, first we were asking them to
24 stagger it and then the neighbors saying
25 we don't want them to stagger it. So why

1 would we want to, if they don't want to
2 stagger it, why would we then give them
3 the option to stagger after we approve
4 this?

5 MEMBER MIZZI: I mean, they have the
6 option to stagger it, right?

7 CHAIRMAN SARETSKY: Everyone in the
8 Village has the option to stagger their
9 home. So again --

10 MEMBER KRASNOW: So we are not
11 requiring it, but then the people should
12 know, the neighbors should know, we
13 don't require it but he still does have
14 the option to stagger it.

15 CHAIRMAN SARETSKY: Correct.

16 MEMBER KRASNOW: It's just a point.

17 CHAIRMAN SARETSKY: Just so everyone
18 understands that.

19 MR. HULME: He has the option to
20 build a 27-plus square-foot footprint
21 house within the building envelopes that
22 are expressed on the map, and the
23 building envelope on the western lot
24 will be scaled so that it is equivalent
25 in size to the other two.

1 MR. ANTONACCI: Just to be clear.
2 This building envelope rises against the
3 larger. So this one steps up 20 feet.
4 This one from this one (indicating). So
5 I would propose the same proportionate
6 increase in size. So it will bring us
7 kind of like here, which is similar to
8 this line. It will have a similar like,
9 you know, line.

10 CHAIRMAN SARETSKY: I'm not sure how
11 best to describe that. It sounds okay.

12 ATTORNEY PROKOP: I have a concern.
13 I can't -- just to, I would be careful
14 about this thing about building
15 envelopes, okay, because we have a lot
16 of things showing up these days in front
17 yards, rear yards. There is actual,
18 there's buildings showing up, the people
19 call, I don't want to mention what they
20 call them because it will give up what
21 the address is, but we have all kinds of
22 things showing up in the Village these
23 days, and I would be really careful
24 about what that is.

25 CHAIRMAN SARETSKY: So I think then

1 the way to solve that we are limiting
2 the size of the footprint of the house.
3 Right?

4 MEMBER FARKAS: Well, you could do
5 the same thing you did as Skudrna and
6 just put it over the line.

7 MR. ANTONACCI: That's essentially
8 what we are doing, because we have the
9 envelope that extends to a similar line.
10 I would propose to have on the line,
11 similarly to --

12 CHAIRMAN SARETSKY: Honestly, I know
13 you want to resolve this right now, but
14 I think the best is to draw this the way
15 you want it. It sound like we are at
16 the five-yard line. And then we approve
17 a drawing that is all, you know,
18 everybody is weighed in on it and it
19 satisfies all the issues. Agreed?

20 MR. ANTONACCI: Okay. Yes. It's 99%
21 drawn. So I would volunteer to just add
22 a couple more feet here and --

23 CHAIRMAN SARETSKY: I think what
24 Aram was saying, is for your own
25 benefit, put everything you want on

1 there. It sounds like we have it. Show
2 them, similar to Skudrna, in other words
3 so that the line is sort of matching up
4 with it.

5 And again, we are going to ask for
6 the list of the things we ask for, and
7 it will never be a flag lot, it will
8 never be subdivided again. I'm trying
9 to think of the other issues we had.

10 MR. HULME: Four-tenths.

11 CHAIRMAN SARETSKY: The four-tenths
12 rule; light, just applied to the normal
13 Southampton Town/ Westhampton Dunes
14 standards for exterior lighting.

15 MR. ANTONACCI: Okay.

16 CHAIRMAN SARETSKY: You know, again,
17 nothing else that is egregious.

18 MEMBER CASHIN: Redrawing it, can
19 you put the address on here?

20 MR. ANTONACCI: We don't really have
21 an address here.

22 CLERK SADELI: Joe, can I ask a
23 question. Are they allowed to talk about
24 lighting and landscaping if they don't
25 have the ability --

1 (Multiple voices are speaking and
2 the stenographer states he can not hear
3 what is going on at this time).

4 MR. TERCHUNIAN: Whoa, whoa, whoa.

5 CHAIRMAN SARETSKY: So the only
6 other thing that was just mentioned is,
7 if for whatever reason the septic system
8 requires, which I'm sure it will, the
9 raised platform -- maybe not?

10 MR. TERCHUNIAN: Maybe not.

11 CHAIRMAN SARETSKY: Okay, great. If
12 it was, we would as the Board has done
13 in the past, we would require
14 landscaping in front of the concrete
15 wall, which I'm sure you would want to
16 do anyway, hopefully you won't need it.

17 So this just reserves some --

18 MR. TERCHUNIAN: Also a lot of the
19 details you are talking about will be
20 handled by the Planning Board, when they
21 go in front of the Planning Board,
22 they'll lay out a lot of the stuff.

23 CHAIRMAN SARETSKY: Okay. When you
24 say the Planning Board, I'm not sure --

25 MR. TERCHUNIAN: The Village Board

1 is the Planning Board.

2 CHAIRMAN SARETSKY: Okay. Great.

3 MR. TERCHUNIAN: So we'll give them
4 a laundry list of things, including what
5 you just talked about.

6 MR. HULME: So we'll come back next
7 time.

8 MR. ANTONACCI: So is the Board
9 voting on this today?

10 MR. HULME: No. Let me handle this.
11 So we'll take a look at what is approved
12 with Skudrna, we'll take a look at what
13 we just discussed. We'll come back with
14 a map that shows --

15 MR. ANTONACCI: I want to rethink
16 all these things we discussed today and
17 just propose --

18 CHAIRMAN SARETSKY: And send it to
19 us ahead of the meeting so we can share
20 it with everybody, and this way
21 hopefully we can make this --

22 MEMBER KRASNOW: And can you put it
23 online also so the people on Zoom can
24 see it. Can you put a PDF up on the
25 Village website?

1 ATTORNEY PROKOP: Yes.

2 MEMBER CASHIN: Joe, do we need to
3 discuss this at all?

4 ATTORNEY PROKOP: What is that?

5 MEMBER CASHIN: This what you sent
6 us last night.

7 MR. HULME: No, that's an internal
8 memo, attorney-client privilege. I was
9 going to go through some considerations,
10 just to mention that.

11 So, total height, we brought up,
12 and we are not, you know, I guess we'll
13 talk about that. That's up to you.

14 So the next thing is in the past we
15 have been -- these are not for
16 discussion today. I just want to
17 mention some points to think about
18 between now and the next time.

19 In the past we have mentioned in
20 our decisions that the lighting plan has
21 to be Dark Sky compliant with the
22 Westhampton Dunes lighting guidelines.

23 MEMBER CASHIN: Joe, I'm sorry. I
24 seen that referenced. Where is that?
25 I've never seen that.

1 ATTORNEY PROKOP: The lighting
2 guidelines? We have lighting
3 guidelines, we adopted Westhampton
4 Beach's --

5 MR. TERCHUNIAN: Southampton.

6 ATTORNEY PROKOP: Southampton?

7 MR. TERCHUNIAN: We adopted
8 Southampton's.

9 MEMBER CASHIN: Do you have those?

10 CLERK SADELI: They are in the
11 Village E-Code.

12 MR. TERCHUNIAN: If you go to the
13 Village website and click on E-Code.
14 Sorry, Joe, I didn't mean to interrupt.

15 ATTORNEY PROKOP: The landscaping
16 plans to be approved. There is -- the
17 application calls for the northerly
18 property a scenic easement. I think the
19 Board should do a conservation easement
20 or non-disturbance easement. Then we
21 can figure out the area of that.

22 I need to make you aware of a
23 provision of the code which is with
24 regard to subdivisions, which is that --
25 I'm sorry, one second. I have to make

1 sure I cover everything.

2 No future subdivisions, no flag
3 lots, we took care of. Okay, so there
4 is a provision of the code, the state
5 law, that says where a subdivision is
6 being done that increases the, which
7 will increase the population of the
8 Village, and this is, I'm inserting some
9 of my language just to explain it,
10 because it's not straightforward. But
11 basically if you are increasing
12 population of a municipality and that
13 may have an impact on recreation or park
14 uses in the area, or you may need, may
15 need recreation or park uses for these
16 increases, you are allowed to ask for a
17 contribution, either a contribution of
18 property or a financial contribution, to
19 put towards Village recreation or parks.

20 So I could discuss that with you in
21 more detail but I just wanted to mention
22 that today because I have an obligation
23 to mention that to you.

24 MR. HULME: Is there a local law in
25 the Village of Westhampton Dunes that --

1 ATTORNEY PROKOP: No, it's a state
2 law.

3 MR. HULME: I understand it's a
4 state law. Is there an implementing
5 local law in the Village of Westhampton
6 Dunes?

7 ATTORNEY PROKOP: No, we go by the
8 state law.

9 MR. ANTONACCI: Is it something
10 that's been implemented in the past?

11 ATTORNEY PROKOP: I don't know that
12 we've actually implemented it in the
13 past, no.

14 MEMBER KRASNOW: Does that also
15 pertain to if there was ever a flag lot
16 mentioned, we could ask for something,
17 too?

18 ATTORNEY PROKOP: Any subdivision
19 because of an increase in, this is not,
20 I'm just paraphrasing, this is not
21 exactly what it says. Anything that by
22 creating additional occupancy in the
23 municipality might have further demand
24 on recreation or parks.

25 MR. HULME: Now, you mention a

1 landscape plan. After having all of
2 these discussions about not interfering
3 with people's views, do you want us to
4 plant trees and --

5 CHAIRMAN SARETSKY: I think the plan
6 we have in the past was more geared
7 toward septic system walls. So if you
8 don't have them, which Aram thinks you
9 probably won't need it, which is great,
10 then I don't know if there is an issue,
11 but maybe we would just like some
12 commitment that you are going to plan
13 it.

14 MR. HULME: Assuming we get to a
15 point where you adopt a resolution about
16 this, I would think that it would be
17 appropriate to put a condition in there
18 that if we are required to have a wall,
19 that we'll submit a landscape plan
20 subject to the approval of somebody.

21 CHAIRMAN SARETSKY: In the past we
22 did it when we required sprinklers, so
23 that what they grew didn't die.

24 MR. HULME: That's fine.

25 ATTORNEY PROKOP: So this will

1 eventually go to the Planning Board, you
2 know, the Trustees. And we saw what
3 happened with the staggering.

4 So what I would rather do is give
5 some guidance, along the lines of what
6 Mr. Hulme said, but give guidance in our
7 decision to the Planning Board in what
8 we think.

9 So there has been a long-range goal
10 of trying to get people to do plantings
11 in the Village, so this would be one way
12 to address that, but, plantings in
13 general. But we don't have to mandate
14 it. We could just make a suggestion to
15 the Planning Board.

16 MR. TERCHUNIAN: Typically those
17 issues, if they are not directly related
18 to your decision, are handled by the
19 Planning Board.

20 ATTORNEY PROKOP: Right.

21 MR. HULME: Either way, we are happy
22 to oblige in that regard.

23 CHAIRMAN SARETSKY: So if there are
24 no further questions on Zoom call, I'm
25 going to make a motion to --

1 CLERK SADELI: No. Lauren has a
2 question. Go ahead, Lauren.

3 CHAIRMAN SARETSKY: Go ahead,
4 Lauren.

5 We can't hear you. You have to
6 un-mute yourself.

7 MS. NANNARIELLO: Sorry. Is there a
8 way to have the next meeting better
9 advertised? Because there is nothing on
10 the website about this meeting until
11 yesterday and, um, I was wondering why,
12 while we are talking about the
13 subdivisions and what is going to be
14 discussed.

15 CHAIRMAN SARETSKY: Right now we
16 have a date set for the next meeting.

17 MS. NANNARIELLO: I know. No one
18 knows about it.

19 CHAIRMAN SARETSKY: June 24th.

20 CLERK SADELI: The requirement is
21 only to be noticed in the paper and the
22 neighbors receive a notice. And the
23 Planning Board or the Board of Trustees
24 increased that to 300 feet.

25 MS. NANNARIELLO: I am aware of

1 that. Why is there no sign in the --

2 MR. HULME: Because there is no
3 posting requirement in the Village.

4 (The stenographer indicates he is
5 having a difficult time hearing the Zoom
6 caller).

7 CLERK SADELI: There is no posting
8 requirement in the Village.

9 ATTORNEY PROKOP: We'll get it on
10 the website farther in advance.

11 MR. TERCHUNIAN: We got regular
12 notices --

13 MS. NANNARIELLO: Last night, when I
14 was on the website.

15 CLERK SADELI: No, I posted the Zoom
16 link last night.

17 MS. NANNARIELLO: So it was not on
18 the website on Thursday, I guess.

19 CLERK SADELI: The meeting was
20 today, so --

21 MS. NANNARIELLO: So why wasn't
22 there anything on the website about the
23 meeting until yesterday?

24 CLERK SADELI: We have never in the
25 past, in the seven years that I've been

1 here, ever been a notice of a Zoning
2 Board meeting being on the website. So
3 if that's a requirement, I'll post it.
4 But they are posted in the paper and
5 they notified the neighbors. That's the
6 requirement.

7 And as a courtesy for the Board of
8 Trustee meetings, I e-mail it out, but
9 that's also not a requirement of me to
10 do that. I do that because I like people
11 to attend the meetings and for residents
12 to know what's going on.

13 But generally, those are posted on
14 our website, they are posted in our
15 office, there is one in the
16 constabulary, there is one posted in the
17 Southampton Press. So the notices are
18 provided according to the law.

19 MS. NANNARIELLO: Does Southampton
20 Press have first notice?

21 CLERK SADELI: That's our newspaper.
22 Yes. The western edition, which reaches
23 this community.

24 MS. NANNARIELLO: Okay.

25 CLERK SADELI: So if I was to e-mail

1 the Zoning Board meeting, that would be
2 something that would be new and never
3 done before. If that's what you are
4 asking me to do, then --

5 MS. NANNARIELLO: We have people who
6 are concerned so that would be nice to
7 do that.

8 MR. HULME: That's a decision for
9 the Board of Trustees to decide whether
10 they want to change the notice
11 requirements.

12 CLERK SADELI: That's a notice
13 requirement by the State.

14 ATTORNEY PROKOP: Thank you, Lauren,
15 for your comments. We appreciate it.

16 MS. NANNARIELLO: Thank you.

17 CHAIRMAN SARETSKY: So I'll make a
18 motion to I guess to adjourn, Aram,
19 right?

20 MR. TERCHUNIAN: Yes, for all
21 purposes.

22 ATTORNEY PROKOP: So we are on our
23 own five yards.

24 (All attendees laughing).

25 CHAIRMAN SARETSKY: I need someone

1 to second.

2 MEMBER CASHIN: I'll second.

3 ATTORNEY PROKOP: Hold on for one
4 second. I'm sorry. I'm not available the
5 10th and the 17th. But it's more
6 important that the Board is here. So
7 you don't have to go by -- I heard one
8 or two people say they are not --

9 MEMBER KRASNOW: The meeting is the
10 24th.

11 MEMBER MIZZI: I can't do 17th.

12 MR. HULME: And the deadline for
13 submissions is the 10th.

14 CHAIRMAN SARETSKY: Thank you.

15 MR. HULME: Thank you.

16 ATTORNEY PROKOP: Okay, thank you.

17 (The meeting is adjourned at 11:50
18 a.m.)

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, WAYNE GALANTE, 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 May 20, 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 20th day of June, 2023.

Wayne Galante

WAYNE GALANTE