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TOWN OF WESTHAMPTON DUNES
COUNTY OF SUFFOLK : STATE OF NEW YORK

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TOWN OF WESTHAMPTON DUNES
ZONING BOARD OF APPEALS

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July 22, 2023
10:00 AM
906 Dune Road
Westhampton Beach, NY 11901

A P P E A R A N C E S:
ERIC SARETSKY, Chairman
IRWIN KRASNOW, Board Member
JAMES CASHIN, Board Member
JEFFREY FARKAS, Board Member
JOSEPH MIZZI, Board Member
ARAM TERCHUNIAN, Consultant
JOSEPH PROKOP, Esq. Board Counsel
ROBIN SANTORA, Village Clerk

ALL OTHER INTERESTED PARTIES

2 CHAIRMAN SARETSKY: I'd
3 like to call the meeting to order
4 start with the pledge of allegiance.

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

7 CHAIRMAN SARETSKY: All
8 right, so first item on the docket
9 is 772 Dune Road.

10 MR. HULME: Good morning.
11 I'd glad to see you all have name
12 tags.

13 CHAIRMAN SARETSKY: In case
14 you didn't know who we were.

15 MR. HULME: In case I don't
16 know who you are.

17 Happy to be here. As you
18 recall, the last time we were here,
19 you asked for a couple of additional
20 items which we tried to address and
21 back in June we submitted an updated
22 site plan --

23 CHAIRMAN SARETSKY: 772.

24 MR. HULME: -- which
25 hopefully you have. A two-lot

2 subdivision. So you asked for --
3 give me one second. So you had made
4 two requests based on the discussion
5 that we had. One request was to put
6 the actual property address on the
7 map. So, if you see number two, we
8 in fact accomplished that. So it
9 was a bit of a struggle. I don't
10 know why they don't like to do that,
11 but they generally don't. But since
12 we asked, they did. You wanted the
13 long form EAF and we had submitted
14 that prior to today.

15 In addition, there had been a
16 discussion about widening the
17 flagpole and we couldn't widen it to
18 the full 20 feet and I'll talk about
19 that a little bit later, but we did
20 widen it to 14 feet, which I think
21 is 4 feet wider than originally
22 proposed.

23 BOARD MEMBER KRASNOW: Is
24 that 14 feet all the way down
25 because I see something popping out

2 of the house?

3 MR. HULME: Yes. The 14
4 feet goes all the way down. To the
5 extent anything pops out of the
6 house, we would be relocating that.
7 Relocating the things, not the --

8 BOARD MEMBER KRASNOW: Oh,
9 okay. So the stuff that is
10 impeding, you're going to move to
11 the east side of the house?

12 MR. HULME: Yes.

13 BOARD MEMBER KRASNOW:
14 Okay, so it will be a true 14 feet?

15 MR. HULME: Yes.

16 BOARD MEMBER KRASNOW: What
17 does the code say?

18 MR. HULME: I'll get to
19 that. You want me to go right to
20 that right now?

21 BOARD MEMBER KRASNOW: I'm
22 sorry.

23 MR. HULME: It's okay. So,
24 first of all, I wanted to -- there's
25 been a lot of questions about flag

2 lots and a proliferation of them in
3 the Village. There are flag lots
4 and flag lots are not prohibited
5 under the Village code, which means,
6 I believe, they're permitted. And I
7 would have a map here of the general
8 area. Everything sketched out in
9 yellow are flag lots in the vicinity
10 of -- here you are for the record
11 (handing). Mr. Cashin, would you
12 like?

13 BOARD MEMBER CASHIN: Yes.

14 MR. HULME: So flag lots do
15 exist in the Village. I believe the
16 Village code does not prohibit them
17 and therefore it would be my
18 position that they are a permitted
19 item. There are numerous flag lots
20 in the vicinity of this project.

21 And lastly, as it pertains to
22 that issue, I'm not sure that that's
23 a Zoning Board issue as much as a
24 Planning Board issue. You guys are
25 looking at the dimensions of some of

2 these things, but I think that the
3 existence of the flag lot at all in
4 this location is really an issue for
5 planning and the Planning Board. I
6 just wanted to address that.

7 And the other thing, I think,
8 that you asked for was you wanted me
9 to try to identify all of the
10 variances that I think that we need
11 to accomplish this project. And
12 it's a lot of stuff on here, but
13 I'll step it through a little bit at
14 a time and as part of that I will
15 address the flagpole issue.

16 AUDIENCE MEMBER: Would it
17 be possible for me to also get a
18 copy of this?

19 MR. HULME: (Handing) So
20 as you can see we're, based on the
21 zone that we're located in --

22 VILLAGE ATTORNEY PROKOP:
23 Do you have an extra copy of that?

24 MR. HULME: Oh, sure. I'm
25 sorry (handing).

2 VILLAGE ATTORNEY PROKOP:

3 Are we just getting this today?

4 MR. HULME: Yes, you are.

5 Although we have talked about
6 everything that's on this chart in
7 the past, but as far as having
8 summarizing it into one document --
9 Aram, would you like one?

10 MR. TERCHUNIAN: (Nodding.)

11 MR. HULME: So in this
12 area, lot size is 40,000 square
13 feet; lot width required is 150;
14 side yard single is 20; side yard
15 total is 60; front yard is 60 and
16 rear yard is 70 and the accessory
17 structure side yard is 20 feet. The
18 second column there shows you
19 exactly --

20 CHAIRMAN SARETSKY: Can you
21 explain what a low width is?

22 MR. HULME: Low width would
23 be lot width.

24 MR. TERCHUNIAN: I think
25 that's the QWERTY keyboard.

2 MR. HULME: Yes, with
3 apologies. I'm sorry. My typing
4 skills are sometimes... so right now
5 the existing lot is 32,810 square
6 feet and, as you remember from our
7 earlier discussion, when this
8 variance was applied for for this
9 lot back in 2006 and it was in fact
10 granted, and I'll talk about some of
11 the details of this in a minute, but
12 at the time the lot was
13 52,000 square feet. Now it's down
14 32,900 square feet because, as a
15 part of the -- as we discussed
16 before -- the trustee settlement,
17 approximately 12,000 square feet is
18 being -- title is being transferred
19 to the Town trustees. And so that
20 reduced the overall size of this lot
21 without changing the average of the
22 improvements.

23 If you add those two numbers
24 together, the current existing and
25 the portion that's dedicated, you

2 come up with 44,000 square feet. So
3 there is a loss of some shoreline of
4 about 8,000 square feet just so if
5 you want to work through all those
6 numbers.

7 MR. TERCHUNIAN: Just for
8 the Board's information, that
9 litigation was initiated against
10 various property owners in 2006 and
11 it was settled in 2023. So that
12 8,000 square feet was lost over that
13 intervening time while litigation
14 was pending.

15 MR. HULME: And because of
16 litigation, my client was unable to
17 move forward with the original
18 grant.

19 BOARD MEMBER CASHIN: Say
20 that again, John.

21 MR. HULME: Because of that
22 litigation, my client could not move
23 forward with originally approved
24 subdivision.

25 BOARD MEMBER CASHIN: Why?

2 MR. HULME: Because the
3 title to the land was in dispute.

4 BOARD MEMBER KRASNOW: But
5 the lot next door moved forward.

6 MR. HULME: I'm sorry?

7 BOARD MEMBER KRASNOW: How
8 did the other lot move forward?

9 MR. TERCHUNIAN: The other
10 lot was already divided.

11 BOARD MEMBER KRASNOW:
12 Prior to '06? But this was during
13 the litigation. This subdivision
14 was done after the litigation or
15 before? The original subdivision in
16 2006, was the lawsuit filed before
17 or after this was granted? Because
18 weren't they done at the same time?

19 MR. HULME: The variances
20 were in 2006 for this lot. This lot
21 was never approved by the Planning
22 Board as a subdivision so this
23 property was never subdivided
24 before.

25 MR. TERCHUNIAN: So the

2 timeline is: This Board acted and
3 the ZBA granted the variance for the
4 subdivision. Before the applicant
5 could go to the Planning Board and
6 get the subdivision approved by the
7 Planning Board --

8 CHAIRMAN SARETSKY: But who
9 are the Planning Board?

10 MR. TERCHUNIAN: The
11 Planning Board is the Village Board.

12 MR. HULME: The trustees.

13 BOARD MEMBER KRASNOW: The
14 Trustees Board.

15 -- the litigation was initiated
16 and therefore the application did
17 not proceed because it was a cloud
18 on title.

19 BOARD MEMBER CASHIN:
20 Weren't they both brought at the
21 same time? I thought both parcels
22 were brought at the same time for
23 subdivisions.

24 MR. TERCHUNIAN: Yes, they
25 were.

2 BOARD MEMBER KRASNOW: How
3 did the other one get --

4 MR. TERCHUNIAN: So if
5 you're talking about the other one,
6 which that one is also stuck in the
7 same situation.

8 CHAIRMAN SARETSKY: But
9 there's a house getting built on it.

10 MR. TERCHUNIAN: Yes.

11 MR. HULME: Okay, that
12 really has nothing to do with my
13 application.

14 CHAIRMAN SARETSKY: But
15 we're trying to understand.

16 BOARD MEMBER KRASNOW:
17 You're saying that the
18 subdivision in 2006, the variance
19 was approved, but no subdivision was
20 approved?

21 MR. HULME: Correct.

22 MR. TERCHUNIAN: That's
23 correct.

24 BOARD MEMBER KRASNOW: So
25 even with the variances, they

2 couldn't have built anyway without
3 the lawsuit -- well, they would have
4 to go to the Planning Board to get
5 the approval.

6 MR. HULME: Correct.

7 (Whereupon, there was
8 crosstalk.)

9 MR. TERCHUNIAN: Well, they
10 were precluded from doing that.

11 BOARD MEMBER KRASNOW: They
12 couldn't get a grant subject to --

13 MR. TERCHUNIAN: No. And
14 also remember there's also the
15 county has to approve subdivisions
16 as does the DEC and neither one of
17 them would act. So...

18 BOARD MEMBER FARKAS: Can
19 you remind us who started the
20 lawsuit and why was it started and
21 when was it started?

22 MR. TERCHUNIAN: So the
23 lawsuit was initiated by the
24 Southampton Town Trustees in 2006 in
25 a dispute over title to property

2 that had accreted into Moriches Bay.

3 And trustees' position was that
4 that land had avulsed in the course
5 of one storm and therefore title to
6 the land had not transferred. The
7 property owners contended that it
8 had happened slowly low over time
9 and therefore it was accretion and
10 they were entitled to it.

11 At the end of 13 years of
12 litigation, both parties settled for
13 what was in fact the original offer
14 of a buffer zone.

15 BOARD MEMBER FARKAS: And
16 did the lawsuit start before or
17 after the variance were granted in
18 2006?

19 MR. TERCHUNIAN: My
20 understanding is immediately after.

21 BOARD MEMBER FARKAS: So
22 the trustees, did they object to the
23 variance and did they object to
24 the --

25 BOARD MEMBER KRASNOW:

2 You're talking about the trustees of
3 Southampton though. They have
4 nothing to do with this.

5 MR. TERCHUNIAN: Southampton --
6 (Whereupon, there was
7 crosstalk.)

8 BOARD MEMBER KRASNOW: All
9 right.

10 BOARD MEMBER FARKAS: I got
11 it. I'm just trying to find out why
12 the timing and was it because of
13 this, because of the variance that
14 were issued in 2006 and the proposed
15 subdivision that they had a problem
16 with that?

17 MR. TERCHUNIAN: I can't
18 answer that question because I'm not
19 them. They've never appeared in any
20 form in front of -- as a part of
21 these proceedings. And the
22 litigation was filed against 37
23 properties all on the bay side of
24 Dune Road. So it wasn't this
25 particular property or another. It

2 was 37 properties.

3 BOARD MEMBER FARKAS: Okay.

4 BOARD MEMBER MIZZI: I have
5 one more clarifying question on this
6 document.

7 MR. HULME: Sure.

8 BOARD MEMBER MIZZI: Is it
9 56 or 60?

10 MR. HULME: 56 or 60 what,
11 I'm sorry?

12 BOARD MEMBER MIZZI: Lot
13 width.

14 MR. HULME: 60.

15 BOARD MEMBER MIZZI:
16 Because this says 56.

17 MR. HULME: I'm sorry, it
18 should be 56, you're correct.
19 Because when we originally filed we
20 had a 10 foot flagpole.

21 BOARD MEMBER CASHIN: Which
22 one should be 56?

23 MR. HULME: So what we're
24 proposing are two lots, one of which
25 is about 15,000 square feet and the

2 other is 17,000 square feet, but
3 remember there's another 13,000
4 square feet that out there that was
5 once part of this property and can
6 never be built on.

7 If you compare and contrast that
8 to what was approved in 2006, what
9 was approved there was two 19,000
10 square foot lots with a \$13,000 --
11 13,000 square foot of preserved
12 land. So other than the 8,000 that
13 went off into the bay, they're
14 really comparable requests.

15 The Zoning Board, in 2006,
16 granted a lot width of 60 feet and
17 70 feet. We're looking for 56 and
18 70 feet. The reason why we're
19 looking for 56 instead of 70 is that
20 in 2006 this Board granted relief
21 based on a 10 foot wide flagpole
22 and, at the request of this Board,
23 we looked at widening that and we
24 were able to widen that to 14 feet,
25 which would increase the side size

2 of the variance.

3 On the side yard, we're not
4 looking for -- I mean, on the side
5 yard on Lot Number one, we're
6 looking for 1.9 feet and the
7 23 feet. The 23 feet for the main
8 structure and 23 feet complies with
9 the single side yard setback.
10 Obviously the 1.9 doesn't. To
11 compare and contrast that to the
12 variance that was granted in 2006,
13 the relief that was granted by the
14 Board was 5.9, but, again, that was
15 based on a 10 foot flagpole as
16 opposed to the bigger flagpole that
17 we are proposing.

18 The total side yard is driven by
19 the, you know, the side yard relief
20 that we're looking for. The front
21 yard and the rear yard on both lots
22 complies, so we're not looking for
23 variances for either of those.
24 That's why they're highlighted in
25 yellow.

2 And then for proposed Lot 2,
3 there is no structure on it at the
4 moment and what we're looking for is
5 to -- this Board to apply the
6 stricter four-tenths rule as far as
7 the side yard setbacks go as
8 contrasted with the three-tenths
9 rule. And in all other ways, except
10 for lot area, Lot Number two -- and
11 lot width, Lot Number Two can be
12 developed in compliance with all of
13 the other zoning codes.

14 The other area that we need to
15 look at it is the accessory
16 structure side yard that is required
17 at 20 feet. It's currently on the
18 -- 1.9 feet on the east side and
19 it's 12.1 feet on the west side.
20 The 12.1 is preexisting and nothing
21 that we're doing is creating that,
22 so it would be my understanding that
23 that, in and of itself, wouldn't
24 require relief because it's a
25 preexisting condition. The 1.9 for

2 the wood deck, the back of the
3 lot --

4 VILLAGE ATTORNEY PROKOP:

5 When was the deck constructed?

6 MR. HULME: I don't know.

7 VILLAGE ATTORNEY PROKOP:

8 Well, isn't that relevant as to
9 whether or not --

10 MR. HULME: It was covered
11 by a CO.

12 MR. TERCHUNIAN: It was
13 constructed pursuant to the original
14 building permit and I just don't
15 know the date of that.

16 MR. HULME: But it is
17 covered by the CO that was issued
18 for the property.

19 So that, kind of, is a review of
20 the relief that is sought. It's
21 very similar -- although not the
22 same, it's very similar and the
23 basis for claiming the relief is
24 very similar to the 2006 relief that
25 was actually granted this property

2 prior to the litigation.

3 I think I had given you a list
4 before, but this is just an example
5 of it showing lots that are .3 acres
6 in size in the area. There are a
7 number of them. Both of our lots --
8 I based it on .3 because that was
9 the original Lot 1 size. That has
10 increased based on the --

11 BOARD MEMBER FARKAS: You
12 didn't give us a lot coverage ratio
13 here, right?

14 MR. HULME: A lot coverage
15 ratio? You mean lot coverage?

16 BOARD MEMBER FARKAS: Yes.

17 MR. HULME: No, because I
18 don't need a variance for that. We
19 designed Lot Number 1 so that the
20 lot coverage was 20 percent.

21 CHAIRMAN SARETSKY: But
22 combined, the two louses on that lot
23 for the lot coverage, do we what
24 that is?

25 MR. HULME: No, there isn't

2 a second house on the lot.

3 MR. TERCHUNIAN: So if the
4 variance was approved, the second
5 lot would have to comply with the
6 20 percent lot coverage?

7 MR. HULME: Right.

8 BOARD MEMBER KRASNOW: But
9 the ones on the other design are not
10 flag lots.

11 MR. HULME: No, no. I'm
12 showing them for the purpose of
13 demonstrating that the lot sizes
14 being less than an acre are not
15 uncommon in the vicinity of this
16 property. The first map I gave you
17 showed the flag lots in the vicinity
18 of the property, so I'm dealing with
19 two different issues there. So
20 the --

21 CHAIRMAN SARETSKY: Can we
22 go back to that for a second, to
23 Irwin's question? There's one house
24 that you're showing, it's on the bay
25 side, that's like this, right?

2 MR. HULME: Right.

3 CHAIRMAN SARETSKY: All the
4 rest of them are oceanfront lots --

5 MR. HULME: True.

6 CHAIRMAN SARETSKY: --
7 which, again, I think, fall under
8 different criteria.

9 MR. HULME: Well --

10 CHAIRMAN SARETSKY: If I
11 may, wouldn't this --

12 MR. TERCHUNIAN: Hold on.
13 Sorry.

14 MR. HULME: I picked
15 representative lots on both sides.
16 I think that if you look at the map,
17 you'll see that there's a whole
18 bunch of lots that are similar in
19 size up and down the lot up on the
20 bay side of the property. I just
21 didn't call them out, but they're
22 you know... but if you look at the
23 lot lines and you look at the
24 relative size of the lots relative
25 to the lot that we're proposing,

2 some of them are bigger, some of
3 them are smaller. So there's a
4 smorgasbord of lot sizes. So it's
5 in keeping with the community to
6 have lots that are 15 and 17,000
7 square feet in lot area and those
8 lot areas are very close to what was
9 approved back in 2006.

10 BOARD MEMBER KRASNOW: But
11 these lot area variances are greater
12 than 50 percent on each lot.

13 MR. HULME: True.

14 BOARD MEMBER KRASNOW: Yes.
15 I mean, that's...

16 BOARD MEMBER CASHIN:
17 That's huge.

18 MR. HULME: But the
19 standard is relative to the
20 community, not in a vacuum. And
21 there are few lots -- there are
22 certainly some lots that meet the
23 40,000 square foot requirement, but
24 there are many lots throughout the
25 Village that are substantially

2 smaller than 40,000 square feet and
3 many of them are in the vicinity of
4 this property. I mean, if you want
5 me to go back and call out each one
6 of these properties on that side of
7 the road and tell you the square
8 footages, I will do that.

9 CHAIRMAN SARETSKY: I think
10 we're asking for a compelling reason
11 why we should do this and that's the
12 challenge.

13 MR. HULME: There's two
14 compelling reasons: One, the size
15 of the reduced lot are not without
16 keeping with the community and two,
17 this Board already looked at this
18 very issue and granted the very same
19 relief that we're --

20 CHAIRMAN SARETSKY: When
21 you say in keeping, in other words,
22 I think that's your opinion. In
23 other words, we could say that how
24 many flag lots are there in
25 Westhampton Dunes? I think about 10

2 to 12.

3 MR. HULME: Correct.

4 CHAIRMAN SARETSKY: And

5 there's 285 lots, okay?

6 MR. HULME: Right.

7 CHAIRMAN SARETSKY: And

8 that doesn't count the 10 or 12 that

9 are not built out yet, but in the

10 scheme of that, we're looking at it

11 at an amount of flag lots or

12 subdivided lots that are less than

13 ten percent.

14 MR. HULME: Right.

15 CHAIRMAN SARETSKY: So when

16 you use the term that's in keeping,

17 I think it starts to go down --

18 MR. HULME: But I'm not

19 looking for relief from you to

20 create a flag lot itself. I believe

21 that that is a Planning Board issue

22 as to whether or not the Planning

23 Board believes it's in the best

24 interest of the planning of the

25 Village that flag lots themselves be

2 permitted. And the code does not
3 prohibit flag lots at all.

4 CHAIRMAN SARETSKY: But
5 we're not here today to prohibit
6 what you've already been approved to
7 do, but you're asking this Board to
8 approve additional variances or new
9 variances. When I look at the
10 original document from it, it talks
11 about, I forgot the terms, but it
12 says that there would be no further
13 subdivision than what was originally
14 granted. So we're very concerned
15 about precedent.

16 MR. HULME: Well, we're
17 just asking for the same thing that
18 we had.

19 BOARD MEMBER CASHIN: Can I
20 ask a question? What is it that you
21 can't do that you'll be able to do
22 if we grant this additional --

23 MR. HULME: Build second
24 house.

25 BOARD MEMBER CASHIN: Under

2 the previous one you can't build a
3 second house?

4 MR. TERCHUNIAN: Yes, under
5 the original approval, they could
6 build a second house, but as a
7 result of the settlement of the
8 litigation wherein the lot
9 controlled by the applicant was
10 reduced in size, the variance, as
11 Joe pointed out at our last meeting,
12 that variance can't be operated on
13 because the underlying lot has been
14 modified.

15 CHAIRMAN SARETSKY: I think
16 the question Jim is headed down, at
17 least where I think it is, we want
18 to see on a drawing if you built, as
19 of right, based upon your old
20 variances, what could you do today?
21 In other words --

22 MR. TERCHUNIAN: Same thing.

23 MR. HULME: Same thing as
24 we're looking for now.

25 BOARD MEMBER CASHIN: Then

2 why do you need --

3 CHAIRMAN SARETSKY: Why do
4 you need additional variances?

5 MR. TERCHUNIAN: Well,
6 because the other decision was --

7 MR. HULME: If you make a
8 finding that I don't need a variance
9 for an additional subdivision, I
10 will withdraw the application and
11 move on.

12 BOARD MEMBER KRASNOW:
13 Because the lot size has changed.
14 They swapped around a different size
15 lot --

16 CHAIRMAN SARETSKY: You
17 have to adjust.

18 BOARD MEMBER KRASNOW: They
19 already had a subdivision approved.
20 That's another. Even if we were
21 willing to grant these variances,
22 they still have to get a subdivision
23 approval.

24 MR. HULME: Correct.

25 BOARD MEMBER KRASNOW:

2 Which they can't do now -- the 2006
3 decision is basically -- Joe, you
4 can -- is null and void.

5 VILLAGE ATTORNEY PROKOP:

6 Yes.

7 BOARD MEMBER KRASNOW: So
8 we're really starting from ground
9 zero. So the question is: Will we
10 give them 50 percent lot variances
11 with variances and everything else
12 and then, if we're willing to do
13 this, then they still have to get
14 their subdivision approved.

15 MR. TERCHUNIAN: That's
16 correct.

17 BOARD MEMBER KRASNOW: If
18 am I getting this correct.

19 MR. HULME: But we can't
20 act on the 2006 variance, but it
21 still is valuable to the
22 determination that this Board is
23 going to make about this. And you
24 really need to balance how more
25 impactful this is than that was

2 because that was acceptable to this
3 Board.

4 BOARD MEMBER KRASNOW: That
5 was 17 years ago. People might have
6 felt differently.

7 MR. HULME: Well, no, this
8 is not about how people feel. This
9 is about what the code says and the
10 balance and tests that apply under
11 the law.

12 CHAIRMAN SARETSKY: But if
13 in reading through the determination
14 three of five, two of five objected
15 to it. So it's not like this was a
16 home run, walk off.

17 MR. HULME: Right, but we
18 still one the game.

19 CHAIRMAN SARETSKY: I'm
20 merely stating that it wasn't quite
21 -- and, again, that's the challenge
22 that this Board has now.

23 MR. HULME: Right.

24 CHAIRMAN SARETSKY: We are
25 concerned about setting a precedent

2 with subdivisions in the Village.

3 MR. HULME: Right, but
4 subdivision jurisdiction is not
5 yours.

6 CHAIRMAN SARETSKY: I
7 understand that, but --

8 MR. HULME: The only
9 jurisdiction you have is over the
10 area of relief that might be
11 necessary for the Planning Board to
12 consider.

13 BOARD MEMBER CASHIN: Which
14 is 50 percent.

15 BOARD MEMBER KRASNOW: That
16 effects the subdivision decision.
17 If we don't grant a variance, you
18 can't get a subdivision.

19 (Whereupon, there was
20 crosstalk.)

21 BOARD MEMBER KRASNOW: It's
22 not our decision, but I'll be happy
23 to -- if we have a recommendation or
24 influence --

25 MR. HULME: Let's look at

2 that at a more global scale. The
3 impact of this subdivision is no
4 different than the impact of the
5 subdivision that you already
6 approved the variances for because
7 the excess land was sterilized.

8 CHAIRMAN SARETSKY: First
9 of all, it was none of this group
10 that approved it.

11 MR. HULME: It doesn't
12 matter.

13 CHAIRMAN SARETSKY: The
14 Zoning Board --

15 (Whereupon, there was
16 crosstalk.)

17 CHAIRMAN SARETSKY: -- and
18 we're respecting that decision. If
19 you could build two homes on that
20 lot, we would probably say, okay
21 today.

22 MR. HULME: Well, we could
23 have then.

24 CHAIRMAN SARETSKY: I mean,
25 a lot of things --

2 MR. HULME: The Planning
3 Board would have definitely approved
4 this. There's no doubt in my mind
5 because they approved the
6 subdivision next door.

7 CHAIRMAN SARETSKY: But I
8 can't speak for the Village
9 Trustees. I can only speak for this
10 group and myself.

11 MR. HULME: And that's why
12 it has to go back to the Planning
13 Board to approve the subdivision.

14 BOARD MEMBER FARKAS: Which
15 subdivision was approved next door?

16 BOARD MEMBER KRASNOW: The
17 one where Harvey is building the
18 house, but that was the Mayor's
19 property and he was on the Board.

20 BOARD MEMBER FARKAS: One
21 second. Did that have -- pre-flood,
22 did that have one home or two homes?

23 MR. HULME: I think two
24 homes.

25 MR. TERCHUNIAN: Two homes.

2 BOARD MEMBER FARKAS:

3 Pre-flood 772 had one home or two
4 homes?

5 MR. TERCHUNIAN: Yeah, 772
6 had one home.

7 BOARD MEMBER KRASNOW: 774
8 once had two homes on it?

9 MR. TERCHUNIAN: Yes.

10 BOARD MEMBER FARKAS: So
11 the Board is clear, the Board issued
12 a variance for 774 when there had
13 already been two homes on there?

14 MR. HULME: Right and the
15 Planning Board approved the
16 subdivision, which is why they exist
17 as two separate lots today.

18 BOARD MEMBER FARKAS: Okay.

19 MR. HULME: But the Zoning
20 Board approved this property for the
21 variances.

22 BOARD MEMBER FARKAS: I
23 understand that.

24 MR. HULME: It was never
25 approved by the trustees and the

2 Planning Board. But my other point
3 about this is that the granting of
4 this specific relief creates a
5 situation that is no different and
6 no more impactful than the impact of
7 the relief that you granted in 2006.

8 BOARD MEMBER CASHIN: I
9 think you made that point. We
10 understand that.

11 VILLAGE ATTORNEY PROKOP:
12 But that's for the Board to consider
13 and there was -- the property that
14 was granted -- the property that was
15 subject to that approval is a much
16 different property than the property
17 that is subject to this application.

18 Your statement that -- I just
19 want to point out to the Board, I
20 didn't want to interrupt you, but
21 point out to the Board, the comment
22 that this Board doesn't have
23 jurisdiction over subdivisions, to
24 the extent that its accurate, the
25 body that does have jurisdiction

2 over subdivisions denied the
3 application. That's why they're
4 here. I mean, this was -- this
5 application made a pass through the
6 Board of Trustees and it was -- oh,
7 okay, this one -- I apologize, this
8 one same directly here without going
9 to the Board of Trustees. Thank
10 you, Aram.

11 MR. TERCHUNIAN: (Indicating.)

12 VILLAGE ATTORNEY PROKOP:
13 Which is another thing to consider.
14 I apologize.

15 BOARD MEMBER KRASNOW: I
16 don't know what that means.

17 CHAIRMAN SARETSKY: Yeah, I
18 don't know what that means.

19 BOARD MEMBER KRASNOW: Can
20 you kind of tell us what that means?

21 VILLAGE ATTORNEY PROKOP:
22 Yes, well, we usually work off of a
23 denial, the appellate jurisdiction
24 with a denial in advance, but in
25 this case there was no denial before

2 it came here. If we agree on that.

3 Do we agree on that?

4 MR. TERCHUNIAN: We agree

5 on that.

6 VILLAGE ATTORNEY PROKOP:

7 Okay. Can I ask you about this

8 chart?

9 MR. HULME: Yes.

10 VILLAGE ATTORNEY PROKOP:

11 Do you now think that these are the

12 -- like as of today, so we don't

13 have to go back through this again

14 and do one more notice, do you think

15 this is the relief that you're

16 asking for?

17 MR. HULME: I believe it

18 is, yes. I mean, it's in keeping

19 with, I think, what the building

20 investor analyzed, but this --

21 VILLAGE ATTORNEY PROKOP:

22 But what is your analysis? That's

23 why we asked --

24 MR. HULME: That's my

25 analysis. I believe this is all of

2 the relief.

3 VILLAGE ATTORNEY PROKOP:

4 Are there any other typos in here
5 that you think you need to clean up?

6 CHAIRMAN SARETSKY: You
7 said just the 70? The blue one is
8 the one that you're looking for?

9 MR. HULME: No. The blue
10 70 is preexisting, so I will defer
11 to counsel then. Because it's a
12 preexisting condition that is not
13 created by the relief that we're
14 looking for, I don't think I need a
15 variance to maintain that.

16 CHAIRMAN SARETSKY: I know
17 that I asked this before, but,
18 again, I need it in baby steps for
19 me.

20 MR. HULME: Sure.

21 CHAIRMAN SARETSKY: Why
22 can't you build two houses as per
23 your original -- I understand they
24 might have to be smaller houses now
25 that they're on smaller land, but

2 why does it need to have additional
3 variances? I understand you lost
4 the land.

5 MR. TERCHUNIAN: Wait, I
6 don't think it needs additional
7 variances beyond what was originally
8 granted. It just needs a new
9 variance because the old decision
10 is, for all intents and purposes,
11 vacated.

12 CHAIRMAN SARETSKY: Is it
13 vacated because it expired?

14 MR. TERCHUNIAN: No. It's
15 vacated because the underlying land
16 changed.

17 CHAIRMAN SARETSKY: But the
18 amount of land that's now there on
19 this home, if Joe is to buy this
20 land tomorrow, he would have that
21 much smaller land to build on.

22 MR. TERCHUNIAN: That's
23 correct.

24 CHAIRMAN SARETSKY: So he
25 could build what that allowed.

2 MR. TERCHUNIAN: That's
3 correct.

4 CHAIRMAN SARETSKY: So
5 we're asking for more, right?

6 MR. TERCHUNIAN: They're
7 asking for a second lot to build a
8 second house and what I'm hearing
9 being said is that 13 years of
10 litigation prevented the property
11 owner from moving forward with their
12 plans.

13 As a result, two things
14 happened, they lost 8,000 square
15 feet of property to erosion and they
16 gave 13,000 square feet of property
17 to the Town Trustees. What they're
18 saying is because of those, one is a
19 natural force and one is a litigator
20 force, but in fact they were frozen
21 and denied their right to move
22 forward, at the end, all the rights
23 that they claimed to have were
24 upheld. But now they have to come
25 back and go through this process

2 again, by asking for the same thing
3 that was granted before; two lots --

4 CHAIRMAN SARETSKY: But we
5 were just told that there's 37 other
6 properties that fall into this
7 category.

8 MR. TERCHUNIAN: No. No
9 there weren't. There were 37
10 properties that were litigated
11 against. Only, I think, six or
12 seven were in this area. The rest
13 of them were far to the east.

14 MR. HULME: And I only
15 think one or two of them have
16 started down the path of relief.

17 BOARD MEMBER KRASNOW: You
18 use the word -- this is where, when
19 I talk, you know -- you use the word
20 they gave. They gave means they
21 voluntarily gave it. So when they
22 made the choice and they gave it up,
23 they kind of lost their rights. You
24 know, they said they gave it. It's
25 wasn't like it was forced as part of

2 the litigation, but they gave it.

3 So they voluntarily gave up the land

4 so they kind of hurt themselves.

5 BOARD MEMBER FARKAS: Are

6 you saying it's self-created by

7 giving it up?

8 BOARD MEMBER KRASNOW:

9 Well, they made a settlement. They
10 gave it up, so it wasn't like they --

11 MR. HULME: But it wasn't

12 voluntary in the sense that they

13 woke up one morning and said, I'd

14 really like to donate this property

15 to the Town --

16 (Whereupon, there was

17 crosstalk.)

18 MR. HULME: There were lots

19 of pressures.

20 BOARD MEMBER KRASNOW: But

21 they made a decision to do it.

22 MR. HULME: To settle the

23 case, so they wouldn't incur

24 additional --

25 MR. TERCHUNIAN: Go ahead.

2 BOARD MEMBER MIZZI: My
3 question is: If this were a
4 developer, would they be able to
5 modify this house, build this house
6 without variances (indicating)?

7 BOARD MEMBER CASHIN:
8 That's what I keep asking.

9 MR. TERCHUNIAN: No, they
10 can't. It's a single lot and you
11 can you have a single house on a
12 single lot, period, full stop.

13 BOARD MEMBER MIZZI: What
14 variance would be to give them a
15 double --

16 MR. TERCHUNIAN: The only
17 way that they could get the ability
18 to build a second home on this piece
19 of property is if they subdivide the
20 property. There's no other way
21 to --

22 BOARD MEMBER MIZZI: But
23 that's not a variance to us.

24 BOARD MEMBER KRASNOW: Only
25 if they want to sell it.

2 BOARD MEMBER MIZZI: I

3 guess what I'm saying --

4 BOARD MEMBER KRASNOW: Can
5 they build a second home without --

6 MR. TERCHUNIAN: No, they
7 can't get a building permit.

8 BOARD MEMBER MIZZI: Let me
9 clarify. My question is, in cases
10 like this it's not uncommon if --
11 like if I were a developer and I
12 owned this property and I decide,
13 okay, let me modify this house to be
14 in conformance with -- you know,
15 putting aside the subdivision of the
16 property, let me propose a house
17 here and a house here that works
18 within the confines of this
19 (indicating).

20 MR. TERCHUNIAN: You cannot
21 do that on a single parcel of land.

22 BOARD MEMBER MIZZI: Okay.

23 MR. TERCHUNIAN: It's
24 called a single family residence on
25 a residential parcel. You may have

2 one primary structure as a home.

3 You may have many accessory

4 structures, but none of them can be

5 livable.

6 BOARD MEMBER MIZZI: We're

7 hearing two things, I guess. We're

8 hearing --

9 MR. TERCHUNIAN: No.

10 That's the only thing you're hearing.

11 VILLAGE ATTORNEY PROKOP:

12 The other thing about this is if the

13 house -- the primary house -- the

14 existing house wasn't already

15 existing, it would need a variance

16 to be constructed because it's a

17 substandard lot to begin with.

18 BOARD MEMBER MIZZI: So the

19 idea of us, we don't approve a flag

20 lot, but we approve a subdivision;

21 that what you're saying?

22 MR. TERCHUNIAN: They're

23 part and parcel of the same thing.

24 VILLAGE ATTORNEY PROKOP: I

25 don't know if Aram agrees with this,

2 but I don't know that you need a
3 variance specifically for a flag lot.

4 MR. TERCHUNIAN: I agree.

5 VILLAGE ATTORNEY PROKOP:

6 So if this was an 80,000 square foot
7 lot and they configured it in a way
8 that it otherwise conformed, then
9 the fact that it was a flag lot
10 probably itself would not need a
11 variance except for one thing and
12 this is a concern. We asked -- I'm
13 sorry. We asked a question at one
14 of the last meetings was that
15 whether or not there's a Uniform
16 Code of a minimum now for the width
17 of the flag -- the pole on the flag
18 lot.

19 BOARD MEMBER KRASNOW:

20 That's what I was going to ask.

21 MR. HULME: We looked for
22 that regulation and -- well, let me
23 start again. Yes, there is. And in
24 the code there are two spots where
25 this is referenced. First of all,

2 in the Zoning Code, under the
3 definition of lot width, it
4 indicates that -- and this is why I
5 say flag lots can exist, because
6 there's regulations in this code
7 about how to treat a flag lot. And
8 the definition of lot width when it
9 pertains to a flag lot, you measure
10 the lot with in terms of the
11 property, not at the street. But
12 that definition goes on to require a
13 20 foot wide flagpole.

14 VILLAGE ATTORNEY PROKOP:
15 What section is that?

16 MR. HULME: It's in the
17 definition section, 560-20 lot width.

18 BOARD MEMBER KRASNOW: Is
19 there the ability to turn around for
20 them or they can back out if it's
21 less than 20 --

22 (Whereupon, there was
23 crosstalk.)

24 MR. HULME: Yes, but that
25 restriction is in the Zoning Code

2 and that's one of the variances
3 we're asking you to grant based on
4 the hardship that we do not have
5 20 feet between the property line.

6 BOARD MEMBER KRASNOW: So
7 that's 30 percent.

8 BOARD MEMBER MIZZI: You
9 said this lays out the variances
10 (indicating)?

11 MR. HULME: Yes.

12 BOARD MEMBER MIZZI: I'm
13 sorry. Okay, I just want to be sure.

14 MR. HULME: Okay,
15 everything that not in color.

16 BOARD MEMBER MIZZI: Is a
17 variance?

18 MR. HULME: Is a variance.
19 And the double asterisks is a
20 request that you find that
21 four-tenths setbacks would apply to
22 the vacant lot in the rear.

23 VILLAGE ATTORNEY PROKOP:
24 So why isn't that pole of 20 feet
25 if -- I'm going to check that, but

2 if that's a code requirement, then
3 why isn't it in --

4 MR. HULME: Because I did
5 the chart the other day and I
6 discovered this information this
7 morning.

8 VILLAGE ATTORNEY PROKOP:
9 Well, that's why I asked you. I
10 mean, we need to get to a point --

11 CHAIRMAN SARETSKY: We need
12 to update this then.

13 MR. HULME: I'm happy to do
14 that. I'm trying to share with you
15 the information that I gleaned to
16 help you guys in your deliberations.

17 CHAIRMAN SARETSKY: Listen,
18 we're struggling with this.

19 MR. HULME: I can tell.

20 CHAIRMAN SARETSKY: So
21 maybe what you need to do is update
22 this (indicating).

23 MR. HULME: Can I just
24 finish the thought on the 20 foot?

25 CHAIRMAN SARETSKY: Yes.

2 MR. HULME: So in the
3 Structure 220 of the Village Code
4 labeled Construction Codes --
5 Uniform Construction Codes, in
6 Section 220-27, it also talks about
7 a flagpole having 20 feet of
8 frontage, but it refers to that as
9 being presumptively sufficient. The
10 real standard is that it has
11 sufficient frontage for ingress and
12 egress for trucks, ambulances,
13 police cars and other emergency
14 vehicles.

15 BOARD MEMBER KRASNOW:
16 Right. It's a fire truck issue.

17 MR. HULME: Yes, so I
18 imagine, as in other village's, you
19 can refer that question to the fire
20 department --

21 BOARD MEMBER CASHIN: Jim,
22 where do you propose to get the
23 other six feet for the driveway?

24 MR. HULME: I don't. I'm
25 asking you guys to get a variance.

2 BOARD MEMBER KRASNOW: He's
3 not. He stretched it to 14 feet
4 because otherwise he cutting --

5 BOARD MEMBER CASHIN:
6 That's what I'm saying.

7 (Whereupon, there was
8 crosstalk.)

9 MR. HULME: If it's more
10 palatable, I can make it 20 feet up
11 to the house and 20 feet beyond the
12 house.

13 BOARD MEMBER KRASNOW:
14 Well, the problem is they have to
15 get to the second house.

16 MR. HULME: I understand
17 that's an issue.

18 BOARD MEMBER KRASNOW:
19 Maybe this -- I hope -- I'm asking
20 this question to try to help you,
21 not hurt you, but I don't know the
22 answer. The lot to the left, what's
23 if the width of their driveway? You
24 don't have it on here.

25 MR. HULME: I don't know it.

2 BOARD MEMBER KRASNOW: I
3 was wondering if that might -- if
4 they got a variance or not, I was
5 wondering what the width of their
6 driveway is.

7 BOARD MEMBER FARKAS: Was
8 there any variances to the property
9 to the west?

10 CHAIRMAN SARETSKY: None
11 that I know of.

12 MR. HULME: I don't believe
13 so.

14 BOARD MEMBER FARKAS: So
15 those two lot --

16 MR. HULME: It looks like
17 it's 15 feet.

18 TOWN ATTORNEY PROKOP: Can
19 I make a suggestion? It's not
20 helpful to the applicant or the
21 public what's happening here -- or
22 this Board. We need to get like a
23 final list of what the applicant's
24 attorney believes is necessary and
25 then move on that and then that's it.

2 I mean, the process has been
3 flawed by the -- has been flawed.
4 And we just need to get a final
5 determination and we need that
6 whatever day we scheduled for the
7 hearing --

8 CHAIRMAN SARETSKY: So one
9 thing we talked about and we talked
10 about this before, we'd like to get
11 any information a week before, at
12 least a week before, the next
13 meeting so that it can get put
14 online so that people who are
15 calling in or looking in on a Zoom
16 call can see it.

17 BOARD MEMBER KRASNOW: Ten
18 days.

19 CHAIRMAN SARETSKY: Ideally
20 ten days. I would like to make that
21 an ongoing rule. Joe Mizzi brought
22 it up before. I think it's a good
23 one and, Jim, maybe you can do that.
24 You'll have plenty of time.

25 MR. HULME: Yes.

2 MR. TERCHUNIAN:

3 Mr. Chairman, I think what I heard
4 you say is you're instructing the
5 clerk to issue a notice to all
6 applicants that materials must be in
7 ten days before the scheduled
8 hearing in both paper and electronic
9 form?

10 CHAIRMAN SARETSKY: Yes,
11 thank you.

12 MR. TERCHUNIAN: Got that?

13 MR. HULME: In my defense,
14 the information I was giving you
15 today is a summary of the
16 information I put on the survey,
17 which survey I filed in accordance
18 with the due dates that the Board
19 set the last time we were here. So
20 I'm not really introducing anything
21 that we didn't talk about or isn't
22 on the paperwork.

23 VILLAGE ATTORNEY PROKOP:

24 But --

25 BOARD MEMBER MIZZI: This

2 is confusing because it says 60,
3 it's 56 (indicating).

4 MR. HULME: I understand
5 that. That's on me.

6 BOARD MEMBER MIZZI: I'm
7 not trying to point out a mistake.
8 I'm just not really clear what's
9 being asked for.

10 MR. HULME: I understand.

11 VILLAGE ATTORNEY PROKOP:
12 We're not able to acquire the
13 jurisdiction necessary to act on
14 your application unless you provide
15 us a list of the variances that you
16 request and then the Board will
17 consider those variances only.

18 MR. HULME: Okay.

19 VILLAGE ATTORNEY PROKOP:
20 At the next meeting -- and we can't
21 have the Clerk be responsible for
22 interpreting a survey that you
23 submit trying to figure out what
24 variances are necessary. So if you
25 can please provide an accurate list.

2 MR. HULME: I will do that.

3 VILLAGE ATTORNEY PROKOP:

4 And we need it -- I know the
5 seven days, ten days sounds good,
6 but what we really --

7 MR. HULME: How about
8 Tuesday?

9 VILLAGE ATTORNEY PROKOP:
10 What we really need is in advance of
11 the time that Robin needs to run the
12 notice.

13 MR. TERCHUNIAN: My
14 opinion, Joe, is that just set a
15 firm deadline and that's the
16 deadline. No flexibility, not --

17 CHAIRMAN SARETSKY: Ten
18 days.

19 MR. TERCHUNIAN: Ten days
20 is common in most --

21 CHAIRMAN SARETSKY: Are you
22 okay with that?

23 VILLAGE CLERK SANTORA: I
24 mean, just posting it to the paper
25 too and stuff.

2 (Whereupon, there was
3 crosstalk.)

4 VILLAGE CLERK SANTORA: --
5 how much time we need there.

6 VILLAGE ATTORNEY PROKOP:
7 That's my point. Were not just
8 talking about --

9 MR. TERCHUNIAN: We're
10 talking about availability for the
11 Zoning Board members to get
12 materials to review them and
13 availability for any member of the
14 public to review that material
15 that's in the file and they can
16 review it.

17 VILLAGE ATTORNEY PROKOP:
18 But we're talking about -- I'm
19 sorry, we're talking about two
20 different things. One is material
21 in support of the application. The
22 other is the application, basically,
23 listing the variances. Because we
24 don't have the jurisdiction to do
25 anything unless we properly notice

2 the variances and we have to have
3 that sufficiently in advance to run
4 the notice in the paper. So for
5 that, it really should be, you know,
6 really 15 days.

7 CHAIRMAN SARETSKY: Okay.

8 MR. HULME: In what form do
9 you want it?

10 CHAIRMAN SARETSKY: I think
11 we want it in electronic format.

12 MR. TERCHUNIAN: Joe, are
13 you talking about a re-advertisement?

14 VILLAGE ATTORNEY PROKOP:
15 We have to re-advertise.

16 MR. TERCHUNIAN: Okay,
17 these are separate items.

18 VILLAGE ATTORNEY PROKOP:
19 That's what I just said.

20 MR. TERCHUNIAN: So
21 whatever you want a variance for
22 that's going to advertised --

23 MR. HULME: I get that.
24 I'm asking what form? Do you want
25 it in form of a chart?

2 VILLAGE ATTORNEY PROKOP:

3 No.

4 MR. HULME: Numbered

5 sentences?

6 VILLAGE ATTORNEY PROKOP:

7 The chart just lends itself to more

8 typographical errors. Can we just

9 have an accurate list, please?

10 MR. HULME: Okay, I can do

11 that.

12 BOARD MEMBER FARKAS: Can

13 we go back for a minute? Before the

14 flood, how deep was this property?

15 MR. TERCHUNIAN: Hundreds

16 of feet deep. I don't know how many.

17 MR. HULME: I have it.

18 CHAIRMAN SARETSKY: We're

19 going to let you talk in a minute.

20 MR. HULME: It was seven

21 hundred and --

22 BOARD MEMBER FARKAS: When

23 did all this sand accrete at the

24 location?

25 MR. TERCHUNIAN: The sand

2 accreted slowly over decades.

3 MR. HULME: It was
4 764 square feet.

5 MR. TERCHUNIAN: That was
6 in --

7 MR. HULME: That was in
8 2006.

9 MR. TERCHUNIAN: In 1992,
10 before the breach, it was hundreds
11 of feet deep. I don't think it was
12 700, but it wasn't 200.

13 BOARD MEMBER FARKAS: If I
14 remember, and I was a kid back then,
15 didn't the Army Corps come in and
16 did they pump all the sand and this
17 is a result of all the sand that was
18 pumped?

19 MR. TERCHUNIAN: No, this
20 was not pumped sand. This was sand
21 that over watched the barrier
22 island. So if you recall, what
23 happened is the dunes got lowered
24 and that barrier got narrowed. And
25 every time there was a full moon or

2 a storm, sand was washed from the
3 ocean, across Dune Road into
4 Moriches Bay. That happened dozens
5 and dozens of times over decades and
6 that caused the land to build out
7 into the bay.

8 BOARD MEMBER FARKAS: And
9 after the land built on the bay, is
10 it the same homeowner?

11 MR. TERCHUNIAN: Yes.

12 BOARD MEMBER CASHIN:
13 Before we table this, I think some
14 of the public --

15 CHAIRMAN SARETSKY: Yes, I
16 was going to say we had some
17 questions. Just state your name and
18 your address.

19 MR. SMITH: Yeah, sorry for
20 the interruption. Adam Smith; I'm
21 an owner at 770 Dune Road. It
22 sounds like this decision is being
23 pushed over, so I won't waste too
24 much of your time, but I do think
25 that there was just a couple of

2 points that were worth just
3 clarifying for my own interest.

4 The existing lot and existing
5 structure, from what I understand,
6 are already nonconforming lot and
7 structures. So I think when I look
8 at this map that was provided today
9 identifying some lots of equivalent
10 size of what is being asked, I
11 actually see this as quite the
12 opposite. We're showing really just
13 one other opportunity -- or one
14 other lot that looks like that and
15 that's off Code Lane (phonetic),
16 which we know has different lot
17 sizes than those off of Dune Road.
18 And then I think if I look at that,
19 actually what we're talking about is
20 two X's in that small box because
21 this is all being done, obviously,
22 expanding to a second home. And I
23 do think that sets a precedence that
24 is not currently existing on Dune
25 Road. We're talking about 40,000 on

2 two nonconforming lots if that were
3 to follow the requirement.

4 And then I think there was one
5 other question I just wanted to
6 clarify as well. There was a
7 discussion around why not just build
8 with, you know, with what you have
9 today, what could you build? If
10 these variances were granted, which
11 hopefully is a big if, that would
12 result in only a 2,000 square foot
13 home. So if no variance was granted
14 and you were just to build with what
15 they have today, you'd have,
16 essentially, a home that's -- I
17 don't know what the exact square
18 footage would be. It would be, you
19 know, so small that I don't think it
20 would be of interest to build.

21 So I think what we're talking
22 about here is setting a precedent
23 that we would have to live with down
24 here requiring very, very small
25 lots, some of which these variances

2 are requiring almost 70 percent. So
3 I think a 12,000 square foot lot on
4 a 40,000 requirement is something
5 that, I'm sure, everyone has seen
6 before.

7 CHAIRMAN SARETSKY: I think
8 we understand your concern and we're
9 taking it to heart seriously.

10 MR. SMITH: Thank you.

11 CHAIRMAN SARETSKY: Fair?

12 BOARD MEMBER FARKAS: Yes.

13 BOARD MEMBER KRASNOW:

14 Anybody else?

15 (No response.)

16 CHAIRMAN SARETSKY: So
17 we're going to --

18 MR. HULME: Do you know
19 when the next meeting is going to
20 be?

21 VILLAGE CLERK SANTORA: I
22 was going to ask when everybody is
23 available.

24 BOARD MEMBER CASHIN: I
25 think August.

2 VILLAGE CLERK SANTORA: We
3 talked about the 19th, but --

4 (Whereupon, there was
5 crosstalk.)

6 MR. HULME: Is that a
7 tentative date?

8 VILLAGE CLERK SANTORA:
9 It's a tentative date. If there's
10 enough time to for everything --

11 MR. HULME: My materials at
12 least ten days prior to that; is
13 that my understanding?

14 BOARD MEMBER FARKAS: You
15 said Tuesday.

16 MR. HULME: I'll do it by
17 Tuesday.

18 CHAIRMAN SARETSKY: It's
19 okay.

20 MR. TERCHUNIAN: Advertising
21 materials 14 days.

22 MR. HULME: I'm sorry, what
23 was the date of that meeting?

24 CHAIRMAN SARETSKY:
25 August 19th is the proposed date.

2 VILLAGE CLERK SANTORA:

3 That's four weeks from now.

4 MR. HULME: Is 14 days
5 ahead of the meeting enough time?

6 CHAIRMAN SARETSKY: I think
7 so.

8 MR. HULME: Because you
9 need to advertise it ten days?

10 BOARD MEMBER KRASNOW: We
11 need it prior to Friday.

12 VILLAGE CLERK SANTORA: It
13 depends. Just this one I think it's
14 five, but if we have to do the
15 other -- I know there was one that
16 had to be advertised ten.

17 BOARD MEMBER KRASNOW: So
18 you need it by August 4th, Joe.

19 MR. HULME: 8/5, 8/4?

20 TOWN ATTORNEY PROKOP: 8/4
21 because we have to put in the paper
22 on 8/8, so we need a day or two
23 to --

24 CHAIRMAN SARETSKY: -- the
25 18th.

2 (Whereupon, there was
3 crosstalk.)

4 VILLAGE CLERK SANTORA: If
5 it needs to be in the paper on the
6 10th, I need the material by the 4th.

7 MR. HULME: Yes. I
8 understand the deadline, but I'll
9 try to get it in as quickly as I can
10 so there's plenty of time for
11 counsel and --

12 BOARD MEMBER KRASNOW: Yes.

13 CHAIRMAN SARETSKY: All
14 right, do we need to close?

15 BOARD MEMBER KRASNOW: We
16 need a motion to adjourn for all
17 purposes until the specified date.

18 CHAIRMAN SARETSKY: Can I
19 get someone to --

20 BOARD MEMBER FARKAS: I'll
21 make a motion to adjourn for all
22 purposes.

23 CHAIRMAN SARETSKY: I'll
24 second it. We're on to our next.

25 MR. TERCHUNIAN: You got a

2 second?

3 CHAIRMAN SARETSKY: I

4 second.

5 MR. TERCHUNIAN: All in

6 favor?

7 (Chorus of "ayes".)

8 MR. TERCHUNIAN: Unanimous.

9 CHAIRMAN SARETSKY: Thank
10 you, Robin. Thank you for patience.

11 We're on to our next order of
12 business, which I believe is 9 Dune
13 Lane; 9 Dune Lane is the applicant
14 here.

15 MR. HULME: Yes. Oh, I'm
16 sorry.

17 BOARD MEMBER KRASNOW: You
18 need to get up and come back.

19 CHAIRMAN SARETSKY: Walk
20 around the chair.

21 MR. HULME: I will do this
22 (indicating). Okay, I'm hear for
23 the applicant.

24 CHAIRMAN SARETSKY: All
25 right, fire away.

2 MR. HULME: Okay. So this
3 is an application for zoning relief
4 for -- pyramid relief of our own
5 pyramid relief. We went through the
6 history of this property the last
7 time I was here. It has been the
8 subject to a number of CO's and a
9 variance application. There was a
10 prior application that granted some
11 limited pyramid relief and we're
12 here looking for some additional
13 relief in that regard.

14 The applicant is looking to
15 construct a loft floor, a loft story
16 on top of the building. It meets
17 all of the other setback
18 requirements and height requirements
19 and the like. It does impact, to an
20 extent, the pyramid violation -- the
21 skyline on the west side of the
22 building.

23 The total pyramid volume, if
24 this were granted, would be
25 833.49 cubic feet. There was some

2 minor pyramid relief granted some
3 years ago of 341.95 cubic feet and
4 we're looking for an additional
5 491.5 cubic feet of pyramid relief
6 so that we can install the loft on
7 the third floor of this property.
8 It doesn't count as a story because
9 of the size. It's merely a loft.

10 If you drive up and down Dune
11 Lane, and in fact, if you drive up
12 and down Dune Road in the Village,
13 these kind of features are quite
14 common. This lot and the other lots
15 on this road that have this feature
16 are all challenged by the fact that
17 they're relatively small lots and
18 it's very difficult to do
19 construction on these lots without
20 some pyramid relief. And this is
21 only on the one side of the house
22 and doesn't appear to be -- because
23 it's high up in the air and the area
24 of it, the face of it, is relatively
25 small, it doesn't appear to be

2 terribly impactful to any of the
3 neighbors.

4 VILLAGE ATTORNEY PROKOP:

5 What is the loft.

6 MR. HULME: Huh?

7 VILLAGE ATTORNEY PROKOP:

8 What is the loft.

9 MR. HULME: What is the
10 loft?

11 VILLAGE ATTORNEY PROKOP: A

12 loft.

13 MR. HULME: I think it has
14 to do with less than 50 percent of
15 the floor area of the floor below.

16 VILLAGE ATTORNEY PROKOP:
17 Are you sure? This was a question
18 that was raised the last time this
19 was on. Are you sure that that's
20 still available?

21 MR. HULME: I believe so,
22 yes.

23 VILLAGE ATTORNEY PROKOP:

24 Because I think it counts as a
25 floor.

2 MR. HULME: I don't think
3 for purposes of the zoning it does
4 is my understanding of it anyway.

5 VILLAGE ATTORNEY PROKOP:
6 So do you have -- did you submit a
7 sprinkler plan?

8 MR. HULME: I did not.

9 VILLAGE ATTORNEY PROKOP: I
10 think in the application that was
11 submitted, a sprinkler plan --

12 MR. HULME: That is.

13 VILLAGE ATTORNEY PROKOP:
14 To the point of egress.

15 MR. HULME: That is a
16 building permit issue I believe.
17 We're not seeking to vary the
18 requirement that there be sprinklers
19 if the law required it to be
20 sprinkled. I would that think that
21 wouldn't come to this Board. That
22 would come to the Building
23 Department when a building permit
24 was issued and we would have to
25 comply.

2 VILLAGE ATTORNEY PROKOP:

3 Is there any other reason your
4 calling it a loft? Is it the head
5 height.

6 MR. HULME: I believe it's
7 just the area relative to the --

8 CHAIRMAN SARETSKY: There's
9 a question.

10 MR. TERCHUNIAN: Just for a
11 point of information, I think the
12 other word that's used is mezzanine.

13 VILLAGE ATTORNEY PROKOP: I
14 don't think the term mezzanine is
15 available under the Uniform Code
16 anymore. We have to ask Mike Sciara
17 from Nelson and Pope that question.

18 MR. HULME: Well, when we
19 were here last, I believe we were
20 going to do that. Did we get an
21 answer from him?

22 VILLAGE ATTORNEY PROKOP:
23 Yes. It's our understanding it's
24 not available. But that just has to
25 do with whether it counts as a story

2 so. Subject to Mr. Sciara's review,
3 that would be a question that would
4 be have be to be resolved with the
5 building inspector.

6 MR. HULME: Okay. So where
7 does that leave us?

8 CHAIRMAN SARETSKY: I have
9 a different question.

10 VILLAGE ATTORNEY PROKOP:
11 Just one other thing. What is under
12 -- the ground floor of the house
13 what's in the ground floor of the
14 house?

15 MR. HULME: Underneath?
16 It's foundation and a garage. I
17 don't believe there's any habitable
18 space under there.

19 VILLAGE ATTORNEY PROKOP:
20 Okay.

21 CHAIRMAN SARETSKY: Did the
22 architect look at what would be
23 involved to keep this within the
24 pyramid? In other words, instead of
25 building it on one side of the

2 house, if you made it half of its
3 size and went to both sides so that
4 it could comply -- I appreciate the
5 fact that it might be harder and all
6 that, but I guess I want to
7 understand if we've have exhausted
8 the lot's ability of making this --

9 MR. HULME: I do not know
10 that, Eric.

11 MR. BURNER: I can answer
12 that.

13 CHAIRMAN SARETSKY: Sure.

14 MR. BURNER: The answer is,
15 yes, it was looked at and there is
16 no other way.

17 MR. HULME: Let the record
18 reflect that Michael Burner gave the
19 answer to that question and he is a
20 contractor with knowledge of these
21 kinds of constructions.

22 CHAIRMAN SARETSKY: I guess
23 the concern that I have speaking for
24 myself is, it's not easy to build a
25 third floor, what you're talking

2 about, without piercing the pyramid
3 and, again, for some good reason
4 perhaps, you know, the spaces that
5 people have on these third floors
6 are not always as gracious as people
7 would like.

8 MR. HULME: This is, I
9 think, if you look at the plan --

10 CHAIRMAN SARETSKY: I
11 understand the space is --

12 MR. HULME: The space, it's
13 really a bathroom, a staircase --

14 CHAIRMAN SARETSKY: Yeah,
15 but it's a full-blown bedroom with a
16 bathroom.

17 BOARD MEMBER CASHIN: Can I
18 jump in? We're over here in the
19 corner not clear of what it is.
20 We're having trouble reading the
21 proposed north elevation. This says
22 existing roof line.

23 MR. HULME: This line here
24 is existing. This space case here
25 was the pyramid relief that was

2 granted previously. Okay? That's
3 the 341 cubic feet that is subject
4 to fire and zoning variance
5 (indicating).

6 CHAIRMAN SARETSKY: Did
7 they use that space so far?

8 MR. HULME: That's just a
9 roof.

10 BOARD MEMBER CASHIN: This
11 is what the roof looks like now
12 (indicating).

13 MR. HULME: Right.

14 BOARD MEMBER CASHIN: So
15 your adding this (indicating).

16 MR. HULME: We're adding
17 this (indicating).

18 BOARD MEMBER CASHIN:
19 That's what's the difference between
20 this space and this space
21 (indicating).

22 MR. HULME: It's all new.

23 BOARD MEMBER CASHIN:
24 Right, but this set of proposed roof
25 line, does that include this here

2 (indicating)?

3 MR. HULME: Yes. This here
4 is all new, but part of the new
5 pierce is the sky --

6 BOARD MEMBER CASHIN: Say
7 that again.

8 MR. HULME: I believe --
9 this is the existing roof line
10 (indicating).

11 CHAIRMAN SARETSKY: You
12 want a pen?

13 MR. HULME: So -- well, I
14 guess this is really all the new
15 stuff. You know, this roof is being
16 removed, this wall is being extended
17 (indicating).

18 BOARD MEMBER CASHIN: Is
19 this is added (indicating)?

20 MR. HULME: Yes.

21 BOARD MEMBER CASHIN: The
22 roof line stops here (indicating).

23 MR. HULME: Right, the
24 existing roof line.

25 BOARD MEMBER CASHIN: This

2 is all staying the same
3 (indicating)?

4 MR. HULME: Yes.

5 VILLAGE ATTORNEY PROKOP:
6 It's all on the plan.

7 BOARD MEMBER CASHIN: I
8 have it.

9 VILLAGE ATTORNEY PROKOP:
10 Okay.

11 BOARD MEMBER KRASNOW: What
12 did you bring or add to the --

13 MR. HULME: Nothing.

14 BOARD MEMBER KRASNOW:
15 Okay. There was no --

16 MR. HULME: No. It was
17 adjourned for purposes of --

18 BOARD MEMBER KRASNOW: I
19 thought something was missing.

20 (Whereupon, there was
21 crosstalk.)

22 MR. HULME: It was
23 adjourned for purposed of consulting
24 with Nelson and Pope.

25 BOARD MEMBER FARKAS: How

2 many variances has this residence
3 received in the past?

4 MR. HULME: I believe two.

5 CHAIRMAN SARETSKY: We have
6 a question from someone online.

7 MR. TERCHUNIAN: Not a
8 question, just --

9 CHAIRMAN SARETSKY: I'm
10 sorry, if you could identify
11 yourself?

12 (No response.)

13 CHAIRMAN SARETSKY:
14 Mr. Smith, can you hear us? Robert
15 Smith, you appear to be on the video
16 and we can't hear you.

17 (No response.)

18 CHAIRMAN SARETSKY: All
19 right, well, if you can, when you
20 can unmute yourself and let us know.

21 Jim, one question to Jim's
22 question. So if you were to take
23 the three hundred and something
24 square foot of space that you
25 already have that was approved --

2 MR. HULME: Right.

3 CHAIRMAN SARETSKY: --

4 could you build this a little bit
5 smaller into that space?

6 MR. HULME: No, because
7 that space is all roof and eave.
8 It's not space.

9 CHAIRMAN SARETSKY: Okay.

10 MR. HULME: In order to get
11 a loft of this size, we need the
12 headroom.

13 CHAIRMAN SARETSKY: All
14 right, so one of the questions I
15 guess I have is -- and some of our
16 consultants have helped me with
17 this, can you provide something that
18 shows me how many third floor built
19 houses have variances that exceed
20 this to this level so that you can
21 give this Board some comfort in why
22 we should do this?

23 MR. HULME: I can do that.

24 CHAIRMAN SARETSKY: Because
25 right now, you know, I can't

2 honestly say that third floors are
3 characteristic of Westhampton Dunes.
4 I know there are some, but most of
5 the ones that I know of, comply. So
6 I'm really interested and I don't
7 know if the rest --

8 BOARD MEMBER FARKAS: You
9 want to know how many third floors
10 received variances to do this,
11 right?

12 CHAIRMAN SARETSKY: Right.

13 BOARD MEMBER KRASNOW:
14 Variances from the pyramid?

15 CHAIRMAN SARETSKY: Yes.
16 That's the only thing we're dealing
17 here is the pyramid.

18 BOARD MEMBER KRASNOW: What
19 percentages?

20 CHAIRMAN SARETSKY: Yes,
21 percentages or sizes or square
22 footages.

23 MR. TERCHUNIAN: Both. It
24 should be cubic volume square
25 footage --

2 BOARD MEMBER KRASNOW: I'm
3 wondering why some of it's in cubic
4 volume and if the percentage makes
5 the number smaller. I'm
6 wondering -- this is kind of an
7 interesting way to present it and
8 I'm not sure this is normal or not.

9 MR. HULME: Other
10 municipalities require cubic feet
11 because that's the measure of how
12 much in fact encroached above the
13 sky plane. It's not just the square
14 footage on the front of the building
15 encroaches, everything all the way
16 along the building encroaches and
17 so --

18 MR. TERCHUNIAN: So cubic
19 volume really is the number, but
20 square footage is important too.
21 They're easily --

22 BOARD MEMBER KRASNOW: It's
23 fine. It's just a little different
24 than I'm used to seeing on a plan.
25 I was wondering why it was done.

2 BOARD MEMBER FARKAS: Can
3 you go back to the variances? You
4 said there were two variances
5 granted and --

6 MR. HULME: I'm sorry.
7 There were a total of three
8 variances granted this property.

9 BOARD MEMBER FARKAS: What
10 were they, please?

11 MR. HULME: In 1998 when
12 the house was built, that was when
13 the original -- no, that was Zoning
14 Board relief for front yard
15 relief --

16 BOARD MEMBER FARKAS: Okay.

17 MR. HULME: -- so the
18 original house could be built. In
19 2014 there was a ZBA to extend the
20 deck and outdoor stairs. Then in
21 2015 the relief, the pyramid relief
22 was granted for the roof. And at
23 that time, the Board indicated that
24 this property is unique in the
25 Village and it's location and

2 configuration and that the variances
3 were necessary in order for the
4 reasonable development of the
5 property. So those were the --
6 there's only one pyramid.

7 BOARD MEMBER FARKAS: Three
8 varies and only one pyramid.

9 MR. HULME: Yes.

10 BOARD MEMBER KRASNOW: For
11 the variance that involved the roof
12 before, was there living space or
13 loft space in it or just
14 architectural?

15 MR. HULME: Well, I think
16 that they were improving the living
17 space on the second floor and they
18 expanded the second floor and the
19 roof encroached into the sky plane.

20 BOARD MEMBER FARKAS: Is
21 there third floor loft space now?

22 MR. HULME: No, they don't
23 have a third floor.

24 BOARD MEMBER FARKAS: Is
25 there loft space?

2 MR. HULME: No, I don't
3 believe so.

4 BOARD MEMBER FARKAS:
5 There's nothing above the second
6 floor?

7 MR. HULME: A roof and a
8 roof deck.

9 BOARD MEMBER FARKAS: Okay.

10 BOARD MEMBER MIZZI: How
11 many legal bedrooms are currently in
12 the house?

13 It's not a full set of
14 drawings. I just got the ones that
15 were submitted. I guess I didn't
16 see those. I'll find out.

17 BOARD MEMBER MIZZI: The
18 reason for my question is, I think
19 there's a limit to the number of
20 bedrooms you can legally have.

21 MR. HULME: Sure.

22 BOARD MEMBER MIZZI: And
23 you're establishing this as a future
24 bedroom. I think you should look at
25 that.

2 MR. HULME: Uh-huh.

3 BOARD MEMBER MIZZI:

4 Because I happen to have a mezzanine
5 space in my house and was advised to
6 not use it as a bedroom.

7 MR. HULME: I don't know
8 that these drawings characterize it
9 like a bedroom.

10 BOARD MEMBER KRASNOW: It's
11 interesting. You can add a
12 bathroom, but you can't add a
13 bedroom without the septic, but you
14 can add a bathroom. I looked into
15 it for my house.

16 BOARD MEMBER MIZZI: I
17 guess and I'm just saying like maybe
18 it means nothing, but if you create
19 a space and you call it a mezzanine
20 and you don't sprinkler the space
21 and you don't call it a bedroom and
22 you turn it into a bedroom, you
23 might find have you some liability.

24 BOARD MEMBER KRASNOW: I
25 think the fact that they have a

2 bathroom it defaults to a bedroom.

3 BOARD MEMBER MIZZI: But
4 I'm just saying that you want to be
5 careful. The unit owner -- the
6 homeowner might want to be careful
7 creating a bedroom in a space that's
8 not legally designated bedroom
9 without a sprinkler system.

10 BOARD MEMBER KRASNOW:
11 Well, I think it will normally need
12 a sprinkler system. He just --

13 BOARD MEMBER MIZZI: I'm
14 not sure of that, because I'll
15 let --

16 AUDIENCE MEMBER: This may
17 make it easier for you.

18 BOARD MEMBER MIZZI: Sure.

19 AUDIENCE MEMBER: The
20 intent is to put in sprinkler
21 system. That's not a question.

22 BOARD MEMBER MIZZI: Got it.

23 AUDIENCE MEMBER: Because
24 it used to be a two-story house. It
25 didn't require a sprinkler system.

2 A mezzanine doesn't make it a
3 three-story house. That's what
4 people sometimes --

5 MR. HULME: But I think
6 counsel has put into question
7 whether the mezzanine exception
8 still exists; is that true?

9 VILLAGE ATTORNEY PROKOP:
10 Yes. We'll defer to Mike.

11 BOARD MEMBER MIZZI: I
12 don't know how to answer.

13 MR. HULME: Is that
14 information we'll have in writing
15 that can be shared?

16 VILLAGE ATTORNEY PROKOP:
17 Yes.

18 BOARD MEMBER MIZZI: I
19 mean, I'm just asking, but like
20 shouldn't the architect that created
21 this design certify that it's legal?
22 I mean, if it's being called a
23 mezzanine and it's going to be
24 called a mezzanine --

25 MR. BURNER: I'm sorry to

2 interrupt, but those plans were done
3 by an architect that's no longer
4 involved and was only done for
5 design purposes for this Board.
6 That is not what's getting submitted
7 to the Building Department.

8 BOARD MEMBER MIZZI: Okay.
9 But I guess I mean, wouldn't the --

10 MR. HULME: We're only
11 asking for the zoning relief that we
12 believe we need to do this project
13 and if we're not asking for relief,
14 then we have to comply, but the
15 compliance will come not from this
16 Board, but at the building permit
17 level. When the building investor
18 receives an application and reviews
19 it and says this does or doesn't
20 meet the requirements.

21 BOARD MEMBER MIZZI: I
22 guess, to me, it feels like we're
23 being told a mezzanine and the
24 person who's going to be doing it
25 doesn't know if it's legal to do it.

2 It might be --

3 MR. HULME: Well, I think
4 that's the answer that we're waiting
5 for from the consultant.

6 VILLAGE ATTORNEY PROKOP:
7 Yes and I have other comments for
8 the Board.

9 BOARD MEMBER MIZZI: Okay.

10 MR. HULME: And then that
11 will certainly guide the direction
12 of this application.

13 BOARD MEMBER MIZZI: Got it.

14 MR. HULME: So I don't have
15 anything further at the moment.
16 Perhaps we can adjourn this to -- I
17 would ask that you adjourn it to the
18 next meeting.

19 CHAIRMAN SARETSKY: Okay.
20 Can I make a motion to close the
21 meeting and.

22 BOARD MEMBER KRASNOW:
23 Second.

24 BOARD MEMBER FARKAS: Ask
25 if there's anybody --

2 CHAIRMAN SARETSKY: Sorry.

3 Anyone here want to ask any
4 questions?

5 (No response.)

6 CHAIRMAN SARETSKY: And
7 Mr. Smith, I don't know if you're
8 with us. I don't know if this is a
9 topic for you, but now is your
10 chance to comment.

11 (No response.)

12 CHAIRMAN SARETSKY: All
13 right. So all in favor?

14 (Chorus of "ayes".)

15 MR. HULME: Thank you.

16 CHAIRMAN SARETSKY: Getting
17 up to do a lap now?

18 MR. HULME: Yes, if I could
19 get up and stretch my back.

20 (Whereupon the Board took a brief
21 recess.)

22 CHAIRMAN SARETSKY: 738 and
23 742 -- Jim, why don't you finish
24 chewing.

25 MR. HULME: James M. Hulme

2 for the applicant and Mr. Antinucci
3 is here as well.

4 MR. ANTINUCCI: Hi, everybody.

5 MR. HULME: We're trying to
6 create, from the property
7 Mr. Antinucci owns, three lots as
8 you know.

9 MR. ANTINUCCI: Two lots.

10 MR. HULME: We have two
11 lots. We're trying create three
12 lots.

13 MR. ANTINUCCI: Yes.

14 MR. HULME: So each of the
15 lots is in excess of the area
16 requirement for the Village and, in
17 fact, the lots, as and when
18 developed, meet all of the
19 requirements of the Village code
20 except for lot width, which is
21 required at 150 feet. We have, on
22 average, about 78 or 79 feet for
23 each of the three lots -- 79 or
24 80 feet for each of the three lots.
25 That's the only requirement that --

2 the only variance that's required
3 and I think we had demonstrated, in
4 a past meeting, that that width is
5 very much in keeping with the
6 general width in this neighborhood.
7 And I had presented a map several
8 months ago demonstrating that fact,
9 so I don't want to belabor that.

10 I think also as a matter of law,
11 any conditions that -- the Board
12 can, in fact, impose conditions in
13 return for granting a variance, but
14 I would suggest that those
15 conditions are most appropriate when
16 they are related to the relief that
17 is being sought. And the relief
18 that's being sought here is very
19 simply the lot width.

20 And I believe that we had a
21 discussion at a prior meeting where
22 we agreed to apply the four-tenths
23 rule to the setback, the more
24 restricted rule, and that's what's
25 demonstrated here and that seems to

2 deal appropriately with the subject.

3 So I believe that the last
4 question that was asked the last
5 time was for us to propose a
6 building size and we have in fact
7 proposed a house size of a footprint
8 of 3,200 square feet on each of the
9 lots.

10 BOARD MEMBER FARKAS: Do
11 you have a copy of that?

12 BOARD MEMBER KRASNOW:
13 That's the first story footprint?

14 MR. HULME: Yes.

15 BOARD MEMBER KRASNOW: So
16 the house could be 6 to 7,000 square
17 foot?

18 MS. BREEN: Each, right?

19 BOARD MEMBER KRASNOW: Yes,
20 each. I just want to make that
21 clear.

22 MS. BREEN: Right.

23 CHAIRMAN SARETSKY: As far
24 as the lot area coverage for that,
25 it complies?

2 MR. HULME: Yes, and we
3 propose the scenic area up front;
4 we've reduced the building envelopes
5 in order to accommodate that. And
6 so, you know, the setbacks, the side
7 yard setbacks -- and, in fact, the
8 size of the buildings that we
9 proposed is not -- is smaller than
10 what could be built on these lots if
11 and when they existed in toto. In
12 addition, they could be built far
13 further forward than we are agreeing
14 to.

15 And that's really it. I mean,
16 there's been a lot of discussion, a
17 lot of back and forth, but this is,
18 in the end, a simple application.
19 It's one variance. It's very much
20 in keeping with the lots in the
21 direct vicinity. It's very much in
22 keeping with the lot width that was
23 allowed in the Cederna subdivision.
24 I've been told that there's some
25 confusion about whether the Cederna

2 subdivision application is still an
3 open issue or not. It is not.
4 That's a deciding case. And that
5 case is not in front of this Board
6 presently to reconsider or readopt
7 or anything like that. It's just a
8 piece of evidence that we have
9 submitted along with other evidence
10 of lot size -- of lot width, that we
11 believe supports the variance that
12 we're seeking.

13 CHAIRMAN SARETSKY: I have
14 a question.

15 MR. HULME: Sure.

16 CHAIRMAN SARETSKY: So on
17 the most westerly house you have the
18 setback as 12-foot and then on the
19 other side, 19.7. So, if you
20 want --

21 MS. NANNARIELLO: Can we
22 see one?

23 CHAIRMAN SARETSKY: You can
24 take this one (indicating).

25 MS. NANNARIELLO: Thank

2 you.

3 CHAIRMAN SARETSKY: So I'm
4 not sure why it's -- I understand
5 that it may be on the eastern one
6 because you have that roadway that's
7 there, but is there any reason to
8 not center them on the lots?

9 MR. ANTINUCCI: Well, we
10 did that as a prior request, I
11 think, of either the Board or
12 something had evolved, to keep the
13 homes a little further apart to keep
14 the views a little better between
15 the homes.

16 CHAIRMAN SARETSKY: Okay.

17 MR. TERCHUNIAN: The other
18 thing is on the four-tenths rule --

19 CHAIRMAN SARETSKY: So it
20 complies with the four-tenths even
21 when it's down to the 12?

22 MR. TERCHUNIAN: Yes. It's
23 not centered.

24 MR. ANTINUCCI: I believe
25 three-tenths have to be centered.

2 (Whereupon, there was
3 crosstalk.)

4 MR. HULME: And four-tenths
5 create wider space.

6 BOARD MEMBER FARKAS: The
7 four-tenths, so I understand --

8 (Whereupon, there was
9 crosstalk.)

10 CHAIRMAN SARETSKY: Guys,
11 time out. I'm sorry. Go ahead.

12 So we're talking about the
13 four-tenths rule doesn't have to be
14 centered.

15 MR. TERCHUNIAN: That's
16 correct.

17 CHAIRMAN SARETSKY: So
18 that's the reason for the -- and
19 again, you were suggesting that the
20 reason for doing it was, you have a
21 larger space in the middle here I
22 understand (indicating)s?

23 MR. ANTINUCCI: Correct.

24 CHAIRMAN SARETSKY: But,
25 again, it's really just a question.

2 I'm not saying it's bad or worse.

3 Again, on the eastern most side

4 where we have that vacant piece of

5 land --

6 MR. ANTINUCCI: There's two

7 strips of land there.

8 CHAIRMAN SARETSKY: Right,

9 which, I guess, will never be able

10 to be used.

11 MR. ANTINUCCI: Correct.

12 CHAIRMAN SARETSKY: So it's

13 really not an issue there. The only

14 question, I guess, is, is it at all

15 an issue on the western most side?

16 MR. ANTINUCCI: Again, it

17 was just to separate and increase

18 the viewshed or alleyways between

19 the two homes. That was the reason.

20 CHAIRMAN SARETSKY: Well,

21 we will talk to the people that are

22 here, you know, when we get through

23 the Board's questions, but in the

24 meantime, go ahead, Joe.

25 BOARD MEMBER MIZZI: I had

2 a question. Just last time we
3 spoke, I just want to make sure like
4 this is what represents the
5 placement of the house or a
6 theoretical placement of the house
7 within a larger zone?

8 MR. ANTINUCCI: It's a --

9 MR. HULME: The limitation
10 we're suggesting here is the size of
11 the home, not necessarily where it
12 will be. It will be somewhere in
13 the building envelope, which the
14 building envelope was reduced.

15 BOARD MEMBER MIZZI: Could
16 you show that?

17 CHAIRMAN SARETSKY: Is that
18 this dotted line here?

19 BOARD MEMBER MIZZI: Yeah,
20 I guess that's what I'm asking.

21 MR. ANTINUCCI: It was
22 reduced. These were -- that remains
23 the same, but this one was brought
24 in just kind of (indicating) --

25 BOARD MEMBER MIZZI: It

2 would be helpful, just for clarity,
3 if just could you draw with a pen
4 what the building envelope you're
5 proposing would be?

6 BOARD MEMBER CASHIN: The
7 gray area is confusing. I was
8 saying the same thing.

9 CHAIRMAN SARETSKY: It's
10 the dotted line, you're saying,
11 right? That dotted line is the
12 building envelope and the size of
13 the structure would move somewhere
14 within that?

15 MR. ANTINUCCI: And it has
16 language in there, that does --

17 MR. HULME: And as you
18 recall, these were small because of
19 wetlands elsewhere. This one --
20 this building envelope actually
21 extended down to here, but based on
22 your request, we moved it so that we
23 kind of got -- (indicating).

24 BOARD MEMBER MIZZI: The
25 building envelope -- I'm sorry.

2 MR. HULME: -- a consistent
3 line across all three. And so we
4 can't build down here (indicating).
5 These houses can move within that
6 envelope.

7 BOARD MEMBER MIZZI: A
8 building envelope means what?

9 MR. TERCHUNIAN: It means
10 the envelope within which you're
11 allowed to construct, but the size
12 of the building itself is restricted
13 to the dark shaded area.

14 BOARD MEMBER MIZZI: Was
15 that house, deck, house accessory
16 structure?

17 BOARD MEMBER KRASNOW: Yes.
18 It excludes all that.

19 (Whereupon, there was
20 crosstalk.)

21 MR. HULME: No, no. The
22 size excludes that, but the house
23 the deck, the pool, etcetera,
24 everything has to be within the
25 envelope.

2 BOARD MEMBER KRASNOW: Has
3 to be in the envelope?

4 MR. HULME: Yes.

5 BOARD MEMBER KRASNOW: So
6 in other words if we move the house
7 to the south, you could get a larger
8 deck in the back?

9 BOARD MEMBER CASHIN: North.

10 MR. HULME: Yes, but we're
11 still subject to the 20 percent lot
12 coverage. I didn't do the math, but
13 I don't know if 7,770 square feet is
14 more than --

15 BOARD MEMBER KRASNOW: Jim,
16 the building envelope ends where he
17 drew on there.

18 BOARD MEMBER CASHIN: Oh, I
19 see it.

20 BOARD MEMBER KRASNOW: Each
21 house to could be moved south to get
22 more deck and pool area if you
23 wanted to.

24 MR. HULME: Right.

25 BOARD MEMBER MIZZI: But

2 the building area is the confines of
3 the --

4 MR. HULME: Of the envelopes.

5 BOARD MEMBER MIZZI: -- of
6 accessory structures, decks, pools
7 and a house.

8 MR. HULME: Yes.

9 MR. ANTINUCCI: -- is
10 confined to where it is. The
11 accessory structures, wherever they
12 may be, is according to what the
13 code is.

14 BOARD MEMBER MIZZI: I
15 think you guys are saying two
16 different things.

17 BOARD MEMBER KRASNOW: They
18 are.

19 MR. TERCHUNIAN: Let's do
20 it once and get it right. The dark
21 shaded area, they can build a house
22 of that size anywhere within the box
23 that he drew. The rest of the box
24 that he drew can accommodate any
25 accessory structure; pool, deck --

2 BOARD MEMBER MIZZI: Which
3 box?

4 MS. NANNARIELLO: Pool
5 house, right?

6 MR. TERCHUNIAN: Yes, pool
7 house.

8 BOARD MEMBER MIZZI: When
9 you say the rest of the box --

10 MR. TERCHUNIAN: This is
11 the size house they can build
12 (indicating).

13 BOARD MEMBER MIZZI:
14 Footprint.

15 MR. ANTINUCCI: Footprint.

16 MR. TERCHUNIAN: Yeah,
17 anywhere within that envelope.

18 BOARD MEMBER MIZZI: But my
19 question was --

20 MR. TERCHUNIAN: And then
21 they can also build outside of this
22 box (indicating).

23 BOARD MEMBER MIZZI: I'm
24 talking about this box. My
25 question, which I got two different

2 answers to is, is this the confines
3 of deck, pool, accessory structure,
4 etcetera (indicating)?

5 MR. TERCHUNIAN: Yes.

6 BOARD MEMBER MIZZI: You
7 said yes; you said no.

8 MR. TERCHUNIAN: Yes. The
9 answer is yes. You cannot build an
10 accessory structure outside of the
11 building envelope.

12 BOARD MEMBER MIZZI: This
13 box (indicating)?

14 MR. TERCHUNIAN: The big
15 box.

16 BOARD MEMBER MIZZI: The
17 big box.

18 MR. ANTINUCCI: There are
19 areas where accessory structures
20 could be built.

21 MR. TERCHUNIAN: But your
22 setbacks are 20 feet.

23 MR. ANTINUCCI: So there is
24 a small area here. We have a small
25 area here where accessory structures

2 could be permitted (indicating).

3 MR. TERCHUNIAN: No.

4 Well --

5 MS. NANNARIELLO: They'll
6 be coming back for a variance.

7 MR. TERCHUNIAN: That's not
8 what what's being proposed.

9 VILLAGE ATTORNEY PROKOP:
10 There's a couple things going on
11 here. You have to analyze the
12 building. So basically, the
13 building, what's this proposed
14 house, building --

15 (Whereupon there was
16 crosstalk.)

17 CHAIRMAN SARETSKY: Again,
18 maybe we have to go back to where we
19 were. The understanding with this,
20 if this approval happens, was that
21 this would be a single home on each
22 of these lots.

23 MR. ANTINUCCI: Correct.

24 CHAIRMAN SARETSKY: There
25 would be no subdivision and no flag

2 lot and that was one of the
3 advantages to the people that were
4 agreeing to it.

5 MR. ANTINUCCI: Uh-huh.

6 CHAIRMAN SARETSKY: So when
7 you say proposed A, B and C, I want
8 to just make sure everybody is clear
9 about what that is.

10 VILLAGE ATTORNEY PROKOP:
11 Can I speak now?

12 CHAIRMAN SARETSKY: Yes.

13 VILLAGE ATTORNEY PROKOP:
14 So the --

15 CHAIRMAN SARETSKY: You're
16 the boss, Joe.

17 VILLAGE ATTORNEY PROKOP:
18 No, I'm not. So the proposed house,
19 that's the perimeter within -- and I
20 don't know that this -- this has to
21 be analyzed by the Village, but
22 assuming that's correct, the
23 proposed house is the perimeter.

24 (Whereupon there was
25 crosstalk.)

2 BOARD MEMBER MIZZI: Guys.

3 VILLAGE ATTORNEY PROKOP:

4 The perimeter of the construction of
5 the house.

6 BOARD MEMBER CASHIN: I
7 don't understand what you mean by
8 that, Joe. Can you say that again?

9 VILLAGE ATTORNEY PROKOP:
10 According to them, what they want
11 you to approve -- there's a danger
12 and error in this that I just want
13 to point out to you and I'm
14 assuming, for this discussion, that
15 the building envelope has been
16 calculated correctly. I don't know
17 that it has.

18 There are two building
19 envelopes, one for the principal
20 house and one for the accessory
21 structure. But looking at the dark
22 gray for the proposed house. So
23 each one of those is a box that's
24 3,150 square feet -- 3,150 square
25 feet. So if they went three

2 stories, that would be --
3 constructed three stories, that
4 would be 9,450 square feet.

5 CHAIRMAN SARETSKY: We're
6 fitting into the pyramid there. You
7 couldn't -- each story is going to
8 birthday cake --

9 BOARD MEMBER KRASNOW: It's
10 still going to be a 7,000, 7,500 lot.

11 (Whereupon, there was
12 crosstalk.)

13 MR. TERCHUNIAN: One at a
14 time.

15 BOARD MEMBER CASHIN: Let
16 Joe finish.

17 VILLAGE ATTORNEY PROKOP:
18 Okay. So one of the things that you
19 can do, there's really no
20 restriction in this unless you want
21 to impose some other restriction.
22 The other thing is that --

23 BOARD MEMBER FARKAS: What
24 restriction should we impose?

25 VILLAGE ATTORNEY PROKOP:

2 I'm not saying you should. There's
3 an assumption that was given to you
4 that we're limiting the size of the
5 house. I just want to point out to
6 you that that's a 9,450 square foot
7 house. So it's 3,150 times three.

8 MR. ANTINUCCI: I think
9 that's inaccurate. We just
10 discussed the fact that you cannot
11 build house that large because of
12 the pyramid and we also discussed
13 the fact that prior to us agreeing
14 to this, we could build much larger
15 homes only subject to the code which
16 requires 20 percent lot coverage.
17 So we are reducing it.

18 BOARD MEMBER KRASNOW: What
19 would be the footprint?

20 MR. ANTINUCCI: 3,200;
21 that's what was discussed.

22 MR. HULME: We could build
23 a house --

24 (Whereupon there was
25 crosstalk.)

2 BOARD MEMBER KRASNOW: I
3 think you should just share that
4 with these people so that they could
5 be --

6 (Whereupon, there was
7 crosstalk.)

8 MR. TERCHUNIAN: Everybody
9 listen, we have a stenographer that
10 can hear one person at a time.

11 MR. HULME: We are limiting
12 ourselves -- using Joe's analysis,
13 under the code, we can build a house
14 that's 24,000 square feet of
15 habitable space. Three stories.

16 BOARD MEMBER KRASNOW: Two
17 houses?

18 MR. HULME: One house. One
19 home. If we built all house. We
20 can cover 20 percent of this lot.
21 It's an acre lot. So we're limiting
22 ourselves to a 9,000 square foot
23 total using Joe's map. To look at
24 it in terms of footprint, we could
25 build an 8,000 square foot

2 footprint.

3 BOARD MEMBER KRASNOW: On
4 the three separate lots?

5 MR. HULME: On each lot
6 because they are an acre.

7 BOARD MEMBER KRASNOW:
8 Let's go back. That wasn't the
9 question I asked. On the original
10 two lots that you have --

11 MR. HULME: Yes.

12 BOARD MEMBER KRASNOW: --
13 what is the size footprint that you
14 can build? I just want them to
15 understand. What is the size
16 footprint that you can build -- -

17 MR. HULME: Well, they're
18 an acre and a half, so 20 percent of
19 that is probably 12,000 square feet.

20 MR. ANTINUCCI: Footprint.

21 MR. HULME: Footprint.

22 BOARD MEMBER KRASNOW: So,
23 in theory, you could have a
24 36,000 -- two 36,000-square foot
25 houses?

2 MS. BREEN: He's not going
3 to do that.

4 BOARD MEMBER FARKAS: He's
5 doing this for your benefit.

6 BOARD MEMBER KRASNOW: I'm
7 not doing it for me. I'm doing it
8 so you understand the difference in
9 the scope of the size, if he built
10 two gigantic houses or three --

11 MS. BREEN: Gigantic
12 houses.

13 BOARD MEMBER KRASNOW: Less
14 than 10,000. It's a matter of
15 perspective. But I just want you to
16 understand the benefit that you
17 might be getting by this.

18 VILLAGE ATTORNEY PROKOP:
19 So anyway, it looks like the fine
20 print basically confirms what I
21 said. It's a 3,200 square foot
22 footprint. I said 3,150, so my math
23 was off a little bit. I can't
24 mentally calculate, maybe you're
25 able to do that, the square footage

2 based on the pyramid law. But I
3 haven't seen an application yet
4 that's significantly -- a project
5 yet that's significantly inhibited
6 by the pyramid law, but that's a
7 separate analysis.

8 BOARD MEMBER KRASNOW: You
9 might knock off 20, 25 percent of
10 the third floor.

11 BOARD MEMBER FARKAS: I'm
12 sure they know how big a house they
13 can build. It goes into the entire
14 calculation. Let's ask them.

15 MR. ANTINUCCI: Honestly,
16 it's changed so much, I'm not even
17 sure at this point with the pyramid
18 calculation and all that with this
19 type of footprint.

20 BOARD MEMBER FARKAS:
21 You're building a house for
22 yourself?

23 MR. ANTINUCCI: One.

24 BOARD MEMBER FARKAS: One
25 for you.

2 MR. ANTINUCCI: Correct.

3 BOARD MEMBER FARKAS: What
4 are you building?

5 MR. ANTINUCCI: I'm not at
6 that point yet.

7 MR. HULME: Let's look at
8 it this way: So 3,200 square feet
9 first floor, 3200 square feet second
10 floor; that's 6,400 square feet.

11 MR. ANTINUCCI: That's
12 maximum.

13 MR. HULME: To the extent
14 that a mezzanine or a loft can be
15 built at all, it has to be
16 50 percent of the floor below. So
17 it has to be 1,600 square feet, so --

18 BOARD MEMBER FARKAS: 8,000.

19 MR. HULME: 8,000 square
20 feet.

21 MS. NANNARIELLO: Each
22 house.

23 BOARD MEMBER CASHIN: You
24 have to wait.

25 BOARD MEMBER KRASNOW: As

2 one of the restrictions, can the
3 Zoning Board --

4 BOARD MEMBER MIZZI: The
5 only limitation on the mezzanine is --

6 MR. HULME: All right, so
7 in terms of, the code says you can
8 have two stories. So 3,200 square
9 foot footprint gives us a 6,400
10 square foot house.

11 BOARD MEMBER FARKAS: So
12 between 6,400 and 8,000 if you do
13 the mezzanine.

14 MR. HULME: Right.

15 MR. ANTINUCCI: That's
16 what's possible.

17 BOARD MEMBER FARKAS: Time
18 out. Just one second. What's
19 possible by right? Irwin, what's
20 possible by right on the two houses?

21 BOARD MEMBER KRASNOW: He
22 just said on 12,000 footprint, so
23 that's about -- let's say 30,000
24 square feet per house. I'll
25 discount the third level. So you're

2 talking about two 30,000 square foot
3 homes.

4 BOARD MEMBER FARKAS:

5 Right, that's 60,000 versus eight
6 times three is 24,000.

7 BOARD MEMBER KRASNOW:

8 Right. I think though, as a
9 condition of the variance, we could
10 say, these houses could only be,
11 let's say, 6,500 square feet. I'm
12 not trying to -- I'm just saying --
13 so in other words, he could do
14 3,200; he could do 24 -- we could
15 probably -- are we allowed to do
16 that, Joe?

17 VILLAGE ATTORNEY PROKOP: Yes.

18 BOARD MEMBER KRASNOW: I'm
19 not saying we should do it. I'm not
20 saying what size we should do it,
21 but I'm just saying we do have some
22 flexibility to say that, okay, you
23 want to have 3,200 square foot
24 bottom? Then can you have X amount
25 of total square feet in the house

2 and you can decide whether you want
3 four, two, or three if you want to
4 do that. Is that fair reasonable?

5 VILLAGE ATTORNEY PROKOP: Yes.

6 MR. HULME: Those kind of
7 conditions start to get removed from
8 the relief that we're looking for.
9 All we're looking for is lot width
10 and the condition of the four-tenths
11 rule speaks to the lack of width.
12 So that condition makes absolute
13 sense in that regard.

14 BOARD MEMBER KRASNOW: But
15 I thought the compromise here was to
16 talk about what you can do as of
17 right and talk about what you can do
18 with a variance by getting the
19 feedback from the neighbors and
20 getting some input from them to make
21 them happy so that they'll give you
22 the extra houses, which is worth a
23 lot of money, but they will have
24 some -- you won't be constructing
25 during July. With certain

2 parameters is what, I thought, they
3 were amendable to.

4 MR. HULME: And we have
5 substantially reduced what we could
6 do from going from a footprint of
7 8,000 square feet to a footprint of
8 3,200 square feet. Whether you
9 added up -- you get 60,000 square
10 feet of habitable space as of right
11 on the two lots or you get --

12 BOARD MEMBER FARKAS:
13 Twenty-four.

14 MR. HULME: -- 24,000
15 square feet over the three houses.

16 CHAIRMAN SARETSKY: Joe has
17 a question and I have follow-up.

18 BOARD MEMBER MIZZI: I have
19 a question.

20 CHAIRMAN SARETSKY: Go
21 ahead.

22 BOARD MEMBER MIZZI: You
23 resubmitted a drawing, but you
24 didn't start -- I mean, the last
25 time we were looking at the house

2 that was 52 -- 57 feet by 47.5 feet
3 and now you've submitted something
4 that.

5 MR. ANTINUCCI: Okay, last
6 time --

7 BOARD MEMBER MIZZI: Can I
8 finish, please?

9 MR. ANTINUCCI: Yes.

10 BOARD MEMBER MIZZI: This
11 one is now has 67.5 feet, not
12 57 feet. So we've added 47 feet
13 and --

14 VILLAGE ATTORNEY PROKOP:
15 Thank you.

16 BOARD MEMBER MIZZI: --
17 times 10.

18 MR. HULME: Yes, because of
19 the misunderstanding that we were
20 committing to a size when we
21 submitted that. As opposed to --

22 CHAIRMAN SARETSKY: The
23 footprint?

24 MR. HULME: Yes.

25 BOARD MEMBER MIZZI: What

2 was the --

3 MR. ANTINUCCI: Well, we

4 were never asked to commit to a

5 size.

6 BOARD MEMBER MIZZI: You

7 said at the meeting you would commit

8 to that size.

9 BOARD MEMBER CASHIN: You

10 did say that.

11 MR. HULME: And I told him

12 take that back and we can look at

13 this issue.

14 MR. ANTINUCCI: Yes. We

15 said we submit and with the

16 consideration that we're reducing

17 our building envelopes for the

18 primary structures here and we took

19 a look at that. See, that was

20 initially not intended to commit to

21 a certain size, but you asked us to

22 commit to a certain size and here we

23 go.

24 BOARD MEMBER MIZZI: Well,

25 you committed to that size at the

2 meeting and he went back and changed
3 it. I'm not saying you're not
4 entitled to --

5 MR. HULME: Well, we went
6 back and we tried --

7 BOARD MEMBER MIZZI: I'm
8 just pointing it out that like we
9 left the last meeting with you
10 saying that you were committing to
11 this size and then --

12 MR. HULME: And we went and
13 we looked at that and we decided we
14 were giving up way too much.

15 BOARD MEMBER MIZZI: Okay.
16 So let's be clear about that.

17 MR. HULME: Yes, and we
18 came back with something that we
19 think is still reasonable, still
20 speaks to the concerns of the
21 community, but speaks to the
22 concerns of at applicant as well.

23 VILLAGE ATTORNEY PROKOP:
24 Don't we deserve that in a
25 presentation? Why did we have to

2 figure that out in this microscopic
3 print? Didn't we deserve that in an
4 explanation?

5 MR. HULME: You asked us to
6 submit a plan that showed the size
7 of the house and you asked us to
8 submit that by a certain date and we
9 did that.

10 CHAIRMAN SARETSKY: Can I
11 take size off the table for a
12 moment? Let's go back to some of
13 the things we talked about before
14 and that, in theory, would benefit
15 the people, the neighbors adjacent
16 to the house across and to the side
17 and then we can come back. If the
18 only issue is size, we can talk
19 about that.

20 So the one was the four-tenths
21 rule, which I think everybody is in
22 agreement benefits everybody in
23 various different ways.

24 Two was that this would not have
25 a subdivision. It would be into the

2 deed saying that --

3 MR. HULME: No further
4 subdivision.

5 CHAIRMAN SARETSKY: No
6 further subdivision.

7 MR. HULME: Yes.

8 CHAIRMAN SARETSKY: The
9 third item, which I don't know that
10 we had talked about, but we have
11 discussed this, Joe and Joe are both
12 aware, that you're going to have a
13 septic system that I see is going to
14 sit out here close to the street.
15 We would propose that that would be
16 landscaped, as I'm sure you would
17 want, and it could be irrigated so
18 that it would look as attractive as
19 it could.

20 MR. HULME: Yes.

21 CHAIRMAN SARETSKY: That
22 would be one thing, I think, that we
23 would want and --

24 MR. HULME: Agreed.

25 CHAIRMAN SARETSKY: -- this

2 Board has asked for that before.

3 Those things aside, it sounds like
4 the only issue is the size, okay?

5 So why don't we figure out how to
6 kind of create a maximum size, like
7 Irwin suggested, or a maximum
8 footprint, which I think you've
9 shown.

10 MR. HULME: Yes.

11 CHAIRMAN SARETSKY: And
12 that no further variances would be
13 given, so it has to fit into a
14 pyramid rule as a normal home.

15 BOARD MEMBER KRASNOW: They
16 don't need a variance for the size.
17 That's why we have to make it a
18 restriction.

19 CHAIRMAN SARETSKY: Well,
20 then I'm saying, if this is the
21 footprint, then if you want to say
22 it's, 6,500; 8,500, whatever the
23 number is, there's a maximum size it
24 could be, and that would give people
25 the comfort that it doesn't turn

2 into something greater than they
3 imagined. But, again, realize that
4 you're getting something for this.
5 All those other caveats and at the
6 same time, they could be building a
7 house that's --

8 BOARD MEMBER FARKAS: 30,000 --

9 CHAIRMAN SARETSKY: Ginormous
10 I guess is the term.

11 MR. ANTINUCCI: In addition
12 there are some areas that we're
13 proposing and we're agreeing to as
14 well, which would not be required,
15 if we were just to build what we
16 could build.

17 BOARD MEMBER CASHIN:
18 Before we try to nail down the size,
19 I think there's not a meeting of the
20 minds here about what you can or
21 cannot build outside the building --

22 BOARD MEMBER MIZZI: Yeah,
23 that was the other question.

24 BOARD MEMBER CASHIN: Can
25 we get back to that?

2 MR. ANTINUCCI: Sure. So
3 this is what we're proposing for the
4 area and where we could build the
5 proposed structures here. There are
6 small areas here that, according to
7 the code, accessory structures could
8 be built (indicating).

9 MS. BREEN: Here we go.

10 MR. ANTINUCCI: If you're
11 saying that you wanted to wipe that
12 out, in a sense, we're expanding the
13 scenic area all the way up to more
14 than half the property, which is a
15 little overreaching. We did propose
16 a scenic area. We did reduce these
17 areas in which we could build
18 principal structures and there's
19 small areas that you could build
20 possibly, I don't know, what can you
21 build, a shed, something small. So
22 these areas (indicating).

23 BOARD MEMBER KRASNOW: You
24 couldn't fit everything into the
25 building envelope and not have to

2 worry about going into these other
3 areas?

4 MR. ANTINUCCI: Possibly,
5 but you are asking and imposing an
6 additional restrictions and you're
7 expanding that scenic area, which is
8 quite substantial.

9 BOARD MEMBER FARKAS: But
10 we're trying to accommodate the
11 neighbors and we want the neighbors
12 to know what's coming. And if
13 you're going to start to build an
14 accessory structure in the back or a
15 shed or something that's going to
16 impact them, they should have the
17 right to know. You know, be
18 transparent. They should know now.

19 MS. BREEN: Could you
20 define accessory structure?

21 MR. TERCHUNIAN: An
22 accessory structure --

23 BOARD MEMBER FARKAS: You
24 have to first say your name and
25 address.

2 MS. BREEN: Okay. Rosanne
3 Breen, 733 Dune Road.

4 MR. TERCHUNIAN: Rosanne,
5 an accessory structure is anything
6 that's not a primary structure that
7 you live in. So it could be a pool,
8 a deck, a pool house, a garage, a
9 studio, a green house. Anything
10 that's --

11 MS. BREEN: What about a
12 studio?

13 MR. TERCHUNIAN: No
14 accessory structures can have living
15 or cooking facilities.

16 MS. BREEN: Is that
17 bathroom?

18 MR. TERCHUNIAN: No.

19 MS. BREEN: You can have a
20 bathroom?

21 MR. TERCHUNIAN: You can
22 have a bathroom. You can't have a
23 kitchen and you can't have a
24 bedroom.

25 BOARD MEMBER CASHIN: Aram,

2 did you say they can't build outside
3 of that?

4 MR. TERCHUNIAN: My
5 understanding is being adjusted.
6 The way I took the drawing was that
7 the applicant was proposing to keep
8 all development of any type within
9 that building envelope. Apparently
10 he is saying something different
11 today.

12 MR. HULME: That's the case
13 on Lot C.

14 CHAIRMAN SARETSKY: C is
15 which one? So why wouldn't we agree
16 to then enlarge the building
17 envelope to some amount that
18 everybody can live with so that we
19 don't have to have this big giant
20 piece behind it.

21 BOARD MEMBER CASHIN:
22 Because it would be a house bigger
23 than they're planning.

24 CHAIRMAN SARETSKY: No, no,
25 the accessory structure --

2 MR. TERCHUNIAN: Time out.

3 On lots --

4 CHAIRMAN SARETSKY: This is
5 the latest one. You should use this
6 one (indicating).

7 MR. TERCHUNIAN: So on
8 Parcel B and C, the building
9 envelope shown is restricted by the
10 wetlands, so that cannot be changed.
11 It is what it is. It's really Lot A
12 that has a large building envelope
13 and in Lot B, there's a small
14 accessory building envelope that is
15 sandwiched in between two wetlands
16 if you see that.

17 BOARD MEMBER KRASNOW: In
18 the middle?

19 MR. TERCHUNIAN: On the
20 middle lot, right here, there's a
21 little area sandwiched in between
22 that's permitted to have an
23 accessory structure (indicating).
24 But it's hundreds of feet distant
25 from the rest of the building

2 envelope. And on Lot A, the
3 building envelope extends hundreds
4 of feet, you know, south of where
5 the proposed house is.

6 BOARD MEMBER KRASNOW: Is
7 the wetlands -- since it was such a
8 large property, why is the septic
9 area going in the front? Is that
10 because of the wetlands? Why
11 wouldn't we want them in the rear of
12 the property?

13 MR. TERCHUNIAN: Suffolk
14 County Department of Health wants
15 them in the front.

16 BOARD MEMBER KRASNOW: So
17 that's required.

18 MR. HULME: That's for the
19 purpose of access.

20 BOARD MEMBER KRASNOW: Okay,
21 I just wanted to know.

22 MR. HULME: Because once
23 the house is there, it's difficult
24 get back.

25 BOARD MEMBER MIZZI: I have

2 a question. What's the significance
3 of a scenic easement if it's
4 wetlands?

5 MR. TERCHUNIAN: The
6 significance is it has extra
7 protection.

8 BOARD MEMBER MIZZI:
9 Because I don't think you could --

10 MR. TERCHUNIAN: But it's
11 not all wetlands. A lot of that was
12 upland. The wetlands are identified
13 here in the western corner.

14 BOARD MEMBER MIZZI: I
15 thought this couldn't be built
16 because of the wetlands.

17 MR. TERCHUNIAN: The
18 wetlands extend here. A ton of
19 wetlands comes in from the east.
20 There's a circle of wetlands here
21 and then there's a small corner of
22 wetlands here. The rest of this is
23 upland (indicating).

24 BOARD MEMBER KRASNOW: Can
25 catwalks be built all the up to the

2 bay?

3 MR. TERCHUNIAN: Yeah, you
4 can build a catwalk, but that would
5 have to be excluded in the scenic
6 easement. It would have to be
7 specifically allowed, which is
8 normal, elevated catwalks.

9 CHAIRMAN SARETSKY: All I'm
10 suggesting is that, if the only
11 house that has the issue is Lot C,
12 if you extend the building --

13 BOARD MEMBER FARKAS: Lot A.

14 MR. TERCHUNIAN: Lot C
15 cannot be changed.

16 CHAIRMAN SARETSKY: Okay,
17 so Lot A. Then as far as building
18 in this area, if you could -- either
19 we can hear what people are
20 concerned about and we could -- I
21 mean, I don't think anyone has an
22 issue with a walkway. I think it's
23 probably structure that people are
24 concerned about.

25 So, again, if you enlarge it to

2 wherever you need to get it to so
3 you have enough room to build a
4 pool, build whatever the accessory
5 structure that you want, maybe that
6 gives people enough comfort that we
7 can kind of get to the promise land.

8 VILLAGE ATTORNEY PROKOP:

9 So my recommendation with regard to
10 this thing that is on the plan
11 that's called a scenic easement, the
12 process of this Board in the past
13 has been to set aside a conservation
14 easement. My recommendation is that
15 it's a conservation easement.

16 CHAIRMAN SARETSKY: That's
17 okay.

18 VILLAGE ATTORNEY PROKOP: I
19 have calculated, based on the
20 adjoining property, that it comes
21 out to 1.25 acres. I don't know
22 what the total acreage is that's
23 provided here, but I think that
24 needs to be calculated. You know,
25 we need to work that out consistent

2 with the adjoining property.

3 MR. HULME: It's 33,592
4 square feet.

5 VILLAGE ATTORNEY PROKOP:
6 Oh, that's right. I apologize.
7 Thanks.

8 BOARD MEMBER KRASNOW: But
9 it will still be taxable, correct?

10 MR. HULME: Yes.

11 VILLAGE ATTORNEY PROKOP:
12 Yes, the other thing is --

13 BOARD MEMBER KRASNOW: I
14 deal with these things all the time.

15 VILLAGE ATTORNEY PROKOP: I
16 don't agree with this thing about
17 the studio, but I'm not going to
18 resolve this today. I just want to
19 register that.

20 MR. HULME: What studio?

21 VILLAGE ATTORNEY PROKOP:
22 But the other thing is that, I think
23 that, consistent with other
24 development, that there should be a
25 limitation that in the side yards

2 that there's nothing other than a
3 four-foot catwalk in the side yards.
4 There's no decks or equipment or
5 accessory structures in the side
6 yards -- front yards or side yards
7 and that all accessory structures
8 should be placed in the rear yard
9 only; except, I guess, for front
10 deck for access.

11 And I think that the area -- I
12 don't know how this, like in the
13 proposed Parcel A, I don't know how
14 the accessory building envelope was
15 calculated. That has to be
16 confirmed, but I don't think that --

17 MR. HULME: I'm just
18 getting clarification on something,
19 sorry.

20 VILLAGE ATTORNEY PROKOP: I
21 don't think -- I think that that
22 needs to be confirmed and I think
23 that you might limit that so we
24 don't end up with one of these
25 things like we've had in other

2 places where somebody puts a,
3 whatever you call it, extend it out
4 into that accessory building
5 envelope and then connects it back
6 to blow out their neighbor's view
7 and then neighbor's view out here.

8 MR. TERCHUNIAN: Joe, I
9 agree with what you said. I would
10 take it one step farther. I would
11 say even that four-foot catwalk
12 needs to be within the building
13 envelope. There's no reason for
14 them to go outside the four-tenths.
15 It's 47 feet wide.

16 BOARD MEMBER CASHIN: Am I
17 reading this correct that on Lot A
18 they could build accessory building
19 of 6,654 square feet?

20 MR. HULME: That's the size
21 of the accessory building envelope.

22 BOARD MEMBER CASHIN: Right.

23 MR. HULME: We'd still be
24 subject to the overall lot coverage,
25 which is 20 percent of the --

2 BOARD MEMBER CASHIN: Even
3 if it's accessory building?

4 MR. HULME: The accessory
5 structure counts against the lot
6 coverage. So on a 40,000 square
7 foot lot, we could have 8,000 square
8 feet of coverage. If we had a 6,000
9 square foot house --

10 BOARD MEMBER CASHIN: So
11 you can put 2,000 --

12 MR. HULME: -- we could put
13 a 2,000 square foot structure.

14 BOARD MEMBER FARKAS: Studio.

15 BOARD MEMBER MIZZI: We
16 also had a case that -- I don't
17 remember his name, but, again, a
18 gentlemen that built a pool and then
19 he built the houses like structures
20 on the bay side of his pool.

21 MR. HULME: Rossi.

22 BOARD MEMBER MIZZI:
23 Mr. Rossi, yes. And made the house
24 very long. So I think we should
25 understand that because in theory

2 we're saying it doesn't include
3 accessory structures and it could
4 just be a deck and an accessory
5 structure attached to the end of
6 the --

7 VILLAGE ATTORNEY PROKOP:
8 We've have several versions of that
9 now. There's at least two or three
10 other versions of connected
11 buildings.

12 BOARD MEMBER MIZZI: Yeah,
13 I know.

14 VILLAGE ATTORNEY PROKOP:
15 So I just would be really careful.

16 MR. ANTINUCCI: But there
17 are -- there's a code for an
18 accessory structure as far as the
19 height, width, size and all that.
20 We'd have to comply with that.

21 MR. TERCHUNIAN: Well, for
22 an accessory structure you're --
23 it's the same limitations as a
24 primary structure when it comes to
25 masking. It's just use that's

2 different.

3 MR. ANTINUCCI: Even height
4 and all that?

5 MR. HULME: Can you build a
6 two-story pool house?

7 MR. TERCHUNIAN: You can
8 build a two-story garage.

9 BOARD MEMBER KRASNOW: With
10 a bathroom. You can't put a kitchen
11 though.

12 MR. TERCHUNIAN: You just
13 can't put a kitchen or a bathroom.

14 VILLAGE ATTORNEY PROKOP:
15 These aren't official opinions by
16 the way.

17 (Laughter.)

18 BOARD MEMBER KRASNOW: I
19 have a perspective question that may
20 be better to share with the
21 audience, if you know the answer to
22 this, the size of the house that's
23 going in at 7 -- Harvey's new house
24 on the bay, which looks pretty big,
25 do you have any idea what the

2 footprint of that is to give people --

3 MS. NANNARIELLO: I was
4 just looking at it.

5 BOARD MEMBER KRASNOW: It's
6 listed. I can probably look what
7 size.

8 MS. NANNARIELLO: They're
9 saying it's 4,700 square foot.

10 BOARD MEMBER KRASNOW: The
11 whole house or the footprint?

12 MS. NANNARIELLO: The
13 footprint. The first floor, second
14 floor and third floor.

15 BOARD MEMBER KRASNOW: Are
16 4,700 feet?

17 BOARD MEMBER FARKAS: No,
18 27 --

19 MS. NANNARIELLO: Well, it
20 says on the listing, I was just
21 looking at it.

22 BOARD MEMBER FARKAS: Yeah,
23 what does it say?

24 MS. NANNARIELLO: It says
25 4,700 square feet.

2 BOARD MEMBER KRASNOW: For
3 the whole house or for each floor?

4 MS. NANNARIELLO: Whole
5 house; six bedrooms, eight
6 bathrooms.

7 MS. BREEN: That can't be
8 right then.

9 MS. NANNARIELLO: I am on
10 Zillow.

11 MS. BREEN: It doesn't mean
12 Zillow didn't lie to you. My first
13 question --

14 BOARD MEMBER CASHIN: If
15 you could just state your name and
16 address.

17 MS. BREEN: Rosanne Breen,
18 733. Could you, on your little
19 diagram, put where we lovely call it
20 The Bunny Hut? I know we've had it
21 on prior versions, but that would
22 give us perspective of where the
23 houses are.

24 My other comment is, I did
25 express support for this, but I feel

2 like I want to withdraw it because I
3 don't think that you're going to
4 build two 30,000 square feet. And
5 so, for us, it would be better to
6 have two houses that were not so
7 big, not 30,000 square feet each.

8 MS. NANNARIELLO: I agree.

9 MS. BASTONE: I agree.

10 CHAIRMAN SARETSKY: I hear
11 what you're saying and if you want
12 to play like -- let's go on with
13 this.

14 MS. BREEN: Right. So is
15 The Bunny Hut (indicating)?

16 CHAIRMAN SARETSKY: Yeah.

17 MS. BREEN: The Bunny Hut
18 is probably right in here someplace
19 (indicating).

20 MR. ANTINUCCI: It's
21 probably here (indicating).

22 CHAIRMAN SARETSKY: It's
23 closer to the left side.

24 BOARD MEMBER MIZZI: You
25 can probably overlay it and see.

2 CHAIRMAN SARETSKY: I think
3 when Irwin gave those numbers to
4 you, it was really more about just,
5 you know --

6 MS. BREEN: What could be
7 done.

8 CHAIRMAN SARETSKY: What
9 could be done. I mean, is it
10 logical? I mean, Mr. Reece has a
11 house, I don't know the size of it,
12 but is anyone looking to build a
13 house like that? Probably not. But
14 again, this committee is supposed to
15 -- you know, we're listening to you
16 guys out of concern because we want
17 to do what we think is best for
18 Westhampton Dunes first and second
19 what's best for yourself.

20 MS. BREEN: So just to go
21 back to the original proposal, if
22 you don't grant the variance and it
23 remains two lots, what could happen
24 in back of those lots without asking
25 permission?

2 CHAIRMAN SARETSKY: Well,
3 for starters, they don't have to
4 follow the four-tenths rule.

5 MS. BREEN: Okay.

6 CHAIRMAN SARETSKY: So the
7 houses can be closer together.

8 MS. BREEN: Right.

9 BOARD MEMBER FARKAS:
10 Three-tenths would be the rule.

11 CHAIRMAN SARETSKY:
12 Three-tenths, number one. Two, they
13 could attempt to subdivide it and
14 build whatever they could come up
15 with, okay? Covering --

16 BOARD MEMBER FARKAS:
17 Similar to what you heard about 77.

18 MS. BREEN: Right, that's
19 what I'm saying, so it's the same
20 situation.

21 CHAIRMAN SARETSKY: So by
22 granting this you're preventing that
23 from ever happening.

24 MS. BREEN: Okay.

25 CHAIRMAN SARETSKY: The

2 septic system thing that I mentioned
3 before is just an extra bonus
4 because whoever builds, chances are,
5 are going to have to do something
6 and, again, we could -- we, as the
7 Zoning Board, can give them special
8 requirements, like we have done
9 before, to make the septic system
10 look more appealing from the road.

11 As far as other requirements
12 that we could do, I can't really
13 think of any others. I think that
14 limiting the size of the house sort
15 of goes down a dangerous road of
16 Westhampton Dunes and what people
17 can build and what they can as of
18 right.

19 In this situation, if we put
20 these caveats on it and you get all
21 these other things, I think, if I
22 was you guys, I would want that.
23 Okay, go ahead.

24 MS. NANNARIELLO: Lauren
25 Nannariello, 743 Dune Road. I have

2 to disagree because I don't feel
3 that it's being done on the up and
4 up. We're being told different
5 things every meeting.

6 MR. TERCHUNIAN: Time out.
7 It cannot possibly be more
8 transparent. You're in the room for
9 every discussion.

10 MS. NANNARIELLO: I'm
11 talking about the fact that we
12 didn't --

13 VILLAGE ATTORNEY PROKOP: I
14 don't think we should argue with the
15 public.

16 MS. NANNARIELLO: We do not
17 know about this part because its
18 accessory structures and this extra
19 part in the back, we didn't know
20 about that.

21 BOARD MEMBER KRASNOW: It
22 was presented today.

23 MR. TERCHUNIAN: How much
24 more up and up can it be?

25 MS. NANNARIELLO: At the

2 prior meetings, the Board was always
3 trying to support all sides and say
4 to us --

5 CHAIRMAN SARETSKY: We
6 still are.

7 MS. NANNARIELLO: And I do
8 appreciate it. I'm just trying to
9 -- my feelings are.

10 MR. TERCHUNIAN: I object
11 to your choice of words.

12 MS. NANNARIELLO: I'm
13 sorry. I take it back if my choice
14 of words were -- I'm just trying
15 understand that my point of view is,
16 if we have two houses, the risks,
17 like you're saying, the risks that
18 we have with allowing, just to say
19 two houses, whatever is legally
20 available there, to start with, the
21 width variance alone it's 150 foot
22 zoning. They're asking for
23 80-foot variance -- it's a 150-foot
24 zone over there.

25 CHAIRMAN SARETSKY: It's

2 240 I think.

3 MS. NANNARIELLO: No,
4 that's the lot size, but the zoning
5 is 150 foot per lot. So they're
6 requesting a very large variance per
7 lot to do the project.

8 BOARD MEMBER FARKAS: But
9 the lots are 120 feet each aren't
10 they?

11 MS. NANNARIELLO: Yes, but
12 they want to do three.

13 BOARD MEMBER FARKAS: What
14 can you build on the 120?

15 MS. NANNARIELLO: You can
16 build a 90-foot house with
17 everything, all in.

18 BOARD MEMBER FARKAS:
19 You're talking about 150 foot?

20 MS. NANNARIELLO: That's
21 the zoning. That's what's required.

22 BOARD MEMBER FARKAS: The
23 lot width --

24 BOARD MEMBER KRASNOW:
25 There's very few houses in the

2 Village that meet that zoning. It's
3 there, but it's not a reality.

4 MS. NANNARIELLO: Correct,
5 but then you say, okay, so it
6 conforms with the typical lot size
7 on the Dunes on the Bay, 79 feet.
8 What about the house size? Does
9 that conform with what's going to be
10 the surrounding homes to the east
11 and to the west?

12 CHAIRMAN SARETSKY: So
13 let's do them one at a time. So as
14 far as the size of the house, having
15 a -- in other words, if you compare
16 these footprint homes -- and I don't
17 know this as a fact -- but compared
18 to the size of the footprint of the
19 homes that are on the ocean, it
20 probably is similar in size.

21 MS. NANNARIELLO: Uh-huh,
22 her's is half the size.

23 MS. BASTONE: My house is
24 half the size.

25 CHAIRMAN SARETSKY: Again,

2 we can study it more, but --

3 MS. NANNARIELLO: And her
4 house is half the lot size.

5 MS. BASTONE: No. My house
6 is -- Janine Bastone, 745 Dune Road.
7 My home is 120 foot width.

8 MR. TERCHUNIAN: Your lot
9 width is 120 feet?

10 MS. BASTONE: Yes.

11 BOARD MEMBER KRASNOW: And
12 how wide is your home?

13 MS. NANNARIELLO: Eighty.

14 MS. BASTONE: Is it 80? I
15 don't know.

16 MR. TERCHUNIAN: The width
17 of these homes will be 47.5 feet.

18 MS. NANNARIELLO: That's
19 what her's is.

20 MS. BASTONE: So the square
21 footage of my home is, I want to
22 say, 3,750 total. So that's quite
23 the difference.

24 MR. TERCHUNIAN: You said
25 the width of the home along Dune

2 Road, how wide is it?

3 MS. BASTONE: I don't even
4 know.

5 BOARD MEMBER FARKAS: So
6 the pool took 40 feet and the house
7 took 80 feet, is 120. So what's
8 three-tenths of 80 feet, about 48 --
9 about 40.

10 MR. TERCHUNIAN: So your
11 house itself is 80 feet long on Dune
12 Road?

13 MS. BASTONE: No. My home
14 doesn't cover -- I have these --

15 BOARD MEMBER MIZZI: It's
16 this one, right (indicating)?

17 MS. BASTONE: Yes.

18 BOARD MEMBER MIZZI: With
19 accessory structure on the side?

20 (Whereupon, there was crosstalk.)

21 MS. BASTONE: Yes.

22 BOARD MEMBER FARKAS: This
23 it (indicating)?

24 MR. TERCHUNIAN: So your
25 home itself is 40 feet?

2 MS. BASTONE: Maybe -- I
3 think, yes, 47, 48. I think --

4 MR. TERCHUNIAN: These
5 homes will be 47 feet, just so you
6 know.

7 MS. BASTONE: I know, but
8 my total -- the square footage of my
9 entire home is roughly 3,800 square
10 feet. This is 6,400 square feet.

11 MR. TERCHUNIAN: But that's
12 a function of lot area because
13 you're only allowed to cover
14 20 percent. These lots are multiple
15 times the size of your lot in area.

16 BOARD MEMBER FARKAS: I
17 think that because these lots are
18 deeper, the frontage is the same,
19 the depth is going to be that much
20 more and that's the difference.

21 MS. BASTONE: Okay.

22 VILLAGE ATTORNEY PROKOP:
23 On the ocean side, I don't know that
24 it's a functional lot coverage. I
25 think there's a building envelope

2 that's limited on the --

3 MS. BREEN: Fifty feet.

4 VILLAGE ATTORNEY PROKOP:

5 -- ocean side.

6 CHAIRMAN SARETSKY: Again,
7 the fact that one of these proposed
8 houses is deeper in than your homes,
9 it doesn't really have a negative
10 impact, at least not that I can see
11 so far. In other words, I don't
12 think it's going to hurt you in any
13 sort of way. Like getting the
14 four-tenths rule is going to give
15 you as much daylight as we can
16 possibly achieve. Not having other
17 homes behind it some day helps you
18 from other views.

19 MS. NANNARIELLO: But the
20 accessory --

21 CHAIRMAN SARETSKY:

22 Accessory structures are new to the
23 table today and we can get there,
24 but I got to go in baby steps or
25 I'll never get there.

2 BOARD MEMBER KRASNOW: And
3 we're the ones that pointed that
4 out. We're not trying to hide it.
5 We're the one's who pointed it out
6 and said hey --

7 MS. NANNARIELLO: I know.
8 The issue is not with you guys.

9 CHAIRMAN SARETSKY: We
10 understand that, but I think what
11 we're really saying is that, okay,
12 we're starting with this size home.
13 We can visit the size of it as an
14 issue or nonissue; we can get to
15 that. I personally think that
16 limiting the size, if it complies,
17 kind of gets a little heavy-handed.

18 But the accessory structures, we
19 can have that conversation; what
20 they are, how far back they go, how
21 tall they go. Again, we've been
22 never been down this road before on
23 accessory structures, right, Joe?

24 VILLAGE ATTORNEY PROKOP:
25 Right.

2 CHAIRMAN SARETSKY: And we
3 can make those stipulations on this
4 approval. So, again, I have no dog
5 in this fight other than
6 Westhampton's Dunes and I think I
7 speak the same for everybody here.
8 We want to sort of come up with
9 something that's going to make it --
10 listen, something is going to get
11 built here. So it's like, what are
12 we --

13 (Whereupon there was crosstalk.)

14 CHAIRMAN SARETSKY: So
15 while Jim said, don't talk about
16 Cederna, I know what Cederna was.
17 Joe and I were there when it was
18 approved.

19 MS. NANNARIELLO: I was
20 there too.

21 CHAIRMAN SARETSKY: And
22 those three homes that will be
23 someday, whenever they are going to
24 be, are going to be very similar to
25 what we're proposing now, almost

2 identical. They're 79- or 80-foot
3 wide lots that have the four-tenths
4 rule, correct?

5 MR. TERCHUNIAN: Right.

6 CHAIRMAN SARETSKY: So you
7 would wind up here with six houses
8 that would be big on Westhampton
9 Dune standards, you know, some of
10 the biggest homes. And, I mean,
11 again --

12 MS. NANNARIELLO: One thing
13 we were also concerned about, which
14 we talked about at the last meeting
15 was differentiating the three homes,
16 not having three of the same homes
17 and that was what they were going to
18 present to us.

19 CHAIRMAN SARETSKY: I think
20 he suggested, at the end, that they
21 would be different in some shape or
22 form and I think we went back from
23 the staggered to the straight across
24 because people didn't like that,
25 which, again, none of us had any

2 care of that.

3 BOARD MEMBER CASHIN: I
4 prefer the straight across, but it's
5 neither --

6 CHAIRMAN SARETSKY: Okay,
7 but, I mean, again, as far as like
8 putting something in with the
9 language, and that he'll make a best
10 effort to --

11 MR. TERCHUNIAN: Let me
12 just put a finer point on that and
13 hopefully Joe will agree. When the
14 Zoning Board makes a decision to put
15 a stipulation or a condition on an
16 approval, there must be what's can
17 called a nexus. There has to be
18 something that directly connects
19 their condition with the relief
20 that's being requested.

21 Architectural review does not make
22 the nexus.

23 VILLAGE ATTORNEY PROKOP:
24 No, except for --

25 MS. BREEN: But if you're

2 going to live there --

3 VILLAGE ATTORNEY PROKOP:

4 Except for the impacts. It has to
5 do with the impacts.

6 BOARD MEMBER KRASNOW:

7 Eric, there is an irony here that
8 I'm thinking about. If they built
9 as of right on two lots, that would
10 be so more out of characteristic of
11 what you're saying Westhampton Dunes
12 is than if they got the variance and
13 they built smaller houses on three
14 lots. It's kind of an irony there.

15 CHAIRMAN SARETSKY: But
16 we're supposed to consider the
17 characteristic of the neighborhood.
18 So, in a way, we're sort of -- we're
19 not the Planning Board, but we're
20 looking at this as, hey, if the
21 building gets built, which it will
22 someday, and these three homes get
23 built, you will have six beautiful
24 big homes there that won't really be
25 totally out of character,

2 particularly with the four-tenths
3 rule I think.

4 Because one of the things that
5 we have in Westhampton is we have
6 houses that are close together and
7 that's not always good thing, and
8 with smaller houses, it's even a
9 little more compact. Because the
10 bigger houses you get a little bit
11 more space because even though the
12 proportion may be the same, you get
13 more footage between them.

14 So because these are 80 foot
15 lots, I think one of the things that
16 the Board wants to do, or at least I
17 do, is I want to make sure that this
18 precedent of a subdivision is not
19 everything for Westhampton Dunes.
20 This is -- Cederna and this is sort
21 of aberration. That's why we spent
22 as much time on it as we have. In
23 other words, this is not like an,
24 oh, yeah, it's another one, here it
25 comes. We are very much sensitive

2 to the perils and problems of it.

3 So by giving all these sort of
4 stipulations, I think you have an
5 opportunity here to make it as good
6 as you can or better than it might
7 be. And, again, that's my opinion
8 and I think everybody here probably
9 would echo the same.

10 BOARD MEMBER FARKAS: I
11 agree. I agree. Aram, I want to
12 ask you, the homes on the ocean, you
13 think those were probably built
14 three-tenths rule?

15 MR. TERCHUNIAN: Yes, every
16 single one of them is built with
17 three-tenth rule.

18 BOARD MEMBER FARKAS: So
19 that's 30 percent is the space
20 between the homes.

21 BOARD MEMBER MIZZI: So
22 70 percent of 120 is the width of
23 the home if it's a 120 lot.

24 BOARD MEMBER FARKAS: So
25 you're getting, by what they're

2 proposing 40 -- four-tenths, 40
3 percent between the homes, which is
4 a benefit. Now you could --

5 MS. BASTONE: I'm just
6 trying to understand. Really,
7 essentially, I'm trying to take it
8 all in and I appreciate it.

9 BOARD MEMBER FARKAS: I'm
10 trying to put it in layman terms.

11 MS. BASTONE: Right and I
12 appreciate it.

13 BOARD MEMBER FARKAS: The
14 space between the homes, it will be
15 a percentage. It's going to be
16 40 percent as opposed to 30 percent.

17 MS. BASTONE: So now my
18 question is, I realize that height
19 restrictions or whatever the proper
20 term is, has changed since my home
21 was built. So will the home -- are
22 the homes that are proposed to be
23 built there, will they look like 943
24 let's say? Like, will they look
25 like that?

2 MR. TERCHUNIAN: So the
3 height is controlled by two factors.
4 It's FEMA --

5 MS. BASTONE: Right.

6 MR. TERCHUNIAN: -- plus
7 two feet for freeboard and the
8 Village allows FEMA plus four feet
9 because the higher the building is
10 above FEMA, the safer it is.

11 MS. BASTONE: Right.

12 MR. TERCHUNIAN: And then
13 they get 32 feet from whatever FEMA
14 plus four; they get 32 feet. And
15 everybody's home is 32 feet. So
16 from the bottom to the top, it's all
17 32 feet. So the space gets moved up
18 in order to make it safer for
19 flooding.

20 CHAIRMAN SARETSKY: But
21 it's only that additional four feet
22 right, Aram?

23 MR. TERCHUNIAN: Yes.

24 CHAIRMAN SARETSKY: Yes.

25 Like my home, when it was built,

2 didn't have that. Now the new rule
3 is you're getting four feet extra.

4 MS. BASTONE: Right.

5 CHAIRMAN SARETSKY: But,
6 again, that's sort of a FEMA
7 insurance kind of thing and it's
8 sort of really, kind of, a moot
9 point I guess.

10 BOARD MEMBER FARKAS: Well,
11 if she wanted to put a third floor
12 mezzanine on her home, she could
13 probably, by right, do it within the
14 pyramid and not have to go to a
15 Board.

16 MS. BASTONE: Right.

17 CHAIRMAN SARETSKY: I mean,
18 if you wanted to. I think --

19 BOARD MEMBER FARKAS: And
20 also your home is beautiful.

21 MR. ANTINUCCI: Can I say a
22 couple things? Okay, so first off,
23 I think last time we were going to
24 commit to making the elevations
25 different from one another, so

2 they're not going to look like
3 identical homes. Okay?

4 I also wanted to remind
5 everybody, the resulting lots still
6 would be around one-acre lots, which
7 are larger than, I'd say, 99 percent
8 of the lots in the Village. So
9 we're not talking about subdividing
10 it 20- 30,000 square foot lots.
11 We're potentially looking to
12 subdivide it into 40,000 square foot
13 lots or 42,000, which are
14 substantial.

15 The other thing is, the last
16 time we were asked to reduce -- to
17 commit to a building size or
18 envelope. And we looked at it and
19 we submitted something we would
20 commit to. We were never asked to
21 commit to a size of a
22 building previously.

23 So with that being said, we put
24 that on our proposed new site plan.
25 This accessory structure, possible

2 envelope, was always there. It was
3 never added afterwards, saying, hey,
4 what did we do there? We were never
5 asked to reduce that. That was
6 always there and we're committing to
7 put our principal buildings where we
8 are proposing now. So that was
9 never taken away.

10 This, I guess, what is it
11 called?

12 BOARD MEMBER KRASNOW:
13 Conservation.

14 MR. ANTINUCCI: Conservation
15 easement is limited to a size that
16 we discussed previously in our prior
17 hearings. So now, if you're asking
18 us to, I guess, address the
19 accessory structure issue that was
20 never discussed, never came up, but
21 was always there, you know, in a
22 sense, again, you are going to
23 expand your easement area here,
24 which is quite substantial.

25 BOARD MEMBER FARKAS: You

2 know, with all due respect, we asked
3 you for a shed view.

4 MR. ANTINUCCI: Yes, we
5 did.

6 BOARD MEMBER FARKAS: But
7 you didn't put the accessory
8 structures on there.

9 MR. ANTINUCCI: Okay.

10 CHAIRMAN SARETSKY: I mean,
11 I think --

12 BOARD MEMBER FARKAS: I'm
13 just saying because --

14 MR. ANTINUCCI: I don't
15 know if that would have made a
16 difference. Because I think we were
17 talking about the shed up here.
18 They'd be blocked anyway, so it's
19 the same shed view.

20 BOARD MEMBER KRASNOW:
21 We're trying clarify things that
22 have been developed.

23 (Whereupon, there was
24 crosstalk.)

25 BOARD MEMBER KRASNOW: When

2 you show a building envelope and I'm
3 trying it explain to these people,
4 that, yes, the house can go forward
5 or backward, but, oh, wait a second,
6 that's not now including all the
7 accessory structures. They need to
8 know that there could be accessory
9 structures --

10 MR. ANTINUCCI: Sure.

11 BOARD MEMBER KRASNOW: --
12 which you could do as of right with
13 your two lots. But they need to
14 know that if they are getting -- you
15 know, if we're working with them,
16 that there could be a change here or
17 is that change okay or can they
18 build there. And that's all we're
19 trying to share with them, but we
20 didn't know this until you, kind of,
21 came back and proposed this.

22 MR. ANTINUCCI: Okay. That
23 was always there, not something that
24 I'm trying to sneak in or --

25 BOARD MEMBER KRASNOW:

2 Nobody said you were, but somebody
3 asked what the building envelope was
4 and it says it included accessory
5 structures. Oh, but on Lot A it
6 doesn't include accessory
7 structures, then we want to point
8 that out.

9 MR. ANTINUCCI: This says
10 not including accessory structures
11 on all of them. Like within the
12 3,200 footprint we're proposing and
13 committing to, that doesn't include
14 the size of the accessory structures
15 but --

16 BOARD MEMBER KRASNOW: No,
17 but within the building envelope it
18 does.

19 MR. ANTINUCCI: Yes.

20 BOARD MEMBER KRASNOW: Within
21 the building envelope it does except
22 that on A. And now it was pointed
23 out that, technically, on B, there's
24 also --

25 MR. ANTINUCCI: There's a

2 small --

3 BOARD MEMBER KRASNOW: So,
4 you know, people might -- it's very
5 small and I'm not saying you hid it,
6 but people might not know that and
7 that's why I'm just trying to point
8 it out. I'm not saying you
9 shouldn't have it. I'm not saying
10 you couldn't do anything --

11 MR. ANTINUCCI: Right now
12 I'm not building anything there.
13 Just to give up more of what we're,
14 you know, at this point would be
15 entitled to under a different
16 application, we're giving up more
17 and more.

18 BOARD MEMBER KRASNOW: But
19 you're asking for a variance.

20 MR. ANTINUCCI: Yes, but --

21 BOARD MEMBER MIZZI: If the
22 lot is sold, you can't prevent
23 somebody from deciding that they
24 have the right to build an accessory
25 structure. So I think we need to

2 discuss it because like, I would
3 think, this --

4 BOARD MEMBER FARKAS: Beauty.

5 BOARD MEMBER MIZZI: -- the
6 house, the portion that is to the
7 right, the pool house, like that, if
8 you take your house and you turn the
9 other direction, that's an accessory
10 structure.

11 MS. BASTONE: I understand.

12 BOARD MEMBER MIZZI: So if
13 we're saying this is what's going to
14 be built, I think you have to
15 consider the whole structure and not
16 say, well, you're still allowed to
17 add a covered roof that leads to a
18 structure and not talk about it.

19 MR. TERCHUNIAN: Yes. I
20 have a suggestion.

21 BOARD MEMBER MIZZI: I
22 voted on Cederna and we did take
23 into consideration the neighbors'
24 feedback. In fact that gentlemen, I
25 believe he owned that property --

2 CHAIRMAN SARETSKY: Fenner,
3 I think.

4 BOARD MEMBER MIZZI: The
5 gentlemen that owned the little
6 house and Mr. Fenner came and he
7 advocated for the placement of and
8 the development of these lots, so
9 that's part of why I felt
10 comfortable supporting it.

11 MR. ANTINUCCI: I haven't
12 read the whole Cederna decision. I
13 don't know if you recall, what did
14 that -- I remember saying the
15 placement of homes along the south
16 side -- the north side of the road.

17 BOARD MEMBER MIZZI: Right.

18 MR. ANTINUCCI: Did that
19 limit accessory structures? I don't
20 know if that's something you guys
21 did.

22 MS. NANNARIELLO: Yes.

23 BOARD MEMBER MIZZI: I
24 don't recall. I was going to say
25 what's happening is is that people

2 now are like -- the Westhampton
3 Dunes, the community, is developing
4 and people are getting different
5 ideas about what an accessory
6 structure might be as we've seen
7 with a couple of recent builds.

8 CHAIRMAN SARETSKY: Maybe
9 the accessory structure, because
10 it's sort of new to us today and
11 most of the people who are here,
12 again, what it is and how high it is
13 and how far back from your whatever
14 we're calling it, your lot area.

15 BOARD MEMBER CASHIN:
16 Building envelope.

17 CHAIRMAN SARETSKY:
18 Building envelope. Maybe that's the
19 way to limit it. Because I think
20 that's what people are concerned
21 about, something is going to pop up
22 in the area in the back and if they
23 have an angle --

24 MR. ANTINUCCI: I can
25 propose to limit it to one story if

2 that's something.

3 CHAIRMAN SARETSKY: Again,
4 I don't know what the right answer
5 is.

6 MR. ANTINUCCI: Well,
7 that's something I'm suggesting.
8 This is a new issue, I guess, that's
9 come up. So I'm looking to suggest
10 an alternative or a solution to
11 this. I can make it a large
12 structure or just not to limit, you
13 know, the ability to do
14 whatever's --

15 CHAIRMAN SARETSKY: I just
16 think that there are different types
17 of accessory structures that have
18 less impact. So like, if you build
19 a walkway, I don't think anyone is
20 going to really care or if you're
21 building a pool, that's probably
22 close to your house, I mean, again,
23 that's probably okay. It's when it
24 becomes a structure for whatever --
25 I can't imagine what --

2 BOARD MEMBER FARKAS: A

3 garage with a studio on top.

4 CHAIRMAN SARETSKY:

5 Whatever the definition is. That's
6 where it might be a problem. In
7 your case, it's not really an issue
8 because there's nobody obliquely
9 looking through your way. In your
10 case it's a little bit different.
11 So maybe we just need to define it
12 some way.

13 MR. ANTINUCCI: Sure.

14 CHAIRMAN SARETSKY: So why
15 don't you tell us, in some shape or
16 form -- I think Aram is cooking
17 something up now. I think if there
18 was something that we could have
19 because we have a bunch of caveats
20 that you've agreed to that, I think,
21 are beneficial to the people here.
22 I think it's this last sticking
23 point that we really have. I'm not
24 saying you have to do it this
25 second.

2 MR. ANTINUCCI: I'd like to
3 do it this second. Since we're all
4 here, let's just try to put
5 something together that we can all
6 live with. I'm just not that
7 familiar with the Building Code. So
8 maybe Jim is more familiar with it
9 to suggest something?

10 MR. HULME: Well, Aram is
11 pretty familiar too.

12 MR. ANTINUCCI: Yes.

13 BOARD MEMBER KRASNOW: The
14 house is primarily going to block
15 any accessory, so I don't think
16 people are going to be able to see
17 it because of the size of your
18 house.

19 MS. NANNARIELLO: Can I ask
20 one question?

21 CHAIRMAN SARETSKY: Sure.

22 MS. NANNARIELLO: I want to
23 ask him if he is actually the
24 builder or if he is going to be --

25 CHAIRMAN SARETSKY:

2 Gentlemen, this lady has a question.

3 VILLAGE ATTORNEY PROKOP:

4 Can you give us some respect?

5 Unbelievable.

6 MS. NANNARIELLO: Are you
7 building all three homes or are you
8 going to subcontract out the other
9 two? You're going to live in one
10 and you're going to sell the other
11 two obviously.

12 MR. ANTINUCCI: Yeah, I'm
13 going to build them. I'm a
14 developer. I'm going to look to
15 build three homes and keep one for
16 myself.

17 MS. BREEN: Did you pick
18 which lot you like for yourself?

19 MR. ANTINUCCI: Not yet.

20 MS. BREEN: Would you be
21 open to selling a lot that wasn't
22 built on yet before you made too
23 much of an effort into it?

24 MR. TERCHUNIAN: I'm sorry,
25 that's not -- that's not the

2 subject.

3 MS. BREEN: I'm just
4 putting it out there.

5 MR. TERCHUNIAN: You can do
6 that privately.

7 VILLAGE ATTORNEY PROKOP:
8 Can I make a suggestion so we don't
9 have -- I believe that the applicant
10 needs to confer with his counsel or
11 have that opportunity so we don't
12 have this discussion every time we
13 try to have a Board or the public
14 say something. Would you prefer a
15 brief interlude here for you two to
16 discuss?

17 MR. HULME: I would like to
18 hear what Mr. Terchunian has to
19 offer.

20 MR. TERCHUNIAN: I think
21 that's a great idea, Joe. If I
22 could just offer the following:
23 Parcel A seems to be the sticking
24 point here, okay? So you've
25 identified an accessory building

2 envelope of 6,600 square feet,
3 right? Well, actually, the entire
4 area that you've identified on
5 Parcel A is 14,013 square feet,
6 okay?

7 Now, the entire lot, once the
8 easement is placed, is going to be
9 33,502 square feet -- actually now
10 it's 42,000 square feet; use 42,000.
11 Take 20 percent of 42,000. That's
12 8,000 square feet -- it's 8,400
13 square feet. The building envelope
14 that you're -- that's being called
15 out is larger than that. In other
16 words, where that 52.2 foot
17 identified arch is on Parcel A, that
18 area in that box is less than your
19 allowable building coverage -- I
20 mean, it's greater than your
21 allowable building coverage.

22 BOARD MEMBER CASHIN: Which
23 means he couldn't build an accessory
24 building?

25 MR. TERCHUNIAN: No. It

2 means he can build an accessory. He
3 can build his primary and accessory
4 building to a maximum of 20 percent
5 completely within that envelope. So
6 it's really a question of location.

7 VILLAGE ATTORNEY PROKOP:

8 No, he can't because there's a
9 setback requirement for -- you told
10 us before, that the problem with
11 that illustration is that it exceeds
12 a setback requirement for accessory
13 structures.

14 MR. TERCHUNIAN: I'm making
15 a different point just on lot
16 coverage. So the setbacks must be
17 respected, you're correct. But on
18 lot coverage, the amount of area
19 that's within that dashed envelope
20 exceeds the amount of area he's
21 allowed to cover. And therefore,
22 everything that you could ever build
23 on that site could be built within
24 that envelope. It doesn't have to
25 go all the way down to be built.

2 BOARD MEMBER MIZZI: Could
3 you mark the envelope you're
4 discussing?

5 MR. TERCHUNIAN: It's --

6 CHAIRMAN SARETSKY: His is
7 marked up.

8 MR. TERCHUNIAN: It's
9 larger than the allowable lot
10 coverage.

11 CHAIRMAN SARETSKY: So he
12 could fit whatever he wanted here
13 you're saying within this
14 (indicating)?

15 MR. TERCHUNIAN: Yes.

16 BOARD MEMBER CASHIN:
17 That's not what he wants to do.

18 MR. HULME: We want to
19 build the house here and then a pool
20 in the back.

21 MR. TERCHUNIAN: Yeah,
22 well, that's what we're talking about.

23 CHAIRMAN SARETSKY: But you
24 could slide it down.

25 BOARD MEMBER MIZZI: I

2 think, to be clear, I think we were
3 expecting, based upon the last
4 meeting and the way you came into
5 this meeting, that the question I
6 asked and Aram answered was that
7 this was the area in which you were
8 proposing, and if you shifted that,
9 you shift it, but I think we need to
10 walk out of here understanding the
11 confines of what --

12 CHAIRMAN SARETSKY: What
13 you're saying is if you shifted this
14 line up so this moved to here, it's
15 okay (indicating). You have enough
16 room, I think, to accomplish what
17 you want and your house could stay
18 put where it is, right?

19 BOARD MEMBER MIZZI: But
20 I'm not even saying -- I guess what
21 we're saying is that it would be
22 helpful, I think, for everybody if
23 these demarcations on each property
24 and the description in this box were
25 the two things that we understood.

2 One is the confines of your entire
3 construction including accessory
4 structures and the other is --

5 BOARD MEMBER CASHIN: That's
6 what the gray box says by the way.

7 BOARD MEMBER MIZZI: And
8 the other is --

9 MR. ANTINUCCI: It not
10 including.

11 BOARD MEMBER CASHIN: No,
12 it says included.

13 VILLAGE ATTORNEY PROKOP:
14 It says not including. That's the
15 whole problem.

16 (Whereupon, there was
17 crosstalk.)

18 BOARD MEMBER MIZZI: I was
19 going to say and the second would be
20 the size of the house.

21 BOARD MEMBER FARKAS: So
22 Mr. Antinucci might want to take
23 Lot A for himself and not be near
24 the road and put it all the way in
25 the back and then the accessory

2 structures are going to go in this
3 area, which is what becomes a
4 problem.

5 MR. TERCHUNIAN: Well, it
6 becomes an issue that this Board can
7 discuss.

8 BOARD MEMBER FARKAS: Correct,
9 correct. That's correct.

10 BOARD MEMBER KRASNOW:
11 Which is where I though we were
12 heading.

13 MR. ANTINUCCI: And it was
14 something that was never discussed
15 or I was asked to reduce those types
16 of structures. We were focused on
17 the house, the up/down --

18 BOARD MEMBER KRASNOW: The
19 main thing was three houses and the
20 size. That was the primary thing.

21 MR. ANTINUCCI: Yes. This
22 is exactly what it is, but it's just
23 other issue that was never
24 discussed.

25 BOARD MEMBER KRASNOW: No

2 point of discussing this if we
3 weren't even getting to here
4 (indicating).

5 MR. ANTINUCCI: So we're
6 evolving.

7 BOARD MEMBER KRASNOW: It's
8 a process.

9 MR. HULME: Why don't we
10 take Mr. Prokop's wonderful
11 suggestion and spend five minutes
12 and we'll come back and propose
13 something.

14 BOARD MEMBER KRASNOW: We're
15 adjourning to take five.

16 (At this time a brief
17 recess was taken.)

18 MR. HULME: So here's what
19 we suggest: We're not really in
20 love with the idea of reducing the
21 size of the accessory building
22 envelope, but we would be willing to
23 limit the size of the coverage
24 within that area that we would cover
25 and the number had that jumped at us

2 was 2,500 square feet. Now
3 obviously we couldn't do that here
4 because this is 1,300 square feet.
5 But we would agree not to cover any
6 more -- there's almost 7,000 square
7 feet in this area (indicating). We
8 would agree to not cover more than
9 2,500 square feet of that area.

10 BOARD MEMBER KRASNOW: You're
11 talking about outside of the --

12 MR. HULME: Outside of the
13 principal building.

14 BOARD MEMBER KRASNOW: In
15 addition to the principal?

16 MR. HULME: Yes. We're not
17 limiting what accessory structure we
18 can put in the area.

19 BOARD MEMBER KRASNOW: So
20 you're asking for -- you're
21 saying --

22 MR. HULME: We're asking
23 for a pool and pool house basically.
24 A big pool, big pool house and no
25 more than one story.

2 CHAIRMAN SARETSKY: Okay.

3 I think what we need and, Joe, you
4 can jump here any time. I think we
5 need you guys to put this on a piece
6 of paper so we know exactly what
7 we're talking about. And let's
8 review what those items are:

9 Obviously we talked about the
10 four-tenths rule.

11 We talked about the no
12 subdivision.

13 We talked about septic system that
14 you would landscape and irrigate.

15 We talked about the building
16 envelope of the homes.

17 We talked about the accessory
18 structure.

19 I think you should list what they
20 are, what their stipulations are,
21 all of that.

22 One of the things Joe brought up
23 is the setbacks. Joe, you want to
24 elaborate?

25 VILLAGE ATTORNEY PROKOP:

2 The setback -- we're not approving
3 any variances for any relief for
4 accessory structure setbacks.

5 MR. ANTINUCCI: Sure.

6 VILLAGE ATTORNEY PROKOP:

7 Side or rear yard. Also --

8 CHAIRMAN SARETSKY: But

9 show that. Sorry, Joe.

10 Show that on whatever you're going
11 to draw for us so that we can
12 demonstrate that as another feature.

13 VILLAGE ATTORNEY PROKOP:

14 Also no --

15 MR. HULME: I don't think
16 we're in a position to show actual
17 accessory structures.

18 CHAIRMAN SARETSKY: It
19 could just be the outline of it.

20 MR. HULME: What we're
21 suggesting is that this the
22 accessory structure (indicating).

23 CHAIRMAN SARETSKY: But
24 you're offering to contain --

25 MR. HULME: But we're

2 offering to not build out --

3 CHAIRMAN SARETSKY: I

4 understand.

5 MR. HULME: If you go

6 through Aram's map, we could -- with

7 a 3,200 square foot home, we'd still

8 have another 5,200 square feet for

9 decks, sheds, pool houses, etcetera,

10 etcetera. What we're saying is that

11 to the extent that any of those

12 items may fall somewhere into this

13 area, that won't exceed 2,500 square

14 feet or one story.

15 CHAIRMAN SARETSKY: I get

16 what you're saying --

17 MR. TERCHUNIAN: I don't

18 understand what -- just show us

19 where the hell it's going to go.

20 Just show us where it's going to go.

21 MR. HULME: What accessory

22 structure should we show?

23 MR. TERCHUNIAN: The area

24 within which you're going to build.

25 Are you going to build it down here

2 or are you going to build it up
3 here? I mean, why wouldn't you just
4 add on to this envelope right here
5 (indicating).

6 MR. ANTINUCCI: Because we
7 don't want to pin ourselves down to
8 that restriction.

9 MR. TERCHUNIAN: But we're
10 giving you --

11 MR. HULME: But that
12 restriction has nothing to do with
13 the lot width variance.

14 MR. TERCHUNIAN: Sure it
15 does.

16 MR. HULME: What's the
17 nexus, to use your word?

18 MR. TERCHUNIAN: The nexus
19 is your ability to subdivide and
20 build primary accessory structures.

21 MR. HULME: But we can do
22 that anyway.

23 MR. TERCHUNIAN: Yes.

24 MR. HULME: And the fact
25 that the lot is narrower affects the

2 setbacks of the structures, not
3 where or what the structures are on
4 the property.

5 BOARD MEMBER MIZZI: I do
6 think -- I don't want to
7 mischaracterize what was presented,
8 but when you started this process,
9 it was explained that you could do
10 this, but you're going to do this.
11 And so like, if you could do this
12 and now you're going to do this,
13 we're asking what are you going to
14 do so that we can evaluate what you
15 can do and what you propose to do.

16 CHAIRMAN SARETSKY: We're
17 not asking for the house -- like Joe
18 is saying, you don't have to define
19 it to the nth degree, but show us
20 the footprint of where that might
21 be. Not what you can do, the max,
22 because we know it's not going to be
23 that big and that's not giving
24 people comfort. So we're asking
25 you --

2 MR. TERCHUNIAN: And I'm
3 not saying there's an objection, but
4 show us where the hell it's going to
5 be.

6 MR. HULME: Right, and once
7 we put it on this piece of paper, we
8 can't move it anywhere else
9 (indicating).

10 MR. TERCHUNIAN: Then think
11 long and hard.

12 MR. HULME: The person that
13 may ultimately want input on that is
14 the person who ultimately buys the
15 house.

16 BOARD MEMBER FARKAS: That's
17 why we keep asking, which lot is he
18 taking?

19 BOARD MEMBER KRASNOW: I
20 kind of thought he's taking Lot A.

21 BOARD MEMBER FARKAS: Because
22 if he wasn't taking Lot A, he
23 wouldn't care.

24 BOARD MEMBER KRASNOW: I
25 agree with you. I'd be taking Lot A.

2 BOARD MEMBER FARKAS: Come
3 on, we want you build. We want you
4 to be living here. We want you to
5 be friends with these people. Let's
6 go.

7 MR. ANTINUCCI: Right, okay.

8 MR. HULME: Right.

9 MR. ANTINUCCI: There's
10 something I'd like to --

11 CHAIRMAN SARETSKY: There
12 was one last thing that we talked
13 about. We agreed that, in some way,
14 we'd make best effort to differentiate
15 the homes.

16 MR. ANTINUCCI: Yes.

17 CHAIRMAN SARETSKY: So
18 again, all those items; one, two,
19 three, four, five, six items.

20 MS. BREEN: I have seven.

21 CHAIRMAN SARETSKY: Go
22 ahead.

23 MS. BREEN: Not to pile
24 drive between the 4th of July and
25 Labor Day. I'm not saying you can't

2 build, but the pile driving --

3 CHAIRMAN SARETSKY: You

4 have to --

5 (Whereupon, there was
6 crosstalk.)

7 MS. BREEN: I know, but
8 that has to be on the list.

9 BOARD MEMBER KRASNOW: I
10 brought that up for your benefit.

11 VILLAGE ATTORNEY PROKOP:
12 Thank you. So I just want to
13 mention something I mentioned before
14 so there isn't a claim that it was
15 not part of this: The no accessory
16 structures in the side or front
17 yard; the building -- the principal
18 building envelope -- no equipment in
19 the side yards and nothing -- excuse
20 me, the catwalks on the houses,
21 nothing between the houses except a
22 four-foot catwalk, which is to be
23 included within the principal
24 building, what's illustrated as the
25 principal building envelope.

2 And the illustration -- the
3 building envelope that's indicated
4 for accessory structures is for
5 illustration only. Any approval by
6 this Board is not approval of a
7 variance for an accessory structure
8 setback.

9 BOARD MEMBER KRASNOW: Well -- a
10 setback.

11 MR. HULME: Can I ask a
12 question? In this Village, on the
13 bay side, which is the front yard?

14 VILLAGE ATTORNEY PROKOP:
15 We'll design that in the decision.
16 So it will be the street side -- I'm
17 sorry.

18 MR. TERCHUNIAN: Yes. The
19 water is the front yard and the
20 question -- and I don't think
21 they're deeding over the
22 conservation easement, it's just an
23 easement. So the front yard is the
24 water and rear yard is Dune Road.

25 VILLAGE ATTORNEY PROKOP:

2 Okay. We'll reflect that in the
3 decision. Thank you for bringing
4 that up.

5 MR. HULME: My only concern
6 about that is I believe Mr. Prokop
7 has indicated no structures in the
8 front yard and if the front yard is
9 the water, then...

10 CHAIRMAN SARETSKY: Okay,
11 we'll clarify that.

12 VILLAGE ATTORNEY PROKOP:
13 We'll work that out.

14 MR. HULME: Thank you.

15 CHAIRMAN SARETSKY: All
16 right. So, again, I think we have
17 to be careful because we've gone on
18 around and around with so much
19 stuff. And again, no one is making
20 any accusation. As Jeff just said,
21 we're trying to do this in some
22 amicable way, but we have to be
23 crystal clear about what we're doing
24 for your sake, for our sake and
25 their sake.

2 MR. ANTINUCCI: Okay. This
3 is my suggestion: I'd like to
4 possibly try to -- you know, I don't
5 know if wrap it up is the right
6 terminology. So I would agree to
7 reduce the building envelope -- I'm
8 sorry, the accessory building
9 envelope that we indicated here and
10 just add a portion onto and extend
11 this building envelope on Lot A.

12 CHAIRMAN SARETSKY: So I
13 think what we're going to say in the
14 nicest of ways is, you need to give
15 us a drawing that shows all of the
16 designs and it has to have all those
17 notes. So there's one, two, three,
18 four, five, six, seven, eight; the
19 last being that the side yards will
20 not have catwalks or equipment.

21 VILLAGE ATTORNEY PROKOP:
22 That will have catwalks that are
23 included in --

24 CHAIRMAN SARETSKY: In the
25 four-tenths rule, sorry.

2 VILLAGE ATTORNEY PROKOP:

3 Yes, and I think the suggestion is
4 -- and I know the illustration is
5 what you want on the site plan, but
6 I think the applicant's attorney
7 should be given the opportunity to
8 put those in language, the things
9 you read off.

10 CHAIRMAN SARETSKY: Yes.

11 BOARD MEMBER MIZZI: You're
12 saying in a submission?

13 CHAIRMAN SARETSKY: In your
14 submission, you can put it with a
15 note and it would be great --
16 listen, we can, hopefully, wrap this
17 up --

18 MR. ANTINUCCI: I'd like to
19 wrap it up today, please.

20 MR. TERCHUNIAN: Respectfully,
21 we can't wrap it up today.

22 MR. ANTINUCCI: Okay.

23 Those items don't have to be
24 included. They can be included in
25 language in that decision.

2 CHAIRMAN SARETSKY: That's
3 fine. However you want to give it
4 to us.

5 MR. ANTINUCCI: Right? All
6 those items that --

7 MR. HULME: They're asking
8 me to write them down and submit
9 them to them.

10 MR. ANTINUCCI: Yes.

11 MR. TERCHUNIAN: Yes, with
12 an updated drawing.

13 CHAIRMAN SARETSKY: With an
14 updated drawing.

15 MR. TERCHUNIAN: And I
16 would recommend to the Board that if
17 they accomplish that task, that our
18 next hearing on this be, thank you
19 very much and then close the hearing
20 for a decision.

21 BOARD MEMBER KRASNOW: And
22 if you're going to move the houses,
23 if you think you want to move the
24 houses, then make sure you show that
25 on the next plan.

2 MR. TERCHUNIAN: Well, the
3 house position is not going to be
4 fixed. The house position is
5 movable as is the accessory building.

6 BOARD MEMBER KRASNOW: All
7 right.

8 CHAIRMAN SARETSKY: So
9 while we're here, is there any other
10 issues other than what we've talked
11 about?

12 MS. BREEN: Can you make
13 the house see-through?

14 CHAIRMAN SARETSKY: Special
15 paint, a light blue color.

16 BOARD MEMBER KRASNOW: We
17 can't.

18 MR. HULME: You can see
19 through, but you can't --

20 VILLAGE ATTORNEY PROKOP:
21 There is a see-through -- if you go
22 to I think it's 85 Dune Road or
23 89 Dune Road out in East Quogue,
24 there is a see-through house there.
25 I think there might be two of them.

2 BOARD MEMBER KRASNOW: The
3 one on the water? Did they finally
4 put curtains up because we were
5 looking into their bedroom.

6 BOARD MEMBER FARKAS: What's
7 the one story accessory structure
8 look like? Is it 16 feet up for the
9 pool and then a one story pool
10 house?

11 MR. HULME: We have to
12 build the pool.

13 BOARD MEMBER FARKAS: Just
14 to be clear so there's no surprises.
15 I want to get it out there.

16 MS. NANNARIELLO: Originally,
17 up until today, we were looking at
18 three houses with a pool yard at the
19 back of the house. Now it's a whole
20 different ask.

21 CHAIRMAN SARETSKY: That's
22 why we're asking them to put it all
23 in writing, give it to us the way
24 we're asking for it. I think we
25 addressed everybody's concerns, I

2 hope.

3 BOARD MEMBER KRASNOW:

4 We're trying to give you the best
5 visualization possible.

6 CHAIRMAN SARETSKY: For us
7 too.

8 MR. HULME: All right, how
9 about here's another alternative:
10 How about if we just agree to
11 everything will be within the
12 principal building envelope as
13 shown?

14 CHAIRMAN SARETSKY: I mean,
15 that's great, but I still think we
16 need --

17 MR. HULME: Can we get a
18 decision next time?

19 BOARD MEMBER KRASNOW: A
20 decision or close the hearing?

21 MR. HULME: Well, we want
22 to close the hearing today.

23 MR. ANTINUCCI: I'd like to
24 close the hearing today. I would
25 agree to keep everything within

2 these a principal building envelopes.

3 BOARD MEMBER MIZZI: Can
4 you mark that, please?

5 MR. ANTINUCCI: (Indicating.)

6 MR. HULME: The principal
7 and all accessory structures would
8 be contained within the principal
9 building envelope.

10 BOARD MEMBER CASHIN: So
11 you're saying you're not going to
12 build an accessory --

13 MR. ANTINUCCI: I'm not.

14 MR. HULME: I think that's
15 what he just said.

16 BOARD MEMBER MIZZI: And
17 Joe, your point is subject to
18 whatever requirements --

19 BOARD MEMBER KRASNOW: He's
20 sacrificing that.

21 BOARD MEMBER FARKAS: He
22 wants to be in for next summer. You
23 know what he wants.

24 CHAIRMAN SARETSKY: Joe?

25 MR. TERCHUNIAN: Joe,

2 please opine, but my opinion is, if
3 he's willing to accept that, then
4 there's no new information.

5 CHAIRMAN SARETSKY: Except
6 for the memorialization of the
7 written items we talked about.

8 MR. TERCHUNIAN: Well, I
9 mean, they verbally agreed to that
10 and Joe is going to write a decision
11 that encompasses that and they're
12 stuck with it.

13 CHAIRMAN SARETSKY: Okay.

14 MR. ANTINUCCI: We're going
15 to carve out walkways, right, that's
16 what we discussed?

17 CHAIRMAN SARETSKY: Yes,
18 that's what we discussed.

19 BOARD MEMBER FARKAS: No
20 walkways -- just kidding.

21 BOARD MEMBER MIZZI: I
22 don't think anybody here has an
23 objection to a walkway.

24 CHAIRMAN SARETSKY: Where
25 would you propose equipment goes,

2 air conditioning units, that sort of
3 thing?

4 MR. TERCHUNIAN: Everything
5 is within the principal building
6 envelope.

7 CHAIRMAN SARETSKY: But I
8 think Joe had said something --

9 VILLAGE ATTORNEY PROKOP:
10 Not in the side.

11 CHAIRMAN SARETSKY: Not in
12 the side or front.

13 VILLAGE ATTORNEY PROKOP: Yes.

14 CHAIRMAN SARETSKY: Or side
15 and rear, sorry.

16 MR. ANTINUCCI: It would
17 have to be the rear.

18 CHAIRMAN SARETSKY: The
19 rear is Dune Road.

20 BOARD MEMBER KRASNOW: The
21 rear is Dune Road now.

22 MR. TERCHUNIAN: The water
23 is always the front yard.

24 BOARD MEMBER MIZZI: I'd be
25 willing to be supportive of that

2 provided that we just get a final,
3 you know, make sure you have
4 something like -- we do need Joe to
5 just --

6 MR. HULME: On the record
7 we have agreed to everything the
8 chairman has indicated and I presume
9 that all of that will end up in the
10 written decision that you will
11 render.

12 BOARD MEMBER MIZZI: I'm
13 not speaking for myself. I am only
14 one vote, but my vote is just as --
15 it has the same strength as the
16 Chairman's. So I'm just saying I
17 would be willing to vote
18 affirmatively for this provided
19 that, you know, we did have a couple
20 of misunderstandings from last
21 meeting to this meeting. I just
22 want to make sure there's no other
23 stuff provided that Joe and Aram
24 could, you know, later codify that
25 we didn't -- that there's not a

2 topic that we haven't covered.

3 VILLAGE ATTORNEY PROKOP:

4 So you're not in a position to vote
5 on this today. You can take a
6 consensus vote.

7 CHAIRMAN SARETSKY: Can we
8 close the hearing?

9 VILLAGE ATTORNEY PROKOP:

10 So the only decision is whether or
11 not you want to close the public
12 hearing. That's the only action you
13 can take.

14 CHAIRMAN SARETSKY: Then we
15 vote next time?

16 VILLAGE ATTORNEY PROKOP:

17 Yes. We still have to do SEQRA. We
18 have to come up with a decision.
19 You have you to go through the five
20 criteria. The only thing you can do
21 today, once again, is --

22 CHAIRMAN SARETSKY: Close
23 the hearing?

24 VILLAGE ATTORNEY PROKOP:

25 Yes, that's your only decision.

2 BOARD MEMBER KRASNOW: And
3 we have 60 days to render a decision
4 from when we close it?

5 VILLAGE ATTORNEY PROKOP: Yes.

6 BOARD MEMBER KRASNOW: So
7 if it's not the 19th, then the
8 following.

9 MS. NANNARIELLO: I know we
10 said before there's no ARB in this
11 Village, but once you make a
12 decision and it's closed and done,
13 it's really all bets are off as to
14 would what we get.

15 CHAIRMAN SARETSKY: No.
16 First of all, we know that what
17 you're going to get is going to be
18 inside the --

19 BOARD MEMBER FARKAS: She's
20 talking about design.

21 MS. NANNARIELLO: I'm just
22 afraid of same old house. He said
23 he wouldn't do it, but --

24 CHAIRMAN SARETSKY: No,
25 they're going to put it in writing

2 in some shape or form. They will be
3 different looking. So we're going
4 to memorialize that together with
5 Joe, the Village attorney and our
6 environmental engineer.

7 BOARD MEMBER FARKAS: I
8 think that the fact that you're
9 going have Mr. Antinucci as a
10 neighbor, I assume he's going to do
11 the right thing and he's going to
12 make it palatable for him and his
13 family, as well as the neighbors.
14 That's my hope.

15 VILLAGE ATTORNEY PROKOP:
16 This application is --

17 BOARD MEMBER KRASNOW: He
18 nods his head.

19 MS. NANNARIELLO: I didn't
20 hear an answer.

21 VILLAGE ATTORNEY PROKOP:
22 This application still has to go
23 through the trustees and say --
24 they'll will be another public
25 hearing on this application. This

2 is only as to the variances that are
3 requested.

4 BOARD MEMBER KRASNOW: But
5 isn't there also a mechanical issue
6 with this since you have two lots
7 and want to make three? Are they
8 going to become one lot and then
9 subdivided?

10 BOARD MEMBER FARKAS: You're
11 going back to the beginning now.

12 VILLAGE ATTORNEY PROKOP:
13 That was the first six months.

14 MR. HULME: Can you close
15 the hearing, please?

16 CHAIRMAN SARETSKY: If
17 there are no other questions.

18 VILLAGE ATTORNEY PROKOP:
19 Thank you for agreeing with me by
20 the way.

21 CHAIRMAN SARETSKY: I make
22 a motion to close the hearing.

23 BOARD MEMBER KRASNOW:
24 Second.

25 CHAIRMAN SARETSKY: All in

2 favor?

3 (Hands raised.)

4 CHAIRMAN SARETSKY: Thank
5 you. Appreciate all your intentions.

6 MR. HULME: Do we owe you
7 anything?

8 CHAIRMAN SARETSKY: Joe,
9 are you going to put it all
10 together?

11 VILLAGE ATTORNEY PROKOP:
12 I'd like to see still their list,
13 like within ten days.

14 CHAIRMAN SARETSKY: Okay.
15 Maybe we can just have some
16 electronic back and forth?

17 (Whereupon there was
18 crosstalk.)

19 CHAIRMAN SARETSKY: Motion
20 to adjourn everybody?

21 BOARD MEMBER KRASNOW: Second.

22 CHAIRMAN SARETSKY: All in
23 favor?

24 (Chorus of "ayes".)

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C E R T I F I C A T I O N

I, REBECCA WOOD, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify:

THAT the above and foregoing contains a true and correct transcription of the proceedings.

I further certify that I am not related, either by blood or marriage, to any of the parties in this action; and

THAT I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of August, 2023.



REBECCA WOOD