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VILLAGE OF WEST HAMPTON DUNES
COUNTY OF SUFFOLK : STATE OF NEW YORK

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TOWN OF WEST HAMPTON DUNES
ZONING BOARD OF APPEALS

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September 23, 2023
9:00 AM
906 Dune Road
West Hampton 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
JOSEPH MIZZI, Board Member
ARAM TERCHUNIAN, Consultant
JOSEPH PROKOP, Esq. Board Counsel
ROBIN SANTORA, Village Clerk

ALL OTHER INTERESTED PARTIES

2 CHAIRMAN SARETSKY: I'll
3 call the meeting to order. Pledge
4 of allegiance.

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

7 CHAIRMAN SARETSKY: All
8 right, we have one item on the
9 agenda, correct, Robin?

10 VILLAGE CLERK SANTORA: Yes.

11 CHAIRMAN SARETSKY: 738,
12 742. Joe, I know there was a lot
13 of comments and things went back
14 and forth. I'm not sure if you
15 had a way to do this today. I
16 thought maybe we'd just run
17 through it. Is that what you
18 think appropriate?

19 BOARD COUNSEL PROKOP: This
20 is technically a reopening of the
21 public hearing because we had --
22 we closed the public hearing in
23 July -- April or July and then we
24 got an amended application from
25 the applicant on November 6th, as

2 we discussed at our last meeting
3 on November 4th.

4 So this is technically a
5 reopening of the application and
6 it's to include six variances. On
7 each of the lots there's an
8 application now for a variance of
9 the total side yards, which are
10 supposed to be 60 feet, if I'm not
11 mistaken, and there's an
12 application to reduce them to
13 32 feet combined side yards.

14 And the individual side
15 yard, there's a requirement under
16 our code that each side yard be
17 not less than 20 feet and there's
18 an application to reduce that to
19 13 feet. Where's Aram?

20 MR. TERCHUNIAN: Right here.

21 BOARD COUNSEL PROKOP: Is it
22 reduce it to --

23 CHAIRMAN SARETSKY: I mean,
24 it's still the four-tenths rule,
25 right?

2 MR. TERCHUNIAN: Correct.

3 CHAIRMAN SARETSKY: So I
4 think that our issue was the
5 four-tenths issue.

6 MR. TERCHUNIAN: What you
7 should do is make a motion to open
8 the public hearing.

9 CHAIRMAN SARETSKY: Okay.
10 Can I make a motion to open it?
11 Second?

12 BOARD MEMBER CASHIN: Second.

13 CHAIRMAN SARETSKY: All in
14 favor?

15 (Chorus of "ayes.")

16 MR. TERCHUNIAN: Now go.

17 CHAIRMAN SARETSKY: All
18 right. Thanks for my
19 parliamentary procedures. Where
20 were we? We were talking about
21 the four-tenths rule.

22 MR. TERCHUNIAN: Right.

23 CHAIRMAN SARETSKY: I think
24 that was the overlying or
25 underlying --

2 MR. TERCHUNIAN: And the way
3 you get to the four-tenths rule is
4 the way Joe just said.

5 CHAIRMAN SARETSKY: Joe, do
6 you think there's any issue or
7 we're okay with it now?

8 BOARD COUNSEL PROKOP: What
9 do you mean?

10 MR. TERCHUNIAN: Well, the
11 hearing is open.

12 CHAIRMAN SARETSKY: The
13 hearing is open.

14 MR. TERCHUNIAN: If the
15 applicant wants to say something
16 or the Board has a question or the
17 audience has a question?

18 CHAIRMAN SARETSKY: Right.

19 MR. HULME: So on behalf of
20 the applicant, we had filed, as
21 discussed, a new application
22 relative to the total and single
23 side yard relief that was
24 identified as being necessary in
25 this overall application.

2 I would ask that the Board
3 incorporate, by reference, all of
4 the testimony that took place
5 relative to the prior application,
6 which included all the other
7 relief, but not the so-called
8 four-tenths relief.

9 And I would rely on the
10 discussions and representations
11 that were made in that proceeding
12 and I really don't have anything
13 further to offer today and would
14 ask that the hearing be closed and
15 that you consider rendering a
16 decision on both applications.

17 CHAIRMAN SARETSKY: Well,
18 before we close it, we have to --

19 MR. TERCHUNIAN: Well,
20 first, does the Board have any
21 questions about this additional
22 variance?

23 BOARD MEMBER KRASNOW:
24 They're not really changing
25 anything from what they presented.

2 They just didn't know initially
3 that they needed extra variances.

4 MR. TERCHUNIAN: That is
5 correct.

6 BOARD MEMBER KRASNOW: -- is
7 that just to clarify that? So
8 it's nothing has really changed in
9 their plans. It's just that they
10 didn't include those variances on
11 the original application and
12 that's why they sent in an amended
13 application?

14 MR. TERCHUNIAN: You are
15 correct. So now, if there's
16 anyone in the audience that has a
17 question?

18 CHAIRMAN SARETSKY: Yes, we
19 should ask that, but before we get
20 to that for a second. So, Joe, do
21 you and Aram have any issue with
22 what Irwin just said? In other
23 words, I understand how we got
24 there. I understand whatever, but
25 there's no -- is there any --

2 MR. TERCHUNIAN: From my
3 perspective, this is an
4 administrative procedure to
5 correct a notice deficiency. The
6 substance of the conversation has
7 already taken place in the
8 previous hearing.

9 CHAIRMAN SARETSKY: Joe,
10 you're on Board with that?

11 BOARD COUNSEL PROKOP: I
12 missed it. I had to step away for
13 a second, I'm sorry.

14 CHAIRMAN SARETSKY: So we
15 understand that this additional
16 variance is needed to satisfy what
17 we talked about.

18 BOARD COUNSEL PROKOP: Right.

19 CHAIRMAN SARETSKY: Are
20 there any -- do you have any
21 trepidation, any issue, you think
22 we need to consider? Because we
23 all think it's the same as what we
24 already had or in context with it.

25 BOARD COUNSEL PROKOP: No,

2 so there was no deficiency in the
3 notice. We went through this the
4 last time. The notice was based
5 on the application at the time.

6 We received a new, amended
7 application pursuant to our
8 discussion at the last meeting.
9 And we then issued a new notice,
10 which also was not deficient,
11 which contained the relief
12 requested.

13 And this is basically just a
14 reopening of the application -- as
15 I said, a reopening of the public
16 hearing so you have jurisdiction
17 to review the six additional
18 variances that are requested.

19 I'd just point out to the
20 Board, as Aram has done also, that
21 basically the six variances are
22 consistent with the restriction or
23 condition that we put in our
24 discussion, which is that the
25 development is limited by the

2 40 percent setback rule, which it
3 is anyway. And because the lots
4 then will be automatically
5 violative of that rule that, you
6 know, this is basically relief
7 that corresponds to development
8 which would allow development of
9 the three lots.

10 CHAIRMAN SARETSKY: All
11 right.

12 BOARD COUNSEL PROKOP: Which
13 would otherwise be effectively
14 precluded because of the operation
15 of the four-tenths rule.

16 CHAIRMAN SARETSKY: Okay
17 so...

18 BOARD MEMBER KRASNOW: I
19 have one other question. It's
20 probably a question to you, Joe,
21 but since we reopened the hearing
22 or because we had to reopen the
23 hearing because they had to amend
24 the application, which I don't
25 think is really changing the

2 original application, but if we
3 close the hearing today, is that
4 when our clock starts with the
5 decision now because we couldn't
6 make a decision on the original
7 thing that wasn't 100 percent
8 correct and was missing these
9 variances?

10 BOARD COUNSEL PROKOP: I
11 think it -- I think that it would
12 restart the 60 days. I think it
13 would restart the 60 days. So we
14 close the hearing on the first
15 three variances that were
16 requested, but I think that this
17 is probably, technically, a
18 reopening of that hearing with an
19 amended application. So I think
20 that the 60 days would start
21 again.

22 BOARD MEMBER KRASNOW: Okay,
23 that's what I thought. Because I
24 don't want to be late with their
25 decision, but I want to make sure

2 that we have it written that we're
3 all in agreement on it.

4 CHAIRMAN SARETSKY: So does
5 the Board have any other questions
6 now that -- I mean, aside from
7 we'd like to go through Joe's
8 document.

9 BOARD MEMBER CASHIN: The
10 only question is, which is the
11 document we're going to go through
12 because I have a couple of them.

13 BOARD COUNSEL PROKOP: I
14 have it here. Everybody is going
15 to get copy. We're going to go
16 through it word by word. I also
17 did a compare, you know, the word
18 function compare. I did that to
19 the prior version. I have a copy
20 of that for everybody.

21 BOARD MEMBER CASHIN: So I
22 don't have it on here? I don't
23 have it on the computer?

24 MEMBER KRASNOW: Well, he
25 sent something last night.

2 BOARD MEMBER CASHIN: I

3 heard you say that before. I

4 didn't get anything last night.

5 BOARD MEMBER KRASNOW: He

6 sent it at like 5:23, that's why.

7 BOARD MEMBER CASHIN: I

8 don't have anything from Joe last

9 night.

10 BOARD ATTORNEY PROKOP: I

11 have it here.

12 MEMBER KRASNOW: Are we

13 going through it in executive

14 session or public meeting?

15 BOARD COUNSEL PROKOP:

16 Public meeting. It has to be gone

17 through in a public meeting.

18 MEMBER KRASNOW: Okay,

19 that's fine. I didn't know how we

20 do it.

21 CHAIRMAN SARETSKY: So if

22 there's no questions before we go

23 through that --

24 BOARD COUNSEL PROKOP:

25 Everybody is good until about

2 3:00, right?

3 BOARD MEMBER CASHIN: No.

4 No, I have to leave at one. I
5 don't care what you guys are up
6 to.

7 CHAIRMAN SARETSKY: Does the
8 Board have any questions before we
9 go through it?

10 BOARD MEMBER KRASNOW: No.

11 I think we have to open up and ask
12 the public and are we on Zoom too?
13 Is anybody on Zoom?

14 VILLAGE CLERK SANTORA: Jay
15 Jacobs.

16 MR. TERCHUNIAN: Who is Jay
17 Jacobs?

18 VILLAGE CLERK SANTORA: He
19 was on last time.

20 BOARD MEMBER KRASNOW: I
21 think the Board has gone through
22 this and we were in agreement that
23 this was acceptable except that
24 they needed to do this extra step
25 for the variances. I don't

2 think it's -- I'm okay with it. I
3 don't think I have anything else
4 to discuss. It's more if the
5 public has any questions.

6 CHAIRMAN SARETSKY: So Joe
7 and Jim, you're -- tentatively
8 until we go through Joe Prokop's
9 stuff -- we're okay with this?

10 BOARD MEMBER KRASNOW: We're
11 okay with this.

12 BOARD MEMBER CASHIN: Yes.

13 CHAIRMAN SARETSKY: So now
14 we'll hope up it up to the public,
15 right?

16 BOARD COUNSEL PROKOP: Uh-huh.

17 CHAIRMAN SARETSKY: To see
18 if there's any comments or
19 questions.

20 MR. MC CRONE: No, I don't
21 have anything right now. The
22 four-tenths rule that was the only
23 thing with additional relief, but
24 it's still within?

25 CHAIRMAN SARETSKY: It's

2 still within the four-tenths.

3 BOARD MEMBER CASHIN: Just
4 identify yourself.

5 MR. MC CRONE: Yes. John
6 McCrone (phonetic), 734 and 739
7 Dune Road.

8 CHAIRMAN SARETSKY: And for
9 the people who are on the Zoom
10 call, I don't know if you have any
11 questions.

12 VILLAGE CLERK SANTORA: I
13 just asked.

14 CHAIRMAN SARETSKY: Okay.
15 So if they don't, we're going to
16 go through it and they can listen
17 to any comments or questions we
18 have and we'll move on.

19 MR. HULME: Should the
20 hearing be closed before
21 we discuss the decision?

22 BOARD MEMBER KRASNOW: I
23 think so. I make a motion to
24 close the hearing.

25 CHAIRMAN SARETSKY: Second.

2 BOARD MEMBER KRASNOW: All

3 those in favor?

4 (Chorus of "ayes.")

5 BOARD MEMBER CASHIN: We got

6 fished once before.

7 VILLAGE CLERK SANTORA:

8 Yeah, he was on last time.

9 MR. TERCHUNIAN: That

10 doesn't mean anything.

11 VILLAGE CLERK SANTORA: I

12 know, I'm just saying.

13 MR. TERCHUNIAN: Where's our

14 camera?

15 BOARD MEMBER KRASNOW: It's

16 open to the public. You don't

17 have to be a resident for this

18 type of a meeting.

19 BOARD MEMBER CASHIN: I

20 know, but you remember what

21 happened two months ago. Some guy

22 said he wanted to come to the

23 picnic or something.

24 BOARD COUNSEL PROKOP:

25 Here's the compare function. So

2 you can see just globally what was
3 changed.

4 BOARD MEMBER KRASNOW: I
5 don't know what you compared what
6 to.

7 CHAIRMAN SARETSKY: All the
8 comments or the --

9 BOARD COUNSEL PROKOP: One
10 second. So this compares the
11 draft decision we had the last
12 meeting to what's proposed today.

13 BOARD MEMBER CASHIN: So the
14 underlining is additions?

15 BOARD COUNSEL PROKOP: Yes,
16 so you could see basically --

17 BOARD MEMBER KRASNOW: But
18 do we have it electronically?

19 BOARD COUNSEL PROKOP: I
20 sent it to you this morning.

21 BOARD MEMBER KRASNOW: Oh,
22 this morning?

23 BOARD MEMBER CASHIN: This
24 morning.

25 BOARD COUNSEL PROKOP: Yes.

2 I got your e-mail this morning and
3 I responded this morning.

4 CHAIRMAN SARETSKY: So the
5 underlying pieces --

6 BOARD MEMBER CASHIN: I
7 don't have anything from this
8 morning, nothing. Is it under
9 your name?

10 BOARD COUNSEL PROKOP: Yes.

11 CHAIRMAN SARETSKY: It's
12 under JProkop --

13 BOARD MEMBER CASHIN: Yes.
14 The last thing I have from him is
15 Friday, 8:51.

16 MR. TERCHUNIAN: Yes, 7:51.
17 I'll send it to you.

18 BOARD MEMBER CASHIN: Okay.

19 CHAIRMAN SARETSKY: Joe, you
20 think the best way to do it is
21 we're just going to roll through it?

22 BOARD COUNSEL PROKOP: No.
23 I think the best way to do it is
24 to look at the actual decision and
25 go through that.

2 CHAIRMAN SARETSKY: Okay,
3 then let's do that.

4 BOARD COUNSEL PROKOP:
5 Please. Can you pass this down
6 (handing)?

7 CHAIRMAN SARETSKY: So
8 having this is really just for
9 record more than anything else?

10 BOARD COUNSEL PROKOP: Yes,
11 I was asked to do it for the record.

12 CHAIRMAN SARETSKY: So how
13 we got from wherever to here?

14 BOARD COUNSEL PROKOP: Yes.

15 CHAIRMAN SARETSKY: And now
16 this is the decision based on
17 comments from the Board and our
18 meeting with the applicant the
19 last -- two weeks ago, whatever it
20 was.

21 MR. ANTONUCCI: Okay. So
22 first off, the square footage of
23 Lot A is a little bit off.
24 Four-tenths of 79.32 is not
25 32 feet, it's 31.7 and that's

2 what's on our proposal here.

3 So 79.32 times .4 is 31.728,
4 it's not 32 feet. So the rounding
5 is not appropriate for this
6 situation. So 31.728 is the
7 combined side yards.

8 CHAIRMAN SARETSKY: Total
9 side yards, right?

10 MR. ANTONUCCI: Yes.
11 Combined total side yards.

12 BOARD MEMBER KRASNOW: So
13 does that mean the advertising is
14 off?

15 MR. ANTONUCCI: Well, I
16 think it's --

17 BOARD MEMBER KRASNOW: No,
18 I'm saying, you're saying it and
19 then we put something in writing
20 and now you're saying that --

21 MR. ANTONUCCI: That's why
22 it would have been beneficial to
23 get this a week ago.

24 BOARD COUNSEL PROKOP:
25 Actually, just so you know, we

2 were going off your application
3 and your application says 32 feet.

4 MR. ANTONUCCI: Okay.

5 BOARD MEMBER KRASNOW: If
6 it's less than 31 feet, that
7 doesn't weigh in your favor.

8 MR. ANTONUCCI: I don't want
9 to reduce the side yards or
10 increase the side yards because
11 that's not what the plan was.

12 BOARD COUNSEL PROKOP: Did
13 you consider that before you filed
14 your application because we're
15 going by your application.

16 MR. HULME: .3 feet is four
17 inches, so do you -- is that what
18 you want to do, to die on that
19 hill?

20 CHAIRMAN SARETSKY: Why
21 don't we come back to that?
22 That's an open item like --

23 BOARD MEMBER KRASNOW: Time
24 out. I understand --

25 MR. HULME: We're changing

2 what we worked on for months.

3 BOARD MEMBER KRASNOW: I

4 understand but --

5 CHAIRMAN SARETSKY: Why

6 don't we come back to that?

7 BOARD MEMBER KRASNOW: Then

8 that's a decision that Joe has to

9 say whether or not we have to redo

10 this then.

11 BOARD COUNSEL PROKOP: So

12 what happened is we got an

13 application for 32 feet of

14 combined side yards that was

15 published and that's what we're

16 limited to granting. So the total

17 variance that we could grant is

18 28 feet. So if the applicant is

19 asking for 28.4 feet or whatever,

20 we can't do that today.

21 MR. HULME: 32 minus --

22 CHAIRMAN SARETSKY: Okay,

23 let's address each of these items

24 and then let's figure out a plan.

25 BOARD COUNSEL PROKOP:

2 What's the comment on the square
3 footage? Which square footage is
4 off?

5 CHAIRMAN SARETSKY: So we're
6 still on Lot A, correct?

7 BOARD COUNSEL PROKOP: Yes.

8 CHAIRMAN SARETSKY: So the
9 total square footage number, we're
10 good with 42,586.70?

11 MR. HULME: The square
12 footage of Lot A is 42,562.7.

13 CHAIRMAN SARETSKY: 562.7;
14 so it's a smaller number.

15 BOARD COUNSEL PROKOP: That
16 doesn't effect anything, but we
17 should have it right.

18 CHAIRMAN SARETSKY: Okay.

19 BOARD COUNSEL PROKOP: Now
20 we're on Lot B. What's the square
21 foot of Lot B?

22 MR. HULME: 45,042.1.

23 CHAIRMAN SARETSKY:
24 45,042.1?

25 MR. HULME: Right.

2 BOARD COUNSEL PROKOP: And I
3 hope the lot width is right; 042.1.

4 Lot C, what's Lot C, the
5 square footage?

6 CHAIRMAN SARETSKY: So what
7 was Lot C?

8 BOARD COUNSEL PROKOP: We're
9 looking to confirm the square
10 footage of Lot C.

11 MR. HULME: 45 -- no
12 46,765.4.

13 CHAIRMAN SARETSKY: 765.4?

14 BOARD MEMBER KRASNOW: Why
15 is this all off?

16 MR. TERCHUNIAN: I assume
17 you pulled them off the survey,
18 the site plan.

19 BOARD COUNSEL PROKOP: No, I
20 got them from you.

21 MR. TERCHUNIAN: No, you
22 didn't get them from me. You got
23 them from the site plan.

24 BOARD COUNSEL PROKOP: Which
25 site plan are these on?

2 MR. HULME: June 8, 2023.

3 BOARD COUNSEL PROKOP: 6/8/23?

4 CHAIRMAN SARETSKY: Let's do
5 this: I understand everybody's
6 frustration with this. Let's just
7 get all the facts and then we can
8 talk about how to move forward or
9 backward.

10 BOARD MEMBER KRASNOW: So
11 are these other numbers now in
12 here not --

13 BOARD COUNSEL PROKOP: No,
14 everything is correct.

15 CHAIRMAN SARETSKY: Except
16 for the square foot totals.

17 BOARD COUNSEL PROKOP: And
18 those are background things. They
19 have nothing to do with the
20 variances.

21 CHAIRMAN SARETSKY: But
22 everything else --

23 BOARD MEMBER KRASNOW: Well,
24 the four-tenths rule is off a
25 little now.

2 BOARD COUNSEL PROKOP: No,
3 it's not.

4 BOARD MEMBER KRASNOW: Okay.

5 CHAIRMAN SARETSKY: So A, B
6 and C we're all good with except
7 for the square footage of the
8 totals.

9 MR. TERCHUNIAN: And it
10 doesn't matter because they're not
11 seeking a variance on the lot area
12 on the lot.

13 BOARD MEMBER KRASNOW: It
14 matters for the decision that it
15 should be accurate, but, yes, I
16 don't think it fundamentally
17 changes the size of it.

18 CHAIRMAN SARETSKY: All
19 right, so let's chug along here.

20 MR. ANTONUCCI: Well, going
21 back to this before we chug along.

22 CHAIRMAN SARETSKY: Sorry.

23 MR. ANTONUCCI: These items;
24 32, which was that and --

25 MR. TERCHUNIAN: I think

2 what the Chairman is saying is,
3 can we put that on the side for a
4 moment and work through the rest
5 of the document and we'll revisit
6 that.

7 MR. ANTONUCCI: Okay. I
8 thought they were satisfied with
9 that.

10 BOARD MEMBER KRASNOW: Let's
11 see what other issues or things --
12 we might as well work through the
13 whole thing.

14 MR. ANTONUCCI: Okay.

15 BOARD COUNSEL PROKOP: The
16 rest of this is just reciting the
17 history of -- the procedural
18 history up to Page 7. Then we
19 have to change the square footage.

20 CHAIRMAN SARETSKY: On
21 Page 7 --

22 BOARD COUNSEL PROKOP: And
23 I'll change the square footage to
24 correspond.

25 CHAIRMAN SARETSKY: So we'll

2 move it along. We're on Page 8.

3 MR. HULME: Page 8.

4 CHAIRMAN SARETSKY: So just
5 to recap for Lots 1, 2 and 3 on
6 the square footages --

7 BOARD MEMBER KRASNOW: So
8 you're not confused.

9 CHAIRMAN SARETSKY: -- the
10 bottom of Page 7 and top of
11 Page 8, the square footage is just
12 changing to that number in the
13 front or proposed changing.

14 All right, so now, Joe, go
15 ahead.

16 BOARD COUNSEL PROKOP: Okay.
17 So now on Page 9, now we're
18 getting into the meat of the
19 decision, Page 9.

20 BOARD MEMBER KRASNOW: Which
21 is Page 10.

22 MR. ANTONUCCI: I'm just
23 trying to see what was revised
24 here. That's moving along
25 quickly.

2 CHAIRMAN SARETSKY: Take
3 your time.

4 So, Joe, this is just
5 describing it now?

6 BOARD COUNSEL PROKOP: Yes.
7 Again, so the bottom of Page 9,
8 the square footages have to be
9 changed.

10 CHAIRMAN SARETSKY: Okay.
11 So that number has to be changed
12 and then the top of Page 10 it's
13 going to change and the middle,
14 the Lot A, B and C. Okay.

15 BOARD COUNSEL PROKOP: All
16 right, so now in the middle of
17 Page 10, this is a finding that
18 you're doing. In the event that
19 the applicants or another future
20 owner were to develop the lots,
21 the parcel -- it should say
22 parcels, each parcel -- so
23 develop, it should say each
24 parcel, in its undivided state to
25 the full extent to which a single

2 family residence could be
3 constructed as of right --

4 BOARD MEMBER CASHIN: What
5 paragraph are you on?

6 BOARD COUNSEL PROKOP: The
7 third paragraph.

8 BOARD MEMBER KRASNOW: In
9 the event the applicants...

10 CHAIRMAN SARETSKY: It
11 starts with.

12 BOARD MEMBER KRASNOW: So
13 that should be parcels?

14 BOARD COUNSEL PROKOP: Each
15 parcel.

16 BOARD MEMBER KRASNOW:
17 Develop each parcel.

18 BOARD COUNSEL PROKOP: In
19 its undivided state to the full
20 extent to which a single family
21 residence could be constructed as
22 of right. The subject premises, a
23 building significantly charger or
24 more imposing than that which
25 currently exists in the

2 neighborhood could be constructed.

3 This is one of your findings
4 supporting the application that
5 somebody could develop the two
6 lots as they are to a much larger
7 house.

8 CHAIRMAN SARETSKY: Right,
9 okay.

10 BOARD COUNSEL PROKOP: The
11 development of lots in that manner
12 would have a significant negative
13 impact on the neighboring
14 properties and could change the
15 character of the community.

16 BOARD MEMBER KRASNOW: So
17 you're going to change and would
18 to and could? You're changing the
19 one would to could?

20 BOARD COUNSEL PROKOP: Could
21 change, yes.

22 CHAIRMAN SARETSKY: Okay,
23 conversely lot size is -- so
24 that's --

25

2 BOARD COUNSEL PROKOP:

3 That's one of your findings that
4 supports the application.

5 CHAIRMAN SARETSKY: Yes.

6 BOARD COUNSEL PROKOP: Okay,
7 so now we get into the conditions.
8 The conditions are mentioned here.
9 Because the conditions are both in
10 findings and in the decision
11 itself, they're mentioned more
12 than once, but they should be the
13 same.

14 So number one is: There
15 will be -- this is the bottom of
16 Page 10. There will be an open
17 space, nondevelopment --

18 CHAIRMAN SARETSKY: No
19 development, but go on.

20 BOARD COUNSEL PROKOP: Yours
21 says no development?

22 CHAIRMAN SARETSKY: Yes.

23 BOARD COUNSEL PROKOP: Mine
24 says nondevelopment.

25 BOARD MEMBER KRASNOW: No,

2 it says nondevelopment,
3 parentheses, no development.

4 CHAIRMAN SARETSKY: Oh,
5 nondevelopment. Yes, sorry.

6 BOARD COUNSEL PROKOP: Then
7 it says no development except
8 existing elevated walkway.

9 MR. ANTONUCCI: No.
10 Walkways for each of the
11 properties. That's what we
12 discussed. Why are we limited to
13 one walkway for the entire
14 property, for both, existing on
15 all three lots?

16 CHAIRMAN SARETSKY: Again, I
17 could be mistaken, but I thought
18 it was a walkway for each one.

19 BOARD MEMBER CASHIN: I
20 don't think it came up.

21 CHAIRMAN SARETSKY: Maybe it
22 didn't come up. Maybe I imagined
23 it.

24 BOARD COUNSEL PROKOP: Well,
25 I got written comments back that

2 it's just one -- it's singular,
3 but it doesn't matter --

4 CHAIRMAN SARETSKY: Is there
5 any downside to having three
6 walkways?

7 MR. TERCHUNIAN: (Nodding.)

8 CHAIRMAN SARETSKY: I don't
9 think so. So as long as you can
10 get it through wetland, whatever.

11 BOARD COUNSEL PROKOP: Okay,
12 so this is going to be changed
13 to --

14 BOARD MEMBER KRASNOW: So
15 we're changing to except elevated
16 walkways as opposed to the
17 existing one, is that how we'll
18 phrase it?

19 MR. HULME: Or why don't you
20 say: And existed elevated walkway
21 to each of the lots.

22 BOARD MEMBER CASHIN: Yes,
23 let's limit it to three.

24 BOARD MEMBER KRASNOW: Well,
25 there isn't an existing elevated

2 walkway to each lot.

3 MR. HULME: To each of the
4 lots created by the subdivision.

5 CHAIRMAN SARETSKY: Say for
6 each lot.

7 BOARD COUNSEL PROKOP: An
8 elevated walkway...

9 MR. ANTONUCCI: For each of
10 the three lots.

11 BOARD COUNSEL PROKOP: For
12 each of the three lots. Okay, so
13 I'll insert that and correspond
14 the language so it makes sense.

15 Okay, two: Limitation of
16 the development of the lots shall
17 be restricted by the four-tenths
18 rule as to the required minimum
19 total side yards as compared to
20 the three-tenths rule.

21 Number three: The southern
22 face of the principal structures
23 and accessory structures shall be
24 located at least 70 feet north of
25 the north side of Dune Road, the

2 Dune Republic right-of-way and I
3 have in parentheses, as indicated
4 as 60 feet.

5 CHAIRMAN SARETSKY: I have a
6 quick question. On the site plan
7 it shows it as 60, but we're
8 telling them that it has to be 70.
9 Is that a conflict there?

10 MR. TERCHUNIAN: No.

11 BOARD COUNSEL PROKOP: I
12 want to make it clear that we're
13 not approving the site plan, we're
14 approving 70, not 60.

15 CHAIRMAN SARETSKY: Okay.

16 MR. ANTONUCCI: That's fine.
17 I think we covered that last time.

18 CHAIRMAN SARETSKY: Okay.

19 MR. ANTONUCCI: The whole
20 rear yard, front yard --

21 CHAIRMAN SARETSKY: Yeah.

22 BOARD COUNSEL PROKOP: The
23 total north/south length of the
24 principal structure of each of the
25 homes to be constructed on created

2 lots shall not exceed 67.3 feet.

3 Okay with everything?

4 MR. ANTONUCCI: Yeah.

5 BOARD COUNSEL PROKOP: The
6 total area of the portion of the
7 lot to be developed will not
8 exceed 20 percent lot coverage as
9 defined in the Village Code and
10 all development will be contained
11 within the envelopes labeled
12 reduced principal building
13 envelope and described as those
14 three things. And this should
15 say -- now we're going by site
16 plan on June 8, 2023?

17 MR. HULME: Correct.

18 MR. ANTONUCCI: And I'd like
19 this to reference each of the
20 three newly created lots by the
21 subdivision so it's not an overall
22 20 percent on the entire property.
23 So each has a 20 percent
24 restriction for each of the lots.

25 MR. HULME: So what you're

2 suggesting is the total area of a
3 portion of each of the lots?

4 MR. ANTONUCCI: Each of the
5 three lots.

6 BOARD COUNSEL PROKOP: So it
7 instead of the lot -- yes, each
8 lot to be developed.

9 MR. ANTONUCCI: So it's not
10 going to overlay the entire
11 project, the 20 percent. It
12 probably works out the same, but --

13 MR. HULME: It does, but it
14 should be clear.

15 MR. ANTONUCCI: It should be
16 clear.

17 BOARD MEMBER KRASNOW: Are
18 these building envelopes correct?

19 MR. HULME: They match the
20 67.3 feet and the areas.

21 BOARD MEMBER KRASNOW: Okay.

22 MR. ANTONUCCI: Thank you.

23 CHAIRMAN SARETSKY: Okay.

24 So what's the part we're going to
25 correct here, 20 percent of each lot?

2 MR. HULME: The total area
3 of the portion of each of the lots --

4 CHAIRMAN SARETSKY: Okay.

5 MR. HULME: -- to be
6 developed.

7 CHAIRMAN SARETSKY: Okay.
8 Six were up to, Joe?

9 BOARD COUNSEL PROKOP: The
10 HVAC equipment for the homes shall
11 not be located in either the west
12 side yard of parcel --

13 CHAIRMAN SARETSKY: There's
14 a typo there.

15 BOARD COUNSEL PROKOP: What
16 does it say?

17 CHAIRMAN SARETSKY: It says
18 wass. Side yard of Parcel A and
19 east side yard of parcel --

20 BOARD COUNSEL PROKOP: It
21 should be Parcel A, the east side
22 yard of Parcel C. Sorry for those
23 typos.

24 CHAIRMAN SARETSKY: -- all
25 right, so with those corrections...

2 BOARD COUNSEL PROKOP:

3 That's it.

4 CHAIRMAN SARETSKY: That's

5 what we had before I think.

6 BOARD MEMBER KRASNOW: Where

7 is the A, B and C on the site

8 plan?

9 MR. ANTONUCCI: A is to the

10 west.

11 BOARD MEMBER KRASNOW: Yeah,

12 that's what I'm saying, but does

13 it say on here?

14 MR. HULME: Yes.

15 Proposed A, Proposed B.

16 BOARD MEMBER KRASNOW: Oh,

17 okay, okay.

18 CHAIRMAN SARETSKY: Seven.

19 BOARD COUNSEL PROKOP: The

20 lighting on each of the homes to

21 be constructed shall comply with

22 the Village of Westbound lighting

23 guidelines and shall be dark sky

24 protected with no light or glare

25 leaving the subject property in

2 each case and the builder/owner of
3 each of the homes to be
4 constructed shall submit an
5 exterior lighting plan to be
6 reviewed by the building inspector
7 for compliance with the Village
8 before Certificate of Occupancy is
9 issued. So it's the building
10 inspector that we're using, not
11 us.

12 BOARD MEMBER KRASNOW: So
13 that you changed.

14 BOARD COUNSEL PROKOP: Yes.

15 MR. HULME: I guess the only
16 question I have is, is there
17 lighting conditions in the Village
18 Code?

19 BOARD COUNSEL PROKOP: Yes.

20 MR. TERCHUNIAN: Yes.

21 MR. HULME: So shouldn't we
22 refer to the dark sky -- because
23 dark sky means different things in
24 different communities.

25 BOARD MEMBER KRASNOW: But

2 he says to comply with the Village
3 of West Hampton Dunes. I think
4 that that's covered.

5 MR. HULME: Okay, fine.

6 BOARD MEMBER KRASNOW: I
7 understand what you're saying, but
8 I think it's covered.

9 MR. HULME: Okay, I missed
10 that, I'm sorry.

11 BOARD COUNSEL PROKOP: Each
12 property shall submit a light and
13 landscaping plan for the property
14 to the Zoning Board of Appeals
15 which shall be approved by the
16 Zoning Board of Appeals and the
17 owner and subsequent owner of each
18 property shall be responsible to
19 replace and maintain all
20 landscaping on the property as a
21 condition of this approval. Any
22 retaining wall required by the
23 Suffolk County Department of
24 Health Services will be adequately
25 buffered and screened by

2 landscaping.

3 BOARD MEMBER KRASNOW: You
4 want to say approved landscaping?

5 CHAIRMAN SARETSKY: We're
6 really not looking to -- in the
7 past, to side on the --

8 BOARD MEMBER KRASNOW: But
9 you're saying that in the
10 beginning of the paragraph, so --

11 CHAIRMAN SARETSKY: We are,
12 but I mean -- I don't know, we did
13 this time after time.

14 BOARD COUNSEL PROKOP: Well,
15 it's really a Planning Board
16 function, so we can just say the
17 Planning Board.

18 CHAIRMAN SARETSKY: Okay.

19 BOARD COUNSEL PROKOP: Or if
20 you don't want to have it with
21 this Board, the way to do it is
22 have it before the Planning Board.
23 Is that okay, Aram?

24 MR. TERCHUNIAN: Yes, that's
25 a good idea.

2 BOARD MEMBER KRASNOW: So
3 you're removing it from the Zoning
4 Board?

5 BOARD COUNSEL PROKOP: Yes.

6 CHAIRMAN SARETSKY: The only
7 thing missing from this -- and I'm
8 sure it's not an issue is that in
9 the past, Aram, we had it where it
10 said that it would be irrigated
11 with, I'm sure, all the other
12 landscaping because that was the
13 whole point. We just didn't want
14 it to die and not have it in front
15 of the wall.

16 MR. TERCHUNIAN: I think
17 what you want to just say is,
18 adequately maintained. Because if
19 you start specifying, you have to
20 specify everything.

21 CHAIRMAN SARETSKY: Okay, so
22 just say adequately maintained.
23 That's fine. I'm not trying to be
24 onerous.

25 MR. ANTONUCCI: Just, is it

2 appropriate to put which approval
3 is not unreasonably withheld by
4 the Planning Board? Is that
5 something we can propose?

6 BOARD MEMBER KRASNOW: Good
7 luck with that with the Planning
8 Board.

9 MR. ANTONUCCI: Which
10 approval shall not be --

11 BOARD MEMBER KRASNOW: You
12 want change corporate colors, not
13 here, but elsewhere.

14 (Whereupon, there was
15 crosstalk.)

16 BOARD COUNSEL PROKOP: We
17 unreasonably withhold --

18 MR. TERCHUNIAN: This Board
19 can't bind the Planning Board.

20 MR. ANTONUCCI: All right.

21 BOARD MEMBER KRASNOW: On
22 the good side, as of the last time
23 we were here, we were going to
24 have to -- you were concerned we
25 were going to have to approve

2 these plans for you. Now you just
3 of eliminated that.

4 MR. ANTONUCCI: There's
5 another body that has to approve.

6 BOARD MEMBER KRASNOW: Only
7 one of them now. Now it's just
8 the landscaping, it's not even the
9 lighting.

10 CHAIRMAN SARETSKY: And I
11 don't think I've ever seen it
12 rejected, right, Aram?

13 MR. TERCHUNIAN: (Nodding.)

14 CHAIRMAN SARETSKY: I'm
15 pretty sure.

16 BOARD MEMBER KRASNOW:
17 Somebody might want you to change
18 a tree or a bush, but you're going
19 to know that ahead of time. That
20 shouldn't really -- that should be
21 the least of your stress.

22 BOARD COUNSEL PROKOP: There
23 shall be no further -- future or
24 further subdivision of any one of
25 the three lots created by the

2 subdivision.

3 Ten, in consideration of the
4 granting of the requested
5 variances, the applicant shall
6 record a covenant of formal
7 language approved by the Village
8 attorney prior to the singing --
9 oh boy.

10 MR. HULME: I can sing.

11 CHAIRMAN SARETSKY: I've
12 seen that.

13 BOARD COUNSEL PROKOP: Prior
14 to the singing by Counselor James
15 Hulme of the subdivision map --

16 BOARD MEMBER KRASNOW: Singing.

17 BOARD COUNSEL PROKOP: -- or
18 the issuance of a building permit
19 for either of the lots or any of
20 the three created lots, which
21 shall contain the conditions of
22 this, that a decision and also
23 creating an open space,
24 nondevelopment easement. I don't
25 know why I have scenic easement in

2 there. That's going to come out,
3 scenic easement.

4 CHAIRMAN SARETSKY: Okay.

5 BOARD COUNSEL PROKOP: So
6 the basis of this basically is we
7 want to get the covenants recorded
8 before the lots -- the subdivision
9 map goes in. Because once the
10 subdivision map goes in, it gets
11 harder to track and get the
12 covenants recorded.

13 BOARD MEMBER KRASNOW: So
14 the covenants we recorded and the
15 subdivision map will go in even
16 before they get their building --
17 way before they get the
18 building permits?

19 BOARD COUNSEL PROKOP: Yeah,
20 they have to --

21 BOARD MEMBER KRASNOW: Do
22 they have to get site plan
23 approval or does this --

24 BOARD COUNSEL PROKOP: No,
25 just building permits.

2 MR. ANTONUCCI: We wanted to
3 add, again, the walkways are
4 permitted or the elevated
5 walkways.

6 BOARD MEMBER KRASNOW: It's
7 already in there before.

8 BOARD COUNSEL PROKOP: Yes,
9 that's defined.

10 MR. ANTONUCCI: But this is
11 separate. This is a scenic -- we
12 don't want do be violating this
13 scenic easement.

14 MR. HULME: There is no
15 scenic easement.

16 CHAIRMAN SARETSKY: We're
17 crossing that out.

18 MR. ANTONUCCI: It said it
19 again --

20 MR. HULME: In Paragraph 1,
21 it says that the nondevelopment
22 easement area can contain a
23 walkway.

24 MR. ANTONUCCI: Okay.

25 MR. HULME: So you're fine.

2 BOARD COUNSEL PROKOP:

3 Somehow this language -- this
4 paragraph ended up here: The
5 nondevelopment easement shall have
6 an area of approximately 33,592
7 square feet and shall be evenly
8 located across the northerly
9 section of the three properties
10 substantially indicated on the
11 June 8, 2023 site plan, the
12 location of which shall be
13 approved by the Zoning Board of
14 Appeals prior to recording.

15 MR. ANTONUCCI: I don't know
16 what that means. I don't know why
17 it's being said again.

18 BOARD COUNSEL PROKOP: So
19 it's in that site plan, the
20 location of which is going to come
21 out.

22 MR. HULME: Okay.

23 BOARD COUNSEL PROKOP: And
24 that language should -- on
25 Number 1 where it says -- Number 1

2 on Page 10 at the bottom, it says:
3 There will be an open space,
4 nondevelopment easement. This
5 line -- this paragraph is going to
6 up to there at the end of that
7 paragraph. That's where it
8 belongs.

9 MR. ANTONUCCI: Okay, so
10 now --

11 BOARD COUNSEL PROKOP: It's
12 a further clarification of the
13 creation of the open space
14 easement.

15 MR. ANTONUCCI: So you sent
16 us a draft yesterday on this
17 Paragraph 10 --

18 BOARD COUNSEL PROKOP: Right.

19 MR. ANTONUCCI: -- at like
20 4:00 or so. And it had language
21 allowing the elevated walkways.
22 So now you removed it. I just
23 wanted to know why you removed it
24 even though you had it yesterday.

25

2 BOARD COUNSEL PROKOP:

3 Because it's mentioned in the
4 other paragraphs.

5 MR. ANTONUCCI: But this
6 whole thing is mentioned in the
7 other paragraphs, the
8 nondevelopment.

9 MR. TERCHUNIAN: I think
10 that's why he wants to move
11 everything into Paragraph 1; 10 is
12 going to go to 1.

13 MR. ANTONUCCI: Okay.
14 That's better because --

15 BOARD MEMBER KRASNOW: All
16 of 10 is going to one or just the
17 bottom half?

18 BOARD COUNSEL PROKOP: Just
19 that bottom.

20 BOARD MEMBER KRASNOW: The
21 first paragraph of 10 is staying
22 here and the second paragraph is
23 moving to 1?

24 BOARD COUNSEL PROKOP: Yes.

25 BOARD MEMBER KRASNOW: Okay.

2 MR. HULME: The first part
3 of 10 has to do with the filing of
4 a covenant.

5 MR. TERCHUNIAN: Yes.

6 MR. HULME: So the second
7 part of 10 moves to 1 because it's
8 part of that and number 1 contains
9 the permission to have elevated
10 walkways on each of the lots.

11 BOARD COUNSEL PROKOP: I
12 mean, 10 could really be the last
13 paragraph of all the conditions,
14 but the things -- at one time it
15 was and then our discussion at the
16 last meeting added stuff on this
17 draft. This draft decision was
18 actually in this form a long time
19 ago and then we were adding stuff
20 on as the public hearings
21 continued.

22 In 11, the footprint of the
23 principal structure of the home to
24 be created on -- constructed on
25 each of the created lots shall not

2 exceed 3,200 square feet.

3 12, the variances granted
4 herein shall only apply to the
5 site plan presented to the ZBA as
6 amended in this application and no
7 other plan, subdivision or
8 configuration of the properties.
9 These variances and the relief
10 granted have nothing to do with
11 any other subdivision or
12 development of the properties and
13 apply only to the subdivision
14 proposed in this application.

15 CHAIRMAN SARETSKY: I have a
16 quick question on that one. So
17 what's the one that's to the west?

18 MR. TERCHUNIAN: Skudrna.

19 CHAIRMAN SARETSKY: Maybe
20 this is a slippery slope, but
21 didn't we want to -- they're very
22 unusual subdivisions, both of them
23 right? So the reason for doing
24 what we're doing is because it's
25 so unusual. Does this kind of

2 contradict that in a bad way for
3 us down the road? I'm asking.

4 MR. TERCHUNIAN: No, no.

5 All this does is say that for this
6 decision, only these -- these
7 variances only apply to the plan
8 presented now and --

9 CHAIRMAN SARETSKY: And
10 stand alone.

11 MR. TERCHUNIAN: -- and
12 stand alone and cannot be applied
13 to any other plan.

14 BOARD MEMBER KRASNOW:
15 Right. So they have something
16 pending with the Planning Board
17 and they go back to the Planning
18 Board and they come up with
19 another idea, any of the relief
20 that we gave them will not count
21 for that other idea. Is that
22 basically what we're putting
23 there, Eric?

24 MR. TERCHUNIAN: Yes.

25 MR. HULME: That's what we

2 understand that language to mean,
3 yes.

4 CHAIRMAN SARETSKY: Okay,
5 then, let's move on. 13, I
6 thought it was the Bunny Hut.

7 MR. TERCHUNIAN: It is the
8 Bunny Hut.

9 BOARD MEMBER KRASNOW: Well,
10 it says hut in one place and house
11 in another place.

12 BOARD COUNSEL PROKOP: It's
13 a bar on 33rd Street.

14 (Whereupon, there was
15 crosstalk.)

16 BOARD MEMBER KRASNOW: Joe,
17 there was a comment I added to
18 this that you didn't put in and
19 I'm not sure...

20 BOARD COUNSEL PROKOP: What
21 is the comment, I'm sorry?

22 BOARD MEMBER KRASNOW: Well,
23 he might hit me when I say it, but
24 only because I've been involved in
25 similar situations in other

2 developments and the -- and part
3 of the giving -- the granting of
4 the relief was that if the thing
5 is to be preserved, it's the
6 expense of the developer to move
7 it.

8 And that I've seen in other
9 developments, whether it was a
10 library in Patchogue or it was
11 something in Garden City or
12 something like that. And I wrote
13 within with the Village limits,
14 not to be unreasonable what I
15 thought that he should, you know,
16 be able -- be the one to have the
17 expense of moving it to somewhere
18 else within the Village and for
19 some reason you didn't put that in
20 there.

21 MR. HULME: If it's the
22 Village that wants to preserve it,
23 we don't really care.

24 MR. ANTONUCCI: I'm not
25 agreeing to that. If that's

2 something you're proposing, I'm
3 not agreeing.

4 BOARD MEMBER KRASNOW: Well,
5 I wasn't planning on having this
6 as a discussion. I was planning
7 on having it as a condition, but
8 I'm not sure why you didn't put it
9 in there and that's why I now have
10 to ask publicly.

11 BOARD COUNSEL PROKOP: I
12 don't recall.

13 MR. ANTONUCCI: That was
14 never discussed.

15 BOARD COUNSEL PROKOP: The
16 Board can talk about it now if you
17 think that that's appropriate.

18 BOARD MEMBER CASHIN: I
19 don't understand.

20 BOARD COUNSEL PROKOP: So
21 Irwin's comment is that -- I'm
22 sorry, go ahead, why don't you
23 state it?

24 BOARD MEMBER KRASNOW: My
25 comment was -- and like I said, I

2 saw this in Patchogue where they
3 moved the Carnegie Library. I saw
4 this in another development in
5 Garden City where they built like
6 the -- they took the sales office
7 and then they moved it to the
8 Village for public benefit, but
9 those expenses were -- the charity
10 or the municipality provided the
11 space, but the cost of moving it
12 was on the developer who
13 benefitted from getting the relief
14 and that's what I had suggested
15 that it be on Mr. Antonucci's
16 thing.

17 That this way, if the
18 Village is getting it, the Village
19 has to provide the land, but they
20 don't have to incur the cost of
21 moving it down the street. I
22 mean, it's a small structure. And
23 I limited it to within the
24 Village. I didn't want to say
25 we're moving it to Montauk and

2 have him -- I was trying to be
3 very fair and reasonable.

4 MR. HULME: How is that
5 condition related to the relief
6 that we're looking for, the lot
7 width, the side yard relief? This
8 is --

9 BOARD MEMBER KRASNOW:
10 Because I think, in theory, we
11 could have you build a park
12 elsewhere.

13 MR. HULME: No.

14 BOARD MEMBER KRASNOW: I've
15 seen this with other
16 municipalities. I have to put
17 traffic lights in on site plans,
18 so --

19 MR. ANTONUCCI: So I want to
20 ask you a question. Is that
21 something you do with all your
22 applications or it's just
23 arbitrary and capricious?

24 BOARD COUNSEL PROKOP:
25 Actually it is.

2 BOARD MEMBER KRASNOW: I'm
3 not trying --

4 BOARD COUNSEL PROKOP: Sir,
5 it is. Actually, sir --

6 (Whereupon, there was
7 crosstalk.)

8 BOARD COUNSEL PROKOP: I'm
9 sorry, excuse me. It is something
10 that we've done on two other
11 applications and actually we
12 didn't have to ask the developer;
13 the developer offered it.

14 MR. ANTONUCCI: Okay.

15 BOARD COUNSEL PROKOP:
16 Including the building that we're
17 sitting in.

18 BOARD MEMBER MIZZI: I don't
19 feel strongly about it, but I do
20 think, as a resident, we're going
21 to -- like, our tax dollars are
22 going to be used to take this
23 thing from this property and move
24 it somewhere?

25 BOARD MEMBER KRASNOW: I

2 mean, I don't think this is going
3 to be an extremely business
4 expense either because it's a
5 small thing that can fit on the
6 back of a trailer that would have
7 a payload or something. I mean,
8 it's not that big of a structure,
9 but that was -- and, again, I
10 wasn't planning on having this
11 discussion in front of everybody.

12 I thought Board would
13 discuss it and make a decision,
14 but I didn't think that was
15 unreasonable or onerous or even
16 super expensive. Or if you have a
17 concern, then maybe we should give
18 a dollar amount that you will
19 contribute towards it if that
20 makes it more palatable for you.

21 MR. ANTONUCCI: I think the
22 structure itself has a dollar
23 amount that we would be
24 contributing to the Village. So
25 now we're going beyond that.

2 BOARD MEMBER KRASNOW: Yeah,
3 but it's not like you're going to
4 sell it.

5 MR. ANTONUCCI: Well, the
6 discussion of other individuals is
7 actually part of the hearing that
8 people requested.

9 BOARD MEMBER KRASNOW: That
10 it be preserved.

11 MR. ANTONUCCI: No, they
12 requested it. So it was part of
13 prior hearings and actually I
14 think it was put on the record,
15 which I don't think it was
16 appropriate, but there is a value
17 to people, so there is a value for
18 the actual structure.

19 BOARD MEMBER KRASNOW: But
20 you still have that -- first of
21 all, this is a three-step process.
22 One, you can utilize it as an
23 accessory structure.

24 MR. ANTONUCCI: Sure.

25 BOARD MEMBER KRASNOW: We'll

2 still require you to move it. You
3 have to move it.

4 MR. ANTONUCCI: Yes.

5 BOARD MEMBER KRASNOW: The
6 second thing would be, you're
7 offering it to the Village of West
8 Hampton Dunes and they can decide
9 whether they want it or not.

10 MR. ANTONUCCI: Okay.

11 BOARD MEMBER KRASNOW:
12 Third, you're offering it to a
13 501(C)(3), which would be a
14 nonprofit and I also said within
15 the Village of West Hampton Dunes.
16 Like I said, I wasn't having you
17 move it to Quogue or Montauk or
18 elsewhere.

19 The forth option you have is
20 you can sell it to a resident who
21 would then privately move it. It
22 wouldn't cost the Village or the
23 nonprofit any money, and they
24 could put it on their property as
25 an accessory structure. Or, I

2 guess, number five, you could
3 actually just demolish it and put
4 it in a dumpster.

5 So we're not precluding you
6 the right to possibly, you know,
7 sell it if you think there's a
8 value there. And, again, the
9 Village might not want it and the
10 501(c)(3) might not want it.

11 But since, like you said,
12 there was an interest in possibly
13 preserving it and finding a
14 location for it, that was my
15 suggestion, which I don't think,
16 financially, was really putting
17 you in a tight spot, especially if
18 you weigh the value of the extra
19 lot, I think it's very de minimis.

20 MR. ANTONUCCI: Well, we
21 keep on weighing it with
22 additional restrictions and
23 requests. We have been waiting
24 for this for quite some time.

25 BOARD MEMBER KRASNOW: We

2 really haven't given you any real
3 -- I mean, yes, we're not letting
4 you build 20,000 foot houses (sic)
5 on each lot, but we really have
6 not given you anything that would
7 not be a part of any other type of
8 variance in terms of the size of
9 the property, the lot width.

10 I mean, none of this that
11 we're doing is unusual or picking
12 on you at all, I don't think. If
13 anything, from day one we have
14 been trying to help you accomplish
15 what you want to do.

16 CHAIRMAN SARETSKY: I'm just
17 thinking out loud. Maybe the way
18 to do it, if it's more palatable,
19 is you tell us a number that you
20 would be, either willing to
21 contribute or have the option to
22 do it -- in other words, let's say
23 they want to move it here and it's
24 going to cost, I don't know what
25 it's going to cost, but whatever

2 it is, we put a number and you'll
3 chip in this much. Or you could
4 have the option to do it while
5 you're building the homes.

6 It could be an amount that's
7 not overly whatever, but at the
8 same time it follows down Irwin's
9 path. No one is looking to make
10 this onerous to you. And, again,
11 I don't know -- and the exception
12 would be if someone else is going
13 to take it, then it could be their
14 burden.

15 In other words, this would
16 only be if it's going to be used
17 in the Village of West Hampton
18 Dunes, whether it be for the
19 Village or for, I guess, 501(c)(3)
20 would the ECA --

21 MR. ANTONUCCI: Right,
22 that's separate. That's a
23 separate item.

24 BOARD MEMBER KRASNOW: And
25 you're still going have to move it

2 if you keep it on your own
3 property. So you're still going
4 to have to somehow put it with --
5 put it on a --

6 MR. ANTONUCCI: -- 10, 20,
7 30 feet.

8 BOARD MEMBER KRASNOW: Once
9 you put it on a trailer, what
10 difference does it make?

11 MR. ANTONUCCI: Well, on the
12 property, there's no trailer
13 involved. But that's something --
14 okay, so I'll consider --

15 BOARD MEMBER KRASNOW: You
16 want to get back to us on that?

17 MR. ANTONUCCI: Yes.

18 BOARD MEMBER KRASNOW: What
19 kind of a compromise would be a
20 win/win for everybody? I'm not
21 looking for you to write an
22 unlimited check. That was not my
23 intention.

24 BOARD COUNSEL PROKOP: So I
25 just wanted to say, my

2 recommendation that I made last
3 time continues to be that if that
4 particular lot -- I don't know
5 what lot it's on, but that
6 particular lot is developed, that
7 the Bunny House be removed.

8 I've never seen an
9 application where a Board approves
10 a building envelope for a new
11 house and there's already a house
12 on the property. I think that is
13 a slippery slope that, I think, is
14 going to lead to --

15 MR. TERCHUNIAN: I disagree,
16 Joe. This is very common. It
17 happens all the time. As long as
18 the building will conform to
19 zoning by being converted to an
20 accessory structure, it is
21 completely legitimate.

22 CHAIRMAN SARETSKY: So, I
23 mean, do you want language, Joe,
24 that says that?

25 MR. TERCHUNIAN: It does.

1
2 It's in there.

3 BOARD MEMBER KRASNOW: We're
4 giving him the right -- you know,
5 what I'm saying is if he doesn't
6 want to keep it and then one of
7 the two people that he's donating
8 it to would like it, then it's his
9 burden to, you know, pay to move
10 it and preserve it.

11 If he decides that it fits
12 on one of his properties and he
13 wants to keep it, then this whole
14 thing and whatever he was going to
15 giving us becomes moot. He does
16 have the -- we're not making him
17 get -- I mean, unless Joe feels
18 like we should make him donate it
19 to somebody, again, I don't know,
20 but Aram felt differently
21 originally last time.

22 BOARD COUNSEL PROKOP:
23 Because, as he said with all due
24 respect, and he's been very
25 patient, there's been side

2 discussions about this house, as
3 he said, and I just think that we
4 don't know what they are and we
5 don't -- this whole thing about
6 our code and accessory structure,
7 I don't understand -- I just want
8 to register my legal advise to the
9 Board that I think it's, as I
10 said, a slippery slope and, you
11 know, I fully expect that --
12 excuse me, I just think that it
13 might be unfair to the applicant
14 and to the Village. It might just
15 become a source of controversy
16 later on.

17 BOARD MEMBER KRASNOW: You
18 want to require him to remove it;
19 is that what you feel?

20 BOARD COUNSEL PROKOP: It
21 was just a suggestion, yes.

22 MR. TERCHUNIAN: I disagree.

23 MR. HULME: Just a simple
24 example, he may choose to move the
25 Bunny Hut to one of the lots or

2 some property with the Bunny Hut
3 on it.

4 BOARD MEMBER CASHIN: I
5 asked that question last week.
6 There is, Aram, a scenario, zoning
7 wise, where he could move this on
8 to one of the three lots?

9 CHAIRMAN SARETSKY: If it
10 becomes accessory structure.

11 MR. HULME: No, no. He
12 could put this on one of the lots
13 as a principal residence.

14 BOARD MEMBER CASHIN: Can --

15 MR. HULME: It probably
16 doesn't make economic sense, but
17 that's certainly --

18 CHAIRMAN SARETSKY: But it's
19 an option.

20 MR. HULME: The other thing
21 is that he could build a house and
22 he could attach the Bunny Hut to
23 the back of the house --

24 MR. SARETSKY: As an
25 accessory structure.

2 MR. HULME: -- as part of
3 the main house.

4 MR. TERCHUNIAN: There are
5 multiple scenarios under which
6 this structure could be used in a
7 conforming manner on any one of
8 these three lots.

9 CHAIRMAN SARETSKY: I think
10 as long as it's conforming --

11 MR. TERCHUNIAN: That's the
12 key.

13 BOARD MEMBER CASHIN: I'm
14 surprised at that.

15 BOARD COUNSEL PROKOP:
16 You're interpreting -- and I know
17 there's places in the Village that
18 I wasn't involved in the review
19 of, but you're interpreting a
20 single family dwelling unit to be
21 an accessory structure.

22 MR. TERCHUNIAN: That is not
23 correct. The decision in front of
24 you and the code itself is very
25 clear. If this has a kitchen or

2 sleeping quarters, then it's a
3 dwelling. If it does not have
4 those features, because they are
5 removed, it is an accessory
6 structure. It could be a studio,
7 it could be an office, it could be
8 a playhouse. It could be any one
9 of those things that conform to
10 the code.

11 BOARD MEMBER CASHIN: And
12 you don't have lot coverage issues
13 if you move that to one of the
14 three lots that we're talking
15 about?

16 MR. TERCHUNIAN: You have
17 got to stay within 20 percent.

18 CHAIRMAN SARETSKY: So you
19 have to modify the house to make
20 it work.

21 BOARD COUNSEL PROKOP: This
22 is exactly -- what he just said is
23 exactly what my concern is that
24 now, based on what he just put on
25 the record, anybody in the Village

2 could build a playhouse, an
3 office, whatever else he talked
4 about. That is exactly what my
5 concern is.

6 MR. TERCHUNIAN: But that's
7 the code.

8 CHAIRMAN SARETSKY: But they
9 could do that now, Joe, right?
10 We've I've seen that.

11 BOARD COUNSEL PROKOP: You
12 can't have separate structures. I
13 know you've seen it and that's
14 exactly why I'm registering this.

15 MR. TERCHUNIAN: That's not
16 true, Joe. You can have separate
17 structures. They do not have to
18 be attached to each other. You
19 could have a garage as a separate
20 structure on a property. It's
21 right in the code.

22 BOARD MEMBER KRASNOW: So is
23 this something we can discuss in
24 an executive session or this has
25 to be all --

2 BOARD MEMBER CASHIN: Let's
3 resolve it today.

4 CHAIRMAN SARETSKY: Well, I
5 think -- it sounds to me like we
6 have sort of an order of things we
7 want to do with it. We would like
8 to make it available to the
9 Village. We'd like to make it
10 available to a 501(c). We'd like
11 to make it available to somebody
12 from West Hampton Dunes that wants
13 it.

14 I don't think we should try
15 to make this anymore complicated
16 than it is. We don't want to make
17 it a terrible burden for the
18 applicant because what's the
19 reason to do that? It's not a
20 landmark type of structure. It's
21 really sentimental reasons to
22 people here, but we appreciate
23 that.

24 So if we can come to some,
25 whatever it is, you perhaps will

2 make a contribution to moving it
3 or have the option of being the
4 one who moves it.

5 BOARD MEMBER CASHIN: Yes,
6 some version of what Irwin is
7 presenting.

8 BOARD MEMBER KRASNOW: What
9 about Joe's concern about
10 precedent though. I'm listening
11 to Aram and I'm listening to Joe
12 and I'm a little confused.

13 CHAIRMAN SARETSKY: That's a
14 good point.

15 BOARD MEMBER KRASNOW: It's
16 not just now this issue, it's a
17 going forward issue.

18 CHAIRMAN SARETSKY:
19 Accessory use, a subordinate use,
20 building or structure customarily
21 incidental to and located on the
22 same lot occupies the main use
23 common building or structure.
24 Term accessory building may
25 include private garage, garden,

2 shed, playhouse, swimming pool and
3 private greenhouse.

4 The term accessory building
5 shall not include any building
6 with sleeping facilities or used
7 for sleeping purposes except for
8 farm employees living on a farm
9 owned or leased by their employer.

10 BOARD COUNSEL PROKOP:

11 That's right. That's not what
12 Aram said. Aram said if it
13 doesn't have a kitchen --

14 MR. ANTONUCCI: That's
15 exactly what Aram said.

16 MR. HULME: You're
17 forgetting the fact that whoever
18 develops this lot needs to get a
19 building permit to develop that
20 lot. And if the proposal for the
21 building permit does not conform
22 with whatever the code says, you
23 don't get a building permit.

24 BOARD COUNSEL PROKOP: You
25 know, there's no point in me --

2 first I said something that was
3 challenged by Aram who is the
4 environmental consultant. Then I
5 said something that was challenged
6 by the applicant. I'm just going
7 to go back to my office and do
8 Zoom. I mean, it's like why --

9 CHAIRMAN SARETSKY: Joe --

10 BOARD MEMBER KRASNOW:

11 That's why I said, Joe --

12 BOARD MEMBER MIZZI: --

13 becoming Rodney Dangerfield.

14 (Whereupon, there was
15 crosstalk.)

16 BOARD COUNSEL PROKOP: If I
17 could just -- I just would like to
18 say one other thing without being
19 interrupted by either of the
20 applicants or Aram.

21 Just for a point of -- you
22 asked about precedent. The
23 building next to us, 906, that
24 building was donated by somebody
25 who requested and obtained a

1
2 variance, a subdivision and
3 variance, not dissimilar to this
4 situation.

5 This building here was
6 donated by the person, the actual
7 developer of the homes on those
8 subdivided properties and it was
9 moved here at that developer's
10 cost.

11 This applicant has a
12 different -- for whatever reason,
13 he has a different frame of mind.
14 There's been side discussions, as
15 he said, involving the house.
16 We're not going to get past that
17 and I think that we should just
18 put in the decision that -- if
19 he's willing to do this -- I don't
20 know if he's willing to say that
21 he will endeavor to either move or
22 contribute towards the move of the
23 house if it's taken by the Village
24 or a 501(c)(3). And that's not
25 binding on him, we're not going to

2 get something that's binding on
3 him.

4 CHAIRMAN SARETSKY: So then
5 I think we're all in favor of
6 something that says that?

7 BOARD COUNSEL PROKOP: So
8 then I am okay with the Bunny
9 House complying with the code.
10 I'm not in favor of Aram's
11 interpretation of it, which I
12 don't think is correct, but I am
13 in favor of it according to the
14 code.

15 BOARD MEMBER KRASNOW: We
16 should write this then to make you
17 comfortable.

18 BOARD COUNSEL PROKOP: I'm
19 comfortable with the way it was
20 written. I would just add in that
21 -- this whole discussion started
22 about the cost of the move. So I
23 think, if it's agreeable with the
24 applicant, that we should put in
25 language that the applicant agrees

2 to --

3 CHAIRMAN SARETSKY:

4 Contribute.

5 BOARD COUNSEL PROKOP: Yes,
6 either move or contribute towards
7 the move.

8 BOARD MEMBER KRASNOW: Which
9 we he was going to get back to us
10 on.

11 CHAIRMAN SARETSKY: You give
12 us an amount.

13 BOARD COUNSEL PROKOP: Is
14 that okay?

15 MR. ANTONUCCI: I'm still
16 going to get back to you. I want
17 to go through the rest of them. I
18 guess we'll summarize and see what
19 we --

20 CHAIRMAN SARETSKY: Okay.
21 So this is one we're coming back
22 to. Okay, number 14. Let's go
23 back to the two pointers. There
24 shall be no pile driving on
25 properties from July to Labor Day

2 of each year. I think we covered
3 that.

4 MR. HULME: Uh-huh.

5 CHAIRMAN SARETSKY: That's
6 the 14 --

7 BOARD MEMBER KRASNOW: And
8 the outside construction, that
9 falls into whatever our code is.

10 BOARD MEMBER CASHIN: You
11 don't really need the of each
12 year, but...

13 CHAIRMAN SARETSKY: Yeah,
14 you probably don't.

15 BOARD MEMBER KRASNOW: It
16 just should be Labor Day, period.

17 BOARD COUNSEL PROKOP: Okay,
18 so the next one after 14 is a
19 finding. If I could just make a
20 suggestion that the 10 above,
21 which is the applicant shall
22 record a covenant. I'm just going
23 to make a suggestion that that
24 goes down to the end.

25 CHAIRMAN SARETSKY: Which

2 number are you looking at?

3 BOARD COUNSEL PROKOP: The
4 10 on Page 12.

5 CHAIRMAN SARETSKY:
6 Consideration?

7 BOARD COUNSEL PROKOP: Yes.
8 That should be the last condition.

9 CHAIRMAN SARETSKY: Okay.

10 BOARD MEMBER KRASNOW: So
11 you want to move that to the end?

12 BOARD COUNSEL PROKOP: Yes.
13 That is going to go the end and
14 then all the numbers are going to
15 change. Is that okay with you,
16 Mr. Hulme?

17 MR. HULME: Yes. That was a
18 note that I had made.

19 BOARD COUNSEL PROKOP: It's
20 just a more appropriate form. So
21 you're just making a finding that
22 -- the next paragraph is a finding
23 that you -- that these conditions
24 basically were developed to
25 mitigate impacts and respond to

public comments.

And then the next section,
you're adopting lead agency
status.

BOARD MEMBER CASHIN: What
page are you on?

BOARD COUNSEL PROKOP:
Page 13.

CHAIRMAN SARETSKY: Bottom.

BOARD COUNSEL PROKOP:
Adopting lead agency status and
determining that this is an
Unlisted action because it's just
subdivision.

The next paragraph on
Page 14, you reviewed the EAF.
You reviewed the impacts that are
listed in this regulation 617.7
that's attached, which are the
potential for impacts on the
environment, that you found that
it's not going to have a
significant negative impact on the
environment. And when we get

2 ready to vote, we'll vote on that
3 separately.

4 And on Page 15, we have the
5 determinations. These we, more or
6 less, went through verbally at the
7 last meeting. The granting of the
8 variances will not --

9 A, is the granting of the
10 variances will not produce an
11 undesirable change in the
12 character of the neighborhood.

13 B, the benefit sought by
14 applicants cannot be achieved by
15 another feasible method.

16 C, the variances are
17 substantial, but in proportion and
18 in actual size, but the potential
19 impacts are balanced and mitigated
20 by certain conditions being
21 imposed and the creation of a
22 scenic -- it's not a scenic
23 easement. Whatever that was,
24 non-disturbance, that other
25 language, with an area of

2 33,592 feet, mitigate those
3 impacts.

4 The next page, D, is the
5 proposed variances of minimum lot
6 width will not have an overall
7 adverse impact or impact on the
8 physical or environmental
9 conditions in the neighborhood.

10 And E, the alleged self --
11 alleged difficulty was self
12 created, but that should not
13 result in the denial of the
14 application or the variances.

15 And then you have for
16 determination that these are the
17 minimum -- the variances that
18 you're granting are the minimum
19 variances that are necessary and
20 adequate to achieve the benefit
21 sought by the applicant --
22 applicants, which is the
23 subdivision of the property.

24 And then we repeat the all
25 of the conditions which we just did.

2 MR. ANTONUCCI: Which will
3 be revised, right?

4 BOARD COUNSEL PROKOP: Yes,
5 they'll be revised to be
6 consistent word for word. And
7 then --

8 BOARD MEMBER KRASNOW:
9 Because you have to change this
10 elevated walkway to dock because
11 put he might only have one dock,
12 so you don't want to -- I think
13 that doesn't help you.

14 CHAIRMAN SARETSKY: Yes,
15 it's going to follow the --

16 BOARD MEMBER KRASNOW: Yeah --

17 BOARD COUNSEL PROKOP: It is
18 going to come out. It's going to
19 say elevated walkways.

20 BOARD MEMBER KRASNOW: Yeah.

21 BOARD COUNSEL PROKOP: Yeah,
22 these will be exactly the same as
23 the other ones that we just went
24 through.

25 CHAIRMAN SARETSKY: And the

2 rest of these are like footnote
3 pieces?

4 BOARD COUNSEL PROKOP: Now
5 15 --

6 BOARD MEMBER KRASNOW: -- a
7 couple of the edits here because
8 you changed something with the
9 Planning Board and --

10 BOARD COUNSEL PROKOP: It
11 will all be exactly the way that
12 we --

13 BOARD MEMBER KRASNOW: All
14 right, all right.

15 BOARD COUNSEL PROKOP: --
16 word for word.

17 BOARD MEMBER KRASNOW: All
18 right.

19 BOARD COUNSEL PROKOP: On
20 Page 19, if you see number 15.

21 CHAIRMAN SARETSKY: Say that
22 again.

23 BOARD COUNSEL PROKOP:
24 Page 19, Number 15 at the top.
25 The area of the scenic easement --

2 CHAIRMAN SARETSKY: That
3 comes out, right?

4 BOARD MEMBER KRASNOW: That
5 comes out.

6 BOARD COUNSEL PROKOP: No.
7 This is in. The area -- it's
8 supposed to say non-disturbance.
9 Shall be properly -- this is a
10 condition because this is part of
11 your decision -- shall be properly
12 maintained in good condition by
13 its owner and in the event --

14 BOARD MEMBER KRASNOW:
15 Shouldn't it be owners? There's
16 going to be three separate owners.

17 BOARD COUNSEL PROKOP: Okay.
18 And if not maintained, the Village
19 shall have the right to enter the
20 open space parcel by access --

21 MR. ANTONUCCI: Excuse me,
22 upon written notice and upon
23 reasonable opportunity to cure?

24 BOARD COUNSEL PROKOP: Sure,
25 yes.

2 (Whereupon, there was
3 crosstalk.)

4 BOARD COUNSEL PROKOP: Ten
5 days prior written notice.

6 MR. ANTONUCCI: Okay, no
7 problem.

8 BOARD COUNSEL PROKOP: And
9 16, I'm preparing the covenants.
10 I'll make sure that that's not
11 redundant.

12 And then in 17, this is
13 additional. The applicant shall
14 be responsible to reimburse the
15 Village for the cost of
16 professional stenography expenses
17 and other cost and expenses
18 incurred with the ZBA application
19 prior to the signing.

20 MR. ANTONUCCI: Reasonable
21 expenses or?

22 BOARD MEMBER KRASNOW:
23 Whatever they are. We don't -- I
24 mean --

25 BOARD COUNSEL PROKOP: Believe

2 me, there was --

3 MR. ANTONUCCI: Whatever
4 they're required to be under -- I
5 think there's some provisions in
6 the code or something. No? Or it
7 is just whatever they are?

8 BOARD MEMBER KRASNOW: Well,
9 we're not adding anything to the
10 bill, are we? Whatever the
11 stenographer cost is --

12 MR. ANTONUCCI: And
13 professional fees that we're
14 responsible for, whatever they
15 are, it's got to be --

16 CHAIRMAN SARETSKY: We're
17 going to donate our time for free.

18 MR. ANTONUCCI: I understand
19 that, but the professional --

20 BOARD COUNSEL PROKOP: It's
21 reasonable. It's a couple hours
22 every time we get together.

23 BOARD MEMBER KRASNOW: Does
24 this include Aram's fee?

25 BOARD COUNSEL PROKOP:

2 Professional fee. It's a couple
3 hours each time I come and it's
4 \$200 an hour.

5 MR. HULME: That's
6 reasonable.

7 BOARD MEMBER MIZZI: What's
8 unreasonable?

9 BOARD COUNSEL PROKOP: Okay,
10 you think that's reasonable?
11 Okay, it's ten hours. I think
12 about this application all the
13 time.

14 BOARD MEMBER KRASNOW: I
15 lose money every hour when I --

16 BOARD COUNSEL PROKOP: When
17 I play with my grandson I think
18 about this. All right and then I
19 have motions to conditionally
20 grant and that's the end.

21 CHAIRMAN SARETSKY: The rest
22 are footnote type things.

23 BOARD COUNSEL PROKOP: I'm
24 starting to add these two
25 decisions.

2 MR. HULME: That's a
3 recitation of the --

4 BOARD MEMBER KRASNOW: Yeah.
5 So...

6 CHAIRMAN SARETSKY: All
7 right, so how best to proceed?

8 BOARD MEMBER KRASNOW: Well,
9 we've got to circle back.

10 CHAIRMAN SARETSKY: We could
11 go back to the items you want to
12 talk about.

13 MR. HULME: Two issues. One
14 of them is the fee, if any, that
15 we would contribute for the hut.

16 CHAIRMAN SARETSKY: For the
17 Bunny House.

18 MR. HULME: The Bunny House.
19 And the other is the setback
20 relief, side yard relief.

21 BOARD MEMBER KRASNOW: Side
22 yard.

23 MR. HULME: Side yard
24 setback relief. And at some point
25 further into the document here, it

2 specifically says four-tenths and
3 so we're just asking for them to
4 be -- that mathematical
5 calculation to be undertaken.

6 MR. TERCHUNIAN: Joe, is it
7 reasonable that the Board could
8 conclude that this is a
9 scrivener's error because the
10 intent was four-tenths as
11 identified?

12 BOARD MEMBER KRASNOW: But
13 who made the error?

14 MR. HULME: Me.

15 BOARD COUNSEL PROKOP: No.
16 It's jurisdictional. It's a
17 jurisdictional issue, Aram, and I
18 think that --

19 MR. HULME: The map was
20 included and referred to in the
21 application and the map contains
22 the actual numbers.

23 CHAIRMAN SARETSKY: So just
24 back up for a second. This
25 distance is four inches (indicating)?

1
2 MR. HULME: It's three
3 inches on one side, but it's a
4 foot on the other.

5 CHAIRMAN SARETSKY: Okay.

6 MR. HULME: And even if we
7 lived with the three inches on the
8 one side, we're still losing a
9 foot.

10 BOARD COUNSEL PROKOP: Can
11 you just explain that to me, how
12 you're losing?

13 MR. HULME: Well, what we
14 have is 19.7 and 12 is what's
15 shown. What is memorialized --
16 which is a total of 31.7 and what
17 this says is 32 and 13. So, yeah,
18 we're losing three inches, that's
19 true.

20 MR. ANTONUCCI: So the 13,
21 so this could shift (indicating).
22 Is that something that we're in
23 agreement with so not to lose a
24 foot? Because the site plan shows
25 12-foot minimum side yards as

2 proposed. So now the notice was
3 saying 13. So if I'm still using
4 the four-tenths, then we could
5 shift it over to respect the 13.

6 CHAIRMAN SARETSKY: And
7 you're not effecting another
8 neighbor.

9 MR. HULME: Then it's 13 and
10 19.

11 BOARD MEMBER KRASNOW: No,
12 it would be 13 and 18.7.

13 MR. ANTONUCCI: Yes.

14 BOARD MEMBER KRASNOW:
15 Right, so it would be 13 and 18.7.

16 CHAIRMAN SARETSKY: So in a
17 way you're hurting yourself to
18 solve the problem?

19 MR. ANTONUCCI: No, no, no.
20 I'm asking if we're allowed to
21 shift a foot to utilize the
22 four-tenths, I think that's in
23 conformity with what we'd be doing
24 and what the document says.

25 So if the notice says 13,

2 okay, so potentially this would be
3 13, but I think with what we've
4 been doing, we would be allowed to
5 shift it over so not to shrink the
6 building envelope a foot.

7 BOARD MEMBER KRASNOW: I
8 don't know if it's a shrinking
9 issue or if it's just the fact
10 that it was presented wrong and,
11 again, this goes back to Joe. But
12 again, I don't know.

13 BOARD MEMBER MIZZI: I would
14 say I'm a builder and practically
15 speaking, you're never going to --
16 like three inches is like --
17 you're not even going to -- like I
18 don't think they would even be
19 able to -- I mean surveyors don't
20 even survey to that level of --

21 MR. ANTONUCCI: I agree with
22 you.

23 BOARD MEMBER MIZZI: And so
24 I just think you're --

25 MR. ANTONUCCI: No, but

2 there's another thing here, the
3 13 feet. So that's saying 13 feet
4 minimum, which I'd be okay with if
5 we can shift this to 18.7 on the
6 other side, still having the
7 four-tenths rule in mind.

8 CHAIRMAN SARETSKY: I
9 understand, but just to say that
10 -- so if you're shifting toward
11 your other house one foot and
12 you're doing the same thing, let's
13 just say, on this side (indicating).

14 MR. ANTONUCCI: Yes.

15 CHAIRMAN SARETSKY: You're
16 not adversely effecting the
17 setback on either side that has a
18 neighbor. The only thing, if we
19 want to look at what is negative
20 about it, is that the space
21 between these homes gets a little
22 smaller.

23 BOARD MEMBER KRASNOW: You
24 change the view shed, which is
25 what we argued about last time

2 when we said why are you not
3 centering them and you said --

4 BOARD MEMBER MIZZI: I think
5 it's better to give -- like these
6 are your properties (indicating).
7 I think it's better to give the 13
8 on the two sides than 12 anyway,
9 but...

10 BOARD COUNSEL PROKOP: Aram,
11 can I ask you a question? Did you
12 finish what you said?

13 BOARD MEMBER MIZZI: I'm
14 fine. Thank you, sir.

15 BOARD COUNSEL PROKOP: It
16 was very good. Aram, the draft
17 decision that we circulated like a
18 month ago, you said that I forgot
19 to put in the side yard variances,
20 right and you corrected it to be
21 13 and 28. Where did you get
22 those numbers from?

23 MR. TERCHUNIAN: All the
24 numbers that I used came off of
25 this site plan.

2 BOARD COUNSEL PROKOP: So
3 the 13 and the 28, if those are
4 the right numbers, does that --

5 BOARD MEMBER KRASNOW: It
6 can't be 13 and 28.

7 BOARD MEMBER CASHIN: What's
8 28?

9 BOARD COUNSEL PROKOP: I'm
10 sorry, 32 and 13, did they come --
11 so those weren't erroneous. They
12 were based on something, right, in
13 the application?

14 MR. TERCHUNIAN: Yeah. Joe,
15 what I remember is I gave you the
16 numbers that were on the site
17 plan.

18 MR. HULME: 12 and 19.7,
19 which adds up to 31.7.

20 BOARD COUNSEL PROKOP: Well,
21 I mean, if you want to re-notice
22 it, we could just adjourn it and
23 re-notice it. We don't really
24 have a choice.

25 MR. ANTONUCCI: Well, I

2 think there's two issues here
3 we're trying to just address. So
4 the 31.7 and the 32, we're okay
5 with that. So three inches, fine.

6 BOARD MEMBER MIZZI: And
7 truthfully, I don't think --

8 MR. ANTONUCCI: Understood,
9 but the foot, I don't want to lose
10 a foot as well.

11 (Whereupon, there was
12 crosstalk.)

13 BOARD MEMBER MIZZI: Explain
14 that again.

15 MR. ANTONUCCI: On the site
16 plan it was also noticed as the
17 minimum side yard as 13. Our site
18 plan shows 12. So I'm okay with
19 the 13 if we're just allowed to
20 shift --

21 MR. HULME: Well, you're
22 subtracting the 13 from the 32.

23 MR. ANTONUCCI: Understood.

24 MR. HULME: So you're
25 getting 19 instead of 19.7.

2 MR. ANTONUCCI: Well, yes,
3 but I'm just asking if it it's
4 okay that we kind of vary from
5 this site plan that was submitted
6 and just, you know, scooch the
7 house over a little bit to the
8 opposite side of the 13.

9 CHAIRMAN SARETSKY: So I
10 guess I hear what you're saying.
11 If some day we're asked why -- in
12 other words, he redoes his
13 document, right? He shows that,
14 that he moved the two houses on
15 the end in slightly, how do we
16 reconcile? In other words, do we
17 reconcile because was a mistake --

18 (Whereupon, there was
19 crosstalk.)

20 MR. TERCHUNIAN: He can't.
21 He can't do that. So what
22 happens is --

23 MR. ANTONUCCI: Well, it's
24 what was the minimum side yard and
25 19.7 is the balance of the forty

2 -- four-tenths. So now he noticed
3 it for 13. So if we have 13 here,
4 I just wanted to still have the
5 four-tenths and shift it over or
6 32; 32 minus the 13 is 19.

7 BOARD COUNSEL PROKOP: Yes.

8 So what he's doing is he's
9 reducing the impact on the
10 adjoining property. So I think
11 that that's to the benefit.

12 BOARD MEMBER MIZZI: That's
13 what I was saying.

14 CHAIRMAN SARETSKY: So
15 again, but the only issue -- I'm
16 agreeing with everything you just
17 said, but what we represented is
18 what this is here and now we're
19 making that smaller, right?

20 BOARD MEMBER MIZZI: He's
21 saying he's okay with the three
22 inches. So I think if --

23 CHAIRMAN SARETSKY: Okay.

24 BOARD MEMBER MIZZI: No, no,
25 what I'm saying is.

2 BOARD MEMBER KRASNOW: No,
3 we're moving one foot on the --

4 MR. HULME: It was
5 advertised at 13 feet.

6 BOARD MEMBER MIZZI: Can I
7 finish?

8 MR. HULME: Sorry.

9 BOARD MEMBER MIZZI: I was
10 just saying that what I thought I
11 was hearing was: 12 becomes 13,
12 19.7 becomes 18.7.

13 MR. ANTONUCCI: Which
14 actually becomes 19 because of the
15 32.

16 BOARD MEMBER MIZZI: But you
17 said you were okay with the three
18 inches.

19 MR. ANTONUCCI: Correct.

20 MR. HULME: No. He's losing
21 the three inches on that map.
22 We're agreeing to 32 feet and
23 13 feet on the --

24 BOARD COUNSEL PROKOP: I
25 never noticed that the building

2 envelopes were not centered. It's
3 to the advantage of the adjoining
4 property owners to the outside of
5 these two lots that they are
6 centered. So I think that we
7 should -- his question is, if
8 we're going to hold him to 13, can
9 he move the building envelope by
10 one foot on both sides and I think
11 that we should do that. That
12 would be my recommendation and
13 Aram is the environmental --

14 CHAIRMAN SARETSKY: I agree
15 with that.

16 MR. TERCHUNIAN: The math
17 works.

18 MR. ANTONUCCI: It
19 essentially becomes .7; it's not
20 even a foot because --

21 BOARD MEMBER MIZZI: That
22 was my question because the 32
23 point was throwing me off. This
24 was over a foot and this was over
25 a foot, these two 19.7 move over a

foot and it's 18.7 (indicating).

MR. HULME: Yes.

MR. ANTONUCCI: Except that I need 32 now instead of 31.72, so I lose it on the --

BOARD MEMBER CASHIN: Inside.

MR. ANTONUCCI: -- inside.

MR. HULME: What was advertised for today's hearing is 32 feet and 13 feet.

MR. TERCHUNIAN: As long as the math works, you're good.

MR. HULME: What follows from that is if you give us 32 feet and 13 feet, then the other side is 19 feet because that's the math.

BOARD COUNSEL PROKOP: So I think we're okay. We're just going to mention in the decision that the site plan is going be -- the construction will vary from the site plan by the movement of one foot.

2 BOARD MEMBER KRASNOW: But
3 if a neighbor didn't like this,
4 could he sue over this
5 technicality and win?

6 BOARD COUNSEL PROKOP: No.

7 MR. ANTONUCCI: No, because
8 it was all based upon the
9 four-tenths, four-tenths,
10 four-tenths.

11 BOARD MEMBER KRASNOW:
12 Right, but you're still not
13 32-feet, you're short.

14 MR. ANTONUCCI: No. I will
15 be 32. I'm agreeing to the 32.

16 BOARD MEMBER KRASNOW: So
17 then this is not going to be 18.7;
18 this is really going to be 19.

19 MR. HULME: Yes.

20 MR. ANTONUCCI: 19 and 13.

21 BOARD MEMBER KRASNOW: It's
22 not going to be 18.7 then?

23 MR. ANTONUCCI: No.

24 BOARD MEMBER KRASNOW: Okay.

25 BOARD MEMBER MIZZI: I'm

2 understanding now. So what --

3 BOARD MEMBER KRASNOW: Okay,
4 then you're in compliance.

5 BOARD MEMBER MIZZI: What
6 would have been 18.7 is now 19.
7 So the lot is --

8 (Whereupon, there was
9 crosstalk.)

10 MR. ANTONUCCI: -- merging.

11 BOARD MEMBER KRASNOW: You
12 were concerned about the three
13 inches.

14 BOARD MEMBER MIZZI: As a
15 good salesman told me once, stop
16 talking you made the sale.

17 MR. HULME: So that's
18 resolved. So I guess the only
19 other outstanding issue is
20 contribution to the cost of moving
21 the...

22 BOARD MEMBER KRASNOW: I'm
23 surprised it's still an issue, but
24 okay.

25 MR. HULME: If we say, no

2 nothing, are you going to deny the
3 application?

4 CHAIRMAN SARETSKY: That's
5 not a fair question.

6 BOARD MEMBER MIZZI: Are you
7 renovating it?

8 MR. ANTONUCCI: We're adding
9 a second story and --

10 BOARD MEMBER KRASNOW: You
11 want to go for the bluff?

12 MR. HULME: I do not.

13 (Whereupon, there was
14 laughter and crosstalk.)

15 BOARD MEMBER MIZZI: This
16 used to be next to my house. I
17 didn't look like this.

18 BOARD MEMBER CASHIN: Is
19 that going to fall apart once you
20 try to move it?

21 (Whereupon, there was
22 crosstalk.)

23 BOARD MEMBER KRASNOW: --
24 this is how my wife got her
25 engagement ring. My wife said,

2 just bill them for a week of your
3 time and she got the ring she
4 wanted when I said it was a price
5 of a car. Figure out what your
6 carrying costs on this property
7 are a day and, if this is debated
8 for a week -- I think it's less
9 than even if this would be debated
10 for a week. But that's -- you
11 know, I'm just saying, if you
12 think about it from that
13 perspective, I don't think you'd
14 even have an issue with it.

15 MR. HULME: Do you have a
16 number in mind or do you want to
17 ponder it?

18 CHAIRMAN SARETSKY: Do you
19 want to step out and think about
20 it together?

21 MR. HULME: Well, it's his
22 money. I mean, it's not my money.

23 MR. ANTONUCCI: I never
24 moved a structure, so I'm not
25 really -- it's just something

1
2 that --

3 BOARD MEMBER CASHIN: I'll
4 tell you, if the building is in
5 good shape, it's one of the easier
6 type buildings to move. It's a
7 square. There's no split level to
8 it.

9 MR. ANTONUCCI: There's two
10 smaller storage spaces the side of
11 it, so I don't know if they're
12 going to move well.

13 MR. TERCHUNIAN: That house
14 was originally on the Atlantic
15 Ocean side. It was picked up and
16 moved over there.

17 MR. ANTONUCCI: That I
18 understand.

19 MR. TERCHUNIAN: And it was
20 done on the back of a flatbed
21 truck.

22 BOARD MEMBER KRASNOW:
23 That's what I kind of said before.
24 That's why I think you can put it
25 on the same trailer that's doing

2 the payloader.

3 MR. TERCHUNIAN: It's a
4 crane and a flat bed truck.

5 MR. ANTONUCCI: I think
6 since then there's two storage
7 rooms that were added to it. I
8 don't know if they're going to
9 move.

10 MR. TERCHUNIAN: That's the
11 singular easiest move to do. It's
12 one lift.

13 BOARD MEMBER CASHIN:
14 There's a crawl space underneath?

15 MR. TERCHUNIAN: Yes.

16 BOARD MEMBER CASHIN: Yeah,
17 they'll slide stuff in there and
18 lift it right up.

19 MR. TERCHUNIAN: It's on
20 piles with the --

21 BOARD MEMBER CASHIN: It's
22 one of the easiest jobs.

23 MR. HULME: What does that
24 mean, easy?

25 MR. TERCHUNIAN: Meaning

2 inexpensive.

3 MR. HULME: Is that \$2,000?

4 MR. TERCHUNIAN: Ten.

5 MR. HULME: Ten?

6 BOARD MEMBER CASHIN: I

7 don't have experience to tell how
8 much that would be to move.

9 MR. ANTONUCCI: I don't

10 either.

11 BOARD MEMBER MIZZI: I

12 wouldn't guess ten.

13 BOARD MEMBER KRASNOW: Why

14 don't we make it \$10,000 and if
15 you can move it cheaper, that's
16 fine.

17 MR. HULME: Why don't we

18 make it \$5,000 capped at half the
19 cost?

20 MR. ANTONUCCI: I was going

21 to suggest that.

22 BOARD MEMBER CASHIN: I

23 wouldn't do that because it might
24 it cost you more than what you're
25 thinking.

2 MR. HULME: No, we're
3 offering up to \$5,000.

4 (Whereupon, there was
5 crosstalk.)

6 MR. HULME: If it's less
7 than five, we're paying half.

8 BOARD MEMBER CASHIN: I said
9 \$5,000 with a cap of. So what
10 if --

11 MR. HULME: That's the wrong
12 way.

13 CHAIRMAN SARETSKY: Why
14 don't you split the difference and
15 make it just you alone contribute
16 \$7,500 and --

17 MR. HULME: What are we
18 splitting the difference between?

19 CHAIRMAN SARETSKY: Five to
20 \$10,000 --

21 BOARD MEMBER KRASNOW: A
22 municipality moving it could be a
23 lot more expensive than him moving
24 it himself because of the whole --
25 so I thought \$10,000 was a

2 reasonable number. I mean.

3 MR. HULME: We'll contribute
4 half of the cost of the moving up
5 to a cap of \$5,000.

6 BOARD MEMBER MIZZI:
7 Honestly, I don't think we should
8 be binding the Village into paying
9 for --

10 CHAIRMAN SARETSKY: I prefer
11 us not involved.

12 BOARD MEMBER KRASNOW: I
13 would prefer 10,000. I'd prefer a
14 minimum of \$7,500 if you're paying
15 up to half but I don't think 5,000
16 is enough.

17 MR. ANTONUCCI: So I'd be
18 willing to contribute up to \$5,000
19 for the move.

20 (Whereupon, there was
21 crosstalk.)

22 BOARD MEMBER MIZZI: I just
23 think, look we are creating this
24 -- you asked before how it
25 benefits. Like you're getting --

2 like the result of this is a
3 commercially favorable situation
4 for you. The value of the lot
5 before you walked in today and the
6 value of the three lots is much
7 greater. I think we shouldn't be
8 making the community pay for this.

9 BOARD MEMBER KRASNOW: If
10 you're creating \$1 million today,
11 we're talking about one percent is
12 ten grand.

13 MR. ANTONUCCI: That's not
14 the issue.

15 CHAIRMAN SARETSKY: There's
16 also a good chance, remember,
17 there's no place for it to go and
18 nobody wants it.

19 MR. ANTONUCCI: And also you
20 don't want to impose a financial
21 obligation on the Village, I
22 understand, but that's a decision
23 that will ultimately go to the
24 Board of Trustees if they want to
25 expend those moneys to keep this.

2 So you're not making the decision
3 for them. So I'm proposing I'll
4 spend up to 5,000. If it's going
5 to cost more, the Village wants
6 make a decision if they want to
7 spend it or not.

8 BOARD MEMBER KRASNOW: I
9 don't think that's reasonable.

10 MR. ANTONUCCI: I think
11 that's reasonable.

12 BOARD MEMBER MIZZI: If I
13 charged an hourly rate for all the
14 work that I put in on this
15 application, it would be \$5,000
16 alone and I'm sure for all these
17 people. I think you should do the
18 right thing and agree to a number.

19 MR. ANTONUCCI: I agreed to
20 \$5,000.

21 BOARD MEMBER MIZZI: Either
22 move it or agree to a value
23 that --

24 BOARD MEMBER KRASNOW: I
25 think it should be 10,000. That's

2 my opinion and I don't think it's
3 going to cost you that much, but I
4 think that's a safe number.

5 BOARD MEMBER MIZZI: I
6 didn't estimate the number greater
7 than. I think that's a realistic
8 number.

9 BOARD MEMBER CASHIN: It's
10 tough to put a number on.

11 BOARD MEMBER KRASNOW: We
12 would like to --

13 (Whereupon, there was
14 crosstalk.)

15 MR. HULME: -- \$5,000, we
16 don't have to move it.

17 BOARD COUNSEL PROKOP: So
18 I'd just suggest, I'm leery about
19 putting a number in there. I
20 think the applicant should just be
21 obligate to remove it.

22 BOARD MEMBER KRASNOW: Well,
23 that's what I -- but then he
24 balked at that and I was trying to
25 be -- once again, even though he's

2 not agreeing with my number, I was
3 trying to help him by saying,
4 we'll give you a cap. So my
5 feeling was, he should be
6 obligated to move it no matter
7 whether it costs 5,000 or 25,000.

8 CHAIRMAN SARETSKY: I have
9 an idea. Maybe a way to do this
10 so that there's less risk for you,
11 maybe your agreement is that you,
12 at your cost, will put it on a
13 trailer, okay? And then it's the
14 responsibility of the Village
15 or --

16 BOARD MEMBER KRASNOW: No,
17 you're making it -- I understand
18 what you're trying to do, but
19 you're making it complicated.

20 MR. ANTONUCCI: It actually
21 makes sense. Because now, let's
22 say I was to move it, I'd have to
23 bring it a Village. Property and
24 have certain liabilities, expose
25 myself placing it. I don't know

2 how you're going to prepare it
3 with the pilings.

4 CHAIRMAN SARETSKY: I'm
5 listening to Irwin too. I'm just
6 trying to make this a simple way.

7 MR. ANTONUCCI: I would
8 agree to that.

9 CHAIRMAN SARETSKY: You put
10 it on a trailer, leave it on your
11 property for some period of
12 time --

13 MR. ANTONUCCI: Okay.

14 CHAIRMAN SARETSKY: -- and
15 then wherever it's going takes it
16 from there. I mean you don't
17 think that's -- you think it's a
18 problem?

19 BOARD COUNSEL PROKOP: Well,
20 the cost the last two times we did
21 this, the applicant actually paid
22 for the pilings and everything and
23 the placement. So he just
24 mentioned that the placement is
25 one of the achievements of doing

2 that. So I'm not sure --

3 CHAIRMAN SARETSKY: I'm just
4 thinking if he's not paying for
5 the piles or whatever it is, the
6 foundation that's going to support
7 it, somehow or another that work
8 has to get done for someone to
9 then plop it on top of it. I
10 don't think that's the big cost,
11 right?

12 BOARD MEMBER CASHIN: It
13 depends. I mean, you're not
14 taking about how far he has to
15 move it.

16 BOARD MEMBER KRASNOW: I
17 said within the Village. So
18 logically it's probably going to
19 be -- I can't imagine it going
20 anywhere, but this particular
21 area, but I don't know if the
22 Village owns any other property.
23 The Village doesn't even own any
24 property.

25 BOARD COUNSEL PROKOP: So

2 Aram, one of the things that we
3 could do is we could recommend
4 that the Planning Board -- that a
5 condition of the approval of a
6 subdivision by the Planning Board
7 is to require the applicant to
8 move the house, kick it over to
9 the Planning Board. Because
10 they're going to -- which is the
11 Board of Trustees. It's just a
12 suggestion.

13 MR. TERCHUNIAN: You know
14 what, Joe, that's a good
15 suggestion because the Planning
16 Board controls the purse strings.

17 BOARD MEMBER KRASNOW: Yeah,
18 but it might not be going to the
19 Village. So then you're getting
20 them involved in something that
21 might not --

22 CHAIRMAN SARETSKY: I mean,
23 it still goes to the tax payers of
24 West Hampton Dunes.

25 MR. HULME: But it's the

2 trustees' decision whether they
3 agree to accept it or not. So
4 putting the ultimate decision
5 about who should pay for that is
6 better vested in the Planning
7 Board than the Zoning Board, I
8 would think.

9 BOARD MEMBER KRASNOW: I
10 think the Zoning Board should
11 require the developer to pay for
12 it. I mean, Joe set this
13 precedent. I didn't even know
14 this precedent within the Village.
15 I knew a precedent in other
16 municipalities, like I said,
17 Patchogue, Garden City, and I'm
18 sure there's been plenty of others
19 where they've moved structures to
20 do a development or something.

21 In this case, like I said,
22 you're talking about a very
23 limited distance. The whole
24 Village is a mile and a half, so
25 it's not going that far.

2 MR. HULME: I mean, it's
3 just another of the many
4 conditions that have been
5 imposed -- suggested as part of
6 this proceeding and I just think
7 it's one condition too far
8 frankly.

9 CHAIRMAN SARETSKY: I
10 think --

11 BOARD MEMBER KRASNOW: I
12 think what --

13 (Whereupon, there was
14 crosstalk.)

15 MR. HULME: You've reduced
16 substantially the size of the
17 house we could build; you've
18 reduced substantially the location
19 of where we could build those
20 houses. You've reduced
21 considerably the portions of the
22 property that we can develop and
23 you've required a huge
24 non-disturbance area on the
25 property that we can never -- and

2 I'm not disagreeing -- well, those
3 are -- I hope you understand that
4 those are significant conditions.

5 BOARD MEMBER MIZZI: To be
6 clear, you're guys proposed --

7 BOARD MEMBER KRASNOW: You
8 proposed all this to us.

9 MR. HULME: Yes, because you
10 asked us to.

11 BOARD MEMBER MIZZI: And you
12 make it bigger.

13 MR. HULME: We withdraw our
14 the limits of the 3,200 square
15 feet --

16 CHAIRMAN SARETSKY: Go back.

17 MR. HULME: And this is just
18 another condition that was never
19 actually discussed during any of
20 the hearings until today.

21 CHAIRMAN SARETSKY: We don't
22 even know what's going to happen.
23 There's a good chance that it
24 doesn't happen. So that we can
25 check the box and move forward, I

2 mean, do we -- would \$7,500 be --
3 in other words, let's -- I mean,
4 again, we're -- like Joe said, the
5 amount of time we're spending on
6 this, we're spinning our wheels a
7 little bit, I mean, over not a lot
8 of money. It's your money, so I
9 appreciate it, but I mean, we want
10 sort of leave this in a way that's
11 not adversely --

12 BOARD MEMBER MIZZI: What I
13 think, in the scope of being a
14 developer, it's part of the cost
15 of poker.

16 MR. ANTONUCCI: So to what
17 extent is it, like you said, lift
18 it up, put it on a trailer and you
19 guys take it from there and put it
20 where you want?

21 CHAIRMAN SARETSKY: Well, I
22 think there's reasons to not do
23 that. I think maybe the thing is
24 you're willing to chip in \$7,500
25 or do it yourself to move it

2 within the confines of West
3 Hampton Dunes.

4 MR. ANTONUCCI: Okay.

5 BOARD MEMBER CASHIN: I
6 would do that.

7 BOARD MEMBER MIZZI: Did you
8 know West Hampton Dunes is being
9 extended now down to the other
10 side of the bridge?

11 MR. HULME: To Uniondale,
12 huh?

13 BOARD MEMBER KRASNOW:
14 Within the --

15 (Whereupon, there was
16 crosstalk.)

17 MR. HULME: And you'll
18 contribute up to \$7,500 towards
19 it?

20 MR. ANTONUCCI: Yes.

21 MR. HULME: I think that's
22 fine.

23 BOARD MEMBER KRASNOW:
24 You're more generous than me.

25 CHAIRMAN SARETSKY: Listen,

2 Joe threw out the number five to
3 ten. That's exactly what I was
4 thinking. Again, I think you're
5 going to be able to do it for less
6 than --

7 BOARD MEMBER KRASNOW:

8 That's what I think too.

9 BOARD MEMBER MIZZI: He's
10 going to go to hire a builder and
11 he's going to tell the guy --

12 CHAIRMAN SARETSKY: You're
13 going to have to move it.

14 BOARD MEMBER KRASNOW: Of
15 course he is. Of course he is.
16 It's not going to cost him
17 anything.

18 CHAIRMAN SARETSKY: Again, I
19 don't want to hurt you, but at the
20 same time, I want to see this the
21 right way for the Village.

22 MR. ANTONUCCI: If it's
23 going to be included as part of
24 the decision, which I think it is,
25 I think we should define what

2 we're moving. We're moving the
3 actual Bunny Hutch.

4 CHAIRMAN SARETSKY: I think
5 the way to put that is some
6 language that Joe can put
7 together, that a best effort --

8 BOARD MEMBER MIZZI: I would
9 say --you know the way your hose
10 is defined like the lowest level
11 of the base structure or whatever.
12 So we're not asking him to move
13 the pilings and deck.

14 CHAIRMAN SARETSKY: Yes,
15 exactly.

16 MR. ANTONUCCI: Yes.

17 BOARD COUNSEL PROKOP: The
18 principal structure.

19 CHAIRMAN SARETSKY: The
20 principal structure.

21 BOARD MEMBER MIZZI:
22 Excluding pilings and decks.

23 CHAIRMAN SARETSKY: Okay.

24 MR. TERCHUNIAN: If the
25 decks are integral to the

2 building, you want them to go with
3 them.

4 BOARD MEMBER KRASNOW: If
5 the deck is movable, yeah, I think
6 he should.

7 CHAIRMAN SARETSKY: If it
8 can, but if it can't for whatever
9 reason --

10 BOARD MEMBER MIZZI: Best
11 effort.

12 MR. TERCHUNIAN: What you
13 don't want to do is cut the
14 supporting footstead and the
15 part --

16 MR. ANTONUCCI: I
17 understand. I think the decks
18 were add-ons after the building
19 was moved.

20 MR. TERCHUNIAN: I don't
21 know.

22 MR. ANTONUCCI: I think so.
23 I saw pictures from way back.

24 MR. TERCHUNIAN: It will be
25 pretty obvious when you look

2 underneath.

3 BOARD MEMBER KRASNOW: Let's
4 go have a field trip.

5 MR. HULME: To the extent
6 that you need our agreement, we're
7 in agreement.

8 CHAIRMAN SARETSKY: Okay.
9 So the next order of business is
10 for Joe to take all this and
11 digest it and clean it up.

12 BOARD MEMBER KRASNOW: You
13 have to change the 12 to the 13.

14 MR. HULME: No, it says 13.

15 CHAIRMAN SARETSKY: Yes, it
16 says that.

17 BOARD MEMBER KRASNOW: Okay.

18 CHAIRMAN SARETSKY: So Joe,
19 tell me what we do.

20 BOARD COUNSEL PROKOP: We
21 should -- you should take two
22 votes. Basically one is to do the
23 SEQRA that I spoke about and the
24 second --

25 CHAIRMAN SARETSKY: Let's do

2 the first one.

3 BOARD COUNSEL PROKOP: Yes.

4 CHAIRMAN SARETSKY: So can
5 someone make a motion?

6 BOARD COUNSEL PROKOP: So
7 the motion -- I'm sorry, excuse
8 me.

9 CHAIRMAN SARETSKY: Go
10 ahead.

11 BOARD COUNSEL PROKOP: The
12 motion is for the Board to adopt
13 lead agency status, determine that
14 the application for these
15 variances is an Unlisted action
16 because it's related to a
17 subdivision approval and that the
18 consideration and approval of the
19 application will not have a
20 significant negative impact on the
21 environment, having reviewed the
22 impacts of 617.7, which is
23 attached to the decision.

24 CHAIRMAN SARETSKY: So I'll
25 make a motion.

2 BOARD MEMBER CASHIN: I'll

3 second.

4 CHAIRMAN SARETSKY: All in

5 favor?

6 (Chorus of ayes.)

7 BOARD MEMBER MIZZI: You're

8 not in favor?

9 BOARD MEMBER KRASNOW: No, I

10 raised my hand.

11 BOARD COUNSEL PROKOP: I

12 think I broke it down into two

13 votes. The next thing is to

14 approve the variances that are

15 requested. So it's three lot

16 width variances and six variances

17 having to do with combined side

18 yards and minimum side yards. So

19 it's a total of nine variances.

20 It's a motion granting those

21 variances subject to the revisions

22 to the decision that we're -- and

23 adopting the written decision

24 subject to the changes that were

25 discussed today, all of which are

2 in the transcript.

3 BOARD MEMBER KRASNOW: Do we
4 get to have that decision before
5 we vote on the decision and read
6 through it?

7 BOARD COUNSEL PROKOP:
8 That's up to you.

9 MR. ANTONUCCI: I think it's
10 time for a decision.

11 BOARD MEMBER KRASNOW: I
12 hate doing it without being able
13 to read it and having it
14 piecemeal. We had some errors and
15 mistakes and I just want to make
16 sure what we're voting on is, you
17 know -- and I'm in agreement with
18 what we're doing. I just would
19 like to make sure it's accurate
20 and correct.

21 CHAIRMAN SARETSKY: So to
22 Irwin's point, you're going to
23 make these corrections. Were
24 going to meet again?

25 BOARD COUNSEL PROKOP: So

2 what I would do is -- one of the
3 things you could do is you could
4 approve the variances subject to
5 the adoption of the written
6 decision.

7 CHAIRMAN SARETSKY: Okay, I
8 think what --

9 BOARD MEMBER KRASNOW: That
10 part I'm okay with. I just don't
11 want to approve the written
12 decision until I read the written
13 decision. I'm okay with approving
14 the variances if that helps it
15 move forward. But I want to make
16 sure that all these conditions and
17 things are corrected the right way
18 before we vote on that part.

19 MR. HULME: Well, we have a
20 complete record of what we all
21 agreed to. And Joe indicated that
22 what you're about to do today in
23 approving the variances is subject
24 to the accurate reflexion of what
25 you approved and the written

2 document.

3 CHAIRMAN SARETSKY: I think
4 he's just saying Joe is going to
5 draft it up, clean it up. It's
6 been a long road to getting here.
7 We're, I think, all in accord with
8 going forward. We just -- I don't
9 think that's unreasonable.

10 BOARD COUNSEL PROKOP: So my
11 proposal would be that you vote to
12 approve the variances subject to
13 the approval of the written
14 decision reflecting the discussion
15 today of the Board, which is in
16 the transcript and I think which
17 we're in agreement with.

18 BOARD MEMBER MIZZI: We can
19 do that without another meeting?

20 BOARD COUNSEL PROKOP:
21 You're supposed to have another
22 meeting.

23 BOARD MEMBER KRASNOW: Well,
24 we are going to have another
25 meeting.

2 CHAIRMAN SARETSKY: We will
3 have another meeting.

4 BOARD MEMBER KRASNOW: But
5 once we approve the variances, he
6 can do what he needs to do to move
7 forward with his next step, right?

8 BOARD COUNSEL PROKOP: He
9 can start the process.

10 BOARD MEMBER KRASNOW: And
11 he knows the conditions he has to
12 comply because he already has a
13 draft and edited. So then he'll
14 get it formally written and
15 signed.

16 BOARD COUNSEL PROKOP: Yes,
17 what I was going to recommend to
18 the trustees, on the trustees
19 meeting on Tuesday night what I
20 was going to recommend that they
21 do is to set a public hearing on
22 the Planning Board on the
23 subdivision at some point in the
24 future and you just need to
25 approve the written version before

2 that.

3 BOARD MEMBER KRASNOW: When
4 do the trustees meet?

5 BOARD COUNSEL PROKOP: They
6 meet on Tuesday and they'll meet
7 again in the beginning of January.

8 BOARD MEMBER KRASNOW: Okay,
9 so we should be good by then.

10 BOARD COUNSEL PROKOP: Yes.

11 BOARD MEMBER KRASNOW: Okay.

12 CHAIRMAN SARETSKY: So a
13 motion to approve the variances?

14 BOARD MEMBER CASHIN:
15 Second.

16 CHAIRMAN SARETSKY: All in
17 favor?

18 BOARD COUNSEL PROKOP:
19 Subject to the --

20 CHAIRMAN SARETSKY: Subject
21 to the written decision.

22 BOARD MEMBER CASHIN:
23 Second.

24 CHAIRMAN SARETSKY: All in
25 favor?

2 (Board members indicating.)

3 MR. HULME: Aye.

4 CHAIRMAN SARETSKY: Yeah.

5 MR. HULME: Thank you.

6 CHAIRMAN SARETSKY: So

7 between Robin and Joe and Aram,
8 we'll see when we're going to have
9 our next meeting. This will be
10 sort of just some housekeeping
11 kind of piece for us to have read
12 it and just --

13 MR. ANTONUCCI: Just to
14 certify what was prepared in the
15 decision reflects what we agreed
16 on.

17 BOARD COUNSEL PROKOP: I
18 just wanted, the transcript is
19 still open, so I want to recognize
20 the work in the background that's
21 been done on this by the Village
22 Clerk Robinson Santora and also by
23 our stenographer Rebecca Wood and
24 thank both of them for coming and
25 listening to us and putting up

2 with all this. We couldn't get
3 any of this done without both of
4 those people in the background.

5 BOARD MEMBER KRASNOW: Do we
6 make a motion now to adjourn?

7 BOARD COUNSEL PROKOP: Yes,
8 the motion is to adjourn.

9 BOARD MEMBER KRASNOW: I
10 make the motion.

11 CHAIRMAN SARETSKY: Second.

12 All in favor?

13 (Board members indicating.)

14 BOARD COUNSEL PROKOP: Aram,
15 we voted to close the public
16 hearing, right? Can you check to
17 see if we voted to close the
18 public hearing? We did, right?

19 BOARD MEMBER CASHIN: I
20 think that we did.

21 BOARD COUNSEL PROKOP: Can
22 you keep our transcript open for
23 one second?

24 BOARD MEMBER CASHIN: We
25 disconnected the -- I think we

2 aught to have them identify
3 themselves if they're going to be
4 listening in on our thing.
5 Because we had a couple of
6 instances over the last few months
7 where somebody was listening on
8 there and it was a fishing thing
9 or something and a lot of stuff we
10 talk about, you know, I can't
11 think anything offhand they could
12 use, but, you know, they're I
13 spying on us basically.

14 BOARD COUNSEL PROKOP: Yes.

15 BOARD MEMBER CASHIN: So I
16 think if somebody comes on, we
17 have them say what their name is
18 and their address.

19 CHAIRMAN SARETSKY: Say
20 their address.

21 BOARD MEMBER CASHIN:
22 Because nobody knows who Jay
23 Jacobs was.

24 BOARD MEMBER KRASNOW: I
25 don't know if you're allowed to do

2 that.

3 BOARD COUNSEL PROKOP: So we
4 can take attendance. One of the
5 interesting things that I saw --
6 one of the things that we used to
7 do in the early days of the
8 Village was we actually had an
9 attendance list of everybody who
10 was there. But we are allowed to
11 take attendance.

12 So we should first take
13 attendance of everybody that's in
14 the room and then take attendance
15 of everybody that's on the Zoom
16 and we'll do that in the future.

17 So we just want to make
18 sure, as a clean-up thing, that we
19 close the public hearing. So can
20 we just have a vote to close the
21 public hearing so it's in the
22 transcript in case we didn't do
23 it?

24 CHAIRMAN SARETSKY: Move to
25 close the public hearing.

BOARD MEMBER KRASNOW:

Second.

CHAIRMAN SARETSKY: All in favor?

(Chorus of "ayes.")

CHAIRMAN SARETSKY:

BOARD COUNSEL PROKOP: So that's to ratify what the Board intended to do an hour ago, to actually close the public hearing.

(Whereupon, the ZBA Meeting was concluded.)

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Header

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 November day of 30, 2023.



REBECCA WOOD