

1 INCORPORATED VILLAGE OF WEST HAMPTON DUNES

2 BOARD OF TRUSTEES

3 General Meeting

4 May 24, 2024

5 7:30 p.m.

6 Meeting Held in person & via

7 Video Conferencing

8

9 MEMBERS PRESENT:

10 Gary Vegliante - Mayor

11 Gary Trimarchi - Trustee

12 Michael Craig - Trustee

13 Harvey Gessin - Trustee

14

15 ALSO PRESENT:

16 Joseph Prokop - Village Attorney

17 Robin Santora - Village Clerk

18

19

20 TAKEN & TRANSCRIBED BY:

21 Amy Thomas - Court Reporter

22

23

24

25

1           (Whereupon, the meeting was called  
2           to order at 7:32 p.m.)

3           MAYOR VEGLIANTE: Okay. Let's  
4           rise for the Pledge of Allegiance.

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

7           MAYOR VEGLIANTE: Okay. Joe, I  
8           think we're going to go into executive  
9           session or go into -- are we going to  
10          do the subdivision?

11          ATTORNEY PROKOP: Yeah, I think  
12          the first thing is the continuation of  
13          the hearing on the application to merge  
14          the properties 738, 742 and subdivision  
15          of the merged property into three lots.  
16          I have copies of the site plan for the  
17          Board, the most recent version.

18          So this was -- I don't want to  
19          speak for Mr. Hulme, but just  
20          procedurally what's going on with this  
21          is that we received an amended site  
22          plan on -- the ZBA received an amended  
23          site plan on April 14th, and that was  
24          considered at a public meeting that we  
25          had of the ZBA -- public hearing and

1           then was subsequently approved subject  
2           to conditions at a meeting of the ZBA  
3           on May 10th.

4           We got -- there was some -- we had  
5           a written decision that was approved at  
6           that meeting subject to some edits to  
7           it. We got -- an edited version was  
8           circulated to the ZBA, but however, we  
9           got the transcript of that meeting,  
10          which is 220 pages, we just got it  
11          today at 5:00 or 4:30. So we have a --  
12          subject to the ZBA signing off on that  
13          decision then filing it with the  
14          Village Clerk, it's been approved by  
15          the ZBA. There might be minor changes  
16          in the decision, but the decision  
17          itself becomes final when it's filed  
18          with the Village Clerk.

19          But we do have, you know, I feel  
20          that we should have the public hearing  
21          on this tonight on the most recent  
22          plan.

23                 Do you mind if I explain?

24                 MR. HULME: Go ahead.

25                 ATTORNEY PROKOP: So what happened

1           on this, the final plan what the  
2           changes were was some changes in the  
3           setback basically changing the setback  
4           so they added up -- they more or less  
5           reflected the four tenths rule. And  
6           also so that the -- where the house --  
7           where the outer -- excuse me, where the  
8           house on the easterly lot and the house  
9           on the westerly lot were located within  
10          those lots, which are not exactly  
11          centered on the lot. The middle lot,  
12          the house on the middle lot is centered  
13          on that lot.

14                 So do you want to -- there was  
15                 also -- I'm sorry, I apologize, there's  
16                 also one thing to be considered by this  
17                 Board in this application which is that  
18                 the northerly line of the three houses  
19                 was discussed and a condition of the  
20                 ZBA and that was part of the decision  
21                 that was made.

22                 So that's all I have to say  
23                 procedurally. I can answer any  
24                 questions as Mr. Hulme moves along with  
25                 his presentation.

1           MR. HULME: Good evening. James  
2 M. Hulme, Kelly & Hulme, P.C. for the  
3 applicant. With me tonight is Alex  
4 Antonacci who is the principal of the  
5 LLC that owns the properties. As Mr.  
6 Prokop indicated, we were seeking to  
7 merge two lots and to create thereafter  
8 three lots all of which are in excess  
9 of 40,000 square feet making them still  
10 three of the largest existing lots in  
11 the Village.

12           After much productive discussion  
13 over time, especially the last couple  
14 of meetings with the Zoning Board, a  
15 number of conditions were discussed and  
16 reached that relate to the side yard  
17 setbacks that Mr. Prokop discussed so  
18 as to maximize the view between the  
19 houses. Issues were discussed about  
20 where to place accessory structures,  
21 where to place principal structures,  
22 and things of that nature. The Zoning  
23 Board determination even drills down to  
24 the, what is it, the bunny hut, is that  
25 what it's called?

1           MAYOR VEGLIANTE:  Yeah.

2           MR. HULME:  Whatever the structure  
3           is and requires an offer of donation  
4           prior to destruction, and if the  
5           donation is accepted, payment of -- to  
6           offset some of the costs related to  
7           that.

8           So at the last Zoning Board  
9           hearing the ZBA decision was reviewed.  
10          As Mr. Prokop indicated, there were  
11          some relatively minor edits that were  
12          all understood and agreed to.  
13          Thereafter, the Zoning Board voted to  
14          adopt SEQRA and then voted to adopt the  
15          variances.  So I think we're here today  
16          to seek the approval of the Planning  
17          Board for the subdivision as  
18          constituted as a result of the zoning  
19          variances.

20          MAYOR VEGLIANTE:  Jim, are we to  
21          understand that all of the side yard  
22          setbacks have been met?

23          MR. HULME:  Yes.  Yeah, they're 13  
24          and 19 on the two outside lots and 16  
25          and 16 on the internal lot.

1           MAYOR VEGLIANTE:  And at the  
2           northern boundary of the home, the  
3           restrictions on that have been met  
4           also?

5           MR. HULME:  Yes.

6           MAYOR VEGLIANTE:  I think those  
7           are the most crucial of the issues.

8           MR. HULME:  Yes, yes.

9           TRUSTEE GESSIN:  From what I  
10          recall, I believe there's only a  
11          restriction -- a wetland restriction on  
12          all lots, but only a restriction --  
13          northerly restriction on the  
14          easternmost lot.

15          MR. HULME:  Right.

16          MAYOR VEGLIANTE:  Right.  But they  
17          all line up.

18          MR. HULME:  Well, the decision  
19          reflects the fact that the homes can  
20          actually be located -- slide up and  
21          back within the principal building  
22          envelope.  The building envelopes that  
23          are on this map are in part driven by  
24          the wetlands, but also in part driven  
25          by a reduction in -- that was agreed to

1 with the Zoning Board. And as it  
2 pertains to the most eastern lot, there  
3 was a further agreement about setting  
4 that back further so as not to  
5 interfere with the existing home to the  
6 east, yes, of the existing -- the  
7 existing home to the east.

8 TRUSTEE TRIMARCHI: What variances  
9 have been approved?

10 MR. HULME: Well, the main one is  
11 the lot width. As to Lot 1, lot width  
12 and then the side yard relief. As to  
13 Lot B, there's lot width and side yard  
14 relief. And as to Lot C, there's lot  
15 width and side yard relief.

16 TRUSTEE TRIMARCHI: That's it?

17 MR. HULME: That's it.

18 MAYOR VEGLIANTE: There's a  
19 substantial amount of scenic easement.

20 MR. HULME: Yes. That's one of  
21 the conditions of the decision is that  
22 the 32,592 square feet of the northern  
23 end of the existing properties is going  
24 to be covenant as a non-disturbance  
25 subject only to -- and the variance



1 provided that we can put a walkway  
2 across that area to get to the water.

3 TRUSTEE GESSIN: I understand also  
4 that the Zoning Board did not impose  
5 any particular front yard setbacks and  
6 they're relying basically on the code  
7 for the alignment within 200 feet of  
8 any existing house to line up  
9 eventually, but that's actually a code  
10 issue.

11 MR. HULME: Yes.

12 TRUSTEE GESSIN: Not something  
13 that has to be imposed either by this  
14 Board or the Zoning Board.

15 MR. HULME: Well, the Village Code  
16 itself applies across the board except  
17 to the extent that the Zoning Board  
18 specifically granted a variance. So to  
19 the extent that a variance was not  
20 granted by the Zoning Board, we're  
21 subject to the requirements of the  
22 Village Code.

23 TRUSTEE CRAIG: That limits the  
24 sliding back and forth.

25 MR. HULME: I believe it does.

1 TRUSTEE CRAIG: Starts with the  
2 house on the east and that sets the  
3 boundary for the Lot B and then C.

4 MR. HULME: Yes.

5 TRUSTEE GESSIN: It's a ten foot  
6 offset per house.

7 MR. HULME: So the Village Code  
8 would control that, yes.

9 ATTORNEY PROKOP: So the relief  
10 that was granted, each house got four  
11 -- each lot got four variances. It's a  
12 lot width variance on each of the  
13 properties. It's a combined side yard  
14 variance and two minimum side yard  
15 variances on each. So there was a  
16 total of 12 variances, four on each  
17 lot.

18 And it basically, like I said, the  
19 idea was to bring it to the four tenths  
20 rule, which was more or less what the  
21 side yards ended up being.

22 TRUSTEE CRAIG: One of those four  
23 variances on each lot is for the  
24 benefit of the lots across the street  
25 because it improves their view, right?

1           ATTORNEY PROKOP:  Yes.  The way it  
2           was adjusted, the way the houses --

3           TRUSTEE CRAIG:  To provide more  
4           width between --

5           MR. HULME:  Yeah, it's not that we  
6           can do four tenths, it's that we have  
7           to do 13, 19, 16, 16, 19, 13.  That's  
8           the requirement.

9           TRUSTEE CRAIG:  That's for the  
10          benefit of all.

11          MR. HULME:  Yes.

12          ATTORNEY PROKOP:  So I would open  
13          it up to public comment.

14          MAYOR VEGLIANTE:  Does the public  
15          have any comments?

16          MR. KRASNOW:  Sure, I'll ask.

17          Irwin Krasnow, 929 Dune Road.  I think  
18          -- you know, I'm on the Zoning Board  
19          and we spent two years working on this  
20          project, and I think we came up with a  
21          solution that, you know, Mr. Antonacci  
22          can live with and the neighbors can  
23          live with, and we try to provide view  
24          shed corridors for the neighbors across  
25          the street and worked also with the

1 neighbor to the east to try to mitigate  
2 any possible views that he might have.

3 But the question I have is I think  
4 this property was originally owned by  
5 Peter Fenner or the Fenner family. And  
6 when the property came on the market  
7 originally before Mr. Antonacci got  
8 involved to purchase it, did the  
9 Village consider purchasing the  
10 property through the CPF funds and  
11 keeping it as open space, since that  
12 was originally what Peter Fenner was  
13 hoping would happen with the property  
14 prior to his unfortunate demise?

15 TRUSTEE GESSIN: That was not his  
16 plan. His plan was to -- his son and  
17 daughter to build a house there.  
18 That's why he divided it into two lots.

19 MAYOR VEGLIANTE: I knew Peter  
20 pretty well.

21 MR. KRASNOW: Well, the neighbors  
22 across the street said he planned on  
23 not developing it. But okay, so if  
24 that's the case, that's fine. But did  
25 the Village consider purchasing the

1 property through the CPF funds to keep  
2 it as open space?

3 MAYOR VEGLIANTE: No, we did not.

4 MR. KRASNOW: Why?

5 TREASURER VEGLIANTE: We did not  
6 have the option because he sold it  
7 privately before. There were many  
8 neighbors that were told they could  
9 purchase the property, and it was sold  
10 before that was an option.

11 MEMBER KRASNOW: But it --

12 MR. HULME: The Village --

13 (Whereupon, there was simultaneous  
14 crosstalk.)

15 MR. HULME: The Village cannot  
16 unilaterally purchase the property  
17 unless they want to exercise eminent  
18 domain. The purchase of the property  
19 under the CPF requires a willing seller  
20 and there clearly has not been a  
21 willing seller.

22 MR. KRASNOW: Once the seller was  
23 willing to sell, Mr. Antonacci didn't  
24 buy the property from a seller who  
25 wasn't willing. So once the seller --

1 I just wanted to know -- I just asked  
2 if you would explore the option to keep  
3 it as open space.

4 MAYOR VEGLIANTE: I think we  
5 answered that.

6 MR. KRASNOW: Okay.

7 MAYOR VEGLIANTE: Are there any  
8 other questions? Any other comments?

9 MR. HULME: I'm done. Thank you.

10 ATTORNEY PROKOP: It's a motion to  
11 close the public hearing. Did we have  
12 any comments online?

13 CLERK SANTORA: No.

14 ATTORNEY PROKOP: So it's a motion  
15 to close the public hearing.

16 TRUSTEE CRAIG: Motion made.

17 TRUSTEE GESSIN: Second.

18 MAYOR VEGLIANTE: All in favor?

19 (Aye said in unison.)

20 MAYOR VEGLIANTE: None opposed.

21 ATTORNEY PROKOP: So one the  
22 things about this is the Zoning Board  
23 did the SEQRA review. The Zoning Board  
24 adopted lead agency status on this  
25 application and performed the SEQRA

1 review of the variances and the  
2 subdivision. You could also -- you  
3 could vote to adopt the Zoning Board's  
4 decision on SEQRA, which is that it was  
5 -- it adopted a conditional negative  
6 declaration, which means that there  
7 would not be a significant negative  
8 impact on the environment provided the  
9 conditions of the decision were met,  
10 which include the dedication of 33,000  
11 square feet of non-developable space.  
12 The space is agreed will be covenanted  
13 not to be developed. So that's one  
14 thing.

15 The other thing that I just want  
16 to point out to you, I'm not sure how  
17 we're going -- how this Board is going  
18 to deal with this, but as I said, the  
19 ZBA approved this on May 10th subject  
20 to edits made in the decision, and we  
21 -- edits were made based on some notes  
22 that we made that night, but this is  
23 the transcript of that evening and it's  
24 220 pages and this still has to be gone  
25 through to make sure that we pick

1 everything up. So -- and then finally  
2 the ZBA decision is not actually  
3 enforced until it gets filed, signed by  
4 Eric Saretsky, and filed with the  
5 Village Clerk.

6 TREASURER VEGLIANTE: When will  
7 that be?

8 ATTORNEY PROKOP: Probably Tuesday  
9 I would say. Tuesday or Wednesday.

10 MAYOR VEGLIANTE: I think we make  
11 a motion to accept SEQRA.

12 ATTORNEY PROKOP: So the motion is  
13 to -- the motion would be to adopt the  
14 -- excuse me, adopt the SEQRA  
15 determination that was made by the  
16 Zoning Board of Appeals and determine  
17 based on the part 1, part 2, and part 3  
18 that were filed with the Village and  
19 approved by the Zoning Board of Appeals  
20 that the approval of the subdivision  
21 will not have a significant negative  
22 impact on the environment provided the  
23 conditions of the decision are met, the  
24 ZBA decision. It had several  
25 conditions, one of which was this



1 non-disturbance area. And so that  
2 would be the motion regarding SEQRA.

3 TRUSTEE CRAIG: I'll make it.

4 TRUSTEE TRIMARCHI: Second.

5 MAYOR VEGLIANTE: All in favor?

6 (Aye said in unison.)

7 MAYOR VEGLIANTE: None opposed.

8 Okay. So now we have to --

9 ATTORNEY PROKOP: The cleanest way  
10 to do it is to wait until the ZBA  
11 decision is filed. It's up to you, you  
12 can have a consensus vote tonight or  
13 something, but I don't think -- I think  
14 the ZBA's decision has to be in effect,  
15 which means it's filed with the Village  
16 Clerk.

17 MR. HULME: The ZBA was adopted,  
18 those conditions exist. The fact that  
19 there's a writing that doesn't  
20 necessarily fully reflect that, I think  
21 everybody understands what those limits  
22 are. And any approval that you would  
23 make tonight, if you chose to approve  
24 the plan, would be subject to what that  
25 document said, subject to the review of

1 the transcript.

2 TRUSTEE GESSIN: Joe, what reason  
3 would we have not to go forward  
4 tonight?

5 ATTORNEY PROKOP: Only that the  
6 actual written decision by the ZBA has  
7 not been finalized and filed with the  
8 Village Clerk. It was approved. The  
9 approval is in this transcript. One of  
10 the things in the vote, which I do on  
11 applications like this, is that the  
12 vote is -- agrees there's a statement  
13 that the transcript is controlling  
14 because the transcript reflects the  
15 intent of the Board. So if there's a  
16 condition in the transcript that was  
17 discussed and agreed to but wasn't  
18 picked up in the edits of the decision,  
19 that the transcript, you know, is the  
20 controlling document.

21 MR. HULME: We accept that. If  
22 you chose to approve that tonight, it  
23 would be subject to Counsel's caution.

24 TRUSTEE CRAIG: Just for clarity,  
25 what's before the Board? What's before

1 the Board is the approval of the  
2 merging and the demerge and the merge,  
3 not the ZBA decision, correct?

4 ATTORNEY PROKOP: The merge and  
5 subdivision. The subdivision creates  
6 three nonconforming lots, so it  
7 required the ZBA approval.

8 TRUSTEE CRAIG: Right. But those  
9 are separate items, right? What we're  
10 voting on is the merge, demerge, not  
11 the ZBA decision.

12 ATTORNEY PROKOP: It's subject to  
13 what was approved by the ZBA, that's a  
14 condition.

15 MAYOR VEGLIANTE: I'm willing to  
16 take that vote, if somebody makes the  
17 motion.

18 TRUSTEE CRAIG: Yeah, I don't have  
19 a problem with that. We're approving  
20 to merge, demerge subject to the ZBA  
21 decision.

22 ATTORNEY PROKOP: Right. You have  
23 the site plan in front of you.

24 So Trustee Gessin asked a  
25 question, I just want to clarify that.

1           You're not -- I stated the variances  
2           that were applied for and approved by  
3           the ZBA, so any other relief that's  
4           required, like the distance from the  
5           street and things like that requires  
6           the approval -- would require another  
7           variance if it's nonconforming.

8           TRUSTEE GESSIN: I don't see a  
9           reason for us not to vote, unless you  
10          advise us not to vote.

11          ATTORNEY PROKOP: The only thing  
12          you can do is make it conditional on  
13          the filing of the ZBA.

14          TRUSTEE GESSIN: Which it will be.

15          MAYOR VEGLIANTE: Okay. All in  
16          favor?

17          TRUSTEE CRAIG: We need a motion  
18          and a second.

19          I'll make the motion under the  
20          conditions we just said subject to ZBA  
21          approvals. I'll make a motion.

22          TRUSTEE TRIMARCHI: Second.

23          MAYOR VEGLIANTE: All in favor?

24          (Aye said in unison.)

25          MAYOR VEGLIANTE: None opposed.

1           I'd like to compliment the Zoning  
2           Board. They worked hard and long on  
3           the application.

4           MR. HULME: The ZBA made us do our  
5           homework. We worked hard, but they did  
6           too, and we appreciate the back and  
7           forth.

8           MAYOR VEGLIANTE: I think it was a  
9           good job. Joe, you as well.

10          ATTORNEY PROKOP: Thank you.

11          MAYOR VEGLIANTE: Okay. What do  
12          we have next?

13          We have a public hearing on the  
14          proposed law of 2024, title of which is  
15          local law number whatever it will be,  
16          amending Chapter 560 of the Table 560B,  
17          dimensional regulations, residential  
18          zone in the Village of West Hampton  
19          Dunes code from two story to three  
20          story limit.

21          Joe, do you want to talk a little  
22          bit about that?

23          ATTORNEY PROKOP: Yes. So here is  
24          a copy (passing).

25          MAYOR VEGLIANTE: Now, this is no

1 way allows for a different size or  
2 shape building that's already in  
3 existence; is that correct, Joe?

4 ATTORNEY PROKOP: Yes.

5 MAYOR VEGLIANTE: Doesn't change  
6 the height restrictions?

7 ATTORNEY PROKOP: Yes, so what  
8 this does -- it doesn't change the  
9 height restriction on the total height  
10 of a house -- of a building in the  
11 Village. So whatever the height limit  
12 is now of a house, it will be the same.

13 MAYOR VEGLIANTE: It will be the  
14 same. So there will be no external  
15 difference between homes that are three  
16 stories under this code than exist now.

17 ATTORNEY PROKOP: No change in  
18 the -- yeah, so no change in the height  
19 and the --

20 MAYOR VEGLIANTE: External  
21 dimension.

22 ATTORNEY PROKOP: Yeah, the  
23 external dimension, right. There could  
24 possibly be a change in the way the  
25 floor space is allocated, you know,

1           within that box. You know, the box is  
2           not going to change, right? There may  
3           be a change in the way that floors are  
4           located -- are laid out within that  
5           box.

6           MAYOR VEGLIANTE: Right.

7           ATTORNEY PROKOP: But the box will  
8           not change.

9           TRUSTEE CRAIG: This is the box.  
10          It goes up, it goes down, it stays the  
11          same.

12          ATTORNEY PROKOP: So what this is  
13          about is we had many years ago before  
14          the super storm we adopted our Zoning  
15          Code, and one of the things that the  
16          Zoning Code has is a limit on stories  
17          of two stories basically. So over the  
18          period of time from the '90s when we  
19          adopted our code and until now, due to  
20          the super storm and the perfect storm  
21          and everything else, right, Sandy,  
22          there were -- the State came up with  
23          changes in the definition of what a  
24          story is or a floor. People use the  
25          word story. So what that did is that a

1           lot of things that were considered to  
2           be the lower portion of a house, the  
3           ground area, right, was -- when we  
4           started out was most often not  
5           considered to be a story, you know,  
6           based on certain criteria. Now, the  
7           State considers that a story.

8           MAYOR VEGLIANTE: Yeah.

9           ATTORNEY PROKOP: The ground area,  
10          subject to a couple of things, which is  
11          the finished surface of the -- excuse  
12          me, the finished surface of the first  
13          floor above the ground floor has to be  
14          at least seven feet above the existing  
15          average grade, and then I think that's  
16          it. I think they simplified it so that  
17          basically that's what it is.

18          TRUSTEE TRIMARCHI: How much did  
19          it change?

20          ATTORNEY PROKOP: What it used to  
21          be was that as long as you didn't  
22          finish the ground, and as long as you  
23          used it for parking and storage --

24          TRUSTEE TRIMARCHI: Not habitable.

25          ATTORNEY PROKOP: Not habitable



1 space, then it was not a story.

2 TRUSTEE TRIMARCHI: So now it's  
3 going to be being changed.

4 ATTORNEY PROKOP: Yeah, so the  
5 State changed it. After Sandy, the  
6 State changed it because they wanted to  
7 count it as a floor basically or a  
8 story. And whatever you did, they  
9 didn't want to come back -- they didn't  
10 want to come to every house and decide  
11 whether or not you had resistant walls,  
12 you know, flood resistant walls,  
13 whether or not your surface had been  
14 paved on the inside, you know, things  
15 like that. So they just said if the  
16 finished floor is above -- the finished  
17 floor is seven feet or more above the  
18 preexisting average grade, then it's --  
19 yeah, so you can't pile up dirt around  
20 your house and claim it's not a story.  
21 And that's basically -- so all  
22 communities are dealing with this,  
23 including a lot of communities on the  
24 Great Lakes and the Finger Lakes, any  
25 large bodies of water in the State.

1 This effected a lot of people.

2 TRUSTEE GESSIN: This was really  
3 driven, Gary, by the Fire Code, not  
4 really the Building Code. The Building  
5 Code adapted it from the  
6 recommendations of the Fire Code. It's  
7 about the firemen carrying their packs  
8 up, that's really what it was about.

9 TRUSTEE TRIMARCHI: Okay.

10 ATTORNEY PROKOP: Right. And so  
11 this limit -- the limit is three  
12 stories, not four stories. The limit  
13 is three stories. And the definitions  
14 in here are more or less -- the other  
15 thing that we needed to do was to amend  
16 some of the definitions that we had in  
17 our code because we, like most  
18 communities, we still had the prior  
19 definitions, including the one for  
20 mezzanine. So the mezzanine is another  
21 thing that has changed.

22 TRUSTEE TRIMARCHI: That has  
23 changed?

24 ATTORNEY PROKOP: That has  
25 changed, yes, in this time period that

1 we're talking about. So what has  
2 changed as far as a mezzanine is the  
3 State -- until relatively recently, a  
4 mezzanine was not a floor or not a  
5 story as long as the size of the  
6 mezzanine did not exceed more than one  
7 third of the perimeter of the house on  
8 that -- in that area, wherever the  
9 mezzanine is. So if the perimeter of  
10 the house -- the area within the  
11 perimeter of the house. So as long as  
12 the area of the mezzanine did not  
13 exceed one third of the area within the  
14 perimeter of the house at the level of  
15 the mezzanine, it did not count as a  
16 story or a floor. The mezzanine did  
17 not count as a story or a floor. The  
18 State relatively recently, within the  
19 last couple of years, the State changed  
20 that, and now what it is is a mezzanine  
21 cannot be more than one third of the  
22 area that it opens up into. Okay. So  
23 if the mezzanine is above a family room  
24 that's 200 square feet, it can't be  
25 more than 67 feet, whatever the -- 68

1 feet, rather than the area of the  
2 perimeter of the house. So this has  
3 changed and that's effected a lot of  
4 people. We are adopting that  
5 provision. This law adopts that  
6 provision.

7 What I recommend you do on this is  
8 open a public hearing and get comments  
9 from the public and then discuss it. I  
10 don't know if the definitions are  
11 ready. The definitions might still be  
12 subject to discussion of the Board, but  
13 I think you should have, you know, open  
14 the public hearing and get comments on  
15 it.

16 TRUSTEE TRIMARCHI: You're not  
17 talking about tonight?

18 ATTORNEY PROKOP: We're going to  
19 have the hearing tonight, yeah, but  
20 what I'm saying is probably I would  
21 keep the public hearing open and  
22 continue the public hearing at the end.  
23 But let's see what the comments --

24 TRUSTEE GESSIN: You mean, after  
25 this meeting?

1           ATTORNEY PROKOP:  Yeah, after the  
2           meeting.

3           MAYOR VEGLIANTE:  Okay.  Any  
4           questions from the --

5           CLERK SANTORA:  I have one.  Lisa,  
6           is it correct that the height does not  
7           change but the dimensions of the top  
8           floor does change?  If so, that  
9           significantly alters the overall size  
10          of the house and the space it takes up,  
11          especially in terms of obstructing  
12          views, et cetera.

13          TRUSTEE CRAIG:  It's still subject  
14          to the pyramid.

15          ATTORNEY PROKOP:  The top floor of  
16          the house is still subject -- the  
17          exterior of the top floor of the house  
18          is still subject to the pyramid law.  
19          It still has to be within the 60 degree  
20          pyramid.

21          MR. MCGINN:  Kevin McGinn, 5 Cove  
22          Lane.  Just a question, are any of the  
23          homes currently in violation of the  
24          revised code?  Would we know that yet?

25          ATTORNEY PROKOP:  Of the revised

1 code?

2 MR. MCGINN: Yeah.

3 ATTORNEY PROKOP: John would have  
4 to make that determination. I'm not  
5 sure. If there was -- if there were,  
6 it would be a small number of houses.  
7 But John -- that's something that John  
8 works on almost --

9 MR. MCGINN: Would they be  
10 grandfathered or would they simply have  
11 to -- you're going to have a few  
12 exercised people coming to you asking  
13 you to make changes.

14 ATTORNEY PROKOP: So if a house  
15 was in violation of the revised code,  
16 it would stay in violation, it wouldn't  
17 be grandfathered, it would still be in  
18 violation. And that would have to be  
19 dealt with by John McAlary, the  
20 Building Inspector.

21 So this basically would move us  
22 from two stories to three stories, but  
23 that wouldn't be the limit to be  
24 legalized by this law or to be included  
25 in this law.

1           MAYOR VEGLIANTE: Any other  
2           questions? We'll leave the hearing  
3           open and --

4           TRUSTEE GESSIN: I have two  
5           questions. One is are we amending the  
6           schedule on the table where it says two  
7           story, that will be amended also, even  
8           though it's not shown here?

9           ATTORNEY PROKOP: No, it is shown  
10          here. Number 2 goes to number 3. It's  
11          2.1. The height limitation of table  
12          560B is hereby amended to read three  
13          stories. I lose sleep over this.

14          TRUSTEE GESSIN: The other thing,  
15          on paragraph 3, I know there's been  
16          some discussion about that level being  
17          a habitable story, a non-habitable  
18          story. Are we going to call it that  
19          way? Because it's not in these  
20          documents.

21          ATTORNEY PROKOP: I'm sorry, what  
22          was the suggestion?

23          TRUSTEE GESSIN: On paragraph 3  
24          where it's more than 12 feet for the  
25          first floor.

1 TRUSTEE CRAIG: Paragraph 3, what  
2 page?

3 TRUSTEE GESSIN: Second page.

4 TRUSTEE CRAIG: So it starts with  
5 the words --

6 TRUSTEE GESSIN: More than 12  
7 feet.

8 CLERK SANTORA: I have it on page  
9 3.

10 TRUSTEE CRAIG: Page 3, number 3.

11 TRUSTEE GESSIN: This actually is  
12 a non-habitable story, and it's not one  
13 of the three stories.

14 MAYOR VEGLIANTE: That's correct.

15 ATTORNEY PROKOP: More than 12  
16 feet rise to the first floor to the  
17 finished ground level at any point.

18 TRUSTEE GESSIN: What I'm saying  
19 is do we have to state that it's a  
20 non-habitable story?

21 ATTORNEY PROKOP: In order to not  
22 count as a floor?

23 TRUSTEE GESSIN: Well, it doesn't  
24 count anyhow, but do we have to have it  
25 in our code that it's not habitable?



1           ATTORNEY PROKOP:  Story above  
2           grade plane.  Any story having its  
3           finished floor surface entirely above  
4           grade plane or any finished surface of  
5           the floor next above more than 6 feet  
6           above -- so I said 7 feet, so this  
7           makes it 6 feet -- more than 6 feet  
8           above the finished ground level for  
9           more than 30 -- more than 50 percent of  
10          the total building perimeter, more than  
11          12 foot rise to the first habitable  
12          floor.  So this was taken from the code  
13          and there's a, like, a word missing in  
14          there, I think.  This has to be --

15                 TRUSTEE GESSIN:  Well, take a look  
16          at it before we do the final one.

17                 ATTORNEY PROKOP:  This was copied  
18          from the State Code.  Thank you.

19                 MR. CASHIN:  I have a comment.  
20          Jim Cashin, 953B Dune Road.  If I were  
21          voting on this and there's no  
22          grandfathering, I'd want to know how  
23          many of our residents are effected by  
24          the acceptance of the law and how many  
25          houses are going to be made basically

1 illegal. Are they going to have to  
2 take their houses apart if this is  
3 adopted and they're not grandfathered?

4 ATTORNEY PROKOP: Nobody would --  
5 there are no houses that would be made  
6 illegal by this. There's a number of  
7 houses that would be made legal  
8 because --

9 MR. CASHIN: I thought you said  
10 you weren't sure if there were any  
11 houses that would be --

12 ATTORNEY PROKOP: The question was  
13 whether there was -- I thought the  
14 question was if there was a house that  
15 was in violation of this law, would it  
16 be -- if we adopted it, would it be  
17 grandfathered? So basically that would  
18 be a four story house.

19 MR. CASHIN: And you said no.

20 ATTORNEY PROKOP: No, because if  
21 something is a four story house before  
22 we adopt this, this doesn't legalize  
23 it, it only allows three stories, not  
24 four stories.

25 MR. CASHIN: All right. So then

1 let me change my comment to a question.  
2 If we adopt this new law, are we sure  
3 that there aren't any houses that are  
4 then going to be in violation of that  
5 law and need to be reconstructed?

6 TRUSTEE CRAIG: If they're in  
7 violation of it then, they're in  
8 violation of it now. It doesn't get  
9 any more stringent, it gets actually  
10 more relaxed.

11 MR. CASHIN: Oh, it gets more  
12 relaxed?

13 MAYOR VEGLIANTE: Well, it permits  
14 two to three. It permits three floors.

15 MR. CASHIN: Got it. Okay.

16 MAYOR VEGLIANTE: But John is  
17 doing an overview. My suspicion is  
18 that there won't be any problem.

19 MR. CASHIN: Thank you.

20 MS. COVELLI: Will that  
21 information be made available prior to  
22 the vote on this?

23 THE COURT REPORTER: What's your  
24 name?

25 MS. COVELLI: My name is Sara

1 Covelli, 929 Dune.

2 Will that information be made  
3 available to the public? You know, the  
4 first line of this document is that  
5 this is being -- this action is being  
6 done in the best interest of the  
7 residents of this Village, but yet, we  
8 don't know how many people are actually  
9 going to be helped by this.

10 TRUSTEE CRAIG: I think if there's  
11 a determination of the Village then of  
12 course it will be public.

13 MS. COVELLI: Regarding the amount  
14 of homes?

15 TRUSTEE CRAIG: Yes.

16 MS. COVELLI: Okay. So this is  
17 not being adopted this evening?

18 TRUSTEE CRAIG: No, no, no.

19 ATTORNEY PROKOP: We have to look  
20 at the definitions. The definitions  
21 were copied from the State Code and we  
22 have to make sure they match up.

23 MS. COVELLI: So before the next  
24 meeting or at the next meeting, that  
25 information regarding the amount of

1 homes will be discussed, correct?

2 TRUSTEE CRAIG: We'll be  
3 discussing it at the next meeting. I  
4 couldn't tell you if the information is  
5 going to be available at the next  
6 meeting or the meeting after that or  
7 the meeting after that.

8 MS. COVELLI: Whenever the  
9 decision to vote on this, before that  
10 decision is made, that information will  
11 be made available to the public.

12 TRUSTEE CRAIG: Yeah.

13 ATTORNEY PROKOP: I can tell you  
14 that -- I can tell you there's a number  
15 of homes in the Village, not  
16 necessarily all the homes and not a  
17 small number, but there's a number of  
18 homes in the Village that were one  
19 hundred percent which were legal under  
20 the State Code before it changed and  
21 the State Code has been changed, so  
22 we're trying -- that's one of the  
23 things that we're trying to address in  
24 this local law.

25 MS. COVELLI: No, I understand

1           that. I'm just asking if the number is  
2           going to be provided, that's all.

3           TRUSTEE CRAIG: Yeah, to the  
4           extent that we have it.

5           ATTORNEY PROKOP: It might be a  
6           range. It may not be, like, exactly,  
7           but it will be a range, you know, an  
8           approximate range in the number, it  
9           might be an estimate. Because  
10          otherwise we'd have to go home by home.  
11          But I can tell you it's not -- there's  
12          a number of houses in the Village that  
13          I think were built believing they were  
14          two story houses that under the most  
15          recent version of the State Law might  
16          be considered -- might be benefitted by  
17          this law.

18          MS. COVELLI: No, I understand  
19          that.

20          TRUSTEE CRAIG: There's also homes  
21          that were modified unbeknownst to the  
22          Village that we may or may not be able  
23          to determine whether they are or not.

24          MS. COVELLI: I'm surprised to  
25          hear that houses would be modified in

1 the Village without the Village being  
2 aware of it.

3 TRUSTEE CRAIG: You really think  
4 that we have the right to go into  
5 people's homes and check them?

6 MS. COVELLI: I'm talking about  
7 the addition of a floor.

8 TRUSTEE CRAIG: We're not  
9 saying --

10 MS. COVELLI: It would be quite  
11 obvious.

12 TRUSTEE CRAIG: Thanks, Sara,  
13 that's correct. We're talking about  
14 things that are done within the  
15 confines of the home, maybe an attic  
16 space, so an example like that.

17 MS. COVELLI: Yes. No, that I  
18 understand. Okay. Thank you.

19 TRUSTEE TRIMARCHI: How does this  
20 all blend into DOS?

21 ATTORNEY PROKOP: It doesn't  
22 really because this is a zoning law,  
23 it's not -- the State Code still  
24 applies. So the State Code -- the  
25 State Building Code is not changed by

1           this local law. This is our Zoning  
2           Code as far as we are limiting the  
3           number of floors by zoning. They're  
4           still counted by State Law. So we're  
5           trying -- the definitions we're  
6           attempting to duplicate the State Law,  
7           but the number of stories in your home  
8           is limited -- actually limited by this  
9           as a Zoning Code. So the State Law  
10          would allow you to do basically three  
11          or four stories depending on how you  
12          sprinkler it and things like that.

13                   TRUSTEE GESSIN: Or ten stories.

14                   ATTORNEY PROKOP: Yeah, but that's  
15          a building code, we're doing a zoning  
16          code. So it -- the DOS, it's not  
17          subverting or sidestepping anything  
18          that the DOS wants us to do or that  
19          we're working out.

20                   MS. LAVEMAN: I have a question.  
21          Robin Laveman, 929. So does this --  
22          will this satisfy DOS in that whole  
23          inquiry about stories and all that?  
24          Will this make them happier with the  
25          issues that they have inquired about



1 over the years?

2 ATTORNEY PROKOP: So the DOS law  
3 still applies and we're still  
4 complying. We, you know, make sure  
5 that we agree that we comply. We think  
6 we comply for a big extent. What they  
7 should be happy about is we're changing  
8 some of our definitions to match their  
9 definitions, so that should make them  
10 happy.

11 MS. LAVEMAN: Happier.

12 ATTORNEY PROKOP: Happier, if they  
13 realize that, yeah.

14 MAYOR VEGLIANTE: Some people are  
15 never happy.

16 MS. LAVEMAN: That's why I said  
17 -er.

18 TRUSTEE TRIMARCHI: I guess we'll  
19 see.

20 ATTORNEY PROKOP: They're not --

21 MAYOR VEGLIANTE: They're not  
22 happy by nature. The last meeting was  
23 a much happier meeting than ever  
24 before.

25 TRUSTEE TRIMARCHI: So if we're

1 keeping the hearing open --

2 ATTORNEY PROKOP: Just vote to  
3 keep the hearing open. Motion to --

4 TRUSTEE GESSIN: I'm going to  
5 abstain.

6 MAYOR VEGLIANTE: Motion to keep  
7 the hearing open, first, second, all in  
8 favor?

9 (Aye said in unison.)

10 MAYOR VEGLIANTE: None opposed.

11 (Whereupon, further proceedings  
12 were held but not transcribed.)

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C E R T I F I C A T E

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

THAT the above and foregoing contains a true and correct transcription of the proceedings held on May 24, 2024, and were reported by me.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of MAY, 2024.

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AMY THOMAS