

**ARCHITECTURAL REVIEW BOARD  
VILLAGE OF WESTHAMPTON BEACH  
Tuesday, April 16, 2019 at 7:00 pm  
MUNICIPAL BUILDING, 165 MILL ROAD**

**Present:** Gregory Minasian, Chairman  
Laurette Lizak  
Andrea Kaloustian  
Allegra Dioguardi  
Michael Stoehr  
Kerry Rogozinski, Building Permits Coordinator

**Absent:** Kevin A. McGowan, Esq., Village Attorney

The meeting was called to order at 7:00 p.m.

The items on the agenda may have been called out of order. They have been printed in the minutes in the order in which they were listed on the agenda.

**NEW APPLICATIONS**

1. **Edward J. Foley, 26 Stacy Drive, (905-10-5-33.7)** Landscape Plan for Permit #P190050 as per the 3/19/19 ARB meeting.

No one appeared. Mr. Minasian said the Board will approve the Landscape plan subject to removal of the deer fencing noted on plan.

Motion was made by Ms. Kaloustian to **approve** the Landscape plan of **Edward J. Foley** subject to removal of the deer fencing as noted on plans drawn by Spaces Landscape Architecture date stamped April 5, 2019; seconded by Mr. Stoehr and unanimously carried **5 ayes 0 nays 0 absent**

2. **Nick Messina, 100 Griffing Avenue, (905-7-4-16)** New 2 Story single family dwelling with finished basement, patio and swimming pool. New Pool house.

Nick Messina, Summertime Builders appeared. Mr. Messina said the house will consist of Cedar siding left natural, off white Azek trim, white windows, Cedar roof natural also and blue stone paving.

(Messina-con't)

Mr. Messina said the pool house materials will be the same as the house. The garage doors Mr. Messina said he will try to get in the off white (Sugar cookie). The front entry door with side lights will be painted light Blue.

Ms. Lizak asked about the landscaping. Ms. Lizak requested a little heavier buffer on the south property line. Ms. Lizak said there were some existing but would like to see more Green Giants all the way to the east property line. Ms. Lizak said the fence would have to be on the inside of the Green Giants so the fence would have to be moved in on the landscape plan. Mr. Messina said the five existing oak trees will remain and the Green Giants will go all the way to the east property line.

Ms. Lizak asked about the pool equipment, propane tank and a/c unit. Mr. Messina said the pool equipment will be located at the northeast corner of the property and the propane and a/c unit will be on the north side. Mr. Messina said he will leave most of the trees on the south side up, 5 oak trees to remain and Green Giants all the way down to the east property line. Ms. Lizak said the goal here is to have heavy screening. Mr. Messina agreed.

Motion was made by Mr. Stoehr to **approve** the application of **Nick Messina** as noted on plans drawn by John Himmelsbach, Architect dated February 11, 2019 and Landscape plan date stamped April 16, 2019; seconded by Ms. Kaloustian and unanimously carried **5 ayes 0 nays 0 absent**

3. **David McNamara, 45 Oneck Road, (905-10-4-1)** Raise house, new foundation, 1<sup>st</sup> floor addition, garage, swimming pool and cabana.

Cezary Kropiwnicki, Agent appeared. Mr. Kropiwnicki said they will raise the house and remove existing foundation and put new foundation over the piles. Mr. Kropiwnicki said there will also be an addition to the main house and add a 2-car garage on the side of house and cabana in back of pool.

Mr. Kropiwnicki said the roof is in bad shape and will be replacing with Cedar shingle roof left natural and the whole house will be re-shingled and stained in Gray, Azek white windows and trim and a Copper Cupola, white trim, windows and fascia. Both cabana and garage will match the materials used on the main house.

Mr. Minasian asked about the landscaping. Mr. Kropiwnicki said they had to remove a few trees that were close to the house and the rest of the trees will remain. Mr. Kropiwnicki said he is adding privet hedges 4'-5' in height to the front of property and remove fence in front of property, there will be a 4' Black chain link fence inside the hedges. Mr. Kropiwnicki will remove from the landscape plan where it says deer fencing. The gate will be Cedar. The a/c unit will be on the east side of the house, the pool equipment will be behind the cabana. Mr. Kropiwnicki said in the back of the house there will be Green Giants to make a screen. All changes were initialed and dated by Mr. Kropiwnicki.

Motion was made by Ms. Dioguardi to **approve** the application of **David McNamara** as noted on plans drawn by William G. Brown, Architects dated March 23, 2018 and Landscape plan date stamped April 10, 2019; seconded by Mr. Stoehr and unanimously carried **5 ayes 0 nays 0 absent**

4. **Armond and Mary Lago, 36 Harbor Road, (905-17-3-34)** 2 story single family dwelling with deck and patio.

Colin Bester, R2Q Construction appeared. Mr. Bester said the house materials will consist of Red Cedar shingles stained with bleaching oil (Silver Gray), roof will be cedar shingle natural color, white trim, white fascia and black windows. The retaining wall will be veneered in Fieldstone and mahogany decking and walkways with cable wire rail with Mahogany posts. Mr. Bester said there will be a front step to house in Blue Stone and the horizontal boardwalk under the house will be in Mahogany.

Mr. Bester said the landscaping will consist of Hollywood Junipers (deer resistant) on the northeast corner and south property line, Seagrass on the East property line and lawn on south and north and along the driveway.

Motion was made by Mr. Stoehr to **approve** the application of **Armond and Mary Lago** as noted on plans drawn by Jason M. Osmond, Architect dated May 17, 2018 and Survey drawn by Fox Land Surveying date stamped April 16, 2019 seconded by Ms. Dioguardi and unanimously carried

**5 ayes 0 nays 0 absent**

5. **Schlusberg Family Limited Partnership, 24 East Division Street, (905-10-7-30)** Two story dwelling with raised enclosed foundation area used for building access and light storage. Dwelling is fully sprinklered. Swimming pool and deck. **\*\*Prior to framing inspection, the applicant shall submit and obtain approval by the Fire Marshal for the sprinkler installation. \*\***

Rocco Lettieri, Homefront Organization, James Hulme, Attorney and neighbors Ginger Proper and Marvin Lerner residing at 16 East Division Street.

Mr. Lettieri said that this property has a variance from the DEC, Health Department, Planning and Zoning for setbacks, fill and retaining walls. Mr. Lettieri said the materials that they are using white Azek panel system Cedar, stone mixed grey color, window frames will be dark bronze (almost black), siding is white and then you have Horizontal Cedar siding will turn natural, cedar siding/trim natural, dry stack stone veneer on retaining wall grey mix, window and door framing dark bronze, PVC siding white, bluestone paved driveway, clear glass railing.

Mr. Lettieri said the landscaping is pretty minimal because the whole site is in the wetlands. Mr. Lettieri said that 80% of the property will be re-vegetated with native wetlands plants. Mr. Lettieri said the side area there will be privet hedges along the top wall. Mr. Lettieri said there was no fencing because the pool is elevated. The house is built on timber piles to grade beams to 10' poured concrete foundations to mediate is actually touching the wetlands, so the wetlands actually goes under so the water obviously it's a very flooding area there so water can go in then get out and in front is all gravel and it is the drainage system along with French drains because to get the ground water which is 2-3 foot down so you have to go to French drain system. Mr. Lettieri said the only spot that you will see this house is from the bay.

(Schlüsselberg-con't)

Ms. Propper said she lives next door to the north of this property since 2003. Ms. Propper said this is very important complicated area. The house that was ripped down was a fisherman's cottage. Ms. Propper said the property flooded all the time because it was much lower and the water tables are only 2.7 ft. Ms. Propper was asking the Board for more time to review this application. Ms. Propper said she had talked to Paul right before he left, he showed her the plans and she was not able to copy them but was not able to really look at them with an Architect. Ms. Propper met with the new building inspector Brad Hammond today, Tuesday, April 16, 2019 and asked questions but he didn't know answers (it was his 2<sup>nd</sup> day) and would get back to me. Ms. Propper said they would have to give him time and she also asked questions about the height. Ms. Propper said it's 20' from her property line and it's like a wall that looms over her property. Ms. Propper said she wants to talk about the variance and there is staircase that is not an egress staircase and now encroaches onto that 20'. Ms. Propper wants to know where the air conditioners units are going, is there a generator. Ms. Propper never saw a landscape plan.

Ms. Propper said it sits on the very important body of water. She also said it doesn't fit into the scheme of the street, we have no houses like this and she said she would like her questions answered before something is decided.

Ms. Propper said there is huge drainage issues, the driveway shoots up and then shoots down; there's an issue with the DEC survey versus what was improved by the Planning Board. Ms. Propper said the DEC approved a different amount of fill versus what the Planning Board. Ms. Propper said she has a copy of all that.

Mr. Minasian said he would like to stick to his jurisdiction and said some of the questions that Ms. Propper asked can be answered. Mr. Lettieri said the height meets the Code. Mr. Hulme said everything about this sight that has been showed to the Board meets the Code except for the three variances the Board of Zoning Appeals granted. Mr. Hulme said they are not in the speculative area; we are here because we filed a building permit and only after the building inspector fully approved it. Ms. Propper said there were never a full set of plans.

Ms. Lizak said what is the height requirement. Mr. Lettieri said it is 40' off of sea level, so if you are at elevation 8' is ground overall is 40' you have to back out. Mr. Lettieri said if your base flood is at 4.6 the overall building is at elevation is at 36.4 so we are almost 4 ft lower than we are allowed to be. Mr. Lettieri said the Code is 40' for modern houses, 42' for traditional houses with gables. Ms. Propper's objection is that she is only 20' from this property and it's like wall and also the staircase now comes what 3' out. Mr. Lettieri said Paul reviewed all the plans and made changes, Paul requested the last modification to the plan is there is a grey area in the Code there is a chimney's. We put chimney's in side yards they really don't count as a side yard setback as long as they are 2' we had a chimney that was in the 2' so Paul requested that we move back so now it sits within the 20' set back. Ms. Propper brought up again the staircase again, Mr. Lettieri said they shouldn't really be talking about the staircase but it is an egress staircase with a side door which is allowed in the side yard.

(Schlüsselberg-con't)

Ms. Propper said she has not had time to review the plans and would like to review them with an Architect. Ms. Propper asked where is the full site plan and has never seen a landscape plan she's entitled to see that. How is the lighting going in since it is 20' from my property line, is there a special code in the Village how property lights look down? She is just asking for more time to go over all this.

Mr. Hulme said everything that Ms. Propper has raised from a code perspective relief we would not be here because the Building inspector reviewed this and put it forward. The building inspector is in charge of setting the agenda.

Mr. Stoehr said this Board is in charge of looking at the architectural house in the neighborhood and maintain the style in the neighborhood. Ms. Propper said this style is not at all in this neighborhood. Ms. Propper said the last new house that was built in this neighborhood was built on the corner of Stevens and East Division which traditional/gables, there is no house like this on my street or in my area.

Mr. Lettieri said this is the direction that the architecture is going and been going for the last couple of years. Mr. Stoehr said this is different than the houses all around. Mr. Hulme said from the houses that are there now as the houses that are there are different from each other. Mr. Stoehr said the question asked is it different from the houses that are there now. Mr. Lettieri said the adjacent lot is a traditional house it has flat roofs and peak roofs as well so her house is ahead of the times and it has modern elements all built into the style of her house. Ms. Propper said nothing in this neighborhood is all glass. There is nothing like this. Ms. Propper said this is like a house you would see on Dune Road. Ms. Propper said there is nothing on the street that resembles this. Mr. Lettieri said we have buildings running all through the neighborhood. Mr. Lettieri said that 188 Dune Road (which is right across the bay) Ms. Propper said it's on Dune Road, there is one on Beach Road (right across from this) in the wetlands, there is one on Cross Street. Ms. Propper said there is nothing on this street. Mr. Lettieri said it is a dead-end street. This is the house at the end of the street.

Ms. Lizak said our job from our code book is that we are to look at the neighborhood and it should be in keeping with the neighborhood; if for some reason that should change then that is a whole another can of worms but we have to go by what is in our Code book. Mr. Hulme said but this neighborhood is not all the same houses and clearly this is different but this is the next step. Ms. Lizak said she is not arguing that. Mr. Hulme said you don't have a standard by which you can judge this house in this neighborhood. Ms. Lizak said she sees gables in that neighborhood, I don't see another flat roof to the extent that this is. I'm not here to argue about this is where we are heading isn't it beautiful, I'm saying I have a code book that's says, Mr. Hulme interrupted and said that everything needs to stay the same, Ms. Lizak said it does not say that it has to be in the same neighborhood. Mr. Minasian said interpretation we had years and years ago you were to look left, look right, you look front you look back that's the neighborhood. Clearly Dune Road is a different. Mr. Hulme said this is not a cookie cutter, the one on cross street as well which is right behind this (that whole neighborhood is all traditional), you have approved modern houses all throughout the Village so you can't say you don't approve modern houses throughout the village. Mr. Hulme said you have approved modern house in other parts of the village that are simmerly in transition, Ms. Lizak said not like this.

(Schluselberg-con't)

Mr. Hulme said there is nothing unique about this neighborhood as compared to any other neighborhood. Mr. Lettieri said this lot is at a dead end on the water so its isolated by itself on the end of the street.

Ms. Lizak said to be on this Board she is charged to have to go along with keeping to the neighbor. Ms. Lizak said she was told in keeping to the neighborhood was exactly what Mr. Minasian said, you look left, right, front and back. Mr. Lettieri said there are modern houses throughout the village scattered throughout. Mr. Lettieri said on Jessup Lane that's like the one that Peter Cook did say that shouldn't be there because it's way too transitional and it's on a transitional road that has all gambrels and traditional houses and ranches and everything else. Mr. Stoehr said we are talking about this area.

Mr. Lettieri said you can't just talk about one area without looking at others. Mr. Hulme said that his point is that in other areas of the community you have approved modern houses. Mr. Stoehr said we are charge in for the area not for the entire village. Mr. Hulme said there are islands of modern houses throughout the village that you guys approved, not because they were modern houses throughout the village but because you decided that the modern house in that part of the village was not offensive to the rest of the area. Mr. Stoehr said can we come back to his area, the question is what charge does it not conform to the neighborhood. Mr. Stoehr said we are not saying it's not beautiful but it does not conform to the neighborhood. Mr. Hulme said the code has to do with the aesthetic of the neighborhood not necessarily a cookie cutter, Mr. Stoehr said aesthetic is look, feel front back right left.

Mr. Marvin Lerner wanted to thank this board and is really impressed the nature of this Board.

Mr. Lettieri said this street as a Board you cannot truly find any individual architectural design on this street. Mr. Minasian asked is this proposal that you have with that rendering dissimilar to anything on this street. Mr. Lettieri said there is a modern house with a flat roof on this street. Mr. Minasian said you are not answering my question, Mr. Lettieri said it's not the same no my architecture is better.

Mr. Minasian said the next application that comes on Aspatuck, Oak Street that has different styles to it and they present this type of an application before us I would have a problem. Mr. Lettieri said I can see this being a situation if you were on like Seafield. Seafield is all traditional and been done with money people who had money it and have hire architects designed house that stand the test of time. That street has traditional house all in like and kind all done at different times. This street does not have houses all like and kind. There are different style houses all down the street.

Ms. Kaloustian said she gets Mr. Lettieri point they were built in different time periods but this application does not fit, when I stand in the middle of the street and look different directions doesn't fit.

Mr. Minasian said this style house and I like the style would go anywhere in the village, but Mr. Lettieri said that's not the situation this house would not go on Seafield. I have modern houses on Jessup Lane and even next to my personal house that has a flat I don't think that belonged on street. Mr. Lettieri said you are talking about certain streets in the Village that have certain character.

(Schlüsselberg-con't)

Mr. Hulme asked that they adjourn it for 2 weeks so they could do a neighborhood study, find other neighborhoods that you have agreed to allow in the middle of neighborhood, similar to what we are asking for here and allow us the opportunity to make that case, before you bring your decision. Mr. Hulme said give us a chance to prove to you that it is appropriate.

Mr. Lettieri ask what is the boards advise as to what direction this application should go. Ms. Lizak said soften it. Mr. Lettieri said he is open to whatever the Board, that he takes advice; I do come back with changes and if there are certain pieces or elements of it that the Board wants to re direct me or look at I will. Mr. Minasian said lets see what you come back with.

Motion was by made by Ms. Dioguardi to **Holdover** the application of **Schlüsselberg Family Limited Partnership** until the May 7, 2019 meeting; seconded by Mr. Stoehr and unanimously carried **5 ayes 0 nays 0 absent**

Motion was made by Mr. Stoehr to adjourn the meeting at 8:30 pm; seconded by Ms. Kaloustian and unanimously carried **5 ayes 0 nays 0 absent**

Respectfully submitted,

Kerry Rogozinski  
Building Permits Coordinator

APPROVED:

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Gregory Minasian, Chairman of the Board

Dated: \_\_\_\_\_