

INCORPORATED VILLAGE OF OCEAN BEACH

FIRE ISLAND, NEW YORK

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PLANNING BOARD MEETING

ARCHITECTURAL REVIEW BOARD MEETING

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January 20, 2023
11:41 a.m.
The Boat House
Ocean Beach,
New York

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A P P E A R A N C E S :

JOSEPH SPERANZA, CHAIRMAN

JOEL SILVERBERG, MEMBER

CRAIG SHERMAN, MEMBER

CONSTANTINE KARALIS, ALTERNATE MEMBER

JUDY STEINMAN, MEMBER VIA ZOOM

DAVID SILVER, ALTERNATE MEMBER VIA ZOOM

DAVID LIEBER, ALTERNATE MEMBER VIA ZOOM

GINA RAGUSA, ALTERNATE MEMBER VIA ZOOM

JONNEIGH ADRION, DEPUTY CLERK

PETER BEE, ESQ, VILLAGE ATTORNEY

D. Leigh Chapman
Court Reporter

1 ALSO APPEARING:

2 Special Permit Application Number 304

3 Maria Silsdorf, Applicant
4 Ian Levine, Applicant

5 Special Permit Application Number 305

6 Tyler Sterck, Applicant.

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8 Special Permit Application Number 306, 307, 308

9 Jonathan Randazzo, Applicant
10 Joseph Bonocore, Applicant
11 Mitch Diamond, Applicant

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SPA No. 304

1 CHAIRMAN SPERANZA: I call the meeting to
2 order.

3 MR. BEE: Mr. Chairman, the meeting having
4 been called to order, the prepared agenda proposes
5 that the first item is Special Permit Application
6 Number 304, which is actually an application, as I
7 read it, for subdivision.

8 In reading the transcript from your prior
9 meeting, it appears that this Board has already
10 granted preliminarily and provisionally the
11 subdivision application, which was made subject
12 to zoning compliance. It is my understanding
13 and I have read the transcript from the Zoning
14 Board of Appeals to which the applicant
15 requested variances.

16 Specifically, the transcript reveals at page --
17 bear with me -- page two it is recited that the
18 applicant is seeking a variance requesting side
19 yard setbacks and rear yard setback
20 requirements.

21 Later, at page 24, the Chairman, after taking a
22 vote, recited that the variances were granted,
23 and, therefore, it would appear that the
24 variances having been granted, this Board
25 intended to take a further motion confirming its

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1 prior determination that the subdivision is
2 granted. However, what is not clear in the ZBA
3 transcript and which I believe may be beyond the
4 purview of the Planning Commission is whether
5 all variances that would be required have, in
6 fact, been obtained.

7 My advice would be to leave that to the building
8 inspector and the ZBA, but from the Planning
9 Commission's point of view, if you now wish to
10 renew and reaffirm your grant of the
11 subdivision, my recommendation is that you do so
12 continuing the condition that you are not
13 granting variances, you are granting subdivision
14 approval. But since the statute says tat you
15 may not grant subdivision approval where it
16 creates an illegal condition under zoning law,
17 that you do so again by saying subject to zoning
18 compliance and leave that to the building
19 inspector and the ZBA.

20 If that meets the approval of this Board, you
21 may wish to have a member make a motion to the
22 effect of reaffirming the prior determination of
23 the Planning Commission to grant the requested
24 subdivision subject to the continued condition
25 of zoning compliance.

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1 Is there such a motion?

2 CHAIRMAN SPERANZA: Just at this point I
3 want, Peter, to take roll call.

4 MR. BEE: Very good, sir.

5 CHAIRMAN SPERANZA: We didn't do that and I
6 need to appoint voting members because we have
7 alternates here and one non-alternate on the
8 phone, okay? So can you please take roll?

9 MR. BEE: Very good, sir. Is the Chairman
10 present?

11 CHAIRMAN SPERANZA: Present.

12 MR. BEE: And, Joel, are you present?

13 MEMBER SILVERBERG: Present.

14 MR. BEE: And Craig?

15 MEMBER SHERMAN: Present.

16 MR. BEE: Then, I'm sorry --

17 CHAIRMAN SPERANZA: Constantine.

18 MR. BEE: Constantine. There you are. You
19 are also present.

20 ALTERNATE MEMBER KARALIS: Present.

21 CHAIRMAN SPERANZA: Who's present by Zoom
22 since we can't see you? Please state who's
23 present.

24 MEMBER SILVER: David silver.

25 CHAIRMAN SPERANZA: David Silver, present,

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1 yes?

2 MEMBER SILVER: Yes.

3 CHAIRMAN SPERANZA: Gina Ragusa?

4 ALTERNATE MEMBER RAGUSA: Present.

5 CHAIRMAN SPERANZA: Judy Steinman?

6 (No verbal response given.)

7 No?

8 ALTERNATE MEMBER RAGUSA: She's on there.

9 She may be muted and not know, but you can see
10 that she's on.

11 CHAIRMAN SPERANZA: She's on but cannot
12 speak?

13 ALTERNATE MEMBER RAGUSA: She has herself on
14 mute.

15 CHAIRMAN SPERANZA: Okay. Lisa Pace?

16 (No verbal response given.)

17 Absent. I think that's it, right, Bunny?

18 DEPUTY CLERK ADRION: What about David
19 Lieber?

20 CHAIRMAN SPERANZA: Oh, I'm sorry. David
21 Lieber, are you on?

22 ALTERNATE MEMBER LIEBER: I am present.

23 CHAIRMAN SPERANZA: You are present. Great.

24 MR. BEE: And a quorum is present in person.

25 CHAIRMAN SPERANZA: Yes, a quorum is present

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1 in person.

2 Now I'm going to appoint as a voting member
3 today Constantine Karalis for this application
4 of 305, right? That's the subdivision?

5 DEPUTY CLERK ADRIAN: 304.

6 MR. BEE: The subdivision application is 304.

7 CHAIRMAN SPERANZA: Thank you, 304.

8 And if Judy can speak, she's a voting member so
9 she can vote by Zoom, Peter?

10 MR. BEE: Assuming that the Board has taken
11 the proper steps to authorize Zoom participation,
12 yes.

13 CHAIRMAN SPERANZA: Okay. That would
14 comprise then four voting members and, let's see,
15 Craig Sherman. We didn't roll you in. Craig, you
16 want to say present? Craig's a new member and
17 he's here.

18 MEMBER SHERMAN: I did.

19 CHAIRMAN SPERANZA: You did? Okay, I didn't
20 hear you. So you're present.

21 Let's see. You did not hear, you weren't a
22 member when we did the preliminary approval. So
23 I think it's unwise to let you vote because you
24 don't have the learning curve that others might
25 have.

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1 Gina, you were present when we had that
2 preliminary hearing, yes?

3 ALTERNATE MEMBER RAGUSA: Yes, that's
4 correct.

5 CHAIRMAN SPERANZA: So I'm appointing you as
6 a voting member for that application 304. Okay?

7 ALTERNATE MEMBER RAGUSA: Yes.

8 CHAIRMAN SPERANZA: So voting today will be
9 Karalis, Silverberg, Speranza, Gina Ragusa, and
10 Judy Steinman. Okay, Peter?

11 MR. BEE: Very well, sir.

12 I also point out, by the way, with respect to my
13 proposal for a motion, the transcript was
14 unclear as to whether any corrective action
15 needed to be taken about the fence as a
16 condition of the grant of the subdivision. So
17 the Board may wish to clarify that point that it
18 either is a condition or is not a condition or
19 is simply a recommendation.

20 CHAIRMAN SPERANZA: Okay. Does anyone on the
21 Board have anything to say about the issue of the
22 fence that is discussed in the verbatim minutes of
23 the ZBA hearing conducted last, I guess it was
24 last month.

25 ALTERNATE MEMBER KARALIS: I do.

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1 CHAIRMAN SPERANZA: You do?

2 ALTERNATE MEMBER KARALIS: Yes.

3 CHAIRMAN SPERANZA: Okay, Constantine.

4 ALTERNATE MEMBER KARALIS: As a member of the
5 Zoning Board, I brought up the issue of the fence,
6 and, essentially, it was decided that that was not
7 in the purview of the Zoning Board. But it was
8 recommended, as I had suggested, that the fence be
9 moved correctly over the property line. My
10 thinking was that whether the Zoning or the
11 Planning Board approved the plan as is, the
12 existence of the fence on the property that may
13 very well be at some time subdivided and sold to
14 somebody. It would create a problem to the
15 neighbors, and I move to approve something that
16 would have that possibility in it.
17 The owner, during the Zoning Board meeting,
18 agreed that that would be something he would,
19 I'm not sure he was happy to do it or whatever
20 it was, but he would be okay doing it. And I'm
21 prepared to make that recommendation as a member
22 of this Board.

23 CHAIRMAN SPERANZA: Do you want to make that
24 motion?

25 ALTERNATE MEMBER KARALIS: Yes. That the

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1 fence be moved as part of the recommendation of
2 this meeting onto the property line.

3 MR. BEE: As a recommendation or a condition
4 of the subdivision?

5 ALTERNATE MEMBER KARALIS: As a condition.

6 MR. BEE: Is the applicant present?

7 CHAIRMAN SPERANZA: Well, I think we want to
8 have a second and a discussion first.

9 MR. BEE: I just wondered if the applicant is
10 present.

11 (Inaudible.)

12 On the Zoom call, very good.

13 There's a motion on the floor. Is there any
14 discussion on the motion by the members of the
15 Planning Commission?

16 CHAIRMAN SPERANZA: Well, wait. You want to
17 have a second, Peter.

18 MEMBER STEINMAN: It has to be seconded.

19 CHAIRMAN SPERANZA: Yeah. Does anyone want
20 to second that motion?

21 MEMBER STEINMAN: I will second it.

22 CHAIRMAN SPERANZA: Judy Steinman seconds it.
23 Now a discussion. Does anyone want to have a
24 discussion?

25 ALTERNATE MEMBER RAGUSA: Could you please

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1 just repeat Constantine's motion so we're all
2 clear because it spaced out a little bit?

3 CHAIRMAN SPERANZA: Okay, Constantine,
4 please, or we have a court reporter here. Could
5 you please read back Constantine's motion?

6 (Requested motion was read back.)

7 MR. BEE: As I understand it, the earlier
8 decision by the Planning Commission to grant the
9 subdivision subject to the condition that the
10 fence be moved to the property line.
11 Did I correctly understand the motion?

12 CHAIRMAN SPERANZA: I think so.
13 Joel, you have a question?

14 MEMBER SILVERBERG: I have a question. I
15 don't think we approved of anything other than to
16 send it to the Zoning Board.

17 CHAIRMAN SPERANZA: That's correct.

18 MEMBER SILVERBERG: We didn't approve
19 anything.

20 MR. BEE: That's not the case.

21 CHAIRMAN SPERANZA: This is a new motion to
22 relocate the existing fence to the property line.
23 Currently, it is not on the property line.

24 MEMBER SILVERBERG: Okay. Take the rest of
25 it out of the Planning Board's approval

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1 notification that we didn't approve of anything
2 other than to send this application to the Zoning
3 Board.

4 CHAIRMAN SPERANZA: No. We gave a, and Peter
5 is looking it up, we gave a preliminary approval
6 of the subdivision subject to the applicant
7 obtaining necessary variances from the Zoning
8 Board of Appeals, which they did. So that's where
9 we are.

10 ALTERNATE MEMBER RAGUSA: This is Gina Ragusa
11 on Zoom call. I read the transcript from the
12 Zoning Board, and Constantine, correct me if I'm
13 wrong, I thought that the Zoning Board agreed that
14 the fence issue was not an issue before them and
15 that they wouldn't be discussing it. They would
16 just be discussing the variance, I mean the
17 variance to the subdivision.

18 CHAIRMAN SPERANZA: That's correct, Gina.
19 But Constantine has brought it up as a Planning
20 Board member.

21 ALTERNATE MEMBER RAGUSA: Right. And as a
22 Planning Board, are we able to make that
23 deduction, or does it have to go back to the
24 Zoning Board?

25 CHAIRMAN SPERANZA: No, it's going to be

SPA No. 304

1 determined here. There's a motion and a second on
2 the floor ready to be voted upon as soon as we
3 stop our discussion.

4 ALTERNATE MEMBER RAGUSA: Understood. Thank
5 you.

6 CHAIRMAN SPERANZA: You're welcome.
7 The pause is Counsel looking through the
8 verbatim minutes of the ZBA meeting. Please
9 bear with the silence.

10 MR. BEE: Yes. Starting at page 14 of the
11 transcript, Chairman, you indicated that you were
12 providing tentative approval conditioned on the
13 compliance with the building inspector's letter
14 and finding needed variances.

15 You went on to say, "After which, if they get
16 them, they can do the work that's required by
17 them, have the work surveyed, and produce two
18 new surveys or one large survey encompassing
19 both properties."

20 Reading further on, "Assuming everything is
21 done, we'll have a final Planning Board meeting
22 to grant a final approval of the subdivision."

23 So as I read that, although, I was not present
24 at the meeting, it appeared that you had
25 tentatively approved the subdivision subject to

SPA No. 304

1 Zoning compliance. The applicant was then to go
2 to Zoning Board, obtain zoning variances as
3 needed, and then return to this Board for final
4 approval.

5 CHAIRMAN SPERANZA: Okay. Let the record
6 show that we have the requested and required
7 surveys. You asked me about that yesterday,
8 Counsel, and here we are.

9 MR. BEE: Yes, sir.

10 CHAIRMAN SPERANZA: Seen them?

11 MR. BEE: Yes, I have.

12 CHAIRMAN SPERANZA: Okay. So there's a
13 motion on the floor about the fence.

14 MR. BEE: My reading of the transcript also
15 indicated that the applicant, whether or not it
16 was a recommendation or a condition, the applicant
17 represented to the Board that it would do whatever
18 the Board wanted it to do, speaking about the
19 Zoning Board with respect to the fence. And
20 that's why I asked if the applicant is present and
21 the applicant is. Because if the applicant simply
22 makes a representation as part of the application
23 that they will move the fence line then that
24 becomes incorporated into the approval. But
25 currently, there's a motion to grant the approval

SPA No. 304

1 conditioned upon the movement of the fence to the
2 property line.

3 CHAIRMAN SPERANZA: That's correct.

4 MR. BEE: And I believe that motion has been
5 made and seconded. Is there any discussion on
6 that motion?

7 (No verbal response given.)

8 CHAIRMAN SPERANZA: Hearing none, please poll
9 the Board for a vote. I vote last, by the way.
10 Constantine Karalis?

11 MR. LEVINE: Can we have a discussion before
12 the vote?

13 CHAIRMAN SPERANZA: We just closed
14 discussion, Ian, but we'll reopen it for you.

15 MS. SILDORF: Good morning, everybody, and
16 thank you for bearing with us and allowing us --
17 What Mr. Bee just read was tentative approval
18 depending on the Zoning Board's approval. We
19 met -- (Zoom audio breaks up.)

20 CHAIRMAN SPERANZA: Maria, you're breaking
21 up.

22 MS. SILDORF: Okay, can you hear me now?

23 CHAIRMAN SPERANZA: Yes.

24 MS. SILDORF: So we received, as Mr. Bee just
25 read, we received tentative approval from the

SPA No. 304

1 Planning Board. We then had the privilege of
2 going before the Zoning Board and, despite the
3 conversation about the fence, it was agreed by the
4 Zoning Board that the fence was not a condition of
5 their approval and all of our variances were
6 approved by the Zoning Board without any
7 requirements.

8 We further have a letter from Mike Mandarino,
9 the Building Inspector, dated Monday,
10 January 9th, that says, "Please be advised that
11 all conditions set forth for the subdivision
12 have been satisfactorily met. Those conditions
13 being variances granted by the Zoning Board of
14 Appeals."

15 I don't believe there's any further restriction
16 required based on your tentative approval at our
17 initial meeting.

18 CHAIRMAN SPERANZA: That's correct.

19 MS. SILDORF: Thank you, Joe.

20 CHAIRMAN SPERANZA: The issue that has come
21 up, we'll call it a new issue, raised by Member
22 Karalis that he felt the fence mentioned in the
23 transcript from the ZBA should be moved and made
24 conditional to the granting of the subdivision.
25 We are not dealing with the ZBA. This is the

SPA No. 304

1 Planning Board. So that motion that he made,
2 which we read back, or I think Gina wanted it
3 read back and we read it back and it was
4 seconded and was discussed and it's about to be
5 voted on. It's the Planning Board's motion, not
6 the ZBA's. Okay?

7 MR. LEVINE: This is Ian Levine. Will it be
8 approved (inaudible) just the fence has to come
9 down and then the building Inspector approves it?
10 Or it's going to be approved today and then we
11 have the approval so we don't have to go back in
12 front of any other Boards?

13 MR. BEE: May I respond to that?

14 CHAIRMAN SPERANZA: Yeah, go ahead.

15 MR. BEE: The Planning Board's motion that is
16 not yet voted upon would be to approve the
17 subdivision with condition of the fence, again,
18 not yet voted upon but also still subject to
19 zoning compliance. You've just indicated that you
20 have a letter from the building inspector saying
21 that you have full zoning compliance. If that's
22 the case, that's fine. There's no other issues.
23 But the Planning Board is not commenting on
24 whether or not you've achieved zoning compliance.
25 That'll be up to the building inspector and the

SPA No. 304

1 Zoning Board of Appeals. As long as the building
2 inspector is saying you have all the necessary
3 variances, that forecloses the issue, as far as
4 I'm concerned, for the Planning Commission. But
5 the grant of the subdivision remains subject to
6 zoning compliance. Did that answer your question?

7 MS. SILDORF: Yes, sir. Yes, sir, it did.
8 Thank you.

9 CHAIRMAN SPERANZA: Thank you, Maria.

10 MR. BEE: And there's still a motion pending.

11 CHAIRMAN SPERANZA: Yeah, there's still a
12 motion pending.

13 MR. BEE: A yes vote would grant the
14 subdivision with the condition that the fence be
15 moved to the property line.

16 A no vote would mean it is not a condition and
17 then there would be another vote on whether to
18 grant the subdivision even without that
19 condition. The pending motion is to approve it
20 but only subject to the fence condition.

21 Bunny, can you call the roll for the vote?

22 DEPUTY CLERK ADRION: Sure.

23 Constantine Karalis?

24 ALTERNATE MEMBER KARALIS: Aye.

25 DEPUTY CLERK ADRION: Joel Silverberg?

SPA No. 304

1 MEMBER SILVERBERG: Aye.

2 DEPUTY CLERK ADRION: Gina Ragusa?

3 ALTERNATE MEMBER RAGUSA: Aye.

4 DEPUTY CLERK ADRION: Judy Steinman?

5 MEMBER STEINMAN: Aye.

6 DEPUTY CLERK ADRION: Chairman Speranza?

7 CHAIRMAN SPERANZA: Aye.

8 All right. It's a unanimous approval of final
9 subdivision.

10 MR. BEE: With the condition of moving the
11 fence to the property line.

12 CHAIRMAN SPERANZA: Thank you. With the
13 condition of moving the fence to the property
14 line.

15 MR. BEE: Mr. Chairman, that disposes of
16 application 304.

17 MEMBER SILVERBERG: I want to make a comment.

18 CHAIRMAN SPERANZA: Go ahead, Joel.

19 MEMBER SILVERBERG: I believe that the Zoning
20 Board was incorrect in allowing this to take place
21 because I believe there was, prior to the
22 application, there was nonconforming use on both
23 properties and we've not cleared up the
24 nonconforming use. In fact, we've made another
25 nonconforming use by allowing the garage and the

SPA No. 304

1 25-foot expansion of this property to be
2 nonconforming. That can be easily rectified by
3 moving the garage. I'm not saying that they
4 shouldn't have the garage, but I am saying that we
5 are now allowing another nonconforming use to take
6 place, which I do not approve of.

7 I think the major problem for me is that we
8 moved a piece of property in one direction and
9 created another nonconforming use, which I find
10 that is not our job. I think we're supposed to
11 be clearing those things up in this Village and
12 not creating more. The only way that can be
13 changed or altered is for that garage to be
14 moved, and there's plenty of room to move it in.
15 And we're not saying you can't have the garage,
16 which is an auxilliary structure, oversized to
17 begin with, and also nonconforming in the new
18 code.

19 CHAIRMAN SPERANZA: Okay. Are you done with
20 your statement?

21 MEMBER SILVERBERG: Yes.

22 CHAIRMAN SPERANZA: Okay. Thank you, Joel.
23 Is there any further discussion about SPA,
24 Special Permit Application Number 304?

25 ALTERNATE MEMBER RAGUSA: No.

SPA No. 305

1 CHAIRMAN SPERANZA: Okay. Hearing none,
2 let's move on to the next item on the agenda.

3 MR. BEE: Application by Tyler Sterck
4 concerning 478 Bayberry Walk, and the request is
5 conversion of existing internal space within
6 conforming commercial building into retail, retail
7 food, or professional office spaces.

8 I do draw the attention of the Board to Code
9 Section -- bear with me a moment -- 164-33,
10 which lists the prohibited uses in a commercial
11 zone and which provides that one of the
12 prohibited uses is, reading from subdivision E
13 for Edward, "restaurants and eating and/or
14 drinking establishments, whether counter
15 service, carry out, or fast food or other
16 businesses designed to serve food and/or drink
17 inside of the structure, outside or both inside
18 and outside the structure and whether or not
19 serving alcoholic beverages for on-premises
20 consumption."

21 It is unclear from the written description in
22 the application whether the grant of the
23 application would be in violation of that
24 prohibition in the code. You would need, I
25 believe, more information about the nature of

SPA No. 305

1 the change.

2 Additionally, as a prohibited use, I believe
3 that rather than it being a -- if the use were
4 to violate that section, and I'm saying that it
5 does, but if the use were to violate that
6 section that it would not be a use permitted by
7 special permit. It would require a variance
8 from the ZBA. The uses permitted by special
9 permit are listed in Section 164-32.

10 And I do not see that food service or the sales
11 of foods is a listed permission for a special
12 permit. So I'm still just pointing out to this
13 Board that it must be conscious of Section
14 164-33 and if the application seeks to violate
15 that provision then it would need a variance.
16 If it does not seek to violate that provision
17 then the use can be granted by special permit.
18 You may choose as one option to do what you did
19 in the last application, which is to grant the
20 application subject to compliance of zoning laws
21 and leave that determination to the building
22 inspector and the ZBA. That's up to this Board.

23 CHAIRMAN SPERANZA: Thank you, Peter.

24 We have an applicant here for this application,
25 correct? Can you please make your presentation

SPA No. 305

1 to the Board?

2 DEPUTY CLERK ADRION: Joe, wait.

3 CHAIRMAN SPERANZA: Yeah?

4 DEPUTY CLERK ADRION: Should we establish
5 first that Constantine is going to recuse himself
6 and then set voting members for this application?

7 CHAIRMAN SPERANZA: Good point. Well, we're
8 not sure if Constantine wants to recuse himself.
9 Peter wants to ask him a question before he
10 decides that.

11 MR. BEE: Under the rules for public
12 officials to vote on matters, if a member of this
13 Board has a financial interest in the outcome then
14 he or she would not be permitted to participate in
15 the deliberations or the vote.

16 And it's unclear to me whether or not that
17 exists.

18 The mere drawing of plans would not present a
19 conflict of interest because there's no interest
20 in the plan writer in the outcome of the
21 determination. But if the plan writer also
22 anticipates being the contractor and will,
23 thereby, have a financial interest in whether
24 the application is granted or not granted then
25 such a financial interest, in my view, would be

SPA No. 305

1 present and that member of the Board should not
2 participate. I simply don't know the facts.

3 ALTERNATE MEMBER KARALIS: I believe that I
4 should recuse myself just to erase any doubt of
5 whether I have any financial interest in the
6 matter or not.

7 CHAIRMAN SPERANZA: Okay. So you're
8 recusing?

9 ALTERNATE MEMBER KARALIS: Yes.

10 CHAIRMAN SPERANZA: Thank you. Okay. So
11 make the presentation.

12 DEPUTY CLERK ADRION: What about the voting
13 member?

14 CHAIRMAN SPERANZA: It's who I appointed
15 before. We have four, Judy and Gina --

16 DEPUTY CLERK ADRION: Okay. That's fine.

17 CHAIRMAN SPERANZA: Who do we have?

18 MEMBER SILVERBERG: There's three of us here.

19 CHAIRMAN SPERANZA: You only need five and
20 you can only have five.

21 MEMBER SILVERBERG: We have five.

22 CHAIRMAN SPERANZA: We have four.

23 MEMBER SILVERBERG: We have Craig. We have
24 me. We have --

25 CHAIRMAN SPERANZA: Wait, wait. I didn't

SPA No. 305

1 appoint Craig, Joel, okay? Just a minute.

2 So we have Gina, Judy, myself, and Joel, that's
3 four, and now I'm appointing Craig Sherman, who
4 is sitting here, as a voting member for this
5 application. Thank you.

6 Okay. So please make your presentation.

7 MR. BEE: May I encourage that we focus on
8 whether or not the business is designed to serve
9 food and/or drink inside or outside of the
10 structure and whether or not this is a preexisting
11 use, which you are simply seeking to enlarge.
12 Thank you.

13 MR. STERCK: Hello, Board. My name's Tyler
14 Sterck and today --

15 CHAIRMAN SPERANZA: Tyler, please step up to
16 the microphone and tell us your name and address.

17 MR. STERCK: My name is Tyler Sterck. My
18 address is 478 Bayberry Walk, Ocean Beach, New
19 York.

20 CHAIRMAN SPERANZA: Thank you.

21 MR. STERCK: Today, we come in front of the
22 Board for conversion of existing food retail space
23 into potential, another food retail space, retail
24 or office space.

25 When the building was built in 1946, it had

SPA No. 305

1 multiple retail stores at that time. Being that
2 the same family has run and occupied that space
3 for the last 78 years, those walls have become
4 one entity instead of multiple entities. So
5 today we're trying to bring back one of the
6 retail spaces, or two for that matter, with
7 today's application.

8 CHAIRMAN SPERANZA: Okay.
9 Is that your complete presentation?

10 MR. STERCK: To answer Peter's question if
11 the intention is not for, I think you're looking
12 for restaurant or bar usage, that is not what our
13 intention is. This is for continuing what the
14 existing space currently is used for and that is
15 retail food, such as a grocery store. So it would
16 be for internal purchase for outdoor consumption.

17 CHAIRMAN SPERANZA: Well, retail food can be
18 a restaurant. Is that what you're asking for?

19 MR. STERCK: No, I'm not.

20 CHAIRMAN SPERANZA: Okay. So you're
21 clarifying what retail food means.

22 MR. STERCK: Correct.

23 CHAIRMAN SPERANZA: To a grocery store?

24 MR. STERCK: It currently is a grocery store.
25 The space currently is being used for a grocery

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1 store. Grocery products are sold in the existing
2 space.

3 CHAIRMAN SPERANZA: Correct. But you are
4 dividing the space with separate entrances. Are
5 you excepting to have anything other than grocery
6 store in those separate spaces?

7 MR. STERCK: You know, as a landlord, I'm not
8 putting up any barriers as to what potentially
9 could be in there. It wouldn't be in my best
10 interest to have a deli in there if I'm renting
11 out a grocery store next door.

12 CHAIRMAN SPERANZA: Are you limiting it to a
13 deli?

14 MR. STERCK: I'm not operating what
15 potentially might come in that space.

16 CHAIRMAN SPERANZA: What if a restaurant
17 wanted to be in there?

18 MR. STERCK: Then I'd have to go through you.

19 MEMBER SILVERBERG: We're telling you that
20 can't happen.

21 CHAIRMAN SPERANZA: That can't happen
22 according to the code.

23 MR. STERCK: Okay.

24 MR. BEE: If I may, Mr. Chairman, one of the
25 permitted special use permits is any use permitted

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1 in the residence district under 164-17 or 164-18
2 and in looking at that section -- bear with me
3 just a moment. But you may have the, I would like
4 the exact wording, but, basically, you could have
5 the expansion of the previously existing
6 nonconforming use.

7 Again, this Board does not make zoning
8 determinations, so whether or not any proposed
9 use is or is not in violation of the zoning code
10 as a prohibited use would be left to the
11 building inspector and the Zoning Board of
12 appeals. This Board is simply cautioning you
13 that the special permit it is granting you
14 cannot be for the prohibited use. It would have
15 to be a permitted use, and I do see that one
16 permitted use is under 164-18, "The following
17 uses shall be permitted by special permit use."
18 And that is under "D" for Daniel.

19 "Extension of a nonconforming use or building
20 upon the lot occupied by such use or building at
21 the effective date of this chapter by virtue of
22 proven hardship."

23 So if that's the section that the special permit
24 is granted and all you're doing is expanding the
25 nonconforming use that complies with that, this

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1 Board is empowered to make a recommendation to
2 the Board of Trustees to grant or deny that
3 special permit application.

4 I think what the Board is simply saying is,
5 "yellow flag." Be careful you don't fall into
6 the prohibited use of being a food service
7 establishment.

8 Mr. Chairman, have I correctly understood the
9 Board?

10 CHAIRMAN SPERANZA: Yes, you have. So where
11 we're at is, I have a, I'll call it a colored
12 rendering from Mr. Karalis, who is your architect,
13 Mr. Sterck, correct?

14 MR. STERCK: Yes, that's correct.

15 CHAIRMAN SPERANZA: Have you seen this
16 colored rendering because I kind of just got it
17 today.

18 MR. STERCK: I have not seen it in color.

19 CHAIRMAN SPERANZA: Would you please examine
20 this?

21 DEPUTY CLERK ADRION: Here, (handing) you can
22 take this one.

23 MEMBER SILVERBERG: It's a couple of pages.
24 Open it.

25 MR. STERCK: What page number?

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1 CHAIRMAN SPERANZA: It's the elevation. Here
2 you go. Will you take a few minutes and look at
3 that, please?

4 MR. STERCK: Okay. This is a different view
5 than I have. Okay.

6 CHAIRMAN SPERANZA: All right. And if you
7 need more time, we can recess for five or ten
8 minutes.

9 MR. STERCK: Could we do that for five
10 minutes?

11 CHAIRMAN SPERANZA: Sure.

12 MR. BEE: Is there a motion to go into
13 recess?

14 CHAIRMAN SPERANZA: Yes, I make the motion.

15 MEMBER SILVERBERG: Moved by the Chairman and
16 seconded by?

17 MEMBER STEINMAN: I'll second it.

18 MR. BEE: Any discussion of the motion?

19 (No verbal response given.)

20 Hearing none, all those in favor signify by
21 saying aye.

22 ALL MEMBERS: Aye.

23 MR. BEE: We are five minutes in recess.

24 (A five minute recess was taken.)

25 CHAIRMAN SPERANZA: I call the meeting back

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1 to order. Okay. Everybody, the meeting has been
2 called back to order.

3 Tyler, you have been schooled, I'll call it, on
4 the document that you were given showing the
5 elevations in color of your building, yes?

6 MR. STERCK: Yes, correct.

7 CHAIRMAN SPERANZA: Before we go further,
8 Gina Ragusa had a question while we were on
9 recess, and I would for like her to ask it now if
10 she wants to.

11 ALTERNATE MEMBER RAGUSA: Thanks, Joe.
12 I was asking Tyler to elaborate on his plan more
13 than he normally would because we just saw the
14 plans and a lot of us weren't in the meeting, so
15 we didn't really have time to digest this. So
16 if he could go into as much detail, that would
17 help us all.

18 MR. STERCK: Do you have a specific question
19 in mind?

20 ALTERNATE MEMBER RAGUSA: Yes. What are you
21 doing with the space?

22 MR. STERCK: This application is not about
23 what I'm doing. I'm not in front of this Board
24 today about bringing a business to that space.
25 I'm here in front of the Board to find out the

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1 conditions and usage that I can potentially have
2 in this space.

3 So, hypothetically, it could be a retail
4 clothing store. It could be a deli. It could
5 be the gallery. It could be a lot of different
6 things. It could be a craft store.

7 ALTERNATE MEMBER RAGUSA: Are you saying that
8 the grocery store that now exists will possibly be
9 taken over by a completely new store and the
10 grocery store would exist? Or you're saying you
11 want to split the store in half.

12 MR. STERCK: This has nothing to do with the
13 existing grocery store. That will remain and
14 continue. This is a portion of the square footage
15 being used.

16 CHAIRMAN SPERANZA: Gina, there's a floor
17 plan in your package, which shows the two stores
18 at the north side of the market. The building's
19 first floor is all market today. It's not all
20 sales area, but it's sales area and storage and
21 receiving. What the proposal is, is to take some
22 of the storage and create two stores. What
23 they're going to be used for remains to be seen at
24 the time that someone wants to use them and that's
25 a separate application.

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1 These will be divided off of the supermarket's
2 square footage and the supermarket will
3 continue, as of today anyway. No one has asked
4 for it not to, and I haven't heard it's closing.
5 Okay?

6 MEMBER SILVERBERG: A point of clarification,
7 I don't see the second store on this application
8 on the plan. The kitchen is part of the second
9 facility, Tyler? That kitchen on the northwest
10 corner is considered a separate retail space?

11 MR. STERCK: Correct.

12 MEMBER SILVERBERG: It's considered a
13 separate retail space?

14 MR. STERCK: Correct.

15 MEMBER SILVERBERG: It's not clear to me.

16 MR. KARALIS: I think we discussed this and
17 you were proposing to keep it as one, or rather to
18 continue its present use as a kitchen. It has
19 been a kitchen that's not been active, and you
20 would like to activate it for some other use.

21 MR. STERCK: It will not be available for
22 rent at this time.

23 MEMBER SILVERBERG: For retail. It's part of
24 a major store, correct?

25 MR. STERCK: It is part of the store.

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1 MEMBER SILVERBERG: Okay. So then it's not
2 for rental, except that it's part of the front
3 store, correct?

4 MR. KARALIS: I don't believe that you're
5 asking for special permission for use of what
6 we'll call store number two.

7 MEMBER SILVERBERG: From what I see in the
8 plan, and I'm used to reading plans, there's one
9 store in the northeast corner that you would like
10 to lease and the other space, which is on the east
11 facade, is the new lobby and entrance for your
12 rooms upstairs. That's what I see. Is that
13 correct?

14 MR. STERCK: That is correct.

15 CHAIRMAN SPERANZA: What is the space at the
16 northwest corner that's being created?

17 MR. STERCK: This will be used for the hotel.
18 This will possibly, we're not sure yet, but it
19 will be used for the hotel. It won't be used for
20 rent.

21 CHAIRMAN SPERANZA: So it's an expansion of
22 the hotel.

23 MR. STERCK: Yes, the kitchen/storage and a
24 few other things.

25 CHAIRMAN SPERANZA: Can we call that an

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1 expansion of the hotel then?

2 MR. STERCK: I wouldn't want to limit it to
3 that. Today, yes, five to ten years from now, no.

4 CHAIRMAN SPERANZA: Well, okay. You're not
5 making it easy for us by not knowing what you're
6 going to do. You're just creating space. That's
7 it. There are limitations in the code.

8 MEMBER STEINMAN: Tyler, what is that space
9 used for now?

10 MR. STERCK: In the area listed as existing
11 kitchen will be used probably as a laundry room
12 for the hotel to be more specific. So it will be
13 an extension, I suppose, of the hotel.

14 MEMBER STEINMAN: So you're really asking for
15 more than what you just asked about on the
16 northeast part of the building. You're asking to
17 change usage on the other side of the building; is
18 that correct?

19 MR. KARALIS: Can I clarify? There are two
20 spaces, or three spaces to be considered here.
21 One is converting part of the side on Bayberry
22 Walk, which is now a gate, part of that as
23 indicated on the plans to be used as a constructed
24 space to serve as a lobby for the hotel spaces on
25 the second floor. That's space number one. It's

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1 a conversion of an existing space within the
2 building for use in order to bring access to the
3 second floor.

4 The corner store is a new use of an existing
5 space within the building to be converted to a
6 store, retail or otherwise.

7 MEMBER STEINMAN: Constantine, would you
8 refer to directions to be clearer about what
9 you're talking about? Because I remember the area
10 of proposed work on the plan?

11 MR. KARALIS: It is called store number one,
12 620 square feet on drawing A 1.

13 MEMBER STEINMAN: I don't have that. Which
14 part of the building are you talking about?

15 MR. KARALIS: It is the corner that is on the
16 northeast corner, and the entrance to the store
17 would be on Bayberry Walk.

18 MEMBER SHERMAN: Constantine, from the photo
19 that the Board has, is the section to be converted
20 to a store the section of the building that is
21 currently --

22 MR. KARALIS: It is this one here
23 (indicating).

24 MEMBER SHERMAN: So we have a cedar section
25 of the building and then an unfinished section of

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1 the building, which is stucco. So the stucco
2 section of the building is what Tyler would like
3 to convert to retail. So, Judy and Gina, if
4 you're looking at the photograph, if you were
5 provided that --

6 MEMBER STEINMAN: No.

7 ALTERNATE MEMBER RAGUSA: They just sent it
8 so --

9 MEMBER STEINMAN: We received nothing this
10 morning.

11 Tyler, can I just cut to the chase here a little
12 bit? You're proposing to change the use of that
13 blue area, I guess its called Site Plan One,
14 area of proposed work. Now you're not proposing
15 to change use on the northwest corner of the
16 building, though you seem to be saying that you
17 are. Can you clarify that for us?

18 MR. KARALIS: Yes. Any proposed work is on
19 the north end of the building. The area towards
20 the right of that, on the Bayberry Walk side,
21 would be the location of the store and the
22 opposite of the west side, next to the ally, is
23 the existing kitchen. The plan on A 1 shows that
24 that is an existing kitchen and the applicant
25 maintains that one of the possible uses in the

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1 future is going for the hotel or the existing use
2 of the kitchen. So essentially, that is colored
3 in the northern area of the proposed work.
4 There's also an indication by a dash line of an
5 area within the building that would be converted
6 as an entrance lobby to the hotel upstairs.

7 MEMBER STEINMAN: Okay. It would have been
8 nice if you provided a compass on this map.

9 CHAIRMAN SPERANZA: The plan simply says, for
10 the northwest corner, existing kitchen. That's
11 what is there it says, and I'm not hearing about
12 anything specific to go there.

13 MR. KARALIS: It's a utility space, and the
14 use of it is associated with the hotel.

15 CHAIRMAN SPERANZA: That's not what it says.
16 It says existing kitchen.

17 MR. KARALIS: The kitchen, so we're not
18 asking for anything on that.

19 CHAIRMAN SPERANZA: There's nothing proposed.
20 Whereas, hotel lobby, phase two, let's talk about
21 that. Is there a phase one?

22 MR. KARALIS: Phase one is the corner store,
23 and, of course, what goes with it, which has to do
24 with cladding the building.

25 CHAIRMAN SPERANZA: Okay. Stop. That's

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1 outside. That's an ARB issue. This is Planning
2 Board. ARB for those that don't know is
3 Architecture Review Board.

4 MR. BEE: If I may, Chairman, I think that's
5 an important point. There are different bodies
6 doing different things with different
7 jurisdiction.

8 This body, as I understand it, is being asked to
9 make a recommendation to the Board of Trustees,
10 which is the body that would have final
11 authority to make a decision. And the
12 application concerns an application for a use,
13 not for a structure, but for a use. And the use
14 has to be a permitted use under the special
15 permit use list. The special permit use list is
16 in section 164-32 of the code. There are a
17 number of uses that may be permitted by special
18 permit.

19 MEMBER STEINMAN: Thank you, Peter.

20 MR. BEE: One of them are uses that are
21 permitted in a residential district under 164-17.
22 And that's where I spoke before about an expansion
23 of something you've already got.
24 Another permitted use by special permit is:
25 "Stores in which goods, services, and

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1 commodities are sold at retail in support of
2 community living."

3 There are various accessory uses that are
4 permitted, but with that said, there are also
5 prohibited uses, which I read into the record
6 before.

7 All this Board can do is go to the Board of
8 Trustees and say we recommend grant or denial of
9 a special use permit for one of those permitted
10 special use uses. I think it would be helpful
11 if you review that list and tell this Board
12 which use it is that you are suggesting you
13 want. One or more of those specific permitted
14 uses and that way the Board can go to the Board
15 of Trustees and say we recommend for or against
16 the granting of a special use permit for one of
17 these permitted uses. Does that help?

18 MR. STERCK: Yes. I need more clarification
19 on that, yes.

20 MR. BEE: Thank you.

21 CHAIRMAN SPERANZA: Tyler, you don't have to
22 decide today. We can reconvene at another time.
23 Whatever you tell us, it's not going to be I
24 suppose this or I guess that. It has to be this.

25 MR. STERCK: I'm two hats here.

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1 CHAIRMAN SPERANZA: Yeah, I understand.

2 MR. STERCK: I'm not coming to you just
3 telling you what I'm putting in it because I don't
4 know yet.

5 CHAIRMAN SPERANZA: I know that. That's why
6 I'm offering you --

7 MR. STERCK: For today, it was the three
8 categories we presented to you in the application.
9 It's already existing. It's a food retail
10 existing space, currently. So that continues with
11 that space regardless.

12 MEMBER SILVERBERG: Are you talking about the
13 existing kitchen?

14 MR. STERCK: All of it is one entity.

15 MEMBER SILVERBERG: Let's talk about the part
16 you came in here for and what you need permission
17 to do and forget about the rest of the building.
18 It doesn't mean anything to us. That's existing.
19 Nobody is taking it away or changing it. If that
20 kitchen is staying the way it is right now? You
21 don't have to bring it up.

22 CHAIRMAN SPERANZA: We can just leave it out.

23 MEMBER SILVERBERG: We could just leave it
24 out of the application.

25 CHAIRMAN SPERANZA: You can come back when

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1 you have, you know, Judy Steinman with a sewing
2 shop she wants to operate there.

3 MR. STERCK: For today's purposes, if it
4 helps, we would not put this on the application to
5 be used for retail outside of --

6 CHAIRMAN SPERANZA: Hold on. It will go just
7 like you've got existing market on the plan, this
8 is existing kitchen on the plan.

9 MR. STERCK: Correct.

10 CHAIRMAN SPERANZA: It'll just stay that way.
11 But you are showing some improvements, a window
12 and a door, maybe two doors. I'm not sure what's
13 over there. Is there a door over there? No.
14 You're showing -- Constantine?

15 MR. KARALIS: There's a door and window on
16 the west side.

17 CHAIRMAN SPERANZA: Is the window on the west
18 side too?

19 MR. STERCK: Yes.

20 CHAIRMAN SPERANZA: The window on the west
21 side exists? They exist?

22 MR. KARALIS: No.

23 CHAIRMAN SPERANZA: They do not exist. And
24 the door on the north side?

25 MR. KARALIS: That door exists.

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1 CHAIRMAN SPERANZA: Thank you. So I think
2 we're reducing what you're asking for today by the
3 existing kitchen shown on the plan, correct?

4 MR. STERCK: The existing kitchen's gonna
5 stay as is.

6 CHAIRMAN SPERANZA: Gonna stay as is. Thank
7 you. There you go. Congratulations.

8 MEMBER SILVERBERG: A point of reference.
9 That additional door that you have put on the plan
10 that's facing north would not be allowed.

11 MR. STERCK: The existing door that's
12 currently there that we can see outside this
13 window is not allowed?

14 MEMBER SILVERBERG: No, the one on the west
15 side --

16 MR. STERCK: You said north.

17 MEMBER SILVERBERG: On the west side. That's
18 fine because it's there. I'm talking about the
19 one on the north side.

20 MR. STERCK: West side.

21 MEMBER SILVERBERG: North.

22 CHAIRMAN SPERANZA: You have one on the
23 north.

24 (Overlapping discussion and conversations.)

25 MR. STERCK: There's an existing door on the

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1 north side. Right there (indicating). That's the
2 door you're asking me not to have.

3 MEMBER SILVERBERG: That's rusting? Excuse
4 me. That rusting mark that's on the wall?

5 MR. STERCK: Yeah.

6 MEMBER SILVERBERG: You use that door?

7 MR. STERCK: Every day.

8 CHAIRMAN SPERANZA: Okay. Let the record
9 show there is a door on the north side. It is
10 rusting badly, but the applicant indicates that
11 it's used every day. Fine. So that's existing.
12 What about the window and door on the west wall
13 of the kitchen?

14 MR. KARALIS: Those are new. Those are
15 proposed.

16 CHAIRMAN SPERANZA: Those are proposed.
17 Team, Board, everybody straight on what exists
18 there and doesn't exist?

19 (No verbal response given.)

20 Okay. So where are we? We're back to you don't
21 know what you want to do in store one and you
22 have a hotel lobby that's phase two, correct?
23 Tyler?

24 MR. STERCK: Yes.

25 CHAIRMAN SPERANZA: Yes, okay.

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1 MEMBER SILVERBERG: Question. Do you plan on
2 doing that lobby if approved this spring?

3 MR. STERCK: No, it will probably be done in
4 the fall.

5 CHAIRMAN SPERANZA: So phase two will
6 probably be done in the fall?

7 MR. STERCK: Definitely be done in the fall.

8 CHAIRMAN SPERANZA: Definitely be done in the
9 fall, okay. Because, you know, we have to put a
10 timeframe on any recommendation of approval that
11 the trustees might give you. So definitely done
12 in the fall. What are you planning to do this
13 spring?

14 MR. STERCK: Store one will be done and the
15 outside and all that probably will be done in the
16 fall.

17 CHAIRMAN SPERANZA: Probably or will be?

18 MR. STERCK: Will be.

19 CHAIRMAN SPERANZA: With that, Peter, as you
20 mentioned, this Board comprises two Boards. The
21 members comprise two Boards, the Planning Board
22 and Architectural Review Board. I'm now going to
23 go from the Planning Board over to the
24 Architectural Review Board, and we have in front
25 of us an exterior elevation of all the walls

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1 proposed, which I hope everybody has seen. If
2 there's someone on the phone or on Zoom who has
3 not seen it, please speak up.

4 (No verbal response given.)

5 Not hearing anything, I assume everyone on Zoom,
6 the Planning Board and Architectural Review
7 Board members have seen it, is what I mean, on
8 Zoom.

9 MEMBER STEINMAN: Yes.

10 ALTERNATE MEMBER RAGUSA: Yes.

11 CHAIRMAN SPERANZA: Okay. Thank you, Judy.

12 I think that was Judy.

13 MEMBER STEINMAN: It was.

14 CHAIRMAN SPERANZA: Okay, thanks.

15 So now, Tyler, if you could or have your
16 architect, it's up to you, present what you
17 propose to do to the exterior of the building.
18 Now you're talking to the Architectural Review
19 Board. Go ahead.

20 I might add that we usually require samples of
21 any materials. I don't see any here, so you
22 have them? Okay. Good. Please submit them if
23 you want us to consider them.

24 MR. STERCK: Okay. So you have the drawings
25 in front of you for the northeast and west. Each

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1 side will conform to the visual look of what the
2 existing building has. On the south side of the
3 building will be shaker or shingles on the second
4 floor of the building, which meets vertical cedar
5 boards on the first floor and that would wrap
6 around from the east to the west somewhere to the
7 extent of behind the west side fence.

8 We also proposed a canopy, which we currently
9 have to extend that on the east side only. And
10 we would be modifying and changing that rusty
11 door and we would also be changing or adding
12 some gallery type windows to the ground floor.

13 MR. KARALIS: Excuse me. There is also a
14 mention of the west side elevation where, again,
15 the pattern continues all the way up to the corner
16 of Bay Walk to, essentially, make all the building
17 unified, including the windows. And the part that
18 no work is done is the first floor bump out, which
19 serves at the present time as for guests of the
20 hotel. That is not visible from any part of Ocean
21 Beach. It would be a waste of material to coat
22 that with the cedar. It's much better the way it
23 is, so I thought I would clarify that. That is
24 discussing, essentially, Section Number Three on
25 drawing A 2.

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1 CHAIRMAN SPERANZA: Tyler, you're going to be
2 starting this exterior work, you would start in
3 this coming fall, 2023?

4 MR. STERCK: Yeah. I don't know if it's fall
5 or winter, but it would be done, or started.

6 CHAIRMAN SPERANZA: When would it all be
7 done?

8 MR. STERCK: Well, I can't start until my
9 season ends and my tenants are out. So depending
10 on when my tenants vacate, probably November 1st
11 would be realistic.

12 CHAIRMAN SPERANZA: That you would be
13 finished or started?

14 MR. STERCK: Started.

15 CHAIRMAN SPERANZA: My question was when
16 would you be finished?

17 MR. STERCK: I'm at the mercy of the weather
18 conditions and ferry and everybody involved. My
19 guess is to get it done by next season, if that's
20 what you're saying. It will be done by 2024,
21 spring.

22 CHAIRMAN SPERANZA: Spring? Okay. You would
23 be willing to live with the condition that it will
24 be done by 2024, spring?

25 MR. STERCK: Yes.

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1 MR. BEE: Is a specific date contemplated?

2 CHAIRMAN SPERANZA: Not yet. Spring is three
3 months. When in the spring of '24 would you be
4 finished?

5 MR. STERCK: What is the last day of spring?

6 CHAIRMAN SPERANZA: June 20th.

7 MR. STERCK: Okay. We'll say June 20th.

8 CHAIRMAN SPERANZA: June 20th. That's about
9 when you can't work anymore anyway.

10 MEMBER STEINMAN: That's the whole idea.

11 CHAIRMAN SPERANZA: July 4th is the
12 moratorium.

13 Okay. This is all helpful. I think all we're
14 lacking is what use you're proposing for store
15 one.

16 MR. BEE: I have, based on the applicant's
17 presentation, the applicant may wish to consider
18 one or more of the following uses he's seeking,
19 164-32 A, uses permitted in the residential
20 district under 164-17 or 18, which would be the
21 expansion of an existing nonconforming use.
22 And/or B, stores in which goods, services, and
23 commodities are sold at retail in support of
24 community lives. And/or D, 1C, which is other
25 customary accessory uses, structures, and

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1 buildings provided that such uses are clearly
2 incidental to the principle use and do not include
3 any activity commonly conducted as a business.

4 MR. STERCK: May I ask, that B option, does
5 that include retail food?

6 MR. BEE: That decision would be left to the
7 building inspector, initially, and the Board of
8 Zoning Appeals if you disagreed with his decision.
9 But the use you're requesting, if you're
10 requesting the use of a store in which goods,
11 services, and commodities are sold at retail in
12 support of community living, then this Board has
13 the power to recommend that to the Board of
14 Trustees. And, as I said, you can ask for one or
15 more of these uses.

16 I'm not restricting you. I was suggesting only
17 based on what I heard of your presentation, but
18 you're free to look at that entire list and see
19 what you would like to request of the Board.

20 MR. STERCK: Yeah, I'd like to look at that
21 list.

22 MR. BEE: Do you want to look at that now? I
23 have that in front of me.

24 CHAIRMAN SPERANZA: Tyler, you know, I might
25 add, don't make hasty decisions because you will

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1 be held to them. They will become conditions and
2 the building inspector will hold you to them.

3 Okay?

4 MR. STERCK: Agreed.

5 CHAIRMAN SPERANZA: All right. Thank you.
6 The applicant has said he's not making the
7 decision today concerning what the use of store
8 one would be. So I think we've accomplished a
9 lot today. I don't know if there's anything
10 else we haven't covered. If there is, someone
11 please tell me.

12 MEMBER SILVERBERG: Question. Does that mean
13 Tyler has to come back to us?

14 CHAIRMAN SPERANZA: Yes. Where this is going
15 to, it's going to be an adjournment of this
16 application.

17 MR. BEE: There will be no action taken on
18 this application. At the Board's pleasure, this
19 can be adjourned over to the next meeting of this
20 Board.

21 CHAIRMAN SPERANZA: Correct. If that's okay
22 with the applicant.

23 MR. STERCK: That's fine.

24 CHAIRMAN SPERANZA: Okay, he said that's
25 fine. Good.

SPA No. 305

1 Is there anyone on the Board that wants to have
2 anymore discussion about anything before we vote
3 to adjourn?

4 ALTERNATE MEMBER RAGUSA: Yeah, this is Gina
5 Ragusa. I just want clarification. I understand
6 the retail store and the lobby entrance, but
7 you're talking about the northwest side where it
8 says kitchen and there's a door. I just want to
9 be clear that that's not changing. That's just
10 going to be (inaudible).

11 CHAIRMAN SPERANZA: Someone talked over you
12 at the end there.

13 ALTERNATE MEMBER RAGUSA: I know. Judy, can
14 you wait until I'm done one second? I just wanted
15 to be sure and understand that the kitchen that's
16 on the northwest side will remain just shingled
17 with a door or window and then it's the kitchen to
18 the grocery store that, Tyler, you're not planning
19 to put anything there; is that correct?

20 CHAIRMAN SPERANZA: Gina, Tyler indicated
21 that the kitchen wasn't changing.

22 ALTERNATE MEMBER RAGUSA: Okay. Just wanted
23 to be sure.

24 CHAIRMAN SPERANZA: Except for the window and
25 door shown on the west wall, which I haven't heard

SPA No. 305

1 he wants to remove. So I assume that they will
2 get built. Am I right, Tyler?

3 MR. STERCK: Yes.

4 CHAIRMAN SPERANZA: And they, of course as
5 you know, go to the alleyway between the market
6 and Murtha's building.

7 ALTERNATE MEMBER RAGUSA: Yes, exactly. So
8 you're only talking about a retail space and the
9 lobby and elevation and awnings and all that.

10 CHAIRMAN SPERANZA: That's correct.

11 ALTERNATE MEMBER RAGUSA: Thank you very
12 much.

13 CHAIRMAN SPERANZA: And so you all know, the
14 elevations include the southwest corner, which is
15 exposed to Bay Walk and that's shown on the sketch
16 on the top right hand corner. You can see the
17 porch sticking out and there's a little bit of
18 wall that is exposed, which is going to get
19 shingled and paneled. The rest of the west is all
20 obscured by trees and whatnot on the lot. Okay?

21 ALTERNATE MEMBER RAGUSA: Thank you.

22 CHAIRMAN SPERANZA: All right.

23 Do I have a motion to adjourn?

24 MR. BEE: This application.

25 CHAIRMAN SPERANZA: This application, I'm

SPA No. 305

1 sorry, not the meeting. Do I have a motion to
2 adjourn this application?

3 MEMBER SILVERBERG: Yes.

4 CHAIRMAN SPERANZA: Member Silverberg made a
5 motion. Can I have a second, please?

6 MEMBER SHERMAN: Yes.

7 CHAIRMAN SPERANZA: Member Sherman seconded
8 and we have backups, so poll the Board, please.

9 DEPUTY CLERK ADRION: Craig Sherman.

10 MEMBER SHERMAN: Yes.

11 DEPUTY CLERK ADRION: Gina Ragusa?

12 ALTERNATE MEMBER RAGUSA: Yes.

13 DEPUTY CLERK ADRION: Judy Steinman?

14 MEMBER STEINMAN: Yeah.

15 DEPUTY CLERK ADRION: Joel Silverberg?

16 MEMBER SILVERBERG: Yes.

17 DEPUTY CLERK ADRION: Chairman Speranza?

18 CHAIRMAN SPERANZA: Yes.

19 Okay. Thank you, Tyler and Jeannie (phonetic),
20 for your presentation. We'll see you, I guess,
21 at the next meeting and you'll let us know if
22 you're ready. You can bring materials -- oh,
23 you brought them? Okay. Why don't you submit
24 those to Bunny and she'll keep those and mark
25 them as submitted.

SPA No. 306

1 MR. STERCK: We'll bring them to the next
2 meeting.

3 CHAIRMAN SPERANZA: Okay. The applicants
4 will bring the materials to the next meeting.
5 Okay. Next application.

6 MR. BEE: The next application is Application
7 306. The applicant is listed as Jonathan Randazzo
8 for premises at 479 Bay Walk, commonly known as
9 CJ's. And this is an application for use as a
10 full service restaurant and bar. Since I've eaten
11 there many times, I suspect that it is a current
12 use as a restaurant and bar.
13 The applicant, I believe, is present.

14 MR. RANDAZZO: Yes, we're all here.

15 CHAIRMAN SPERANZA: Okay. Who's present for
16 the applicant?

17 MR. RANDAZZO: Jon Randazzo, Joe Bonocore,
18 and Mitch Diamond.

19 CHAIRMAN SPERANZA: Thank you. Now I have
20 names to faces, except yours I know. Who's going
21 to do the presenting? Please come up to the
22 microphone, state your name and address.

23 MR. BONOCORE: Good afternoon. My name is
24 Joe Bonocore. My address is 454 Dehnhoff Walk in
25 Ocean Beach.

SPA No. 306

1 Back in mid August we purchased, as part of a
2 larger transaction, CJ's Restaurant and Bar, as
3 well as the Palms Hotel, which I believe we're
4 going to also talk about several buildings here
5 today.

6 CJ's, as you know, is a leased property. We
7 lease it and are looking to operate the business
8 out of an entity called CJ's Ocean beach, LLC.
9 Our intention is to continue to operate CJ's in
10 the same manner as it's been operated in for the
11 past many, many years.

12 We are doing some remodeling work right now on
13 the inside to shore it up. It was in pretty
14 desperate need of some repair. So we are
15 currently closed for the next several weeks
16 while that concludes. We are planning on making
17 no changes at all to the way that the business
18 runs, and we're seeking the Board's approval to
19 issue us the permit to continue to operate the
20 establishment as a restaurant and bar.

21 CHAIRMAN SPERANZA: I understand there's some
22 work being done according to the building
23 inspector. Can you elaborate?

24 MR. RANDAZZO: So right now, we are replacing
25 the floor behind the back bar, retiling, spackle,

SPA No. 306

1 new molding, paint, and furniture.

2 CHAIRMAN SPERANZA: Okay. Anything outside?

3 MR. RANDAZZO: Nothing outside besides power
4 washing. Actually, no, it's painted. Nothing
5 outside. Windows stay the same.

6 MEMBER SILVERBERG: What about the kitchen?

7 MR. RANDAZZO: Kitchen's the same.

8 MEMBER SILVERBERG: Upgrading?

9 MR. RANDAZZO: Cleaned it really good.

10 MEMBER SHERMAN: What about the two HVAC
11 units?

12 MR. RANDAZZO: There's currently two Daikin
13 units in there.

14 MEMBER SHERMAN: You're replacing?

15 MR. RANDAZZO: Yeah. They don't work well,
16 so we're taking down what was there and putting
17 the same ones back up, hopefully, next week.

18 MEMBER SILVERBERG: Where's the compressor
19 for that?

20 MR. RANDAZZO: Out back on the roof facing
21 the south side of the building. There's two
22 compressors, one two-ton and one three-ton and
23 we're just getting two, two-tons.

24 CHAIRMAN SPERANZA: They're in the
25 right-of-way.

SPA No. 306

1 MR. RANDAZZO: They are. On a platform.
2 It's a platform on the -- off the uppermost awning
3 of the second story.

4 MEMBER SILVERBERG: Okay. Are they above
5 FEMA?

6 MR. RANDAZZO: Yes.

7 MEMBER SILVERBERG: You're sure of that?

8 MR. RANDAZZO: They're by second-story
9 windows, so, yeah, for sure. They got to be ten,
10 12 feet in the air.

11 MEMBER SILVERBERG: Is there any fence across
12 the face of them?

13 MR. RANDAZZO: There's not. It faces the
14 south against the fire hall, which there's no
15 windows there. The only thing in that alleyway is
16 our alleyway and then the handicap ramp to the
17 fire hall. There's no windows or anything that
18 makes those machines visible from the firehall.

19 MEMBER SILVERBERG: Or the street?

20 MR. RANDAZZO: Or the street. They are
21 visible if you went down Bayberry and looked
22 right, you would be able to see one of the units.
23 So if you want us to put up a lattice there, like
24 in other spots that you've requested, we can do
25 that easily.

SPA No. 306

1 MEMBER SILVERBERG: That would be a great
2 idea.

3 CHAIRMAN SPERANZA: What was that?

4 MR. RANDAZZO: If you wanted us to put up
5 lattice to block the view from Bayberry, that
6 would be easy and we would be able to do.

7 CHAIRMAN SPERANZA: You got that, Peter?
8 We're developing conditions here. Lattice to
9 block the view of the condenser units from
10 Bayberry Walk.

11 Are there any plans to do anything in the space
12 between CJ's and the Sand Bar.

13 MR. RANDAZZO: No, that's our garbage area,
14 and it will be much more well maintained. It
15 already has.

16 CHAIRMAN SPERANZA: Okay. No seating in
17 there?

18 MR. RANDAZZO: No. That was a provision that
19 was given during COVID, but, no.

20 CHAIRMAN SPERANZA: Okay. No seating. Got
21 that, Peter?

22 MR. BEE: That will be in the transcript.
23 Mr. Chairman, my note taking skills being subject
24 to challenge, I rely on the transcript, but, yes,
25 that will be incorporated.

SPA No. 306

1 I do note that the property appears to me to be
2 in the commercial district. Commercial district
3 under 164-33 makes it a prohibited use to have a
4 restaurant or eating service. However, as was
5 discussed previously, it also permits by special
6 permit the continuation or expansion of existing
7 use. Are you seeking that expansion or
8 continuation of an existing preexisting
9 nonconforming?

10 MR. RANDAZZO: Continuation of its current
11 use, expansion, no.

12 MR. BEE: Very good. That being said, have
13 you looked at whether or not you need to go back
14 to the ZBA to do the same thing because you're
15 presumably operating, are you operating under a
16 variance or under a prior nonconforming use?

17 MR. RANDAZZO: Actually, I'm not sure.

18 MR. BEE: It may be because this Board can
19 only recommend to the Board of Trustees special
20 permit use. If your use is subject to the
21 variance rather than to a special permit, you may
22 want to just double check that.

23 MR. RANDAZZO: I will.

24 CHAIRMAN SPERANZA: Are you aware that
25 there's a covenant to remain open 12 months a

SPA No. 306

1 year?

2 MR. RANDAZZO: We are aware. Although, we
3 didn't know the details until a few minutes ago
4 when Marco just sent it to us. We didn't ask
5 though, to be perfectly honest. We do plan on
6 staying open all year round. Previously, the
7 former owners' schedule was sporadic. We've
8 implemented strict open and close time to better
9 serve the community.

10 Will we think about closing for a vacation maybe
11 for a week to give our staff some time off in
12 the future? Possibly, but it's not in the plans
13 right now. We do plan to continue the --

14 MR. BONOCORE: I want to add something to
15 that. Just to be clear, not that it impacts
16 anything, but we did ask that question upon
17 purchase of the business and property and were
18 told by the former owners that that was a covenant
19 that was unenforceable and nontransferable to us.
20 Not that we're asking you to change it, but just
21 so the Board knows, that was a misrepresentation
22 made to us by the prior owners.

23 CHAIRMAN SPERANZA: Do you know if that
24 covenant was tested in a court of law?

25 MR. RANDAZZO: I don't know, but, I'll tell

SPA No. 306

1 you, it never had to be enforced.

2 MEMBER SILVERBERG: Because the place was
3 open all the time.

4 MR. RANDAZZO: Well, open all the time, all
5 the time is subjective. But it never had to be
6 enforced. I mean, they did close at least two
7 days a week for the past two years. They did play
8 with the schedule, but we have every intention of
9 doing the same.

10 CHAIRMAN SPERANZA: Well, I have a history of
11 how that covenant happened. Right here.

12 MEMBER SILVERBERG: I don't think so.

13 CHAIRMAN SPERANZA: Well, you're right. I
14 defer to my buddy here. That happened when the
15 original CJ's, not even original, the second
16 version. When Giovanni wanted to expand east from
17 where he originally was, which was the west piece,
18 that was the quid pro quo for the expansion
19 because the Village needs for its residents a
20 place in the winter to warm up on their way to the
21 boat. I've been there, so it's great to be able
22 to go in there and warm up. Get a bowl of chili
23 no matter what it tastes like.

24 MR. RANDAZZO: You know, many things have
25 changed since those years. One is there's

SPA No. 306

1 currently no chili on the menu. Years ago,
2 Dockside was open all year round and also, the
3 winter population, even when Castaway was open for
4 four years, ten years ago, it was totally
5 different from today. I know there's a bunch of
6 families that are here, but the population over
7 the winter has dwindled substantially, but either
8 way, we do still plan on staying open.

9 CHAIRMAN SPERANZA: That's not the point.
10 The point is you have a covenant and that's the
11 history of, as I remember anyway. I think if you
12 looked at the property file, which I will do, you
13 will find it, and that was a quid pro quo for the
14 expansion. So, you know, that was the deal and
15 it's actually a good deal for everybody because
16 the Village people really, no matter how much
17 they're dwindling, there's still a lot of them
18 live here, like these guys. And I have lived here
19 during COVID a couple of years. It's good to have
20 a place to go.

21 MR. BONOCORE: On the flip side, from our
22 perspective, it does lose money during the winter
23 months. However, if the covenant is the covenant
24 and if that is a condition of continuing to use it
25 as a special use permit, we will certainly comply

SPA No. 306

1 and take up any misrepresentation that was made to
2 us at purchase by the sellers.

3 CHAIRMAN SPERANZA: All prior special use
4 permit conditions get merged into any new special
5 permit conditions, or special permit, I should
6 say. This just get merged in.

7 MR. BONOCORE: We understand.

8 CHAIRMAN SPERANZA: People look forward to
9 getting warm over there. It's a little better
10 now. When that happened, this place wasn't here
11 with heat, okay? But they still would like a
12 place to wait out the time because, as you know,
13 there's no ferry here in the winter, you know?

14 MR. BONOCORE: Yeah. Right. You'll be
15 battered by the winds and whatnot.

16 MR. RANDAZZO: With the small renovations
17 that we're doing now, just cosmetic, pretty much,
18 I think that will make it an even better place for
19 people to come.

20 MEMBER SILVERBERG: As a note though, I think
21 when the covenant was first signed, there was an
22 agreement made with another owner of another
23 restaurant that if you did close, they would stay
24 open.

25 MR. RANDAZZO: So that probably was me, but I

SPA No. 306

1 volunteered. We did it for years and it was a
2 little bit different back then, but we did it and
3 we're gonna do it now.

4 CHAIRMAN SPERANZA: Yeah, but now, you got a
5 late season. You're not open in the winter
6 anymore.

7 MR. RANDAZZO: No, Castaway is too big.
8 People did ask us to open up another place, but
9 it's so difficult to do that. Especially with the
10 three and a half, four weeks that we're closing to
11 do this renovation. Just trust us when we say
12 that the renovation was necessary. It was
13 completely necessary.

14 MR. BONOCORE: It absolutely had to be done
15 just from the smell of the place. It had to be
16 done.

17 MR. RANDAZZO: Most of you who frequent our
18 places and know that we do run a good tight ship.
19 It had to be done.

20 ALTERNATE MEMBER RAGUSA: Thank you for doing
21 that.

22 CHAIRMAN SPERANZA: So Peter, you got a
23 motion?

24 MR. BEE: Is there a motion to continue the
25 existing special permit use or to recommend to the

SPA No. 306

1 Board of Trustees the continuation of the existing
2 special use permit with all of the prior
3 conditions of the prior special permit being
4 continued and additionally, those conditions
5 recited by the Board during this meeting, which
6 included the lattice work blocking the condensers
7 and blocking the view at Bayberry Walk and any
8 other conditions mentioned during this hearing, is
9 there a motion to make that recommendation to the
10 Board of Trustees?

11 CHAIRMAN SPERANZA: Well, add to that,
12 specifically, the prior conditions to stay open 12
13 months a year.

14 MR. BEE: Yes. I believe that was in the
15 prior conditions.

16 CHAIRMAN SPERANZA: It was, but I just wanted
17 to make it obvious to the trustees without having
18 to look at what those were that that's going to
19 continue.

20 MR. BEE: Very good, sir.

21 CHAIRMAN SPERANZA: Okay. Just tack that on
22 the end.

23 MR. BEE: Is there a motion to that effect?

24 MEMBER SILVERBERG: Yeah, I make the motion.

25 MR. BEE: Moved by Joel Silverberg. Seconded

SPA No. 306

1 by?

2 ALTERNATE MEMBER RAGUSA: I second, Gina
3 Ragusa.

4 CHAIRMAN SPERANZA: Gina seconds.

5 MR. BEE: Seconded by Ms. Ragusa.

6 Any discussion on that motion?

7 (No verbal response given.)

8 Hearing none, all those in favor signify by
9 saying aye.

10 ALL MEMBERS: Aye.

11 MR. BEE: Unanimous.

12 MR. RANDAZZO: Thanks, guys.

13 MEMBER SHERMAN: Definitely read the covenant
14 that's part of that special permit condition
15 because there's other things that are in there.

16 MR. RANDAZZO: The groceries and stuff? I
17 just told Marco before, off the record to him, but
18 I don't want to necessarily have a cooler in the
19 dining room. But people come in all the time and
20 ask for eggs and milk and tomatoes and onions.
21 We'll sell that to them, no problem. I just don't
22 want a cooler in the dining room like they
23 previously had. There's no reason, especially
24 with the market nearby. We'll sell them, I mean,
25 burger patties, you know, raw.

SPA No. 306

1 MEMBER SHERMAN: I don't think the placement
2 of the cooler was in the special permit.

3 CHAIRMAN SPERANZA: It was. Hold on. Time
4 out. There was no market. There was a cooler in
5 the restaurant, but it was only in there in the
6 winter. Giovanni took it out in the summer.

7 MR. RANDAZZO: Yeah, we'll sell anything we
8 have as raw goods. I just don't want to have to
9 display them.

10 CHAIRMAN SPERANZA: Just so you know,
11 Giovanni was a supermarket guy, Bomack (phonetic).

12 MR. BONOCORE: Oh, that was up on
13 Metropolitan Avenue in Queens.

14 CHAIRMAN SPERANZA: He was a senior
15 executive, who just said good-bye.

16 MR. STERCK: Which the Clegg family had prior
17 and gave to Bomac. That's the history of grocery
18 stores. The first Long Island franchise.

19 CHAIRMAN SPERANZA: But my point was he knew
20 how to do that.

21 MR. STERCK: So the covenant, sorry, Jon, I
22 have to ask. But what is the restriction on the
23 timeframe that a restaurant has the multi use of
24 two purposes? They can be a restaurant, and you
25 say they can be a grocery store.

SPA No. 306

1 CHAIRMAN SPERANZA: No.

2 MR. STERCK: When can they be a grocery store
3 and when can they not be a grocery store?

4 CHAIRMAN SPERANZA: You have to look at that
5 special permit's covenant. I don't remember. We
6 have to look at it. It's merged now into their
7 special permit.

8 MR. RANDAZZO: I believe Marco has it.

9 MR. ARMENT: So the text reads as follows:
10 "The applicant shall operate the establishment
11 12 months a year as a restaurant and bar.
12 Additionally, the establishment shall also sell
13 central food items, including but not limited
14 to; milk, bread, eggs, and other food items
15 between the period of November 1st and
16 April 15th of any year provided that no other
17 provider of the afore mentioned food items is
18 continually open for business during said
19 period."

20 CHAIRMAN SPERANZA: That had to have been
21 worked out with you then.

22 MR. STERCK: All I knew is Gio was fond of my
23 grandfather carrying an entire cow on his shoulder
24 to bring it to the butcher.

25 MEMBER SILVERBERG: Did he bring over on his

SPA No. 307, 308

1 sailboat?

2 MR. STERCK: He probably did.

3 So can I ask that you consider a covenant for me
4 at my property as well?

5 CHAIRMAN SPERANZA: For what?

6 MR. STERCK: I would like to have multi use.

7 ALTERNATE MEMBER RAGUSA: Can you identify
8 who's speaking?

9 CHAIRMAN SPERANZA: It's Tyler.

10 ALTERNATE MEMBER RAGUSA: I can't see him.

11 CHAIRMAN SPERANZA: Yeah, Tyler is speaking
12 as the public right now.

13 MR. STERCK: I'm speaking as realty,
14 landlord.

15 CHAIRMAN SPERANZA: No, you're not. You're
16 done for the day. I'm trying to help you.
17 Okay, so that's clear, Joe?

18 MR. BONOCORE: Yes, very clear. Thank you.

19 MR. BEE: Mr. Chairman, I believe that
20 concludes Application 306.

21 The next two applications are 307 and 308 and
22 they are related. Does the Board wish to
23 consider them together?

24 CHAIRMAN SPERANZA: I guess so. We can take
25 them one at time but we'll consider them together.

SPA No. 307, 308

1 MR. BEE: My reading of the zoning map
2 indicates that these properties are both in
3 residential district R4.

4 Is the applicant present?

5 MR. BONOCORE: Yes.

6 MR. BEE: Does the applicant wish to make a
7 presentation as to the proposed use?

8 MR. BONOCORE: Hi, again. So similar to
9 CJ's, our intention is to continue the existing
10 business operations of the Palms Hotel. I think
11 today we're just speaking about the two buildings
12 on Cottage Walk.

13 Our intention is to not make any changes

14 whatsoever to the exterior of the buildings.

15 They will stay as is with the exception of the
16 replacement of the red awnings. I believe you

17 have in your packet a rendering of the new

18 awnings, which are sort of a jade green and

19 beige stripe. We'll replace those awnings but

20 not make any changes at all to the exterior of

21 those two buildings.

22 We are in the middle of refurbishment of the

23 main hotel building, which I believe is the 168

24 east to 170 building and the 168 to 169

25 building.

SPA No. 307, 308

1 We have gotten an architectural drawing for
2 remodeling of the lobby, and the rest of the
3 work we're doing on the building is just sanding
4 floors and painting and putting up some
5 wallpaper to refurbish the rooms in that
6 building.

7 We think the prior owners did a good job of
8 running the hotel, and we believe that we are
9 going to continue to do that. We're going to
10 offer a few more perks and stuff like that to
11 get people in, but, really, we're going to run
12 it the same way that they did in those two
13 locations. Actually, in all the locations, but
14 for today, we're just speaking about those two.

15 CHAIRMAN SPERANZA: Well, both of these, so
16 everybody knows, both of these hotels, both of
17 these properties, I should say, are in the
18 residential district, which is not permitted use,
19 right?

20 MR. BEE: That is correct, sir. Except to
21 the extent that it qualifies as the continuation
22 of existing nonconforming use.

23 CHAIRMAN SPERANZA: Okay. Well, it does
24 exist and it doesn't conform, so it's
25 nonconforming, right?

SPA No. 307, 308

1 MR. BEE: There are a series of conditions
2 that would be required to be met in order to
3 qualify as an existing permitted nonconforming use
4 and that could be debated for several hours. But
5 broadly speaking, it had to be in use at the time
6 the code was written in order for it to qualify as
7 a nonconforming use.

8 Moreover, no material alteration of the premises
9 could be made without losing its status as a
10 nonconforming use. But if it is nonmaterial
11 alterations then the nonconforming use could be
12 continued under the code and qualify as a
13 special permit use.

14 CHAIRMAN SPERANZA: Both of these properties
15 are contiguous, yes?

16 MR. BONOCORE: Yes.

17 CHAIRMAN SPERANZA: And the one closest to
18 Bay Walk was Jerry's (phonetic) room, correct?

19 MR. BONOCORE: Correct.

20 CHAIRMAN SPERANZA: The one towards the beach
21 was a house.

22 MR. BONOCORE: I don't really know what it
23 was.

24 MEMBER SILVERBERG: There were rooms
25 upstairs. That's what they used it for.

SPA No. 307, 308

1 CHAIRMAN SPERANZA: As a hotel?

2 MEMBER SILVERBERG: No, I think it was for
3 their help.

4 CHAIRMAN SPERANZA: Jerry's help?

5 MEMBER SILVERBERG: Yeah.

6 CHAIRMAN SPERANZA: So using an adjacent
7 building for your help in a residential zone.
8 What kind of use does that constitute?

9 MR. BEE: Maybe I didn't understand that.
10 Are either of the two addresses that you're
11 requesting a permit for going to be used as
12 rooming houses?

13 MR. BONOCORE: They're going to be used as
14 hotel rooms as they were in the past.

15 MR. BEE: Okay. Well, again, to the extent
16 that you are continuing a nonconforming use then
17 this Board can recommend one way or the other to
18 the Board of Trustees. If the Board recommends a
19 continuation of a nonconforming use and the
20 building department, for whatever reason, should
21 decide that you have exceeded the scope of a prior
22 nonconforming use, it could then issue a violation
23 and say that you need a variance. So this Board
24 doesn't grant the variance or even recommend the
25 grant of a variance. But the scope of the

SPA No. 307, 308

1 nonconforming use in the first instance is
2 determined by the building department.

3 MR. BONOCORE: Okay.

4 MR. BEE: As long as you're sticking to the
5 prior nonconforming use --

6 MR. BONOCORE: Which we are.

7 MR. BEE: -- then you'll be within the scope
8 of the permit if the permit is granted.

9 MR. BONOCORE: Which we are.

10 MR. BEE: But if you were to exceed that use,
11 it's not this Board that comes down on you. What
12 would happen is the building department would say
13 you've violated your special permit and you now
14 need a variance.

15 MR. BONOCORE: Yeah. It's not our intention
16 to exceed that at all. As I said, we're going to
17 be running it exactly the same as the prior
18 owners.

19 MEMBER SILVERBERG: That was the problem.
20 Personally, my memory of this, and I've been on
21 this Board for almost 20 years, they never got a
22 permit to do this. They just ran it that way
23 because that's what the family did. So I don't
24 know what the story is. You would probably know
25 more about the property file, what's in there.

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1 DEPUTY CLERK ADRION: There's true.

2 MR. BEE: Is there a special permit use in
3 there already?

4 DEPUTY CLERK ADRION: (Shaking her head.)

5 MR. BEE: There is not. Even without a
6 special use permit being in place, the question
7 becomes has, this use been a nonconforming use
8 since the code was written? I just don't have the
9 personal history to answer that question. I've
10 been here since '99 but not long enough.

11 MR. BONOCORE: Well, I mean, look, if I may
12 say, we paid a substantial amount of money for
13 this business, so if there was an outcome that
14 would eliminate our ability to operate this as a
15 hotel that would be extremely concerning.

16 MR. BEE: I understand, but let us assume,
17 hypothetically, that you described a use that was
18 not prior nonconforming use, that means you'd have
19 to go to the Zoning Board of Appeals to get a
20 variance. Based on my own personal knowledge of
21 the history of this Village, you might choose to
22 have some optimism about getting a variance. I
23 can't commit on half of that, but I would imagine
24 that people would recognize that you've been there
25 for a long time.

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1 MR. BONOCORE: Um-hmm.

2 MR. BEE: So I'm simply saying, for the
3 moment, my advice to this Board is that if you
4 conclude that this qualifies as a prior
5 nonconforming use, whether or not there's an
6 existing special permit in the property file, you
7 are free to grant one now for that particular use.
8 That is to continue the prior nonconforming use.
9 Should they then exceed in actual use the
10 boundaries of prior nonconforming use, the
11 building department would be the enforcement of
12 records.

13 CHAIRMAN SPERANZA: Has the building
14 inspector been in to look at -- Let me finish the
15 question. Has the building inspector been there
16 to look at both buildings?

17 MR. RANDAZZO: I don't believe he's been
18 inside. Remember, the first building, 168, is
19 actually two buildings. It's like divided in the
20 middle. Then there's the second building. The
21 third building we have, it's called the Lexington
22 Cottage and the Chelsea Cottage and the laundry
23 room and he has not been in there with us. But
24 it's under my -- I'm almost positive that whatever
25 deal they worked out, they don't even have to fill

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1 out rental permits for that property because it
2 was previously used as a rooming house by the
3 Minske (phonetic) family.

4 MEMBER SILVERBERG: That is the case. I
5 don't think a permit was ever issued.

6 MR. RANDAZZO: Ah. Here we are.

7 DEPUTY CLERK ADRION: The building inspector
8 is on the call too, if you need to clarify.

9 MR. BEE: Mike, are you on this call?

10 (No verbal response given.)

11 Have I described the situation correctly?

12 (No verbal response given.)

13 I can't hear him.

14 MR. ARMENT: He's on the call but muted.

15 MR. BEE: Mike, can you unmute yourself? Now
16 we can hear you. No, that was not him. Mike, are
17 you there?

18 (No verbal response given.)

19 Still not hearing him. All right. Well, no
20 matter. As I indicated before, it's really
21 within the scope of the building inspector's
22 purview to determine whether you are expanding
23 or staying within the limits of the prior
24 nonconforming use.

25 Is that the special permit that you're seeking,

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1 that is to continue a prior nonconforming use?

2 MR. BONOCORE: Yes.

3 CHAIRMAN SPERANZA: So you know, the purpose
4 of these revotes, call them, is to find stuff like
5 this, is to see because some of this stuff has
6 been here forever, like this. And that's why
7 there's a looking upon change of ownership or
8 tenants. It happens with leases too. No one is
9 trying to hurt you. We're just trying to see what
10 the story is, and what needs to be done to make it
11 right. Put it that way. And we appreciate you
12 coming in to visit with us.

13 MR. BONOCORE: So where does this stand as of
14 now?

15 CHAIRMAN SPERANZA: We're gonna refer it to
16 the building department for a further look, I
17 think.

18 MR. BONOCORE: Well, since we're here, I'm
19 just going to be totally honest and I think you
20 should have this information and I'm just giving
21 it to you. We've had several meetings with the
22 FBI, the Suffolk County District Attorney, and the
23 IRS. I'm not going to go into all the details,
24 but they feel that there was activity going on
25 between the Village and the prior owners that was

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1 not necessarily by the book. And they have
2 instructed us, and I'm just telling you as a fact,
3 that if any activities that were, and, again, I'm
4 not saying this to sway one way or another, but if
5 there are any activities that the previous owners
6 were allowed to perform that we were not to
7 perform, we would go immediately to the DA and the
8 FBI and report that. They explicitly asked us to
9 report back after our meeting with you all today.
10 You know, we have not contacted any of these
11 authorities. We were contacted by them, and we
12 were sequestered, for lack of a better word, to
13 meet with them on several occasions. We just
14 want to operate our business in Ocean Beach. We
15 don't know what went on in the past with the
16 prior owners or with these government agencies,
17 but we found ourselves sort of in the middle of
18 this mess between the FBI, the DA, the Village
19 of Ocean Beach, and the prior owners.
20 So I guess the message is that CJ's was
21 approved, but we're going to have to go back and
22 tell them that there's some question about the
23 use of the other building because it was being
24 operated without a permit.

25 MR. RANDAZZO: You know, which make as

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1 incredibly nervous. I mean, I'm sure you all know
2 what this was listed at and we never paid that,
3 but it's the largest purchase in Fire Island
4 history and to hear that is just shocking to us.

5 MR. BONOCORE: We would not be able to let
6 that go for obvious reasons. I mean, you know, we
7 will tell you we paid \$12.8 million for that
8 property as it was. And if a substantial amount
9 of that business were taken away from us, this
10 would go far beyond reporting it to the
11 authorities who are requiring us to report it to
12 them. I'm just saying, we would have to be made
13 whole in some way, shape, or form by the prior
14 owners or what have you. I mean, that is just not
15 something that we can afford. We would default on
16 the mortgage.

17 MR. BEE: Certainly, I think I speak for the
18 Board in saying that if any law enforcement agency
19 has asked you to report back, you should.

20 MR. BONOCORE: We will. We will.

21 MR. BEE: But in the meantime, my
22 understanding from the Chairman is that he's just
23 going to check the property records to see if
24 there is an existing special permit use.

25 MR. BONOCORE: I understand. I'm just

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1 telling you this because we want to be good
2 neighbors. We live here. We're trying to run a
3 business here. I would not have brought this up
4 if this went smoothly and I was able to say, yep,
5 everything's okay. In fact, I was hoping that
6 would be the case because, believe me, the last
7 thing in the world I want to do is spend anymore
8 of my time with these individuals, who have been
9 very nice, but they have other motives in mind
10 that don't benefit us one way or another. But, of
11 course, we have to cooperate with them. And,
12 unfortunately, you know, this did not go the way I
13 hoped it would go because I now believe this will
14 result in us having to have a substantial amount
15 of additional meetings with them on how they were
16 able to operate without a permit. And, quite
17 frankly, I believe that the FBI, in particular, is
18 going to believe that this builds their case that
19 the prior owners were being given special
20 treatment. I'm sorry. I'm just trying to be
21 honest.

22 MR. BEE: Thank you.

23 CHAIRMAN SPERANZA: Well, I think all we're
24 gonna do is ask the building department to look
25 into whether there's a permit.

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1 MR. RANDAZZO: I thought you said that
2 there's a special permit right now. There's not a
3 special permit for 170?

4 MR. BEE: I think that's the question. The
5 members of this Board do not at this minute know
6 if you're operating under a special permit or not.

7 CHAIRMAN SPERANZA: We don't know.

8 MR. BONOCORE: Okay.

9 MR. BEE: Because if there were a special
10 permit, if there were, it might have conditions on
11 it or whatever that we would want to continue. If
12 there was no special permit then this becomes an
13 application for a new special permit. It has
14 nothing to do with whether or not it would be
15 granted.

16 MR. BONOCORE: Yes, I'm just wondering
17 whether I should wait to give an update because if
18 this becomes a whole nothing why open this can of
19 worms?

20 MR. BEE: I leave that to you.

21 MR. RANDAZZO: So what do you want to do?
22 Adjourn this until the March meeting? Because the
23 March meeting --

24 CHAIRMAN SPERANZA: No, it's February.

25 MR. RANDAZZO: Oh, February. In March, we

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1 would have our other buildings on that one in
2 March?

3 DEPUTY CLERK ADRION: Yeah, we haven't
4 established a date, but, yes, that would be our
5 goal.

6 MR. RANDAZZO: But this would continue in
7 February? What about the main building? That
8 would continue in February too? Or are you able
9 to make a recommendation today?

10 CHAIRMAN SPERANZA: I'm sorry?

11 MR. RANDAZZO: Would the main building at
12 168-169, are you prepared to make a recommendation
13 on that today?

14 CHAIRMAN SPERANZA: Yeah, 170, we can't find
15 the permit.

16 MR. BONOCORE: Is 170 just the cottage?

17 CHAIRMAN SPERANZA: 170 is the south
18 building, right?

19 MR. BONOCORE: Yes.

20 CHAIRMAN SPERANZA: We're gonna make a
21 recommendation on 167-169.

22 MR. BONOCORE: Okay.

23 CHAIRMAN SPERANZA: I didn't hear anything
24 unusual about that. Unfortunately, you got to
25 come on this side of the table. We don't have,

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1 maybe it's lost. We just have to ask the building
2 department to see if they can find the permit and
3 it may exist. So, you know, all we're saying is
4 we'll adjourn that and we'll vote on 167-169 today
5 and then we'll ask for further clarification on
6 170-171. And we have a tentative meeting
7 scheduled in February. When I say tentative, it
8 will be a different day but it will happen.

9 MR. BEE: Another way to do this is, it's
10 your application. Are you asking for the
11 continuation of an existing permit or you asking
12 for a permit --

13 MR. BONOCORE: We were under the impression
14 that they had a permit. I didn't think the
15 Village would allow them to operate without a
16 permit.

17 CHAIRMAN SPERANZA: Well, then you're asking
18 for a continuation.

19 (Many conversations at once.)

20 And hold on, if there is no permit for some
21 reason, we can't find it, we'll go look at the
22 building and consider giving you one.

23 MEMBER SILVERBERG: You'll make an
24 application to us. We already know your history.
25 It's not that we're going to shut you down or do

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1 anything.

2 MR. RANDAZZO: It's nerve racking.

3 (Many conversations at once.)

4 MR. BONOCORE: Yeah. You know what we've
5 been dealing with, so if we weren't dealing with
6 all of that --

7 CHAIRMAN SPERANZA: I understand.

8 MR. BONOCORE: -- you have to understand what
9 we've been dealing with the government and the
10 sellers and it's been a complete nightmare.

11 MR. RANDAZZO: That's a good way to describe
12 it.

13 CHAIRMAN SPERANZA: So, all right, Joe.
14 We're going to take a vote, I think, on the 167-
15 169.

16 MR. BEE: Which is Application 307.

17 CHAIRMAN SPERANZA: Okay, 307, and then we'll
18 take a vote to defer 170-171 back to the building
19 department for further clarification, to be
20 continued and we'll adjourn it. Okay? We'll
21 adjourn it just like we adjourned Mr. Sterck's.

22 MR. BONOCORE: So what I'm going to do is I'm
23 going to say CJ's was approved and 168-170 was
24 approved and, assuming you vote that way, and the
25 rest of the items will be handled at the next

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1 meeting in February.

2 CHAIRMAN SPERANZA: Yes, as much as we can
3 because that's a really full boat.

4 MR. RANDAZZO: But our other four permits
5 were tentatively scheduled for the March meeting
6 so they'll just revisit 170?

7 CHAIRMAN SPERANZA: No, we might do another
8 one.

9 MR. BONOCORE: Fine. That gets us off the
10 hook for today with them, or we'll be spending the
11 next month in Hauppauge.

12 MR. BEE: Again, although, I'm not your
13 Counsel, I'm the Board's Counsel, my suggestion is
14 whoever those people are, keep them advised of
15 whatever it is that's happening.

16 MR. BONOCORE: Okay.

17 MR. BEE: With that said, is there a motion
18 with respect to the property at 167-169 Cottage
19 Walk, Application 307?

20 CHAIRMAN SPERANZA: No, no. It's, yeah,
21 that's it. Sorry for the interruption.

22 MEMBER STEINMAN: It's 167-169.

23 CHAIRMAN SPERANZA: That's it.

24 MR. BEE: To grant that special permit as an
25 extension of an existing nonconforming use under

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1 Code 164-18, Subdivision D.

2 We have a motion made by Mr. Silverberg.

3 CHAIRMAN SPERANZA: I want to clarify. Is it
4 an extension of the existing permit?

5 MR. BEE: To extend the time period.

6 CHAIRMAN SPERANZA: No, is it an extension of
7 the existing permit or is it --

8 MR. BEE: That is my understanding, is that
9 they currently have a permit on that property.

10 CHAIRMAN SPERANZA: Oh, you didn't say
11 extension so --

12 MR. BEE: Extension.

13 CHAIRMAN SPERANZA: -- that's all I'm asking.

14 MEMBER SILVERBERG: Do we have a copy of that
15 permit?

16 DEPUTY CLERK ADRION: Well, I don't have it
17 with me, but we have it in the office.

18 MR. BEE: But it's your recollection that
19 that one has a permit at least?

20 DEPUTY CLERK ADRION: Yeah.

21 CHAIRMAN SPERANZA: Okay. So, Joel, you make
22 that motion?

23 MEMBER SILVERBERG: Yes, I make that motion.

24 CHAIRMAN SPERANZA: Is there a second?

25 ALTERNATE MEMBER KARALIS: Second.

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1 CHAIRMAN SPERANZA: Second by Constantine,
2 was it?

3 MEMBER SILVERBERG: Yeah.

4 CHAIRMAN SPERANZA: Okay. Thank you.
5 Could you poll the Board, please?

6 MR. BEE: Very well. Member Sherman? Craig
7 Sherman?

8 MEMBER SHERMAN: Yes.

9 MR. BEE: Member Ragusa, Gina Ragusa?

10 ALTERNATE MEMBER RAGUSA: Yes.

11 MR. BEE: Member Silverberg?

12 MEMBER SILVERBERG: Yes.

13 MR. BEE: And Chairman Speranza and Member
14 Steinman?

15 MEMBER STEINMAN: Yes.

16 CHAIRMAN SPERANZA: Hold on. Before I vote,
17 there's a clarification I need for the color of
18 the awning. Have you submitted it?

19 MR. RANDAZZO: It's on the printouts right
20 there. I was here when Chris came to you for his
21 other awnings and I remember you all said that you
22 didn't like red, so that was one of our main
23 factors of changing the awnings. But we do think
24 that that will blend in really nicely and
25 represent the Village nicely.

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1 CHAIRMAN SPERANZA: This is it?

2 MR. RANDAZZO: Yeah.

3 MR. BEE: Mr. Chairman, the first vote is
4 only on the special permit. The second vote, if
5 you wish one, can be the Architectural Review
6 Board.

7 CHAIRMAN SPERANZA: I'm getting to that. I
8 didn't vote yet. So I will vote yes on the
9 special permit.

10 MR. BONOCORE: Thank you.

11 CHAIRMAN SPERANZA: You're welcome.

12 Now we have the Architectural Review Board.

13 MR. BEE: Yes, sir.

14 MR. RANDAZZO: So currently there are awnings
15 on all of the streets facing --

16 CHAIRMAN SPERANZA: Hold on. Let's just
17 finish the Planning Board work.

18 Now, is there a motion, you want to get a motion
19 to defer, I think that's what we decided to do,
20 right?

21 MR. BEE: Is there a motion to adjourn
22 Application 308 to the next meeting of the Board?
23 Moved by?

24 MEMBER SILVERBERG: Moved.

25 MR. BEE: Member Silverberg. Seconded by?

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1 MEMBER STEINMAN: I'll second it.

2 MR. BEE: Member Steinman.

3 Any further discussion on the motion to adjourn
4 308 until the next Board meeting?

5 (No verbal response given.)

6 Hearing none, all those in favor signify by
7 saying aye.

8 ALL MEMBERS: Aye.

9 MR. BEE: The ayes have it unanimously.

10 CHAIRMAN SPERANZA: Now we switch over to the
11 Architectural Review Board.

12 MR. BONOCORE: Okay.

13 CHAIRMAN SPERANZA: Everybody has a package
14 here, which came in today, that's why I haven't
15 seen it, of the awnings. I guess that's the only
16 thing you're doing outside on the buildings,
17 right?

18 MR. RANDAZZO: Yes, the color stays the same.
19 There is a metal palm awning on every
20 street-facing window, and we already took them
21 down.

22 MEMBER SILVERBERG: Can you remove them?

23 MR. RANDAZZO: The red ones are down and then
24 those are gonna be made to fit the current metal
25 frame that's there.

1 MEMBER SILVERBERG: What color are they gonna
2 be?

3 MR. RANDAZZO: The metal frame? It's
4 actually there. It's actually a black metal frame
5 with a palm in the corner of the frame.

6 CHAIRMAN SPERANZA: Oh, over here. There's
7 an anchor.

8 MR. RANDAZZO: No, that's the logo of the
9 company, like Sunbrella.

10 CHAIRMAN SPERANZA: I don't see where, I
11 don't follow.

12 MR. RANDAZZO: Because we didn't change the
13 awnings. Those are still there. We just changed
14 the fabric.

15 CHAIRMAN SPERANZA: The fabric?

16 MR. RANDAZZO: Just the fabric is changing.
17 The awnings are still in place right now. So if
18 you went outside, all the metal awnings are up,
19 just the fabric is down. We're just changing the
20 fabric.

21 MEMBER STEINMAN: You changed the color of
22 the fabric?

23 MR. RANDAZZO: Correct. It's actually a
24 beige, which is the color of the building, a jade
25 green, and a darker beige. So a light beige, a

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1 darker beige, and a jade green.

2 MR. BONOCORE: We figured those would fade
3 less with the sun.

4 CHAIRMAN SPERANZA: I liked the red better.

5 MR. RANDAZZO: You did not. You hated the
6 red. I remember you saying that.

7 CHAIRMAN SPERANZA: I must have gotten used
8 to it then.

9 MR. RANDAZZO: Besides red fading horribly in
10 the sun, we thought it was too bold.

11 CHAIRMAN SPERANZA: How about blue?

12 MEMBER SILVERBERG: How 'bout blue?

13 CHAIRMAN SPERANZA: Blue is nice.

14 MR. RANDAZZO: Unfortunately, our competitor
15 here is the Blue Waters Hotel, and we don't want
16 to mess around with them.

17 MR. STERCK: Clegg's Hotel is blue.

18 MR. RANDAZZO: Oh, that's right, blue, blue,
19 blue.

20 MR. STERCK: And we've been here the longest.

21 ALTERNATE MEMBER RAGUSA: This is Gina Ragusa
22 on the Zoom call. If I can just ask a quick
23 question to John and Joe. What color is the
24 outside of the building? And are you changing any
25 of the windows or doors?

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1 MR. RANDAZZO: No, the windows and doors are
2 staying exactly the same. The outside of the
3 building is a light beige. It's stucco. It's a
4 light beige and then there are caps on the stucco
5 for decorative purposes, which are, literally,
6 like a brown. Almost like a Wood Acres brown and
7 that's on the building we're talking about now.
8 That's what it is.

9 ALTERNATE MEMBER RAGUSA: Thank you.

10 CHAIRMAN SPERANZA: So --

11 MEMBER SILVERBERG: You want them to submit a
12 piece of material?

13 CHAIRMAN SPERANZA: Yeah. I think, can you
14 wait until the February meeting and bring in some
15 samples?

16 MR. RANDAZZO: I hope I have the sample by
17 the February meeting.

18 CHAIRMAN SPERANZA: How long does it take to
19 get it?

20 MR. RANDAZZO: I don't know. Actually, our
21 designer, Michelle Scarolla, (phonetic) picked it
22 out so I have to ask her for it.

23 MEMBER SILVERBERG: Okay. Let's not get
24 carried away with that one and bring it in for the
25 next meeting.

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1 CHAIRMAN SPERANZA: Yeah. So we won't vote
2 on it.

3 MR. RANDAZZO: Do you suggest we have a back
4 up?

5 CHAIRMAN SPERANZA: Yeah. Everybody has
6 different tastes, and, if it were up to me they'd
7 all be blue.

8 MR. RANDAZZO: They can't all be blue.

9 CHAIRMAN SPERANZA: Do light blue. Blue is
10 the beach, you know, it's water.

11 MR. BONOCORE: Just one more question.
12 Before we come back next time, it might make sense
13 to check whether there are permits for the other
14 two buildings we'll be talking about, 8 Bungalow
15 and check Bay Walk.

16 MEMBER SILVERBERG: We should check on all of
17 them because I don't see any copies of any of
18 that, personally.

19 MR. BONOCORE: Right.

20 CHAIRMAN SPERANZA: Okay.

21 MR. RANDAZZO: Thanks, guys.

22 MR. BEE: Is there a motion to adjourn?

23 CHAIRMAN SPERANZA: I think so. Is there
24 anything else, members of the Board? Any other
25 business anybody want to bring up while we're all

1 here?

2 MR. BEE: May I have a request for a brief
3 consult with Counsel?

4 CHAIRMAN SPERANZA: Yes.

5 MR. BEE: So we're now off the record.

6 (A conversation was held off the record.)

7 CHAIRMAN SPERANZA: Now we're back on the
8 record.

9 Does anyone have any other business to bring up?

10 ALTERNATE MEMBER RAGUSA: Joe, it's Gina
11 Ragusa. I thought we were going off the record to
12 discuss maybe the Jon Randazzo, Joe Bonocore
13 discussion about the FBI and the Village or
14 something. Was that not correct?

15 MEMBER SILVERBERG: Incorrect. It's on the
16 record.

17 ALTERNATE MEMBER RAGUSA: So we're not
18 discussing that?

19 MEMBER SILVERBERG: Unless you tell somebody
20 here to eliminate it from the record.

21 MR. BEE: Gina, it's Peter Bee. We went off
22 the record for a moment to give advice of Counsel.
23 My advice was that we obtain advanced proof of
24 ownership of all applicants before they come
25 before the Board, which we sometimes have not had,

1 but often do. But we did not go off the record to
2 discuss the Randazzo situation. That wasn't the
3 purpose of going off the record. If you want to
4 discuss it, you're certainly free to do so.

5 CHAIRMAN SPERANZA: Yeah. We're still on the
6 record and whatever you say is going to get
7 recorded and transcribed. So whatever you want to
8 talk about, do it. That's why I'm asking. Unless
9 you want to adjourn.

10 ALTERNATE MEMBER RAGUSA: I did have one
11 question. Joe, um, Joe --

12 CHAIRMAN SPERANZA: Bonocore.

13 ALTERNATE MEMBER RAGUSA: -- Bonocore, thank
14 you. He was implying and referring to the FBI and
15 the Village and the previous Palms owner. Is he
16 implicating that somehow the Village is culpable
17 of something?

18 MEMBER SILVERBERG: We don't know, Gina.

19 UNKNOWN SPEAKER: Yes, yes. He's implying
20 it's possible. It was a threat.

21 CHAIRMAN SPERANZA: We only heard what you
22 heard. Okay? I don't know what the hell he was
23 implying.

24 MEMBER SILVERBERG: It's pretty clear.

25 ALTERNATE MEMBER RAGUSA: Okay. Thank you.

1 CHAIRMAN SPERANZA: Is there, anybody else
2 have any other business to bring up?

3 ALTERNATE MEMBER RAGUSA: The only
4 housekeeping issue I would say is what Joel
5 referred to a moment ago. That if we could get
6 everything in advance and in this case we did.
7 Thank you, Bunny. But the Constantine one, he
8 just sent yesterday, which we just got today and
9 that's a little unfair. And if the meetings take
10 longer because some of us are trying to catch up.
11 And then the other thing I was going to say is
12 this meeting took two and a half hours and it's
13 a full agenda and luckily I didn't have any
14 calls today, but it does take up a long amount
15 of time. I know there's a lot that's on the
16 agenda and that's unusual, but is there any way
17 we can break these up into like an hour and a
18 half and an hour and a half, or is everybody
19 cool with a two-hour meeting?

20 CHAIRMAN SPERANZA: Meetings are as long as
21 they need to be and if they can't stick together,
22 they get adjourned and continued. That's how it
23 works. There's no timeframe.

24 ALTERNATE MEMBER RAGUSA: I guess I'm the
25 only one that works then.

1 CHAIRMAN SPERANZA: Sorry?

2 ALTERNATE MEMBER RAGUSA: I said I guess I'm
3 the only one that works then.

4 MEMBER SILVERBERG: No, that's not the case.

5 MEMBER SHERMAN: Gina, I basically took a
6 whole day.

7 CHAIRMAN SPERANZA: Yeah. I took a day off,
8 Gina.

9 ALTERNATE MEMBER RAGUSA: Well, I'm saying
10 sometimes people are not able to do that.

11 CHAIRMAN SPERANZA: Right.

12 ALTERNATE MEMBER RAGUSA: Okay. Thank you.

13 CHAIRMAN SPERANZA: You're welcome.

14 Anyone else have anything to say before we
15 adjourn?

16 (No verbal response given.)

17 Do I have a motion to adjourn?

18 MEMBER SILVERBERG: I make the motion to
19 adjourn.

20 MEMBER STEINMAN: I'll second it.

21 CHAIRMAN SPERANZA: Judy seconds.

22 All in favor?

23 ALL MEMBERS: Aye.

24 CHAIRMAN SPERANZA: Thank you all.

25 (Time Noted: 1:58 p.m.)

CERTIFICATION

I, D. Leigh Chapman, a Notary Public
in and for the State of New York, do hereby certify:

THAT the forgoing is a true and
accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto
set my hand this 24th day of January, 2023.

D. LEIGH CHAPMAN

ALL MEMBERS: [4] 31/22 68/10 92/8 100/23
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