

INCORPORATED VILLAGE OF OCEAN BEACH
FIRE ISLAND, NEW YORK

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ZONING BOARD OF APPEALS

PUBLIC HEARING

SPECIAL PERMIT APPLICATION NUMBER BP2022-057
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December 2, 2023
11:08 a.m.
Boat House
Ocean Beach, New York
-----X

APPEARANCES:

JOEL BURRIS, CHAIRMAN
CRAIG SHERMAN, MEMBER
CONSTANTINE KARALIS, MEMBER
JEREMY CONWAY, MEMBER, VIA ZOOM
KEVIN LOWRY, MEMBER, VIA ZOOM
KENNETH GRAY, ESQ., VILLAGE ATTORNEY

PART I

Joel Burris: Good. Good morning everybody. **Jeremy Conway:** Good morning.

Joel Burris: It is Saturday, December 2nd, and we have a regularly scheduled meeting of the Zoning Board of Appeals. This is a meeting that was scheduled, I guess, at the beginning of the year, posted on the. Um, as a regular scheduled meeting. In fact, we don't have a specific, um, matter before us that we're addressing from the public, in other words, an application to address. But it is a regular meeting, and the link was also posted on the Village of Ocean Beach website. We have a present and the quorum is the board. I am Joel Burris, the chairman of the board. We have on a zoom call, um, Jeremy Conway. Jeremy, are you there? Can you say yes? Here.

Jeremy Conway: Yes, I'm here. **Joel Burris:** Jeremy is here. We have Kevin Lowry also on a zoom call. Kevin, do you want to. **Kevin Lowry:** Good morning. Pleasure to be here. **Joel Burris:** We have Craig Sherman, right? **Craig Sherman:** Here. **Joel Burris:** So we now have a complete board. It's the five members of the board without any absentees. **Ken Gray:** And did you mention Constantine Karalis? **Joel Burris:** I think did at the beginning, but if I didn't, I am very sorry. Constantine is to my left. **Constantine Karalis:** Here. **Joel Burris:** Thank you. Ken. And Ken Gray is also on a zoom call. Our counsel. **Ken Gray:** Good morning all. **Craig Sherman:** Good morning.

Joel Burris: We have a recorder here for us, a court stenographer. But we are taping this call, and then it will be transferred, transcribed by the reporter. I would, first of all, like to call the

meeting to order. It is now 10:52 am, I think approximately on Saturday, December 2nd, with not only a quorum being present, but the entire board being present. Um, there is no specific matter on an agenda for us today, because there isn't a hearing that was submitted to the Village of Ocean Beach. There isn't an application submitted that was denied, which would then come to us if someone elected to appeal it. So, there is one matter that I know has been on everybody's minds. Um, it relates to 76 Bungalow Walk, which was a variance that the zoning board of Ocean Beach granted on October. I'm sorry, the date of the. Um hearing was heard 2023, in which there was a variance granted after a site visit to the applicant slash owner of 76 Bungalow Walk. Actually, I think the applicant was the contractor rather than the owner, but the owner was present. Um.

Ken Gray: Mr. Chairman, are you suggesting that we should make somebody should make a motion to go into executive session to discuss potential litigation.

Joel Burris: I'm going to make that motion. Thank you. I'm going to. But before doing that, I want to make it clear that we also had this link available to the public, and it was advertised to the public on the website. And to my knowledge, there were no members of the public present right now. So, I would like to make a motion that we go into executive session to discuss a matter that's potential litigation. Now, when we do this, I have to ask our guess, zoom operator how do we make it so the public can call in right now? Um, since it's an executive session that we're going into, well, does anybody want to second my motion. **Constantine Karalis:** second **Joel Burris:** to go into executive session? Okay. Now we're going to executive session. Now we're moving into another room. But I'm concerned that nobody can call in. Well, we know if they call in.

Craig Sherman: Well can I can actually just change the settings so that somebody else can't call in. **Ken Gray:** Well, can't we go into a breakout room?

Joel Burris: We do not do that. **Craig Sherman:** We can. Do we need to continue to record executive sessions? **Ken Gray:** No. **Craig Sherman:** Okay. So first I'm going to turn off the recording and I'll move. Move us out. So that we'll be in a private into a private room. So bear with me one second while I just adjust that. No worries.

PART II

Ken Gray: Executive session. **Kevin Lowry:** A second. **Joel Burris:** Okay. Welcome back everybody. We've just had a very extensive executive session lasting hours. Um, and I believe that there's a motion to be made by Kevin. You're going to make a motion.

Ken Gray: Would you like me to read a proposed motion that somebody can make? **Joel Burris:** Yes, please. **Ken Gray:** So there's a motion. Pursuant to New York State Village Law, 7-712-A(12). To have a rehearing on a previously approved variance application for 76 Bungalow Walk. Ocean Beach, New York. Is anybody making that motion?

Kevin Lowry: I'll make the motion. **Ken Gray:** Kevin Lowry. Kevin Lowry makes the motion. It's seconded by. **Jeremy Conway:** I'd like to second. **Ken Gray:** That's Jeremy Conway.

Thank you. Sir. I'll poll the ball. The board. Um, Jeremy Conway. **Jeremy Conway:** For. **Ken Gray:** Uh, Kevin Lowry. **Kevin Lowry:** I vote for it, in favor? **Ken Gray:** Craig Sherman. **Craig Sherman:** In favor. **Ken Gray:** Constantine Karalis. Constantine, are you on the call? **Craig Sherman:** He's on mute. Constantine, you're on mute. Do you want to go to, Joel? **Ken Gray:** I can do that. Joel. Chairman. Joel Burris. **Joel Burris:** In favor? **Ken Gray:** Okay. Um, Constantine, I don't know if you're there or not, but. **Constantine Karalis:** Yes. **Ken Gray:** Oh, that's. Yes. **Constantine Karalis:** Yes.

Ken Gray: Okay, so pursuant to New York State Village law that I previously cited, we have a unanimous vote on the Village Zoning Board of Appeals to have a rehearing on the application of 76 Bungalow walk, Ocean Beach. Um, that will be duly noticed and advertised for that hearing. **Joel Burris:** Thank you. Counsel.

Ken Gray: Mr. Burris, is there any other business? **Joel Burris:** No **Ken Gray:** That zoning board needs to do today. **Joel Burris:** I do not believe so. I would like to adjourn this meeting if somebody wants to second it. **Jeremy Conway:** I'll second. **Joel Burris:** Ken, **Ken Gray:** all in favor. **Joel Burris:** Ken am I missing anything? I don't think so. There's no other business for the board today.

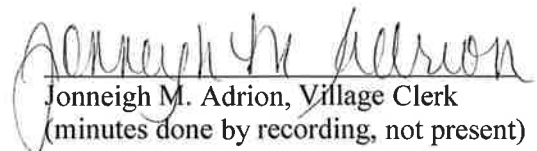
Ken Gray: Do we want do we want to set the date of of that hearing or or do we want to pull back and look at our calendars? **Joel Burris:** I think we should look at our calendars and then notify the village of the date. Is that. Is that acceptable?

Ken Gray: Absolutely, okay. **Joel Burris:** Okay.

Ken Gray: All right, so there was a motion to adjourn. It was seconded by, uh, uh, Mr. Conway and I think, uh, all in favor? Correct? **Craig Sherman:** aye. **Joel Burris:** Yes, aye (Cross conversation – inaudible) Yes, yes.

Ken Gray: All right so, here we are. Here we are at 3:30 in the afternoon on a Saturday, and we're closing the meeting. **Joel Burris:** Thank you Ken. **Jeremy Conway:** Thank you gentlemen, it was a pleasure. (Cross conversation – inaudible)

Joel Burris: Thank you. Everybody. Meeting is now closed. Can you shut off the recording, please? **Craig Sherman:** Yes. I'm closing out the meeting now


Jonneigh M. Adrion, Village Clerk
(minutes done by recording, not present)