

INCORPORATED VILLAGE OF OCEAN BEACH
FIRE ISLAND, NEW YORK

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PLANNING BOARD MEETING
SPECIAL PERMIT APPLICATION NO. 315

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January 20, 2024
11:23 a.m.
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

CONSTANTINE KARALIS, MEMBER

JUDITH STEINMAN, MEMBER Via Zoom

CRAIG SHERMAN, MEMBER Via Zoom

ROBERT STACK, ALTERNATE MEMBER

DAVID SILVER, ALTERNATE MEMBER Via Zoom

GINA RAGUSA, ALTERNATE MEMBER Via Zoom

LISA PACE, ALTERNATE MEMBER Via Zoom

KENNETH GRAY, ESQ., VILLAGE ATTORNEY Via Zoom

D. Leigh Chapman Via Zoom
Court Reporter

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A L S O P R E S E N T :

Jonneigh M. Adrion, Village Clerk

Jacqueline Rulon, Deputy Clerk

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

Jason Fenley, Esquire
Applicant's Attorney
Fenley LLP
260 West Main Street #1
Bay Shore, New York 11706

Michael Dunn, Architect
256 Orinoco Drive Suite B
Brightwaters, New York 11718

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1 CHAIRMAN SPERANZA: Ken, I'm calling the
2 meeting to order. Could you please take roll
3 call?

4 MR. GRAY: Yeah, I guess.

5 Joel Silverberg, present?

6 MEMBER SILVERBERG: Present.

7 MR. GRAY: Constantine Karalis?

8 MEMBER KARALIS: Here.

9 MR. GRAY: Who else do we have there? I
10 can't see.

11 CHAIRMAN SPERANZA: Me. All right. I'll
12 take it, okay? Because it's difficult with this
13 connection.

14 Roll call, Joel Silverberg?

15 MEMBER SILVERBERG: Yeah, present.

16 CHAIRMAN SPERANZA: Constantine Karalis?

17 MEMBER KARALIS: Here.

18 CHAIRMAN SPERANZA: Craig Sherman?

19 MEMBER SHERMAN: Present on Zoom.

20 CHAIRMAN SPERANZA: Lisa Pace?

21 ALTERNATE MEMBER PACE: Present on Zoom.

22 CHAIRMAN SPERANZA: Thank you.

23 Judy Steinman?

24 (No verbal response given.)

25 Judy, are you there?

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1 MEMBER SHERMAN: Unmute Judy.

2 MEMBER STEINMAN: Is that better?

3 CHAIRMAN SPERANZA: Yeah.

4 MEMBER STEINMAN: Joe, can you hear me?

5 CHAIRMAN SPERANZA: Yes.

6 MEMBER STEINMAN: Good.

7 CHAIRMAN SPERANZA: Good. You're here, yes?

8 You're checking in?

9 MEMBER STEINMAN: I'm on Zoom.

10 CHAIRMAN SPERANZA: Okay. Thank you.

11 Gina Ragusa?

12 ALTERNATE MEMBER RAGUSA: I'm here on Zoom.

13 CHAIRMAN SPERANZA: David Silver?

14 David Lieber? David Silver, you're --

15 MEMBER SHERMAN: He's got to unmute, Joe.

16 CHAIRMAN SPERANZA: All right. Let's wait

17 for him. David?

18 ALTERNATE MEMBER SILVER: Can you hear me

19 now.

20 CHAIRMAN SPERANZA: Yes.

21 ALTERNATE MEMBER SILVER: Okay, here on

22 Zoom.

23 CHAIRMAN SPERANZA: Thank you.

24 David Lieber?

25 (No verbal response given.)

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1 Going once, going twice, no David Lieber.

2 Absent. Okay. And Robert Stack?

3 ALTERNATE MEMBER STACK: Here, present.

4 CHAIRMAN SPERANZA: Okay. Thank you.

5 Ken Gray, you're here, obviously.

6 And Jackie and Bunny are here.

7 Is the applicant here?

8 ATTORNEY FENLEY: Applicant is here by

9 Counsel, Jason Fenley for the applicant, 153 Bay

10 Walk Fire Island, LLC. Also appearing for the

11 applicant is the architect, Michael Dunn.

12 CHAIRMAN SPERANZA: Thank you.

13 This is an application for Special Use

14 Permit for, what's the address?

15 ATTORNEY FENLEY: 153 Bay Walk.

16 CHAIRMAN SPERANZA: Thank you, 153 Bay Walk.

17 Change of use, correct?

18 ATTORNEY FENLEY: Yes.

19 CHAIRMAN SPERANZA: Please make your

20 presentation.

21 ATTORNEY FENLEY: We're actually requesting

22 that the application be adjourned today.

23 Alternatively, we would request that we make a

24 preliminary presentation today and adjourn the

25 remainder of the presentation until the next

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1 Planning Board hearing or a time convenient for
2 the Planning Board. The applicant at this time
3 is not prepared, the finalized application, and
4 we're requesting the Board to consider those
5 options. Either adjourn the (inaudible)
6 Preliminary presentation today or (inaudible).

7 CHAIRMAN SPERANZA: Okay. Counsel, you want
8 to weigh in on that with a recommendation about
9 the partial presentation today and a final one
10 subsequent to today?

11 MR. GRAY: Hold on. So let me ask this, is
12 Chris Mercogliano in the room? Is he physically
13 in the room?

14 CHAIRMAN SPERANZA: No, no, he's not
15 present.

16 ATTORNEY FENLEY: The LLC is 100 percent
17 owned by Laura Mercogliano, and she's not here.

18 MR. GRAY: I'm sorry. Can you repeat that?

19 CHAIRMAN SPERANZA: There are no
20 Mercoglianos here, and Laura is the owner, not
21 Chris.

22 MR. GRAY: Oh, okay. I didn't know that.
23 Okay.

24 So my recommendation would be I'd rather do
25 the hearing all at one time as opposed to

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1 segmenting it and breaking it up. Just because,
2 you know, memories fade and whatnot and if the
3 applicant's attorney, Jason Fenley, is saying
4 that they need additional information or
5 additional time to put their stuff together, it
6 doesn't make a lot of sense to fragment the
7 hearing, you know, but I will defer to what
8 Mr. Fenley's request is and to what the Board
9 members want to do.

10 CHAIRMAN SPERANZA: Okay. What is your
11 pleasure, Mr. Fenley?

12 ATTORNEY FENLEY: Well, understanding what
13 Mr. Gray says, I think I agree. I think that
14 adjourning it to a future date when it can all be
15 done at one time gives us a chance to update our
16 application with additional information and it
17 can all be done at one time. Again, this is my
18 application. This is my -- you can blame me for
19 the adjournment. I apologize to the Board
20 members and members of the public. Again, I'm
21 accepting the blame for this adjournment and the
22 delay of the applicant's application today.

23 CHAIRMAN SPERANZA: Anyone on the Board want
24 to comment on whether or not we should have a
25 partial or a full presentation at a subsequent,

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1 future, mutually agreeable date?

2 MEMBER KARALIS: I think we should have one.

3 Don't have a partial.

4 CHAIRMAN SPERANZA: Joel?

5 MEMBER SILVERBERG: I have nothing to say

6 right now.

7 CHAIRMAN SPERANZA: Okay. Anyone on Zoom

8 want to weigh in on their thoughts about that?

9 ALTERNATE MEMBER RAGUSA: I'd like to say

10 something.

11 CHAIRMAN SPERANZA: Go ahead, Gina.

12 ALTERNATE MEMBER RAGUSA: Yeah, you know,

13 there are a lot of people on the call.

14 Especially Board members but also people from the

15 public that took time out to be a part of the

16 meeting and I guess I just don't understand why

17 we weren't notified a day or two ago. Surely,

18 you must have realized that you weren't prepared,

19 and a lot of time and effort go into these

20 meetings. We're volunteers here, and I just want

21 to hear from the applicant what happened?

22 ATTORNEY FENLEY: To respond to that, again,

23 in the last 24 hours or so, essentially,

24 prohibiting notice to the Board, some certain

25 items, some were confidential and some relate to

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1 costs and other financial considerations of the
2 applicant led to determine from our perspective
3 that an adjournment is required. Again, I can't
4 express enough how much we understand the
5 preparations by the Board and the members of the
6 public to be here and we're sensitive to those
7 concerns and we apologize for the inconvenience.

8 ALTERNATE MEMBER RAGUSA: So I would just
9 want to add that, in my opinion, since we have so
10 many people here and made the time to come here,
11 I would like to hear the partial presentation.

12 CHAIRMAN SPERANZA: Okay.

13 MEMBER SHERMAN: I'm in agreement with you,
14 Constantine, and Bob. I think we should hear
15 this all in one shot, but I also agree with
16 Gina's comments. This is incredibly
17 disrespectful to the Board. People came out from
18 the City on a 9-degree day without any notice,
19 and I realize that the attorney presented himself
20 today as well as punishment for his mishandlings,
21 but I think we should hear this all in one shot.

22 CHAIRMAN SPERANZA: Anyone else on Zoom want
23 to weigh in on that choice?

24 ALTERNATE MEMBER PACE: I agree to not doing
25 a partial hearing. I'd rather hear it all at

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1 once.

2 CHAIRMAN SPERANZA: Thank you, Lisa.

3 ALTERNATE MEMBER PACE: You're welcome.

4 CHAIRMAN SPERANZA: Anyone else?

5 ALTERNATE MEMBER SILVER: I agree. We
6 should hear it all together rather than partial.

7 CHAIRMAN SPERANZA: Thank you, David.

8 Anyone else?

9 MR. OHANDLEY: Yes. Brian Ohandley has a
10 question.

11 CHAIRMAN SPERANZA: Hold on. We're not
12 listening to the public right now.

13 MR. OHANDLEY: Oh, I'm sorry. I thought
14 you said anyone else meaning anyone else.

15 CHAIRMAN SPERANZA: No, no, anyone else on
16 Zoom on the Planning Board. Thank you, Brian.

17 I don't think there's anyone -- wait a
18 minute, Judy. Yeah, Judy is the last one.

19 Judy? Judy Steinman, unmute.

20 (No verbal response given.)

21 Well, I think we have a consensus anyway
22 without Judy's opinion, which she's welcome to
23 put in at any time, and that is to adjourn and
24 hear an entire presentation at a future date
25 that's mutually acceptable to all. Okay?

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1 So I make such a motion that we adjourn to
2 a future, mutually agreeable date.

3 MEMBER KARALIS: Second.

4 CHAIRMAN SPERANZA: Seconded by Mr. Karalis.
5 All in favor?

6 ALL MEMBERS: Aye.

7 CHAIRMAN SPERANZA: Anyone opposed?

8 ALTERNATE MEMBER RAGUSA: No.

9 CHAIRMAN SPERANZA: Gina, you're okay with
10 it?

11 ALTERNATE MEMBER RAGUSA: Yeah, I said my
12 piece.

13 CHAIRMAN SPERANZA: Yeah, you did.

14 ALTERNATE MEMBER RAGUSA: Thank you.

15 CHAIRMAN SPERANZA: All right. So it's
16 unanimous. So the meeting is adjourned. We will
17 be in touch with a date in the future that's, you
18 know, the office, Bunny and Jackie will be in
19 touch with you about that date.

20 ALTERNATE MEMBER SILVER: Joe?

21 CHAIRMAN SPERANZA: Yes.

22 ALTERNATE MEMBER SILVER: Will we be
23 guaranteed that the attorney will be ready by the
24 next meeting?

25 CHAIRMAN SPERANZA: There are no guarantees

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1 in life, David. He heard you though.

2 MR. GRAY: Can Jason hear me?

3 ATTORNEY FENLEY: Yes.

4 MR. GRAY: Give me a call, you know, when
5 you're back in the office.

6 ATTORNEY FENLEY: Will do.

7 MR. GRAY: Thank you.

8 ALTERNATE MEMBER RAGUSA: Also, there were
9 two citizens that had their hand up. I don't
10 know if you want to hear them now.

11 CHAIRMAN SPERANZA: Yeah, I can't -- oh,
12 we're there. Okay. All right.

13 Brian, you wanted to say something before
14 we disperse here.

15 MR. OHANDLEY: Yes, thank you. Brian
16 Ohandley. I just had one question. Has an
17 application been filed?

18 CHAIRMAN SPERANZA: Yes.

19 MR. OHANDLEY: And this was the meeting for
20 that application?

21 CHAIRMAN SPERANZA: That's correct.

22 MR. OHANDLEY: Do you have the right to deny
23 that application if they don't want to continue
24 today?

25 CHAIRMAN SPERANZA: We do.

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1 MR. OHANDLEY: I just wanted to know that.
2 Thank you.

3 CHAIRMAN SPERANZA: Yeah. Who else is
4 there? Maria?

5 MR. GRAY: Maria Silsdorf, I believe, has
6 her hand up.

7 CHAIRMAN SPERANZA: I see her name there.
8 Maria, you want to say something before we
9 disperse? Are you muted?

10 MS. SILDORF: Can you hear me?

11 CHAIRMAN SPERANZA: Yeah, now we can.

12 MS. SILDORF: Thank you. I do have a
13 comment, but I just want to ask to clarify what
14 Brian Ohandley said. The Mercogliano attorney
15 laid out three options. One of them was not that
16 you could deny the application. Was that, in
17 fact, a fourth option?

18 MEMBER STEINMAN: Yes.

19 MS. SILDORF: Why was that not expressed had
20 Brian not asked the question?

21 CHAIRMAN SPERANZA: I don't know.

22 MS. SILDORF: Could that attorney answer
23 that?

24 CHAIRMAN SPERANZA: Sure. He's here.
25 Jason?

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1 ATTORNEY FENLEY: To respond to that, my
2 application was not requested and the Board
3 consider denying the application. It was a
4 request to adjourn it or a request to give a
5 partial today.

6 MS. SILDORF: Okay. So you recognize it was
7 an option but not one you would ask for. I got
8 that. Thank you.

9 I wanted to make sure that all of those
10 there were aware of the many, many comments in
11 the Zoom chat, which are expressing -- I'm gonna
12 use the words from the chat, not my words --
13 disrespectful, dismay, disgusting, deplorable
14 that this group has been assembled. That our,
15 you know, our Village employees have been
16 gathered. All of you volunteers on the Board
17 are there and that this is turning out to be
18 inconsequential. I just wanted to make sure
19 you were aware of all the commentaries from 57
20 people who are on the Zoom call.

21 CHAIRMAN SPERANZA: Okay. Anything else?

22 MS. SILDORF: That would be it for me.
23 Thank you, Joe.

24 CHAIRMAN SPERANZA: Okay.

25 Anyone else want to speak that's on Zoom?

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1 Whether you're now on the, we covered the whole
2 Board, I think.

3 Unless -- I think I saw Judy. Judy, you
4 want to speak?

5 ALTERNATE MEMBER RAGUSA: She's shaking her
6 head.

7 UNKNOWN SPEAKER: She said no.

8 CHAIRMAN SPERANZA: She said no. Okay.

9 Anyone else in the public want to say
10 something before we disperse?

11 (No verbal response given.)

12 Hearing none, meeting adjourned. Thank
13 you.

14 (Time Noted: 11:41 a.m.)

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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 21st day of January, 2024.

Leigh Chapman

D. LEIGH CHAPMAN

<p>ALL MEMBERS: [1] 12/6 ALTERNATE MEMBER PACE: [3] 4/21 10/24 11/3 ALTERNATE MEMBER RAGUSA: [9] 5/12 9/9 9/12 10/8 12/8 12/11 12/14 13/8 16/5 ALTERNATE MEMBER SILVER: [5] 5/18 5/21 11/5 12/20 12/22 ALTERNATE MEMBER STACK: [1] 6/3 ATTORNEY FENLEY: [10] 6/8 6/15 6/18 6/21 7/16 8/12 9/22 13/3 13/6 15/1 CHAIRMAN SPERANZA: [52] MEMBER KARALIS: [4] 4/8 4/17 9/2 12/3 MEMBER SHERMAN: [4] 4/19 5/1 5/15 10/13 MEMBER SILVERBERG: [3] 4/6 4/15 9/5 MEMBER STEINMAN: [5] 5/2 5/4 5/6 5/9 14/18 MR. GRAY: [10] 4/4 4/7 4/9 7/11 7/18 7/22 13/2 13/4 13/7 14/5 MR. OHANDLEY: [6] 11/9 11/13 13/15 13/19 13/22 14/1 MS. SILDORF: [6] 14/10 14/12 14/19 14/22 15/6 15/22 UNKNOWN SPEAKER: [1] 16/7</p>	<p>agreement [1] 10/13 ahead [1] 9/11 all [16] 4/11 5/16 7/25 8/14 8/17 10/15 10/21 10/25 11/6 11/25 12/5 12/15 13/12 15/9 15/16 15/19 also [4] 6/10 9/14 10/15 13/8 ALTERNATE [4] 1/19 1/20 1/21 1/22 Alternatively [1] 6/23 answer [1] 14/22 any [2] 10/18 11/23 anyone [12] 8/23 9/7 10/22 11/4 11/8 11/14 11/14 11/15 11/17 12/7 15/25 16/9 Anything [1] 15/21 anyway [1] 11/21 apologize [2] 8/19 10/7 appearing [1] 6/10 applicant [7] 6/7 6/8 6/9 6/11 7/2 9/21 10/2 applicant's [3] 3/3 8/3 8/22 APPLICATION [1] 1/5 application [12] 6/13 6/22 7/3 8/16 8/18 8/22 13/17 13/20 13/23 14/16 15/2 15/3 architect [2] 3/7 6/11 are [9] 4/25 6/6 7/19 9/13 12/25 14/9 15/11 15/17 15/20 as [3] 7/25 10/20 10/20 ask [3] 7/11 14/13 15/7 asked [1] 14/20 assembled [1] 15/14 attorney [7] 1/23 3/3 8/3 10/19 12/23 14/14 14/22 aware [2] 15/10 15/19 Aye [1] 12/6</p>	<p>come [1] 10/10 comment [2] 8/24 14/13 commentaries [1] 15/19 comments [2] 10/16 15/10 concerns [1] 10/7 confidential [1] 9/25 connection [1] 4/13 consensus [1] 11/21 consider [2] 7/4 15/3 considerations [1] 10/1 CONSTANTINE [4] 1/16 4/7 4/16 10/14 continue [1] 13/23 convenient [1] 7/1 correct [2] 6/17 13/21 costs [1] 10/1 could [3] 4/2 14/16 14/22 Counsel [2] 6/9 7/7 Court [1] 1/25 covered [1] 16/1 CRAIG [2] 1/18 4/18</p>
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