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THE INCORPORATED VILLAGE OF OCEAN BEACH  
COUNTY OF SUFFOLK: STATE OF NEW YORK

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The Zoning Board of Appeals of the  
Incorporate Village of Ocean Beach Meeting  
Held on Saturday, December 17, 2022 at 10:30 a.m.  
at The Court House  
157-164 Bay Walk, Ocean Beach, New York  
The meeting was conducted in person and  
Via Zoom video/teleconference.

Variance Application No. BP2022-070

Applicants:

Ian Levine and Maria Silsdorf of  
765-767 Ocean Breeze Walk  
Ocean Beach, New York 11770

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MEMBERS OF THE ZONING BOARD OF APPEALS:

JOEL BURRIS, CHAIRMAN

CONSTANTINE KARALIS, MEMBER

KEVIN LOWRY, MEMBER

KEVIN CONWAY, MEMBER (Appeared via Zoom.)

MINUTES OF HEARING

REPORTED BY:

KIMBERLY DALPOS, Official Court Reporter

**APPLICATION NO. BP2022-070**

1 CHAIRMAN BURRIS: So in attendance today,  
2 let's call to order the Zoning Board of Appeals  
3 meeting for the Incorporated Village of Ocean  
4 Beach.

5 We have before us four members of the Zoning  
6 Board, actually 3 here today: Joel Burriss, I'm  
7 the Chairman; Constantine Karalis, sitting to my  
8 left; Kevin Lowry, to Constantine's left and  
9 further to the left is a telephone with a Zoom  
10 call that has Jeremy Conway on the phone. We do  
11 have a quorum present today of the Zoning Board  
12 and it is now 10:46 on Saturday, December 17,  
13 2022, and I would like to call to order the  
14 meeting of the Board of Appeals.

15 We have before us an application submitted  
16 by Applicant Ian Levine and Maria Silsdorf,  
17 variance Application No. BP2022-070 and it is an  
18 application with respect to their property  
19 situated at 765-767 Ocean Beach Walk, Ocean  
20 Beach, New York 11770. Specifically the  
21 application that is before us with respect to a  
22 variance requested regarding side yard setbacks  
23 and rear yard setback requirements.

24 Side yard being Section 164-25 of the Ocean  
25 Beach Code and rear yard setbacks 120 -- 164-26

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1 of the Ocean Beach Code.

2 We have a letter from the Building  
3 Inspector of the Village of Ocean Beach signed by  
4 Michael Mandarino as Building Inspector dated  
5 September 20, 2022, addressed to Ian Levine and  
6 Maria Silsdorf with respect to their property in  
7 which they want to subdivide. But in order to  
8 obtain a subdivision approval which would come  
9 from the Planning Board, not from the Zoning  
10 Board, the Zoning Board must review and decide  
11 whether or not they would approve the property as  
12 subdivided because it would have the violating  
13 certain elements of the code be it the side yard  
14 requirements and the rear yard requirements with  
15 respect to an accessory garage building located  
16 on the property, and that's what we are here  
17 today to review whether we would permit a moving  
18 of the property line in order to change the size  
19 of two adjoining lots. So each lot would be 75  
20 feet as opposed to one being 50 and one being  
21 150, and the building inspector denied it because  
22 it would have to be approved by us.

23 MS. SILSDORF: Not 150. 75.

24 CHAIRMAN BURRIS: 75. 75.

25 We also have present two, well, one member

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1 of the community on the Zoom call Jane Levin who  
2 I understand is --

3 MS. SILSDORF: Across the street.

4 CHAIRMAN BURRIS: -- a neighbor across the  
5 street. We have Mike Manarino, the Building  
6 Inspector.

7 Before we start I want to set forth on the  
8 record that we have before us the proof of  
9 mailing of notice of the hearing to the neighbors  
10 sent certified mail, return receipt requested.  
11 Of the notice that was sent regarding a  
12 previously scheduled meeting. The meeting had to  
13 be adjourned in order to have a quorum present,  
14 and that has been noted on the Village's website  
15 and noted on the village's bulletin board, and  
16 according to our counsel appropriately, the  
17 public has appropriately been notified of the  
18 adjourn date.

19 MR. LEVINE: We also did a re-mailing of the  
20 new date.

21 CHAIRMAN BURRIS: And the applicant just  
22 advised me that there was also a re-mail, so the  
23 public has been put on notice, and what I would  
24 like to do now is see if the Applicant would like  
25 to make a presentation as to exactly what they

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1 propose.

2 MS. SILSDORF: Sure. So I am a Maria  
3 Silsdorf. So I appreciate everyone's time and  
4 attention this morning.

5 The Planning Board, I did want to comment,  
6 has approved our subdivision request dependant  
7 upon the variance discussion and either approval  
8 or requirement, so we do go have to go back to  
9 the Planning Board, hopefully that will be  
10 January 7th.

11 So the house that we reside in 768 Ocean  
12 Breeze has been there for about 110 years. The  
13 house adjacent to us which is 765. 766 has been  
14 there for 80 years. So these two houses have  
15 been living next to each other as is for 80  
16 years. We are proposing absolutely no physical  
17 change. We are not proposing to do anything. We  
18 are separating the middle lot which is 767 which  
19 has a paddock in the front and a garage structure  
20 in the back. We are going to detach that from  
21 the building property, the tax property 765, and  
22 attach it to our property. So for 13 years or  
23 longer we have been trying to buy the house next  
24 to us so that we could keep what I call the empty  
25 lot which is empty without a house to prevent a

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1 massive structure from being built on it. We  
2 want to keep the lot. We want to keep it empty  
3 so that we have a space around us, so that we  
4 have a green space and to prevent another, you  
5 know, Mc Mansion from being built. So we are  
6 proposing no physical structure change. We are  
7 merely proposing a change in lot ownership and  
8 moving the property line would be implied by  
9 changing the lot ownership, right. So starting  
10 on the southern side the house that's 765 is on  
11 lot 765 and 766 --

12 MEMBER LOWRY: To interrupt you for a  
13 second. According to the document that I have in  
14 front of me the south side, the southern most lot  
15 is 766.

16 MS. SILSDORF: No. It's 765.

17 CHAIRMAN BURRIS: Could you look at this?  
18 This maybe incorrect.

19 (Handing.)

20 MS. SILSDORF: Sure.

21 CHAIRMAN BURRIS: So just as to the where my  
22 pen mark is.

23 MS. SILSDORF: It's 765.

24 MR. LEVINE: Oh, this is former lot 766.

25 MEMBER LOWRY: Okay. Understood.

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1 MS. SILSDORF: So this is the southern side.  
2 765, 765, 766, 767 is what we're looking to  
3 subdivide and attach to 768 and 769. It says  
4 right here former lot 767, that's the lot that  
5 we're looking to detach or subdivide from here  
6 and attach to here (indicating.)

7 CHAIRMAN BURRIS: What is the lot to the  
8 south of that?

9 MS. SILSDORF: 766 and 765 which the house  
10 exists on now.

11 CHAIRMAN BURRIS: 765.

12 MS. SILSDORF: 765 to 767 -- to 766.

13 CHAIRMAN BURRIS: So the house, that house  
14 is your house right now?

15 MS. SILSDORF: My house is 768 and 769.  
16 If you look at my finger it's easier, Joel.

17 MEMBER LOWRY: For clarification the  
18 southern most house is 765 and 766.

19 MS. SILSDORF: Correct.

20 MEMBER LOWRY: The lot which is attached to  
21 the southern most house --

22 MS. SILSDORF: Yes.

23 MEMBER LOWRY: -- which is currently at 767.

24 MS. SILSDORF: Correct.

25 MEMBER LOWRY: Then the house that on the

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1 northern part of the lot is 768 and 769.

2 MS. SILSDORF: Correct.

3 MEMBER LOWRY: We're looking to take 767,  
4 detach it from 765 and 766 and attach it to 768  
5 and 769.

6 MS. SILSDORF: A hundred percent, yes.  
7 Okay. With no physical changes.

8 MEMBER LOWRY: So you have a 75-foot lot on  
9 the south side, you have a 75-foot lot on south  
10 which encompasses that set of lot now and to the  
11 north you have that 50-foot lot. And once this,  
12 this subdivision is accomplished then you'll have  
13 a 75- foot lot on the north and a 50-foot lot on  
14 the south?

15 CHAIRMAN BURRIS: No.

16 MS. SILSDORF: Yes. Yes.

17 MS. SILSDORF: Joel, we're just moving  
18 25-feet from the south to the north.

19 CHAIRMAN BURRIS: Okay.

20 MEMBER LOWRY: Yeah.

21 MS. SILSDORF: Thank you, Kevin. I think we  
22 said the exact same words.

23 MEMBER LOWRY: That's the way I read it.

24 MS. SILSDORF: That's exactly right.

25 CHAIRMAN BURRIS: Okay. And for tax



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1 purposes so I'm sure that when we do make a  
2 motion and do it appropriately you've defined  
3 this as being five separate lots.

4 MS. SILSDORF: Well, there are five separate  
5 lots.

6 CHAIRMAN BURRIS: Are they still, do they  
7 have five separate tax bills?

8 MS. SILSDORF: Tax bills and lots are not  
9 the same thing. There are five separate lots but  
10 two properties.

11 CHAIRMAN BURRIS: Okay. So what you're  
12 really looking to do is divide 767.

13 MS. SILSDORF: Subdivide it.

14 CHAIRMAN BURRIS: Subdivide 767.

15 MR. LEVINE: We're looking to take 767 away  
16 from 765 and 766 and move it to 768.

17 MS. SILSDORF: That's correct. That's  
18 exactly what I said, and that's exactly what  
19 Kevin said.

20 CHAIRMAN BURRIS: Yes.

21 MEMBER LOWRY: All right. I think we have  
22 it.

23 MS. SILSDORF: I hope so.

24 This was yours, Joel.

25 (Handing.)

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1 MEMBER KARALIS: Keep that.

2 MS. SILSDORF: Okay. Thank you,  
3 Constantine.

4 CHAIRMAN BURRIS: I received a note,  
5 Constantine actually pointed this out, when you  
6 subdivide the lot, the fence that's there now  
7 that we looked at, we did have a site visit,  
8 independently each of us went, and the fence  
9 that's on the southern portion of the property is  
10 at an angle, it's not exactly on the property  
11 line, would you straighten that fence out so it  
12 runs along the property line?

13 MS. SILSDORF: If there is a reason to, yes.

14 CHAIRMAN BURRIS: Well, the reason too is  
15 otherwise the other piece of property has the  
16 difficulty of having an encroachment on their  
17 property to begin. If you ever do -- are they  
18 both in your name now?

19 MR. LEVINE: Yes.

20 MS. SILSDORF: Wait --

21 CHAIRMAN BURRIS: Both properties are now in  
22 your name?

23 MS. SILSDORF: Yes. We own them. We  
24 couldn't subdivide it if we didn't own it.

25 CHAIRMAN BURRIS: Their in the same name

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1 now?

2 MR. LEVINE: We can definitely straighten  
3 the fence if that's what you're asking us to do.

4 MS. SILSDORF: Well, so to clarify the 765  
5 and 766 is in both of our names. 768 and 769 I  
6 think is just in my name, but I'm not a hundred  
7 percent sure.

8 MEMBER KARALIS: Since you brought up that  
9 issue I should explain, if you didn't move the  
10 fence and the property was sold to somebody, to a  
11 third party, the part north of that fence would  
12 effectively be in your use even though it's the  
13 new property line. If you look at my drawing  
14 then you'll see what I'm talking about.

15 MR. LEVINE: Constantine, we would  
16 definitely, definitely remove the back section of  
17 the fence and straighten it.

18 MEMBER KARALIS: The whole fence from the  
19 front to back is now in the wrong place. I have  
20 not seen a fence on Fire Island yet that's really  
21 on the property line.

22 MS. SILSDORF: Someone intended to put it on  
23 the property line.

24 MEMBER LOWRY: I think that what would  
25 happen realistically is that the title company

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1 for the purchaser would require that anyway.

2 MS. SILSDORF: We're in contract.

3 MEMBER LOWRY: You fence them out even  
4 before closing they're going to ask that --

5 MS. SILSDORF: That's okay.

6 MEMBER LOWRY: -- because it's effectively  
7 fencing them out of their property.

8 MS. SILSDORF: That's fine. If that's  
9 requested, that's fine.

10 MEMBER KARALIS: By moving of the fence you  
11 are creating a small pocket of line from the  
12 south side of the garage that really needs to be  
13 very carefully maintained because it's very  
14 narrow as you can tell here, two and a half feet  
15 wide, you know, it can be --

16 MR. LEVINE: I would consider even taking  
17 the fence down at the point where the garage  
18 starts.

19 MS. SILSDORF: Yeah.

20 MR. LEVINE: Going towards the east so this  
21 way --

22 MEMBER KARALIS: That doesn't do it because  
23 eventually whoever wants, whoever owns that new  
24 property on the south side would have the right  
25 to put a fence all the way back and create that

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1 space.

2 MR. LEVINE: Okay, but it would be straight.

3 MEMBER KARALIS: It would be straight, but  
4 it would create a very nasty pocket on your  
5 property because it would be very difficult to  
6 maintain and this would be something that we  
7 would need to take care of.

8 CHAIRMAN BURRIS: Constantine, my feeling on  
9 the fence is, yes, it is something that they  
10 should want to take care of. I think if we make  
11 a motion to approve this that that's something  
12 that we would ask them to do, but it shouldn't be  
13 a condition of the approval of subdivision  
14 because I think that the owner of the individual  
15 parcels has to discuss that down the road, and  
16 right now since they own both, I don't think that  
17 we should condition or even can condition it, but  
18 I do think that we should make the recommendation  
19 that it be done.

20 MEMBER KARALIS: Because if we don't do it  
21 now it's going to be become a bone of contention  
22 in the future, and you might as well clean it up  
23 now.

24 CHAIRMAN BURRIS: Well, but as a  
25 recommendation as opposed to a condition.

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1 MEMBER KARALIS: Yeah.

2 CHAIRMAN BURRIS: Because it's not something  
3 that the building inspector raised on the  
4 objections.

5 MEMBER KARALIS: But it's not a building  
6 inspectors, the building inspector could not  
7 raise an objection without it because the fence  
8 was not, was not, could not be in violation. A  
9 fence is a fence. It's an issue of zoning and  
10 planning that we're discussing here and my  
11 recommendation is to actually ask for that fence  
12 to be moved at this present time so it does not  
13 become a bone of contention in the future --

14 MR. LEVINE: I'm sorry ask to --

15 MS. SILSDORF: Move the fence.

16 MEMBER KARALIS: We're asking now it does  
17 not become a bone of contention in the future.

18 MR. LEVINE: We don't have an issue with  
19 straightening out the end of the fence.

20 MEMBER CONWAY: Could I ask you a question?  
21 It's Jeremy.

22 Constantine, your recommendation to move the  
23 fence to be directly in line with the new  
24 proposed lot line won't that then cause, as you  
25 mentioned it, an additional issue with the

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1 proximity issue with the fence to the garage, and  
2 how does that get on? Because in physically  
3 moving of the fence that will then create a new  
4 issue that would be different from what the  
5 building inspector has already put his decision  
6 on, right?

7 MEMBER KARALIS: Correct. This is what I  
8 was referring to, to put the fence in the right  
9 place would create a sliver of land south of the  
10 garage that would make it difficult to maintain  
11 and clean, and this is up to the Applicant to  
12 find a way to deal with it.

13 MEMBER LOWRY: I agree with --

14 CHAIRMAN BURRIS: And in that situation --

15 MEMBER CONWAY: I would have to say that I  
16 tend to agree with the Chairperson. I think that  
17 this is not an issue that's before us at the  
18 moment. I think that it could be advised and  
19 there could be a recommendation, but I think for  
20 us to make them move that fence as a condition to  
21 the hearing I don't see how that's applicable at  
22 this moment.

23 MEMBER LOWRY: I agree. I agree. I agree  
24 with Jeremy and I agree with Joel, and it's not  
25 before us. So we should not be, we really don't

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1 need to discuss it. Maybe, maybe this is  
2 something that the Planning Board deals with, I  
3 don't know --

4 MS. SILSDORF: No.

5 MEMBER LOWRY: -- I'm not the Planning  
6 Board. I know it's not -- the fence issue is  
7 before us. It doesn't change the, it actually  
8 doesn't change the setback issue on the south  
9 side of the garage that Mike Mandarino has  
10 brought up, whether the fence is there or not,  
11 because the property line is the property line  
12 and the encroachment and the setback it doesn't  
13 change with the movement of the fence, and we  
14 have to address that south side setback. But the  
15 fence is, I think the fence is just kind of at  
16 this point clouding the issue.

17 MR. MANDARINO: Guys, this is Mike.

18 I agree with Kevin. The fence is a  
19 non-issue. The letter was written based on the  
20 property line. The fence becomes a  
21 neighbor-to-neighbor issue which would be part of  
22 this discussion.

23 CHAIRMAN BURRIS: I feel the same way. I  
24 would like to hear, unless anybody on the Board  
25 has anything else that they want to discuss, I



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1 know we have at least one member of the community  
2 on the phone.

3 Jane, I think you are there. I don't know  
4 if anybody else is. Do you have anything to say  
5 about the matter?

6 MS. LEVIN: No. No. I'm fine.

7 CHAIRMAN BURRIS: Are you in favor? Would  
8 you support this moving of the property line?

9 MS. LEVIN: Yes. Yes.

10 CHAIRMAN BURRIS: Okay. So the community  
11 has been notified. One community member is on  
12 there. Is nobody else on the Zoom call?

13 THE CLERK: Nobody.

14 CHAIRMAN BURRIS: Okay.

15 CHAIRMAN BURRIS: For the record we did  
16 inspect the garage, and the garage is built on a  
17 slab so moving the garage would be a difficult  
18 thing to do. It's not a matter of just picking  
19 it up and sliding it over.

20 MS. SILSDORF: Correct.

21 CHAIRMAN BURRIS: Given the circumstances I  
22 would like to make a motion that we approve this  
23 variance and we moving or relocation of the  
24 property line as depicted on the markings on the  
25 plans prepared by Constantine Karalis; have you

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1           seen these, Applicant?

2                   MS. SILSDORF: Yes.

3                   MR. LEVINE: Yes.

4                   MS. SILSDORF: I have a copy of it.

5                   CHAIRMAN BURRIS: Which I believe  
6                   corresponds or correlates to the approval of the  
7                   area variance and the objections raised by the  
8                   Building Inspector, Mike Mandarino in his letter  
9                   of September 20th.

10                   Now, the reason that I would like to vote to  
11                   approve these is because, and I want to make sure  
12                   that all of the Board Members agree, that in  
13                   order to grant a variance, for an area variance,  
14                   a Zoning Board is required to look into five  
15                   criteria and decide whether the variance is  
16                   warranted under the five criteria.

17                   The first is whether an undesirable change  
18                   will be produced in the character of the  
19                   neighborhood or detriment to nearby properties  
20                   will be created by the variance.

21                   MS. SILSDORF: No.

22                   CHAIRMAN BURRIS: And my opinion is there  
23                   would not be a change to the neighborhood, and it  
24                   would not be a detriment to the nearby  
25                   properties, and we do have one property member

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1 who is on the phone who feels it's fine.

2 Does the other Board Members here tend to  
3 agree with me on that?

4 MEMBER LOWRY: I agree.

5 MEMBER KARALIS: Yes.

6 MEMBER CONWAY: I agree too, Joel. I think  
7 because the Applicants are saying that they're  
8 physical, really not intending to make any  
9 physical changes, I do agree.

10 CHAIRMAN BURRIS: I'm going to read through  
11 these because I want to make sure that we've  
12 appropriately gone through all of the issues.

13 The second is whether the benefit sought by  
14 the applicant can be achieved by some other  
15 feasible method to pursue other than an area  
16 variance, and I think the only other way to do  
17 this would be to have them move the garage, and I  
18 think it's a preexisting structure and that it's  
19 on cement slab so it's not readily feasible as if  
20 it were, were a new structure being built and,  
21 therefore, I don't see that as a detriment to  
22 approving it.

23 Can I have a consensus of the Board and if  
24 anybody disagrees with me, please?

25 No? Okay.

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1 MEMBER LOWRY: Kevin Lowry agrees.

2 MEMBER CONWAY: Agreed.

3 MEMBER LOWRY: I also want to put point out,  
4 Joel, that we're also addressing the setback on  
5 the north side of the deck of the southern  
6 property, which is not really on the deck, it's  
7 really on the walkway that leads to the back door  
8 of the property. And I think it's the same, the  
9 same line of reasoning applies here because in  
10 this case to require the removal of the walkway,  
11 the ramp, if you will, on the north side of the  
12 southern most house leading to the back door  
13 would be a significant detriment to the homeowner  
14 in that the access to the back door would be  
15 essentially through mud, and that walkway is very  
16 close, it's very close to a ground level walkway  
17 as it's built and that being, if it were a ground  
18 level walkway, it wouldn't require our approval.  
19 But it wouldn't get, it wouldn't accomplish what  
20 we're trying to accomplish here and that access  
21 an egress for that matter of the back door and  
22 back deck of the property. And then there was  
23 also the third, the third issue I think that that  
24 was raised by the building inspector was the  
25 change to the set -- to the north setback of that

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1 southern house itself where the house is will be  
2 only 7.7 feet from the new property line, and  
3 that little bump out there. But I feel that that  
4 is de minimis and, therefore, we really need,  
5 need not be addressed.

6 CHAIRMAN BURRIS: I would agree with you. I  
7 think that we should address it though, and I  
8 think that that is di minimis and that's the  
9 reason that I would vote to approve this because  
10 the 7.2 or 7.8 is di minimis from the 8-feet.  
11 I'm not sure that I agree with you as to the  
12 access to the back of the house for the ramp, but  
13 I don't think we even have to address that now.  
14 So I think I would vote in favor of it, and I do  
15 appreciate your comment, if in fact that is  
16 access to the house a ramp is permissible.

17 MS. SILSDORF: It is.

18 MEMBER CONWAY: I agree with the Chairperson  
19 Joel, because we also do have a code for homes  
20 that were raised after Sandy where a 4-foot  
21 access ramp can be in the 8-foot setback so.

22 CHAIRMAN BURRIS: So we're all in agreement  
23 with the same result, I think.

24 MS. SILSDORF: Good. Thank you.

25 MEMBER CONWAY: Agreed.

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1           CHAIRMAN BURRIS: Which leads us to the  
2           third criteria which I think is whether the area  
3           variance is substantial and I think we would all  
4           agree that it's not substantial.

5           MEMBER LOWRY: Agreed.

6           MEMBER CONWAY: Agreed.

7           CHAIRMAN BURRIS: And therefore it should be  
8           approved for that reason.

9           The fourth is whether the proposed variance  
10          will have an adverse effect or impact on the  
11          physical, environmental conditions in the  
12          neighborhood or the district, of course there  
13          really isn't a change being made here in the  
14          sense that the houses will remain as they are, I  
15          can't tell you what we'll happen down the road,  
16          but that's not really what we're addressing,  
17          we're addressing today. And I don't see an  
18          adverse physical impact on the environmental  
19          conditions of the neighborhood today or even in  
20          the future, so I would say that we meet that  
21          criteria, agreed?

22          MEMBER CONWAY: Agreed.

23          MEMBER LOWRY: Agreed.

24          MEMBER KARALIS: Yes.

25          CHAIRMAN BURRIS: Agreed.

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1           The fifth is whether it was self-created and  
2           whether the difficulty was self-created which  
3           shall be relevant but not necessarily preclude  
4           the granting of the variance.

5           Well, I don't think it's self-created  
6           because I think you already have a house, that  
7           you have a garage that already doesn't conform.  
8           Somebody could argue that, gee, we're making it a  
9           little worse by giving another variance for one  
10          area, but I don't think that argument would be  
11          appropriate here because I don't think there is a  
12          change in the environmental or of the conditions  
13          and I think that the structure itself existed  
14          under pre-zoning or before this zoning law and  
15          that, therefore, we should approve that it meets  
16          this criteria, and even if it didn't, I would  
17          argue that this is not precluding the approval as  
18          it states in our guidelines. So just the fact  
19          that it clearly meets the four previously  
20          discussed criteria. So does everybody agree with  
21          me on that to the extent that?

22                   MEMBER CONWAY: Agreed.

23                   MEMBER KARALIS: Yes.

24                   MEMBER LOWRY: I agree.

25                   CHAIRMAN BURRIS: Yes.

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1           Okay. So given that what I would like to do  
2           is make a motion to grant the variance to the  
3           Applicant, Ian Levine and Maria Silsdorf, that  
4           they've requested which is basically to move the  
5           property line 25-feet to the south.

6           MEMBER KARALIS: South.

7           CHAIRMAN BURRIS: To the south.

8           MR. LEVINE: No. We're moving the line to  
9           the north.

10          MS. SILSDORF: No. To the south. You're  
11          right. You're totally right. I apologize.  
12          You're totally right, Joel.

13          CHAIRMAN BURRIS: Moving it to the south.  
14          So we're going to move it 25-feet to the south  
15          without requiring any variations to the existing  
16          structures, and I think it meets the five  
17          criteria. What I'm also stating is that the  
18          objections raised by the building inspector in  
19          the letter of September 20th, we grant the  
20          variance and in stating that the property will be  
21          able to exist in it's current condition  
22          notwithstanding the objections and that the  
23          variance is granted.

24          Do I have anybody -- and I know it's not a  
25          articulately stated, I wish I had written



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1 something out, but frankly I didn't know what  
2 we'd be, or how we'd be voting beforehand, and I  
3 don't want to hold up the Applicant anymore to  
4 wait for a written approval. So because of that  
5 I'll make a motion -- I've made the motion, does  
6 anybody second?

7 MEMBER CONWAY: I'll second.

8 CHAIRMAN BURRIS: Jeremy second.

9 All in favor?

10 MEMBER KARALIS: Aye.

11 MEMBER LOWRY: Aye.

12 MEMBER CONWAY: Aye.

13 CHAIRMAN BURRIS: Aye.

14 Motion passed.

15 MR. LEVINE: Unanimously.

16 CHAIRMAN BURRIS: Unanimously.

17 MS. SILSDORF: Thank you. Thank you,  
18 gentlemen.

19 CHAIRMAN BURRIS: Congratulations.

20 I would recommended, but not a condition of  
21 the variance, that you address the fence issue to  
22 avoid conflicts going forward.

23 MS. SILSDORF: I appreciate it.

24 CHAIRMAN BURRIS: But that's not before us  
25 today.

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1                   That being said, does anybody have any  
2                   further matters that they would like to discuss  
3                   before the Board while we are convened?

4                   (Whereupon, there was no response.)

5                   CHAIRMAN BURRIS:  If there being no further  
6                   comments, I want to thank the member of the  
7                   public who's attended.

8                   MS. SILSDORF:  Thank you, Jane.

9                   CHAIRMAN BURRIS:  I would like to thank our  
10                  stenographer, our assistant to the Village, and I  
11                  close this meeting at 11:17.

12                  Thank you everybody for your attendance.

13                  (Whereupon, the hearing ended and the record  
14                  was closed at approximately 11:17 a.m.)

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C E R T I F I C A T I O N

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3 I, KIMBERLY DALPOS, an Official Court  
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