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Supervisor Patrick Vecchio
99 West Main Street
Smithtown, New York 11787

March 24, 2009

Re: Zoning Board Minutes of Tax Assessor Hild's Variance Application for 255 Kohr Road

Dear Supervisor Vecchio:

The minutes of the Smithtown Board of Zoning Appeals concerning 255 Kohr Road reflect that Smithtown Tax Assessor Gregory Hild came before it and was duly sworn. Was the Chairman then Edmund Lynch? Was Adrienne Giannadeo then a member of the board? Were Hild, Giannadeo and Lynch Smithtown Republican Committeepersons at the time? Yes. Were Lynch and Giannadeo appointed at the behest of you and an all-Republican Town Council? Yup. Did Republican Committeepersons recuse themselves, get out of the room and let the other board members hear and ultimately determine Hild's application? No. Was Hild appointed Tax Assessor by you? Yeah. Was Hild represented by a lawyer? No, according to the minutes? Did Hild at any time state that he was actually applying for variances on behalf of you and your son Richard, with Richard being the grantee on the June 2000 deed with Hild as grantor? Not according to the minutes. Was there any member of the Zoning Board who actually believed that Hild was actually the real party in interest with respect to "his" zoning variance application for 255 Kohr Road? Were you somewhere in the woodpile peeking out?

Hild testified that the "variances [for 255] are requested to accommodate a 1,850 square foot custom built single-family ranch with a two-car garage under on a 10,172 square foot lot located on the southeast corner of Kohr Road and Valley Road in Kings Park. I have some pictures, they're attached." According to Hild, the variances would not cause a change in the character of the neighborhood. He said that "for the past 40 or 50 years this particular area has seen numerous custom built spot homes.... on 10,000 square foot lots and one literally 1,728 south on a brand new map" which was not the same map Hild had in his application. Part of Hild's variances application was to "reduce the minimum buildable lot are from 10,000 square feet... to 5,000 square feet." Hild further stated that "to my east of the adjoining property is number 8 Valley Road which is situated on 8/10's of an acre, a substantial parcel and that... also has a 40 foot setback. Part of Hild's variances application was to "reduce [the] minimum front yard from 40 feet to 25 feet [and] reduce minimum rear yard from 50 feet to 10 feet."

Next, Hild testified with regard to the proposed house, to wit: "And this parcel, 1,850 square foot home is smaller than the maps in the community is [sic] being requested. I believe I have a copy of the plans that are on file with you." Exactly *whose* plans for ultimately *whose* house? Why would Hild be in possession of, and why would he have filed, plans with the Zoning Board for the above-described house if he knew that he was going to almost immediately sell it to Richard Vecchio? Is Hild's statement to *Newsday* that the variances for 255 Kohr Road were not "out of the ordinary" credible?

Hild believed that the requested variance was not substantial, testifying that "these variances are typical for a corner lot in the 1 ¼ acre zoned area; in regards to the two front yards to do this, being a corner parcel and the rear yard." Continuing, Hild swore that "this house has been designed with the slopes in mind. In fact, it takes advantage of the slopes by placing a two-car garage under the ranch."

Supervisor Vecchio, why would Hild have plans for the proposed house when he was applying for the variances? Which architect drew the plans and at whose behest? Who paid the architect? And is the architect a campaign contributor to "Friends of Pat Vecchio?" Was the architect paid or did he draw up the plans for free? Can we agree that Hild did not draw up the plans? Did Hild have a shadow lawyer such that he could peel off and address the five tests to be applied in granting or denying a variance? Have you or anyone else spoken to Edmund Lynch about the Hild variance? How about Robert Bonerba, your 18-year Chief Building Inspector who will be out in a Riverhead courtroom on March 26th with a lovely lady from the Fourth Estate present? Has Bonerba sneaked back into the Building Department after its locks were changed as reported in an expose by David Ambro?

According to the Zoning Board minutes, Hild's remaining testimony was a familial devolution of the land on which 255 now sits to him. He did not sing "*I Wish I Could Shimmy Like My Sister Kate.*"

David Ambro wrote a story on the front page of the *Smithtown News* dated March 12th captioned, “*New Flurry In DA Probe of Town Hall—Detectives Seize Records Related To Vecchio’s Son.*” Mr. Ambro stated that you “could not be reached for comment by press time, March 11.” So why is there no mention of this matter in the March 19th edition of the *Smithtown News*? Did you have a conversation with David Ambro such that he would inexplicably write that you “speculated that a recent letter to the DA’s Office from a Kings Park resident, which was charged with allegations about alleged corruption in the Town, triggered the subpoena?” What else did you tell Ambro? – that the Phantom struck again? The Smithtown community eagerly awaits follow-up articles and editorials by Ambro regarding his March 12th story about 255 Kohr Road.

A Recap in Need of Vecchio’s Explanation

The zoning Board granted Hild his variances on March 28, 2000. On May 16, 2000 he sold the land at 255 Kohr Road to Richard Vecchio? Was there a contract for the sale prior to March 28th or did Hild just show up at a real estate closing on May 16th? What light can John Toomey, Esq. shed on the realty transaction? The sale price on the deed states \$90,000. Would you argue that real estate appraisers would have valued 255 Kohr Road at possibly over \$200,000 with the variances attached? Does the Smithtown Ethics Code require that gifts in the form of land sold at less than fair market value be disclosed on a town official’s Annual Financial Disclosure Statement if the beneficiary is the official or his blood sibling? Maybe you should ask for an advisory opinion from the Town Attorney – not the monkeys on your Ethics Board? If town workers did not work on 255 on town time simply swear to this fact. If all contractors were paid full market rate for their labor and material simply swear to the same under oath?

You know by now that I hate to upset you, but these questions cannot linger in an election year.

Yours truly,

Lawrence N. Gray, Esq.

Cc: Suffolk County Legislators Lynne Nowick & John Kennedy
Town Council
Newsday
Smithtown Times
Smithtown News
Smithtown Messenger