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Adrienne Giannadeo -Chairwoman
Smithtown Zoning Board of Appeals
c/o Planning Department
99 West Main Street
Smithtown, New York 11787

March 27, 2009

Re: Edmund Lynch, Adrienne Giannadeo, Gregory Hild, Patrick & Richard Vecchio and 255 Kohr Road, 26 Chestnut Stump Road and 97 Walnut Road and the Huamans.

Dear Chairwoman Giannadeo:

By Bargain and Sale Deed dated June 4, 1996 and filed with the Suffolk County Clerk on October 21, 1996, Frances Hild, as grantor, deeded away a small piece of land at the Southerly side of Valley Road and the Easterly side of Kohr Road in Kings Park to Gregory Hild, the Smithtown Tax Assessor. John Toomey, Esq. was the lawyer on the transaction.

The minutes of the Smithtown Board of Zoning Appeals for March 27-28, 2000 concerning 255 Kohr Road reflect that Smithtown Tax Assessor Gregory Hild came before it and was duly sworn. Hild was not represented by a lawyer? Hild did ***not, at any time***, state that he was applying for variances on behalf of Patrick and Richard Vecchio --- with Richard being the grantee on a later June 2000 deed with Hild as the grantor, *infra*? The lawyer was John Toomey, Esq. Not you, nor any member of the Zoning Board, including felon Edmund Lynch, believed that Hild was the real party in interest with respect to 255 Kohr Road? Not Lynch, Sesti, Giannadeo, Badeer or Valentine? If you and the boys are prepared to swear otherwise publicly by all means treat us to such a self-demeaning spectacle.

Hild swore 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? Whose name was on the plans and disclosure forms in the Building Department? 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? Or is Hild just a lying fop for Vecchio? Choice is his.

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.”

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.*”)

Now came you, Chairwoman Giannadeo (and DEW Director Russell P. Barnett) in March 2000, as Chairman Edmund Lynch called “Case 12943, Gregory Hild, 230 Kohr Road, Kings Park.” “**MS. GIANNADEO:** I move that the Board issue a SEQRA Negative Declaration as part of the memorandum of Russ Barnett.” Sesti seconded and Lynch noted that you motion was regularly moved. All voted aye. Again, the minutes show “**MS. Giannadeo:** Case 12943, I move that the Board approve the application ***since it meets all our criteria for approval.***” In lock step, all the Board members voted aye.

On March 28, 2000 the Smithtown Board of Zoning Appeals granted “a variance to permit environmentally sensitive lands... to be altered.” The variance allowed the *reduction* of the “minimum buildable lot from 10,000 sq. ft. ... to 5,000 sq. ft.” It also permitted the *reduction* of the “minimum front yard from 40 ft. to **25 ft.** and to reduce minimum rear yard from 50 ft. to **19 ft.** and to *increase* FAR [Floor Area Ratio] from 25% to **50%** for a proposed 2,500 sq. ft. one floor, single family dwelling including a 660 sq. ft. attached garage.” The applicant was Gregory Hild.

By Bargain and Sale Deed dated May 16, 2000 and filed with the Suffolk County Clerk on May 23, 2000, Gregory Hild, as grantor, deeded away the same land to Richard Vecchio. According to the deed, the sale price was \$90,000. The lawyer was John Toomey, Esq.

Ms. Giannadeo, I suggest that you review what “*all our criteria for approval*” exactly meant in March 2000 *re* Gregory Hild’s application which was actually a stalking horse for Patrick and Richard Vecchio. As a matter of fact, I suggest that you and all involved make up your minds to be straightforward and truthful when and if questioned by detectives from the District Attorney’s Office, especially under oath before a grand jury later on. The charade now has been exposed and fools no one --- if it ever really did.

For but a few comparative disparate instances, “if the Smithtown Tax Assessor ... makes an application on his property on behalf of the son of the Supervisor of the Town... for a floor area ratio of fifty (50%) percent and it is granted under Case # 12943... and the son of an employee of the Building Department [Carol Terlaga]... makes an application for a floor area ratio of forty-nine (49%) percent and it is granted under Case # 14823... and if a neighbor to the rear of petitioner [Huaman] makes an application for a floor area ratio of thirty-five (35%) percent and the Board approves same under Case # 14759... how and under what authority can it then deny petitioner’s [Huaman’s] application? (*See In the Matter of the Application of Jose Huaman –against – ADRIENNE GIANNADEO, Chairperson, DOMINICK SALERNO, EDWARD A. BENZ, WILLIAM F. VALENTINE, and ANTHONY L. TANZI, JR., constituting the BOARD OF ZONING APPEALS of the Town of Smithtown, Suffolk County, New York – Index No. 08-30909 - Supreme Court, Suffolk County.*)

What is “*all our criteria for approval*,” as in the empty bullcrap you trotted out on behalf of Hild and Vecchio in March 2000? Does it generally spread throughout the Smithtown community? You and everyone else that was privy to this insider deal should be prepared to speak truthfully. Counsel Lynch and Hild to likewise fess up.

Yours truly,

Lawrence N. Gray, Esq.

Cc: Planning, Building, DEW, Public Safety Departments; Town Board; Legislator Lynne Nowick