



anything. Mr. Tibbles spoke that he is concerned with the public not having enough time to review the amended plan. The Chair spoke to the fact that if a Special Use Permit is granted, Mr. Clapp will need variances and other agencies such as the DEC, Coast Guard, Health Department, etc. will be involved. The Planning Board will more than likely be the Lead Agency unless another agency steps in. Mr. Tibbles inquired about whether a full SEQR would be required. He was answered that the SEQR would more than likely be the Planning Board but that is being looked into. Mr. James Oliver was granted permission to speak. He asked that due to the nature and scale of this project and approval of other agencies involved, would this set a precedent for others to submit the same type of request on other islands. Mr. Aubertine said that variances do not set a precedence and the variance runs with the land. Mr. Nebbia reiterated that variances are decided upon on a case by case basis. Mr. Noel Bonvolouir was granted permission to speak. He asked for clarification that if the Special Use Permit needs to be approved first before the approval of other agencies, then why look at the variance now? It was reiterated that the variance application was not accepted. Mr. Clapp changed the map for the Special Use Permit and the Board needs to review the revised application before looking at the variance. Ms. Tina Rocker was granted permission to speak. She asked if the Special Use Permit was based on the concept of use, and if so, then isn't the concept the same with the revised application? The Chair stated that an argument could be made for that, but all the comments at the Public Hearing in December were based on the original application and comments may change based on the revision. Mr. Cody Higgins, the ZEO, reviewed the process for granting a special use permit and it is much more involved than just granting permission based on a concept. Dr. Giaquinto asked if the Board is allowed to put restraints on the Special Use Permit. The Chair stated that yes, Mr. Clapp must meet all the requirements and the Board can put in any caveat desired. Mr. Tibbles asked again as to who was responsible for the SEQR. The Chair stated that normally it is the Planning Board and the ZBA is responsible for variances. It is being determined if he will need a Type I or Type II SEQR. Mrs. Kathleen Pierce inquired if it is required to complete a SEQR for a Special Use Permit. Mr. Higgins stated that he has spoken to the town attorney, Mr. Burrows, and that Mr. Clapp will probably need a Type II SEQR. The Chair stated that Mr. Clapp submitted a short form SEQR, but it was an outdated form. Mr. Oliver asked how radically different does the Board feel the new plan is? The Chair stated that he will start by asking Mr. Clapp if what he has submitted is what he wants to do, and if so, his application needs to reflect it.

**New Business:** none

**Next Meeting:** The ZBA will meet on Monday, February 5, 2024 at 6 p.m. at Recreation Park.

**Meeting Adjourned:** With no further business, Mr. Stevenson made a motion to adjourn the meeting. Mr. Aubertine seconded the motion and the Chair adjourned the meeting at 6:33 pm.

Respectfully submitted,  
Sharon A. Nebbia ZBA Secretary