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June 9, 2026

BY FEDERAL EXPRESS & E-MAIL

Harlan J. Fischer, Chairman,
and Members of the Planning Board
Village of Head-of-the-Harbor
500 North Country Road
St. James, NY 11780

Re: Servco Electric USA LLC c/o William & Christine Paparella
57 Fifty Acre Road, St. James, NY 11780
SCTM Nos: 0801-007.00-02.00-008.000 and 0801-007.00-02.00-009.000

Dear Chairman Fischer and Members of the Planning Board:

This firm was retained by Servco Electric USA LLC and its principals, William and Christine Paparella (the "Paparellas"), in connection with an application relating to the above-referenced properties that was recently denied by the Zoning Board of Appeals ("Zoning Board") on May 18, 2026. I am writing because my clients would now like the Planning Board to consider a request to suspend the application of the otherwise applicable bulk requirements set forth in Village Code § 165-25, pursuant to Village Code §§ 165-15 and 165-16, in connection with their application for a lot line modification to maintain two (2) building lots. The justification for this request is to preserve and protect a large glacial formation (*i.e.*, kettle hole) that exists on a significant portion of Lot 9.

During the May 18, 2026 Zoning Board public hearing, I provided evidence demonstrating that both building lots owned by the Paparellas were designated as "Environmentally Significant" as shown on a "Map of Environmentally Significant Areas in the Inc. Village of Head of the Harbor" due to the large kettle hole that covers a significant portion of Lot 9. According to the Map's title block, it was prepared by the Village Engineer upon the recommendation of the Planning Board and was formally adopted by the Village Board of Trustees in May 1989, and thereafter subsequently revised. The Map is maintained in the office of the Village Clerk, pursuant to Village Code § 165-14.

Based on this official Village designation, and the importance of preserving the kettle hole as

Harlan J. Fischer, Chairman,
and Members of the Planning Board
June 9, 2026
Page 2 of 3

required by a 1988 Declaration of Covenants and Restrictions imposed on the Paparellas' predecessor, I requested that the Zoning Board suspend the application of the otherwise applicable bulk requirements, pursuant to Village Code 165-60, in order to protect the kettle hole on Lot 9. Unfortunately, the Zoning Board refused to even acknowledge that a kettle hole exists on Lot 9 and then summarily dismissed the request for relief under Village Code § 165-60 without any explanation or discussion.

My review of the Village Code revealed that Village Code §§ 165-15 and 165-16 contain comparable language to Village Code § 165-60, and authorize the Planning Board to suspend the application of the otherwise applicable bulk requirements in connection with an application for a lot line modification (which is a form of subdivision), in order to preserve and protect property that is designated as environmentally significant. My clients wish to avail themselves of this relief from the Planning Board to preserve and protect the kettle hole located on Lot 9.

By copy of this letter, I am respectfully requesting that the Village Clerk and/or Village Attorney advise if there is a specific application form and/or other requirements associated with requests for relief under Village Code § 165-15 and 165-16. If not, please consider this letter as an application to the Planning Board for relief under Village Code § 165-15 and 165-16, and schedule a public hearing on the Planning Board's next available meeting date. Thank you.

Very truly yours,

Anthony S. Guardino

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cc: By E-Mail
Margaret O'Keefe, Village Administrator/Clerk
Chris Bianco, Esq., Zoning Board Counsel
Robert O'Shea, Building Inspector
William & Christine Paparella, Servco Electric USA LLC
Emad Siddiqui