

NOTICE OF CLAIM

RECEIVED
FEB 21 2023

BY: *MP*

IN THE MATTER OF THE CLAIM OF:

_____X
EUGENE AVELLA

Claimants,

-against-

VILLAGE OF GREENPORT and
VILLAGE OF GREENPORT ZONING
BOARD OF APPEALS

Respondent.

Claimants' Address:
536 8th Street
Palisades Park, NJ 07650

Claimants' Attorneys:
Wickham, Bressler &
Geasa, P.C.
13015 Main Road
P.O. Box 1424
Mattituck, NY 11952

_____X
TO THE ABOVE-NAMED RESPONDENTS:

PLEASE TAKE NOTICE that the Claimant, by their attorneys, Wickham, Bressler & Geasa, P.C., hereby makes claim and demand against you as follows:

NATURE OF THE CLAIM:

The claim is for money damages by reason of: (a) the violation of Village Law §7-712-a(7), (b) the ultra vires actions of the ZBA as aforesaid, (c) the violation of the ZBA of Claimants' due process rights under the New York State's Constitution Article 1 §6 by the acts aforesaid, (d) the violation by the ZBA of Claimants' due process rights under the United States Constitution Amendment 14 and 42U.S.C. §1983, and (e) intentional infliction of emotional distress.

DATE, TIME, PLACE AND MANNER IN WHICH THE CLAIMS AROSE:

The Claim arose on December 2, 2022, and each successive day thereafter, in Greenport, New York when the Village of Greenport Zoning Board of Appeals, ("ZBA"),

(a) failed and refused, without justification and maliciously, to fix a reasonable time for the hearing of Claimant's appeal from a decision of the Building Inspector which denied his application to add a second floor apartment to his single story property at 27 Front Street, Greenport, New York, which was filed on December 2, 2022, and (b) wrongfully and without legal basis, together with the Village of Greenport, imposing an "administrative moratorium" on applications including Claimant's, and thereby refusing to schedule Claimant as required by Village Law §7-712-a(7).

THE ITEMS OF DAMAGES OR INJURIES CLAIMED ARE:

The monetary damages sought consist of those for infliction of severe emotional distress, incursion of attorneys fees, violation of constitutionally and statutorily protected rights, loss of ability to improve property and generate income.

PLEASE TAKE FURTHER NOTICE that the said Claim and demand are hereby presented for adjustment and payment, and upon default of Respondents to pay to Claimant the sum of monetary, compensatory, and punitive damages within the time limited for compliance with this demand by the statute in such cases made and provided. Claimant intends to commence action against Respondents to recover the aforesaid money damages, together with interest, costs, and disbursements.

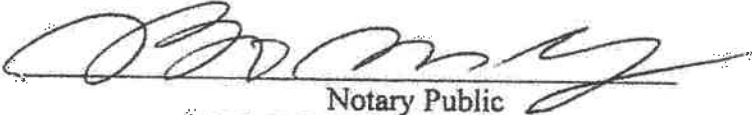
Dated: February 15, 2023


Eugene Avella

State of New Jersey)
County of Bergen) ss:

On the 15th day of February, in the year 2023, before me, the undersigned, personally appeared EUGENE AVELLA, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in

Palsades Park in New Jersey
(Insert the City or other political subdivision) (and insert the State or Country or other place the acknowledgment was taken)


Notary Public

