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INCORPORATED VILLAGE OF FREEPORT
ZONING BOARD

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

April 21, 2022
6:00 p.m.

M E M B E R S :

ROSA RHODEN	CHAIRPERSON
JENNIFER L. CAREY	DEPUTY CHAIR
ANTHONY J. MINEO	MEMBER
CHARLES HAWKINS	MEMBER

* * *

ROBIN CANTELLI	SECRETARY
JENNIFER UNGAR	DEPUTY VILLAGE ATTORNEY
JONATHAN SMITH	BUILDING DEPT. REPRESENTATIVE

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1
2 CHAIRPERSON RHODEN: Good evening
3 everyone. I'd like to open up the Zoning
4 Board of Appeals meeting for April 21, 2022.
5 If everyone could please join me for the
6 Pledge of Allegiance.

7 (Pledge of Allegiance recited.)

8 CHAIRPERSON RHODEN: Can I please
9 have a motion to enter into executive
10 session?

11 MEMBER MINEO: So moved.

12 MEMBER HAWKINS: Second.

13 THE SECRETARY: All in favor.

14 MEMBER MINEO: In Favor.

15 MEMBER HAWKINS: In Favor.

16 DEPUTY CHAIR CAREY: In Favor.

17 CHAIRPERSON RHODEN: In Favor.

18 THE SECRETARY: Any opposed?

19 (No response was heard.)

20 (WHEREUPON, a recess was taken from
21 6:08 p.m. to 6:37 p.m., after which the
22 following transpired:)

23 CHAIRPERSON RHODEN: Good evening
24 everyone. If everyone could please join me
25 for the Pledge of Allegiance.

(Pledge of Allegiance recited.)

CHAIRPERSON RHODEN: Can I please have a motion to approve the March 24th minutes, please?

MEMBER HAWKINS: So moved.

MEMBER MINEO: Second.

THE SECRETARY: All in Favor.

MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Do we have any applications of publication?

THE SECRETARY: I have one Affidavit of Publication and one Affidavit of Posting to be entered into the record as Board exhibits. These will be Board's Exhibits 1 and 2.

(WHEREUPON, the above-referred to documents were marked as Board's Exhibits 1 and 2, for identification, as of this date.)

CHAIRPERSON RHODEN: Any request for

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adjournment this evening?

THE SECRETARY: There are no request for adjournment this evening.

CHAIRPERSON RHODEN: At this time, can I have a motion to extend the Zoning Board approval for Application 2021-4, 206 Smith Street for 12 months, per applicant's request?

DEPUTY CHAIR CAREY: So moved.

MEMBER MINEO: Second.

THE SECRETARY: All those in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

I'd like to remind everyone here, present today, if you are speaking for or against an application this evening, please complete a form that's on the back of that table and hand it to the secretary, please.

Can we please call the first application on tonight's calendar.

THE SECRETARY: Application 2022-20, 180 Wilson Place, Residence AA, Section 54,

1
2 Block 491, Lot 1. Miguel and Ismaela
3 Hernandez. Installation of a 36 by 16 foot
4 in-ground pool. Variances: Village
5 Ordinance 210-6A, 210-223(A) Location,
6 210-223(D) Distance from lot lines.

7 I have one Affidavit of Mailing to be
8 entered into the record as Board Exhibit's 1
9 for this individual public hearing.

10 (WHEREUPON, the above-referred to
11 document was marked as Board's Exhibit 1, for
12 identification, as of this date.)

13 I S M A E L A H E R N A N D E Z,

14 having been first duly sworn by a Notary
15 Public of the State of New York, was
16 examined and testified as follows:

17 COURT REPORTER: Please state your
18 name and address for the record.

19 MS. HERNANDEZ: Ismaela Hernandez.
20 180 Wilson Place, Freeport, New York 11520.

21 I would like to present an exhibit
22 for the Board. It's three other properties
23 in the neighborhood that have same side yard
24 restrictions. My property doesn't have a
25 backyard, I have a side yard, and the request

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is so that the pool can be, obviously, put in the side yard because that's my yard. I have a corner property.

So, I would like to bring this to the board.

MS. UNGAR: That will be Applicant's Exhibit A.

(WHEREUPON, the above-referred to document was marked as Applicant's Exhibit A, for identification, as of this date.)

MS. HERNANDEZ: The pool is 16 by 36 in-ground. It will be located on the corner of Wilson Place and Old Field Avenue.

So, the exhibit shows a property on Virginia Avenue and Maxon Avenue that has the same characteristics as my property.

MEMBER HAWKINS: That's the side with a trampoline there now?

MS. HERNANDEZ: I'm sorry?

MEMBER HAWKINS: Is that the same side that the trampoline is there now? That's where you are going to put the pool?

MS. HERNANDEZ: Yes.

MEMBER HAWKINS: You have a fence in

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place already, correct?

MS. HERNANDEZ: I do. The trampoline is not a fixture, it can be moved.

DEPUTY CHAIR CAREY: You don't happen to have a bigger site plan to that shows how the pool is situated?

MEMBER MINEO: (Handing a document to Deputy Chair Carey.)

DEPUTY CHAIR CAREY: Thank you.

MS. HERNANDEZ: I do have extra copies.

DEPUTY CHAIR CAREY: No, I have it. I was just wondering if the corner towards Wilson Place has a pool where the steps are? That five foot setback between the pool edge and the fence, is that your fence line right now?

MS. HERNANDEZ: Yeah.

DEPUTY CHAIR CAREY: Is the fence already put in place?

MS. HERNANDEZ: There is a fence placed there.

CHAIRPERSON RHODEN: Does anyone else have any questions for the applicant?

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MEMBER HAWKINS: No.

CHAIRPERSON RHODEN: Thank you so much. We do not have any additional questions.

Do we have anyone that would like to speak for or against this application this evening?

THE SECRETARY: We do not.

CHAIRPERSON RHODEN: Thank you. You'll be notified.

MS. HERNANDEZ: Have a good evening.

CHAIRPERSON RHODEN: Have a good evening.

MS. UNGAR: We need a motion.

CHAIRPERSON RHODEN: Can I please have a motion to close to further evidence and testimony?

MEMBER MINEO: So moved.

DEPUTY CHAIR CAREY: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

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Can I also have a motion to reserve decision?

MEMBER HAWKINS: So moved.

DEPUTY CHAIR CAREY: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Can we please call the next application on tonight's calendar?

THE SECRETARY: Application 2022-13, 110 Cornelius Street, Residence A, Section 62, Block 90, Lot 4. Jay Holin. Expand front porch from 55 square feet to 108 square feet. Village Ordinance 210-6A, 210-41A(1) Required front yard.

I have two Affidavits of Mailing to be entered into the record as Board's exhibits. These will be Board's 1 and 2 for this individual public hearing.

(WHEREUPON, the above-referred to documents were marked as Board's Exhibits 1 and 2, for identification, as of this date.)

R U S S E L L J O R D A N,

having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

COURT REPORTER Please state your name and address for the record.

MR. JORDAN: Russell Jordan. 44 Casino Street, Freeport, New York. I'm the architect on the project.

J A S O N H O L I N,

having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

MR. HOLIN: Jason Holin. 110 Cornelius Street, Freeport, New York 11520.

MR. JORDAN: Before I can get started here, I noticed that when I was reviewing the application the reduced copies are almost illegible, as far as the site plan goes, which is critical to this. So, I did blow up a copy so that the setbacks and so on are

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more easily identified.

(WHEREUPON, the above-referred to document was marked as Applicant's Exhibit A, for identification, as of this date.)

MR. JORDAN: This project consists of extending a front porch and entry that already exists. The current deck that's there or entry deck has some issues and needs to be replaced or reinforced. At this time, the owner wanted to extend that across the front of the house. It's not going to extend any further or any closer to the front property line than the current entry deck already exists. This is a small 54 foot square addition to that deck. The stairs will be moved to the west side, and it remains 7.82 feet from the front property line.

Now, this is a one block street, Cornelius Street, and the three properties to the west of this already extend much more into the front yard. That consists of Number 116 Cornelius Street, which is the stair, front stairs is 12 inches off the property

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2 line; number 118 Cornelius where the front
3 entry and stair deck is four foot six from
4 the property line; and Number 120 Cornelius
5 Street where the front entry deck again
6 extends to five foot five inches from the
7 property line. Again, we're maintaining the
8 same 7.82 feet that already exists with the
9 current deck.

10 In the package that was given to you,
11 there are photographs that show the current
12 state of this property and those three
13 properties that I just referenced to the west
14 of this one showing how close to the property
15 line, the sidewalk, that all of these other
16 three properties that are directly adjacent
17 to Mr. Holin's property in the exhibit.

18 If there are any questions that the
19 Board has, I'd be more than willing to
20 entertain them.

21 MEMBER MINEO: The primary reason for
22 the renovation is because of disrepair?

23 MR. JORDAN: Yeah. It's an old deck
24 and it needs to be redone. Currently, there
25 is sort of a railing that extends from the

1
2 current deck across the front of the house,
3 but there's only about 18 inches of space
4 between the railing and the house, and there
5 is a bay window there, so it's largely
6 unusable. Mr. Holin has children and would
7 like to be able to put a couple of chairs out
8 on the front deck.

9 MEMBER HAWKINS: That porch will not
10 be enclosed, it's all open air?

11 MR. JORDAN: No, it's totally open.
12 We would be extending the roof across the
13 front of the house to cover that portion of
14 the deck.

15 CHAIRPERSON RHODEN: Thank you. We
16 did see the photographs provided of the other
17 homes that you highlighted. Thank you very
18 much. If you don't have any other questions.

19 MR. JORDAN: No. Thank you.

20 CHAIRPERSON RHODEN: Thank you very
21 much. Do we have anyone who would like to
22 speak for or against this application this
23 evening?

24 THE SECRETARY: We do not.

25 CHAIRPERSON RHODEN: Can I have a

1
2 motion to close to further evidence and
3 testimony please.

4 MEMBER MINEO: So moved.

5 DEPUTY CHAIR CAREY: Second.

6 THE SECRETARY: All in favor.

7 MEMBER MINEO: Aye.

8 MEMBER HAWKINS: Aye.

9 DEPUTY CHAIR CAREY: Aye.

10 CHAIRPERSON RHODEN: Aye.

11 THE SECRETARY: Any opposed?

12 (No response was heard.)

13 CHAIRPERSON RHODEN: Can I please
14 have a motion to reserve decision.

15 DEPUTY CHAIR CAREY: So moved.

16 MEMBER HAWKINS: Second.

17 THE SECRETARY: All in favor.

18 MEMBER MINEO: Aye.

19 MEMBER HAWKINS: Aye.

20 DEPUTY CHAIR CAREY: Aye.

21 CHAIRPERSON RHODEN: Aye.

22 THE SECRETARY: Any opposed?

23 (No response was heard.)

24 CHAIRPERSON RHODEN: Next
25 application.

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2 THE SECRETARY: Application 2022-14,
3 70 Guy Lombardo Avenue, business B, Section
4 55, Block 331, Lot 9. Alfred Basal. Convert
5 existing second floor from commercial to two
6 residential apartments. Variances: Village
7 Ordinance 210-6A, 210-81C Prohibited use.
8 210-172A parking required.

9 M I C H A E L K A Y E,

10 having been first duly sworn by a Notary
11 Public of the State of New York, was
12 examined and testified as follows:

13 COURT REPORTER: Please state your
14 name and address for the record.

15 MR. KAYE: Michael Kaye. Address is
16 154 Bedell Avenue, Freeport, New York.

17 Good evening, folks. We are
18 requesting permission to be able to use the
19 second floor of a building for residential
20 use. The floor was previously occupied as
21 eight office suites, before there was a fire
22 at the building. They got permission to
23 renovate two office suites. And upon further
24 consideration, the owner feels because there
25 is no parking in the area at all, that with

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2 no parking when it was eight office suites,
3 that the use of the place to residence would
4 reduce the parking load of the building,
5 reduce the occupancy load of the building.
6 They would like to see if they can be allowed
7 to proceed as such. That's pretty much it.

8 MEMBER MINEO: Is the reason for the
9 renovation primarily financial?

10 MR. KAYE: No, there was a fire
11 there. I think there are two floors, and the
12 first floor. As I said, eight office suites
13 on the second floor. I'm not quite sure what
14 caused the fire, but it was pretty much
15 extensive. They got a permit to renovate it
16 back to two offices; two stores on the first
17 floor and two offices on the second floor.
18 And it's not financial reasons. Mr. Basal
19 feels it's easier rental as apartments and
20 would reduce the foot traffic and parking
21 load from the building. That's why he wants
22 to proceed as such.

23 CHAIRPERSON RHODEN: Does the
24 building have any current parking in the back
25 of it right now?

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MR. KAYE: No.

CHAIRPERSON RHODEN: Currently, as the building is right now with the two office spaces, how much parking is required here?

MR. KAYE: That's a good question. We filed two applications; one to renovate as two office suites, and they approved that. I don't think they asked for that.

Essentially, as I said, we're reducing the parking load. As I said before, there were eight office suites in the building previously, which didn't work with people in and out of there all the time. It was two large spaces on both sides. So, I guess that's why it was reduced. I don't really know. Parking was never available anywhere, when the building was occupied.

CHAIRPERSON RHODEN: How much parking space would we say we would need for the two offices spaces?

DEPUTY CHAIR CAREY: Maybe the question is, Jennifer, can you tell us, is the density for parking for commercial space greater than -- do you require more parking

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for a residential building or commercial?

CHAIRPERSON RHODEN: Two spaces for unit. There you go. He needs four, plus the --

MS. UNGAR: If the second floor is the same size as the first floor, roughly, that would be a greater parking demand, it looks like.

DEPUTY CHAIR CAREY: To have what? Residential is a greater parking demand?

MS. UNGAR: No, the commercial is a greater parking demand.

DEPUTY CHAIR CAREY: Has the owner attempted to do any type of parking study to see where the people would live in these residences would be able to park themselves? There is a parking dilemma in some parts of the Village. So, it's kind of a difficult decision sometimes with the parking spots being so scarce.

MR. KAYE: I think what he assumes and -- to answer your question, no, he hasn't done the study. What he assumes is at least it will alleviate the parking stress in the

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2 middle of the day, because that's a very busy
3 business parking on the street. And his
4 assumption is most of the residents of the
5 apartment would not be there, only two
6 apartments, during the day. Hopefully they
7 will be at work or something like that,
8 which, considering, we're lowering the
9 increase in traffic drastically on that
10 street.

11 MEMBER HAWKINS: Are the two
12 businesses that were there before the flower
13 shop and Ta Queria?

14 MR. KAYE: Yes, the flower shop and
15 Ta Queria and a bunch of little offices.

16 MEMBER HAWKINS: The flower shop is
17 moving back?

18 MR. KAYE: I don't know. It's been
19 vacant for quite a while. I couldn't vouch
20 for them. I think he had the permit to
21 proceed, but he wants to know what's going to
22 happen here, because there is going to be new
23 service, new plumbing. Still extensive work.

24 MEMBER HAWKINS: I notice that if you
25 go north along the building line there's a

1
2 driveway there. It looks like it leads to
3 the back of the building.

4 MR. KAYE: I checked it out. I
5 couldn't find any proof it was an easement.
6 I can't say it's meant for parking. It's
7 just been there. I don't see two cars going
8 back and forth in that easement. I couldn't
9 come here or assume any proof from all the
10 records we got from the Building Department
11 that that's an approved easement. But there
12 is some kind of pathway between that building
13 and the next building that leads to a rear
14 yard for about 20 feet maybe. Four cars
15 could fit there anyway. If that's a
16 consideration, maybe we can look into
17 potential parking possibly. But I didn't
18 want to present that as an option, inasmuch
19 as I couldn't figure out legally what the
20 ownership was and who had governance over
21 that space, if it they were approved for
22 parking.

23 MEMBER MINEO: The first floor of the
24 building has essentially been untouched?

25 MR. KAYE: No, it was burnt.

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2 MEMBER MINEO: I understand that
3 there was a fire. But I'm saying, in the
4 first floor showing in the plans submitted,
5 the existing first floor of the plan is
6 stores and office space. And then the
7 supposed, plan the second floor, is what is
8 showing?

9 MR. KAYE: Exactly. The first floor
10 will remain the same: Two stores.

11 MEMBER MINEO: It will remain as
12 commercial space?

13 MR. KAYE: Exactly. I'm not sure
14 what they're going to be. I can't vouch for
15 the flower shop. Similar sizes.

16 MEMBER MINEO: Retail space.

17 MR. KAYE: Retail space, yes.

18 DEPUTY CHAIR CAREY: Jennifer, as our
19 attorney, could you say that because of this
20 location that any other buildings that are
21 surrounding this one have any residential
22 units in them at all?

23 MS. UNGAR: I can't speak to what's
24 around the area.

25 DEPUTY CHAIR CAREY: No other people

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are doing the same?

MS. UNGAR: I don't know what the surrounding --

DEPUTY CHAIR CAREY: Do you have any idea if anyone around there is also having residential on top or all commercial?

MR. KAYE: I don't think so. At least from Pine Street to the next street, I don't think so. I don't think so. I'm pretty sure there's not, because I did a study of the area in anticipation of this hearing. I'm pretty sure that would be a unique condition. It's a couple of stores. Not too many two story buildings on that block. This is one of the few buildings that can have this issue as to what to do with the second floor.

CHAIRPERSON RHODEN: Prior to the fire, were the offices rented?

MR. KAYE: Yes, ma'am.

CHAIRPERSON RHODEN: They were occupied?

MR. KAYE: Yes, ma'am.

DEPUTY CHAIR CAREY: Were they

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financially viable?

MR. KAYE: Absolutely.

DEPUTY CHAIR CAREY: Usually someone who is coming in front of the ZBA with this kind of a transformation of a property that is zoned for one thing and they want to change to another comes with some kind of parking study. Either way it already has commercial zoning for the parking. Having this laid out, you might want to think about doing something like that. It would be very helpful to us to be able to say, to make a better decision. I don't know if there's anything else you want to present, besides what you presented tonight.

MR. KAYE: I can look into it. We did consider, as Mr. Hawkins suggested, as to potentially, and the owner has suggested. I feel somewhat mad at myself because the owner was willing to volunteer. Like I said, we could not be certain whether or not there was a legal easement or whether he could use it.

So, I'll take your word and maybe I'll study and resubmit with the

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2 consideration of that space being used as a
3 driveway in the rear yard maybe for parking
4 and at least get two cars in there. Not
5 before required by code, but maybe we can get
6 two cars in there dedicated to the building
7 units on top.

8 DEPUTY CHAIR CAREY: It's hard for us
9 to make a decision here, when it's changing
10 zoning for -- like you said, there is no
11 financial hardship. It was rented as
12 commercial property. It's really not a
13 hardship. You can't make it a residential
14 property. Those are the kind of things we
15 are looking for in making our decision.

16 MR. KAYE: I understand. Point
17 taken.

18 CHAIRPERSON RHODEN: We would -- I
19 guess you would adjourn it and present at the
20 next.

21 MR. KAYE: Understood.

22 CHAIRPERSON RHODEN: If that's okay.

23 MR. KAYE: That's fine.

24 MEMBER HAWKINS: That easement back
25 there, does it extend to the left of your

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building all the way back?

MR. KAYE: Yes, to the end of the property. And unfortunately, I can't see from the floor plans, but I think, looking by the scale, it's probably about 18, 20 feet deep. If you line the cars up one after the other, they probably could squeeze two cars in there. I will look at that and discuss it with Mr. Basal when he gets back and resubmit that possibly. If you give it to us, absolutely.

CHAIRPERSON RHODEN: So, thank you very much.

MR. KAYE: Thank you, ma'am, I appreciate it.

THE SECRETARY: We have one Affidavit of mailing and one Nassau County Planning Commission recommendation. These will be Board's Exhibits 1 and 2 for this individual public hearing.

(WHEREUPON, the above-referred to documents were marked as Board's Exhibits 1 and 2, for identification, as of this date.)

CHAIRPERSON RHODEN: Can I have a

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motion to adjourn, so that we can get additional information on this application?

MEMBER HAWKINS: So moved.

DEPUTY CHAIR CAREY: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Can we call the next application on tonight's, please.

THE SECRETARY: The next application is 2022-15, 3 Mayfair Court, Residence AA, Section 54, Block B, Lot 68. Albert Patton. Construct a new 240 square foot deck.

Variances: Village Ordinance 210-6A, 210-33 Lot Coverage.

I have one Affidavit of Mailing to be entered into the record as a Board Exhibit. This will be Board's Exhibit Number 1 for this individual public hearing.

(WHEREUPON, the above-referred to

document was marked as Board's Exhibit 1, for identification, as of this date.)

C H R I S G R A Y,

having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

COURT REPORTER: Please state your name and address for the record.

MR. GRAY: Chris Gray, architect. 2401 Capri Place, North Bellmore, New York, representing Alfred Patton at 3 Mayfair Court, Freeport, New York. Good evening.

My client wishes to install an open deck on his property, on the south side of this property, and in doing so he is asking relief for lot coverage. The lot coverage maximum is 25 percent, the requested lot coverage is 26.4. So, we are over 1.4 percent.

This structure, the walking surface, is two feet five inches off the ground. Very low and within the required setbacks. The allowable area left on this property before the deck is pretty much half would be as of

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2 right. So, it would not be a great size of a
3 deck. So, we're asking for a deck of a
4 reasonable size that is 20 feet wide by 12
5 foot deep and of 240 square feet.

6 That is my case.

7 MEMBER MINEO: In terms of the area,
8 there is not technically -- this would
9 technically be considered something similar
10 to the area, the general characteristic of
11 the neighborhood?

12 MR. GRAY: It's of a reasonable size.
13 I feel it's a reasonable size deck. It's not
14 very large, but it's enough to have a table
15 and chairs, something modest.

16 DEPUTY CHAIR CAREY: By going over
17 that one small percent, do you feel like it's
18 making it feel more in conjunction with the
19 building, there is nothing hanging out?

20 MR. GRAY: No, it's of a reasonable
21 size, also in reasonable construction units.
22 That's the reasoning. Didn't want to make it
23 any larger, keep it reasonable. Like I said,
24 just to have a little gathering out there,
25 table and chairs, and keep it reasonably

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sized.

DEPUTY CHAIR CAREY: Jennifer, could you explain why conforming is triggered for the lot use, since the deck is not really before the building?

MS. UNGAR: That's a catchall in general for all zoning. There are nonconforming.

DEPUTY CHAIR CAREY: That's what I thought.

CHAIRPERSON RHODEN: Okay. I don't have any further questions, the Board doesn't have any further questions. Thank you very much.

MR. GRAY: Thank you. Good night.

CHAIRPERSON RHODEN: Do we have anyone who would like to speak for or against this application this evening?

THE SECRETARY: We do not.

CHAIRPERSON RHODEN: Can I please have a motion to close for further evidence and testimony and reserve decision?

DEPUTY CHAIR CAREY: So moved.

MEMBER MINEO: Second.

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THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Can we call the next application please.

THE SECRETARY: Application 2022-16, 718 Miller Avenue, Residence A, Section 62, Block 183, Lots 296 and 297. Deo Geer. Install a 270 square foot in-ground swimming pool with spill over hot tub. Variances: Village Ordinance 210-6A, 210-223(A) location, 210-223(D) Distance from lot lines.

I have one Affidavit of Mailing to be entered into the record as a Board exhibit. This will be Board's Exhibit 1 for this individual public hearing.

(WHEREUPON, the above-referred to document was marked as Board's Exhibit 1, for identification, as of this date.)

M I C H A E L R A N T,

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2 having been first duly sworn by a Notary
3 Public of the State of New York, was
4 examined and testified as follows:

5 COURT REPORTER: Please state your
6 name and address for the record.

7 THE WITNESS: Michael Rant. 39 West
8 Main Street, Oyster Bay, New York 11771.

9 Good evening, Madame Chairwoman,
10 members of the Board. My name is Michael
11 Rant from Northcoast Civil. I am here this
12 evening representing the owners seek approval
13 to construct a swimming pool in the side
14 yard. The property does abut the channel.
15 The rear yard itself is directly on the
16 channel and does not have adequate space to
17 construct a swimming pool.

18 Currently, in the photographs that I
19 believe are a part of the application, there
20 is a pond on the south side of the home.
21 That is the location we were looking to place
22 the pool. So, the pond itself will be
23 removed and the pool will be placed in the
24 same general location. The pond does have a
25 filtration system and a pump system, very

1
2 similar to a swimming pool. So, the proposed
3 pool would be in line with the type of
4 equipment that is there currently. The area
5 itself is currently fully paved patio. We
6 will not be increasing any impervious
7 surface.

8 I would like to submit as part of the
9 record a photograph of 770 Miller Avenue,
10 towards the south. They do have a swimming
11 pool that's in the side yard. It is
12 something that is found in the area. You can
13 see this as part of the record.

14 (WHEREUPON, the above-referred to
15 document was marked as Applicant's Exhibit A,
16 for identification, as of this date.)

17 MR. GRAY: The photograph depicts,
18 again, 770 Miller Avenue and has a pool
19 located in the side yard. Again, it's an
20 amenity that is found in this area. The
21 proposed pool is fairly small, 10 feet by 27
22 feet. So, again, much smaller than a typical
23 size swimming pool. It will be flat, flush
24 with grade, so it will not create any
25 obstruction to the neighbors.

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2 As part of this application, we are
3 proposing a solid, six foot vinyl fence along
4 the property line to help give privacy from
5 the neighbors. Overall, we feel this amenity
6 will not cause any adverse impact to the
7 surrounding properties.

8 If the Board has any questions at
9 this time, I'd be happy to answer them.

10 DEPUTY CHAIR CAREY: Did you say a
11 six foot fence?

12 MR. GRAY: Six foot vinyl fence.

13 DEPUTY CHAIR CAREY: Do you know the
14 Zoning Board of Freeport only allows a five
15 foot fence with one foot lattice or one foot
16 open?

17 MR. GRAY: We would amend our
18 application.

19 DEPUTY CHAIR CAREY: A lot of --

20 MR. GRAY: We did call it out. We
21 will amend to comply with the zoning code.

22 DEPUTY CHAIR CAREY: I just want to
23 let you know.

24 MR. GRAY: Sure.

25 DEPUTY CHAIR CAREY: So, to 2.6 feet

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from the lot land, is that the canal or side yard?

MR. GRAY: That is side yard. We have an 18 foot side yard setback. So, it's a ten foot wide pool. We want to create a six foot area just for people to traverse and feel safe, and that left us with 2.4 foot setback for the side yard.

DEPUTY CHAIR CAREY: It's going right where the pond is right now?

MR. GRAY: In the exact location, correct.

MEMBER MINEO: The water wall that is proposed, where is that in relation to the property line?

MR. GRAY: I'm sorry?

MEMBER MINEO: The water wall that's proposed.

MR. GRAY: Oh, that's within the coping of the pool. That will be on the side property line.

DEPUTY CHAIR CAREY: It would block the neighbors view on the neighbor side?

MR. GRAY: It's just a small

1
2 raised -- it doesn't raise up high. Maybe 24
3 inch so water falls into the pool.

4 DEPUTY CHAIR CAREY: Did you explore
5 trying to put this pool in the back more in
6 the rear yard, or was it -- you said it was
7 not acceptable?

8 MR. GRAY: There's existing wood
9 decks and structures and overhangs in the
10 rear yard that prevents it from fitting in
11 the rear yard and having to deal with the
12 structure of bulkhead itself. We found it
13 more problematic to install it in that
14 location. There's a two story deck in the
15 back of the house, and from the two story
16 deck the bulkhead is maybe only about ten
17 feet. We wouldn't have enough room to fit it
18 in that location.

19 DEPUTY CHAIR CAREY: There are many
20 differences between your pool and the last
21 pool. We usually don't have two pools in one
22 night. I'm very surprised, actually. It's
23 quite a different situation.

24 That pool had no neighbor on the side
25 of the street. There is no neighbor very

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close to her.

CHAIRPERSON RHODEN: We don't have any other questions.

MR. GRAY: That concludes my presentation. Thank you.

CHAIRPERSON RHODEN: Do we have anyone this evening who would like to speak for or against this application?

THE SECRETARY: We do not.

CHAIRPERSON RHODEN: Can I please have a motion to close for further evidence and testimony and reserve decision, please?

MEMBER HAWKINS: So moved.

MEMBER MINEO: Second.

THE SECRETARY: All in Favor.

MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Please call the next application on tonight's calendar.

THE SECRETARY: Application 2022-17,

377 Wallace Street, Residence AA, Section 55,
Block 401, Lot 265. Kerwin Daring.

Construct a new 29 square foot first floor
front addition, a new 761 square foot second
floor addition and a 16 square foot roof over
porch. Variances: Village Ordinance 210-6A,
210-31A Sky exposure.

I have one Affidavit of Mailing to be
entered into the record as a Board exhibit.
This will be Board's Exhibit Number 1 for
this individual public hearing.

(WHEREUPON, the above-referred to
document was marked as Board's Exhibit 1, for
identification, as of this date.)

O M A R B R O W N,

having been first duly sworn by a Notary
Public of the State of New York, was
examined and testified as follows:

COURT REPORTER: Please state your
name and address for the record.

MR. BROWN: Omar Brown, architect.
Applicant for the home owner. 391 Woodlawn
Avenue, Jersey City, New Jersey 07305.

As I said, my name is Omar Brown, the

1
2 applicant, and also the architect working
3 with my colleague, who couldn't be here
4 tonight, Lambert Egbuchulam, professional
5 engineer.

6 We submitted this application, as
7 stated, to construct a 29 square foot front
8 first floor, as well as a second floor
9 addition at the front, very small existing
10 structure, as well as a 761 second story
11 addition, and a 16 square foot roof over the
12 front porch, at the front as well.

13 We're maintaining the single family
14 residence. However, we're here now only for
15 the sky exposure plane, not from a setback or
16 over build. The house is an existing
17 nonconforming in the same location. So, we
18 didn't build beyond the structure. It's just
19 unfortunate with the structure position, we
20 cannot -- we're here now, unfortunately, only
21 on the sky exposure plane, only on Moore
22 Street, I believe, not the front on Wallace.
23 Wallace complies.

24 So, if I can -- I want to give a
25 little bit about the owner's background,

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2 because it plays a big part into why they
3 want to improve the home for the Board to
4 take into consideration.

5 So, Mr. Daring and his wife,
6 Mr. Daring is a DOT supervisor in NYC for 16
7 years, residing in your town in which he pays
8 taxes for the five years since he purchased
9 this home. His wife was a paralegal. She is
10 retired 15 years now, raising two children.
11 They're looking for the improvement. They
12 had no knowledge that the house was in this
13 position and couldn't be built. So, they
14 have been saving their money over time to put
15 themselves in this position to build the home
16 to their liking, to accommodate their growing
17 family, as well as their in-laws to take care
18 of the children, so on and so forth.
19 Unfortunately, the house in its nonconforming
20 position is unable to be built. That's the
21 reason why we're here today.

22 So, I'm just asking for the Board to
23 grant us permission to improve on the home,
24 not only for themselves but for the
25 community. That's pretty much it.

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DEPUTY CHAIR CAREY: I'm trying to find on the drawing what percentage of the plane you are encroaching on. Do you know? I can't see the percentage.

MR. BROWN: It wasn't a percentage. Do you see the diagram on page A107?

DEPUTY CHAIR CAREY: Yeah. I'm looking at A107.

MR. BROWN: The side yard.

DEPUTY CHAIR CAREY: It says complies, complies. I'm trying to find where is the noncompliance part?

MR. BROWN: Percentage. I don't have the percentage. It was one of the town codes.

MS. UNGAR: I don't think it's a percentage. Is that square feet over.

DEPUTY CHAIR CAREY: Right. That's what I'm looking for.

MS. UNGAR: That's not always how it's listed.

DEPUTY CHAIR CAREY: It doesn't look substantial. It looks very minor.

MR. BROWN: The required front yard

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2 is 20 feet. We have 20.25 feet toward the
3 front with the max foot for the sky exposure
4 is 25 feet. So, we don't break the plane on
5 the front on Wallace at all. On the side
6 yard, unfortunately, due to the position of
7 the home, it does break the plane only on the
8 right of the home. If you're on Wallace
9 facing the home, it breaks the plane on the
10 right side of the home, not the left. The
11 left complies.

12 DEPUTY CHAIR CAREY: What is your
13 setback on the part in the back of the house?
14 It's a very small setback.

15 MR. BROWN: That's the side. Being a
16 corner property, it has two front yards,
17 unfortunately.

18 DEPUTY CHAIR CAREY: That's very
19 small. There is only five feet there?

20 MR. BROWN: Unfortunately. That
21 was -- being that we're nonconforming since
22 1932 when the house was built, they want to
23 improve the home. Unfortunately, we couldn't
24 shift the property off its foundation.

25 MS. UNGAR: Either way, you wouldn't

1
2 have been able to, because you need a 20 foot
3 secondary front yard setback on Moore and
4 19.97, 23.7. It's right there. So, when the
5 house was built they decided to comply with
6 the front yard setback and secondary front
7 yard setback at the expense of that side
8 yard.

9 MR. BROWN: It's always triggered
10 with the corner lots, unfortunately.

11 MEMBER HAWKINS: How many bedrooms
12 exist in the home now?

13 MR. BROWN: One.

14 MEMBER HAWKINS: One bedroom.

15 MR. BROWN: The husband and wife
16 share with their children on the first floor.
17 The attic is an unfinished attic. So the
18 stairway is very narrow, a little bit over
19 two feet. So, he wants to enlarge the
20 stairway and add additional bedrooms upstairs
21 with a bath. So, pretty much everyone
22 squeezing into one bedroom on the first floor
23 is not accommodating.

24 DEPUTY CHAIR CAREY: It looks like
25 your neighbor in the tan house to the right

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in the photograph I'm looking at, there's more than five feet from their fence line to their house.

MR. BROWN: Yes, they have a substantial amount of space in their side yard.

DEPUTY CHAIR CAREY: So they're not as close to. It's not like --

MR. BROWN: I know on some other cases there may be a fire hazard, have to fire proof the homes. But we're way off from the adjacent property, so we should be okay with that.

DEPUTY CHAIR CAREY: They have a whole driveway.

MR. BROWN: I wish we could share some of the lot.

MS. UNGAR: They're putting three bedrooms on the second floor?

MR. BROWN: Per plans, yes.

DEPUTY CHAIR CAREY: The whole square foot is not going to be 716 feet.

MR. BROWN: Additional. It's additional to what they currently have.

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2 DEPUTY CHAIR CAREY: They have a
3 little bedroom. A dormer bedroom.

4 MR. BROWN: A dormer, correct.

5 CHAIRPERSON RHODEN: They have how
6 many children?

7 MR. BROWN: They have two children.
8 They just had a newborn two months. I feel
9 for them. I just -- it would be unfortunate
10 for them not to be able to proceed forward
11 with this project, being they have been
12 saving for over five years since they
13 purchased the home. And again, this is just
14 asking to grant the Board for their kindly
15 decision to help us improve the home. Beyond
16 this stage, we have to go to site, if we make
17 it that far, for aesthetics, so on and so
18 forth. Thank you for your time.

19 CHAIRPERSON RHODEN: Thank you very
20 much. I don't have any further questions for
21 you.

22 Do we have anyone here who would like
23 to speak for or against this application this
24 evening?

25 THE SECRETARY: We do not.

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CHAIRPERSON RHODEN: Can I please have a motion to close to further evidence and testimony and reserve decision?

MEMBER MINEO: So moved.

DEPUTY CHAIR CAREY: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Thank you.

You'll be notified.

MR. BROWN: Thank you very much.

CHAIRPERSON RHODEN: Next application on tonight's calendar.

THE SECRETARY: 2022-19, 25 Pearsall Avenue, Residence A, Section 54, Block 69, Lot 216. Fermin Nunez. Maintain a 576 square foot roof over patio, 346 square foot rear deck and 120 square foot rear sauna addition. Variances: Village Ordinance 210-6A, 210-41 Lot coverage.

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2 I have one Affidavit of Mailing to be
3 entered into the record as a Board exhibit.
4 This will be Board Exhibit Number 1 for this
5 individual public hearing.

6 (WHEREUPON, the above-referred to
7 document was marked as Board's Exhibit 1, for
8 identification, as of this date.)

9 MS. UNGAR: Is there anyone here for
10 this application?

11 CHAIRPERSON RHODEN: Anyone here for
12 25 Pearsall Avenue, Freeport?

13 DEPUTY CHAIR CAREY: I don't think it
14 ever happened before. Do we make an
15 adjournment for that?

16 MS. UNGAR: I think the Board should
17 adjourn it and notify them of the meeting
18 again.

19 DEPUTY CHAIR CAREY: I don't know why
20 they couldn't be here.

21 CHAIRPERSON RHODEN: Can I have a
22 motion for adjournment, please.

23 DEPUTY CHAIR CAREY: So moved.

24 MEMBER HAWKINS: Second.

25 THE SECRETARY: All in favor.

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MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Next

application.

THE SECRETARY: The next application is 2022-9, 39 South Long Beach Avenue, Residence Apartment, Section 55, Block 324, Lot 3. Matt McGovern. Use variance to use property as a commercial use. Variances: Village Ordinance 210-6A, 210-46A Prohibited use.

MR. BAKER: Good evening, Chairwoman and the Board. My name is Daniel Baker from the Law Firm of Certilman, Balin, Adler & Hyman. 90 Merrick Avenue, East Meadow, New York 11554.

Before I get started, I might ask if this matter and the next four can all be heard together, because they are all part of the same overall?

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MS. UNGAR: Absolutely. That was going to be our question to you.

MR. BAKER: Yes.

MS. UNGAR: I'd ask that our secretary read the other applications, please.

THE SECRETARY: Application 2022-10, 16 Lexington Avenue, Residence A, Section 54, Block 81, Lot 9. Matt McGovern. Use variance to use property as commercial open air parking. Variances: Village Ordinance 210-6A, 210-38A prohibited use.

Application 2022-11, 20 Lexington Avenue, Residence A, Section 54, Block 81, Lot 10. Matt McGovern. Use variance to use property as commercial open air property. Variances: Village Ordinance 210-6A, 210-38A prohibited use.

Application 2022-12, 41 South Long Beach Avenue, Residence Apartment, Section 55, Block 324, Lot 4. Matt McGovern. Use variance-use residential property as a commercial use. Variances: Village Ordinance 210-6A, 210-46A prohibited use.

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2 Application 2022-21, 185-189 West
3 Sunrise Highway, Business B, Section 55,
4 Block 324, Lot 1, 13, 14 (3 & 4) included in
5 the application. Matt McGovern. Proposed
6 14,471 square foot one story addition and
7 2,830 interior second floor addition in
8 existing dealership. Variances: Village
9 Ordinance 210-6A, 210-49 lot coverage,
10 210-51B yards required (side yard), 210-51C
11 yards required (rear yard), 210-88 loading
12 zone required, 210-87 buffer zone required,
13 210-172A(12) parking provided.

14 I have five Affidavits of Mailing to
15 be entered into the record as Board exhibits.
16 These will be Board Exhibit 1 through 5 for
17 this individual public hearing.

18 (WHEREUPON, the above-referred to
19 documents were marked as Board's Exhibits 1
20 through 5, for identification, as of this
21 date.)

22 MR. BAKER: Thank you. Again, for
23 the record, Daniel Baker, Certilman, Balin,
24 Adler and Hyman, 90 Merrick Avenue, East
25 Meadow, New York 11554.

1
2 Good evening. I'm appearing tonight
3 on behalf of the owner and applicant, Mag RE
4 Holdings Freeport, LLC. You see it now as
5 Matt McGovern. Mr. McGovern is the principal
6 of the ownership entity, which is, as you
7 probably know, the Porsche dealership located
8 along West Sunrise Highway. They are seeking
9 tonight a variance related to a one story
10 addition to that existing dealership and
11 service facility, which is located at 185
12 through 189 West Sunrise Highway and also the
13 second parcel which is on the west side of
14 South Long Beach Avenue, which is known as
15 199 West Sunrise Highway.

16 I'm joined tonight by members of our
17 project team which include Michael Rant from
18 Northcoast Civil, our project engineer. I
19 would ask him to get up and say some words
20 after me. We also have our project architect
21 and representatives of the applicant who can
22 address any questions the Board might have
23 after we go.

24 As has been noted, the applicant has
25 made five applications. These applications

1
2 cover two overall parcels that I'll refer to
3 them at times as the east parcel and the west
4 parcel. The west parcel is 199 West Sunrise
5 Highway, which is currently mostly parking,
6 but also a smaller building that's sort of an
7 addendum to the dealership that has room for
8 displaying cars and is also known as the
9 Porsche Museum. The second parcel is the
10 main dealership which is at 185 through 189
11 West Sunrise Highway. That's where the
12 showroom and service facilities are located.

13 In addition to those two parcels,
14 there are four new parcels that have been
15 acquired; all of these are residential homes
16 that mostly had been in poor shape or fair,
17 at best before acquired by the applicant, but
18 now are all owned by the applicant and part
19 of the aggregated proposed set of parcels
20 that we believe will make a real improvement
21 to the existing conditions at the dealership
22 and the surrounding area.

23 The variances that we're seeking
24 tonight are several and they were called out
25 before. The first four are use variances

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2 that relate to the newly acquired parcels
3 that we are seeking to have or become a part
4 of the existing and used as part of the
5 dealership property. Two of these are 16 and
6 20 Lexington Avenue, and the other two are 39
7 and 41 South Long Beach Avenue. 16 and 20
8 Lexington will be aggregated with 199 West
9 Sunrise Highway, which now serves as
10 approximately a 4,000 square foot museum and
11 showroom as I mentioned earlier, along with
12 the parking for the dealership. That parking
13 is used by the dealership across the way.
14 The east parcel, that will be connected with
15 41 South Long Beach Avenue and will allow for
16 the increased addition to the dealership
17 building which will become more service area
18 and used for service.

19 That proposed one story addition is
20 approximately 14,471 square feet, all new
21 service area, but its real intent is to
22 increase the capacity and ability to service
23 existing vehicles; meaning the cars that come
24 in for service or used cars that they might
25 have that need work on before they are going

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2 to be sold. The point is that there is no
3 anticipated increase in intensity, most
4 particularly traffic related to this use, but
5 the effect is going to not only allow for
6 more service to be done at one time for the
7 existing vehicles they already have. But
8 this overall project increases the parking
9 significantly. The east parcel, again, would
10 have the new addition would also increase the
11 parking total for the overall property by 19
12 spaces. On the west side, again 199 West
13 Sunrise, which is mostly parking now, that
14 would add 56 new parking spaces. Overall,
15 we're talking about 75 new parking spaces
16 added to the overall property, which will
17 allow for parking for customers, parking for
18 employees, and also storage of inventory.
19 But one of the key important factors here is
20 it takes cars that are now currently parked
21 on the street in legal parking spaces and
22 puts them on the property, so there will be
23 no more parking of any of the dealership
24 vehicles on the public streets.

25 So, just in going through the

1
2 variances quickly, then I'll ask Mr. Rant to
3 come up and take you through the site a
4 little bit. As I mentioned earlier, the
5 first four variances are for the use of those
6 residential properties that were acquired to
7 be utilized now as part of the dealership;
8 two of them on the west parcel for the
9 parking and two of them on the east parcel to
10 allow for additional parking, but mainly the
11 extension of the building in the new
12 addition.

13 In addition to that, a fifth
14 application that was made includes a variety
15 of different area variances that relate to
16 the new addition and how they size up. The
17 first one is a lot coverage variance. In
18 this zoning district, the allowable lot
19 coverage is 40 percent. Because of the new
20 building, it is now increased to 62 percent.

21 The next variance is a side yard
22 variance. The side yard allowable required
23 setback is 20 feet. In this case, the new
24 addition will be zero lot, meaning right up
25 against the lot line. The same goes for rear

1 yard. That's the last variance. It's 20
2 feet that is required amount but this would
3 be zero. It's in line with the existing
4 building. The rear yard currently goes up to
5 the property lane, and this will as well. It
6 will be an extension. Mr. Rant will show you
7 that. I point out that if we were in
8 Business B, which is where the main
9 dealership is now, these variances would not
10 be required.
11

12 The next variance is a loading zone
13 requirement. There will not be a set aside
14 loading zone, but instead loading will be
15 done inside the building. If there is any
16 need for deliveries that are parts going to
17 be in service and so forth, all of that will
18 be done inside the interior of the building.

19 The next variance is a requirement
20 for a ten foot buffer zone at the property
21 line. In this case, if you abut a residence
22 apartment district, which this does to the
23 south, the east parcel, you would typically
24 need a ten foot buffer. We are not going
25 right up to the property line. The reason

1
2 for this and the reason we could not peel
3 back ten feet is that the interior of the new
4 addition is designed in such a way that you
5 have to have flow. You have to be able to
6 come in and out, you have to be able to get
7 the vehicles into the service bay. It
8 wouldn't work and flow would not work
9 properly, if it was shortened by ten feet.
10 That was a design necessity that pushed it
11 all the way to the property line.

12 I will also point out that the
13 property to the south, which is an apartment
14 building, has the building setback
15 approximately 60 feet from the property line
16 in between our two rows of parking and the
17 drive aisle between the rows of parking for
18 the property to the south.

19 Finally, the last variance we are
20 seeking is related to parking. There is
21 currently a parking variance in place for the
22 east parcel, and that's because the east
23 parcel alone doesn't have enough parking, it
24 utilizes the property to the west that has
25 variances that this Board granted in 2013.

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2 In this case -- again, referring back
3 to what I said earlier -- by aggregating
4 these lots, we believe we are creating a
5 better overall property consisting of two
6 parcels. But the fact the west property and
7 the new parking on the east parcel will
8 create a situation where the parking is now
9 better than it is in the current condition.

10 I'll point out that overall we have
11 calculated the parking requirement by the
12 code to be 173 spaces, and overall we have
13 176. That's between the two parcels both
14 east and west. And just honing in more
15 specifically, the new addition requires 43
16 new parking spaces, and this new proposal
17 proposes 75. So, if you're looking at the
18 current condition, we would need 43 more
19 spaces. If we're putting this addition in,
20 we're providing 75 between the two parcels.

21 So, overall, again, we believe this
22 is a better condition than is existing now.
23 It will not only help the applicant property
24 owner, but it's better for the area and moves
25 parking all onto the property rather than on

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the streets and makes just for a better situation.

So, at this time, I'd like to introduce Mr. Rant and like him to take you through the property in more detail. And again, any questions that the Board may have, ask away.

M I C H A E L R A N T,

having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

COURT REPORTER: Please state your name and address for the record.

MR. RANT: Michael Rant. 49 West Main Street, Oyster Bay, New York 11771.

Good evening, Madame Chair, members of the Board. My name is Michael Rant with Northcoast Civil. I'm here this evening representing the owners. I'll kind of take you through the site itself, the layout. Mr. Baker has gone through a fair amount. I'll give a little more technical detail.

Starting on the east site, which is the current building, showroom building,

1
2 there is an existing building that's located
3 on the north corner of the property. We're
4 looking to extend an addition to this south,
5 which is the location of the existing two
6 single-family homes that will be demolished
7 as part of this application.

8 Site circulation. There is an
9 existing service entrance that allows
10 vehicles to enter into the building that is
11 to maintain, and two new entrances would be
12 utilized for access in and out of, again, the
13 service bays. The purpose of this is to
14 allow the site to be better utilized for what
15 it is being utilized for, which is service.
16 So, there will be a row of interior service
17 bays that dictated the size of the addition.
18 We needed certain aisle space and back up and
19 clearance space for those bays, and that's
20 kind of how this site and this plan was
21 derived.

22 In front of the proposal addition
23 we'll have a parking lot again increased from
24 what's there now. Currently, I believe
25 there's about 12 parking spaces. We'll be

1
2 adding 27 in front. Again, additional
3 parking for vehicles queuing, waiting to go
4 into the service area, patrons, anybody using
5 the facility. The goal is to help alleviate
6 any pressure that is currently on the public
7 streets, bring it onto the site. We are
8 proposing landscaping along the front of the
9 property line to help soften the look from
10 the street. Again, this is kind of the
11 overall layout for what we're calling the
12 east side.

13 We'll move onto the west side and
14 talk more about that in detail. The west
15 site, which is located directly across the
16 street on the corner of South Long Beach Road
17 and Lexington Avenue. The change that's
18 occurring in this location is just the
19 demolishing of two existing single family
20 dwellings that are on the west side of the
21 property, and that area will be extended as
22 parking. So, no buildings will build as part
23 of this, it's going to be an extension for
24 additional parking.

25 What's being proposed is additional

1
2 56 parking spaces on the site, again, helping
3 to alleviate any parking and congestion
4 issues that currently exist by not having
5 adequate parking.

6 We are proposing landscaping along
7 the front, along Lexington Avenue, to match
8 the existing landscaping and tree scape that
9 is there currently. And then along the west
10 property line, which does border the
11 residential property, we have a continuous
12 evergreen hedge, arborvitaes, and a solid
13 fence to help create privacy from that
14 residential property itself.

15 This is really the overall site
16 layout. We'll be providing a new drainage
17 system, which will accommodate all newly
18 impervious areas and disturbed areas. All
19 necessary utilities will be installed through
20 the facility. That, again, is an expansion
21 of the use to allow for reduced congestion
22 and allow for the property and the uses to
23 work more efficiently than they currently do.

24 That's the site itself. If the Board
25 has any questions, I'll be happy to answer

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them.

MEMBER HAWKINS: Regarding the property on the west side.

MR. RANT: Yes.

MEMBER HAWKINS: Does the parking go all the way up to, I guess, the property line for the dealership, and how far is that from the owner, the next owner?

MR. RANT: There is a five foot wide planting strip between the residential property and our parking drive aisle, and then the parking, vehicle parking, will be set back. No vehicles would be parked within 15 feet of that parking lot of the residential property.

MEMBER HAWKINS: Where the arborvitaes would be, the actual property, the building structure of the residents, how far is that, do you know?

MR. RANT: I don't have that location. I know there is the property to the west. The home is located further to the west. I don't have the exact location.

MEMBER HAWKINS: Is there a driveway

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in between there? Do you know?

MR. RANT: There is a driveway, I believe -- no, I'm sorry. The driveway is on the west side, but there is, I believe, open area, an open space between the -- from the parking lot into the home. The home is located further to the west of the lot. I don't have the exact dimensions.

MEMBER HAWKINS: Arborvitaes to the outside and white privacy fence on the inside?

MR. RANT: Yes. The fence would be on the property line and the arborvitaes will be inside.

MEMBER HAWKINS: Arborvitaes inside?

MR. RANT: Yes.

MEMBER HAWKINS: The residents will be looking at the fence, not the arborvitaes?

MR. RANT: Not the arborvitaes, the fence. Typically, from a survey standpoint, we don't want to be out of possession. A fence should be on the property line. Otherwise, title is not in possession in the future. We would put -- if it's a different

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2 type of fence, they would rather see
3 evergreens, it could be a chain link fence
4 type where the evergreens will grow through
5 it and the fence would disappear. But I
6 think from a title standpoint, we'd like to
7 see the fence on the property line.

8 DEPUTY CHAIR CAREY: Are the
9 residences that you want to demolish
10 currently occupied?

11 MR. BAKER: No, those homes are not
12 occupied.

13 DEPUTY CHAIR CAREY: How long have
14 they not been occupied?

15 MR. BAKER: Between three and four
16 years for all four. It's been some time.

17 DEPUTY CHAIR CAREY: Did the owner
18 who you are representing purchase them at the
19 time they went up for sale to plan for this
20 bigger expansion in time, with that in mind?

21 MR. BAKER: They were done at various
22 times, in planning to do this acquisition.

23 DEPUTY CHAIR CAREY: Thank you. Were
24 they multi-family homes or single-family
25 homes?

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MR. BAKER: Single-family homes.

There might have been more than one family living there, but I think they would appear to be single-family homes.

DEPUTY CHAIR CAREY: Not only did we have two swimming pools, but now we have one case where a guy wants to build residential and parking. You want to build commercial in a residential.

So, how much of that parking is in place? I remember when you guys first came here and we gave a variance for the Porsche museum. I have yet to go there. I heard you had an opening. I don't know if I missed it.

The point is, we are interested in how much parking you are going to have there, as it will be disruptive to the neighbors, the residents to your west. Could you give us a little rundown on how many cars will be running in and out of that parking lot for the dealership on a daily basis and how disruptive to the neighborhood to go from residential to commercial?

MR. BAKER: That part of the parking

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lot will be mostly inventory. So, it's not a heavily trafficked area, meaning the further west direction.

CHAIRPERSON RHODEN: The west.

DEPUTY CHAIR CAREY: Which is abutting the residential neighborhood.

MR. BARKER: Correct.

CHAIRPERSON RHODEN: Which is more parking?

MR. BARKER: Yes.

DEPUTY CHAIR CAREY: On the eastern portion, the property that is to the south on South Long Beach Avenue, that property is fairly close together, if I recall from seeing the drawing. You're adding a second story, 14,000 square feet to that?

MR. BAKER: No. The addition is only one-story. There's two stories in a portion of the front existing showroom. The proposed addition is one-story. That's it.

DEPUTY CHAIR CAREY: What is it over right now? What is there right now?

MR. BAKER: Two houses are there now. As you travel further south, that is

1
2 apartment buildings as described earlier,
3 which is set back pretty far to the south 60
4 feet from the property line. And in between
5 that is parking for that building. So, it's
6 two rows of parking in the driveway, about 60
7 feet.

8 DEPUTY CHAIR CAREY: I recall the
9 person living in that house. Those houses
10 are not occupied?

11 MR. BAKER: No. One of them was in
12 real bad condition for a while.

13 DEPUTY CHAIR CAREY: Thank you.

14 CHAIRPERSON RHODEN: You purchased
15 the homes. How many more homes are left on
16 that block west? So, there are apartment
17 buildings, and then there's no other homes
18 there.

19 MR. BARKER: It's just those. I
20 believe the only two other homes are on the
21 east side of Long Beach Avenue. Further to
22 the south is the apartment building.

23 MEMBER HAWKINS: I'm trying to get it
24 straight. The dark structure you have there,
25 that's the new building?

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MR. BARKER: Yeah, this is the new addition.

MEMBER HAWKINS: That new addition will extend all the way to the parking lot of the apartment building?

MR. BARKER: Correct.

DEPUTY CHAIR CAREY: Are you planning on having any kind of buffer zone at all?

MR. BAKER: Only right on this side here. This is going to be built right on the property line. This is the apartment to the south is probably here and then you have about 60 feet in between, which is their parking area. You'll have landscaping over here, but this is not building. The new addition is this area right here.

MEMBER HAWKINS: That's the new addition.

MR. BAKER: That's the new addition. The existing dealership is here. The showroom is in the front, service is here.

MEMBER HAWKINS: And the lighter gray?

MR. BAKER: New parking all over

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here. And then the trash receptacle over here and landscaping here to buffer back.

CHAIRPERSON RHODEN: So there are no additional homes left?

MR. BAKER: No. There are two homes here, one and two, and they will be gone. And now you have the apartment building.

CHAIRPERSON RHODEN: Just the apartment building. I'm trying to make sure I visually see it.

MEMBER HAWKINS: What is on the south end there dividing the property line?

MR. BAKER: Here will be the building, and then here will be some landscaping and the fence.

MR. RANT: We're just proposing landscaping. Just landscaping with arborvitaes to create some privacy.

MEMBER HAWKINS: The top portion of that light gray, that's where you have parking now?

MR. BAKER: Right now there is parking right here. The new parking is going to be right here.

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DEPUTY CHAIR CAREY: Where the new addition meets the older addition right now is loading zone? What is that, like a driveway?

MR. BARKER: Yeah, I believe it's a little driveway parking.

MR. RANT: This is a drive aisle here.

MEMBER HAWKINS: Where would the entrance be for the new construction? I guess the cars will be driving in there?

MR. BARKER: Right here. Cars can drive in here and drive out here.

MEMBER HAWKINS: That goes out onto what street is that?

MR. BAKER: South Long Beach. And then just for prospective, the west parcel is over here on the other side of South Long Beach.

MEMBER HAWKINS: So the majority of the traffic will be in and out on South Long Beach.

MEMBER BARKER: Coming in here.

MEMBER HAWKINS: Going back to the

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west property. So, I'm looking at the arrows on that. So that they drive in and out on Lexington Avenue.

MR. BARKER: They can. But right now there is access right here. Again, I'm seeing the main access point being still on South Long Beach Avenue right over here, which would lead right to the dealership on this side. It's sort of a natural flow.

DEPUTY CHAIR CAREY: Are you creating curb cuts on Lexington or are they already existing?

MR. BARKER: They are both existing.

DEPUTY CHAIR CAREY: The driveway to the houses.

MR. BARKER: From the old houses. No new curb cuts will be created on Lexington Avenue.

DEPUTY CHAIR CAREY: You don't foresee at this point in time that being a main way in and out?

MR. BAKER: This will be the natural main exit and entrance.

DEPUTY CHAIR CAREY: A lot more

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traffic to a residential area.

MEMBER MINEO: The primary use of the western lot on the western property and the new addition to the lot is primarily going to be for storage of additional inventory?

MR. RANT: Yes. It's really -- these are tandem parking spaces. So, they're meant to store inventory. It's not a parking lot that uses high density parking.

MR. BAKER: This whole area, if you can see -- it might be a little tough -- there's a line and a line. That's to stacked them. So, you have one, two, three all the way across.

MR. RANT: Currently, they exist the same way: Three rows. That same three rows would extend further down.

MEMBER MINEO: There's no plan or future forethought to install lifts so that these cars would be able to be stacked double high and three deep?

MR. BAKER: No.

MEMBER MINEO: I know some of the other people outside of the jurisdiction do

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use that method.

MR. BAKER: There's no intention to do that.

MEMBER HAWKINS: Going back to the property on the east again. The second floor addition. What is the second floor being used for again?

MR. BAKER: Meaning in the existing?

MEMBER HAWKINS: The proposed addition.

MR. BAKER: Proposed addition is one-story.

MR. RANT: There's a small --

DEPUTY CHAIR CAREY: Second story addition is in the showroom.

MR. RANT: It's internal in the building. It's not --

MR. BAKER: That's an existing portion now.

DEPUTY CHAIR CAREY: You're talking about the high portion?

MR. RANT: The high portion in the front of the building is higher than the rear portion. This is one-story. The high

1
2 portion of the existing building they're
3 going to have a mezzanine second story
4 interior addition. You wouldn't see any
5 expansion on the outside or increase the
6 size.

7 DEPUTY CHAIR CAREY: You didn't
8 trigger sky plane. The proposed second story
9 addition of 2,800 feet, that's office space?

10 MR. BAKER: Yes.

11 MR. RANT: Yes, office.

12 MS. UNGAR: That second story
13 addition, internally, has no zoning
14 implications beyond having additional space
15 that it needs parking?

16 MR. BAKER: That's correct.

17 MEMBER MINEO: Counsel, one of things
18 that you mentioned was that this additional
19 parking as proposed on the western property
20 will alleviate the issue with respect to
21 customers cars, as well as inventory being
22 stored on adjacent side streets. So now the
23 commentary that you mentioned, if I'm not
24 mistaken, is that all of the cars will now be
25 stored primarily on Porsche's lot?

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MR. BAKER: Correct.

DEPUTY CHAIR CAREY: Right now the parking spots are in the residential area.

MR. BARKER: Correct.

MEMBER HAWKINS: The customer parking is on the east side or west parcel?

MR. BARKER: It could be both.

MEMBER HAWKINS: Could be both?

MR. BAKER: Yeah.

DEPUTY CHAIR CAREY: On the west property -- no, the east property, you said the building, the new addition, is only going to abut the parking lot. So, it's really not impinging on someone's residential property, that's the parking lot for the whole building?

MR. BAKER: Correct. There's a commercial building in the back, there's a parking lot to the east, and then a parking lot on the south. So, it fully abuts any other parking.

MEMBER MINEO: The primary reason for the addition is to expand the current service facility and allow for means of a

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2 thoroughfare for the cars to actually turn
3 around and come out of the service, existing
4 service bays that are in the current
5 building; is that accurate?

6 MR. BAKER: That is.

7 MEMBER HAWKINS: How many more homes
8 are located on Lexington Avenue? I know you
9 are taking down two.

10 MR. BAKER: As you go further west,
11 on that side, I'm going to say probably three
12 or four. My recollection is probably three,
13 possibly four.

14 DEPUTY CHAIR CAREY: Now the lot
15 coverage goes from -- you have a lot
16 coverage. You are triggering a lot of
17 coverage. The only way you can make this
18 financially viable is to have that addition
19 so big to be able to have -- keep it that
20 size. You can't shrink it down so you
21 wouldn't go over lot size?

22 MR. BAKER: Correct.

23 MS. UNGAR: Also, from looking at it,
24 the lot coverage is 40 percent permitted in
25 residential apartment zone. Do you know what

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the lot coverage permitted in the Business B zone is?

MR. BAKER: I know that we would meet it. But we can check.

MS. UNGAR: It's not directly relevant, but it's no longer being used in a residential apartment capacity.

MR. RANT: The entire lot can be covered by a building. In a Business B zone, you can cover the entire lot with a building. There is no maximum coverage. So, we would comply. If the Business B District extended into the apartment zone, then we would not need a coverage variance.

CHAIRPERSON RHODEN: Have you completed your presentation?

MR. BAKER: If you have no further questions.

CHAIRPERSON RHODEN: I have no questions.

DEPUTY CHAIR CAREY: Nothing further at this time.

MR. BAKER: Thank you.

CHAIRPERSON RHODEN: Thank you. You

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can have a seat.

Do we have anyone here who would like to speak for or against this application this evening?

THE SECRETARY: Yes. The first person is Kenneth Porter.

K E N N E T H P O R T E R,
having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

COURT REPORTER: Please state your name and address for the record.

MR. PORTER: Kenneth Porter. 29 Lexington Avenue.

Good evening. First of all, I apologize for not having any pictures to kind of support what I'm going to speak about. But the issue that I'm raising, it goes back to August 29, 2018. At the time, I sent a letter of my concerns to Mayor Robert Kennedy of what I had observed as a resident. I've been a home owner for over 20 years on Lexington Avenue, and I have seen on more than one occasion, actually, two separate

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2 occasions, that school children were almost
3 hit by Porsche cars. They test drive cars on
4 that block.

5 Now, our street is located within
6 walking distance of three schools; you have
7 Bayview, you have Dodd, you have the high
8 school. So, throughout the day, we have
9 students up and down the street. And when I
10 spoke to Mayor Kennedy, he informed the DPW
11 director, Rob Fisenne and Deputy Chief Smith
12 from the police department. At that time,
13 there was more visibility of police in the
14 area, but the problem still persisted. So, I
15 was in constant contact with the mayor's
16 office over the months that followed, because
17 this was still a growing concern.

18 Now, from my understanding at a
19 previous meeting, a representative from the
20 dealership advised the Zoning Board and
21 residents that this new parking lot would be
22 for customers and employees, as we hear
23 tonight, and not be used for a sales lot
24 because they don't need. That pickup trucks,
25 tow trucks and things of that nature will not

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2 cause a disturbance to Long Beach or
3 Lexington Avenue. That's not correct.

4 Currently, with the acquisition of
5 these two homes and the homes on the corner,
6 there's been times where Long Beach Avenue is
7 a no stopping/no standing zone, I believe.
8 They will stop their trucks there to drop off
9 vehicles and also on Lexington Avenue. I had
10 to drive around to Pine to get to my house
11 because they bring trucks down the block. If
12 we believe that once they acquire what they
13 extend that they won't utilize that area even
14 more. It's an impossibility, because they're
15 doing it now.

16 So, I think that this lot being
17 proposed is there's lots of disruptions. We
18 have increased disruptions, since the homes
19 have been acquired. I want to backtrack,
20 just so we understand. The homes were not
21 abandoned. So, they weren't previously
22 abandoned, they were not distressed
23 properties, they were sold, when one of the
24 owners passed away.

25 So, South Long Beach -- the

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2 properties on Lexington, I've touched on
3 that. But I will say this: Since they have
4 been acquired, the parking of various
5 vehicles on the lawn, the removal of the
6 siding, the vehicles driving through
7 Lexington and going to Sunrise through our
8 residential street, that is more of a
9 distraction, a disruption and an impact on
10 our quality of life than those two houses
11 being as they were. So, my primary concern,
12 as I even stated to Mayor Kennedy, has always
13 been safety and congestion and, of course,
14 now property value.

15 These changes have prevented our
16 children from being able to play in the
17 street. My son is a skateboarder. The cars
18 that they bring from the service department
19 on the corner of Long Beach and the cars that
20 just come down the block to test drive, we
21 can't even have children on the street. So,
22 they're proposed now they want to cut out an
23 area where it's going to be minimal traffic
24 where people can now drive out onto Lexington
25 Avenue. The safety concerns that will cause

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2 the students, the safety concerns that will
3 cause for the residents who have young
4 children, I don't think that that is
5 something that can be minimized.

6 In addition -- so, of course we're
7 asking for this expansion to be denied. But
8 if it's not, as far as any access to a
9 commercial area on a residential area street
10 should be denied.

11 Secondly, the concern for the fact,
12 from an architectural design aspect, is that
13 they don't want to be, can I say, whatever
14 costs will be associated with making this
15 area look more or remain its residential look
16 because it will cause whatever inconvenience
17 the design is. I don't think the residents
18 of Freeport should be like -- we should be --
19 our concerns should be minimized in regards
20 to just to satisfy a commercial expansion.

21 When I look out my home, I don't to
22 look at a parking lot. So, whether it's
23 trees that are being put up, whether it's a
24 fence that is masking that, it should look
25 like a residential not a commercial street.

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2 The acquisition of these houses were
3 very calculated. And I think that everything
4 that happens after this will be very
5 calculated as well. Before this -- before
6 those houses were acquired, we did not have
7 the issues that we have on that block and
8 that street now. And I know that once they
9 have the cutout and they expand and they are
10 able to bring cars through there now because
11 it's been approved, we will have a lower
12 quality of life than we have now.

13 So, please, I hope that you take into
14 consideration the fact that what is being
15 said will not be a disruption. That
16 disruption exists today. The vehicles that
17 are being dropped off on the block, the tow
18 trucks that are causing us to have to drive
19 around to get to our house, that's happening
20 today. If we believe that once the expansion
21 takes place that will cease to exist, I think
22 we'll be sadly mistaken.

23 That's what I'd like the Board to
24 consider. Thank you.

25 MEMBER HAWKINS: Mr. Porter, do you

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know how many homes are located on your block?

MR. PORTER: I'm sorry, repeat that.

MEMBER HAWKINS: Do you know how many homes are located on your block existing?

MR. PORTER: In total?

MEMBER HAWKINS: Yeah.

MR. PORTER: No. I know that next to where they expanded, across the street, directly across the street from where this proposed expansion will take place, we have about three homes on that side, that he was describing on the west side of where this is proposed. Across the street from -- I mean, I can't tell you the exact amount on Lexington. Lexington is a long street. What's being proposed is in a very tight area, because between McKinley Place and Long Beach on one side is where we're talking about this happening, taking place. So, the amount of traffic from Long Beach and then proposing the cutouts to McKinley, that's a very condensed area, when you think about it. To have cars wrapping around, that's when

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2 they bring the truck on Long Beach, they
3 could block -- I mean on Lexington, they
4 could block traffic and it has traffic going
5 all the way back to Pine Street. This isn't
6 a big area. It may seem like a large area,
7 but when you actually see that area where
8 they are talking about and then on that one
9 corner there is a rental car place on
10 McKinley. So, what they are proposing, not
11 only will they have traffic from there, then
12 you have this traffic, already increased
13 traffic from the dealership test driving
14 cars, the service department. And now they
15 are proposing a parking lot for customers and
16 employees for a flow road to Lexington
17 Avenue. That's a lot for the residents to
18 have to deal with.

19 MEMBER HAWKINS: Thank you.

20 DEPUTY CHAIR CAREY: One more
21 question, Mr. Porter. Do you think if the
22 curb cuts were removed that it would help
23 alleviate the situation at all on your
24 street? Again, the west end of that property
25 to McKinley, which is the next street, how

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many? You said three houses left and two of them are sold houses. Three besides?

MR. PORTER: Three besides this.

DEPUTY CHAIR CAREY: Do you think the curb cuts would help your children be able to play in the street or not really? What do you think?

MR. PORTER: I think the curb cuts -- I think the curb cuts shouldn't even be considered. I mean, the curb cuts really, looking to your point, that will make it hard for those children to be in that area. That's why I started off saying of course we would not want any expansion at all. But access on Lexington Avenue would really be detrimental. There wasn't that access before, when I was just a concerned citizen calling the mayor saying somebody is going to get hit. Somebody is going to get killed on this block, one of these kids. And I saw two occasions.

So, having cars come out onto Lexington Avenue, yes, that would really make it very difficult. I wouldn't have my son

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2 playing out there. There was a bad accident
3 right across from my house. I wouldn't have
4 him out on the street.

5 But I will say this: It is almost
6 disheartening and sad to see the traffic.
7 And I'm not overexaggerating this. We're one
8 block south of Sunrise, but we never had
9 Sunrise traffic. You would only have that
10 traffic if the light went out and they had to
11 divert it. Where the Porsche dealership is,
12 the concern that we have to have not only
13 with backing out of our driveways because --
14 yeah, one thing that may be alleviated is the
15 parking on the street. But you also now are
16 going to have the flow through. So, we can
17 barely see, backing out of our driveways.

18 But one of the things that really is
19 disheartening to see is what once was. I
20 just look five, six, seven years ago and see
21 when we used to be able to have kids out and
22 how the block used to look. And now the
23 concern that we have, have been just the
24 dealership.

25 And I will just say this: I remember

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2 Mayor Hardwick and I remember having this
3 conversation with him when they started
4 putting in trees on the different streets to
5 beautify Freeport. And one thing he said is
6 that, "We want Freeport to be considered like
7 Garden City." That was the whole vision. At
8 that time, Garden City, with their
9 dealerships, they wouldn't allow dealerships
10 to bring their cars and test drive them on
11 residential streets. That was the concern
12 that I raised in regards to if we really
13 want. Just a look isn't enough to actually
14 exemplify something that you're looking at or
15 saying is something great I'm striving for.
16 If we have these trees on the street where
17 our children can't play or it's not safe,
18 what's the purpose of beautifying something,
19 if it's not a safe condition. That's where
20 we're at. We're at a point it's not safe.

21 So, like I said, I have concerns on
22 congestion, safety concerns, property value,
23 quality of life. But I don't think you can
24 minimize any of those or you should maximize
25 just the revenue that may come from

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commercial taxes when it's impacting residential safety.

MEMBER HAWKINS: You said before trucks come pulling in and unloading vehicles. Are you talking about the truck that has ten cars on it?

MR. PORTER: Yeah. I've called in regards to it, because at the time -- I can't remember. There was an attorney that the mayor had to speak to, because I said, "Is this allowed in the residential area," because I couldn't get around. I had to go around to get to my house and they were on the corner letting vehicles down on Lexington Avenue towards the end by the -- towards the Long Beach end, but... I'll gladly, as far as forward pictures. I apologize, like I said in the beginning, that I didn't have pictures. I have pictures on my phone to share. But they brought vehicles on the block.

So, for me to think that all of a sudden with the expansion that that's going to stop, that the traffic and congestion that

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happens on Long Beach Road is going to cease to exist because you built a parking lot. I don't see that happening.

MEMBER HAWKINS: Thank you.

CHAIRPERSON RHODEN: Thank you.

THE SECRETARY: Mary Impellizeri.

M A R Y I M P E L L I Z E R I,

having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

COURT REPORTER: Please state and spell your name for the record.

MS. IMPELLIZERI: Mary Impellizeri. I-M-P-E-L-L-I-Z-E-R-I. 25 Lexington Avenue.

Good evening, everyone. I do have photos of recent cars being dropped off in the service area early in the morning, late at night, during the day. As Mr. Porter, Ken, has said, it says, "No parking no stopping any time." They stop there and it backs up traffic on Sunrise, besides Long Beach. Unfortunately, he was untrue what he said about the houses not being lived in. Three, four years ago, the house on -- I

1
2 don't remember which number it is. Number 39
3 on South Long Beach. They bought the house
4 three or four years ago. We knew something
5 was going to happen, when we saw they got
6 bought out. The house on 16, the woman just
7 died a year and a half ago, Mrs. Tobacus,
8 because it was just before her Easter. So,
9 that house was only purchased a year ago, it
10 wasn't three or four years ago. Number 20
11 was maybe a year and a half before that. We
12 saw the evolution. The last one, 41 South
13 Long Beach, is only the last couple of months
14 that we noticed nobody was living in there.
15 People were still living there. So, it
16 wasn't three or four years all four of these
17 houses. Two of the homes, yes, maybe they
18 needed inside repairs. The woman was old,
19 she was in her 90's, and I used to go into
20 her house often. They ripped the siding off
21 and it looks horrible. I got letters because
22 my front porch wasn't painted. Yet, they
23 took the siding off, they have a gaping hole
24 in the front porch. There must have been a
25 water break or something going on. It made

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2 the house look horrible in those areas. Bose
3 house, the same way, the one on South Long
4 Beach. They took all the siding off the side
5 of the house and they started, as Ken said,
6 parking on the lawns. I kept calling to
7 complain because I couldn't even get out of
8 my driveway because they would block our
9 driveway with the cars. So, I couldn't back
10 up because it was so tight. Where the
11 driveway is, they were right up against the
12 edge of the driveway. Unfortunately, my
13 husband is very sick. He couldn't get the
14 car out of the driveway because it was too
15 tight.

16 As Ken said also, people are racing
17 up and down the street. It goes on all the
18 time. They get a new Porsche, they figure
19 I'll race down to McKinley, take a right, go
20 on Sunrise. You even hear them racing on
21 Sunrise.

22 I have no problem with expansion, but
23 they lied when they first applied for this.
24 If you go back to the minutes when they first
25 applied for this, they said their service

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2 area, they would only need that service
3 driveway. That's where all service vehicles
4 will come in and out of. They also said
5 their employees would park in the lot that is
6 presently there. They said they wouldn't
7 have a lot of cars in that lot. I think it
8 was in Pinelawn or something where their cars
9 would be coming from, that they wouldn't
10 need. That lot has never been empty. It is
11 always three or four deep of cars.

12 And like he said, we can't park. On
13 Saturday, I can't even invite people to my
14 house because there is no parking on the
15 street. If I came home from work before
16 5:00 p.m., I can't park on my street, because
17 there's too many cars there. I have no
18 problem if they put a lot in there for their
19 employees to park. That's fine. But don't
20 come off Lexington, come off Sunrise. Come
21 off -- the one little driveway on Long Beach
22 is always backed up with traffic. It backs
23 up the school bus coming down Long Beach.
24 I'm sorry, I'm getting a little nervous.

25 I do have photos to show that.

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2 CHAIRPERSON RHODEN: You can enter it
3 into evidence, if you'd like.

4 MS. IMPELLIZERI: The pictures of
5 them dropping off the cars where it says no
6 parking.

7 (WHEREUPON, the above-referred to
8 documents were marked as Witness's Exhibits A
9 through C, for identification, as of this
10 date.)

11 MS. IMPELLIZERI: The other thing is
12 that the property, there are three homes on
13 the north side of Lexington Avenue. You go
14 from -- besides the two they have taken down,
15 there's three homes up to McKinley. The
16 house that's right next to the house that
17 they want to take down, there is a driveway.
18 They have now parked a car at the back, so
19 you can't get onto the other -- onto Sunrise
20 Highway anymore. We used to drive right
21 through. But if they put a fence up, there's
22 going to be an alley between the current
23 property owner. The McKenzie's have a fence.
24 And where they propose their fence, there are
25 large oak trees there. Are those trees going

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2 to be torn down now that are there? They
3 provide nice oxygen for the neighborhood.
4 But there are quite a number of trees there
5 already. If they put on their property line
6 and his, now it's going to create an alley.
7 Now you are going to have people walking
8 through from Sunrise Highway to Lexington
9 Avenue. There is a little alley and it's
10 going to be exposed that way. It needs to be
11 cut off somehow, because already if people
12 were coming through when they first started
13 tearing it down, they were walking through to
14 come to our side.

15 Like I said, I have no problem with
16 the fencing that they put up at the other
17 end, the property on Lexington. That was
18 supposed to be closed so you couldn't see
19 anything. It's not. The bushes that they
20 put are like this tall. They are little tiny
21 things. They're not going to grow to look
22 like a fence so it wouldn't look like we're
23 living in the middle of a car dealership.

24 As he said, cars racing down the
25 street is a constant. I asked for those

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2 speed bumps to put there to stop them. They
3 haven't been put there the whole time. But
4 it's just that they say things and it all
5 sounds great, but nobody ever follows up and
6 say hey wait.

7 This museum? There is no museum.
8 It's, like, two cars and it's office space in
9 that building. I live right around the
10 corner. I see what is there, and it's just
11 not nice where we live.

12 I've grown up in Freeport. I've been
13 born here for 65 years. I've lived in that
14 house since 1982, my husband has been there
15 for 65. He lived in that home. We like the
16 way it was. When they tore down the house on
17 the corner to make their property, we're like
18 okay, that's fine. But then when they kept
19 coming down. Like he said, the cutouts, the
20 curb cutouts. I don't want curb cutouts,
21 because they are just going to keep coming in
22 and out. Even the people on Sunrise Highway
23 who want to get out of the traffic will
24 probably try and cut through, because there
25 is too much traffic already, the way it is

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located on the corner of Long Beach and
Lexington. Thank you.

DEPUTY CHAIR CAREY: Thank you.

MEMBER HAWKINS: Thank you.

THE SECRETARY: Robin Porter.

DEPUTY CHAIR CAREY: I have one
question for Ms. Impellizeri.

Do you have pictures of smaller
trucks that are unloading/loading cars or the
big ten car one?

MS. IMPELLIZERI: I don't have
pictures of that. I can go home and look and
see. Those I know I took because those
are -- obviously, they were dropped off in
the service area.

DEPUTY CHAIR CAREY: Thank you.

R O B I N P O R T E R,

having been first duly sworn by a Notary
Public of the State of New York, was
examined and testified as follows:

COURT REPORTER: Please state your
name and address for the record.

MS. PORTER: Robin Porter. 29
Lexington Avenue, Freeport.

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2 To piggyback what my husband said.
3 Since the dealership has been built, the
4 employees and customers, they completely
5 disrespect our street. They leave trash,
6 when they get out of their cars. We have an
7 apartment building that is actually right
8 across from the dealership, and they don't
9 really have much parking, so they park on our
10 street, which was fine. We still have room.
11 Now they can't get spaces because they're
12 coming home after 5:00 and the spaces are
13 already taken. So, they're parking way
14 further down the street. So, that has been a
15 disruption to us as well, and it has made the
16 street very narrow. We used to be able to
17 get two cars you could pass down Lexington
18 Avenue. Now you cannot do that. You have to
19 pull over to the side, one car has to go, and
20 then the other car has to go. We never had
21 that before.

22 Also, about six months ago, my
23 daughter was driving home from work. She was
24 on Sunrise Highway and she was driving onto
25 Long Beach. The dealership is right there on

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2 the corner. They have the truck that was
3 transporting the car outside on South Long
4 Beach, and a police officer had pulled
5 somebody over. So, my daughter is driving
6 from Sunrise on South Long Beach, you have
7 the police officer, you have the car he
8 pulled over, and then you have the truck that
9 was there. My daughter was turning, she had
10 another car behind her. She had to hurry up
11 and drive into the parking lot of the
12 dealership, so she wouldn't get hit by a car
13 that was behind her.

14 So, this dealership is also backing
15 up traffic that's coming from Sunrise. It's
16 been very dangerous with these lights and the
17 very little space that we have between
18 Sunrise and Lexington Avenue. So, it's
19 already been a hazard.

20 So, like we said earlier, I feel once
21 the properties are acquired, they are going
22 to do whatever they want, because they do not
23 respect us now, and it's almost like they
24 have like a -- I don't know. I think it's
25 the employees, like this cockiness. When

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2 they park in front of your house, they really
3 don't care. They come, they go drop trash
4 off, they speed up and down the street. They
5 have no respect for us whatsoever.

6 And the houses aren't even demolished
7 yet, and they are already driving from the
8 dealership which is on Long Beach behind the
9 two houses they want to demolish. They are
10 coming from the houses on the grass and
11 coming out on the street. Nobody can see
12 that. That's a blind spot, it's not a
13 parking spot. So, this is just a small
14 example of the disrespect that they have for
15 us on the street already.

16 So, I feel that once they get full
17 access to whatever is it they want, they are
18 going to do whatever they want. And I
19 personally feel that safety, wellbeing, and
20 quality of life of the residents is more
21 important than expanding a dealership,
22 especially in the time we are going through
23 right now.

24 Also, me and my husband are trying to
25 plan a drive-by -- I don't know what it's

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2 officially called, but my son is graduating.
3 They have this thing where you have cars
4 driving past the house, beeping the horn,
5 just to wave. Because of the virus, no one
6 gets together. So, we wanted to do that. We
7 can't, because there is absolutely no way we
8 can have any cars come down our block. If
9 someone was to come in the opposite
10 direction, it would be a complete mess. So,
11 now we have to find where are we going to do
12 our son's party at? We never had that
13 problem before. We have always had
14 barbecues, we always had people over. I
15 can't have anybody over my house because
16 there is nowhere for them to park. They have
17 to park around the corner.

18 I just ask that you to keep in mind
19 that the quality of our lives are being
20 effected by this. Lives are at stake because
21 of the way that they drive down the street.
22 It is really, really appalling. I almost
23 called the police a couple of times, but I
24 figured it wouldn't do anything. But it's
25 not getting any better, and I think that it's

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2 just going to continue to get worse and bring
3 down the property value of our house. We're
4 not going to be able to move because we're
5 not going to get what our house is worth.
6 So, this is a chain reaction of effects that
7 this dealership is going to cause, just so
8 they can put more money in their pockets,
9 when we're trying to just make it everyday,
10 trying to work and struggle and just have the
11 best quality of life we can have and we can't
12 because these expensive cars are being sold
13 on our block and interfering with our daily
14 lives.

15 So, I just ask that you please take
16 it into consideration. Thank you.

17 MEMBER HAWKINS: Thank you.

18 CHAIRPERSON RHODEN: Thank you.

19 MS. UNGAR: I don't think there's a
20 great way to get those pictures. You don't
21 want to give the Board your phone forever.
22 That's not a great way to do that right now.

23 CHAIRPERSON RHODEN: Do we have
24 anyone else?

25 THE SECRETARY: We do not.

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2 CHAIRPERSON RHODEN: So, at this
3 time, please come up.

4 MR. BAKER: Thank you. I'll try to
5 address what I believe to be the relevant
6 issues as best as I can.

7 First and foremost, hopefully this is
8 to everyone's liking and helpful. The
9 applicant, my client, agreed to close off the
10 two curb cuts on Lexington so that what are
11 now existing driveways to the existing houses
12 will not be utilized in the future as egress
13 or ingress for the west parcel parking. So,
14 the only means of ingress/egress is what
15 currently exists coming from Sunrise and also
16 on South Long Beach. So, I think that does a
17 number of things. Not only does it take
18 traffic from Lexington going in and out of
19 the property, but it actually will also
20 create a couple of more parking spaces, I
21 believe, on Lexington.

22 Again, remember, what seems to be a
23 theme from all three speakers is that there
24 isn't enough parking right now. And one of
25 the first things that we said and continue to

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2 say through the presentation is that we
3 believe one of the benefits of this project
4 is to alleviate the existing parking utilized
5 by the dealership on the street and bring
6 that all onto the property or the two
7 properties and, as a result, open up parking
8 for the residents of Lexington, the apartment
9 building and whoever else it might be.

10 So again, we think that the project
11 itself is going to help that, and we'll even
12 go further now to take those two existing
13 curb cuts on Lexington and close them.
14 Hopefully that's helpful.

15 In terms of the issues that were
16 brought up about deliveries of vehicles and
17 drop offs. I think there are two types of
18 drop offs that might typically happen: One
19 is that might be delivery of vehicles to the
20 dealership; meaning that they are coming from
21 Porsche or whoever is bringing them, whether
22 it is on a truck that has a number of them or
23 anything like that.

24 The dealer's policy is to have those
25 big trucks unload across Sunrise Highway

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2 under the train, so that they take them there
3 and transport each auto individually to the
4 dealership. So, it shouldn't be happening on
5 South Long Beach or on Lexington for sure.

6 The other potential drop off of
7 vehicles, and this probably happens more
8 often, would be a tow truck bringing a
9 vehicle into the dealership. The policy of
10 the dealership is not to have them on
11 Lexington, it's only to keep them right in
12 front of South Long Beach. And now, with the
13 newly created area where the two houses exist
14 on South Long Beach will open up a little
15 more room to make those drop offs happen
16 either closer to the dealership or even on
17 the dealership property. It's tough, because
18 the tow trucks may be large, but they should
19 be able to work them in and keep it going
20 like that. It's certainly the dealer's
21 intent, the applicant's intention to keep the
22 traffic from the drop off as minimal as
23 possible and not have a disturbance, and
24 they'll continue to do so.

25 I'll also point out that the

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2 dealership, the current owner of the
3 dealership, is relatively new. This was
4 transferred a couple of years ago. It's
5 almost two years. Two years in July. While
6 they're still working out the kinks, part of
7 it is figuring out how to go forward with
8 this project. We again believe that this is
9 going to be an improvement, once this is in
10 place because they will be more established
11 and have the area they need to do certain
12 things and what we presented to you tonight,
13 including better ingress and egress and
14 better parking. So, that's that.

15 The issue of cars going up and down
16 Lexington. So, a number of things:

17 Again, dealer's policy is not to have
18 test drives or any access going that way.
19 So, their employees are directed to keep that
20 traffic flow from South Long Beach to Sunrise
21 going down South Long Beach and head further
22 south down Merrick Road. Certainly it's
23 directed more to Sunrise Highway and
24 intentionally try to keep off of Lexington.
25 There are other dealerships nearby. They

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2 could be going up and down there. In fact, I
3 was told, while I was listening to this,
4 there are a number of incidents where the
5 Porsche cars that were parked have been
6 damaged by other vehicles coming up and down
7 Lexington or South Long Beach, wherever they
8 are.

9 So, it's the type of problem where
10 the applicant can't police 100 percent
11 because they don't have control over drivers
12 who are either not related to them at all or
13 even people who might be coming to the
14 dealership, driving vehicles themselves and
15 not a test drive or something of that nature,
16 just driving on their own. It's hard to stop
17 somebody doing that, but it is the policy and
18 intention of the applicant to try to minimize
19 the traffic as much as possible. Again, we
20 believe this addition of the two parcels will
21 help to do that.

22 DEPUTY CHAIR CAREY: I have a
23 question about that. So, the new owner has
24 only been doing this for two years. Who
25 started acquiring these parcels to make it

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into an aggregated parcel?

MR. BAKER: The previous owner had started that.

DEPUTY CHAIR CAREY: Thank you.

CHAIRPERSON RHODEN: I have some questions too. So, I'll address some statements you made.

In regards to your policies for deliveries, your internal policies for deliveries of cars. So, currently you're saying the policy is to have the cars being delivered across the street under the train station on Sunrise Highway, right? If that's not happening, what is the repercussions for that not occurring right now? What is the repercussions for your employees not following the direction they need to follow, in terms of protocol for your corporation to not have cars being test driven on Lexington, or your internal policies on making sure that, like you mentioned, if a tow truck is going to come? Who is giving them the directions? I'm sure they are giving them that they should be giving them South Long

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2 Beach Avenue address and not Lexington
3 address, right? They are not getting that on
4 their own. Somehow they're getting that's
5 the address they are being delivered to.

6 So, those are the things that if
7 you're telling me about policy, somehow, some
8 way, you're going to have to enforce those
9 policies even for your employees, right?

10 MR. BAKER: Yes. Understood. And
11 you know, there's always the availability to
12 reach out to the general manager or his
13 management team at the dealership. The
14 general manager is here tonight, and we have
15 been discussing this as we were listening to
16 the concerns of the neighbors. He is
17 available and will happily pass this
18 information to them, to those in attendance
19 here, so that if they have any issues, he
20 wants to hear about it, because he doesn't
21 want this to happen; meaning, any of his
22 employees or anyone that is potentially under
23 his control at the dealership to spill out
24 onto Lexington or have any impact on the
25 neighbors. In reality, they are a neighbor

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2 as well. They want to be a good neighbor.
3 It only helps to be a good neighbor.

4 CHAIRPERSON RHODEN: By having cars
5 parked on the lawn already shows they are
6 very (inaudible) even for you. If you were a
7 home owner --

8 MR. BAKER: I understand and
9 appreciate that. When it was directed for
10 them to fix that problem, they did. But
11 again, this is my opinion, by moving forward
12 with this project, it removes the need for
13 doing that. Reality is that sometimes they
14 had vehicles they need to park somewhere, and
15 that was the impetus for doing it. Right or
16 wrong, I understand what you're saying.

17 I think, again, this will help fix
18 that and create more space.

19 CHAIRPERSON RHODEN: I know, because
20 I was here. I was present when the previous
21 application came before and all the
22 presentations that were made. I'm not going
23 to say promises. Presentations that were
24 made, they were made in regards to the cars
25 and maintaining order and you keeping the

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2 cars, not parking them on the streets. You
3 were going to have minimal cars being parked,
4 there was not going to cause any parking on
5 the neighbors. I mean, we did have those
6 discussions and I was present. I believe
7 some of the Board members were present as
8 well. So, I have concerns when that's being
9 brought up as one of the problems.

10 MR. BAKER: Understood. I think
11 again it also goes back to what we were just
12 talking about: The fact that this is a new
13 dealer and understanding that maybe there
14 were a couple of issues since they took over.
15 But the idea is to make this a better run
16 facility not only for the applicant but all
17 the neighbors as well.

18 I was not part of the previous
19 application and, again, my client wasn't, but
20 I do work with them. They are a larger auto
21 group, not only in New York but other states.
22 They've got a lot of experience and expertise
23 in doing this. I think the vision of this
24 project, whether it was started by somebody
25 else and now picked up by them, it's still

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2 more in their wheelhouse to get this done and
3 do it the right way. And certainly we are
4 listening to the concerns of not only the
5 neighbors but the Board as well, based on
6 what might have happened in the prior
7 applications but also tonight to do a good
8 job or the best job they can policing
9 whatever issues might come about with the
10 parking or the test drives in the location
11 and drop offs and delivery of trucks,
12 etcetera.

13 So, certainly I'm hearing you, and
14 the representatives from my client that are
15 here are hearing you and the neighbors and
16 will do their best to make sure this doesn't
17 happen going forward.

18 MEMBER HAWKINS: So, I know the new
19 parking lot that you're building, the amount
20 of cars that you anticipate being able to
21 park there will alleviate a lot of parking
22 concerns that the neighbors have.

23 As far as dropping off the vehicles,
24 is that lot big enough if you have a flatbed?
25 I'm envisioning a flatbed truck coming in.

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Will they be able to pull into that lot and possibly unload vehicles there?

MR. BAKER: The west lot, yes, that is possible.

MEMBER HAWKINS: That will alleviate that problem.

MR. BAKER: Now it's a little deeper heading west.

MR. RANT: It gives access from Sunrise to come in and drive straight through. Right now the vehicles can't come in and turn around. This gives a straight shot in and out without having that. So, the vehicles will have better access in and out.

MR. BAKER: That's a great point. For safety purposes, now we're eliminating movements that require a big truck to go backwards, forward, backwards. It's an improvement, if they can come through and do it one time from Sunrise straight through. That's a great point.

DEPUTY CHAIR CAREY: Do you have shipments that might come in through there at all hours of the night? If someone breaks

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down at 2:00 in the morning, a tow truck
might bring it to your shop.

MR. BAKER: It can happen. I
understand that could happen.

DEPUTY CHAIR CAREY: So, they
wouldn't want -- one of the residents spoke
about the concern of having people cutting
through the lot and having it being a
thoroughfare for walkers, which would not be
in the best interest of everybody.

At night, would you be closing that
entrance off or any kind of thing? Is there
any way, so that people aren't walking around
in the nighttime and creeping around property
lines?

MR. BAKER: Are you talking about
Sunrise?

DEPUTY CHAIR CAREY: I'm talking
about the entrance from Sunrise coming into
the property. Or is it not feasible to do
that?

MR. BAKER: Probably not.

MR. RANT: Unless we close here on
the interior at least.

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2 MR. BAKER: Yeah. So, they can close
3 off the interior portion so it's not directly
4 on Sunrise. But there is not much for anyone
5 to go through then to get in this little --

6 MR. RANT: It would be an isolated
7 lot up here. We don't like to have gates on
8 Sunrise because vehicles could be sticking
9 out on Sunrise. It would be an internal gate
10 that would allow access, really just to a
11 small parking lot, and then they could not
12 traverse through the property.

13 DEPUTY CHAIR CAREY: It makes it more
14 secure for the residents.

15 CHAIRPERSON RHODEN: It also makes --
16 I guess the shrubbery that's currently there,
17 I believe is not really providing some type
18 of privacy for the residents.

19 MR. BAKER: Where are you talking
20 about?

21 DEPUTY CHAIR CAREY: She mentioned
22 the shrubs are only so high.

23 MR. BAKER: I did want to address
24 that. The proposed shrubs that would go
25 here, along the western edge, are going to be

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arborvitae. Arborvitae grow to 12, 15 feet.

CHAIRPERSON RHODEN: Where are the other current ones?

MR. RANT: I believe the existing trees that were discussed is oak trees. Those are on -- they kind of straddle the property on the west side of the site. So, those would be outside of the parking lot, those would not have to come down. Those have an upper canopy. And then the evergreens would be planted below them to screen out the lower portion to create privacy between the two properties.

DEPUTY CHAIR CAREY: Are you going to be putting in full grown, since it takes a long time to grow?

MR. RANT: We have a planted height of six foot. That would be the installed height.

DEPUTY CHAIR CAREY: Another question is, one of the reasons why we wouldn't want to switch residential zone to business zone is trees. I appreciate that you mentioned about the large old growth trees. Are any

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large trees going to be cut down to make this more --

CHAIRPERSON RHODEN: He said no. All on the other side.

MR. RANT: They extend right now to the most western curb cut. They're to the west of that. That curb cut is being closed as suggested. So, those trees will remain and there will be no parking there. Those can stay.

MEMBER HAWKINS: Thank you for eliminating that cut. That was a concern of mine also with traffic coming out in the residential area.

MS. UNGAR: I do want to mention that if the application is approved, it still has to go to site plan. Site plan would have more oversight, in terms of any trees and plantings.

CHAIRPERSON RHODEN: I think we were just directing the fact that the neighbor, the resident on Lexington stated that currently, right now, the shrubbery does not exist the way it was presented, that it was

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going to be --

MS. UNGAR: It's a point that if it's approved, it would be something to bring the site plan's attention as well, because they can condition those specifically. That is not something the Zoning Board can condition as much.

CHAIRPERSON RHODEN: Right.

MR. BAKER: I'm done, unless there are anymore questions.

CHAIRPERSON RHODEN: So you --

MS. UNGAR: Before you step down, I just wanted to say a couple of things.

What I'm hearing is that if it were approved, your client would be okay with the condition of closing off the curb cut on Lexington.

MR. BAKER: Correct.

MS. UNGAR: Your client is also okay with a condition limiting deliveries of vehicles either to across the street on Sunrise under the train tracks or if they can do it through the flow on Sunrise?

MR. BAKER: Right.

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2 MS. UNGAR: Also a potential
3 condition, to the extent possible, is
4 limiting tow trucks only on South Long Beach
5 and not on Lexington, to the extent there is
6 communication.

7 MR. BAKER: Keeping it to South Long
8 Beach, not Lexington.

9 MS. UNGAR: Not Lexington, just South
10 Long Beach. And preferably in the new
11 parking area when available. I'm not
12 entirely sure how it would be conditioned,
13 but conditioning the enforcement of the
14 policy of no test drives on Lexington.
15 Obviously if it is other cars, there is
16 nothing we can do about that. But to the
17 extent possible, it sounds like universally
18 no one wants the employees to take potential
19 customers onto Lexington.

20 And then the gate, the interior gate
21 section closed off when not in use, to try to
22 prevent any flow through that may go there.

23 And kind of an additional thing that
24 wasn't directly touched upon was, there was a
25 lot of discussion about this expansion of

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parking being used to get dealership cars off of the streets. Is that something that could be conditioned?

MR. BAKER: So, the only dealership cars that are now being parked in the streets is its employees.

MS. UNGAR: Is there a way to get the employees cars off the street?

MR. BAKER: Yeah, that's okay.

MS. UNGAR: That can be a condition as well, that employee cars be parked on site?

MR. BAKER: Yes.

MEMBER HAWKINS: How many employees do you have there?

MR. BAKER: Approximately, 30, 35, at any given time.

MEMBER HAWKINS: Thank you.

MS. UNGAR: Do you want to speak again?

MS. PORTER: I know that he just mentioned that the manager could be called if there's any issues. My husband has called the manager and complained about the cars

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2 that are going up and down the street. So,
3 my question is, if this does get approved,
4 what do we do, as residents, if they don't
5 follow what they're saying they're going to
6 do now? I really don't trust everything they
7 are saying now is going to be carried out.
8 So, what do we do, as residents, when we see
9 that certain things aren't being done? Who
10 do we call?

11 MS. UNGAR: That would be a Building
12 Department or police matter, depending on
13 what it is. Most of this would be Building
14 Department related, as the Building
15 Department is tasked with enforcing the
16 zoning code rules and the variances or
17 conditions of variances being granted. So,
18 it would primarily be the Building
19 Department.

20 MS. PORTER: Okay. That's all.
21 Thank you.

22 MR. PORTER: Lastly, I wanted to
23 propose something, which I brought to the
24 mayor's office before. The problem with the
25 employees for the test driving or even the

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2 repairs on the cars, because they need to
3 test drive the cars when the repairs are
4 done. Speed bumps on the block would
5 alleviate that and even be an option. The
6 concern of mine with the expansion, which
7 wasn't addressed, is the disturbance of
8 lighting. What lighting exists throughout
9 the night that I have to see looking across
10 the street from my house to the parking lot?

11 In addition, will that buffer of
12 trees going to be so dense so that we still
13 have a residential feel, so I don't have to
14 see the inventory in the parking lot and be
15 disturbed by the deliveries that can take
16 place at any time during the night, as they
17 take place now?

18 CHAIRPERSON RHODEN: That would be
19 an -- if this application gets approved, that
20 would be a site plan discussion.

21 MS. UNGAR: Lighting and landscaping.

22 CHAIRPERSON RHODEN: Those are not
23 zoning.

24 MS. UNGAR: I meant to comment on the
25 speed bumps before. So, I'm glad you brought

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2 it up again. Speed bumps, my understanding
3 with having discussions with the Department
4 of Public Works about this, speed bumps are
5 not considered to be a safe traffic control
6 device, in the sense that they work well in
7 the parking lots, when you're going around
8 the little parking lots. But speed bumps can
9 be dangerous when they are not seen, and they
10 are not generally considered safe traffic
11 control devices on residential blocks.

12 MR. PORTER: Thank you.

13 CHAIRPERSON RHODEN: Do we have any
14 additional questions?

15 THE SECRETARY: There is no one else
16 here to speak on the application.

17 CHAIRPERSON RHODEN: Are you
18 completed with your presentation?

19 MR. BAKER: We are done. I would
20 just conclude by saying that we do believe,
21 particularly with the changes that we made
22 here in discussion tonight, we believe this
23 is a good application and is, hopefully,
24 granted by the Board. We ask that you do
25 that.

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2 CHAIRPERSON RHODEN: Thank you. Can
3 I please have a motion to close to further
4 evidence and reserve decision.

5 MEMBER MINEO: So moved.

6 DEPUTY CHAIR CAREY: Second.

7 MS. UNGAR: Madame Chair, I also will
8 note that the Nassau County Planning
9 Commission recommendation has not yet been
10 received. I would suggest it be closed
11 subject to the receipt of the Nassau County
12 Planning Commission recommendation. Just
13 subject to receipt of that document.

14 CHAIRPERSON RHODEN: Okay.

15 DEPUTY CHAIR CAREY: I make a motion
16 subject to receipt of that document.

17 MEMBER MINEO: Second.

18 THE SECRETARY: All in favor.

19 MEMBER MINEO: Aye.

20 MEMBER HAWKINS: Aye.

21 DEPUTY CHAIR CAREY: Aye.

22 CHAIRPERSON RHODEN: Aye.

23 THE SECRETARY: Any opposed?

24 (No response was heard.)

25 CHAIRPERSON RHODEN: Thank you very

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much.

MEMBER HAWKINS: Motion to close.

CHAIRPERSON RHODEN: Motion to close
for executive session.

MEMBER HAWKINS: So moved.

MEMBER MINEO: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

(WHEREUPON, a recess was taken from
8:59 p.m. to 9:53 p.m., after which the
following transpired:)

CHAIRPERSON RHODEN: Do we have any
decisions that need to be read into tonight's
calendar?

THE SECRETARY: Yes. The first
decision is a revised decision for 2022-5,
128 Cary Place, Marine Industrial, Section
54, Block 319, Lots 96-100, 102-104, 226 &
227. Cary Commons, LLC.

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2 MEMBER HAWKINS: Chairman, regarding
3 Application Number 2022-5 for the premises
4 located at 128 Cary Place, Freeport, the
5 Applicant comes before this Board seeking a
6 variance from Village Ordinances 210-6A,
7 210-117B seeking approval to use a marine
8 industrial property as a residential use.

9 I, Charles Hawkins, move that this
10 Board make the following findings of fact:

11 A public hearing was held on
12 March 24, 2022 wherein applicant was
13 represented by attorney Jessica Leis of
14 Forchelli, Deegan and Terrana. She explained
15 that the property is on the north side of
16 Cary Place and consists of ten separate lots.
17 Applicant plans to subdivide the property
18 into three buildable lots and utilize each
19 for residential use. Right now there is one
20 pre-existing nonconforming house in the
21 center of the property. However, extending
22 that use by adding two additional houses
23 requires a variance. The existing house on
24 its new lot will comply with all residential
25 zoning requirements and the other two parcels

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2 will comply with lot area, street frontage
3 and lot width. While no specific houses are
4 proposed, the lots can accommodate zoning
5 compliant residential dwellings.

6 She explained that the property has
7 been a residential use for 70 years. The
8 applicant could not realize a reasonable
9 return using the subdivided lots for
10 residential use in the middle and then
11 another use on the other two lots, other than
12 using those lots for residential use. The
13 property is unique in that it is larger than
14 other residential and industrial lots on the
15 block. The subdivision would produce lots
16 that are in character with the rest of the
17 lots on that portion of Cary. Additionally,
18 she explained that much of the eastern
19 portion of the block is residential. Going
20 west, the use is mixed between residential
21 and marine industrial. She does not believe
22 the issue is self-created in that the large
23 lot has been used as residential since 1952.

24 1. Applicant has demonstrated that
25 applicable zoning regulations and

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2 restrictions have caused unnecessary
3 hardship. Applicant has demonstrated to the
4 Board of Appeals that for each and every
5 permitted use under the zoning regulations
6 for the particular district where the
7 property is located:

8 a. The applicant cannot realize a
9 reasonable return, provided that lack of
10 return is substantial as demonstrated by
11 competent financial evidence. With the price
12 paid, applicant cannot realize a reasonable
13 return trying to use the subdivided lots for
14 any purpose other than residential.

15 b. That the alleged hardship
16 relating to the property in question is
17 unique, and does not apply to a substantial
18 portion of the district or neighborhood.
19 This is a large lot being used for
20 residential purposes with a house right in
21 the middle. Other residential uses are
22 smaller properties. Larger marine industrial
23 properties don't tend to have a house right
24 in the middle of them.

25 c. That the requested use variance,

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2 if granted, will not alter the essential
3 character of the neighborhood. The block is
4 a mix of residential and marine industrial.
5 More residential homes will not change the
6 character of the block.

7 d. That the alleged hardship has not
8 been self-created.

9 The Board, as lead agency, has
10 determined that this action is an unlisted
11 action under SEQRA. A short environmental
12 assessment form has been completed by the
13 applicant and this Board. The Board finds no
14 environmental impact under SEQRA, issues a
15 negative declaration, and no further review
16 is required.

17 I further move that this application
18 be granted subject to the following
19 conditions:

20 1. Applicant/Owner must comply with
21 all the Rules and Regulations of the Village
22 of Freeport.

23 2. Applicant must obtain the
24 required permits from the Building
25 Department.

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MEMBER MINEO: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: The next decision is Application 2021-20, 131-135 Guy Lombardo Avenue, Business AA, Section 62, Block 75, Lots 31, 32, 33. 135 Guy Lombardo, LLC.

MEMBER HAWKINS: Chairman, regarding Application 2021-20 for the premises located at 131-135 Guy Lombardo Avenue, the Applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-60, 210-48, 210-49C, 210-49D, 210-172A(2)(A) and 210-65, seeking approval to construct a new five story, 50,487 square foot multiple dwelling.

I, Charles Hawkins, move that this Board make the following findings of fact:

A public hearing was held on

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2 February 17, 2022 wherein applicant was
3 represented by Christopher Gomoka, on behalf
4 of the Law Office of Michael Solomon. He
5 introduced Brandon Hamchuk, the architect for
6 the project. He explained that the existing
7 site currently has two, two-story office
8 buildings (the Board notes that 131 Guy
9 Lombardo is classified as a one family
10 house). He explained that they propose to
11 demolish both and build a five story 41 unit
12 apartment building. He noted the site was
13 designed in such a way to maximize the
14 parking. He explained that the ground floor
15 contains a lobby, superintendent apartment,
16 storage and parking. The second through
17 fifth floors all have ten dwelling units
18 each, ranging from 889 square feet to 1,166
19 square feet. In response to a question about
20 building height, Mr. Hamchuk explained that
21 they did not adhere to the 50 feet, that the
22 building is 57 feet 8.5 inches because they
23 are building luxury apartments with nine foot
24 ceilings and two foot floor cavities to allow
25 for individual heat, electric, water, cooling

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2 and gas. He said he could pull a few feet
3 out if necessary. When asked why not just do
4 one less story, the architect said, "The
5 density permits 35 dwelling units. Again, I
6 want to push it as much as we could." With
7 ten units per floor, he only got 31 units,
8 and he was permitted 35, so he added the
9 extra floor, which tripped the height limit.
10 It also then tripped the required parking.

11 Barry Nelson, the real estate expert
12 also spoke on the property. He explained
13 that the property fronts on Guy Lombardo from
14 Cottage Court to Smith Street. The uses in
15 the area include apartment buildings, one and
16 two family homes, commercial businesses,
17 convenience stores, and shopping. The
18 property abuts a parcel that is zoned
19 residence apartment; although, most of the
20 properties are single family homes. He
21 explained that the location should be
22 considered a transit oriented development, as
23 it is within walking distance to shopping,
24 the Long Island Railroad, and bus routes. He
25 explained that a similar development in the

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2 Village of five stories; four with parking at
3 ground level, would be the new Moxey Rigby
4 development.

5 MS. UNGAR: Five stories.

6 MEMBER HAWKINS: He explained that a
7 similar development in the Village of five
8 stories, four parking at ground level, would
9 be the new Moxey Rigby development. He
10 explained that the applicant is proposing a
11 higher quality tenant by using state of the
12 art materials in the building, including
13 stainless steel appliances, granite
14 countertops, nine foot ceilings, etcetera.
15 The tenants would be "move up" tenants that
16 were already living in the Village and want a
17 better building. He compared the proposed
18 building to apartment buildings in the area
19 that have a greater or similar density than
20 what the applicant is seeking. He also
21 compared the proposed development to the new
22 Moxey Rigby, although acknowledged that was a
23 different market. He explained that
24 regarding the character of the neighborhood,
25 to the east there are one and two family

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2 houses mainly. Mixed uses are found on the
3 block. He estimates that if the development
4 of the property were to go forward, the
5 Village would get approximately \$66,000 in
6 property taxes, which equates to a market
7 value of about \$7 million. He said the cost
8 of construction is at least \$300 a square
9 foot and that this would be a \$15 million
10 project for the Village. He said that the
11 variance for open space, given that it is a
12 move up tenant, there might not be that kind
13 of demand. He said the tenants would want a
14 Planet Fitness type of business to open down
15 the block. He said that the Planning
16 Commission recommended a greater setback on
17 the easterly side where it is adjacent to a
18 more restrictive zoning district. He said it
19 is an apartment district, same as the
20 proposed use; however, that is somewhat
21 misleading. First of all, it is a business
22 district abutting a residential, which is
23 more restrictive use. Additionally, the two
24 houses directly to the east and a one family
25 and a two family house, in practice, a more

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2 restrictive use than the proposed apartment
3 building.

4 Sean Mulryan, a traffic engineer,
5 presented next. He explained that there are
6 41 units in the complex, requiring a total of
7 82 parking spaces. 66 parking spaces are
8 provided. He explained that the Institute of
9 Transportation Engineers Parking General
10 Manual showed that the 66 spaces provided are
11 ample. He explained that for rental units in
12 Freeport, 70 percent of apartments would have
13 one or fewer cars. He explained that the
14 Board previously granted a variance at 49-57
15 Graffing Place for 35 parking spaces where 40
16 are required.

17 At the end of the hearing, a Board
18 member again mentioned that they still have
19 not heard as to why a five story building was
20 needed and not four. Mr. Nelson explained
21 that the building was not really five stories
22 but four. He also explained that the density
23 is comparable to surrounding apartment
24 buildings. He said that if a floor is
25 removed, you get 35 units as of right, but

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2 they would make smaller units, and that is
3 not the market the applicant is looking for.

4 To recap, the variances the applicant
5 is seeking are for building height. A height
6 of 57 feet 8.5 inches is proposed. The
7 second variance requested is for lot density.
8 With 990square feet per unit required, 35
9 units are permitted under the code, and 41
10 units are proposed. A variance is also
11 required for open space. With a proposed
12 50,487.3 square feet of residential space
13 proposed, 25,243.71 square feet of open space
14 is required, where 22,846.3 square feet of
15 open space is proposed. A variance is also
16 required for recreational space, which
17 requires 4,207.3 square feet of contiguous
18 space in a place other than the front yard.
19 No non-front yard recreation space is
20 provided. For 41 two bedroom apartments, 82
21 parking spaces are required. 66 parking
22 spaces are provided. A ten foot buffer is
23 required for nonresidential uses (including
24 an apartment) that abuts residence apartment
25 or more highly restricted districts. No

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buffer is provided.

The Board notes that the need for almost all of these variances disappears if the applicant removes the fifth story (four floors of apartments) from the design, then there is no height variance needed. Then there is no lot density variance needed. Then there is no parking variance needed. Then there is no open space variance needed. The only variances that would be required is that of recreation space and lack of buffer, which with a scaled down project, the Board might be inclined to grant.

Applicant makes much of the fact that surrounding apartment buildings have a greater lot density; however, those buildings pre=date the Village Code. The Village Code was created with the knowledge of the lot densities of the existing buildings, yet it established a lower density for apartment buildings going forward.

The Board also notes that the main reason for the addition of the fifth floor was to "push it as much as we could." The

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2 applicant's desire to go past the legally
3 permissible density should not be something
4 the surrounding community should have to
5 absorb.

6 1. On balance, the benefit to the
7 applicant by the granting of this variance is
8 far outweighed by the detriment to the
9 health, safety and welfare of the
10 neighborhood or community if such variance
11 were to be granted. The Board has
12 determined:

13 a. That an undesirable change will
14 be produced in the character of the
15 neighborhood or a detriment to nearby
16 properties will be created by the granting of
17 the area variance. The Village enacted
18 zoning codes with a lower density for a
19 reason. Height limits also exist for a
20 reason. Parking has become a huge issue in
21 all areas of the Village. So, to not provide
22 adequate parking, especially on a busy street
23 like Guy Lombardo Avenue will not work well
24 for the Village. The Board is also skeptical
25 that in the "luxury" building applicant says

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2 he intended to build, that the tenants will
3 have one or fewer cars, especially when all
4 of the units are two bedroom units.

5 Analogizing the height to Moxey Rigby is not
6 applicable as that was a project to
7 completely rebuild a low income housing
8 complex that was devastated during Super
9 Storm Sandy, and had specific constraints to
10 rebuild. Analogizing the parking variance to
11 that of 49-57 Graffing Place is also not
12 applicable as Graffing Place is a much less
13 congested street, with many single family
14 homes, whereas Guy Lombardo is a much more
15 congested street with many apartment
16 buildings. Parking is a much bigger concern
17 on Guy Lombardo Avenue.

18 b. That the benefit sought by the
19 applicant can be achieved by some method
20 feasible for the applicant to pursue, other
21 than an area variance. Applicant seeks to
22 build an apartment building. However,
23 applicant is pushing the limits with the
24 number of units which is set off a domino
25 effect of other variances needed. Applicant

1
2 could simply scale down the project to fewer
3 units. The Board strongly recommends that
4 applicant re-submit this application with one
5 fewer story, with the same number of units
6 per story as currently proposed.

7 c. That the requested area variance
8 is substantial. All around, in totality,
9 each of these variances is substantial,
10 especially when viewed in light of the fact
11 that the applicant has pushed the boundaries
12 on everything, beginning with the
13 density/height issue. This is not just one
14 variance that is pushing the boundary, it is
15 all of them, working in conjunction with each
16 other. Applicant is simply proposing a
17 project that is too substantial for the space
18 available.

19 d. That the proposed variance will
20 have an adverse effect or impact on the
21 physical or environmental conditions in the
22 neighborhood or district; and

23 e. That the alleged difficulty was
24 self-created. Applicant created much of this
25 problem itself. As the architect said, "We

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2 wanted to push it as much as we could." This
3 was absolutely a self-created difficulty that
4 could be mitigated almost entirely by removal
5 of the top floor, while leaving everything
6 else unchanged.

7 I further move that this application
8 be denied based upon the foregoing findings.

9 MEMBER MINEO: Second.

10 THE SECRETARY: All in Favor.

11 MEMBER MINEO: Aye.

12 MEMBER HAWKINS: Aye.

13 DEPUTY CHAIR CAREY: Aye.

14 CHAIRPERSON RHODEN: Aye.

15 THE SECRETARY: Any opposed?

16 (No response was heard.)

17 THE SECRETARY: The next decision is
18 Application 2022-20, 180 Wilson Place,
19 Residence AA, Section 54, Block 491, Lot 1.
20 Miguel and Ismaela Hernandez.

21 MEMBER MINEO: Madame Chair,
22 regarding Application 2022-20 for the
23 premises located at 180 Wilson Place,
24 Freeport, the Applicant comes before this
25 Board seeking a variances from Village

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2 Ordinances 210-6A, 210-223(A), 210-223(D)
3 seeking approval for the installation of a 36
4 foot by 16 foot in-ground pool.

5 I, Anthony Mineo, move that this
6 Board make the following findings of fact:

7 A public hearing was held on
8 April 21, 2022 wherein applicant Ismaela
9 Hernandez presented. She explained she is
10 planning to install an in-ground pool in her
11 side yard. She is a corner property and has
12 no back yard. Side yard is the only location
13 she can install her pool. She presented
14 photos of similar properties to her own which
15 have pools in the side yard.

16 On balance, the benefit to the
17 applicant by the granting of this variance is
18 not outweighed by the detriment to the
19 health, safety and welfare of the
20 neighborhood or community, if such variance
21 were to be granted. The Board had
22 determined:

23 a. That an undesirable change will
24 not be produced to the character of the
25 neighborhood and a detriment to nearby

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2 properties will not be created by the
3 granting of the area variance.

4 b. That the benefit sought by the
5 applicant cannot be achieved by some method,
6 feasible for the applicant to pursue, other
7 than an area variance.

8 c. The requested area variance is
9 insubstantial.

10 d. That the proposed variance will
11 not have adverse effect or impact on the
12 physical or environmental conditions in the
13 neighborhood or district; and

14 e. That the alleged difficulty was
15 not self-created.

16 The Board, as lead agency, has
17 determined that this action is a Type II
18 action under SEQRA and no further review is
19 required.

20 I further move this application be
21 granted subject to the following conditions:

22 1. Applicant/Owner must comply with
23 all the Rules and Regulations of the Village
24 of Freeport.

25 2. Applicant must obtain the

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required permits from the Building Department.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: The next decision is Application 2022-13, 110 Cornelius Street, Residence A, Section 62, Block 90, Lot 4. Jay Holin.

MEMBER MINEO: Chairman, regarding Application 2022-13 for the premises located at 110 Cornelius Street, the Applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-41A(1) seeking approval for the expansion of a front porch from 55 square feet to 108 square feet.

I, Anthony Mineo, move that this Board make the following findings of fact:

A public hearing was held on April

1
2 21, 2022. Applicant was represented by
3 architect Russell Jordan. He explained that
4 they are expanding their front porch. He
5 explained that the front setback will remain
6 the same. He noted that 116, 118 and 120
7 Cornelius Street have smaller front setbacks
8 than the subject property.

9 Area balances:

10 On balance, the benefit to the
11 applicant by the granting of this variance is
12 not outweighed by the detriment to the
13 health, safety and welfare of the
14 neighborhood or community if such variance
15 were to be granted. The Board has
16 determined:

17 a. That an undesirable change will
18 not be produced in the character of the
19 neighborhood and a detriment to nearby
20 properties will not be created by the
21 granting of the area variance.

22 b. That the benefit sought by the
23 applicant cannot be achieved by some method,
24 feasible for the applicant to pursue, other
25 than an area variance.

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2 c. That the requested area variance
3 is insubstantial.

4 d. That the proposed variance will
5 not have an adverse effect or impact on the
6 physical or environmental conditions in the
7 neighborhood or district; and

8 e. That the alleged difficulty was
9 not self-created.

10 The Board, as lead agency, has
11 determined that this action is a Type II
12 action under SEQRA and no further review is
13 required.

14 I further move that this application
15 be granted subject to the following
16 conditions:

17 1. Applicant/Owner must comply with
18 all the Rules and Regulations of the Village
19 of Freeport.

20 2. Applicant must obtain the
21 required permits from the Building
22 Department.

23 DEPUTY CHAIR CAREY: Second.

24 THE SECRETARY: All in favor.

25 MEMBER MINEO: Aye.

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MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN:

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: The next decisions is Application 2022-15. 3 Mayfair Court, Residence AA, Section 54, Block B, Lot 68. Albert Patton.

MEMBER MINEO: Madame Chair, regarding Application 2022-15 for the premises located at 3 Mayfair Court, the Applicant comes before this Board seeking a variance from Village Ordinances 210-6A and 210-33 seeking approval for the expansion of a new 240 square foot deck.

I, Anthony Mineo, move that this Board make the following findings of fact:

A public hearing was held on April 21, 2022. Applicant was represented by architect Chris Gray. He explained that the lot coverage is limited to 25 percent, but with the deck it is 26.4 percent. The deck is two feet five inches off the ground, 20

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2 feet wide and 12 feet deep. If it kept with
3 the lot coverage it would be about half the
4 size. The proposed size allows for a table
5 and chairs to be able to gather outside.

6 1. On balance, the benefit to the
7 applicant by the granting of this variance is
8 not outweighed by the detriment to the
9 health, safety and welfare of the
10 neighborhood or community if such variance
11 were to be granted. The Board has
12 determined:

13 a. That an undesirable change will
14 not be produced in the character of the
15 neighborhood and a detriment to nearby
16 properties will not be created by the
17 granting of the area variance.

18 b. That the benefit sought by the
19 applicant cannot be achieved by some method,
20 feasible for the applicant to pursue, other
21 than an area variance.

22 c. That the requested area variance
23 is insubstantial.

24 d. That the proposed variance will
25 not have an adverse effect or impact on the

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2 physical or environmental conditions of the
3 neighborhood or district; and

4 e. That the alleged difficulty was
5 not self-created.

6 The Board, as lead agency, has
7 determined that this action is a Type II
8 action under SEQRA and no further review is
9 required.

10 I further move that this application
11 be granted subject to the following
12 conditions:

13 1. Applicant/Owner must comply with
14 all the Rules and Regulations of the Village
15 of Freeport.

16 2. Applicant must obtain the
17 required permits Building Department.

18 MEMBER HAWKINS: So moved.

19 THE SECRETARY: All in favor.

20 MEMBER MINEO: Aye.

21 MEMBER HAWKINS: Aye.

22 DEPUTY CHAIR CAREY: Aye.

23 CHAIRPERSON RHODEN: Aye.

24 THE SECRETARY: Any opposed.

25 (No response was heard.)

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2 THE SECRETARY: The next decision is
3 Application 2022-16. 718 Miller Avenue,
4 Residence A, Section 62, Block 183, Lot 296
5 and 297. Deo Geer.

6 DEPUTY CHAIR CAREY: Madame Chair,
7 regarding Application 2022-16 for the
8 premises located at 718 Miller Avenue,
9 Freeport, the Applicant came before this
10 Board seeking a variance from Village
11 Ordinances 210-6A, 210-223A and 210-223D
12 seeking approval for a 270 square foot
13 in-ground swimming pool and spillover hot
14 tub.

15 I, Jennifer Carey, move that this
16 Board make the following findings of fact:

17 A public hearing was held on
18 April 21, 2022. Applicant was represented by
19 engineer Michael Rant. He explained that
20 there is a pond there now. They will not be
21 increasing the impervious surface, as the
22 pond currently exists. He noted that 770
23 Miller Avenue has a similar side yard pool.
24 The pool is 10 feet by 27 feet. There is a
25 deck and existing bar in rear of the house

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2 and there is not much room to the bulkhead.

3 On balance, the benefit to the
4 applicant by the granting of this variance is
5 not outweighed by the detriment to the
6 health, safety and welfare of the
7 neighborhood or community if such variance
8 were to be granted. The Board has
9 determined:

10 a. That an undesirable change will
11 not be produced in the character of the
12 neighborhood and a detriment to nearby
13 properties will not be created by the
14 granting of the area variance.

15 b. That the benefit sought by the
16 applicant cannot be achieved by some method,
17 feasible for the applicant to pursue, other
18 than an area variance.

19 c. That the requested area variance
20 is insubstantial.

21 d. That the proposed variance will
22 not have an adverse effect or impact on the
23 physical or environmental condition in the
24 neighborhood or district; and

25 e. That the alleged difficulty was

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not self-created.

The Board, as lead agency, had determined that this action is a Type II action under SEQRA and no further review is required.

I further move that this application be granted subject to the following conditions:

1. Applicant/Owner must comply with all the Rules and Regulations of the Village of Freeport.

2. Applicant must obtain the required permits from the Building Department.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

No response was heard.) The next decision is Application 2022-17. 377 Wallace Street. Residence AA, Section 55, Block 401,

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2 Lot 265. Kerwin Daring.

3 DEPUTY CHAIR CAREY: Madame Chair,
4 regarding Application 2022-17 for the
5 premises located at 377 Wallace Street, the
6 Applicant comes before this Board seeking a
7 variance from Village Ordinances 210-6A and
8 210-31A seeking approval for a 29 square foot
9 front addition, a 761 square foot second
10 floor addition and a 16 square foot over
11 porch.

12 I, Jennifer Carey, move that this
13 Board make the following findings of fact:

14 A public hearing was held on
15 April 21, 2022. Omar Brown, architect,
16 represented the owner. He explained that
17 they are only seeking a variance for sky
18 exposure plane. The applicant's family has
19 two children. The house currently only has
20 one bedroom on the first floor. The proposed
21 addition would allow for three bedrooms on
22 the second floor.

23 Area variances:

24 1. On balance, the benefit to the
25 applicant by the granting of this variance is

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2 not outweighed by the detriment to the
3 health, safety and welfare of the
4 neighborhood or community if such variance
5 were to be granted. The board has
6 determined:

7 a. That an undesirable change will
8 not be produced in the character of the
9 neighborhood and a detriment to nearby
10 properties will not be created by the
11 granting of the area variance.

12 b. That the benefit sought by the
13 applicant cannot be achieved by some method,
14 feasible for the applicant to pursue, other
15 than an area variance.

16 c. That the requested area variance
17 is insubstantial.

18 d. That the proposed variance will
19 not have an adverse effect or impact on the
20 physical or environmental conditions in the
21 neighborhood or district; and.

22 e. That the alleged difficulty was
23 not self-created.

24 The Board, as lead agency, has
25 determined that this action is a Type II

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2 action under SEQRA and no further review is
3 required.

4 I further move that this application
5 be granted subject to the following
6 conditions:

7 1. Applicant/Owner must comply with
8 all the Rules and Regulations of the Village
9 of Freeport.

10 2. Applicant must obtain the
11 required permits from the Building
12 Department.

13 MEMBER HAWKINS: Second.

14 THE SECRETARY: All in favor.

15 MEMBER MINEO: Aye.

16 MEMBER HAWKINS: Aye.

17 DEPUTY CHAIR CAREY: Aye.

18 CHAIRPERSON RHODEN: Aye.

19 THE SECRETARY: Any opposed?

20 (No response was heard.)

21 THE SECRETARY: The next decision is
22 a combination of five decisions. I'm going
23 to read them. Application 2022-9, 39 South
24 Long Beach Avenue, Residence Apartment,
25 Section 55, Block 324, Lot 3. Matt McGovern.

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2 Application 2022-10, 16 Lexington
3 Avenue, Residence A, Section 54, Block 81,
4 Lot 9. Matt McGovern.

5 Application 2022-11, 20 Lexington
6 Avenue, Residence A, Section 54, Block 80,
7 Lot 10. Matt McGovern.

8 Application 2022-12, 41 South Long
9 Beach Avenue, Residence Apartment, Section
10 55, Block 324, Lot 4. Matt McGovern, and
11 finally;

12 Application 2022-21, 185-189 West
13 Sunrise Highway, Business B, Section 55,
14 Block 324, Lot 1, 13 and 14 (3 & 4) included
15 in the application. Matt McGovern.

16 MS. UNGAR: Madame Chair, regarding
17 Application 2022-9 for the premises located
18 at 39 South Long Beach Avenue, the Applicant
19 comes before this Board seeking a variance
20 from Village Ordinances 210-6A, 210-46A
21 seeking approval for a use variance to use
22 property as a commercial use.

23 Regarding Application 2022-10 for the
24 premises located at 16 Lexington Avenue, the
25 Applicant comes before this Board seeking a

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variance from Village Ordinances 210-6A, 210-38A seeking approval for a use variance to use property as commercial open air parking.

Regarding application 2022-11 for the premises located at 20 Lexington Avenue, Freeport, the Applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-38A seeking approval for a use variance to use property as commercial open air parking.

Regarding Application 2022-12 for the premises located at 41 South Long Beach Avenue, Freeport, the Applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-46A seeking approval for a use variance to use property as a commercial use.

Regarding Application 2022-21 for the premises located at 185-189 West Sunrise Highway, Freeport, the Applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-49, 210-51B, 210-51C, 210-88, 210-87, 210-172A)12) seeking approval

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2 for a proposed 14,471 square foot one story
3 addition and 2,830 interior second floor
4 addition in existing dealership.

5 MEMBER HAWKINS: I, Charles Hawkins,
6 move that the Board make the following
7 findings of fact:

8 MS. UNGAR: A hearing was held on
9 April 21, 2022 wherein applicant was
10 represented by Daniel Baker from Certilman,
11 Balin. Five separate applications were
12 combined into a single hearing, as they
13 concern the Porsche dealership as a whole.
14 He explained that they are seeking an
15 addition to the main dealership. There are
16 five applications covering the west and east
17 sides of the South Long Beach Avenue along
18 Sunrise Highway. The west parcel has the
19 Porsche museum. The east parcel has the main
20 dealership and service center. Porsche has
21 acquired four residential homes, two on
22 Lexington and two on South Long Beach Avenue.
23 Use variances are sought to use the four
24 residential parcels for non-residential use.
25 The fifth application covers all of the area

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variances needed.

They are working on a new service area. There is no planned increase in customers to the service area, rather, the dealership is seeking to make the service center work better. They are planning to have 19 extra spaces on the east side and 56 spaces on the west side. This will take dealership generated cars off of the side streets.

The properties for which the use variances are sought allow for addition parking and expansion of the dealership. He explained that a couple of the residential homes were in rough shape.

A lot coverage variance is needed for the expansion. 40 percent coverage is allowed in the residence apartment zone, but 62 percent is proposed. However, if this lot were zoned Business B like the existing dealership, 100 percent lot coverage is permitted. There is no loading zone provided; however, all loading will be done inside the building. A buffer zone is

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2 required between the dealership and residence
3 apartment zone; however, it was explained
4 that this space was needed to make the flow
5 of the service center work. Additionally,
6 there is 60 feet of space in between the
7 property line and the apartment building to
8 the south which provides buffer space. With
9 the new addition, 173 parking space are
10 required and 176 are provided. Applicant is
11 seeking to use the lot across the street from
12 the dealership to meet the parking
13 requirements.

14 Michael Rant, the engineer, explained
15 the site plan. The east site expands the
16 service center and there will be added
17 parking in front of the service area. The
18 west site demolishes the houses and expands
19 the parking. Landscaping along the west to
20 be further specified by site plan provides a
21 buffer from the residential house to the
22 west.

23 Residents raised concerns about
24 safety, including test driving of vehicles on
25 Lexington. They also complained of loading

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2 and unloading cars on South Long Beach and
3 Lexington. There was also concern expressed
4 about leaving open the existing curb cuts on
5 Lexington. Residents raised concerns about a
6 lack of parking on Lexington. Residents
7 raised concerns about litter from employees
8 on the streets. Residents raised concerns
9 about landscaping and lighting, which are
10 better suited for site plan hearings. The
11 Board hears these concerns and has attempted
12 to mitigate these concerns while providing
13 the required variances for the applicant.

14 Regarding the use variances for the
15 properties located at 39 South Long Beach
16 Avenue, 16 Lexington Avenue, 20 Lexington
17 Avenue, and 41 South Long Beach Avenue, the
18 Board finds:

19 1. Applicant has demonstrated that
20 applicable zoning regulations and
21 restrictions have caused unnecessary
22 hardship. Applicant has demonstrated to the
23 Board of appeals that for each and every
24 permitted use under the zoning regulations
25 for the particular district where the

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property is locate:

a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence. Applicant explained that some of the existing home were in rough shape and in need of substantial rehabilitation. As a car dealership, applicant cannot realize a reasonable return as a landlord of rental homes.

b. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

c. That the requested use variance, if granted, will not alter the essential character of the neighborhood. Porsche already has property extending south to Lexington. Additionally, there is a parking lot on the corner of McKinley and Lexington. There are parking lots on Lexington already, and the proposed application seeks to restore some of the parking to the residential streets that has been lost in recent years.

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d. That the alleged hardship has not been self-created.

Regarding the area variances for lot coverage, side yard setback, rear yard setback, loading zone, buffer zone, and parking, the Board finds:

On balance, the benefit to the applicant by the granting of this variance is not outweighed by the detriment to the health, safety and welfare of the neighborhood or community if such variance were to be granted. The Board had determined:

e. That an undesirable change will not be produced in the character of the neighborhood and a detriment to nearby properties will not be created by the granting of the area variance. Multiple conditions were suggested and agreed to by the applicant to mitigate some of the neighbor concerns about the impact of this expansion.

f. That the benefit sought by the applicant cannot be achieved by some method,

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2 feasible for the applicant to pursue, other
3 than an area variance. Applicant currently
4 is in need of more parking. This application
5 gives them more parking to be utilized. In
6 order to have the proper flow in the service
7 center, the lot coverage, side and rear yard
8 setback variances are needed. If this lot
9 was zoned Business B, these variances would
10 not even be needed.

11 g. That the requested area variance
12 is insubstantial; when looked at the totality
13 of the project, these variances, as
14 conditioned, are insubstantial.

15 h. That the proposed variance will
16 not have an adverse effect or impact on the
17 physical or environmental conditions in the
18 neighborhood or district; and

19 i. That the alleged difficulty was
20 not self-created.

21 The Board, as lead agency, has
22 determined that this action is an unlisted
23 action under SEQRA. A short environmental
24 assessment form has been completed by the
25 applicant and the Board. The Board finds no

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environmental impact under SEQRA, issues a negative declaration, and no further review is required.

I further move that this application be granted subject to the following conditions:

1. Applicant/Owner must comply with all the Rules and Regulations of the Village of Freeport.

2. Applicant must obtain the required permits from the Building Department.

3. Given the lack of loading zone, all loading that would normally occur in a loading zone is to occur inside the service center, as testified to by applicant.

4. As discussed and agreed to by applicant in the hearing, the curb cuts on Lexington from the driveways from the existing houses are to be closed off to prevent any traffic from the parking lot exiting directly onto Lexington Avenue.

5. As discussed and agreed to by the applicant, all vehicle drop-offs are to be

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2 done across Sunrise Highway under the train
3 tracks or by entering the western lot off of
4 Sunrise and unloading inside the western lot.
5 No vehicle loading or unloading is to be done
6 on Lexington Avenue or South Long Beach
7 Avenue.

8 6. As discussed and agreed to by the
9 applicant, any tow trucks bringing vehicles
10 to the service center are to utilize South
11 Long Beach Avenue only, not Lexington Avenue,
12 and preferably the newly created parking lot
13 on the eastern parcel.

14 7. As discussed and agreed to by the
15 applicant, no test drives of vehicles are to
16 be done on Lexington Avenue. This is already
17 the policy of Porsche; however, this is a
18 condition for approval and must be enforced
19 by Porsche.

20 8. As discussed and agreed to by the
21 applicant, employee cars are to park on site
22 in the parking lots. Parking must be
23 available for employees to park in the lots.
24 Applicant emphasized that the purpose of the
25 parking expansion is to pull dealership

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2 related cars off the street; therefore,
3 employees should not be parking on the
4 residential streets anymore.

5 9. As discussed and agreed to by the
6 applicant, to address concerns about cars
7 driving through the western lot from Sunrise
8 to South Long Beach, an interior gate or
9 fence is to be installed to prevent a free
10 flow of traffic through this parking lot.

11 10. The Board takes notice that the
12 Nassau County Planning Commission has not yet
13 issued a recommendation for this project.
14 However, the Board reserve the right to
15 re-open this hearing solely for the purpose
16 to adopt the findings of the Nassau County
17 Planning Commission and modify this
18 resolution to comply with said determination
19 if necessary. Thus, this approval is
20 conditioned on the receipt of the Nassau
21 County Planning Commission recommendation.

22 Do I have a second.

23 DEPUTY CHAIR CAREY: Second.

24 THE SECRETARY: All in favor.

25 MEMBER MINEO: Aye.

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MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: That concludes the decisions.

MS. UNGAR: Motion to close the meeting.

MEMBER MINEO: So moved:

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

(WHEREUPON, this hearing was concluded at 10:34 p.m.)

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April 21, 2022

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C E R T I F I C A T E

I, BETHANNE MENNONNA, a Notary Public within and for the State of New York do hereby certify that the foregoing is a true and accurate transcript of the proceedings, as taken stenographically by myself to the best of my ability, at the time and place aforementioned.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of May, 2022.



BETHANNE MENNONNA