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INCORPORATED VILLAGE OF FREEPORT
ZONING BOARD

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

March 24, 2022
6:00 p.m.

M E M B E R S :

ROSA RHODEN	CHAIRPERSON
JENNIFER L. CAREY	DEPUTY CHAIR
BEN JACKSON	MEMBER
DREW SCOPELITIS	ALTERNATE

* * *

ROBIN CANTELLI	SECRETARY
ROBERT McLAUGHLIN	DEPUTY VILLAGE ATTORNEY

-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

1	Affidavit of Publication	6
2	Affidavit of Publication	6
3	Affidavit of Posting	6
4	Affidavit of Posting	6

APPLICATION 2022-5

BOARD'S FOR I.D. PAGE

1	Affidavit of Mailing	7
2	Nassau County Planning Commission Recommendation	7

APPLICANT'S FOR I.D.

A	Photographs	8
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APPLICATION 2022-2

BOARD'S FOR I.D.

1	Affidavit of Mailing	20
2	Nassau County Planning Commission Recommendation	20

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APPLICATION 2022-7

BOARD'S FOR I.D.

1	Affidavit of Mailing	24
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March 24, 2022

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-----EXHIBITS-----

APPLICATION 2022-8

BOARD'S FOR I.D. PAGE

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* * * *

APPLICATION 2022-6

BOARD'S FOR I.D.

1 Affidavit of Mailing 44

APPLICANT'S FOR I.D.

A Photographs 44

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March 24, 2022

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-----I N D E X-----

APPLICATION#	ADDRESS	PAGE
2022-5	128 Cary Place	8 - 20
2022-2	165 Church Street	20 - 24
2022-7	37 W. 4th Street	25 - 31
2022-8	75 Cary Place	31 - 43
2022-6	158 N. Ocean Avenue	43 - 48

1
2 CHAIRPERSON RHODEN: Good evening,
3 everyone. If everyone could please join me
4 for the Pledge of Allegiance for the Zoning
5 Board of Appeals for March 24, 2022.

6 (Pledge of Allegiance recited.)

7 CHAIRPERSON RHODEN: Can I have a
8 motion to enter into executive session,
9 please.

10 MEMBER JACKSON: So moved.

11 DEPUTY CHAIR CAREY: Second.

12 THE SECRETARY: All in favor.

13 MEMBER JACKSON: In Favor.

14 ALTERNATE SCOPELITIS: In Favor.

15 DEPUTY CHAIR CAREY: In Favor.

16 CHAIRPERSON RHODEN: In Favor.

17 THE SECRETARY: Any opposed?

18 (No response was heard.)

19 (WHEREUPON, the Board entered into
20 executive session from 6:14 p.m. to
21 6:32 p.m., after which the following
22 transpired:)

23 CHAIRPERSON RHODEN: Good evening
24 everyone. At this time I'm going to ask you
25 to join me one more time for the Pledge of

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Allegiance.

(Pledge of Allegiance recited.)

CHAIRPERSON RHODEN: Could I please have a motion for the approval of the February minutes?

THE SECRETARY: February 17th.

MEMBER JACKSON: So moved.

DEPUTY CHAIR CAREY: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Do we have any Affidavits of Publication or Posting to be entered into the record as exhibits?

THE SECRETARY: Yes. I have two Affidavits of Publication and two Affidavits of Posting to be entered into the record as board exhibits. These will be Board Exhibits 1 through 4 for this public hearing.

(WHEREUPON, the above-referred to

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documents were marked as Board's Exhibits 1 through 4, for identification, as of this date.)

CHAIRPERSON RHODEN: Do we have any request for adjournments this evening?

THE SECRETARY: Yes, there is one request for adjournment this evening, Application 2022-13, 110 Cornelius Street.

CHAIRPERSON RHODEN: Can I have a motion, please?

MEMBER JACKSON: I move we accept the adjournment.

DEPUTY CHAIR CAREY: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: If anyone here is going to be speaking for or against an application this evening, please, there are slips in the back that you can fill out and

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2 then please hand them over to the clerk prior
3 to the application being called. If you are
4 scheduled to speak regarding an application
5 that's fine, but if anyone is here to speak
6 for or against your application then they
7 will need to fill out a form.

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

10 THE SECRETARY: Application 2022-5,
11 128 Cary Place, Marine Industrial, Section
12 54, Block 319, Lot 96 through 100, 102
13 through 104, 226 and 227. Cary Commons, LLC.
14 Use variance - use marine industrial property
15 as a residential use. Variances: Village
16 Ordinance 210-6A, 210-117B Prohibited uses.

17 I have an Affidavit of Mailing and
18 one Nassau County Planning Commission
19 Recommendation to be entered into the record
20 as Board exhibits. These will be Board's
21 Exhibits 1 and 2 for this individual public
22 hearing.

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

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CHAIRPERSON RHODEN: Good evening.

MS. LEIS: Good evening Chairman,
Members of the Board. My name is Jessica
Leis, an attorney with Forchelli, Deegan and
Terrana, 333 Earl Ovington Boulevard,
Uniondale, New York.

I do have some exhibit packages for
you.

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

MS. LEIS: So, I do represent the
applicant, Cary Commons, LLC. Also present
this evening is Richard Roth and Brad Neeley,
members of the LLC.

So, the subject property is located
on the north side of Cary Place, 331.97 feet
west of Westend Avenue. The rear of the
property is the canal. This is designated on
ten separate grouped lots: Section 54, Block
319, Lots 96 through 100, 102 through 104 and
226 and 227 on the Nassau County Tax Map, and
it's located in the Village's Marine
Industrial District.

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2 We're here before the Board because
3 the applicant is going to be making an
4 application to subdivide the premises into
5 three building lots and utilize each for
6 residential use. Pursuant to Village Code
7 Section 210-117B, any use that is not
8 specifically permitted in a Marine Industrial
9 District is permitted; as such, we are
10 requesting a variance. To give you an
11 overview of the property, it is currently an
12 approved one-story dwelling, an accessory
13 garage and storage containers.

14 So, pursuant to the Code, Section
15 210-116K(2), which are permitted uses in the
16 Marine Industrial District, the existing
17 residence is deemed to be a conforming use.
18 So, that section of the code provides that
19 any residence building existing at the time
20 of the adoption of this chapter shall be
21 deemed a conforming use. It may thereafter
22 be repaired, maintained or destroyed,
23 provided however that such residence shall
24 not be enlarged except a resident may put a
25 premises upon which it is situated used for

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any purpose other than such is permitted thereunder.

So, included with our application was a certificate of occupancy for the dwelling, which was dated July 28, 1952. The Village zoning code was adopted thereafter on November 3, 1952.

So, the property, as it exists right now, is a conforming use. But since we are seeking to subdivide and we're basically requesting to enlarge that non-permitted use, the enlargement of the residential use, we would need a variance.

So, to describe what we are looking to do is, it's three resulting lots. Parcel 1 is going to be formed from Tax Lot 96 through 98 and part of 99. It's going to be a total of 5,948.6 square feet, and it's going to be developed on a future date with a dwelling.

Parcel 2 is going to be formed from Tax Lots 100, 226 and 227 and part of Tax Lots 99, 102. It's going to be a total of 5,910.6 square feet, and there is an existing

1 dwelling on that lot that is going to be
2 maintained with minor improvements and we are
3 going to be removing the garage.
4

5 Parcel 3 is going to be from Tax Lots
6 103 to 104 and part of 102. It will be a
7 total of 5,530.9 square feet and it will be
8 developed at a future date with a dwelling.

9 So, we were initially asked to assess
10 all three proposed lots with more restricted
11 dimensional requirements provided in Article
12 5 for Residence A districts. The existing
13 dwelling --

14 CHAIRPERSON RHODEN: Excuse me. We
15 can't hear her. If you want to talk, you can
16 go outside.

17 MS. LEIS: So, the existing dwelling
18 on proposed Parcel 2 will comply with the lot
19 area, street frontage, lot width, lot
20 coverage, minimum floor area, maximum floor
21 area ratio and height, front yard depth, rear
22 yard depth and side yard width of the more
23 restricted Residence A District.

24 Further proposed Parcel 1 and 3 are
25 compliant with the lot area, street frontage,

1 lot width. And then we also submitted a
2 schematic zoning study that was prepared to
3 show that there is a possible building
4 envelope on the proposed Parcels 1 and 3 that
5 can accommodate dwellings that are compliant
6 in lot coverage, minimum floor area, maximum
7 floor area ratio, front yard depth, rear yard
8 depth and side yard depth.

9
10 So, regarding the criteria for the
11 granted use variance, we are essentially
12 asking this Board to maintain an existing
13 conforming residential use on proposed
14 Parcel 2 and be permitted to expand the
15 residential use for proposed Parcels 1 and 3.

16 The premises has been a residential
17 use for the last 70 years. The applicant
18 would not be able to secure a reasonable
19 return on subdivided lots, unless they are
20 able to maintain the dwelling on proposed
21 Parcel 2 and market the other lots as
22 residential uses. Essentially, we are
23 up-zoning the site, which will have a
24 beneficial impact on the value surrounding
25 the residential homes.

1
2 The property is unique in that it is
3 an oversized lot as compared to the other
4 residential lots, industrial uses on the
5 block. So, the subdivision would create lot
6 sizes that are more in character with the
7 rest of the properties on that portion of
8 Cary Place.

9 Further granting the use variance
10 will not alter the essential character of the
11 neighborhood. So, in the exhibit package
12 that I submitted, there is an aerial view of
13 the residential uses on Cary Place that are
14 west of Westend. So, you can see them
15 pinpointed on the map. The majority of the
16 block, especially the eastern portion, is
17 residential, then it's scattered on the other
18 portion. But I attached some pictures to
19 give you a reference too of some of the
20 residential homes on the block I had
21 attached.

22 So, our subject premises, 128 Cary
23 Place and 104, 108, 114 Cary Place, 127, 136
24 Cary Place and 147 and 151.

25 MEMBER JACKSON: Just a point of

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2 reference. 147 is not residential, it's
3 commercial. It's Marine Industrial with a
4 residence above. He runs a bay business
5 through there. I personally know him.

6 MS. LEIS: I stand corrected on that.
7 My apologies.

8 So, as you take a look at the map
9 where I mentioned, from east of our property
10 there are various residential uses, and then
11 as you go west it's a mixed residential and
12 typical boat storage yards. If you continue
13 further east coming off of Westend, it's
14 heavily residential, and then a portion
15 across from ours, as I mentioned, is mixed.
16 So, I noted some additional properties on the
17 map. So, further, within the greater
18 surrounding area north along Westend, east
19 and west, you have single family and
20 multi-family residential uses blending in
21 character there.

22 So, regarding subdividing the lot and
23 creating three residential lots as compared
24 to the other lots on the block, 128 Cary is
25 oversized, as I mentioned. Our lot is over

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2 17,000 square feet. And in comparison, the
3 lot immediately to the west, 136, is 5,340
4 square feet; and to the east you have 116
5 Cary Place is 4,160 square feet; and 114 Cary
6 Place is 4,238 square feet. So, the three
7 proposed subdivided lots each are over 5,500
8 square feet would be more in line in size
9 with the other lots on the block.

10 Regarding self creation, the property
11 has been operating as a residential use since
12 1952. We are seeking to maintain that use
13 and create lots that are more in character
14 with the immediate neighborhood. Since the
15 property has been utilized for 70 years as
16 residential, to subdivide and propose any
17 other use would be permitted in the Marine
18 Industrial District would not only change the
19 character but it would also have a negative
20 impact on the adjacent residential
21 properties.

22 I welcome any questions of the Board.
23 We do have the owners present.

24 MEMBER JACKSON: I do have a couple
25 of questions. Just to clarify, it seems all

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will be Residence A, right?

MS. LEIS: It would meet all criterias.

MEMBER JACKSON: Also, can you describe a little better that they can't get a reasonable return on the property. Was this an auction home?

MS. LEIS: So, can I have a minute? The price, I believe, was around \$465,000 in 2020, 2019 -- in 2019. Basically, they're seeking really just to conform it more to the character.

MEMBER JACKSON: Understood. Thank you.

DEPUTY CHAIR CAREY: I have a question for you. I guess it's to the owners. But the more we lose the Marine Industrial that we're zoned for, the more we lose the flavor of our Village. I'm wondering, is there any change that your client tried any other way to maximize whatever they wanted to do with this property to be more in line, not in front of the border, in line with not having a variance

1
2 for what they want to do? I know it's tough.

3 MS. LEIS: Sure. Right now there
4 are containers on a portion, but it would be
5 more -- I guess the whole reasonable return,
6 it would be more profitable. It's not
7 profit -- advantageous, I would say, to have
8 that portion with containers right now on it.
9 And given where that portion is, there is
10 residential immediately next to it. It
11 seemed a more appropriate use of the property
12 to try to --

13 DEPUTY CHAIR CAREY: Is the
14 residential building occupied on Parcel 2?

15 MS. LEIS: They had it. It was a
16 rental permit. They were doing processing.

17 DEPUTY CHAIR CAREY: Parcel 3 had
18 nothing on it but containers on Parcel 3.
19 Some of that was Marine Industrial in nature.
20 I was just wondering if the containers had
21 any relation to the Marine Industrial
22 business activity.

23 THE AUDIENCE: No. Household goods
24 are stored in there.

25 MEMBER JACKSON: I'm sorry. Just to

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clarify again. I'm assuming the containers that are on the property are covered in the cost of carrying the property?

MS. LEIS: Are the containers covered in the cost of carrying the property?

THE AUDIENCE: We're not collecting any rent on them.

MEMBER JACKSON: You say profitable --

MR. McLAUGHLIN: Counsel, if they're going to be giving evidence, they have to be sworn, or you have to present the evidence.

MS. LEIS: Sorry. The containers are part of the cost.

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

THE SECRETARY: We do not.

CHAIRPERSON RHODEN: At this time, I'd like to have a motion to close for further evidence and testimony.

MEMBER JACKSON: So moved.

ALTERNATE SCOPELITIS: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

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ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Can I also have
a motion to reserve decision.

MEMBER JACKSON: So moved.

ALTERNATE SCOPELITIS: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Thank you very
much.

Can we call the next application on
tonight's calendar.

THE SECRETARY: Application 2022-2,
165 Church Street, Residence A, Section 62,
Block 54, Lot 33 - Palvinder Kaur. Construct
a new 3,097 square foot two-story single

1 family dwelling with unfinished basement and
2 a 426 square foot detached garage.

3 Variances: Village Ordinance 210-6A, 210-40
4 Lot Width.

5
6 I have one Affidavit of Mailing and
7 one Nassau County Planning Commission
8 Recommendation to be entered into the record
9 as Board's Exhibits 1 and 2 for this
10 individual public hearing.

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

14 P A L V I N D E R K A U R,
15 having been first duly sworn by a Notary
16 Public of the State of New York, was
17 examined and testified as follows:

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

20 MS. KAUR: My name is Palvinder Kaur.
21 My address is 151 Church Street, Freeport,
22 New York 11502.

23 I'm here for the property. I own the
24 property at 165 Church Street. I'm here for
25 the property to build a house on the lot.

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The lot is oversized, but my lot front is 50 and the back is 47, less than 50. So, where the house is ending is 49 feet. So, it is one foot less than 50 feet. So, I would like to ask the Board members to give permission to build a house.

MEMBER JACKSON: The house is for yourself and your family?

MS. KAUR: Yes.

MEMBER JACKSON: Was there a home there before?

THE WITNESS: No, this is vacant lot.

MEMBER JACKSON: Okay.

DEPUTY CHAIR CAREY: I don't have any questions at this time.

CHAIRPERSON RHODEN: I don't have any questions.

DEPUTY CHAIR CAREY: You're only one foot short of what you need?

MS. KAUR: Yes.

DEPUTY CHAIR CAREY: Great. I just wanted to confirm. Thank you so much.

MEMBER JACKSON: How long have you had this lot?

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MS. KAUR: We bought the lot last year.

MEMBER JACKSON: Just curious. Did you know you would need a variance when you bought it?

MS. KAUR: No, because the lot is 10,000 square feet. The house needed 5,000 square feet. But when we came to the Building Department, they said lot is buildable. So, we start planning, we submitted an application, and then we find out the lot in front is 50 and the back is 47.5. So, where the house is starting and the house is ending in the middle of the lot, it's one foot less than 50. So, only -- everything but lot size is 10,000 square feet. We are short a little less than 50 middle of where the house is ending.

CHAIRPERSON RHODEN: Okay. I don't have any further questions for you.

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

THE SECRETARY: We do not.

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CHAIRPERSON RHODEN: At this time,
can I have a motion to reserve decision,
please?

MEMBER JACKSON: So moved.

ALTERNATE SCOPELITIS: Second.

CHAIRPERSON RHODEN: Actually, I'm
sorry. Can I please have a motion to close
to further evidence and testimony.

MEMBER JACKSON: So moved.

ALTERNATE SCOPELITIS: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

CHAIRPERSON RHODEN: Can I also have
a motion to reserve decision.

MEMBER JACKSON: So moved.

ALTERNATE SCOPELITIS: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

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CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: We'll be in touch. Thank you.

MR. McLAUGHLIN: Madame Chair, the next applicant is on her way. We received a call in the office. I'll ask that we skip to the one after that and then come back to that.

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

THE SECRETARY: Application 2022-7 - 37 West 4th Street, Residence A, Section 62, Block 64, Lot 110, 507 through 509. YaYa Ceesay. Construct a new 600 square foot rear second story deck. Variances: Village Ordinance 210-6A, 210-41 Lot Coverage, 210-43A(2) Rear yard setback.

I have one Affidavit of Mailing to be entered into the record as Board 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.)

C O L E G A R T M A Y 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. GARTMAYER: Good evening. My name is Paul Gartmayer from Long Island Permits. 124 Front Street, Suite 205, Massapequa Park, New York 11762, agent representing YaYa Ceesay, owner of 37 W. 4th Street, Freeport, New York, Section 62, Block 64, Lots 110, 507 to 509.

An application was filed for a proposed new 600 square foot second story rear deck. The proposed second story rear deck does not meet with the required 20 foot rear yard setback. The proposed deck will have a rear yard setback of 17 feet 4 inches, a difference of 3 foot 8 inches. The proposed rear deck also does not meet the required 30 percent lot coverage, so we are

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2 proposing a 32 percent lot coverage, a
3 difference of two percent or 597 square feet.

4 Because of the obvious flood area, we
5 feel this improvement is very common and not
6 out of character for this neighborhood. My
7 client purchased the home in December of
8 2020. They decided to improve their existing
9 home and stay in Freeport, rather than move
10 to a different neighborhood. My client has
11 spoken to most of the abutting neighbors who
12 do not have any objections to the amended
13 variances being granted.

14 CHAIRPERSON RHODEN: Do we have any
15 documents that your client spoke to the
16 neighbors in the area?

17 MR. GARTMAYER: I do not have
18 anything in writing at this time, but I don't
19 believe there is anybody here to object to
20 the proposed work.

21 CHAIRPERSON RHODEN: Okay.

22 DEPUTY CHAIR CAREY: I noticed on
23 the -- when I'm looking at the site plan, on
24 the right side is South Main Street. So,
25 there is no neighbor on that side of the

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street.

MR. GARTMAYER: No, it looks like we actually have 410 foot space in between the residents and Main Street. South Main Street is about 410 feet.

DEPUTY CHAIR CAREY: Because usually what happens when we have a big deck, people do come to speak against it because they are in their yard. But you don't have anyone on that side; is that correct?

MR. GARTMAYER: To my knowledge, I don't. I'm not 100 percent sure if there is a neighbor on that side. But I would imagine with that amount of space between this residence and Main Street there would be a residence. But again, I don't believe there is anybody here with any objection to it.

DEPUTY CHAIR CAREY: I think this is the one property we know there is no neighbor. Just curious. Even though anecdotally no one is here to talk to us about it, where they are overlooking their yard, that's a privacy issue.

MEMBER JACKSON: Also, maybe you can

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tell us if some of the neighbors and neighboring homes on that canal, that side of the canal, have a similar condition. Are you aware?

MR. GARTMAYER: Not that I'm aware of. Based on looking at the photos of this property and with the county records and everything, it does look like this property was raised up due to Hurricane Sandy. And that is the main reason this deck is going right into the primary living area of the residence. You can see on the deck plan, they go right into the kitchen area. So, I would imagine that there are properties with similar arrangements. If not now, then definitely in the future.

MEMBER JACKSON: This is an elevated home?

MR. GARTMAYER: Correct.

MEMBER JACKSON: If it wasn't elevated, it would be ground level and wouldn't be an issue.

MR. GARTMAYER: Yes, exactly.

DEPUTY CHAIR CAREY: I have no

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questions.

CHAIRPERSON RHODEN: I don't have any questions. 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 to further evidence and testimony?

MEMBER JACKSON: So moved.

MR. SCOPELITIS: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Can I have a motion to reserve decision please?

MEMBER JACKSON: So moved.

ALTERNATE SCOPELITIS: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

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ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Thank you very much.

MR. GARTMAYER: Thank you very much. Have a good evening.

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

THE SECRETARY: Yes. The next Application is 2022-8, 75 Cary Place, Residence A, Section 54, Block 321, Lot 3. Dianelis Sime. Construct a new 613 square foot second story addition, a new 58 square foot first floor rear addition and rebuild existing 126.6 square foot rear room. Village Ordinance 210-6A, 210-43A(3) Required yards, side yards width, 210-39A sky exposure.

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

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individual public hearing.

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

D I A N E L I S S I M E,
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. SIME: Dianelis Sime. 75 Cary Place, Freeport.

CHAIRPERSON RHODEN: Hello.

MS. SIME: How are you?

CHAIRPERSON RHODEN: You're on.

MS. SIME: So, we bought the house together. He's kind of the one that knows about the plan. I just tell him what I want and he does it. You'll have to be sworn in.

A N T H O N Y B O N I L L A,
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

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name and address for the record.

MR. BONILLA: Anthony Bonilla. 75 Cary Place, Freeport, New York 11520. I can talk?

CHAIRPERSON RHODEN: Go right ahead.

MR. BONILLA: Good afternoon. So, the house -- we actually bought the house not too long ago. We built it up. We're not expanding anything in the house. What they saying about the yard, the side yard, even with the existing one, it doesn't qualify for the yard.

CHAIRPERSON RHODEN: You're building up, you're saying?

MR. BONILLA: We're building up. We have pictures how the house looks right now and we have pictures on how we're planning on making the house.

CHAIRPERSON RHODEN: You can submit that.

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

MR. BONILLA: It's just basically

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more of a renovation.

MEMBER JACKSON: Not to cut you short, but it does show that it's a new extension on the rear.

MS. SIME: I'm sorry, I couldn't hear you.

MEMBER JACKSON: The application says it's a new extension on the rear first floor.

MS. SIME: No.

DEPUTY CHAIR CAREY: It looks like you're adding, like, a sun room. Was that existing there?

MS. SIME: That is all existing.

MR. BONILLA: We are removing the sun room.

DEPUTY CHAIR CAREY: Are you putting an in-kind replacement of the sun room?

MR. BONILLA: We're not replacing the sun room. We're removing the sun room and actually building on top of the footage of the actual kitchen. We're not building anything.

DEPUTY CHAIR CAREY: So, where the current sun room is, you're locating a new

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kitchen there?

MR. BONILLA: No. No. Where the sun room is, it's not going to be there. We're removing the sun room.

DEPUTY CHAIR CAREY: Are you the architect?

MR. RAMIREZ: Yes.

M I G U E L R A M I R E Z,
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. RAMIREZ: Miguel Ramirez. I live at 33 Lamont Place, West Babylon, New York.

Okay, let me explain to you. That area that you are asking for is a sun room. We're going to remove that.

ALTERNATE SCOPELITIS: Are you converting that to living space?

MR. RAMIREZ: No. The space -- are you talking about the balcony?

ALTERNATE SCOPELITIS: The sun room. You say it's coming out. Are you extending

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on that?

MR. RAMIREZ: No, we are not using that space. That area going to be part of the yard.

DEPUTY CHAIR CAREY: Tell us again. You say you are going to take away the sun room and then do what?

MR. RAMIREZ: Let me take a look at the plans. The proposed -- this application, what we are proposing is just to raise the existing building, because the part of the kitchen that is sticking out, that's the only part that we are using for the balcony on the second floor, because the sun room area, we going to remove it. That's going to be part of the yard, the rear yard.

DEPUTY CHAIR CAREY: Is the kitchen on the second floor?

MR. RAMIREZ: No.

DEPUTY CHAIR CAREY: The sun room is the kitchen.

MR. RAMIREZ: The balcony is on top of the existing kitchen area.

DEPUTY CHAIR CAREY: Got it.

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MR. RAMIREZ: If you take a look at the plans, you can see it.

MEMBER JACKSON: I can't read on the drawings. I'm looking at the plot plan and it shows an area that's slashed out, indicating it's new. I'm confused. I can't see it even with this.

MR. RAMIREZ: Do you have a big format one, 24 by 36?

MEMBER JACKSON: We do. Even as it's shown in the pictures in comparison to the plot plan, it doesn't match. I can't even see it on the big one either. So, give me a minute.

MR. RAMIREZ: I have the small copy.

MEMBER JACKSON: It says on the drawing, "Proposed new addition" on the drawing.

MR. RAMIREZ: No. We are extending the kitchen. You see that area? If you take a look at the picture, there's kind of a chimney there.

MEMBER JACKSON: Yes.

MR. RAMIREZ: That's the area that we

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are using.

MEMBER JACKSON: Wait a minute. The chimney is ten feet in. This shows the new proposed new first story addition. Are you the architect?

MR. RAMIREZ: But we are joining with the kitchen, using all that space. Before, it's like a family room. We are not adding anything.

MEMBER JACKSON: Then I don't know what to say. What we're looking at is not what you're describing. We really -- I think you may want to adjourn and clarify this.

MR. RAMIREZ: I left the copy that I have.

MR. McLAUGHLIN: Mr. Jackson, just put on the record where we are.

MEMBER JACKSON: I'm sorry. I stepped up for a discussion with the architect, something specifically with the drawings. We're in agreement that there is a small addition in the back of the house.

MR. RAMIREZ: That's the area they are going to below the balcony.

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MEMBER JACKSON: That's fine. I'm
sorry, go on. I needed to clarify.

MR. RAMIREZ: I have this one, but I
got two pages, the large one and this one.
I'm sorry about that.

MEMBER JACKSON: That's okay.

I imagine you guys bought it to live
there? You're moving in?

MS. SIME: Yes.

MR. BONILLA: Yes.

MS. SIME: I live next door. My
parent's house is 71 Cary Place. I have been
there for over 18 years. So, when my next
door neighbor offered us, and we were like
why not take the house and live next door to
my dad and mom's house.

MEMBER JACKSON: I used to live
around the corner.

DEPUTY CHAIR CAREY: You're lifting
this up a bit or not lifting it up?

MR. BONILLA: Excuse me?

DEPUTY CHAIR CAREY: You're not
lifting the house up?

MR. BONILLA: We actually doing a

1 full dormer on the second floor, not lifting.
2 I think it has to be the same height. I
3 don't know. I just know we're doing a
4 dormer. That's basically about it. And just
5 we removing the sun room. That's going to be
6 part of the yard. I guess the confusion was
7 the kitchen. We're squaring up that little
8 corner inside the house.
9

10 MEMBER JACKSON: I understand.

11 DEPUTY CHAIR CAREY: The reason why I
12 asked is, I was wondering about the sky
13 exposure plane. It doesn't say percentages.
14 Do you know?

15 MR. RAMIREZ: That's because of the
16 side yard. This house only like ten feet,
17 five feet, five point something feet each
18 side. That's why. It never going to comply
19 with the sky exposure plane, because mostly
20 the yard 15 feet wide is never going to
21 comply with the sky exposure plane. When you
22 are proposing a two-story residence, it's
23 impossible. How much is it?

24 DEPUTY CHAIR CAREY: I was wondering
25 the percentage encroaching onto the

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neighboring houses.

MR. RAMIREZ: It's like -- could you loan me the big one? It's not a percentage. Does it say?

DEPUTY CHAIR CAREY: Maybe on the first page of the big one.

MEMBER JACKSON: It's really not a percentage.

DEPUTY CHAIR CAREY: The other reason why you're here -- sky exposure plane aside -- you're really only 5.7 feet.

MEMBER JACKSON: Here you go, Jen.

DEPUTY CHAIR CAREY: What number drawing is that?

MEMBER JACKSON: A3. I'm assuming you're doing this to raise a family there.

MS. SIME: We already have a dog.

MR. BONILLA: We already have a dog. So, we started.

MEMBER JACKSON: Do you know if your neighbors have anything to say?

MS. SIME: I know the neighbors, I get along with all of them. I don't think they'll have an issue. If anything, they

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were happy that we bought the house.

CHAIRPERSON RHODEN: Of course. They know they neighbors.

MR. BONILLA: You can see the pictures.

CHAIRPERSON RHODEN: I have no further questions. We don't have any further questions.

Do we have anyone here 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 to further evidence and testimony?

MEMBER JACKSON: So moved.

ALTERNATE SCOPELITIS: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

MR. SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

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CHAIRPERSON RHODEN: Can I have a motion to reserve decision, please?

MEMBER JACKSON: So moved.

ALTERNATE SCOPELITIS: Second.

THE SECRETARY: All in favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Thank you very much. We'll be in touch.

MS. SIME: Thank you.

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

THE SECRETARY: The next application is 2022-6 - 158 North Ocean Avenue, Residence A, Section 55, Block 262, Lot 212. La Donna Taylor. Fire repairs, construct a new 94 square foot first floor rear education addition, 42 square foot vestibule and new 735 square foot second floor addition.

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2 VariANCES: Village Ordinance 210-6A, 210-39A
3 sky exposure.

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

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

11 L A D O N N A T A Y L O R,
12 having been first duly sworn by a Notary
13 Public of the State of New York, was
14 examined and testified as follows:

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

17 MS. TAYLOR: La Donna Taylor. 158
18 North Ocean Avenue, Freeport, New York 11520.

19 I would like to add this into
20 evidence.

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

24 MS. TAYLOR: So, March of last year,
25 March 19, 2021, we had a house fire, and

1
2 we're looking to repair the house so we can
3 move back in. It's been over a year now.

4 We would like to extend and add an
5 addition to the second floor and a small
6 foyer in the front door, so when you walk in
7 the door it doesn't go right into the stairs
8 going up. And in the back, we have an
9 existing room that we're going to add into
10 the kitchen.

11 With that said, I know under the
12 Freeport Village Zoning Code there are five
13 criteria that I will briefly touch on that
14 will grant or deny our application.

15 "If granted, will the subject seeking
16 a variance depreciate the value of the
17 property?" No, it will not. In this case,
18 it would, in my opinion, enhance and elevate
19 the value of the adjacent properties.

20 "If granted, will the subject alter
21 the character of the neighborhood?" No, it
22 will not. As attached, within three blocks
23 of photos taken today of the other homes with
24 similar tall elevations and setbacks and
25 properties for distribution.

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MR. McLAUGHLIN: Ms. Taylor, that's what you submitted into evidence?

MS. TAYLOR: Yes. The plans submitted conform the other homes in the immediate area of the neighborhood. That's what I just submitted.

"Will the application create a nuisance?" No, it will not. Normal single family home construction and upgrades are not considered a nuisance.

"Will the application jeopardize the safety and welfare of others?" No, it will not. The plans are to code and have been certified by a licensed architect. All egress and ingress have been checked by Freeport Building Department and there is no issue with the structure, with regards to safety and welfare.

"Is the applicant claiming a financial hardship? If yes, is it self-created?" No, the hardship has been created by a fire.

That's it. Thank you.

DEPUTY CHAIR CAREY: I just want to

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say, my neighbor's house burned recently. It was very traumatic. I'm really sorry for your loss. I know how traumatic it can be.

MS. TAYLOR: Thank you. It's been a long time, over a year now. We want to come back home.

MEMBER JACKSON: I assume you stayed with family in Freeport, remain a resident?

MS. TAYLOR: Absolutely.

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 to further evidence and testimony?

MEMBER JACKSON: So moved.

ALTERNATE SCOPELITIS: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

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(No response was heard.)

CHAIRPERSON RHODEN: Can I have a motion to reserve decision please?

MEMBER JACKSON: So moved.

ALTERNATE SCOPELITIS: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Thank you very much.

MS. TAYLOR: Thank you guys. I really appreciate it. Have a good night.

CHAIRPERSON RHODEN: Can I please have a motion no enter into executive session?

MEMBER JACKSON: So moved.

ALTERNATE SCOPELITIS: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

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DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

(WHEREUPON, the Board entered into executive session from 7:22 p.m. to 8:59 a.m., after which the following transpired:)

CHAIRPERSON RHODEN: Do we have any decisions to be read in tonight?

THE SECRETARY: Yes. The first decision we're reading this evening is 2021-29, 115-117 S. Main Street, Business B.

DEPUTY CHAIR CAREY: Chairman, regarding Application 2021-29 for the premises located 115-117 South Main Street, Freeport, the Applicant came before this Board seeking a variance from Village Ordinances 210-6A, 210-172A(12), and 210-88 seeking approval for a new one-story 925 square foot rear addition.

I, Jennifer Carey, 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 architect Robert Bennett of
4 RABCO Engineering. He explained that this is
5 an existing commercial building which used to
6 be a tile shop. This is existing storage and
7 warehouse space in the back. They are
8 looking to renovate and expand the space.
9 There is another business in the building as
10 well. There is 1,900 square feet now, and
11 they are looking to add 925 square feet. 11
12 parking spaces are required and nine are
13 provided. The building is used, it is
14 operational, and there are no issues. They
15 do not expect an increase in demand or
16 parking due to this addition. He explained
17 that there is a loading space, that there is
18 a loading space for the garage door entry.
19 The expansion will be mostly hidden in
20 between existing buildings.

21 Mr. Hananya, the owner, spoke as
22 well. He explained that he rents out a tax
23 office and his main office is selling
24 mattress covers for bed bugs, box springs and
25 duvet covers. They sell online on Amazon and

1
2 Ebay. They receive deliveries every two
3 months. The extra space is to store
4 merchandise from those deliveries.

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

11 The Board has determined:

12 a. That an undesirable change will
13 not be produced in the character of the
14 neighborhood and a detriment to nearby
15 properties will not be created by the
16 granting of the area variance. There is a
17 loading zone and a parking demand is not
18 expected to be impacted by this expansion.

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

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

25 d. That the proposed variance will

1
2 not have an adverse effect or impact on the
3 physical or environmental conditions in the
4 neighborhood or district; and

5 e. That the alleged difficulty was
6 not self-created. This request is
7 self-created, but this factor alone is not
8 dispositive.

9 2. 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 permit from the Building Department.

25 MEMBER JACKSON: Second.

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THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: The next decision is Application 2022-1. 552 North Brookside Avenue.

MEMBER JACKSON: Madame Chair, regarding Application 2022-1 for the premises located at 552 North Brookside Avenue, Freeport, the Applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-171d1, 210-35A2, 210-35A3, 210-35C2 and 210-171B seeking approval to maintained a 20 foot by 13 foot shed, a 21 foot by 19 foot pavilion, raised terrace, replace driveway, four foot solid PVC fence in the front yard, wood burning fireplace, and a 34 inch CMU retaining wall.

I, Ben Jackson, move that this Board make the following findings of fact:

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2 A hearing was held on February 17,
3 2022 wherein applicant was represented by
4 John Teufel, Professional Engineer. He
5 explained that the owners wish to retain a
6 four foot high solid PVC fence on the north
7 side of the property, where a four foot open
8 fence is permitted. He says that it does not
9 interfere with pulling in or out of the
10 driveway.

11 He explained that they also wish to
12 retain a brick paver patio in the rear, which
13 is 23 inches above grade and has no side yard
14 setback where ten feet is required. The
15 house itself only has a six foot side yard
16 setback. The patio also has zero foot rear
17 setback, when 20 feet is required. The 20 by
18 13 foot shed replaced an existing shed that
19 had a three foot rear yard setback when five
20 feet is required. The pavilion was
21 constructed a year ago and is used to enjoy
22 family time together outside. It has a four
23 foot setback when five feet is required. The
24 masonry fireplace has a zero foot rear
25 setback when five feet is required. Finally,

1
2 they are seeking to retain a 34 inch high
3 concrete block retaining wall located at the
4 head of the driveway, when concrete blocks
5 are not an acceptable material under code to
6 use for fencing or enclosures. The engineer
7 said the fence is six to ten feet set back
8 from the street, but to the Board, it appears
9 to be no more than two or three feet from the
10 sidewalk.

11 Mr. Sosa, the homeowner spoke. He
12 said that he put the retaining wall in
13 because his neighbor's property is really
14 high compared to his property. He put in the
15 cement blocks and sat the fence on top of
16 that.

17 The Board does not have issues with
18 the items in the rear of the property,
19 however, the solid PVC fence on top of the
20 retaining wall is an issue. The requirement
21 of an open fence in a front yard is for
22 safety purposes. The Board is inclined to
23 approve all variances requested except for
24 the PVC fence atop of the retaining wall.
25 For safety reasons, the Board will approve

1
2 the maintenance of the retaining wall and
3 fence to the extent that from the sidewalk
4 going back no less than 15 feet, the total
5 height of any retaining wall plus fence must
6 be less than or equal to the four feet
7 permitted under the code. Any fence sections
8 must be open. The maximum height of four
9 feet must be measured from Mr. Sosa's
10 property, not from his neighbor's higher
11 property. This may mean that if Mr. Sosa
12 wishes to maintain the retaining wall, he
13 will not be able to have any fence sections
14 on that 15 foot fence; however, the safety
15 concern trumps Mr. Sosa's desire for a fence.

16 Otherwise for the remaining variances
17 requested:

18 1. On balance, the benefit to the
19 applicant by the granting of these variances
20 is not outweighed by the detriment to the
21 health, safety and welfare of the
22 neighborhood or community if such variance
23 were to be granted.

24 The board has determined:

25 a. That an undesirable change will

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2 not be produced in the character or the
3 neighborhood and a detriment to nearby
4 properties will not be created by the
5 granting of the area variance.

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

10 c. That the requested area variance
11 is unsubstantial.

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

16 e. That the alleged difficulty was
17 self-created but this factor is not
18 dispositive.

19 2. The Board, as lead agency, has
20 determined that this action is a Type II
21 action under SEQRA and no further review is
22 required.

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

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

5 2. Applicant must obtain the
6 required permits from the Building
7 Department.

8 3. The Board will approve the
9 maintenance of the retaining wall and fence
10 to the extent that from the sidewalk going
11 back no less than 15 feet, the total height
12 of any retaining wall plus fence must be less
13 than or equal to the four feet permitted
14 under the code. Any fence sections in those
15 15 feet must be opened. The maximum height
16 of four feet must be measured from Mr. Sosa's
17 property, not from his neighbor's property.

18 DEPUTY CHAIR CAREY: Second.

19 THE SECRETARY: All in Favor.

20 MEMBER JACKSON: In Favor.

21 ALTERNATE SCOPELITIS: In Favor.

22 DEPUTY CHAIR CAREY: In Favor.

23 CHAIRPERSON RHODEN: In Favor.

24 THE SECRETARY: Any opposed?

25 (No response was heard.)

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2 THE SECRETARY: The next decision is
3 Application 2022-5, 128 Cary Place.

4 MR. McLAUGHLIN: Madame Chair, with
5 your permission and direction, on the
6 following applications, I'll read the
7 application and the motion will be made by
8 the Board.

9 CHAIRPERSON RHODEN: Yes.

10 MR. McLAUGHLIN: Madame Chair, based
11 on a motion that will be made by Ben Jackson
12 and the Board, the Board makes the
13 application before the Board to Application
14 2022-5 for the premises located at 128 Cary
15 Place, Freeport, the Applicant came before
16 this Board seeking a variance from Village
17 Ordinances 210-6A, and 210-117B seeking
18 approval for a Use variance to use Marine
19 Industrial as residential use.

20 The following findings of fact are
21 made:

22 1. The property presented in the
23 application is presently being used as a
24 residential property, as the house on the
25 property is pre-existing non-conforming. The

1
2 applicant intends to subdivide the property
3 and build two houses on the property. The
4 applicant presented evidence that the local
5 area on Cary Place is residential and the
6 building of two houses on the property will
7 fit in the characteristics of the community.
8 The applicant also presented evidence that
9 the subdivision of the property and the
10 building of two houses will lead to a
11 reasonable return for the property. It is
12 also clear that subdividing and building of
13 two houses will not change the essential
14 character of the neighborhood as the Board
15 recognizes that the neighborhood has become
16 more of a residential neighborhood.

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

23 The Board has determined:

24 a. That an undesirable change will
25 not be produced in the character of the

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neighborhood and a detriment to nearby properties will not be created by the granting of the area variance.

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

c. That the requested area variance is insubstantial.

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

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

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

The Board further moves that this application be granted subject to the following conditions:

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

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Village of Freeport.

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

We would need a motion on that.

MEMBER JACKSON: So moved.

ALTERNATE SCOPELITIS: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: Madame Chair, may I read the next decision?

CHAIRPERSON RHODEN: Yes.

THE SECRETARY: Application 2022-2. 165 Church Street.

MEMBER JACKSON: Madame Chair --

MR. McLAUGHLIN: I'm going to read all the rest.

Madame Chair, regarding Application 2022-2 for the premises located at 165 Church

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2 Street, the Applicant comes before this Board
3 seeking a variance from Village Ordinances
4 210-6A and 210-40 seeing approval to
5 construct a new 3,097 square foot two-story
6 single family dwelling with unfinished
7 basement and a 426 square foot detached
8 garage.

9 The Board makes the following
10 findings of fact:

11 The Applicant is seeking approval to
12 construct a new 3,097 square foot two-story
13 single family dwelling with unfinished
14 basement and a 426 square foot detached
15 garage. The property is in a residential
16 zone. The applicant is seeking to build a
17 residential home on a property which has a
18 property width of 49 feet at the rear of the
19 house. The applicant is seeking a variance
20 of one foot width at the rear of the house.
21 It's clear by the evidence presented that the
22 required variance is minimal. The building
23 of this structure would not create an adverse
24 effect on the neighborhood, as the one foot
25 area variance would have no effect on the

1
2 neighborhood. It is also clear by the
3 evidence presented that it wouldn't have a
4 negative effect. The variance cannot be
5 achieved in any manner as a denial of the
6 application would make the property unusable.

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

13 The Board has determined:

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

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

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

25 d. That the proposed variance will

1
2 not have an adverse effect or impact on the
3 physical or environmental conditions in the
4 neighborhood or district; and

5 e. That the alleged difficulty was
6 not self-created by the applicant.

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

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

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

17 2. Applicant/Owner must obtain the
18 required permits from the Building
19 Department.

20 MEMBER JACKSON: So moved.

21 ALTERNATE SCOPELITIS: Second.

22 THE SECRETARY: All in favor.

23 MEMBER JACKSON: In Favor.

24 ALTERNATE SCOPELITIS: In Favor.

25 DEPUTY CHAIR CAREY: In Favor.

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CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Call the next application.

THE SECRETARY: Application 2022-6, 158 North Ocean Avenue, Residence, A, Section 55, Block 262, Lot 212.

MR. McLAUGHLIN: Regarding Application 2022-6 for the premises located at 158 North Ocean Avenue, Freeport, the Applicant comes before this Board seeking a variance from Village Ordinances 210-6A and 210-39A for approval of fire repairs, to construct a new 94 square foot first floor rear addition, 42 square foot vestibule and a new 735 square foot rear addition.

The Board moves to make the following findings of fact:

The Applicant appeared seeking to construct a 94 square foot first floor rear addition, a 42 square foot vestibule, and a new 735 square foot second floor addition.

The construction on the subject property was

1 contemplated due to a fire that took place.

2 The applicant also seeks variance 210-39A sky
3 exposure plane. The Board finds:
4

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

11 The Board has determined:

12 a. That an undesirable change will
13 not be produced in the character of the
14 neighborhood and a detriment to nearby
15 properties will not be created by the
16 granting of the area variance; the applicant
17 presented evidence to the Board showing that
18 there are numerous homes on the block that
19 are similar in size to what is being
20 proposed.

21 b. That the benefit sought by the
22 applicant cannot be achieved by some method,
23 feasible for the applicant to pursue, other
24 than an area variance, as the property is
25 being repaired due to fire and the proposed

1
2 additions being done at this time cannot be
3 achieved by another method.

4 c. That the requested area variance
5 is insubstantial due to the fact that the
6 proposed size of the property is similar to
7 houses that are on the same block as the
8 subject property.

9 d. That the proposed variance will
10 not have an adverse effect or impact on the
11 physical or environmental conditions in the
12 neighborhood or district, as the properties
13 over the years have increased to the same or
14 similar size as proposed by the applicant;
15 and

16 e. That the alleged difficulty was
17 not self-created as the original necessity
18 for construction on the property is a fire
19 that occurred in March 2021.

20 The Board, as lead agency, has
21 determined that this action is a Type II
22 action under SEQRA and no further review is
23 required.

24 I further move that this application
25 be granted subject to the following

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conditions:

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

Applicant must obtain the required permits from the Building Department.

ALTERNATE SCOPELITIS: So moved.

MEMBER JACKSON: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: The next decision is Application 2022-7, 37 West 4th Street, Residence A, Section 62, Block 64, Lot 110, 507-509. YaYa Ceesay.

MR. McLAUGHLIN: Madame Chair, regarding Application 2022-7 for the premises located at 37 West 4th Street, Freeport, New York, the Applicant comes before this Board seeking a variance from Village

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Ordinances 210-41, 210-43(a) seeking approval to construct a new 600 square foot rear second story deck.

The Board moves that this Board make the following findings of fact:

The Applicant is seeking approval to construct a new 600 square foot rear second story deck. The applicant's property is raised in order to comply FEMA regulations. It's clear that applicant would not have been required to go above the statutory lot coverage and the rear setback, if the home wasn't raised. The applicant also testified that they have spoken to the neighbors about the proposed variance and there were no objections. The Board recognizes that the deck will fit into the characteristics of the neighborhood as numerous properties were required to raise their homes after Super Storm Sandy, leading to higher decks on these properties.

1. On balance, the benefit to the applicant by the granting of this variance is not outweighed by the detriment to the

1
2 health, safety and welfare of the
3 neighborhood and community if such variance
4 were to be granted.

5 The Board board has determined:

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

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

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

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

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

23 The Board, as lead agency, has
24 determined that this action is a Type II
25 action under SEQRA and no further review is

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required.

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

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

Applicant must obtain the required permits from the Building Department.

DEPUTY CHAIR CAREY: So moved.

ALTERNATE SCOPELITIS: Second.

THE SECRETARY: All in Favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: The next decision is 2022-8, 75 Cary Place, Residence A, Section 54, Block 321, Lot 3. Dianelis Sime.

MR. McLAUGHLIN: Madame Chair, regarding Application 2022-8 for the premises located at 75 Cary Place, Freeport, the

1
2 Applicant comes before this Board seeking a
3 variance from Village Ordinances 210-6A,
4 210-43(A) and 210-29A seeking approval to
5 construct a new 613 square foot second story
6 addition, a new 58 square foot first floor
7 rear addition and rebuild existing 126.6
8 square foot rear room.

9 The Board makes the following
10 findings of fact:

11 The Applicant is seeking approval to
12 construct a new 613 square foot second story
13 addition, a new 58 square foot first floor
14 rear addition and rebuild existing 126.6
15 square foot rear room. It is clear by the
16 evidence presented that the construction will
17 not increase the non-conformity of the side
18 yard setback. The Board recognizes that the
19 surrounding neighborhood has similar
20 encroachments to the sky exposure plane. The
21 proposed construction will fit into the
22 character of the neighborhood. There are
23 neighbors with similar sky exposure
24 encroachment. The applicant's intention for
25 the use of the property is to raise their

1
2 family in a larger home. Based on the size
3 of the property and present property values,
4 the applicant cannot achieve the intended use
5 in any other method.

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.

12 The Board has 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 in insubstantial.

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

1
2 physical or environmental conditions in 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 The Board further moves that this
11 application be granted subject to the
12 following conditions:

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

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

18 DEPUTY CHAIR CAREY: So moved.

19 MEMBER JACKSON: Second.

20 THE SECRETARY: All in Favor.

21 MEMBER JACKSON: In Favor.

22 ALTERNATE SCOPELITIS: In Favor.

23 DEPUTY CHAIR CAREY: In Favor.

24 CHAIRPERSON RHODEN: In Favor.

25 THE SECRETARY: Any opposed?

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(No response was heard.)

CHAIRPERSON RHODEN: Can I have a motion to close the legislative session, please.

ALTERNATE SCOPELITIS: So moved.

MEMBER JACKSON: Second.

THE SECRETARY: All in favor.

MEMBER JACKSON: In Favor.

ALTERNATE SCOPELITIS: In Favor.

DEPUTY CHAIR CAREY: In Favor.

CHAIRPERSON RHODEN: In Favor.

THE SECRETARY: Any opposed?

(No response was heard.)

(WHEREUPON, this hearing was concluded at 9:26 p.m.)

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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 6th day of April, 2022.



BETHANNE MENNONNA

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