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INCORPORATED VILLAGE OF FREEPORT  
ZONING BOARD

MUNICIPAL BUILDING  
46 North Ocean Avenue  
Freeport, NY 11520

May 19, 2022  
6:00 p.m.

M E M B E R S:

ROSA RHODEN	CHAIRPERSON
ANTHONY J. MINEO	MEMBER
CHARLES HAWKINS	MEMBER
DIEGO PINZON	ALTERNATE MEMBER

\* \* \*

ROBIN CANTELLI	SECRETARY
JENNIFER UNGAR	DEPUTY VILLAGE ATTORNEY

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\* \* \*

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APPLICATION 2022-23

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May 19, 2022

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

APPLICATION#	ADDRESS	PAGE
2022-14	70 Guy Lombardo Avenue	7-15
2022-22	14-16 Brooklyn Avenue	15-34
2022-23	932 South Long Beach Avenue	35-40

1  
2 CHAIRPERSON RHODEN: Good evening,  
3 everyone. I'm opening up the Zoning Board of  
4 Appeals meeting for May 19th. If everyone  
5 could please join me for the Pledge of  
6 Allegiance.

7 (Pledge of Allegiance recited.)

8 CHAIRPERSON RHODEN: We have a member  
9 absent tonight. So, as such, I am  
10 designating Diego Pinzon as an Alternate  
11 Member of the Board to substitute for the  
12 absent member.

13 THE CLERK: All in Favor.

14 MEMBER HAWKINS: Aye.

15 MEMBER MINEO: Aye.

16 CHAIRPERSON RHODEN: Perfect. At  
17 this time, can I have a motion to enter into  
18 executive session to consult with counsel,  
19 please.

20 MEMBER HAWKINS: So moved.

21 ALTERNATE MEMBER PINZON: Second.

22 CHAIRPERSON RHODEN: Can the Clerk  
23 please poll the Board.

24 THE SECRETARY: All in favor.

25 MEMBER HAWKINS: Aye.

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ALTERNATE MEMBER PINZON: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

We will be right back. We will consult with counsel and we will return. Thank you.

(WHEREUPON, the Board entered into executive session from 6:10 p.m. to 6:42 p.m., after which the following transpired:)

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

(Pledge of Allegiance recited.)

CHAIRPERSON RHODEN: Can I please have a motion to accept the minutes from April 21st?

MEMBER MINEO: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

ALTERNATE MEMBER PINZON: Aye.

CHAIRPERSON RHODEN: Aye.

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THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Do we have any Affidavit's of Publication and Posting that need to be entered into the records as exhibits this evening?

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

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

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

THE SECRETARY: Madame Chair, we do not.

CHAIRPERSON RHODEN: Before we begin, I'd like to ask anyone who is here to speak for or against an application this evening to please fill out a form, they're on the desk in the back, and please hand it to the clerk.

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Thank you.

Can we call the first application.

THE SECRETARY: Yes. The first application is 2022-14, 70 Guy Lombardo Avenue, Business B, Section 55, Block 331, Lot 9. Alfred Basal. Convert existing second floor from commercial to two residential apartments. Variances: Village Ordinances 210-6A, 210-81C Prohibited use, 210-172A Parking required.

I have one Affidavit of Mailing to be entered into the record as a Board exhibit. This bill be Board Exhibit 3 for this individual public hearing.

(WHEREUPON, the above-referred to document was marked as Board's Exhibit 3, for identification, as of this date.)

A L F R E D B A S A L,  
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. BASAL: Alfred Basal. My address

1  
2 is 147-24 Hillside Avenue, Jamaica, New York  
3 11435.

4 CHAIRPERSON RHODEN: Please proceed.

5 MR. BASAL: Okay. We would like to  
6 fix the property on Guy Lombardo. It was a  
7 fire damage property, and we would like to do  
8 renovation, and we want to convert the second  
9 floor from the office to two residential  
10 apartment.

11 My architect, he couldn't be here  
12 tonight, so he asked us to be here.

13 CHAIRPERSON RHODEN: Your architect  
14 provided us with the parking easement.

15 THE SECRETARY: He has exhibits to be  
16 entered.

17 MR. BASAL: He gave me a number of  
18 copies.

19 THE SECRETARY: This will be  
20 Applicant's Exhibit B.

21 (WHEREUPON, the above-referred to  
22 documents were marked as Applicant's  
23 Exhibit B, for identification, as of this  
24 date.)

25 MEMBER MINEO: According to the

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documents that your architect provided, it only appears that there are two open car parking spaces at the subject property; is that accurate?

MR. BASAL: That's correct.

CHAIRPERSON RHODEN: This is what you're going to create? You're creating these two parking spaces?

MR. BASAL: We're going to create two parking spaces. Right now it's not been used as parking, but the space is there. Our plan is to make use of the parking.

CHAIRPERSON RHODEN: I thought last time we didn't know. You did confirm that this is your parking space? I guess you have access to this space.

MR. BASAL: Yes. We had the survey, the surveyor. It is an easement that is allowing to have the space to be used for two parking.

CHAIRPERSON RHODEN: I'm just trying to make sure. The way the parking looks, are they going to be able to get in and out?

MR. BASAL: From Pine Street it's a

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nine foot opening that they can enter.

MEMBER HAWKINS: There's an opening that goes from Pine Street all the way to the back of the building?

MR. BASAL: Correct.

CHAIRPERSON RHODEN: All the way to the back of building.

MR. BASAL: Correct. Correct.

CHAIRPERSON RHODEN: It's open? So if you go through, straight through, there's nothing that you need to get permission or anything, it's just an opening?

MR. BASAL: In the rear of our building, we have to clean it up and make it available for parking. But yes, there's nothing blocking.

MEMBER MINEO: There are no services, for instance, gas, that would impede anyone driving back there? There's no need for a column protection to prevent a car crashing into something that obstructs that easement?

MR. BASAL: No.

MEMBER HAWKINS: Would a vehicle be able to turn around in there or back out,

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back onto Pine Street?

MR. BASAL: Oh, once the vehicle goes into the back of our property?

MEMBER HAWKINS: Correct.

MR. BASAL: No, there is enough room to make a turn. If it's a big truck, which we are not planning to have a truck back there. A normal car, they can make a turn, yes.

MEMBER HAWKINS: They can make a turn?

MR. BASAL: Yes.

MEMBER MINEO: According to the additional notes the architect submitted, it states that, "With proper cooperation between the apartment tenants and at nighttime, the parking area/easement can accommodate all required four cars." Is that accurate?

MR. BASAL: Four cars.

MEMBER MINEO: According to the document.

MR. BASAL: Maybe. Depends. Two cars, for sure.

MEMBER MINEO: Right. What I'm

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assuming what the architect is requesting, or at least eluding to, is that they would block the easement with other cars.

In addition to the two spaces that are in the rear, at the back of the parcel, that they would utilize the easement to park additional cars. But that would have to be a coordinated effort between you, your tenants and, everyone else involved.

MR. BASAL: Yes. Correct.

CHAIRPERSON RHODEN: Also, I just want to confirm that these two spots will not be used by the offices, because you have offices at the bottom.

MR. BASAL: We have two stores at the bottom now.

CHAIRPERSON RHODEN: They cannot use those, if they're going to be allocated for your tenants, right?

MR. BASAL: No. No. The tenant that was there, she had been in the area for a very long time. That was the flower shop. No. Even prior to that fire, no, she had no parking. She was not doing it for any

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parking, no.

MEMBER HAWKINS: She'll be returning?

MR. BASAL: I'm sorry?

MEMBER HAWKINS: She returning to that?

MR. BASAL: Yeah, yeah. We talked with her. We want to get fixed up so she can move back, yes.

CHAIRPERSON RHODEN: So, they were using the parking on the street, I gather, the offices --

MR. BASAL: Yes.

CHAIRPERSON RHODEN: -- since you didn't have any parking spots available anyway.

MR. BASAL: At that time, no, we did not.

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

MR. BASAL: Okay. Thank you.

CHAIRPERSON RHODEN: Hold on a second.

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

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evening?

THE SECRETARY: Madame Chair, we do not.

CHAIRPERSON RHODEN: Okay. Thank you so much.

At this time, can I please have a motion to close for further evidence.

MEMBER HAWKINS: So moved.

ALTERNATE MEMBER PINZON: Second.

THE SECRETARY: All in favor, say aye.

MEMBER HAWKINS: Aye.

ALTERNATE MEMBER PINZON: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

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

MEMBER MINEO: So moved.

ALTERNATE MEMBER PINZON: I second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

ALTERNATE MEMBER PINZON: Aye.

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MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

Thank you very much. You'll be notified.

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

THE SECRETARY: Yes. The next application is 2022-22, 14-16 Brooklyn Avenue, Service Business, Section 55, Block 264, Lot 19. Oak Street Health. Renovate building to be used as a senior medical facility. Variances: Village Ordinance 210-6A, 210-172A(12) Parking required.

I have one Affidavit of Mailing and one Nassau County Planning Commission recommendation to be entered into the record as Board exhibits. These will be Board Exhibits 1 & 2 for this individual public hearing.

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

MR. AVRUTINE: Good evening.  
Appearing for the applicant, Howard Avrutine.

2116 Merrick Avenue in Merrick.

3 This is the application Oak Street  
4 Health for a variance required utilizing the  
5 existing building for a medical office. If I  
6 may, I have a 11 by 17 copies of the plans.  
7 A little bigger. The problem is the quality.  
8 I'll hand those up, if the Board thinks that  
9 will be helpful.

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

13 MR. AVRUTINE: The premises on the  
14 application is located on the northern side  
15 of Brooklyn Avenue, 294 feet east of North  
16 Grove Street. The property has dimensions of  
17 54 feet in width and 110 feet in depth and a  
18 lot area of 5,991.7 square feet, with 0.138  
19 acres. The property is developed with a  
20 two-story mason building with a footprint of  
21 5,335 square feet.

22 The building is legally nonconforming  
23 and there is no on-site parking, as the  
24 building occupies 89 percent of the parcel.  
25 According to the Nassau County tax assessor's

1 records, this building was constructed in  
2 approximately 1925 to 1930. The property's  
3 street address is 14-16 Brooklyn Avenue, also  
4 known as Section 55, Block 264, Lot 19, on  
5 the Land and Tax Map of Nassau County.  
6

7 By this application, the applicant  
8 seeks a variance in the Village parking  
9 requirements, as set forth in the Village  
10 Code, Section 210-172A(12.) Pursuant to the  
11 building inspector's review, the number of  
12 required parking spaces is 29, and zero are  
13 provided.

14 The plans submitted to the Village,  
15 copies of which I provided, depict the  
16 medical use the first floor with storage on  
17 the second floor and in the basement. There  
18 is municipal and on-street parking in the  
19 area surrounding the property, as is  
20 demonstrated in the report submitted by the  
21 parking and traffic engineer, Sean Mulryan,  
22 who will be testifying shortly regarding his  
23 analysis and findings.

24 I'd like, if I may take a few  
25 moments, tell you a little bit about the

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applicant, Oak Street Health which will be providing the medical services from the building in the event the application is approved.

Oak Street Health provides primary care medical services focused on Medicare beneficiaries whose medical expenses are covered by Medicare or managed Medicare. So, it's primarily for senior population, for primary medical care services. This is not an urgent care type facility that you're familiar with, it's solely primary medical care.

The hours of operation for the facility will be Monday through Friday, 8:00 a.m. to 6:00 p.m. There will approximately 12 staff members operating at any given time. It is expected also that the facility will accommodate 14 to 19 patient appointments per day. Medical waste will be removed once per week in strict accordance with all legal requirements.

In addition, what nice amenity, for those who utilize the services here are, if

1  
2 they request or require transportation to and  
3 from their appointment, Oak Street Health  
4 provides a van. So, if it's trouble for some  
5 of the seniors to get to and from their  
6 appointment, transportation is provided. And  
7 the vans, when the facility is closed, will  
8 be parking legally, either elsewhere in the  
9 Village or even outside. Another facility  
10 that will be opening up in the Village of  
11 Hempstead, which does have its own parking  
12 lot, the vans may very well be parking there,  
13 depending upon. They'll be, hopefully,  
14 numerous locations of Oak Street Health in  
15 the vicinity so the vans can park there.  
16 Certainly the van or vans servicing this  
17 location could easily park at the Village of  
18 Hempstead location.

19 Unless the Board has specific  
20 questions of me, at this time I would like to  
21 introduce Sean Mulryan to testify regarding  
22 the request of the parking variance.

23 MEMBER HAWKINS: I have a question.

24 Do you have other locations up and  
25 running already?

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MR. AVRUTINE: No, they just got approved. It hasn't opened yet.

MEMBER HAWKINS: No, I'm saying in other towns. This is the first one you're building now?

MR. AVRUTINE: The first one locally. Oak Street Health has locations mostly in other states. As far as this region, the Long Island area, Hempstead is the first one, and hopefully this will be the second.

MEMBER HAWKINS: What percentage of patients use the van service?

MR. AVRUTINE: I can't. Maybe Brandon can speak to that. I have a representative of the applicant.

B R A N D O N        H O L L 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. HOLLER: Brandon Holler,  
H-O-L-L-E-R. My address is 110 49th Avenue,  
Queens, New York 11101.

1  
2 To answer the question about  
3 approximately what portion of our patients  
4 use transportation today. It varies, but it  
5 could be 60 to 80 percent of our patients use  
6 transportation.

7 MEMBER HAWKINS: Thank you.

8 CHAIRPERSON RHODEN: You answered  
9 that. I'm asking specifically for the  
10 Hempstead location.

11 MR. HOLLER: For the --

12 CHAIRPERSON RHODEN: For the  
13 Hempstead location.

14 MR. HOLLER: Hempstead location is  
15 not yet opened.

16 CHAIRPERSON RHODEN: You really don't  
17 know. You don't have a gauge. That's your  
18 other facilities located where exactly?

19 MR. HOLLER: We have ten locations  
20 open currently in the boroughs of Queens,  
21 Brooklyn and the Bronx.

22 CHAIRPERSON RHODEN: Okay thank you.

23 MR. AVRUTINE: Unless there are  
24 further questions of me or Mr. Holler, I'll  
25 call Sean Mulryan.

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MEMBER HAWKINS: I don't know who to ask. The workers, do they drive there or take public transportation there? I'm wondering where they would park.

MR. AVRUTINE: We'll get to that, because there is municipal parking and there is other available parking that Mr. Mulryan will address.

Yes, the patients taking the van, the employees will be coming from their own vehicles or via public transportation.

S E A N M U L R Y 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 dress.

MR. MULRYAN: Sean Mulryan. 1225 Franklin Avenue, Garden City, New York.

At this time, I will submit a copy of my report. Again, this report was Emailed to the Board in advance of the hearing, but I have hardcopies for the board on file.

(WHEREUPON, the above-referred to

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

3  
4 MR. MULRYAN: So again, the applicant  
5 is seeking a variance to operate a medical  
6 office building. That medical office  
7 building will be located in an existing  
8 building located at 14-16 Brooklyn Avenue.  
9 The building is currently vacant and has been  
10 for several years.

11 The site is located between North  
12 Grove street to the west and North Main  
13 Street to the east. On-street parking is  
14 provide in proximity to the subject site  
15 along Brooklyn Avenue, North Grove Street and  
16 North Main Street. Commuter and non-commuter  
17 municipal parking lots are also provided in  
18 proximity to the site.

19 The building was constructed in  
20 approximately 1925, almost 100 years ago.  
21 Due to the configuration of the site, the  
22 applicant is not able to provide the required  
23 29 parking spaces and, therefore, requires a  
24 parking variance. In a similar manner, the  
25 two buildings just to the east of the site,

1  
2 10-12 Brooklyn Avenue and 6 Brooklyn Avenue  
3 also provide no on-site parking. Both  
4 properties have recently received area  
5 variances over the past few years.

6 The medical office will operate  
7 Monday through Friday from 8:00 to 6:00 and  
8 will be closed on Saturday and Sunday. A  
9 parking count was collected in the areas  
10 around the site in order to evaluate the  
11 number of parking spaces in the morning,  
12 afternoon and evening. In total, the site  
13 study I gave you includes 800 public parking  
14 spaces; 158 of which are located on street,  
15 379 in municipal parking spaces, and 255  
16 require commuter parking permits on weekdays  
17 before 2:00.

18 The parking counts collected in  
19 proximity to the subject site indicate  
20 approximately 90 on-street parking spaces  
21 were available during the day in the morning  
22 and evening when the medical office will be  
23 in operation. In addition, a minimum of 200  
24 non permit municipal parking spaces during  
25 the weekday morning and afternoon. In the

1 evening, over 300 municipal parking spaces  
2 were available, in addition to the available  
3 on-street parking spaces. The requested  
4 variance is for 29 parking spaces. The  
5 ability to park in the area surrounding the  
6 subject site is more than capable of handling  
7 the parking demand associated with the  
8 existing building as a medical office.

9  
10 Our office worked on approximately 25  
11 parking variance case within the Village of  
12 Freeport; many of these were located in  
13 municipal parking spaces an approved by the  
14 Village of Freeport Zoning Board of Appeals.

15 On several recent cases, the Village  
16 Zoning Board of Appeals referenced opinion  
17 88-1 of the Office of the State Comptroller  
18 with respect to the municipal parking. The  
19 opinion states a conveyance of property which  
20 is presently being used is Village property.

21 With respect to this application,  
22 Opinion 88-1, the applicant did not ask the  
23 Village to convey any rights or privileges to  
24 specific parking spaces. Applicant is,  
25 however, asking the Village Zoning Board of

1  
2 Appeals to consider the extended amount of  
3 public parking spaces surrounding the subject  
4 site when considering, 1) the benefit of  
5 applicant of the variance granted; and 2) the  
6 detriment to the health, safety and welfare  
7 to the neighborhood or community by such  
8 grant.

9           Regardless of the proposed use, the  
10 applicant is unable to occupy and the  
11 landlord is unable to rent the subject  
12 property without a parking variance. The  
13 applicant is requesting a parking variance to  
14 operate a medical office in a location that  
15 has been vacant for several years. If for  
16 some reason the application is denied, the  
17 subject property will remain vacant.

18           In our professional opinion, granting  
19 this application will have no detriment or  
20 impact on the health, safety or welfare of  
21 the community. And to address your question  
22 earlier, the employees would have access to  
23 the municipal parking field Lot Number 4,  
24 which is located one block away, just north  
25 of Broadway and just east of North Main

1  
2 Street. The employees could also, in theory,  
3 purchase commuter parking permits and park in  
4 parking Lots 18, which is just south of where  
5 we're sitting right now, or directly across  
6 the street in municipal parking located under  
7 the Long Island Railroad, which is directly  
8 across from the subject site.

9 There is a third municipal parking  
10 lot that requires a permit until 2:00,  
11 Lot 28, located on the south side of  
12 Broadway. Again, half a block from the  
13 subject site. There is additional municipal  
14 parking for commuter south of Broadway,  
15 closer to Sunrise, or in between Broadway and  
16 Sunrise, and there will be no impact to the  
17 train parking that is taken up by commuters.

18 Again, the commuter parking permits  
19 are available to residents and non-residents,  
20 and there is no restriction that requires you  
21 to use the railroad, they just simply require  
22 to you have a permit. In theory, the  
23 employees, if they want to park closer to the  
24 building, could have commuter parking permits  
25 and park in those lots, or they could walk

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approximately one block to the larger parking lot which does not require any parking permits.

If there are any questions, I will answer them.

MEMBER HAWKINS: Mr. Mulryan, thank you for Emailing your report. I mentioned before about being able to look at it before the meeting. Thank you for that.

So will the applicant be willing -- you said would be willing to purchase commuter --

MR. MULRYAN: What I said is the employees could do that, if they wanted to park closer.

MEMBER HAWKINS: Right.

MR. MULRYAN: Whether or not they are looking to do that. Again, it's employee parking, but it's not an employee parking permit from the Village. Those permits which are available are required and restricted to certain parking fields, which are not as close as Lot Number 4, which does not require permits. But I couldn't answer that

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question.

CHAIRPERSON RHODEN: Just a quick question, because I don't remember. Are those parking limited time frame? Do they have -- or are they open all day, or they would have to come out and feed the meter?

MR. MULRYAN: On the street they're metered parking spaces along Brooklyn.

CHAIRPERSON RHODEN: That I know.

MR. MULRYAN: And on North Main Street. On Grove it is limited. However, that would be more, in my opinion, for people coming to the facility, not the employees. I would say the employees park in parking Lot Number 4, which is the larger parking lot north of Broadway.

CHAIRPERSON RHODEN: Okay.

MS. UNGAR: Did the applicant address the valet question that the Nassau County Planning Commission raised? It is, basically, part of the resolution, but it was addressed?

MR. AVRUTINE: Yes, they did recommend valet. And I think the reason for

1  
2 that is they had before them, when they made  
3 the recommendation, just to file application  
4 documents. There's nothing in those  
5 documents referring to the van service for  
6 patients. With the van being available, it  
7 would seem logical, at least to me, that  
8 valet should not be mandated. People who  
9 will have trouble ambulating, say, from a  
10 remote parking -- a more remote space will  
11 likely opt to take the van if they knew it  
12 were available to them, especially since  
13 there is no charge associated with that. So,  
14 it seems here, in this particular case with  
15 the use of the van, that the valet really  
16 wouldn't be necessary.

17 MEMBER HAWKINS: Who owns the parking  
18 lot that is next door, just east? Who owns  
19 that?

20 MR. AVRUTINE: I believe that  
21 property is owned by the County of Nassau.  
22 You can tell that by the way it's maintained  
23 so lovely. I'm being facetious. There are  
24 all kinds of concrete blocks on it. It  
25 doesn't even appear to be utilized for

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parking. But the owner of the subject premises does not own that property. But according to public record, it appears to be owned by the County of Nassau.

MEMBER HAWKINS: Are they looking to maybe utilize that?

MR. AVRUTINE: We have no legal right to utilize it.

MEMBER HAWKINS: How about contacting the county and maybe asking if you can utilize that.

MR. AVRUTINE: We could inquire. But my experience with that type of request. I think I'll be long retired before we get a response from Nassau County.

MS. UNGAR: I think the question of that parking lot had come up, when there was the applicant who was proposing the restaurant on the other side of that lot. I believe they looked into it. It did not go anywhere with the county either.

MR. AVRUTINE: It's quite a process that one would have to go through, assuming the county were even interested in such a

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request. But my experience with the county is those types of requests are not readily accepted.

CHAIRPERSON RHODEN: I have another question regarding the bus situation.

How does that work? Is that scheduled? I guess, is everyone picked up by appointments for the day, or are they picked up, like, five people are picked up at the same time, or does the bus goes back and forth? I'm trying to get an idea for that.

MR. AVRUTINE: I'll let Mr. Holler address that.

MR. HOLLER: It is a van. So, it is like a minivan to be able to handle patients who may be in wheelchairs. It's point-to-point for a single patient. So, we are not running circuits to pick up five patients at a time. It's scheduled in advance, based on appointment time. We go door-to-door to pick up.

CHAIRPERSON RHODEN: Okay.

MR. AVRUTINE: Essentially like a taxi service.

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MEMBER HAWKINS: Are you are not going to be parking the van in the municipal lots overnight?

MR. HOLLER: We'll park where it's legally available.

MR. AVRUTINE: If it's not legal to park in the municipal lot overnight, certainly we wouldn't do that. As I indicated, since the Hempstead location will be hopefully operating in short order, it does have its own parking lot. I think one of the options certainly is to park the vans there overnight, since the facility is closed at 6:00 p.m. So, that would make logical sense for both van services in that facility and the van service in the facility under this application, assuming it's approved.

MEMBER HAWKINS: How many vans are you talking about?

MR. AVRUTINE: We'll they start with one. There may be more, depending upon the demand. It's a demand based situation. Hopefully, as the practice grows and patients, there are more patients and there

1  
2 are more patients needing that service, then  
3 additional vans would be acquired for that  
4 purpose.

5 CHAIRPERSON RHODEN: Thank you.

6 MR. AVRUTINE: That concludes our  
7 presentation. Thank you very much for your  
8 time.

9 CHAIRPERSON RHODEN: Thank you.

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

12 THE SECRETARY: Madame Chair, we do  
13 not.

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

17 MEMBER MINEO: So moved.

18 MEMBER HAWKINS: Second.

19 THE SECRETARY: All in favor.

20 MEMBER HAWKINS: Aye.

21 ALTERNATE MEMBER PINZON: Aye.

22 MEMBER MINEO: Aye.

23 CHAIRPERSON RHODEN: Aye.

24 THE SECRETARY: Any opposed?

25 (No response was heard.)

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MR. AVRUTINE: Thank you again.

MEMBER HAWKINS: Thank you.

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

THE SECRETARY: The next application is 2022-23, 932 South Long Beach Avenue, Residence A, Section 62, Block 156, Lot 542. June Owen. 148 square foot expansion to wood deck. Variances: Village Ordinance 210-6A, 210-41 Lot coverage, 210-43A(3) required yards.

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

J O S E P H P I G N A T A R O,  
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. PIGNATARO: Joseph Pignataro,  
P-I-G-N-A-T-A-R-O. 174 Gordon Place,

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Freeport, New York.

Good evening, Members of the Board.  
My name is Joseph Pignataro. I'm the  
architect for the owner, Ms. June Owen.

So, this is a variance to increase  
the south side portion of her rear deck by  
approximately 148 square feet. Ms. Owen is  
looking to maximize this for two main  
reasons: One is to reduce the amount of  
maintenance currently required in her rear  
yard, and also for safety reasons to be able  
to circulate around her above-ground pool.

Ms. Owen is a single mother and is  
also completely blind. She is also a  
licensed psychologist who treats patient in  
her home presently. Being blind, she doesn't  
have much opportunity to venture out of her  
residence. So, she considers her house,  
specifically her pool and her rear deck her  
primary means of recreation.

What we are proposing to do, to  
increase the existing deck by 148 square  
feet, which will project into the required  
side yard on the south side. There is a pine

1  
2 tree located in setback that we have designed  
3 the deck around, so we wouldn't have to  
4 remove it. And we have also secured a letter  
5 from her neighbor adjacent to the south side  
6 of her property stating that she also has no  
7 objection to this proposal.

8 MEMBER MINEO: Again, I'm sorry if I  
9 didn't hear you correctly. Is one of the  
10 main or primary reasons for the increase in  
11 square footage of the deck and encroaching on  
12 the side yard setback due to do ambulatory  
13 issues with respect the wheelchair?

14 MR. PIGNATARO: Yes. This is  
15 Ms. Owen right here. As I previously stated,  
16 she is a single mother and is trying to  
17 reduce the amount of maintenance that is  
18 required, if she did not create the deck  
19 around that area of the pool. And it's also  
20 for safety reasons, so she could be able to  
21 circulate around the pool, access the filter  
22 and heater for the pool in that area as well.

23 MEMBER MINEO: Where is the pool  
24 equipment?

25 MR. PIGNATARO: It would be on the

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top left corner of the proposed plan.

MEMBER MINEO: It's essentially near the bulkhead or close to the house?

MR. PIGNATARO: It's by the bulkhead. And the bulkhead was recently replaced.

MEMBER MINEO: So, due to the fact the bulkhead was increased to comply with FEMA regulatory guidelines, this is also one of the reasons the deck has to be elevated?

MR. PIGNATARO: Yes, one of the reasons. When the bulkhead was permitted, the existing pool was taken out and a portion of the deck was needed to be reconstructed in kind.

MEMBER MINEO: Matching the current grade of the deck that's existing?

MR. PIGNATARO: Yes. Yes. The deck that was previously there that we're proposing is pretty much in line with the first floor. So, there's no step down to the deck. It comes right off the first floor onto the deck.

MEMBER MINEO: You had previously stated that the adjacent neighbor to the

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south has no objection?

MR. PIGNATARO: She does not. She is presently here. She notarized a letter stating something to that effect.

MEMBER MINEO: Since this deck is increasing the grade or at least the deck now is elevated at all points, it's still going to conform with respect to the fencing to be required for safety?

MR. PIGNATARO: 100 percent correct.

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

MEMBER HAWKINS: Does the neighbor get to use the pool?

MR. PIGNATARO: Going to be a pool party. We'll send out invitations.

CHAIRPERSON RHODEN: Thank you.

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

THE SECRETARY: Yes, we do, Madame Chair. Elaine Casanadas.

E L A I N E C A S A D A D A S,  
having been first duly sworn by a Notary

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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. CASANADAS: Elaine Casanadas.  
940 South Long Beach Avenue, Freeport,  
New York.

I do not have any objection to the  
proposal, the expansion of the deck.

CHAIRPERSON RHODEN: Thank you.

MS. CASANADAS: Thank you.

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

MEMBER HAWKINS: So moved.

ALTERNATE MEMBER PINZON: I second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

ALTERNATE MEMBER PINZON: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Thank you.

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You'll be notified. Thank you so much.

MR. PIGNATARO: Thank you.

CHAIRPERSON RHODEN: Can I please have a motion enter into executive session.

MEMBER HAWKINS: So moved.

ALTERNATE MEMBER PINZON: I second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

ALTERNATE MEMBER PINZON: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

(WHEREUPON, the Board entered into executive session from 7:26 p.m. to 8:06 p.m., after which the following transpired:)

CHAIRPERSON RHODEN: Do we have any decisions to be entered into the record this evening?

THE SECRETARY: Yes, Madame Chair. The first decision is application 2022-23, 932 South Long Beach Avenue, Residence A, Section 62, Block 166, Lot 542. June Owen.

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148 square foot expansion to wood deck.

MEMBER HAWKINS: Madame Chairperson, regarding Application 2022-23 for the premises located at 932 South Long Beach Avenue, Freeport, the Applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-41 seeking approval for a 148 square foot expansion to a wood deck. I'm sorry, also Ordinance 210-43A(3).

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

A hearing was held on May 19, 2022 wherein applicant was represented by architect Joseph Pignataro. He explained that the applicant is a blind woman with additional disabilities which impact her mobility. He explained she seeks to expand her deck, will improve her safety when navigating her yard and decrease maintenance.

The applicant also submitted a three page letter in part of her application which the Board considered. Her neighbor immediately to the south testified that she has no objection to the expanded deck.

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As to the lot coverage and side yard setback variances:

On balance, the benefit of 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 has determined:

a. 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. The neighbor most likely to be affected is the neighbor to the south, and she testified she has no objection.

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. There is no way short of the variance and keep the property safe and accessible for the applicant.

c. That the requested area variance

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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. Difficulties following Super Storm Sandy and accommodating the Nassau County recommendations.

The Board, as lead agency, has 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. The 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 MINEO: Second.

THE SECRETARY: All in favor.

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MEMBER HAWKINS: Aye.

ALTERNATE MEMBER PINZON: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: The next decision is -- we have an updated final decision to read. It's five applications. I'm going to read them all together.

Application 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.

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.

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.

Application 2022-12, 41 South Long Beach Avenue, Residence Apartment, Section

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55, Block 324, Lot 4. Matt McGovern. Use variance use residential property as a commercial use.

Application 2022-21, 185-189 West Sunrise Highway, Business B, Section 55, Block 324, Lot 1, 13, 14 and (3 & 4) are included in the application. Matt McGovern. Proposed 14,471 square foot one-story addition and 2,830 interior second floor addition in existing dealership.

MEMBER MINEO: Madame Chair, regarding Application 2022-9 for the premises located at 39 South Long Beach Avenue, 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 2022-10 for the premises located at 16 Lexington Avenue, 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.

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

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

16           Regarding Application 2022-21 for the  
17 premises located at 185-189 West Sunrise  
18 Highway, Freeport, the Application comes  
19 before this Board seeking a variance from  
20 Village Ordinances 210-6A, 210-49, 210-51B,  
21 210-51C, 210-88, 210-87, 210-172A(12) seeking  
22 approval for proposed 14,471 square foot  
23 one-story addition and 2,830 interior second  
24 floor addition in existing dealership.

25           I, Anthony Mineo, move that this

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Board make the following findings of fact:

A hearing was held on April 21, 2022 wherein application was represented by Daniel Baker from Certilman and Balin. Five separate applications were combined into a single hearing, as they concern the Porsche dealership as a whole. He explained that they are seeking an addition to the main dealership. There are five applications covering the west and east sides of South Long Beach Avenue along Sunrise Highway. The west parcel has the Porsche museum. The east parcel has the main dealership and service center. Porsche has acquired four residential homes, two on Lexington Avenue and two on South Long Beach Avenue. Use variances are sought to use the four residential parcels for non-residential use. The fifth application covers all of the area 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

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center work better. They are planning to have 19 extra spaces on the east side and 56 spaces extra on the west side. This will take dealership generated cars off the side streets.

The properties for which the use variance is sought allow for additional 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 was 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 ten foot buffer zone is required between the dealership and residence apartment zone. However, it was explained that this space was needed to make the flow of the service center work. Additionally, there is 60 feet in between the

1  
2 property line and the apartment building to  
3 the south which provides buffer space. Ten  
4 feet rear and side yard setbacks are required  
5 in resident apartment district; however, some  
6 side and rear setback required in a  
7 Business B zone. With the new addition, 173  
8 parking spaces are required and 176 are  
9 provided. Applicant seeking to use the lot  
10 across the street to meet the parking  
11 requirements.

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

21 Residents raised concerns about  
22 safety, including test driving of vehicles on  
23 Lexington. They also complained of loading  
24 and unloading cars on South Long Beach and  
25 Lexington. There was also concern expressed

1  
2 about leaving open the existing curb cuts on  
3 Lexington. Residents raised concerns about  
4 lack of parking on Lexington. Residents  
5 raised concerns about litter from employees  
6 on the streets. Residents raised concerns  
7 about landscaping and lighting, which are  
8 better suited for Site Plan hearings. The  
9 Board hears these concerns and has attempted  
10 to mitigate these concerns while providing  
11 the required variances for the applicant.

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

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

25           a. The Applicant cannot realize a

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2 reasonable return, provided that lack of  
3 return is substantial as demonstrated by  
4 competent financial evidence. Applicant  
5 explained that some of the existing homes  
6 were in rough shape and in need of  
7 substantial rehab. As a car dealership,  
8 applicant cannot realize a reasonable return  
9 as a landlord of rental homes.

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

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

24 d. That the alleged hardship has not  
25 been self-created. Regarding the area

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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 has 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 neighbors concerns about the impact of this expansion.

f. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. Applicant currently is in need of more parking. This application

1  
2 gives them more parking to be utilized. In  
3 order to have the proper flow in the service  
4 center, the lot coverage, side, and rear yard  
5 setback variances are needed. If this lot  
6 was zoned Business B, these variances would  
7 not even be needed.

8 g. That the requested area variance  
9 is insubstantial. When looked at the  
10 totality of the project, these variances, as  
11 conditioned, are insubstantial.

12 h. 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.

16 i. That the alleged difficulty was  
17 not self-created.

18 The Board, as lead agency, has  
19 determined that this action is an unlisted  
20 action under SEQRA. A short environmental  
21 assessment form has been completed by the  
22 applicant and the Board. The Board finds no  
23 environmental impact under SEQRA, issues a  
24 negative declaration, and no further review  
25 is required.

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2 A recommendation was received from  
3 the Nassau County Planning Commission, on or  
4 about May 2, 2022. The Planning Commission  
5 recommends installing a landscape buffer  
6 along Parcel 2's westerly property line where  
7 the expanded parking lot abuts homes. And  
8 finally, installing a landscape buffer along  
9 Parcel 1's southerly line where it abuts the  
10 building property.

11 The Board is going to adopt the first  
12 two conditions as outlined below; however,  
13 the Board will not require the creation of  
14 the landscape buffer along Parcel 1's  
15 southerly line where it abuts the apartment  
16 property. As applicant testified, there is  
17 approximately 60 feet between the property  
18 line and the apartment building. The Board  
19 feels this is a sufficient barrier.

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

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

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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 the 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. This is also a modification recommended by the Nassau County Planning Commission which the Board adopts.

5. As discussed and agreed to by the applicant, all vehicle drop-offs are to be done across Sunrise Highway under the train tracks or by entering the western lot off of Sunrise and unloading inside the western lot. No vehicle loading or unloading is to be done on Lexington Avenue or South Long Beach Avenue.

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

7. As discussed and agreed to by the applicant, no test drives of vehicles are to be done on Lexington Avenue. This is already the policy of Porsche. However, this is a condition for approval and must be enforced by Porsche.

8. As discussed and agreed to by the applicant, employee cars are to park on site in the parking lots. Parking must be available for employees to park in the lots. Applicant emphasized that the purpose of the parking expansion is to pull dealership related cars off the street; therefore, employees should not be parking on the residential streets anymore.

9. As discussed and agreed to by the applicant, to address concerns about cars driving through the western lot from Sunrise

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2 to South Long Beach, an interior gate or  
3 fence is to be installed to prevent a free  
4 flow of traffic through this parking lot.

5 10. As explained by engineer Michael  
6 Rant, there is to be a landscape buffer  
7 installed on the western parcel along the  
8 western lot line to provide a buffer the  
9 parking lot and the residential parcels to  
10 the west. The size of the buffer is to be  
11 determined by the Site Plan Board. This is a  
12 recommended modification suggested by Nassau  
13 County, which this Board adopts.

14 MEMBER HAWKINS: Second.

15 THE SECRETARY: All in favor.

16 MEMBER HAWKINS: Aye.

17 ALTERNATE MEMBER PINZON: Aye.

18 MEMBER MINEO: Aye.

19 CHAIRPERSON RHODEN: Aye.

20 THE SECRETARY: Any opposed?

21 (No response was heard.)

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

24 MEMBER MINEO: So moved.

25 ALTERNATE MEMBER PINZON: Second.

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CHAIRPERSON RHODEN: All in favor.

MEMBER HAWKINS: Aye.

ALTERNATE MEMBER PINZON: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

(WHEREUPON, this hearing was  
concluded at 8:25 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 28th day of May, 2022.



BETHANNE MENNONNA