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INCORPORATED VILLAGE OF FREEPORT
PLANNING BOARD

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

August 9, 2022
7:00 p.m.

M E M B E R S :

- | | |
|--------------------|--------------|
| MICHAEL HERSHBERG | CHAIRPERSON |
| ED CAMPBELL | DEPUTY CHAIR |
| CAROLE RYAN | MEMBER |
| DEBORAH WELCH | MEMBER |
| ANNEMARIE DI SALVO | MEMBER |
| HEATHER DAWSON | MEMBER |

- | | |
|-------------------|-------------------------|
| LISA DEBOURG | DEPUTY VILLAGE CLERK |
| ROBERT McLAUGHLIN | DEPUTY VILLAGE ATTORNEY |

-----EXHIBITS-----

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* * *

SP-3567 & 3568

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August 9, 2022

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CHAIRPERSON HERSHBERG: Good evening. For those of you who are new here in the last 30 minutes, we are going to begin our public hearing; a little bit different format than the prior two applications if you were sitting here. So, a little bit more formality in that we'll swear in any speakers. If there are any questions about any applications, we'll also swear in those speakers.

Madame Clerk, do we have any Affidavits of Publication or Posting?

THE CLERK: Yes. We have one Affidavit of Publication, one Affidavit of Posting and four Affidavits of Mailing, one for each application.

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

CHAIRPERSON HERSHBERG: Thank you. Do we have any request for adjournment?

THE CLERK: No request for adjournment.

CHAIRPERSON HERSHBERG: Thank you

1
2 very much. Would you please call the first
3 application.

4 THE CLERK: Site Plan Number 3563, 80
5 Southside Avenue, Section 62, Block 57, Lots
6 60, 61, Residence A. Rookmin Singh.
7 Construct a new 200 square foot detached
8 garage.

9 P E I D A U L I U,
10 having been first duly sworn by a Notary
11 Public of the State of New York, was
12 examined and testified as follows:

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

15 MR. LIU: Peidau Liu.
16 P-E-I-D-A-U-L-I-U. 384 Nassau Parkway,
17 Oceanside, New York.

18 MEMBER RYAN: How are you?

19 MR. LIU: Good. How are you?

20 CHAIRPERSON HERSHBERG: Go ahead.

21 MR. LIU: I'm the architect for this
22 garage project. Basically, it's a detached
23 garage in the backyard which is about 10 by
24 20 square foot. We propose to do the same
25 colors as the house itself with the dark roof

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and the beige siding. That's basically it.
One car garage.

MEMBER RYAN: What about the door and windows?

MR. LIU: The window is white trim.

MEMBER RYAN: Double hung or casement?

MR. LIU: It's double hung. Double hung.

MEMBER RYAN: You said it's white?

MR. LIU: Yeah. It's white. The door is white too.

MEMBER RYAN: Are there any panels on the door?

MR. LIU: Excuse me?

MEMBER RYAN: Any panels on the door?

MR. LIU: No, no, there's no panels on the door.

MEMBER RYAN: It's just flush?

MR. LIU: Right.

MEMBER RYAN: Any lighting back there?

MR. LIU: There is lighting in front of garage door, yeah.

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MEMBER RYAN: Black? White?

MR. LIU: White light.

CHAIRPERSON HERSHBERG: I know your application is for the garage. Is the paved area existing already?

MR. LIU: Yeah, it is.

CHAIRPERSON HERSHBERG: There's no changes in that?

MR. LIU: No. No.

MEMBER RYAN: You said the side door is also flush?

MR. LIU: Yes.

MEMBER RYAN: It's beige siding with white fascias?

MR. LIU: Yes.

MEMBER RYAN: All to match. I have no further questions. It looks like a little doghouse.

CHAIRPERSON HERSHBERG: On the south elevation there's a little circle there in the peak. Can you describe that, give us a little more detail on what that is?

MR. LIU: It's a light. The light fixture.

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CHAIRPERSON HERSHBERG: Thank you.

Are there any other questions from the Board?

DEPUTY CHAIR CAMPBELL: No questions.

CHAIRPERSON HERSHBERG: Motion from the board please -- I'm sorry.

Are there any comments from the public?

(No response was heard.)

CHAIRPERSON HERSHBERG: Hearing none, motion from the Board.

MEMBER RYAN: Make a motion to close to further evidence and testimony and reserve decision.

MEMBER WELCH: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER DAWSON: Aye.

MEMBER WELCH: Aye.

DEPUTY CHAIR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

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2 THE CLERK: Site Plan 3567. 177-189
3 West Sunrise Highway Section 55, Block 324,
4 Lot 1 and 13 and 14, Business B. 39 South
5 Long Beach Avenue, Section 55, Block 324, Lot
6 3, Residence Apartment and 41 South Long
7 Beach Avenue, Section 55, Block 324, Lot 4,
8 Residence Apartment. Matt McGovern.
9 Construct a new 14,471 square foot one-story
10 addition and a 2,830 square foot second floor
11 interior addition to existing dealership.

12 MR. BAKER: Good evening, Mr.
13 Chairman, Members of the Board. My name is
14 Daniel Baker with Certilman, Balin, Adler and
15 Hyman, 90 Merrick Avenue, East Meadow,
16 New York 11554.

17 Similar to the last time we were
18 here -- we were here before on this matter --
19 I would ask that this matter and the next
20 matter on the agenda be read together, as we
21 did last time. Although they are separated
22 by the street, they are the same.

23 CHAIRPERSON HERSHBERG: Adjacent
24 properties. Sure, we can do that.

25 THE CLERK: The second application

1
2 will be Site Plan Number 3568. 199 West
3 Sunrise Highway, Section 54, Block 81, Lot 5,
4 103 and 106, Business B; 30 South Long Beach
5 Avenue, Section 54, Block 81, Lot 8,
6 Residence Apartment; 16 Lexington Avenue,
7 Section 54, Block 81, Lot 9, Residence
8 Apartment; and 20 Lexington Avenue, Section
9 54, Block 81, Lot 10, Residence Apartment.
10 Matt McGovern. Expand existing parking lot.

11 CHAIRPERSON HERSHBERG: Thank you.
12 Highly unusual. Of course, I was not at the
13 last meeting, so I was briefed by the some of
14 the Board members. It's my understanding
15 that you appeared before, there was
16 discussion about the application, and there
17 were, I believe, two outstanding items that
18 you're coming back to speak on today, and
19 that would be the issue of lighting, and
20 there was also, I think, some details with
21 respect to landscaping; am I correct?

22 MR. BAKER: Yes. The lighting, yes.
23 And my understanding is that hour engineer,
24 Civil Engineer, is here, submitted the specs
25 on the lighting to the Board.

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MEMBER RYAN: Yes, we have those.

MR. BAKER: That's been presented.

As far as landscaping, maybe the issue there was waiting on Nassau County Planning Commission recommendation. The last time we were here, the Planning Commission had not yet met on this. They did, and they provided us, and the Village as well, with a resolution where they sent it back for local determination but with some recommendations.

The only recommendation that is, I would say, outstanding and we don't want to address or not, I will point out it's very similar or exactly the same as what we had to deal with, with the Zoning Board. When we went there, we received the Zoning Board approvals. The Zoning Board acknowledged that this recommendation from the Planning Commission did not need to be addressed, and that was to have a buffer at the south portion of the east property. The dealership property, not the other side, which is mostly parking. Mr. Rant is going to show you that plan. But, in essence, to adhere to what the

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2 recommendation is, we would have to chop up
3 the building and that defeats the whole
4 purpose of creating the ability to create
5 better flow and allow better traffic
6 circulation in and out of the street to
7 create a better layout.

8 MEMBER DI SALVO: What page is that?

9 MR. BAKER: That is C2. As you can
10 see, right along this property line here, the
11 building comes up right up to the property
12 line, as it is allowed to do that. The
13 Planning Commission had suggested taking the
14 building back and creating a buffer here
15 which, again, would disrupt the flow and not
16 make this a feasible project. But what we
17 had pointed out, even before that, is on this
18 side of the property you have a small little
19 apartment building; it's approximately 60
20 feet from the property line to the building,
21 separated by all of the parking for that
22 apartment building. So, in our opinion,
23 there is no impact from the new proposed
24 building. While it's closer to the property
25 line, it's not much different and not much

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2 different in height than the existing house
3 that was there. So, that was our position.

4 Before we went to the Planning
5 Commission, and now hearing from the Planning
6 Commission, we still maintain that same
7 position which, again, the Zoning Board had
8 heard and, in essence, overruled the
9 recommendation.

10 CHAIRPERSON HERSHBERG: So, I did not
11 have the opportunity to check the transcript
12 of the last meeting, so I'm just trying to
13 get myself up to speed as I can.

14 So, with respect to landscaping, what
15 I had heard from some of our Board members
16 was that there was discussion with regard to
17 moving trees.

18 MR. BAKER: I'll let Mr. Rant --

19 CHAIRPERSON HERSHBERG: I don't mean
20 to disrupt the order of your presentation. I
21 was just trying to get myself up to speed in
22 that the two things -- my understanding is
23 that the two things that you will be
24 discussing will be the lighting and the issue
25 of landscaping; more specifically, the moving

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of trees.

MR. BAKER: That's fine. You're not disrupting y flow at all. I think we're really here to address those issues at this point.

CHAIRPERSON HERSHBERG: Proceed as you wish.

M I C H A E L R A N T,
having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

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

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

Good evening Mr. Chair, Members of the Board. I can discuss those topics that were brought up regarding the landscaping.

So, we did submit cut sheets for the proposed light fixtures. And the light fixtures themselves are the same light fixtures that currently exist on the property. So, there will be additional light

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2 poles added, in order to provide adequate
3 lighting for the site. Again, those match
4 what's there currently.

5 As far as the landscaping. Really,
6 this will be the west side of the property,
7 which abuts the residential property. We
8 have a solid fence, and we have an evergreen
9 screening that would block and screen that
10 neighbor. Currently, on the east property
11 where they're moving vegetation, there are
12 large evergreen trees that we dug up and
13 replanted along the west site, in order to
14 provide access. So, that was the discussion
15 about relocating some of the plants. So, it
16 will be evergreen screening along the
17 westerly property line, street trees along
18 Lexington Avenue, and that's what's currently
19 there, and then new light poles, again, to
20 match currently what's on site.

21 MEMBER RYAN: There are six light
22 poles?

23 MR. RANT: The light poles -- there
24 are three proposed light poles on Lexington
25 Avenue, and then one, two, three four -- four

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proposed interior light poles within the site.

MEMBER RYAN: Can you point them out?

MR. RANT: One, two, three along Lexington Avenue, and then one, two, three, four interior to the site. And all of those fixtures would match what's currently there today.

MEMBER DI SALVO: Those are going to be 20 feet high?

MR. RANT: 20 feet tall to the top.

MEMBER RYAN: Just like the others.

MEMBER DI SALVO: Just like the others.

MR. RANT: I do have some photographs to submit for the record that show the existing light poles.

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

MR. RANT: Again, this is a photograph. There are multiple copies of the same photograph of the existing light pole fixture that exists on Lexington Avenue.

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That would be the same fixture that's being proposed.

MEMBER DI SALVO: I'm sorry, I was not at the last meeting. I apologize for playing catchup. All I'm seeing on C6 are five to six foot arborvitaes. We have some --

MR. RANT: So, C6 is the landscape plan. Five to six foot arborvitaes are for privacy, and then the street trees would be Japanese Zelkova, installed at a height between 15 to 20 feet installed height. Those are deciduous street trees along Lexington Avenue.

MEMBER DI SALVO: On Lexington, I'm seeing three of those.

MR. RANT: Four street trees. There's one on the corner and --

MEMBER DI SALVO: Thank you. On South Long Beach Avenue.

MR. RANT: Yes.

MEMBER DI SALVO: There's mostly concrete walk. There are some planters?

MR. RANT: We're not proposing any

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changes on South Long Beach Avenue. That's existing.

MEMBER DI SALVO: That's existing.

MR. RANT: The only change is the expansion towards the west.

CHAIRPERSON HERSHBERG: Could you help me understand, sir, the discussion with respect to replanting trees. Help me with the location of planting trees.

MR. RANT: The existing on the -- we have the west site is the parking lot expansion and the east site is the building expansion. When the building was previously constructed, they installed evergreen screening along the south property line between it and the residential property. Those evergreen screenings would be removed, dug up, and relocated on the west side of the parking lot. Those are arborvitaes, evergreen trees. They're much more mature than what we're showing. We're showing five to six feet. Those are 15 to 20 feet already. So, they'll give a big jump start from what is proposed.

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CHAIRPERSON HERSHBERG: Do you know the number of trees that you will be relocating?

MR. RANT: I believe it was about 20 trees.

DEPUTY CHAIR CAMPBELL: So, I remember there was also going to be the lighting that some of the neighbor were complaining about. Are the trees near the lights?

MR. RANT: There was some concern about the light poles, obviously. It was discussed last time. It's a necessity to light for security purposes. We're proposing deciduous trees at a height tall enough to help screen and shield the upper portion of the light pole. So, the installed height is 15 to 20 feet. That's the tree height. And the height of the light pole is 20 feet. The photographs I submitted were in 2019 when the trees were submitted. If you pass the site currently, the trees have grown taller than the light fixtures. They don't block the light completely, but they help shield it and

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camouflage.

MEMBER DI SALVO: You're saying they are deciduous. In the winter, they will lose their leaves and, therefore, lose the screening.

MR. RANT: Yes, correct. The streetscape we're proposing is similar to what's there currently, which is low street planting with taller street deciduous trees.

MEMBER RYAN: So, I just have one question about the Nassau County thing. What does that -- does that recommendation supercede Freeport?

MR. McLAUGHLIN: I can give an answer on that. Good evening. Rob McLaughlin, Deputy Village Attorney. 46 North Ocean Avenue, Freeport, New York.

The Nassau County Planning Commission wrote a resolution and they have a letter that states that there was a recommendation. The controlling document is the resolution which has no conditions. The letter from Martin Katz is, apparently, some thoughts, discussions, and it's really, at this point,

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2 unenforceable, given the fact that they made
3 recommendations that you can consider certain
4 items. So, it looks like Mr. Katz was
5 describing what was discussed in maybe their
6 second session of the hearing. But as far as
7 what the Board itself voted on, they voted on
8 a local determination with no conditions.

9 MEMBER RYAN: They're giving Freeport
10 Zoning Board the --

11 MR. McLAUGHLIN: They gave the Zoning
12 Board the authority. The Zoning Board did
13 hear it and they came to their determination,
14 and we have a local determination for the
15 Planning Board. So, whatever the Planning
16 Board would be determining, it will follow
17 also the Zoning Board regulations. It's a
18 local determination on the Board. The actual
19 letter itself is just, I guess, Mr. Katz's
20 recommendation, which has no binding
21 authority.

22 MEMBER RYAN: Thank you.

23 MR. RANT: Just to clarify. The
24 recommendation pertains to the easterly site,
25 which is the building. The building addition

1
2 had no recommendations for the parking lot
3 expansion, and the Zoning Board's
4 determination felt that because of the large
5 parking lot that buffered the building from
6 the apartment building that there was
7 adequate separation between the two.

8 Also, if it was a business zone, we
9 wouldn't be required to a setback on the lot
10 line, it would be in line with zero foot side
11 yard setback.

12 MEMBER DI SALVO: Just clarify for me
13 one more time. There is residential where?

14 MR. RANT: There is residential to
15 the west of the parking lot.

16 MEMBER RYAN: And across the street.

17 MR. RANT: Yes, I'm sorry, across the
18 street.

19 MEMBER DI SALVO: Across Lexington.

20 MEMBER RYAN: Apartment building on
21 the corner and then homes west of those.

22 MR. RANT: Currently, they're since
23 demolished. There were two residential homes
24 that have been demolished, removed, the
25 parking lot expanded, really for necessity of

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2 the site to keep cars off of the street and
3 then allows a connection from Sunrise through
4 South Long Beach, to eliminate vehicles going
5 down Lexington. There were existing curb
6 cuts on Lexington that we're showing those to
7 be removed. So, there will be no access from
8 Lexington Avenue onto the parking lot site or
9 museum site.

10 CHAIRPERSON HERSHBERG: Sir, you have
11 provided us with information with respect to
12 lighting, and there's number and temperatures
13 and degrees and all kind of fancy words on
14 here. Not being a lighting expert, can
15 you -- the way I -- put simply, we've got a
16 light bulb at the top of the pole that's
17 going to go everywhere. In this instance,
18 you have lights that are going to be down
19 facing, and then the spread of the light will
20 extend to some degree, I believe, from the
21 down lights. If you could give us an
22 understanding of that. I had heard that at
23 the last meeting the lighting and the leading
24 of the light into the residential homes was
25 part of the discussion, and there was some

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2 residents that weren't happy with having that
3 happen. So, maybe you can help us understand
4 that and we can alleviate some of those
5 concerns of the residents.

6 MR. RANT: Sure. So these are dark
7 sky compliant fixtures where they direct the
8 light down. So, they're downward light
9 fixtures. They would be called a forward
10 throw; so, it throws the light forward rather
11 than directing it backwards. Obviously, if
12 you're standing -- you will see it lite up
13 the parking lot, there's no way to avoid
14 that. But these fixtures are designed in a
15 way that rather than the old fixtures that
16 had a curved lens where you could see it from
17 other directions, these are recessed, flat
18 directing the light downward angle. They are
19 meant to not emit light further out than
20 what's necessary to really light where
21 appropriate, which would be the parking lot.

22 MEMBER RYAN: Below it.

23 MR. RANT: Right.

24 MR. McLAUGHLIN: If I may place this
25 document into evidence. Do you have a copy

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of it?

CHAIRPERSON HERSHBERG: That was part of the application.

MR. RANT: This was added for the record public hearing.

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

MEMBER DI SALVO: What is the temperature.

MR. RANT: It's 4,000.

MEMBER DI SALVO: Do you know the spread at 20 foot height? I'm assuming that these are overlapping beam spreads.

MR. RANT: Yes, they overlap. Again, they are forward throwing. So, they throw the light forward and the light spread would overlap.

MEMBER DI SALVO: I don't have a scale with me. They look to be about 15 feet apart.

MR. RANT: The light poles -- so, the space is about 40, 45 feet apart. These are nine foot wide parking spaces. So, they're

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about 45 feet space.

MEMBER DI SALVO: That's throwing light approximately 20 feet.

MR. RANT: Forward.

MEMBER DI SALVO: Forward.

CHAIRPERSON HERSHBERG: Have we heard sufficient testimony to form a condition with respect to the moving of trees?

DEPUTY CHAIR CAMPBELL: There was a session before where they were going to go by the light poles.

MEMBER RYAN: Going to be on Lexington.

MR. RANT: They are going to border the residential property to the west of the property.

CHAIRPERSON HERSHBERG: Approximately 20?

MR. RANT: Approximately 20 trees.

CHAIRPERSON HERSHBERG: Approximate height?

MR. RANT: About 20 feet tall.

MEMBER DI SALVO: Being removed from the south property line?

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MR. RANT: From the south property line on the easterly property. The building site.

CHAIRPERSON HERSHBERG: Thank you. That helps.

MEMBER RYAN: There will be new screening on the south property line?

MR. RANT: South property line, the building will be on the property line. There will be no screening.

MEMBER RYAN: No little bushes?

MR. RANT: No. Right next to the parking lot.

MEMBER RYAN: Similar to Jaguar on the corner where their service is.

MR. RANT: Yes, they go to the property line. Typically, we'd rather have zero lot line for substantial maintenance purposes. If you have too small of a space, it doesn't allow for cleaning and you have overgrown garbage and debris. And it also creates some out of position area where people think the building belongs either on the lot line or we have a substantial setback

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2 which for the property, as discussed, makes
3 this project not feasible. We feel this is
4 the most appropriate location. In fact,
5 there is an existing paved parking lot
6 separating any property. Again, it adds to
7 the fact.

8 CHAIRPERSON HERSHBERG: Any other
9 questions from the Board.

10 (No response was heard.)

11 CHAIRPERSON HERSHBERG: Comments from
12 the public?

13 THE CLERK: Mr. Kenneth Porter and
14 Robin Porter.

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

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

21 MR. PORTER: Kenneth Porter. 29
22 Lexington Avenue.

23 I have these photographs.

24 (WHEREUPON, the above-referred to
25 documents were marked as Witness Exhibits A

1
2 through C, for identification, as of this
3 date.)

4 R O B I N P O R T E R,
5 having been first duly sworn by a Notary
6 Public of the State of New York, was
7 examined and testified as follows:

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

10 MRS. PORTER: Robin Porter. 29
11 Lexington Avenue, Freeport.

12 MR. PORTER: Good evening.

13 CHAIRPERSON HERSHBERG: Good evening.

14 MR. PORTER: Just picking up. I know
15 that some of you had the opportunity. We
16 have been here the last two Board meetings,
17 so I don't want to reiterate everything we
18 discussed. We discussed safety concerns,
19 things of that nature. I know the point
20 we're talking about is the landscaping, the
21 shrubs and so.

22 What I submitted to you now will
23 describe why I submitted those things. The
24 first picture that I have labeled A is
25 actually their current parking lot. As they

1
2 stated, they plan on basically proposing to
3 match the trees that are currently in place.
4 So, if you look at the space where the trees
5 have been chosen to be used, they're bare at
6 the bottom. So, ultimately, on a residential
7 street, their inventory, everything is going
8 to be taking place in the parking lot and it
9 will be become a nuisance or a disturbance to
10 us because there is no buffer or anything to
11 block that. The bushes that you discussed,
12 the knee high shrubs, ultimately on a
13 residential street what this presents is or
14 creates is a showcase of their inventory on
15 Lexington Avenue. We shouldn't have to see
16 their inventory.

17 As a matter of fact, the reason why I
18 submitted the second picture there is that's
19 BMW. BMW has bushes that are the height of
20 the actual fence on the residential end so
21 that doesn't become a nuisance for the
22 people. If you go to Garden City,
23 dealerships also on Franklin, you'll see that
24 anything that is on the residential side is
25 not exposed in regards to the cars.

1
2 So, the way they designed that, if
3 you see how low the knee high shrubs are and
4 you see the trees that they used, there's
5 no -- there's a gap. So, ultimately, you see
6 the inventory.

7 The second problem that has been
8 created by this project, unanticipated, is
9 that now what we're getting is residence
10 vibrations in our homes because those houses
11 that were destroyed now have open space.
12 Everything from trucks going on Sunrise now
13 the house vibrates.

14 So, when I think of whether or not
15 they have to, the spacing with the trees that
16 they're proposing, isn't going to create the
17 same buffer that buildings would create to
18 stop that from happening.

19 The lighting. The third picture I
20 submitted is at nighttime. I think the
21 picture they submitted was a picture in the
22 daytime of the lighting. If you see the
23 trees, the trees really don't block the
24 lighting. Also, in the wintertime, they
25 offered no buffer because there are no leaves

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2 on the trees. So, that's right now when the
3 trees are in full bloom, you can see it
4 doesn't block. If they're going to put the
5 same type of spacing in the trees, we have
6 several problems. We have the lighting. The
7 last meeting we spoke about has there been a
8 study done with regard to lighting,
9 deprivation of sleep, things of that nature.
10 I don't know if they looked into it, but I do
11 know that that lighting, what is going to be
12 proposed to block the light isn't going to be
13 enough. In the wintertime it's going to be
14 fully exposed to all of us on the block.

15 But like I said, something I didn't
16 bring up because I wouldn't have known, but
17 now we see it even more, with the removal of
18 the houses that have taken place and the open
19 space. Every car -- well, I'm exaggerating
20 saying every car. Trucks or cars at high
21 speed, moving cars, our houses vibrate now.
22 So, what is going to be put there?

23 So, when you look at BMW and the fact
24 they have a layer of bushes in that regard
25 that hide the inventory and hide what's going

1
2 on. Their parking lot going be used not only
3 for their employees and deliveries in and out
4 we're going to be facing. I think to
5 alleviate that by making the bushes higher
6 where that doesn't even have to be seen. It
7 shouldn't be seen on a residential street.

8 MEMBER RYAN: The plan that we have
9 here is showing five to six feet in height,
10 not knee high, just so you're aware. If
11 you'd like to look at the plan, the landscape
12 plan, it will help you.

13 MEMBER DI SALVO: Can you please show
14 him the landscape plan?

15 MR. RANT: This row is five to six
16 foot arborvitaes, which would be the height
17 of the fence. That will be the lower
18 screening to block the cars. And then the
19 street trees will be planted in between those
20 to match what is there on the block. This
21 does provide that lower level of screening
22 that was discussed.

23 MR. PORTER: Will that be for the
24 length of Lexington?

25 MR. RANT: That's for the length, the

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proposed expansion.

CHAIRPERSON HERSHBERG: If you could be a little more descriptive -- you said, "This row" -- so that we can determine from the transcript precisely what you're talking about. You're talking about the row of plantings along Lexington Avenue?

MR. RANT: Yes. So, the 125 foot expansion of the parking lot would have evergreen arborvitaes that would be planted at a height of five to six feet.

MEMBER DI SALVO: That's green all year round?

MR. RANT: Those are green all year round, evergreen screening. Those will screen any cars that are in that proposed expansion of the parking lot. And in between would be planted deciduous trees with an upper canopy to provide not all year round, but in the spring and fall time and summer there would be leaves.

MEMBER DAWSON: The will grow even more?

MR. RANT: They will continue to

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grow.

MEMBER DAWSON: To how many feet?

MR. RANT: They can grow to 20 feet.

The trees that are being moved over were planted at five to six feet. They have grown to 15, 20 feet.

MEMBER DAWSON: Keep it high so it will continue to block the noise and the height not cut them back in your landscape plan.

MR. RANT: Yes.

MR. PORTER: You're referring to the bushes that are going to remain all year round or the trees that you're saying are 15, 20 feet going in, are going to be block the lighting? The trees you're referencing are not going to remain. What you're proposing is to block the lighting really with trees, right?

MR. RANT: It's not blocking the light. We're not misleading the Board that we're creating a solid 25 foot wall. But the evergreens will block the lower portion, the arborvitaes. The upper trees, which

1
2 currently exist on Lexington, are planted in
3 between the light poles, those are just meant
4 to blend in with the light poles. We don't
5 have 25 foot evergreens that block
6 everything. It will be a parking lot, there
7 will be some lights. We're trying to do what
8 we can to mitigate.

9 MEMBER RYAN: He trees you are taking
10 from that other spot are going along here?

11 MR. RANT: Those are going along the
12 residential property. Those are the same
13 trees that will be planted at a smaller
14 height along Lexington and in time they will
15 grow taller. Yes, they will grow taller,
16 about 15 feet in height.

17 MEMBER RYAN: Those will be green all
18 year.

19 MR. RANT: Those will be green all
20 year round.

21 MEMBER RYAN: At 15 feet.

22 MR. PORTER: The trees that you're
23 planting or the shrubs.

24 MR. RANT: The bushes will grow 15
25 feet. Green giant arborvitae grow 15 to 20

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feet, and they are fast growing. You may get three feet of height a year.

MEMBER RYAN: Like a Leland Cypress.

MR. RANT: Very similar.

MR. PORTER: Just for clarification. There are leaves there currently. They have no leaves in the winter being replaced by.

MR. RANT: No.

MEMBER RYAN: In addition to.

MR. RANT: In addition to.

MR. PORTER: What's the spacing of the trees that you'll be planting.

MR. RANT: Which trees?

MR. PORTER: The ones that are going to --

MEMBER RYAN: The green all year.

MR. RANT: The green giant are spaced six feet on center.

MEMBER RYAN: They get how wide?

MR. RANT: They get five feet wide. So, they'll overlap. If you plant them too close, they stunt the growth and they won't get tall. You space them six feet so they can grow into each other and also continue to

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grow higher in height.

MEMBER RYAN: That's better.

MEMBER DI SALVO: I think significant screening, especially along the residential area, those will be 15 to 20 feet?

MR. RANT: Yes.

MEMBER DI SALVO: Regarding those you are moving, they're already mature?

MR. RANT: Yes.

MEMBER DI SALVO: And between the large trees, because they are deciduous in winter, there will be five foot arborvitaes planted that will grow into the same type of green screen that you'll have along the residential side?

MR. RANT: Yes.

MEMBER RYAN: Can you put a couple on Lexington?

MR. RANT: You want to try and keep everything at a similar height.

MEMBER RYAN: (Inaudible.

CHAIRPERSON HERSHBERG: One at a time.

MR. RANT: You want to try to keep

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things planted that are similar in height, so they grow together, rather than having 15 and then five and it's a uniform height.

MR. PORTER: Just for clarification. Do you have sample of the arborvitae?

MR. RANT: I do not have a sample of the arborvitae.

MR. PORTER: So, based off the design, arborvitae is the --

MEMBER DAWSON: There is a sample on Archer Avenue. Ocean Avenue and Archer, there's arborvitae full, and it really does block out the whole house.

MEMBER RYAN: Is that around the development, Ocean Avenue?

THE CLERK: Archer and Southside.

MR. RANT: Those are a type of arborvitae. They create a solid hedge.

MEMBER RYAN: Google green giant. Not the man, the tree. I know that will come up too.

CHAIRPERSON HERSHBERG: Does that address some of your concerns, sir?

MR. PORTER: Some of my concerns. I

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2 don't know how much, because I really don't
3 know the change that has resulted in the
4 houses that have been removed what's
5 occurring with traffic on Sunrise. I don't
6 know if this addresses that.

7 CHAIRPERSON HERSHBERG: That would
8 not be under the purview of this Board. I
9 understand your comments and probably
10 displeasure with the way that's affected your
11 house, but that's not -- I don't think this
12 Board can do anything about.

13 MRS. PORTER: The trees that are
14 supposed to grow up to be a better buffer,
15 how long does that take?

16 MR. RANT: So that they're planted at
17 five to six feet, they'll block the view you
18 of the cars initially. And they grow up to
19 about three feet a year. So, within three,
20 four years they'll be 15 plus feet.

21 MRS. PORTER: My concern is that we
22 have to live there every day. So, the amount
23 of time it takes for the trees to grow is
24 still going to be an in convenience for us.
25 We have to wait ten years for trees to grow

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2 to improve our quality of life. This is
3 where we live. When you look out the front
4 door of the house, directly next to the house
5 is a dealership. So, I'm looking at the
6 dealership. I understand the trees and the
7 height and all of that, but at the end of the
8 day, it's going to be what's best for them.
9 It's not going to be the height that we need
10 it at, it's because we're asking for cosmetic
11 reasons, it's not going to look right if you
12 have different trees next to each other at
13 different heights.

14 So, my concern is that it's really
15 not going to be blocked the way we stated.
16 He last two times we were here, there was
17 thing that they stated that was incorrect,
18 and so I'm kind of apprehensive about that.
19 I don't understand how you expect a resident
20 to wait ten years for trees to grow.

21 CHAIRPERSON HERSHBERG: That's not my
22 understanding. Three feet a year. Talking
23 six feet in two years, not three years.

24 MRS. PORTER: Nine feet.

25 CHAIRPERSON HERSHBERG: Of growth.

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2 They are planting six foot. Nine foot next
3 year, 12 feet the next year, 15 feet the next
4 year. And 15 to 20 feet is my understanding
5 from the testimony, and my understanding
6 generally is the trees grow between 15, 20
7 feet. So, it won't be that extended period.

8 MR. PORTER: Three years we'll get to
9 a height.

10 CHAIRPERSON HERSHBERG: That's
11 assuming that you need 15 feet to block all
12 the light. Six foot trees starting, nine
13 foot the next year.

14 MR. PORTER: That does, in effect,
15 address somewhat, because the spacing is
16 still going to have us looking at the cars
17 and what's happening in the parking lot.
18 That's six feet, right?

19 MEMBER RYAN: You're tall. You can
20 see through the six foot tree.

21 MR. PORTER: We'll still see that.
22 Then the proposed, because the trees that are
23 there now, as discussed, those will not
24 remain, the leaves throughout the year. So,
25 still, the only thing that is going to, from

1
2 my picture, to help block it out, is three
3 years. So, about three years we have to wait
4 to be able to get the other trees to grow to
5 block out the light and provide a shield, if
6 they grow at that rate. Hopefully we get
7 better weather this year and some rain. If
8 not, hoping that it guess to that point.
9 Regardless, the residents on that street,
10 we're going to have to deal with it.

11 So, from my wife's point, quality of
12 life. Think about it. The things that we
13 mentioned, I think this really it's -- it
14 could be simplified in this matter. We're
15 concerned about the block and people, and we
16 have a business that, of course, is concerned
17 about profit, right? If the people came
18 first, they can plant trees that are at the
19 height that would satisfy everyone. If the
20 people came first, they didn't have to
21 displace all the siding off the houses, make
22 the block look horrible while they're doing
23 it. If the people came first. I've talked
24 to mayor and others, and still, cars are
25 flying down the block, something would be

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done.

CHAIRPERSON HERSHBERG: Maybe sir --

MR. PORTER: I'm saying in regard to this issue. I'm sorry to interrupt. Excuse me.

Is there no way they can put bushes and trees in place from the beginning that's a buffer? Why do we have to wait three years for it to get to the point.

MEMBER RYAN: Maybe they can take the ones that are gone and put them along Lexington, and not just between where the homes came down and the parking lot. Maybe there's a way to of putting them spaced every other, like a big one, small one, big one, small one. Like, stagger them so that you can have more of a shield. But again, I'm not a landscape architect.

MR. RANT: We can increase them to a seven or eight foot installed height. The problem is, if you go too big, they don't grow as fast, because they take longer to root. So, you'd like to stay in that six to eight feet range. If you did seven to eight

1 feet, you get more height. Again, you still
2 get that three feet year. I think that's
3 something. As I understand the neighbors
4 concerns, they don't want to look at the
5 parking lot. But we think we made our
6 efforts to try to mitigate it as best we can.
7 Going to seven, eight feet gives additional
8 height at the installed height.

9
10 MEMBER RYAN: Would you prefer that,
11 seven to eight feet from the start?

12 MR. PORTER: Preferably.

13 MEMBER RYAN: Thank you.

14 CHAIRPERSON HERSHBERG: Thank you.
15 Any other comments? There's a form in the
16 back.

17 In the meantime, are there any other
18 members of the public that want to speak?

19 (No response was heard.)

20 THE CLERK: We have Mr. James F.
21 Fitzgerald for this application.

22 J A M E S F I T Z G E R A L D,
23 having been first duly sworn by a Notary
24 Public of the State of New York, was examined
25 and testified as follows:

1
2 COURT REPORTER: Please state your
3 name and address for the record.

4 MR. FITZGERALD: James F. Fitzgerald.
5 I live at 15 Lexington Avenue, Freeport,
6 New York 11520, directly across the street
7 from the houses that were knocked down. When
8 I bought the house, it was a residential
9 neighborhood. They have since taken down
10 Number 12 Lexington Avenue, Number 16
11 Lexington Avenue, and Number 20 Lexington
12 Avenue.

13 I want to start by saying thank you
14 to the Board here for looking out for the
15 residential people's interests, and a huge
16 thank you to the Porter's, my neighbors,
17 because they have obviously done their home
18 work. I appreciate it so much.

19 My concern on the planting is
20 something that Ken brought up a little while
21 ago about how we have been having a lot of
22 drought. Will there be an irrigation system
23 to keep the plants and trees watered, because
24 the way the world is new, everything is
25 getting burned up. A couple of dying trees

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planted don't last very long without an irrigation system. Will there be one?

MR. RANT: Yes, there will be an automatic irrigation system.

MR. FITZGERALD: Okay. That's important. Just in general, I know you said there's nothing you can do about it, but I have also noticed my house shaking. When they took down the houses, it shook incredibly. They really dropped a lot of weight on the ground and it shook a lot. There definitely is more vibrations going on from the trucks and things done Sunrise Highway.

I haven't had the opportunity to see all the blueprints. Is this all public information I can see on the web? How do I get a copy of it?

THE CLERK: File a FOIL request.

MR. FITZGERALD: I fill out a form for you?

THE CLERK: Yes.

MR. FITZGERALD: I would like that.

CHAIRPERSON HERSHBERG: If there's

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anything you want to review now, sir, you can review the material now. I have a copy of the materials, if you want to take a look at them.

MR. FITZGERALD: Yes, I would like to do that.

THE CLERK: Sir, the application is available on the Village's website.

MR. FITZGERALD: Freeport Village website and I can see all of this?

MR. McLAUGHLIN: Yes.

MR. FITZGERALD: Even if I take photographs of that. Obviously, the Porter's have done their homework. I was a little late to the party here. I saw the notice that this was going on, but it's been discussed for a long time.

CHAIRPERSON HERSHBERG: Just return those.

MR. FITZGERALD yes.

MEMBER DI SALVO: I just want to say, you're very concerned, sir, and you're very concerned as well with the vibrations and the noise right now with the houses that just

1
2 came down. I know it's a jarring change.
3 But in my experience, this amount of planting
4 in these heights and density in which they're
5 planting will really go a long way in
6 mitigating that issue.

7 MR. FITZGERALD: I appreciate your
8 experience. I have no experience with this,
9 but I live there and I'm getting experience
10 on a daily basis.

11 CHAIRPERSON HERSHBERG: Me too. I do
12 not believe there are anymore comments from
13 the public. I will ask again.

14 You do need to come up again.
15 Hopefully it will be brief.

16 MR. PORTER: I apologize for not
17 being here earlier, but this is really life
18 changing. My question is, are we setting the
19 plants at seven to eight feet, so we know
20 that's what's agreed to?

21 CHAIRPERSON HERSHBERG: We have heard
22 the testimony, we've heard the applicant has
23 agreed to do that. There is some downside to
24 starting out with very tall trees, according
25 to the testimony that we have heard and my

1
2 understanding of how plantings works. So, I
3 think we are under consideration to
4 compromise where we don't have full grown
5 trees but something larger than initially
6 planned. The Board takes all of that into
7 consideration in our decision.

8 MR. PORTER: Okay.

9 MEMBER DI SALVO: Thank you.

10 MEMBER RYAN: Thank you.

11 CHAIRPERSON HERSHBERG: Any other?
12 Since we have heard more information, are
13 there any other comments from the Board,
14 questions?

15 (No response was heard.)

16 CHAIRPERSON HERSHBERG: Motion from
17 the Board please.

18 MEMBER RYAN: I'll make a motion to
19 close to further evidence and testimony and
20 reserve decision.

21 MEMBER DI SALVO: Second.

22 THE CLERK: All in favor.

23 MEMBER DI SALVO: Aye.

24 MEMBER RYAN: Aye.

25 MEMBER DAWSON: Aye.

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MEMBER WELCH: Aye.

DEPUTY CHAIR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MEMBER RYAN: I make a motion to close to further evidence and testimony on both applications.

CHAIRPERSON HERSHBERG: I need a motion.

MEMBER RYAN: I need a motion to take a quick break.

DEPUTY CHAIR CAMPBELL: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER DAWSON: Aye.

MEMBER WELCH: Aye.

DEPUTY CHAIR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(WHEREUPON, a recess was taken from 8:03 p.m. until 8:08 p.m., after which the following transpired:)

1
2 CHAIRPERSON HERSHBERG: Madame Clerk,
3 please call the next application.

4 THE CLERK: Site Plan Number 3574,
5 438 Nassau Avenue. Section 62, Block 186,
6 Lot 1, Residence A. 438 Nassau, LLC.
7 Construct a three-story 2,515 square foot
8 single family dwelling with 246 square foot
9 porch and 82.5 square foot deck.

10 M E L I S S A M C M A N A M A N,
11 having been first duly sworn by a Notary
12 Public of the State of New York, was
13 examined and testified as follows:

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

16 MS. McMANAMAN: Melissa McManaman.
17 2290 Bellmore Avenue, Bellmore, New York
18 11712.

19 MEMBER WELCH: Excuse me. Can you
20 say your name one more time?

21 MS. McMANAMAN: Melissa McManaman.

22 MEMBER WELCH: Thank you.

23 CHAIRPERSON HERSHBERG: Please
24 proceed.

25 MS. McMANAMAN: I'm the applicant for

1
2 438 Nassau Avenue, and we are seeking
3 approval to construct a three-story single
4 family dwelling.

5 Any questions? I have samples.

6 CHAIRPERSON HERSHBERG: Would you
7 please provide us just a summary/overview of
8 your application for everyone? Even though
9 there isn't an overwhelming participation
10 from the public here, the meeting is recorded
11 and some of the people listening to the
12 meeting afterwards won't have the benefit of
13 the application materials we're looking at.

14 MS. McMANAMAN: Okay. I'll be more
15 than happy to. So, this is a three-story
16 dwelling, as we mentioned. We're looking to
17 have two decks, a one car garage, low level
18 plantings I'm not really certain what else to
19 provide information on.

20 CHAIRPERSON HERSHBERG: That's okay.
21 So, the Board has received plans which
22 include renderings of a three-story structure
23 with colors and materials provided. I don't
24 see a site plan.

25 MEMBER DI SALVO: I have a question

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about --

DEPUTY CHAIR CAMPBELL: They have a plan.

MEMBER DI SALVO: All I have is a survey. There's no plan.

THE CLERK: No landscape plan.

MEMBER RYAN: No blueprint, just renderings.

MS. McMANAMAN: I believe the blueprint was submitted with the initial application.

MEMBER RYAN: Is this your second application submitting it?

MS. McMANAMAN: There's only one application submitted. And then for the site plan, we then submitted a color rendering and the landscape rendering.

MEMBER DI SALVO: So, the blueprint was submitted with Zoning?

MS. McMANAMAN: I believe that is correct.

MEMBER RYAN: I wasn't sure if you have a landscape plan.

MS. McMANAMAN: No.

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MEMBER RYAN: So we know where you're putting things, we usually require that.

MS. McMANAMAN: We were simply using sea grass around the border of the home, as well as low level plantings around the borders. Nothing for our plan.

MEMBER DI SALVO: So, the rendering is of the evergreen trees.

MS. McMANAMAN: So, then what -- we did we provide those. Those were submitted July 26th to showcase the low level plants without those initial submitted evergreen bushes. Do you have a copy of that?

MEMBER RYAN: We have this. This is all we have. (Indicating.)

MEMBER DI SALVO: This is all we have.

MEMBER RYAN: You have some information, but your there's no trees or bushes.

THE CLERK: The July 26th.

CHAIRPERSON HERSHBERG: We would be looking for a landscape plan.

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2 MS. McMANAMAN: It's basically the
3 color renderings of the home. And then there
4 are some plantings at the bottom and just the
5 front, rear, and left and right exterior.
6 It's not an actual architectural plan. We
7 just submitted color renderings with the
8 planting provided.

9 CHAIRPERSON HERSHBERG: The
10 information you provided, your color
11 renderings, if I can assume a building
12 height.

13 MEMBER RYAN: This came later. This
14 is one was delivered on the 26th that shows
15 some greenery. So, the Zoning Board has the
16 blueprints. Apparently, that's where she
17 submitted them.

18 CHAIRPERSON HERSHBERG: I don't think
19 we have the materials that we need.

20 MS. McMANAMAN: What additional
21 information were you looking for? Possibly I
22 could provide them.

23 CHAIRPERSON HERSHBERG: We always try
24 to work with the information presented to us.
25 In an effort to do that, I was trying to see

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2 if we could consider these renderings that
3 depict plantings in the renderings in lieu of
4 something different with a full-fledged
5 landscape plan. In looking at this and
6 trying to estimate a height of one of the
7 plantings here on the rear exterior
8 elevation, I don't have any information that
9 tells me how tall the home is.

10 So, the attempt to try and view the
11 materials that you're providing is stunted by
12 the fact that we don't have blueprints which
13 would show us the dimensions of the home. So
14 we have, basically, a picture. And
15 renderings are always very helpful to help us
16 visualize what the finished project is going
17 to look like. We don't have anything that
18 shows dimensions that would come to us in the
19 form of a blueprint and would be necessary
20 for us to consider your application.

21 MEMBER DI SALVO: Also, Mr. Chairman.
22 If I'm understanding you correctly that these
23 are for artistic purposes only.

24 MS. McMANAMAN: Correct.

25 MEMBER DI SALVO: They are proposing

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2 all low lying plants on a corner piece of
3 property.

4 CHAIRPERSON HERSHBERG: The other
5 issue is, looking at a rendering I cannot
6 tell if your first floor is 20 feet or 15
7 feet or eight. There's no information here
8 to help. One of the things that this Board
9 has to do is look for the fit of the property
10 into the community. So, we don't know if
11 we're looking at an extremely tall structure,
12 or it would be my expectation these would be
13 kind of standard sizes, but we don't work on
14 those assumptions and guesses. We need that
15 kind of detailed information.

16 MS. McMANAMAN: I was under the
17 impression that that was previously submitted
18 and that was part of the documentation that
19 you already have, and this was just
20 additional information that was being
21 requested for simply the landscaping and the
22 color.

23 CHAIRPERSON HERSHBERG: I do not have
24 that information.

25 MEMBER WELCH: That's what they gave

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to Zoning.

MS. McMANAMAN: The Building Department for the initial application. And then we received the notification for this hearing. There was a checklist that was provided, and that is what I based upon what we submitted for this hearing was that checklist that we received.

CHAIRPERSON HERSHBERG: So, I'm not sure how we came to this point where we do not have the information. So, you submitted some information.

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

MR. McLAUGHLIN: That has a lot of information you were requesting on there. I don't know why it didn't make it here.

MS. McMANAMAN: I do apologize if that was not submitted with this. Like I mentioned, it was based upon the checklist. I apologize that I don't have that access readily.

MEMBER RYAN: At least you have it.

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2 CHAIRPERSON HERSHBERG: Okay. One of
3 the questions, your color renderings, your
4 front exterior elevation is showing a tree
5 planted on the right side of the house, and
6 according to the proportions of the house,
7 would be approximately 25 to 30 feet tall.
8 Is that the kind of tree you're going to
9 plant there?

10 MS. McMANAMAN: No. Those renderings
11 were simply for artistic, as mentioned
12 previously. The actual landscaping was
13 submitted on July 26th. So, that is strictly
14 for the renderings of the home, and then the
15 landscape was with regard to that additional
16 documentation that was submitted.

17 CHAIRPERSON HERSHBERG: So, it's only
18 grasses that you're planting around the home?

19 MS. McMANAMAN: Yes.

20 MEMBER DI SALVO: It's a corner
21 property?

22 MS. McMANAMAN: Correct.

23 CHAIRPERSON HERSHBERG: Okay. So, I
24 need a moment to digest the new information.

25 MS. McMANAMAN: Sure.

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MEMBER DI SALVO: Is there a reason why there are no trees, no bushes, no height?

MS. McMANAMAN: I think we were just simply looking for simplicity and to -- basically, low maintenance, to be honest. That was really the reason behind that.

CHAIRPERSON HERSHBERG: Maybe now we can make some more educated questions on the application. Give me a chance to review.

MEMBER DI SALVO: Is there a fence surrounding the house?

MS. McMANAMAN: There will be.

CHAIRPERSON HERSHBERG: Do you have samples of the materials?

MS. McMANAMAN: I have samples of the roofing as well as the color of the siding as well.

MR. McLAUGHLIN: If I may.

CHAIRPERSON HERSHBERG: Yes.

MR. McLAUGHLIN: Do you want to adjourn for 10, 15 minutes to take a look at it and ask the proper questions? They did submit it. I hate to see them come back. That's why I'm suggesting we take a brief

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recess to take a look at the exhibit just put in.

CHAIRPERSON HERSHBERG: Formally we need a motion.

MR. McLAUGHLIN: If it's just a brief recess to look at it, you can, as the Chair, entertain.

CHAIRPERSON HERSHBERG: I'm going to call for a ten minute recess to allow us to review new materials just received. So, we'll resume in approximately 15 minutes.

(WHEREUPON, a recess was taken from 8:25 p.m. to 8:38 p.m., after which the following transpired:)

CHAIRPERSON HERSHBERG: We are resuming the meeting from our recess to review additional information regarding the application. I have also looked at the checklist that I think you used as a guide.

One of the items here spelled out on the checklist is a landscape plan. So, I will help you, because we documented some of the information we would need that we generally ask for, which may be a little more

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2 specific than some of this information. So,
3 I'll ask Member Ryan to go over some of those
4 items. But we do not have enough information
5 here to fully consider this application. I
6 see Member Ryan writing.

7 MS. McMANAMAN: May I ask some
8 questions? Well, thank you for taking the
9 time to review that. Is it possible to
10 approve the plans contingent on submitting
11 the landscape plans within a certain time
12 period? Is that possible?

13 CHAIRPERSON HERSHBERG: It's a good
14 question. If I were in your shoes, I would
15 ask it also. But no. We have to -- we would
16 either be approving or disapproving an
17 application. In some instances we're able
18 to -- not in some. It's common that we would
19 write in some conditions that were not
20 included in the plans. But the plans, the
21 information you submitted, is lacking to a
22 degree that it hinders our consideration of
23 the application. So, we're going to try and
24 spell out some of the specifics that can you
25 come in and provide and we'll actually have a

1
2 little bit of a conversation about the
3 landscape plan and some suggestions for
4 inclusion of plantings that go beyond what
5 you're initially talking about.

6 MS. McMANAMAN: Thank you.

7 CHAIRPERSON HERSHBERG: Member Ryan.

8 MEMBER RYAN: I have a list of
9 things. Maybe I can let her take a picture
10 of it.

11 MEMBER WELCH: Michael Angelo is your
12 attorney or your architect?

13 MS. McMANAMAN: He is the architect.

14 MEMBER WELCH: Maybe we have a plan.

15 MEMBER DAWSON: Is this your plan?

16 MS. McMANAMAN: I'm sorry?

17 MEMBER DAWSON: Are you building?
18 Are you the owner of the home?

19 MS. McMANAMAN: I am the office
20 manager for the applicant. So, I work
21 directly with the owners of the property. I
22 personally do not own the property.

23 MEMBER DAWSON: You're representing
24 the owners of the property?

25 MS. McMANAMAN: Correct.

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MEMBER DAWSON: I'm sorry. I didn't know the relationship.

MEMBER RYAN: I'm going to list them, but I think you can look, take a photo. I wrote them all here so that you have something to refer to.

MS. McMANAMAN: Thank you, I appreciate it.

MEMBER RYAN: A landscape plan, which is different from a plot plan, or it can be combined, because you need to know where the house is located on the plot.

And in relationship to the driveway, the walkways, the air conditioning unit, there is a lot of things, the decking, that you have to see where they are on the property that you're building on.

The window trim size, whether the windows are double hung or casement, whether they'll have grids or no grids.

The decking material, there's steps, handrails, size of that gable vent up top. Any lighting cut sheets, driveway materials, walkway materials, and like I said, the air

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conditioning.

CHAIRPERSON HERSHBERG: Additionally, with respect to the landscape plan, being you're on a corner property, it's an opportunity to kind of make the home and neighborhood look nicer. Those seasonal grasses are not enough for new construction on a corner property. We need to be considering trees, we need to be considering bushes, hedges.

MEMBER RYAN: It can be low maintenance, but it needs to be there.

CHAIRPERSON HERSHBERG: You need to be considering additional landscape, other than just grass, particularly on a corner property there.

MS. McMANAMAN: Okay.

CHAIRMAN HERSHBERG: Do you have any questions? This is an opportunity for you to ask questions about more information you might need, or to make sure you're clear on what information to bring back to us.

MS. McMANAMAN: I think that was very thorough, what you provided to me. Thank you

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for the additional information. I will speak to the architect and provide him with the list of items that we discussed.

CHAIRPERSON HERSHBERG: You represent a builder constructing the home and will be selling the home?

MS. McMANAMAN: Correct.

CHAIRPERSON HERSHBERG: Have you done any work in Freeport, prior to this application?

MS. McMANAMAN: I personally have not, but the owners have mentioned they both have, yes.

CHAIRPERSON HERSHBERG: So then probably conferring with anybody that's been before this Board and working with the Building Department and Zoning Department, these are not unusual items that we're asking for. Based on the fact there is experience, they do have experience in Freeport, I'm a little surprised at the lack of information we have in front of us. We always trying to work with the information we have. We just can't get to the end of the road with what we

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have got.

MS. McMANAMAN: I appreciate that.

MEMBER RYAN: Sorry.

MS. McMANAMAN: I understand your position and appreciate your time. I'll take your feedback to the powers that be.

MEMBER RYAN: We'll adjourn it until you have all information, then you can come back.

MS. McMANAMAN: Once we have the information, we will submit it and get a new calendar date.

MEMBER DAWSON: You have to submit 12 copies to the Clerk's Office and then it will get scheduled on the calendar and do this again.

MS. McMANAMAN: Okay.

CHAIRPERSON HERSHBERG: I need a motion.

MEMBER RYAN: Make a motion to adjourn for the applicant to get her materials together for a new date.

MEMBER WELCH: Second.

THE CLERK: All in favor.

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MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER DAWSON: Aye.

MEMBER WELCH: Aye.

DEPUTY CHAIR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MEMBER DAWSON: I'd like to make a motion to go into executive session.

CHAIRPERSON HERSHBERG: There's a motion on the table to go into executive session.

DEPUTY CHAIR CAMPBELL: Second.

CHAIRPERSON HERSHBERG: Poll the Board.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER DAWSON: Aye.

MEMBER WELCH: Aye.

DEPUTY CHAIR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

(WHEREUPON, the Board entered executive session from 8:47 p.m. to 9:04 p.m., after which the following transpired:)

THE CLERK: Site Plan Number 3572, 46 Weberfield Avenue.

MEMBER DAWSON: Chairman, regarding SP-3572 for the premises located at 46 Weberfield Avenue, the applicant comes before this Board seeking approval to construct a new 248 square foot one-story rear addition and new open portico.

I, Heather Dawson, move that this Board make the following findings of fact:

This application, as submitted, will not produce an undesirable effect on the neighborhood, if the conditions below are met.

This application, as submitted, will produce an aesthetically and conforming positive addition to the neighborhood, if the conditions below are met.

This application, as submitted, will

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not negatively alter the appearance of the neighborhood, if the conditions below are met.

The site plan, survey print and artist rendering has been submitted by the applicant, reviewed and approved by the Planning Board. Said site plan, survey print and artist rendering have been stamped, approved and signed by the applicant and/or the Chairman of the Planning Board.

The members of this Board are familiar with the neighborhood surrounding the applicant's site and have fully considered all documents and testimony concerning this application.

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

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

Applicant must execute an Affidavit of Compliance and return same to the Office of the Village Clerk within 30 days after the

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decision is filed in the Village Clerk's Office as a prerequisite for issuance of any permit.

Applicant is to provide two sets of stamped original final plans incorporating all conditions and modifications for Building Department along with a signed Affidavit of Compliance to the Village Clerk's Office before issuance of a Building permit.

Any changes or modifications to the approved plan are subject to further review by the Planning Board.

The Planning Board, as lead agency, accepts the recommendation of the Building Department Superintendent's negative SEQRA declaration and has determined that this action is a Type II action under SEQRA.

Applicant must obtain the appropriate permits from the Building Department prior to any construction.

MEMBER RYAN: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

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MEMBER DAWSON: Aye.

MEMBER WELCH: Aye.

DEPUTY CHAIR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

THE CLERK: Site Plan Number 3573, 37 West 4th Street.

MEMBER DI SALVO: Chairman, regarding Application SP-3573 for the premises located at 37 West 4th Street, the applicant comes before this Board seeking approval to construct a new 600 square foot rear deck.

I, Annemarie Di Salvo, move that this Board make the following findings of fact:

This application, as submitted, will not produce an undesirable effect on the neighborhood, if the conditions below are met.

This applicant, as submitted, will produce an aesthetically and conforming positive addition to the surrounding area, if the conditions below are met.

This application, as submitted, will

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not negatively alter the appearance of the neighborhood, if the conditions below are met.

The survey print and artist rendering have been submitted by the applicant, reviewed and approved by the Planning Board. Said site plan, survey print and artist rendering has been stamped approved and signed by the applicant and the Chairman of the Planning Board.

The members of this Board are familiar with the neighborhood surrounding the applicant's site and have considered all documents and testimony concerning this application.

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/Owner must execute and Affidavit of Compliance and return same to the Office of the Village Clerk within 30

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2 days after the decision is filed in the
3 Village Clerk's Office as a prerequisite for
4 issuance of any permit.

5 Applicant/Owner is to provide two
6 sets of stamped original final plans
7 incorporating all conditions and
8 modifications for Building Department along
9 with a signed Affidavit of Compliance to the
10 Village Clerk's Office before issuance of a
11 Building permit.

12 Any changes and/or modifications to
13 the approved plan are subject to further
14 review by the Planning Board.

15 This approval is subject to any and
16 all conditions imposed by the Zoning Board of
17 Appeals, if any, in its decision dated
18 March 2, 2022.

19 This Zoning Board of Appeals, as lead
20 agency, has determined that this is a Type II
21 action under SEQRA and the Planning Board has
22 no further review.

23 Applicant/Owner must obtain the
24 appropriate permits from the Building
25 Department prior to any construction.

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MEMBER WELCH: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER DAWSON: Aye.

MEMBER WELCH: Aye.

DEPUTY CHAIR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Site Plan Number 3563, 80
Southside Avenue.

MEMBER WELCH: Chairman, regarding
Application SP-3563 for the premises located
at 80 Southside Avenue, the applicant comes
before this Board seeking approval to
construct a new 200 square foot detached
garage.

I, Deborah Welch, move that this
Board make the following findings of fact:

This application, as submitted, will
not produce an undesirable effect on the
neighborhood, if the conditions below are
met.

This application, as submitted, will
produce an aesthetically and conforming

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positive addition to the surrounding area, if the conditions below are met.

This application, as submitted, will not negatively alter the appearance of the neighborhood, if the conditions below are met.

The site plan, dated 6/3/22 have been submitted by the applicant, reviewed and approved by the Planning Board. Said site plan has been stamped, approved and signed by the applicant and/or the Chairman of the Planning Board.

The members of this Board are familiar with the neighborhood surrounding the applicant's site and have fully considered all documents and testimony concerning this application.

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

The applicant must comply with all the Rules and Regulations of the Village of Freeport.

The applicant must execute an

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2 Affidavit of Compliance and return same to
3 the Office of the Village Clerk within 30
4 days after the decision is filed in the
5 Village Clerk's Office.

6 Applicant is to provide two sets of
7 stamped original final plans incorporating
8 all conditions and modifications for the
9 Building Department along with a signed
10 Affidavit of Compliance to the Village
11 Clerk's Office before issuance of a Building
12 permit.

13 Any changes and/or modifications to
14 the approved plan are subject to further
15 review by the Planning Board.

16 The Planning Board, as lead agency,
17 accepts the recommendation of the Building
18 Department Superintendent's negative SEQRA
19 declaration and has determined that this
20 action is a Type II action under SEQRA.

21 Applicant/Owner must obtain the
22 appropriate permits from the Building
23 Department prior to any construction.

24 Other conditions:

25 Double hung window, flush door and

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garage.

MEMBER RYAN: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER DAWSON: Aye.

MEMBER WELCH: Aye.

DEPUTY CHAIR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

THE CLERK: Site Plan Number 3567,
177-189 West Sunrise Highway.

MEMBER RYAN: Chairman, regarding
Application SP-3567 for the premises located
at 177-189 West Sunrise Highway, 39 South
Long Beach Avenue, and 41 South Long Beach
Avenue, the applicant comes before this Board
seeking approval to construct a new 14,471
square foot one-story addition and a 2,830
square foot second floor interior addition to
existing dealership.

I, Carole Ryan, move that this Board
make the following findings of fact:

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2 This application, as amended, will
3 not produce an undesirable effect on the
4 neighborhood, if the conditions below are
5 met.

6 This application, as amended, will
7 produce an aesthetically and conforming
8 positive addition to the surrounding area, if
9 the conditions below are met.

10 This application, as amended, will
11 not negatively alter the appearance of the
12 neighborhood, if the conditions below are
13 met.

14 The site plan, dated 7/22/22, has
15 been submitted by the applicant, reviewed and
16 approved by the Planning Board. Said site
17 plan has been stamped, approved and signed by
18 the applicant and/or the Chairman of the
19 Planning Board.

20 The members of this Board are
21 familiar with the neighborhood surrounding
22 the applicant's site and have full considered
23 all documents and testimony concerning this
24 application.

25 I further move that this application

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be granted subject to the following conditions:

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

Applicant/Owner must execute an Affidavit of Compliance and return same to the Office of the Village Clerk within 30 days after the decision is filed in the Village Clerk's Office as a prerequisite for issuance of any permit.

Applicant/Owner must provide two sets of stamped original final plans incorporating all conditions and modifications for the Building Department along with the signed Affidavit of Compliance to the Village Clerk's Office before issuance of a Building Permit.

Any changes and/or modifications to the approved plan are subject to further review by the Planning Board.

This approval is subject to any and all conditions imposed by the Zoning Board of Appeals in its decision dated 4/21/ 22.

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2 The Zoning Board of Appeals, as lead
3 agency, has determined that this action is a
4 Type II action under SEQRA and the Planning
5 Board has no further review.

6 Applicant/Owner must obtain the
7 appropriate permits from the Building
8 Department prior to any construction.

9 Applicant/Owner must plant seven to
10 eight foot arborvitaes on the Lexington
11 Avenue side instead of five to six feet.

12 Applicant should take the 20 or so
13 trees, fully grown, 15 to 20 feet tall from
14 the south side of the property line to be
15 replanted/relocated on the west site line of
16 the 199 West Sunrise Lexington Avenue site.

17 The approved lighting should be a
18 maximum 4,000 K temperature and throw a
19 forward beam spread.

20 MEMBER DI SALVO: Second.

21 THE CLERK: All in favor.

22 MEMBER DI SALVO: Aye.

23 MEMBER RYAN: Aye.

24 MEMBER DAWSON: Aye.

25 MEMBER WELCH: Aye.

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DEPUTY CHAIR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

THE CLERK: Site Plan Number 3568,
199 West Sunrise Highway.

MEMBER RYAN: Chairman, regarding
Application SP-3568 for the premises located
at 199 West Sunrise Highway, 30 South Long
Beach Avenue, 16 Lexington Avenue and 20
Lexington Avenue, the Applicant comes before
this Board seeking approval to expand
existing parking lot.

I, Carole Ryan, move that this Board
make the following findings of fact:

This application, as amended, will
not produce an undesirable effect on the
neighborhood, if the conditions below are
met.

This applicant, as amended, will
produce an aesthetically and conforming
positive addition to the surrounding area, if
the conditions below are met.

This application, as amended, will

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not negatively alter the appearance of the neighborhood, if the conditions below are met.

The site plan, dated 7/22/22 has been submitted by the applicant, reviewed and approved by the Planning Board. Said site plan has been stamped, approved and/or signed by the applicant and/or Chairman of the Planning Board.

The members of this Board are familiar with the neighborhood surrounding the applicant's site and have fully considered all documents and testimony concerning this application.

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

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

Applicant/Owner must execute an Affidavit of Compliance and return same to the Office of the Village Clerk within 30 days after the decision is filed in the

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2 Village Clerk's Office as a prerequisite for
3 issuance of any permit.

4 Applicant/Owner is to provide two
5 sets of stamped original final plans
6 incorporating all conditions and
7 modifications for the Building Department
8 along with a signed Affidavit of Compliance
9 to the Village Clerk's Office before issuance
10 of a Building permit.

11 Any changes and/or modifications to
12 the approved plan are subject to further
13 review by the Planning Board.

14 This approval is subject to any and
15 all conditions imposed by the Zoning Board of
16 Appeals in its decision dated 4/21/22.

17 The Zoning Board of Appeals, as lead
18 agency, has determined that this is a type II
19 action under SEQRA and the Planning Board has
20 no further review.

21 Applicant/Owner must obtain the
22 appropriate permits from the Building
23 Department prior to any construction.

24 Arborvitaes on plan shown as five to
25 six feet should be seven to eight feet in

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height.

MEMBER DI SALVO: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER DAWSON: Aye.

MEMBER WELCH: Aye.

DEPUTY CHAIR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

CHAIRPERSON HERSHBERG: I need a motion for the minutes from the July 12th meeting.

MEMBER RYAN: Make a motion to approve the minutes of the July 12th meeting.

MEMBER DAWSON: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER DAWSON: Aye.

MEMBER WELCH: Aye.

DEPUTY CHAIR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

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THE CLERK: Any opposed?

(No response was heard.)

CHAIRPERSON HERSHBERG: Motion to stay for the next three days. No second? Is there another motion on the table?

MEMBER RYAN: Motion to close the meeting.

MEMBER WELCH: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER DAWSON: Aye.

MEMBER WELCH: Aye.

DEPUTY CHAIR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

(WHEREUPON, the hearing was concluded at 9:20 p.m.)

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August 9, 2022

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C E R T I F I C A T E

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

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of August, 2022.

BETHANNE MENNONNA