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INCORPORATED VILLAGE OF FREEPORT
ZONING BOARD

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

December 14, 2022
6:00 p.m.

M E M B E R S:

BEN JACKSON	ACTING CHAIR
ANTHONY J. MINEO	MEMBER
CHARLES HAWKINS	MEMBER

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ROBIN CANTELLI	SECRETARY
JENNIFER UNGAR	DEPUTY VILLAGE ATTORNEY

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-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

1	Affidavit of Publication	5
2	Affidavit of Publication	5
3	Affidavit of Posting	5
4	Affidavit of Posting	5

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APPLICATION 2022-42

BOARD'S FOR I.D. PAGE

1	Affidavit of Mailing	6
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APPLICATION 2022-43

BOARD'S FOR I.D. PAGE

1	Affidavit of Mailing	12
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December 14, 2022

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

APPLICATION#	ADDRESS	PAGE
2022-42	55 Bedell Street	6 - 12
2022-43	199 Westside Avenue	12 - 19

1
2 ACTING CHAIR JACKSON: Good evening.
3 I'd like to call the Zoning Board of Appeals
4 meeting open. I'd like to lead with the
5 Pledge of Allegiance.

6 (WHEREUPON, the Pledge of Allegiance
7 was recited.)

8 ACTING CHAIR JACKSON: Can I get a
9 motion to go into executive session to
10 consult with counsel?

11 MEMBER HAWKINS: So moved.

12 MEMBER MINEO: Second.

13 THE SECRETARY: All in favor.

14 MEMBER HAWKINS: Aye.

15 MEMBER MINEO: Aye.

16 ACTING CHAIR JACKSON: Aye.

17 THE SECRETARY: Any opposed?

18 (No response was heard.)

19 (WHEREUPON, the Board entered
20 executive session from 6:08 p.m. to
21 6:33 p.m., after which the following
22 transpired:)

23 ACTING CHAIR JACKSON: Welcome. I'd
24 like to reconvene. I'd like everybody to
25 stand up for the Pledge of Allegiance.

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2 (WHEREUPON, the Pledge of Allegiance
3 was recited.)

4 ACTING CHAIR JACKSON: Can I hear a
5 motion to approve the minutes of the prior
6 meeting.

7 MEMBER MINEO: So moved.

8 MEMBER HAWKINS: Second.

9 THE SECRETARY: All in favor.

10 MEMBER HAWKINS: Aye.

11 MEMBER MINEO: Aye.

12 ACTING CHAIR JACKSON: Aye.

13 THE SECRETARY: Any opposed?

14 (No response was heard.)

15 ACTING CHAIR JACKSON: Are there any
16 Affidavits of Publication or Posting?

17 THE SECRETARY: I have two Affidavits
18 of Publication and two Affidavits of Posting
19 to be entered into the record as Board's
20 exhibits. These will be Board's Exhibits 1
21 through 4.

22 (WHEREUPON, the above-referred to
23 documents were marked as Board's Exhibits 1
24 through 4, in evidence, as of this date.)

25 ACTING CHAIR JACKSON: Are there any

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requests for adjournment?

THE SECRETARY: There are no new requests for adjournment this evening.

ACTING CHAIR JACKSON: Can the clerk please call the first application for this evening.

THE SECRETARY: The first application is 2022-42, 55 Bedell Street, Residence A, Section 62, Block 46, Lot 13. Masood Bhutta. Front addition and alterations to two-family dwelling. Variances: Village Ordinance 210-6A, 210-21A, Permissible extensions of use.

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

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

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

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

4 MR. BENNETT: Robert Bennett from
5 RABCO Engineering. Eight West Merrick Road,
6 Freeport, New York.

7 Good evening, Mr. Chairman, Members
8 of the Board. I appear before you this
9 evening as a representative of the owner of
10 the subject property, 55 Bedell Street.
11 Mr. Masood Bhutta request your approval of
12 our request to maintain the existing
13 two-family designation of the property, which
14 was established via a Certificate of
15 Occupancy in 1957 under Permit Number 393.

16 This variance was prompted by a
17 permit application proposing to enclose the
18 dilapidated front porch, to add to the new
19 owner's living space, as well as to repair
20 the exterior condition of the dwelling. All
21 physical work is otherwise code compliant.
22 There is no change in the square footage, lot
23 coverage, setbacks, height.

24 The property was purchased by
25 Mr. Bhutta on August 5, 2021, after many

1
2 years of neglect by the previous owner, which
3 is evidenced by the many complaints in the
4 property's history since 2014.

5 Mr. Bhutta purchased the home to
6 rehabilitate it and raise it back to the high
7 values and standards of the Village of
8 Freeport. He intends to live on the first
9 floor of the dwelling and rent the second
10 floor out the help supplement his investment
11 into the property and provide safe and
12 effective housing for the community.

13 This is a corner property, which is
14 across the street from a busy community
15 store, as well as an elementary school. This
16 is the owner's way of providing cautious and
17 safe living conditions at all times, which is
18 what prompted him to repair the house. The
19 area is home to many other two-family
20 dwellings and is crucial to maintain housing
21 opportunities to the families in Freeport,
22 especially in nearby desirable
23 accommodations, such as schools, recreation,
24 shopping and public transportation.

25 Overall, the property is a positive

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attribute to the community, and we respectfully request your approval to maintain this two-family.

MEMBER HAWKINS: You said it was designated two-family back in 1993?

MR. BENNETT: 1957.

MEMBER HAWKINS: 1957.

MR. BENNETT: I have the original survey showing the original footprint, which is the same as it is today.

ACTING CHAIR JACKSON: It seems he has already started. Is that the case?

MR. BENNETT: The cleanup started and the enclosure of that front porch has started, yes.

ACTING CHAIR JACKSON: He wasn't aware about needing permits?

MR. BENNETT: He was a new owner. He should have gotten a permit, yes. This is after the fact, yes. The footprint, again, stayed the same enclosure as the existing condition.

ACTING CHAIR JACKSON: Then he could also add living space. This is for the new

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owner or for a tenant?

MR. BENNETT: No, for the new owner on the first level.

ACTING CHAIR JACKSON: The new owner is going to live on the first level and a tenant on the second level?

MR. BENNETT: The second level is still occupied, yes.

MEMBER MINEO: The use did not change.

MR. BENNETT: The use did not change, over all of that time, correct.

ACTING CHAIR JACKSON: I have nothing further.

MEMBER MINEO: In the general area, are there similar types of houses, wherein the exterior space was then converted over to interior space.

MR. BENNETT: Yes. I just walked down the block this afternoon, and it's very similar. There is a community deli store right across the street, and many houses are similar, and they do have enclosed porches similar to that, yes.

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MEMBER HAWKINS: You said the structure does not encroach into the front yard at all, it's on the same footprint?

MR. BENNETT: Exactly the same. No change in setbacks, no change in height, no change in sky exposure plane. Exactly the same house, same footprint.

MEMBER MINEO: Obviously, the space is going to habitable space.

MR. BENNETT: That's correct, yes.

ACTING CHAIR JACKSON: Okay. Thank you.

Is there anybody who would like to get up and speak on this?

THE SECRETARY: We do not.

ACTING CHAIR JACKSON: Can I hear a motion to close to further evidence and testimony and reserve decision.

MEMBER HAWKINS: So moved.

MEMBER MINEO: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

ACTING CHAIR JACKSON: Aye.

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THE SECRETARY: Any opposed?

(No response was heard.)

ACTING CHAIR JACKSON: Thank you very much.

MR. BENNETT: Thank you.

MEMBER MINEO: Have a happy holiday.

ACTING CHAIR JACKSON: Can the clerk call the next case.

THE SECRETARY: Yes. The next application is 2022-43, 199 Westside Avenue, Residence A, Section 26, Block 34, Lot 135. Dimitri Giasemis. Restore use of a two-family dwelling. Variances: Village Ordinance 210-6A, 210-38A, Prohibited uses.

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

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

D I M I T R I G I A S E M I S,
having been first duly sworn by a Notary Public of the State of New York, was

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examined and testified as follows:

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

MR. GIASEMIS: Dimitri Giasemis. 277 Long Pond Road, Wading River, New York.

ACTING CHAIR JACKSON: The floor is yours. Would you like to present the case?

MR. GIASEMIS: I bought the house a few years ago, a two-family house. My son lives on the second floor. I recently was able to fix, get an electrical panel, fix the electrical properly, fix the heating system, and I was told that I have to come here to restore the use of the two-family house.

ACTING CHAIR JACKSON: How long have you owned the house? I'm sorry.

MR. GIASEMIS: About four years.

MEMBER HAWKINS: Four years?

MR. GIASEMIS: Yeah, just about.

ACTING CHAIR JACKSON: Did you originally -- I think it's maintain a two-family, Jen.

MS. UNGAR: Restore the use.

ACTING CHAIR JACKSON: How does it

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expire? What is the terms?

MS. UNGAR: Generally, pre-existing, nonconforming use, after a period of 12 months of not being used in that manner, that pre-existing and nonconforming use expires. And then to regain use, you would have to apply to the Zoning Board.

As the denial letter states, it was vacant for eight years.

ACTING CHAIR JACKSON: When you purchased it, technically, the two-family variance was already expired.

MR. GIASEMIS: Yeah.

ACTING CHAIR JACKSON: Did you know this, when you purchased it?

MR. GIASEMIS: No, I did not.

MEMBER HAWKINS: Was it sold to you as a two-family house?

MR. GIASEMIS: Yeah, the bank. Yeah, it was a two-family house.

MEMBER HAWKINS: The bank listed it as a two-family house.

ACTING CHAIR JACKSON: You bought it from a bank?

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MR. GIASEMIS: Yes.

MEMBER HAWKINS: Is there a separate entrance?

MR. GIASEMIS: There is a separate entrance. You go upstairs to the second floor. And the first floor has two entrances: One in the front, one in the back.

MEMBER HAWKINS: How many rooms are there on each floor?

MR. GIASEMIS: The second floor has two bedrooms, kitchen, living room and bathroom. The first floor has two bedrooms, dining room, living room, kitchen and two bathrooms.

MEMBER HAWKINS: Two bathrooms.

MR. GIASEMIS: Two bathroom on the first floor.

MEMBER MINEO: There's no habitable space in the basement, correct?

MR. GIASEMIS: No. The basement, when I bought it, it was flooded, full of water down there.

ACTING CHAIR JACKSON: You said your

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son is on the second floor?

MR. GIASEMIS: Yeah, my son lives on the second floor.

ACTING CHAIR JACKSON: Do you have a tenant on the first floor?

MR. GIASEMIS: Well, I'm working on it.

ACTING CHAIR JACKSON: Pending this, I would imagine.

MR. GIASEMIS: Yeah.

ACTING CHAIR JACKSON: Obviously, you weren't aware you needed to renew the two-bedroom house.

MR. GIASEMIS: No, not any of that. Every time I had somebody, I would just do a little bit of work. It was nothing major done. But, you know, just to start with electrical, get the pumps going, get the water out.

ACTING CHAIR JACKSON: When you say permits for electric and plumbing, I assume it's when you first purchased the house?

MR. GIASEMIS: Well, I did the work slowly. I didn't know. So, first I got to

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check the electrical. The plumbing, I just got to it this year.

MEMBER MINEO: The house stayed vacant for a period of time. Your son did not occupy the house for a number of years.

MR. GIASEMIS from the beginning, no. He just finished college and just lives there. My other son was going to live there, but it was taking too long to finish it. He gave up on me.

MEMBER HAWKINS: You bought it four years ago, correct? How long -- how many years has your son been in there now?

MR. GIASEMIS: This year. He finished law school last year. So, he got a job in Jericho. So, he works out of home. It's an easy commute to go to work.

ACTING CHAIR JACKSON: Okay. Thank you.

MS. UNGAR: I have one quick question for clarification. The denial letter that is dated October 4th said electrical use should have been off since July 22, 2015. Do you know when the electrical was turned on?

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MR. GIASEMIS: The electrical work was completed. What year do you have?

MS. UNGAR: This denial letter was issued two months ago.

MR. GIASEMIS: No, I've been paying. Actually, I have three meters. I have been paying that for years now. I mean, gas, I just had it put in this year. But for the electric, I have been paying at least for three years, maybe longer than that.

MEMBER MINEO: You have three meters. One is a common space meter --

MR. GIASEMIS: One is common space, one is for second floor, one is for the first floor. So, I've been sending Freeport Electric. Now my son took one of the meters. The other two, I'm still paying for it.

ACTING CHAIR JACKSON: Let me just confirm. When was it completed? When was your son able to move in? How long has he been there?

MR. GIASEMIS: He moved, I would say, around March of this year. He didn't have heat, I just got the gas. He was complaining

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for a while, but we worked it out.

ACTING CHAIR JACKSON: I'm good.
Okay. Thank you very much.

MR. GIASEMIS: But I did fix the house. It looks really nice.

ACTING CHAIR JACKSON: Very good. Congratulations on your son graduating.

MR. GIASEMIS: Thank you.

ACTIN CHAIR JACKSON: Have a great holiday.

MR. GIASEMIS: You too. Have a happy holiday.

ACTING CHAIR JACKSON: Can I hear a motion to close to further evidence and testimony and reserve decision -- would anyone like to speak on this application?

THE SECRETARY: He have no one who would like to speak on this application this evening.

ACTING CHAIR JACKSON: Can I hear a motion to close to further evidence and testimony and reserve division?

MEMBER HAWKINS: So moved.

MEMBER MINEO: Second.

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THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

ACTING CHAIR JACKSON: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

ACTING CHAIR JACKSON: I'd like to
hear a motion to close the legislative
session.

MEMBER MINEO: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

ACTING CHAIR JACKSON: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

(WHEREUPON, this hearing was
concluded at 6:49 p.m.)

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December 14, 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 28th day of December, 2022.



BETHANNE MENNONNA