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-----EXHIBITS-----

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* * *

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-----EXHIBITS (Continued)-----

11 179 North Main Street 22
 to 120 North Main
 Street aerial view
 map

12 10 Henry Street to 22
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 aerial view map

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2 CHAIRPERSON RHODEN: Good
3 evening, everyone. I'd like everyone
4 to join us for the Pledge of
5 Allegiance.

6 (Whereupon, the Pledge of
7 Allegiance was said.)

8 CHAIRPERSON RHODEN: Can I please
9 have a Motion to approve the Minutes
10 of the October 20th, 2022 Meeting.

11 MEMBER JACKSON: So moved.

12 MEMBER MINEO: Second.

13 CHAIRPERSON RHODEN: Do we any
14 Affidavits of Publication and Postings
15 that need to be entered into as
16 exhibits?

17 THE CLERK: Yes, I have one
18 Affidavit of Publication and one
19 Affidavit of Posting to be entered
20 into the record as Board Exhibits.
21 These will be Board Exhibit's 1 and 2
22 for this Public Hearing.

23 (Affidavit of Publication was
24 marked as Board Exhibit 1, for
25 identification, as of this date.)

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2 (Affidavit of Posting was marked
3 as Board Exhibit 2, for
4 identification, as of this date.)

5 CHAIRPERSON RHODEN: Do you have
6 any requests for adjournments this
7 evening?

8 THE CLERK: Yes, there is one
9 request for an adjournment this
10 evening.

11 Application 2022-41 67 South Main
12 Street, Business B - Section 55/Block
13 205/Lot 19 - 67 South Jara, LLC.
14 Commercial alterations - 2 retail
15 spaces on 1st floor, 2 bedroom
16 apartment on 2nd floor and no change
17 in basement.

18 CHAIRPERSON RHODEN: Can we
19 please call the first application on
20 tonight's calendar?

21 MS. UNGAR: Actually before that,
22 if we can just designate our alternate
23 as a Member, since we have a Member
24 absent tonight.

25 CHAIRPERSON RHODEN: Okay.

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2 MS. UNGAR: Diego's going to be
3 sitting in tonight.

4 CHAIRPERSON RHODEN: Can I please
5 have a -- we have a Member absent
6 tonight. I'm sorry.

7 And can I designate Diego Pinzon
8 as an alternate Member of the Board
9 for tonight to substitute the absent
10 Member? Can I have a Motion, please?

11 MEMBER JACKSON: So moved.

12 MEMBER HAWKINS: Second.

13 THE CLERK: All in favor.

14 MEMBER JACKSON: Aye.

15 MEMBER MINEO: Aye.

16 MEMBER HAWKINS: Aye.

17 MEMBER PINZON: Aye.

18 CHAIRPERSON RHODEN: Aye.

19 THE CLERK: Any apposed?

20 (Whereupon there was no verbal
21 response given by Board Members.)

22 THE CLERK: The first application
23 this evening is 2022-30 - 179 North
24 Main Street, Service District -
25 Section 55/Block 262/Lot 9 - Greenwood

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2 and Sons Inc.

3 Divide structure to create four
4 separate stores. Variances: Village
5 Ordinance 210-6A, 210-172A(12) -
6 Required parking spaces.

7 I have one Affidavit of Mailing
8 to be entered into the record as a
9 Board Exhibit. This will be Board
10 Exhibit Number 3 for this individual
11 Public Hearing.

12 (Affidavit of Mailing was marked
13 as Board Exhibit 3, for
14 identification, as of this date.)

15 (Whereupon, the Court Reporter
16 swore in the Witness.)

17 MR. GREENWOOD: Bill Greenwood,
18 179 North Main, Freeport, New York.

19 So last time we were here, the --
20 it was asked for me to update the
21 lease that I got from Gala Fresh in
22 regards to 120 North Main for the
23 parking spaces that were lotted. So I
24 did so, and here is the lease
25 agreement that we got (indicating).

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2 So we turned around and discussed
3 that Gala Fresh is -- it turned into a
4 five-year lease that gave me 29
5 parking spaces as requested. I
6 brought a copy of it for everyone.

7 (Handing).

8 THE CLERK: So that's Applicant
9 Exhibit 2.

10 (Lease Agreement was marked as
11 Applicants' Exhibit 2, for
12 identification, as of this date.)

13 MR. GREENWOOD: So, yeah, we've
14 discussed doing a one-year lease, but
15 we discussed -- in my conversations
16 with Gala, it allotted to be a
17 five-year program, because we didn't
18 want it to be anywhere -- again,
19 someone feel like after a year, they
20 just cancel the lease. So that was
21 part of the discussion with the
22 five-year program. They also allotted
23 29 spaces, which were the spaces that
24 I required.

25 The lease was the first portion

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2 of what this whole thing was about.

3 So I also brought in zoning -- the

4 zoning issuance, which is -- you guys

5 should have or would know off the top

6 of the hand, but I'm just going to

7 submit it, which is out of the Zoning

8 Board Chapter 210 -- what is that?

9 Chapter 210, Section A, Number 9.

10 I'll submit that as well, which is how

11 many spaces Gala is supposed to have

12 and maintain in order for me to -- in

13 order for them to give me the 29

14 spaces.

15 So according to that, states that

16 based on Gala's size, they're suppose

17 to maintain 65 parking spaces, which

18 of -- 65, 66 parking spaces. It

19 varies, I'm not too sure. Based on

20 the number that I did in my head, it

21 was 65, but according to this, which

22 is -- I'm also going to -- Gala Fresh

23 parking requirements, this is from the

24 zoning -- this is from the Building's

25 Department, their application. If you

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2 look on the bottom section "required
3 parking" it says, 400 square foot,
4 65.2. Well, 66 parking spaces.
5 Parking provided is 93 spaces. So
6 Gala actually provided 93. They're
7 only required to provide 66. So this
8 is also from the Building's Department
9 as well.

10 (Handing).

11 Also, I'm going to provide a
12 Google Map -- or Google Earth of the
13 Gala parking lot, which we show the
14 parking -- the 29 parking spaces that
15 they're allotting here, which still
16 leads them ample enough space for
17 their -- to meet their requirements
18 without me compromising their parking.

19 MS. UNGAR: Okay. So if he can
20 just pause for a second and get those
21 marked and up to the Board.

22 MR. GREENWOOD: Not a problem.
23 That's all within the same group, so.

24 (Zoning Board Chapter 210,
25 Section A, Number 9 document was

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2 marked as Applicants Exhibit 3, for
3 identification, as of this date.)

4 MEMBER JACKSON: I have a
5 question for you before we go further.

6 MR. GREENWOOD: Sure.

7 MEMBER JACKSON: You said that
8 they're providing 92, and they're
9 required to have 66?

10 MR. GREENWOOD: No, Gala -- Gala,
11 according to the Building's Department
12 it says that they -- the parking
13 provided was 93 spaces. The parking
14 required is only 66. So they had
15 more -- they had more than enough
16 spaces, but the parking lot itself has
17 a total of 130 parking spots.

18 MEMBER JACKSON: Okay.

19 CHAIRPERSON RHODEN: Okay.

20 MR. GREENWOOD: So I'm just
21 going -- I'm just reading what the
22 Building's Department notice listed.

23 MS. UNGAR: If I can just
24 question that a little bit.

25 These would have been Gala's

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2 plans?

3 MR. GREENWOOD: Uh-huh.

4 MS. UNGAR: And this is for --
5 I'm trying to figure out if they're
6 really are 130 spaces why wouldn't
7 that have been reflected on the
8 Building Department plans they
9 submitted to the Building Department?

10 MR. GREENWOOD: To be honest you
11 all, I don't even know. I just
12 requested the plans of Galla's to see
13 what was going on and to meet the
14 requirements, to show that there was
15 ample enough parking spaces for me.

16 The actual parking, if you look
17 at the photo of the parking spot
18 carved out, you'll see the amount of
19 parking spaces that are available. If
20 you count -- if you count them, you
21 would end up with 130 parking spaces.

22 MEMBER JACKSON: So if I may,
23 they put re-striped the parking lot.
24 These may not be legal spaces.

25 MR. GREENWOOD: I'm sorry?

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2 MEMBER JACKSON: These may not be
3 legal spaces. I mean, they could have
4 re-striped. There are certain
5 areas -- I see some spaces red
6 (indicating). There is an area
7 adjacent to the building behind them,
8 which is not shown on the drawing
9 (indicating).

10 MR. GREENWOOD: So they have --
11 they did, and what they did was, the
12 parking is two lanes, so if you see on
13 this middle section (indicating), it's
14 two sides. So you get a matter of 20
15 cars per side. Like, the way this is
16 drawn up, it only shows one side
17 (indicating).

18 MEMBER JACKSON: I mean, I
19 have -- this is a legal document of
20 what their parking spaces are. This
21 is a picture of how it's been laid out
22 (indicating). We don't know that this
23 conforms to code with the parking, you
24 know. I'm sure they didn't move to
25 turn trucks around. I think they may

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2 have changed the parking lot. I
3 can't -- I'm concerned that they may
4 not be legal parking spaces. That's
5 all.

6 MR. GREENWOOD: Well -- and at
7 this point, I'm not even too sure.
8 This has been like this -- and the one
9 document that I should have brought in
10 was the image from 19 -- well, no, not
11 19 -- 2013, which is a Google image
12 that shows the same layout of the
13 parking, so since 2013. So I don't
14 know what Gala did or if it was
15 meant -- it wasn't even Gala before
16 that. It was -- before that, it
17 was --

18 MEMBER JACKSON: Compare Foods.

19 MR. GREENWOOD: Compare Foods.

20 So I'm not too sure if they
21 changed it or Gala changed it or
22 whatever, but based on the images that
23 I saw, the parking is preexisting. So
24 that's where I'm basing my information
25 from.

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2 MEMBER JACKSON: But again, if
3 they --

4 MR. GREENWOOD: And again, this
5 was just to show that they're only
6 required, based on their space, to
7 have a total of 66 parking spaces.

8 MEMBER JACKSON: Yes, but this
9 survey that we know was laid out
10 conforming to code and traffic code
11 for 92 spaces, which would leave them
12 short by 3. So, my opinion, I would
13 like to see that cleared up exactly
14 why that is.

15 MR. GREENWOOD: Okay.

16 MEMBER JACKSON: I mean, if we
17 were to grant you a variance based on
18 those 29 spaces, then they may be in
19 violation themselves and have to come
20 back.

21 MR. GREENWOOD: Okay.

22 MEMBER JACKSON: So it may create
23 a big issue. That's my concern.

24 MR. GREENWOOD: Not a problem.

25 You know, I think I have an

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2 alternative to that, but that's going
3 to be later on. So I'll address that.
4 That's going to be a complication.
5 'Cause I -- just in case it was a
6 complication, I have an alternative.

7 MEMBER JACKSON: Okay. That's
8 fine.

9 MR. GREENWOOD: All right. So
10 that addresses the Gala situation.

11 Now, this is -- this kinda gets a
12 little pretentious, but I'm just gonna
13 have to do it.

14 Because it was suggested, during
15 the discussions, that a person cannot
16 find parking nearby wherever they
17 choose to shop, they would go
18 elsewhere. No convenient friendly
19 parking -- more convenient for -- so
20 if a person couldn't find parking
21 nearby where they choose to shop, they
22 would go elsewhere more convenient
23 parking for any environment.

24 I'd like to submit a picture of
25 the most convenient friendly parking

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2 district in Nassau County, if not, on
3 Long Island.

4 Roosevelt Field has two-million
5 square foot, and offers 11,000 parking
6 spaces, and it's sometimes impossible
7 to get a parking there. All right, so
8 I'm just going to submit this, even
9 those this it's redundant, but just a
10 picture of what Roosevelt Field Aerial
11 view look like.

12 There's a reason for me to go to
13 this length, and I just want to kinda
14 bring it up. I know everybody's,
15 like, why am I talking about Roosevelt
16 Field, but as far as I'm concerned,
17 you can't get anymore bigger parking
18 and more inconvenient in parking at
19 Roosevelt Field.

20 I'd also like to submit the
21 walking directions from Bloomingdale's
22 to Nordstrom's inside of Roosevelt
23 Field.

24 Walking from these two -- walking
25 from that location is about .3 miles,

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2 which is seven minutes to walk from
3 Bloomingdale's to Nordstrom's.

4 Now, I would only assume that
5 everybody's been in Roosevelt Field.
6 Everyone assumes that -- I would
7 assume that everyone has walked from
8 Bloomingdale's, or even passed it to
9 Nordstrom's, it's a seven-minute walk.

10 MS. RHODEN: That's fine.

11 Are we referring to a
12 seven-minute walk in the parking lot
13 or in --

14 MR. GREENWOOD: In the mall. I'm
15 just letting the distance -- I'm just
16 trying to draw an inference of the
17 distance from one store to the next.

18 CHAIRPERSON RHODEN: Okay.

19 MR. GREENWOOD: Because it's .3
20 miles, which is 1,584 feet.

21 And then I'm going to submit
22 walking from Nordstrom's to Grand Lux.
23 Shopping -- you wanna get something to
24 eat, that's .5 miles, which is an 11
25 minute walk from inside the mall,

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2 2,640 feet.

3 All right. The reason why I'm
4 submitting these, it's going to be
5 clear in about two minutes, but if you
6 just give me that indulgence. And
7 that's all based on Google's spec.

8 So on the record from my last
9 hearing, Page 26, Line 14 of 25 and
10 Page 27 Line 1 to 13, it was stated
11 that -- Mr. Hooks stated that he
12 wouldn't walk from Gala -- from his
13 home to Gala, and it would be too far
14 for him and most people, which would
15 insinuate that a walk from 179 to Gala
16 would be too difficult.

17 Now, I'm also going to submit for
18 the record, I'm sure you guys already
19 have it, but just for the
20 conversation, just to show that it was
21 stated, these are the -- this is the
22 comment that I was discussing since
23 was placed on record.

24 Six copies for everybody.

25 (Handing).

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2 MR. GREENWOOD: The reason why
3 I'm doing that now is to show, from
4 Mr. Hooks' home at 18 Lena Court to
5 Gala is .1 miles, which is 528 feet.
6 I'm going to submit that Google as
7 well.

8 (Handing).

9 MS. UNGAR: Why don't we take
10 another pause to allow these exhibits
11 to get marked and handed out to the
12 Board Members.

13 MR. GREENWOOD: Okay.

14 (Aerial view of parking lot was
15 marked as Applicants' Exhibit 4, for
16 identification, as of this date.)

17 (Photo of Gala Fresh parking lot
18 was marked as Applicants' Exhibit 5,
19 for identification, as of this date.)

20 (Photo of Roosevelt Field Mall
21 parking lot was marked as Applicants's
22 Exhibit 6, for identification, as of
23 this date.)

24 (Bloomingdale's to Nordstrom's
25 aerial view map was marked as

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2 Applicants' Exhibit 7, for
3 identification, as of this date.)

4 (Nordstrom's to Grand Lux aerial
5 view map was marked as Applicants'
6 Exhibit 8, for identification, as of
7 this date.)

8 (Testimony from transcript was
9 marked as Applicants' Exhibit 9, for
10 identification, as of this date.)

11 (18 Lena Avenue to 120 North Main
12 Street aerial view map was marked as
13 Applicants' Exhibit 10, for
14 identification, as of this date.)

15 (179 North Main Street to 120
16 North Main Street aerial view map was
17 marked as Applicants' Exhibit 11, for
18 identification, as of this date.)

19 (10 Henry Street to 179 North
20 Main Street aerial view map was marked
21 as Applicants' Exhibit 12, for
22 identification, as of this date.)

23 MR. GREENWOOD: So again, I
24 apologize with bombarding you with all
25 this paperwork tonight, but I think I

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2 just needed to get a point across and
3 this was the most visual way to get it
4 across.

5 Again, like I said, the
6 Roosevelt -- the image of Roosevelt
7 Field is just to show how massive it
8 is, how much parking there is, but it
9 also is one of the most frequent
10 places a shopper in Nassau country.
11 So to get a clear understanding, I'm
12 not too sure who shops at
13 Bloomingdale's or doesn't shop at
14 Bloomingdale's, but I only use those
15 stores in reference points because I'm
16 sure everyone can kinda get a bigger
17 store so that everyone has a reference
18 idea of the distance between the two
19 if you frequent Roosevelt Fields.

20 Bringing up the point about
21 Bloomingdale's to Nordstrom's, that's
22 a seven-minute walk according to
23 Google at .03. Seven minutes it takes
24 to walk there. It's not a walk that
25 most people don't do. Most people do

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2 it, hence the reason why both stores
3 are -- you know make their money.

4 Walking from Nordstrom's to Grand
5 Lux is an 11 minute walk. All right.
6 Most people shop and then go eat.

7 The point I brought up about what
8 was stated on record was that it was
9 stated that going -- walking from 18
10 Lena to 120 would be an inconvenience.
11 That's a two-minute walk. .1 mile.
12 Two minutes.

13 It also -- I didn't submit this
14 because this is -- I'm flooding you
15 all out with everything, but this is
16 from 179 North Main to Gala, which is
17 120 is a .1, but in Google's reference
18 it's a three-minute walk, because I
19 guess it's just a little further.
20 It's a three-minute walk.

21 So I'm going to submit that this
22 is -- which is also 528 feet. So the
23 same distance from his home to Gala
24 would be considered the same distance
25 from 179 to Gala. So most people

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2 would make that walk. In his own
3 words he has made that walk before.

4 So I'm going to submit that.

5 This is just to bring up the
6 reference that it's not an uncommon
7 thing to walk from Gala to 179 because
8 the distance is short. If I walked
9 Roosevelt Field, you've actually
10 walked more than what it would take to
11 go there for parking.

12 The last thing I want to bring up
13 is -- or present is, if Galla's not
14 sufficient, here is the parking from
15 10 Henry Street to 179, which is .4
16 miles. It's a nine minute walk. All
17 right. So if I'm subjected to having
18 to find parking at the community
19 parking or the res (sic) -- or the
20 patrons of the stores -- will it be
21 inconvenient because they don't see
22 stores they want to stop in as they go
23 along? Probably so. But that nine
24 minute walk is .4 miles which is --
25 what is that? 2, 112 which is short

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2 -- shorter than going to Grand Lux
3 from Nordstrom's.

4 So what is convenient to one
5 person might not be convenient to the
6 other. Vice versa. But to show
7 distance, to say that there's --
8 they're equal distance if not less
9 from the community parking lot. So if
10 I can't meet your requirements as
11 Gala, then my only position is well,
12 there's a community parking lot, which
13 is for Freeport, which is a
14 nine-minute walk.

15 So I think that, you know, if
16 it's okay to walk 11 minutes in
17 Roosevelt Field, why would it be okay
18 to walk 11 minutes in -- you know, to
19 get to --

20 MEMBER JACKSON: Well --

21 MR. GREENWOOD: -- my location?

22 (Crosstalk.)

23 MEMBER JACKSON: -- it's a bit of
24 a difference.

25 MR. GREENWOOD: Yeah, I mean --

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2 MEMBER JACKSON: It's inside.

3 MR. GREENWOOD: It's inside.

4 MEMBER JACKSON: So you got rainy
5 days, snowy days, days that are too
6 hot, you might not want to walk where
7 you would walk inside Roosevelt Field.

8 MR. GREENWOOD: Yeah, I mean
9 business --

10 MEMBER JACKSON: It's a big
11 difference.

12 You can't get hit by a car inside
13 of Roosevelt either.

14 MR. GREENWOOD: I hope you don't
15 get hit by a car on Main. That would
16 be a big lawsuit for this town.

17 MEMBER JACKSON: But --

18 MR. GREENWOOD: You know, you
19 would have to say that the street was
20 dangerous.

21 MEMBER JACKSON: I wouldn't say
22 the streets are dangerous, but it does
23 happen regardless of whether how
24 dangerous or how not dangerous it is
25 and especially someone if they have

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2 little kids, that may be a concern for
3 people. But I understand your point
4 so --

5 MR. GREENWOOD: No, I mean I
6 understand where we're going with it.
7 But the point is just to show time and
8 distance. To show that where there is
9 some inconvenience there is some
10 convenience.

11 MEMBER JACKSON: Understood.

12 MR. GREENWOOD: The possibility
13 of it happening is there.

14 I'm going to submit this
15 (indicating).

16 (Handing).

17 Lastly -- it's also been said --
18 it's also been said that, you know,
19 the community is changed. It was also
20 said by Ms. Hooks that, you know,
21 since living in the community for
22 25 years, she seen the, you know, --
23 you're seeing a change in the amount
24 of store -- you haven't -- you haven't
25 seen a change in the amount of

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2 storefronts but in your own words,
3 there's been a change or an increase
4 in the amount of people, residents is.

5 Not all the residents have cars
6 to venture out in the community for
7 certain service or supplies when they
8 need it. The change in the amount of
9 people were required change in the
10 amount of -- and type of businesses
11 necessarily to service those needs.

12 The nuisance that was mentioned
13 is obvious, that since there -- since
14 the number of businesses haven't
15 changed within the 25 years, as a
16 resident in the community and the
17 number of residents have changed, then
18 it would only assume that the issue
19 that might be there is, you have to --
20 you would to more likely be -- your
21 neighbors having trying to share the
22 same space.

23 So -- I'm not as eloquent as I
24 would like to be a reading a speech, I
25 don't do that too often, but the point

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2 is, you know, it was said that in
3 25 years there was no change to the
4 proficiency (sic) of the storefront, but
5 in 25 years, the nuisance of how many
6 people started taking up parking
7 spaces or encroaching on their
8 personal space had increased.

9 So clearly it meant that more
10 people were coming into the community.
11 It had nothing to do with the amount
12 of business there were there. It was
13 just people moving in.

14 That was an -- that was an issue
15 that was brought up.

16 Shoot. Oh. Dam. With all this
17 paperwork I forgot the one thing. It
18 also submitted about 159, 179 and --
19 159, 116 and the store -- the building
20 on the corner. The tax records which
21 I didn't bring shows they're owned by
22 four different people. So it was
23 submitted -- a document was submitted
24 showing that there was 12 storefronts,
25 or 12 apartments for rent. I'm not

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2 too sure how one listing could show 12

3 apartments for rent in six units where

4 they're four different owners. So I

5 don't know where that came from. You

6 know what I mean? And it wasn't clear

7 where that image came from as far as

8 was it a listing on Loop Neck

9 (phonetic), some type of website that,

10 you know, advertising it, or it was

11 just something that was written up.

12 There was last an image produced

13 of a cone in front of a house. I

14 don't know what house that was. I

15 don't know what block it was. I don't

16 know what circumstances that occurred

17 from. Was it someone that put a cone

18 out to the hold up their parking? Was

19 it construction going on and one of

20 the construction workers left their

21 cone. I don't know. So those two --

22 those two images kinda rubbed me the

23 wrong way, 'cause it was like, oh,

24 what does that have to do with me. It

25 has nothing to do with me 'cause if we

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2 can't produce that one building is
3 owned by one person when on record
4 it's shown that's it owned by four
5 different people and each lot -- each
6 building is listed on its own --
7 paying its own taxes then that kinda
8 negates that as that parking being,
9 you know, a subject to this matter.

10 But the reality to all of this is
11 just that -- I think that I've shown
12 more than ample enough, like,
13 alternatives to suffice the parking
14 situation.

15 That's all I got.

16 MEMBER HAWKINS: I have a
17 question.

18 Were you planning on having any
19 type of signage by your business
20 indicating where costumers can park
21 their cars? And also, Gala gonna have
22 any signage indicating which spots
23 offer -- are for 179 Main Street?

24 MR. GREENWOOD: That's a -- that
25 was a an issue. That was a

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2 conversation that we had that they're
3 going to let them know that the
4 parking is over in Gala. We can
5 definitely do that. Gala will also
6 honor it and let me know that, you
7 know, this parking is available for,
8 you know, 179. We haven't issued it
9 yet because it's just -- it's still in
10 the works, but that can be put in
11 play.

12 MS. RHODEN: I have questions
13 regarding -- I don't think -- did you
14 address the backyard buffer zone in
15 the back with regard to the trees
16 being taken out --

17 MR. GREENWOOD: I didn't --

18 CHAIRPERSON RHODEN: What was --

19 MR. GREENWOOD: I didn't address
20 the buffer zone because I didn't think
21 this was for the buffer zone
22 conversation. This was for the
23 parking first.

24 CHAIRPERSON RHODEN: It is, but
25 we would like to know how you are

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2 addressing, you know --

3 MR. GREENWOOD: Right. So --

4 CHAIRPERSON RHODEN: -- since it
5 since did come up and it was something
6 --

7 MR. GREENWOOD: 'Cause that is --
8 right now I'm working with one of the
9 landscapers to find out if we can put
10 art (sic) -- if we can go over the
11 fence that does artificial fencing that
12 puts greenery. Because the trees --
13 the trees -- we won't have a tree tall
14 enough, you know what I mean, to cover
15 what it is. We'd have to -- I mean, I
16 don't even know, 9 foot, 10 foot trees
17 is not going to do what -- with the
18 invention of how -- if it's just a
19 matter of giving it an esthetic look,
20 we can create that. And that's what
21 I'm trying to work in right now.
22 Because the fencing that was there was
23 falling down. So I'm discussing it
24 with them to find out because we've
25 seen this in a couple of the like, I

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2 guess -- you know, they've done in
3 some other fancier places, where they
4 put up these fences that have the --
5 it looks like moss, but it's not, it's
6 like plastic, so it stays and it
7 really looks nice. So that's the only
8 option I'm thinking right now.

9 CHAIRPERSON RHODEN: Okay.

10 MEMBER PINZON: I have one
11 question.

12 In yards to the agreement with
13 Gala Foods, is this specific to
14 certain days or certain hours or is it
15 just general?

16 MR. GREENWOOD: It's just
17 general.

18 CHAIRPERSON RHODEN: Okay. Thank
19 you.

20 MEMBER JACKSON: Thank you.

21 MS. RHODEN: Do we have anyone
22 that would like to speak for or
23 against this application?

24 THE CLERK: Okay. We have
25 Mr. Zachary Hooks. This is Zachary

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2 Hooks.

3 (Whereupon, the Court Reporter
4 sworn in the Witness.)

5 MR. Hooks: Zachary Hooks. 18
6 Lena Avenue, Freeport, New York.

7 So I'm not going to go into a
8 long rebuttal with Mr. Greenwood.

9 I do have a few questions.

10 I know he supposedly submitted a
11 lease. Now, I don't know -- I know
12 we're not privy to that lease, but I'm
13 questioning certain validities of
14 that.

15 Mr. Greenwood supposedly had been
16 in contact with the management at Gala
17 to set up that lease. On
18 October 31st, I spoke to the same
19 person that Mr. Greenwood spoke to and
20 he said yes, he thought he was doing a
21 neighborly thing, maybe helping out.
22 He had no idea of the amount of the
23 parking spaces or anything that was
24 transpired.

25 I mentioned, did you know

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2 anything about the zoning hearings, he
3 wanted no part of that.

4 Now, I don't know what happened
5 between the 31st and today after
6 11:00, because I spoke to
7 Mr. Christian at Gala again today and
8 asked him was he coming down to the
9 hearing to verify this information for
10 Mr. Greenwood. Once again he stated,
11 and I know this is hearsay and in a
12 court of law a judge would say it's
13 hearsay, but Mr. Greenwood presented
14 this information, and the gentleman at
15 Gala who I spoke to wanted no part of
16 it. He said he would not be coming to
17 a hearing and he didn't know anything
18 about it.

19 Now, I said that was at 11:00
20 when I spoke to him. Now if something
21 transpired between 11:00 and 6:00
22 today and he presented that, then so
23 be it.

24 CHAIRPERSON RHODEN: This was
25 signed on the first day of

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2 November 2022.

3 MR. HOOKS: Okay. 1st day of
4 November.

5 CHAIRPERSON RHODEN: That's what
6 it says, right, 1st -- (indicating.)

7 MR. HOOKS: Whose the name of the
8 gentleman, if I could ask?

9 CHAIRPERSON RHODEN: I --

10 MEMBER MINEO: It doesn't
11 indicate a name.

12 CHAIRPERSON RHODEN: It doesn't
13 indicate a name. It does have a stamp
14 though from Gala Food Supermarket and
15 it does have a signature.

16 MR. HOOKS: Like I said, I can --
17 I will definitely reach back out
18 Christian in the morning and say I was
19 at the hearing. Because at 11:00
20 today, he knew nothing about it.

21 CHAIRPERSON RHODEN: And if no
22 one from Gala Fresh -- Gala Goods I'm
23 saying, comes and says that's a fraud,
24 then this is what is showing in front
25 of us.

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2 MR. HOOKS: It's what's showing.

3 Okay.

4 CHAIRPERSON RHODEN: I mean it is
5 signed, it is stamped with their stamp
6 of Gala Supermarket 129 -- I mean I
7 don't --

8 MR. HOOKS: No, no, that's fine.
9 I mean, listen, I can reach back out
10 to him. But I'm just saying, I --

11 CHAIRPERSON RHODEN: And I have
12 no problem reading this into the
13 record, if need be.

14 MR. HOOKS: That's fine. Not a
15 problem. Not a problem at all.

16 MS. UNGAR: And also, just so you
17 know, you said you're not privy to it,
18 these documents are foiled --

19 MR. HOOKS: Right. Well, I'm
20 just saying, right now. I know I can
21 go get in on foil but I'm just saying
22 right now.

23 Okay. Well, that really
24 solidifies. So I'll deal with
25 Christian and see if I can get him

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2 done here for the next hearing,
3 because unless, like I said, he dealt
4 with somebody else -- there was an
5 Edward and a Christian. There were
6 two gentleman. There were only two
7 gentleman dealing with Mr. Greenwood
8 so unless he just didn't want to tell
9 me that he went ahead and did it,
10 then --

11 CHAIRPERSON RHODEN: Yeah, I
12 think Gala Foods is a big enough
13 company, because --

14 MR. HOOKS: Right.

15 CHAIRPERSON RHODEN: -- it's not
16 just, you know --

17 MR. HOOKS: Well, they're -- like
18 I said, he might have went around the
19 store itself, I don't know.

20 CHAIRPERSON RHODEN: Exactly. I
21 don't know.

22 MR. HOOKS: Okay.

23 CHAIRPERSON RHODEN: But if we
24 need to read this into the record just
25 to make it easier it is what it is.

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2 (Crosstalk.)

3 MR. HOOKS: No, I'll definitely
4 do my due diligence.

5 CHAIRPERSON RHODEN: Okay?

6 MR. HOOK: Well, that's it. All
7 right. Thank you.

8 MS. RHODEN: Thank you.

9 MR. JACKSON: Thank you.

10 CHAIRPERSON RHODEN: Do we have
11 anyone else who would like to speak
12 for or against this application this
13 evening?

14 (Whereupon, there was no verbal
15 response given.)

16 THE CLERK: We do not.

17 CHAIRPERSON RHODEN: At this
18 time, can I please have a Motion to
19 close for further evidence and
20 testimony and to reserve decision?

21 MR. JACKSON: So moved.

22 MR. HAWKINS: Second.

23 THE CLERK: All in favor.

24 MEMBER JACKSON: Aye.

25 MEMBER MINEO: Aye.

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2 MEMBER HAWKINS: Aye.

3 MEMBER PINZON: Aye.

4 CHAIRPERSON RHODEN: Aye.

5 THE CLERK: Any apposed?

6 (Whereupon there was no verbal

7 response given by Board Members.)

8 CHAIRPERSON RHODEN: Thank you.

9 THE CLERK: Application 2022-35 -

10 170 North Main Street, Service

11 Business - Section 55/Block 258/Lots

12 149-150 - Luis G. Ramirez - Increase

13 internal seating capacity to 16 seats.

14 This application has been

15 withdrawn by the Applicant.

16 MS. RHODEN: Do we have any

17 decisions on tonight's calendar to be

18 read into the record?

19 THE CLERK: Yes.

20 The first decision is application

21 2022-25 118 Albany Avenue Industrial

22 Section 62 - Block D/ Lots 147 through

23 150-Rachel Lazarus c/o Columbia

24 Equipment- construct a new elevated 4

25 4-story 26,172 square foot commercial

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2 building.

3 Chairman, regarding Application
4 #2022-25 for the premises located at
5 118 Albany Avenue, Freeport.

6 The Applicant comes before this
7 Board seeking a variance from Village
8 Ordinances §210-6A, 210-172(A)(9), and
9 210-139 seeking approval to construct
10 a new elevated 4 story, 26,172 square
11 foot commercial building.

12 I, ANTHONY MINEO, move that this
13 Board make the following findings of
14 fact:

15 A public hearing was held on July
16 21, 2022, wherein applicant was
17 represented by attorney,
18 Christian Browne. He explained that a
19 version of the project had been
20 approved previously (August 2021), to
21 construct a professional trade school
22 on the site. The original proposal
23 was for an elevated building with
24 parking at ground level and two floors
25 of occupancy, with 14 parking spaces

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2 provided and 49 required (about 19,000
3 square feet). Since the approval, the
4 applicant has tried to market the
5 building to BOCES, trade unions, etc.,
6 and while there was interest, the
7 organizations said that the building
8 lacked classroom space. Two approved
9 plan had two floors for training on
10 actual equipment, but it lacked
11 classroom space for lectures, tests,
12 and the more academic parts of
13 training. The applicant is back
14 before the Board seeking a third floor
15 to allow for classroom space (a total
16 building size of about (28,000 square
17 feet). The plan is not to increase
18 the number of people in the building,
19 but rather to allow for all of the
20 necessary space for training.

21 The proposed height of the
22 building is 53 feet where 50 feet are
23 permitted in the industrial district.
24 With the increased size 75 spaces are
25 required and 14 are provided. As in

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2 the previous applicant, it is
3 anticipated that most of the classes
4 would take place early in the morning
5 (typical of union situations) or in
6 the evening (typical for EMT type
7 training). Classes tend to be about
8 two hours, have 15-20 students, and a
9 couple of instructors. The building
10 has a lot of square footage, but not a
11 lot of proposed people. The lot size
12 is not large, and by elevating the
13 building, they are trying to provide
14 some parking.

15 As to the Planning Commission
16 concerns, Mr. Browne explained that
17 the Planning Commission receives
18 paperwork, but never actually gets a
19 presentation, so that they can
20 understand how the building will
21 operate. Without the classrooms, the
22 project will not work.

23 In response to a question from the
24 Board about a building of this size
25 without adequate parking, should the

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2 trade school use change, Mr. Browne
3 indicated that the applicant had no
4 objections to conditioning the
5 variance on the trade school use. He
6 also indicated a willingness to work
7 out a condition on a maximum occupancy
8 at any given time.

9 In response to a question about
10 the need for a full third floor for
11 classroom space, the architect,
12 Robert Bennett explained that the
13 entire floor was likely not needed for
14 classroom space. It could be limited,
15 but from an architectural point of
16 view, squaring off the floor is
17 desirable. He also reiterated the
18 assertion made during the prior public
19 hearing that the trade school use is
20 more of an industrial use, which would
21 require one parking space for every
22 1,000 square feet, than a commercial
23 use, which would require one parking
24 space for every 400 square feet. He
25 explained that there is parking on

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2 stadium drive available, plus
3 municipal space, although they are not
4 relying on that space.

5 A neighboring property owner
6 spoke up and explained that there is
7 not much space on Stadium Drive
8 because bus drivers park there.

9 The hearing was adjourned to
10 think about possible conditions,
11 consider reducing the building size
12 and other efforts to alleviate the
13 parking situation.

14 On August 18, 2022, the hearing
15 resumed. A traffic study was
16 provided, and new plans were submitted
17 to the Zoning Board members.
18 Mr. Browne explained that the top
19 story was now only about $\frac{3}{4}$ of the
20 floor, reducing the size of the
21 building by about 1,800 square feet.
22 This decreased the required parking by
23 5 spaces. They also added one
24 additional space in the parking at
25 ground level. He also explained that

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2 the applicant would propose and agree
3 to an occupancy limit of no more than
4 50 people in the building at one time.
5 Even if there were two classes going
6 at once, Mr. Browne felt comfortable
7 with an occupancy limit of 50 people.
8 He also said that he proposed that a
9 covenant be recorded against the
10 property with a maximum occupancy of
11 50 people. Additionally, he proposed
12 that any approval be limited to the
13 trade school use only. Any other use
14 would have to return to the Board
15 before they could legally occupy the
16 space.

17 The owner of the property,
18 Barry Borgen spoke as to his efforts
19 to rent parking from neighboring
20 properties. He had some leads, but
21 nothing concrete. He explained the
22 expected hours of the facility, mainly
23 afternoon into early evening. The
24 case was adjourned for the building
25 department to review the updated

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2 plans. The hearing was opened and
3 closed on September 22, 2022 with no
4 new comments from the applicant or
5 from members of the public.

6 With regard to the height and
7 parking variances, the Board finds:

- 8 1. On balance, the benefit to the applicant by the
9 granting of this variance is not outweighed by the
10 detriment to the health, safety and welfare of the
11 neighborhood or community if such variance were to
12 be granted. The Board has determined:
- 13 a. That an undesirable change will not
14 be produced in the character of the
15 neighborhood and a detriment to nearby
16 properties will not be created by the
17 granting of the area variance;
- 18 b. That the benefit sought by the
19 applicant cannot be achieved by some
20 method, feasible for the applicant to
21 pursue, other than an area variance;
- 22 c. That the requested area variance is
23 insubstantial;
- 24 d. That the proposed variance will not have
25 an adverse effect or impact on the

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

4 e. That the alleged difficulty might be
5 considered self-created, but this factor
6 alone is not dispositive.

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

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

- 19 1. Applicant/Owner must comply with all the Rules and
20 Regulations of the Village of Freeport.
- 21 2. Applicant must obtain the required
22 permits from the Building Department.
- 23 3. This application for variance(s) is being granted on
24 the basis of the specific use proposed. If anything
25 in this application is to change, the applicant must

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2 return to the Board for further review.

3 4. Just as the approval from 2021, this application is
4 being approved subject to the condition that the
5 building be used as a trade school. Specific
6 testimony during the hearing that the use was more
7 of an industrial use and not a commercial use, and
8 the expectation that some people may be bussed to
9 the location gives this Board belief that there is
10 sufficient parking in the area to meet the demand.
11 Applicant has shown that the use lends itself more
12 to the parking demands of 1 space per 1,000 square
13 feet as opposed to 400 square feet. However, as it
14 is technically a commercial use, the Board is
15 granting the variance for the 75 spaces
16 required according to the building department,
17 conditioned on the proposed use as a trade
18 school. Should this use fail to materialize or
19 ever cease, the variance is hereby revoked, and
20 applicant/owner of the property must return to
21 this Board for further evaluation of the
22 situation in order to occupy the property.

23 5. As suggested and agreed to by applicant, the
24 use of the property is limited 50 person
25 occupancy at all times.

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2 6. Applicant is to record a covenant
3 against the property limiting the
4 occupancy to 50 persons at any given time.

5 MEMBER JACKSON: I second.

6 THE CLERK: The next decision is
7 Application 2022-31 149 Westend Avenue
8 Residence A-Section 54/Block 320/Lots
9 121- Jason Weber-Proposed garage
10 conversion to living space.

11 MR. PINZON: Madam Chair,
12 regarding Application #2022-31 for the
13 premises located at 149 Westend
14 Avenue, Freeport, the Applicant comes
15 before this Board seeking a variance
16 from Village Ordinances §210-6A,
17 210-172(A)(1) seeking approval for a
18 proposed garage conversion to living
19 space.

20 I, Diego Pinzon, move that this
21 Board make the following findings of
22 fact:

23 A public hearing was held on
24 September 22, 2022, wherein applicant
25 was represented by Dell Greco, on

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2 behalf of Gray Architectural Services.

3 He explained that his client is

4 seeking to convert the garage into

5 living space, specifically, a bedroom.

6 However, this means that he does not

7 meet the 2 required parking spaces

8 under the code, as his driveway is

9 only 16.8 feet in length. However, he

10 provided a photo showing that a car

11 may be parked without encroaching on

12 the sidewalk.

13 The homeowner spoke and explained

14 that in practice, nothing would change

15 as the garage has always been used for

16 storage, with one car parked in the

17 driveway and one in front of the

18 house. He explained that he and his

19 wife had a second child a couple of

20 weeks earlier, and with a house with

21 only two bedrooms and a single

22 bathroom, they needed more space.

- 23 1. On balance, the benefit to the applicant by the
24 granting of this variance is not outweighed by the
25 detriment to the health, safety and welfare of the

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2 neighborhood or community if such variance were to
3 be granted. The Board has determined:

- 4 a. That an undesirable change will not be
5 produced in the character of the
6 neighborhood and a detriment to nearby
7 properties will not be created by the
8 granting of the area variance;
- 9 b. That the benefit sought by the applicant
10 cannot be achieved by some method,
11 feasible for the applicant to pursue,
12 other than an area variance;
- 13 c. That the requested area variance is
14 insubstantial;
- 15 d. That the proposed variance will not have
16 an adverse effect or impact on the
17 physical or environmental conditions in
18 the neighborhood or district; and
- 19 e. That the alleged difficulty may be
20 considered self-created, but this factor
21 alone is not dispositive.

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

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

- 5 1. Applicant/Owner must comply with all the Rules and
6 Regulations of the Village of Freeport.
- 7 2. Applicant must obtain the required permits from the
8 Building Department.
- 9 3. This application for variance(s) is being granted on
10 the basis of the specific use proposed. If anything
11 in this application is to change, the applicant must
12 return to the Board for further review.

13 MEMBER JACKSON: Second.

14 THE CLERK: All in favor.

15 MEMBER JACKSON: Aye.

16 MEMBER MINEO: Aye.

17 MEMBER HAWKINS: Aye.

18 MEMBER PINZON: Aye.

19 CHAIRPERSON RHODEN: Aye.

20 THE CLERK: Any apposed?

21 (Whereupon there was no verbal
22 response given by Board Members.)

23 THE CLERK: The next decision is
24 Application 2022-32 149 North Bayview
25 Avenue - Residence AA - Section

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2 54/Block 462/Lot 32 - Nelson Perez

3 Garabeto.

4 Construct a new 312 square foot
5 rear addition, 144 square foot gazebo
6 and maintain a 322.56 square foot
7 shed.

8 MEMBER JACKSON: Madam Chair,
9 regarding Application #2022-32 for the
10 premises located at 149 North Bayview
11 Avenue, Freeport, the Applicant comes
12 before this Board seeking a variance
13 from Village Ordinances §210-6A,
14 210-35(A) (2), 210-35(C) (1),
15 210-35(C) (2) seeking approval to
16 construct a new 312 square foot rear
17 addition, a 144 square foot gazebo,
18 and maintain a 322.56 square foot
19 shed.

20 I, Ben Jackson, move that this
21 Board make the following findings of
22 fact:
23 A public hearing was held on September
24 22, 2022, wherein Salema Brown
25 represented applicant. He explained

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2 that the application started with a
3 stop work order in regard to a gazebo,
4 which was constructed without a
5 permit. They are demolishing it, but
6 want to re-locate a new gazebo. The
7 gazebo will encroach onto the
8 secondary front yard. The shed has
9 been in existence for more than four
10 years. The proposed extension will
11 make the house larger and more
12 comfortable, as space is currently
13 limited in the one story house.
14 Applicant is requesting a 2.7 foot
15 rear setback variance due to the rear
16 extension. Applicant is requesting
17 the ability to locate an accessory
18 structure (gazebo) in a secondary
19 front yard. Finally, applicant is
20 requesting a 2.5 foot rear yard
21 setback for an accessory structure
22 (shed).

23 As to the three variance requested,
24 the Board has found that:

- 25 1. On balance, the benefit to the applicant by the

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2 granting of this variance is not outweighed by the
3 detriment to the health, safety and welfare of the
4 neighborhood or community if such variance were to
5 be granted.

6 The Board has determined:

- 7 a. That an undesirable change will not be
8 produced in the character of the neighborhood
9 and a detriment to nearby properties will not
10 be created by the granting of the area
11 variance;
- 12 b. That the benefit sought by the applicant cannot
13 be achieved by some method, feasible for the
14 applicant to pursue, other than an area
15 variance;
- 16 c. That the requested area variance is
17 insubstantial;
- 18 d. That the proposed variance will not have an
19 adverse effect or impact on the physical or
20 environmental conditions in the neighborhood or
21 district; and
- 22 e. That the alleged difficulty may be
23 self-created, but this factor alone is not
24 dispositive.

25 The Board, as lead agency has

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2 determined that this action is a Type
3 II action and under SEQRA and no
4 further review is required.

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

- 8 1. Applicant/Owner must comply with all the Rules and
9 Regulations of the Village of Freeport.
10 2. Applicant must obtain the required permits from the
11 Building Department.
12 3. This application for variance(s) is being granted on
13 the basis of the specific use proposed. If anything
14 in this application is to change, the applicant must
15 return to the Board for further review.

16 MEMBER HAWKINS: Second.

17 THE CLERK: All in favor.

18 MEMBER JACKSON: Aye.

19 MEMBER MINEO: Aye.

20 MEMBER HAWKINS: Aye.

21 MEMBER PINZON: Aye.

22 CHAIRPERSON RHODEN: Aye.

23 THE CLERK: Any apposed?

24 (Whereupon there was no verbal
25 response given by Board Members.)

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2 THE CLERK: The next decision is
3 Application 2022-34, 224 Buffalo
4 Avenue - Industrial B. Section 62/
5 Block 230/Lot 42 - Bruzzone Shipping
6 Industries.

7 Proposed 14,000 square foot
8 second story addition.

9 MEMBER HAWKINS: Madam Chairman,
10 regarding Application #2022-34 for the
11 premises located at 224 Buffalo
12 Avenue, Freeport, the Applicant comes
13 before this Board seeking a variance
14 from Village Ordinances §210-6A,
15 210-172(A)(10) seeking approval for a
16 proposed 14,00 square foot second
17 story addition.

18 I, Charles Hawkins, move that
19 this Board make the following findings
20 of fact:
21 A public hearing was held on September
22 22, 2022 wherein architect Robert
23 Bennett, of Rabco Engineering,
24 represented applicant. He explained
25 that Bruzzone Shipping is seeking an

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2 expansion. They do shipping and
3 receiving for various entities,
4 including governmental work. They
5 need more space. They plan to move
6 the secretarial/administrative work
7 upstairs and increase conference room
8 space. They are planning to add 2-4
9 more employees. They currently have
10 20 parking spaces. The current
11 building requires 30, and with the
12 addition, an extra 12 parking spaces
13 are required. Thus, 42 spaces are
14 required and 20 are being provided
15 according to the applicant.
16 Mr. Bruzzone explained that they
17 currently have about 40 employees and
18 some are drivers, so they are not in
19 the facility. They do have training
20 occasionally, but the people come by
21 railroad and company vehicles pick
22 them up at the train station. The
23 expansion is meant to help spread
24 people out, due to general space
25 issues and Covid.

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- 2 1. On balance, the benefit to the applicant by the
3 granting of this variance is not outweighed by the
4 detriment to the health, safety and welfare of the
5 neighborhood or community if such variance were to
6 be granted. The Board has determined:
- 7 a. That an undesirable change will not be
8 produced in the character of the
9 neighborhood and a detriment to nearby
10 properties will not be created by the
11 granting of the area variance;
- 12 b. That the benefit sought by the applicant
13 cannot be achieved by some method,
14 feasible for the applicant to pursue,
15 other than an area variance;
- 16 c. That the requested area variance is
17 insubstantial;
- 18 d. That the proposed variance will not have
19 an adverse effect or impact on the
20 physical or environmental conditions in
21 the neighborhood or district; and
- 22 e. That the alleged difficulty may be
23 considered self-created, but that alone
24 is not dispositive.
- 25 The Board, as lead agency, has

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2 determined that this action is an
3 unlisted action under SEQRA. A short
4 environmental assessment form has been
5 completed by the applicant and this
6 Board. The Board finds no
7 environmental impact under SEQRA,
8 issues a negative declaration, and no
9 further review is required.

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

- 13 1. Applicant/Owner must comply with all the Rules and
14 Regulations of the Village of Freeport.
15 2. Applicant must obtain the required permits from the
16 Building Department.
17 3. This application for variance(s) is being granted on
18 the basis of the specific use proposed. If anything in
19 this application is to change, the applicant must return
20 to the Board for further review.

21 MEMBER JACKSON: Second.

22 THE CLERK: All in favor.

23 MEMBER JACKSON: Aye.

24 MEMBER MINEO: Aye.

25 MEMBER HAWKINS: Aye.

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2 MEMBER PINZON: Aye.

3 CHAIRPERSON RHODEN: Aye.

4 THE CLERK: Any apposed?

5 (Whereupon there was no verbal
6 response given by Board Members.)

7 THE CLERK: The next decision is
8 Application Number 2022-38 - 87-89
9 South Main Street, Business B -
10 Section 55/Block 205/Lot 127 -
11 Meridian Lights, Inc.

12 Construct a new four-story mixed
13 use building. First story is to be
14 used as a retail and second story and
15 third story and fourth story used as
16 residential apartments.

17 MEMBER MINEO: Madam Chair,
18 regarding Application #2022-38 for the
19 premises located at 87-89 South Main
20 Street, Freeport, the Applicant comes
21 before this Board seeking a variance
22 from Village Ordinances §210-6A,
23 210-80A, 210-172(A)(2)(a),
24 210-172(A)(12), 210-49C, and 210-49D,
25 seeking approval to construct a new 4

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2 story mixed use building, 1st story to
3 be used as retail & 2nd story, 3rd
4 story and 4th story used as
5 residential apartments.

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

9 This application has been before
10 this Board twice previously. It first
11 was approved by the Board in October
12 of 2017 as a two story mixed use
13 building with retail on the first
14 floor and residential apartments on
15 the second floor. 21 parking spaces
16 were required and 3 were provided. In
17 October 2019 the applicant returned to
18 the Board seeking a third floor
19 containing residential apartments. 29
20 spaces were required and again, only 3
21 were provided. This application was
22 granted due to the relatively small
23 change in scope of the project. Now
24 this application is before the Board a
25 third time, and applicant is seeking

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2 to add a fourth floor containing
3 residential apartments.

4 A public hearing was held on
5 October 20, 2022 wherein attorney
6 Christian Browne represented the
7 applicant. He explained the history
8 of the project as outlined above. He
9 explained that applicant is before the
10 Board seeking a fourth story to add a
11 total of four additional apartments
12 three one-bedroom apartments and one
13 two-bedroom apartment. When applicant
14 began constructing the building, there
15 were logistical and code compliance
16 issues, which caused the building to
17 shrink a bit, changing the mix from
18 six two-bedroom apartments and two
19 one-bedroom apartments to six
20 one-bedroom apartments and two
21 two-bedroom apartments with retail.
22 That configuration requires 27 parking
23 spaces, where again, 3 are provided.
24 With the addition of the fourth floor,
25 the total parking requirement is 34

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2 spaces, with 3 provided, meaning a 31
3 parking space variance is required.

4 The Board disagrees with the
5 characterization that with the 2019
6 approval of a 26 space variance, and
7 this one needing 31, that a 5 space
8 variance is required. Applicant, due
9 to building issues was unable to build
10 his original design which needed a 26
11 space variance, and had to scale it
12 down to a 24 space variance. As
13 Boards are not permitted by law to
14 grant variances larger than for an
15 applicant to meet his or her needs,
16 the variance should be looked at as a
17 24 space variance previously granted,
18 with a 31 space variance required
19 today, and increase of 7 spaces. At
20 the end of the day, whether it is 5
21 spaces or 7 spaces is inconsequential
22 to the analysis.

23 Mr. Browne explained that the
24 economics of the project changed when
25 they had to decrease the number of

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2 two-bedroom units and increase the
3 number of one-bedroom units.

4 Additionally, he notes that building
5 costs have skyrocketed over the last
6 18 months. He explained that
7 additional units would offset some of
8 the additional construction cost they
9 are incurring. There was a question
10 as to other 4 story buildings in the
11 vicinity. The church across the
12 street is relatively tall, but
13 otherwise that area is predominantly
14 two story buildings.

15 Wayne Muller, the traffic
16 engineer, spoke on applicant's behalf
17 as well. He provided a copy of his
18 previous report. He testified that
19 his report showed there was more than
20 enough parking to accommodate the
21 demands of the previous project, as
22 well as the increased scope of this
23 project. He also testified that
24 although the code requires 7 spaces
25 for the 4 new apartments, based on

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2 Institute of Traffic Engineers, about
3 4 vehicles would be expected. He also
4 said that as a transit oriented
5 development, perhaps even fewer cars
6 would be expected, due to the
7 proximity to the LIRR.

8 The Board also asked Mr. Browne
9 about the Nassau County Planning
10 Commission's letter, regarding its
11 concerns about a project re-submitting
12 applications for larger projects after
13 the Village initially approves a
14 project. Mr. Browne explained that
15 the Planning Commission does not hear
16 presentations and makes assumptions
17 about what is going on without context
18 to do so.

19 Ultimately, the Board agrees with
20 the concerns of the Nassau County
21 Planning Commission. Arguably, the
22 2019 variance granted was a bit of a
23 stretch, in terms of the character of
24 the neighborhood, when most
25 surrounding buildings are two stories

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2 and in terms of only providing 3
3 parking spaces. That application was
4 approved. However, applicant is now
5 back with a proposed 4th floor. The
6 Board has serious issues with this
7 type of incremental approval for a
8 project. It does not necessarily
9 result in a good outcome for the
10 neighborhood as a whole. An applicant
11 should not be able to apply for a
12 project incrementally that would never
13 be approved as a single original
14 project. The applicant's proposed 4th
15 floor, with such a lack of parking, as
16 well as the height being out of
17 character for the neighborhood makes
18 this application too much of a
19 detriment to surrounding neighborhood
20 to be approved.

21 1. On balance, the benefit to the applicant by the
22 granting of this variance is far outweighed by the
23 detriment to the health, safety and welfare of the
24 neighborhood or community if such variance were to
25 be granted. The Board has determined:

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2 34 parking spaces and providing 3, it
3 would never have been approved. Applicant
4 can build the building it was previously
5 approved to construct.

6 c. That the requested area variance is
7 substantial. It is either a 19% increase
8 invariance over what is previously
9 approved (as a 5 space variance) or a 29%
10 variance over what was previously approved
11 (as a 7 space variance).

12 d. That the proposed variance will have an
13 adverse effect or impact on the physical
14 or environmental conditions in the
15 neighborhood or district; and

16 e. That the alleged difficulty was
17 self-created. Due to applicant's own
18 delays from 2017, the building is not yet
19 constructed, and only now have
20 construction costs increased. Applicant's
21 need to reconfigure the mix of apartments
22 was also due to issues during the original
23 design process.

24 I further move that this
25 application be Denied based upon the

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2 foregoing findings.
3 MEMBER JACKSON: Second.
4 THE CLERK: All in favor.
5 MEMBER JACKSON: Aye.
6 MEMBER MINEO: Aye.
7 MEMBER HAWKINS: Aye.
8 MEMBER PINZON: Aye.
9 CHAIRPERSON RHODEN: Aye.
10 THE CLERK: Any apposed?
11 (Whereupon there was no verbal
12 response given by Board Members.)
13 THE CLERK: The next decision is
14 2022-40 - 25 East Avenue, Residential
15 A-Section 62/Block 76/Lot 10. Sheru
16 Hussein.
17 Maintain a 22 foot by 24 foot
18 detached garage.
19 MEMBER HAWKINS: Madam
20 Chairperson, regarding Application
21 #2022-40 for the premises located at
22 25 East Avenue, Freeport, the
23 Applicant comes before this Board
24 seeking a variance from Village
25 Ordinances §210-6A, 210-39, and 210-41

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2 seeking approval to maintain a 22 foot
3 by 24 foot detached garage.

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

7 A public hearing was held on
8 October 20, 2022, wherein Dylan Greco
9 represented the applicant. He
10 explained that they are seeking a
11 variance for garage height and maximum
12 garage area. He provided a photo of
13 the garage from 2006 and explained
14 that prior to the current project, the
15 garage had not changed. It had the
16 same footprint and the same height.
17 Applicant removed a dilapidated garage
18 and constructed the new one without
19 filing for permits. The area of the
20 new garage is 530 square feet when 500
21 are permitted. To rectify that now
22 would be extremely costly. He
23 explained that the height and ridge
24 elevation have not changed, but a rear
25 dormer was added which did not change

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2 the height but triggered a stipulation
3 that any pitch below 6 would have a 15
4 foot maximum allowable height. The
5 current height is 20 feet 11 inches.

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

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

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

20 c. That the requested area variance is
21 insubstantial;

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

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2 e. That the alleged difficulty may be
3 considered to be self-created, but this
4 factor alone is not dispositive.

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

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

- 12 1. Applicant/Owner must comply with all the Rules and
13 Regulations of the Village of Freeport.
- 14 2. Applicant must obtain the required permits from the
15 Building Department.
- 16 3. This application for variance(s) is being granted on
17 the basis of the specific use proposed. If anything
18 in this application is to change, the applicant must
19 return to the Board for further review.

20 MEMBER JACKSON: Second.

21 THE CLERK: All in favor.

22 MEMBER JACKSON: Aye.

23 MEMBER MINEO: Aye.

24 MEMBER HAWKINS: Aye.

25 MEMBER PINZON: Aye.

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2 CHAIRPERSON RHODEN: Aye.

3 THE CLERK: Any apposed?

4 (Whereupon there was no verbal
5 response given by Board Members.)

6 CHAIRPERSON RHODEN: Can we
7 please have a Motion to close for
8 Legislative Session, please.

9 MEMBER JACKSON: So moved.

10 MEMBER HAWKINS: Second.

11 THE CLERK: All in favor.

12 MEMBER JACKSON: Aye.

13 MEMBER MINEO: Aye.

14 MEMBER HAWKINS: Aye.

15 MEMBER PINZON: Aye.

16 CHAIRPERSON RHODEN: Aye.

17 THE CLERK: Any apposed?

18 (Whereupon there was no verbal
19 response given by Board Members.)

20 (Time Noted: 7:51 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

:ss

COUNTY OF NASSAU)

I, AMANDA MICILLO, a Notary Public within
and for the State of New York, do hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that such an
examination is a true record of the testimony given by
such a witness.

I further certify that I am not related to
any of these parties to this action by blood or marriage,
and that I am not in any way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 17th day of November, 2022.

Amanda Micillo
signature .