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INCORPORATED VILLAGE OF FREEPORT
ZONING BOARD

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

April 18, 2024
6:00 p.m.

M E M B E R S:

JENNIFER L. CAREY	DEPUTY CHAIR
BEN JACKSON	MEMBER
ANTHONY J. MINEO	MEMBER

* * *

REMY WATTS	SECRETARY
LISA DEBOURG	VILLAGE CLERK
ROBERT McLAUGHLIN	DEPUTY VILLAGE ATTORNEY
SCOTT BRAUN	BUILDING DEPARTMENT

-----EXHIBITS-----

<u>BOARD'S FOR I.D.</u>	<u>PAGE</u>
1 Affidavit of Publication	5
2 Affidavit of Posting	5

APPLICATION 2024-4

<u>BOARD'S FOR I.D.</u>	<u>PAGE</u>
1 Affidavit of Mailing	6

* * *

APPLICATION 2024-6

<u>BOARD'S FOR I.D.</u>	<u>PAGE</u>
1 Affidavit of Mailing	21

* * *

APPLICATION 2024-5

<u>BOARD'S FOR I.D.</u>	<u>PAGE</u>
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APPLICANT'S FOR I.D.

A Traffic Study	48
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April 18, 2024

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

APPLICATION#	ADDRESS	PAGE
2024-4	368 Wallace Street	6-20
2024-6	49 Madison Avenue	20-43
2024-5	106 Broadway	43-74

* * *

1
2 DEPUTY CHAIR CAREY: Good evening
3 everyone. Welcome to the April 18, 2024
4 Zoning Board of Appeals meeting. Please join
5 me in the Pledge of Allegiance.

6 (Pledge of Allegiance recited.)

7 MR. McLAUGHLIN: Madam Deputy, I'd
8 ask that you entertain a motion to go into
9 executive session to consult with counsel.

10 MEMBER JACKSON: So moved.

11 THE SECRETARY: All in favor.

12 MEMBER MINEO: Aye.

13 MEMBER JACKSON: Aye.

14 DEPUTY CHAIR CAREY: Aye.

15 THE SECRETARY: Any opposed?

16 (No response was heard.)

17 (WHEREUPON, the Board entered into
18 executive session from 6:07 p.m. to
19 6:37 p.m., after which the following
20 transpired:)

21 DEPUTY CHAIR CAREY: Good evening.
22 Welcome to the April 18th Zoning Board of
23 Appeals meeting. Please join me once again
24 in the Pledge of Allegiance.

25 (Pledge of Allegiance recited.)

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DEPUTY CHAIR CAREY: At this time I would like to ask the Clerk if there's any -- oh, yes, approve the previous minutes.

MEMBER JACKSON: I move that we approve the minutes from the previous meeting.

MEMBER MINEO: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

DEPUTY CHAIR CAREY: Are there any Affidavits of Publication or Posting to be entered into the record as exhibits tonight?

THE SECRETARY: I have one Affidavit of Publication and one Affidavit of Posting to be entered into the record as Board exhibits for this public hearing.

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

DEPUTY CHAIR CAREY: Are there any

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request for adjournment this evening?

THE SECRETARY: There are no requests for adjournment.

DEPUTY CHAIR CAREY: If anyone would like to speak for or against an application this evening, I'll ask you take a piece of paper from the back by the videocamera, fill it in, put your name and address, and hand it to the Clerk and you'll be asked to speak at the time the application is called. Thank you very much.

First application, please.

THE SECRETARY: Application 2024-4, 368 Wallace Street, Residence AA, Section 55, Block 396, Lot 363. Maria Gonzalez. Legalize existing 80.5 foot by five foot high and 50 foot by six foot high closed fence. Variances: Village Ordinance 210-6A, 210-171. Fences and enclosures.

I have one Affidavit of Mailing to be entered into the record as a Board exhibit for this individual application.

(WHEREUPON, the above-referred to document was marked as Board's Exhibit 1, for

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identification, as of this date.)

MR. McLAUGHLIN: Madam Chair,
appearing with the applicant today we had a
request from our office for an interpreter.

Mr. Benoit, state your name for the
record. He is a New York State Office of
Court Administration Interpreter.

INTERPRETER: Hansey Benoit. Good
evening.

DEPUTY CHAIR CAREY: Should we swear
Mr. Benoit in, at this point?

MR. McLAUGHLIN: He doesn't have to
be sworn in.

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

L U I S P E R E Z,
having been first duly sworn by a Notary
Public of the State of New York, was
examined and testified as follows:

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

MS. GONZALEZ: Maria Gonzalez.

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MR. PEREZ: I'm her husband.

COURT REPORTER: Address?

MR. PEREZ: Luis Perez.

MR. McLAUGHLIN: Mr. Benoit, do you affirm you are going to translate from English to Spanish to the best of your ability?

THE INTERPRETER: Yes, I do.

DEPUTY CHAIR CAREY: Mr. Benoit, we need their address, please.

THE INTERPRETER: My address?

DEPUTY CHAIR CAREY: No, their address, sir.

THE INTERPRETER: 368 Wallace Street in Freeport.

DEPUTY CHAIR CAREY: Thank you. You may begin.

THE INTERPRETER: He knows all the heights, so he will be the one talking.

MR. PEREZ: Without having a permit from you, I put up a fence, and it was six feet tall. And someone who works here told me that it should be five feet tall, so I put it down to five feet.

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MEMBER JACKSON: When they told you it was five feet tall, did they tell you that you should check with the Building Department? Who is the person that said this?

MR. PEREZ: I consult with them first and Alex told me. He told me that I put it to six. And I was told that it should be five feet tall, and if I'm going to put it up to six feet tall, the extra foot should be where you can see from both sides. But I decided to leave it only to five feet tall, and he told me that it was okay.

MEMBER JACKSON: Alex -- I'm sorry, who is Alex?

MR. PEREZ: He works downstairs. He works downstairs.

MEMBER JACKSON: He works in the Building Department?

MR. PEREZ: Yes, I think so. You know, I'm asking my wife if she still has the card.

MS. GONZALEZ: No, no, because he's the one that goes inspects the houses.

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MEMBER JACKSON: So Alex told you what you can't do, but he didn't tell you that you would need a permit to do this?

MR. PEREZ: Yes. I came here and I told -- I saw the lady who is there and she fix all the papers and I spoke to Alex afterwards.

DEPUTY CHAIR CAREY: I know that you had filed for a permit in December of 2023, I believe, for the fence, after you had received a letter from August of 2023 that said the fence had been built too high. For safety reasons, we would like to keep it a little bit lower to be able to see the visual, people going by on bikes.

MR. PEREZ: I came here to actually get the letter.

DEPUTY CHAIR CAREY: What month was that? I'm trying to get a timeline of how long this was.

MR. PEREZ: I don't remember. Maybe she knows. Maybe she remembers. Don't you remember?

THE CLERK: Remember what?

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MR. PEREZ: The letter that I brought here.

THE CLERK: Which letter?

MR. PEREZ: I don't know. I can't read English. I brought it here to you, and Alex was there, and you took the letter, you went to the back with Alex and you did the paperwork, and I was asked to pay and I paid. Yes, it was you.

THE CLERK: He is referring to the Zoning Board of Appeals application form.

MS. GONZALEZ: Well, when we came, we filled out the paperwork, we were charged and were asked to pay \$500 for it. We were showed a book with pictures of fences and they showed us exactly how ours should be.

MR. PEREZ: I came, because I was asked to come. Well, first of all, they gave me a phone number that I should call so I can get the survey of the house done. When the survey -- when I got the survey, and then I came here, and they took all the measurements and I gave it. Well then the person that came to do the survey, you know, asked me if

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2 I would want one or two surveys, and I asked
3 him how many surveys I needed. Every time I
4 came, you know, they asking you know, the
5 right awning. I don't have any awning there.

6 DEPUTY CHAIR CAREY: We have these.
7 We all have these. What is correct is she is
8 referring to the application you filled out.
9 I'm not sure of what the cost of the
10 application is.

11 He might be getting this one mixed up
12 with the Building Department. We do know
13 that you had filed a permit for 234 feet long
14 fence total. Your zoning application is for
15 an 80 foot by 6 foot fence and a 50 foot by 5
16 foot fence. That's why which checked this.

17 We wanted to try to get the timeline
18 as to what you had found out about the height
19 of the fence. We hate to make somebody who
20 has already installed the fence change the
21 fence, but it is a safety issue and we have
22 to try to understand he thinks -- I
23 understand he's trying to explain why he
24 thinks he was told to make the fence a
25 certain height. The fence is still six feet

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high that they already installed. So, he didn't change it, according to what we have here.

MS. GONZALEZ: Is everything okay then?

MEMBER JACKSON: Okay as far as -- no. It doesn't confirm to zoning. One of the issues -- you might want to explain to them is that back corner, the six foot fence --

THE INTERPRETER: I couldn't hear.

MEMBER JACKSON: I'm sorry. That six foot fence at the rear of the house is right next to a driveway. If somebody is pulling out and somebody is going by on a bicycle, they can easily hit them. It's a safety issue, which is one of the biggest concerns.

MS. GONZALEZ: What do you mean? What do you want me to do? I don't understand.

DEPUTY CHAIR CAREY: We're going to make a decision to give you a variance or to deny you a variance. This is based on perhaps willingness to be able to confirm

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2 somewhat to the regulations that, according
3 to the Building permit, that you might have
4 already installed it, but then it came to
5 your attention that it was not done properly.
6 Then you went to do it properly, but it's
7 still not conforming to the requirement.

8 MR. PEREZ: I didn't come to get a
9 permit. I put the fence up without the
10 permit, without your permission. And I was
11 thinking about my grandchildren, to give them
12 some privacy, because the house is a corner
13 house and we don't have any privacy for my
14 grandchildren. I put it six feet high and I
15 paid \$500 and then \$300 before that. I paid
16 a lot of money to put up the fence, because I
17 wanted to make sure that my children -- my
18 grandchildren are safe and they have privacy.
19 I believe that the five foot fence should not
20 be a problem.

21 DEPUTY CHAIR CAREY: Let me ask you a
22 question. If your grandchild was the one on
23 the bike and you accidentally backed your car
24 up -- this has happened many times. On my
25 street, someone was actually killed on my

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2 street where I live in Freeport by something
3 similar to this. I'm just saying, that's why
4 we do this.

5 A lot of times -- let me finish. A
6 lot of times when we look at a variance we
7 say is it a hardship for you to financially
8 be able to change the fence. Often times
9 that's one of the many considerations we take
10 into consideration. It's up to him to be
11 aware of what he needs to explain to us to be
12 able to either accept or deny the
13 application.

14 MR. PEREZ: I understand very well,
15 but it had took a bunch of people out in the
16 street. Around here it's very quiet. Well,
17 you know, I'm living in Freeport. I wouldn't
18 change that for the world, because I lived
19 ten years in Westbury, and I wouldn't change
20 it because twice, you know, my trucks were
21 struck. And then the cars that hit my car,
22 they weren't even insured, you know, and I
23 had to throw them away and get rid of them.
24 You know, they gave me \$300, when I paid
25 \$14,00 for them.

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2 DEPUTY CHAIR CAREY: I don't know if
3 that has any bearing on this application. I
4 do feel for the loss of your cars. I'm sorry
5 for the loss of your vehicles, I don't think
6 that really -- I see how it somewhat bears on
7 this, in terms of wanting to have the
8 security of the fence, but it's at the safety
9 of others as well. So, we to judge it on its
10 merits.

11 MR. PEREZ: What do I? Do I keep the
12 fence the way it is right now?

13 MEMBER JACKSON: We're going to make
14 a decision, but not tonight. You will be
15 notified usually within 60 days.

16 MR. PEREZ: I still have to wait?

17 MR. McLAUGHLIN: Yes. Put simply,
18 they are going to make a decision sometime in
19 the future. If they grant the variance,
20 nothing will have to be done. If they deny
21 the variance, they would have to correct the
22 fence and legalize it to what the code says.

23 MR. PEREZ: Okay. It's okay.

24 DEPUTY CHAIR CAREY: How we decide,
25 when we make our decision, we have to discuss

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2 it, and then we figure out whether we're
3 doing it or not based on what Ms. Gonzalez
4 and Mr. Perez are saying. It's important.

5 For example, I want to ask them a
6 question. Sometimes we give a variance, we
7 allow a variance to happen, even though it's
8 somewhat off of what they should have done to
9 begin with, which would have solved all of
10 the problems, if everybody knew what they
11 were supposed to be doing, which not
12 everybody does. The fence company will sell
13 you a six foot high fence, even though they
14 know our zoning, regardless.

15 But my question would be, would they
16 be willing, as the applicants, to possibly,
17 the part that's up to the sidewalk that's
18 going to be dangerous, would they be willing
19 to change piece of six foot high fence to
20 something lower, if we were to approve the
21 variance? These are options we discuss and
22 need to think about and maybe put them in the
23 stipulations. Am I wrong, to our attorney?
24 Am I saying things out of turn.

25 MR. McLAUGHLIN: Right.

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DEPUTY CHAIR CAREY: Just so you know what we're trying to do.

MR. PEREZ: Okay. It's okay. I hope that your decision will be favorable to me.

DEPUTY CHAIR CAREY: I have more questions. Let me be clear.

Is the six foot high fence that you have the 50 foot stretch of six foot high fence, is that the one that's abutting your neighbors yard?

MR. McLAUGHLIN: We have to have one person talk. Even though you're interpreting, she needs to know who you are interpreting for.

MR. PEREZ: The fence that measures six feet tall, it is right by the neighbors, but that one is not a problem, because that fence does not belong to me, it belongs to the neighbor.

DEPUTY CHAIR CAREY: That accounts for why there was a difference between the size of your fence than what was on the permit. Under stood. Thank you. I don't have anymore questions.

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2 MR. PEREZ: The fence that I reduced
3 the size of, I would say it's from here to
4 where the table is. And it is three feet
5 from the sidewalk to inside, and the sidewalk
6 itself is four feet, because I paid to get it
7 fixed. They are four extra feet, okay,
8 toward the street on the grassy area there.

9 DEPUTY CHAIR CAREY: Thank you very
10 much. I have no other questions.

11 MR. PEREZ: Is that all?

12 DEPUTY CHAIR CAREY: Thank you very
13 much.

14 Does anyone want to speak for or
15 against this application?

16 (No response was heard.)

17 DEPUTY CHAIR CAREY: At this point
18 I'd like to make a motion to reserve
19 decision.

20 MR. McLAUGHLIN: To close --

21 DEPUTY CHAIR CAREY: To close to
22 further evidence and testimony and reserve
23 decision.

24 MEMBER JACKSON: So moved.

25 MEMBER MINEO: Second.

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THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

DEPUTY CHAIR CAREY: The Village will be contacting you about the decision.

MR. PEREZ: Okay.

DEPUTY CHAIR CAREY: We're going to call the next application. Thank you so much.

Would you please call the next application on the agenda this evening.

THE SECRETARY: Application 2024-6, 49 Madison Avenue, Residence A, Section 54, Block 84, Lot 1. Jonathan Guardado. New 234 foot by 6 foot PVC fence. Full privacy on rear of property. Five foot solid, one foot lattice on side and front of home.

Variances: Village Ordinance 210-6A, 210-171. Fences and enclosures.

We have one Affidavit of Mailing to be entered into the record as a Board Exhibit

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2 for this individual application.

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

6 J O N A T H A N G U A R D A D O,
7 having been first duly sworn by a Notary
8 Public of the State of New York, was
9 examined and testified as follows:

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

12 MR. GUARDADO: My name is Jonathan
13 Guardado. I'm the owner of 49 Madison
14 Avenue, Freeport, New York.

15 The reason why I'm here in front of
16 the committee is I'm looking to set up a new
17 fence around the perimeter of 49 Madison
18 Avenue. To my understanding, I was contacted
19 by Alex, an inspector, telling me that based
20 off of the previous ordinance I had submitted
21 a permit for the Lexington Avenue side under
22 two feet interior from the sidewalk as a
23 clearance. Six foot tall fence, five of
24 privacy and one of lattice o the side of the
25 house was no longer up to code, according to

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2 the previous zoning committee that occurred
3 in October. I went off of the policies that
4 were instructed online and submitted
5 according to those. The mayor was to sign
6 the new ordinance in effect for corner lots,
7 and my permit was being denied at that time.

8 So, the reason why I'm here is that
9 lateral side of Lexington Avenue, I'm looking
10 to see if I can set the fence back to the
11 original ordinance that was before November
12 where it's two feet offset from the sidewalk
13 with a five foot allowed privacy side and a
14 one foot additional lattice. The fence, for
15 further information, would run up to the
16 lateral side of the house, which is 81 feet.
17 It would go all the way back to the end side
18 of the property, and then the six foot
19 privacy wrap on the rear posterior part of
20 the house, and then I would have a small
21 sectional lattice fence on the other side,
22 which is a total clearance of 11 feet by 31,
23 L-shape, which is on the other side.

24 The front of the house would have no
25 fencing, which leaves a clearance of -- which

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2 leaves a clearance of 51 feet for
3 visualization. So, driving from Lexington
4 looking towards Freeport High School, you
5 have a 51 foot clearance base 180 degrees for
6 traffic. Additionally, in that corner zone,
7 there is a no parking at any time 25 feet
8 from the corner on Madison going south, as
9 well as from the corner of Madison to
10 Lexington also another 25 feet of no parking
11 Lexington going towards the east. So, I'm
12 here for that reason. What I was told was
13 the issue with approving my permit at that
14 time.

15 In the documentation, I submitted
16 pictures. Additionally, according to the new
17 ordinance that I was explained to by Alex,
18 inspector, was that the new ordinance states
19 that the measurements from the side of the
20 house would have to be taken to the sidewalk.
21 Half of that distance would have to be
22 cleared, which at that time -- which at this
23 current time is 27 feet, and then half of
24 that area is 13 and a half feet. So, there
25 would have to be 13 and a half feet of

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clearance from the sidewalk to the new fence,
and then 13 feet and a half would be the new
fencing into the side of the house, which
would divide my property into five different
zones.

So, I'm just trying to figure out if
that is the actual ordinance that was signed
into effect and see if I can, in front of the
committee, mediate some of that large
difference, because the fence would
essentially be in the interior part of the
yard.

DEPUTY CHAIR CAREY: I don't know
where Rob went, who is our village attorney.
I know this went into effect very recently.
The reason why was because of what the case
before you, as can you see, because for some
reason people don't get the memo.

Let me ask you: You prepared this
document, you said, yourself, correct?

MR. GUARDADO: Correct.

DEPUTY CHAIR CAREY: On page 2 of 2
you have a neighbor adjacent to 49 Madison,
124 Lexington, a six foot privacy fence with

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a lattice top, no separation. That's actually -- you're using that as an example, right?

MR. GUARDADO: Correct.

DEPUTY CHAIR CAREY: Before I let you go. I know you are using it as an example, but this is what we're trying to avoid with the last guy, because you can't see past there. That's the problem with having those fences up. I will say even though the last application was not a height requirement, they set it back properly. It sounds like you want to set your back the proper amount too, which is also good. The new requirement requires you to set it back even further, which is what you are unhappy about.

MR. GUARDADO: Correct. Like I said, I'm willing to mediate. I just think that dividing my lot from 27 feet to half the distance of 13 and a half feet kind of looks a little bit obscured. I submitted a picture of what it would look like.

DEPUTY CHAIR CAREY: Isn't that only because maybe you want to have a closed fence

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instead of a more open?

MR. GUARDADO: According to the ordinance it is allowed to have a five foot fence with an additional foot of lattice, which is up to code is what I was told as per Alex.

DEPUTY CHAIR CAREY: This is prior to the change, correct?

MR. GUARDADO: He said even during the change. He said I could do a full privacy fence, which I guess you could further explain the ordinance to me to better understand it. But I was told that also, for the reason that you did exemplify currently. But I just find that it doesn't -- the fence location at that lateral side just encroaches into the property almost all the way, leaving kind of like a two sector zone.

Like I said, I understand the reason as to why it's a safety issue. I'm just looking to mediate a little more on the lateral side, so I don't end up with 13 feet on the interior part of my property and 13 on the exterior part of the fence.

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2 DEPUTY CHAIR CAREY: Rob, you weren't
3 here in the beginning of this question, but
4 perhaps you can enlighten the applicant as to
5 the rationale as to why -- he had his
6 application approved prior to the change in
7 the code, and the code was put in during --
8 in the middle of this process. I don't know
9 if you heard that before.

10 MR. GUARDADO: I submitted the
11 application prior to the updates I guess on
12 the portal. I was later contacted about a
13 week ago after, by Alex, the inspector, who
14 said that they were moving forward with the
15 new ordinance, even though it wasn't signed
16 into effect by the mayor, but that the
17 committee had signed to the agreement of that
18 new ordinance, and for that reason I would
19 have to come to the zoning board upon that
20 signed in November.

21 I had some family issues, so it's
22 taken me this long to appeal to this
23 committee.

24 MR. McLAUGHLIN: You applied in
25 November of last year, correct.

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MR. GUARDADO: Correct. November of 2023.

MR. McLAUGHLIN: We have to he look at the application. When they adjourn the case, look at the application to see if we can get that information. I wouldn't have that information now.

MR. GUARDADO: I guess I'm?

MR. McLAUGHLIN: I don't remember the date that the code was changed.

MR. GUARDADO: They just told me it was signed into effect at the October meeting, then said it was going into effect as of that time. I was one of the first applications.

MR. McLAUGHLIN: Well, if it went into effect in October and you applied in November. It went into effect immediately after. What happens is, the Village Board votes on it, it goes into effect the next morning. It takes effect right away. It would have been in effect, if it was this past October and you applied in November.

MR. GUARDADO: As per the

1
2 conversation I had with the inspector, Alex,
3 he said that they weren't aware it was going
4 into effect so quickly and that I was one of
5 the first applications on the corner
6 properties.

7 MR. McLAUGHLIN: Somebody has to be
8 first.

9 MR. GUARDADO: I understand, which is
10 why, again, I'm here. I understand the
11 safety concerns fully. I know that there's
12 reasons of different property lines that have
13 the old ordinance. I'm just kind of looking
14 to find an intermediate place where the
15 Village finds that it is safe and I can keep
16 a fence closer to the sidewalk property line
17 and not intermediate on the side yard half
18 the distance to my property, which is a
19 little bit of an inconvenience.

20 Aesthetically, I feel it's unpleasing. But
21 again, that decision is made by this
22 committee at the end of the day.

23 MR. McLAUGHLIN: I think you need to
24 show why you believe it wouldn't be. You're
25 appealing to get a variance from the code.

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You have to make a presentation why you believe it would be safe.

MR. GUARDADO: Why it would be safe?

MR. McLAUGHLIN: Yeah.

MR. GUARDADO: I mean --

MR. McLAUGHLIN: Why the Board itself. A lot of the issues is for safety. It's also a new code that was passed. If give a reason why you believe that, besides your opinion.

MR. GUARDADO: Absolutely. If we take a look at the distance -- so let's take a few examples. My property line from my house, which is the new ordinance to the sidewalk is 27 feet; half the distance to that is 13 and a half feet. If my property was only ten feet from that sidewalk, the ordinance would comply to five feet off of that. So, in that retrospect, is the house that is closer to that sidewalk safer than mine? I would think not, because you're only offsetting five feet from half the distance of ten, where mine is 13 and a half.

Additionally, I understand that from

1
2 a corner prospective home there is transient
3 traffic that can go from that four-way
4 intersection. I am leaving -- where the
5 fence would end, I'm leaving 51 feet of clear
6 open space to visualize in a 360 view any
7 traffic coming in.

8 In addition to that, like I said --
9 you weren't present at the time -- there is a
10 no parking zone all of those corners of 25
11 feet from each corner that also allows for
12 visualization, as well as a fire hydrant that
13 sits on the side of Madison.

14 Like I said, I'm looking more for an
15 offset, if I can't get the original ordinance
16 to set into effect. Maybe, like, a four foot
17 offset from the sidewalk, which would allow
18 for more visualization from the Lexington
19 side point of view and still have most of my
20 property encased, but not have a lot of side
21 yard as well as an interior side yard.

22 DEPUTY CHAIR CAREY: Well, I don't
23 think the first part of your argument was --
24 I think you said it would be certain amount
25 of setback on a corner lot you have to have,

1
2 so you would never be that close usually on a
3 corner lot, except if it was a very old
4 house, probably like pre 1930's. I do see
5 your point, but I do feel like there is a
6 visual issue; that's why it's part of the
7 code. We're not trying to do it just to not
8 let you enjoy your property, it's because the
9 way it works over the total overarching step.

10 Anyway, I don't have any other
11 questions. Do you guys have any other
12 questions?

13 MEMBER JACKSON: No.

14 DEPUTY CHAIR CAREY: I think there
15 are some people that want to speak for or
16 against this. Do you have anything else you
17 want to say about it?

18 MR. GUARDADO: Yeah. The last thing
19 is, as per also city ordinance, there are no
20 regulatory on shrubbery, which I was told I
21 could put six foot shrubbery right on the
22 corner of the property line on that side as
23 well. So, I just find if I have a privacy
24 shrubbery, like evergreens all throughout the
25 side to create a shrub line, it would be the

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same thing, but there is no ordinance on that. So, I'm just here trying to do the right thing and have something that is a little more aesthetically pleasing that can't overgrow or kind of fade away. But if there is an ordinance that allows me to do that, I feel that also contraindicates what we're actually trying to do with the first initial ordinance which is the one I'm trying to discuss.

DEPUTY CHAIR CAREY: Anything else from anyone?

MEMBER JACKSON: No.

DEPUTY CHAIR CAREY: Thank you very much. I believe we have some people who would like to speak for or against the application. They will be called by the Clerk.

THE SECRETARY: Herbert Romero.

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

COURT REPORTER: Please state your

1
2 name and address for the record.

3 MR. PAGANO: Charles Pagano.
4 99 Lexington Avenue.

5 I'm not against the fence. It's not
6 why I'm here. My concern is how far it is
7 off Lexington Avenue, because it's two
8 driveways: One for the property, but the
9 neighbor's driveway is behind him. So he's
10 talking about two feet isn't enough to see
11 the opposite corner of you. It's only about
12 18 inches. The half a distance thing I think
13 is a little off also. I would say, walking
14 that street for 27 years from the train
15 station, commute to the city day and night,
16 how many times shrubs, almost got hit by a
17 backing out car. Four or five feet from the
18 property line to me wouldn't be any issue to
19 me, because I can see the cars coming out. A
20 chance -- when the bumper clears the
21 sidewalk, the driver is past the fence.
22 That's my opinion on that.

23 Kids playing, bus stop on the corner,
24 kids a few houses down the block ride
25 bicycles, there's a blind woman on the block.

1
2 That was my concern, the position of the
3 fence. I'm not opposed to the fence
4 whatsoever. They do have driveways there.
5 I'm a resident on the block for 43 years, so
6 I know Brian who passed away, I bought the
7 house from his mother. That's how far I go.

8 Yes, one time it was a big shrubs, a
9 garden. Unfortunately, Lexington Avenue does
10 not have a four-way stop. Madison has a
11 stop, Lexington doesn't and there's been
12 accidents. For that reason along, not going
13 past the front of the house. So, I don't see
14 issues there. I'm at the corner, I can see
15 fair enough. Just the position of the fence
16 on Lexington. I wouldn't be opposed as a
17 neighbor four or five feet, not half the
18 distance. That's extreme, especially when
19 you have a small lot of 60 by 100. I could
20 maybe put a swimming lane in the side. I
21 don't have much backyard, I have 60 feet is
22 along the side. I assume that is what he
23 means having yard space. That's it. That's
24 my concern.

25 DEPUTY CHAIR CAREY: Thank you for

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your testimony, for your comments.

THE SECRETARY: Were you Charles?

MR. PAGANO: Yes.

THE SECRETARY: Herbert Romero.

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

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

MR. ROMERO: Herbert Romero. 158
Lexington Avenue. I live in Freeport in the
same house for the last 30 years. I think we
need to save the neighbor in this case,
because in that corner it is happening we
have many, many accidents, if you check on
the record. Also including my wife. Thank
God she's fine, but she was hit by a car.
Nobody respect that stop sign in that corner.
Also, I need to ask, I have a little issue,
to make another stop sign on Lexington. My
half have a stop sign. We need to add more
on Lexington.

It's tough. They put the stop, they

1
2 supposed to stop every day. Remember, we
3 have the high school on that block now. We
4 have to be safe for everybody. I know. I
5 understand everybody want their privacy, but
6 not that kind of fence. Maybe put on the
7 side, the Lexington side. Five feet. Figure
8 out who can see one side? The left side one
9 car they pass or not, when everybody pass
10 that property. I see every day that house
11 maybe three or four issues happening for that
12 stop sign. I tell you, I am the person that
13 stop. Find a person that tried to respect
14 that stop sign. Every day in the morning. I
15 wake up every day in the morning 7:00, 7:30,
16 I may wake my son to go to school, I go to
17 that stop and I wait for everybody to respect
18 for at least for five minutes, at least. All
19 the time, find one person to respect the stop
20 sign, but nobody does.

21 But figure out if they move that
22 fence that high. I feel bad. I tell you,
23 everybody want their privacy. Everybody want
24 privacy. Listen, you can go in my backyard,
25 if you want to enjoy a backyard or something.

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I have a big back yard. You want to use it, you can use my backyard. That's the thing.

Listen, with that kind of fence that size, I tell you, this won't save anybody. Figure out, check it out the record what happened in that corner with also the police. With a petition, maybe they can do, put another stop sign on Lexington Avenue.

MR. McLAUGHLIN: Your request for a stop sign, you can reach out to the Department of Public Works and they'll do a study. But if you want, come in any Tuesday and speak to the mayor about it.

MR. ROMERO: I did already. I did it for Madison, I don't do it for Lexington. That's why they put a new stop sign on Madison, because I request. After my wife had the accident, I said, "Listen, you have to replace the stop sign."

MR. McLAUGHLIN: You were successful. Speak to the mayor.

MR. ROMERO: I know. I'll come in next week.

MR. McLAUGHLIN: Every Tuesday he has

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a Quality of Life meeting.

MR. ROMERO: Thank you so much.

DEPUTY CHAIR CAREY: I have a question about the accidents, since you seem to know. Was your wife walking or driving in this particular accident.

MR. ROMERO: Driving.

DEPUTY CHAIR CAREY: Do you think people are hit by cars there or mostly car accidents.

MR. ROMERO: Car accidents. Motor car accidents. People don't respect the north to south coming from Sunrise Highway. Nobody respect that stop sign. I don't know what can you do. You have to figure out what's the best way.

DEPUTY CHAIR CAREY: Thank you so much.

THE SECRETARY: Michael Pecorardo.

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

L U C I A P E C O R A R D O,

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2 having been first duly sworn by a Notary
3 Public of the State of New York, was
4 examined and testified as follows:

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

7 MR. PECORARDO: Michael Pecorardo.
8 166 Lexington Avenue.

9 MS. PECORARDO: Lucia Pecorardo. 166
10 Lexington Avenue.

11 MR. PECORARDO: As mentioned by
12 others, that's a school bus stop for the
13 elementary school on that corner. There's
14 been, since I have been there, at least a
15 dozen accidents on that corner. It's always
16 been car-on-car. Thank God no children.
17 It's a very, very high speed corner. You got
18 the cars coming up a block and a half from
19 Sunrise Highway blowing through the stop
20 sign. Lexington -- that's on Madison.
21 Lexington has no stop sign. We were here a
22 year ago in the mayor's office, my neighbors,
23 requesting a stop sign, after his wife got
24 into an accident. They said they were going
25 to look into it and that's the last we heard.

1
2 High speed. You have the high school two
3 blocks down; those kids have no respect, they
4 fly through there, fly through there at 50,
5 60 miles an hour.

6 MS. PECORARDO: Everyday.

7 MR. PECORARDO: Everyday. It's
8 ridiculous with those high school kids.

9 The other there corners, two of them
10 are perfectly clear where you could see good
11 visible. One has low bushes. Like he said,
12 the four-way stop sign, we have been
13 requesting that and haven't given it. We
14 spoke to a lot of neighbors who couldn't make
15 it here tonight. A few did. On the
16 Lexington Avenue side, I don't think the
17 fence should go past the back of the house,
18 it would obstruct the view. And on the
19 Madison side, it shouldn't go past the front
20 of the house because it could obstruct the
21 view. As far as the back of the property, no
22 problem. Once you put it in front of the
23 house or past the back of the house, you'll
24 see. This house has two handicap ramps; one
25 in the front, which is cement, which creates

1
2 an obstruction already, and another one on
3 the side. They don't need anymore
4 obstructions on that corner, as far as
5 visibility, it's such a high speed corner.

6 I'll hand it over to my wife.

7 MS. PECORARDO: I just wanted to ask
8 you to think of any consideration about this,
9 because many accidents have happened. We
10 have witnessed those accidents. I have
11 pictures from those accidents. So, this
12 corner is very busy, it's very busy. I just
13 want you, please, to take consideration of
14 that. It's a highway for the high school
15 students. Please. Thank you.

16 DEPUTY CHAIR CAREY: Thank you so
17 much.

18 MR. PECORARDO: Any questions?

19 DEPUTY CHAIR CAREY: I have no
20 questions. Thank you.

21 MS. PECORARDO: On the side is the
22 corner.

23 DEPUTY CHAIR CAREY: Anyone else like
24 to speak for or against this application?

25 (No response was heard.)

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DEPUTY CHAIR CAREY: So I'd like, at this time, to make a motion to close to further testimony and evidence and reserve decision.

MEMBER JACKSON: So moved.

MEMBER MINEO: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed.

(No response was heard.)

DEPUTY CHAIR CAREY: We're done with that application. We'll be making a decision, if you want to get home.

Next application, please.

THE SECRETARY: Application 2024-5, 106 Broadway, Apartment/Golden Age, Section 55, Block 232, Lot 201. 106 Associates. New family multi-residence 80 apartment building with onsite parking. Variances: Village Ordinance 210-6A, 210-279 height, 210-280 building area, 210-281 front yards, 210-282 side yard, 210-290 parking and garage

1 facilities, 210-291 population density.

2
3 I have one Affidavit of Mailing and
4 one Nassau County Planning Commission
5 recommendation to be entered into the record
6 for this individual application.

7 (WHEREUPON, the above-referred to
8 documents were marked as Board's Exhibits 1 &
9 2, for identification, as of this date.)

10 MR. BROWNE: Good evening,
11 Chairwoman, Members. Christian Browne,
12 McLaughlin and Stern, 1122 Franklin Avenue
13 for the applicant.

14 As noted, this is an application to
15 construct a new multi-family dwelling that
16 would be an age restricted Golden Age
17 residence consisting of 80 units located on
18 the property known as 106 Broadway. I'll
19 give you an overview of the application. We
20 also will give you a little description of
21 how the Golden Age housing works, the people
22 that it will service, and then we'll answer
23 your questions and close.

24 So, this property, as you probably
25 know right now, is a single parcel that's

1
2 owned by the Refuge Apostolic Church. They
3 are here tonight as well. We're partnering
4 with them in this application. The area that
5 would be improved is just over 30,000 square
6 feet. It's currently, right now, this
7 triangular vacant parcel that is behind the
8 church that comes to the point of where
9 Broadway and Rosedale Avenue intersect. So,
10 it's a large 30,000 square foot vacant parcel
11 that belongs to the church. The church sits
12 also along Broadway and Mount Avenue. What
13 we're proposing to do is to subdivide the parcel
14 so the development parcel will be that 30,000
15 square foot site, and the church would remain
16 on that 12,000 square feet. The church would
17 also have the right to reserve ten of our
18 parking spaces for the church's use at any
19 time that it wishes. And on Sundays, when
20 the church is most active, the church would
21 have the right to use any excess parking in
22 the building's parking lot.

23 We're proposing 94 parking spaces in
24 that lot, where 100 are required. I'll touch
25 on that a little more in a moment. That's

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2 how it would work in conjunction with the
3 church. So, the church right now has no
4 formal parking, it just has the church and
5 this vacant lot. So, this would give them
6 some ability to have proper off-street
7 parking and, as I'll touch on it in a minute,
8 we believe what we're offering would service
9 both the needs of the development parcel and
10 the church.

11 So, this site was before the Village
12 Board of Trustees a number of months ago for
13 the rezoning part of the application, because
14 we asked the Board of Trustees to rezone just
15 the development parcel into the Golden Age
16 Overlay District to allow this use to be
17 developed as of right. That application was
18 granted by the Board unanimously.

19 MR. McLAUGHLIN: Counsel, could you
20 just explain what a Golden Age overlay is for
21 the public?

22 MR. BROWNE: Sure. The Golden Age
23 Overlay District allows for these types of
24 multi-family developments with certain
25 restrictions, mostly as to the age of

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2 residents, obviously, which I believe in
3 Freeport is 55 and older. So, it gives you a
4 little more density, a little more height
5 flexibility. Actually, this parcel already
6 was zoned to allow residential development,
7 multi-family development, but the Golden Age
8 gives a bit more flexibility. Because this
9 building is being developed by an entity, my
10 client, that specializes in this type of
11 housing, as you'll hear in a minute, it's
12 housing that is designed to be
13 semi-supportive for people.

14 So, a lot of these residents are --
15 they don't drive, they stay on site.
16 Although they live independently, they are
17 also given assistance and amenities on the
18 site that make their lives a little more
19 conducive, and there's activities, there's
20 social work that goes on. There are income
21 levels, which we'll describe to you, so
22 there's an affordability component to it. It
23 really for middle class senior citizens, many
24 of whom have some needs but are generally
25 able to live independently, and that's who

1
2 would be living in building.

3 So, it's a perfect fit for the Golden
4 Age Overlay District that the Board of
5 Trustees granted on this same application.
6 As I said, it was unanimously granted, there
7 was no opposition from the community. And
8 the Board, in conjunction with that, also
9 made a SEQRA determination and found that
10 there would be no negative impact on the
11 environment. As part of that, the Board did
12 ask us to perform a traffic study, which we
13 did perform. I have copy of it here which
14 I'll hand up for your review into the record.

15 MR. McLAUGHLIN: Counsel, we'll mark
16 that as Applicant's Exhibit 1.

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

20 MR. BROWNE: One of the reasons we
21 did that is, Number 1, we did need a small
22 parking variance. We are required to have
23 100 spaces, we have 94. So, it's a six spot
24 shortfall.

25 DEPUTY CHAIR CAREY: Can I stop you

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2 right there? You said something before. I
3 wrote it down about what you said. You want
4 90, but it's really going to be 80, because
5 the church will have ten every day or is that
6 only on weekends?

7 MR. BROWNE: We have 94 spots. We're
8 required 100. We will make ten of those 94
9 spots available for the church at all times.

10 DEPUTY CHAIR CAREY: It really means
11 you have 84.

12 MR. BROWNE: Yes. We would have ten
13 reserved for the church.

14 Now as you see in that report, as we
15 will give you some testimony in a moment,
16 these types of buildings tend to generate --
17 maybe a third to half of the residents have
18 cars. Most of the residents, about half at
19 least, are not drivers. So, when we did a
20 comparison to a similar type of a building
21 that's 125 units, you'll see in the report
22 that the max parking I think that was found
23 at that site was 77. So, it's about half the
24 lot is not used. And that is in keeping with
25 my client's experience in developing these

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2 types of projects that only about half the
3 parking is used at any one time. So, we
4 would estimate we only really need around 40
5 or so spaces because many of the residents
6 don't drive.

7 Out of the 80 units, 76 of them are
8 one bedroom units. There would be only four
9 two-bedroom units, and one of the 80 will be
10 for a full-time on site superintendent.

11 MR. McLAUGHLIN: Counsel, you
12 mentioned that the church is going to be able
13 to use the parking on Sunday. That's not
14 reserved spots, it's just what's available?

15 MR. BROWNE: Correct. Anything that
16 is available on Sunday they will be able to
17 use. But when we did the parking study, we
18 studied the hours when the church is busiest
19 on Sunday, and the report found there was
20 only about 25 cars that were generated by the
21 church's use on Sunday. We don't anticipate
22 that to be a problem. Right now they don't
23 have any formal parking. We anticipate
24 having plenty of access and whatever cars we
25 can get off the street we'll be able to get

1
2 off the street for members of the
3 congregation to use when they go to services.
4 Again, all of this was presented to the Board
5 of Trustees at the time we presented the
6 rezoning application.

7 Now we still need a number of
8 variances, which brings us to you, in
9 addition to the parking variance. The height
10 variance that was in your notice that was
11 read in, that should have been removed. I
12 spoke with the Building superintendant today
13 and confirmed that. He did confirm that this
14 building does not exceed the height. The
15 Golden Age will allow 50 feet, and we are at
16 50 feet.

17 MR. McLAUGHLIN: If I may, for the
18 record. The Superintendent of Buildings,
19 along with -- they got the denial letter
20 because they had questions on that letter.
21 The superintendent did confirm it did no
22 longer require a height variance.

23 MR. BROWNE: So, we're compliant for
24 height. The next variance that we need is a
25 building area variance. The Golden Age

1
2 District allows 40 percent coverage, we're
3 proposing 71.1 percent coverage. Our
4 footprint of the building is 21,000 square
5 feet and it would be five stories with the
6 parking lot.

7 So, as you can see, it's a little bit
8 of an odd shaped piece of property. We are
9 trying to use as much of the property as
10 possible. By allowing us to go over, even
11 though it sounds like a big variance, it's
12 really just putting the full lot to use in
13 what is otherwise a vacant lot, and it allows
14 us to maintain the church. Instead of buying
15 the whole piece of property, which would, of
16 course, diminish the percentage of coverage,
17 but what we're trying to do is keep the
18 historical church on a reasonable piece of
19 property, let it continue on, and then bring
20 the church some income by utilizing the
21 development lot in the fashion that we are.

22 So, to have the two coexist together
23 and allow us to get the kind of density that
24 we need to make it economically viable for
25 the developer. And part of that analysis is

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also, as you'll hear in a minutes, is being able to make the project still work even with the income restrictions that we're required to live under to have. For this type of development in New York State, we do need to use as much of the footprint of the property as we can.

Now we're not going to the lot line, we are leaving setbacks, which I'll touch on now, because we also need relief there.

MR. McLAUGHLIN: Before you touch on that, can you explain what the legal requirement is?

MR. BROWNE: If you want, we can get into -- why don't we do a little testimony, before we go to the rest of the technicalities, about how the building works, who is eligible to live in it, and the kind of services the residence will enjoy.

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

COURT REPORTER: Please state your

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name and address for the record.

MR. FLOREY: Peter Florey,
F-L-O-R-E-Y. 100 Schoolhouse Road,
Levittown, New York.

So this development --

MR. McLAUGHLIN: Before you go on,
explain who you are.

MR. FLOREY: I'm sorry. I am Peter
Florey. I am the principal with the D&F
Development Group. We are the developers and
builders and managers of primarily of a
workforce of housing here on Long Island.
We're the co-developers of this project.

The development was envisioned by
Bishop Ronald H. Carter of the Refuge
Apostolic Church here in Freeport. It was
his dream really to have this senior project
developed and available to our seniors of
more limited means.

We specialize in providing housing at
lower cost. We can do that through a
combination of the tax credits and lower
interest loans that we avail ourselves of, in
addition to conventional financing that we

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2 get. Most of the financing comes through
3 New York State as well as Nassau County; we
4 get some additional assistance there.

5 MR. McLAUGHLIN: This is because
6 it's?

7 MR. FLOREY: Because of income
8 restrictions and the income rent
9 restrictions. So, the income levels that
10 we're targeting here range between \$35,000 on
11 up to \$75,000. The rents that --
12 corresponding rents will range from
13 approximately \$1,300 on up to about \$1,650.
14 So, that's the range of rents. We're able to
15 bring these in substantially below where the
16 mark would normally be because of the --

17 MEMBER MINEO: Subsidizes.

18 MR. FLOREY: The subsidizes that we
19 get. They are in the form of -- they're not
20 grants, they are in the form tax credits
21 which then transfer into equity into the
22 development. The tax credits are allocated
23 to the project, they are then sold to
24 investors, and they become equity in the
25 project; that's also coupled with low

1
2 interest loans that the State of New York
3 makes available for these types of
4 developments.

5 There is also a set aside here.
6 Because this was pointed out, this is also
7 not only for those of limited means, but also
8 ten units will be set aside for folks with
9 special needs, and support services for those
10 individuals that will be provided. There
11 will also be ten units set aside for
12 individuals who have a physical handicap, and
13 there will be four units set aside for those
14 with vision and hearing impaired.

15 MR. McLAUGHLIN: Services for those
16 people or just the apartments?

17 MR. FLOREY: The apartments will be
18 handicap accessible. There will be services
19 provided for the units, for those with
20 special needs, the ten for special needs.

21 MR. McLAUGHLIN: Right.

22 MR. FLOREY: Those will be available,
23 yes. So, that's really it in a nutshell. Do
24 you have any questions?

25 MR. BROWNE: Mr. Florey, could you

1
2 touch on -- you have built many of these?
3 Typically what you see in terms of parking?

4 MR. FLOREY: Yeah. On senior
5 developments that I have worked on in the
6 past, I'm thinking of Greenwich Gardens in
7 Hempstead, Johnson Village in Riverhead, we
8 typically see about 30 percent of the
9 residents of our senior residents actually
10 have cars. So typically, there's more
11 parking available, there are more vacant
12 spots. That's the utilization that we
13 typically see in those developments. We also
14 have assisted living communities where usage
15 is much lower, occupied more by your
16 employees than by residents.

17 MEMBER MINEO: You mentioned, sir,
18 that ten of the units are for special needs,
19 and then four of the units for the blind
20 and/or deaf, correct?

21 MR. FLOREY: For hearing impaired.

22 MEMBER MINEO: Is it safe to assume
23 that 14 units are not going to be utilizing
24 vehicles.

25 MR. FLOREY: Absolutely, yes.

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MR. McLAUGHLIN: I think you mentioned with the rezoning, that even if it's couples, there is only one car. Me and my wife, there would only be one car.

MR. FLOREY: No. The residents would only be permitted one car.

MR. McLAUGHLIN: That's a rule?

MR. FLOREY: Yeah.

DEPUTY CHAIR CAREY: I have a question on the other developments you did. Were you guys allowed to build -- I think I know we all need affordable housing and all kind of housing right now in a crisis situation. But the question about the lot, how much you are using of the lot size. Is there no other way maybe you could have reduced the number of units, made the building slightly smaller so you wouldn't have to be asking for these substantial variances, on the other areas, besides parking. Parking, you almost have it. But I just worry about the size. I know this is a congested part of Freeport already and it's really -- does it have to be right to the

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property line? Is five feet -- is it supposed to 20 feet? Is there no other way you could have figured this out for a proper return?

MR. FLOREY: So I guess there are two issues there. One is certainly that this is Bishop Carter's desire to have a development of this size, which is really his dream to have something that was going to be substantial. But the other there is a financial issue which is that in the way in which the funds are allocated, there's a range in size that this particular proposal falls into, above which we have problems and below which it gets more challenging. So, that's another reason why it's important for us to be in this size range as we develop it.

MR. McLAUGHLIN: If I understand, if it was lower you wouldn't have the same funding opportunities from the county and the State that you have?

MR. FLOREY: The economies of scale don't work as well, yes. It gets a lot more challenging. They are already very

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challenging to put together. It just gets a lot more challenging.

MEMBER JACKSON: Could it be profitable?

MR. FLOREY: It's about making the development work. The State, who is very involved in the financing and funding for this, is very sure -- very much involved in making sure that profits are as limited as possible in these developments.

MR. McLAUGHLIN: It's not a nonprofit, but it's very close to be.

MR. FLOREY: Many of these are, put it that way. We are a for-profit development. We're developers and builders and managers. Many these are done as not-for-profits.

DEPUTY CHAIR CAREY: Each apartment is about 690 feet, and the two-bedrooms are about 960; is that right?

MR. BROWNE: Yes, that's roughly correct.

DEPUTY CHAIR CAREY: So, by reconfiguring in some architectural way,

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there is no way to make it a little less?

MR. BROWNE: If you look at the way this lot is configured, it's a strange shaped piece of property. The idea here, as Mr. Florey mentioned and the church can attest, the dream of the church was to develop the lot and save the church which is 100 years old. So, how do you make the building economically feasible and still fit on the 30,000 square foot triangle we have but not be completely overwhelmed.

So yes, it takes up the majority of the lot, and yes the setbacks are only five feet but, for example, we do have an open courtyard. So, there will be parking underneath, and on the second story you'll have the lobby and open courtyard. We don't get any credit for that, so-to-speak. It's not minus out of the coverage, but there is a creative way, I think, to meet the parking, or get quite close to the parking, and also have open space inside the building.

DEPUTY CHAIR CAREY: They'll have daylight coming in.

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2 MR. BROWNE: And an amenity for the
3 residents, so they don't have to leave. They
4 can have some outdoor space that is enclosed
5 within the building, because many of these
6 folks really can't. We also are able to get
7 94 parking spaces in there on 80 units. Even
8 in a regular development, it's not such a bad
9 ratio. Here, as you have heard, many of the
10 residents won't even have cars. We're not
11 building something that is so intensive
12 that's going to cause traffic or parking
13 issues. They'll be able to accommodate all
14 the parking needs and it will work well in
15 conjunction with the church. Because of the
16 limits of the lot, we're stuck with this
17 density variance because we need -- we're
18 asking for 80 units when we're only allowed
19 34.5 units, and we're asking for the coverage
20 again to make it work.

21 But with all due respect to this
22 great village and so many others on
23 Long Island and throughout New York State,
24 these codes are written in very restrictive
25 ways. It's very, very hard to make these

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2 sites work as of right, unless you have two
3 or three acres of property, which nobody has.
4 And then you get back to the chairwoman's
5 point that we don't have enough housing.

6 Something has to give, right, at some
7 point. It's really, to me, a reasonable
8 test. Are you doing something that is within
9 reason to make your project work, but is it
10 going to overwhelm some area or be totally
11 out of character, you know, if you are going
12 seven or eight stories and had 150 units and
13 90 parking spots, then I would say that's too
14 much. Here we're just using the land the
15 best that we can to its maximum capacity
16 without blowing out the code for height or
17 parking, which I think is really the most
18 impactful -- the ways the community is most
19 impacted.

20 DEPUTY CHAIR CAREY: I think
21 streetscape is important. Let me ask you a
22 question. I'm looking at the rendering on
23 the cover. So, I'm trying to envision,
24 because this is kind of a little bit -- I
25 know it's not accurate to scale. The

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2 property line is going to be where the
3 sidewalk is going to begin. So, there is
4 going to be a five foot buffer between the
5 sidewalk and the beginning of the building?
6 Maybe the architect needs to speak to that.

7 S A L V A T O R E C O C O,

8 having been first duly sworn by a Notary
9 Public of the State of New York, was
10 examined and testified as follows:

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

13 MR. COCO: Salvatore Coco. BHC
14 Architects. 1300 Walt Whitman Road,
15 Melville, New York.

16 So this the property line is on the
17 sidewalk. From the property line to the
18 curb, I think, is about 12 feet. What Chris
19 was explaining, I think I don't have the
20 second floor plan here, you have it in your
21 packet. We only loaded the apartments on the
22 two wings here and the middle is an open
23 courtyard which, by definition, it's possible
24 that we could have taken that out. But lot
25 coverage, it's really a garden space above

1
2 the parking. All the units have that amenity
3 of looking over it. So, this lot coverage is
4 71 percent, realistically I think is reduced
5 by the open space in the middle there.

6 MR. BROWNE: If we were on grade.

7 MR. COCO: If we were on grade. What
8 we're doing is taking and covering the
9 parking and making a nice amenity for the
10 residents. And the uniqueness of this
11 site -- I mean, as an architect, that actual
12 offers interesting opportunities, almost like
13 a flatiron corner. It really kind of frames
14 that corner nicely and fits in nicely. I
15 guess what you don't appreciate is the fact
16 that it's all open in the middle there and
17 the residents have that benefit really of
18 making an attractive senior development
19 affordable.

20 DEPUTY CHAIR CAREY: Is the foliage
21 in the landscaping on that drawing going to
22 be utilized or it will just be hard concrete?

23 MR. COCO: No, there would be
24 streetscape of canopy trees. We haven't
25 gotten into any sort of lighting.

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MR. McLAUGHLIN: You have to go to site plan. I think why the Chair is asking is because if you're going to have all the plans, some kind of landscaping helps ease the view to the people that -- listen, we discussed the people who will live there, but the people who live in the whole neighbor.

MR. BROWNE: We will have a full landscape plan. If approved here, we will be moving onto site plan and do a full landscaping plan with lighting and all the usual things that the site plan looks at. The answer is yes, there will be trees and other greenery put around the site. Remember, right now it's not a very nice streetscape, it's really barren land. So this is not what --

MR. McLAUGHLIN: It's not there for show. That's the whole point.

MR. BROWNE: It's not there for show.

MR. COCO: A pedestrian friendly streetscape will be created as part of the development.

MEMBER MINEO: So, if this was

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theoretically a transit oriented unit, you would be able or permitted, technically, to add more into that space; is that accurate?

MR. BROWNE: You mean more units?

MEMBER MINEO: Yes. If you elected to go to transit oriented opposed to Golden Age, you could have theoretically added more units in this proposal.

MR. McLAUGHLIN: I don't know more units. The restrictions are a little different.

MR. BROWNE: It was already zoned to have multi-family development, but we would have been held to even more variances where we would have needed height variances and so forth. Golden Age gives a little more flexibility, not a tremendous amount more. But then you also get the benefits of these restrictions, and they'll last forever.

MEMBER MINEO: Also incentives. Financially it won't be feasible, unless you have the incentives to make it work.

MR. BROWNE: Not on this plan, or even in a non-Golden Age. We try to build as

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of right. A transit oriented, you need a lot of variances and it wouldn't work.

MR. McLAUGHLIN: The parking wouldn't work.

MR. BROWNE: The parking wouldn't work, there would be density variances. The height you're only allowed 30 feet; you'd have to be here asking for a 20 foot height difference.

MR. McLAUGHLIN: It makes sense one way, but the other way they need more.

MR. BROWNE: There's tradeoffs with the variances and there's tradeoffs from the development prospective of maybe it's a little more density, but you're getting age restricted and sort of the social benefit that comes with that. But it also relieves some of the pressure on the traffic and the parking demands. And the Village is deriving revenue from this. This site will pay the Village for property taxes through a deal that's been worked out with the Village, and does those taxes will be phased in over a period of time. Right now it's totally

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untaxed. There are tax credits, but not --
the Village is not going to suffer. The
Village will derive from this property.

DEPUTY CHAIR CAREY: I just saw an
economist from Costar speak about real estate
in a conference in Dallas by 2034 more people
are going to be 65 in America than under 18.
So, we probably do need Golden Age housing
more than ever then.

I have no other questions about the
property. Anyone else?

MEMBER JACKSON: No.

DEPUTY CHAIR CAREY: Does anyone else
want to say something from your team, before
we see if there is anyone for or against?

MR. BROWNE: If you have no questions
for us, we don't have anything else to add.
I don't know if anyone from the church wanted
to add anything.

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

COURT REPORTER: Please state your

1
2 name and address for the record.

3 MS. CARTER: Tanya Carter. 295
4 Lawson Street, Hempstead New York 11550.

5 I am the daughter of Bishop Carter,
6 my father, who was the pastor for 57 years,
7 founder of Refuge Apostolic Church of Christ.
8 So, before he was a pastor, he used to play
9 with the OJ's and he was doing different
10 things and he had a dream. My father was
11 legally blind, so we're certainly grateful
12 that there are going to be apartments to
13 accommodate those that are visually impaired.
14 And he recently passed two years ago in a
15 nursing home, so there will be services that
16 will keep those families together, when they
17 need those services.

18 But he had a dream years ago that he
19 was going to pastor a church, and this church
20 was going to be on a triangular parking lot,
21 and he didn't understand it. When he started
22 the church, it was in his mother-in-law's
23 basement. When they bought a home, it was in
24 their basement, and then we moved to Nassau
25 Road, and then by Western Beef, and then the

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2 Town told him he had to leave because they
3 were going to build parking for Food Town, I
4 think it was. And my father said, I'm not
5 going nowhere, this is our church. He had a
6 dream again. Not only did He show him, God
7 showed him the dream, the church, but he
8 showed him how to get there, who couldn't see
9 well. He called the deacon in his dream how
10 to get to the church from his house, and it
11 was 106 Broadway.

12 When he went in the church, it was a
13 synagog. They were meeting, because they had
14 to leave. They didn't know they were going
15 to sell it to my father when they moved in
16 the property. We were very good friends with
17 them, who was the owner of a very good diner.
18 We're still very good friends. When this
19 came, I used to work for the county
20 executive, I used to work for the mayor, and
21 then I meet Peter and the Board of Trustees,
22 and we all met and it all seemed to work
23 together.

24 So, we're so honored that Peter
25 Florey -- this building is wonderful, this

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housing, and to be able to house and assist those in need. So, we're very grateful for that.

MR. McLAUGHLIN: I think probably the Village is grateful the Town of Hempstead kicked you out of Roosevelt and we had your father for all of those years.

MS. CARTER: They kicked us out, and we served Freeport, and we marched like they did in the Bible. We marched from our church to Freeport and we got so many members. I think that this project is going to bring back members and it's going to bring up the community and the people are going to start coming back to church. I think after COVID people got scared. It's a wonderful thing. So, it's wonderful. Mayor Bobby Kennedy, we call him -- he's my brother. We work so well together, the Village and everything. So, we're thankful.

MEMBER MINEO: Thank you.

DEPUTY CHAIR CAREY: Thank you. I have no further questions. Anyone else?

MEMBER JACKSON: No.

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DEPUTY CHAIR CAREY: I would entertain a motion.

MR. McLAUGHLIN: Questions to the public.

DEPUTY CHAIR CAREY: Did we already ask? No one wanted to speak. I'll ask again. Would anyone else like to speak for or against this application?

(No response was heard.)

DEPUTY CHAIR CAREY: At this time I think we can entertain a motion to close -- reserve decision and close to further evidence and testimony.

MEMBER JACKSON: So moved.

MEMBER MINEO: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed.

(No response was heard.)

MR. McLAUGHLIN: Thank you.

DEPUTY CHAIR CAREY: Thank you so much. I'd like to entertain a motion to

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enter into executive session -- strike that.

At this time I'd like to ask my fellow board members to read our decisions into the record for these applications that have been --

MR. McLAUGHLIN: Call the cases on the reserved calendar.

DEPUTY CHAIR CAREY: Call the cases on the reserved calendar.

THE SECRETARY: Application 2024-1, 261 South Long Beach Avenue, Residence AA, Section --

MEMBER JACKSON: Go to the next one please.

THE SECRETARY: Application 2024-2, 159 Hanse Avenue, Industrial B, Section 602, Block 230, Lot 65, Oscar Molatti.

MEMBER MINEO: Madam Chair, regarding Application 2024-2 for the premises located at 159 Hanse Avenue, Freeport, the applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-172A(10) and 210-153 seeking approval for a proposed roof raised, 15 new loading docks, walkway

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(308 square feet) and rebuild two retaining walls.

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

A public hearing was held on February 15, 2024 wherein applicant was represented by architect Anthony Munisteri. He explained he is there on behalf of his clients of Natural Foods, Oscar Molatti and Brian Cardoza. They run a large egg distribution business with a facility currently in Inwood. However, they need more space.

Based on the building size, 64 parking spaces are required, but only 33 are provided. Mr. Munisteri explained that there are a maximum of about 30 employees who would work at the facility. Typically, however, it is about 15 people there at a time moving trucks and loading trucks. The truck drivers are in the trucks. Workers load the trucks with eggs and the trucks leave; this process occurs between 4:00 a.m. and 6:00 a.m. Then the other shift is at the end of the day when

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2 the eggs are delivered to the warehouse,
3 which is basically a giant refrigerator.
4 These deliveries occur after 7:30 p.m.
5 During the morning shift, refrigerated box
6 trucks are loaded up with eggs for
7 distribution; those trucks are a maximum 24
8 to 26 feet long. During the evening shift
9 there are 53 foot tractor trailers that
10 deliver eggs. They are willing to un-attach
11 and move the truck to unload the trailer, if
12 necessary, according to Mr. Cardoza.

13 The shortest of the 15 loading docks
14 is 34.9 feet at the north side of the
15 property. The longest loading dock at the
16 south end of the property is about 55 feet.
17 They plan on a maximum of four or five
18 tractor trailers at one time, utilizing the
19 four south most loading docks. However, with
20 a 53 foot unit and a cab, the vehicle will
21 extend onto the roadway. However,
22 Mr. Munisteri opined that most of th units
23 are 43 feet and not 53 feet, which is 68 feet
24 when connected to a 25 foot cab. Concerns
25 were raised about emergency vehicles such as

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2 fire trucks making it down the street when
3 there were large trucks in the street.

4 Mr. Munisteri explained that it was possible
5 to unhook, but as Mr. Cardoza explained, it
6 only takes a maximum of 25 minutes to unload
7 a truck.

8 The Board asked if the applicant was
9 open to restrictions on the time for
10 operation. Mr. Cardoza said yes, that they
11 are okay with restrictions on receiving
12 tractors only between 7:00 p.m. to 4:00 a.m.

13 The applicant returned to the Board
14 the following month after the variance for
15 the required vehicular access at the side or
16 rear of the building setback at least 60 feet
17 from the street was omitted from the denial
18 letter.

19 Mr. Munisteri reiterated some of what
20 he had previously explained, as well as some
21 new additional information including the
22 tractor trailers make deliveries six days a
23 week, and it is one or two tractor trailers
24 each day.

25 Mr. Munisteri confirmed that he

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2 consents to limitations on the hours the
3 tractor trailers are permitted to park. He
4 also consented to limitations on tractor
5 trailers only being at the four southern most
6 loading docks.

7 Regarding the parking variance:

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

15 a. That an undesirable change will
16 not be produced in the character of the
17 neighborhood and a detriment to nearby
18 properties will not be created by the
19 granting of the area variance. Applicant's
20 testimony is that there are never more than
21 30 employees at the warehouse at a time. 31
22 parking spaces will accommodate this load.

23 b. That the benefit sought by the
24 applicant cannot be achieved by some method,
25 feasible for the applicant to pursue, other

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than an area variance.

c. That the requested area variance is insubstantial. In light of the proposed use of the building, the variance is insubstantial.

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

e. That the alleged difficulty was not self-created. This is an existing building in a built-up industrial park with no way to create more parking.

Regarding the variance regarding the location and distance from the street of the loading dock.

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

a. That an undesirable change will

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2 not be produced in the character of the
3 neighbor and a detriment to nearby properties
4 will not be created by the granting of the
5 area variance. As long as the applicant uses
6 the southern most loading docks for
7 deliveries, including detaching of the cabs,
8 impact on the surrounding neighborhood should
9 be minimal.

10 b. That the benefit sought by the
11 applicant cannot be achieved by some method,
12 feasible for the applicant to pursue, other
13 than an area variance. The loading dock
14 locations have been in place since the
15 construction of the building. The applicant
16 is before the Board because the roof is being
17 raised and there is a walkway being
18 constructed. There are no alternatives with
19 an existing building.

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

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

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2 e. That the alleged difficulty was
3 not self-created. This is a pre-existing
4 building constructed over 50 years ago. The
5 location of the loading dock is fixed. The
6 distance from the street is fixed.

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

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

18 1. Applicant/Owner must comply with
19 all the Rules and Regulations of the Village
20 of Freeport.

21 2. Applicant must obtain the
22 required permits from the Building
23 Department.

24 3. This application for variances is
25 being granted on the basis of the specific

1 use proposed. If anything in this
2 application or the use of the property is to
3 change, the applicant or owner must return to
4 the Board for further review. Applicant
5 presented testimony that this is a business
6 that only has about 40 employees, with a
7 maximum of 30 workers at any given time, and
8 only for limited periods of time. That is
9 why the Board is granting the variance for
10 parking and for loading dock location.
11 However, should this operation ever become a
12 more typical warehouse operation with
13 different hours, more employees, more trucks
14 being used, this variance is no longer valid
15 and the owner of the property would have to
16 return to the zoning board for further
17 hearings.
18

19 4. Nothing in this decision should
20 be viewed as giving the applicant a right to
21 park tractor trailers extending into the
22 street. Should tractor trailers with their
23 cabs extend into the street, they will be
24 subject to tickets issued by the Freeport
25 Police Department. Mr. Munisteri mentioned

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2 that the truck drivers have the ability to
3 detach, which applicant may strongly want to
4 consider. Applicant may want to consider
5 using the smallest tractor trailers available
6 to them, whenever possible.

7 5. Applicant is limited to tractor
8 trailers in the four souther most loading
9 docks, which are the largest. At no time
10 should a tractor trailer be in any other
11 loading dock.

12 6. Applicant is limited to tractor
13 trailer deliveries (or pickups, should that
14 ever occur) between 7:00 p.m. and 4:0 a.m.

15 7. Box truck loading of eggs is
16 limited to 3:00 a.m. to 7:00 a.m.

17 MEMBER JACKSON: Second.

18 THE SECRETARY: All in favor.

19 MEMBER MINEO: Aye.

20 MEMBER JACKSON: Aye.

21 DEPUTY CHAIR CAREY: Aye.

22 THE SECRETARY: Any opposed.

23 (No response was heard.)

24 DEPUTY CHAIR CAREY: Please call the
25 next application on the reserved calendar.

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2 THE SECRETARY: Application 2024-1,
3 261 South Long Beach Avenue, Residence AA.

4 MEMBER JACKSON: Madam Chair,
5 regarding Application 2024-1 for the premises
6 located at 261 South Long Beach Avenue,
7 Freeport, the Applicant comes before this
8 Board seeking a variance from Village
9 Ordinances 210-6A, 210-35C(2) and (3) and
10 210-223D, seeing approval to legalize
11 existing 12 foot by 24 foot in-ground pool
12 and 8 foot by 8 foot hot tub.

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

15 A public hearing originally scheduled
16 for February 15, 2024 was adjourned to March
17 21, 2024 to allow for an amended letter of
18 denial to be prepared by the Building
19 Department. At the hearing on March 21, 2024
20 the applicant, Jiereh Bowen, spoke on behalf
21 of his own application. He explained that he
22 was before the Board to legalize a pool and
23 hot tub that had been installed by his
24 parents who are now deceased. He explained
25 that from the time he can remember, his

1
2 parents always had a pool. He was replacing
3 the existing pool, when the Building
4 Department showed up and ultimately informed
5 him there were no permits for the pool. He
6 was 75 percent complete with installing the
7 new pool. The original pool was semi
8 in-ground and the new one is fully in-ground.
9 The old pool was about four feet deep and the
10 new one is five feet deep. The pool is the
11 same size as that which had always existed.
12 The issue is that the pool violates the
13 general setback requirement of five feet, and
14 also violates the pool specific setback
15 requirement of five feet. The Board
16 discussed concerns about the location of the
17 pool three and a half feet from the rear
18 property line, including concerns that a
19 child could jump the fence and end up in the
20 pool.

21 The hot tub has been in existence for
22 about five years and is located right on the
23 property line, at the fence, without the
24 required five foot setback. Mr. Bowen
25 acknowledged that he would be able to move

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the hot tub because it is a self-contained unit.

The Board has serious concerns about the pool and hot tub being too close to the property line. These are serious safety issues. As such, the Board will not grant variances for these setback issues.

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

a. That an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. Setbacks of hot tubs and pools are primarily for safety purposes. Without an adequate setback, the applicant runs the risk of a serious accident occurring.

b. That the benefit sought by the

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2 applicant can be achieved by some method,
3 feasible for the applicant to pursue, other
4 than an area variance. Applicant can move
5 the hot tub with relative ease. Regarding
6 the pool, perhaps the additional one and a
7 half feet can be filled in to create the full
8 five foot setback.

9 c. That the requested area variance
10 is substantial. Not only is the variance
11 substantial, but it is a safety issue.

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

16 e. That the alleged difficulty was
17 self-created. While this pool is
18 pre-existing to the applicant, pools have
19 always required permits, and this issue would
20 have been caught had a permit been filed.
21 Either way, this factor is not dispositive.

22 I further move that this application
23 be denied based upon the foregoing findings.

24 MEMBER MINEO: Second.

25 THE SECRETARY: All in favor.

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MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

DEPUTY CHAIR CAREY: Please call the next decision on the reserved calendar4.

THE SECRETARY: Application 2024-3, 51 Forest Avenue, Residence A.

MEMBER MINEO: Madame Chair, regarding Application 2024-3 for the premises located at 51 Forest Avenue, Freeport, the applicant comes before this Board seeking a variance from Village Ordinance 210-6A and 210-40 seeking approval for code compliance for apportionment to create a new buildable lot B, 44.42 feet by 193.94 feet.

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

A public hearing was held on March 21, 2024 wherein applicant was represented by Michael Gregory of Permits-R-Us, LLC. He explained that the applicant, Dennis Marti, is proposing to

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2 A neighbor, Aaron Lloyd, spoke on the
3 application. He explained that he came out
4 because he was concerned the property might
5 be rentals. His family has been on the block
6 for 70 years. His grandmother is 102, living
7 at their home. Mr. Marti's assertions about
8 offering the houses for sale alleviated his
9 concerns. He also had concerns about the
10 setbacks because the proposed house will be
11 closer than the previous house. However, he
12 concluded that as long as it is a quality
13 dwelling, he does not have a problem. His
14 concerns about parking were also alleviated
15 with the ample driveway space proposed. He
16 explained that the original house, which has
17 now been demolished, was in great disrepair
18 and was unlivable.

19 1. On balance, the benefit to the
20 applicant by the granting of this variance is
21 not outweighed by the detriment to the
22 health, safety and welfare of the
23 neighborhood or community if such variance
24 were to be granted. The Board has
25 determined:

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

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

11 c. That the requested variance is
12 insubstantial.

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

17 e. That the alleged difficulty may
18 be considered self-created, but this factor
19 is not dispositive.

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

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

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conditions:

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

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

3. This application for variances is being granted on the basis of the specific use proposed. If anything in this application is to change, the applicant must return to the Board for further review.

MEMBER JACKSON: I second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

DEPUTY CHAIR CAREY: Thank you. I'd ask for a motion to close this session of the Zoning Board of Appeals.

MEMBER JACKSON: So moved.

MEMBER MINEO: Second.

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THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed?

(Time Ended: 8:22 p.m.)

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C E R T I F I C A T E

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

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of May, 2024.



BETHANNE MENNONNA