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INCORPORATED VILLAGE OF FREEPORT
ZONING BOARD

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

September 19, 2024
6:42 p.m.

M E M B E R S:

ROSA RHODEN	CHAIRPERSON
BEN JACKSON	MEMBER
CHARLES HAWKINS	MEMBER

* * *

REMY WATTS	SECRETARY
ROBERT McLAUGHLIN	DEPUTY VILLAGE ATTORNEY
SCOTT BRAUN	BUILDINGS DEPARTMENT

-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

1 Affidavit of Publication 6

2 Affidavit of Posting 6

APPLICATION 2024-9

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 7

* * *

APPLICATION 2024-12

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 15

* * *

APPLICATION 2024-14

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 35

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APPLICATION 2024-15

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 45

APPLICANT'S FOR I.D.

A Photograph 58

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

APPLICATION 2024-13

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 67

APPLICANT'S for I.D.

A Survey 71

B photograph 71

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APPLICATION 2024-16

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 75

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September 19, 2024

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

APPLICATION#	ADDRESS	PAGE
2024-19	147 Woodcleft Avenue	6-14 & 80-90
2024-12	66 Sagamore Street	14-35
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2024-15	54 Morton Avenue	45-67
2024-13	20 Mayfair Court	67-74
2024-16	112 Archer Street	75-80

* * *

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2 CHAIRPERSON RHODEN: Good evening,
3 everyone. Please join me for the Pledge of
4 Allegiance.

5 (Pledge of Allegiance recited.)

6 CHAIRPERSON RHODEN: Can I please
7 have motion to approve the minutes.

8 MEMBER JACKSON: So moved.

9 MEMBER HAWKINS: Second.

10 THE SECRETARY: All in favor.

11 MEMBER HAWKINS: Aye.

12 MEMBER JACKSON: Aye.

13 CHAIRPERSON RHODEN: Aye.

14 THE SECRETARY: Any opposed?

15 (No response was heard.)

16 CHAIRPERSON RHODEN: Do we have any
17 Affidavits of Publication or Posting that
18 need to be entered into the record as
19 exhibits this evening?

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

24 (WHEREUPON, the above-referred to
25 documents were marked as Board's Exhibits 1

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and 2, for identification, as of this date.)

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

THE SECRETARY: Madam Chair, there are no requests for adjournment this evening.

CHAIRPERSON RHODEN: If anyone here is speaking for or against an application this evening, there are some forms in the back. Please fill one out and hand it over to the clerk. Thank you.

Can we please call the first application tonight's calendar?

THE SECRETARY: Application 2024-9, 147 Woodcleft Avenue, Marine Commerce, section 62 Block 177, Lot 534. Aaron Kadosh. Propose one-story side addition 224 square feet, one-story addition 169 square feet, second story terrace 930 square feet, roof over deck 424 square feet, and wood shades/pergola 240 square feet. Variances: Village Ordinance 210-6A, 210-40 required yards, 210-172(4) required parking spaces.

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

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for this individual application.

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

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

A A R O N K A D O S H,
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. RAMIREZ: Robert Ramirez. 990 Motor Parkway, Central Islip, New York 11722. I am the agent for Mr. Kadosh.

MR. KADOSH: Aaron Kadosh. 181 Harbor Road, Hewlett, New York 11557.

MR. McLAUGHLIN: If I may.

CHAIRPERSON RHODEN: Yep.

MR. McLAUGHLIN: Gentlemen, we received number of -- I'm Rob McLaughlin, Deputy Village Attorney, Village of Freeport.

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2 We received a copy of your lease agreement
3 where it indicates that you're leasing spaces
4 at a place known as Section 62, Block 174,
5 Lot 269. At this point, we wanted to analyze
6 this lease agreement. We're going to have to
7 adjourn this hearing, because back in 2017
8 another applicant had received a zoning
9 variance in part because they were using Lot
10 269 for parking spaces. So, we just need to
11 confirm if it's still -- with the Building
12 Department, whether or not this lot is being
13 considered as part of that prior variance.
14 We can't double or triple parking for
15 variances.

16 MR. RAMIREZ: It's not a single block
17 and lot. You they provide this. 1. The
18 variance belongs to the parking behind for
19 this building and then the front is vacant.

20 MR. McLAUGHLIN: The variance lists
21 Lots 267, 268, 269 and 270. And your lease
22 is for Lot 269. It may not be, but we need
23 to confirm that, before we can go forward.
24 If the Board were to approve it, we want to
25 make sure that we're not approving something

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that is already designated for another business to provide parking. We can't close the hearing and do that afterwards, because once we close the hearing, none of that evidence can be reviewed.

MR. KADOSH: I went to the Building Department to try to find the section, block and lot for that lot, and they said they don't even know the lot that we're referring to for the extra parking. I went to Mr. Mauras, because -- I don't know exactly what happened, but they said there was no designated section, block and lot.

MR. McLAUGHLIN: Why would you have it on your lease?

MR. KADOSH: I tried to get it from -- Jen isn't here today. I tried to get a little help from her to find out what section, block and lot it was and I wasn't really able to get it. I didn't know how else to refer to that lot, because it's not -- there's no address for it, and there's no section, block and lot I could find.

MEMBER JACKSON: If I may. A

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surveyor can definitely clarify that 100 percent. They can survey the entire property and show you what lots are what.

MR. KADOSH: Okay.

MR. McLAUGHLIN: Also talk to the attorney who did the closing; they should have that information.

MR. KADOSH: That's actually where I got the information from was the previous -- was the previous sale to me.

MR. McLAUGHLIN: To you?

MR. KADOSH: Yeah. That's why I couldn't find the lot number.

MR. McLAUGHLIN: If that is the section, block and lot, it may not be the proper lot. We just want to make sure before we move forward. And I think everyone in Freeport knows that Woodcleft Avenue, especially in the summertime, has a serious parking problem. To alleviate that, some of the businesses had to deal with different unique ways to find additional parking in order to -- while they still may have gotten a variance, they had to find parking

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themselves. I'm not saying -- you may be totally right about this, but we want to confirm that the other applicant who has it in their hearing that they were using Lot 269, that it's not the same lot that you're referring to. Your deed would say section, block and lot.

MR. KADOSH: I understand.

MR. McLAUGHLIN: That's why we have to adjourn, just to make sure. We don't want to end up doubling it; then it defeats the purpose of being sure we have parking down on Woodcleft, especially for the neighbors on Ocean and those blocks over there where people tend to park when they are down on Woodcleft.

MR. KADOSH: I have with me the variance from that, because that's also my property. I have the variance from the 2017 when we were approved for the parking back. It's specifically drawn and attached, I believe. I can find it in my bag, if I have it. It specifically says -- I believe it says specifically that this lot in the front

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is not included.

MR. McLAUGHLIN: The decision doesn't say that. That's why.

MR. KADOSH: I didn't know how to refer to it.

MR. McLAUGHLIN: That's the problem. Your parking lease agreement says Lot 269. I don't know why you put that lot in there, if it's not that lot. You may want to bring a copy of your deed along with an amended agreement. You're signing for both entities, right? You may want to bring a copy of your deed along with the amended agreement saying exactly what lots they are.

Right now we're looking at documents and looking at the decision that has them utilizing Lot 269 and you saying you want to use Lot 269. You may be right. I'm not saying you're wrong, but the paperwork doesn't reflect that.

MEMBER JACKSON: It's to your advantage to clarify.

MR. RAMIREZ: I have a copy of the deed.

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MR. McLAUGHLIN: It doesn't matter. It still says 269. He's going to have to re-execute another lease agreement with the proper section, block and lot.

Like Member Jackson said, it's to your advantage to make sure it gets done right.

MR. KADOSH: Yeah.

MEMBER JACKSON: Basically, we couldn't approve using the same lot that's used already. It's a technicality. It wouldn't work out.

MR. McLAUGHLIN: Do you have any other questions?

MR. KADOSH: I mean, is there any way I can provide it today, if I can find it in my notes or my bag somewhere.

MR. McLAUGHLIN: I don't know what you would provide to show, if you don't know what the section, block and lot is.

MR. KADOSH: An adjustment of the lease, I can. It's just me and myself. I can swear that I'll change it. I just it's been a long time.

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MR. McLAUGHLIN: You don't know what section, block and lot. I don't know how you can provide that.

MR. RAMIREZ: Do you have the deed?

MR. KADOSH: I can check.

MR. McLAUGHLIN: Do you want to second call it?

CHAIRPERSON RHODEN: If you want, we can call you again at the end of everyone else, after we hear everyone else's case. If you want to still provide us with whatever information you have, we can call you back at the end.

MR. RAMIREZ: Okay.

CHAIRPERSON RHODEN: Thank you.

Can we please call the next application tonight's calendar.

THE SECRETARY: Application 2024-12, 66 Sagamore Street, Residence A, Section 55, Block 376, Lot 1242. Rosina Codrington. Propose 162 feet of 6 foot high closed PVC fence. Variances: Village Ordinances 210-6A, 210-171D(2) fences and enclosures.

I have one Affidavit of Mailing to be

1 entered into the record as a Board exhibit
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
7 R O S I N A C O D R I N G T O N,
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 MS. CODRINGTON: Rosina Codrington.
14 66 Sagamore Street, Freeport, New York 11520.

15 I'm here because I wanted to put an
16 enclosed 98 foot 6 foot fence around the side
17 of my property. There's currently a wooden
18 fence there that's partly fell apart because
19 it's been so old. So to replace it, I wanted
20 to be able to enclose the entire side of the
21 yard. We have a backyard and the side, and
22 it's on the side of the house, the right
23 side. So, it's not really going to be
24 blocking the view on the left side, which is
25 in between Bedford and Sagamore.

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MEMBER HAWKINS: Right now you have -- what size fence do you have there?

MS. CODRINGTON: Right now behind the garage there is a six foot wooden fence, and towards the back that partially fell because of a tree. We had to cut down the tree because it was rotting out. So, that fence is kind of being held up by a string, so I wanted to enclose the entire side with a six foot fence.

CHAIRPERSON RHODEN: Do you have screening up there now around that area?

MS. CODRINGTON: Yeah. Yeah. Like I said, the wood fence is damaged and so, to keep it from looking super crazy and have cats coming into the yard, we have a little mesh that goes in back of it.

MEMBER HAWKINS: Would you be open to a five foot fence and have a one foot lattice on top? You know what lattice is, kind of crisscrosses on top.

MS. CODRINGTON: To make it six feet?

MEMBER HAWKINS: Yes.

MS. CODRINGTON: I mean, if they can

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2 build it like that, that's fine. My only
3 thing is that, like I said, when you come
4 in -- I think I have the picture here. When
5 you're walking down the block, you can
6 literally look right into the yard and -- you
7 know, I've been there for 34 years. It
8 wasn't a big deal, but now that my
9 granddaughter is there and we have all the
10 toys in the back yard, we have had once or
11 twice things disappear. I want to make sure
12 there's a gate that can be closed and locked
13 so that doesn't occur again.

14 MEMBER HAWKINS: Are you looking to
15 put the six foot fence there or five foot and
16 lattice by where the gate is also by the
17 garage?

18 MS. CODRINGTON: Yeah, past the
19 garage.

20 MEMBER HAWKINS: You have the
21 shrubbery in the front also.

22 MS. CODRINGTON: Yeah. I'll probably
23 get rid of the shrubbery; that grows up into
24 the trees and it's a mess. In the wintertime
25 it doesn't really do anything because it's

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empty. It's been there. It looks like a barrier, so when you're walking past you don't directly see that four foot fence is on that side.

MEMBER JACKSON: This fence is going to carry beyond the front of the garage; do I understand that correctly?

MS. CODRINGTON: Yeah, because right now the front of the garage, on the side, it's four feet, four foot fence, steel fence, in the front. From the garage behind it's then a six foot wooden.

MEMBER JACKSON: The front is a chain link?

MS. CODRINGTON: Yeah.

MEMBER JACKSON: You're saying you are removing the shrubs in the front?

MS. CODRINGTON: What?

MEMBER JACKSON: The shrubs in front of the garage, you're going to remove?

MS. CODRINGTON: Yeah, because once you put up the fence there, it's going to be blocking it and it will probably make it look dirty, moldy, and then if it grows into it,

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it will be more of a problem.

MEMBER JACKSON: I'm sorry, I might have missed it. The side on Sagamore Street, that's where talking about you want the six foot fence, but you are willing to put five with the lattice on top?

MS. CODRINGTON: Yeah. Right.

MEMBER JACKSON: That entire area?

MS. CODRINGTON: Right. The part right in front of the shrubbery, to the right side of it. Five foot with the lattice is fine. As it is right now, the neighbors park their cars, you can literally just look right to the side.

MEMBER JACKSON: The concern is with a fence like that, if someone is on Sagamore Street, people on a bike, you can't see the car coming out of the driveway.

MS. CODRINGTON: No, that's the other side. I'm not on that corner. I'm not on the corner. The part where I am is to the left of Bedford and Sagamore Street. It's going to be on the left-hand side of the garage. So, it's not going to be blocking

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the intersection on the right. I'm on a corner property on the side, so I don't have a backyard. The right side I'm not even installing the fence that high. There's already a four foot chain link fence on that side.

MEMBER JACKSON: The application is not quite clear. I'm sorry.

On Sagamore it shows you have a fence right up Sagamore on that side.

MS. CODRINGTON: Yeah, the four foot wooden fence and chain link.

MEMBER JACKSON: The four foot wooden fence and chain link.

MS. CODRINGTON: Yeah.

MEMBER JACKSON: Next to that, the property next to that, is that your neighbor's yard.

MS. CODRINGTON: Yes.

MEMBER JACKSON: To the left yeah.

MS. CODRINGTON: So, when he pulls into the driveway he literally looks into the yard. We can see each other because that section is four feet.

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MEMBER JACKSON: I'm sorry again. I'm struggling with this and I don't know why. The pink indicated here would be chain link on the opposite side? Can I show you.

MS. CODRINGTON: Sure.

MEMBER JACKSON: Is that chain link four foot?

MS. CODRINGTON: Right now it's four feet. I want it to be six feet with the lattice at the top.

MEMBER JACKSON: This is your neighbor's driveway?

MS. CODRINGTON: Yeah.

MEMBER JACKSON: The concern is if somebody is traveling on Sagamore, with a six foot fence, they can't see if a kid is on a bicycle and you're backing out. It's a safety issue; that's why.

MS. CODRINGTON: If they're riding their bicycle?

MEMBER JACKSON: If you see the driveway, if someone is coming to the side, you can't see them when you back out of the driveway. Do you understand?

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MS. CODRINGTON: Yeah, I understand.

MEMBER JACKSON: That's the concern with what you want to do.

MR. McLAUGHLIN: This is considered a secondary front yard.

MS. CODRINGTON: That would be a concern with any of the other examples that I showed.

MEMBER JACKSON: I'm sorry?

MS. CODRINGTON: That's similar to some of the properties on Bedford, Rutland Avenue, because even when I'm backing out of my driveway, I still have to take a break because it's the side road, somebody is passing by, you have some of the cars coming in back of me. I have to be mindful of that also.

MR. McLAUGHLIN: Can I ask Mr. Braun to come up.

MEMBER HAWKINS: Can I show you something?

(Inaudible conversation.)

MR. McLAUGHLIN: Scott, is this a secondary front yard?

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MR. BRAUN: The side is a secondary front yard.

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

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

MR. BRAUN: Scott Braun. 46 North Ocean Avenue, Freeport, New York 11520.

MR. McLAUGHLIN: Mr. Braun, it's a secondary yard, right?

MR. BRAUN: Yeah. So, where her house and garage is, this area over here is considered a secondary front yard.

MR. McLAUGHLIN: That's where she wants to put the fence.

MR. BRAUN: Right.

MR. McLAUGHLIN: If she did the five foot with the one foot lattice, would it alleviate the need for a zoning variance on that?

MR. BRAUN: You want to come along the way to the side over here?

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MS. CODRINGTON: Where the shrubbery is.

MR. BRAUN: The code calls for half the distance from here to there. 20 foot. It would have to be ten feet, if you want to do six foot. If you want to come all the way out, it has to be four foot.

MS. CODRINGTON: I want to come right here by the shrubs. Right now there is a four foot right here.

MR. BRAUN: This is your yard?

MR. CODRINGTON: This is the yard, the four foot up to here and then six feet.

MR. McLAUGHLIN: I'm asking if she had the five foot with lattice, does it alleviate the need for a variance?

MR. BRAUN: To come right here? This one is not indicating where the fence is coming. You want the fence to come to the corner as well as this one?

MR. CODRINGTON: Right. What's right there right now is a four foot fence.

MR. BRAUN: That's why. This fence if four foot over here?

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MS. CODRINGTON: Right.

MR. BRAUN: Because of the code.

MS. CODRINGTON: Right.

MR. BRAUN: You want to come to here with a six foot fence?

MS. CODRINGTON: Exactly, so that -- right now you can look right into the yard.

MR. BRAUN: That would still need a variance. The height of it is blocking the side when backing out. This is your garage. You back out the driveway here. Even the five foot blocks the view. It would still need a variance for that.

MR. McLAUGHLIN: Thank you.

MS. CODRINGTON: Thank you.

CHAIRPERSON RHODEN: I understand about the fence going on the side to your neighbor, but have you considered just maybe trimming the shrubbery or move the shrubbery?

MS. CODRINGTON: Well, the only shrubbery is right in front of the house, right in front of the yard. I don't have any on the side, on either side. So, even if I were to trim the shrubbery, which I used to

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do before. It grows a lot. In the wintertime, it disappears because the leaves fall off. But that's only the front. It doesn't do anything about the side.

CHAIRPERSON RHODEN: Right. On the side --

MS. CODRINGTON: You can could look right into the yard.

CHAIRPERSON RHODEN: (Continuing) -- you wouldn't be able to put a six foot fence there, a closed six foot fence.

MS. CODRINGTON: That's why I applied for a variance.

CHAIRPERSON RHODEN: I know. We're saying to you, is there others options? Because once you're putting up a fence that blocks your driveway of someone coming out, it's just something we can't allow that to happen. You have to -- as Charles mentioned before, would you consider putting the five foot --

MEMBER HAWKINS: Fence with the lattice.

CHAIRPERSON RHODEN: So, it would

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have to be a fence with the lattice.

MS. CODRINGTON: So it can go up to five feet and the lattice at the top?

MR. McLAUGHLIN: Four feet.

CHAIRPERSON RHODEN: It would have to be four feet with the lattice.

MS. CODRINGTON: So, that would be five feet in total?

CHAIRPERSON RHODEN: No, it has to be four feet in total.

MS. CODRINGTON: That's what's there right now.

CHAIRPERSON RHODEN: Unfortunately, because of the way that is situated, that's how it has to be. So, that's why I was asking you, maybe you want to consider shrubbery, trees for that side, because a fence a structural thing that you're putting on there.

MS. CODRINGTON: So, I would have to get shrubbery for the entire side. Once it grows in, it's going to do the same thing, block the driveway. Then it's going to give me more mosquitos.

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MR. McLAUGHLIN: It's just the size of the fence.

CHAIRPERSON RHODEN: It's the height of the fence, and because you're to the driveway.

MS. CODRINGTON: I understand what you're saying. I've taken picture of other people and they are literally on the corner where they are blocking the side street. So, I would think because I'm on the side just by the driveway that wouldn't be an issue, if I was on the other side which is the intersection.

MEMBER HAWKINS: What she is saying, when you back your car out of your driveway, if there a child is riding a bicycle in the street, they couldn't see you over of the six foot fence or five foot fence and the lattice that would be there. When you're backing out, they wouldn't to able to see your vehicle at all.

MS. CODRINGTON: With the shrubbery there, they can't see anyway. That's why you have to be mindful when you're coming out.

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MEMBER HAWKINS: Right.

MEMBER JACKSON: We can't regulate shrubbery. It's not a structure.

MR. McLAUGHLIN: The Buildings Department could, if they wanted to, because of safety issues. That's not what this Board is.

CHAIRPERSON RHODEN: We're not here to talk --

MR. McLAUGHLIN: The Buildings Department could require you to trim the shrubbery where people could see vehicles coming out, if that's a safety issue. But that's up to the Buildings Department, if they want to do that.

MS. CODRINGTON: All the other houses that have six foot fences --

CHAIRPERSON RHODEN: We can't talk about other houses with six foot fences; that's not in front of us here. In front of us here, right now, is your application. We're trying to work with you and what's the best.

MR. McLAUGHLIN: If we had

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addresses --

MEMBER JACKSON: To my recollection, we have never approved a six foot fence alongside a driveway with a sidewalk, and that's a secondary sidewalk. So, someone may have put one up illegally and haven't be caught yet in some cases or it may be very old, but that's not -- the concern is safety. I hope you understand that. That's the concern. That's the reason for the zoning code.

CHAIRPERSON RHODEN: I think that you would -- can we have the four feet to a certain point and then go up?

MEMBER JACKSON: I believe it's half distance of the house.

MS. CODRINGTON: So, that's what it is right now. It's four feet up to the garage and six feet, if you see.

CHAIRPERSON RHODEN: From there you can go up higher.

MS. CODRINGTON: Where you have this tree here, that's six feet going up.

CHAIRPERSON RHODEN: Okay. So, as

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long as -- what does the actual depend on?
It depends on the length of your driveway.

MEMBER JACKSON: It's half the
setback. It's probably ten feet.

CHAIRPERSON RHODEN: So four feet
would be roughly --

MS. CODRINGTON: So this is an
existing structure right now, four feet up to
the garage and six feet back.

CHAIRPERSON RHODEN: Then it could be
six feet after that.

MS. CODRINGTON: That's what there is
right now.

CHAIRPERSON RHODEN: That's what you
could do. If you want to replace the fence,
if you want to replace it, you would be able
to do four feet going in all the way until
the garage, and then you could go to six
feet.

MEMBER JACKSON: No, ten feet back.
It's half the distance. It's a secondary
side yard. You have to be four feet going
ten feet back and then come up to six feet.

CHAIRPERSON RHODEN: Would you say

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that's about ten feet?

MEMBER JACKSON: Yeah.

MS. CODRINGTON: That's what's there now. That's exactly what is there right now.

CHAIRPERSON RHODEN: Then that's what it would be, so that the four feet would meet the code and then go up to six feet, if you need it higher.

MS. CODRINGTON: Thank you for your time.

CHAIRPERSON RHODEN: Thank you very much.

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

THE SECRETARY: I have one. Patrick Morrison.

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

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

MR. MORRISON: Patrick Morrison. 80 Bedford Avenue, Freeport.

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The question I have is, if someone puts up the fence, will they have to take the chain link down, in order to put the new fence up?

MR. McLAUGHLIN: I'm sorry?

MR. MORRISON: The fence. To put up a fence, six foot fence, would they have to take the chain link fence down or is that staying?

MR. McLAUGHLIN: Generally they take the fence down.

MR. MORRISON: They take it down. Sometimes some houses put up the PVC white fence and the chain link stays there. That's what I'm asking.

MR. McLAUGHLIN: Generally, it's taken down.

MEMBER JACKSON: It would have to do with where the chain link fence is. It might be the neighbor's fence; in which case, they couldn't take it. So, if somebody wants to put up a fence, they have to put it in front of, unless they made an agreement with the neighbors.

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MR. MORRISON: I'm listening. I know what you mean, it creates a blind spot. 90 Bedford Avenue, next door to me, there's a fence and I could look at any one of you guys. If there was a PVC fence, you couldn't see you; it's like standing behind a wall.

MR. McLAUGHLIN: The type of thing you're talking about, like Member Jackson said, one individual owns the property, they put a fence on their property, and over here someone else puts another fence, it's not one person having two fences, it's two separate properties. A lot of times that happens when the party disagree on the type of fence.

MR. MORRISON: That happens all the time. That's about it. Thank you.

MR. McLAUGHLIN: Thank you, sir.

CHAIRPERSON RHODEN: Thank you.

At this time can I please have a motion to close to further evidence and testimony and to reserve decision.

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

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MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: Application 2024-14,
146 Westside Avenue, Residence A, Section 62,
Block 31, Lot 24. Sasha Villanueva. Propose
68 foot five foot high PVC fence, 4 foot
closed plus one foot lattice. Variances:
Village Ordinance 210-6A, 210-171D(2) fences
and enclosures.

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

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

S A S H A V I L L A N U E V A,
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.

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MS. VILLANUEVA: Sasha Villanueva.
146 Westside Avenue, Freeport, New York
11520.

Good evening. I'm Sasha. I'm new to
Freeport. I moved here about a year and a
half ago. I have corner property and I want
to put a four inch solid PVC --

MR. McLAUGHLIN: Four foot.

MS. VILLANUEVA: Four foot. I'm a
little nervous.

MR. McLAUGHLIN: Wouldn't even notice
a four inch.

MS. VILLANUEVA: Right. Now I have a
four foot chain link fence. I would like to
put a four foot solid fence with one inch
lattice for privacy reasons. Since I moved
there, people throw things into my fence, my
yard. There's absolutely no privacy. People
come visit, my friend has an autistic child
and I can't allow them to be in the yard for
safety reasons. My brother comes over with
his German Shepard, we can't let him into the
yard for safety reasons.

As a home owner, I understand what

1
2 you're saying about the privacy fences and
3 all of that, but I'm willing to make it a
4 little shorter, as long as I have some sort
5 of privacy in my yard, if possible. At the
6 moment, I have people throwing stuff in my
7 yard, garbage, people looking in my yard.
8 I'm in the yard having a barbecue, somebody
9 stopped by, looked in my fence, started
10 talking to me. I was very concerned. I'm a
11 female. How are you able to look in my yard
12 and start talking to me, when I'm sitting
13 here eating. So, right now I need a privacy
14 fence for safety reasons.

15 So you know, the house right in back
16 of me, that one has been under construction
17 since I moved there. I don't know the
18 structure or anything that was there, where
19 the driveways were at all. I haven't gotten
20 a chance to see it, so I wouldn't know.

21 MEMBER JACKSON: You're the house
22 next to the new house that they are building?

23 MS. VILLANUEVA: Yeah.

24 MEMBER JACKSON: The east side?

25 MS. VILLANUEVA: Correct. The front

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of my house is on Westside, the side of my yard is on Casino.

MEMBER JACKSON: Can I suggest to you, the best I can tell you, 25 feet on that side to Casino Street.

MS. VILLANUEVA: I wouldn't want to put it all the way. I just want the yard --

MEMBER JACKSON: The back.

MS. VILLANUEVA: Yeah, the back. Literally, for safety reasons. I've been there a year and a half and I have had a couple of incidents. I feel like I need some sort of privacy there. It's too open.

MEMBER JACKSON: I think our Building Department representative can correct me if I'm wrong. You have 25 feet. If you set that fence back 12 feet from Casino, 12 and a half feet, you wouldn't need a variance, just go with a permit.

MS. VILLANUEVA: Can I get a visual of that, please?

MR. McLAUGHLIN: Scott, can you come up?

(Inaudible conversation.)

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MS. VILLANUEVA: They said that, but I'm cutting my yard in half at that point.

MR. BRAUN: I understand, but that's what the new code is that just passed.

MS. VILLANUEVA: I'm not even six feet. I just need even four feet solid just around here. I can put it -- stop it here. I just need this part for some privacy, my safety, my family's safety at the moment. I mean, it doesn't make sense for me to cut my yard in half. What you're saying is that I cannot have -- be safe in my own home, at this point. I'm not even asking for a six foot fence. I just need some privacy.

MR. BRAUN: Your yard garage is here?

MS. VILLANUEVA: Yeah, my garage is in the front.

MR. BRAUN: It doesn't affect your pulling out?

MS. VILLANUEVA: I park in the street. I don't use my driveway. I don't know what the house behind me looks like; it doesn't have anything yet.

MR. BRAUN: Right. That's still

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construction.

MS. VILLANUEVA: I've been there a year and half, since April of 2023.

MR. McLAUGHLIN: Can you do one foot less? It will still leave you with a four foot fence.

MS. VILLANUEVA: I mean, I would prefer the one foot lattice, but if I can get the four foot.

MEMBER JACKSON: What you're saying is three foot high and one foot lattice about above?

MS. VILLANUEVA: Four foot solid without the lattice.

MR. McLAUGHLIN: What I'm saying, whatever you do, straight four foot. Do straight four foot so it's not five feet. Can you do it, if the fence is four feet, with or without the lattice?

MS. VILLANUEVA: Could I do four feet solid, without the lattice?

MR. McLAUGHLIN: Yeah.

MS. VILLANUEVA: I would compromise for that and just put some bushes or

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something there to compensate for the rest.

MR. BRAUN: Four foot solid.

MS. VILLANUEVA: I just don't want people to talk to me when I'm drinking. How uncomfortable.

MR. McLAUGHLIN: A fence with bushes will give more privacy than a fence by itself.

MEMBER HAWKINS: Are you looking to put a fence in the front by your driveway, where your garage is?

MS. VILLANUEVA: No. Right now there's a chain link fence there. Eventually -- fencing is really expensive. Eventually, I would like a four foot picket, what is allowed. It's just really my yard that's concerning to me. Like I said, I have had several incidents since I moved there. I feel unsafe in my own yard. And when people come to visit me, my friend has an autistic child, I want to let the child in the yard. It's just safety issues that concern us at this point.

I understand what you're saying about

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2 the people who, you know, kids riding their
3 bikes. I understand that, but I feel like
4 there are other ways than preventing people
5 from having their privacy, like signage,
6 mirrors in yards, and other regulations that
7 doesn't take away taxpayer and Village payers
8 privacy. I think it's a bit extreme, in my
9 opinion, because I'm a female and I feel
10 unsafe in my own yard that I'm paying my own
11 taxes, paying my own mortgage and Village
12 fees. So, it's just a general thought that
13 I'm a home owner.

14 MR. McLAUGHLIN: Laws like this
15 generally come from tragic incidents.

16 MS. VILLANUEVA: I did look before I
17 came here. I did look at some all of the
18 public records. I did not find one where
19 there was a tragedy. I guess it's
20 preventative. What about my safety, coming
21 into my yard, harming me or my family; that
22 should also be prevented.

23 MR. McLAUGHLIN: That's why we're
24 looking at a way to solve your issue plus
25 have safety for the bike riders or vehicles,

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for that matter.

MEMBER HAWKINS: As far as the driveway issue, you're not going to put a fence over there anyway, right? The driveway issue, like we were talking about in the last case, you're not putting a fence over there, right?

MS. VILLANUEVA: In the driveway, no. That right now is a four inch chain link.

MEMBER HAWKINS: Four feet.

MS. VILLANUEVA: Four feet. And the day I decide t change the chain like, because I personally don't like it for aesthetic reasons, I would continue to put the four feet picket fence. As stated in the regulations, that's not a problem. My issue is my yard safety there.

MEMBER HAWKINS: Right.

CHAIRPERSON RHODEN: Just so that you are willing to obtain a four foot fence.

MS. VILLANUEVA: Solid. As long as it's solid.

CHAIRPERSON RHODEN: Four foot.

MS. VILLANUEVA: Yeah.

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CHAIRPERSON RHODEN: No lattice.

Well, that's all we need from you today, unless you have something else you want to add?

MS. VILLANUEVA: No.

CHAIRPERSON RHODEN: Thank you.

MS. VILLANUEVA: Thank you for your time.

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

THE SECRETARY: No, madam chair.

CHAIRPERSON RHODEN: If I could please have a motion to reserve decision and close to further evidence and testimony, please.

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

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2 THE SECRETARY: Application 2024-15,
3 54 Morton Avenue, Residence A, Section 55,
4 Block 300, Lot 24. Desiree Boucher.
5 Maintain privacy fence, 26 feet of four foot
6 high closed. Variances: Village Ordinance
7 210-6A, 210-171D(1). Fences and enclosures.

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

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

14 R I C H A R D G R A Y,
15 having been first duly sworn by a Notary
16 Public of the State of New York, was
17 examined and testified as follows:

18 D E S I R E E B O U N C H E R,
19 having been first duly sworn by a Notary
20 Public of the State of New York, was
21 examined and testified as follows:

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

24 MR. GRAY: Richard Gray, G-R-A-Y. 54
25 Morton Avenue, Freeport, New York 11520.

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2 MS. BOUNCHER: Desiree Boucher. 54
3 Morton Avenue, Freeport, New York 11520.

4 MR. GRAY: This evening I'm here to
5 present and request a variance for the
6 approval of the fence that we had installed.
7 We had installed this fence back in April for
8 the sole purpose due to some -- it's hard to
9 believe that I'm actually standing here
10 saying this, but we have undergone a plethora
11 of challenges, since we moved here there
12 years ago. My wife and I have been taunted
13 and harassed by the neighbors next door and
14 the neighbors across the street; primarily
15 the neighbors next door to us. I'm not sure
16 what their issues are, but they have been
17 ridiculously predatorial towards my wife. I
18 believe it's -- it has been noted, because
19 there have been situations because of our
20 different race, and it's been ongoing and
21 it's been intolerable.

22 There have been times where the
23 individual has drive a quad, a motorcycle
24 quad on the lawn onto our property. He has
25 had some work done in his basement, and in

1 the process of doing that they brought all of
2 this equipment up and it was encroaching on
3 our property as well. We had asked on
4 numerous occasions to please respect the
5 property line. We had spoken to various real
6 estate brokers and surveyors, and they had
7 indicated that putting in a fence would be
8 the best option. It clearly outlines the
9 property line where we are. We're
10 literally -- because of the way it's
11 designed, it's one sheet of grass, one plane
12 of grass, and the grass doesn't have any
13 delineated, mark, but with the line of the
14 fence that was already installed prior to us
15 moving in. That fence now has been extended.

17 So we, not knowing everything, we had
18 checked in here with the town. We spoke with
19 various people and they told us this is the
20 process. We did everything by the book. We
21 followed as much as we could, in terms of
22 doing and finding the right contractor for
23 the job. They came, they assessed, they
24 measured and they installed the fence. We
25 had no idea that this was an issue from the

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start.

We only asked to be left alone. We want to be able to come home and have the privacy and not be harassed like we have been. We have had police come to our home numerous times from the neighbors, because we park our car on our street. I don't want to digress too far, but I want you to understand the gravity of what we have undergone since moved in. Because we parked the car in our street, they have an issue with the fact that we parked the car on our street. They called the police on us 11 times, since we moved in. On top of that, they shoot off fireworks during the 4th of July and they shoot them into our area. They're having these loud parties with people from all over coming in drinking and drugs right next door. So we have decided that putting the fence up would be the best way to clearly state we just want to be left alone.

I work very hard. My wife and I, we work long hours. When I come home, I don't want my wife to be fearful. She is fearful

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of her safety and going out in the front yard just to simply water because they are taunting us.

MS. BOUNCHER: I wait until he comes home. I don't like going out front by myself.

MR. GRAY: I had to change my work hours most recently to be home, just so she feels save. When she goes running, just recently, there was a gentleman driving behind her from across the street. It's four different apartments -- four different homes, all because they know each other.

So, we have stayed to ourselves. We have tried to be amicable as possible. Even when we first moved in, I would clean up their leaves, I would do whatever I can, if I saw garbage. But now it's like I don't know where it's coming from. It's just such a capricious and such a rudimentary approach to dealing with neighbors that makes no sense. We just -- the only reason we installed this fence, it wasn't to create any contentious relationship, it's just to leave us alone so

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we can be in our space and you can be in your space.

They have pit pulls on the sidewalk on their grass. If the dog come across, it's like there is no protection. Our home is elevated, so it's much higher than everyone else's, but we have a clear sight line to the sidewalk, we have a clear sight line to the street. We primarily make sure that when we are home that our whole area is well lit up. I had to install approximately 15 cameras throughout the entire property, because someone came onto our property when we first moved in who didn't have any purpose there. They came in -- we didn't have the gate lock yet, so they came into our property and she was terrified. So, if I'm not home, she doesn't feel safe. We do have a pet. That's some level of comfort, but there's so much going on.

The police captain is aware, the mayor is aware. Everybody has been made aware of this situation. You cannot believe -- I have pictures of them purposely

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2 doing things that is so unbelievable.
3 Pushing their garbage onto our lawn. The
4 things that they -- we're finding -- excuse
5 me -- I found condoms on our grass, like to
6 call us the term.

7 MS. BOUNCHER: There is consistently
8 garbage. I come home and there is garage. I
9 am constantly picking up garbage that is not
10 ours. Additionally, the fence that we
11 installed is not blocking either neighbors
12 driveway or our line of vision.

13 MR. GRAY: Additionally, our goal was
14 to beautify our home, and it has increased in
15 value. Ultimately, you feel that if your
16 house is in disrepair, it brings the property
17 values down within the community. We have
18 determined, based on what we put into the
19 home that the property values have gone up
20 and it has made the appearance, the
21 aesthetics of the community very pleasant.
22 People that come by, they always stop and
23 applaud how we have done such a great job
24 with the home. This is only three to four
25 neighbors, but the entire block is so

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2 applauding to what we have done, the
3 landscaping, everything. We have put
4 hundreds and hundreds of thousands of dollar
5 into making the place suitable, and now we're
6 facing this.

7 It's so unfair. It's just so
8 incredibly unfair to have to come home have
9 to -- my wife who can't do anything in the
10 front, anything in the front without someone
11 making comments like "Nigger lover." Excuse
12 me. I can't begin to tell you the type of
13 things that we have had to deal with. The
14 police aware of it, but they said it's
15 malicious harassment and it bordering to the
16 point where Officer Camalynch from Public
17 Affairs is even aware of it. She's been to
18 our home numerous times, numerous times. We
19 tried to do mediation. It's just too much.
20 It's entirely too much. Code Enforcement had
21 to come in several times and tell them, "What
22 are you doing? Why are you" -- they're
23 taking a wheelbarrow and pushing it
24 underneath our car. They had to tell them to
25 remove it. They purposely blocked -- I have

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picture to show they purposely blocked our driveway so we can't leave.

These things should not be happening. We pay our taxes. We just want to be left alone and live a peaceful, calm life. That's all we ask for.

CHAIRPERSON RHODEN: I'm sorry to hear that this is happening to you, but we're here for the fence. We're going to address the fence, in terms of -- I saw that there was a fence here prior from an old photo or there was no fence?

MR. GRAY: No, there was no fence there. The fence that you may be referring to extends from the back of the house, all the way in the back of the house, to right where the middle portion of the house is. Then what we had done is extended that piece. That is a total of 57 square feet, altogether, from the back of the middle portion to the front. There is about two, three of space from the sidewalk where if anyone passes we are able to see them.

MR. McLAUGHLIN: You initially had a

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permit and you changed the plans?

MR. GRAY: Yeah, that's the interesting thing. We had requested a permit. We had put in all of the information that they had asked us to do. When we submitted it, there was -- we had submitted that over to the contractor. The contractor came over with that permit and contacted the Buildings Department here, to let them know that they were going to be commencing on the job. At which point, they also indicated that they were going to have to get the gas lines drawn out, something like that. So, that's the process.

MR. McLAUGHLIN: But the permit wasn't for what you're seeking.

MR. GRAY: I'm sorry?

MR. McLAUGHLIN: The permit wasn't for what you put up.

MR. GRAY: The permit initially was for the -- yes, for the four feet solid. We wanted the solid fence because the opening area, as you were indicating -- I was listening to everyone else, as they

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2 presented, the opening area was not
3 conducive, only because it -- the way the
4 fence is solid, it clearly blocks anyone or
5 anything from coming through, specifically
6 the dog or the garbage blowing through. So,
7 they would have to take something and throw
8 it over the fence. So, the fence literally
9 stops, let's say, right about here, and they
10 have to throw something over deliberately.
11 What they were doing before was kicking or
12 brushing it over or just letting it blow into
13 our area.

14 MEMBER JACKSON: I think the issue
15 is -- sorry for your troubles. That's awful,
16 in this day and age. Really, I think the
17 issue is not whether or not it's open or
18 closed, it's that the permit was originally
19 for a four foot fence and you put a five
20 foot.

21 MR. GRAY: No, we put a four foot.
22 It's four foot closed.

23 MEMBER JACKSON: My eyes are bad.

24 MR. GRAY: Four foot closed.

25 MR. McLAUGHLIN: The permit was four

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foot open.

MR. GRAY: No, it wasn't. We petitioned four feet and someone, unbeknownst to us --

MS. BOUNCHER: Wrote on the application.

MR. GRAY: If you look on the application, this handwriting is not consistent with the other writing that's on there. If you look at the top, the writing was done by my wife, and then there's a different handwriting that can be analyzed and definitively proved that is not her. I'm a handwriting analysis.

MR. McLAUGHLIN: Did you talk to the fence company?

MR. GRAY: No, it wasn't them. It was someone here.

MS. BOUNCHER: They also wrote on this other one.

MR. McLAUGHLIN: Right, when they got this. This is your permit?

MR. GRAY: Yes.

MR. McLAUGHLIN: Where it says open.

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Whatever happened here, when your fence company came, the fence company came with a permit.

MR. GRAY: Right. What happened was, at that point, everything was paid for and the fence came. When they came, they came with that permit and had everything on the truck already.

MR. McLAUGHLIN: Right. They didn't look at the permit and see. I'm just saying.

MR. GRAY: Right. What we requested, what we requested was a solid fence throughout. Here are some pictures. I'm sure you may have them already. These are -- this is what we had requested. And the open area here is giving us the sight line that's necessary.

MS. BOUNCHER: We're putting a variance to keep to keep what was --

MR. GRAY: What was already installed since -- that's all we're doing is putting a variance. This fence has been up since --

MS. BOUNCHER: April.

MR. GRAY: (Continuing) -- the early

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portion of April.

MR. McLAUGHLIN: Right. They look at variances whether it's installed or not. If that was the case, then everybody would say I'll just install it and get a variance later. That's not what they -- they look at it as each individual case, not whether or not it was there or not.

MR. GRAY: Right. If you see, if you look at this house here, which is literally, approximately, 60 to 80 yards down, this has the same. This house has had the same.

MR. McLAUGHLIN: Give it to the stenographer so she can mark it.

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

MR. McLAUGHLIN: This will be Applicant's Exhibit A.

MR. GRAY: I wanted to show you that picture of the fence, the other fence that's very -- it's the same exact. The only thing is, theirs is much closer to the sidewalk.

MEMBER JACKSON: I'm looking at the

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picture. I assume this is a picture of your house. It seems like it's not all the way to the sidewalk. Is that correct, the last picture in the pack you submitted?

MR. GRAY: Say that last part.

MEMBER JACKSON: This last picture, is this your fence?

MS. BOUNCHER: No.

MEMBER JACKSON: It looks like it's set back three or four feet to the side.

MS. BOUNCHER: Yes.

MR. GRAY: The other one, if you look down the block you'll see that's a foot from the sidewalk. We're in the middle of the block, so there is no corner.

MEMBER JACKSON: The picture you just submitted is another fence you're showing us, that's not your fence?

MR. GRAY: No, the picture I showed you is my fence.

MEMBER JACKSON: The one you submitted, that's somebody else's, correct?

MR. GRAY: No, no, no.

MS. BOUNCHER: It's just a close up.

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MR. GRAY: That's a different shot. I was trying to show you the other picture down, right above that, so you can see it. There's another home approximately 50, 75 yards down that is exactly has the same fence, same four foot, and it goes closer to the sidewalk. I don't think you saw that part.

MEMBER JACKSON: Unfortunately, it they may have done it without a permit. We would have a similar issue with them having that fence, and theirs may be a driveway, which is a bigger issue, which yours is not.

MR. GRAY: Right.

MEMBER JACKSON: We're trying to work with you, so you understand. Would you be willing to take the first section and put one foot lattice on top? The issue is visibility. Even driving down the road coming from your house, you can't -- you have to give us visibility. I would be --

CHAIRPERSON RHODEN: On this part right here. Just this spot.

MEMBER JACKSON: The one section on

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the top, so you have the visibility.

MR. GRAY: The top piece. The rim, you're saying?

MEMBER JACKSON: Yeah.

CHAIRPERSON RHODEN: One foot of lattice.

MR. GRAY: 12 inches of that. So it's kind of like a step down.

CHAIRPERSON RHODEN: Yeah.

MEMBER JACKSON: Would you be okay with that?

MR. GRAY: How does that work, because I know that -- how long does that give us? If we were to move in that direction, what does that allow us, in terms of timing? I know it's been up --

MEMBER JACKSON: When would it have to be done, are you saying?

MR. GRAY: Yes.

MEMBER JACKSON: It takes awhile to get the decision from our Board. That decision has to go through the Building Department. At that point, Mr. Braun can correct me if I'm wrong, I think you have 30

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days with the zoning variance before you have to start.

MR. McLAUGHLIN: To start. You would have plenty of time. The earliest you would get a decision is next month, then it would have to go to the Buildings Department and they would have to issue a permit with the correction to be done. So, it may be 60 to 90 days before you are even close to the point where you have to start.

MR. GRAY: So, it there --

MR. McLAUGHLIN: You could get ready to do it after you get the decision, but you want to get the decision first.

MR. GRAY: So, essentially, you're stating that the reason this needs a lattice is because of the sight line? Our home is elevated, so when we're in the vehicle you can see everything. You can see. When you're sitting in the car, you can see the sidewalk and everything. You have the picture of her walking the dog. You could see her. That's from inside the vehicle and standing by the vehicle. So, there's a clear

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view that allows you to see if there was a pedestrian in that proximity.

MS. BOUNCHER: When he took that, he was in the car.

MR. GRAY: I just rolled the window down and held the camera.

CHAIRPERSON RHODEN: We just want to ask you again. So, would you consider the recommendation that Ben Jackson offered earlier, in terms of possibly seeing if you could put the one foot lattice on that first section of the fence?

MR. GRAY: I would have to speak to a contractor about how that's done, because I know that it's already installed.

CHAIRPERSON RHODEN: I understand.

MR. GRAY: I don't know that what looks like.

CHAIRPERSON RHODEN: You have time. We can adjourn this for next month and you can come back.

MR. McLAUGHLIN: The fence is already there. It's not like you're looking to start construction. So, if you want to look into

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this, we can adjourn it and you can find out what the feasibility is or what the financial cost would be.

MEMBER JACKSON: They could probably show you a sample of what we're talking about so you can see it.

MR. GRAY: Some kind of -- bring samples? You want me to bring samples?

CHAIRPERSON RHODEN: No, not necessarily.

MEMBER JACKSON: We can approve it by you saying you'll accept that.

MR. McLAUGHLIN: What he is saying is, you can see your fence person and they can show you, so you get more of a visual idea of what he is asking.

MR. GRAY: Let me ask you. What if there was a slope down instead. Like it sloped down a little lower so it gives you more like -- I've seen fences where it's here and then it drops. Would that be a consideration as well?

MEMBER JACKSON: Absolutely would be a consideration. Give us a sketch of what it

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is, so we know.

MR. GRAY: Kind of like a slope.

MEMBER JACKSON: I've done it.

MR. GRAY: It gets to a point where that -- and then it just dips a little bit and it keeps the same pillar at the end and it ends off more finished, so it's not -- continuity is really important, right. And I will say, it's both mine and her -- it's really about trying to keep aesthetics and little bit OCD. I'll put that out there.

MEMBER JACKSON: It's a very good idea.

CHAIRPERSON RHODEN: That's a very good idea too.

MEMBER JACKSON: Would you like to adjourn it and explore it or is that --

MR. GRAY: If I adjourn it, do I have to pay again?

CHAIRPERSON RHODEN: No.

MR. McLAUGHLIN: Your application fee was for the original application fee, if we adjourn it.

MEMBER JACKSON: It gives you another

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month.

MS. BOUNCHER: We'll just come back next month?

MEMBER JACKSON: As long as you're okay with that.

MR. GRAY: When I come back, I'm giving you the definitive answer at that point?

MEMBER JACKSON: If you accept that. I would like to see some sort of sketch, what it is. I'd like you to look at it, make sure you're happy with it. I think that's a great idea.

MR. GRAY: Thank you so much. I appreciate it.

CHAIRPERSON RHODEN: Thank you very much.

MEMBER JACKSON: Very sorry for your trouble.

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

THE SECRETARY: No, Madam Chair.

CHAIRPERSON RHODEN: Can I please

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have a motion to adjourn.

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: Application 2024-13,
20 Mayfair Court, Residence AA, Section 54,
Block B, Lot 453. Shana Ashwood. Rebuild
garage 197 square feet due to fire.
Variances: Village Ordinance 210-6A,
210-43A(1) required yards.

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
identification, as of this date.)

M A R I A M I R O,
having been first duly sworn by a Notary
Public of the State of New York, was

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examined and testified as follows:

S H A N A A S H W O O D,

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

R E G I N A L D V I A L A,

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

MS. MIRO: Maria J. Miro from Mario
J. Miro Design and Drafting, located at 1002
Merrick Avenue, North Merrick, New York
11566.

MS. ASHWOOD: Shana Ashwood. I am
the owner of 20 Mayfair Court, Freeport, New
York 11520.

MR. VIALA: Reginald, R-A-Y, Viala.
We are at 20 Mayfair Court, Freeport, New
York 11520.

MS. MIRO: Good evening, Madam Chair,
Members of the Board. I'm here tonight to
represent Shana Ashwood and Reginald Viala,
the home owners of 20 Mayfair court. We are
respectfully requesting the Board grant us

1 relief and allows us to reconstruct a new
2 garage because the old one was damaged during
3 a fire. The new garage we would like to
4 match the existing footprint as the old one,
5 approximately 197 square feet, and we'd like
6 to situate it on the property in the same
7 location as the old one, using the same
8 foundation now, the old garage, the rear
9 setback is 1.70 feet, the required is five
10 feet. So, we are 3.3 feet off. The side
11 yard setback is 1.1 feet and the required is
12 ten feet, so we're seeking a variance of 8.9
13 feet.
14

15 Now I do have letters with me
16 notarized from the abutting property owner
17 that I'd like to submit as evidence. I also
18 have a copy.

19 MR. McLAUGHLIN: Describe what the
20 letter states.

21 MS. MIRO: Sure. "This serves as our
22 approval for the rebuilding Reginald and
23 Shana Viala's detached garage at 20 Mayfair
24 Court. We are the home owners of the
25 adjacent property at 16 Mayfair Court. The

1 previous garage abutted our property line.
2 The garage was legal per zoning codes when it
3 was originally erected, but zoning codes have
4 since changed. We hope that their plans to
5 rebuild the garage in the same fashion and
6 the same location can be grandfathered in."
7 And it's Angelo and Inara Angeles. They're
8 here.
9

10 MR. McLAUGHLIN: If I may. A lot of
11 times, generally, if someone is here -- do
12 you plan on speaking?

13 MRS. ANGELES: I'd be happy to.

14 MR. McLAUGHLIN: It's better to have
15 them speak.

16 MS. MIRO: Should I submit this?

17 MR. McLAUGHLIN: I don't think it's
18 necessary. They can come up. We'll call you
19 when it comes time for public comment. It
20 just makes it a little easier. We generally
21 don't advertise. That's for people who can't
22 make it on the other end to submit their
23 objection, if they have any. But they're
24 here, so they can give that.

25 MS. MIRO: I will submit it the

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original survey that was drawn of the house,
and I have a photo of the old garage before
it burned down.

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

MR. McLAUGHLIN: Those will be
Applicant's A and B.

MS. MIRO: Basically, we're
conforming to the general character of the
neighborhood, we're not encroaching any -- we
are encroaching with regard to the setbacks,
but if you look at that property, there's
really no other place to put it, because if
you move it forward and attach it to the
house, we would be blocking egress windows.

MEMBER HAWKINS: You said before that
you are keeping it in the same footprint as
the old one, correct?

MS. MIRO: Yes. We'd like to use the
same foundation and footing.

MR. McLAUGHLIN: You're not
expanding?

MS. MIRO: No, just reconstructing

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the same thing.

MR. McLAUGHLIN: One car?

MS. MIRO: One car.

MS. ASHWOOD: Barely. It's more like a shed. It's a 1938 house. It's tiny.

MEMBER HAWKINS: Can you put a car in there?

MS. ASHWOOD: No. We just use it for storage.

CHAIRPERSON RHODEN: I have no other questions. Thank you.

MEMBER JACKSON: Thank you very much.

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

THE SECRETARY: Yes, we do.

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

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

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

MRS. ANGELES: Inara Angeles. 16 Mayfair Court, Freeport, New York.

MR. ANGELES: Angelo Angeles. 16 Mayfair Court, Freeport, New York.

MRS. ANGELES: We are the next door neighbors. I could attest to the fact that the original footprint makes all the sense in the world, and it doesn't make any sense to move it anywhere else without encroaching on our property or access to it.

MR. ANGELES: Yes. We have the exact same setup. It's the way the homes were built back then. If you go down the block there on that side of the block, you'll see the same thing over and over again. We've been there forever. We have been there for ever. So, we have no problem at all with replacement of it. In the fact, I'm used to seeing it that way. So, I don't now if you have any questions.

CHAIRPERSON RHODEN: Thank you for coming out and supporting your neighbors.

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MRS. ANGELES: Thank you.

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

MEMBER HAWKINS: So moved.

MEMBER JACKSON: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

MR. McLAUGHLIN: Madam Chair, is it possible to entertain a motion to go into executive session to consult with counsel for a few minutes?

CHAIRPERSON RHODEN: Can I please have a motion to consult with counsel.

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

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2 (WHEREUPON, the Board entered into
3 executive session from 8:07 p.m. to
4 8:11 p.m., after which the following
5 transpired:)

6 THE SECRETARY: Application 2024-16,
7 112 Archer Street, Residence A, Section 62,
8 Block 76, Lot 51. April Matthews. Maintain
9 front deck 24 feet by 9 feet. Variances:
10 Village Ordinance 210-6A, 210-43A(1) required
11 yards.

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

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

18 A P R I L M A T T H E W S,
19 having been first duly sworn by a Notary
20 Public of the State of New York, was
21 examined and testified as follows:

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

24 MS. MATTHEWS: April Matthews. 112
25 Archer Street, Freeport, New York 11520.

1
2 CHAIRPERSON RHODEN: Good evening.

3 MS. MATTHEWS: Hi. I'm here today
4 because my stairs were totally dilapidated.
5 Every time it rained, the bricks would sink
6 into the bricks. I showed pictures of how
7 the concrete broke and cracked and bricks all
8 over the place. My husband fell, he had a
9 knee replacement, I had some big "C" word. I
10 usually sit outside, get some air, whatever
11 you call it. I like the four seasons. We
12 just built it up the same way we found it.
13 With when we bought the house, on the side,
14 there was nothing but fig trees. All we had
15 was bees, yellow jackets and everything you
16 want to name, flies coming in the house. We
17 ripped the fig trees up. Somebody was feeds
18 cats, I don't know, on the corner of my
19 property. We could not see it, it's very
20 dark on that side. I don't know who did it.
21 We just fixed the house up, that's all we
22 did. We fixed the steps up. We do like the
23 four seasons. We like it when it's hot, cold
24 and sunny. We sit outside a lot. That's it.
25 Just trying the improve the property.

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MEMBER JACKSON: I have a question for you. This picture I'm looking at of your home. You really just rebuilt what was there, is that the case.

MS. MATTHEWS: I took a step up, you can see the bricks is still back in the ground. As a matter of fact, it's cracking. You can go look at it now. I don't know who did it.

MEMBER JACKSON: You just placed over what was there?

MS. MATTHEWS: Yes. If you take it out, you see all the dirt, the bricks, everything is cracked, everything.

MEMBER JACKSON: Just to confirm, you didn't expand or anything like that, it's exactly the same size?

MS. MATTHEWS: We expanded it going out, going long ways. But underneath is the same as where the trees were at.

MEMBER JACKSON: The side section -- I'm sorry, just so I understand. The side section. This is the side of your house?

MS. MATTHEWS: Yes. Those poles,

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yes.

MEMBER JACKSON: You expanded it?

MS. MATTHEWS: Yes.

MEMBER JACKSON: Okay.

MS. MATTHEWS: That's where the trees were at.

MEMBER JACKSON: The section to the right is the stairs?

MS. MATTHEWS: Yes.

MEMBER JACKSON: I'm sorry, we're just trying to figure out exactly.

MS. MATTHEWS: No, no, I'm good.

MEMBER JACKSON: So, the new part doesn't encroach anymore in the front yard; is that correct?

MS. MATTHEWS: No, it's the same amount. If you take the piece of wood up, you can see it. The same steps. Nothing extra. Don't see nothing but bricks. Bricks dirt and concrete. It's hi.

MEMBER HAWKINS: Did you say it's hot?

MS. MATTHEWS: It's higher. It's the same as the front step.

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MEMBER HAWKINS: What was down there before?

MS. MATTHEWS: It was a fig tree and some other tree. I don't know what it was. I only put a bumper all the way around the front to the side. That's it.

MEMBER HAWKINS: Like a brick bumper?

MS. MATTHEWS: Yes.

CHAIRPERSON RHODEN: Thank you. We don't have any our further questions for you.

MS. MATTHEWS: Okay.

MEMBER JACKSON: You'll be informed.

CHAIRPERSON RHODEN: You'll be informed of our decision.

MS. MATTHEWS: Okay. Thank you.

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

THE SECRETARY: No Madam Chair.

CHAIRPERSON RHODEN: Can I please have a motion to reserve decision and close to further evidence and testimony, please.

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

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THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: We'll call back
the -- you'll be notified in the mail. Thank
you.

THE SECRETARY: Application 2024-9,
147 Woodcleft Avenue, Marine Commerce,
Section 62, Block 177, Lot 534. Aaron
Kadosh. Propose one-story side addition,
one-story addition, 2nd story, roof over deck
and wood shade/pergola. Variances: Village
Ordinances 210-6A, 210-40, 210-172(4) require
parking spaces.

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

MR. McLAUGHLIN: Madam Chair, if I
may. I did reach out to Ms. Ungar, the
Deputy Village Attorney, and she did confirm
that she met with the owner, and they were

1
2 able to confirm that the property that he is
3 utilizing -- proposing to utilize in the
4 variance is not the property that was subject
5 to the May 25, 2017 zoning variance. I
6 believe we can go forward now. The only
7 thing I would ask is that they meet with
8 Ms. Ungar and provide updated information
9 with regard to section, block and lot.

10 CHAIRPERSON RHODEN: Okay.

11 MR. McLAUGHLIN: You can go forward
12 and make your presentation, sir.

13 MR. KADOSH: I have a new section,
14 block and lot, and I believe it's correct.
15 So, can I present something to you?

16 CHAIRPERSON RHODEN: Is that
17 something you want us to keep or is that
18 something that you are not looking to part
19 with right now?

20 MR. KADOSH: I can make a copy.

21 CHAIRPERSON RHODEN: I think you can
22 submit the information.

23 MR. McLAUGHLIN: Submit it as a piece
24 of evidence and after the meeting we can make
25 a copy.

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MR. KADOSH: I might have to read it.
It has information.

CHAIRPERSON RHODEN: Do you want to
read it into the record?

MR. KADOSH: It has information.

MR. McLAUGHLIN: We'll give it back
to you.

MEMBER JACKSON: I think we already
clarified.

MR. RAMIREZ: I have a question. Is
it supposed to be the change that we made or
we have to come back?

MEMBER JACKSON: No. This will be
pending that. If you give that to the
Clerk's Office, that will be fine.

MR. McLAUGHLIN: That issue got
resolved.

(Inaudible chatter.)

CHAIRPERSON RHODEN: You can come
back. Provide the information to Jennifer,
legal counsel.

MR. RAMIREZ: We can come back
tomorrow morning.

MR. McLAUGHLIN: She is not in

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tomorrow.

CHAIRPERSON RHODEN: Monday,
Wednesday. Provide the information so she
has everything on file.

MR. RAMIREZ: What is her name?

MR. KADOSH: I got it.

MR. RAMIREZ: Thank you so much and
have a great night.

MEMBER JACKSON: No, no. You have to
present your case.

MR. McLAUGHLIN: It hasn't been
approved yet. You have to submit your
application and they have to determine
whether or not they are going to give you a
variance.

MR. KADOSH: What do I need to say?
I don't know.

MR. McLAUGHLIN: Present your
application.

MEMBER JACKSON: You need to present
your application. You need to tell us why
you think you should get the variance against
these.

MR. RAMIREZ: Let me do that.

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2 We are asking permission for variance
3 for the required yard front yard 4.8 that
4 required ten feet front yard. And also we
5 were asking variance for parking spaces. We
6 had provided three parking space, required is
7 11 spaces. But now we got the thing the
8 parking spaces across from the building,
9 being you already got the agreement.

10 MEMBER JACKSON: Just so you
11 understand, you still have to be approved for
12 off-site parking. If the parking is not on
13 your site, it doesn't guarantee you get the
14 variance or not.

15 MR. RAMIREZ: Right.

16 MR. KADOSH: I need to present
17 section, block and lot to Mr. Ungar.

18 MR. McLAUGHLIN: Also, if I may, this
19 is just an open lot at this point.

20 MR. KADOSH: There's no use for it.

21 MR. McLAUGHLIN: I understand that.
22 You have to apply to make that an open air
23 parking lot. Right now it's not a parking
24 lot. So you have to submit an application in
25 order to make it an open air parking lot and

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the zoning board has to approve the parking lot. Right now it's not considered a parking lots, it's an open lot.

MR. KADOSH: We have to turn the whole lot into a parking lot?

MR. McLAUGHLIN: That's what you are seeking to use it as.

MEMBER JACKSON: I'm sorry. This is a question of an existing parking lot that doesn't have parking, it has to be heard at the same time.

MR. McLAUGHLIN: Realistically, we can hear his application.

MEMBER JACKSON: He has to come back anyway because that's not a parking lot.

MR. McLAUGHLIN: You just have open space there. You don't have any drawings, any spots or anything.

MR. RAMIREZ: Right. The drawings on the --

MR. McLAUGHLIN: What I'm saying is, in order for any property to have a parking lot, there's no entitlement to make a property a parking lot. You have to seek

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permission from the Zoning Board to make that a parking lot. So, you have to file an application to do that.

MR. RAMIREZ: Where do we get that, Building Department?

MR. McLAUGHLIN: You can go to the Clerk's Office, right, Remy?

THE SECRETARY: Yeah.

MR. McLAUGHLIN: You have to have a drawing where you are going to put the spots.

MR. KADOSH: I have that submitted.

MR. McLAUGHLIN: For this application, you have to make that place a parking lot first. Right now, it's not a parking lot. Right now it's empty space. Do you understand what I'm saying?

MR. RAMIREZ: We have to apply for that. Separate case.

MR. KADOSH: I'm a little confused, honestly.

MR. McLAUGHLIN: What are you confused about?

MR. RAMIREZ: We're on the same page.

MR. McLAUGHLIN: You want to park car

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2 on that lot. It's not a parking lot right
3 now. You need to make it a parking lot. In
4 order to be -- they won't be able to say yes
5 you can park your excess spots in that lot
6 because right now it's not a parking lot.
7 You have no legal authority to park spots in
8 that lot. You need to make it a parking lot.
9 You need to file an application to make it a
10 parking lot.

11 MR. KADOSH: That part I understand.
12 I didn't know I had to like -- it's my own
13 property. I didn't think I had to make it
14 that. I thought I could just park on the
15 lot.

16 MR. McLAUGHLIN: No. It's a
17 buildable lot. My suggestion is that you
18 seek some advice on this. You and I
19 discussed this outside. The reason why you
20 keep coming back a couple of times is because
21 you are trying to do it yourself and you
22 don't understand the process. Maybe get
23 legal counsel, somebody like that, to help
24 you because they know the process. Right now
25 it's going to have to be adjourned again

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2 because -- it could have been done soon,
3 because legal counsel could have said to you,
4 you have to make this a parking lot with this
5 variance, and we could have heard both cases
6 at the same time, which we could still do,
7 but you have to file for that permit.

8 Realistically, I don't blame you,
9 because most people don't know how to do
10 this, you would need somebody to help you get
11 through that process and get this to a final
12 solution.

13 MR. KADOSH: Legal counsel. That
14 would be Ms. Ungar?

15 MR. McLAUGHLIN: No. You have to
16 hire your own attorney. Ms. Ungar represents
17 us.

18 MEMBER JACKSON: Also, I'd recommend
19 someone who does zoning law, an attorney that
20 specializes in zoning.

21 MR. KADOSH: Yeah.

22 MR. McLAUGHLIN: You have to make
23 that lot a parking lot. Right now it's a
24 buildable lot for property.

25 MR. KADOSH: All right. Now I

1
2 understand. I just want to show you guys
3 this, see if it's correct. The way I see it,
4 it makes a lot of sense that the lot next to
5 it is the lot that has it. Even though it's
6 wrong, but if you read the top two things
7 there, it shows that 243 is the back lot that
8 is designated for the building.

9 MR. McLAUGHLIN: I understand that.
10 But there is also a curb cut that needs to be
11 created to be able to get through included in
12 your variance. Your argument is something
13 that we already resolved. We resolved that
14 that front lot is not a part of that
15 variance. But you need to make that front
16 lot a parking lot.

17 MR. KADOSH: Right.

18 MR. McLAUGHLIN: We'll adjourn it so
19 you can file that application. Like I
20 said -- it's up to you. You don't have to,
21 but I would suggest you get legal counsel to
22 assist you in moving forward in that process.

23 MR. KADOSH: Okay.

24 CHAIRPERSON RHODEN: Thank you.

25 MEMBER JACKSON: Make a motion to

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adjourn.

CHAIRPERSON RHODEN: Okay.

MR. McLAUGHLIN: Adjourn to file for an application to amend the parking lot to conform.

MEMBER HAWKINS: Do you have something else you want to say?

MR. KADOSH: No.

CHAIRPERSON RHODEN: Can I have a second for an adjournment?

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Do we have any decisions that need to be read into tonight's calendar?

THE SECRETARY: Yes, Madam Chair.

Application 2024-10, 335 Miller Avenue, Residence A, Section 62, Block 167, Lot 183. Helen Duran.

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MEMBER JACKSON: Madam Chair,
regarding Application 2024-10 for the
premises located at 335 Miller Avenue,
Freeport, the applicant comes before this
Board seeking a variance from Village
Ordinances 210-6A, 210-171D(2) seeking
approval to maintain a 50 foot six foot high
fence and 102 feet of 5 foot high solid white
PVC fence.

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

A public hearing was held on August
21, 2024 where in the owner of the property,
Helen Duran, spoke on behalf of her
application. She explained that she
purchased the house in September of 2022.
There was a prior fence that went all around
the property. She replaced the fence with a
PVC fence and reduced the space enclosed by
the fence. She explained that she wants to
keep the fence because of her proximity to
the Nautical Mile. She has a young child and
young nephews, and she wants them to have a
save place to play, and does not fee that the

1 four feet permitted by the code is
2 sufficient. She explained that with the
3 parameters of the house her fence does not
4 interfere with vision for a stop sign,
5 parking lots, or anything in the vicinity.
6 Her neighbor's driveway on Front Street does
7 not abut her fence; it is on the other side
8 of their property. Ms. Duran also credits
9 the fence with helping decrease flooding of
10 her property. She explained that moving the
11 fence would be a financial hardship, plus,
12 with cement in the ground, grass will not
13 grow over the existing places where cement
14 has been placed.
15

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

23 a. That an undesirable change will
24 not be produced in the character of the
25 neighborhood and a detriment to nearby

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2 properties will not be created by the
3 granting of the area variance. The purpose
4 of the new fence code is primarily for
5 safety, protecting pedestrians and drivers
6 alike from fences which block views,
7 primarily fences that abut up against a
8 driveway in a secondary front yard. The
9 concern for driveways is not present in this
10 case. The neighbor's driveway is on the
11 other side of the house.

12 b. The benefit sought by the
13 applicant cannot be achieved by some method,
14 feasible for the applicant to pursue, other
15 than an area variance. With a corner lot,
16 finding appropriate yard to fence in can be
17 difficult.

18 c. That the requested area variance
19 is insubstantial.

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

24 e. That the alleged difficulty may
25 be considered self-created, but this factor

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is not dispositive.

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

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

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

Applicant must obtain the required permits from the Building Department.

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.

This variance is being granted primarily because there is no driveway abutting the fence on Front Street, the secondary front yard. Should the owner of the adjacent property on Front Street ever move their driveway to abut the fence, this

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variance is null and void and the property owner must return to zoning for further review.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: Application 2024-11, 253 Garfield Street, Residence A, Section 62, Block 91, Lot 426. Jeannie Kelly.

MEMBER HAWKINS: Madam Chair, regarding Application 2024-11 for the premises located at 253 Garfield Street, Freeport, the applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-43C2 seeking approval to construct a second floor rear deck, 438 square feet.

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

A public hearing was held on

1
2 August 21, 2024 wherein applicant, Jeannie
3 Kelly and architect Russell Jordan spoke on
4 behalf of Ms. Kelly's application.

5 Mr. Jordan explained that they are proposing a
6 second level deck for a raised ranch house.

7 All of the principal living area is on the
8 second level. The house is at the end of the

9 cul-de-sac on Garfield Street, so it is on a

10 wedge-shaped lot. Due to the curvature of

11 the property line, the corners of the deck

12 encroach into the required 20 foot setback by

13 1.78 and 2.47 feet. Mr. Jordan explained

14 that the primary concern for setbacks is

15 neighbor views of the canal; but as the

16 property is at the end of the cul-de-sac, no

17 one is obstructing anyone's views. One of

18 Ms. Kelly's neighbors wrote a letter of

19 support, which Ms. Kelly read at the hearing

20 and submitted into evidence.

21 1. On balance, the benefit to the
22 applicant by the granting of this variance is
23 not outweighed by the detriment to the
24 health, safety and welfare of the neighbor or
25 community if such variance were to be

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granted. The Board has determined:

a. That an undesirable change will not be produced in the character of the neighborhood and a detriment to nearby properties will not be created by the granting of the area variance. As explained by Mr. Jordan, the small encroachment of the deck into the setback area will not impact the neighbors' water views.

b. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. Building a deck with a curve to match the property line is not a reasonable option, and making the deck smaller would impact the usability of the deck.

c. That the requested area 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.

e. That the alleged difficulty may

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be considered self-created, but this factor is not dispositive.

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

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

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

2. Approximate 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 the application is to change, the applicant must return to the Board for further review.

MEMBER JACKSON: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

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CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Can I please
have a motion to close the legislative
session.

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

(Time Ended: 8:37 p.m.)

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September 19, 2024

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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 21st day of September, 2024.


BETHANNE MENNONNA