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INCORPORATED VILLAGE OF FREEPORT
ZONING BOARD OF APPEALS

MUNICIPAL BUILDING

46 North Ocean Avenue
Freeport, NY 11520

November 21, 2024
6:00 p.m.

M E M B E R S :

- | | |
|-----------------|-------------|
| ROSA RHODEN | CHAIRPERSON |
| ANTHONY MINEO | MEMBER |
| CHARLES HAWKINS | MEMBER |

* * *

- | | |
|----------------|---|
| REMY WATTS | SECRETARY TO THE ZONING
BOARD OF APPEALS |
| JENNIFER UNGAR | DEPUTY VILLAGE ATTORNEY |

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CHAIRPERSON RHODEN: Good evening, everyone. I'd like to open up the Zoning Board of Appeals meeting for the Pledge Allegiance.

(Whereupon, the Pledge of Allegiance was said.)

CHAIRPERSON RHODEN: Thank you.

Can I please have a motion to enter into Executive Session to consult with Counsel, please?

MEMBER HAWKINS: So moved.

MEMBER MINEO: Second.

THE CLERK: All in favor?

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE CLERK: Any oppose?

(Whereupon, there was no verbal response given.)

(Whereupon, the Board entered into Executive Session.)

CHAIRPERSON RHODEN: Good evening, everyone. If everyone can

2 please join us for the Pledge of
3 Allegiance.

4 (Whereupon, the Pledge of
5 Allegiance was said.)

6 CHAIRPERSON RHODEN: Thank
7 you.

8 Can I please have a motion to
9 accept the minutes from the previous
10 meeting?

11 MEMBER HAWKINS: So moved.

12 MEMBER MINEO: Second.

13 MEMBER HAWKINS: Aye.

14 MEMBER MINEO: Aye.

15 CHAIRPERSON RHODEN: Aye.

16 THE CLERK: Any oppose?

17 (Whereupon, there was no
18 verbal response given.)

19 CHAIRPERSON RHODEN: Do we
20 have any Affidavits of Publication or
21 Postings that need to be entered into
22 the record as exhibits this evening?

23 THE CLERK: I have one
24 Affidavit of Publication and one
25 Affidavit of Posting to be entered

1 Zoning Board of Appeals November 21, 2024 7

2 into the record as board exhibits for
3 this public hearing.

4 (Affidavit of Publication was
5 marked Board Exhibit 1 for
6 identification, as of this date.)

7 (Affidavit of Posting was
8 marked Board Exhibit 2 for
9 identification, as of this date.)

10 CHAIRPERSON RHODEN: Do we
11 have any requests for adjournments
12 this evening?

13 THE CLERK: Madam Chair, there
14 are no requests for adjournments this
15 evening.

16 CHAIRPERSON RHODEN: I ask
17 anyone that's here to speak for or
18 against an application to please
19 complete a form that's in the back
20 table and bring it to the Clerk prior
21 to the application being called.

22 Can I have please have the
23 first application on tonight's
24 calendar.

25 THE CLERK: Application 2024-9

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- 147 Woodcleft Avenue, Marine
Commerce - Section 62/Block 177/Lot
534 - Aaron Kadosh - Proposed 1-story
side addition, 224 square feet,
1-story addition, 169 square feet,
2nd-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 for this
application.

(Affidavit of Mailing was
marked Board Exhibit 1 for
identification, as of this date.)

CHAIRPERSON RHODEN: Good
evening.

THE APPLICANT: Hi.

DEPUTY VILLAGE ATTORNEY UNGAR:
Madam Chair, before the applicant
gets started, when we were previously

1 here there was discussion about the
2 off-street parking requirement and we
3 were talking about the tables on the
4 rooftop, and since that last meeting
5 new plans were submitted removing the
6 tables from the rooftop and leaving
7 it as an open terrace.
8

9 THE APPLICANT: Correct.

10 THE COURT: And this came in
11 right before the deadline for
12 publication, and the planning review
13 person accepted the parking
14 calculation that was provided on
15 those plans but, in fact, by removing
16 moving the tables from that open
17 terrace now increased your parking
18 demand because it's now an open
19 circular space. So it actually
20 increased your parking demand --

21 THE APPLICANT: No --

22 DEPUTY VILLAGE ATTORNEY UNGAR:

23 And --

24 THE APPLICANT: Okay, sorry.

25 DEPUTY VILLAGE ATTORNEY UNGAR:

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So this needs to be adjourned for a new calculation of the new parking calculation requirement.

THE APPLICANT: All right. So I guess --

DEPUTY VILLAGE ATTORNEY UNGAR: If you would like to speak you can be sworn in if you want to.

THE APPLICANT: Okay.

(WHEREUPON, the Applicant, A A R O N K A D O S H was sworn in by the Court Reporter.)

THE APPLICANT: Aaron Kadosh, 147-A Woodcleft Avenue, Freeport, New York 11520.

So what if -- can we remove the upper deck area completely?

DEPUTY VILLAGE ATTORNEY UNGAR: If you remove the upper deck completely then you have to submit new plans.

THE APPLICANT: Okay. So I guess that's what I'm going to do.

DEPUTY VILLAGE ATTORNEY UNGAR:

1 Zoning Board of Appeals November 21, 2024 11

2 Okay.

3 THE APPLICANT: All right,
4 thanks.

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

9 (Whereupon, there was no
10 verbal response given.)

11 CHAIRPERSON RHODEN: Can I
12 please have a motion to adjourn?

13 MEMBER HAWKINS: So moved.

14 MEMBER MINEO: Second.

15 MEMBER HAWKINS: Aye.

16 MEMBER MINEO: Aye.

17 CHAIRPERSON RHODEN: Aye.

18 THE CLERK: Any oppose?

19 (Whereupon, there was no
20 verbal response given.)

21 THE CLERK: Application
22 2024-17 - 101 Albany Avenue,
23 Manufacturing - Section 62/Block
24 E/Lot 11-115 - Salvatore Ferrara -
25 Legalize second floor offices.

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Variances: Village Ordinance 210-6A,
210-172A (9), required parking
spaces.

I have two Affidavits of
Mailing to be entered into the record
as board exhibits for this
application, one from the October
meeting and one for tonight's
meeting.

(Affidavit of Mailing from
October meeting was marked Board
Exhibit 1 for identification, as of
this date.)

(Affidavit of Mailing from
November 21st meeting was marked
Board Exhibit 2 for identification,
as of this date.)

MR. D'AGOSTINO: Good
evening --

CHAIRPERSON RHODEN: Good
evening.

MR. D'AGOSTINO: -- madam
Chairperson, members of the Board.

Name is Albert D'Agostino.

1 Zoning Board of Appeals November 21, 2024 13

2 I'm a member of the firm of Minerva &
3 D'Agostino P.C., 107 South Central
4 Avenue, Valley Stream, New York,
5 attorney for the applicant.

6 First of all, a bookkeeping --
7 I'm sorry. A correction item. At
8 the time that the application was
9 submitted, and was submitted with our
10 client's check, there was a clerical
11 error in my office. We thought that
12 the check represented the owner of
13 the property. I think the check came
14 from Brandson and the reality, the
15 owner of the property is 101 Albany,
16 LLC.

17 I believe my partner may have
18 spoken to somebody in the office and
19 said that we should raise that before
20 the board the night of the hearing.
21 So the property is owned by 101
22 Albany LLC and not the applicant that
23 is shown on the application.

24 The overall property,
25 premises, are known as in by numbers

1 Zoning Board of Appeals November 21, 2024 14

2 101 and 126 Albany Avenue in
3 Freeport, and they appear on the
4 Nassau County Land and Tax Map as
5 Section 62/Block E/Lots 111 through
6 115.

7 The subject premises are
8 located with 122.43 feet located on
9 the eastside of the Albany Avenue on
10 the northeast corner of Albany Avenue
11 with 161.30 three feet on the north
12 side of Troy Avenue and 119.20 feet
13 located along the westerly side of
14 the Meadowbrook Parkway and 111.01
15 feet boarding the premises to the
16 north.

17 DEPUTY VILLAGE ATTORNEY UNGAR:

18 Counselor, if I can just interrupt
19 for just one -- if I can interrupt
20 you for just one minute.

21 So the applicant is not the
22 owner of the property?

23 MR. D'AGOSTINO: No, the
24 applicant is the owner of the
25 property. It's 101 Albany Avenue.

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What is shown on the application, as
I believe --

DEPUTY VILLAGE ATTORNEY UNGAR:

The Rampson house?

THE COURT: Rampson.

That is where the check came
from. That's an operating business
of my client's, and my partner
thought that that was the owner of
the property, Rampson House
Incorporated. That's another
business that we business elsewhere
in the village of Freeport.

DEPUTY VILLAGE ATTORNEY UNGAR:

So there is no Zoning Board
application in the name of 101 Albany
Avenue?

MR. D'AGOSTINO: That is

correct. And when we called to find
out how to handle it, we were told to
raise it at the ending of the hearing
and seek a correction of the record.

DEPUTY VILLAGE ATTORNEY UNGAR:

Okay. So you represent 101 Albany

1 Zoning Board of Appeals November 21, 2024 16

2 Avenue, and representing that 101
3 Albany Avenue is the owner and they
4 are the ones here making the
5 application?

6 MR. D'AGOSTINO: Yes. Yes.

7 THE COURT: Okay.

8 MR. D'AGOSTINO: I'm sorry for
9 any confusion.

10 DEPUTY VILLAGE ATTORNEY UNGAR:
11 Thank you for the clarification.

12 MR. D'AGOSTINO: The subject
13 property is partially used for the
14 storage of damaged vehicles which are
15 not worked on on that location.
16 There's an auto body repair shop
17 directly across the street on the
18 other side of Albany Avenue, and
19 they're nearly stored at this
20 location.

21 The tenant apparently
22 installed -- not apparently. The
23 tenant installed a mezzanine, which
24 is an office mezzanine, and another
25 mezzanine area which is used for

2 storage parts, and generally that's
3 what triggered the issues that are
4 before this board.

5 I can tell you that the --
6 again, the cars that are stored on
7 the ground level of the premises 101
8 Albany Avenue are not worked on
9 their. They're rarely stored.
10 They're brought across the street to
11 the other location, which we do not
12 own and we which we have no
13 involvement with other than the fact
14 they are tenants also operate their
15 business there.

16 And the premises are,
17 including the mezzanines, are fully
18 sprinklered.

19 The calculation, which was
20 made by the Building Department shows
21 a required 24 parking spaces and we
22 have had the lot striped. We have
23 11. So there's a deficiency of 13.

24 We have engaged the services
25 of Atlantic Traffic & Design with

1 Zoning Board of Appeals November 21, 2024 18

2 respect to a parking study and I do
3 have a representative from Atlantic
4 present tonight to testify. Ethan --
5 I'm sorry, I always screw up his last
6 name. Schukoske. And I have copies
7 of the report dated November 21st of
8 this year, which was prepared by
9 Atlantic for distribution to the
10 board so that you can follow his
11 testimony when I call him in a few
12 minutes. If it's agreeable with the
13 board, I would call him at this point
14 and pass up the copies (handing).

15 DEPUTY VILLAGE ATTORNEY UNGAR:

16 Excellent.

17 This will be Applicant Exhibit
18 A.

19 (Atlantic Traffic & Design
20 traffic study was marked Applicant's
21 Exhibit A for identification, as of
22 this date.)

23 (WHEREUPON, the Applicant,
24 E-T-H-A-N S-C-H-U-K-O-S-K-E was
25 sworn in by the Court Reporter.)

1 Zoning Board of Appeals November 21, 2024 19

2 MR. SCHUKOSKE: Ethan

3 Schukoske, 275 Broadhollow Road in
4 Melville, New York with the Atlantic
5 Traffic & Design Engineering.

6 As the attorney mentioned, we
7 did prepare a traffic report. We
8 visited the site property. We
9 briefly described, there's 13 parking
10 stalls on the site on the rear site
11 and in front of the site whereas
12 there would be 24 stalls required.
13 There's also street parking permitted
14 along both Troy Avenue -- Albany
15 Avenue and Troy Place, excuse me.

16 So we took a visit to the site
17 just to evaluate the current parking
18 conditions. There's no proposed
19 change to the building at this time.
20 The mezzanine is already there. You
21 know, we're legalizing existing use.
22 So really the objective was just to
23 see if there was sufficient parking
24 currently.

25 We found when we visited on

1 Zoning Board of Appeals November 21, 2024 20

2 November 12th of this year that a
3 maximum parking demand on site of
4 five parked vehicles where there's a
5 supply of 13 which, you know, I find
6 to be, you know, given my
7 professional experience as a traffic
8 engineer to be suitable for the use
9 here. You know, there's a couple of
10 office workers in the mezzanine and
11 most of the warehouse space is used
12 for storage, things like that.

13 So with the maximum of five
14 cars parked on the site there's a
15 reserved occupancy of eight stalls,
16 or 62 percent for any additional
17 parking and if it may be needed, but
18 we think it's more than sufficient
19 parking at this site based on the
20 existing use.

21 So happy to answer any
22 questions.

23 MEMBER HAWKINS: I have a
24 couple.

25 I believe the attorney said

1 Zoning Board of Appeals November 21, 2024 21

2 before there were 11 stalls; you're
3 saying it's 13; is it 11 or 13?

4 MR. D'AGOSTINO: I think I
5 reversed the numbers. I apologize.

6 MR. SCHUKOSKE: I'm sorry,
7 sir. 13 and 11 stall variance.

8 MR. D'AGOSTINO: Yeah, I think
9 I reversed the numbers. It's 11
10 stall variance on 24 required.

11 MEMBER HAWKINS: And how many
12 employees are there?

13 MR. D'AGOSTINO: Two, I think.
14 Two.

15 MEMBER HAWKINS: Two
16 employees.

17 MR. D'AGOSTINO: Yes.

18 MEMBER HAWKINS: And do you
19 get customers that come there at all
20 that need to park?

21 MR. D'AGOSTINO: No, the -- as
22 I said, the main location of the
23 business, which is the tenant is on
24 the other side of -- directly across
25 the street on Albany Avenue, and

2 that's where they do the vehicle
3 repairs, see customers and that type
4 of thing.

5 So this building is merely
6 used for the storage of cars that are
7 going to be repaired offsite across
8 the street. And there is -- there
9 are two people upstairs. They may
10 meet with an insurance representative
11 or something of that nature upstairs.

12 CHAIRPERSON RHODEN: Okay. So
13 your client owns the location across
14 the street?

15 MR. D'AGOSTINO: No. No, we
16 don't own that. That's the tenant.
17 And, I don't even know if the tenant
18 owns that. The tenant -- our tenant
19 is a tenant there, different
20 landlord.

21 MR. SCHUKOSKE: Same tenant
22 for across the street and our
23 building but a different owner across
24 street. It's an auto repair across
25 the street. They're actually doing

2 the repair there.

3 MEMBER HAWKINS: Okay. So the
4 vehicles that are there today, the
5 vehicles that are parked on the
6 street, are those -- those are the
7 vehicles that are waiting to be
8 repaired?

9 MR. D'AGOSTINO: Not on our
10 property, no, and not street side.

11 MEMBER HAWKINS: Not on the
12 street side?

13 MR. D'AGOSTINO: No.

14 MR. SCHUKOSKE: You mean -- I
15 just want to clarify. You mean
16 parked along the street or parked in
17 the stall onsite?

18 MEMBER HAWKINS: Parked along
19 the street.

20 MR. SCHUKOSKE: They may be,
21 I'm not sure. You know, that's
22 public parking. You know, they
23 may -- I don't know how they operate
24 that business. They may park some
25 cars there which would be legal.

2 MR. D'AGOSTINO: When I was
3 there, I did not see any damaged cars
4 parked either outside our property,
5 on our property or street side. The
6 damaged cars being worked on were all
7 across the street and the cars that
8 were being stored were all within our
9 building.

10 MEMBER HAWKINS: On the
11 inside, okay.

12 MR. D'AGOSTINO: On the
13 inside, yes.

14 MEMBER HAWKINS: Okay.

15 MR. SCHUKOSKE: That concludes
16 my testimony.

17 If there's any other
18 questions, I'm happy to answer.

19 CHAIRPERSON RHODEN: What's
20 the hours of operation?

21 MR. SCHUKOSKE: What are the
22 hours of operation?

23 MR. D'AGOSTINO: 8:30 to 5:00.

24 MEMBER HAWKINS: So the
25 offices that are on the second floor,

1 Zoning Board of Appeals November 21, 2024 25

2 those offices have been there all
3 along?

4 MR. D'AGOSTINO: I'm not sure
5 when they were constructed. Before.

6 DEPUTY VILLAGE ATTORNEY UNGAR:
7 If you can just make sure not to talk
8 over each other.

9 MR. D'AGOSTINO: Yes.

10 DEPUTY VILLAGE ATTORNEY UNGAR:
11 The stenographer can not type what
12 two people are saying at the same
13 time.

14 MR. D'AGOSTINO: I'm sorry.

15 Did you want me to repeat
16 anything? There's an echo in here
17 that is affecting my hearing.

18 CHAIRPERSON RHODEN: So I just
19 want to confirm that the parking
20 study shows that there is additional
21 seven, if I'm reading this correctly?

22 MR. SCHUKOSKE: On the street?

23 CHAIRPERSON RHODEN: On the
24 street.

25 MR. SCHUKOSKE: Yeah, so if

2 you go to figure 2 in the appendix,
3 you'll see we just looked at sort of
4 the red outlined area on Albany and
5 Troy Place, we outlined that street
6 parking just on our site side along
7 our site frontage, we just observed
8 what parking demand was there. We
9 did find that that was, you know,
10 there were cars parked there
11 throughout the day along, you know,
12 the street in front of the building.
13 But that's public parking. It's
14 daily parking. So there's a lot of
15 businesses in the area, sort of in an
16 industrial area. So even though all
17 that parking was filled, that will
18 street parking there were available
19 stalls on our site, you know.

20 CHAIRPERSON RHODEN: But
21 you're saying you still had available
22 parking spots on your --

23 MR. SCHUKOSKE: On the site,
24 yeah. Yeah, if you look at the
25 aerial actually you can see, you

1 Zoning Board of Appeals November 21, 2024 27

2 know, those empty stalls, you know,
3 on the site, the parking stall -- you
4 know, site parking -- off-street
5 parking stalls.

6 CHAIRPERSON RHODEN: Okay. So
7 say this again, you have 13 parking
8 stalls; when you conducted your study
9 you're saying that there was
10 parking -- there was no parking
11 available in front but you still had
12 your 13 -- is that what you're
13 saying?

14 MR. SCHUKOSKE: There was
15 no --

16 CHAIRPERSON RHODEN: Can you
17 reiterate that?

18 MR. SCHUKOSKE: Yeah. So
19 there was no available parking along
20 on the street in front of the
21 building. However, the off-street
22 parking stalls on the site there was
23 plenty of available stalls for our
24 businesses parking needs.

25 CHAIRPERSON RHODEN: Right.

1 Zoning Board of Appeals November 21, 2024 28

2 But those are required; right; so --

3 DEPUTY VILLAGE ATTORNEY UNGAR:

4 Correct. But Madam Chair, what he's
5 saying is his parking study shows is
6 that because they were still ample
7 onsite spaces he believes there's
8 sufficient spaces onsite to meet the
9 demand.

10 MR. SCHUKOSKE: Correct.

11 Thank you for clarifying that.

12 CHAIRPERSON RHODEN: Thank

13 you.

14 MR. SCHUKOSKE: Sorry, I

15 wasn't clear.

16 CHAIRPERSON RHODEN: No, I

17 just want to make sure you state this
18 on the record that --

19 MR. SCHUKOSKE: Thank you. I

20 appreciate it.

21 MEMBER MINEO: In your study

22 you mentioned that the hours of
23 operation are from 8:00 to 5:00; is
24 that accurate?

25 MR. D'AGOSTINO: 8:30 or --

1 Zoning Board of Appeals November 21, 2024 29

2 MEMBER MINEO: 8:30?

3 MR. SCHUKOSKE: I believe it's
4 8:30 to 5:00.

5 MR. D'AGOSTINO: 8:30 to 5:00.

6 MEMBER MINEO: Your traffic
7 study indicates it's from 10:00 a.m.
8 to 2:50 p.m.; is that accurate?

9 MR. SCHUKOSKE: It's
10 10:00 a.m. to 3:00 p.m. So we just
11 looked at the peak of the day and
12 letting everyone arrive at the site
13 for the workday and, you know, that
14 sort of thing. So, yeah, we just --

15 MEMBER MINEO: Was that after
16 the start of the workday or after?

17 MR. SCHUKOSKE: At the start
18 of the day. You know, for an office
19 or a workplace we typically look at
20 that midday range, you know, once we
21 assume everyone is onsite and ready
22 and working, you know.

23 MEMBER MINEO: Okay.

24 MEMBER HAWKINS: And this
25 aerial shot, was this taken

2 yesterday?

3 MR. SCHUKOSKE: That was taken
4 November 12th when we were there.

5 MEMBER HAWKINS:
6 November 12th.

7 CHAIRPERSON RHODEN: Thank
8 you.

9 MR. SCHUKOSKE: Thank you.

10 CHAIRPERSON RHODEN: I don't
11 have any further questions.

12 MR. D'AGOSTINO: I have
13 nothing further, at this point,
14 because I reserve the right to rebut
15 any other testimony that's put in the
16 position. Thank you.

17 CHAIRPERSON RHODEN: Okay.

18 Do we have anyone who would
19 like to speak for or against this
20 application this evening?

21 THE CLERK: No, Madam Chair.

22 CHAIRPERSON RHODEN: Okay. At
23 this time, can I please have a motion
24 to close for further evidence and
25 testimony and to reserve decision.

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MEMBER HAWKINS: So moved.

MEMBER MINEO: Second.

THE CLERK: All in favor?

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE CLERK: Any oppose?

(Whereupon, there was no verbal response given.)

THE CLERK: Application 2024-18 - 38 Morton Avenue, Residence A - Section 54/Block 300/Lot 198 - Herrol Jean-Philippe - Maintain 56 feet of 4 feet high PVC fence. Variances: Ordinance 210-6A, 210-171D(1) Fences and Enclosures.

I have an Affidavit for Mailing to be entered into the record as a board exhibit for this application.

(Affidavit of Mailing was marked Board Exhibit 1 for identification, as of this date.)

(WHEREUPON, the Applicant,

1 Zoning Board of Appeals November 21, 2024 32

2 H-E-R-R-O-L J-E-A-N P-H-I-L-I-P-P-E
3 was sworn in by the Court Reporter.)

4 MR. JEAN-PHILIPPE: Herrol
5 Jean-Philippe, 38 Morton Avenue.

6 (WHEREUPON, the Applicant,
7 E-L-A-N-I-E J-E-A-N P-H-I-L-I-P-P-E
8 was sworn in by the Court Reporter.)

9 MS. JEAN-PHILIPPE: Elanie
10 Jean-Philippe, 38 Morton Avenue,
11 Freeport, New York 11520.

12 MR. JEAN-PHILIPPE:

13 CHAIRPERSON RHODEN: Hi. Good
14 evening.

15 MS. JEAN-PHILIPPE: Hi.

16 MR. JEAN-PHILIPPE: We don't
17 know actually exactly where to begin.

18 We were here, I believe
19 several weeks ago, and the meeting
20 was adjourned and I believe you were
21 going to let us know what was going
22 to be the final outcome of the fence.

23 DEPUTY VILLAGE ATTORNEY UNGAR:

24 Well, I think kinda part of the idea
25 was that what was discussed last time

2 was about kinda potential designs to
3 have the front section of the fence
4 lower.

5 MR. JEAN-PHILIPPE: Okay.

6 DEPUTY VILLAGE ATTORNEY UNGAR:

7 And it wasn't really clear where you
8 were on that, I believe. So we
9 wanted to give you a chance to not be
10 put immediately on the spot with do
11 this or don't.

12 MS. JEAN-PHILIPPE: Okay.

13 MR. JEAN-PHILIPPE:

14 Understood.

15 So my wife and I, we did come
16 up with a couple of photos here to
17 give to you to let you know exactly
18 what we had in mind. Let me just
19 pull this apart (indicating). And
20 you can see the two that we have
21 here.

22 CHAIRPERSON RHODEN: If you
23 want this in -- are you handing this
24 in as evidence?

25 MS. JEAN-PHILIPPE: As

2 exhibits, yes.

3 CHAIRPERSON RHODEN: Okay. Go
4 ahead.

5 MEMBER HAWKINS: Do you have
6 copies for yourself?

7 MS. JEAN-PHILIPPE: Yes, at
8 home.

9 MEMBER HAWKINS: Okay.

10 MS. JEAN-PHILIPPE: Yes.

11 (A photograph was marked as
12 Applicant's Exhibit A for
13 identification, as of this date.)

14 (A photograph was marked as
15 Applicant's Exhibit B for
16 identification, as of this date.)

17 CHAIRPERSON RHODEN: So is
18 this going to be now a three-foot
19 fence with one inch open?

20 MS. JEAN-PHILIPPE: Correct.

21 CHAIRPERSON RHODEN: Total
22 four feet all together?

23 MR. JEAN-PHILIPPE: Yes.

24 MS. JEAN-PHILIPPE: Correct.

25 MR. JEAN-PHILIPPE: It will

2 still remain four feet. We're just
3 going to change the first panel which
4 I believe is either six feet or
5 eight feet.

6 MS. JEAN-PHILIPPE: Eight
7 feet.

8 MR. JEAN-PHILIPPE: Eight
9 feet.

10 So we're going to change the
11 first panel and then reduce it bring,
12 it down to three feet of solid panel,
13 and then the next one feet would be
14 space in the middle which is what we
15 were talking about last time for the
16 visibility. And, I believe the
17 neighbors to our right two doors down
18 will be doing something very similar
19 as well. So this is where the
20 concept came from.

21 DEPUTY VILLAGE ATTORNEY UNGAR:
22 Have your neighbors down this yet or
23 no?

24 MR. JEAN-PHILIPPE: No, they
25 didn't do it yet. Because we were

2 talking about time and that you would
3 give us ample time to do this because
4 the winter's coming, etcetera.

5 MEMBER HAWKINS: You're
6 talking about the neighbors that came
7 here to present --

8 MR. JEAN-PHILIPPE: Right.
9 Because we were here together.

10 MS. JEAN-PHILIPPE: Right.
11 Because we were here together.

12 MR. JEAN-PHILIPPE: So ours is
13 very similar to their's. Just a
14 different design.

15 DEPUTY VILLAGE ATTORNEY UNGAR:
16 So this would be on both sides, the
17 front panel on both sides?

18 MR. JEAN-PHILIPPE: We were
19 just thinking on one side, which is
20 the side where the driveway is,
21 because that was the area of concern
22 where the driveway is. We -- I don't
23 remember -- I don't recall us talking
24 both sides.

25 CHAIRPERSON RHODEN: The other

2 side of the fence doesn't come all
3 the way out to the sidewalk, right?

4 MR. JEAN-PHILIPPE: They both
5 come out the same length.

6 CHAIRPERSON RHODEN: They both
7 come out the same length?

8 MR. JEAN-PHILIPPE: Yes.

9 CHAIRPERSON RHODEN: I'm
10 sorry. So is your neighbor on the
11 other side driveway there?

12 MR. JEAN-PHILIPPE: I'm sorry?

13 MS. JEAN-PHILIPPE: The
14 neighbor on the right side.

15 MR. JEAN-PHILIPPE: Well, we
16 have a driveway and they have a
17 driveway as well. But their driveway
18 is a little bit different because
19 they have a lawn there, then their
20 driveway.

21 MS. JEAN-PHILIPPE: Correct.

22 CHAIRPERSON RHODEN: So, yeah,
23 that would have to be done on both
24 sides. It can't -- yeah. Do you
25 understand it's the same thing on the

2 other side because then you'll be
3 blocking the car that's going to come
4 out -- your driver -- your neighbors
5 driveway if you keep that --

6 MR. JEAN-PHILIPPE: On the
7 left side?

8 CHAIRPERSON RHODEN: Yeah.

9 MR. JEAN-PHILIPPE: No, the
10 left side, there is no driveway.

11 DEPUTY VILLAGE ATTORNEY UNGAR:
12 Do you have a curb cut on both sides
13 of your property?

14 MR. JEAN-PHILIPPE: Do I have
15 a what?

16 DEPUTY VILLAGE ATTORNEY UNGAR:
17 A curb cut.

18 MR. JEAN-PHILIPPE: Well, we
19 have two driveways.

20 DEPUTY VILLAGE ATTORNEY UNGAR:
21 So the fences are along both of those
22 driveways.

23 MS. JEAN-PHILIPPE: Correct.

24 DEPUTY VILLAGE ATTORNEY UNGAR:
25 That's a safety -- in this case, like

2 unlike some of the others, it's not
3 abutting a neighbors driveway that's
4 a safety concern but it's your own
5 driveway. When you're backing out of
6 either one of your driveways you need
7 to have the clearance.

8 MS. JEAN-PHILIPPE: Correct.
9 So, in this case, we would agree to
10 do both.

11 CHAIRPERSON RHODEN: Okay.

12 MR. JEAN-PHILIPPE: Sure.

13 DEPUTY VILLAGE ATTORNEY UNGAR:
14 And you said they're 8 foot panel
15 roof?

16 MS. JEAN-PHILIPPE: Correct.

17 CHAIRPERSON RHODEN: Okay.
18 Thank you.

19 MS. JEAN-PHILIPPE: Thank you.

20 MR. JEAN-PHILIPPE: Thank you.

21 We can leave now? We're done?

22 CHAIRPERSON RHODEN: You can
23 have a seat for one minute. I don't
24 know -- is there anyone who would
25 like to speak for or against this

2 application this evening?

3 THE CLERK: No, Madam Chair.

4 CHAIRPERSON RHODEN: Then at
5 this time, can I please have a motion
6 to close for further evidence and
7 testimony and reserve decision?

8 MEMBER MINEO: So moved.

9 MEMBER HAWKINS: Second.

10 THE CLERK: All in favor?

11 MEMBER HAWKINS: Aye.

12 MEMBER MINEO: Aye.

13 CHAIRPERSON RHODEN: Aye.

14 THE CLERK: Any oppose?

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

17 CHAIRPERSON RHODEN: You'll
18 hear in the mail. We'll notify you
19 in the mail of our decision. Okay?

20 MS. JEAN-PHILIPPE: Thank you.

21 CHAIRPERSON RHODEN: Thank you
22 so much.

23 MS. JEAN-PHILIPPE: Thank you.

24 CHAIRPERSON RHODEN: Happy
25 Thanksgiving.

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MS. JEAN-PHILIPPE: Happy
Thanksgiving.

THE CLERK: Application
2024-21 - 98 Martha Street, Residence
A - Section 62/Block 095/Lot 148 -
John Cummins. Proposed to install
62 feet of 6 feet high closed PVC
fence. Variances: Village Ordinance
210-6A, 210-171D(2) Fences and
Enclosures.

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

(Affidavit of Mailing was
marked Board Exhibit 1 for
identification, as of this date.)

(WHEREUPON, the Applicant,
J-O-H-N C-U-M-M-I-N-S was sworn in by
the Court Reporter.)

THE APPLICANT: My name is
John Cummins. I live at 98 Martha
Street, Freeport, New York. I'm the
owner.

2 Okay. I'm putting in an
3 application for the variance for this
4 fence, and the reasons I'm doing it
5 is for security. Over the years I've
6 had numerous things stolen from my
7 backyard. And most recently, my
8 barbecue was actually stolen. I have
9 a big barbecue and somebody just took
10 it out of my backyard while I was
11 away.

12 There's also privacy issues.
13 I live right across the street from a
14 commercial area, which is now a
15 vacant lot. But I'm sure something
16 will be built there eventually. And
17 I would like to balance out the block
18 because my neighbors to the back of
19 me and to the left of me both have
20 similar fence to what I want to put
21 up and I would like to balance it
22 out.

23 And, let's see. Privacy. Oh,
24 and I'm also using a local Freeport
25 merchant to do the contracting so the

2 chambers of congress would be happy.

3 That's it.

4 MEMBER MINEO: Just as a
5 sidebar, did you make a police for
6 the items that were stolen on the
7 property?

8 THE APPLICANT: I did for the
9 last one. The other stuff, they were
10 all smaller items. I had clothes.
11 We used to have an old fashioned
12 clothesline. Clothes got stolen. I
13 had a hose. A garden hose got stolen
14 out of the backyard. What else over
15 the years? Some Christmas
16 decorations were stolen one year. I
17 mean, they're all small items but it
18 was still annoying and it happened.
19 Oh, and some folding chairs that I
20 used to use in the backyard too.
21 They were stolen, too. But the big
22 thing is this barbecue. This was a
23 pretty big barbecue that they just
24 wheeled out. That I made a report on
25 to local Freeport police in Freeport.

2 DEPUTY VILLAGE ATTORNEY UNGAR:

3 It's a little bit to hard to see the
4 yellow in the drawing that you've
5 provided, but the house that's behind
6 you, the front's on Wilton with the
7 pool in the backyard, how tall is
8 that fence that runs along Hudson for
9 their pool?

10 THE APPLICANT: I don't know.

11 But I would like to balance out the
12 block to make it -- the guy told
13 me -- when I contracted, he said -- I
14 told him I wanted the fence to match
15 their's so it would balance out the
16 block for symmetry.

17 DEPUTY VILLAGE ATTORNEY UNGAR:

18 So that means your belief is that
19 there fence is six feet solid?

20 THE APPLICANT: I believe so,
21 yes.

22 CHAIRPERSON RHODEN: Is this a
23 picture of their fence (indicating)?

24 THE APPLICANT: Yes, probably.
25 Yes. I think the -- my contractor

2 took that picture.

3 And it would just enclose my
4 backyard. It wouldn't go further
5 passed the backyard. I'm going to
6 put up a picket fence.

7 CHAIRPERSON RHODEN: Because
8 you don't have a pool in your
9 backyard?

10 THE APPLICANT: No, I do not
11 have a pool. Those are the people on
12 the next block over.

13 DEPUTY VILLAGE ATTORNEY UNGAR:
14 And, it's tricky to tell, you're
15 proposing a fence going along the
16 side of your lot along Hudson and
17 then you're also proposing a six foot
18 section that goes up to your house to
19 fully --

20 THE APPLICANT: To enclose the
21 backyard.

22 (Crosstalk.)

23 THE APPLICANT: Yeah, for
24 security and privacy, right.

25 DEPUTY VILLAGE ATTORNEY UNGAR:

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So you're proposing basically an L shaped --

THE APPLICANT: Correct.

DEPUTY VILLAGE ATTORNEY UNGAR:
-- of six foot fence to fully enclose?

THE APPLICANT: With gates on both of those things so, you know, I can get the lawnmower's in there and such.

DEPUTY VILLAGE ATTORNEY UNGAR:
And, just to confirm, it looks like there are no driveways along that section of Hudson?

THE APPLICANT: No. It's the other side of the street is, like I said, commercial. So it's a big boatyard. They just tear down the fence when they want to put the fence in.

DEPUTY VILLAGE ATTORNEY UNGAR:
But there's no driveway because they both front --

THE APPLICANT: No.

1 Zoning Board of Appeals November 21, 2024 47

2 (Crosstalk.)

3 DEPUTY VILLAGE ATTORNEY UNGAR:

4 -- on the opposite street and have
5 the driveway on the opposite streets?

6 THE APPLICANT: No, there are
7 no driveways on that street.

8 DEPUTY VILLAGE ATTORNEY UNGAR:

9 Okay.

10 And, I also note, there's
11 going to be a two foot setback from
12 the side?

13 THE APPLICANT: Right. It
14 could -- it will match whatever my
15 neighbor that's behind is. Like I
16 said, symmetry.

17 DEPUTY VILLAGE ATTORNEY UNGAR:

18 Okay.

19 MEMBER MINEO: Just to clarify
20 the record, you're going to be
21 dropping down on the south southerly
22 side adjacent to Martha Street to
23 four feet PCV fence; is that
24 accurate; so meaning --

25 THE APPLICANT: Do you mean

2 going forward?

3 MEMBER MINEO: Going forward
4 up to the --

5 THE APPLICANT: Like a regular
6 picket fence that's --

7 MEMBER MINEO: But it will
8 come from six foot up to the corner
9 of the house and then from the corner
10 of the house forward to Martha Street
11 it's going to be four foot picket?

12 THE APPLICANT: Right.

13 MEMBER MINEO: Right.

14 THE APPLICANT: I think I have
15 a chain link fence. It's right there
16 right now, it's just -- I don't know
17 if you can see it on the thing there
18 but...

19 CHAIRPERSON RHODEN: How many
20 feet is the four feet open -- the
21 four feet open picket fence would you
22 say just so I --

23 THE APPLICANT: I just looked
24 at the plans. It's 48 feet. My
25 property is 100 feet long. So it's

2 48 feet and 48 feet.

3 CHAIRPERSON RHODEN: Okay. So
4 that means that you're -- that the
5 four foot fence -- the four feet
6 fence is going to be how many would
7 you say?

8 THE APPLICANT: 48 feet.

9 CHAIRPERSON RHODEN: 48 feet,
10 okay.

11 THE APPLICANT: At least
12 that's what the plan was that the guy
13 drew me. That's -- I have it here if
14 you'd like to see it.

15 DEPUTY VILLAGE ATTORNEY UNGAR:
16 It looks like on the survey, it's
17 about 46 feet of the open picket
18 which would be about 54 feet of the
19 six foot.

20 You know, his --

21 THE APPLICANT: Right. I just
22 have what he gave me so I can --

23 DEPUTY VILLAGE ATTORNEY UNGAR:
24 It's a ballpark.

25 CHAIRPERSON RHODEN: Okay.

2 DEPUTY VILLAGE ATTORNEY UNGAR:

3 Because you're right in the sense
4 that the application talks about
5 62 feet, which is about 42 feet down
6 one side and 20 feet down the other
7 side.

8 He may need to adjust those
9 numbers exactly to match up with --

10 THE APPLICANT: Okay. Like I
11 said, I have what he gave me here and
12 I'm just telling you what, you know,
13 was on the paper that he gave me.

14 DEPUTY VILLAGE ATTORNEY UNGAR:
15 Understood.

16 THE APPLICANT: If it's off a
17 little bit I'm sorry.

18 CHAIRPERSON RHODEN: No, no.
19 No problem. We just want to make
20 sure.

21 THE APPLICANT: No, I don't
22 know want to be telling you
23 falsehoods.

24 CHAIRPERSON RHODEN: We know.
25 Thank you.

2 THE APPLICANT: Trying to be
3 honest.

4 CHAIRPERSON RHODEN: We
5 appreciate that.

6 I have no further questions
7 for you.

8 THE APPLICANT: I have nothing
9 else to say. I'll wait.

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

14 THE CLERK: No, Madam Chair.

15 CHAIRPERSON RHODEN: Can I
16 please have a motion to close for
17 further evidence and testimony and to
18 reserve decision.

19 MEMBER HAWKINS: So moved.

20 MEMBER MINEO: Second.

21 THE CLERK: All in favor?

22 MEMBER HAWKINS: Aye.

23 MEMBER MINEO: Aye.

24 CHAIRPERSON RHODEN: Aye.

25 THE CLERK: Any oppose?

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(Whereupon, there was no verbal response given.)

CHAIRPERSON: You will be notified. Thank you so much.

THE APPLICANT: Thank you for listening to me.

CHAIRPERSON RHODEN: Happy Thanksgiving.

THE APPLICANT: Good night. Have a good Thanksgiving.

CHAIRPERSON RHODEN: You too.

MEMBER MINEO: You too.

THE CLERK: Application 2024-19 - 435 Pennsylvania Avenue, Residence AA - Section 36/Block 323/ Lot 9 - Sam Calhoun. Proposed gazebo, 16 feet by 28 feet. Variances: Village Ordinance 210-6A, 210-35C Required Yards.

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

(Affidavit of Mailing was

2 marked Board Exhibit 1 for
3 identification, as of this date.)

4 MEMBER HAWKINS: So, Madam
5 Chair, before we begin, I just want
6 to let you know that I'm acquainted
7 with the applicant, but I believe my
8 relationship with him has no bearing
9 as far as me being able to be fair
10 and impartial in making a decision.
11 That's totally up to the applicant.

12 CHAIRPERSON RHODEN: Did you
13 hear --

14 THE APPLICANT: I can hardly
15 hear. Just so you know I have
16 hearing loss in my left ear. I can
17 only hear out of this hear
18 (indicating). But I think I heard
19 good stuff. I agree.

20 CHAIRPERSON RHODEN: So I
21 think we want to clarify that member
22 Hawkins mentioned that he's an
23 acquaintance of yours.

24 THE APPLICANT: Yes.

25 CHAIRPERSON RHODEN: And he

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wants to disclose that and he wants
to make sure that you're okay with
him participating and being
objective.

THE APPLICANT: Absolutely.

CHAIRPERSON RHODEN: Okay.

THE APPLICANT: Absolutely.

CHAIRPERSON RHODEN: Thank you
so much. I appreciate that.

(WHEREUPON, the Applicant,
S-A-M-U-E-L C-O-L-H-O-U-N was sworn
in by the Court Reporter.)

THE APPLICANT: My name is
Samuel Calhoun. I live at 435
Pennsylvania Avenue in Freeport, New
York.

Good evening, Madam
Chairperson --

CHAIRPERSON RHODEN: Good
evening.

THE APPLICANT: -- and
distinguished chair members.

We're fairly new to the
neighborhood and only thing I'm

2 trying -- I was trying to do was
3 build a gazebo in my backyard for
4 shade, for purpose of shade. That is
5 honestly the only real reason. We
6 moved out here two years ago and we
7 acquired the job of permanent
8 babysitter for my grandchildren and
9 my granddaughter is three and I just
10 got a brand new grandson who is four
11 months yesterday.

12 CHAIRPERSON RHODEN:

13 Congratulations.

14 MEMBER HAWKINS:

15 Congratulations.

16 THE APPLICANT: Thank you.

17 My wife who is sitting over
18 there is baby sitter, unpaid
19 babysitter.

20 CHAIRPERSON RHODEN: I know
21 the feeling. I know the feeling.

22 DEPUTY VILLAGE ATTORNEY UNGAR:

23 I have one of those.

24 THE APPLICANT: So my
25 children, they have jobs, they both

2 are -- my son and his wife are New
3 York City police officers, detectives
4 and sergeants so their job varies, so
5 at any given time they'll say hey,
6 dad, dropping the kids off gotta. I
7 mean, tonight they're at a dayshift
8 fellowship somewhere and we have the
9 children with my daughter. My
10 daughter's with them now until we get
11 there.

12 But, anyway, my wife -- we
13 bought some furniture and it's navy
14 blue like that flag when we bought
15 it. One summer was all it took it
16 was outside and now it is like gray,
17 like the chairs you're sitting in.
18 The sun just beams on this, we love
19 it, we're not complaining, but we
20 need some shade.

21 CHAIRPERSON RHODEN: Right.

22 THE APPLICANT: And she
23 suffers with this autoimmune thing,
24 it's called vitiligo, it changes your
25 skin. She can't be in the sun. I

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2 have to have some shade and I would
3 never do anything to -- we trying to
4 enhance and beautify the
5 neighborhood. That's all we've done
6 since we've been there, so I took
7 liberty of also going to the
8 neighbors to make sure that no one
9 was opposed because the lot is pretty
10 big. It's almost like a half an
11 acor, it's like .44, so I'm not
12 interfering with anyone or anything,
13 we just -- I have a professional
14 architect from Freeport who designed
15 it. I think I submitted pictures in
16 there with it. I promise you, it
17 won't be purple or anything like
18 that. It's going to blend in and
19 totally go with the house. She would
20 never allow anything else
21 (indicating).

22 It's -- that's it. We just --
23 I was told that this is the procedure
24 and protocol of what we needed to do
25 in order to build it. So I said I'll

2 leave it to the professionals. I'm
3 not that handy. I got an architect
4 from Freeport and he knew what to do,
5 how to do it and he said he can
6 construct it.

7 CHAIRPERSON RHODEN: Okay.

8 MEMBER HAWKINS: What's the
9 size of your gazebo again?

10 THE APPLICANT: 16 by 28. And
11 I think that hopefully that falls
12 into the -- I just measured it in
13 terms of the backyard furniture we
14 have that we need to put underneath
15 it. But if it needs to go any which
16 way either way we're -- we just want
17 some shade. That's all. Whatever I
18 need to do we're going to construct
19 it the right way and do things the
20 right way.

21 MEMBER HAWKINS: And you're
22 proposing to put it underneath the --
23 on top of the paved area that you
24 have?

25 THE APPLICANT: Yes, on the

2 paved area, yes. The whole yard is
3 pretty much paved except the grass in
4 the front, so we ill dig down and put
5 in posts because I don't like
6 problems and I don't want any rocking
7 or falling or anything. We're just
8 going to be permanent, not tall like
9 the house or anything. Definitely
10 shorter than the house. Like again,
11 she would never allow that.

12 Everything is going to symmetrically
13 match. Believe me. Believe me.

14 MEMBER MINEO: And I do see in
15 the packet that you have two
16 neighbors that signed notarized
17 affidavits regarding the support of
18 your --

19 THE APPLICANT: Yes, three.

20 MEMBER MINEO: Three.

21 THE APPLICANT: I submitted
22 three actually.

23 CHAIRPERSON RHODEN: Yes, I
24 have three.

25 THE APPLICANT: Yeah, I just

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wanted to make sure just to --

CHAIRPERSON RHODEN: I also know your neighbors.

THE APPLICANT: Then that's a blessing as well. But I just want to do the right thing. We just moved to the neighborhood and we love it and we just want to make it permanent. I don't want no more, too much. We're just going to stay here and raise our grand kids and do what we do.

VILLAGE ATTORNEY UNGAR: And looking at the map of your neighbor at 425 who signed one of the letters is the ones who property would be directly --

(Crosstalk.)

THE APPLICANT: Yes.

VILLAGE ATTORNEY UNGAR: He's the closest person --

THE APPLICANT: Yes.

DEPUTY VILLAGE ATTORNEY UNGAR: -- would be the most impacted by the structure of this gazebo?

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THE APPLICANT: Yes.

CHAIRPERSON RHODEN:

DEPUTY VILLAGE ATTORNEY UNGAR:

Your lot looks beautiful. The pavers are definitely hot.

THE APPLICANT: Thank you.

Thank you very much. I'm just the sponsor. She's the color coordinator.

CHAIRPERSON RHODEN: I don't

have any additional questions for you. I don't think anyone else here does. Thank you. You have a beautiful home.

THE APPLICANT: Thank you.

CHAIRPERSON RHODEN: Thank

you.

THE APPLICANT: Thank you.

Happy Thanksgiving and holidays to everyone.

CHAIRPERSON RHODEN: You too.

MEMBER HAWKINS: Happy

Thanksgiving.

THE APPLICANT: Okay.

2 CHAIRPERSON RHODEN: Do we
3 have anyone who would like to speak
4 for or against this application thi
5 evening?

6 THE CLERK: No, Madam Chair.

7 CHAIRPERSON RHODEN: Can I
8 please have motion to close for
9 further evidence and testimony and to
10 reserve decision?

11 MEMBER MINEO: So moved.

12 MEMBER HAWKINS: Second.

13 THE CLERK: All in favor?

14 MEMBER HAWKINS: Aye.

15 MEMBER MINEO: Aye.

16 CHAIRPERSON RHODEN: Aye.

17 THE CLERK: Any oppose?

18 (Whereupon, there was no
19 verbal response given.)

20 THE CLERK: Application
21 2024-22 - 41-49 North Bergen Place,
22 Residence Apartment - Section
23 55/Block 270, Lots/4 and 5 -
24 Domenico Ancona.

25 Construct a four-story, 32

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Zoning Board of Appeals November 21, 2024 63
unit apartment building, 23,638.30
square feet. Variances: Village
Ordinances 210-6A, 210-49D Lot
Coverage.

I have one Affidavit of
Mailing and one Nassau County
Planning Commission Recommendation to
be entered into the record as board
exhibits for this application.

(Affidavit of Mailing was
marked Board Exhibit 1 for
identification, as of this date.)

(Nassau County Planning
Commission Recommendation was marked
Board Exhibit 2 for identification,
as of this date.)

MR. GOMOKA: Good evening.
For the applicant, Law Office of
Michael Solomon by Christopher
Gomoka, 30 South Ocean Avenue, Suite
202, Freeport.

Good evening, Madam
Chairwoman, members of the board.

This application is for 41-49

1 Zoning Board of Appeals November 21, 2024 64

2 North Bergen Place in the
3 incorporated village of Freeport.

4 By way of background, subject
5 parcel's located on the west side of
6 North Bergen Place, 200 feet south of
7 Randle Avenue.

8 Subject premise is defined as
9 Section 55/Block 270, Lot 45. The
10 property is located in Residence
11 Apartment zone B in the incorporated
12 village of Freeport on the zoning
13 map.

14 The overall parcel's approved
15 by two residential structures on the
16 lot which is currently 185 foot
17 street frontage by 150 foot deep to
18 the west with all the street fronts
19 on Bergen Place.

20 The applicant proposes a
21 four-story apartment building at this
22 location. Otherwise complies with
23 all the zoning, including adequate
24 parking and all setbacks under the
25 zoning ordinances.

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The uses surrounding the current buildings are all apartments in nature. To the north, south, east and west are all apartments.

The only variance required here is 210-9D as it relates to the open space provision in the Freeport village zoning code.

The applicant's required to maintain 2,607 square feet of residential zoning space on grade. The applicant proposes 420 feet on grade. And even though not permitting the calculation the applicant currently proposes 5,200 square feet on the rooftop, which is similar to the variance that this board granted on Application of 2023-25 for the premises located at 131 through 135 Guy Lombardo Avenue.

In considering the variance factors there must be certain things considered by the board. These five factors, they must be considered,

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2 although not determined, whether
3 there would be an undesirable change
4 induced by the character to the
5 neighbor or determinant to any nearby
6 properties. The answer to both these
7 questions is no. The character of
8 the property of the neighbor remains
9 completely intact, and actually my
10 client's two buildings are
11 inconsistent as they currently sit
12 there on the parcel as a two-single
13 family residences outweighed by
14 multifamily residences on each side.
15 That includes all the streets
16 adjoining to the east and west; where
17 the benefit to the applicant can be
18 treated by a feasible alternative to
19 the variance; the answer to that
20 question is no. They could, however,
21 it would cause a strange parking
22 configuration on the site plan and it
23 would cause issues of backing up. So
24 it's for safety purposes, the parking
25 plan as it stands is the most safe

1 way to achieve this desired result,
2 and there's plenty of room on the
3 roof to provide for more than double
4 with the adequate open airspace as
5 required under the village code.
6

7 It's encouraged by the Long
8 Island Mutual Planning Board that
9 residence and multi-residence units
10 seminate the community and use other
11 services in the community, including
12 gyms, health clubs, open recreation
13 space, parks and recreation centers
14 to be more involved in the community
15 and to avail themselves to the
16 underutilized green space in parts of
17 Long Island that they maintain,
18 including those in the village of
19 Freeport that are definitely
20 underutilized.

21 The question's whether this
22 variance is substantial; the answer
23 to that question is, absolutely not.
24 It actually, with the exception of
25 being on grade, 420 on grade, the

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applicant provides more than double
the adequate green space on the roof.

Should the board have any
concerns about that, we checked with
the marshal and there's more than
8,000 square feet on the roof, and
all the mechanical areas can be
affectively shield to landscaping and
other means to not affect one
utilizing the open airspace on the
roof.

There's no adverse impact to
the environmental at all as the
project complies with all other
aspects of zoning in the Nassau
County Planning Commission's
approval.

The alleged difficulty,
although not self-created doesn't arm
a denial from this board. The
variance indicated has been granted
by this board and adjoining
municipalities permit these as of a
matter of right and do not require

2 any open airspace.

3 MEMBER MINEO: Counsel, have
4 you met with Freeport fire
5 department?

6 MR. GOMOKA: Absolutely.

7 MEMBER MINEO: You have; and
8 what was the outcome of that meeting?

9 MR. GOMOKA: In as much as the
10 plan we have proposed?

11 MEMBER MINEO: Yes.

12 MR. GOMOKA: Mr. McGuire had
13 no issue with it. But obviously it
14 would be during construction was
15 their biggest concern and obviously
16 we'd work to do that. Obviously
17 there's going to be node boxes on it,
18 which is one the newer, not
19 requirements, but --

20 MEMBER MINEO:
21 Recommendations?

22 MR. GOMOKA: -- something that
23 Freeport and other fire departments
24 around recommend for access to the
25 site.

2 We'll provide, during
3 construction, Mr. McGuire, everything
4 he needs to get in out and of the
5 site affectively. I mean, obviously,
6 it's in a construction site. It's a
7 construction site so it's difficult
8 to maneuver fire equipment anyway due
9 to the excavation in nature, but
10 that's anywhere in the state
11 unfortunately.

12 MEMBER HAWKINS: You're
13 parking, it's around the perimeter
14 around of the building?

15 MR. GOMOKA: Totally around is
16 adequate spaces. There's no parking
17 variances required at all.

18 MEMBER HAWKINS: Right. So
19 getting back to what he asked you
20 about the fire department, the fire
21 department vehicles will have access
22 once those vehicles are parked there?

23 MR. GOMOKA: Absolutely.

24 MEMBER HAWKINS: Did you do a
25 parking study over there at all on

2 Bergen?

3 MR. GOMOKA: Not necessary.

4 MEMBER HAWKINS: I'm sorry?

5 MR. GOMOKA: It was not
6 necessary. It complies.

7 MEMBER HAWKINS: But you're
8 talking about the conformity of the
9 neighborhood. But it's pretty
10 congested over there right now, isn't
11 it?

12 DEPUTY VILLAGE ATTORNEY UNGAR:
13 No, but the whole point is, he isn't
14 requesting a parking variance, so
15 there would be no parking study
16 required because it, by definition,
17 meets all the requirements under the
18 code.

19 MEMBER HAWKINS: I understand
20 that, but I'm talking about as far as
21 impacts on the neighborhood.

22 MR. GOMOKA: We're here for
23 the rooftop area. I don't know if
24 the rooftop area is going to impact
25 the neighborhood at all.

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DEPUTY VILLAGE ATTORNEY UNGAR:

Really, the only issue before the zoning is the open recreational space.

CHAIRPERSON RHODEN: Right.

So why can't we -- why can't the rooftop area be bigger; my question to you?

MR. GOMOKA: Bigger?

CHAIRPERSON RHODEN: Yes, to meet the requirements, or at least to --

MR. GOMOKA: It exceeds the requirement.

CHAIRPERSON RHODEN: No.

MR. GOMOKA: It's more than double.

CHAIRPERSON RHODEN: Oh, sorry. I'm reading this wrong.

MR. GOMOKA: The variance is for moving, Madam Chairwoman. There's 420 square on grade. The code requires 2,607 square feet on grade.

2 CHAIRPERSON RHODEN: Yes.

3 MR. GOMOKA: The applicant
4 actually proposes 5,600 square feet
5 with the rooftop included. So it's
6 more than double on the roof. The
7 rooftop area's about 8,900 square
8 feet. However, some of that area is
9 going to have to be dedicated to
10 mechanicals, stairways, things like
11 that.

12 DEPUTY VILLAGE ATTORNEY UNGAR:
13 You had mentioned green space, what's
14 kind of the plan for the roof space;
15 do you have a sense of what the plan
16 is?

17 MR. GOMOKA: At the current
18 it's only been laid out as green
19 space with some perimeter trees and
20 otherwise. I guess, it would depend
21 as we discuss what the needs of the
22 residence would be. We propose
23 potentially, if the building wanted
24 it, some type of common garden area
25 of about 100 square feet on top so

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people can go up and have, you know,
a couple of tomato plants and things
like that if they chose, you know,
any -- it's going to be, at this
point, a landscape area with the
mechanical areas shielded, and then
whatever the needs of the residence
are in keeping with, you know, what
people would like in their regular
backyard, within reason on a rooftop.

DEPUTY VILLAGE ATTORNEY UNGAR:

Understood.

Are you aware of the letter
that came from the Nassau County
Planning Commission regarding this
building?

MR. GOMOKA: It hasn't been
served on us yet.

DEPUTY VILLAGE ATTORNEY UNGAR:

Excuse me?

MR. GOMOKA: I haven't seen it
yet.

DEPUTY VILLAGE ATTORNEY UNGAR:

Okay.

2 The Nassau County Planning
3 Commission issued a local
4 determination but wanted to bring to
5 the attention of the zoning board
6 that the proposed multifamily project
7 does not contain a set-aside
8 workforce housing and the village
9 does not require such a set-aside
10 workforce housing and the Planning
11 Commission strongly encourages the
12 set aside workforce housing units as
13 part of a multifamily residential
14 projects, irrespective as to
15 applicability of law of Workforce
16 Housing Act to obtain their projects.

17 MR. GOMOKA: And we have -- my
18 client indicated today, he's
19 indicated some communication with the
20 state and the Workforce Housing Act.
21 We have received no feedback yet as
22 to that.

23 DEPUTY VILLAGE ATTORNEY UNGAR:
24 Understood.

25 MEMBER HAWKINS: So going back

2 to the rooftop, is there some type of
3 enclosure or safety barrier up there?

4 MR. GOMOKA: It's going to be
5 parapets all the way up.

6 MEMBER HAWKINS: Sorry?

7 MR. GOMOKA: It's going to be
8 parapets all the way up. You can --

9 MEMBER HAWKINS: How high are
10 they?

11 MR. GOMOKA: I believe it's --
12 42 inches.

13 MEMBER HAWKINS: 42 inches.

14 I see -- is this in your
15 design, or is that's trees -- are
16 those trees on top of the roof that
17 you have here or (indicating)?

18 MR. GOMOKA: That's just a
19 concept plan. There's going to be
20 trees on top.

21 MEMBER HAWKINS: Okay.

22 CHAIRPERSON RHODEN: Okay.

23 Thank you.

24 Do we have anyone who would
25 like to speak for or against this

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application this evening?

THE CLERK: No, Madam Chair.

CHAIRPERSON RHODEN: At this time, can I please have a motion to close for further evidence and testimony and to reserve decision?

MEMBER MINEO: So moved.

MEMBER HAWKINS: Second.

THE CLERK: All in favor?

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE CLERK: Any oppose?

(Whereupon, there was no verbal response given.)

CHAIRPERSON RHODEN: Do we have any decisions for tonight's hearing?

THE CLERK: Yes, Madam Chair.

Application 2024-12, 66
Sagamore Street, Residence A, Section
55/Block 376, Lot 1242, Rosina
Codrington.

MEMBER MINEO: Madam Chair,

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regarding Application 2024-12, for the premises located at 66 Sagamore Street Freeport, the Applicant comes before this board seeking a variance from village ordinances 210-6A, 210-171, seeking approval for a 162 foot of 6 foot high closed PVC fence.

I, Anthony Mineo, move that this board makes the following findings of fact:

A public hearing was held on September 19, 2024 wherein applicant Rosina Codrington spoke on behalf of her application. She explained that she wanted an enclosed 98 foot 6 foot high fence around the side of her property. She currently has a wooden fence that is partially falling apart. She wants to enclose the entire side of the yard. The side of her property where she wants to put the 6 foot fence bounds a neighbor's driveway. There are safety concerns with a fence which bounds a driveway.

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2 There was discussion based on the
3 denial letter that where the
4 applicant wishes to put the fence is
5 a secondary front yard. However,
6 this is not a secondary front yard.
7 This is the applicant's front yard.
8 Her address is 66 Sagamore. Her
9 front door exists on Sagamore. The
10 code section that the denial should
11 have been issued under was for fences
12 in a front yard. Fences in a front
13 yard must be no taller than 4 feet
14 and must be open. A six foot closed
15 fence is only permitted from the
16 front of the house back, which means
17 that a 6 foot fence is only permitted
18 from her house back, meaning 20.22
19 feet from the street. This fence is
20 before the Board for an improper
21 variance standard that is less
22 restrictive than what should have
23 been listed for the specific
24 circumstances. The Board is denying
25 this fence in this application under

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the section it was denied under, however, should applicant alter the plans and reapply, the application will be assessed under the proper code section which allows only for 4 foot open fences in front yards.

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.

B. That the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Applicant may put a six foot closed fence at the line of her house, or she may put

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a 4 foot open fence in her front yard.

c. That the requested area variance is substantial.

d. That the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. A six foot closed fence bordering a driveway would create a dangerous condition.

e. That the alleged difficulty was self-created. Applicant currently had a compliant fence, 4 foot open in the front yard. A desire for something different is a self-created difficulty.

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

MEMBER HAWKINS: Second.

THE CLERK: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE CLERK: Any oppose?

(Whereupon, there was no

2 verbal response given.)

3 THE CLERK: Application
4 2024-13, 20 Mayfair Court, Residence
5 AA, Section 54/Lot B/Lot 453, Shana
6 Ashwood.

7 MEMBER MINEO: Madam Chair,
8 regarding Application 2024-13 for the
9 premises located 20 Mayfair Court,
10 Freeport, the Applicant comes before
11 this board seeking a variance from
12 Village Ordinances 210-6A, 210-35C2
13 and 3 seeking approval to rebuild a
14 garage, 197 square feet due to fire.

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

18 A public hearing was held on
19 September 19, 2024 wherein applicant
20 was represented by Maria J. Miro of
21 Miro J. Design and Drafting.
22 Applicant, Shana Ashwood and Reginald
23 Viala, owners of 20 Mayfair were
24 present. Ms. Miro requested the
25 ability to reconstruct a garage that

2 was damaged due to a fire. The
3 proposed new garage would match the
4 existing footprint, and be located at
5 the same place, using the same
6 foundation as the previous garage,
7 with a 1.7 foot rear setback, when 5
8 is required, and a side yard setback
9 of 1.1 feet when 10 feet is required.
10 Ms. Miro provided a letter from the
11 abutting property owner supporting
12 the reconstruction of the garage at
13 the same location. The same property
14 owners also spoke in person in
15 support.

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

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

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of the area variance;

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;

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; and

e. That the alleged difficulty
was not self-created.

2. The Board, as lead agency has determined
that this action is a Type II action and under
SEQ RA 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. Applicant must obtain the
required permits from the Building

2 Department.

3 3. This application for variance(s)
4 is being granted on the basis of the
5 specific use proposed. If anything
6 in this application is to change, the
7 applicant must return to the Board
8 for further review.

9 MEMBER HAWKINS: Second.

10 THE CLERK: All in favor?

11 MEMBER HAWKINS: Aye.

12 MEMBER MINEO: Aye.

13 CHAIRPERSON RHODEN: Aye.

14 THE CLERK: Any oppose?

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

17 THE CLERK: Application
18 2024-14, 146 Westside Avenue,
19 Residence A, Section 62/Block 31/Lot
20 24, Sasha Villanueva.

21 MEMBER HAWKINS: Madam
22 Chairperson, regarding Application
23 Number 2024-14, for the premises
24 located at 146 Westside Avenue,
25 Freeport, the Applicant comes before

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this Board seeking a variance from Village Ordinances 210-6A, 210-171D2 seeking approval for 68 feet of five foot PVC fence, four foot high closed plus one foot mini lattice.

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

A public hearing was held on September 19, 2024 whereon applicant Sasha Villanueva spoke on behalf of her application. She explained that she moved to Freeport a year and a half ago, and lives on a corner property. She wants to put in a 4 foot solid PVC fence with one foot of lattice. She has had issues with people throwing things into her yard, and wants privacy. She has a lot behind her where a new house is in the process of being built. When shown what the code allows, with half of the distance from the sidewalk, she objected, saying that she is

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cutting her yard in half. She said she would want four feet of solid. She agreed to remove the one foot of lattice and just have a four foot solid fence.

With the modification to only a four foot solid fence, with no lattice, the Board finds:

1. 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 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.
- 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;

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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; and

e. That the alleged difficulty was may 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 and 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. Applicant must obtain the required permits from the Building Department.

3. This application for variance(s) 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

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Board for further review.

4. This variance is being approved as modified. Applicant is to submit a modified fence application to the building department reflecting 68 feet of closed foot PVC fence with no lattice. Fence permit may not be issued until amended application is filed.

MEMBER MINEO: Second.

THE CLERK: All in favor?

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE CLERK: Any oppose?

(Whereupon, there was no verbal response given.)

THE CLERK: Application 2024-161, 112 Archer Street, Residence A - Section 62/Block 76/Lot 51, April Mathews.

MEMBER HAWKINS: Madam Chairperson, regarding Application Number 2024-16, for the premises located 116 Archer Street, Freeport, the Applicant comes before this board

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seeking a variance from Village Ordinance 210-6A, 210-43A1 seeking approval to maintain a front deck 24 feet by 9 feet.

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

A public hearing was held on September 19, 2024 wherein, April Matthews, the applicant, spoke on behalf of her application. She explained that her stairs were completely dilapidated. Every time it rained, the bricks would sink into the bricks. The concrete broke and was cracked. She explained that previously, where the deck is now, there were fig trees, which caused bees and other things to fly into their house. So they ripped out the fig trees, and constructed a deck across the front of their house, spanning where the trees used to be. She is required to have a 20 foot

front setback, but with the deck it is only 17, however, the deck is in line with where the prior landing/smaller deck was for the steps.

1. 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 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;

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;

c. That the requested area variance is insubstantial;

d. That the proposed variance will not have an adverse effect or impact on the

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physical or environmental conditions in the
neighborhood or district; and

e. That the alleged difficulty was not
self-created.

2. The Board, as lead agency has determined
that this action is a Type II action and 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. Applicant must obtain the required
permits from the Building Department.
3. This application for variance(s) 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 MINEO: Second.

THE CLERK: All in favor?

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

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CHAIRPERSON RHODEN: Aye.

THE CLERK: Any oppose?

(Whereupon, there was no verbal response given.)

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

MEMBER HAWKINS: So moved.

MEMBER MINEO: Second.

THE CLERK: All in favor?

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE CLERK: Any oppose?

(Whereupon, there was no verbal response given.)

(Time Noted: 8:41 p.m.)

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I, Amanda Micillo, an Official Court Reporter of the State of New York, County of Suffolk, do hereby certify this transcript to be a true and accurate stenographic transcription of the proceedings taken by me to the best of my ability.

Furthermore, photocopies made of this transcript by any party cannot be certified by me to be true and accurate.

Therefore, only those copies bearing an original signature in blue ink are official certified copies.



AMANDA MICILLO
Official Court Reporter