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INCORPORATED VILLAGE OF FREEPORT  
ZONING BOARD OF APPEALS

MUNICIPAL BUILDING

46 North Ocean Avenue  
Freeport, NY 11520

February 20, 2025  
6:00 p.m.

M E M B E R S :

- ROSA RHODEN           CHAIRPERSON
- JENNIFER CAREY       DEPUTY CHAIRPERSON
- ANTHONY MINEO        MEMBER
- \*       \*       \*
- REMY WATTS            SECRETARY TO THE ZONING BOARD  
                          OF APPEALS
- JENNIFER UNGAR       DEPUTY VILLAGE ATTORNEY

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

<u>APPLICATION#</u>	<u>ADDRESS</u>	<u>PAGE</u>
#2024-9	147 Woodcleft Avenue	9

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-----EXHIBITS-----

<u>BOARD'S FOR I.D.</u>	<u>PAGE</u>
1 Affidavit of Publication	7
1 Affidavit of Posting	7

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DECISIONS

<u>APPLICATION#</u>	<u>ADDRESS</u>	<u>PAGE</u>
#2024-17	101 Albany Avenue	25
#2024-24	226 Atlantic Avenue	31

2 CHAIRPERSON RHODEN: Good  
3 evening. I would like to open up the  
4 Zoning Board of Appeals meeting for  
5 February 20th.

6 Can you please join me for the  
7 pledge of Allegiance?

8 (Whereupon, the Pledge of  
9 Allegiance was said.)

10 CHAIRPERSON RHODEN: Can I  
11 have a motion to join in Executive  
12 Session?

13 MEMBER JACKSON: So moved.

14 MEMBER MINEO: Second.

15 THE CLERK: All in favor.

16 MEMBER JACKSON: Aye.

17 CHAIRPERSON RHODEN: Aye.

18 MEMBER MINEO: Aye:

19 DEPUTY CHAIRPERSON CAREY:

20 Aye.

21 THE CLERK: Any oppose?

22 (Whereupon, there was no  
23 response given.)

24 (Whereupon, the Board entered  
25 into Executive Session.)

2 CHAIRPERSON RHODEN: Good  
3 evening, everyone.

4 If everyone can please join us  
5 for the Pledge of Allegiance.

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

8 CHAIRPERSON RHODEN: Thank  
9 you.

10 And, can I please have a  
11 motion to approve the minutes from  
12 the previous meeting?

13 DEPUTY CHAIRPERSON CAREY: So  
14 moved.

15 MEMBER MINEO: Second.

16 THE CLERK: All in favor?

17 MEMBER MINEO: Aye.

18 DEPUTY CHAIRPERSON CAREY:  
19 Aye.

20 CHAIRPERSON RHODEN: Aye.

21 THE CLERK: Any oppose?

22 (Whereupon, there was no  
23 response given.)

24 CHAIRPERSON RHODEN: And, do  
25 we have any Affidavits of Posting,

1 Zoning Board of Appeals - February 20, 2025 7

2 Publication of Postings that need to  
3 be entered into the record as  
4 exhibits this evening?

5 THE CLERK: I have one  
6 Affidavit of Publication and one  
7 Affidavit of Posting to be entered  
8 into the record as Board exhibits.

9 (Affidavit of Publication was  
10 marked as Board Exhibit 1, for  
11 identification, as of this date.)

12 (Affidavit of Posting was  
13 marked as Board Exhibit 1, for  
14 identification, as of this date.)

15 CHAIRPERSON RHODEN: Do we  
16 have any requests for adjournments  
17 the this evening?

18 THE CLERK: Yes, Madam Chair.  
19 We have one request for an  
20 adjournment this evening.

21 Application 2024-23, 691 South  
22 Bayview Avenue, Residence A - Section  
23 62/Block 187/Lot 13 - David Riemer -  
24 Construct a new 4,829.71 square feet  
25 three-story house with attached

1 Zoning Board of Appeals - February 20, 2025 8

2 garage, two front balconies, 42.6  
3 square feet, two rear decks, 188.94  
4 square feet and 189.09 square feet  
5 and maintain hot tub.

6 DEPUTY VILLAGE ATTORNEY UNGAR:

7 Madam Chair, if I may, this case is  
8 being adjourned because new plans  
9 were provided to the Village Friday  
10 and the Building Department needs  
11 time to review those updated plans  
12 and issue a new denial letter that  
13 reflects the appropriate variances  
14 requested.

15 CHAIRPERSON RHODEN: Okay.

16 May I have a motion?

17 DEPUTY VILLAGE ATTORNEY UNGAR:

18 We need a motion to adjourn.

19 DEPUTY CHAIRPERSON CAREY: I

20 make a motion.

21 MEMBER MINEO: Second.

22 THE CLERK: All in favor?

23 MEMBER MINEO: Aye.

24 DEPUTY CHAIRPERSON CAREY:

25 Aye.

2 CHAIRPERSON RHODEN: Aye.

3 THE CLERK: Any oppose?

4 (Whereupon, there was no  
5 response given.)

6 CHAIRPERSON RHODEN: Please  
7 call the first application on  
8 tonight's calendar, please.

9 THE CLERK: Application  
10 #2024-9 - 147 Woodcleft Avenue,  
11 Marine Commerce - Section 62/ Block  
12 177/Lot 534 - Aaron Kadosh.

13 Propose a one-story north side  
14 addition, 224 square feet, one-story  
15 south side addition, 169 square feet,  
16 roof over rear and side deck totaling  
17 424 square feet, and new pergola, 240  
18 square feet. Variances: Village  
19 Ordinances 210-6A two, 210-40  
20 Required yards.

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

25 (Affidavit of Mailing was

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

(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,  
1181 Harbor Road, Hewlett, New York,  
11557.

DEPUTY VILLAGE ATTORNEY UNGAR:  
Can you just bring the microphone a  
little bit up so we can hear you?

THE APPLICANT: Sorry.

I can speak?

CHAIRPERSON: Yes, please.

THE APPLICANT: All right. So  
I'm here to request --

CHAIRPERSON RHODEN: We can't  
hear you.

THE APPLICANT: My throat's a  
little bit sore but --

CHAIRPERSON RHODEN: I'm  
sorry. Maybe you want to bring the  
microphone underneath you a little  
bit to bring it up.

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2 THE APPLICANT: Is this okay?

3 CHAIRPERSON RHODEN: Yes.

4 THE APPLICANT: All right.

5 So, like, I'm here to request  
6 a variance on behalf of 147 Woodcleft  
7 Avenue for a front setback, I  
8 believe.

9 Am I -- I don't know. That's  
10 it.

11 Is there anything else I  
12 should -- 'cause I didn't receive,  
13 like, a denial letter so I'm  
14 assuming -- I was told to just come  
15 here because you guys had questions  
16 for me.

17 DEPUTY VILLAGE ATTORNEY UNGAR:  
18 Who submitted your package to the  
19 Village Clerk's office?

20 THE APPLICANT: My architect.

21 DEPUTY VILLAGE ATTORNEY UNGAR:  
22 So your architect submitted a copy of  
23 the denial letter (indicating).

24 THE APPLICANT: But it didn't  
25 say -- okay, so I saw that. I just

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didn't know that it was a denial  
letter because it didn't say  
'denial'. Did it?

DEPUTY VILLAGE ATTORNEY UNGAR:

It says, 'letter of denial' in the  
top right corner (indicating).

THE APPLICANT: All right, so  
we need to request a variance for  
whatever I was denied for. 'Cause it  
didn't say, 'front setback' like it  
did last time. So I'm not really  
sure exactly what the variance is  
needed for.

DEPUTY CHAIRPERSON CAREY: You  
said you were denied before?

THE APPLICANT: Yeah, we were  
denied before. And I was here, like,  
five times. But last -- the previous  
times it said why -- like, what was  
denied. Here it doesn't say  
anything. It just says --

DEPUTY CHAIRPERSON CAREY: Do  
you have the one date of January  
22nd, 2025?

2 THE APPLICANT: So that was  
3 for a front setback.

4 So I mean, our plans are to  
5 put the -- is to keep the building  
6 where it is. We're not really  
7 changing anything from the front.

8 And, you know, almost every  
9 building on the mile is located  
10 exactly where the building is right  
11 now.

12 MEMBER MINEO: So normally  
13 when applicant's come before the  
14 Board, and I don't know if you want  
15 to discuss this with the architect,  
16 but usually an architect will present  
17 a case that goes individually or  
18 systematically and discusses all of  
19 the reasons why you're coming before  
20 the Board requesting relief for a  
21 variance to be granted. So when  
22 we've already -- we've established  
23 that there is a letter of denial and  
24 it outlines the specifics of why it's  
25 being denied, and you have the -- the

1           Zoning Board of Appeals - February 20, 2025 14

2           owness is on you as the owner of the  
3           property is coming before this  
4           variance to come before us to present  
5           a case as to why financially, for  
6           specific reasons, or otherwise, as to  
7           why you are asking for relief from  
8           the Zoning Board.

9           So with that being said, you  
10          have to provide a case for your  
11          argument. It's not just -- it can't  
12          be just stating that you just want  
13          it.

14          THE APPLICANT: Well, the  
15          previous -- previous letters was a --  
16          I needed a variance for parking. We  
17          limited all our seats so now I don't  
18          believe we need a variance for that.

19          I believe the only variance we  
20          need now is for a front setback.  
21          Because -- and my case would be that  
22          our building is going to be exactly  
23          where every building is. I think  
24          it's a five-foot setback from the  
25          sidewalk and every building on the

1 Zoning Board of Appeals - February 20, 2025 15

2 mile. We already provided pictures  
3 of it. Every building -- sorry my  
4 throat's a little dry. But every  
5 building on the mile is located the  
6 exact distance from the sidewalk. So  
7 that's why we're here.

8 CHAIRPERSON RHODEN: Okay. So  
9 you were taking an existing building  
10 and you are fixing it up --

11 THE APPLICANT: Yeah.

12 CHAIRPERSON RHODEN: -- right?

13 THE APPLICANT: Exactly.

14 CHAIRPERSON RHODEN: And you  
15 are replacing -- you know, you're --

16 DEPUTY CHAIRPERSON CAREY: Is  
17 it kind of in place replacement or  
18 are you making -- it seems like it's  
19 bigger than it was before; correct?

20 THE APPLICANT: It's going to  
21 be a little bigger than it was, yeah.

22 DEPUTY CHAIRPERSON CAREY: But  
23 the setbacks and the yards are all up  
24 and down the street similar to the  
25 ones you're proposing?

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2 THE APPLICANT: Yeah, it's  
3 going to be exact -- it's exactly  
4 where ours is right now.

5 DEPUTY CHAIRPERSON CAREY: So  
6 you're seeking a variance of 4.8,  
7 4 feet, 8 inches when you require --  
8 you're just short 4 -- well, 4 feet  
9 8 inches.

10 THE APPLICANT: The existing  
11 building is that exact 4.8 feet from  
12 the sidewalk.

13 DEPUTY CHAIRPERSON CAREY: Do  
14 you know the age of that original  
15 building, what that original  
16 building --

17 THE APPLICANT: It's a very  
18 old building.

19 DEPUTY CHAIRPERSON CAREY:  
20 Right. Maybe like 1920s; way before  
21 the --

22 THE APPLICANT: I don't recall  
23 the exact, but yeah.

24 DEPUTY CHAIRPERSON CAREY: Can  
25 I ask our attorney, what is the

1 Zoning Board of Appeals - February 20, 2025 17

2 policy on grandfathering -- so if  
3 somebody already has this building,  
4 is it a grandfathering situation here  
5 or not?

6 DEPUTY VILLAGE ATTORNEY UNGAR:  
7 It's not specifically grandfathered,  
8 Madam Deputy Chair.

9 DEPUTY CHAIRPERSON CAREY: All  
10 right.

11 DEPUTY VILLAGE ATTORNEY UNGAR:  
12 But it's an argument that an  
13 applicant is obviously welcome to  
14 make.

15 DEPUTY CHAIRPERSON CAREY: Do  
16 you think all the other buildings  
17 along the canal -- because I don't  
18 know actually but I don't really know  
19 like -- I'm not living on your  
20 street; are they all about the same  
21 age; they're all built around the  
22 same timeframe; because that's one of  
23 the oldest parts of Freeport; right?

24 THE APPLICANT: There are some  
25 that are new but I would say so

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2 maybe. I would say so.

3 DEPUTY CHAIRPERSON CAREY:

4 I've only lived there 35 years, so.

5 CHAIRPERSON RHODEN: So the  
6 main structure is staying the same?

7 THE APPLICANT: Yes.

8 CHAIRPERSON RHODEN: You're  
9 adding how much more -- you need to  
10 talk a little bit more how much more  
11 square footage to it or none?

12 THE APPLICANT: We're adding a  
13 little bit more square footage but  
14 nothing by the laws of the town which  
15 requires us to move this -- or change  
16 the existing structure.

17 DEPUTY CHAIRPERSON CAREY: Let  
18 me ask you: Has any of the work been  
19 started on this project?

20 THE APPLICANT: No, we've  
21 waiting to -- well, we are also doing  
22 the bulkhead, but that's besides the  
23 point. We're trying to improve the  
24 property, make it nicer. But the  
25 work didn't start yet because we need

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2 a variance. And, yeah, we're just in  
3 the process.

4 DEPUTY CHAIRPERSON CAREY: It  
5 is a process.

6 So I think -- how old do think  
7 the bulkhead is, just out of  
8 curiosity?

9 THE APPLICANT: The bulkhead  
10 we already have a permit to redo.

11 DEPUTY CHAIRPERSON CAREY: All  
12 right.

13 THE APPLICANT: We're redoing  
14 the whole bulkhead, even though it's  
15 not -- we don't need it, but we're  
16 doing it just to make -- you know,  
17 because we want to.

18 MR. BRAUN: You have a  
19 question about the building?

20 DEPUTY VILLAGE ATTORNEY UNGAR:  
21 If you want to say something, you're  
22 welcome to come you up.

23 MR. BRAUN: Just because I  
24 heard a question about the building  
25 and wanted to give you some info.

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2 CHAIRPERSON RHODEN: You have  
3 to be sworn in.

4 (WHEREUPON, the Applicant,  
5 S-C-O-T-T B-R-A-U-N was sworn in by  
6 the Court Reporter.)

7 MR. BRAUN: Scott Braun-  
8 B-R-A-U-N, 46 North Ocean Avenue,  
9 Freeport, New York.

10 There was a question regarding  
11 the building and how old it was, and  
12 you said about grandfathered in.  
13 Just so you're aware that that's  
14 actually two buildings. That is not  
15 one building.

16 DEPUTY CHAIRPERSON CAREY:  
17 There's one in the front and one in  
18 the back.

19 MR. BRAUN: The one to the  
20 north was built as an office for the  
21 boatyard that was there, which years  
22 ago was French Hall, around the 40s.

23 The second building which is  
24 the south is actually -- was a garage  
25 and that was converted.

2 So what they're looking to do  
3 is basically make these two buildings  
4 one. 'Cause there's a space in the  
5 middle that is used for storage as a  
6 slop sink, that is all going to be  
7 taken out and this is all going to be  
8 made into one building. So they're  
9 basically redoing the whole thing.

10 DEPUTY CHAIRPERSON CAREY:

11 Okay.

12 MR. BRAUN: So it's two  
13 separate buildings. It's an office  
14 and what was a garage that was  
15 converted --

16 DEPUTY CHAIRPERSON CAREY: I  
17 saw from the site plan.

18 THE COURT: Yeah.

19 So when you look at it from  
20 the front, the way that they have the  
21 sign and everything it looks like  
22 it's one building but it's actually  
23 to separate buildings.

24 DEPUTY CHAIRPERSON CAREY:

25 Thank you so much.

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CHAIRPERSON RHODEN: Okay,  
thank you.

MR. BRAUN: All right.

DEPUTY CHAIRPERSON CAREY: Is  
this going to continue to be a  
marina? Are you making it into  
housing?

DEPUTY VILLAGE ATTORNEY UNGAR:  
No.

DEPUTY CHAIRPERSON CAREY:  
You're making it into a marina?

THE APPLICANT: It's just a  
takeout restaurant.

DEPUTY CHAIRPERSON CAREY: I  
don't have my glasses.

All right. So I have no  
further questions at this time.

I do have one question: Do  
you think your architect would want  
to speak any further if we have  
this -- you know, come back the next  
month; I know you don't want to wait  
but anything more you want to add?

THE APPLICANT: Well, I hope

1 Zoning Board of Appeals - February 20, 2025 23

2 it doesn't. But if it does,  
3 probably. I don't know. It depends  
4 on the question you guys have.

5 DEPUTY CHAIRPERSON CAREY: All  
6 right. Thank you.

7 CHAIRPERSON RHODEN: I don't  
8 have any additional questions.

9 Thank you.

10 THE APPLICANT: All right.

11 DEPUTY CHAIRPERSON CAREY: I  
12 would like make a motion to close.

13 CHAIRPERSON RHODEN: Can I  
14 please have a motion to close for  
15 further evidence and testimony and to  
16 reverse decision, please?

17 MEMBER MINEO: So moved.

18 DEPUTY VILLAGE ATTORNEY UNGAR:  
19 Before we do that, Madam Chair, just  
20 I ask that the record reflect there  
21 are no people here and there are no  
22 slips for public comments.

23 CHAIRPERSON RHODEN: Yes.

24 There is no one present so  
25 there's no one speaking for or

1 Zoning Board of Appeals - February 20, 2025 24

2 against this application this  
3 evening.

4 Can I please have a motion to  
5 close for further evidence and  
6 testimony and reserve decision,  
7 please?

8 MEMBER MINEO: So moved.

9 DEPUTY CHAIRPERSON CAREY:  
10 Second.

11 THE CLERK: All in favor?

12 MEMBER MINEO: Aye.

13 DEPUTY CHAIRPERSON CAREY:  
14 Aye.

15 CHAIRPERSON RHODEN: Aye.

16 THE CLERK: Any oppose?

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

19 CHAIRPERSON RHODEN: We have  
20 60 days to notify you of our  
21 decision. Thank you so much.

22 THE APPLICANT: Thanks. Thank  
23 you, guys.

24 CHAIRPERSON RHODEN: Do we  
25 have any decisions for tonight's

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2 calendar?

3 THE CLERK: We do.

4 Application 2024-17, 101

5 Albany Avenue, Manufacturing, Section

6 62/Block E/Lots 111, 115.

7 MEMBER MINEO: Madam Chair,

8 regarding Application #2024-17 for

9 the premises located at 101 Albany

10 Avenue, Freeport.

11 The Applicant comes before

12 this Board seeking a variance from

13 Village Ordinances §210-6A, 210-172A9

14 seeking approval to legalize 2nd

15 floor offices.

16 I, Anthony Mineo, move that

17 this Board make the following

18 findings of fact:

19 A public hearing was held on

20 November 21, 2024 wherein applicant

21 was represented by attorney

22 Albert D'Agostino. He began with a

23 clarification that the original

24 zoning application was filed on

25 behalf of Bramson House, Inc., who he

2 believed was the owner of the  
3 property. The owner of the property  
4 is 101 Albany LLC, and that is who he  
5 is representing in the hearing. The  
6 property is known as 101 Albany  
7 Avenue.

8 The subject property contains  
9 a building with a mezzanine, which  
10 was installed by the tenant. Cars  
11 and car parts are stored in the  
12 building. The mezzanine is used  
13 partly for storage of car parts and  
14 partly for office space.

15 Mr. D'Agostino stated that cars are  
16 moved across the street to the other  
17 location (126 Albany Avenue), "which we  
18 do not own and which we have no  
19 involvement with other than the fact that  
20 their tenants also operate the business  
21 here." A check of the properties shows  
22 that 126 Albany Avenue is owned by 126  
23 Albany Ave LLC, and their tax bills get  
24 mailed to 151 Albany Avenue. 101 Albany  
25 Avenue is owned by 101 Albany Avenue, and

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2 their tax bills get mailed to 151 Albany  
3 Avenue. Both properties were purchased  
4 on September 16, 2020 under the same  
5 title number, and the two deeds were  
6 returned to the same attorney after being  
7 recorded. Both companies have the same  
8 registered agent for service of process  
9 according to New York State. There  
10 appears to be a connection between the  
11 two properties.

12 In its current configuration,  
13 101 Albany Avenue requires 24 parking  
14 spaces and 13 are provided.

15 Mr. D'Agostino introduced  
16 Ethan Schukoske of Atlantic Traffic  
17 and Design to present a parking  
18 study. He explained that the  
19 mezzanine is presently there, so no  
20 new construction is being done. The  
21 application is to legalize what is  
22 currently there. He said that when  
23 they were on site, the present  
24 maximum parking demand is 5 parked  
25 vehicles.

2 There are a couple of workers  
3 in the office space of the mezzanine.  
4 He believes that there is more than  
5 sufficient parking present at the  
6 space. Customers do not park at 101  
7 Albany. The main location of the  
8 business is 126 Albany Avenue where  
9 they do the vehicle repairs.

10 Mr. Schukoske explained that it is  
11 the same tenant at 101 Albany and 126  
12 Albany Avenue, but a different owner  
13 across the street. He explained that  
14 there are no damaged cars of theirs  
15 parked either outside the property or  
16 on the street side. All of the  
17 damaged cars were being worked on  
18 across the street or stored within  
19 their building.

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

25 The Board has determined:

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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 physical or environmental conditions in the neighborhood or district; and

E. That the alleged difficulty may be considered self-created, but this factor is not dispositive.

2. The Board, as lead agency, has determined that this action is an unlisted action under SEQRA. A short environmental assessment form has been completed by the applicant and this Board. The Board finds no environmental impact under SEQRA, issues a negative declaration, and

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2           no further review is required.

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

- 6           1. Applicant/Owner must comply with all the  
7           Rules and Regulations of the Village of  
8           Freeport.
- 9           2. Applicant must obtain the required permits  
10           from the Building Department.
- 11           3. This application for variance(s) is being  
12           granted on the basis of the specific use  
13           Proposed. If anything in this application is  
14           to change, the applicant must return to the  
15           Board for further review.
- 16           4. This application is being granted subject  
17           to the specific use outlined in this decision  
18           and explained during the hearing. This  
19           building is not being used for the running of a  
20           separate business. This building is being used  
21           for storage associated with the car repair shop  
22           across the street at 126 Albany Avenue, as well  
23           as incidental office use in conjunction with  
24           the car repair shop across the street. As  
25           such, there is no separate parking demand being

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2           created by the use of this building. Applicant  
3           has presented a parking study which shows that  
4           the 13 spaces provided meet the current demand  
5           of the property. However, should this building  
6           ever be used as anything more than storage for  
7           the business use across the street, no showing  
8           has been made that the parking currently  
9           provided is adequate. Therefore, the variance  
10          would be rescinded, and the owner of the  
11          property would be required to return to the  
12          zoning board for further review.

13                   DEPUTY CHAIRPERSON CAREY:

14                   Second.

15                   THE CLERK: All in favor?

16                   MEMBER MINEO: Aye.

17                   DEPUTY CHAIRPERSON CAREY:

18                   Aye.

19                   CHAIRPERSON RHODEN: Aye.

20                   THE CLERK: Any oppose?

21                   (Whereupon, there was no  
22                   response given.)

23                   THE CLERK: Application  
24                   2024-24, 226 Atlantic Avenue,  
25                   Residence AA, Section 62/Block,

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2 119/Lot 220, Azin Tarifard.

3 MEMBER MINEO: Chairman,  
4 regarding Application #2024-24 for  
5 the premises located at 226 Atlantic  
6 Avenue, Freeport, the Applicant comes  
7 before this Board seeking a variance  
8 from Village Ordinances §210-6A,  
9 210-212 seeking approval to erect a  
10 7'1" high by 5' wide ground sign.

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

14 A public hearing was held on  
15 December 12, 2024 wherein applicant  
16 Azin Tarifard's husband,  
17 Shahrouz Torabi, spoke on her behalf.  
18 He explained that his wife is a  
19 pediatric dentist with an office on  
20 Atlantic Avenue. The address is in a  
21 Residence AA zone. The sign that is  
22 permitted to be posted is only 4  
23 square feet, but she is looking to  
24 have a larger sign to attract people  
25 passing on Atlantic Avenue. The code

2 permits a height of six feet, and she  
3 is requesting 7 foot 1 inch. The  
4 width of the sign is 5 feet by 3 feet  
5 9 inches, a total of 18.75 square  
6 feet. Mr. Torabi explained that  
7 there are other signs that are  
8 similar. He is unsure of the exact  
9 size, but knows that they are over 4  
10 square feet in size. He said that he  
11 believes they could bring the sign to  
12 6 feet, if 7 feet is a problem. He  
13 wants to keep the size of the sign  
14 the same because he is concerned  
15 about space for the relevant issue if  
16 the size is smaller, but he can  
17 decrease the pole height.

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

24 A. That an undesirable change will not be  
25 produced in the character of the neighborhood

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2           and a detriment to nearby properties will not  
3           be created by the granting of the area  
4           variance. Applicant provided photos of other  
5           signs that appear to be of similar size to that  
6           being proposed. The Board takes note that  
7           while this property is in a Residence AA zone,  
8           it abuts the parking lot for Atlantic Nursery's  
9           parking lot, also in the Residence AA zone. It  
10          notes that the ground sign for Atlantic Nursery  
11          is considerably larger and taller than that  
12          being proposed here.

13          B. That the benefit sought by the applicant  
14          cannot be achieved by some method, feasible for  
15          the applicant to pursue, other than an area  
16          variance;

17          C. That the requested area variance is  
18          insubstantial;

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

23          E. That the alleged difficulty may be  
24          considered self-created, but this factor is not  
25          dispositive.

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

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

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

22                           DEPUTY CHAIRPERSON CAREY:

23                          Second.

24                           THE CLERK: All in favor?

25                           MEMBER MINEO: Aye.

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2 DEPUTY CHAIRPERSON CAREY:

3 Aye.

4 CHAIRPERSON RHODEN: Aye.

5 THE CLERK: Any oppose?

6 (Whereupon, there was no  
7 response given.)

8 CHAIRPERSON RHODEN: Can I  
9 please have a motion to close and go  
10 into Legislative session?

11 MEMBER MINEO: So moved.

12 DEPUTY CHAIRPERSON CAREY:  
13 Second.

14 THE CLERK: All in favor?

15 MEMBER MINEO: Aye.

16 DEPUTY CHAIRPERSON CAREY:  
17 Aye.

18 CHAIRPERSON RHODEN: Aye.

19 THE CLERK: Any oppose?

20 (Whereupon, there was no  
21 response given.)

22 (Time Noted: 7:04 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.



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AMANDA MICILLO  
Official Court Reporter