

A scheduled meeting of the Zoning Board of Appeals of the Incorporated Village of Freeport was held on April 21, 2022 in the Municipal Building, Main Conference Room, 46 North Ocean Avenue, Freeport, New York, at 6:00 P.M. with the following present:

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|-----------------------------|---------|
| Chair Rosa Rhoden | Present |
| Deputy Chair Jennifer Carey | Present |
| Charles Hawkins | Present |
| Ben Jackson | Excused |
| Anthony J. Mineo | Present |
| Drew Scopelitis | Excused |
| Diego Pinzon | Excused |

The meeting was also attended by:

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|----------------|--|
| Jonathan Smith | Building Department Representative |
| Jennifer Ungar | Deputy Village Attorney |
| Robin Cantelli | Secretary to the Zoning Board of Appeals |

At 6:00 P.M. the Board convened in the main conference room and Chair Rhoden led in the Pledge of Allegiance.

Motion was made by Member Mineo, seconded by Member Hawkins and carried to adjourn this portion of the Legislative Session and return to the Board of Trustees conference room to enter in Executive Session to consult with counsel.

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

Motion was made by Member Mineo, seconded by Deputy Chair Carey and carried to reconvene in Legislative Session.

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

At 6:37 P.M., Chair Rhoden led in the Pledge of Allegiance and called the Public Hearing to order, for which a full stenographic record was taken.

Twenty-Five (25) members of the public were present.

Motion was made by Member Hawkins seconded by Member Mineo and carried to approve the minutes from March 24, 2022.

The Clerk polled the Board as follows:

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|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

The Secretary to the Zoning Board of Appeals presented One (1) Affidavit of Publication and One (1) Affidavit of Posting which were marked into evidence as Board Exhibits.

Motion was made by Deputy Chair Carey, seconded by Member Mineo to extend the Zoning Board of Appeals approval for application #2021-4, 206 Smith St. for an additional 12 months.

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

Chair Rhoden announced that if any members of the public would like to speak on behalf of an application to submit a slip to the Secretary to the Zoning Board of Appeals and they would be called after the application presentation.

The Secretary to the Zoning Board of Appeals called application **#2022-20 – 180 Wilson Pl., Residence AA - Section 54/Block 491/Lot 1 – Miguel & Ismaela Hernandez** – Installation of a 36' x 16' in-ground pool. Variances: Village Ordinance §210-6A, §210-223(A) Location, §210-223(D) Distance from lot lines and presented One (1) Affidavit of Mailing which was marked into evidence as a Board Exhibit.

Ismaela Hernandez presented the application.

Chair Rhoden opened the meeting to public comment, whereupon there was no response.

Motion was made by Member Mineo, seconded by Deputy Chair Carey and carried to close the public hearing to further evidence and testimony.

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

Motion was made by Member Hawkins, seconded by Deputy Chair Carey and carried to reserve decision for application **#2022-20 – 180 Wilson Pl.**

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

The Secretary to the Zoning Board of Appeals called application **#2022-13 – 110 Cornelius St., Residence A - Section 62/Block 90/Lot 4 – Jay Holin** – Expand front porch from 55 sq.ft. to 108 sq.ft. Variances: Village Ordinance §210-6A, §210-41A(1) Required yards-front and presented Two (2) Affidavits of Mailing which were marked into evidence as Board Exhibits.

Architect Russell Jordan presented the application.

Chair Rhoden opened the meeting to public comment, whereupon there was no response.

Motion was made by Member Mineo, seconded by Deputy Chair Carey and carried to close the public hearing to further evidence and testimony.

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

Motion was made by Deputy Chair Carey, seconded by Member Hawkins and carried to reserve decision for application **#2022-13 – 110 Cornelius St.**

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

The Secretary to the Zoning Board of Appeals called application **#2022-14 – 70 Guy Lombardo Ave., Business B - Section 55/Block 331/Lot 09 – Alfred Basal** – Convert existing second floor from commercial to 2 residential apartments. Variances: Village Ordinance §210-6A, §210-81C Prohibited use, §210-172A Parking required and presented One (1) Affidavit of Mailing and One (1) Nassau County Planning Commission Recommendation which were marked into evidence as Board Exhibits.

Michael Kaye- Architect presented the application.

Motion was made by Member Hawkins, seconded by Deputy Chair Carey and carried to and carried to adjourn the application at the Boards request for further evidence and testimony regarding parking.

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

The Secretary to the Zoning Board of Appeals called application **#2022-15 – 3 Mayfair Ct., Residence AA - Section 54/Block B/Lot 68 – Albert Patton** – Construct a new 240 sq. ft. deck. Variances: Village Ordinance §210-6A, §210-33 Lot coverage and presented One (1) Affidavit of Mailing which was marked into evidence as a Board Exhibit.

Christopher Gray- Architect presented the application.

Chair Rhoden opened the meeting to public comment, whereupon there was no response.

Motion was made by Deputy Chair Carey, seconded by Member Mineo and carried to close the public hearing to further evidence and testimony and reserve decision.

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

The Secretary to the Zoning Board of Appeals called application **#2022-16 – 718 Miller Ave., Residence A - Section 62/Block 183/Lot 296 & 297 – Deo Geer** – Install a 270 sq. ft. in-ground swimming pool and spill over hot tub. Variances: Village Ordinance §210-6A, §210-223(A) Location, §210-223(D) Distance from lot lines and presented One (1) Affidavit of Mailing which was marked into evidence as a Board Exhibit.

Michael Rant presented the application.

Chair Rhoden opened the meeting to public comment, whereupon there was no response.

Motion was made by Member Hawkins, seconded by Member Mineo and carried to close the public hearing to further evidence and testimony and reserve decision.

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

The Secretary to the Zoning Board of Appeals called application **#2022-17 – 377 Wallace St., Residence AA - Section 55/Block 401/Lot 265 – Kerwin Daring** – Construct a new 29 sq. ft. first floor front addition, a new 761 sq. ft. second floor addition and a 16 sq. ft. roof over porch.

Variances: Village Ordinance §210-6A, §210-31A Sky exposure and presented One (1) Affidavit of Mailing which was marked into evidence as a Board Exhibit.

Architect Omar Brown presented the application.

Chair Rhoden opened the meeting to public comment, whereupon there was no response.

Motion was made by Member Mineo, seconded by Deputy Chair Carey and carried to close the public hearing to further evidence and testimony and reserve decision.

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

The Secretary to the Zoning Board of Appeals called application **#2022-19 – 25 Pearsall Ave., Residence A - Section 54/Block 69/Lot 216 – Fermin Nunez** – Maintain a 576 sq.ft. roof over patio, a 346 sq. ft. rear deck & a 120 sq.ft. rear sauna addition. Variances: Village Ordinance §210-6A, §210-41 Lot coverage and presented One (1) Affidavit of Mailing which was marked into evidence as a Board Exhibit.

Motion was made by Deputy Chair Carey, seconded by Member Hawkins and and carried to adjourn the application due to lack of appearance by applicant.

The Clerk polled the Board as follows:

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|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

The Secretary to the Zoning Board of Appeals called application **#2022-9 – 39 S. Long Beach Ave., Residence Apartment - Section 55/Block 324/Lot 3**– Matt McGovern – Use variance to use property as a commercial use. Variances: Village Ordinance §210-6A, §210-46A Prohibited use and inquired from the attorney if he would be inclined to present all 5 related applications together in one presentation. Applicant’s attorney agreed.

The secretary continued to call the subsequent applications; **#2022-10 – 16 Lexington Ave., Residence A - Section 54/Block 081/Lot 9** – Matt McGovern – Use variance to use property as commercial open air parking. Variances: Village Ordinance §210-6A, §210-38A Prohibited use, **#2022-11 – 20 Lexington Ave., Residence A - Section 54/Block 081/Lot 10** – Matt McGovern – Use variance to use property as commercial open air property. Variances: Village Ordinance §210-6A, §210-38A Prohibited use, **#2022-12 – 41 S. Long Beach Ave., Residence Apartment - Section 55/Block 324/Lot 4** – Matt McGovern – Use variance-use residential property as a commercial use. Variances: Village Ordinance §210-6A, §210-46A Prohibited use and **#2022-21 – 185-189 W. Sunrise Hwy., Business B - Section 55/Block 324/Lot 1,13,14 (3 & 4)** included in application – Matt McGovern – Proposed 14,471 sq. ft. 1 story addition & 2,830 interior 2nd fl.

addition in existing dealership. Variances: Village Ordinance §210-6A, §210-49 Lot Coverage, §210-51B Yards required (side yard), §210-51C Yards required (rear yard), §210-88 Loading zone required, §210-87 Buffer zone required, §210-172A(12) Parking provided and presented Five (5) Affidavits of Mailing which were marked into evidence as Board Exhibits.

Attorney Daniel Baker and Engineer Michael Rant presented the application.

Chair Rhoden opened the meeting to public comment, whereupon Three (3) members of the public spoke.

Motion was made by Deputy Chair Carey seconded by Member Mineo and carried to close the public hearing to further evidence and testimony and reserve decision subject to receipt of Nassau County Planning Commission Resolution.

The Clerk polled the Board as follows:

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|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

At 9:00 P.M. motion was made by Member Hawkins, seconded by Member Mineo and carried to adjourn this portion of the public hearing and reconvene in Executive Session to consult with counsel.

The Clerk polled the Board as follows:

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|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

At 9:50 P.M. Motion was made by Member Mineo seconded by Deputy Chair Carey and carried to adjourn Executive Session and reconvene in Legislative Session.

The Clerk polled the Board as follows:

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|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

Motion was made by Member Hawkins, seconded by Member Mineo and carried to approve revised decision for application **#2022-5 – 128 Cary Pl., Marine Industrial - Section 54/Block 319/Lot 96-100,102-104, 226&227– Cary Commons, LLC** – Use variance – use marine industrial property as a residential use.

The Clerk polled the Board as follows:

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| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

Motion was made by Member Hawkins, seconded by Member Mineo and carried to deny application **#2021-20 – 131-135 Guy Lombardo Ave., Business AA - Section 62/Block 75/Lot 31,32,33 – 135 Guy Lombardo LLC.** – Construct a new 5 story, 50,487 sq.ft. multiple dwelling.

The Clerk polled the Board as follows:

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| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

Motion was made by Member Mineo, seconded by Member Hawkins and carried to approve **#2022-20 – 180 Wilson Pl., Residence AA - Section 54/Block 491/Lot 1 – Miguel & Ismaela Hernandez** – Installation of a 36' x 16' in-ground pool.

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

Motion was made by Member Mineo, seconded by Deputy Chair Carey and carried to approve application **#2022-13 – 110 Cornelius St., Residence A - Section 62/Block 90/Lot 4 – Jay Holin** – Expand front porch from 55 sq.ft. to 108 sq.ft.

The Clerk polled the Board as follows:

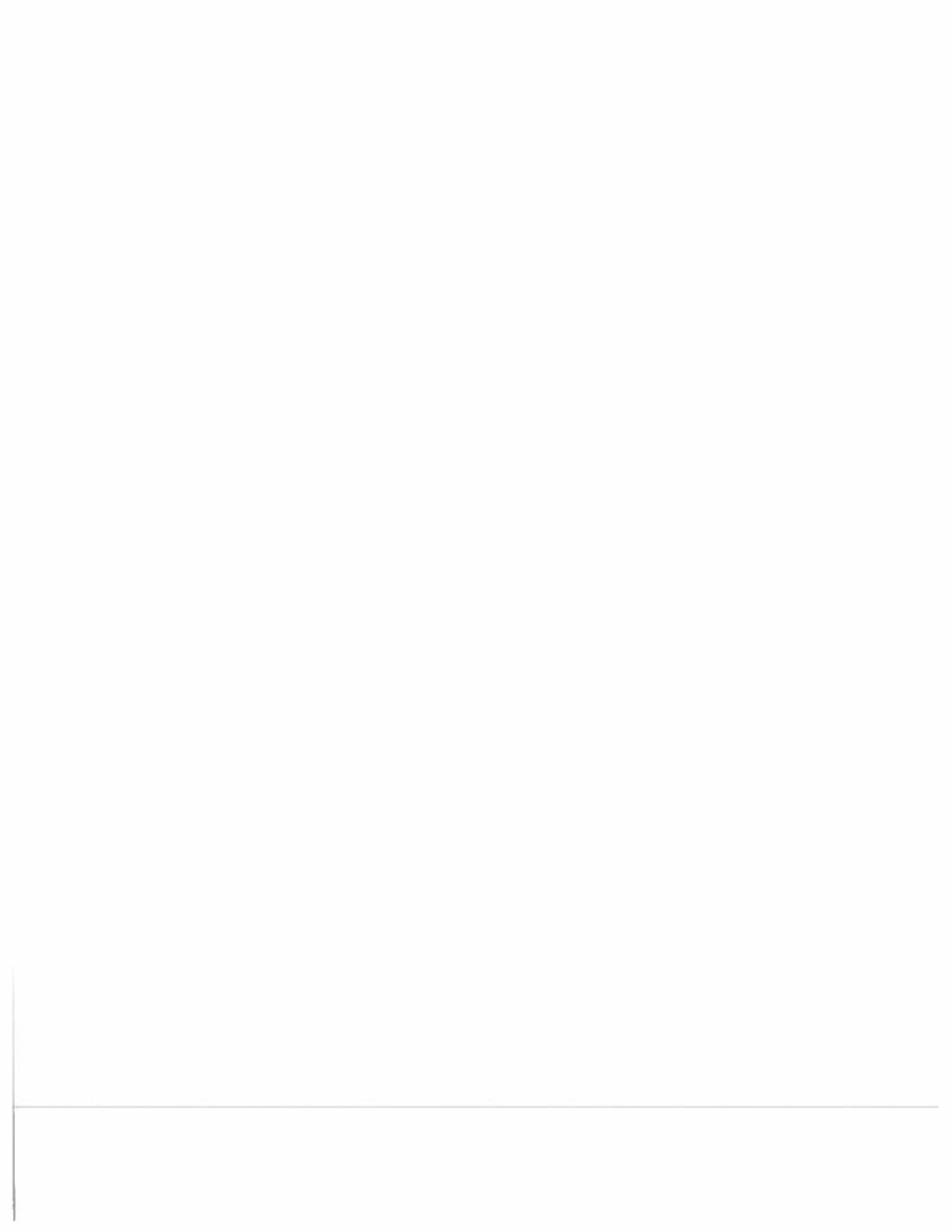
| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

Motion was made by Member Mineo, seconded by Member Hawkins and carried to approve application **2022-15 – 3 Mayfair Ct., Residence AA - Section 54/Block B/Lot 68 – Albert Patton** – Construct a new 240 sq. ft. deck.

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

Motion was made by Deputy Chair Carey, seconded by Member Hawkins and carried to approve application **#2022-16 – 718 Miller Ave., Residence A - Section 62/Block 183/Lot 296 & 297 – Deo Geer** – Install a 270 sq. ft. in-ground swimming pool and spill over hot tub.



The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

Motion was made by Deputy Chair Carey, seconded by Member Hawkins and carried to approve application **#2022-17 – 377 Wallace St., Residence AA - Section 55/Block 401/Lot 265 – Kerwin Daring** – Construct a new 29 sq. ft. first floor front addition, a new 761 sq. ft. second floor addition and a 16 sq. ft. roof over porch.

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

Motion was made by Member Hawkins, seconded by Deputy Chair Carey and carried to conditionally approve application **#2022-9 – 39 S. Long Beach Ave., Residence Apartment - Section 55/Block 324/Lot 3– Matt McGovern** – Use variance to use property as a commercial use, **#2022-10 – 16 Lexington Ave., Residence A - Section 54/Block 081/Lot 9 – Matt McGovern** – Use variance to use property as commercial open air parking, **#2022-11 – 20 Lexington Ave., Residence A - Section 54/Block 081/Lot 10 – Matt McGovern** – Use variance to use property as commercial open air parking, **#2022-12 – 41 S. Long Beach Ave., Residence Apartment - Section 55/Block 324/Lot 4 – Matt McGovern** – Use variance-use residential property as a commercial use, **#2022-21 – 185-189 W. Sunrise Hwy., Business B - Section 55/Block 324/Lot 1,13,14 (3 & 4) included in application – Matt McGovern** – Proposed 14,471 sq. ft. 1 story addition & 2,830 interior 2nd fl. addition in existing dealership, pending receipt of the Nassau County Planning Commission’s recommendation.

The Clerk polled the Board as follows:

| | |
|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

At 10:30 P.M., motion was made by Member Mineo, seconded by Member Hawkins and carried to close the meeting.

The Clerk polled the Board as follows:

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|--------------------|----------|
| Member Mineo | In Favor |
| Member Hawkins | In Favor |
| Deputy Chair Carey | In Favor |
| Chair Rhoden | In Favor |

Robin Cantelli

Robin Cantelli
Secretary to the Zoning Board of Appeals

