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INCORPORATED VILLAGE OF FREEPORT  
ZONING BOARD

MUNICIPAL BUILDING  
46 North Ocean Avenue  
Freeport, NY 11520

February 16, 2023  
6:00 p.m.

M E M B E R S :

ROSA RHODEN	CHAIRPERSON
JENNIFER L. CAREY	DEPUTY CHAIR
BEN JACKSON	MEMBER
ANTHONY J. MINEO	MEMBER
CHARLES HAWKINS	MEMBER

\* \* \*

ROBIN CANTELLI	SECRETARY
JENNIFER UNGAR	DEPUTY VILLAGE ATTORNEY

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February 16, 2023

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-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

1 Affidavit of Publication 6

2 Affidavit of Posting 6

APPLICATION 2021-6-A

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 7

2 Nassau County Planning Commission  
Recommendation 7

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February 16, 2023

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

APPLICATION#	ADDRESS	PAGE
2021-6-A	8-10 Brooklyn Avenue	6 - 11

1  
2 CHAIRPERSON RHODEN: Good evening,  
3 everyone. I would like to open up the Zoning  
4 Board of Appeals meeting for February 16th.  
5 If everyone could please join me in the  
6 Pledge of Allegiance.

7 (WHEREUPON, the Pledge of Allegiance  
8 was recited.)

9 CHAIRPERSON RHODEN: Can I please  
10 have a motion to enter into executive session  
11 to consult with counsel, please?

12 MEMBER JACKSON: So moved.

13 DEPUTY CHAIR CAREY: Second.

14 THE SECRETARY: All those in favor.

15 MEMBER MINEO: Aye.

16 MEMBER JACKSON: Aye.

17 MEMBER HAWKINS: Aye.

18 DEPUTY CHAIR CAREY: Aye.

19 CHAIRPERSON RHODEN: Aye.

20 THE SECRETARY: Any opposed?

21 (No response was heard.)

22 (WHEREUPON, the Board entered into  
23 executive session from 6:06 p.m. to  
24 6:38 p.m., after which the following  
25 transpired:)

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CHAIRPERSON RHODEN: Good evening,  
everyone. If everyone could please join me  
once again for the Pledge of Allegiance.

(WHEREUPON, the Pledge of Allegiance  
was recited.)

CHAIRPERSON RHODEN: Can I please  
have a motion for the approval of the  
January 19th minutes.

DEPUTY CHAIR CAREY: So moved.

MEMBER HAWKINS: Second.

CHAIRPERSON RHODEN: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Do we have any  
Affidavits of Publication or Posting that  
need to be entered as exhibits?

THE SECRETARY: Yes. I have one  
Affidavit of Publication and one Affidavit of  
Posting to be entered into the record as

1 Board's exhibits. These will be Board's  
2 Exhibits 1 and 2 for this public hearing.

3 (WHEREUPON, the above-referred to  
4 documents were marked as Board's Exhibits,  
5 for identification, as of this date.)

6  
7 CHAIRPERSON RHODEN: Do we have any  
8 requests for adjournment this evening?

9 THE SECRETARY: We do not, Madame  
10 Chair.

11 CHAIRPERSON RHODEN: Can we please  
12 have the first application on tonight's  
13 calendar?

14 THE SECRETARY: Application 2021-6-A,  
15 8-10 Brooklyn Avenue, Service Business,  
16 Section 55, Block 264, lot 5. Nelson Zelaya  
17 Cosmetic change to existing bar and  
18 restaurant with interior alterations.  
19 Variances: Village Ordinance 210-6A,  
20 210-172A(4), required parking spaces.

21 I have one Affidavit of Mailing to be  
22 entered into the record as a Board exhibit  
23 and one Nassau County Planning Commission  
24 Recommendation. These will be Board's  
25 Exhibits 1 and 2 for this individual public

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hearing.

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

MR. GOMOKA: Good evening. For the applicant, Christopher Gomoka, G-O-M-O-K-A, with the Law Office of Michael Solomon. 30 South Ocean Avenue, Freeport, New York. Good evening, Members of the Board.

This application is actually an amendment to an application that we appeared before the Board that was granted with conditions on August 19, 2021. By way of decision, this Board granted a decision that had certain restrictions and covenants relative to the decision which required, in the third section of the approval, remote parking within .25 miles of the approved business. As such, the applicant sought to enter into a lease at exactly .21 miles. During the time of lease negotiations, that lease did not come to fruition, it was not executed.

Subsequently, a lease was executed at

1  
2 115 South Main Street, which is .3 miles away  
3 from the existing location. So, we find  
4 ourselves back before the Board asking for  
5 relief from the condition, not of the  
6 approval, from .25 miles for parking to .3  
7 miles. The .25 miles is tantamount to 265,  
8 more or less, feet in distance. So, if we're  
9 using the standard building lot, it's five  
10 residential houses further down the street  
11 than the original approval. That's why we're  
12 here today.

13 A lease has been executed with 115  
14 South Main Street, which is exactly .3 miles  
15 away, which has been visited by the Building  
16 Department. It's a super location and it  
17 provides the same amount of parking; it's  
18 just 264 feet further away than required by  
19 the initial approval. So, we seek a minor  
20 amendment to the additional approval that was  
21 issued by this Board on August 19th for that  
22 reason and that reason alone. No other  
23 aspect of the application has changed, other  
24 than distance.

25 As the Board is fully aware, in this

1 county, remote parking is somewhat of a  
2 necessity. It's been talked about across the  
3 country where the price of real estate and  
4 everything else dedicated parking for each  
5 facility not feasible, and remote parking  
6 becomes necessary, and it's become something  
7 this is recommended and used here in the  
8 county all the time. The UBS Center uses on  
9 their facility parking that's more than half  
10 a mile away just for events, food tasting and  
11 otherwise. North Shore Hospital at Franklin  
12 Square utilizes parking a mile and a half  
13 away at Valley Stream Park to accommodate 300  
14 cars during the week; that's for people  
15 coming in for one hour tests.

17 So, it's something that remote  
18 parking is -- parking variances is something  
19 that is constantly adapted and is slowly  
20 starting to be revisited as the downtown has  
21 developed. This property is in the downtown,  
22 and parking is somewhat of a premium, if you  
23 will, in the area. So, the necessity for the  
24 extra fee to find a suitable location and  
25 execute a reasonable lease becomes necessary

1  
2 and consistent with our neighbors in the use  
3 of remote parking. It will be valet parking,  
4 as approved by the Board. Nothing will  
5 change in that regard, other than the valets  
6 will have to walk another 250 feet to store  
7 the vehicles.

8 CHAIRPERSON RHODEN: I'm sorry, was  
9 the lease for that location provided?

10 MR. GOMOKA: The lease was submitted  
11 to the Building Department, dated  
12 January 1st. It was executed and the first  
13 payment has been made to show good will.

14 MEMBER MINEO: Counsel, as you  
15 stated, there is no other variation from the  
16 original proposal that came before the Board,  
17 right?

18 MR. GOMOKA: No, Mr. Mineo, other  
19 than a modification to the condition imposed  
20 by the Board for that variance. The variance  
21 was to rent 20 spaces. That will provide 20  
22 spaces. It's a 264 foot distance outside of  
23 the radius that the Board would like to see  
24 at the time they granted the condition. It's  
25 really not even a variance, it's a

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modification to the condition.

DEPUTY CHAIR CAREY: The 115 South Main Street entity provided you with a lease. Would they be willing to have it extend after January 1, 2024?

MR. GOMOKA: They indicated they would. Obviously, all leases are upon the part of the proposed individuals as the lease takes shape and comes into fruition. This was done as a matter of good will. The lessor at the location, although we haven't be able to open in light of the fact, we have been making payments under the terms of the lease.

DEPUTY CHAIR CAREY: I understand the UBS arena that you mentioned as one of the examples you gave, they have remote parking and they have a shuttle service that takes people to the various markets.

MR. GOMOKA: This is truly valet where people come up. It will just require the valets an extra couple hundred feet to accommodate everybody. It's not people walking and creating traffic hazards to

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individuals that park and walk and things like that, weather conditions and stuff like that.

DEPUTY CHAIR CAREY: Thank you.

CHAIRPERSON RHODEN: Okay. Thank you. Is that your presentation?

MR. GOMOKA: Thank you.

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

THE SECRETARY: We do not.

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

MEMBER JACKSON: So moved.

MEMBER MINEO: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

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(No response was heard.)

CHAIRPERSON RHODEN: Thank you.

Do we have any decisions that need to be read into the calendar this evening?

THE SECRETARY: Yes, Madame Chair.

The first decision is 2022-42, 55 Bedell Street, Residence A, Section 62, Block 46, Lot 13. Masood Bhutta. Front addition alterations to two-family dwelling.

MEMBER MINEO: Madame Chair, regarding Application 2022-42 for the premises located at 55 Bedell Street, Freeport, the Applicant comes before this Board seeking a variance for Village Ordinances 210-6A, 210-21A, seeking approval for front addition and alterations to two-family dwelling.

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

A public hearing was held on December 14, 2022 wherein Applicant was represented by architect Robert Bennett. He explained that the owner is looking to maintain a two-family status on this house,

1  
2 which has a Certificate of Occupancy since  
3 1957. He explained the owner proposes to  
4 enclose his dilapidated front porch. The  
5 house was purchase by the current owner on  
6 August 5, 2021. He plans to live on the  
7 first floor and rent out the second floor.  
8 There is no change in square footage,  
9 setbacks, height, or sky exposure plane.  
10 This variance proposed, while technically an  
11 extension of a non-permitted use, should be  
12 looked at through the lens of an area  
13 variance. Applicant is simply expanding the  
14 first floor of a two floor house.

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

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

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granting of the area variance.

b. That the benefits 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.

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

I further move that this application be granted subject 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

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Department.

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

MEMBER JACKSON: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: The second decision is Application 2022-43, 199 Westside Avenue, Residence A, Section 62, Block 34, Lot 135. Dimitri Giasemis. Restore use of a two-family dwelling.

MEMBER HAWKINS: Madame Chair, regarding Application 2022-43 for the premises located at 199 Westside Avenue, Freeport, the Applicant comes before this

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Board seeking variances from Village Ordinances 210-6A, 210-38A, seeking an approval to restore use of a two-family dwelling.

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

A public hearing was held on December 14, 2022 wherein applicant, Dimitri Giasemis, represented himself. He explained that he purchased the house a few years ago as a two-family house. His son lives on the second floor. He was able to fix the electric panel and the heating system, and then was informed that he had to go to zoning to restore the two-family use, as the house was vacant for eight years before he purchased it. The bank had listed the house as a two-family house. The house is designed as a two-family house with a separate entrance to the second floor unit. The second floor has two bedrooms, a kitchen, living room and a bathroom. The first floor has two bedrooms, a dining room, a living room, a kitchen and two bathrooms. There is

no habitable space in the basement.

1. Applicant has demonstrated that the applicable zoning regulations and restrictions has caused an unnecessary hardship. Applicant has demonstrated to the Board of Appeals that for each and every permitted use under the Zoning regulations for the particular district where the property is located:

a. The applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence. To convert this house back to a single family house, given the separate entrances and two kitchens, would be a huge financial investment.

b. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

c. That the requested use variance, if granted, will not alter the essential character of the neighborhood.

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d. That the alleged hardship has been not self-created, as he bought the house as a two-family house.

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 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 variances is being granted on the basis of the specific use proposed. If anything in this application is to change, the applicant must

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return to the Board for further review.

MEMBER JACKSON: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: The next decision is Application 2022-41, 67 South Main Street, Business B, Section 55, Block 205, Lot 19. 67 South Jara, LLC. Commercial alterations. Two retail spaces on the first floor, two bedroom apartment on the second floor and no change in the basement.

DEPUTY CHAIR CAREY: Madame Chair, regarding Application 2022-41 for the premises located at 67 South Main street, Freeport, the Applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-80A, 210-172A, (2) (a), 210-172A(12) seeking approval for commercial

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alterations for two retail spaces on the first floor and a two bedroom apartment on the second floor with no change to the basement.

I, Jennifer Carey, move that this Board make the following findings of fact:

A public hearing was held on January 19, 2023 wherein the applicant was represented by attorney Anthony Curcio. He was joined by Barry Nelson, a Real Estate expert, and Sean Mulryan, a traffic engineer. Mr. Curcio explained that he had a meeting with the Village wherein his client proposed he entered into a lease with the Village for four parking spaces in a municipal lot to the east of the subject property. He explained that 12 spaces were needed in the application, zero were provided on-site, but with four spaces rented from the Village, he only needs eight.

The current use of the property is a single commercial space on the first floor and two commercial space on the second floor. The applicant proposed a front and rear

1 commercial space on the first floor. The  
2 owner will use the rear commercial space for  
3 her Merry Maids cleaning service franchise.  
4 The business will operate from 8:00 to 4:00  
5 Monday through Friday, and 9:00 to 12:00 on  
6 Saturday. Cleaning crews arrive at the  
7 location at about 8:30 a.m. to pick up  
8 cleaning supplies and leave for the day,  
9 returning at the end of the day to drop off  
10 cleaning supplies. The crews use their own  
11 vehicles, so there will be no company  
12 vehicles parked overnight. There will be, at  
13 the most, two employees, a receptionist and a  
14 quality control manager, in the office, as  
15 well as out on the road.  
16

17 Mr. Curcio explained that the  
18 proposed use requires less parking than the  
19 present configuration, which requires 16  
20 spaces. He explained that there are similar  
21 mixed use in the area and cited examples  
22 wherein the Zoning Board granted variances  
23 for mixed use.

24 Barry Nelson explained that rents for  
25 the first floor would be approximately \$28 a

1 square foot and \$18 a square foot for the  
2 second floor. The rate of return will only  
3 be about 3.8 percent, which no investor would  
4 choose at this point, given the current  
5 interest rates at banks. However, with an  
6 apartment on the second floor, the return on  
7 investment is about seven percent, which is a  
8 more reasonable rate of return.  
9

10 Sean Mulryan presented on the parking  
11 situation. He explained he did an analysis  
12 on the Olive Building back in 2015. He  
13 explained that there is ample parking in the  
14 municipal lot and on the street to  
15 accommodate parking.

16 Regarding the approved proposed  
17 variance for residential use on the second  
18 floor:

19 1. The applicant has demonstrated  
20 that applicable zoning regulations and  
21 restrictions have caused unnecessary  
22 hardship. Applicant has demonstrated to the  
23 Zoning Board of Appeals that for each and  
24 every permitted use under the Zoning  
25 regulations for the particular district where

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the property is located.

a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by financial evidence.

b. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

c. That the requested use variance, if granted, will not alter the essential character of the neighborhood.

d. That the alleged hardship was not self-created regarding the area variance for parking.

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

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

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2 properties will not be created by the  
3 granting of the area variance.

4 b. That the benefits sought by the  
5 applicant cannot be achieved by some method,  
6 feasible for the applicant to pursue, other  
7 than an area variance.

8 c. That the requested area variance  
9 is insubstantial.

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

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

16 The Board, as lead agency, has  
17 determined that this action is an unlisted  
18 action under SEQRA and a short form  
19 environmental assessment form has been  
20 completed by the applicant and this Board.  
21 The Board finds no environment impact under  
22 SEQRA and issues a negative declaration and  
23 no further review is required.

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

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conditions:

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

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

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

4. Before the building permit is to be issued, the applicant is to provide the Building Department with a lease with the Village or another party for four off-street parking spaces.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

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THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: The next decision is Application 2022-44, 23 Rose Street, Residence AA, Section 62, Block 110, Lot 9. Randy Abreu. Proposed East and West two-story addition with basement, new front wrap around porch, two exterior basement entrances, new rear covered porch with balcony above, new 22 foot by 22.5 foot detached garage, 17 foot by 20 foot pool cabana and new HVAC.

DEPUTY CHAIR CAREY: Madame Chair, regarding Application 2022-44 for the premises located at 23 Rose Street, Freeport, the Applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-21A, 210-33 for approval of a proposed east and west two-story addition with basement, new front wrap-around porch, two exterior basement entrances, new rear covered porch with balcony above, new 22 by 22.5 foot detached garage, 17 foot by 20 foot pool cabana and new HVAC.

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I, Jennifer Carey, move that this Board make the following findings of fact:

A public hearing was held on January 19, 2023 wherein the applicant was represented by architect Jose Garcia. He explained that they were before the Board requesting to extend to a two-family use on the property. In 1967 the dwelling was established as a two-family house. They are seeking lot coverage variances due to the proposed demolition of the detached 800 square foot garage to build a 937 square feet of accessory structures between the proposed detached garage and the proposed pool cabana. He explained that accessory structures may be up to ten percent of the lot, not to exceed 750 square feet. The lot itself here is very large, and if ten percent were permitted, applicant could have 1,968 square feet for accessory structures.

They is also a proposing addition to the house. The purpose is to give more room for their children on the second floor. Currently, the first has three bedrooms, so

1 the children share rooms. They are proposing  
2 approximately 2,000 square feet of addition  
3 onto each of the first and second floors.  
4 Right now the house has an existing first  
5 floor square footage of 1,542 feet and 1,306  
6 feet on the second floor. However, even with  
7 the large addition, due to the large lot  
8 size, they are under for lot coverage and  
9 floor area ratio. The variance is needed for  
10 expanding the two-family structure itself, a  
11 non-conforming structure.  
12

13           Upon questions about the reasons for  
14 the expansion, one of the home owners,  
15 Michelle Abreu, spoke on her family's behalf.  
16 She explained that they have four boys in a  
17 three bedroom space. The house is on a  
18 double lot, and when they purchased it, they  
19 always planned to expand it. She keeps a  
20 valid rental permit on file. Her husband's  
21 aunt lives upstairs and the aunt's family is  
22 able to help out her family, so they want to  
23 keep everyone comfortable. As their boys get  
24 older, they need more space, so they are  
25 adding a wing so that the boys will be

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comfortable.

She explained that she also works from home and needs space for that. They have a large family and have gatherings. Freeport is their home, and they don't have any plans to go anywhere. Their proposed house is their dream home and they worked hard to get to this point. Ms. Abreu also clarified that this propose expansion would go over into the second lot, which should foreclose the possibility of a subdivision down the line.

With the expansion the non-conforming use might be seen as a use variance, it makes sense to analyze it under the are variance standard as that is more akin to what is going on. The lot coverage variance for the accessory structures is also an area variance.

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

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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. The home is presently a modest two-family home on a large double lot. Increasing the size will not cause an undesirable change.

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. Applicant seeks a larger home for her growing family. Every aspect of the project conforms with zoning requirements in all other ways, due to the large lot size.

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

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not self-created.

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

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

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

2. The applicant must obtain the required permits from the Building Department.

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

MEMBER JACKSON: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

MEMBER HAWKINS: Aye.

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DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

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

MEMBER JACKSON: To moved.

MEMBER MINEO: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Can I have a  
motion to return to executive session.

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

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MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

(WHEREUPON, the Board entered into executive session from 7:06 p.m. to 7:24 p.m., after which the following transpired:)

THE SECRETARY: The last decision of the evening is Application 2021-6-A, 8-10 Brooklyn Avenue, Service Business, Section 55, Block 264, Lot 5. Nelson Zelaya. Cosmetic change to existing bar and restaurant with interior alterations.

MEMBER MINEO: Madame Chair, regarding Application 2021-6-A for the premises located at 8-10 Brooklyn Avenue, Freeport, the applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-172A(4) seeking approval for cosmetic change to existing bar and restaurant with interior alterations.

I, Anthony Mineo, move that this

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Board make the following findings of fact:

A public hearing was held on February 16, 2023 wherein applicant was represented by Christopher Gomoka on behalf of the Law Office of Michael Solomon. He explained that they were seeking an amendment to the decision -- excuse me, no -- conclusion -- three found in prior decision.

MS. UNGAR: Condition.

MEMBER MINEO: Condition -- that's the word. Excuse me. Condition three found in prior decision dated August 19, 2021. He explained that instead of .25 miles, applicant has parking with valet in .3 miles, approximately 264 feet farther than previously approved.

A copy of the lease was provided showing 20 spaces at 115 South Main Street. The Board will approval this amendment/modification. All information, conditions and findings from the August 19, 2021 decision are incorporated into this decision and will be attached to this decision.

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2 Condition three is modified to change  
3 the radius for parking from .25 miles to .3  
4 miles. Valet parking must still be provided.

5 MEMBER JACKSON: I second.

6 THE SECRETARY: All in favor.

7 MEMBER MINEO: Aye.

8 MEMBER JACKSON: Aye.

9 MEMBER HAWKINS: Aye.

10 DEPUTY CHAIR CAREY: Aye.

11 CHAIRPERSON RHODEN: Aye.

12 THE SECRETARY: Any opposed?

13 (No response was heard.)

14 CHAIRPERSON RHODEN: Motion to close  
15 the meeting.

16 MEMBER JACKSON: So moved.

17 MEMBER HAWKINS: Second.

18 THE SECRETARY: All in favor.

19 MEMBER MINEO: Aye.

20 MEMBER JACKSON: Aye.

21 MEMBER HAWKINS: Aye.

22 DEPUTY CHAIR CAREY: Aye.

23 CHAIRPERSON RHODEN: Aye.

24 THE SECRETARY: Any opposed?

25 (Time Ended: 7:27 p.m.)

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February 16, 2023

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C E R T I F I C A T E

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

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of February, 2023.



BETHANNE MENNONNA