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INCORPORATED VILLAGE OF FREEPORT  
PLANNING BOARD

MUNICIPAL BUILDING  
46 North Ocean Avenue  
Freeport, NY 11520

February 28, 2023  
7:22 p.m.

M E M B E R S :

- |                    |             |
|--------------------|-------------|
| MICHAEL HERSHBERG  | CHAIRPERSON |
| CAROLE RYAN        | MEMBER      |
| LADONNA TAYLOR     | MEMBER      |
| ANNEMARIE DI SALVO | MEMBER      |
| JOY FERNANDEZ      | MEMBER      |

\* \* \*

- |                   |                         |
|-------------------|-------------------------|
| LISA DEBOURG      | DEPUTY VILLAGE CLERK    |
| ROBERT McLAUGHLIN | DEPUTY VILLAGE ATTORNEY |

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-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

1 Affidavit of Posting 4

2 Affidavit of Publication 4

3 Affidavit of Mailing (3427) 4

4 Affidavit of Mailing (3338) 4

APPLICANT'S FOR I.D.

SP-3427

A Site Plan 11

B Parking study 46

C Nassau County DPW approval 47

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February 28, 2023

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

APPLICATION#	ADDRESS	PAGE
SP-3427	131 W. Merrick Road	4 - 49
SP-3338	164 Moore Avenue	50 - 82

1  
2 CHAIRPERSON HERSHBERG: We are now  
3 going to start the public hearing part of the  
4 meeting. As I mentioned before, all speakers  
5 on any application, or anybody commenting on  
6 any applications will be sworn in.

7 Madame Clerk, do we have any  
8 Affidavits of Publication or Posting?

9 THE CLERK: We have one Affidavit of  
10 Posting, one Affidavit of Publication, and  
11 two Affidavits of Mailing, one for each  
12 application, to be placed on the record as  
13 exhibits.

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

17 CHAIRPERSON HERSHBERG: Do we have  
18 any request for adjournment.

19 THE CLERK: No requests for  
20 adjournment.

21 Site Plan 3427, 131 West Merrick  
22 Road, Section 62, Block 108, Lot 23,  
23 Business B. Bolla EM Realty, LLC. Remove  
24 existing canopy over existing dispensers,  
25 install a 49 foot by 42 foot canopy over four

1  
2 new dispensers. Convert existing 2,365  
3 square foot service station building to 2,040  
4 square foot convenience store with a 473  
5 square foot drive-thru and associated site  
6 improvements.

7 CHAIRPERSON HERSHBERG: Before we  
8 begin, can I ask your indulgence for 30 to 45  
9 seconds?

10 (WHEREUPON, there was a pause in the  
11 proceedings, after which the following  
12 transpired:)

13 MR. INGBER: Good evening. For the  
14 applicant, Matthew Ingber with the Law Firm  
15 of Brown, Altman & DiLeo, 538 Broad Hollow  
16 Road, Suite 301, Melville, New York 11747.

17 With me tonight are the following  
18 experts who can address any questions that  
19 you may have: Larry O'Brien P.E., with High  
20 Point Engineering, project engineer; Nick  
21 Buscemi, also of High Point Engineering; and  
22 Frank Filiciotto of Creighton Manning,  
23 project engineer.

24 We're here for Bolla EM Realty  
25 application to redevelop the existing

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gasoline fueling station and to develop a Bolla Market with a Tim Horton's drive-thru at the property located at 131 West Merrick Road in Freeport.

As a brief comment, we have last appeared before this Board on this same application on April 21, 2021. The matter was adjourned, pending the Nassau County Department of Public Works review and their approval of the site plan. Thereafter, on January 20, 2023, the site plan was conditionally approved by the Nassau County Department of Public Works. At that point, the applicant submitted updated plans to the Village. We note that the revision made to the plans that are now before you, they were all made based upon comments received as part of the conditional approval by the Nassau County Department of Public Works.

The general character of the area is commercial with some residential to the south. So, to the east and south of the property are commercial use properties consisting of a supermarket and office

1  
2 buildings. Further south are apartment  
3 buildings and a single family home. To the  
4 west of the property, on the opposite side of  
5 South Ocean Avenue is a two story office  
6 building, and further west is a McDonald's  
7 restaurant with a drive-thru, as well a Bank  
8 of America with a drive-thru. North of the  
9 property, on the opposite side of Merrick  
10 Road, is the post office and the public  
11 library.

12 As you may be aware, the property is  
13 currently used as a gasoline service station  
14 as well as an automobile repair shop. The  
15 applicant will replace three existing  
16 gasoline fuel dispensers and associated  
17 canopy, and replace them with four fuel  
18 dispensers for a total of eight positions and  
19 a new canopy. The new canopy is now proposed  
20 to run parallel with Merrick Road as the  
21 existing canopy. The prior plans, before the  
22 Nassau County Department of Public Works  
23 approval, the canopy was in the opposite  
24 direction. Our project engineer can discuss  
25 the changes more thoroughly with you.

1  
2 In addition, Bolla will convert the  
3 existing 2,365 square foot service station,  
4 which also includes three automobile service  
5 bays, into a 240 square foot Bolla Market,  
6 which will include a side-by-side drive-thru  
7 that will serve the Tim Horton's use at the  
8 property. Again, this was another change  
9 made based off of the Nassau County  
10 Department of Public Works. Previously, it  
11 was a single lane drive-thru. The  
12 conditional approval required side-by-side.

13 In addition, Bolla will be adding  
14 numerous site improvements, including but not  
15 limited to landscape buffers, new asphalt and  
16 new signage.

17 So, we note that the site plan  
18 utilizes an enhancement to the aesthetics of  
19 the property and it will be a benefit to the  
20 surrounding area. Specifically, the  
21 landscaping will be beautified in an  
22 attractive matter, consistent with other  
23 Bolla sites. Anyone who has been at the site  
24 would see the property has little to no green  
25 space. In this application, Bolla will be

1  
2 adding much needed green space along Merrick  
3 Road and along South Ocean Avenue, along the  
4 easterly side yard, as well as in the  
5 drive-thru. Bolla, as it does with all of  
6 its sites, will change the landscaping  
7 seasonally, in order to maintain the  
8 property's curb appeal on a year round basis.

9 In addition, some of the site access  
10 has been revised, based off of the Nassau  
11 County Department of Public Works approval.  
12 Currently, there are two curb cuts on South  
13 Ocean Avenue. The applicant will be closing  
14 the two existing curb cuts and instead will  
15 have access through a single curb cut on  
16 South Ocean Avenue that will be approximately  
17 72 feet south from the intersection of South  
18 Ocean Avenue and Merrick Road.

19 In addition, there are three existing  
20 curb cuts on Merrick Road. Here the  
21 applicant will be closing the middle curb cut  
22 and enlarging the westerly and easterly curb  
23 cuts on Merrick Road. The westerly curb cut  
24 on Merrick Road will be egress only, and the  
25 easterly curb cut on Merrick Road will be

1 right arrow only. As will be further  
2 discussed by our traffic engineer,  
3 eliminating the center curb cut and expanding  
4 the easterly and westerly curb cuts will  
5 create safer ingress and egress to the site  
6 off of West Merrick Road and also creating a  
7 safer, smoother traffic flow on the site.  
8

9 Also, for the record, we previously  
10 spoke with the Village Attorney, the Nassau  
11 County Department of Public Works is  
12 requiring that three of the existing  
13 on-street metered parking stalls along  
14 Merrick Road are required to be removed. In  
15 that connection, we will be making a request  
16 to the mayor, as well as the Village, to  
17 consider the Nassau County Department of  
18 Public Works requirement that these three  
19 meter stalls be removed.

20 With that, I'd like to call Nick of  
21 High Point Engineering to walk you through  
22 the site plan, as well as changes that were  
23 made since we last appeared before this Board  
24 in April of 2021.  
25

1  
2 N I C H O L A S B U S C E M I,  
3 having been first duly sworn by a Notary  
4 Public of the State of New York, was  
5 examined and testified as follows:

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

8 MR. BUSCEMI: Nicholas Buscemi of  
9 High Point Engineering. Our office is  
10 located at 1860 Walt Whitman Road, Melville,  
11 New York, Suite 600.

12 So, since the site plan was last  
13 brought before the Board, there have been  
14 some changes. I have handouts here, if  
15 that's easier for the Board.

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

19 MR. BUSCEMI: So, if you can turn to  
20 the second page, I believe, that will bring  
21 you right to the site plan rendering.

22 CHAIRPERSON HERSHBERG: What is  
23 different about what's been handed to us than  
24 what we already received? We had the  
25 opportunity to review the prior submitted

1  
2 materials, and just having these put in front  
3 of us. There is a lot of information on  
4 them. Help us understand what the  
5 differences are.

6 MR. BUSCEMI: So, this is all what  
7 was previously submitted. The only thing you  
8 don't have is the aerial photo, which is that  
9 first photo, first exhibit. I can continue  
10 to go through it, if it's easier, so we're  
11 all on the same page.

12 CHAIRPERSON HERSHBERG: Go ahead with  
13 your presentation. I don't like receiving  
14 complicated material.

15 MR. BUSCEMI: I understand. I  
16 wouldn't either. The main point here, if you  
17 could go to the second page, which is  
18 ultimately what I have behind me.

19 CHAIRPERSON HERSHBERG: Would you  
20 mind turning that board towards the public  
21 and the camera? We can refer to the printed  
22 documents we have in front of us.

23 MR. BUSCEMI: So, as Matt previously  
24 discussed, the site plan has been updated.  
25 The three main topics which cover the changes

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are as follows:

The first change is the repositioning of the multi-product dispensers as well as the canopy layout. So that is being changed from four inline that would run along West Merrick Road parallel to now two-by-two. Again, it's parallel with West Merrick Road where the pumps were perpendicular originally.

The second change is the repositioning of the curb cut along South Ocean Avenue. That curb cut on the previous plan was located more north toward the corner of West Merrick and South Ocean. We kicked this back approximately 50 feet; that allows for a little less congestion out of the corner. And also, as you know, there is additional striping in the right lane along South Ocean. We are re-striping that top bar, as well as a 50 foot full yellow barrier line, as the County calls it, which is just a double striped yellow line, just to help the drivers know what side of the street to be on. It's pretty one-way.

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2           Additionally, and finally, the  
3 drive-thru has been changed from a single  
4 lane to a double lane. This was at the  
5 request of the Nassau County DPW, as they  
6 have a requirement of cars that need to be  
7 queued behind the menu board. So, that  
8 increased our queuing capacity, I believe,  
9 from nine up to 15 cars that can queue in the  
10 drive-thru.

11           So, those are the major changes that  
12 occurred to the site plan since we first  
13 appeared before the Board back in April of  
14 2021, as Matt indicated. I am here to answer  
15 any questions that you may have. Thank you  
16 for the opportunity to present.

17           CHAIRPERSON HERSHBERG: I'll start  
18 with the first question with respect to  
19 signage. I see a separate sheet. Can you  
20 tell me where on the submission that we were  
21 just discussing, where on that, that you're  
22 proposing that sign? I'm sure it's indicated  
23 here.

24           MR. BUSCEMI: The ID sign.

25           CHAIRPERSON HERSHBERG: Freestanding

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price sign.

MR. BUSCEMI: Yep. So, that freestanding price sign, if you look at the northwest corner of the site, there is a green area there's with blue box. It's called out in the freestanding ID sign right above the parking stall number five. It's on the corner of South Ocean and West Merrick.

MEMBER DI SALVO: How tall is that?

MR. BUSCEMI: That sign will be 24 feet, nine and three quarter inches tall.

MEMBER RYAN: How tall is the Taco Bell?

CHAIRPERSON HERSHBERG: I don't remember.

MEMBER RYAN: Can that come down a bit?

MEMBER DI SALVO: It's excessive.

MR. BUSCEMI: We could probably reduce its size to the height of the sign.

MEMBER RYAN: I think all the other ones are also lower than that. The Bolla on Merrick by the Taco Bell, they're all --

MR. BUSCEMI: Would the one at 301

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West Merrick be acceptable? Take a look at that one.

MEMBER RYAN: Maybe keep it in line with some of the other ones.

MR. McLAUGHLIN: If I may, Mr. Chairman. Rob McLaughlin, Deputy Village Attorney.

The sign they are proposing right now is too high for the Village Code. So, you would have to lower it, because then it would have to go to zoning or make changes. Mr. Mauras is here. You can meet with him afterwards and get the size of the sign. As the Board was indicating before, keep it level with the other places in the area, as those fit within the Village Code.

MR. BUSCEMI: Thank you. As he mentioned, we were aware we were going to have to appear before the Zoning Board of Appeals. But we will take it into consideration and take a look at the signage.

Any other questions?

MEMBER DI SALVO: Yes. I have a question regarding the barrier between this

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new proposed double lane drive-thru and the property behind. So, it appears from the aerial photo, is it a parking lot that's directly behind on South Ocean that would be adjacent to your double lane drive-thru?

MR. BUSCEMI: That's correct.

Talking the south property line?

MEMBER DI SALVO: Correct.

MR. BUSCEMI: Yes, that's correct.

That's an existing parking area.

MEMBER DI SALVO: How high is the proposed fence and what type of fence?

MR. BUSCEMI: So, it would be a six foot high white PVC fence.

MEMBER DI SALVO: You know you have done such a beautiful job with bringing green into the area to try to soften such an industrial space. I almost feel like the back area could use a little more softening. Although, I see you have limitations with the double drive-thru.

MR. BUSCEMI: Correct. So, to your point of the landscaping. Currently, green space on site on the 19,996 square foot plot

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is 80 square feet, one little corner. We increased this up to 2,189 square feet. That's a 10.6 percent increase of green space on the site.

MEMBER DI SALVO: There is one little weed growing on that.

MR. BUSCEMI: I was hesitant to call it green space.

MEMBER DI SALVO: No, you have done a beautiful job. I just feel like that back area, you know, it's cars beeping, waiting. I'm was just wondering if there was anything that could be done back there to soften that.

MR. BUSCEMI: It's tight, just because of the space. The County as well as -- I'm sure Frank can speak to as well, spaces of the lanes to allow for adequate safe maneuvers. It would be very tight, very tough. I wouldn't want to add greenery if it entails shrinking spaces in areas where cars need to maneuver through.

MEMBER DI SALVO: Could there be greenery added in the center median?

MR. BUSCEMI: Yes. So, we're

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currently showing arborvitaes there.

MEMBER DI SALVO: You're showing arborvitaes separating the two drive-thru's. There seems to be a center median between the two lanes.

MR. BUSCEMI: I see. That's a striping ares.

MEMBER DI SALVO: So they could change lanes?

MR. BUSCEMI: Correct. We wanted to leave some vision between the two lanes, so you know you're in a drive-thru.

MEMBER DI SALVO: I was thinking something more low. If it's required that people be able to maneuver in and out of those lanes in case somebody is stuck, I get that.

MR. BUSCEMI: Correct. It's a pseudo bailout lane.

MEMBER DI SALVO: So, there's six parking spots plus a handicap?

MR. BUSCEMI: Yeah, there's six total. So, there's one handicap stall located right at the corner where the ramp

1 is, and there will be five other stalls for a  
2 total of six. There's also a non-delineated  
3 loading stall which will be on the northeast  
4 corner of the site, which we understand we  
5 have to obtain a variance for as well. Just  
6 so you're aware, seven is required by Code,  
7 six is what we are proposing.  
8

9 As Matt just astutely pointed out to  
10 me as well, a typical gas station you will  
11 see people typically park at the pump, fuel  
12 up and then run in. So, do have an  
13 additional eight parking stalls.

14 MEMBER DI SALVO: Are there any  
15 street lights proposed for the sidewalk area?

16 MR. BUSCEMI: Streetlights?

17 MEMBER DI SALVO: Sidewalk lights.

18 MR. BUSCEMI: Sidewalk lights. There  
19 are not.

20 MEMBER DI SALVO: Do you think the  
21 site is sufficiently lit from the overhangs.

22 MR. BUSCEMI: I see what you're  
23 saying. I though you meant lights directed  
24 towards. So, yes, there are a couple of  
25 aerial lights, two in the corners, back in

1  
2 the drive-thru. So, you'll notice in the  
3 green space area, the back two corners, there  
4 are lights. So, that will allow for the back  
5 area to be lit at night. And there's also an  
6 additional light out in front on South Ocean  
7 Avenue, right in between stalls six and five  
8 over there.

9 MS. DI SALVO: Are those directional  
10 lights? What is the beam spread?

11 MR. BUSCEMI: Those are aerial  
12 lights. Typically, they shoot straight down.  
13 We can modify them with back fittings to  
14 direct the light and direct it onto the site  
15 to allow spill over.

16 CHAIRPERSON HERSHBERG: By the way, I  
17 just want to share with you, there is a lot  
18 of whispering and side conversations going  
19 on. The questions that I had were with  
20 respect to the variance need for the parking  
21 spaces. Sequencing is a little off. Usually  
22 we look for approval on those matters before  
23 we go to site plan. I don't think we're  
24 going to -- we don't have to suspend what  
25 we're doing here because of that. So, that's

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what all the back conversation was. I apologize for that.

MR. BUSCEMI: Thank you very much for that.

MEMBER RYAN: My question was the irrigation for the landscaping.

MR. BUSCEMI: Yeah. They'll install an underground irrigation system, typical for your sprinklers at home, that will be on a timer and will operate as any other sprinkler system would.

MEMBER RYAN: Can you do low voltage lighting in the landscaping. You have mainly the up lighting. Maybe some low lights.

MR. BUSCEMI: That's definitely something to look into. Do you anything in mind? Bollards or a specific type the Board would like to see?

MEMBER RYAN: More like landscape lighting, small spots if you have a feature or something.

MR. BUSCEMI: We can look at that.

MEMBER RYAN: Bollards are a little more.

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MR. BUSCEMI: Clunky.

MEMBER RYAN: Clunky.

MEMBER DI SALVO: It seems like gas stations and convenience stores are typically over lit for the correct reasons. But you do have some very nice landscaping. I hate to see the entire site completely flooded with light. I would like to see something maintained where it's highs and lows where you need them to be.

MR. BUSCEMI: Low lying lights in the landscape areas. That's reasonable. I think that's fair.

MEMBER DI SALVO: I don't have any other questions about the site plan itself.

CHAIRPERSON HERSHBERG: Not at the moment.

MEMBER DI SALVO: Do you want to move to the description of the building itself?

MR. BUSCEMI: Sure. This is typical Bolla Market architecture that you see in 100 plus stations he has throughout New York. So, it's precast panels on the first lower half, lower third I'll call it. The middle

1  
2 third will be typical red brick, and then the  
3 upper portion will be stucco. There will  
4 also be a closed portico over the center,  
5 which is, again, typical to Bolla's  
6 architecture. There will be windows, which  
7 is a little different than you typically see  
8 for a drive-thru. More like a Dairy Barn  
9 drive-thru, I will call it. The drive-thru  
10 will be cut out through the building. So,  
11 that existing building will be retrofitted to  
12 allow the drive-thru to stay within the  
13 building confines. You'll notice on the east  
14 elevation, you'll see how the building is  
15 cut. There will be columns along that east  
16 elevation to allow see through air, you know,  
17 just a chamber that you're driving through.

18 So, there's really not much to it.  
19 There are a lot of lights on this building:  
20 Three on the front, three on the east  
21 elevation, two on the west, and we talked  
22 along the back. So, we're back to the other  
23 lane discussion that will be adequately lit  
24 on the sidewalk areas.

25 MEMBER RYAN: What is the finish on

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those lights?

MR. BUSCEMI: These are like a bronze sand texture.

MEMBER DI SALVO: I'm sorry. I'm old and a little blind. The Bolla Market green lettering, is that two foot high or three foot high?

MR. BUSCEMI: That is two foot high. It's a 32 square foot sign. I think that's important. I'll just brush on the signs. Technically, the Bolla Market is 32 square feet, two feet by 16. Then the Tim Horton's sign, which is red, that is a two foot by nine foot one quarter inch sign. And the Bolla Market is a precast fiber. So, it's a piece of concrete that fits in with the blocks, the masonry, as well as the brick. And that's non-illuminated. The Tim Horton's and Bolla Market ar all illuminated.

MEMBER DI SALVO: The Tim Horton's is back lit or the actual letters?

MR. BUSCEMI: The actual letters are lit.

MEMBER DI SALVO: Same with the Bolla

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Market?

MR. BUSCEMI: Correct.

MEMBER RYAN: Will the window and door trim be anodized aluminum in a bronze finish.

MR. BUSCEMI: Not bronze, like a stainless steel color almost.

CHAIRPERSON HERSHBERG: I'm sorry, stainless steel?

MR. BUSCEMI: I apologize. Aluminum.

MEMBER DI SALVO: It says bronze.

MR. BUSCEMI: It says dark bronze. Excuse me, you are correct. It will be a dark bronze finish.

CHAIRPERSON HERSHBERG: I think some of the items we discussed can be conditioned by the Board on the application were the low voltage lighting on the landscaping. So, we use words like -- I'm not sure what words we use, but they didn't sound definitive. But once we put it in as a condition, it will be definitive. You're in agreement to some sort of low voltage lighting?

MR. BUSCEMI: Yes.

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2 CHAIRPERSON HERSHBERG: Then we have  
3 some discussion about the fencing separating  
4 the south end of the property with the  
5 parking lot. I don't think we were really  
6 able to arrive at any kind of remedy for that  
7 buffer. We're just buffering from the  
8 parking lot. It's a question good question.  
9 If it's something we could do, great. I  
10 don't think there is much to be done there  
11 without a major overhaul. Again, we're not  
12 protecting from residents or even commercial  
13 or retail outlets of any kind. It's a  
14 parking lot; so, that wouldn't be part of it.  
15 You're going to be seeking approval on the  
16 large sign which you've got up there in the  
17 northwest corner. There's some comments,  
18 although this Board will not be approving the  
19 sign. You've got, it looks like, three feet,  
20 if I can see that number correctly, before  
21 the first panel of the sign on the very  
22 bottom.

23 MR. BUSCEMI: Correct.

24 CHAIRPERSON HERSHBERG: Keep in mind  
25 that you're on a major road, Merrick Road,

1  
2 and that with foliage will be blocking the  
3 view of traffic. If I'm sitting there at the  
4 western most -- I'm not supposed to go out  
5 that way, I'm only coming in that way. I'm  
6 familiar with the gas station. It is a  
7 challenge getting in and out somewhat. That  
8 sign is going to complicate it. Just a  
9 suggestion. Again, not part of our purview.

10 It's hard to get out, when people are  
11 at that light going north on North Ocean.  
12 When they are at that light, they're blocking  
13 the curb cuts on North Ocean. Some people  
14 let other people out, some people don't.  
15 Having anymore blockage or views, I wouldn't  
16 recommend it. Just speaking my mind. It's  
17 not under the purview of the Board.

18 Are there any other questions or  
19 comments?

20 MEMBER RYAN: I don't have any.

21 CHAIRPERSON HERSHBERG: Take the time  
22 that you need.

23 MEMBER DI SALVO: You're showing on  
24 the site plan itself, you're showing a green  
25 area that runs perpendicular, but it's not in

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the landscape plan. What am I missing?

MR. BUSCEMI: So, it's on the landscape plan, but it's not technically landscaping that counts on our site. That's the utility strip or Nassau County DPW. That's what they request.

MEMBER DI SALVO: Okay.

MR. BUSCEMI: So, instead of the asphalt, the county wants the grass utility strip. That could match the existing.

MEMBER DI SALVO: Landscaping is great. Going to be a very big improvement.

MR. BUSCEMI: Thank you very much.

MEMBER RYAN: I agree. Can I make a motion to go into executive session to confer with counsel?

MEMBER DI SALVO: Second.

THE CLERK: All in favor.

MEMBER TAYLOR: Aye.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

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CHAIRPERSON HERSHBERG: We'll just be a couple of minutes.

(WHEREUPON, the Board entered into executive session from 7:52 p.m. to 8:12 p.m., after which the following transpired:)

MEMBER RYAN: I'll make a motion to go into legislative session.

MEMBER DI SALVO: Second.

THE CLERK: All in favor.

MEMBER TAYLOR: Aye.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

CHAIRPERSON HERSHBERG: You can resume. We were just trying to work out some of the sequencing with respect to the parking meters and stuff like that. We had a discussion with respect to conditioning of the plant lights, the low level lights, not the Bollard lights, and also the changes to the parking space.

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The one thing that I need to determine is, was there a traffic study done?

MR. INGBER: Yes, a traffic study was done by our traffic engineer. He is here.

MEMBER RYAN: That would be great.

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

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

MR. FILICIOTTO: Frank A. Filiciotto, F-I-L-I-C-I-O-T-T-O, with the Firm Creighton Manning Engineering. Office is at 145 Main Street, Ossining, New York.

CHAIRPERSON HERSHBERG: Before you start, sir, was that traffic study submitted to Nassau County?

MR. FILICIOTTO: It was.

MEMBER RYAN: Do you have the date?

MR. FILICIOTTO: The date of the most recent revision is December 14, 2022. There were multiple iterations that got us to the point of the conditional approval.

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CHAIRPERSON HERSHBERG: Now conditional approval was a conditional approval from -- define that for me in Nassau County terms.

MR. FILICIOTTO: I'm going to have Nick speak to that. Thank you. The condition was payment of the countywide requirement for a traffic impact fee. It's basically a requirement they have on every single application they see. Typically, that's done later in the process. Everything technical to the matter was approved, but there needs to be an exchange of impact fee.

MEMBER TAYLOR: Can we get a copy.

MR. FILICIOTTO: Of the traffic study or the approval?

MEMBER TAYLOR: The traffic study.

MR. FILICIOTTO: I don't have an extra copy with me now, but I can make it available after the meeting.

MR. McLAUGHLIN: Do you have a copy? I'll make a copy.

MR. FILICIOTTO: Sure.

CHAIRPERSON HERSHBERG: I'm not sure

1  
2 about -- give us a higher level summary of  
3 the traffic study, before you go into minute  
4 details of the study. I just want to have an  
5 understanding of what considerations there  
6 were.

7 MR. FILICIOTTO: Sure, I'd be happy  
8 to. Just for the record, I have appeared  
9 before the Board in Freeport. It's been  
10 quite some time. For the record, I am a  
11 licensed professional engineer in New York  
12 State. I have 28 years of experience in  
13 traffic engineering, enhanced plan site in  
14 engineering. I have appeared before other  
15 planning boards on Long Island. I have been  
16 part of the Bolla expansion program for the  
17 better part of ten years and I worked on  
18 probably 50 of their sites throughout Nassau  
19 and Suffolk counties.

20 CHAIRPERSON HERSHBERG: Thank you.

21 MR. FILICIOTTO. Yes. So, where we  
22 begin with traffic studies is, typically we  
23 look at the existing conditions very closely.  
24 It's been said tonight that this site has  
25 five driveways currently; three on West

1  
2 Merrick, two on South Ocean Avenue. There's  
3 six vehicle fueling positions. That  
4 basically means that six vehicles can fuel  
5 their vehicle simultaneously. I should note  
6 that those five driveways have no turning  
7 restrictions whatsoever. So you could do  
8 rights, lefts, everything out of all five of  
9 those locations. In fact, one of the  
10 driveways on South Ocean is virtually on top  
11 of the intersection, if you're familiar with  
12 it.

13           What we're proposing to do is remove  
14 the automotive repair business that's  
15 currently on the site, there's three bays  
16 there, reduce the size of the building  
17 slightly and, in doing so, split the building  
18 between the convenience market that you have  
19 seen in the renderings, as well as the Tim  
20 Horton's coffee shop, add one additional  
21 gasoline pump, which will result in two  
22 additional fueling positions, and then  
23 consolidate the access considerably.

24           So, now we're going from five to  
25 three. We're also imposing strict turning

1  
2 restrictions on all of those. So, the  
3 driveway on South Ocean Avenue would be only  
4 right in and right out, instead of left in,  
5 left out at two locations. And then on West  
6 Merrick Road there will only be two  
7 driveways. The westerly most driveway is  
8 only for right turns in only, and the  
9 easterly driveway is for only right turns out  
10 only. They're almost like half driveways in  
11 a way. You can only go in one and out the  
12 other and only doing right turns. It's quite  
13 a consolidation of access. With that comes a  
14 reduction in the potential of conflict points  
15 along the roadway. You could imagine someone  
16 leaving the westerly driveway trying to make  
17 a right, the easterly driveway trying to make  
18 a left, they almost cross over each other.  
19 The intent is for that type of thing not to  
20 happen any longer.

21 So, right off the bat, you have a  
22 simplification of access. You have all been  
23 to gasoline stations before approaching at  
24 different angles, trying to jockey into  
25 position. This will make it a little bit

1  
2 more clear to get to the canopy and the pumps  
3 and sort yourselves out.

4 The addition of -- the removal,  
5 really, of the garage repair bays will also  
6 remove the long-term vehicle storage on the  
7 site. So, when you have a repair business,  
8 you have people come there, they're serviced,  
9 maybe it takes two or three days for that  
10 process to happen. And when they're not in  
11 the bays themselves, they are typically  
12 parked somewhere on the site days on end  
13 sometimes. That is no longer going to  
14 happen, because everything is more of a  
15 short-term. There is really no reason to be  
16 on the site more than 15, 20 minutes; that  
17 would be the longest case, unless you're an  
18 employee. So, you don't have the short-term  
19 demands contending with that long-term demand  
20 of some cars just being on the property for  
21 days. So, again, that kind of also cleans  
22 things up. That's the high level change of  
23 what's going to happen.

24 From a more regular traffic level, we  
25 started this project really in the mist of

1  
2 COVID, which wasn't a great time to do a  
3 traffic study, but we had to have a  
4 beginning. So, we did counts in January of  
5 2021 and we knew that there were impacts.  
6 Fortunately for us we had data that had been  
7 taken just before the pandemic by the DOT and  
8 adjust our data, pull it up, calibrate it and  
9 make it representative of what the  
10 pre-pandemic condition was.

11 We then did more counts in June of  
12 2022. As a result of Nassau County's  
13 comments, they wanted us to look at the  
14 weekend in addition to the weekday commuter  
15 peaks. So, we ended up looking at Saturday  
16 as well. And then in preparation for this  
17 meeting, we went out again just this month in  
18 February to check to see how things have kind  
19 of taken shape in the last couple of months.  
20 We found that the counts we took this month,  
21 February of 2023, were more or less similar,  
22 if not a little less than the data we  
23 utilizing as the base for the study.

24 So, we had three opportunities to  
25 collect data. We feel that the report was on

1  
2 solid ground, in terms of the data we used.  
3 We did those counts at the intersection of  
4 West Merrick Road and South Ocean Avenue. We  
5 also counted all the traffic entering and  
6 exiting the site itself. So, we know not  
7 only what is happening at the intersection  
8 but also at the site.

9 From there what we did was compare  
10 the traffic generated by the site, the ins  
11 and outs, with an industry standard set of  
12 data. If you heard from traffic engineers  
13 before, you probably heard of the ITE manual,  
14 the Institution of Transportation Engineers  
15 manual. It's basically a compendium of data  
16 across tons of land uses, anything from gas  
17 stations, convenience stores, residential  
18 buildings, that aggregates all of this data  
19 that allows planners, like myself, to look at  
20 that and say what would that use generate if  
21 it was built?

22 We found that the existing site  
23 generates traffic very closely in alignment  
24 with what the ITE manual said. So, we were  
25 pleased to see that the existing site was

1  
2 acting as expected, essentially, back in  
3 2021, despite the COVID situation that we're  
4 dealing with.

5 From there, what we did was we said  
6 what's changing? We're still going to have a  
7 gas station. It's going be one or two pumps  
8 more. What's really changing here is the  
9 convenience market and the Tim Horton's  
10 drive-thru coffee shop. So, what we did was  
11 looked at the ITE manual and said what  
12 traffic can that generate, and we layered it  
13 on top of the existing condition.

14 One of the things that we talk about  
15 in this industry is when you have gas  
16 stations as convenience store, there is  
17 semiotic relationship between the gas station  
18 and the convenience store, and often times  
19 we're enmeshed with both. The ITE manual,  
20 unfortunately, doesn't recognize the gas  
21 station, convenience store and drive-thru  
22 coffee shop as one cohesive use that still  
23 kind of creates a basic land use. They  
24 exist. There's a few on Long Island. Bolla  
25 actually operates and owns one in West

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Hempstead, one in Commack. So, they're getting there but they're not pervasive like gas stations.

MEMBER DI SALVO: So, you're not going to have recent data that's generated in those locations.

MR. FILICIOTTO: We do. Not specifically recent data on those locations. What we did conservatively here is we isolated the Tim Horton's and said let's look at this as a standalone building and layer that traffic conservatively. Let's assume that every customer of Tim Horton's isn't even a customer of the convenience store or the gas station, which is probably unlikely. If you're going to come in and get coffee, you might also buy a newspaper, pack of gum, you might even fuel your car.

But we did that conservatively, because we wanted to see if this was the worst case scenario with no shared relationship with customers, what would be the impact? So we ended up increasing the traffic on the roads by 95 trips in the

1  
2 morning, which makes sense. It's a coffee  
3 shop, so you're going to see more traffic in  
4 the morning. 43 trips in the weekday  
5 evening, and 98 trips on the Saturday hours.  
6 We layered that up.

7 MEMBER DE SALVO: What were the peak  
8 hours in the morning and evening?

9 MR. FILICIOTTO: The peak period in  
10 the morning is typically 7:00 a.m. to  
11 9:00 a.m. and then 4:00 p.m. to 7:00 p.m. in  
12 the evening. And then on Saturday from  
13 11:00 a.m. to 2:00 p.m. It's midday, when  
14 you really see the peak.

15 What we found, when we layered that  
16 traffic on, the levels of service at the  
17 intersection would still be a B or better.  
18 The level of service is a description of how  
19 long the average vehicle, average driver  
20 waits at an intersection, and it's a grading  
21 of A to F; A being the best, F being the  
22 worst.

23 The intersection of South Ocean and  
24 West Merrick operate at a level Service B and  
25 will continue to do so with the project. The

1  
2 main reason why is because it's mostly --  
3 it's all right in, right out traffic.  
4 There's no left turns occurring in the  
5 driveways. So, the left turns are really  
6 what increases delay, because you have to  
7 look both ways instead of just one.

8 So, level of Service B or better  
9 maintained. No impact in that regard  
10 relative to the project. That's assuming a  
11 conservative approach with having every Tim  
12 Horton's customer being brand new, when we  
13 know that you're probably going to have some  
14 cross over between the gas, the C-store, and  
15 Tim Horton's.

16 The other thing we'll note too is we  
17 also, in the industry, when we talk about  
18 these types of uses, we describe them as pass  
19 by uses. They are uses that people don't  
20 typically plan their day around, they usually  
21 are traveling on a certain route and they  
22 decide, "Hey, that's convenient for me to go  
23 to. I'll make a turn in, get whatever I need  
24 to get and continue on my path." There's  
25 less loyalty that goes with it, because your

1  
2 loyalty is to the convenience, not to the  
3 brand necessarily. So, pass by traffic  
4 actually already exists on the road. When  
5 the site is activated, it pulls people off  
6 the road and then back onto the road. So,  
7 the trip already exists today. When the site  
8 is activated, someone might say, "Hey, Tim  
9 Horton's coffee. I didn't notice that last  
10 week. Let me go in, get some coffee." The  
11 guy is already on the road. We did not  
12 factor for that either. We said it's all  
13 brand new traffic, it's all traffic that  
14 won't be associated with the other Bolla  
15 operation. So, highly conservative.

16 In terms of some of the County back  
17 and forth, we were discussing mainly with  
18 them the left turns, which ultimately went  
19 away through their review. They were very  
20 adamant that it's right in, right out is what  
21 they were willing to approve. So, the most  
22 recent traffic study reflects right in, right  
23 out in all the driveways.

24 They also asked us to do a gap  
25 analysis, which is essentially a measurement

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of the amount of time between cars on Merrick Road and how many of those gaps exist. Basically, it's proving that you can make a turn out onto Merrick Road; there's enough gaps in traffic to do that. When you only have right turns, you don't need a lot of gaps to really address that traffic. Left turns is really when it becomes challenging. So, we gave a gap analysis and that continued the conversation.

Relative to parking, part of the change in the plan was due to some of the County comments. I believe Nick explained that we're in front of the Village for the one space variance. We have six spaces that are striped. My research on gasoline stations/Convenience markets, Bolla or not Bolla, has shown there is a quite a sharing of customer base when you're talking about gas purchases and C-store purchases. It's usually more than 50 percent of those people that come to a site like a Bolla are purchasing both gas and something from the convenience store. So, whether or not --

1  
2 it's certainly customary for someone to use  
3 the vehicle fueling position as a parking  
4 space for that short period of time when they  
5 run into the market and grab their snack or  
6 whatever it is. So, there really are six  
7 proper spaces and there's eight de facto  
8 parking spaces, I'll call it, on the site, as  
9 well as the 15 car queue for the Tim  
10 Horton's, which benefits from the dual  
11 ordering point. So, there's a lot of  
12 capacity on this site to handle the traffic  
13 that it will see. 15 car queue is generous.  
14 Typically, in the industry, we'll see 8, 10  
15 or 12, and this is 15. So, I believe it will  
16 be enough to handle that Tim Horton's  
17 traffic, based on our study.

18 And then finally, I'll just reiterate  
19 the access. That's really the most important  
20 thing that's going on here is the reduction  
21 of the number of curb cuts, the turning  
22 restrictions, overall, it's a safer result  
23 than what you have today, and that's really  
24 the biggest impact, because you're removing  
25 those left turns from the network. That's

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kind of a more detail version of the study. That was last updated in December. That's what ultimately got us the conditional approval in January.

MR. McLAUGHLIN: If I may, Mr. Chairman. I did bring copies. I did give you an extra copy, because I dropped the other one, so it's probably all out of order. I gave you a copy of the original order.

MR. FILICIOTTO: Thank you for making copies.

MR. McLAUGHLIN: Counsel, as long you you're not objecting, I'm going to mark that as an exhibit for the applicant.

MR. INGBER: No objection.

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

MR. McLAUGHLIN: I assume you also have no objection. We do have a copy of the conditional approval from the Nassau County Department of Public Work. We'll mark that as an exhibit as well.

(WHEREUPON, the above-referred to

1  
2 document was marked as Applicant's Exhibit C,  
3 for identification, as of this date.)

4 CHAIRPERSON HERSHBERG: Just a quick  
5 question, because I'm curious. How many cars  
6 do they expect to move through a coffee line  
7 in a drive-thru in a period of time? Quick  
8 answer. Curiosity. Doesn't really affect  
9 the application.

10 MR. FILICIOTTO: In the fast food  
11 market, every brand has its own targets.  
12 Good rule of thumb is about two, two and a  
13 half minutes from the point from which you  
14 order to get through. It could be longer or  
15 shorter. That's, generally, what they try to  
16 maintain; that's the goal. Obviously, when  
17 the point of the sale is really the bottom  
18 line. The most time that occurs is figuring  
19 it out. What happens with the duel lane  
20 system is you service two orders at the same  
21 time, get them going, so you can process more  
22 traffic. Generally two, two and a half,  
23 three minutes, that range, is what they seek.  
24 MEMBER DI SALVO: That's the service  
25 time. I don't know if that's really the

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question. The question was how many do you expect to service.

CHAIRPERSON HERSHBERG: That got to what I was considering. You're talking about the people already on the road, just kind of pulling them off the road.

MEMBER DI SALVO: Is that, that 95 number for the morning rush, 87 in the evening?

MR. FILICIOTTO: It's 95, 43 and 98. Now that's total trips. That's both in and out. It's really half that for the number of customers, because if you're a customer you're coming in and you're going out. That 95 is total.

MEMBER DI SALVO: Onto the site itself.

MR. FILICIOTTO: Correct.

MEMBER DI SALVO: Whether it be gas, convenience or drive-thru.

MR. FILICIOTTO: The 95 is just for the new elements that are added. The gas station traffic is already there.

MEMBER DI SALVO: Convenience and

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drive-thru is 95 in the morning; 7:00 to 9:00  
in the morning.

MR. FILICIOTTO: Correct.

CHAIRPERSON HERSHBERG: Thank you.

MEMBER DI SALVO: Thank you.

CHAIRPERSON HERSHBERG: Does the  
Board have any other questions or comments?

(No response was heard.)

CHAIRPERSON HERSHBERG: Are there any  
questions or comments from the public?  
Hearing none, motion from the Board please.

MEMBER RYAN: Make a motion to close  
to further evidence and testimony and reserve  
decision.

MEMBER TAYLOR: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER TAYLOR: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

CHAIRPERSON HERSHBERG: As I  
mentioned in the beginning of the meeting, we

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have a Board member that does have an obligation they need to attend. We have our alternate member who has been part of all these discussions and will join us on the Board now. We'll do that so that we're not making the switch in the middle of hearing the application.

Please call the next application.

THE CLERK: Site Plan Number 3338 vacant lot east of 164 Moore Avenue. Section 55, Block 350, Lot 250, Residence AA. Stewart Bynoe. Construct a 3,144 square foot two-story dwelling with attached garage, 43 square foot portico and 195 square foot patio.

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

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

MR. ORTIZ: Samuel Ortiz. I'm the contractor. Two Robin Hill Place, Brentwood, New York 11717.

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

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

MR. BYNOE: Stewart Bynoe. 1437  
Chandler Street, Far Rockaway, New York  
11691.

MEMBER DI SALVO: What was your last  
name?

MR. BYNOE: Bynoe. B-Y-N-O-E.

MEMBER RYAN: You're the home owner?

MR. BYNOE: Yes.

CHAIRPERSON HERSHBERG: Before we  
hear your presentation. You have been before  
this Board before back on May 28, 2019, and  
we had a lengthy, to say the least,  
discussion about the application and we had  
numerous comments from the public. We  
realize that there is some history behind the  
development of this property that dates back  
many years. I became aware of the depth of  
the history only fairly recently; however,

1  
2 when we met in 2019 I was aware of some of  
3 the more recent history.

4 So, some of the history involved some  
5 zoning applications that were made that have  
6 been resolved. So, some of the comments that  
7 I heard at our last meeting were with respect  
8 to the zoning issues, and those are resolved  
9 and those are done. We know the parameters  
10 that we can operate under with respect to the  
11 zoning decisions. So, those are defined.  
12 Those are specifically defined in the zoning  
13 decisions.

14 We heard comments from the public  
15 with respect to the way that the property was  
16 treated, the removal of trees, the seeming  
17 lack of communication between the development  
18 of the property and the people in the  
19 neighborhood, and we heard lengthy comments  
20 from the public about that. At the time, at  
21 that meeting, and there may be people here  
22 that weren't at that meeting that may have  
23 new comments that have not be heard. But I  
24 was very liberal in hearing the comments from  
25 the public. I listened carefully. I also

1  
2 reviewed the minutes of those meetings. So,  
3 I have been -- it's fresh in my mind what  
4 those discussions were.

5 So, we heard comments about, again,  
6 tree removal, saw dust on cars, lack of  
7 respect, some complaints about the specific  
8 application with respect to windows. There  
9 were comments with respect to wall or the  
10 fencing around the property and items such as  
11 that. Those were heard. I have repeated  
12 them and we have discussed them among this  
13 Board. We have members on this Board that  
14 were present at that 2019 meeting.

15 I also spoke at length, and I have  
16 already considered what I said speaking at  
17 length, because normally it doesn't need this  
18 kind commentary, but I feel compelled to give  
19 it. I spoke at length about the opportunity  
20 that the public had to work with the owner,  
21 work with the contractor, discuss items so  
22 that didn't occur at this meeting. And so, I  
23 don't know whether that took place or not.  
24 So I'm going to ask the question. Have you  
25 had meetings with any of the members of the

1  
2 public? Specifically, there's a community  
3 association, Stearns Park Community  
4 Association. Forgive me if I'm not saying  
5 that name 100 percent correct. I think you  
6 know what I mean. Have there been any  
7 discussions with any of those members? Have  
8 you made any attempts to reach out to them.

9 MR. BYNOE: There were no  
10 discussions. No one contacted me for any  
11 meeting of any sort.

12 CHAIRPERSON HERSHBERG: In the past  
13 when we have had --

14 THE AUDIENCE: Can I speak?

15 CHAIRPERSON HERSHBERG: No, you  
16 cannot. You'll have an opportunity to speak.

17 MR. McLAUGHLIN: Mr. Chairman, I'll  
18 just let you know, at that time, which  
19 obviously was pre-pandemic the last time we  
20 met. So, it was over three years ago. There  
21 was that discussion, like you stated, at the  
22 meeting. So, I did make attempts to contact  
23 the owner of the property. We were unable to  
24 make contact at that point. So, there were  
25 no meetings after that fact. Just so you're

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aware of the background.

CHAIRPERSON HERSHBERG: So, the part of the lengthy discussion or lengthy talk that I gave at the last meeting was how beneficial it would be to have that discussion. I'm disappointed that that discussion has not taken place, because I'm going to -- I don't want to be negative, but I have had some experience with the members of Stearns Park and they are vocal about the development of their community. The Board considers their opinions, absolutely considers them. But the Board does not only consider their opinions, the Board has other guidelines by which they act, and we have done that tonight on the applications that we have heard. So, I'm not discounting the opinion of any of the association members.

I will tell you that I can speak for myself personally. If any other Board members want to speak up, they can. I'm not saying that they should. But as recently as yesterday I drove up and down Moore Street. I have pictures on my iPhone that are dated

1  
2 yesterday. I can't give you the addresses of  
3 every house that I looked at. I could  
4 probably look at the metadata on my photos  
5 and it will come up. But I looked at all the  
6 houses on the block, and I will say that  
7 there are some very unique and beautiful  
8 homes on that street, as there are in the  
9 Stearns Park area. Homes that we rarely see  
10 that kind of application before this Board.  
11 But there's also a share of more, I'm going  
12 to call them, conventional homes. So, not  
13 that homes that are the Tudor style or that  
14 have turrets or that have fieldstone over the  
15 home. Some really very nice architectural  
16 examples on that street, along with more  
17 conventional homes that you would see in  
18 other places.

19 So, the expectation of getting  
20 something that looks like those houses with  
21 turrets or Tudor style -- I don't know what  
22 the expectation of the Stearns Park  
23 Association is, but it's not a necessity to  
24 get approval for a home that they are in that  
25 particular style, particularly because there

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are more traditional, I'm going to call them, conventional homes right on that block. I have them right now on my phone. They're more than 24 hours old, at this time, but they are not more than 36 hours old.

So, I'm disappointed there wasn't any discussion.

MEMBER DI SALVO: May I, Mr. Chairman?

CHAIRPERSON HERSHBERG: Certainly.

MEMBER DI SALVO: Mr. Bynoe, you have a wonderful opportunity. You were able to purchase a piece of property in Stearns Park. Stearns Park is our jewel box. It's a beautiful neighborhood, it's been exceptionally maintained. The people of that neighborhood take pride in that neighborhood. There are so many styles of homes there to choose from. As the Chairman said, you have Tudors, you have Colonials, you have French Normandy, you have Dutch Colonials, you have Capes, there are ranches. There are so many different types of homes.

The rendering that you provided, the

1  
2 design for the home, to me, it feels very out  
3 of place; almost as if it was designed in a  
4 bubble and put onto the property. I wish  
5 that, again, as the chairman said, that you  
6 would have considered what was going on  
7 around you when designing your home, the  
8 neighborhood that you're in, taken the  
9 opportunity to speak with your neighbors and  
10 association to come up with a little bit more  
11 cohesive addition to the neighborhood.

12 I see that you did make the change to  
13 the windows. The rendering is still showing  
14 clear glass on the windows, but the elevation  
15 is showing six over six panels. Again, the  
16 garage doors that are on the new elevation  
17 are a bit more traditional than what was  
18 shown on the rendering. So, we do appreciate  
19 those changes. The front door though, that  
20 black iron with the scroll that you're  
21 showing on the elevations, there is not a  
22 door like that in Stearns Park. It's very  
23 atypical of the neighborhood. These are just  
24 some of the details that I advise you to look  
25 at and drive around the neighborhood.

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MR. ORTIZ: May I?

CHAIRPERSON HERSHBERG: Yes. If you have a brief comment, then make it.

MR. ORTIZ: Regarding the door. We did change the door. We have a picture I can share with you guys of the door.

CHAIRPERSON HERSHBERG: Okay. So, the question -- and I agree with Member Di Salvo's comments, with respect to the architectural styles that exist in the neighborhood. So, I'm going to pose the question to you, to be fair. Where in the Stearns Park area, or you can give me an example of anywhere else in Freeport. You may find this style in other places in Freeport, but where in the Stearns Park neighborhood do you see houses that have similarity and style to your application, because this is one of the main -- this is a key function of the Board: To look at the neighborhood and to make sure that changes that are made in new homes or additions that are made to the homes are consistent with the style of the neighborhood. So, can you point

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out to me where there is a house in Stearns Park that is similar to this that I may not be aware of?

MR. BYNOE: I can't say an address, offhand. I've been through Stearns Park and have seen similar houses within the area. So, I don't know an address offhand, but there are similar houses with similar build in the area.

CHAIRPERSON HERSHBERG: I asked you the question to be fair. I've driven around Stearns Park. My memory is not infallible. I could have seen something or not recognized something. But I can tell you with absolute certainty, when I drove down this block less than 36 hours ago, I didn't see anything like that.

MR. BYNOE: One that pops is right on Sea View Avenue (sic). Sea View in section -- I can't remember the road itself, but that one very similar.

CHAIRPERSON HERSHBERG: You've given me an address that I will check out. Sea View Avenue.

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MR. McLAUGHLIN: If I may,  
Mr. Chairman, there's no Sea View Avenue. Do  
you mean Seaman?

MR. BYNOE: Seaman venue.

CHAIRPERSON HERSHBERG: Seaman  
Avenue.

MR. BYNOE: Yeah.

CHAIRPERSON HERSHBERG: I will tell  
you that it is the opinion of the Board that  
the application that you submitted does not  
fit in the neighborhood. We can have all  
kinds of discussions about setbacks, and we  
can have particular discussions about whether  
or not you're going to have dividers in  
windows, but the application that you  
submitted, before you go through a detailed  
discussion of all the materials and all of  
the colors, we don't see houses that are like  
this and it's not a fit to the neighborhood.  
You named a street. If I had an address, I  
would pull it up right now to look at the  
house. But I can tell you, from driving down  
the block. You saw a house a couple of  
blocks away. I'm talking about driving down

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this block.

I also want to say -- this is not -- we're happy that you are developing, that your building a home in Freeport. Thank you. We welcome you to come to Freeport to build your home. We encourage that, we appreciate that. The Board has the consider -- one of our key missions is to make sure that the development fits with the neighborhood; and we don't have that. So, I anticipate the public making comments about this particular home, which I don't know whether we can make adjustments to this home or not to make it fit. But on the initial presentation, it's more not fitting than it does.

Go, ahead sir.

MR. ORTIZ: I just want to comment. I'm the contractor. My family is here from Freeport since 1995. So, I know well this area too. I just want to do a comment, because I know this is particular block in Freeport. This application, I think, has been a long process, even though I'm new to the process since last year.

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CHAIRPERSON HERSHBERG: Yes.

MR. ORTIZ: So, it would be good if, since he first saw me, these type of plans would be objections, saying you cannot build this type of houses. Because after -- he's paid over \$10,000 just getting those plans. And now, after a few years requesting now you need to change it, I think it's a little bit unfair for the customer that you guys work and live in Freeport now.

So, I want -- you know, I'm talking like a contractor. I'm talking about the community. Like, it would be good to have consideration based on what has already been done. I understand that there is some things like color change or windows, things like that, to make it more familiar. But we also need to have some empathy why the process has been. If it would be the first time he submitted this, I would understand the rejection that you cannot build this home. This is exclusive community and this is the type of home that we are allowed to build. So, in that way we would present that to

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2 whoever is going to be the architect. But at  
3 this point, after few years, I think it's --  
4 I just, you know, begging for some  
5 consideration in this situation. I  
6 understand where you guys are coming from,  
7 but this is -- he's already spent so much  
8 money now after few years. You say this plan  
9 cannot go through is kind of --

10 CHAIRPERSON HERSHBERG: Sir.

11 MR. McLAUGHLIN: If I may.

12 CHAIRPERSON HERSHBERG: Then I have a  
13 comment. Counsel.

14 MR. McLAUGHLIN: Rob McLaughlin,  
15 Deputy Village Attorney, Village of Freeport.  
16 The process is that you go to the Zoning  
17 Board, which you did and got approvals, and  
18 then you ome to the Planning Board, which is  
19 our aesthetics review board. Any architect  
20 who would make plans for you would have an  
21 understanding that, in any architectural  
22 review board, it has to fit in the character  
23 of the community. That's what I think the  
24 chairman was saying. Right now, the plans  
25 you have doesn't fit in the characteristic of

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2 the community, and he considers you look at  
3 this project. You don't want to be a  
4 different thumb outside the whole thing. Any  
5 residents that live in the Stearns Park  
6 community, and I can tell you my experience,  
7 the Stearns Park community is an active  
8 community, and they are also a fair  
9 community. They just want to make sure that  
10 their community, after everything is said and  
11 done, looks the way the Stearns Park  
12 community in the Village of Freeport is going  
13 to be.

14 If this house looks different than  
15 all the houses in the surrounding area, that  
16 is a problem. And the architect would know  
17 this, because the architect is totally aware  
18 that any -- not only the Village of Freeport,  
19 but any site plan review board in another  
20 village or with the Town of Hempstead, Oyster  
21 Bay, North Hempstead looks at the surrounding  
22 area to ensure that the design of the house,  
23 color of the house, everything fits in the  
24 characteristic of the community it's going  
25 in.

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MR. BYNOE: That was presented by the architect here, right here. He never had said on the plan at all.

MR. McLAUGHLIN: Sir, it's not up to Board to give you advice and opinions. It's up to the architect to. Realistically, you have to present facts to show that this fits in.

MR. BYNOE: I understand your relationship with the members and the villagers of Stearns Park. As a matter of fact, I heard the conversation with you and several of members when I walked through the door, and I wouldn't repeat those statements.

MR. McLAUGHLIN: Repeat whatever you want.

MR. BYNOE: However, I thought it was unfair for me to spit out to you specific address which matches this property. I can go back and I can look at some of these properties that I'm referencing and give you more detailed information.

MR. McLAUGHLIN: If I may, so you're aware. It's not a matter of fairness. It's

1  
2 your application and your burden. Listen.  
3 Let me finish.

4 They can basically let you present,  
5 not give any evidence, and that would be a  
6 denial based on evidence. What they're  
7 trying to tell you is, it's your application.  
8 So, it's burden to show that your design fits  
9 the characteristic of the community. If you  
10 have locations in the community in that  
11 area -- I'm not talking about South Freeport,  
12 I'm talking about in that area that shows  
13 that this fits the character of the  
14 community, since it's your application,  
15 that's something you have to present; it's  
16 not up to the Board or the public to present  
17 that for you. It's your obligation to  
18 present.

19 MR. BYNOE: My understanding,  
20 objective of tonight's hearing is to present  
21 to the Board the aesthetic plans in regard to  
22 the color and the other material with regard  
23 to the building of this.

24 CHAIRPERSON HERSHBERG: Design, sir.  
25 The architectural style of the house is

1  
2 another key component to the decisions of  
3 this Board. It's not just color and type of  
4 windows, it's the architectural design of the  
5 home and that it fits in the character of the  
6 community. That's the charge of this Board,  
7 is that we make decisions so that we do make  
8 those decisions for applications that fit the  
9 character of the community.

10 Now, sir, I'm sorry that you went  
11 through the length of the process that you  
12 did. Personally, I'm sympathetic to the  
13 length of time that you spent trying to get  
14 this property developed. I wish that you  
15 hadn't spent money that didn't go to a  
16 good -- that's not going to reap much benefit  
17 to you in regard to drawing up all these  
18 plans. This Board -- I personally have been  
19 involved in over 1,000 in my tenure on this  
20 board. Let's just round the number off to  
21 1,000; it's more than that. 998 of them were  
22 done without the Stearns Park Association.  
23 So, the board is very capable of making a  
24 decision of whether or not a property fits  
25 into a community. However, we have a

1  
2 concerned community. And where as I didn't  
3 appreciate some of the comments from the  
4 Board that seemed to be stuck on issues in  
5 the past when we had our last meeting, and I  
6 have specific examples of that, that if we do  
7 hear comments from the public this evening  
8 and they seem like they're going the same  
9 track, I'm going to act differently than I  
10 did last time. I'm going to probably stop  
11 those comments, because we are already aware  
12 of them. Every Board member here has a copy  
13 of these minutes and we're very familiar with  
14 them. That's the down side. But the  
15 positive side is we did hear some good  
16 comments. We appreciate community  
17 involvement, we encourage community  
18 involvement. Stearns Park doesn't make the  
19 decision, the association, but they had some  
20 good comments.

21 So, going forward, as counsel had  
22 said, the obligation is on the applicant to  
23 show that their application fits in the  
24 characteristics of the community. And in the  
25 opinion of the Board, I just wanted to stop

1  
2 you before we go into colors and every minute  
3 detail of this application. Last time we met  
4 we asked for a landscape plan. I will tell  
5 you, we got a very robust landscape plan. I  
6 think it's great. Thank you for doing that.  
7 I see the effort to try to get this project  
8 through.

9 At this stage, the way I see it  
10 proceeding at this stage, wouldn't it be nice  
11 to have a conversation, a more open  
12 conversation? We have preliminary hearings  
13 on these applications. You are not required  
14 to have a preliminary hearing with this  
15 Board. But preliminary hearings generally  
16 turn out to be very fruitful, because they're  
17 a little less formal, there can be a couple  
18 of conversations happening at once, just like  
19 a sit around the table conversation and  
20 discussion about the application. This venue  
21 does not lend itself to that kind of  
22 discussion. We would be here -- I'm going  
23 away on March 10th. I wouldn't make that  
24 date, if we tried to have that discussion  
25 now. I'm a little sarcastic on that,

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exaggerating, but I'm trying to make a point.

At this stage, if you want to have a discussion with this Board on a preliminary basis with some design changes, or you feel that you can justify that this architectural style you have shown us does fit the neighborhood, you can just come back and we can discuss it in detail if you want. I don't know that -- my advice would be that, that, would not be the most fruitful approach. I think an open discussion with this Board would probably be the best bet.

Another option would be -- and you weren't here the last time, sir.

MR. ORTIZ: No.

CHAIRPERSON HERSHBERG: Sir, neither of you were here. Your architect was here last time.

MR. BYNOE: Right.

CHAIRPERSON HERSHBERG: You don't now have the benefit of remembering what was said last time. But one of the things in the minutes of the last meeting that I said repeatedly, and now I have said repeatedly

1  
2 again, is the need for some sort of dialog  
3 between you and the Association. Again, you  
4 can skip that and just come to the Board.  
5 But if we come to some sort of consensus, and  
6 then the Association comes to us and says,  
7 makes some very legitimate and beneficial  
8 comments that for some reason we didn't  
9 consider, we didn't get all the information  
10 so that we can have the best development  
11 possible.

12 So, at this point forward, I'm going  
13 to -- sir, you're entitled. This is your  
14 application, it's before the Board. I'm not  
15 suggesting a detailed description of  
16 materials and colors on the design that you  
17 put forth. The one thing that I will point  
18 out also on this, the stone fencing under the  
19 wrought iron, it's beautiful. I might want  
20 that on my home. But it doesn't fit in the  
21 Stearns Park area. If it's somewhere in that  
22 area that I don't see, then show it to me.  
23 It's beautiful. I like that style. Maybe my  
24 home could have that one day. But it's not a  
25 fit. It's not a matter of our personal likes

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2 and dislikes, it's the character of the  
3 neighborhood that we're trying to preserve.

4 So, again, very lengthy process for  
5 you sir, not with this Board necessarily. I  
6 don't want to go -- the horse is dead; I'm  
7 not going to keep kicking it. We are where  
8 we are. For the members of the Association,  
9 they have the right to develop that property  
10 and develop it according to the parameters  
11 that fit within zoning guidelines. This  
12 Board will give an opinion on whether or not  
13 that structure fits within the community, and  
14 we will listen to your comments. But I'd  
15 like, particularly in this instance -- I  
16 haven't had a discussion like this, I haven't  
17 talked this long, since sitting in this spot,  
18 in a decade. I have not done it. But I'm  
19 doing it so we can move forward, because at  
20 the last meeting my comments repeatedly were  
21 that we have an opportunity here to  
22 communicate so that we can get something nice  
23 in our community. That's what I'm looking  
24 for.

25 MR. ORTIZ: I appreciate your

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2 comments. I think based on what you say, and  
3 maybe to make his life and their life and  
4 everybody's life easier, I think we can have  
5 a conversation, especially about appearance  
6 and the front elevation of the home. To make  
7 it more fit with the community, I think  
8 that -- I'm talking in front of the home  
9 owner, but I think he would be open. At this  
10 time, I know how much he is losing with this  
11 project. And I know if we get to the Board  
12 and appeal and appeal, it can take months and  
13 months.

14 CHAIRPERSON HERSHBERG: I want to  
15 stop that lengthy process and I want this to  
16 go as quickly as it possibly can. That is  
17 the desire of every member sitting here on  
18 this Board.

19 MR. ORTIZ: I don't know if you open  
20 to discussion to get at least the front  
21 elevation to more appeal to the community.

22 MR. BYNOE: I spent a lot of time, I  
23 spent a lot of money on this project. Is it  
24 fair to me to reverse? I'm open to  
25 discussion. I'm open to hearing what the

1  
2 community have to say. After all, we have to  
3 life as a community. So, I can clear my  
4 schedule. I don't know who is going to take  
5 the lead to set this meeting up, but I can  
6 clear my schedule to facilitate this meeting  
7 as soon as possible, because I believe that  
8 the project must go on.

9 MR. ORTIZ: Based on that, I think  
10 that we can also -- I can go to the area, see  
11 some of the -- I know the area, but, you  
12 know, just see some of the appearance and  
13 things like that, so we can propose to the  
14 architect to get those designs maybe already  
15 determined to present to the community and  
16 see if we can move on with this project as  
17 soon as possible.

18 CHAIRPERSON HERSHBERG: Thank you. I  
19 think when you drive down the street -- and  
20 this is not a knock to any home owner that  
21 lives on the street -- I think what you're  
22 going to come up with is going to be an  
23 improvement to the community and not  
24 something that the Association tolerates. We  
25 have an opportunity to do that. I see no

1  
2 reason why that can't be accomplished.  
3 Certainly the effort that was put into the  
4 design of this house, the materials involved,  
5 and all of that, we're not talking about an  
6 additional expenditure for a differently  
7 designed home. I'm not talking about  
8 spending more money. It may even be less. I  
9 don't know.

10 MR. McLAUGHLIN: Mr. Chairman, I can  
11 take the lead and schedule a meeting. I'll  
12 give the applicant my card and they can give  
13 me a call tomorrow to schedule it.

14 CHAIRPERSON HERSHBERG: Thank you.  
15 You have stepped up in other occasions. I  
16 don't know -- I consider it above and beyond.  
17 That is much appreciated, because we'll come  
18 up with a good result. Thank you very much.

19 MEMBER DI SALVO: Thank you.

20 MEMBER RYAN: Thank you.

21 CHAIRPERSON HERSHBERG: With all that  
22 said, I'm going to give the public an  
23 opportunity to speak.

24 MR. McLAUGHLIN: May I just suggest  
25 the members just ask if they wanted to speak

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now or table their discussions until we meet with the applicant.

CHAIRPERSON HERSHBERG: Just because you're planning on speaking doesn't mean that you need to speak now. You can.

MS. THOMPSON: I would suggest that we all table it.

CHAIRPERSON HERSHBERG: We can't have discussions from the public out here. We're trying to take a transcript and your voice doesn't come through. If you would -- is it fair to say that the people who were planning to speak are willing to hold those comments or not speak until we have further discussions on a higher level with respect to the design?

MR. McLAUGHLIN: If I may.

CHAIRPERSON HERSHBERG: Would you please come up? You're an officer of the civic association. Would you just make that comment on the record, so that I haven't spoken out of turn for members of the public. Thank you.

L I N D A S I L V A T H O M P S O N,

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

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

7 MS. THOMPSON: Linda Silva Thompson.  
8 181 Moore Avenue. So, I can't speak on  
9 behalf of individuals here. I can speak on  
10 behalf of the Stearns Park Civic Association,  
11 as the president. I did come prepared to  
12 make comments. But in light of your  
13 comments, and in light of the spirit of our  
14 Association, which is to work with  
15 developers, and I think we have proven to  
16 this Board and to the Trustees our  
17 willingness to work on behalf of Stearns  
18 Park, the Association is willing to hold its  
19 comments until we have an opportunity to meet  
20 with the developer.

21 I will say that we have had no  
22 contact in the last five years, the plans  
23 that you have.

24 CHAIRPERSON HERSHBERG: I'm going to  
25 cut you off. I'm not going there again.

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MS. THOMPSON: Fine. I will just encourage the individuals in Stearns Park to consider holding all our comments until we meet with the developer and the developer meets with the Board, and then we can come back and have a more informed hearing. That's my suggestion.

CHAIRPERSON HERSHBERG: Thank you. I will say, there does not need to be a holding of comments, because you're now engaged in open discussion facilitated by counsel from the Village of Freeport. Coming to an agreement doesn't come any better than what has been arranged.

MS. THOMPSON: We have done this before.

CHAIRPERSON HERSHBERG: It's worked.

MS. THOMPSON: It's worked. It's worked for Stearns Park, it's worked for your Board, it's worked for the trustees.

CHAIRPERSON HERSHBERG: It's worked for the developer.

MS. THOMPSON: Didn't I say that first? It's worked for the developer.

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CHAIRPERSON HERSHBERG: I didn't hear that part.

MS. THOMPSON: I said that first, it's worked for all parties. I'm confident that we can do that again.

CHAIRPERSON HERSHBERG: I am too. Thank you.

MR. McLAUGHLIN: If I may, Mr. Chairman?

CHAIRPERSON HERSHBERG: Yes.

MR. HETLAND: Can I have 30 seconds?

CHAIRPERSON HERSHBERG: Yes.

J I M H E T L A N D,  
having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

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

MR. HETLAND: Jim Hetland, H-E-T-L-A-N-D. 180 Moore Avenue.

CHAIRPERSON HERSHBERG: Mr. Hetland, you have more words in this group of papers than me. Go ahead. Your 30 seconds start now.

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MR. HETLAND: Number one, I want to go on the record and thank the chairman for his words about the Association, about the neighborhood, about what we're trying to do here. I do appreciate that and I think my neighbors do as well. That's about it.

CHAIRPERSON HERSHBERG: There are no more comments from the public, I don't believe. Sir, go ahead.

THE AUDIENCE: I second the president's motion.

CHAIRPERSON HERSHBERG: You need to make your comment from the podium, sir. I'm sorry.

P E T E M I T C H E L L,  
having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

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

MR. MITCHELL: 196 Green Avenue, Freeport. 11520. Mitchell. That's my last name.

CHAIRPERSON HERSHBERG: Your first

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name, sir.

MR. MITCHELL: Mister. Pete.

CHAIRPERSON HERSHBERG: I've heard you speak before. Go ahead sir.

MR. MITCHELL: I would like to second our president's decision of tabling it until a later date.

CHAIRPERSON HERSHBERG: Thank you. No more comments from the Board -- from the public. Motion from the Board.

MEMBER RYAN: Make a motion to adjourn until the applicant and the attorney and the residents, and the developer meet.

MEMBER DI SALVO: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER FERNANDEZ: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

CHAIRPERSON HERSHBERG: Thank you. I feel it will be productive. We'll get through it.

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MR. BYNOE: It's been rough. I look forward to being a part of this community.

THE AUDIENCE: Thank you all very much. I do have a question --

CHAIRPERSON HERSHBERG: We're still in session now. If you can wait?

THE AUDIENCE: Is there an Email that I can Email you?

CHAIRPERSON HERSHBERG: What do you want to say?

THE AUDIENCE: The fact that it's a "done deal."

CHAIRPERSON HERSHBERG: What's a done deal?

THE AUDIENCE: The size. Where did that --

CHAIRPERSON HERSHBERG: That's zoning's call.

THE AUDIENCE: So, they were grandfathered in before the change was made?

CHAIRPERSON HERSHBERG: Zoning --

THE AUDIENCE: Because they did it, it's still alive all five years?

CHAIRPERSON HERSHBERG: Yes.

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THE AUDIENCE: That's all I wanted to know. Thank you.

MEMBER RYAN: I make a motion to go into executive session.

MEMBER DI SALVO: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER FERNANDEZ: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

(WHEREUPON, the Board entered into executive session from 9:20 p.m. to 9:48 p.m., after which the following transpired:)

CHAIRPERSON HERSHBERG: Madame Clerk, please call the first decision.

THE CLERK: Site Plan Number 3615, 25 Franklin Square.

MEMBER RYAN: Chairman, regarding SP-3615 for the premises located at 28 Franklin Square, the applicant comes before this Board seeking approval to construct a

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second floor addition and interior alterations.

I, Carole Ryan, move that this Board make the following findings of fact:

This application, as submitted, will not produce an undesirable effect on the neighborhood, if the conditions below are met.

This application, as submitted, will produce an aesthetically and conforming positive addition to the surrounding area, if the conditions below are met.

This application, as submitted, will not negatively alter the appearance of the neighborhood, if the conditions below are met.

The site plan, dated 1/27/23, has been submitted by the applicant, reviewed and approved by the Planning Board. Said site plan has been stamped, approved and signed by the applicant and/or the Chairman of the Planning Board.

The members of this Board are familiar with the neighborhood surrounding

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the applicant's site and have fully considered all documents and testimony concerning this application.

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

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

Applicant/Owner must execute an Affidavit of Compliance and return same to the Office of the Village Clerk within 30 days after the decision is filed in the Village Clerk's Office as a prerequisite for issuance of any permit.

Applicant/Owner is to provide two sets of stamped original final plans incorporating all conditions and modifications for the Building Department along with a signed Affidavit of Compliance to the Village Clerk's Office before issuance of a Building permit.

Any changes and/or modification to the approved plan are subject to further

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review by the Planning Board.

The Planning Board, as lead agency, accepts recommendation of the Building Department Superintendent's negative SEQRA declaration and has determined that this action is a Type II action under SEQRA.

Applicant/Owner must obtain the appropriate permits from the Building Department prior to any construction.

Second?

MEMBER DI SALVO: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER FERNANDEZ: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

THE CLERK: Site Plan Number 3616, 180 South Bay Avenue.

MEMBER DI SALVO: Chairman, regarding Application SP-3616 for the premises located at 180 South Bay Avenue, the applicant comes before this Board seeking approval to

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construct a 688 square foot one-story carport with rooftop deck and a 37 square foot elevator.

I, Annemarie DiSalvo, move that this Board make the following findings of fact:

This application, as submitted, will not produce an undesirable effect on the neighborhood, if the conditions below are met.

This applicant, as submitted, will produce an aesthetically and conforming position addition to the surrounding area, if the conditions below are met.

This application, as submitted, will not negatively alter the appearance of the neighborhood, if the conditions below are met.

The site plan, dated 2/9/23, has been submitted by the applicant, reviewed and approved by the Planning Board. Said site plan has been stamped, approved and signed by the applicant and/or the Chairman of the Planning Board.

The members of this Board are

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familiar with the neighborhood surrounding the applicant's site and have fully considered all documents and testimony concerning this application.

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

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

Applicant/Owner must execute an Affidavit of Compliance and return same to the Office of the Village Clerk within 30 days after the decision is filed in the Village Clerk's Office as a prerequisite for issuance of any permit.

Applicant/Owner is to provide two sets of stamped original final plans incorporating all conditions and modifications for the Building Department along with a signed Affidavit of Compliance to the Village Clerk's Office before issuance of a Building permit.

Any changes and/or modifications to

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the approved plan are subject to further review by the Planning Board.

The Planning Board, as lead agency accepts the recommendation of the Building Department Superintendent's negative SEQRA declaration and has determined that this action is a Type II action under SEQRA.

The Applicant/Owner must obtain the appropriate permits from the Building Department prior to any construction.

Second?

MEMBER RYAN: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER FERNANDEZ: Aye.

CHAIRMAN HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

THE CLERK: Site Plan Number 3617, 260 Westside Avenue.

MEMBER FERNANDEZ: Chairman, regarding Application SP-3617 for the premises located at 260 Westside Avenue, the

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applicant comes before this Board seeking approval to maintain cellar enclosure and finished cellar.

I, Joy Fernandez, move that this Board make the following findings of fact:

This application, as submitted, will not produce an undesirable effect on the neighborhood, if the conditions below are met.

This application, as submitted, will produce an aesthetically and conforming positive addition to the surrounding area, if the conditions below are met.

This application, as submitted, will not negatively alter the appearance of the neighborhood, if the conditions below are met.

The site plan, survey print and/or artist rendering, dated February 10, 2023, have been submitted by the applicant, reviewed and approved by the Planning Board. Said site plan, survey print and/or artist rendering have been stamped, approved and signed by the applicant and/or the Chairman

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of the Planning Board.

The members of this board are familiar with the neighborhood surrounding the applicant's site and have fully considered all documents and testimony concerning this application.

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

Applicant/Owner must execute an Affidavit of Compliance and return same to the Office of the Village Clerk within 30 days after the decision is filed in the Village Clerk's Office as a prerequisite for issuance of any permits.

Applicant/Owner is to provide two sets of stamped original final plans incorporating all conditions and modifications for the Building Department, along with a signed Affidavit of Compliance to the Village Clerk's Office before issuance of a building permit.

Any changes and/or modifications to the approved plan is subject to further

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review by the Planning Board.

The Planning Board, as lead agency, accepts the recommendation of the Building Department Superintendent's negative SEQRA declaration and has determined that this action is a Type II action under SEQRA.

Applicant/Owner must obtain the appropriate permits from the Building Department prior to any construction.

MEMBER RYAN: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER FERNANDEZ: Aye.

CHAIRMAN HERSHBERG: Aye.

THE CLERK: Site Plan Number 3427, 131 West Merrick Road.

MEMBER DI SALVO: Chairman, regarding Application SP-3427 for the premises located at 131 West Merrick Road, the applicant comes before this Board seeking approval to remove existing canopy over existing dispensers, install a 49 by 42 foot canopy over four new dispensers. Convert existing 2,365 square

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2 foot service station building to 2,040 square  
3 foot convenience store with a 473 square foot  
4 drive-thru and associated site improvements.

5 I, Annemarie DiSalvo, move that this  
6 Board make the following findings of fact:

7 This application, as amended, will  
8 not protrude an undesirable effect on the  
9 neighborhood, if the conditions below are  
10 met.

11 This application, as amended, will  
12 produce an aesthetically and conforming  
13 positive addition to the surrounding area, if  
14 the conditions below are met.

15 This application, as amended, will  
16 not negatively alter the appearance of the  
17 neighborhood, if the conditions below are  
18 met.

19 The site plan, survey print and/or  
20 artist rendering, dated 2/9/23, has  
21 submitted, reviewed and approved by the  
22 Planning Board. Said site plan, survey print  
23 and artist rendering has been stamped,  
24 approved and signed by the applicant and/or  
25 the Chairman of the Planning Board.

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The members of this Board are familiar with the neighborhood surrounding the applicant's site and have fully considered all documents and testimony concerning this application.

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

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

Applicant/Owner must execute an Affidavit of Compliance and return same to the Office of the Village Clerk within 30 days after the decision is filed in the Village Clerk's Office as a prerequisite for issue of any payment.

Applicant/Owner is to provide two sets of stamped original final plans incorporating all conditions and modifications for Building Department along with the signed Affidavit of Compliance to the Village Clerk's Office before issuance of a Building permit.

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Any changes and/or modifications to the approved plan are subject to further review by the Planning Board.

The Planning Board, as lead agency, accepts the recommendation of the Building Department Superintendent's negative SEQRA declaration and has determined that this action is a Type II action under SEQRA.

Applicant/Owner must obtain the appropriate permits from the Building Department prior to any construction.

Other conditions:

Low voltage accent landscape lighting to be added.

A sign application must be filed under a separate application.

A Zoning application is to be filed for one additional parking space.

Second?

CHAIRPERSON HERSHBERG: Would you read the second condition again about the sign?

MEMBER DI SALVO: A sign application must be filed under a separate application.

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THE CLERK: With the Building  
Department.

MEMBER DI SALVO: With the Building  
Department.

Second.

MEMBER RYAN: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER FERNANDEZ: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

THE CLERK: Site Plan Number 3607, 84  
Lincoln Place.

MEMBER FERNANDEZ: Chairman,  
regarding Application SP-3607 for the  
premises located at 84 Lincoln Place,  
Freeport, New York, the applicant comes  
before this Board seeking approval to  
construct a 40 foot by 9 foot circular  
driveway, in addition to an existing  
driveway.

I, Joy Fernandez, move that this

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Board make the following findings of fact:

This application will produce an undesirable effect on the neighbor.

This application will not produce an aesthetically and conforming positive addition to the surrounding area due to the fact that the proposed driveway does not conform to any other driveway in the surrounding area.

On balance, the benefit to the applicant by the granting of this application is far outweighed by the detriment to the surrounding community and neighborhood if such application were to be granted.

The applicant wishes to construct a 40 feet by 9 feet circular driveway, in addition to the existing driveway. There is no evidence presented to the Board showing that the proposed driveway would fit into the characteristics of the neighborhood.

By direct observation of the members of the Planning Board, there were not any similar circular driveways in the surrounding area.

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The applicant, in two hearings, failed to present any evidence that the proposed application would conform to the surrounding properties in the community.

Finally, the Board believes that the installation of proposed driveway for which there are no similar driveways in the surrounding area would create inconformity to the character of the surrounding community.

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

MEMBER DI SALVO: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER FERNANDEZ: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

CHAIRPERSON HERSHBERG: Is that all the applications?

THE CLERK: Yes. Can I have a motion for the January 24th minutes?

MEMBER RYAN: Make a motion to

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approve the January 24, 2023 minutes.

MEMBER DI SALVO: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER FERNANDEZ: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed.

(No response was heard.)

MEMBER RYAN: Make a motion to close  
the meeting.

MEMBER DI SALVO: Second.

THE CLERK: All in favor.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

MEMBER FERNANDEZ: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

(Time Ended: 10:03 p.m.)

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February 28, 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 15th day of March, 2023.

  
BETHANNE MENNONNA