

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INCORPORATED VILLAGE OF FREEPORT

ZONING BOARD OF APPEALS

MUNICIPAL BUILDING

46 North Ocean Avenue
Freeport, NY 11520

April 26, 2023
6:00 p.m.

M E M B E R S:

- ROSA RHODEN CHAIRPERSON
- ANTHONY MINEO MEMBER
- BEN JACKSON MEMBER
- DIEGO PINZON MEMBER (ALTERNATE)

* * *

ROBIN CANTELLI SECRETARY TO THE ZONING BOARD OF
 APPEALS

JENNIFER UNGAR DEPUTY VILLAGE ATTORNEY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

1 Affidavit of Publication 5

2 Affidavit of Posting 5

* * *

APPLICATION# 2023-3

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 6

* * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

-----INDEX-----

<u>APPLICATION#</u>	<u>ADDRESS</u>	<u>PAGE</u>
2023-3	231 Brookside Avenue	6-26

* * *

DECISIONS

<u>APPLICATION#</u>	<u>ADDRESS</u>	<u>PAGE</u>
2023-01	74 Broadway	27-35
2023-3	231 South Brookside Avenue	35-38

1 Zoning Board of Appeals - April 26, 2023

2 CHAIRPERSON RHODEN: Good evening,
3 everyone. If everyone would join us for
4 the Pledge of Allegiance.

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

7 CHAIRPERSON RHODEN: Thank you.

8 We have a member absent tonight. As
9 such, I designate David Pinzon as a
10 member of this Board to substitute in
11 for the absent member.

12 Can I please have a Motion to accept
13 the Board minutes of April 20th.

14 MEMBER JACKSON: So moved.

15 MEMBER PINZON: Second.

16 THE CLERK: All in favor?

17 MEMBER PINZON: Aye.

18 MEMBER JACKSON: Aye.

19 CHAIRPERSON RHODEN: Aye.

20 THE CLERK: Any apposed?

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

23 CHAIRPERSON RHODEN: Do we have any
24 Affidavit of Publication or Postings
25 that need to be entered into the record

1 Zoning Board of Appeals - April 26, 2023
2 as Exhibits?

3 THE CLERK: Yes, Madam, Chair. I
4 have one Affidavit of Publication and
5 one Affidavit of Posting to be entered
6 into the record as Board Exhibits.
7 These will be Board Exhibit's 1 and 2
8 for this Public Hearing.

9 (Board Exhibit 1, Affidavit of
10 Publication, received in evidence.)

11 (Board Exhibit 2, Affidavit of
12 Posting, received in evidence.)

13 CHAIRPERSON RHODEN: Do we have any
14 requests for adjournments this evening?

15 THE CLERK: There are no requests
16 for adjournments this evening.

17 CHAIRPERSON RHODEN: If we have
18 anyone here who would like to speak for
19 or against an application this evening,
20 please fill out a slip that's on the
21 back table and bring it up to the clerk,
22 please.

23 Can you please call the first
24 application on tonight's calendar.

25 THE CLERK: Yes, the first

1 Zoning Board of Appeals - April 26, 2023
2 application is Application Number 2023-3
3 - 231 South Brookside Avenue, Residence
4 A - Section 54, Block 208/Lot 64- Felice
5 McCoy.

6 Maintain a 20 foot by 24 foot single
7 story two car garage. Variances:
8 Village Ordinance 210-6(A),
9 210-43(C) (2)- Rear yards depth,
10 210-43(C)3 - Sides yards width.

11 I have one Affidavit of Mailing to
12 be entered into the record as a Board
13 Exhibit. This will be Board Exhibit
14 Number 1 for this individual Public
15 Hearing.

16 (Board Exhibit 1, Affidavit of
17 Mailing, received in evidence.)

18 CHAIRPERSON RHODEN: Do we have the
19 applicant here?

20 MR. EZEANI: Yes.

21 CHAIRPERSON RHODEN: Please come up
22 to the front and be sworn in.

23 If the person with you is going to
24 speak as well, they will also come up
25 and be sworn in, okay, I'm just letting

1 Zoning Board of Appeals - April 26, 2023

2 you know.

3 (Whereupon, the Court Reporter sworn
4 in the Witness.)

5 MR. EZEANI: Lawrence Ezeani, 53
6 Marvin Avenue, Uniondale, New York.

7 Okay. We're here to seek relief
8 for -- to maintain two car garage. And
9 the garage is sighted at the rear of the
10 building and with a shortage of setbacks
11 requirement. The setback and
12 requirements is what we're here for to
13 seek and get the relief for.

14 And we have, I think on the north
15 side of it, we have a 3.8, which
16 requires about 5 feet. And then on the
17 east side, we have a 4.2, within that
18 range, which we're also seeking for a
19 relief.

20 And I don't know if you have the
21 drawings in front of you. What I did,
22 company did, is to have fire rittens on
23 the rear side of it. And then on the
24 right side of it, it's pretty close to
25 the property line, and the *essence is

1 Zoning Board of Appeals - April 26, 2023

2 just to conform and bring in within the
3 code requirements. And that's actually
4 what we're here for, to have -- to
5 legalize what's the existing condition
6 'cause they are already existing.

7 CHAIRPERSON RHODEN: So you just had
8 this built?

9 MR. EZEANI: Yes.

10 It's not hundred percent complete.
11 It's still in the process of getting
12 complete.

13 CHAIRPERSON RHODEN: So it's in the
14 process of being complete?

15 MR. EZEANI: Yes.

16 CHAIRPERSON RHODEN: Did you know
17 that you needed an application to
18 construct this?

19 MR. EZEANI: My company get involved
20 when it was up already. So probably --
21 I don't know if the owner knew that. We
22 saw what was there and then we tried to
23 see if we can get it legalized and then
24 we come here to see if we can get
25 relief.

1 Zoning Board of Appeals - April 26, 2023

2 CHAIRPERSON RHODEN: I'm sorry, I
3 didn't understand it.

4 Are you saying there was already a
5 garage there?

6 MR. EZEANI: No, there was slab.
7 Slab was there already.

8 CHAIRPERSON RHODEN: A slab?

9 MR. EZEANI: Yes, ma'am, still up
10 but there was no --

11 CHAIRPERSON RHODEN: There was no
12 structure?

13 MR. EZEANI: There was a structure.
14 That's what I'm saying.

15 MEMBER PINZON: There was an old
16 structure?

17 MR. EZEANI: There was a structure
18 there now.

19 CHAIRPERSON RHODEN: So there was an
20 existing structure?

21 MR. EZEANI: Yes, just to legalize
22 it, yes, ma'am.

23 MEMBER JACKSON: How do you compare
24 to what's built now? Is it the same
25 size? The same setbacks?

1 Zoning Board of Appeals - April 26, 2023

2 MR. EZEANI: Everything else is
3 within code requirements except for
4 those setbacks. That's all.

5 MEMBER JACKSON: My question though
6 is, you said there was a structure there
7 prior.

8 MR. EZEANI: There was only a slab
9 from what I was made to understand.

10 MEMBER JACKSON: So only a slab, but
11 nothing on top?

12 MR. EZEANI: Yes. I didn't know
13 anything beyond that, but the
14 information that I was given was that it
15 was a slab over there.

16 MEMBER JACKSON: All right.

17 MS. UNGAR: If you as the homeowner
18 want to speak you're absolutely welcome
19 to come up and speak.

20 You're the applicant. You don't
21 have to fill out a slip. You can come
22 up and present alongside with your
23 architect.

24 (Whereupon, the Court Reporter swore
25 in the Witness.)

1 Zoning Board of Appeals - April 26, 2023

2 MS. MCCOY: Felice McCoy, 231 South
3 Brookside Avenue, Freeport, New York.

4 MEMBER JACKSON: My question was,
5 was there a structure there originally?

6 MS. MCCOY: Yeah, it was two garages
7 there. Like, if you look on the Google
8 Earth, there was two garages there. We
9 got them down. I got the architect and
10 everything. I didn't know that I had to
11 get you to...

12 MEMBER JACKSON: The garage was the
13 same size and same location?

14 MS. MCCOY: It's the same location
15 but I, like, stretched it. It was a
16 tree going towards the eastern side.

17 MEMBER JACKSON: You made it bigger?

18 MS. MCCOY: Yes.

19 MEMBER JACKSON: Okay.

20 MS. MCCOY: That's it.

21 CHAIRPERSON RHODEN: That's it. Did
22 you just purchase the home or is this
23 your home --

24 MS. MCCOY: In 2015.

25 CHAIRPERSON RHODEN: Okay.

1 Zoning Board of Appeals - April 26, 2023

2 MEMBER JACKSON: Okay.

3 MS. UNGAR: You might want to stay
4 up in case we have more questions.

5 MS. MCCOY: Okay.

6 No, because he didn't know if what
7 was there before. That's why.

8 MEMBER PINZON: So just to clarify,
9 there were two separate structures?
10 There two garages?

11 MS. MCCOY: Yes.

12 MEMBER PINZON: Two different
13 buildings?

14 MS. MCCOY: Yes.

15 MEMBER PINZON: And you knocked both
16 those buildings down and made it into a
17 two car garage?

18 MS. MCCOY: Yes.

19 MEMBER PINZON: That's now bigger
20 than both buildings that were there
21 before?

22 MS. MCCOY: Yeah. It was all
23 raggedy, yeah.

24 CHAIRPERSON RHODEN: So I would like
25 to know how much bigger is the new

1 Zoning Board of Appeals - April 26, 2023

2 garage compared to what was existing.

3 MS. MCCOY: Like, three feet more.

4 Like, three feet more.

5 CHAIRPERSON RHODEN: Three feet

6 more?

7 MS. MCCOY: Yeah.

8 CHAIRPERSON RHODEN: Okay. All

9 right.

10 And you need --

11 MS. MCCOY: And the one -- there was

12 another one that was -- that was, like,

13 one of those -- how you call it? Like,

14 metal. It was one, two three. One,

15 two, three. It was three going across,

16 but the one on the end was, like, that

17 metal --

18 MEMBER PINZON: Like, a shed; is

19 that what you're saying?

20 MS. MCCOY: Yes, it was the big

21 metal one, you know, to -- not -- not

22 like the one you can bend, the metal --

23 I can't explain it, but it's a --

24 MR. EZEANI: If I can understand

25 what she's trying to say, there's so

1 Zoning Board of Appeals - April 26, 2023

2 many little, little structures. Now she
3 decide to clean it up, everything else
4 and make it simple nice an aesthetic.

5 MS. MCCOY: Right.

6 So it was like a shed. You know,
7 with those sheds, you pushing it, like,
8 bending. Not that kind of shed. I
9 think it's like man steel or something.
10 You know what I'm talking about?

11 MEMBER JACKSON: Steel, yes.

12 MS. MCCOY: That. That one was the
13 one that was on the end. Because they
14 put these cinderblocks around, shorting
15 up my property, was making it all
16 shorting. And that's my extra space
17 that I could have had.

18 MEMBER JACKSON: So the slab that
19 this new garage is on was existing and
20 there was a new slab?

21 MS. MCCOY: There was a slab there.
22 What they -- you know, they have been
23 those things coming up that he used --
24 it was a slab there and we had to get
25 more because he said I had to get more

1 Zoning Board of Appeals - April 26, 2023

2 concrete and stuff to hold up the
3 garage. So if you look at it, you
4 can --

5 MEMBER JACKSON: More concrete being
6 more concrete being foundation or more
7 concrete being a slab?

8 MS. MCCOY: More concrete being the
9 weight.

10 MEMBER JACKSON: I can't tell from
11 the picture if it's a new slab or
12 concrete foundation or was it the
13 concrete was expanded where the slab was
14 there.

15 MS. MCCOY: The concrete is on top
16 of the concrete that was there and I had
17 to get thicker concrete to go across for
18 where that man steel thing was to put.

19 You gotta look at it.

20 MEMBER PINZON: So again, I'm a
21 little confused myself.

22 So there was a slab there.

23 MS. MCCOY: Yes.

24 MEMBER PINZON: Right? There was no
25 slab where the shed was. You're saying

1 Zoning Board of Appeals - April 26, 2023

2 it was laying on top of cinderblocks.

3 MS. MCCOY: No, the border -- now,
4 they put a border around my property,
5 they put cinderblocks around the boarder
6 to --

7 MEMBER PINZON: Okay.

8 MS. MCCOY: Right. And then right
9 inside of that boarder that's where that
10 last one was that we had to match the
11 concrete to go with the other concrete
12 that the --

13 MEMBER PINZON: Okay.

14 So when you took down the three
15 structures, right?

16 MS. MCCOY: We took three, yeah.

17 MEMBER PINZON: The two buildings
18 plus the shed?

19 MS. MCCOY: Right.

20 MEMBER PINZON: Now you put more
21 slab, more concrete on top of the old
22 slab and extended to where the shed was?

23 MS. MCCOY: Right, right. Because
24 he -- because the architect said we had
25 to put more cement and I had to make

1 Zoning Board of Appeals - April 26, 2023

2 where that steel was had to make that --
3 they had to dig that and make that
4 cement match the -- what was there and
5 go higher on top of them.

6 MEMBER JACKSON: So as an architect
7 it sounds as if you were there prior to
8 this being framed.

9 You didn't tell them that they
10 needed a permit?

11 MR. EZEANI: When I get up there,
12 everything is as it is, so --

13 MEMBER JACKSON: But she just
14 testified that --

15 (Crosstalk.)

16 MEMBER JACKSON: She just testified
17 that you had said that she needed more
18 concrete prior to that being built. So
19 I'm trying to understand what came
20 first.

21 MR. EZEANI: Oh, okay. I think what
22 she's trying to say, previous guys, I
23 think the contractor she meant as an
24 architect or -- and, you know, the
25 company, yes, so that's a difference.

1 Zoning Board of Appeals - April 26, 2023

2 MEMBER JACKSON: Okay.

3 MS. MCCOY: He is not the one
4 building it. He is the one that --

5 MR. EZEANI: Right.

6 MS. MCCOY: -- did that stuff.

7 MR. EZEANI: Yes.

8 CHAIRPERSON RHODEN: Okay. Got it.

9 MS. MCCOY: Am I not explaining it
10 right? You want me to start from the
11 beginning?

12 CHAIRPERSON RHODEN: We got it.

13 MS. MCCOY: Okay.

14 CHAIRPERSON RHODEN: Okay. So just
15 to make sure, this is a one level two
16 car garage, right?

17 MS. MCCOY: Yes.

18 It's very important to me.

19 CHAIRPERSON RHODEN: Okay.

20 MS. MCCOY: No, I'm serious. It is.

21 MR. EZEANI: And can I -- apart from
22 the setback requirements, every part of
23 the aspects of the garage met the code
24 requirement except the side setbacks.

25 CHAIRPERSON RHODEN: Except for the

1 Zoning Board of Appeals - April 26, 2023

2 side and rear?

3 MR. EZEANI: Yes.

4 CHAIRPERSON RHODEN: So just to make
5 sure the, I think the rear is .25?

6 MR. EZEANI: Yes, ma'am.

7 CHAIRPERSON RHODEN: And then the
8 side yards are short one foot, right?

9 MR. EZEANI: Yes, ma'am.

10 And what I did to also improve those
11 side yards is to add an extra fire
12 rittens walls, you had to make the walls
13 thicker for fire protection (inaudible).

14 MS. UNGAR: You had to make the
15 walls thicker --

16 MR. EZEANI: Yeah. It was two sides
17 that is short in setbacks. The design
18 that we had on it is to make it a little
19 more fireproof. So even if it's too
20 close to the property line that fire
21 proofing is enough for that protection,
22 because all the setbacks requirements is
23 just for fireproofing to make sure that
24 if in case there's any fire on the
25 garage, it doesn't get to the next

1 Zoning Board of Appeals - April 26, 2023

2 neighbor. So those designs that are
3 compromised just a little bit.

4 MEMBER PINZON: Are you saying that
5 you built the walls of the actual garage
6 where it's short now and thicker on
7 purpose to fireproof it?

8 MR. EZEANI: No, it's still under
9 construction.

10 The description that I have here
11 will be done, yes (indicating). Will be
12 done and complete. It's not complete
13 yet.

14 CHAIRPERSON RHODEN: So I think what
15 the Board member asked was that you made
16 the walls thicker, which caused a little
17 bit of you going out more, right?

18 (Whereupon, Member Anthony Mineo has
19 entered the Hearing at 6:54 p.m.)

20 MR. EZEANI: Well, no. When I say
21 "thicker," it's half inch thickness to
22 it. It's not --

23 CHAIRPERSON RHODEN: Okay.

24 MR. EZEANI: -- anything else there.

25 MEMBER JACKSON: When you say

1 Zoning Board of Appeals - April 26, 2023

2 "thicker," you're adding more sheetrock,
3 right?

4 MR. EZEANI: Yes, there you go.

5 (Crosstalk.)

6 MR. EZEANI: Pretty much. That's
7 what it is, sir. That's sheetrock, yes.

8 (Crosstalk.)

9 MR. EZEANI: Actually that's what it
10 is, yes, sir.

11 CHAIRPERSON RHODEN: Okay. Thank
12 you.

13 MEMBER JACKSON: Thank you very
14 much.

15 Do we have anyone here who would
16 like to speak for or against this
17 application this evening.

18 THE CLERK: Elizabeth Daly.

19 (Whereupon, the Court Reporter swore
20 in the Witness.)

21 MS. DALY: 247 South Brookside
22 Avenue.

23 Hi. We just wanted to know, is this
24 garage used for the family, for a single
25 family, or is it going to be used in a

1 Zoning Board of Appeals - April 26, 2023

2 business setting? 'Cause before it used
3 to be -- back there is a backyard, but
4 now it's all concrete back there and
5 there's multiple areas for parking a lot
6 of cars now and so, you know, it was
7 concern about the traffic flow.

8 MEMBER JACKSON: I understand and
9 appreciate your concerns. I don't
10 believe that's necessary the purview of
11 this Board. We have to assume that
12 they're using it as residential
13 purposes.

14 You can contact the Village if you
15 do see something that concerns you. I
16 don't know what exactly --

17 ****

18 MS. DALY: Okay.

19 MEMBER JACKSON: -- it is as far as
20 what --

21 (Crosstalk.)

22 MS. DALY: Okay.

23 MEMBER JACKSON: But it is for a
24 single family home and single family
25 use.

1 Zoning Board of Appeals - April 26, 2023

2 MS. DALY: Thank you.

3 MEMBER JACKSON: Thank you.

4 CHAIRPERSON RHODEN: Thank you.

5 MS. UNGAR: And correct me, garages
6 are generally not finished spaces?

7 MEMBER JACKSON: No, generally not.

8 MS. UNGAR: So they shouldn't be
9 finished with anything more than some
10 basic lighting and electric.

11 CHAIRPERSON RHODEN: Right. No
12 plumbing.

13 MS. UNGAR: No plumbing, no major --

14 MEMBER JACKSON: For the purpose of
15 what the architect said, you can put
16 sheetrock with the fireproofing, and
17 it's actually not a bad idea because
18 it's close to the property line. I
19 don't believe that that's against any of
20 the rules, but it can't be used for
21 living space.

22 MS. UNGAR: So it would not be
23 insulated --

24 MEMBER JACKSON: No.

25 MS. UNGER: -- for example, it

1 Zoning Board of Appeals - April 26, 2023

2 wouldn't have anything more than basic
3 electric to power a garage door?

4 MEMBER JACKSON: No plumbing, no
5 lighting -- I shouldn't say no lighting.
6 No plumbing.

7 MS. UNGAR: There should be a basic
8 light.

9 CHAIRPERSON RHODEN: Hold on one
10 second.

11 Do we have anyone else here? If
12 there is anyone else who wants to speak
13 on behalf of this application, I ask
14 that you please complete a form that's
15 in the back of the room on the table.
16 If you're not, then okay.

17 Please let's proceed.

18 Do you want to come back up? You
19 can respond to the Board.

20 MS. MCCOY: I was just going to say
21 I didn't need any electric. Just to
22 pick up the garage (indicating).

23 CHAIRPERSON RHODEN: Okay. It's the
24 pickup garage.

25 MS. MCCOY: No, it's no door on it.

1 Zoning Board of Appeals - April 26, 2023

2 But she said, did I need lights and
3 electric and all. I said, I don't need
4 all that, it's just doing this --
5 (indicating). Yeah, just so you know.

6 MEMBER PINZON: So you're saying
7 you're not planning to put electric in
8 the garage?

9 MS. MCCOY: No.

10 MEMBER PINZON: All right.

11 MS. MCCOY: It's gonna put -- I have
12 a classic car that I need to put away,
13 yeah, and I don't need to --

14 MEMBER PINZON: So there won't be
15 any lighting? They're won't be --

16 MS. MCCOY: Yeah, I don't need -- I
17 just need the -- I need the garage.
18 Yeah.

19 CHAIRPERSON RHODEN: Thank you.

20 MEMBER PINZON: Okay.

21 CHAIRPERSON RHODEN: Do we have
22 anyone that would like speak for or
23 against this application this evening?

24 THE CLERK: We do not.

25 CHAIRPERSON RHODEN: Okay.

1 Zoning Board of Appeals - April 26, 2023

2 Thank you very much.

3 At this time, can I please have a
4 Motion to close for further evidence and
5 testimony and reserve decision?

6 MEMBER JACKSON: So moved.

7 MEMBER PINZON: I second.

8 THE CLERK: All in favor.

9 MEMBER PINZON: Aye.

10 MEMBER JACKSON: Aye.

11 CHAIRPERSON RHODEN: Aye.

12 MEMBER MINEO: Aye.

13 THE CLERK: Any apposed?

14 (Whereupon, there was no verbal
15 response.)

16 CHAIRPERSON RHODEN: Can I have a
17 Motion to enter into Executive Session?

18 MEMBER JACKSON: I make a Motion to
19 move into Executive Session.

20 MEMBER PINZON: Second.

21 THE CLERK: All in favor?

22 MEMBER PINZON: Aye.

23 MEMBER JACKSON: Aye.

24 CHAIRPERSON RHODEN: Aye.

25 MEMBER MINEO: Aye.

1 Zoning Board of Appeals - April 26, 2023

2 THE CLERK: Any apposed?

3 (Whereupon, there was no verbal
4 response given).

5 (Whereupon, the Board entered into
6 Executive Session.)

7 CHAIRPERSON RHODEN: Do we have any
8 decisions that need to be read into
9 tonight's calendar?

10 THE CLERK: Yes. The first
11 application is 2023-01 - 74 Broadway -
12 Business B - Section 55, Block 234, Lot
13 48 LL Properties Corp. New four story
14 2,334 square foot apartment building
15 with three two bedroom units and six
16 one-bedroom units with parking under
17 building at grade.

18 MEMBER MINEO: Chairman, regarding
19 Application #2023-01 for the premises
20 located at 74 Broadway, Freeport, the
21 Applicant comes before this Board
22 seeking a variance from Village
23 Ordinances S210-6A, 210-80A, 210-47A,
24 210-48, 210-49C and D, 210-51A and B,
25 210-54 seeking approval to construct a

1 Zoning Board of Appeals - April 26, 2023

2 new four story 2, 334 square foot
3 apartment building with three two
4 bedroom units and six one-bedroom units
5 with parking under building at grade.

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

9 A public hearing was held on March
10 16, 2023 wherein applicant, El Balcon
11 Properties, was represented by
12 Maria Miro, of Miro Design and Drafting.
13 She explained that the owner
14 Roberto Delgado was present at the
15 Hearing, as was real estate expert
16 Barry Nelson. El Balcon has been doing
17 business in the Village for over 20
18 years, mainly new construction. They
19 are proposing a 9 unit apartment
20 building in a business B zone, with 18
21 parking spaces provided, when 15 are
22 required.

23 The first variance at issue is
24 height. Apartment buildings are limited
25 in height to 32 feet, however, the

1 Zoning Board of Appeals - April 26, 2023

2 Business B zone, where it is proposed,
3 allows for 50 feet. The proposed height
4 is 41.4 feet, with a six foot bulkhead
5 Extension. The building next door is
6 taller than the proposed building.

7 Ms. Miro also explained that the lot
8 area is in question. 15,000 square feet
9 are required and 6,666 is provided.

10 Additionally, for 9 units, a lot size of
11 8,910 could be required. Ms. Miro
12 explained that they are proposing open
13 space and recreation on the roof of the
14 building. They are also open to more
15 greenery and shrubs in the front of
16 the building.

17 Mr. Delgado spoke about the height
18 of the building, as well as his
19 willingness to put recreation space on
20 the roof. He explained that he is
21 providing 18 parking spaces when only 15
22 are required. He explained that he is
23 seeking a use variance because he
24 believes that a business use is not the
25 best option at that location because

1 Zoning Board of Appeals - April 26, 2023

2 there are already many small businesses.

3 He has owned the property for about five

4 years, and opted for residential use.

5 He plans to provide a washer/dryer in

6 each unit, a gate to access parking,

7 energy efficiency, and an elevator.

8 Originally, he proposed 12 units, but

9 opted to scale down to ensure he could

10 provide adequate parking.

11 He needs a side yard variance due to the

12 staircases on both sides of the

13 building. The building itself, minus

14 the stairs has a 10 foot side yard

15 setback. In regards to distance from

16 the surrounding buildings, one side has

17 a 12 foot setback, and the other has a

18 10 foot setback.

19 When asked about lot area and apartment

20 size, Mr. Delgado explained that he only

21 has 33% lot coverage. Business B would

22 normally allow up to 100% lot coverage,

23 except for required open spaces.

24 Barry Nelson explained about the

25 number of apartment buildings within the

1 Zoning Board of Appeals - April 26, 2023

2 vicinity of the proposed building.

3 He also explained about some mixed use
4 in the area, as well as an auto repair
5 center and warehouse. He explained that
6 the proposed residential use blends well
7 in the neighborhood. If it were to be
8 developed as a business use, it would
9 have to provide parking underneath, with
10 offices on floors 2, 3, and 4, which
11 would not make sense in the area. He
12 opined that retail at ground level would
13 not work, due to the lack of parking.

14 He went through the finances of an
15 apartment building, and opined that to
16 make a reasonable return of office
17 space, it would need to fetch rents of
18 \$20-33 per square foot. Right now, he
19 shows retail rents at \$20 per square
20 foot for office.

21 Mr. Delgado spoke again and
22 explained that he does the work. He has
23 a plumbing license, and he is a general
24 contractor. He builds, owns and runs
25 the building.

1 Zoning Board of Appeals - April 26, 2023

2 A neighbor spoke about concerns of
3 people blocking the driveway. They also
4 had concerns about losing space to park
5 in front of 74 Broadway, due to the
6 proposed curb cuts. As to questions
7 about sightlines, the proposed
8 building has columns set back 20 feet
9 from the street.

10 As to the proposed use variance

11 1. Applicant has demonstrated that applicable
12 zoning regulations and restrictions have caused
13 Unnecessary hardship. Applicant has
14 demonstrated to the board of appeals that for
15 each and every permitted use under the zoning
16 regulations for the particular district where
17 the property is located:

18 a. The applicant cannot realize a reasonable
19 return, provided that lack of return is
20 substantial as demonstrated by competent
21 financial evidence. Applicant provided solid
22 evidence that an elevated multi-floor office
23 building would not be able to realize a return
24 on the building. Retail would not work either
25 due to the need to provide parking.

1 Zoning Board of Appeals - April 26, 2023

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

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

9 d. That the alleged hardship has not been
10 self-created.

11 Regarding the area variances for height, lot
12 area, density, lot coverage, open space,
13 required yards, and required front yards in
14 apartment buildings:

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

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

25 b. That the benefit sought by the applicant

1 Zoning Board of Appeals - April 26, 2023

2 cannot be achieved by some method, feasible for
3 the applicant to pursue, other than an area
4 variance;

5 c. That the requested area variance is
6 insubstantial;

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

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

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

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

25 1. Applicant/Owner must comply with all the

1 Zoning Board of Appeals - April 26, 2023

2 Rules and Regulations of the Village of

3 Freeport.

4 2. Applicant must obtain the required permits

5 from the Building Department.

6 3. This application for variance(s) is being

7 granted on the basis of the specific use

8 proposed. If anything in this application is to

9 change, the applicant must return to the Board

10 for further review.

11 MEMBER JACKSON: I second.

12 THE CLERK: All in favor?

13 MEMBER PINZON: Aye.

14 MEMBER JACKSON: Aye.

15 CHAIRPERSON RHODEN: Aye.

16 MEMBER MINEO: Aye.

17 THE CLERK: Any apposed?

18 (Whereupon, there was no verbal

19 response.)

20 THE CLERK: The second decision is

21 Application 2023-6 - 231 South Brookside

22 Avenue - Residence A, Section 54, Block

23 208, Lot 64, Felice McCoy seeking

24 approval to maintain a 20 foot by 24

25 foot single story two car garage.

1 Zoning Board of Appeals - April 26, 2023

2 MEMBER PINZON: Madam Chair,
3 regarding Application #2023-3 for the
4 premises located at 231 South Brookside
5 Avenue, Freeport, the Applicant comes
6 before this Board seeking a variance
7 from Village Ordinances §210-6A,
8 210-43C(2)(3) seeking approval to
9 maintain a 20 by 24 single story two
10 car garage.

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

- 14 1. A public hearing was held on April 26, 2023
15 wherein the applicant was represented by
16 architect Lawrence Ezeani. He explained that
17 the applicant had pre-existing structures and
18 was creating one large garage. The homeowner
19 had three structures and was combining them.
20 Applicant requires a .25 foot variance for the
21 rear yard, and a 1.33 foot side yard setback.
- 22 2. On balance, the benefit to the applicant by
23 the granting of this variance is not outweighed
24 by the detriment to the health, safety and
25 welfare of the neighborhood or community if such

1 Zoning Board of Appeals - April 26, 2023

2 variance were to be granted.

3 The Board has determined:

4 A. That an undesirable change will not be
5 produced in the character of the neighborhood
6 and a detriment to nearby properties will not be
7 created by the granting of the area variance;

8 B. That the benefit sought by the applicant
9 cannot be achieved by some method, feasible for
10 the applicant to pursue, other than an area
11 variance;

12 C. That the requested area variance is
13 insubstantial;

14 D. That the proposed variance will not have an
15 adverse effect or impact on the physical or
16 environmental conditions in the neighborhood or
17 district; and

18 E. That the alleged difficulty was not
19 self-created.

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

25 The Board has determined:

1 Zoning Board of Appeals - April 26, 2023

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

- 5 1. Applicant/Owner must comply with all the
6 Rules and Regulations of the Village of
7 Freeport.
8 2. Applicant must obtain the required permits
9 from the Building Department.
10 3. If anything changes from this application,
11 applicant must return to the Board for further
12 review.

13 MEMBER JACKSON: I second.

14 THE CLERK: All in favor?

15 MEMBER PINZON: Aye.

16 MEMBER JACKSON: Aye.

17 CHAIRPERSON RHODEN: Aye.

18 MEMBER MINEO: Aye.

19 THE CLERK: Any apposed?

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

22 CHAIRPERSON RHODEN: Can I please
23 have a Motion to close the Legislative
24 Session, please.

25 MEMBER JACKSON: So moved.

1 Zoning Board of Appeals - April 26, 2023

2 MEMBER MINEO: Second.

3 THE CLERK: All in favor?

4 MEMBER JACKSON: Aye.

5 MEMBER MINEO: Aye.

6 MEMBER PINZON: Aye.

7 CHAIRPERSON RHODEN: Aye.

8 THE CLERK: Any apposed?

9 (Whereupon there was no verbal
10 response given by Board Members.)

11 (Time Noted: 7:38 p.m.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF NEW YORK)

:ss

COUNTY OF NASSAU)

I, AMANDA MICILLO, a Notary Public
within and for the State of New York, do
hereby certify:

That the witness whose examination
is hereinbefore set forth was duly sworn
and that such an examination is a true
record of the testimony given by such a
witness.

I further certify that I am not
related to any of these parties to this
action by blood or marriage, and that I
am not in any way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 26th day of April,
2023.

Amanda Micillo

signature