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INCORPORATED VILLAGE OF FREEPORT
PLANNING BOARD

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

March 28, 2023
7:30 p.m.

M E M B E R S :

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

* * *

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

-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

1	Affidavit of Publication	5
2	Affidavit of Publication	5
3	Affidavit of Posting	5
4	Affidavit of Posting	5
5	Affidavit of Mailing (3623)	5
5	Affidavit of Mailing (3626)	5
5	Affidavit of Mailing (3627)	5
5	Affidavit of Mailing (3338)	5

* * *

SP-3623

APPLICANT'S FOR I.D. PAGE

A	Cut sheet	16
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SP-3626 & 3627

APPLICANT'S FOR I.D. PAGE

A	lighting sample	42
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(Continued on following page.)

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-----EXHIBITS (Continued)-----

SP-3338

APPLICANT'S FOR I.D. PAGE

A Packet of houses in neighborhood 106

WITNESSES FOR I.D. PAGE

1 spreadsheet 77

2 superimposed image on lot 89

3 photo of 132 N. Bergen Place 89

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March 28, 2023

4

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

APPLICATION#	ADDRESS	PAGE
SP-3623	23 Rose Street	5 - 29
SP-3626	66 East Merrick Road	29 - 44
SP-3627	70 East Merrick Road	29 - 44
SP-3338	164 Moore Avenue	44 - 116

1
2 CHAIRPERSON HERSHBERG: Madame Clerk,
3 are there any Affidavits of Mailing or
4 Posting?

5 THE CLERK: We have two Affidavit of
6 Publication, two Affidavits of Posting, and
7 one Affidavit of Mailing for each of the four
8 applications.

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

12 CHAIRPERSON HERSHBERG: Any request
13 for adjournment?

14 THE CLERK: No request for
15 adjournment.

16 CHAIRPERSON HERSHBERG: Thank you.
17 Please call the first application.

18 THE CLERK: Site Plan 3623 - 23 Rose
19 Street, Section 62, Block 110, Lot 9,
20 Residence AA. Randy Abreu. Construct east
21 and west two-story addition with basement,
22 new front wrap around porch, two exterior
23 basement entrances, new rear covered porch
24 with balcony above, new 22 foot by 22.5 foot
25 detached garage, 17 foot by 20 foot pool

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cabana, and new HVAC.

J O S E G A R C I A,
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. GARCIA: My name is Jose Garcia,
architect. 11 Roslyn Street, Islip Terrace,
New York 11752.

I'm here representing Randy Abreu for
the property address at 23 Rose Street in
Freeport. We're proposing -- the reason
we're here is, basically, we're doing two
accessory structures that are new structures,
and we're doing a left and right two-story
addition to the existing two-family dwelling.

I submitted to you guys all the
samples of the materials we're doing, as well
as the renderings.

MEMBER RYAN: Did you bring samples
with you?

MR. GARCIA: I was only able to get
stone as a sample. Most of the other stuff

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is special order, so a lot of those suppliers would not order siding for a little piece.

MEMBER DI SALVO: May we see the siding -- I mean the stone?

MR. McLAUGHLIN: For the record, describe it.

MEMBER DI SALVO: This is StoneCraft, Textures for Living, LedgeStone in Kingsford.

MR. GARCIA: Kingsford Gray.

MEMBER FERNANDEZ: That's the stone?

MR. GARCIA: Yes. The rest of the siding is Ply Gem Heritage Cedar. So, it looks like real cedar, in color Twilight Shadow. And we're also using Board and Batten in the gable, and it will be that same color as well.

The windows will be Andersen 400 Series in black, as well as all the sliding doors. The front door will be Therma-Tru black with the frosted glass, and all the trims will be Azek black.

MEMBER DI SALVO: The board and batten and the cedar shake style trim. It looks to be it's either black or very dark

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charcoal.

MR. GARCIA: It's a dark gray.

MEMBER DI SALVO: Dark gray?

MR. GARCIA: Yes.

MEMBER DI SALVO: That was part of what was special order that couldn't be --

MR. GARCIA: Yes. The --

MEMBER DI SALVO: My first -- I'm sorry.

MR. GARCIA: The roof will be Timberline HD shingles, charcoal.

MEMBER DI SALVO: My first impression of the home is, it's beautiful. It's a beautiful design. I love how you incorporated the existing turrets into the design and expanded it. It's absolutely lovely.

MR. GARCIA: Thank you.

MEMBER DI SALVO: My second impression, and especially after going through this neighborhood and driving around the area, I'm not aware of the black house trend. I know it started on the west coast has slowly moved east. I've seen projects

1
2 like this go on in Manhasset, Westbury,
3 things like that, and they look very much
4 like this. So, I commend you on the design.
5 However, the colorization is really not
6 conforming with the rest of the neighborhood.
7 I don't see anything this dark. If we have
8 any dark colors, they tend to be more on the
9 blue. I just feel like -- I couldn't find
10 anything in the neighborhood or even in
11 Freeport that had this type of look. It's a
12 very unique property. Maybe if it were on a
13 cul-de-sac, set back a little. But it is
14 very visible from the street. What is in the
15 area is a lot of natural fieldstone,
16 Connecticut ledge stone, things like that.

17 Has anything like that been
18 considered for the project?

19 MR. GARCIA: Well, we basically
20 worked on the design based on what the owners
21 wanted -- they're here -- which is this
22 modern cottage style look. As far as houses
23 in the area, I mean there's a lot of them
24 that have the black trim around the windows
25 and, you know, the similar architecture is

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kind of similar across the street, but the colors you find pink, around the area, there's a lot of red common brick.

So, as far as it being exactly a black color siding, like a gray that dark around the area, there's really, you know, nothing that dark.

MEMBER DI SALVO: There may be a gray house with white trim, there might be a white house with black trim, some of the old Victorians, old pink ladies. I get it. There's not one thing, there's not a broad brush that sweeps across Freeport. I completely understand that. I think if this home has one or two of those more modern elements like the black trim, like maybe the elements of the dark siding. But we have everything dark. Everything.

MR. GARCIA: Mind you, you're looking at a rendering. So, the siding is a lighter in person, the actual materials. The rendering probably makes it look darker than the actual color of the material.

MR. McLAUGHLIN: Do you have it.

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MR. GARCIA: No, it's special order.

MEMBER DI SALVO: Is there any way with a paint chip that we could match to it? Anything that would give us an idea, because this does look very, very dark and it's just not fitting with what's going on.

MEMBER TAYLOR: Maybe a catalogue.

CHAIRPERSON HERSHBERG: Is there another house where the colors are close to it, somewhere along the line? We'll travel. We understand the issue with certainly getting samples. The fact is, the house is -- the style of the house is fantastic. It's just the darkness of the house.

MR. GARCIA: I can show you.

MEMBER DI SALVO: Is this a home in Freeport?

MR. GARCIA: No, that's basically what they were --

MEMBER DI SALVO: Absolutely.

THE AUDIENCE: That's not the --

CHAIRPERSON HERSHBERG: Hold on. We can't have testimony from the audience. You are welcome to the come to the podium and

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Speak.

Thank you for the phone.

M I C H E L L E A B R E U,
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.

MS. ABREU: Michelle Abreu. 23 Rose
Street, Freeport, New York 11520.

CHAIRPERSON HERSHBERG: Let me ask
you. Please help us. So, there are some
elements of this house that you are trying to
match with the home?

MS. ABREU: Yes. That's our
inspiration picture. We went through the
neighborhood ourselves, when trying to think
of what to do for our house here in Freeport.
We have been in Freeport for 25 years. We're
living in our dream home, as you can see, and
this is our inspiration.

It looks darker in the rendering.
Like you said, that's just graphics. But
these are the colors that it's actually going

1
2 to be. It's a lighter stone. He wasn't able
3 to get the right materials here because they
4 are all custom made. But the stone is
5 lighter like that.

6 MR. GARCIA: This is the stone. If
7 you're looking at samples, there's a lot more
8 light gray.

9 MS. ABREU: It's more of this color,
10 if that makes any sense.

11 MEMBER DI SALVO: There's a blend in
12 the stone. What you're saying is it blends
13 more light gray?

14 MR. GARCIA: The stone is the light
15 gray part of the design, if you look at that
16 picture.

17 MS. ABREU: If you see the majority,
18 there is a lot of stonework, so it's a lot
19 lighter. Just like you said, when I saw it,
20 I was like why is it so dark? It looked
21 brown to me, to be honest. It's just the
22 graphics of it, the pixel that is used. But
23 it is going to be -- this is the vision we're
24 going for is this vision. The materials that
25 are ordered are in these color materials.

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They wouldn't give us samples.

CHAIRPERSON HERSHBERG: The center part of the house there, you don't have --

MR. GARCIA: The center part of the design is stone. If you look --

CHAIRPERSON HERSHBERG: The center part of the example that you're showing, would those colors correspond to any of the colors here? I see there it looks like to me you have some lighter materials framed by some darker material, which is kind of darker trim.

MR. GARCIA: That's what you see in the middle. That's the stone. That's light gray stone.

CHAIRPERSON HERSHBERG: It corresponds to that?

MS. ABREU: Yes.

CHAIRPERSON HERSHBERG: That's what you tried to match. It's just not coming through.

MS. ABREU: Yes, it's not coming out that way. This is a better visual.

MR. GARCIA: Mind you, this stone is

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2 in individual pieces. We can make it to use
3 more of the light stone, the light gray, than
4 the dark stone.

5 MS. ABREU: It has contrast,
6 otherwise it's not going look right, dark on
7 dark.

8 CHAIRPERSON HERSHBERG: I'm sorry.
9 Give us a moment to review this.

10 MS. ABREU: Okay.

11 MEMBER WELCH: This portion of the
12 house, the dark, what color --

13 MS. ABREU: That color. Do you see
14 the color in the picture? It's literally
15 what we're trying to make. You see how much
16 nicer it looks in the picture? Those are the
17 colors that are being ordered.

18 MEMBER WELCH: Close to what color on
19 the stone?

20 MS. ABREU: The lighter of the stone.
21 It's more this color.

22 MEMBER DI SALVO: That's not the
23 board and batten. That's not what she's
24 saying.

25 MS. ABREU: This is just for the

1
2 stone. The other is different material. The
3 darker material is a different material.
4 What's it called?

5 MR. GARCIA: Twilight Shadow. That's
6 the board and batten in the siding, the cedar
7 siding.

8 CHAIRPERSON HERSHBERG: Sir, give us
9 the name of the board and batten color.

10 MR. GARCIA: It's Twilight Shadow.
11 It's the same as the cedar siding. It's made
12 by the same manufacturer, Ply Gem.

13 MEMBER RYAN: Ply Gem, Twilight
14 Shadow.

15 CHAIRPERSON HERSHBERG: When you
16 order, you got that stone sample, was it your
17 intention anyway to have more of a lighter
18 gray?

19 MR. GARCIA: Yeah, because we
20 can't -- we don't want it to be completely
21 dark.

22 MS. ABREU: We don't want it dark.

23 MR. GARCIA: These come in individual
24 pieces, we were going to put more pallets of
25 the gray part, so it kind of looks like,

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basically, just like this picture.

CHAIRPERSON HERSHBERG: You pretty much agree with some of the comments that we started out with, with respect to the darkness. That wasn't your intention?

MR. GARCIA: No. That's why we incorporate a lot of stone in the side and in the front carry it through, so it's just not a continuous gray, a dark gray.

CHAIRPERSON HERSHBERG: Could you help us kind of put -- a blanket approval you would -- I'm not saying you would do this. I'm not suggesting you would, but you could put all the dark stone just because gave a blanket approval. If we were going to try and approve it in a way you were describing where you're going to have more gray stone, would you say that 60 percent of the stone is going to be the light gray? Or what number would you put on it, so that we would have that as a condition, so that we wouldn't be surprised if somebody made a mistake even and saw all dark stone.

MR. GARCIA: I would do like a 65

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percent gray. That was the intent.

MEMBER RYAN: The shingles, board and batten. This is all shingles, and the board and batten are up here on this gable.

CHAIRPERSON HERSHBERG: What are the shingle color.

MR. GARCIA: The shingle color and the board and batten are the same color: Twilight Shadow.

MEMBER DI SALVO: We don't know what that means.

MR. GARCIA: I provided a cut sheet of the siding in there as one of the samples.

MEMBER DI SALVO: It's so hard. Every printer is different, computer monitor is different.

MR. GARCIA: Do you guys have it? That's the stone.

MR. McLAUGHLIN: Before he hands it in, give it to the stenographer and put it in as a piece of evidence.

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

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MEMBER DI SALVO: It's appearing brown here.

MR. GARCIA: Like I said, every printer is different.

MEMBER TAYLOR: We're going to need a sample.

MR. McLAUGHLIN: I understand you can't get a sample of the actual piece, but what the color is going to look like. It's very hard for them to tell without it. The next thing you know, they blanket approve and it's a black house. These documents last long beyond where we're going to be here. We need to have everything done right.

CHAIRPERSON HERSHBERG: Is it the shingles and the board and batten that are special order?

MR. GARCIA: Yeah.

CHAIRPERSON HERSHBERG: It appears dark on the cut sheet that you gave. That could be a factor of the printer.

MR. GARCIA: Right.

CHAIRPERSON HERSHBERG: It makes it --

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MS. ABREU: How light are you guys looking for?

MEMBER DI SALVO: I don't know if we're necessarily looking for light. I just -- it's impossible to approve a color that we can't see.

MS. ABREU: Is there a website?

MEMBER DI SALVO: Every monitor is different. You need a chip.

MS. ABREU: We're going to look it up online to see if there is a different color. We can print it a hundred times.

MEMBER TAYLOR: How long do you think you could get a sample?

MS. ABREU: I don't know.

MR. GARCIA: I could call different distributors, see if they have it, or maybe someone has a job and try to do it that way to get a sample. It's hard to tell here. That's the color. Like I said, every screen is different.

CHAIRPERSON HERSHBERG: Where is the home that you showed us a picture of?

MS. ABREU: It can tell me. If you

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give me the phone, it tells you the location of where I took the picture. Don't scroll.

MR. GARCIA: Just look at that picture only, please.

CHAIRPERSON HERSHBERG: What are your thoughts, to help us get the clearest picture that we can on the home? The house is beautiful. But we wouldn't be doing a service to the community if it were to turn out darker than we think it's going to be. The only way to make that determination is usually showing samples. I realize you can't get them because it special. Any thoughts?

MR. GARCIA: I could try. Like I said, I could call a couple suppliers, Riverhead Flooring, and see if they can get me -- sometimes they have little books to see if they have a little sliver from this manufacture.

CHAIRPERSON HERSHBERG: That would work.

MEMBER DI SALVO: Or a Benjamin Moore chip that matches.

MR. GARCIA: That's going to be hard.

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CHAIRPERSON HERSHBERG: Or the supplier perhaps did that special order for another customer.

MR. GARCIA: That's what I was thinking. I can call them and be like, have you used this siding.

CHAIRPERSON HERSHBERG: Get a scrap piece. Or maybe it's within a reasonable radius that we could -- I'm willing to drive to see it.

MR. GARCIA: Even this sample, I had to go to a mason supply. I have to bring it back. This is a \$100 piece of sample here. Yeah, I can try and find a sample and bring it for your review.

CHAIRPERSON HERSHBERG: The house is gorgeous. It's a beautiful house. It will be a positive. It would be a house that we'll want to point to as an example. Very nicely designed home. It's just, as you can tell, the color. Does it make sense to adjourn this?

MS. ABREU: For how long?

CHAIRPERSON HERSHBERG: You can come

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2 back at the next available public hearing.
3 If there was one tomorrow, we would love to
4 do it tomorrow. It's usually once a month.

5 MEMBER DI SALVO: It might take you
6 time to gather your samples.

7 MS. ABREU: Not a month.

8 MR. McLAUGHLIN: Unfortunately.
9 Believe me, if you were in the Town of
10 Hempstead, it could be six months.

11 CHAIRPERSON HERSHBERG: It would be
12 the end of April.

13 R A N D Y A B R E U,
14 having been first duly sworn by a Notary
15 Public of the State of New York, was
16 examined and testified as follows:

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

19 MR. ABREU: Randy Abreu. 23 Rose
20 Street, Freeport.

21 So, I'm hearing this back and forth.
22 Guys, I get it. The picture on the phone,
23 that's what I'm going to get. If it's any
24 darker than that, it's not what I'm asking
25 for. My construction guy who is going to

1
2 build it, he has a picture. It has to be
3 that light gray, otherwise I'm not
4 interested. I'm very picky what I like, and
5 that's what I like. That's why I took the
6 picture of that house three or four times in
7 different shades of the day. If I go to the
8 house and it's not that, I'm sorry but --

9 MR. McLAUGHLIN: The hard part is the
10 Building Department can't enforce the
11 Planning Board decision based on a photo of
12 another house. We need to be able to -- this
13 picture right now looks like the house is all
14 dark. I understand it's the rendering. We
15 need to be able to describe some type
16 decision on how this house is going to look,
17 that way the Building Department will be able
18 to properly enforce any decision.

19 MR. ABREU: We have to bring samples
20 of all the different parts of the outside of
21 the house?

22 CHAIRPERSON HERSHBERG: We have a
23 good sense of the stonework. It's the
24 shingle and the board and batten. Since
25 they're the exact same color, and example of

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one or the other would satisfy me.

MEMBER RYAN: What about the fascias and all the columns and all of that?

MR. GARCIA: The fascias will be Azek, which comes in white, painted black.

MEMBER RYAN: That's dark as well.

MR. GARCIA: Black. That's kind of like -- could we swap out the manufacturer on the siding?

CHAIRPERSON HERSHBERG: You could do what you want. You're presenting this to us.

MR. McLAUGHLIN: I don't think the manufacturer is as important as what the color is going to be.

MR. GARCIA: We're here. If we can avoid a month. There is a different variety of gray here. This is Stone Harbor.

MEMBER FERNANDEZ: That's a bit lighter.

MR. McLAUGHLIN: You have to describe what it is, because we're not keeping that. The fine gentleman loaned it to you.

CHAIRPERSON HERSHBERG: Hold on. We are trying to take a stenographic record.

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Speak one at a time.

You're proposing a different manufacture. Give us the manufacturer and the description of the color.

MR. GARCIA: The manufacturer is Royal Building Products, and it is a cedar perfected siding. The color is Stone Harbor.

CHAIRPERSON HERSHBERG: Now, if you could pass that up to us.

MR. GARCIA: (Complying.)

CHAIRPERSON HERSHBERG: That made a big difference.

MEMBER DI SALVO: I'm not sure who you are, but thank you.

MR. ORTIZ: He's a friend.

CHAIRPERSON HERSHBERG: Can I be your friend? Thank you. That was very helpful.

. Are there any other questions from the board?

MEMBER RYAN: No.

CHAIRPERSON HERSHBERG: Questions or comments?

MEMBER DI SALVO: I do have one more question about the window style. Are they

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Craftsman style with the small panes along the top.

MR. GARCIA: Yes. Just that style with the grill on top. Not your typical colonial grill or prairie style. It's a subtle little grill on stop.

MS. ABREU: We were trying to keep the Victorian kind of look, because it's an 1800 Victorian. Now it's so hard because a lot of styles don't exist anymore. That's the best we could do.

MEMBER DI SALVO: I love the turrets and you worked the design from there.

MS. ABREU: That's the beauty of the house, that little pointed thing. It's just so old and the house needs a lot of work.

MEMBER DI SALVO: You have a nice wide piece of property.

MS. ABREU: We're trying to use as much of the side.

MR. GARCIA: It's technically a double lot. Another house could be built on it. They have been there a long time and want to stay there.

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MS. ABREU: We have four kids. We need all the space.

CHAIRPERSON HERSHBERG: Are there any other questions from the Board.

MEMBER TAYLOR: What time is the pool party?

MS. ABREU: If you approve, everybody can come to the pool party.

CHAIRPERSON HERSHBERG: That was a joke. Any 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 WELCH: Second.

THE CLERK: All in favor.

MEMBER TAYLOR: Aye.

MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

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2 CHAIRPERSON HERSHBERG: Again, we
3 reserved decision. We will make a decision.

4 MR. GARCIA: Thank you.

5 THE CLERK: 3626 - 66 East Merrick
6 Road, Section 62, Block A, Lot 136,
7 Manufacturing. Joseph Calvagno. Proposed
8 exterior renovations.

9 CHAIRPERSON HERSHBERG: I believe
10 it's the case that we've got two applications
11 at the same building. I think it makes sense
12 to hear both applications at the same time.
13 So, if you could call the second application.

14 THE CLERK: Site Plan Number 3627 -
15 70 East Merrick Road, Section 62, Block A,
16 Lot 135, Manufacturing. Joseph Calvagno.
17 Proposed exterior renovations.

18 A P R I L M A D I G A N,
19 having been first duly sworn by a Notary
20 Public of the State of New York, was
21 examined and testified as follows:

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

24 MS. MADIGAN: April Madigan. 8 West
25 Merrick Road, Freeport, New York 11520.

1
2 Okay. So, we are here this evening
3 to request the approval of our site plan
4 application to renovate the existing
5 building. This is for All County Towing and
6 Auto Body. That are doing a renovation to
7 the entire business. Whereas, currently,
8 they have their business operating at 66 East
9 Merrick Road, and they will be transitioning
10 to renovate the interior of 66 to be for auto
11 body repairs only, and all of their offices
12 and staff will be moved into 70 East Merrick
13 Road. So, 66 is strictly for auto body
14 repairs and use, and 70 East Merrick Road
15 will strictly be for office use.

16 I am going to go through the
17 aesthetics, and then I will answer any
18 questions. So, we're going to start with 66.
19 Like I said, we're going to be transitioning
20 into all auto body.

21 The existing building has a front
22 door that will be removed. We are proposing
23 two garage doors. They are Clopay Commercial
24 Architecture series. The trim will be in
25 black aluminum with full view clear glass.

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Would you'll like me to give samples as I go along or at the end?

CHAIRPERSON HERSHBERG: As you go along. It will be helpful.

MS. MADIGAN: Let me get you a sample of the door. That will be black aluminum trim.

MEMBER FERNANDEZ: This is going to be black?

MS. MADIGAN: Yes.

MEMBER DI SALVO: Like a storefront material.

MS. MADIGAN: Yes. And so, the siding will be in AcroWood. That is in color AW01L, a gray slate color. It's the first sample there. That's the finish of the AcroWood panels that is proposed on the front.

MEMBER DI SALVO: It's AW01L.

MS. MADIGAN: Yes, correct. So, the trimming around the windows and the garage doors will all be black aluminum trim. Again, there's also a side a door on the side on the west elevation. And the entrance door

1
2 will be in standard aluminum shop door with a
3 single glass panel, and the garage door will
4 be the same as the sample I provided in black
5 aluminum with the clear glass.

6 The color of the -- on the side of
7 the building, the west side of the building,
8 will be in Synergy, color Whale Gray, and
9 that is stucco in a fine finish. I'm going
10 to provide you with the finish sample as well
11 as the color sample.

12 CHAIRPERSON HERSHBERG: Repeat the
13 color of that.

14 MS. MADIGAN: I'm sorry?

15 CHAIRPERSON HERSHBERG: Repeat that
16 color of the stucco.

17 MS. MADIGAN: Stucco is Whale Gray,
18 and the brand Senergy. So, we have the fine
19 finish and the Whale Gray.

20 I'm just going to finish with 66, the
21 last detail there, and also uniform with 70
22 for the lighting will be the outdoor wall
23 scones, and it is called 3WK in black
24 aluminum. This is a sample of the lighting.

25 MEMBER FERNANDEZ: Which finish?

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MS. MADIGAN: In black aluminum to match with the trim.

MEMBER DI SALVO: Ms. Madigan, may I please just clarify something I'm a little confused about. I understand that the Faux Wood siding is going to be in AW01L, which is a Whale Gray. The rendering is depicting a light gray stucco finish, but you're showing us the Whale Gray, which is the exact same color or similar color to the planking. Is that the intention, because that's not what the rendering is showing.

MS. MADIGAN: No. The intention is that it should be a lighter gray.

MEMBER DI SALVO: Maybe you want to confer and double check.

K E V I N S C H M I E M A N N,
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. SCHMIEMANN: Kevin Schmiemann.
2100 Maple Street, Baldwin, New York.

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2 How are you? So, our intention is
3 that we don't -- so, we have the light and
4 the dark on the AcroWood. We are going with
5 the light. The bottom row is all darker.
6 So, we're going with the lighter gray on the
7 AcroWood. And our intent --

8 MEMBER DI SALVO: You lost me.

9 MR. SCHMIEMANN: On the siding. It's
10 call Acre wood. You were talking about the.

11 MEMBER RYAN: The faux wood.

12 MR. SCHMIEMANN: The faux wood. It's
13 actually a stucco product. It's gray. I can
14 show you, it's a stucco.

15 MEMBER RYAN: Like a Fypon?

16 MR. SCHMIEMANN: Right.

17 MEMBER DI SALVO: That's the same
18 appearance like a Trex material. What is
19 that color?

20 MR. SCHMIEMANN: This one is --

21 MEMBER DI SALVO: Not that one. Your
22 color.

23 MR. SCHMIEMANN: I couldn't get the
24 gray in this large swatch.

25 MEMBER RYAN: It's AWOL1.

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MR. SCHMIEMANN: Correct.

MEMBER DI SALVO: It appears to be from that printout like a Battleship gray.

MR. SCHMIEMANN: So, we didn't want too hard of a line there. We were looking to do just black and white, but I wanted to go in the gray. The hard line with the light gray stopping and switching over to white just didn't look right. So, we did pick Whale Gray. I did not put one against the other in person yet, because I haven't change things. But our intent is to show a little bit of contrast there but not gray to white. So, we can go with the Sea Mist. Are you saying that we should? I mean this is what --

MEMBER DI SALVO: It's hard, because we're back to the same sort of thing where every photocopier is different.

MR. SCHMIEMANN: Do you like this contrast shown in the rendering or is it too strong?

MEMBER RYAN: No, it's what you want. It's what we're looking at. That's why we're

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asking.

MR. SCHMIEMANN: I would say, the intent of the contrast is not as drastic as this. We'd like it a little bit grayer, but not a direct match, because you're never going to get a direct match. It's almost going to look like it doesn't belong there, in my opinion.

MEMBER RYAN: You should coordinate it.

MEMBER DI SALVO: Either contrast or a match. But I think that a match with what you are depicting as, I'm going to call it, your planking, it's a very dark building with no contrast.

MR. SCHMIEMANN: Right.

MS. MADIGAN: We have a lighter color gray, Sea Mist, which I think would give the contrast that we're looking to obtain there, if you would like to look at them together.

MR. SCHMIEMANN: May I make one more comment?

MEMBER DI SALVO: Please.

MR. SCHMIEMANN: A part of the

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2 contrast -- I know there's two applications.
3 This rendering is actually two complete
4 buildings, 70 and 66. A part of our contrast
5 also was to the taller building of 70. Being
6 that we are bringing them together, we were
7 kind of looking at the contrast also that we
8 were trying to create, with 70 and 66 now
9 kind of becoming one facility.

10 MEMBER DI SALVO: So, explain to me
11 where 70 ends and 66 --

12 MR. SCHMIEMANN: Single story to two
13 story.

14 MEMBER DI SALVO: Right. I think
15 that what you have done by choosing the Sea
16 Mist as opposed to the planking color, will
17 give you that contrast.

18 MS. MADIGAN: Yeah.

19 CHAIRPERSON HERSHBERG: So, we have
20 had a bunch of discussion about color. I'd
21 like us to get the examples of the samples
22 and enter those into evidence. I think we're
23 close to arriving there, right?

24 MEMBER RYAN: What color is the
25 cornice? Also the --

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MR. SCHMIEMANN: The tone?

MEMBER RYAN: The crown.

MS. MADIGAN: All of the trim, all of the molding at the top and the bottom, all the windows, around the doors, are all going to be in black smooth aluminum finish.

MR. SCHMIEMANN: The crown detail is going to be stucco.

MEMBER DI SALVO: It's going to match the stucco?

MR. SCHMIEMANN: Yes.

MEMBER RYAN: That will be that fine finish?

MEMBER DI SALVO: Yes. Again, for the record, we need the final color on the stucco and --

MEMBER RYAN: Is that the Sea Mist?

MS. MADIGAN: Yes.

CHAIRPERSON HERSHBERG: And the manufacturer.

MS. MADIGAN: Senergy.

MEMBER DI SALVO: The planking color is as discussed. Just give me that number one more time. I don't see it here.

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MS. MADIGAN: AW01L.

MEMBER RYAN: Gray slate.

MS. MADIGAN: Correct. Yes.

MEMBER RYAN: What is the
Manufacturer on that?

MS. MADIGAN: AcroWood.

CHAIRPERSON HERSHBERG: We had
samples of that up here on the dais.

MS. MADIGAN: I'll go through the
design for 70 now.

MEMBER DI SALVO: Okay.

MS. MADIGAN: So, for 70 East Merrick
Road we are proposing the siding is going to
be stone. That's Stone Ridgetop. The color
is Whisper White. That is for the bottom
portion of the building. The top part will
be in a fine finish stucco, color Ultra
White.

CHAIRPERSON HERSHBERG: Do you have a
sample of the stone?

MR. SCHMIEMANN: I think we're going
to stay with the Sea Mist on that.

MS. MADIGAN: Okay.

MR. SCHMIEMANN: Do you want to see

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the stone?

CHAIRPERSON HERSHBERG: I'm sorry,
repeat that last comment.

MS. MADIGAN: The top portion of 70
East Merrick Road will also be in a Sea Mist.

MR. SCHMIEMANN: This is accurate.

CHAIRPERSON HERSHBERG: This is the
color or just a sample?

MR. SCHMIEMANN: The color. That's
accurate.

MEMBER RYAN: Ultra White.

MS. MADIGAN: That's Whisper White.

MR. SCHMIEMANN: It's Whisper.

MEMBER DI SALVO: It's Mister or
Whisper?

MR. SCHMIEMANN: Whisper.

MEMBER DI SALVO: I'm just going to
read -- sorry to interrupt. I just want to
get it right for you.

The siding is Stone Ridgetop 18 in
Whisper White. The top and rear to be in
smooth stucco, in color Sea Mist.

MS. MADIGAN: So, the front columns
are going to be proposed in black aluminum

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2 with a smooth finish. The front door and
3 windows above will be in clear glass with
4 black aluminum trim -- excuse me. The door
5 will actually have a smoke tint at 20
6 percent. The glass at 70, we're proposing a
7 20 percent smoke tint on the glass with black
8 aluminum smooth finish trim.

9 MEMBER DI SALVO: Is that the entire
10 glass, the top over the door and including
11 the doors?

12 MR. SCHMIEMANN: That exists. That
13 part of the storefront exists. So, I just
14 wanted to note it is -- that storefront
15 exists there. It's already smoke.

16 MS. MADIGAN: Yes.

17 MEMBER DI SALVO: It looks mirrored
18 up at the top.

19 MR. SCHMIEMANN: It's not. It's just
20 a lot of window coming right on down.

21 MEMBER DI SALVO: But it continues
22 straight down?

23 MR. SCHMIEMANN: Correct.

24 MS. MADIGAN: Lastly on the building
25 is the lighting that will remain uniform with

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the WAC lighting black. I provided a sample of that lighting.

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

MEMBER WELCH: The lighting fixture is black?

MS. MADIGAN: Yes.

CHAIRPERSON HERSHBERG: This is up light, down light?

MR. SCHMIEMANN: Both lights.

MS. MADIGAN: Lastly, may I mention that the building is in uniform with the characteristics of the other buildings within 200, as well as the other buildings throughout Merrick Road in Freeport, New York, and it will be a lovely addition through the village.

MEMBER DI SALVO: Yes, it will.

MEMBER WELCH: One more question about the lighting. There's five?

MR. SCHMIEMANN: Yes.

MEMBER WELCH: Thanks.

CHAIRPERSON HERSHBERG: You just

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motioned with your arms about the size of the light. What is the approximate size?

MR. SCHMIEMANN: It should be on the submittal.

MEMBER DI SALVO: 14 inches.

CHAIRPERSON HERSHBERG: Did we enter that into evidence, the samples that we received.

MR. McLAUGHLIN: He described it.

MEMBER WELCH: The one that was marked with the light, we need for our files.

CHAIRPERSON HERSHBERG: We have that in evidence.

Any other questions from the Board?

(No response was heard.)

CHAIRPERSON HERSHBERG: I'll hear from the public. Are there comments from the public?

(No response was heard.)

CHAIRPERSON HERSHBERG: Hearing none, motion from the Board.

MEMBER WELCH: I'll make a motion to close to further evidence and testimony and reserve decision.

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MEMBER TAYLOR: Second.

THE CLERK: All in favor.

MEMBER TAYLOR: Aye.

MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

(WHEREUPON, there was a pause in the proceedings to finish with SP-3624, after which the following transpired:)

CHAIRPERSON HERSHBERG: We're going to resume. Just because I opened my mouth before saying that we were going to have our alternate Board member join us, we do have a quorum of four members here, so that will not be necessary. We have the necessary people here.

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

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2 two-story dwelling with attached garage, 43
3 square foot portico and 195 square foot
4 patio.

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

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

13 COURT REPORTER: Please state your
14 names and addresses for the record.

15 MR. BYNOE: Stewart Bynoe. 1437
16 Chandler Street, Far Rockaway, New York
17 11691.

18 MR. ORTIZ: Samuel Ortiz. 2 Robin
19 Hill Place, Brentwood, New York 11717.

20 CHAIRPERSON HERSHBERG: Stewart,
21 you're the home owner?

22 MR. BYNOE: Yes.

23 CHAIRPERSON HERSHBERG: Mr. Ortiz.

24 MR. ORTIZ: Contractor.

25 CHAIRPERSON HERSHBERG: I'm saying

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2 that for the benefit of public. We're
3 meeting again, after adjourning last time you
4 were before us, so that you could have a
5 conversation with the Stearns Park Civic
6 Association who were vocal at our last
7 meeting with respect to comments on the
8 application. So, did that meeting take
9 place?

10 MR. ORTIZ: Yes.

11 CHAIRPERSON HERSHBERG: Go ahead.
12 Tell us where we arrive at this point.

13 MR. ORTIZ: Thank you, thank you for
14 the Board. Hello everyone. I feel special
15 today. I took a shower, very nice suit. I
16 got sworn in, so I feel like I'm getting
17 married now.

18 We met. In the one month, we met
19 three times. So, we took in consideration
20 some of the concerns about the rendering, the
21 design. I want to show you what it was
22 before and what we did today. So, we going
23 the present some of the design in a
24 PowerPoint, so you can see.

25 You see in the upper left was what we

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present last month, and in the right, in the bottom, is the one we presenting today.

The one before, it has a fence with a wall. Too many people opposed to that and say that they don't see a fence like that. So, it took some time to convince this gentleman here and his boss, his wife.

CHAIRPERSON HERSHBERG: Can I just stop you for a second. If there is anyone in the public that wants to change seating so that they can see the presented material, go ahead and do that now. If you can see it fine.

THE AUDIENCE: Is there a way to dim the lights?

CHAIRPERSON HERSHBERG: We'll work on that. I don't want to suspend the presentation. Maybe, ma'am, if you want to move up a little bit more, it would help you. I want to continue though until we're able to get that done, if we can.

Mr. Ortiz, I apologize.

MR. ORTIZ: So, we changed the fence. We tried to see any other fence, but we tried

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2 with the trees. So, we presenting a tree
3 fence on the front. Some member didn't like
4 that either, so they had some concerns.
5 Finally, we removed the fence in the front
6 with the trees, so we just left the
7 landscape.

8 Other things that they want to see is
9 that you have sidewalk. So, we did that.
10 Also they want really beautiful landscaping.
11 So, you guys can see that we tried to do
12 beautiful landscaping plans and all of that.

13 Another concern that I wouldn't know,
14 but it was the black trim on the windows and
15 all of that. So, we removed those too, and
16 also the glass door that you see in the left
17 corner. So, we put a fiberglass wood looking
18 door. Also, that was the main thing that we
19 were told, the garage door to the gray one,
20 gray color. Those are some of the changes
21 that we did.

22 There were other requests that we
23 couldn't meet because also he has some things
24 that he likes and that he wants. So, when
25 they -- we can explain later on, but I want

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to continue with the materials that we using.

We have a sample of the stone that we using, so we can present that. Also the siding. This is the siding.

CHAIRPERSON HERSHBERG: Can you give us the color of the stone, please.

MR. ORTIZ: Yes. It's right there on the box.

CHAIRPERSON HERSHBERG: European Ledge.

MR. ORTIZ: It's right there on the box. Sidewalk is the color. And Driftwood is the color for the siding. The trims there are similar trims on many houses.

CHAIRPERSON HERSHBERG: Can I ask you to pause for a second. Thank you.

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

MR. ORTIZ: Continue?

CHAIRPERSON HERSHBERG: Yes. Thank you.

MR. ORTIZ: The trim that we're using is going to be white on the windows and it's

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going to be three inches. On the fascia,
it's going be regular six inches. The
columns is going to be eight to ten inches,
round one, white.

MEMBER DI SALVO: Eight to ten
meaning slimmer at the top, wider at the
bottom?

MR. ORTIZ: Yes. It's going to be
cedar shake impression on front elevation.
And on the side, everything else in the house
is going to be clapboard.

MEMBER WELCH: What was that?

MR. ORTIZ: Clapboard. The same
color.

MEMBER RYAN: That's the Driftwood?

MR. ORTIZ: Yes. The driveway will
be blacktop and pavers on the side.

CHAIRPERSON HERSHBERG: Is there a
color for the pavers?

MR. ORTIZ: It's going to be what's
called Bluestone New York. I want to show
you the next one.

CHAIRPERSON HERSHBERG: The pavers
are in the center of the driveway?

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MR. ORTIZ: It's like you see on the sides and the blacktop is in the center. That is the modern look that people are using nowadays with the blacktop in the center, pavers on the side.

MEMBER DI SALVO: May I clarify, Mr. Ortiz? The New York Bluestone, is that natural New York Bluestone or the paver is color called New York Bluestone?

MR. ORTIZ: The Bluestone is a paver color. It's call like that. They have different -- they have the pink Savanna Bluestone. This one is the New York Bluestone.

MEMBER RYAN: Did I miss the roof color?

MR. ORTIZ: Charcoal. I didn't say it. Thank you.

Let me show you around the house, you so you guys can see the landscaping too. I know that you guys have the rendering. So, we tried to incorporate a lot of landscaping.

MR. McLAUGHLIN: Is this the same as the landscape plan that you submitted?

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MR. ORTIZ: Yes.

MEMBER RYAN: This is the landscape plan.

MR. ORTIZ: Yes. You can see all the plants around and also on the rear elevation around the house too. Go to the next image. The front, you also saw it. Also the section in the back.

MS. DI SALVO: I'm sorry, could you go back to the front elevation again and show the landscaping?

MR. ORTIZ: That is the front elevation.

CHAIRPERSON HERSHBERG: Let's keep that slide up.

MEMBER DI SALVO: We want to compare it to the plans that were submitted.

CHAIRPERSON HERSHBERG: Actually, it doesn't appear that the landscaping in that picture aligns with the plan that we received on January 13th. So, it's different than what was previously submitted.

MR. ORTIZ: I think it was because they moved the fence.

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2 MEMBER RYAN: The plan doesn't have a
3 fence on it. I just want to make sure what
4 we're looking at is what you're going to be
5 doing. If you want to take a look at that.
6 I think it's dated April 30th and received
7 here in January.

8 MR. ORTIZ: The only change will be
9 the little pines on the sides now. It was
10 removed the wall, but everything else with
11 the plans is still the same and the gardens
12 that you see here. On the sides also, the
13 front elevation and on the rear elevation.
14 The additional will be the pines, the little
15 pines that you see on the side. That would
16 be the only addition.

17 MEMBER RYAN: Are those like three
18 foot pines?

19 MR. BYNOE: Three foot pines.

20 MEMBER DI SALVO: Like an arborvitae
21 or just pine trees?

22 MR. ORTIZ: Pine tree.

23 MEMBER RYAN: Is it called out? It's
24 not on here.

25 MR. ORTIZ: No, it's not. Everything

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else is the same on there.

MEMBER RYAN: We have to add pine trees on both property lines, just the side elevation?

MR. ORTIZ: Yes.

CHAIRPERSON HERSHBERG: I'm not sure what kind of comments we'll hear. I'm sure we'll hear some public comment. I appreciate your efforts to landscape. You're willingness to landscape is appreciated. However, when we talk about conformity to the area, even though, generally, we're asking you to give us green, give us trees, give us everything. Property line landscaping with those trees that you added there on the right of the upper is not really conforming to the neighborhood. So, whereas the effort is very much appreciated, that is not something that we normally see in that area. I'll make that comment, but we'll hold that to the side. You seem very willing to landscape. You showed a quite detailed plan back in January. So, I'll let that comment sit for now. We'll discuss it in more detail, after we hear the

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full presentation. Does that sound fair?

MR. ORTIZ: That's fine. And the next would be in the back. It's going to be a small concrete area in the back. What you see is paver with the Bluestone. New York Bluestone. Everything else it will be conforming, the side of the trim, everything as we mentioned before. Any questions?

MEMBER DI SALVO: I just have a question about the landscaping. In some of the renderings that we were provided, it may just have been the renderer taking artistic license. There were shrubbery, tall shrubbery, arborvitae planted along the front curb line. Those are not here in the landscaping plan, and the front elevation you just showed us a moment ago did not have that. I just want to be very clear, because nowhere in this area shows a curb line of high evergreens. Is that correct? Am I reading this correctly?

MR. ORTIZ: Yes. I think they changed with the fence. They put some landscaping there. I'm not an expert

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landscaper, so I just give you what I can see too.

MR. BYNOE: That was in the initial design with the fence and the low wall. Now that I removed the low wall, all of that is obviously removed. It's not going to look good from the front.

MEMBER DI SALVO: My question specifically is regarding the rendering packages that we received that is showing high arborvitae in the front along the curb line. Along the sidewalk line in the front.

MR. ORTIZ: Those pines?

MEMBER DI SALVO: See the height of these?

MR. ORTIZ: No, this is not.

MR. BYNOE: We removed those.

MEMBER DI SALVO: That's why. We have one landscape plan, we have one arborvitae in the front, and now we have no arborvitae in the front.

MR. ORTIZ: It's not any of that in the front.

MR. BYNOE: We tried to retain that.

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We have opposition to that. We have an open concept in the front.

MEMBER DI SALVO: For the record, there is no plan to add any sort of tall shrubbery in the front sidewalk line?

MR. ORTIZ: Yes.

MEMBER DI SALVO: Just the two trees that you are proposing and the low Crape Myrtles and Azaleas?

MR. ORTIZ: You're correct. Any other questions?

THE CLERK: If anyone would like to speak on this application, please fill out the slips and bring it up to me. Thank you.

MEMBER WELCH: On the side, what are we doing in terms of landscaping on either side of the house?

MR. ORTIZ: It's going to be the pines. The small pines on both sides of the front elevation.

MEMBER WELCH: How tall do you expect the small pine to get?

MR. ORTIZ: Three feet.

MR. BYNOE: Approximately three feet.

1
2 MEMBER DI SALVO: Again, I'm going to
3 pull you back to the landscaping plan for a
4 moment, because what is proposed here on the
5 plan is not pines. I'm showing Hydrangea,
6 I'm showing Hibiscus, I'm showing
7 Rhododendron. I'm not showing any --

8 MR. ORTIZ: Yes, we talk about
9 like -- the only thing that you don't see
10 there is the pines, because it was added in
11 the rendering after we met with the
12 Association. So, we removed the fence and we
13 just add those lines of pines on the side.
14 It was in the front. It was opposition to
15 the front. We remove it from the front and
16 we just leave the pines on the side.

17 MEMBER RYAN: So, it's in addition to
18 this?

19 MR. ORTIZ: Yes.

20 MEMBER DI SALVO: It's in addition to
21 this.

22 MR. ORTIZ: Yes.

23 MEMBER RYAN: Three foot max pines.

24 MR. ORTIZ: That is the only thing
25 that we added to this plans. We removing

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what was in the first, the fence, completely.

MEMBER WELCH: You took it from the front to the sides.

MR. ORTIZ: Yes. Everything else is stay as the landscape is showing.

MEMBER DI SALVO: On the side, on the property sidelines, you will still have a mixture of Hibiscus and Hydrangea and things like that? It won't just be a pine, pine, pine, pine.

MR. ORTIZ: Right.

MEMBER DI SALVO: It's going to be a mixture.

MR. ORTIZ: Yes.

MEMBER DI SALVO: Something deciduous in between.

MEMBER RYAN: It will be very lush.

MR. ORTIZ: Yes.

CHAIRPERSON HERSHBERG: Whereas I'm happy to hear that you had met, we're also not idle, and our village counsel, as well as our superintendent of Buildings visited the property.

Counsel, could you please give us

1
2 what they saw when they looked at the
3 drawings with respect to the plot there.

4 MR. McLAUGHLIN: First I know the
5 owner of the property met with the civic
6 association on three different occasions; two
7 with the whole association and one with the
8 present of the Board. I do believe that
9 Sergio, the Superintendent, myself did travel
10 the block and there were a lot of different
11 styles on the block, not just one particular
12 style. So, it's not my job to say what fits
13 in and what doesn't fit, but we did notice
14 there were a lot of different styles.

15 The benefit is, one of the things you
16 had in the original plan was the bushes on
17 the front walkway. And I think you and I had
18 a conversation. We also -- I'm sure you
19 drove down the block, and nobody had that.
20 It's good, at this point, that was taken off.
21 Obviously, I'm sure they'll be comments from
22 the public.

23 CHAIRPERSON HERSHBERG: Other
24 information that was brought to life to the
25 Board after the visit, not only of the Board

1
2 members, of Deputy Village Counsel and the
3 Superintendent of Buildings was a kind of
4 description of the application with respect
5 to the size of the property, which I don't
6 think comes across as well when we look at
7 the rendering. So, the house in the
8 rendering, in one of the --

9 MR. McLAUGHLIN: If I may. During
10 the meeting with the developer and the owner,
11 and the Stearns Park Civic Association, and
12 the Superintendent, we did review how some of
13 the renderings don't -- they're not to scale.
14 So, while the renderings may look like it's
15 taking over the whole property, when we
16 reviewed it again, the whole entire
17 application, including the plants, it's
18 actually smaller than how it fits on that
19 plot.

20 CHAIRPERSON HERSHBERG: That was an
21 important comment. It was helpful to me to
22 hear the opinion of our building
23 superintendent about that. So, I just want
24 to bring that up.

25 Are there any other questions from

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the Board? Questions or comments?

MEMBER DI SALVO: I do have one other question in regard to -- if you would switch to the front elevation of the house again. It doesn't come across well here, but on the renderings that we were provided and the samples that you gave, the stone that sits below the window ledge on the face on the front elevation of the house seems a bit contemporary for the area, that very straight, very monochromatic stone. And it's also the same color as the siding, almost no delineation there, if you will. It felt a little modern to me for that area.

MR. ORTIZ: The stones -- you know, some of those houses in this area are colonial, traditional. Those stones that you see in those areas, actually nowadays you cannot find it. But I saw that the main color of the stone in those areas are gray. So, I suggested the owner, we need to use a gray color for the stones that compliment with neighborhood, because most of the houses, even some of the remodeling that you

1
2 see nowadays in this area, because on Mount
3 Joy I saw remodeling, two houses there. They
4 change the facade of the house and they used
5 laser stone. That is what is trending right
6 now. Most of the people, when they do
7 remodeling nowadays, they go for what is
8 trending or what is in the market. So, what
9 you see here, even the laser stone are more
10 modern than this one. This one is not just a
11 panel with really tiny. This is almost real
12 stone what you using.

13 So, I understand what you saying
14 about the size. But what is trending now, we
15 using the color that is going in the area,
16 that is the main color gray for most of the
17 stone there. That is what we're using here.

18 MEMBER DI SALVO: So, if I may speak
19 to the stone for a moment. The Connecticut
20 ledge stone that you see in and around the
21 area, you're right, it was sourced back
22 between the 20's and 40's. Those quarries
23 still do produce stone and they also produce
24 stone veneer as well. I understand your
25 point, saying that a lot of people are using

1
2 the ledge stone today. I understand that.
3 You do have the character of the neighborhood
4 here though. Where it has been used in the
5 neighborhood though, they have given us a
6 little more variation in color, so it looks a
7 little softer, a little less modern, rather
8 than that --

9 MEMBER RYAN: Traditional field
10 stone.

11 MEMBER DI SALVO: More traditional
12 field stone. Even if it's a ledge. But
13 there's multiple colors within the stone.
14 The stone that you're presenting that matches
15 the siding is completely monochromatic. I'm
16 just afraid that that monochromatic
17 feeling --

18 MR. ORTIZ: You want more contrast to
19 the color of the stone.

20 CHAIRPERSON HERSHBERG: A little
21 variation.

22 MEMBER DI SALVO: And be more
23 compliant to the rest of the neighborhood.

24 MR. BYNOE: I appreciate the comment.
25 But I think that looking at the stone and

1
2 looking at the siding, there is going to be a
3 variation. We're open to take that into
4 consideration, have a little darker color, so
5 we have --

6 MEMBER RYAN: More muddled maybe.

7 MR. BYNOE: Contrast.

8 MEMBER DI SALVO: You have the white
9 trim on all the windows, all the fascias are
10 white. It might be nice to tone it down a
11 little bit, add a little bit, even if it's a
12 lighter gray, darker gray, just a little bit
13 of movement.

14 MR. ORTIZ: I appreciate that.

15 MR. BYNOE: We appreciate that.
16 We'll take that into consideration.

17 MR. ORTIZ: We are looking to the
18 Eldorado stone, to show it to him.

19 CHAIRPERSON HERSHBERG: Any other
20 questions?

21 MEMBER RYAN: I'm sorry, did anyone
22 go over lighting? Did you present any
23 decorative lighting?

24 MR. ORTIZ: Yes. It's black trim
25 light. I have it here on my phone. It's

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lighting that we're using.

CHAIRPERSON HERSHBERG: We're taking phones into evidence. Be careful.

MR. ORTIZ: It's called Nazif, N-A-Z-I-F, wall light. Do you need to see it?

MEMBER RYAN: Is it black?

MR. ORTIZ: It's black.

MEMBER RYAN: Lantern style. Very pretty. That will be in the front portico area?

MR. ORTIZ: You see the garage? It's going to be on the garage and also going to be on the front with the portico.

CHAIRPERSON HERSHBERG: Will it be on both sides of the door or above?

MR. ORTIZ: Above the door, in the center.

CHAIRPERSON HERSHBERG: I'm not talking about the garage, I'm talking about the entry door.

MR. ORTIZ: Yes.

CHAIRPERSON HERSHBERG: Above the entrance door and above the garage?

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MR. ORTIZ: Yes. It's going to be on the entry, on the side of the entry door and one above the garage.

CHAIRPERSON HERSHBERG: You said both sides of the entry door and above the garage.

MR. ORTIZ: Yes.

CHAIRPERSON HERSHBERG: On the bottom right-hand picture there on the screen it looks like you have a pier there with a light on top of it.

MR. ORTIZ: It's a column with a light. Similar light to the one that I show you for that area for the garden.

MEMBER WELCH: One column?

MR. ORTIZ: Yes, one.

CHAIRPERSON HERSHBERG: The top is like a marble color?

MR. ORTIZ: The top is the Bluestone that we're using for the area.

CHAIRPERSON HERSHBERG: The side of the pier are finished in what material?

MR. ORTIZ: Sorry?

CHAIRPERSON HERSHBERG: The sides of the pier, around the sides of the pier, those

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are finished in the same stone as the front of the house?

MR. ORTIZ: Yes.

CHAIRPERSON HERSHBERG: The height of that pier, how high is that?

MR. ORTIZ: I need to check it. It's three feet. It's around 30 inches.

CHAIRPERSON HERSHBERG: The dimensions of the square stone on the top.

MR. ORTIZ: Around 24.

CHAIRPERSON HERSHBERG: 24 inch square.

MR. ORTIZ: Yes.

CHAIRPERSON HERSHBERG: It's on the landscape plan. Thank you.

MEMBER DI SALVO: Just for the record, it's two foot by two foot by two foot.

MR. ORTIZ: Yes, 24 inches.

CHAIRPERSON HERSHBERG: In additional review by the Board and looking at the neighborhood, the Stearns Park neighborhood, it's challenging to characterize the architectural. This is a positive. It's

1
2 challenging to characterize the
3 architecture -- a single or the architectural
4 style of the neighborhood because it's so
5 varied. So, conforming to the neighborhood,
6 that's the challenge that we have, because we
7 have such variation. I think that's an
8 element that adds to the character of the
9 neighborhood, that not too many houses are
10 alike.

11 I think, at least for me, I believe
12 it's an opinion shared by the Board, that
13 one of the stronger considerations was the
14 size of the house. And hearing some of the
15 description of how the rendering cannot
16 really give a true representation of sizing,
17 and looking at the drawings, it doesn't come
18 across as large as it might appear in the
19 renderings. When we look at the dimensions
20 of the side yards, the side measurements are
21 taken from window wells, which gives us a
22 much smaller number as compared to taking the
23 size of the side yards to the side of the
24 house. So, that adds some additional
25 information that frankly added a little more

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comfort and helped us imagine or envision how that would look on the property. So, I'm going to add that to the record and for the benefit of the public.

MR. ORTIZ: Yes. The dormers are just 12 feet. I know it looks gigantic, like really big in the rendering, but it's just 12 feet. In the front, it's just 35. So, it's not really front elevation of the house. So, it's normal to the neighborhood.

CHAIRPERSON HERSHBERG: Normal is a hard term to use in the neighborhood, but --

MR. ORTIZ: It fits in the neighborhood, because there are tiny houses and there are enormous houses and medium size houses.

CHAIRPERSON HERSHBERG: Any other comments from the Board at this time?

MEMBER RYAN: No.

CHAIRPERSON HERSHBERG: Hearing none, I'm going to -- how many speakers do we have?

THE CLERK: Four.

MEMBER TAYLOR: Five.

CHAIRPERSON HERSHBERG: If anybody

1
2 else is planning to speak, I'd like to get an
3 idea with respect to time, because prior
4 experience, sometimes we have had a repeat of
5 information. So, information that has been
6 covered by another member, I don't know if
7 there's some way to ask if there's an
8 agreement, or maybe we could have the
9 president of the Board kind of speak to the
10 comments that are shared by the Association,
11 so that we don't hear a repeat of the same
12 comments. Having a repeat of the same
13 comments, for us, I will tell you, does not
14 add any more emphasis to the point. So, if
15 somebody were to say, "We like AB," and we
16 have 200 members say they like AB, we take
17 the first comment and it's heavily weighted
18 as if we heard it from 200 people. I just
19 want to add that, so we can be a little bit
20 efficient in any information that is
21 presented. I see some heads nodding, some
22 people are laughing. I'm not sure what that
23 means.

24 With that in mind, if we could have
25 comments from the public.

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THE CLERK: Our first speaker is Jim Hetland.

CHAIRPERSON HERSHBERG: Do you want us to shuffle the deck for you?

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, Freeport.

CHAIRPERSON HERSHBERG: Good evening, sir.

MR. HETLAND: I have some notes. They're very brief. Yes, we received a transcript of earlier meetings. I'll try not to repeat myself or anyone else.

Most of the conversations that I have heard in this Board meeting, and this includes this property and three other properties nearby that I have attended meetings, there is a lot of emphasis on the character of the neighborhood. That's

1
2 potentially very subjective, and we have
3 heard a number of opinions about that.

4 One objective factor, you can look
5 down our street, there are many different
6 styles or architecture of houses built over a
7 period of a decades. Our house is nearly 100
8 years old, there are some that were built in
9 the 50's; they all have large, spacious front
10 yards and side yards. Some of the houses are
11 on very wide lots and they have side yards
12 40, 50, 60 feet wide. And that's the
13 characteristic of the neighborhood.

14 There are also the front yard
15 setbacks. The setback of our house is 30
16 feet from the property line. My
17 understanding of the Code is that the setback
18 should conform to the average of nearby
19 houses. The minimum is 20 feet. I think,
20 based on the average -- I don't have the
21 exact numbers -- it needs to be at least 25,
22 not 27, 28 feet from the setback.

23 I have a concern about the side
24 yards. In the transcript, there was
25 discussion of side yards, and several people

1 said the lot was 67 feet wide. It is not.
2 This cover sheet of the proposal that we
3 received a PDF of, it says the lot is 59.03
4 feet wide. Both of those numbers are wrong.
5 The lot is 55 and half feet wide.
6 Interestingly enough, that number does appear
7 on the plot that is part of the presentation
8 we had a PDF of. The resolution of the PDF
9 is too low to find any numbers of how wide the
10 house is. If the lot is 55 and a half and
11 you have a minimum of ten feet on each side,
12 the house cannot be wider than about 35 and a
13 half feet. I don't know how wide it is. My
14 point here is just to urge closer to the side
15 yard, making sure we reach at least minimum.
16 As I said, on the block, most of the side
17 yards are much wider than the minimum, and in
18 some cases ten times wider.
19

20 Also on this cover page the sides of
21 the lot it's wrong. There is a
22 multiplication listed here 59.03×125 is
23 7160. The correct answer is 7378.75. And
24 the actual size of the lot worked out from
25 true measurement is 7156.25. Close attention

1
2 to the side yard issue I think is a concern.

3 The other thing is, some comments
4 related to character of the neighborhood,
5 which is kind of subjective. But one thing
6 we definitely have, it has been accepted in
7 previous properties about other properties.
8 This Board has focused many times on
9 something called floor area ratio, which is
10 the relative living space, ratio against the
11 lot size. On this block of Moore Avenue, our
12 block, the average for the 20 houses on the
13 block is 20 percent or 21 percent. The
14 stated floor area ratio of this proposal is
15 44 percent. Much more than double. There
16 are only three houses on the block bigger
17 than this proposed house, and they are on
18 lots of 12,000 and up. So, the ratio on
19 those is still only 24, 25 percent. I find
20 that grossly out of character for the
21 neighborhood.

22 The neighborhood is spacious lots,
23 sensibly sized houses, large yards. This
24 proposal is none of those things. It's the
25 third largest house -- would be the third

1
2 largest house on the block on by far the
3 smallest lot of 55 feet wide. Most of the
4 lots on the street are 75, some are 150. As
5 I said, we have 12,000. We have a 19,000
6 foot lot on the corner with a house that
7 still the area ratio of that house is only 14
8 percent. Because it's a modest size house on
9 a very large lot, that is characteristic of
10 this block.

11 So, I wanted to mention that. And I
12 will say, for the record, I've never
13 mentioned zoning or variances.

14 CHAIRPERSON HERSHBERG: That needs to
15 be mentioned.

16 MR. HETLAND: Zoning. Standard
17 zoning is 40 percent. And variance, which in
18 my opinion is dubious, given a variance of 44
19 percent. Like I said, that's more than
20 double the average on the block. There isn't
21 a single house on the block. There's one
22 that reaches 30 something on a lot that was
23 probably improperly divided 30 years ago;
24 it's a lot that is only 59 feet wide.

25 That's all I've got. I have an

1
2 updated spreadsheet, if you'd like to have
3 it, that shows the floor area ratios for the
4 houses on the block.

5 MR. McLAUGHLIN: Give it to the
6 stenographer.

7 (WHEREUPON, the above-referred to
8 document was marked as Witness's Exhibit 1,
9 for identification, as of this date.)

10 THE CLERK: Next speaker is Renaire
11 Frierson.

12 R E N A I R E F R I E R S O N,
13 having been first duly sworn by a Notary
14 Public of the State of New York, was
15 examined and testified as follows:

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

18 MS. FRIERSON: Renaire Frierson. 164
19 Moore Avenue Freeport, New York.

20 CHAIRPERSON HERSHBERG: I'm sorry, I
21 didn't catch your name.

22 MS. FRIERSON: Renaire. I just have
23 a couple of comments that echos some of the
24 comments that Members of the Board made
25 tonight. One is the comment about the

1
2 materials being a bit too modern for the
3 area; that is something in our three meetings
4 that came up -- well, two meetings. I
5 attended two of those three meetings. I did
6 not attend the meeting with the officers. We
7 I expressed the same thing about materials
8 more consistent with the character of the
9 neighborhood, more classic, more traditional
10 kind of materials being available, if there
11 is a will, that would be possible. And the
12 comment was that the property owner did not
13 have the money and did not have the time to
14 do that. Tonight, he said he would consider.
15 So, I was happy to her that. I guess coming
16 from the Board he decided to consider that.

17 We also expressed concern about --
18 while we were happy with his agreement to
19 remove the stone fence, it was replaced with
20 a fence of shrubs that went to the property
21 line along the curb. Now, you raised tonight
22 that with several different renderings, with
23 several different depictions regarding that
24 fence or shrubs and so forth.

25 So, I'm still not clear as to whether

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or not the shrubs are there, going to be there along the property line at the sidewalk or not.

MR. McLAUGHLIN: I believe he testified that they were not going to be there.

Sir, correct me if I'm wrong. The shrubs on the sidewalk property line are not going to be there, correct.

MR. BYNOE: Front elevation?

MR. McLAUGHLIN: Front elevation.

MR. BYNOE: The front elevation, the shrubs are not going to be there.

MS. FRIERSON: And then again just to echo what same Jim said, the size of the house.

CHAIRPERSON HERSHBERG: Thank you.

THE CLERK: Our next speaker is Hazel Gibbons.

MS. GIBBONS: I'm not coming up. I actually defer, because Mr. Hetland addressed what I was concerned about, the space between either side of the house.

CHAIRPERSON HERSHBERG: Ma'am, you're

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welcome to come up. We can't have you speaking from the audience.

H A Z E L G I B B O N S,
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.

MS. GIBBONS: Hazel Gibbons. 196 Green Avenue, Stearns Park.

Actually, I did say I would defer, because what Mr. Hetland presented is what I had a concern about, and that's the space between the two houses. It's called the easement areas.

MEMBER RYAN: Side yard.

MS. GIBBONS: Side yard set back. Whatever. I'm concerned it might be too narrow and doesn't suit the look of the area, particularly of that street. Okay, that's it.

CHAIRPERSON HERSHBERG: Thank you.

THE CLERK: Our next speaker is Peter McLaughlin.

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2 P E T E R M C L A U G H L I N,
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. McLAUGHLIN: Peter McLaughlin,
9 M-C-L-A-U-G-H-L-I-N. 140 Connecticut Avenue,
10 Freeport.

11 My concern, basically, goes with what
12 Hazel brought up about the side yard. I saw
13 a picture and I couldn't tell where the
14 property line was, but there was the side of
15 the building -- house and there was what was
16 called a pine tree. I don't think it was a
17 pine. Basically, I worked in Hicks Nursery.
18 I'm a certified New York State certified
19 nursery and landscape professional. I know
20 my shrubs. So, I was just wondering how much
21 is that space that's going to be? I heard
22 that there are going to be shrubs planted
23 along the side of the house. So, I'm trying
24 to find out, how big are those shrubs and how
25 much of that space are they going.

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MEMBER RYAN: 12.79 from the back of the house here to the side yard.

MEMBER DI SALVO: If you're facing the house, the side yard to the left is 12.

MEMBER RYAN: This one says 12.79.

MEMBER DI SALVO: Toward the back is 12.79. It's hard the read on the front property line. And on the right-hand side, it's about ten. Again, it's hard to read -- we have very, very small plans -- but that's an approximate.

What you are speaking to specifically is the type of plants that are going to be planted along that property line?

MR. McLAUGHLIN: Right. They're described as a pine. I don't know any pines.

MEMBER DI SALVO: They are describing it as a pint. However, we did clarify the fact that they would, according to this landscape plan, he has a myriad of Hibiscus, Hydrangeas, Rhododendron, all different types going along that property line, not just pine, pine, pine, pine, pine.

MR. McLAUGHLIN: Okay. My ear was

1
2 taken by the Hibiscus. Hibiscus is a
3 tropical plant. We bring them up from
4 Florida, people buy them in June, July,
5 August, September, then October they die.
6 You can bring them in the house, put them in
7 the sun porch, but that's it. So, those are
8 gone.

9 MEMBER DI SALVO: Let me just
10 clarify.

11 MEMBER RYAN: It's a Rose of Sharon,
12 a form of Hibiscus. She's reading the Latin.

13 MEMBER DI SALVO: My bad.

14 MR. McLAUGHLIN: Rose of Sharon.
15 It's a shrub. They get big. They get about
16 four, five feet wide. They take up a lot of
17 that. The other thing was Hydrangea.
18 Hydrangea get about three feet wide.
19 However, they're not evergreen. So, for the
20 winter, they're just brown sticks. So is the
21 Rose of Sharon, just brown twigs.

22 MEMBER RYAN: That's why you need a
23 myriad of things.

24 MEMBER DI SALVO: They are.
25 Hydrangea are very typical to the

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neighborhood.

MR. McLAUGHLIN: Yes. But as far as decorating the side of the house that this next door neighbor has to look at, there will be all this dead stuff.

MEMBER DI SALVO: What they explained, please correct me if representing incorrectly, there is going to be a mixture of evergreen and deciduous bushes as well. There will be a mixture.

MR. McLAUGHLIN: Do you want to come up?

MR. BYNOE: You're correct.

MR. McLAUGHLIN: Do you have any suggestions.

MR. BYNOE: Maybe I could probably talk to you, so that you can probably get the arrangement, the landscaping.

CHAIRPERSON HERSHBERG: Sir, if you would approach the microphone.

MEMBER DI SALVO: Would you like to see the landscape plan with everything called out?

MR. McLAUGHLIN: Yes.

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2 CHAIRPERSON HERSHBERG: Sir, if you
3 want to review that and then come back up,
4 you're welcome to do that. If you have
5 expertise in the area, we'd be interested in
6 hearing it.

7 We'll recall Mr. McLaughlin after he
8 has had a chance to review the landscape
9 plan.

10 THE CLERK: Our next speaker is Jill
11 Kaplan.

12 J I L L K A P L A N,
13 having been first duly sworn by a Notary
14 Public of the State of New York, was
15 examined and testified as follows:

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

18 MS. KAPLAN: Jill Kaplan,
19 K-A-P-L-A-N. 203 Mount Joy Avenue, Freeport.

20 MEMBER RYAN: How are you?

21 MS. KAPLAN: Hi. Good evening.

22 MEMBER DI SALVO: You always have a
23 smile on your face.

24 MS. KAPLAN: I'm feeling very
25 positive. I really am. I have two

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clarifying questions, then a statement.

1. Are the three foot evergreen, whatever they are, pines, do they -- when they're planted, they're three feet? How high do they ultimately grow, or do they stay that size the whole time?

MEMBER RYAN: I think he said they max out at three feet.

MS. KAPLAN: Okay. Again, sort of doing the math. If we have on the left side 12 and a half feet, and on the right side we have ten point something. So, that's 22. And if the entire side to side is 57, 55 --

MEMBER RYAN: 55 in the front.

MS. KAPLAN: So this is a 30 foot wide house.

MEMBER DI SALVO: Approximately.

MS. KAPLAN: Just making sure it fits within.

So, I was fortunate to be able to attend with my husband two of the three meetings that we had since last time, and I could feel the struggles that you were having, in having give up your vision of your

1
2 beautiful home that you have waited so long
3 to have. We do appreciate that. We have
4 also have beautiful homes in our neighborhood
5 that we live in. And once this building
6 process is over, we all live here. I know
7 that's your intention that you will also live
8 here. And so, within that delicate
9 compromise of a vision of a future house and
10 the existing vision of the neighborhood that
11 has been established, the thing that we were
12 struggling with a lot, in addition to the
13 things that were mentioned that I won't
14 repeat, was the severity -- I'm trying to --
15 we kicked around the word character a lot, in
16 trying to find this compromise. And
17 character is very subjective. So, we were
18 looking for sort of concrete ways to describe
19 it, because the two dormers were of a topic
20 of concern and a long discussed topic, and
21 the severity sort of this wall on the second
22 floor that really doesn't -- I was looking
23 too. It's not there anymore. That just does
24 not fit in with the different looks. We
25 understand we have stucco and Tudor and,

1
2 again, decades of building. But the thing
3 that was missing was depth, shapes, lines;
4 these are things that sort of make up the
5 character of the various stucco and Tutor and
6 particularly to the houses that are right
7 there.

8 What we did in between was, in going
9 around the neighborhood, we actually found a
10 house that was very similar to the original
11 proposal, and I know there have been some
12 tweaks, that have that horizontal brickwork
13 or stonework and portico in the middle with
14 the window above it and the two dormers. But
15 the difference was, we found that it had the
16 lines and the shapes that were kind of
17 similar, and we actually brought it. My
18 husband was able to -- he's very good with
19 the computer. So, he actually took the
20 house, which is about six or seven blocks
21 south of Moore, and he took the photo of it
22 and put it into the empty lot. So, on the
23 bottom is the proposal. I know there were
24 some tweaks, but we didn't have your newest
25 proposal. So, we made some copies. This is

1
2 actually one of those four new houses that
3 went up on that one big corner lot. You all
4 know that. These are five copies here, so
5 that you can see what it looks like in the
6 spot itself, not what it looks like by itself
7 with no other neighboring and all of that.
8 And this house is very specific, because it's
9 for sale, it has all the information there.

10 CHAIRPERSON HERSHBERG: Do you have
11 an address of the house.

12 MS. KAPLAN: 132 North Bergen Place.
13 And the difference is, instead of, like I
14 said -- if you want to look at those while
15 I'm describing?

16 CHAIRPERSON HERSHBERG: Let's put
17 them in the record.

18 (WHEREUPON, the above-referred to
19 documents were marked as Witness Exhibits 2
20 and 3, for identification, as of this date.)

21 MS. KAPLAN: I know means are we
22 saying that you have to build exactly this.
23 The idea was to show a possible idea of
24 compromise. You still the -- this is brown.
25 The horizontal brickwork is brown. In

1
2 Mr. Bynoe's sketch there is gray. So, we
3 understand that. But it has the garage on
4 that left-hand side, and the portico and the
5 window above it and the two dormers. The
6 difference is the softer look. By adding
7 those shapes on the dormer that is above the
8 garage, you've got depth, you've got lines,
9 you've got shapes. That roof that is on top
10 of the dormer, that little turret, it's
11 triangle. There are shapes. And if you look
12 at the picture where it's next to the house
13 next to it, there's a commonality. Even
14 though the materials are different and the
15 style is a little different, there's a common
16 thread there and there's a little less
17 severity. Again, I'm not saying it has to be
18 exactly this, but it's an option. It's a way
19 of maybe adding something there as opposed to
20 that flat severity of the other draft.

21 Anybody have any questions?

22 CHAIRPERSON HERSHBERG: No. Thank
23 you very much.

24 THE CLERK: The next speaker is Linda
25 Silva Thompson, President of the Stearns Park

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Civic Association.

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

MS. THOMPSON: Linda Silva Thompson.
199 Moore Avenue, Freeport.

CHAIRPERSON HERSHBERG: Good evening.

MS. THOMPSON: Good evening. It's
been a long wait. We thought we were first,
so we came early. You tricked us.

CHAIRPERSON HERSHBERG: We were going
to be here anyway. No trick.

MS. THOMPSON: We always get tricked.
We think we're first, we come, and last we're
last. We still feel special. Thank you very
much.

CHAIRPERSON HERSHBERG: You are.

MS. THOMPSON: Thank you. Since we
were here with you a month ago, on
February 28th, Stearns Park did what you
asked us to do. We always do what you ask us

1
2 to do. A subgroup of our members met with
3 the property owner and the builder first on
4 March 10th. And thanks to our Village
5 attorney here and to Sergio -- well, for our
6 attorney organizing the meeting and for
7 Sergio attending, we held that first meeting.
8 And during that meeting, we reached agreement
9 pretty quickly over the wall, the fence, and
10 the gate, and to reduce the amount of glass
11 in the front door. All of that, I think we
12 already talked about tonight.

13 The other thing that came up, Sergio
14 alerted the owner that there was a required
15 setback of 25 feet, and that based on the
16 average of the two abutting properties, this
17 property was 2.5 feet too far forward. So,
18 one of the things Stearns Park does want to
19 make sure that that was reflected. The owner
20 was told that that setback was not correct,
21 that variance would be required.

22 MR. McLAUGHLIN: The owner reached
23 out to the Superintendent and the Planning.
24 He's not going to go to zoning, so he's going
25 to correct it.

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MS. THOMPSON: I just want to make sure this Board is aware that.

MR. McLAUGHLIN: That was my conversation with the superintendent. Is that correct, sir?

MR. BYNOE: That's correct.

MS. THOMPSON: In terms of just what we talked about before, I think were talking a lot about dimensions and side yards. The plot plans that are in the packet that you received, there's no measurements on this anywhere; not the side, not the front, not the size of the property. This is why we're a bit confused. Do you require that?

MEMBER DI SALVO: We have measurements.

MS. THOMPSON: This one does not have measurements.

MR. McLAUGHLIN: Where is it?

MS. THOMPSON: The one that we were provided does not have any measurements. That's why some of the members were wondering what's the dimension of the house, what's the dimension of the side yards. We have not received a plot plan that shows any of the

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measurements to this.

MR. McLAUGHLIN: We have them.

MS. THOMPSON: As long as you have them and you confirm, we're fine.

MR. McLAUGHLIN: These are all measurements.

CHAIRPERSON HERSHBERG: I used a magnifier on my phone to see.

MS. THOMPSON: You're better than me. We just want to make sure that you have the measurements and you confirmed that everything is correct.

MR. McLAUGHLIN: We wouldn't be here today, if the Building Department didn't have it. They can't process it to us without it. They will reject the application.

MS. THOMPSON: We want to make sure.

MR. McLAUGHLIN: You know Sergio; he would reject it.

MS. THOMPSON: So then on March 14th, the vice president of Stearns Park and I met with just the builder and Sergio to discuss possible design changes; and those design changes really focused on trying to come up

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2 with something that was more in character to
3 the neighborhood. We really focused on the
4 roof line and the large transom windows that
5 are in the front of the property, because
6 there's no other properties in the area that
7 have those transom windows over the other
8 windows. If you look at the difference
9 between the design that Jill provided and the
10 design that the builder is proposing, what we
11 would feel more comfortable with not having
12 those transom windows which would allow for
13 some different roof lines.

14 The builder agreed to take our
15 suggestions back to the owner and the
16 architect for consideration so that updated
17 design could be presented to our subgroup on
18 March 22nd. Regrettably, when we met on
19 March 22nd, the updated design changes were
20 only to the garage door and to the front
21 door. None of the roof lines were updated,
22 and the other things that we suggested were
23 not considered.

24 Regrettably, the owner states that
25 does not want to consider any of the design

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2 changes suggested by Stearns Park that would
3 make the proposed property in character to
4 our surrounding neighborhood. The owner
5 stated that changes would not be considered
6 because they would cause him time delay in
7 starting construction and in additional
8 architectural cost. Therefore, regrettably,
9 Stearns Park Civic Association and the owners
10 are at an impasse. This is the first time,
11 regrettably, I have had to come before this
12 Board and we were not able to reach an
13 agreement with a property owner.

14 Stearns Park remains willing to try
15 to reach an agreement with the owner and our
16 future neighbor. If more time is provided by
17 the Planning Board, we remain willing to try
18 to come to some type of agreement and to come
19 before this Board again in unison and in full
20 support of this project.

21 Regrettably, this is the first time,
22 as I said, I've had to do this and I did not
23 think it would ever happen. So, we're hoping
24 that maybe you would adjourn this hearing
25 again and know that, if you do, Stearns Park

1
2 is willing to continue to try to work with
3 this owner. We hope that you agree with our
4 stance that, still, this property design is
5 not in character with our neighborhood.
6 Thank you very much.

7 CHAIRPERSON HERSHBERG: Thank you.

8 THE CLERK: That was the last.

9 CHAIRPERSON HERSHBERG:

10 Mr. McLaughlin, did you want to come up
11 again?

12 MR. McLAUGHLIN: Thank you for
13 letting me look at this plan. It answered
14 several questions I had create added a few
15 more. In the picture that I saw that was
16 described as a small pine, I said there's no
17 pine on this list. What it looked like was a
18 dwarf Alberta Spruce.

19 MEMBER RYAN: That's what he added.
20 He specified he would be adding those.

21 MR. McLAUGHLIN: Okay. That's a slow
22 grower. That grows about one inch a year.
23 It will take a while to reach its height.
24 But a lot of these evergreen get to six,
25 seven, eight feet tall and with width also.

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It's going to take some of that 12 foot, 10 foot space in between.

I noticed one thing was a Boxwood. There's one that grows about three feet tall. What I had noticed in the pictures, there was one that showed, after the wall was gone and the fence and across, along the sidewalk, there was a row of very small evergreens.

MEMBER DI SALVO: There was. We were concerned about that also. I think there will be bushes in the front where there will be the trees, and I think there will be Crape Myrtles, maybe.

MR. McLAUGHLIN: No, Crape Myrtles are big.

MEMBER DI SALVO: There were two tress and there were some low plantings around the trees, they were Boxwoods. There's nothing proposed and nothing on that plan for the sidewalk edge.

MR. McLAUGHLIN: In my opinion, those would have been okay, a row of low growing hedges.

MR. McLAUGHLIN: The problem is, when

1
2 we had the discussion, when we did meet,
3 there were no houses that have those type of
4 things, so it was out of character.

5 MR. McLAUGHLIN: Some houses have Yew
6 hedges and Privet hedges. I think that was
7 my other suggestion. The one thing I --
8 worked on a project just this morning and I
9 explained to the woman, there were some
10 things that were evergreen and some things
11 that lose their leaves, some things flower in
12 the spring, some flower in the summer, some
13 flower in the fall.

14 I just want to caution, whoever is
15 putting these plants in, there aren't that
16 many evergreens, and there shouldn't be two
17 evergreens side-by-side and then four
18 deciduous plants. You have to make a nice
19 look for the neighbor on the side. That's
20 the person you're going to have to deal with,
21 because it's so close. She should have
22 something nice to look at, a combination of
23 flowering, deciduous and evergreens.

24 Okay. I appreciate it.

25 MEMBER RYAN: Make a motion to go

1
2 into executive session to confer with
3 counsel.

4 MEMBER WELCH: Second.

5 THE CLERK: All in favor.

6 MEMBER TAYLOR: Aye.

7 MEMBER WELCH: Aye.

8 MEMBER DI SALVO: Aye.

9 MEMBER RYAN: Aye.

10 CHAIRPERSON HERSHBERG: Aye.

11 THE CLERK: Any opposed?

12 (No response was heard.)

13 CHAIRPERSON HERSHBERG: We're going
14 to take a minute and discuss with counsel.
15 We'll be back very shortly: Five, six, seven
16 minutes.

17 (WHEREUPON, the Board entered into
18 executive session from 9:49 p.m. to
19 10:00 p.m., after which the following
20 transpired:)

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

23 MEMBER WELCH: Second.

24 THE CLERK: All in favor.

25 MEMBER TAYLOR: Aye.

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MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed.

(No response was heard.)

CHAIRPERSON HERSHBERG: Thank you for everyone's comments. Thank you for the level of cooperation. In spite of some impasses on some issues and on some -- well, just some comments that we took. I think it was good process. We have been through this process before and I appreciate the input. It's good to see concerned people in front of the Board. So, it is appreciated.

The Board has no further comments. I'm going to entertain a motion from the Board.

MEMBER RYAN: I'll make a motion to close to further evidence and testimony and reserve decision.

MEMBER DI SALVO: Second.

THE CLERK: All in favor.

MEMBER TAYLOR: Aye.

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MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

CHAIRPERSON HERSHBERG: What that means, as I explained before, we're closing to further evidence and testimony and we're reserving our decision. We have already made that decision. Sir, if you have a comment.

MR. ORTIZ: Yes, I do have a comment. I wanted to respond to all the issues that they said, which I have an answer for all of them.

MR. McLAUGHLIN: I would let him do it.

CHAIRPERSON HERSHBERG: We'll go a little bit out of procedural order here to allow your comments.

MR. ORTIZ: The first one was about size. I think there was a discussion. Certainly with the inspector, when we met the first time, the second time, he pointed to

1 that, what was the size of the house.

2 Everything was by zoning, and he it meet the
3 requirement by Code of Freeport. So, we have
4 ten feet over on one side and more than 11 on
5 the other side. We have the property line in
6 the rear elevation over 40 feet, and we have
7 25 feet in the front elevation. So, I think
8 that was already 100 percent comport, so
9 everything is already good about that. We
10 meet the criteria and everything about the
11 size.
12

13 The second thing that they point out
14 is the landscaping. We're willing to talk,
15 any suggestion or anything, no problem. So,
16 we can talk.

17 The other thing that they mentioned
18 is about the design of the house. That is
19 the main thing I want to discuss right now.
20 We meet the criteria, even based on the house
21 they presented to us, the 132 Bergen Place.
22 I have a video. We have technical
23 difficulty, but I took the video of Moore
24 Avenue. So, I have it in my computer. I'm
25 wondering if I can show it to you guys.

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MR. McLAUGHLIN: You have to have it in evidence. You can't just show it to the Board.

MEMBER DI SALVO: It's a video of the block?

MR. ORTIZ: Yes, of the whole street showing every house, the style.

CHAIRPERSON HERSHBERG: We're familiar with the block. We have personally observed it.

MR. ORTIZ: So, you have colonial, ranch, half ranch, you have capes, you have traditional, you have also about discussing the about the dormers. So, I would like to -- I have some copy of a package, so you can see all conventional homes based around the area. Every one with different characteristic. One of them is the -- sorry about I can't show you on the screen. I have a copy I can give to you guys too. It's a house on Gibbons right there, which have different dormers and also reverse roof, gable roof by the column. Also it's a house on North Bergen, 134, on the side of the 132

1
2 have two dormers, similar to the one I
3 presenting.

4 About the dimension and everything,
5 it's really similar to the one we're
6 presenting of those four new homes, 134, 132,
7 130 and also the house on Lena Avenue and
8 Bergen Place. These are houses that really
9 has different designs and really different
10 too. If you can see the characteristic, but
11 it has reserve. It's giving priority to the
12 neighborhood, because every house is
13 different. So, when you see those
14 conventional new homes vary and give value
15 the neighborhood. It's one on Pennsylvania
16 Avenue and Mount Joy. So, that huge house
17 over there. Based on the other ones and even
18 on the street more close to the two new
19 homes, it's another one on the end of Moore
20 Avenue two houses and the dead end is one
21 brown with stucco. And there is another one
22 similar to the one we're building with the
23 color gray and also Gray stone right there.
24 It's another house 330 Pennsylvania Avenue
25 with stucco and stone.

1
2 So, I think that I mentioned over
3 eight houses already, and I can keep going,
4 when you see conventional home and
5 difference.

6 Now, the house in 187 Delaware, you
7 have two transom windows over there. Also
8 the house in front of the 132 Bergen Place,
9 that huge house, you have two transom windows
10 right there.

11 I can give you that for conventional
12 homes.

13 MR. McLAUGHLIN: Mark it into
14 evidence.

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

18 MR. ORTIZ: I want to point out the
19 houses that they mention, 132 Bergen Place.
20 I want you guys you can see in the evidence
21 134, 130 Lena Avenue. Those four houses was
22 recently built. They say that's more
23 characteristic of the house. If you see, you
24 will see that the first floor is almost
25 exactly the same design that we doing. The

1 other one different is the second floor.

2 What you can see is the reverse roof on top
3 of it, and also the hip roof determination.

4 Those are the ones that have the dormer, two
5 dormers, the same one that we have.

6
7 Now, if you see 134, right there on
8 the side, brand new, and 130, all of them
9 looks different. They don't have the reverse
10 roof, they don't have the hip roof. Every
11 one have different design, because the
12 characteristic of the neighborhood is
13 different houses. So, we meet the criteria,
14 based on that.

15 Now, let me tell you my expertise,
16 because I expert in roofing. I started
17 construction in roofing. So, if my
18 customer -- this is the thing. Those houses
19 are investor houses. He's going to live in
20 this house. He has to like this house. Not
21 just like, it has to be also practical for
22 him. It's not just about price. When you do
23 reverse roof on the second floor, different,
24 you create a problem to the house. When you
25 do a reverse roof, you create another wall,

1
2 you create another valley. Any of these
3 designs, if you see that this investor built
4 a fifth house right there, he would build the
5 fifth house similar to the one we have,
6 because it looks different to the other ones.

7 Now, the gable roof is the main
8 design in construction here in New York. You
9 see many gable roof in that area on Moore
10 Avenue. Any dormers -- I think that the 193
11 or somebody living in that house, Moore
12 Avenue 191, it has also a gable roof with a
13 dormer. It's the same.

14 So, gable roof prevent the snow, it
15 makes the snow to melt faster, allows the
16 water to run faster, no leak coming into the
17 house. Also, it give you a better look for
18 landscaping, a modern look. So, that is one
19 of the things we trying to present, trying to
20 get here.

21 About transom windows. Let me read
22 something for you guys, because the size
23 nowadays is not just in look, it's also about
24 functionality. It's about energy efficient.
25 So, any windows that have to be, to the towns

1 and villages, have to be energy efficient.
2 Those windows are recommended, based on that.
3 So, it's not just based on the design that he
4 like, it's also based on that. So, let me
5 just read this to you guys too. I talked to
6 one of the architect, and he mentioned to me
7 this. He said, "Windows are not just an
8 aesthetic part of any construction, but it's
9 also based on paper, when it comes to energy
10 conservation, as well as presenting efficient
11 ways of protecting the environment." That
12 being said, they say right away, by doing the
13 (inaudible) we have to factor in windows.
14 This means, there's a minimum requirement
15 that each and every window need to meet.
16 Also, not only the window, the construction
17 as a whole.

18
19 So, those gable roof, those windows,
20 transom, everything has been calculated based
21 on the area for the neighborhood or the
22 owner. So, when you guys say that we didn't
23 follow, I think you guys mentioned many
24 things that we decide to change. The major
25 things that we didn't want was the reserve

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2 roof, that we didn't want to create and the
3 reasons why I explained to you guys, and also
4 the transom windows that we see also in the
5 neighborhood, two or three houses. There is
6 another house there that has also a transom
7 window. Everything else we meet the
8 compliance. Even the house 132 Bergen is
9 bigger front elevation than the one that
10 we're building.

11 So, I know it's in prospective, but
12 you guys have to see what it really is. It's
13 just two dormers. We have over almost two
14 feet dimension to the front. It meet
15 characteristic of the neighborhood.

16 Now, I want to finish with this:
17 It's a few reason why I think that the Board,
18 you know, how I felt at the last meeting. I
19 want to express how I felt when I met with
20 the Association. It was really nice, most of
21 you is good. But I felt with one of the
22 things that was saying over there, like we
23 didn't want to comply or we were like -- when
24 already made many changes that you guys
25 required. And you guys say that we were the

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2 only one didn't want -- this is the first
3 time, you also repeated here, that you denied
4 something. And you say it to us, like, if
5 you guys deny something, apparently this is
6 not going to go through the Board.

7 MR. McLAUGHLIN: What are you saying?

8 MR. ORTIZ: That is how I felt, okay.
9 I just expressing how I felt.

10 CHAIRPERSON HERSHBERG: I'm sorry, I
11 didn't understand you.

12 MR. ORTIZ: I felt that time we met
13 the last time, the third time, like they
14 mention the same things that they say here
15 that this is the first time that don't agree
16 with a home owner. Which I said, okay, we
17 are trying to do the best. But the same
18 time, they said if we not approve this, it's
19 not going to go through the Board.

20 MR. McLAUGHLIN: I don't think --

21 MR. ORTIZ: This is how I felt.

22 MR. McLAUGHLIN: You may have felt
23 that way. I don't think that was ever
24 mentioned. This Board is an independent
25 Board. They take comments on every

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2 application from the public. Ultimately, the
3 Board makes the decision, not anybody in the
4 public. Actually, the law requires us to
5 hear from the public. The public sometimes
6 gives facts and figures which help the
7 decision. Decisions are not made by
8 objection or support from a public, it's
9 actually case law that would not allow it.

10 MR. ORTIZ: It's good to know that.

11 CHAIRPERSON HERSHBERG: I think, sir,
12 I made that statement at the last meeting
13 also which respect to the confidence that I
14 have in this Board to make decisions and the
15 benefit of hearing comments from the public.
16 And the reason that we do it is, first of
17 all, we're interested in the public. They
18 live here, they have the right to make a
19 comments. But I have full faith in this
20 Board to make decisions, taking into account
21 the comments that they have heard through the
22 public.

23 But as I stated, and we can look at
24 the record, I've been on this Board over a
25 decade. I have been involved with in

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2 thousands of decisions. The vast majority --
3 I'm going to throw out a number -- 98
4 percent -- I could be wrong by a couple of
5 percentage points -- are made without
6 comments from the public.

7 So, I appreciate. I can't change the
8 way that you feel, but I made those comments
9 last time. This Board doesn't make their
10 decisions based on satisfying a member of the
11 public or a group of members of the public.
12 We make our decision based on the experience
13 that we have, and many of us on the Board
14 have significant experience. So, I'm sorry
15 that you felt that way.

16 MR. McLAUGHLIN: If I may, Mr. Chair.
17 For the record, I think at the last meeting
18 it was determined, at some point, that the
19 parties were at an impasse. Sometimes it
20 works, sometimes it doesn't work. But I
21 don't think that there was ever any
22 indication that if somebody doesn't agree
23 that the Board would take that into account.
24 That's just not what happens at any meeting.

25 MR. ORTIZ: Thank you for the

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clarification.

MR. McLAUGHLIN: Maybe you felt that way, but that's not what happens.

MR. ORTIZ: Thank you for the clarification.

Also, the last thing I want you guys to take into consideration, this is not an investor home. This is a home owner house. He's going to live there with his family. He's also trying to enter things that he likes and his wife likes too, and children.

MR. McLAUGHLIN: So you're aware, while we understand that, that's usually not something we can take into account for or against the application, whether or not an investor is doing it or a home owner is doing the houses. I understand what you're saying. Just so you're aware, under the law, we can't take into consideration who is going to be living in the house.

MR. ORTIZ: That is my first point. The second point is --

MR. McLAUGHLIN: I will say, so you're aware, if it's approved, construction

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2 is done in communication with the home owners
3 because you are going to be living there.
4 Definitely better communication.

5 MR. ORTIZ: I'm saying this because I
6 know it's a community, it's basically a
7 community and he's going to live there. I
8 just want that to take into consideration.

9 Also, this house will add value to
10 the. We compliant with the aesthetics of the
11 neighborhood and we see the different houses,
12 and even the houses that they mentioned, as I
13 said. Thank you and have a good night.

14 CHAIRPERSON HERSHBERG: Thank you.
15 I'm going to make a short comment, offer my
16 apologies. We had a motion from the Board
17 without giving you the benefit of responding
18 to the comments from the public. So, I
19 should have asked if you wanted to comment,
20 and we went ahead and had that motion. So,
21 I'll offer my apologies to you for not
22 offering you that opportunity.

23 That being said, since we're a little
24 bit out of procedural order by mistake that I
25 made in not offering you the opportunity to

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comment, I'm going to ask the Board for a motion on the application.

MEMBER RYAN: I'd like to make a motion to close to further evidence and testimony and reserve decision.

MEMBER WELCH: Second.

THE CLERK: All in favor.

MEMBER TAYLOR: Aye.

MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

CHAIRPERSON HERSHBERG: Good luck everybody. Motion from the Board.

MEMBER RYAN: I'll make a motion to approve the minutes of March 14th.

MEMBER WELCH: Second.

THE CLERK: All in favor.

MEMBER TAYLOR: Aye.

MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

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CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

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

MEMBER DI SALVO: Second.

THE CLERK: All in favor.

MEMBER TAYLOR: Aye.

MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(WHEREUPON, the Board entered into executive session from 10:22 p.m. to 10:44 p.m., after which the following transpired:)

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

MEMBER RYAN: Second.

THE CLERK: All in favor.

MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

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CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

THE CLERK: Site Plan Number 3338 -
Vacant Lot East of 164 Moore Avenue.

MEMBER DI SALVO: Chairman, regarding
Application SP-3338 for the premises located
at VL EO 164 Moore Avenue, the Applicant
comes before this Board seeking approval to
construct 3,144 square foot two-story
dwelling with attached garage, 43 square foot
portico and 195 square foot patio.

I, Annmarie di Salvo, move that this
Board make the following findings of fact:

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

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

This application, as amended, will
not negatively alter the appearance of the

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neighborhood, if the conditions below are met.

The site plan and architectural plans, dated on 5/6/19, have been submitted by the applicant, and 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 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

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2 Village Clerk's Office as prerequisite for
3 issuance of any permit.

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

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

13 This approval is subject to any and
14 all conditions imposed by the Zoning Board of
15 Appeals, if any, in its decision dated
16 December 20, 2006 and 6/28/2018.

17 The Zoning Board of Appeals, as lead
18 agency see has determined that this is a
19 Type II action under SEQRA and the Planning
20 Board has no further review.

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

24 Other conditions:

25 The landscape plan, dated April 30,

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2 2022 has been and submitted to the Board on
3 January 13, 2023 is approved with the
4 condition that there will be evergreens
5 interspersed along both the left and right
6 side of the property line.

7 The stone on the front elevation is
8 to be a variegated variety with multiple
9 earth tones, including grays, creams, and
10 taupes, in keeping with the other homes in
11 the immediate area.

12 The siding on the front elevation of
13 the dormers are to be cedar shake style in
14 keeping with the homes on Bergen Street
15 referenced by Mr. Ortiz.

16 MEMBER RYAN: Second.

17 THE CLERK: Any in favor.

18 MEMBER WELCH: Aye.

19 MEMBER DI SALVO: Aye.

20 MEMBER RYAN: Aye.

21 CHAIRPERSON HERSHBERG: Aye.

22 THE CLERK: Any opposed?

23 (No response was heard.)

24 THE CLERK: Site Plan Number 3626 -
25 East Merrick Road.

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2 MEMBER WELCH: Chairman, regarding
3 Application SP-3626 for the premises located
4 at 66 East Merrick Road, the applicant comes
5 before this Board seeking approval to
6 Proposed exterior renovations.

7 I, Deborah Welch, move that this
8 Board make the following findings of fact:

9 This application, as submitted, will
10 not produce an undesirable effect on the
11 neighborhood, if the conditions below are
12 note.

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

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

21 The site plan, dated 3/21/23, has
22 been submitted by the applicant, reviewed and
23 approved by the Planning Board. Said site
24 plan and artist rendering has been stamped,
25 approved and signed by the applicant and/or

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the Chairman of the Planning Board.

The members of this Board are familiar with 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:

The 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 before issuance of any permit.

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

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of any permit.

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 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 the any construction.

Other conditions:

The siding around Acre wood color --

MEMBER RYAN: You don't have to read that one. That's what written on the plan. You could just cross that one out. That one is stated. It's the other three conditions. The stucco color. Start with that, because they changed that.

MEMBER WELCH: The stucco color is Sea Mist by Senergy, finish in fine.

Black aluminum lighting --

MEMBER RYAN: It's called Caliber.

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MEMBER WELCH: Caliber, 14 inch up
and down lights by --

MEMBER RYAN: WAC. W-A-C.

MEMBER WELCH: And trim color black.

MEMBER RYAN: Second.

THE CLERK: All in favor.

MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

THE CLERK: Site Plan Number 3627 -
70 East Merrick Road.

MEMBER RYAN: Chairman, regarding
Application SP-3627 for the premises located
a 70 East Merrick Road, the Application comes
before this Board seeking approval to
Proposed exterior renovations.

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

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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 and artist rendering, dated March 21, 2023, has been submitted by the applicant, reviewed and approved by the Planning Board. Said site plan and artist rendering has been stamped, approved and signed by the applicant and/or Chairman 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.

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

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

The 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 the 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 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.

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

5 Other conditions:

6 The stone will be Ridgetop Whisper
7 White 18 inches high. EIFS on the top
8 portion is in color Sea Mist by Senergy,
9 finish is fine.

10 Front columns in black aluminum with
11 a smooth finish.

12 And WAC black lighting Caliber up and
13 down lights 14 inches high.

14 MEMBER WELCH: Second.

15 THE CLERK: All in favor.

16 MEMBER WELCH: Aye.

17 MEMBER DI SALVO: Aye.

18 MEMBER RYAN: Aye.

19 CHAIRPERSON HERSHBERG: Aye.

20 THE CLERK: Any opposed?

21 (No response was heard.)

22 MEMBER RYAN: I'll make a motion to
23 close the meeting.

24 MEMBER WELCH: Second.

25 THE CLERK: All those in favor.

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MEMBER TAYLOR: Aye.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

(TIME ENDED: 10:55 p.m.)

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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 18th day of April, 2023.


BETHANNE MENNONNA