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INCORPORATED VILLAGE OF FREEPORT
ZONING BOARD

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

May 18, 2023
6:09 p.m.

M E M B E R S :

- | | |
|------------------|-------------|
| ROSA RHODEN | CHAIRPERSON |
| BEN JACKSON | MEMBER |
| ANTHONY J. MINEO | MEMBER |
| CHARLES HAWKINS | MEMBER |

* * *

- | | |
|----------------|-------------------------|
| ROBIN CANTELLI | SECRETARY |
| JENNIFER UNGAR | DEPUTY VILLAGE ATTORNEY |

-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

1 Affidavit of Publication 5

2 Affidavit of Posting 5

* * *

APPLICATION 2023-2

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 6

2 NC Planning Commission Recommendation 6

* * *

APPLICATION 2023-5

BOARD'S FOR I.D.

1 Affidavit of Mailing 32

APPLICANT'S FOR I.D.

A Photograph 33

B Photograph 33

* * *

APPLICATION 2023-6

BOARD'S FOR I.D.

1 Affidavit of Mailing 39

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May 18, 2023

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

APPLICATION#	ADDRESS	PAGE
2023-2	307 Guy Lombardo Avenue	4 - 31
2023-5	60 Westside Avenue	31 - 39
2023-6	23 Harding Place	31 - 46

* * *

1
2 CHAIRPERSON RHODEN: Good evening,
3 everyone. I'd like to open up the Zoning
4 Board of Appeals for May 18th. If everyone
5 could please join me for the Pledge of
6 Allegiance.

7 (Pledge of Allegiance recited.)

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

11 MEMBER JACKSON: So moved.

12 MEMBER HAWKINS: Second.

13 THE SECRETARY: All in favor.

14 MEMBER HAWKINS: Aye.

15 MEMBER JACKSON: Aye.

16 CHAIRPERSON RHODEN: Aye.

17 THE SECRETARY: Any opposed?

18 (No response was heard.)

19 (WHEREUPON, the Board entered into
20 executive session from 6:10 p.m. to
21 6:35 p.m., after which the following
22 transpired:)

23 CHAIRPERSON RHODEN: Good evening,
24 everyone. If everyone could please join me
25 for the Pledge of Allegiance.

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(Pledge of Allegiance recited.)

CHAIRPERSON RHODEN: Can I have A motion to accept the minutes from April 26th.

MEMBER JACKSON: So moved.

MEMBER MINEO: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Do we have any Affidavits of Publication or Posting to be entered into the record as exhibits?

THE SECRETARY: Yes, Madame Chair. I have one Affidavit of Publication and one Affidavit of Posting to be entered into the record as Board exhibits. Those will be Board's Exhibit 1 and 2 for this public hearing.

(WHEREUPON, the above-referred to documents were was marked as Board's Exhibits 1 & 2, for identification, as of this date.)

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CHAIRPERSON RHODEN: Do we have any request for adjournment this evening?

THE SECRETARY: We do not.

CHAIRPERSON RHODEN: If we have anyone here who would like to speak for or against an application this evening, besides the applicant, please fill out a form and hand it to the clerk.

Can we call the first application on tonight's calendar.

THE SECRETARY: The first application if 2023-2 - 307 Guy Lombardo Avenue, Business B, Section 62, Block 80, Lot 6. Jude Derivois. Use building for church assembly. Variances: Village Ordinance 210-6(A), 210-172(3) Required parking spaces.

I have one Affidavit of Mailing and one Nassau County Planning Commission Recommendation to be entered as Board exhibits. These will be Board's Exhibits 1 and 2 for this individual public hearing.

(WHEREUPON, the above-referred to documents were marked as Board's Exhibits 1 & 2, for identification, as of this date.)

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2 CHAIRPERSON RHODEN: Can you come up
3 the applicant for this.

4 J U D E D E R I V O I S,
5 having been first duly sworn by a Notary
6 Public of the State of New York, was
7 examined and testified as follows:

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

10 MR. DERIVOIS: Jude Derivois. 307
11 Guy Lombardo Avenue, Freeport, New York.

12 CHAIRPERSON RHODEN: Can you tell us
13 about your application and where you are?

14 MR. DERIVOIS: Well, last time the
15 architect came on our behalf. He gave us
16 that it is not mentioned about the parking
17 space that's been -- they ask him to write
18 paper that mention that we have the parking
19 in the contract. But he did not have the
20 contract. But now I have the contract with
21 me, because the owner of this Guy Lombardo,
22 he own three buildings. According to the
23 contract, it's a shared parking. We have
24 shared parking at the three. We have three
25 parking, we share together. That's been --

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2 parking was never an issue for us any time,
3 but that's what they mentioned. So, for now,
4 I have the contract where everything is
5 listed in the contract every parking we have.
6 So, I don't know.

7 CHAIRPERSON RHODEN: Is this a copy
8 of the contract? Are you ready to hand this
9 contract in? Because if you submit it, it
10 belongs to us as part of the record.

11 MR. DERIVOIS: That is my copy. I
12 didn't know if you needed one.

13 MS. UNGAR: Anything you wish for the
14 Board to consider has to be entered into
15 evidence and we need a copy to keep.

16 MR. DERIVOIS: Okay. The last time,
17 the architect mentioned that we need to go
18 bring with us the contract so that you may
19 see that every parking we have the right to
20 use mentioned in the contract. We have three
21 parking lots. It's a shared parking stall,
22 every business.

23 MS. UNGAR: The other thing that was
24 also mentioned the last time, the person who
25 presented last time said along the deli you

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2 were able to use. One of the questions that
3 we presented to him was how many spaces does
4 the deli need, how many spaces does the
5 liquor store need, because each one has to
6 have enough of their own. If they're sharing
7 with you, but then they don't have enough for
8 themselves based on Code, how does that all
9 work out?

10 MR. DERIVOIS: It's like 16 parking
11 space, I think. We have five. But for the
12 food center, it's like 16 parking space. We
13 have five. But the liquor store, they have,
14 like, 13 parking; we can use them on Sunday.
15 And in front of the church, we have six
16 parking and one for handicap.

17 MEMBER JACKSON: Besides Sunday
18 morning, do you hold other services.

19 MR. DERIVOIS: Every Sunday morning
20 only.

21 MEMBER JACKSON: Do you do any other
22 services?

23 MR. DERIVOIS: We do Sunday morning
24 only. During the week, we're not there.

25 MEMBER JACKSON: Is it fair to say

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the liquor store is closed while you're in operation?

MR. DERIVOIS: Yes.

MS. UNGAR: Last time we were here the person mentioned something about Wednesday night.

MR. DERIVOIS: Excuse me?

MS. UNGAR: The person who was here last time said something about Wednesday nights.

MR. DERIVOIS: Wednesday night, no. We don't have service on Wednesday night.

MS. UNGAR: Bible study.

MR. DERIVOIS: No. Just on Monday night for one hour, it's the administration only. It's like one or two cars, not the entire church.

But the problem with us for the church, a lot of other businesses around us, they find out we are a church. Anything, they putting on us, even when we not there. So, sometimes people park on the sidewalk, people park everywhere. They always complain it's the church. But we always mention that

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2 we always make sure that we park right.

3 E N O C K J E A N J U L I E N,
4 having been first duly sworn by a Notary
5 Public of the State of New York, was
6 examined and testified as follows:

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

9 MR. JEANJULIEN: I'm one of the board
10 members and also the deacon at the church.

11 COURT REPORTER: What is your name
12 and address?

13 MR. JEANJULIEN: Enock Jeanjulien.
14 307 Guy Lombardo Avenue, Freeport, New York.

15 So, in our contract, the liquor store
16 owner, who actually owns 307 and right next
17 door 305, and he owns that part on Atlantic,
18 which is the liquor store adjacent to our
19 building. You can literally walk from the
20 back of our building to that liquor store.
21 He owns the parking. There's about five to
22 six parking in the front of his business, and
23 then on the side there's about 11 parking
24 spots, which technically is walk in, no
25 sitting down. So, on Sundays, we are allowed

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2 to use his parking space on Atlantic, and the
3 deli is also shared parking for both
4 properties. And our, in front of our
5 building, is five parking spot which belongs
6 to us. During the week, when we actually
7 have board meeting or administrative meeting,
8 the deli sometimes people don't know which
9 building is who and will park in front of our
10 church. We don't mind. We don't care,
11 because at the end of the day people park
12 wherever they choose. So, we will choose,
13 therefore, actually park behind the deli.
14 Normally we do not use the parking in front
15 of the deli because, again, there's no
16 sitting, eating in there and people just
17 come, get food, and go. So, it's never been
18 issue.

19 For the most part, at the end of the
20 day, on Sundays, most of the parking is being
21 used on that day. For the week, yes, we do
22 meet for about an hour for meeting for
23 administration, what have you. That's about
24 three parking that's being used, for the most
25 part, in front of the church. And I believe

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2 one Thursday of the month it's being used for
3 another hour. It's at least once a month.
4 Most of the meeting takes place during
5 worship hours from 9:30 a.m. until 2:00 p.m.,
6 4:00 p.m. the latest. And even then we do
7 not give issue with the parking, as long we
8 have on-street parking. Sometimes we have
9 church members that take the cars to go park
10 in the area. So we don't interfere with the
11 deli for the most part, we leave some of the
12 parking for them. The owner gave a contract
13 for the lease, explain to us the whole space
14 for his property belongs and we can use that
15 whenever we want. He owns all three.

16 MR. DERIVOIS: For the church member,
17 we don't really use a lot of spots.
18 Sometimes five people in a car, if we are
19 planning to have event. So, that's been --
20 we don't have many cars coming to the church,
21 because each car come in with five people
22 inside. So my five car only, we have 30
23 members already there.

24 MS. UNGAR: How many members are in
25 your congregation?

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MR. DERIVOIS: About 60.

MEMBER HAWKINS: 60?

MR. DERIVOIS: Yes. Six-zero.

MS. UNGAR: The last time we were here, we were told that the congregations size was 30, with 20 coming to services on a regular basis.

MR. DERIVOIS: Sixty is capacity of the sitting. But now we growing, but we not reach the number yet. But this is the capacity we headed to. But now we not having 60 people inside right now. We are a growing church.

MEMBER JACKSON: Correct me if I'm wrong, but my guess is you do intend to grow as a church?

MR. DERIVOIS: Of course.

MEMBER JACKSON: You could conceivably have 60 members?

MR. DERIVOIS: We don't know how many years that's going to take. We don't know what God will do. And we rent right now. We don't know if God going to give some blessing for us. We're not there yet.

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MS. UNGAR: So, what is the congregation size right now then?

MR. DERIVOIS: Now we are about 30 members with children.

MS. UNGAR: More than 30? 30 adults; is that what you're saying?

MR. DERIVOIS: No. Between adult and children.

MS. UNGAR: Okay.

MEMBER JACKSON: Do you have any other wedding ceremonies, anything like that? Do you perform that at this church?

MR. DERIVOIS: If we have what?

MEMBER JACKSON: Like a wedding ceremony or a baptism of some sort.

MR. DERIVOIS: We don't have event like that. Things happen once in a while. If sometimes we must have something like that, we go to the food center, we go to the liquor store, we tell them we're going to have special event. They know. We work together. But those things not happening on a regular basis.

MEMBER JACKSON: Understood.

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MEMBER HAWKINS: What time do you have service on Sunday morning?

MR. DERIVOIS: 9:30. We start 9:30, we finish at 2:00 p.m.

MEMBER HAWKINS: At what time?

MR. DERIVOIS: 2:00 p.m.

MEMBER HAWKINS: What time does the liquor store open?

MR. DERIVOIS: 10:30 in the morning. I saw them by 10:00 a.m.

MR. JEANJULIEN: 10:00 a.m. until 6:00.

MR. DERIVOIS: 10:00 a.m. until 6:00 on Sundays.

But we've been there for five years now. We never have issues, big issues with anyone.

MR. JEANJULIEN: If I must add, just so you know. We do also -- for example, his household have about four, five family members. So, they actually travel in one vehicle. I have my wife and three daughter's and we also travel in one vehicle. So, it's not like every single member has a vehicle.

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2 So, we also have another parishioner where
3 somebody will pick up other family members
4 where their vehicles can accommodate eight to
5 ten people at times. It's not as if every
6 single member of the church. My daughters
7 are 12 and seven years old, so they're not
8 driving. We can have 30 church members, and
9 two of them just (inaudible). Even then,
10 it's only four, five members that came to the
11 that presentation of that child.

12 MR. DERIVOIS: 30 members in five
13 cars.

14 MEMBER JACKSON: I'm sorry said 30
15 members and five families?

16 MR. JEANJULIEN: I'm saying just to
17 give you an idea the amount of cars parked.
18 It's not outrageous. When we have event, of
19 course that part we using the other parking
20 spot for the most part. Or let's say that
21 was a weekend and the husband wind up going
22 first and the wife go in another car. That's
23 just not on a regular basis where overflow
24 the parking lot.

25 MR. DERIVOIS: I believe too, for us,

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2 because we rent, if the parking was a big
3 issue for us, we would move already because
4 we need the parking. We've been there for
5 five years. We never have problem.

6 MEMBER HAWKINS: Since you have been
7 there five years, let's say your service is
8 full, like Easter or something like that.
9 Where have you been parking when you have a
10 full service? Where have you been parking
11 your vehicles?

12 MR. DERIVOIS: For Easter, what we do
13 when we have service like that, we have
14 visitors, we try to park for the visitors,
15 because they don't know the area. This is
16 where we use the shared parking. Even the
17 shared parking, we don't use every Sunday.
18 When we have visitors, a big service, this is
19 where we go to the liquor store, we go to the
20 food center like that. But to my knowledge,
21 we never -- the regular service, we never
22 have any problems people getting to park,
23 anything like that.

24 MEMBER HAWKINS: I think the issue
25 came up before. I don't know if you found

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2 out. How many spaces does the deli need, do
3 they have to have, how many spaces does the
4 liquor store have to have? Do you know that
5 answer at all?

6 MR. DERIVOIS: Yeah, for the shared
7 parking, for the deli, I think they have 12
8 parking space. Seven plus five. But we, the
9 five parking, are parking to us. But for the
10 liquor store, this is the other building, he
11 give us direct park there, because on Sunday
12 the liquor store they're not there for a long
13 time. On Sunday, we park in front of their
14 building in the food center.

15 MR. JEANJULIEN: According to --
16 that's one of our architects.

17 CHAIRPERSON RHODEN: Sorry, can you
18 speak into the microphone?

19 J E F F R E Y R E I D,
20 having been first duly sworn by a Notary
21 Public of the State of New York, was
22 examined and testified as follows:

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

25 MR. REID: Jeffrey Reid 244 Fifth

1 Avenue, New York, New York 10016.

2
3 So, I believe when we were here last
4 time we had some discussion about what is
5 available in the entire lot. And based upon
6 on what pastor informed me, the ownership of
7 both the deli and the church, which is inside
8 of one lot, he said he would accommodate.
9 The number of parking spaces in the entire
10 lot is 23 overall.

11 MS. UNGAR: 23 between the church and
12 the deli and the liquor store?

13 MR. REID: Yes. Within the lot, yes.

14 MS. UNGAR: How many are required for
15 the deli operation and how many are required
16 for the liquor store operation, based on the
17 size of the building and occupancy space?

18 MR. REID: I don't have that with me
19 immediately, but the count in front of the
20 church is five just for the church itself.

21 MS. UNGAR: Correct. The concern was
22 that if the deli or the liquor store is
23 allowing the church to share those spaces,
24 then they may not have sufficient for what
25 they're required to have under the Code.

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That was the big question. You're telling us that there's enough space to spare. We need to know how many each of them actually is required to have under the Code.

MR. REID: Specifically that question I don't have an immediate answer for.

This is in the contract.

MR. DERIVOIS: Yes.

MR. REID: What does it state: That you can use that?

MR. DERIVOIS: Es.

MR. REID: So, the pastor has a lease agreement for the ownership, and the owner signed it and it's notarized. It says that, "The tenant agrees that it shall share in the use of any parking spaces available in the premises with the tenant at 305 Guy Lombardo and 150 Atlantic."

MS. UNGAR: Okay.

CHAIRPERSON RHODEN: I think what we're saying is that we understand that it's shared parking spaces and that you have access to parking all 23, I guess. It's a shared space for you. I think what we're

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2 asking is if you happen to know what is
3 allocated for each store? So, for each
4 store, you're supposed to have a certain
5 amount of parking spaces, right? So, based
6 on your feedback, it doesn't look like you
7 guys know what parking spaces are allocated
8 for each, but they basically told you that
9 you can use any of their 23 parking spaces.
10 That's what it sounds like.

11 I don't think you have a definite
12 answer in how many parking spaces are needed
13 for the liquor store, are needed for the deli
14 or you, basically, need 115, right? That's
15 what we're saying. Do you understand what
16 we're asking? We just want to get an idea of
17 what are their required spaces for their
18 facility, because 23 sounds like a very low
19 number with three stores, three locations
20 sharing spaces.

21 MS. UNGAR: It's kind of piggy back
22 off the that. We had two main questions, the
23 last time. The first question was: Are you
24 permitted to use the other spaces? I think
25 this lease will determine yes, you are

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2 allowed to use them. But the lease can't
3 give away what not available to give. So, if
4 the liquor store by the Code is required 15,
5 and the deli by the Code is required 15, they
6 would have no excess available under the code
7 to share with you. That's what we're trying
8 to figure out mathematically. Is there ample
9 space for the church under the code, which is
10 a separate question from what the day-to-day
11 experience of the availability is. We're
12 asking for the math behind the code.

13 MR. REID: But the proposed number of
14 spaces, even though we lease our space -- I
15 thought we had it here. It's only -- he is
16 capped at 30 persons. So, it's not as if
17 he's going to operate and fill up the entire
18 church footprint.

19 MS. UNGAR: Who said he's capped at
20 30 persons?

21 MR. REID: He's always shared that
22 that's his membership.

23 MR. DERIVOIS: Yeah.

24 MEMBER JACKSON: As you said earlier,
25 obviously you want to be able to grow.

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2 MR. DERIVOIS: To answer your
3 question, it's like for the deli, we're
4 planning to have five parking on the deli
5 side. That's our parking. We have five
6 parking in front of the building and one
7 handicap. That make it 11. And the liquor
8 store, we have another seven parking that the
9 owner give us. But he said on Sunday,
10 because he has liquor store, it's like people
11 just go inside and go. He gave seven on
12 Sunday. That's no problem, we can park, but
13 we have seven. Because we have all of that,
14 we never have problem for parking, because we
15 have five next to liquor store, seven at
16 the -- five next to the deli, seven at the
17 liquor store, plus we have six in front of
18 the building. That's 18 parking spaces. And
19 when we come to church, it's like six cars
20 only we already have our 30 members there
21 because even when it's one, there's five
22 people inside the car. We have plan to use
23 event to make it even easier.

24 MS. UNGAR: I understand. But still,
25 under the code, we need to get the math for

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2 it. If you're saying the deli is giving you
3 five, they can only give you five if they
4 have five available to give you under the
5 terms of the Village Code.

6 MR. DERIVOIS: According to the
7 landlord, last time the owner he spoke to all
8 these people. He, himself, he was going to
9 show us the parking situation. He spoke to
10 all of us the way he shared the parking.
11 That's been -- according to him, he told us
12 all the possibility that we have. We just do
13 whatever he said and it is fine for us. We
14 already come, worship, and go. We never have
15 problem. Because our church parking is
16 really important, if we have been there for
17 five years and parking was a big issue, we'd
18 have to move right now, because it's not
19 going to be a good situation for us and
20 people have to park and stay inside very
21 quiet and worship. We never have that
22 problem.

23 CHAIRPERSON RHODEN: We understand
24 what you're saying. You also have to
25 understand you are coming in with your

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2 application so you can get a variance,
3 basically, of a 110 parking spaces. So,
4 that's why you're here. For this Board to
5 make a decision, right, I'm giving a variance
6 of a 110 parking spaces. We have to
7 understand what is currently being given to
8 you. When you are presenting 23 parking
9 spaces available that you are allowed to
10 share, we also need to take in mind that
11 there are two other stores, right, currently,
12 using the same parking spaces that you are
13 using. So, we kind of need to understand
14 what are the effects, because before we can
15 make a decision, right, to more forward, I
16 want you to understand what we are asking.
17 We need to understand what --

18 MS. UNGAR: If you would be granted
19 spaces in a variance that aren't available to
20 be granted, then the next step that would
21 happen is too many spaces were given away,
22 then the liquor store or deli would get a
23 ticket and end up in court talking about why
24 they don't have enough parking. So, we need
25 to make sure that the entirety of the

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situation is understood so that it doesn't create a problem down the line for the deli or the liquor store.

We understand what you need, but we have to know how many spaces the deli needs and how many spaces the liquor store needs to be able to make the calculation, even in making a decision in terms of what is available for you to use.

Is that something you can speak with your landlord about? Is there a plan with your landlord, a survey of the other two buildings that a parking calculation that could be made?

MR. REID: So, what we're going to do, what pastor is going to do is confirm with both the landlord and the code what the parking requirements are. We can listen to what the landlord says, but also verify it in the code. Basically, our approach would be we're presuming the law under the code.

MS. UNGAR: The code controls. For example, the deli: It's going to be one parking space for every 400 square feet of

1 building plus two for employees. So, a 1,600
2 building, for example, that's four parking
3 spaces for the building plus two for the
4 employees, which would be six parking spaces,
5 for example. It's pretty straight forward.
6 If you have the size of the building, the
7 calculation isn't too crazy. And just
8 stating also, so we're clear, if there is a
9 way to have a diagram of the parking spaces
10 of the whole -- the whole kind of three
11 building complex. It doesn't have to be
12 anything elaborate, just showing how many
13 spaces are available.
14

15 MR. REID: You need a footprint of
16 the whole building. Not his church, the
17 whole building.

18 MS. UNGAR: Just a basic schematic
19 showing where the parking spaces are, just to
20 map it out. And then the other thing also,
21 just before you leave tonight, I'd like to
22 take a quick look at the lease to make sure
23 that looks good. Assuming everything looks
24 good, I'll ask you to come back with a copy
25 next time which you could provide as evidence

1
2 to the Board. Because I don't want to just
3 take it on word that everything is fine and
4 find the next time I have a copy that it
5 wasn't enough.

6 CHAIRPERSON RHODEN: We understand
7 you have been there for five years and you
8 haven't had any problems and you have been
9 parking there. Because this is in front of
10 us, we just can't base it on, okay just sign
11 off because you haven't had any problems, so
12 we're going to grant a variance based on
13 that. We want to work with you. We're not
14 trying to give you a hard time or anything
15 like that. We're trying to understand as
16 well.

17 MS. UNGAR: So, this lease
18 modification was just signed last week?

19 MR. DERIVOIS: Yeah, because we just
20 renew the contract.

21 MS. UNGAR: Next time, come back with
22 a copy of it. Bring a copy for each member,
23 or get it to Robin ahead of time, this way
24 she can give it to the Board members before
25 the meeting.

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MR. DERIVOIS: All right.

MR. REID: Don't worry about it.

MS. UNGAR: You can mail it directly to Robin.

CHAIRPERSON RHODEN: So, we're going to come back with some additional information as requested, and hopefully we'll be able to move forward.

MS. UNGAR: Do you want to come back next month? Is that enough time?

MR. DERIVOIS: Yes.

MEMBER HAWKINS: You understand what we're asking for?

MR. REID: Yes.

MS. UNGAR: Our next meeting is four weeks from today, which is June 15th. You will get a letter in the mail, just to give you the date.

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

THE SECRETARY: We do not, Madame Chair.

CHAIRPERSON RHODEN: Can I please

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have a motion to adjourn?

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Can you please call the next application on tonight's calendar.

THE SECRETARY: Application 2023-5 - 60 Westside Avenue, Residence A, Section 62, Block 138, Lot 5. Marcos Taverez. Maintain covered porch conversion to a three season room and a 112.20 square foot rear wood deck. Variances: Village Ordinance 210-6(A), 210-431a(1), required yards, front yard depth, 210-43A(3), required yards, side yard depth.

I have one Affidavit of Mailing to be entered into the record as a Board exhibit.

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2 This will be Board's Exhibit 1 for this
3 individual public hearing.

4 (WHEREUPON, the above-referred to
5 document was marked as Board's Exhibit 1, for
6 identification, as of this date.)

7 M A R K A N T H O N Y M U N I S T E R I,
8 having been first duly sworn by a Notary
9 Public of the State of New York, was
10 examined and testified as follows:

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

13 MR. MUNISTERI: Mark Anthony
14 Munisteri, architect. My office is located
15 at 1563 Bellmore Avenue in Bellmore. This
16 evening I'm representing the owners, Mr. and
17 Mrs. Taverez, the owners and occupants of the
18 property.

19 This evening requesting a variance to
20 maintain covered porch converted to a three
21 seasons room and a rear wood deck. I would
22 like to submit two photos, if it's all right
23 with the Board. One of them is from Google
24 which is dated 2017, and one is a recent
25 picture, in case anyone wants to pass, just

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2 to show what was there and what is there
3 today.

4 (WHEREUPON, the above-referred to
5 documents were marked as Applicant's Exhibits
6 A & B, for identification, as of this date.)

7 MR. MUNISTERI: Hopefully the Board
8 members will see from these photos what was
9 there previous to 2017, the earliest picture
10 I could get of where you could see the
11 condition it was at that time. It's been
12 there for many, many years. You can see
13 there's a screened in area of the porch. The
14 porch was originally part of the original
15 house itself as a wrap around porch.
16 Although we are applying for a side yard
17 variance, as well as a front yard variance,
18 the dimensions of the space itself, although
19 initially it covered uninclosed porch area,
20 was inclosed for quite some time.

21 We are asking for a front yard
22 variance and side yard. We would like to
23 reduce the front yard setback from the
24 average of 23 feet to 18.08 feet. We would
25 also like to reduce the side yard from the

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minimum of five feet to 3.48 feet.

That's pretty much our entire application. I can answer any questions, of course.

MEMBER JACKSON: Do you have the average setback --

MR. MUNISTERI: Can you say it again, I'm sorry?

MEMBER JACKSON: The average front yard setbacks of the surrounding homes.

MR. MUNISTERI: Yes. I actually submitted it on there, and it works out to 23.36. It should be on my AC0 sheet. Down, Mr. Jackson. Right there.

MEMBER JACKSON: Gotcha.

MEMBER MINEO: As indicated in the plan it's zoned for AC and it's not a conditioned space?

MR. MUNISTERI: It's an unconditioned space. It's also uninsulated.

MS. UNGAR: As you said, this space was already pre-existing. So, there already was the 18.08 front yard setback before this change, because it was already there.

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2 MR. MUNISTERI: So, the answer to
3 that is yes. But if I could slightly expand
4 on that. Originally when the house was
5 built, it was built with a wrap around porch
6 to that dimension. Many years later, I say
7 many years later. I couldn't even estimate
8 how long. But from the 2017 photo I gave
9 you, that area was enclosed as a playroom.
10 It was used as an outdoor playroom and a
11 little bit of storage. You could see from
12 the condition it was in 2017, it's been there
13 for quite some time.

14 So, the answer is yes, those
15 dimensions -- we are not adding any
16 additional encroachment than what was already
17 there.

18 MEMBER MINEO: Do you know, offhand,
19 if the owner is planning on renovating to a
20 conditioned space as well as making this part
21 of the living space?

22 MR. MUNISTERI: We were extremely
23 clear with him. We were the ones to explain
24 to him. There is no access into the house
25 from that. So, if you look, there's only

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2 access from the exterior of the house. We
3 explained to him this cannot be a conditioned
4 space, this cannot be an insulated space, and
5 we were extremely clear about that. There is
6 no doubt, no issue whatsoever. I'm putting
7 that on the record.

8 MEMBER JACKSON: The deck was there
9 following the covered porch.

10 MR. MUNISTERI: The deck was there.
11 They kind of re-did the deck, when they
12 re-did this. It was there also for quite
13 some time because the original -- again, you
14 can see that because that's the back door.
15 You go in the front door and out the back
16 door. It kind of squared up that little
17 area, yes.

18 MS. UNGAR: This three season room
19 you can only accessed from the front part of
20 the porch?

21 MR. MUNISTERI: We're recommending
22 that also from the back end as well, so that
23 from the front end of the porch -- just like
24 it was previous to 2017 with access there.
25 Just so you know, we have no problem putting

1
2 up a board. There is a window that faces
3 into it from what I believe to be the living
4 room.

5 MS. UNGAR: That top window?

6 MR. MUNISTERI: Yes, that one window.
7 I have no problem putting with the Board, if
8 they want, that becomes an access into the
9 space as well is through the rear.

10 MS. UNGAR: Right now there's a
11 single access point which is the front?

12 MR. MUNISTERI: The way it is right
13 now, you are correct. When they stripped
14 this apart originally, what I saw, where the
15 kitchen is, there was originally a door
16 framed. At that little island, you can see
17 where that refrigerator is, you can't open
18 that up because of the way the kitchen is
19 laid out. I believe that's why they closed
20 that off. You could see the original framing
21 of the doorway that was right there that
22 brought you out there as well. We have no
23 problem with that. Personally, I would want
24 it there as an access from the space itself
25 such as that window right there, which would

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make the most sense, into the existing building itself.

CHAIRPERSON RHODEN: We have no further questions. Thank you.

MR. MUNISTERI: Thank you.

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

THE SECRETARY: We do not, Madame Chair.

CHAIRPERSON RHODEN: Can I please have a motion to close to further evidence and reserve decision.

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Can you call the next application on tonight's calendar?

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2 THE SECRETARY: Application 2023-6 -
3 23 Harding Place, Residence A, Section 55,
4 Block 236, Lot 83. Carlos Sanchez. Proposed
5 second floor rear addition and interior
6 alterations. Variances: Village Ordinance
7 210-6(A), 210-21(A), permissible extensions
8 of use.

9 I have one Affidavit of Mailing to be
10 entered into the record as a Board exhibit.
11 This will be Board's Exhibit Number 1 for
12 this individual public hearing.

13 (WHEREUPON, the above-referred to
14 document was marked as Board's Exhibit 1, for
15 identification, as of this date.)

16 R A N D O L P H S A N T A N A,
17 having been first duly sworn by a Notary
18 Public of the State of New York, was
19 examined and testified as follows:

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

22 MR. SANTANA: Randolph Santana. 331
23 Willis Avenue, Mineola, New York 11501, the
24 architect/designer representing Carlos
25 Sanchez, owner of the building.

1
2 The intention we have here tonight is
3 we have a proposed second floor addition and
4 nonconforming two-family house. The house
5 was really small on the second floor, the
6 second kitchen for a family. That's why the
7 owner decide to enlarge the second floor.

8 If you see the zoning, right now, we
9 comply with all the zoning. So, we don't
10 touching the sides. We just only have the
11 same footprint of the house, the first floor,
12 and we adding on the second floor. So, the
13 increasing of -- we have existing 30 percent,
14 now we go all the way to 40 percent, 43
15 percent. In that cover, we keeping that
16 cover on the second floor and make the
17 extension. If you look at the first floor
18 and the left side of the building, they have
19 a little bit terrace, like a deck go over the
20 patio. And then we just cover the second
21 floor with the columns in order to increase
22 the space.

23 So, the room will be the same thing
24 on the second floor. We not increasing the
25 bedroom, we just only increase the social

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area; the kitchen, the living, dining room and living room for that family. This is exactly what we are looking for right now.

MEMBER JACKSON: I have a question for you about the existing second floor. It doesn't show a kitchen. There's no kitchen on the second floor now?

MR. SANTANA: Yes, it is. It was a mistake. If you see on the existing one, when you have the staircase on the back one, right side, this says bedroom. This is the kitchen.

MEMBER JACKSON: So, he's expanding this with the same amount of bedrooms, just a bigger space?

MR. SANTANA: Yes, it is. If you look at the proposed we have right now, we going to have three bedrooms on the left side, and the staircase when you come up, you're going to have a living room, a little dining room and the kitchen in the back. We don't increase the bedrooms, just increasing the social area.

MEMBER JACKSON: Just a quick

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question. Is he going to be able to increase his rent? Is this viable?

MR. SANTANA: Yeah, they going to increase the rent. Right now he's no longer in the house on the second floor.

MEMBER JACKSON: He's having trouble with renting because it's small?

MR. SANTANA: Yes, because everybody complaining about it. If you look -- I forgot to bring pictures. Sorry. But somebody cannot -- a family cannot live in that apartment, because they taking one room legally, 10 by 10, and convert it into a kitchen. That was like that, nonconforming back in the day. That's why he decide to have little bit more affordable rental space.

MEMBER HAWKINS: Currently, there is no tenant living up there?

MR. SANTANA: No.

MEMBER HAWKINS: How long has the owner lived there?

MR. SANTANA: Three, four years.

MEMBER JACKSON: He lives on site? He lives at that address?

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MR. SANTANA: Yeah.

MEMBER JACKSON: He hasn't rented for three or four years? He hasn't been able to rent?

MR. SANTANA: The problem is move off of the house and he go to Bellmore. And then he live in that -- first of all, he lived with his brother, and his brother moving also, then they start to find a renter. It was a two-family house, when they purchased the house, and then his family grows up, he wants to have a new house, that's why he moved to Bellmore. Now he's trying to keep this one as a rental house.

MS. UNGAR: He does live there or doesn't live there?

MR. SANTANA: I'm sorry?

MS. UNGAR: He does live there or he doesn't.

MR. SANTANA: He doesn't. He moved on already. Right now they have tenant on the first floor and the second floor is vacant.

MS. UNGAR: Has it been used as a

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two-family at all?

MR. SANTANA: Yes, he was using as two-family.

MEMBER JACKSON: I'm sorry, you said he's been there four or five years and hasn't been able to rent it?

MR. SANTANA: The thing is, he wasn't renting, it was his brother. His brother was --

MEMBER JACKSON: I see. I misunderstood.

MR. SANTANA: He was, like, using as a family. It was separate.

MEMBER HAWKINS: A family member was living on the second floor?

MR. SANTANA: Family member was living there but they use it as a two-family.

MEMBER MINEO: He was not able to rent at any point in time to anyone?

MR. SANTANA: When we moved, his brother was in the second floor, he was in the first. He moved from the premises, the brother moved to the first and he start renting the second one. That's when they

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decide to complain that they don't get no renter because of the space they have in the second floor.

MEMBER MINEO: Based on the fact the space that's currently there is not accommodating enough to rent out to a family for additional rent.

MR. SANTANA: Correct.

MS. UNGAR: Is there currently a two-family rental permit on file with the Village, do you know?

MR. SANTANA: I'm not sure. I have to ask.

CHAIRPERSON RHODEN: Thank you very much. We don't have any further questions this evening.

MR. SANTANA: Thank you very much. Have a good evening.

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

THE SECRETARY: We do not, Madame Chair.

CHAIRPERSON RHODEN: Can I please

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have a motion to close to further evidence
and testimony and reserve decision?

MEMBER MINEO: So moved.

MEMBER JACKSON: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Can I please
have a motion to enter into the executive
session?

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

(WHEREUPON, the Board entered into

1
2 executive session from 7:29 p.m. to
3 8:02 p.m., after which the following
4 transpired:)

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

8 THE SECRETARY: Yes, Madame Chair.
9 Application 2023-5, 60 Westside Avenue,
10 Residence A, Section 62, Block 138, Lot 5.
11 Marcos Taverez. Maintain covered porch
12 conversion to a three seasons room and a
13 112.20 square foot rear wood deck.

14 MEMBER MINEO: Madame Chair,
15 regarding Application 2023-5 for the premises
16 located at 60 Westside Avenue, Freeport, the
17 Applicant comes before this Board seeking a
18 variance from Village Ordinances 210-6(A),
19 210-43A(1) and 210-43A(3) seeking approval to
20 maintain a covered porch conversion to a
21 three seasons room and a 112.20 square foot
22 rear wood deck.

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

25 A public hearing was held on May 18,

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2 2023 wherein the applicant was represented by
3 architect Mark Anthony. He explained that
4 applicant turned their covered porch into a
5 three seasons room. Nothing about the
6 footprint of the structure has changed.
7 Architect made clear that he had informed his
8 client that the space could not be heated or
9 air conditioned.

10 1. On balance, the benefit to the
11 applicant by the granting of this variance is
12 not outweighed by the detriment to the
13 health, safety and welfare of the
14 neighborhood or community, if such variance
15 were to be granted. The Board has
16 determined:

17 a. That an undesirable change will
18 not be produced in the character of the
19 neighborhood, and a detriment to nearby
20 properties will not be created by the
21 granting of the area variance; the existing
22 footprint remains the same.

23 b. That the benefit sought by the
24 applicant cannot be achieved by some method,
25 feasible for the applicant to pursue, other

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2 than an area variance;

3 c. That the requested area variance
4 is insubstantial;

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

9 e. That the alleged difficulty was
10 not self-created. This was a pre-existing
11 covered porch with pre-existing setbacks.

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

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

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

22 2. Applicant must obtain the
23 required permits from the Building
24 Department.

25 3. As architect explained, this

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2 space is not conditioned, livable space. If
3 applicant wishes to add insulation, heating,
4 air conditioning, etcetera, the applicant
5 must return to the Board for further review.

6 MEMBER JACKSON: Second.

7 THE SECRETARY: All in favor.

8 MEMBER HAWKINS: Aye.

9 MEMBER MINEO: Aye.

10 MEMBER JACKSON: Aye.

11 CHAIRPERSON RHODEN: Aye.

12 THE SECRETARY: Any opposed?

13 (No response was heard.)

14 CHAIRPERSON RHODEN: Can I please
15 have a motion to close tonight's legislative
16 session.

17 MEMBER JACKSON: So moved.

18 MEMBER MINEO: Second.

19 THE SECRETARY: All in favor.

20 MEMBER HAWKINS: Aye.

21 MEMBER MINEO: Aye.

22 MEMBER JACKSON: Aye.

23 CHAIRPERSON RHODEN: Aye.

24 THE SECRETARY: Any opposed?

25 (Time Ended: 8:06 p.m.)

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May 18, 2023

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C E R T I F I C A T E

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

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of May, 2023.


BETHANNE MENNONNA