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INCORPORATED VILLAGE OF FREEPORT
PLANNING BOARD

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

May 23, 2023
7:00 p.m.

M E M B E R S :

- | | |
|--------------------|-------------------------|
| MICHAEL HERSHBERG | CHAIRPERSON |
| ED CAMPBELL | DEPUTY CHAIR |
| DEBORAH WELCH | MEMBER |
| ANNEMARIE DI SALVO | MEMBER |
| *** | |
| LISA DEBOURG | DEPUTY VILLAGE CLERK |
| ROBERT McLAUGHLIN | DEPUTY VILLAGE ATTORNEY |
| SERGIO MAURAS | BUILDING DEPARTMENT |

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May 23, 2023

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-----EXHIBITS-----

| <u>BOARD'S FOR I.D.</u> | <u>PAGE</u> |
|-------------------------------|-------------|
| 1 Affidavit of Publication | 4 |
| 2 Affidavit of Posting | 4 |
| 3 Affidavit of Mailing | 4 |
| 3 Affidavit of Mailing (3631) | 6 |

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May 23, 2023

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

| APPLICATION# | ADDRESS | PAGE |
|--------------|--------------------------|--------|
| SP-3628 | 862 S. Long Beach Avenue | 4 - 5 |
| SP-3631 | 66 Independence Avenue | 6 - 13 |

1
2 CHAIRPERSON HERSHBERG: Good evening,
3 everyone. Please raise for the Pledge of
4 Allegiance.

5 (Pledge of Allegiance recited.)

6 CHAIRPERSON HERSHBERG: Madame Clerk,
7 do we have any after Affidavits of
8 Publication or Posting?

9 THE CLERK: We have one Affidavit of
10 Publication, one Affidavit of Posting and one
11 Affidavit of Mailing to be placed on the
12 record as Exhibits 1, 2 and 3.

13 (WHEREUPON, the above-referred to
14 documents were marked as Board's Exhibits 1
15 through 3, in evidence, as of this date.)

16 CHAIRPERSON HERSHBERG: Do we have
17 any requests for adjournment.

18 THE CLERK: No requests for
19 adjournment.

20 MR. McLAUGHLIN: Mr. Chair, we do.
21 The Building Superintendent and myself have
22 spoken to the attorney for 862 South Long
23 Beach. There is a requirement for final
24 as-built plans to be submitted to the
25 Building Department and for further

1 inspection. So, they will be making a joint
2 application with our office to adjourn to the
3 next hearing date.
4

5 CHAIRPERSON HERSHBERG: Thank you.

6 Can I have a motion from the Board,
7 please, with respect to adjourning 862 South
8 Long Beach Avenue?

9 MEMBER WELCH: Motion to approve to
10 adjourn 862 South Long Beach.

11 CHAIRPERSON HERSHBERG: Pending
12 receipt --

13 MEMBER WELCH: Pending receipt of
14 plans.

15 DEPUTY MAYOR CAMPBELL: Second.

16 THE CLERK: All in favor.

17 MEMBER WELCH: Aye.

18 MEMBER DI SALVO: Aye.

19 DEPUTY MAYOR CAMPBELL: Aye.

20 CHAIRPERSON HERSHBERG: Aye.

21 THE CLERK: Any opposed?

22 (No response was heard.)

23 CHAIRPERSON HERSHBERG: Next
24 application please.

25 THE CLERK: Site Plan Number 3631 -

1
2 66 Independence Avenue, Section 55, Block
3 364, Lot 142, Residence A. Nelson M.
4 Vintimilla. Reconstruct 19 by 19 foot garage
5 due the fire damage.

6 I also have an Affidavit of Mailing
7 to be placed on the record as Exhibit 3.

8 (WHEREUPON, the above-referred to
9 document, was marked as Board's Exhibit 3,
10 for identification, as of this date.)

11 D A V I D H I G U I T A,
12 having been first duly sworn by a Notary
13 Public of the State of New York, was
14 examined and testified as follows:

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

17 MR. HIGUITA: David Higuita.
18 H-I-G-U-I-T-A. 280 Main Street, Suite 23,
19 Farmingdale, New York 11735, to represent the
20 applicant, Mr. and Mrs. Vintimilla.

21 MEMBER DI SALVO: Good evening.

22 MR. HIGUITA: June of 2022 this
23 garage catch fire. The fire department
24 arrived to the scene, put out the fire, and
25 we just want to rebuild it the same shape,

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same size, same height. We'd like to provide samples for the siding.

MEMBER DI SALVO: Which is the color, sir?

MR. HIGUITA: Green.

CHAIRPERSON HERSHBERG: The large one?

MR. HIGUITA: Yes. I'm almost sure. We see the color blue, yellow white. And this will be the roof: Black.

MEMBER DI SALVO: Sir, with the previous garage, was it in a similar color?

MR. HIGUITA: I think it was white.

MEMBER DI SALVO: The siding on the second floor of the house, it's a beige, off white?

MR. HIGUITA: That is correct.

MEMBER DI SALVO: The stone, it's hard to see in this photo, is it green or gray?

MR. HIGUITA: It's kind of dark green. It changes a little bit, but the main color is like gray, correct.

MEMBER DI SALVO: The language on the

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plan is a little small and I'm a little behind.

MR. HIGUITA: Not only you.

MEMBER DI SALVO: The color of the garage door.

MR. HIGUITA: White trim, garage door, the side door, the light fixture that we have on the side, all of those are classic white. Those are going to be the only colors. You have dark on the roof, the green siding, everything else is white.

MEMBER DI SALVO: The exposed concrete foundation, that's staying? You're not cladding it with stone or anything else?

MR. HIGUITA: No, that stays the same: Green like the garage. Excuse me.

CHAIRPERSON HERSHBERG: Changing your mind?

MR. HIGUITA: Yes.

CHAIRPERSON HERSHBERG: It's a good time to do it.

MR. HIGUITA: Gray.

MEMBER DI SALVO: It's gray?

MR. HIGUITA: It's gray, so it

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matches the stone on the house.

CHAIRPERSON HERSHBERG: What is the official color?

MEMBER DI SALVO: Is it the Nantucket?

MR. HIGUITA: The Nantucket, after further discussion.

DEPUTY MAYOR CAMPBELL: You were told.

MR. HIGUITA: That happened on my house. I don't want to get into it.

DEPUTY MAYOR CAMPBELL: Smart man.

CHAIRPERSON HERSHBERG: It's good that we're laughing.

Are there any other changes?

MR. HIGUITA: No, that's it.

CHAIRPERSON HERSHBERG: It's a good time to have this discussion.

MR. HIGUITA: That's correct.

CHAIRPERSON HERSHBERG: Is there a reason why the siding is not extending a little bit more towards the grade?

MR. HIGUITA: Not really. It's pretty much what we do with every single

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garage. But if it pleases the Board, if you want us to bring it down.

CHAIRPERSON HERSHBERG: I'm just wondering if you had a reason.

MR. HIGUITA: No, no reason. Because remember, the top of the foundation wall comes different wall. So, most of the time we always leave something exposed. There is no reason to leave that part. There's no particular reason for that. It's kind of standard practice when doing detached garage that you always see part of the foundation wall. If it pleases the Board, we can bring it all the way down again. It's pretty much standard a few feet, ten inches, something like that.

CHAIRPERSON HERSHBERG: I was trying to estimate the height of that concrete. It just seemed like a little much. That door there is seven feet tall?

MR. HIGUITA: Correct. So, if we want to put a number on it, 12 inches of exposed concrete wall.

CHAIRPERSON HERSHBERG: I think that

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would be less than is shown on the drawing.

MR. HIGUITA: Absolutely. If that's a condition, we'll consent.

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

DEPUTY MAYOR CAMPBELL: No.

CHAIRPERSON HERSHBERG: Are there any comments from the public?

(No response was heard.)

CHAIRPERSON HERSHBERG: Hearing none, motion from the Board please.

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

MEMBER DI SALVO: Second.

THE CLERK: All in favor.

MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

DEPUTY MAYOR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

CHAIRPERSON HERSHBERG: So, there was an instance of somebody not knowing exactly

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2 what we just did. We closed to further
3 evidence and testimony and reserved our
4 decision. Even though everyone said approve
5 of that motion, it's not approval on the
6 application. I don't think -- I'm not
7 sensing any issues whatsoever in approving
8 the application, but that's what -- some
9 people walk away, "Oh, we're done."

10 MR. HIGUITA: No. I always tell my
11 wife, "You win."

12 Thank you so much, Chairman, Members
13 of the Board. Have a great evening.

14 MR. McLAUGHLIN: Mr. Chairman, may I
15 make a recommendation to go into executive
16 session.

17 CHAIRPERSON HERSHBERG: Motion from
18 the Board.

19 MEMBER WELCH: Make a motion to go
20 into executive session.

21 MEMBER DI SALVO: Second.

22 THE CLERK: All in favor.

23 MEMBER WELCH: Aye.

24 MEMBER DI SALVO: Aye.

25 DEPUTY MAYOR CAMPBELL: Aye.

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CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

MR. McLAUGHLIN: We're going into executive session real quick. If anyone is here for the preliminary, it's in the Mayor's conference room. So, you can go over there right now.

(WHEREUPON, the Board entered into executive session from 7:15 p.m. until 7:28 p.m., after which the following transpired:)

THE CLERK: Site Plan Number 3631 - 66 Independence Avenue.

MEMBER WELCH: Chairman, regarding Application SP-3631 for the premises located at 66 Independence Avenue, the Applicant comes this Board seeking approval for reconstruction of a 19 by 19 foot garage due to fire damage.

I, Deborah Welch, 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, dated 4/25/23, has been submitted by the applicant, reviewed and approved by the Planning Board. Said site plan has been stamped, approved and signed the applicant and/or the 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:

The Applicant/Owner must comply with

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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 has been filed in the Village Clerk's office as a prerequisite for issuance of any permit.

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

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

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

The Applicant/Owner must obtain the

1 appropriate permits from the Building
2 Department prior to any construction.

3 Other conditions:

4 Siding will extend to within 12
5 inches of grade and is to be gray siding.

6 MEMBER DI SALVO: Second.

7 THE CLERK: All in favor.

8 MEMBER WELCH: Aye.

9 MEMBER DI SALVO: Aye.

10 DEPUTY MAYOR CAMPBELL: Aye.

11 CHAIRPERSON HERSHBERG: Aye.

12 THE CLERK: Any opposed?

13 (No response was heard.)

14 THE CLERK: Site Plan Number 3629 -
15 85 Center Street.

16 MEMBER DI SALVO: Chairman, regarding
17 Application SP-3629 for the premises located
18 at 85 Center Street, the applicant comes
19 before this Board seeking approval to widen
20 the driveway 11 feet on the west side of the
21 driveway and 10 feet on the east side.

22 I, Annemarie di Salvo, move that this
23 Board make the following findings of fact:

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

This application, as amended, will produce an 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 neighborhood, if the conditions below are met.

The survey print, dated 4/4/23, has been submitted by the applicant, reviewed and approved by the Planning Board. Said survey print has been stamped, approved and signed by the applicant and/or the Chairman of the Planning Board.

The members of this Board are familiar with the neighborhood surrounding 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

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conditions:

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

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

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

Any changes and/or modifications to 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

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action is a Type II action under SEQRA.

The applicant/owner must obtain the appropriate permits from the Building Department prior to any construction.

Other conditions:

This application is amended to approval of a 10 foot widening of the driveway on the east side of the existing driveway only.

MEMBER WELCH: Second.

THE CLERK: All in favor.

MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

DEPUTY MAYOR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

CHAIRPERSON HERSHBERG: Can I get a motion to approve the minutes of 4/25.

MEMBER DI SALVO: Makes a motion to approve the minutes from 4/25.

CHAIRPERSON HERSHBERG: April 25th.

DEPUTY MAYOR CAMPBELL: Second.

THE CLERK: All in favor.

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MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

DEPUTY MAYOR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MR. McLAUGHLIN: Chairman, at this time we'll entertain a motion to adjourn the public portion of the hearing and then continue our meeting in the mayor's conference room for the preliminary presentations.

CHAIRMAN HERSHBERG: Yes. Motion from the Board please to adjourn the public portion of tonight's meeting.

MEMBER WELCH: So moved.

DEPUTY MAYOR CAMPBELL: Second.

THE CLERK: All in favor.

MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

DEPUTY MAYOR CAMPBELL: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed?

(Time Ended: 7:35 p.m.)

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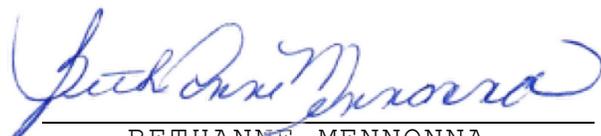
May 23, 2023

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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 25th day of May, 2023.


BETHANNE MENNONNA