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INCORPORATED VILLAGE OF FREEPORT  
PLANNING BOARD

MUNICIPAL BUILDING  
46 North Ocean Avenue  
Freeport, NY 11520

August 22, 2023  
7:30 p.m.

M E M B E R S :

MICHAEL HERSHBERG	CHAIRPERSON
CAROLE RYAN	MEMBER
DEBORAH WELCH	MEMBER
ANNEMARIE DI SALVO	MEMBER
HEATHER DAWSON	MEMBER

\* \* \*

LISA DEBOURG	DEPUTY VILLAGE CLERK
ROBERT McLAUGHLIN	DEPUTY VILLAGE ATTORNEY
SCOTT BRAUN	BUILDING DEPARTMENT REP.

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August 22, 2023

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-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

1	Affidavit of Posting	4
2	Affidavit of Publication	4
3	Affidavit of Mailing	4

\* \* \*

APPLICANT'S FOR I.D.

SP-3628

A	Photographs	10
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August 22, 2023

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

APPLICATION#	ADDRESS	PAGE
SP-3628	862 South Long Beach Avenue	4 - 19

\* \* \*

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

5 (Pledge of Allegiance recited.)

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

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

13 (WHEREUPON, Board's Exhibits 1  
14 through 3 were marked in evidence.)

15 CHAIRPERSON HERSHBERG: Do we have  
16 any requests for adjournment?

17 THE CLERK: No requests for  
18 adjournment.

19 CHAIRPERSON HERSHBERG: Please call  
20 the first application.

21 THE CLERK: Site Plan Number 3628,  
22 862 South Long Beach Avenue, Section 62,  
23 Block 156, Lot 343, Residence A. Oscar  
24 Guevara. Noncompliance with original  
25 decision. Multiple changes done to windows,

1  
2 doors, siding, soffits, lighting, railings,  
3 roofing, fascia, columns, stairs and a 290  
4 square foot second story deck on third story.

5 R U S S E L L J O R D A N,  
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 COURT REPORTER: State your name and  
10 address for the record.

11 MR. JORDAN: Russell Jordan. 44  
12 Casino Street, Freeport, New York 11520.

13 I prepared the application to the  
14 Site Plan Board for this applicant. I am not  
15 the architect of record. To recap a little  
16 bit is that the last time we came before this  
17 Board to answer the various changes that have  
18 been made during construction, we presented  
19 you with a series of as-built photographs,  
20 and subsequently the Board requested that we  
21 submit - drawings to the Building Department,  
22 which we did; and then subsequently after  
23 that we were asked to submit the same  
24 as-built drawings to the Clerk's Office,  
25 which we did, and that brings us to this

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evening.

All the materials that had been substituted during construction are now called out on those drawings and are represented through the photographs that we had previously submitted to you.

There any questions, concerns that this Board has at this point?

MEMBER RYAN: Yes, I have a couple. So, the original landscape plan was bushes and shrubs and, like, a different kind of layout with the pavers. I don't know, do you have a copy of this?

MR. JORDAN: I don't have it with me, but I have seen it, yes.

MEMBER RYAN: So, I guess what we're looking for is more greenery in the landscape, because all it is, is grass now, and they didn't put any of the shrubs or bushes in that they had originally sent us. Plus there was, I guess, additional pavers and changing of a curb cut. It says existing curb cut, but that's not how it looks now.

MR. JORDAN: I believe that the curb

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cut and paving is now represented on the drawings that I have given.

MEMBER RYAN: It says existing curb cut on the plot plan I was looking at. It still says existing curb cut on page two.

MR. JORDAN: There was an existing curb cut there that has been expanded, and the entire driveway is shown with the pavers and pavement pattern here.

MEMBER RYAN: Right. So, I guess what we're looking for is a new landscape plan showing, I guess, beefed up landscaping, or they can do what they originally submitted.

MR. JORDAN: Let me clarify this. You're asking them to either comply with the original landscape plan and plant what was on that plan or to submit a new one?

MEMBER DI SALVO: That will also include original paver footprint. They now expanded the footprint and eliminated all of the plantings or they have never done the plantings.

MR. JORDAN: They never did the

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plantings, as far as I know.

MEMBER DI SALVO: I guess what we're asking is to go back to what was approved originally, or come to us with a complete landscape plan.

MR. JORDAN: I'll bring it to our their attention.

MR. McLAUGHLIN: If they extended the curb cut, they need a permit.

MEMBER RYAN: They'll need a permit.

MR. JORDAN: Is that the Clerk's Office or Public Works?

MR. McLAUGHLIN: Clerk's Office then Public Works.

CHAIRPERSON HERSHBERG: Mr. Jordan, any changes to the landscape plan should include the original landscape plan that was accepted by the Board because -- you are at disadvantage here. We have some plantings that are currently missing, but the original plans had this green area here, which helped eliminate -- we all drove around the property in the last couple of days. This is quite expansive now.

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MR. JORDAN: This is the plan.

CHAIRPERSON HERSHBERG: So, if they go back to this original design where they have the green area in the front, that will be acceptable, because we approved that already.

MR. JORDAN: I don't think they can do that because the grass is there.

CHAIRPERSON HERSHBERG: If not, then any new submission would need to include some more green. Maybe as a thought, maybe something green in between the -- what would be considered the walkway to the front of the house and the driveway. So, in here, some sort of plantings because it really -- what they have construction would not have been approved by the Board.

MEMBER RYAN: There was one other thing, Russ, that we had discussed with them was they have the soffit lights on the house.

MR. JORDAN: Yes.

MEMBER RYAN: If they could get the one that are more of a wall wash instead of the light going so far into the neighbors

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2 yard. They were here last time and mentioned  
3 it. I didn't know if that was something they  
4 could address.

5 MR. JORDAN: If you look on the  
6 photographs, you can see where the soffit  
7 lighting is, and I think they are primarily  
8 wall wash.

9 MEMBER RYAN: Can I see those  
10 photographs? I don't have those. All I have  
11 is these two pages.

12 MR. JORDAN: These are part of the  
13 original application.

14 (WHEREUPON, Applicant's Exhibit A,  
15 three photographs, was marked for  
16 identification.)

17 MR. JORDAN: What I was trying to say  
18 is, at the last meeting they were only asked  
19 to submit as-built drawings. The photographs  
20 have had been submitted prior to the last  
21 meeting are those photographs, plus some  
22 others, and they had previously been  
23 submitted to you.

24 MEMBER DI SALVO: As we look at the  
25 application as a whole now, as it comes to a

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close, there are additional things that are jumping out; specifically the landscaping, the disregard for the original design of the driveway. And, so we're just looking to bring it back into some sort of cohesive application and cohesive design.

MR. JORDAN: I can transmit your requirements. I'm not the architect of record. I can't make the changes to the drawings.

MR. McLAUGHLIN: Who would it be then?

MR. JORDAN: The original architect.

MEMBER DI SALVO: Even in the landscape design?

MR. JORDAN: All I'm saying is I'm not the architect of record on this project. I can't change their drawings.

MEMBER RYAN: It would have to be a new submission.

MEMBER DI SALVO: So, who changed these drawings?

MR. JORDAN: The original architect.

MEMBER DI SALVO: So you're just

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here --

MR. JORDAN: I documented what was there and I gave it to them to make the changes.

MEMBER DI SALVO: We have to go back to the original architect and have him do a new landscape plan.

MR. JORDAN: Are we going to get a written list of your objections?

CHAIRPERSON HERSHBERG: Just a moment. We're talking about the soffit lighting.

MR. JORDAN: Yeah.

CHAIRPERSON HERSHBERG: I don't know. I think the solution to the problem that was expressed to us by neighbors could just involved some sort of shielding of the bulbs, different types of bulbs, instead of having the light spray out onto adjacent houses, just to have that light directed, as much as possible, so you can just illuminate the property of the house where the lights are.

The neighbors came and told us about the lights shining into their homes from the

1  
2 soffits. So, I don't think it's as complex  
3 as changing the drawings. We're asking to  
4 have them remediate the issue that was raised  
5 by the neighbors.

6 MR. JORDAN: I understand that. I'm  
7 not so sure that are there current wall  
8 washers to begin with; that I would have to  
9 verify. But what I would appreciate is if  
10 you could take all of your objections and put  
11 it in writing, so I can transmit --

12 MR. McLAUGHLIN: The Board is not  
13 giving any list of things in writing. You  
14 have to take notes.

15 MR. JORDAN: Can I get a copy of the  
16 transcript?

17 MR. McLAUGHLIN: When the transcript  
18 is ready you can FOIL a copy. But the Board  
19 doesn't give advisory objections prior to  
20 their decision.

21 MR. JORDAN: Where do we go from  
22 here?

23 CHAIRPERSON HERSHBERG: I think we  
24 still have a disconnect between what was  
25 approved initially and what was constructed,

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2 with respect to the landscaping. When I say  
3 landscaping, I'm going to include the pavers  
4 that were originally presented in the  
5 original plans. For that alone we're going  
6 to need a resubmission or compliance with the  
7 original design. So, that's the biggest  
8 concern that the Board has. We're also  
9 raising, again, the issues that the neighbors  
10 brought up to us with respect to the light  
11 bleeding onto their property and into their  
12 homes.

13 So, I hear your comments about an  
14 architectural plan. I don't think either of  
15 those things goes to that level. Perhaps the  
16 landscape plan does, but they could comply  
17 with what was originally approved and they  
18 will require --

19 MR. JORDAN: There not going to  
20 remove the pavers from that area shown as  
21 grass because that directly aligns with the  
22 garage doors, all right. I would assume that  
23 they can add additional landscaping, if that  
24 might be a solution.

25 CHAIRPERSON HERSHBERG: So then

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2 you're saying what I didn't think would be a  
3 good solution and that would be adherence to  
4 the original plan. If they're not going to  
5 do that, then they do need to add some more  
6 green, which would involve some adjustment to  
7 the way they installed those pavers.

8 MR. JORDAN: Are you telling me they  
9 have to get rid of the pavers in front of the  
10 garage?

11 CHAIRPERSON HERSHBERG: No. They can  
12 adhere to the original plan.

13 MR. JORDAN: Well, that would involve  
14 getting rid of the pavers in front of the  
15 garage.

16 MEMBER DI SALVO: The application  
17 that they originally submitted does not show  
18 pavers. They will still be able to get to  
19 the garage.

20 MR. JORDAN: Turning is much too  
21 tight for that. In the original plan they  
22 submitted, the garage was on the other side  
23 of the house.

24 CHAIRPERSON HERSHBERG: The plans  
25 that we got, the garage is indicated where

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the garage is now.

MR. JORDAN: The original drawings I was given by the architect show the garage on the other side of the house.

MEMBER RYAN: This is the one we have originally.

MR. JORDAN: The original drawings filed with the Building Department had the garage on the other side of the house, as far as I know.

CHAIRPERSON HERSHBERG: The plans that I have, February 7, 2021, show the garage on the south side of the house.

MR. JORDAN: This guy doesn't really re-date his drawings.

CHAIRPERSON HERSHBERG: I can tell you that's when we received them.

MEMBER DI SALVO: I have another concern with respect to the landscape and overall site plan. There have been complaints about runoff on the south side of the property, and it seems -- I don't have a grade on the plot plan showing the grading of the property what it was supposed to be. But

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2 it seems that when the property was  
3 backfilled there is a hump that goes right  
4 into the neighbor's to the south. So, I  
5 would ask, when you're preparing the  
6 landscaping, whoever is going to be preparing  
7 the landscaping plan, taking look at that,  
8 see what it was supposed to be originally and  
9 do something to alleviate that runoff issue.

10 MR. JORDAN: I don't believe  
11 topographic plans were ever submitted.

12 MEMBER DI SALVO: No elevation, how  
13 much they were backfilling.

14 MR. JORDAN: No, I don't believe in  
15 any of the applications topographic plans  
16 were submitted.

17 MR. McLAUGHLIN: Probably the  
18 Building Department has it.

19 MR. JORDAN: Excuse me?

20 MR. McLAUGHLIN: I think the problems  
21 is that we have one set of plans, and then  
22 they just did not follow it at all. Now  
23 we're trying to figure out how -- like the  
24 Chair, said some of these things they decided  
25 to do without permits would not have been

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2 approved by the Board. The big thing is the  
3 landscaping. They just got rid of all the  
4 landscaping. You're asking what they are  
5 looking for? They need to come up with  
6 something that's more suburban and has  
7 greenery on the property, not just the whole  
8 front with all the pavers.

9 MEMBER RYAN: You have a lot of  
10 expertise in those plantings that do well  
11 down there.

12 MR. JORDAN: It's a very limited  
13 selection that is not killed by salt water  
14 very easily. That portion of South Bay is  
15 horrible, as far as flooding because the  
16 street was never raised. I mean, I have a  
17 handful of things. Montauk Daisies won't be  
18 killed, wild roses that won't be killed.  
19 Most of them --

20 MEMBER RYAN: Even some grasses.

21 MEMBER DI SALVO: Some grasses to  
22 soften it.

23 MR. JORDAN: We'll have to do  
24 research into that. I mean, I know of a half  
25 a dozen species that could co-exist with

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periodic flooding. We all know that a full moon floods that area.

MEMBER DI SALVO: They are raised quite a bit. Their house does go up. Because of the backfill of the property, there is a significant incline to that property. Whether they're getting water or not, I don't know. On the property itself. I understand the street, but I don't know about the property itself.

MR. JORDAN: There is salt water in the property. You go down two feet, it's salt water.

CHAIRPERSON HERSHBERG: Do we have any questions or comments from the Board.

(No response was heard.)

CHAIRPERSON HERSHBERG: Any comments from the public?

(No response was heard.)

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

MEMBER RYAN: I'll make a motion to adjourn for a new landscape plan to be submitted.

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MEMBER WELCH: Second.

THE CLERK: All in favor.

MEMBER DAWSON: Aye.

MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

CHAIRPERSON HERSHBERG: Aye.

THE CLERK: Any opposed.

(No response was heard.)

MR. JORDAN: Thank you.

MR. McLAUGHLIN: Mr. Chair, at this  
time I'll ask to entertain a motion to  
adjourn for the other matter on the calendar.

MEMBER RYAN: I'll make a motion to  
go into the conference room.

MEMBER WELCH: Second.

THE CLERK: All in favor.

MEMBER DAWSON: Aye.

MEMBER WELCH: Aye.

MEMBER DI SALVO: Aye.

MEMBER RYAN: Aye.

CHAIRPERSON HERSHBERG: Aye.

(Time Ended 7:56 p.m.)

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August 22, 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 August, 2023.



BETHANNE MENNONNA