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INCORPORATED VILLAGE OF FREEPORT  
ZONING BOARD

MUNICIPAL BUILDING  
46 North Ocean Avenue  
Freeport, NY 11520

October 19, 2023  
6:00 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 |

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October 19, 2023

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-----EXHIBITS-----

<u>BOARD'S FOR I.D.</u>	<u>PAGE</u>
1 Affidavit of Publication	5
2 Affidavit of Posting	5

\* \* \*

APPLICATION 2023-23

<u>BOARD'S FOR I.D.</u>	<u>PAGE</u>
2 Affidavit of Mailing	7

\* \* \*

APPLICATION 2023-18

<u>BOARD'S FOR I.D.</u>	<u>PAGE</u>
1 Affidavit of Mailing	14

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APPLICATION 2023-24

<u>BOARD'S FOR I.D.</u>	<u>PAGE</u>
1 Affidavit of Mailing	22

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APPLICATION 2023-26

<u>BOARD'S FOR I.D.</u>	<u>PAGE</u>
1 Affidavit of Mailing	30

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October 19, 2023

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

APPLICATION#	ADDRESS	PAGE
2023-7	65 Porterfield Place	6-6
2023-23	20 Meister Boulevard	7-13
2023-18	33 Dock Drive	13-21
2023-24	729 South Long Beach Avenue	21-29
2023-26	38 North Bayview Avenue	30-34

\* \* \*

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2 MEMBER JACKSON: Good evening,  
3 everybody. Welcome to the Zoning Board of  
4 Appeals. If everyone could please rise for  
5 the Pledge of allegiance.

6 (Pledge of Allegiance recited.)

7 MEMBER JACKSON: Can I get a motion  
8 to go into executive session and consult with  
9 counsel.

10 MEMBER HAWKINS: So moved.

11 MEMBER MINEO: Second.

12 THE SECRETARY: All in favor.

13 MEMBER HAWKINS: Aye.

14 MEMBER MINEO: Aye.

15 MEMBER JACKSON: Aye.

16 THE SECRETARY: Any opposed?

17 (No response was heard.)

18 (WHEREUPON, the Board entered into  
19 executive session from 6:05 p.m. to  
20 6:38 p.m., after which the following  
21 transpired:)

22 CHAIRPERSON RHODEN: Good evening,  
23 everyone. If everyone could please join me  
24 in the Pledge of allegiance.

25 (Pledge of Allegiance recited.)

1  
2 CHAIRPERSON RHODEN: Can I please  
3 have a motion to accept the minutes of  
4 September 21st.

5 MEMBER JACKSON: So moved.

6 MEMBER HAWKINS: 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: Do we have any  
15 Affidavits of Publication and Posting to be  
16 entered into record as exhibits?

17 THE SECRETARY: Yes, Madam Chair, I  
18 have one Affidavit of Publication and one  
19 Affidavit of Posting to be entered into the  
20 record as Board exhibits. These will be  
21 Board Exhibits 1 and 2 for this public  
22 hearing.

23 (WHEREUPON, the above-referred to  
24 documents were marked as Board's Exhibits,  
25 for identification, as of this date.)

October 19, 2023

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1  
2 CHAIRPERSON RHODEN: Do we have any  
3 requests for adjournment this evening?

4 THE SECRETARY: There is one request  
5 for adjournment, Application 2023-7, 65  
6 Porterfield Place, Residence A, Section 54,  
7 Block 92, Lot 19, Juan Puntiel for personal  
8 reasons.

9 MS. UNGAR: We need a motion.

10 MEMBER JACKSON: So moved.

11 MEMBER MINEO: Second.

12 THE SECRETARY: All in favor.

13 MEMBER HAWKINS: Aye.

14 MEMBER MINEO: Aye.

15 MEMBER JACKSON: Aye.

16 CHAIRPERSON RHODEN: Aye.

17 THE SECRETARY: Any opposed?

18 (No response was heard.)

19 CHAIRPERSON RHODEN: If anyone who is  
20 here would like to speak for or against an  
21 application, please complete a form in the  
22 back and hand it to the clerk.

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

25 THE SECRETARY: Application 2023-23,

1  
2 20 Mester Boulevard, Residence A, Section 54,  
3 Block 333, Lot 30. Nassau/Suffolk  
4 Partnership. New FEMA compliant single  
5 family residence 1,194.21 square feet two  
6 stories. Variances: Village Ordinance  
7 210-6A, 210-39(A)(B)1&2 Building Height, sky  
8 exposure plane. 210-40 Lot area, 210-40  
9 street frontage, 210-43(A)1 required yard.

10 I have one Affidavit of Mailing to be  
11 entered into the record as a Board exhibit.  
12 This will be Board Exhibit Number 2 for this  
13 individual public hearing.

14 (WHEREUPON, the above-referred to  
15 document was marked as Board Exhibit 2, for  
16 identification, as of this date.)

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

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

23 MR. HURST: Douglas Hurst. 180  
24 Nostrand Avenue, Hauppauge, New York.

25 Good evening. So, we were here last

1  
2 month with our engineer, and I think we  
3 addressed all the questions that the Board  
4 had. We did have to come back due to a  
5 clerical error where one of the variances was  
6 not posted for the public, so that's why we  
7 came back today. So, that's pretty much  
8 where we're at.

9 MEMBER JACKSON: What was the one  
10 variance you were seeking that wasn't  
11 mentioned?

12 MR. HURST: I believe it was the last  
13 one, the side yard. I believe that was for  
14 the side. So, it's a corner property. So, I  
15 believe one side wasn't listed on it. That's  
16 what it was. Our architect was here last.  
17 You asked about that. He addressed your  
18 questions regarding that as well.

19 MEMBER JACKSON: Thank you.

20 MS. UNGAR: Yes. Just to be clear,  
21 it was a question of the secondary front yard  
22 that set back that wasn't called out in the  
23 original denial letter. The existing  
24 secondary front yard setback is 9.58, and the  
25 proposed secondary front yard setback is

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going to be 17.5 feet.

MR. HURST: Thank you.

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

MR. HURST: Thank you.

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

THE SECRETARY: Christine DiLeo. 84 Lester Avenue.

MS. DI LEO: I'm going to go after the second one. It's the same question about two homes.

CHAIRPERSON RHODEN: You would have to come for this application. You would have to come up and speak regarding this application first.

MS. DI LEO: It's a generic question about both homes.

C H R I S T I N E D I L E O,  
having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

COURT REPORTER: State your name and

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address for the record.

MS. DI LEO: Christine DiLeo. I live at 84 Lester Avenue, Freeport.

So, I'm trying to still figure out the sky exposure, what that means, how it would affect me or other homes, because if you're elevating your house or building a new house with a cement grade and placing it on top of the cement there -- I don't know how to say all that stuff -- and you have two homes, two floors that is, let's say, three stories, right? So then now some folks want a variance. Does that mean that it's higher than high, because personally I don't want to live around homes that are like tall skyscrapers, because the sun is already going to be taken away, the views are going to be taken away. Now if you're giving people the authority or the okay to overbuild high, then that affects the beauty of having nice suburban homes.

MEMBER JACKSON: Unfortunately, when you raise the house, that often happens. If you have a two story house and you raise it

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up, it very often interferes with the height, overall height.

MS. DI LEO: I understand if you have a two-family home. A lot of us, most of us on Lester Avenue got flooded. My house was elevated, but I only had one story. If you have two stories. I understand that they're not asking for anymore higher, you're asking for higher than two stories.

MS. UNGAR: Let me address that in a couple of ways. First of all, in our Village Code, the maximum permitted height for a residential house is 35 feet. So, many two story homes are not going to be anywhere near that 35 feet, and many of the elevated homes, once they are elevated, are not at 35 feet; they fit within the allowable height limit of the Code. But what happens with the sky exposure plane issue is, essentially, in Residential A lots that could be 50 feet wide, once you go up that high there's just not enough width in the yard.

So, I believe the Board has said that down in the flood zone, 75 percent of the

1 elevated homes will violate the sky exposure  
2 plane and be a concerning issue. In order  
3 for these houses to be livable and FEMA  
4 compliant, they must be elevated. These  
5 aren't people looking to elevate above the  
6 FEMA requirements, they're looking to elevate  
7 them to the acceptable FEMA requirements.  
8 It's just a function of lot size. If the lot  
9 size was two or three times what they were,  
10 then they wouldn't have sky exposure plane  
11 issues. But with lot sizes, such as they  
12 are, many, if in not the majority of the  
13 homes that are being elevated will violate a  
14 sky exposure plane somewhere.

15  
16 MS. DI LEO: Thank you. You  
17 explained it to me better. Thank you so  
18 much. I had the same question for the next  
19 home also. You don't have to call my name.

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

23 THE SECRETARY: We do not, Madam  
24 Chair.

25 CHAIRPERSON RHODEN: Can I please

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have a motion to close to further evidence  
and testimony 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: Do you want to  
call the next application on tonight's  
calendar.

THE SECRETARY: The next Application  
is 2023-18, 33 Dock Drive, Residence A,  
Section 54, Block 318, Lot 102, Christopher  
Lombardo. Elevate one family framed  
dwelling. Variances: Village Ordinance  
210-6A, 210-39(A)(B)1&2 Building height, sky  
exposure plane.

I have one Affidavit of Mailing to be  
entered into the record as a Board exhibit.  
This will be Board Exhibit Number 1 for this

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individual public hearing.

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

G E N N A R O C O Z Z O L I N O,  
having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

COURT REPORTER: State your name and address for the record.

MR. COZZOLINO: Gennaro Cozzolino.  
2125 Deer Park Avenue, Deer Park, New York 11729. I am the representative for the home owner, Chris Lombardo, residing at 33 Dock Drive, Freeport, also known as Section 54, Block 318, Lot 102 located in a Residence A Zone.

We're requesting relief from the Board to elevate an existing two story dwelling. We're raising the house to conform with the FEMA flood zone requirements. The proposed elevation requires a variance for front sky plane exposure and side sky plane exposure, with a proposed max height of 29

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feet five inches. That is it.

MEMBER JACKSON: I have a question about your drawings. It seems to show that you only have stair platforms on the floor plan, but the elevated shows that. Can you speak to that?

MS. COZZOLINO: I think it was added by mistake. They wanted a deck, but we need to show stairs going to grade. It's not part of this application, so you could disregard that.

MEMBER JACKSON: I think it would be a condition that if you need a deck they would have to come back for it.

MR. COZZOLINO: He would have to come back, yes.

CHAIRPERSON RHODEN: Okay. We don't have any further questions. Thank you.

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

THE SECRETARY: Mariann Endo. 95  
Rose Street.

M A R I A N N        E N D O ,

having been first duly sworn by a Notary  
Public of the State of New York, was  
examined and testified as follows:

COURT REPORTER: State your name and  
address for the record.

MS. ENDO: Mariann Endo. I live at  
99 Rose Street in Freeport, but I also am the  
neighbor of 33 Dock Drive; I own that  
property.

I'm very happy. The house has been  
empty since Sandy and I have no complaints  
about that. I have no complaints. The  
neighbors have been good. They have been  
good. We own -- I own the property just past  
that and across the street. What I am here  
for is to make acknowledge -- that you  
acknowledge that there is an easement on that  
property. In order to get into the driveway  
you have to use our property, there's an  
easement there. It has been working out  
fine, but when they're doing construction, I  
just want you to be all aware that this  
easement is there with all the trucks and

1  
2 everything else going on. I need to know  
3 that it's going to be protected, that  
4 easement.

5 I also want to know is -- they put  
6 new bulkheading in and they -- I'm not high  
7 tech on this. They filled up the bulkheading  
8 up to the bulkheading, so the property is now  
9 higher, much higher than ours. Are they  
10 putting in a retaining wall. I was told that  
11 this problem is not on zoning, but I wanted  
12 to acknowledge that. That's what I'm here  
13 for.

14 I don't want all this dirt, when they  
15 flood. It floods down there continually. I  
16 want to know what's going to happen. I also  
17 want to know, as it's going, where is the  
18 water going to go, except onto us. We have  
19 gotten flooded all the time. Who is going to  
20 repair the road? It is in need of repair  
21 now. And also, who is going to be helping  
22 out with the easement as trucks go in and  
23 out? I don't know. I was told, but I came  
24 in because I am concerned. I can't fill it  
25 up.

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MEMBER JACKSON: I don't think any of those items are what this Board deals with.

MS. ENDO: I work with kids. What?

MEMBER JACKSON: I don't think any of these items are things that this Board is dealing with; a lot of it is Building Department.

MS. ENDO: I want you to be aware there is an easement there. It's already down, going into the lots. We always have problems with trucks and cars coming in. It's private property at the end, and they keep on turning around in our property. I just want to know. I know that's going to happen, but I want to know that our property is going to be taken care of. That's all what I'm very concerned about. There's a pothole right in front of the road right now, so that's going to get worse. And when do you plan on starting -- it's up to you -- because there's all boats coming in. Now is a nice time to do it.

MEMBER JACKSON: None of these things have anything to do with zoning.

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MS. ENDO: That's all. I'm happy with it being raised, it doesn't matter, but I'm concerned about that easement. Thank you.

CHAIRPERSON RHODEN: Thank you. Do you want to address anything?

MR. COZZOLINO: No.

MS. UNGAR: Just to add to what the board has said, they're not specifically zoning issues.

MS. ENDO: I know. I'm well aware of it, but I'm concerned about the trucks and everything, the materials and everything coming down into that. I don't know where I'm supposed to go. I don't want to wait until after the damage is done.

MS. UNGAR: I think I would probably encourage two things: Stay in communication with the Building Department about the timeline of the project. As you said, you had a good relationship to date with your neighbor. I would keep the lines of communication open with your neighbor, because any issues that could arise could

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ultimately be a private civil dispute.  
Hopefully with communication in advance that  
could be avoided.

MS. ENDO: I don't want the issue to  
be in a negative part, I want it to work out  
now. That's what I'm here for.

MS. UNGAR: Exactly.

MS. ENDO: The trucks, they have to  
go into our property to get into the  
driveway, as the easement says. Where are  
they going to be parking? It's all private  
property down there.

MS. UNGAR: I think that would be a  
conversation that you should consider having  
proactively with your neighbor.

MS. ENDO: I'm making you aware.  
That's all. Thank you.

MEMBER HAWKINS: I have one question,  
just so we have a clarification. So, the two  
stairs coming down are for egress purposes.  
There is not going to be any deck at all?

MR. COZZOLINO: No.

MEMBER HAWKINS: You understand that,  
you said before, if you decide to change

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that, you have to come before the Board again.

MR. COZZOLINO: Yes.

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

THE SECRETARY: We do not, Madam Chair.

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

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: Can we call the next application on tonight's calendar.

THE SECRETARY: Application 2023-24, 729 South Long Beach Avenue, Residence A,

1  
2 Section 26, Block 185, Lot 321. Jacqueline  
3 Reid. Construct a new 315 square foot second  
4 level rear addition and rear elevated deck.  
5 Variances: Village Ordinance 210-6A,  
6 210-43(A)2 require yards, 210-41 lot  
7 coverage, floor area ratio.

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

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

15 M A R I A M I R O,  
16 having been first duly sworn by a Notary  
17 Public of the State of New York, was  
18 examined and testified as follows:

19 COURT REPORTER: State your name and  
20 address for the record.

21 MS. MIRO: My name is Maria J. Miro.  
22 I'm from Maria J. Miro Design and Drafting,  
23 located at 1002 Merrick Avenue in North  
24 Merrick, New York. I'm actually covering  
25 tonight for Robert Bennett, Structural

1  
2 Engineer from RABCO Engineering. He's been  
3 in the Village for over 40 years at 8 West  
4 Merrick Road, Suite 219, Freeport, New York.

5 Now that I did the introductions, I  
6 am here tonight to represent Ms. Jacqueline  
7 Reid. She is the home owner of 729 South  
8 Long Beach Avenue in Freeport. Basically,  
9 this house has been elevated due to Super  
10 Storm Sandy and that permit has been issued.  
11 Tonight we are respectfully asking the Board  
12 to grant us relief and allow a new 315 square  
13 foot second level rear addition and rear  
14 elevated deck.

15 The rear yard setback here is 20  
16 feet, which is required; however, according  
17 to the Village Ordinance 210-43(A)2, the  
18 application does not provide the supporting  
19 data that all the rear yards within 200 feet  
20 of each side of the property have to conform  
21 to that 20 feet. It has to be equal or  
22 greater than the average rear yard.

23 The second variances were with regard  
24 to the floor area ratio that shall not exceed  
25 50 percent of the lot area, and that's in

1  
2 accordance with Village Ordinance 210-41.  
3 This application proposes a lot coverage of  
4 32.8 percent. It exceeds the 30 percent  
5 permitted lot coverage of the Village  
6 Ordinance, and this result basically is the  
7 deck. The deck is considered to be the  
8 principal structure of this new construction,  
9 and that is the result of the 32.8 rather  
10 than the 30 percent.

11 Basically, if you take a look at the  
12 plot plan on the plans, you'll see that the  
13 deck and the addition is in line with the  
14 house; it doesn't protrude on either side,  
15 it's just that when the steps go down, it  
16 just triggered this variance. Basically,  
17 there's still enough green space on this  
18 property, and the basic construction conforms  
19 with the general character of the area of the  
20 houses in the neighborhood.

21 So, I'm open to any questions anyone  
22 has.

23 MEMBER JACKSON: Do you have the  
24 supporting data for the surrounding homes?

25 MS. MIRO: No, we do not. We do no.

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MEMBER JACKSON: Can you generally speak to it?

MS. MIRO: Excuse me?

MEMBER JACKSON: Can you generally speak to it?

MS. MIRO: I guess we would have to knock on everyone's door and measure the setbacks or provide surveys for the Village. I mean, I could provide surveys for the Village, if that would help.

MEMBER HAWKINS: So, the deck itself extends the same length of the house; that's what you're saying?

MS. MIRO: There's a rear extension you see and then the deck is immediately next to it for egress and to get out of the house to the rear yard.

MEMBER HAWKINS: So the stairs --

MS. MIRO: The stairs across the rear of the deck going down into the backyard. If you noticed, the engineer posted in line with the addition. He took that line of the addition and he's posting it in a line, so architecturally it will be more appealing to

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the eye as well.

MEMBER HAWKINS: According to the plan, they are adding additional three feet; is that correct?

MS. MIRO: That's correct. That's for the width of the stairway to go down. And you need a platform.

MEMBER HAWKINS: Right.

MS. MIRO: So, that's why that other part protrudes out, the four foot wide, that's your platform and then you descend down.

MEMBER JACKSON: I'm still concerned with the houses within 200 feet. Can you return with pictures or something simple?

MS. MIRO: The pictures were included in the packet. I know Mr. Bennett included it in the packet. We do conform to the 20 foot rear yard setback.

MEMBER JACKSON: I'm curious why you wouldn't have the stairs come down on the side of the deck as opposed to the end of the deck and try to eliminate that problem.

MS. MIRO: I see. Going from the

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side to the back, is there --

MEMBER JACKSON: From the back to the front, is that something?

MS. MIRO: I would have to ask the home owner if she would want to. May I?

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

MS. MIRO: Basically what they were trying to do -- I'm sorry about that. Basically what they were trying to do was to keep the line of the structure in symmetry with the existing addition. If we did it from to back, you'd be eating up a lot of their eating area over here. That's what the whole purpose was, so when they come out the door they would be able to have a table there for the family to sit. If you put the stair that way, you're cutting into the deck to the point where you have to have a railing there and there's not enough space.

MS. UNGAR: I want to take a minute and step back here, because I was looking to see this section. Now, the required rear

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yard setback talks about rear yard depth a minimum of 20 feet or 20 percent of the lot depth, whichever is greater, except for when abutting a canal which you have to be within 200 hundred feet.

                  This is not abutting the canal, correct?

                  MS. MIRO: Say that again.

                  MS. UNGAR: This property does not abut a canal, correct? It does not have a bulkhead.

                  MS. MIRO: No.

                  MS. UNGAR: So, the section of the Code is the same. It's the rear yard minimum of 20 or 20 percent of the lot depth, whichever is greater. So, for a lot that's got 150 feet deep, the rear yard setback for the 20 percent of that would be 23 feet. 20 feet is provided except for the section where the platform is, which is 17 feet, but that does not count against it for zoning. So, for zoning purposes, it's at 20 and 23 is required.

                  MS. MIRO: That's correct.

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CHAIRPERSON RHODEN: Okay. That solves that.

Do you have anything to add?

MS. MIRO: I'm done, but I'm here for the next case too.

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

THE SECRETARY: We do not.

CHAIRPERSON RHODEN: Can I please have a motion to close to further evidence and testimony and to 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 we call the next application on tonight's calendar.

THE SECRETARY: 2023-26, 38 North

1 Bayview Avenue, Residence A, Section 54,  
2 Block 70, Lot 125. Anais Vargas. Proposed  
3 side addition totaling 204 square feet.  
4

5 Variances: Village Ordinance 210-6A,  
6 210-21(A) permissible extensions of use.

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

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

14 MS. MIRO: Good evening again. Maria  
15 J. Miro from Maria J. Miro Design and  
16 drafting, located at 1002 Merrick Avenue,  
17 North Merrick, New York 10566. I'm here  
18 tonight to represent Anais Vargas, the home  
19 owner of 38 North Bayview Avenue in Freeport.

20 Tonight we are respectfully asking  
21 the Board to grant relief and allow a 204  
22 square foot side addition and allow us to  
23 continue to extend the use of this home as a  
24 legal two-family. Basically, this house did  
25 have an existing side addition that had a

1  
2 valid permit from the Village. My client  
3 hired a contractor to clean up the interior  
4 of the house and reconstruct the addition.  
5 She thought the permits and all that were  
6 taken care of but found out that it wasn't  
7 the case.

8 The side addition being we have to  
9 come before the Board again, we actually  
10 square off the front of the house. The  
11 variance is more toward the rear -- the  
12 middle of this extension where the side yard  
13 is 6.2 feet. There are two bedrooms that  
14 will be used in that addition and, basically,  
15 there are two bathrooms in this apartment.  
16 The new layout of this plan is an open design  
17 concept and it allows a more open, larger  
18 feel of the space that flows more. There is  
19 also a two car garage located at this  
20 property and it has a double driveway, so  
21 that will accommodate parking for two  
22 families.

23 The surrounding area here is mostly  
24 residential. There is a concrete commercial  
25 parcel directly across the street. And

1  
2 basically the design of the house does  
3 conform to the general character of the  
4 neighborhood and doesn't really have any  
5 adverse effect on any neighboring properties.

6 As I mentioned, the side addition was  
7 there. There was a valid permit. Basically,  
8 what we did was with this variance, we came  
9 forward. So it just didn't look like a sore  
10 thumb sticking out, we squared it off with  
11 the house to make it more architecturally  
12 pleasing and we gave the bedrooms on that  
13 side more space. That concludes.

14 MEMBER MINEO: They don't have to  
15 come for another variance, that portion that  
16 was squared off?

17 MS. MIRO: No, it's shown on the  
18 plans. That's for now. It's a side  
19 addition. It runs on the east side of the  
20 property -- I'm just going to pull the plans  
21 out -- and it's approximately seven foot wide  
22 by 27 foot long. The original side addition  
23 didn't come all the way out to that part of  
24 the house that says one story.

25 MS. UNGAR: The second floor is not

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being changed at all?

MS. MIRO: No, that's correct.  
That's correct. That's why I didn't draw up  
the second floor. And I have had the  
structural engineer in there to size up all  
steel beams so we could do a more open design  
concept, instead of compartmentalizing the  
house. It's better for rental too.

CHAIRPERSON RHODEN: Thank you.

MS. MIRO: 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.

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

MEMBER JACKSON: So moved.

MEMBER MINEO: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

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THE SECRETARY: Any opposed.

(No response was heard.)

CHAIRPERSON RHODEN: Can I please have a motion to into 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 executive session from 7:14 p.m. to 7:41 p.m., after which the following transpired:)

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

THE SECRETARY: Yes, Madam Chair. The first decision is application 2023-20. 56 West First Street, Residence A, Section 62, Block 61, Lot 182. Christina Straub.

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Install a 20 foot by 12 foot semi in-ground pool and maintain a 422 square foot deck.

MEMBER JACKSON: Madam Chair, regarding application 2023-20 for the premises located at 56 West First Street, Freeport, the applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-43C(2) seeking approval to install a 20 foot by 12 foot semi in-ground pool and maintain a 422 square foot deck.

I, Ben Jackson, move that this Board make the following findings of fact:

A public hearing was held on September 21, 2023 wherein applicant was represented by Barbara Bundas who works for Steven Truber, the engineer on the project. She explained that the applicant had filed for a permit for a semi in-ground pool and deck in August of 2022. The permit was granted in January 2023 and the work began in March of 2023. The pool is located 7.5 feet from the bulkhead. The installation of the pool was completed. The original plan for

1 the deck called for concrete pavers.

2  
3 However, the applicant decided to change the  
4 material to wood framing, both to save cost  
5 and to allow for easier access to the pool.  
6 Inspectors from the Village came and took  
7 photos and told the applicant to call for  
8 another inspection when everything was  
9 complete. However, hours later, the  
10 inspector called and said that a variance was  
11 needed for the required rear yard setback.

12 The applicant provided a copy of the  
13 original permit approving the pavers showing  
14 a five foot setback from the bulkhead to the  
15 pool. However, all along it should have been  
16 20 required. At this point, however, the  
17 applicant has a complete pool and framed wood  
18 deck with a 7.5 foot setback.

19 1. On balance, the benefit to the  
20 applicant by the granting of this variance is  
21 not outweighed by the detriment to the  
22 health, safety and welfare of the  
23 neighborhood or community, if such variance  
24 were to be granted. The board has  
25 determined:

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

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

11 c. That the requested area variance  
12 is insubstantial.

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

17 e. That the alleged difficulty was  
18 not self-created. Applicant followed the  
19 rules, applied for permits, and was granted  
20 permits. She constructed her pool and began  
21 framing her deck on the basis of those  
22 permits.

23 2. The Board, as lead agency, had  
24 determined that this action is a Type II  
25 action under SEQRA and no further review is

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required.

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 obtain the required permits from the Building Department.

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.)

MS. STRAUB: Thank you. Question.

What was the last thing I needed to do?

MEMBER JACKSON: That you must obtain the required permits from the Building Department.

MS. STRAUB: So, I have to go back

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for a new permit.

MEMBER JACKSON: No. No. They'll give you an approval after his comes down. It won't be right away, but it will be coming.

MS. UNGAR: It's just the official letter. This in itself doesn't let you go forward. You need the updated permit.

MS. STRAUB: I have to wait for more paperwork. It will be coming. Thank you very much. That's all I need to do at the moment.

THE SECRETARY: The decision will be mailed tomorrow.

The next decision is Application 2023-14, 226 Atlantic Avenue, Residence AA, Section 62, Block 119, Lot 220. Azin Tarifard. Maintain existing new garage 432.64 square feet.

MEMBER HAWKINS: Madam Chair, regarding Application Number 2023-14 for the premises located at 226 Atlantic Avenue, Freeport, the applicant comes before this Board seeking a variance from Village

1  
2 Ordinance 210-6A, 210-35C(2) and (3) seeking  
3 approval to maintain an existing new garage  
4 432.64 square feet.

5 I, Charles Hawkins, move that this  
6 Board make the following findings of fact:

7 A public hearing was held on  
8 September 21, 2023 wherein applicant and her  
9 sister spoke on their own behalf. The owner  
10 of the property is a pediatric dentist and  
11 the property was purchased two years ago.  
12 They applied for permits for the house.  
13 Their contractor told them the wood on the  
14 garage is rotten and should be replaced. The  
15 cost was relatively low. The owner agreed  
16 and the contractor repaired the garage. The  
17 next time the Village did an inspection, the  
18 owner showed the Village what was done, and  
19 the Village apparently said that once changes  
20 were made a permit was needed because the  
21 garage did not meet the required setbacks.

22 The applicant explained that the  
23 foundation has not been moved, the garage is  
24 in the exact same place, the size is the  
25 same. The garage abuts the parking lot for

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Atlantic Nursery.

1. On balance, the benefit to the applicant by the granting of this variance is not outweighed by the detriment to the health, safety and welfare of the neighborhood or community, if such variance were to be granted. The Board had determined:

a. That an undesirable change will not be produced in the character of the neighborhood and a detriment to nearby properties will not be created by the granting of the area variance. This is an existing non-conforming garage that was in need of repairs. It abuts a parking lot.

b. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

c. That the requested area variance is insubstantial.

d. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the

neighborhood or district; and

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

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

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

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

2. Applicant must obtain the required permits from the Building Department.

MEMBER JACKSON: I 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.)

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2 THE SECRETARY: The next decision is  
3 Application 2023-17, 53 Hanse Avenue,  
4 Industrial B, Section 62, Block 230, Lot 38.  
5 Paul Burns. Maintain existing steel assembly  
6 frame structure.

7 MEMBER MINEO: Madam Chair, regarding  
8 Application 2023-17 for the premises located  
9 at 53 Hanse Avenue in Freeport, the applicant  
10 comes before this Board seeking a variance  
11 from Village Ordinances 210-6A, 210-148(A)  
12 and 210-172A(10) seeking approval to maintain  
13 an existing steel assembly frame structure.

14 I, Anthony Mineo, move that this  
15 Board make the following findings of fact:

16 A public hearing was held on  
17 September 21, 2023 wherein applicant was  
18 represented by architect Robert Bennett of  
19 RABCO Engineering. He explained that the  
20 applicant was there for the use and for  
21 parking. The facility is a steel fabrication  
22 shop. They take prefabricated steel and  
23 punch, cut, an preassemble members for use in  
24 other facilities. They have been in business  
25 for four years. The zoning code does not

1  
2 allow steel fabrication in the Industrial  
3 Zone. He explained there is basically no  
4 noise and there have been no complaints. It  
5 is not like the old days where they did  
6 rivets. There is no side iron. The process  
7 is way less invasive than when the zoning  
8 code was enacted. They are in compliance  
9 with the Nassau County Fire Marshall. The  
10 structure is an open frame assembly. To  
11 maneuver steel, they need height to lift and  
12 move the members. Forklifts are more  
13 dangerous and noisy.

14 There is also a parking issue. There  
15 was a variance for the building granted in  
16 1998 and there have been no changes since  
17 then. The building is 6,800 square feet and  
18 seven parking spaces are required and three  
19 provided on site. Some employees take the  
20 bus and some take the Long Island Rail Road.  
21 Mr. Bennett explained that he did a parking  
22 study a couple of years ago on Stadium Drive,  
23 which was about 60 percent occupied.

24 The Board questioned the denial  
25 section which invokes the prohibited use in

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an Industrial Zone of "Metal finishing, electroplating, metal cleaning and etching or other processes which normally produce wastes containing metals and cyanide." Mr. Bennett said that there is waste created, but definitely not cyanide. Mr. Bennett explained that they are in compliance with the EPA and the Fire Marshall. They are likely auto body shops that are worse than this business.

Andrew Shabica spoke in favor of the project. He is a steel engineer/fabricator/installer affiliated with the Freeport Revolver and Rifle Range. They contracted him to building their roof, renovate their interior and exterior facilities. He explained that the applicant helped him offload some large steel. With over 35 years in the industry, he said their facility is the cleanest, quietest and safest facility he has seen, and they are an asset to the Village.

Frank Grossman also spoke and wanted to clarify that while the application says to

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maintain the steel structure, the structure is new since the applicant purchased it. He said they don't bother him. He has had not problem with parking.

The applicant also testified on his own behalf. He explained that there are between 9 and 12 employees at the shop and 30 or so in the field. Regarding the requested use variance:

1. Applicant has demonstrated that applicable zoning regulations and restrictions have caused unnecessary hardship. Applicant has demonstrated to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located.

a. The applicant cannot realize a reasonable return. Applicant is in the steel fabrication business. This property was purchased for that purpose.

b. That the alleged hardship relating to the property in question is unique and does not apply to a substantial

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portion of this district or neighborhood.

c. That the requested use variance, if granted, will not alter the essential character of the neighborhood. As explained, the steel fabrication business is a less invasive business than may have been contemplated when the code section was adopted in 1968.

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

Regarding the parking variance:

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

a. That an undesirable change will not be produced in the character of the neighbor and a detriment to nearby properties will not be created by the granting of the area variance.

b. That the benefit sought by the

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2 applicant cannot be achieved by some method,  
3 feasible for the applicant to pursue, other  
4 than an area variance. This building is  
5 pre-existing and has always provided three  
6 parking spaces.

7 c. That the requested area variance  
8 is insubstantial.

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

13 e. That the alleged difficulty was  
14 not self-created.

15 3. The Board, as lead agency, had  
16 determined that this action is an unlisted  
17 action under SEQRA. A short environmental  
18 assessment form has been completed by the  
19 applicant and this Board. The Board finds no  
20 environmental impact under SEQRA, issues a  
21 negative declaration, and not further review  
22 is required.

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

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

Applicant must obtain the required permits from the Building Department.

This application for variances is being granted on the basis of the specific use proposed. If anything in this application is to change, the applicant must return to the Board for further review.

MEMBER JACKSON: I 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.)

THE SECRETARY: The next decision is Application 2023-19, 16 Niagara Avenue, Industrial B, Section 26, Block D, Lot 366. Amritpal Singh. Chain link fence eight feet high and 130 feet long.

MEMBER HAWKINS: Madam Chair,

1  
2 regarding Application Number 2023-19 for the  
3 premises located at 16 Niagara Avenue,  
4 Freeport, the applicant comes before this  
5 Board seeking a variance from Village  
6 Ordinances 210-6A, 210-171E(2) seeking  
7 approval for a chain link fence eight feet  
8 high by 130 feet long.

9 I, Charles Hawkins, move that this  
10 Board make the following findings of fact:

11 A public hearing was held on  
12 September 21, 2023 wherein applicant  
13 represented himself. He explained that the  
14 purchased the property three months ago. His  
15 company does construction. They are using  
16 the property as a storage facility. He is  
17 asking for an eight foot fence opposed to a  
18 six foot fence for safety reasons. They are  
19 looking to maximize storage when stacking  
20 wood or steel. He explained that he has had  
21 issues where kids are breaking the windows of  
22 his building. One weekend there were a lot  
23 of kids there and 20 cars congregating late  
24 at night, around 1:00 a.m. He has reached  
25 out to the police. He provided examples of

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four other properties in the same block that have eight foot fences.

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

a. That an undesirable change will not be produced in the character of the neighborhood and a detriment to nearby properties will not be created by the granting of the area variance. This is an industrial property with other properties with eight foot fences in the vicinity.

b. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.

c. That the requested area variance is insubstantial.

d. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the

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neighborhood or district; and

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

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

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

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

2. Applicant must obtain the required permits from the Building Department.

MEMBER JACKSON: I 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.)

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2 THE SECRETARY: The next decision is  
3 Application 2023-21, 662 Miller Avenue,  
4 Residence A, Section 62, Block 183, Lot 368.  
5 Matthew Ranaldo. Install rear deck first  
6 floor 414.3 square feet, rear deck second  
7 floor 91.8 square feet and front balcony at  
8 first floor 104 square feet.

9 MEMBER MINEO: Madam Chair, regarding  
10 application 2023-21 for the premises located  
11 at 662 Miller Avenue, Freeport, the applicant  
12 comes before this Board seeking a variance  
13 from Village Ordinances 210-6A, 210-43C(2)  
14 seeking approval to install a rear deck on  
15 first floor 414.3 square foot, rear deck on  
16 second floor 91.8 square feet, and front  
17 balcony at the first floor 104 square feet.

18 I, Anthony Mineo, move that this  
19 Board make the following findings of fact:

20 A public hearing was held on  
21 September 21, 2023 wherein applicant spoke on  
22 his own behalf. He explained that their home  
23 was flooded in December of 2022 and their  
24 foundation was compromised, so they have  
25 decided to raise their home. The deck had to

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2 be removed for the elevation, but they have  
3 saved the wood and are using it to  
4 reconstruct the same deck that was previously  
5 in existence. According to the plans, the  
6 rear setback from the deck to the bulkhead is  
7 14.65 feet. The original deck was elevated  
8 eight feet. The proposed replacement deck  
9 will be elevated nine feet.

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.

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

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c. That the requested area variance is insubstantial.

d. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district; and

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

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

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

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

2. The applicant must obtain the require permits from the Building Department.

MEMBER JACKSON: I second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

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MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: The next decision is Application 2023-22, 213 Juanita Avenue, Residence A, Section 54, Block 199, Lot 327. Keenan Stokes. 73.5 square foot garage addition and new roof.

MEMBER HAWKINS: Madam Chair, regarding Application Number 2023-22 for the premises located at 213 Juanita Avenue Freeport, the applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-43C(2) seeking approval for a 73.5 foot square foot garage addition and new roof.

I, Charles Hawkins, move that this Board make the following findings of fact:

A public hearing was held on September 21, 2023 wherein applicant was represented by architect Russell Jordan. He explained that there is an existing garage that they are looking to square off. The

1  
2 current rear yard setback on the garage is  
3 3.15 feet. This will be maintained in  
4 squaring off the garage. The finishes,  
5 siding, roofing and color will remain  
6 consistent. The functionality of the  
7 building will be improved. As right now  
8 there are two small additions on the north  
9 side and it will be incorporated into a  
10 single space garage.

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

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

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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than an area variance.

c. That the requested area variance is insubstantial.

d. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district; and

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

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

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

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

2. The applicant must obtain the require permits from the Building Department.

3. This application for variances is being granted on the basis of the specific use proposed -- expansion of a garage. If

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anything in this application is to change,  
the applicant must return to the Board for  
further review.

MEMBER JACKSON: I 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.)

THE SECRETARY: The next decision is  
Application 2023-23, 20 Meister Boulevard,  
Residence A, Section 54, Block 333, Lot 30.  
Nassau/Suffolk Partnership. New FEMA  
compliant single family residence 1,194.21  
square feet, two stories.

MEMBER MINEO: Madam Chair, regarding  
Application 2023-23 for the premises located  
at 20 Meister Boulevard, Freeport, the  
applicant comes before this Board seeking a  
variance from Village Ordinances 210-6A,  
210-39(A) (B) (1) (2), 210-40 and 210-43(A) (1)  
seeking approval for a new FEMA compliant

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three story family residence 1,194.21 square feet two stories of living space on a one story foundation.

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

A public hearing was held on September 21, 2023 wherein applicant was represented by architect Nicholas Pfleuger. He explained that the previous application to construct a house on this property was denied by the Board in July of 2021. The main reason was the house was too large for the property. The plans have now been modified. The previous home presented was 1,493 square feet and this amended plan is 1,194.21 square feet. The current house on the property is 1,283 square feet. The proposed house has a one story portion in the front of the house with a covered front entry porch to visually and physically bring the scale of the house down. All the setbacks are being improved by the existing home. With regard to the sky exposure plane, the house next door to the west and the house across the street to the

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south appear to have similar sky exposure plane issues. The existing rear yard is 6.2 feet and the proposed is 20.2 feet.

The public had questions about wildlife in the existing home. While not a zoning issue, it was explained that there must be an inspection from the Department of Health to ensure there are no animals before a house may be demolished. The public asked about the secondary front yard issue. It was explained that the proposed footprint is smaller than what is currently there. There were also concerns about it becoming a rental home and if it would be ADA compliant. There were also questions about the height relative to the height of the house to the west. The house will not be ADA compliant. The height will be comparable to the house next door and is within the maximum height limit provided for under the code. The grade of the property is not being raised.

While not addressed at this hearing, in the previous hearing, the Long Island Housing Partnership explained that they sell

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homes to first time home buyers.

The Board notes that the existing secondary front yard setback is 9.5 feet. The previously proposed secondary front yard setback was 14.6 feet. The current plans propose a 17.5 foot secondary front yard setback when 20 is required.

While not specifically addressed in this hearing, the Board incorporates, by reference, all of the testimony on this property from 2021, including discussion of the undersized lot (3,709 square feet when 5,000 is required) and lack of sufficient frontage (40 feet is provided when 50 feet is required.)

The publication of the hearing for the secondary front yard setback was omitted from the original publication so the hearing was adjourned to October 19, 2023; however, the variance was discussed during the September 21, 2023 public hearing. The Board stated that if there were no questions or concerns from members of the public the hearing would be able to be closed quickly.

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2 The hearing was continued on October  
3 19, 2023 after an updated publication. The  
4 applicant confirmed the publication of the  
5 secondary front yard and acknowledged that  
6 there was new information to be provided.

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

14 a. That an undesirable change will  
15 not be produced in the character of the  
16 neighborhood and a detriment to nearby  
17 properties will not be created by the  
18 granting of the area variance.

19 b. That the benefit sought by the  
20 applicant cannot be achieved by some method,  
21 feasible for the applicant to pursue, other  
22 than an area variance.

23 c. That the requested area variance  
24 is insubstantial.

25 d. That the proposed variance will

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not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district; and

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

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

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

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

2. The applicant must obtain the require permits from the Building Department.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

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(No response was heard.)

THE SECRETARY: The last decision is Application 2023-18, 33 Dock Drive, Residence A, Section 54, Block 318, Lot 102. Christopher Lombardo. Elevate one family framed dwelling.

MEMBER MINEO: Madam Chair, regarding Application 2023-18 for the premises located at 33 Dock Drive, Freeport, the applicant comes before this Board seeking a variance from village Ordinances 210-6A, 210-39AB(1)(2) seeking approval for an elevated one-family dwelling.

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

Gennaro Cozzolino appeared on behalf of the applicant. He explained that they are elevating a home damaged during Sandy. When asked about a discrepancy regarding a deck on the elevations, he confirmed that a deck is not part of this project. The only issue is sky exposure plane. Many elevated homes in Residential A zones have sky exposure plane issues.

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2 1. On balance, the benefit to the  
3 applicant by the granting of this variance is  
4 not outweighed by the detriment to the  
5 health, safety and welfare of the  
6 neighborhood or community if such variance  
7 were to be granted. The Board has  
8 determined:

9 a. That an undesirable change will  
10 not be produced in the character of the  
11 neighborhood and a detriment to nearby  
12 properties will not be created by the  
13 granting of the area variance.

14 b. That the benefit sought by the  
15 applicant cannot be achieved by some method,  
16 feasible for the applicant to pursue, other  
17 than an area variance.

18 c. That the requested area variance  
19 is insubstantial.

20 d. That the proposed variance will  
21 not have an adverse effect or impact on the  
22 physical or environmental conditions of the  
23 neighborhood or district; and

24 e. That the alleged difficulty was  
25 not self-created.

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

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

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

2. The applicant must obtain the require permits from the Building Department.

3. As applicant's representative explained, this application does not include any decks; that was a misprint in the elevation. If the applicant wants a deck, it must be applied for and go to zoning if necessary.

MEMBER JACKSON: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

October 19, 2023

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THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Can I have a motion to close the legislative 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.

(Time Ended: 8:12 p.m.)

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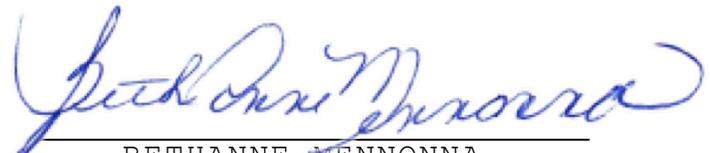
October 19, 2023

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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 30th day of October, 2023.

  
BETHANNE MENNONNA