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INCORPORATED VILLAGE OF FREEPORT  
ZONING BOARD

MUNICIPAL BUILDING  
46 North Ocean Avenue  
Freeport, NY 11520

March 21, 2024  
6:00 p.m.

M E M B E R S:

- |                   |              |
|-------------------|--------------|
| ROSA RHODEN       | CHAIRPERSON  |
| JENNIFER L. CAREY | DEPUTY CHAIR |
| BEN JACKSON       | MEMBER       |
| CHARLES HAWKINS   | MEMBER       |

\* \* \*

- |                |                         |
|----------------|-------------------------|
| REMY WATTS     | SECRETARY               |
| JENNIFER UNGAR | DEPUTY VILLAGE ATTORNEY |
| SCOTT BRAUN    | BUILDING DEPARTMENT     |

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March 21, 2024

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-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

1 Affidavit of Posting 5

2 Affidavit of Publication 5

APPLICATION 2024-1

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 6

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APPLICATION 2024-2

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 19

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APPLICATION 2024-3

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 27

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APPLICATION 2024-4

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 46

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March 21, 2024

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

APPLICATION#	ADDRESS	PAGE
2024-1	261 S. Long Beach Avenue	6-18
2024-2	159 Hanse Avenue	18-26
2024-3	51 Forest Avenue	26-46
2024-4	368 Wallace Street	46-47

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CHAIRPERSON RHODEN: Good evening everyone. Could everyone please join me for the Pledge of Allegiance.

(Pledge of Allegiance recited.)

CHAIRPERSON RHODEN: Thank you. Can I please have a motion to enter into executive session to consult with counsel, please.

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

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

CHAIRPERSON RHODEN: Good evening everyone. I'd like to open up the Zoning Board of Appeals meeting for March 21st. Can everyone please join us for the Pledge of

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Allegiance.

(Pledge of Allegiance recited.)

CHAIRPERSON RHODEN: Can I please have a motion to approve the minutes.

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Do we have any Affidavits of Publication that need to be entered into the record.

THE SECRETARY: We have one Affidavit of Publication and one Affidavit of Posting to be entered into the record as Board exhibits for this public hearing.

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

CHAIRPERSON RHODEN: Do we have any

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request for adjournment this evening?

THE SECRETARY: There are no requests for adjournment this evening.

CHAIRPERSON RHODEN: Before we begin, if anyone here is going to speak for or against an application, please complete a form that's on the back table and then you can bring it up and hand it to the clerk.

Can we call the first application on tonight's calendar, please?

THE SECRETARY: Application 2024-1, 261 South Long Beach Avenue, Residence AA, Section 62, Block 122, Lot 13. Jiereh Bowen. Legalize existing 12 foot by 24 foot in-ground pool and eight 8 foot by eight foot hot tub. Variances: Village Ordinance Section 210-6A conformity required. Section 210-35C(2)(3) required yards, section 210-223D Location, fencing, water supply.

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

(WHEREUPON, the above-referred to document was marked as Board's Exhibit 1, for

1  
2 identification, as of this date.)

3 J I E R E H B O W E N,  
4 having been first duly sworn by a Notary  
5 Public of the State of New York, was  
6 examined and testified as follows:

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

9 MR. BOWEN: Jierreh Bowen. 261 South  
10 Long Beach Avenue, Freeport, New York 11520.

11 CHAIRPERSON RHODEN: Hi.

12 MR. BOWEN: Good evening, everyone.

13 CHAIRPERSON RHODEN: You can begin.

14 MR. BOWEN: I'm here to get a  
15 variance approval for legalizing a 12 by 24  
16 in-ground pool. The eight by eight hot tub  
17 was installed prior; my parents installed it.  
18 They're not here anymore. They passed on. I  
19 guess just the pool and the hot tub.

20 There was another variance that was  
21 said, something with water and fence, but an  
22 explanation wasn't fully given on that one.

23 DEPUTY CHAIR CAREY: If I recall from  
24 last month's meeting, I was chairing it  
25 because our chair was not there, that we had

1  
2 sent you the variance denial because you had  
3 one other code. The second time we sent it  
4 to you was because we forgot to put the pool  
5 variance. The additional code variance for  
6 having a pool.

7 MS. UNGAR: Correct. Generally,  
8 accessory structures have to be five feet  
9 from the rear property line. Additionally,  
10 in the pool section of our code, pools are  
11 required to be five feet from the property  
12 line as well; and that had been omitted from  
13 the original denial letter, which is why last  
14 month it was adjourned for this month.

15 MR. BOWEN: Okay. Understood.

16 DEPUTY CHAIR CAREY: It's reissued  
17 with the two proper code variances he's  
18 seeking now.

19 MS. UNGAR: Correct.

20 DEPUTY CHAIR CAREY: Would you like  
21 to reiterate what you spoke about last time  
22 for a moment?

23 MR. BOWEN: Last meeting I didn't  
24 speak at all.

25 DEPUTY CHAIR CAREY: You're right.

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You didn't speak at all. I know you spoke for a moment.

MR. BOWEN: Yes.

DEPUTY CHAIR CAREY: Do you want to present why you want the variance?

MR. BOWEN: Yes. Originally a pool was always there. From the last time, from what I remember, my parents always had a pool. The last people that installed the pool, everything, they told my parents that everything was taken care of. So, when they came, the pool that was put in there was broken, I already figured that there was already a permit, everything was in place, because that's what I know. When the people from the Village came, they said that there's no permit for the pool. I'm like, "Where is this coming from, because from what I know, there is a permit put, because from growing up we always had pools."

So, like, everything now is just hitting me, where I didn't have no play in the beginning. I just want to legalize everything now, no problems. I've been in

1  
2 Freeport all my life, never had a problem.  
3 Now this is presented to me. But everything  
4 was done prior to my knowledge. I just want  
5 to make everything right. If there is  
6 anything which we're told, I paid everything.  
7 I just want to make it right with the Board,  
8 so we can all live happy and in peace.

9 MEMBER JACKSON: You have already  
10 replaced the pool. You said the pool went  
11 bad and somebody came and replaced it?

12 MR. BOWEN: Yes. The pool that was  
13 presently there, it went bad, so it was  
14 fixed. It was remodeled and fixed. In the  
15 process of them doing that, someone came and  
16 they said a call was placed that we're trying  
17 to put a pool in. But the pool was always  
18 there. So this is where I'm at now. When  
19 the man came, one gentleman said come back to  
20 the Village and check and see if there is a  
21 permit on file. I told him there's a permit  
22 on file. Then he called me back and he said  
23 that there's no permit on file.

24 MEMBER HAWKINS: Was the pool moved  
25 when you did the repairs on it?

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MR. BOWEN: No, there was nothing moved. It was literally taken out of the ground, put back in. The pool that was in there was semi-inground. I'm pushing it in the ground. There's no change in the dimensions. Everything is the same size.

MEMBER JACKSON: Is the pool installed already, the new one?

MR. BOWEN: Partial. 75 percent. Partially. It's in the ground.

CHAIRPERSON RHODEN: These photos are up-to-date? This is what it currently looks like?

MR. BOWEN: Can I approach?

CHAIRPERSON RHODEN: Yes.

MR. BOWEN: Yes, this is current.

DEPUTY CHAIR CAREY: It wasn't enlarged in any way, but it was semi-inground.

MR. BOWEN: It was semi-inground. It's just being pushed back in the ground.

DEPUTY CHAIR CAREY: How deep was it, when it was semi-inground; five feet, four feet?

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MR. BOWEN: About four feet, right about.

DEPUTY CHAIR CAREY: What's the largest depth going to be in the new pool.

MR. BOWEN: Five feet.

DEPUTY CHAIR CAREY: No deep end like ten feet?

MR. BOWEN: No, nothing like that. The way it is, there is a mild slope, but there's nothing ten feet, no. The prior pool that was there is the same size as this one.

MEMBER HAWKINS: How many years do you remember that pool being there; 20 years, 30 years? How far back are we going?

MR. BOWEN: Ten plus. We always had pools. Growing up, we always had pools in the house. So, 10 plus, 20 plus years.

MEMBER HAWKINS: How long has the hot tub been there?

MR. BOWEN: That's about five years. Five years.

DEPUTY CHAIR CAREY: How long have you owned the house?

MR. BOWEN: I recently owned the

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house, since my mom -- say about three years. Because my mom took ill, I had guardianship of her and all of those things. About three years.

DEPUTY CHAIR CAREY: Sorry about your mom passing. Were you living at home before that happened, when the hot tub was installed, or you don't know when the hot tub was installed?

MR. BOWEN: I was living at home. I was living at home. I was home, when it was installed. It was about three, five years that was installed.

DEPUTY CHAIR CAREY: They didn't have a permit on that either, right? Two different things.

MR. BOWEN: That's two different. No.

MEMBER JACKSON: Is the hot tub self-contained?

MR. BOWEN: Self-contained?

MEMBER JACKSON: It has all the heating equipment?

MR. BOWEN: Yes, everything is a

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self-contained unit.

MEMBER JACKSON: Would you be willing to move that gazebo?

MR. BOWEN: I'm sorry.

MEMBER JACKSON: Would you be willing to move that so if it conforms? That's also close to the fence; closer than it should be.

CHAIRPERSON RHODEN: It's up to the fence. Our concern is if someone jumps over the fence, like a child or something happens, they go right into that.

MR. BOWEN: Okay.

CHAIRPERSON RHODEN: So, we're trying to explain to you why we're asking you this, because that is strictly up to the fence.

MR. BOWEN: There is a space, but if I have to move it, I can move it. There is electrical, the cord that's connected to it in the back of it. But if I have to move it, I'll move it.

MEMBER JACKSON: And the gazebo.

MR. BOWEN: There's no gazebo. That thing that's on top of it, that was just put over it. That's not part of it. That is

1  
2 being removed, regardless.

3 DEPUTY CHAIR CAREY: What worries me  
4 about people jumping over the fence -- I used  
5 to do it, when I was a kid. What I'm saying  
6 is, if a kid jumps over the fence and that is  
7 so close to the edge of the pool, they don't  
8 know there is a pool right there, they are  
9 going to go in. If they can't swim, they'll  
10 drown. Those are hypothetical things. Those  
11 are the reason why the pool, the thing we  
12 were talking about last month, was adding to  
13 that extra security and safety thing we put  
14 on the pool so people don't have that problem  
15 and kids don't accidentally fall in.

16 The reason why ask is a semi-inground  
17 pool would have had edges that are above.  
18 Was it that close to the fence, even with the  
19 semi-inground or closer to it?

20 MR. BOWEN: Nothing. It was -- the  
21 way the pool is right now is the same  
22 dimension. Nothing was changed. The only  
23 difference is the old pool was oval, but this  
24 one is square. No difference in dimensions.  
25 Everything is the same. And the pool, the

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distance from the pool is 3.5 from the  
backyard itself. It's kind of --

MEMBER JACKSON: It seems as if it's  
too confined. It looks like it's right up  
against the house.

MR. BOWEN: Yes, sir.

MEMBER JACKSON: Is there a small  
walkway there?

MR. BOWEN: Yes, sir.

DEPUTY CHAIR CAREY: I don't know if  
it's even applicable, but the contractor that  
built it, they probably should have known  
some of these things. We have people that  
are working with us that help us to figure  
out why, reasons for the code. They are  
actually doing the code right now, trying to  
work on the code to make it more modern, so  
there are aren't any inconveniences. We  
don't want to inconvenience people, we just  
want to have less safety issues to get back  
there, whatever. The contractors that do  
these kind of things -- there's another case  
on the calendar tonight that people were told  
they should have maybe known better. It's

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2           unfortunate that guy never pulled a permit  
3           before. He probably just lied to your face,  
4           which is unfortunate, which is also something  
5           we don't like to see. It happens quite  
6           often. Some people you have to be very  
7           careful, when you do business with,  
8           unfortunately.

9                     MR. BOWEN: That's true.

10                    MEMBER HAWKINS: You say you are  
11           willing to move the jacuzzi, right, to  
12           conform to that?

13                    MR. BOWEN: Yeah. If the jacuzzi is  
14           an issue, I'm willing to move it. If the  
15           jacuzzi is an issue, I'll move it.

16                    DEPUTY CHAIR CAREY: Aren't there  
17           pools that are eight feet wide? Is it 12  
18           feet wide by 12 feet wide? If it was even  
19           two to four feet, you'd have the proper  
20           setback. That's the thing. The pool is --

21                    MR. BOWEN: The problem is that it's  
22           cement.

23                    DEPUTY CHAIR CAREY: It's already  
24           poured?

25                    MR. BOWEN: Yes.

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2 CHAIRPERSON RHODEN: Thank you very  
3 much. I don't have any further questions.

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

7 (No response was heard.)

8 CHAIRPERSON RHODEN: Can I please  
9 have a motion to close to further evidence  
10 and testimony and reserve decision, please.

11 MEMBER JACKSON: So moved.

12 DEPUTY CHAIR CAREY: Second.

13 THE SECRETARY: All in favor.

14 MEMBER HAWKINS: Aye.

15 MEMBER JACKSON: Aye.

16 DEPUTY CHAIR CAREY: Aye.

17 CHAIRPERSON RHODEN: Aye.

18 THE SECRETARY: Any opposed.

19 (No response was heard.)

20 CHAIRPERSON RHODEN: You'll be  
21 notified.

22 Can we call the next application on  
23 tonight's calendar, please.

24 THE SECRETARY: Application 2024-2,  
25 159 Hanse Avenue, Industrial B, Section 62,

1  
2 Block 230, Lot 65. Oscar Molatti. Proposed  
3 roof raised (match existing height 19.42  
4 feet), new 15 loading docks, walkway 308  
5 square feet and rebuild two retaining walls.  
6 Variances: Village Ordinance 210-6A,  
7 210-172A(10) required parking spaces, 210-153  
8 vehicular access for loading and unloading.

9 I have one Affidavit of Mailing to be  
10 entered into the record as a Board exhibit  
11 for this application.

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

15 M A R K A N T H O N Y M U N I S T E R I,  
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: Please state your  
20 name and address for the record.

21 MR. MUNISTERI: Mark Anthony  
22 Munisteri. My office is at 1563 Bellmore  
23 Avenue, in Bellmore. Tonight I am  
24 representing my client, the owner of the  
25 building, Oscar Molatti.

1  
2 MS. UNGAR: Madam Chair, for the  
3 record, as you recall, this hearing was held  
4 last month and it was closed, but after the  
5 hearing has been closed, it was discovered  
6 that there was a variance missing from the  
7 denial letter. The code section related to  
8 the vehicular access, to size required for  
9 loading docks, and that is why the hearing  
10 was reopened for tonight.

11 MR. MUNISTERI: It was for the  
12 loading docks, yes, that's why.

13 So, we did discuss it last month. We  
14 had 15 docks. They have recently repaved and  
15 cleaned up that whole loading -- I don't know  
16 if anybody from the Board got a chance to go  
17 by it. You'll see it's a quite nice space.  
18 They do have tractor trailers that come in,  
19 but those are to drop off. Those are only at  
20 night. So, for the most part, they have been  
21 there at night, and it's deserted there at  
22 night. They only use box trucks during the  
23 day, and all the box trucks fit directly  
24 inside of all of the stalls, all 15 of them.  
25 That's the difference.

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DEPUTY CHAIR CAREY: Do the box trucks protrude into the street at all?

MR. MUNISTERI: No. They vary in length. The shorter ones are 15 and they go to 30 -- 24. Sorry.

DEPUTY CHAIR CAREY: What is the footage from the loading docks to the street, approximately.

MR. MUNISTERI: So, it varies. From end to end, it varies. I believe it's 30 on one and 40 something on the other as you go, what I'm going to call east -- west. As you go west, it becomes deeper; those are the ones where the two tractor trailers will pull in, in the evening only. Again, I want to emphasize that they get deliveries only in the evening.

MEMBER HAWKINS: How many days a week are we talking for the tractor trailers?

MR. MUNISTERI: Six days.

MEMBER HAWKINS: Two tractor trailers come in?

MR. MUNISTERI: Some days just one, some days two. It's a relatively quick

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2 turnaround, because we're dealing with eggs.  
3 It's an air conditioned truck that comes in.  
4 They're open on three different shifts. So,  
5 there's one that just take in, they put them  
6 into the giant refrigerator, which is the  
7 entire building, basically. As soon as it  
8 pulls up, it's immediately emptied, it's  
9 immediately put into its location, the truck  
10 drives off, and then separate into the box  
11 trucks that deliver in the morning which  
12 leave, again, very early in the morning.

13 MEMBER HAWKINS: As far as the  
14 tractor trailer being there, what type of  
15 time frame are we talking about, the length  
16 of time to be there?

17 MR. MUNISTERI: 20, 30 minutes.

18 DEPUTY CHAIR CAREY: You are an  
19 architect, right?

20 MR. MUNISTERI: I am, yes.  
21 Registered.

22 DEPUTY CHAIR CAREY: You know the  
23 zoning code. The Board will issue, give you  
24 a variance and a letter. We can put  
25 stipulations in that letter that only trucks

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at that time of night. Would that be a problem?

MR. MUNISTERI: Understood.

DEPUTY CHAIR CAREY: The only thing I would be hesitant about is the next tenant. That would be the concern, that there would be issues, but we can put stipulations in there.

MR. MUNISTERI: We don't have a problem with deliveries with the tractors at night, because that's just what it is. It's nothing during the day. They ship out during the day, they pallet during the day, they load the box trucks after the deliveries. And there's probably 20 different types of eggs that come from different farms that they come in from. So, we separate, load up the trucks, and early in the morning, sometimes 4:00, 5:00, the latest 6:00 those trucks are off.

DEPUTY CHAIR CAREY: How big are the 18 wheel trucks, 56 feet?

MR. MUNISTERI: I think they're 53.

DEPUTY CHAIR CAREY: There's 40 foot.

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So, they are going to be sticking out 16 feet.

MR. MUNISTERI: On the one side, yes.

DEPUTY CHAIR CAREY: The 40 foot side would be the side.

MR. MUNISTERI: The way they typically -- I've been in that area. I've done some work in that area. Usually when they back in, they know they're in the street and the tractor kind of pulls itself sideways and pulls out and pulls away.

DEPUTY CHAIR CAREY: I don't know if you know, Madam Chair, but the fire department had issues one time and they had to reroute themselves around because there were trucks sticking out a little bit and blocking the road. That's why I asked.

MR. MUNISTERI: The truck driver doesn't leave the truck. So, when the tractor trailer pulls in, he does not leave the truck. They come to him, they take his paperwork, they check it, unload it as it comes off, signs off and send him on his way. Besides the fact.

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CHAIRPERSON RHODEN: How long would you say that takes?

MR. MUNISTERI: 20, 30 minutes. I'm telling you, it's cold inside the building.

DEPUTY CHAIR CAREY: Have to keep the eggs cold.

MR. MUNISTERI: Yeah. 32, 33 degrees.

MS. UNGAR: If I remember correctly also, the last time we spoke, there was discussion also that you also wouldn't object to conditions that the largest of the tractor trailers be limited to the southern most --

MR. MUNISTERI: It only makes sense. It only makes sense. Of course.

MS. UNGAR: Is it ever more than one truck there at a time?

MR. MUNISTERI: It could be. Typically, it's not more than two though. Typically, not more than two.

MS. UNGAR: If it was limited to the three or four southern most loading docks --

MR. MUNISTERI: We would take it. They wish there would be four of them at a

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time.

CHAIRPERSON RHODEN: Thank you.

MR. MUNISTERI: Thank you. I appreciate your time this evening.

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

(No response was heard.)

CHAIRPERSON RHODEN: Can I please 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 JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

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

THE SECRETARY: Application 2024-3,

1  
2 51 Forest Avenue, Residence A, Section 55,  
3 Block 348, Lot 14. Dennis Marti. Code  
4 compliance for apportionment to create a new  
5 buildable lot B 44.42 by 193.94 feet  
6 (8,614.81 square feet) Variances: Village  
7 Ordinance 210-6A, 210-40 lot area, street  
8 frontage, lot width.

9 We have one Affidavit of Mailing to  
10 be entered into the record as a Board exhibit  
11 for this application.

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

15 M I C H A E L G R E G O R Y,  
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: Please state your  
20 name and address for the record.

21 MR. GREGORY: Michael Gregory.  
22 Permits-R-Us, LLC. 333 Jackson Avenue,  
23 Suite 9, Syosset, New York 11791.

24 D E N N I S M A R T I,  
25 having been first duly sworn by a Notary

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Public of the State of New York, was  
examined and testified as follows:

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

MR. MARTI: Dennis Marti. 1500  
Jerusalem Avenue, Merrick, New York 11566.

MR. GREGORY: Good evening Madam  
Chair, Members of the Board. I am here  
represent Mr. Dennis Marti who is proposing  
to subdivide an existing parcel located at 51  
Forest Avenue. We're seeking relief from the  
Village of Freeport Zoning Code -- Village  
Ordinance -- excuse me -- 210-6A and 210-40.

Mr. Marti is proposing to subdivide  
the proposed parcel into two building lots.  
The proposed homes to be constructed will be  
single family, one-family dwellings,  
approximately 22 -- 2,300 square feet, four  
bedrooms, three baths.

MR. MARTI: That's correct.

MR. GREGORY: And the property is  
located in a Residence A zone. As you know,  
Residence A only requires 5,000 square feet.  
Mr. Marti is proposing two lots in excess of

1  
2 5,000 square feet. The parcel to the west  
3 will be 9,673 square feet, and the parcel to  
4 the right east will be 9,146 square feet.

5 We're here seeking relief for the  
6 parcel to the right. The lot width, the  
7 property is on a little skew, so he doesn't  
8 have the full 50 feet to the rear of the  
9 property -- excuse me, the rear of the  
10 dwelling, the proposed dwelling. The  
11 dimension at the street line is 50 feet. The  
12 dimension at the rear line of the proposed  
13 dwelling is 47.56 feet. So, we are asking  
14 for 2.44 variance of that dimension, which  
15 equates to two foot five inches.

16 We have actually spoken with the  
17 neighbors and they have some concerns prior  
18 to the hearing --

19 DEPUTY CHAIR CAREY: Excuse me for  
20 one second. Scott, would you please shut  
21 that door?

22 MR. GREGORY: Thank you. So, the  
23 concerns were, will these be rentals? The  
24 answer is no, they will not be rentals, they  
25 will be for sale. In addition, they asked

1  
2 what the proximity of the setback of the  
3 house would be. They wanted to know if it  
4 would be close to the property line.

5 Mr. Marti has strategically centered these  
6 houses within the lots. So, the side yard  
7 setback is in favor, so it wouldn't be on  
8 top. Also, in addition to that, the reason  
9 why it was centered to meet the sky exposure  
10 plane, so we wouldn't have a problem with  
11 that as well.

12 I'd like to bring to the Board's  
13 attention. I did some research on the Nassau  
14 County website before the hearing. This  
15 house was built in 1913, and the Nassau  
16 County assessment went out in 1938. This  
17 house was being used as a two-family. For  
18 whatever period of time, we do not know.

19 We have spoken with the neighbors,  
20 and they said that the house was being used  
21 as a single family dwelling. But the house  
22 was being used -- I don't know if it has a CO  
23 for a two-family, but the density would  
24 remain the same, if two houses were being  
25 constructed, if this was a legal two-family.

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It's been being used as a two-family in 1938. I'm trying to think what else, what other topics.

MEMBER JACKSON: Can I interrupt you for a minute. I want to correct you. It's not the width of the rear of the house, it's the width of the rear of the property, which is closer to a six foot difference --

MR. GREGORY: I'm sorry, say that again.

MEMBER JACKSON: The rear of the property is 44 feet and change.

MR. GREGORY: 47.56.

MEMBER JACKSON: That's the rear of the house?

MR. GREGORY: That's the dimension from property line to property line is 47.56. The length, the dimension of the property in the rear line is 44.42.

MEMBER JACKSON: Which means five foot and change variance.

MR. GREGORY: No, I think --

MS. UNGAR: To the rear of the house. The way the code reads.

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MEMBER JACKSON: I stand corrected.  
I apologize.

MR. GREGORY: You scared me a second.  
I did read the code before I came. I hope I  
didn't misread it. I appreciate that. Thank  
you.

Mr. Marti has anything to say. This  
house was foreclosed on. It was a zombie  
house for approximately -- speaking with the  
neighbors, about six months you had said.  
The neighbors will enlighten you on what  
transpired in that period of the house being  
vacant. Mr. Marti is here to speak, if you  
have questions for Mr. Marti.

MEMBER JACKSON: I have a question.  
I assume you purchased the property.

MR. MARTI: Yes.

MEMBER JACKSON: When you purchased  
it, did you realize you would need a variance  
to subdivide?

MR. MARTI: Yes, we did realize that.

MEMBER HAWKINS: You realized it was  
nonconforming at the time?

MEMBER JACKSON: The subdivision.

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MR. MARTI: Yes.

MR. GREGORY: Just for the record, Mr. Marti does a lot of development in the Village of Freeport. He did Lena Avenue and Bergen, the four lot subdivision. He's building, currently, 109 Atlantic Avenue, 86 Oak Street. That's in the Town of Hempstead but Freeport Schools. What else? He just constructed three houses on South Ocean Avenue and Carmen Street, three elevated houses.

Mr. Marti is no stranger to Freeport. He's here to make it more beautiful than it already is.

MR. MARTI: In addition to who I just met outside, we been having communications with other neighbors on the property, consistent communication throughout.

MEMBER JACKSON: Have there been opposition?

MR. MARTI: Not yet. The first concerns are from Mr. & Mrs. Lloyd. We tried to work with them.

DEPUTY CHAIR CAREY: The actual lot,

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2 before it was subdivided, is almost like a  
3 trapezoid. The back tapers back to a smaller  
4 amount.

5 MR. MARTI: Correct.

6 MR. GREGORY: At some point in time,  
7 i think before this house was constructed,  
8 these lots were single and separate, and then  
9 I believe somebody bought the vacant lot,  
10 bought the other vacant lot, they merged them  
11 and built the house in 1913. At some point  
12 in time these two lots were single and  
13 separate or building lots at the time prior  
14 to Village Code.

15 MR. MARTI: Actually, the question  
16 you asked me earlier. When we did first  
17 apply for this, I did not realize, because  
18 it's 100 by a 190, and I thought it was by  
19 right. It was Sergio from the Building  
20 Department that pointed out to me that even  
21 though it's 100 frontage, because it jots in  
22 the back. I misspoke. I did not know when  
23 we first applied. I did not apply for the  
24 variance. I applied just for construction  
25 permits, thinking it was a by right

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subdivision.

MEMBER JACKSON: This was after you purchased the house -- purchased the property?

MR. MARTI: Yeah.

MR. GREGORY: It was a surprise to Mr. Marti's father. He called me and he said, "Mike, why is this a legal two lot subdivision?" I went and read the code, I read the last sentence of Section 210-40 and I said, "This is the reason? You don't have the 50 foot wide lot." He said, "Mike, it's a square." I said, "No, it's not. It's a trapezoid. It's on a little skew."

But you do have -- I did the computation on the lot to the left. It's 92 percent over the footage of the percentage, 5,000 instead of 9,000.

DEPUTY CHAIR CAREY: I saw.

MR. GREGORY: The lot to the right is 82 percent, which is -- predominately in this area the 300 foot radius, you have a lot of 50 by 100 and then they all change. There's a 40 by 100's. Even to the slight north of

1  
2 us -- I'm still trying to figure out how this  
3 was done. There is a 21 foot wide lot and a  
4 23 foot wide, but that was probably  
5 nonconforming way before the Village Code.  
6 Predominately, most of the lots are 50 feet  
7 wide in this area for a 300 foot radius.

8 DEPUTY CHAIR CAREY: Will there be a  
9 garage built on any of these properties?

10 MR. GREGORY: I apologize. There  
11 will be an attached garage on each house.

12 DEPUTY CHAIR CAREY: In the front.

13 MR. GREGORY: In the front. And the  
14 driveway will be a four car parking driveway.  
15 Five off-street parking spaces. I believe  
16 the Village Code requirement is two. We're  
17 proposing five off-street to alleviate any  
18 parking on the street. Once again, these  
19 will not be rentals, these will be for sale.

20 MEMBER HAWKINS: The land behind the  
21 house is 100 feet, something like that?

22 MR. MARTI: Yes.

23 MEMBER HAWKINS: Are you planning on  
24 doing anything with that?

25 MR. MARTI: No development. Just a

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fence and a very large backyard.

DEPUTY CHAIR CAREY: I see that neither side trigger the side yard. You have enough room on one side of the driveway. It will just be grass?

MR. GREGORY: Correct.

MR. MARTI: Yes.

DEPUTY CHAIR CAREY: At least a fire truck -- they oppose this, I understand. The new owner, whoever buys it, if they build something, it will have to be combustibile, at least for the fire truck.

MR. MARTI: There will be access on both sides.

MEMBER HAWKINS: Four car driveway right in front of the garage itself?

MR. MARTI: Yes.

MR. GREGORY: They won't be in line. It will be one, two, three, four and garage attached to the house.

MEMBER HAWKINS: One car garage, right?

MR. GREGORY: One car attached to the house, yes.

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

MR. GREGORY: I apologize. One last thing. Mr. Marti was trying to build a relationship with neighbors before construction. So we met with the neighbors outside. I said, "Listen, it's a good idea to exchange numbers. Any concerns during the course of construction, any problems, you contact Mr. Marti directly on his cell phone and he will extinguish any problems.

CHAIRPERSON RHODEN: Thank you.

A A R O N L L O Y D,  
having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

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

MR. LLOYD: Aaron Lloyd, L-L-O-Y-D.  
41 Forest Avenue, Freeport.

I guess -- you ask am I for or against? I guess I'm not against the

1  
2 property. And I can say that my wife and I  
3 took the time to come out because we did have  
4 concerns. We were concerned about whether it  
5 was going to be rentals. Everyone on our  
6 block. My family has been there for 70  
7 years. My grandmother is 102 years old, as a  
8 Freeport resident. We have one house across  
9 the street that is a renter, and for years  
10 that has kind of been an issue where everyone  
11 else is home owners. So, a major concern for  
12 us was whether or not we were going to have  
13 two new properties that were going to be  
14 rentals. Mr. Marti said that they intend to  
15 sell, that they are single-family dwellings.  
16 So, those were the things that alleviated our  
17 concerns.

18 We were also concerned about how  
19 close the house was going be to my property,  
20 because all of those properties are large.  
21 My yard is 100 by, I think, 150 feet.  
22 Mr. Marti's property, backyard, is even  
23 longer. So, the house is probably 30 feet  
24 from my fence. So, it will be 11 feet, which  
25 is a difference. But if it's going be a

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2 quality dwelling, then I don't have a problem  
3 with that. They have been very accommodating  
4 in that to alleviate my concerns. If they  
5 are true to their word, then I'm okay.

6 We were also concerned about the  
7 parking in the neighborhood and if it's going  
8 to be driveways for both homes. That does  
9 alleviate my concerns.

10 I guess I'm trusting and leaning on  
11 your expertise, because there are things that  
12 I don't know to ask or be concerned about.  
13 So, as long as that due diligence is done. I  
14 appreciate their willingness. They asked to  
15 talk to us. So, they were proactive.  
16 Whether it's just smart business or just  
17 genuine concern for the neighbors, I  
18 appreciate it. It allows us to feel some  
19 relief about the circumstances.

20 I would say that one of the -- I  
21 don't know that it has any bearing here, but  
22 the previous home owner has lived with that  
23 family for seven years, but the house was in  
24 great disrepair. It was essentially  
25 unlivable. To be quite honest, I think if

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2 Freeport had known how the person were  
3 living, they probably would have stepped in,  
4 because he was living in the living room  
5 burning wood in the house to keep warm. I  
6 don't think he had electricity. None of the  
7 neighbors knew this at all, because none of  
8 us went in the house. But after he lost the  
9 home to the bank and they had the open house,  
10 you could see it was unbelievable.

11 I'm not surprised Mr. Marti knocked  
12 it down, because it needed to either a  
13 complete gutting or to be replaced. It was  
14 really in that bad a shape. Trees all across  
15 the property. I couldn't even see his house.  
16 We have dead trees have fallen on my fence.  
17 I didn't replace my fence on that side. I  
18 replaced other fences, but not that fence  
19 because I was concerned that it just going to  
20 be broken and he's not going to have the  
21 money for it, because I already had that  
22 problem with him ten years ago. Some of  
23 these trees -- the bank took down some, I  
24 believe. Some of them are like 100 feet  
25 tall. While they won't reach my house, they

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2 will reach my driveway and cars in the  
3 driveway. Some of these trees are still  
4 there. When we had a big storm two or three  
5 years ago where there were trees everywhere,  
6 one of his trees fell in the pool on the  
7 neighbor's behind my house. So, if that  
8 could be taken care of, so that -- I know  
9 Mr. Marti said what I'd like to do with the  
10 trees. I felt as long as they are healthy  
11 trees, that's fine. Any storm you have, I  
12 have broken branches in my yard without fail.  
13 I don't know if this is the --

14 MEMBER JACKSON: It's not under our  
15 purview trees. Mr. Marti seems like a  
16 gentleman. Maybe have this discussion with  
17 him.

18 MR. LLOYD: We had a discussion. I'm  
19 letting you know. He was accommodating, but  
20 just felt his hands were tied about certain  
21 things. I thought I would mention it. So,  
22 I'm more for than against, but I just want  
23 things to be done correctly. Mr. Marti seems  
24 like he's genuine. As long as the Board can  
25 take care that, I don't know what else to

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make sure things are done correctly. I think it's the start of a healthy, neighborly relationship.

DEPUTY CHAIR CAREY: Can I ask you a question?

MR. LLOYD: Yeah.

DEPUTY CHAIR CAREY: In your driveway, your lot is a big lot, as you described it. Your driveway is how close to the property? You're across the street?

MR. LLOYD: I'm 41.

DEPUTY CHAIR CAREY: I thought you were 30. You're on the same side. How close is your driveway to his property line right now?

MR. LLOYD: Well, we have a lot of yard. I would say the driveway to his fence is 30 feet maybe.

DEPUTY CHAIR CAREY: It's not bothersome to you that the two lots will be too close to your house?

MR. LLOYD: No. If it was going to be -- I was worried it would be five feet from my fence where I go in my yard and I got

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2 this dwelling right there. But I think 11  
3 feet is reasonable. Would it like it further  
4 away, because there's a lot of spacious yards  
5 on my block? Yes, I prefer that, but not  
6 more so than two quality properties on my  
7 block.

8 CHAIRPERSON RHODEN: Thank you so  
9 much.

10 MEMBER HAWKINS: How long was that  
11 house abandoned, once the bank took it?

12 MR. LLOYD: I would say our neighbor  
13 left about six months ago. Six to nine  
14 months ago. The bank had it maybe six  
15 months. They had one open house, they  
16 couldn't -- nobody was -- no regular home  
17 owner was going to be able to step in. It  
18 was going to take a developer or somebody who  
19 just say I want to gut a home and build it.  
20 It wasn't in the position to be sold. In  
21 some sense, that make an honorable developer,  
22 a godsend, to be honest.

23 MEMBER HAWKINS: You're located to  
24 the west?

25 MR. LLOYD: To the west, yes. I

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would be west of his property.

MEMBER JACKSON: As a new home, it's going to demand a much higher price. That typically would not go for a rental. Even if you sold it, nobody is going to buy a rental for the amount of money pay for the home. It should help set your mind at ease.

MR. LLOYD: Absolutely. I appreciate the answers I got, because I don't want multi-dwelling rental, two multi-dwelling rentals next to me.

MEMBER JACKSON: Understood. Absolutely.

CHAIRPERSON RHODEN: Thank you so much for coming out today, we appreciate it. Do we have anyone else who would like to speak for or against this application?

(No response was heard.)

CHAIRPERSON RHODEN: Can I please 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.

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MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Thank you so much.

THE SECRETARY: Application 2024-4, 368 Wallace Street, Residence AA, Section 55, block 396, Lot 363. Maria Gonzalez. Legalize existing 80.5 foot by 5 foot high and 50 foot by 6 foot high closed fence. Variances: Village Ordinance 210-6A, 210-171 fences and enclosures.

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

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

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

THE WITNESS: (Speaking in Spanish.)

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CHAIRPERSON RHODEN: (Conversing in Spanish to applicant.)

I cannot speak in Spanish to represent you. We need to get someone who speaks English.

MS. UNGAR: Madam Chair, we can provide an interpreter. We just didn't know they needed one. We will reschedule for the next meeting and have a Spanish interpreter here.

CHAIRPERSON RHODEN: (Speaking in Spanish.)

MS. UNGAR: Just to be clear, the next meeting is scheduled for April 18th.

CHAIRPERSON RHODEN: Can I please have a motion to adjourn so he can be heard at the next meeting with an interpreter.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

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March 21, 2024

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(No response was heard.)

CHAIRPERSON RHODEN: Can we have a motion to close the legislative session?

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(Time Ended 7:32 p.m.)

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March 21, 2024

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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 5th day of April, 2024.

  
BETHANNE MENNONNA