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INCORPORATED VILLAGE OF FREEPORT
ZONING BOARD

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

August 15, 2024
6:30 p.m.

M E M B E R S:

ROSA RHODEN	CHAIRPERSON
ANTHONY J. MINEO	MEMBER
CHARLES HAWKINS	MEMBER

* * *

REMY WATTS	SECRETARY
JENNIFER UNGAR	DEPUTY VILLAGE ATTORNEY

-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

1 Affidavit of Publication 4

2 Affidavit of Posting 4

APPLICATION 2024-9

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 6

* * *

APPLICATION 2024-10

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 29

APPLICANT'S FOR ID

BOARD'S FOR I.D. PAGE

A Photograph 32

* * *

APPLICATION 2024-11

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 37

APPLICANT'S FOR ID

A Letter 40

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August 15, 2024

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

APPLICATION#	ADDRESS	PAGE
2024-9	147 Woodcleft Avenue	5/29
2024-10	335 Miller Avenue	29/37
2024-11	253 Garfield Street	37/46

* * *

August 15, 2024

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1
2 CHAIRPERSON RHODEN: Good evening,
3 everyone. If everyone could please join me
4 in the Pledge of Allegiance.

5 (Pledge of Allegiance recited.)

6 CHAIRPERSON RHODEN: Thank you. Can
7 I please have motion to accept the Zoning
8 Board meeting minutes of last meeting.

9 MEMBER HAWKINS: So moved.

10 MEMBER MINEO: Second.

11 THE SECRETARY: All in favor.

12 MEMBER HAWKINS: Aye.

13 MEMBER MINEO: Aye.

14 CHAIRPERSON RHODEN: Aye.

15 THE SECRETARY: Any opposed?

16 (No response was heard.)

17 CHAIRPERSON RHODEN: Do we have any
18 Affidavits of Publication or Posting that
19 need to be entered into the record as
20 exhibits this evening?

21 THE SECRETARY: I have one Affidavit
22 of Publication and one Affidavit of Posting
23 to be entered into the record as exhibits for
24 this public hearing.

25 (WHEREUPON, the above-referred to

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documents were marked as Board's Exhibits,
for identification, as of this date.)

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

THE SECRETARY: Madam Chair, no
request for adjournment this evening.

CHAIRPERSON RHODEN: If there is
anyone here who is going to speak for or
against an application this evening, I ask
that you fill out a form that's in the back
table there and hand it to the clerk please.

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

THE SECRETARY: Application 2024-9,
147 Woodcleft Avenue, Marine Commerce,
Section 62, Block 177, Lot 534. Aaron
Kadosh. Propose one-story side addition (224
square feet), one-story addition (169 square
feet), second story terrace (930 square
feet), roof over deck (424 square feet), and
wood shades/pergola (240 square feet).

Variances: Village Ordinance 210-6A, 210-40
required yards, 210-172(4) required parking
spaces, extension of use.

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

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

R O B E R T R A M I R E Z ,

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

A A R O N K A D O S H ,

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. RAMIREZ: Robert Ramirez. 990 Motor Parkway, Central Islip, New York 11722.

This is Aaron Kadosh. We are here in front of you asking the Board for permission for variance of the proposed one-story side addition 224 square feet, also one-story addition 169 square feet, and the second story terrace 930 square feet, roof over deck

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2 424 square feet, and wood shades 240 square
3 feet.

4 We are asking variance for the
5 required side yard, Village Ordinance 210-40,
6 the front yard of 4.8 feet instead of
7 required ten feet. Also we are asking
8 variance for the Village Ordinance 210-172
9 required parking spaces. We would provide
10 three parking spaces instead required 11
11 spaces.

12 That's what we are asking for.

13 MEMBER HAWKINS: Just touching on the
14 required parking spaces. Have you spoken to
15 anyone down at the Nautical Mile as far as
16 renting any spaces there at all.

17 MR. RAMIREZ: The area?

18 MEMBER HAWKINS: Sorry.

19 MR. RAMIREZ: In the area?

20 MEMBER HAWKINS: On the Nautical
21 Mile, on that street. Some of the
22 restaurants, they rent spaces. Have you
23 looked into that?

24 MR. RAMIREZ: No. We seeing that
25 that street is the same, the same as for all

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business there. Sometimes they don't have too much space, parking spaces. I got some photos for you, to show you the situation right there.

MEMBER MINEO: What time of the day were these photos taken?

MR. RAMIREZ: This photo.

MEMBER MINEO: What time of the day?

MR. RAMIREZ: 12:30, 1:00 p.m.

CHAIRPERSON RHODEN: Okay. 12:30, 1:00 p.m. on what day?

MR. RAMIREZ: Yesterday.

CHAIRPERSON RHODEN: So, referring to the parking. Did you possibly request which you can try to do a parking study. If not, look to see if one has been done by the Village previously by someone else in that area and FOIL it and get a copy of it, because you need to show us where would parking be, especially you are looking to add, right --

MR. RAMIREZ: Right.

CHAIRPERSON RHODEN: -- to your existing occupancy. So, we would need to see

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that. You need to show us where would that parking come from.

MR. RAMIREZ: Okay. This business is takeout food. I believe most of the clients just buy the food and everybody will leave. We got a couple of chairs right there.

CHAIRPERSON RHODEN: What is the second story?

MR. RAMIREZ: It's an open terrace with four tables upstairs.

CHAIRPERSON RHODEN: The tables; that's what is triggering this, right? So, you are going to be needing more -- you are going to be trying to get more occupancy in there, in order to have more people come visit. Therefore, you will require parking. So, it's not a matter of, Hey, we're not really -- we're only adding four tables, it's a matter of trying to show us how you are going to accommodate, being that we know that the Mile is a very heavy traffic area, especially during the season which is now, summer, right?

MR. RAMIREZ: Right.

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2 MS. UNGAR: If I may interject, Madam
3 Chair. It's five tables for a total
4 occupancy of 20 on the second floor, plus
5 three tables of four by the pergola on the
6 ground floor. It's a total 32 seats being
7 added to the a place that previously had no
8 seats.

9 CHAIRPERSON RHODEN: Okay. So it's
10 not just takeout, it's 32 seats.

11 MR. RAMIREZ: Right. We got the seat
12 just in case somebody decide to stay there.
13 Usually they buy the food and go. That's
14 what we are planning to do.

15 MS. UNGAR: Right now they have no
16 choice to buy the food and go. Right now a
17 customer might be there for ten minutes to
18 get their food. If now there are tables to
19 sit, they may sit for 30 minutes, and in that
20 time normally three people could have come
21 and gone in a single parking space, but now
22 you have one customer taking up that space
23 for 30 minutes. So, that's why you start
24 getting into requiring parking. And the
25 question is, if you're not providing it,

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2 where is that parking coming from? Where is
3 the excess parking availability on the Mile
4 to accommodate this increased demand? Do you
5 have any plans for how to accommodate the
6 increased demand?

7 MR. RAMIREZ: Okay. If I see the
8 same situation for other business right
9 there, they don't have too much parking
10 spaces and they are there on that street.

11 CHAIRPERSON RHODEN: We are talking
12 specifically about your application right now
13 in front of us. So, that's why I am saying
14 to you that you need to do the work to
15 present us of how you are going to meet --
16 where will your patrons that will be coming
17 to your facility park? I understand you only
18 have three parking spots.

19 COURT REPORTER: Please state your
20 name and address.

21 MR. KADOSH: Aaron Kadosh. 1181
22 Harbor Road, Hewlett, New York.

23 So, we kind of have like -- so, we
24 figured that we might need more parking. I
25 do have some sort of agreement with the lot

1
2 across the street, so if we do need
3 additional parking, we're welcome to park
4 there.

5 CHAIRPERSON RHODEN: Do you have
6 anything that was drawn up between you and
7 that business?

8 MR. KADOSH: Not on me, but I can.

9 MR. RAMIREZ: A letter.

10 MS. UNGAR: I think the other
11 question that comes up is, whatever business
12 is offering to use some of their space, do
13 they have excess parking per the Zoning Code
14 to use some of theirs. If they have exactly
15 how much parking they need to meet their
16 demands under the Zoning Code, they don't
17 have the ability to let you use anything.

18 MR. KADOSH: So the lot across the
19 street is a catering hall. When they're
20 operating, it's 7:00 to 11:00 p.m., typically
21 when the Mile is busy. You know, they don't
22 really have -- like, when the Mile is busy,
23 I'm sure you guys are familiar, it's not
24 during the day on the weekend, right? They
25 don't have anyone there.

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MEMBER HAWKINS: What will be your hours of operation?

MR. KADOSH: Our hours? We would be open -- I don't plan on operating the business, honestly. But probably around 9:00 to 10:00. Right now it's a vacant lot, there's no one there.

MEMBER HAWKINS: I'm sorry, you said what will be the hours be; 10:00 in the morning?

MR. KADOSH: I would say 9:00 in the morning to 10:00 p.m. I mean, we want to take advantage of the Mile as well.

MEMBER HAWKINS: That's why I was saying before some of the owners down there, they own property and they have spots, they rent out to some of the businesses that don't have parking spaces. So, that might be something you can look into.

MR. KADOSH: Right now we have three parking spots. So, that's enough for nine. That's enough for three tables, right?

MS. UNGAR: One parking space for every three people. So, that covers nine

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people out of your 32 people.

MR. KADOSH: We need eight spots.

MEMBER HAWKINS: You have to have some type of documentation stating that person is allowing you to use that lot.

MR. KADOSH: Okay. So I'm new at this.

MEMBER HAWKINS: I understand.

MR. KADOSH: The point of the variance is to kind of -- if I get two or three spots, would that be sufficient? Would I need to get all eight spots, or would I be able to get two or three additional spots?

MEMBER HAWKINS: That will be less of a variance that you are requesting, if you came in with some spots.

MR. RAMIREZ: We can get a letter.

MEMBER MINEO: It's not just a letter. You have to respectfully provide the Board with a contract where you have agreed in a lease, some sort of lease, to engage in on a monthly basis, daily basis, whatever they might be, to secure spots that you're needing to accept this variance, to go

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forward with this proposal.

MR. KADOSH: Do I still need the contract, if I'm also the owner of the property across the street?

MEMBER MINEO: You're the owner of the property across the street as well?

MR. KADOSH: Yeah. I would allow myself to use the parking for the parking.

MS. UNGAR: Do you have excess parking? Do you have the availability to lend to the other property for yourself?

MR. KADOSH: Yeah. It's a huge lot. Typically we even have valet that come to us and ask us if they could use valet during the summer because their lot is empty when mine is packed. They want to valet cars on the Mile. The Mile is very busy. I'm sure we have enough space. But the lot that we have -- I wish we had pictures of it. If you go on Google Earth, it's huge.

CHAIRPERSON RHODEN: That's what you would -- we would need to see that. Not right now. You need to come back and be prepared to show us that you own this lot,

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2 that the lot doesn't have any existing
3 requirements of parking that are needed right
4 now for the business that's there. If there
5 is no business, then that's fine. Then you
6 need to show us that there is an agreement
7 that you will be letting that parking lot be
8 used for your new facility and how many
9 parking spaces.

10 MR. KADOSH: I understand.

11 CHAIRPERSON RHODEN: That's for that.
12 Do you understand what were asking for, for
13 the parking?

14 MR. KADOSH: Yeah, I understand.

15 CHAIRPERSON RHODEN: Do you have any
16 issues or questions regarding the parking, so
17 that we're clear on what we need?

18 MR. KADOSH: My next question is, if
19 we made adjustments to the plan where there's
20 no second layer, just some outdoor three
21 tables, outdoor seating, that would be
22 sufficient, that would be okay? We don't
23 need the second deck, I just figured it would
24 look nice.

25 MS. UNGAR: If you were just looking

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2 for 12 seats as opposed to 32, I mean that's
3 significantly reducing the parking demand and
4 you're much closer a place where the Board
5 would potentially consider approving it,
6 because you're not going to be increasing
7 that potential seating demand and parking
8 demand.

9 MR. KADOSH: I see.

10 MEMBER MINEO: The second story was
11 primarily for aesthetic purposes, as opposed
12 to a financial hardship?

13 MR. KADOSH: Honestly, as far as -- I
14 have been on the Mile for long time. I've
15 had the property since 2016. That spot used
16 to be the Taco Tuesday spot where people
17 would grab a couple of tacos and walk down
18 the Mile, and it has no seating pretty much.
19 So, I figured we would have something nice on
20 top if people wanted to sit. Because we know
21 the Mile is for walking. Most people -- I
22 mean, I guess a lot of people do. But I
23 figured it would be more aesthetics, how it
24 looks.

25 CHAIRPERSON RHODEN: The less parking

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you need, the better it is.

MR. KADOSH: All right.

CHAIRPERSON RHODEN: That's all we can really go on. I don't know what hardship, if you needed to increase or add more.

MR. KADOSH: The business there is strictly takeout. It's not like they're sitting there.

CHAIRPERSON RHODEN: If this is something that is a not going to be a financial hardship for you, it's not causing any of that, then I would ask you to consider.

MR. KADOSH: I have some seating. I guess we don't need the second layer. I understand.

MEMBER HAWKINS: Unless you can show where you're going to have parking for that additional seating.

MR. KADOSH: We have three right now on the lot. We would have three parking spaces for all seating that is shown. I can provide more, but it might be -- I don't know

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2 exactly how to do it. So, it's something
3 I'll have to think about.

4 MEMBER HAWKINS: The way you do it is
5 show you have enough parking for the catering
6 and you also have enough parking for this
7 facility or restaurant that you're proposing.

8 MR. KADOSH: So that's something I
9 would have to come back with that agreement.

10 CHAIRPERSON RHODEN: Are you revising
11 your application? Will this application be
12 revised to remove the additional story?

13 MR. KADOSH: That's something I have
14 to think about.

15 CHAIRPERSON RHODEN: That would be
16 something you have to -- we can't answer
17 that. That's something you would have to go
18 back and take a look at.

19 MR. KADOSH: I'd have to come back to
20 the next meeting?

21 CHAIRPERSON RHODEN: Yes. You would
22 have to apply. We would adjourn it.

23 MS. UNGAR: It could be amended. If
24 you're removing it, I wouldn't imagine it's
25 too hard to amend the application to the

1
2 Building Department to say you're removing
3 it, even without submitting new plans to the
4 Zoning Board at this specific time.

5 Obviously, I expect it's easier to remove
6 something. But then, yeah, you would come
7 back to the next board meeting. This way you
8 have a little bit of time to decide if you
9 want to try to find the parking. In that
10 case, I would suggest coming back with the
11 agreement before the meeting, so that it has
12 time to be reviewed to see that indeed the
13 place you are taking from as excess capacity
14 that they can give. If you just show up and
15 say, "Here, I can have three spaces," we
16 still need to do the due diligence to check
17 that there is excess capacity for that.

18 So, I would suggest that whatever you
19 are looking to do, figure it out as soon as
20 possible before the submitting supporting
21 documentation to the Board, so that there is
22 time for it to be reviewed before the
23 meeting, when we have access to all of the
24 Building Department records, all the zoning
25 files, that kind of thing.

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2 MR. RAMIREZ: Do we need to go back
3 to the Building Department with the denial
4 letter or amendment letter?

5 MS. UNGAR: I can't speak for the
6 Building Department. I'm not in the Building
7 Department. I tend to think if there was
8 essentially some kind of statement written,
9 "We're removing the top deck," they would be
10 able to issue that new letter that the deck
11 doesn't exist without waiting for updated
12 plans to be drawn, I suspect. You would have
13 to talk to them. If it's simply, "I'm
14 removing this," I think they would be able to
15 generate a new denial letter with updated
16 calculations in a reasonably quick time frame
17 to turn around, so you have it available for
18 the next meeting.

19 MEMBER HAWKINS: Or like she said,
20 you can show where you have the additional
21 parking for the catering hall and also for
22 your restaurant.

23 MR. RAMIREZ: In case we already
24 provide another parking lease, what would be
25 the process? Just bring to the next meeting

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the contract? We don't have to change the plans? That's it?

MEMBER MINEO: It was also earlier recommended that you consider FOILING a parking study that has already been produced for the location from the Village Building Department. Bring that, utilize that as a form of evidence that you would like to provide. And also a contract or a letter stating you, being the landlord, are authorizing the spots to be utilized for this venture.

CHAIRPERSON RHODEN: If you have spots available.

MEMBER MINEO: If you have spots available and you are not in violation on the other side, the catering hall, and any other types of agreements that you may have with any other owner on the Nautical Mile that may have excess spaces to utilize. Or consider perhaps valet. You use valet for the catering hall, right? Consider perhaps utilizing valet for this establishment. That could also be a consideration before this

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Board.

CHAIRPERSON RHODEN: You have those options.

MR. KADOSH: So the parking study would be for -- to basically see the parking across the street is sufficient, right?

CHAIRPERSON RHODEN: The parking study is -- generally, it's showing what the Mile looks like in terms of on the weekend, in the week, showing two days of the week, on the weekend, what availability is for parking on different times, right. We're trying to tell you that we know that there have been park studies done. We're trying to help you. So, maybe you want to FOIL the last parking study that was done for the Mile, see what availability is for parking spots in the area. And also, like Anthony said, maybe you have available parking at your location across the street that you can rent out or loan out to your other facility across the street; it's up to you. Or you may decide you don't want to add the second floor and you just want to remove the second floor and

1
2 come back to us with the revised plans of
3 what you're looking to do in modifications.
4 Is that clear?

5 MR. KADOSH: Yeah. I just want a
6 second level. I thought it would be nice.
7 Okay. Thank you.

8 MR. RAMIREZ: Thank you so much.

9 CHAIRPERSON RHODEN: Thank you.

10 MR. KADOSH: Also two things. The
11 other one was the --

12 CHAIRPERSON RHODEN: The setback.

13 MR. KADOSH: I just want to make
14 sure.

15 MS. UNGAR: I assume the front yard
16 setback issue is due to those front stoops
17 primarily.

18 MR. RAMIREZ: The front stoop we are
19 taking out.

20 MEMBER HAWKINS: You're removing
21 those?

22 MR. RAMIREZ: Right.

23 MS. UNGAR: If I'm reading the teeny
24 tiny print right, it looks like without the
25 stoop you have 4.9 feet to the front of the

1
2 building. I'm trying to figure out why on
3 the plans it says .2 feet for the front yard,
4 if the stoops is being removed.

5 MR. KADOSH: It's 4.9 or 9, like you
6 said.

7 MR. RAMIREZ: No, the stoop will be
8 there, right. Just the stoop.

9 MS. UNGAR: That's what is causing it
10 to be only a .2 foot front yard setback,
11 because it's to the edge of the stoop. The
12 building is 4.8 or 4.9 feet. The stoop is
13 going to be right up to the front line of the
14 property. That's the issue. Okay.

15 MEMBER HAWKINS: On your plans it
16 says proposed wood stoop also on there?

17 MR. RAMIREZ: Proposed what?

18 MEMBER HAWKINS: Proposed wood stoop.

19 MR. RAMIREZ: The stoop? They
20 already there. This is a little enlarging
21 large the stoop.

22 MEMBER HAWKINS: You're enlarging the
23 stoop eight feet eight inches.

24 MR. KADOSH: It exists now. It's
25 basically so people can get up to the takeout

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window. It's a little higher elevated,
because were on the Mile. It's so people can
get up to the window for takeout.

MEMBER HAWKINS: That will be for
seating, for people?

MR. KADOSH: It's just so people can
get up to the window.

MR. RAMIREZ: Not seating.

MR. KADOSH: There's no seating.
It's just, like, to elevate, so they can
reach the window.

MR. RAMIREZ: Two, three steps to get
up to the window?

MEMBER HAWKINS: It's a step up.
Do you have two windows?

MR. KADOSH: Yes.

CHAIRPERSON RHODEN: We don't have
any questions right now. So, will you be
coming back on the parking?

MR. KADOSH: Yeah.

MR. RAMIREZ: Right.

CHAIRPERSON RHODEN: We will be
adjourning this for additional --

MR. KADOSH: How long.

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2 CHAIRPERSON RHODEN: We can adjourn
3 it for whenever you need to get in touch with
4 the Building Department to find out what you
5 decide to do, whether you decide to remove
6 the rooftop additional story or you decide to
7 provide parking information. I don't know
8 what you're going to do. That's on you.

9 MR. KADOSH: Okay.

10 CHAIRPERSON RHODEN: We're going to
11 be adjourning it to request for the
12 additional parking information or based on
13 your revision if you want to amend your
14 application. Okay?

15 MR. RAMIREZ: Okay.

16 MR. KADOSH: The stoop is good,
17 right?

18 CHAIRPERSON RHODEN: Right now we
19 don't make decisions. Right now we have to
20 look at the whole picture. Once we get that
21 information from you, we'll be able to
22 provide that.

23 MR. KADOSH: The only reason I ask is
24 because the lot has been basically empty a
25 long time. I just want to come back next

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time with all the answers, instead of being adjourned again.

MS. UNGAR: The Board doesn't have any questions.

MR. KADOSH: That's good.

MS. UNGAR: I'm not saying it's good. They don't have any further questions on it. They are asking you to come back with more information on the parking issue.

MR. KADOSH: Okay.

MR. RAMIREZ: Thank you so much.

CHAIRPERSON RHODEN: Thank you.

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

THE SECRETARY: No, Madam Chair.

CHAIRPERSON RHODEN: Can I please have a motion to adjourn?

MEMBER HAWKINS: So moved.

MEMBER MINEO: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

1 THE SECRETARY: Any opposed?

2 (No response was heard.)

3 THE SECRETARY: Application 2024-10,
4 335 Miller Avenue, Residence A, Section 62,
5 Block 167, Lot 183. Hellen Duran. Maintain
6 50 feet of six foot high and 102 feet of five
7 foot high solid white PVC fence. Variances:
8 Village Ordinance 210-6A, 210-171D(2) fences
9 and enclosures.
10

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

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

17 H E L L E N D U R A N,

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 MS. DURAN: Hellen Duran. 335 Miller
24 Avenue, Freeport, New York 11520.

25 I am here today to request a variance

1
2 for my house. I purchased this house in
3 September 2022. In October -- there was a
4 fence on the house that went all the way
5 around the property line. I replaced the
6 fence for a PVC fence and I reduced the space
7 of the fence. The fence doesn't go to the
8 end of the house. I have this picture to the
9 file that shows the outline. Everything that
10 is five feet is in yellow. What is pink, I
11 think I had highlighted, it's six feet, which
12 is behind the house and behind the neighbor's
13 house.

14 The reason why I would like a
15 variance to maintain the fence the way it is,
16 Number 1, it's on the Nautical Mile. This
17 house -- this is a parking lot. Between
18 Thursday to Sunday, you have fights breaking
19 at 2:00 in the morning, even though the Mile
20 closes earlier than that. Three weeks ago we
21 had a police pursuit in that corner where
22 kids were jumping in between, running away
23 from the police. I don't know if you heard
24 about this, bicycles and 20 kids or more on
25 bicycles around the neighbors. And I don't

1
2 know what happened. Police were running
3 after one of them, the kid left the bike,
4 ran, went in the yard, jumping from yard to
5 yard.

6 I have a little kid, you know, and I
7 have my little nephews that come to the
8 house, and this is where they play. Having
9 four feet to me is not safe, given the
10 consequences. When you see the way that the
11 parameters of the house is, it doesn't
12 interfere with vision for anybody that's
13 making a stop sign anywhere, or the neighbor
14 behind me that has the parking lot on the
15 other side, the parking garage.

16 CHAIRPERSON RHODEN: Their parking
17 driveway is not on the side where your fence
18 is?

19 MS. DURAN: No, it's on the opposite
20 side. They're happy about my fence. They're
21 happy about having a fence they didn't have
22 to pay for. I mean, there isn't much. One
23 other thing that I can say is, when I bought
24 the house, I had my first experience with
25 flooding in two months, in December. I

1
2 bought it September, then I moved in
3 November, and then the flooding was in
4 December. I think that thanks to the fence,
5 the water didn't touch my house. It came
6 under a little bit. But I saw the mark on
7 the fence, halfway on the fence. The people
8 across on that side, on the left side of my
9 front street, that house, they had to replace
10 their entire siding. I didn't have that
11 damage to my house, which I'm thankful for
12 having the fence that I had.

13 Another item is that this fence
14 already have concrete under. Moving the
15 fence is not only going to be a financial
16 burden for me, but it's also -- you can't put
17 grass wherever there is concrete, it's not
18 going to grow. It's already damaging. I
19 beautified from what I bought, which you can
20 see in an old picture what the house used to
21 look like before versus what it is now. I
22 think I have a picture. I can attach it
23 there. I don't know if you want to see it.

24 (WHEREUPON, the above-referred to
25 document was marked as Applicant's Exhibit A,

1
2 for identification, as of this date.)

3 MS. DURAN: I was saying on the
4 corner, this corner, I have a tree planter
5 that's already -- from 2022 -- that's already
6 matured a little bit. And moving -- I know
7 that the new ordinance -- basically, I bought
8 it in 2022. I installed the fence, replaced
9 the one that was there in 2022. In 2024 I
10 received a violation letter. I came here,
11 the Building Department tells me, "You're in
12 violation because you put up a PVC fence and
13 didn't get a permit." I said, "I didn't know
14 I had to because 1) it's my first house, and
15 2) there was already a fence and I was
16 replacing the fence that was there with a PVC
17 fence." So then they tell me, well -- "What
18 do I have to do to fix it?" "You have to
19 apply for a permit." So, I apply for the
20 permit. Then the letter comes with denial.
21 This is only 2024.

22 So, I received denial letter and I
23 come back. What do I do? Now you told me it
24 was okay and then they tell me, "But they
25 changed the zoning in 2023." Why didn't you

1
2 send the letter in 2023? Now I am out -- I
3 have a variance because it was changed in
4 2023 to something I no longer have. So now
5 they're asking me to move the fence in all
6 the way six feet, shortening my yard, my
7 backyard, my side yard, which is the
8 parameter of where my daughter plays, because
9 on this side I don't have because of the
10 driveway.

11 MEMBER HAWKINS: I think it was a
12 concern because you had a five foot fence
13 coming all the way out to the sidewalk.
14 Usually it's a concern if there is a driveway
15 next to it, in case someone is going in and
16 out the driveway, they wouldn't be able to see
17 the kids on the sidewalk. That's not the
18 case here; the driveway is on the other side
19 of your neighbor's house.

20 MS. DURAN: Right. Also, I have two
21 feet from the -- another thing I'm confused
22 about. Which one is my line; is it where the
23 grass is, because from the grass to where I
24 have the fence, I have two feet from the
25 grass to the fence. You have the grass,

1
2 sidewalk, then I have two feet of grass, and
3 then I have the fence. They said, "No, you
4 have to have six feet in now." But I can't
5 have six feet, because then you are giving me
6 no yard. So, you're leaving me with four
7 feet. That's basically why I am here.

8 CHAIRPERSON RHODEN: Okay.

9 MS. DURAN: I know that this does
10 apply to houses. I drove around all over and
11 I rode all over to see, and I took down
12 addresses and I took pictures, and when I
13 brought them in they said, "Maybe they
14 applied for a permit before you did, before
15 they changed the zoning." So, that's why I
16 didn't bring it in.

17 I do know I can see where this would
18 be a problem with some houses -- that I saw
19 houses that doesn't have a sidewalk, and this
20 is right on Miller before Atlantic Avenue.
21 If it's a corner house and you don't have a
22 sidewalk and you have a huge fence that may
23 be an issue for the neighbor. It is an issue
24 for the people driving. There should be a
25 sidewalk there for the people walking. I

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just wanted to say that.

CHAIRPERSON RHODEN: Okay. We understand. Thank you.

MS. DURAN: When do I know?

CHAIRPERSON RHODEN: The Board will make decision and you will be notified by the mail. The Board has 60 days.

MS. UNGAR: 62 days.

CHAIRPERSON RHODEN: 62 days. You will be notified.

MS. DURAN: Do I have to stay for everything else?

CHAIRPERSON RHODEN: No.

MS. DURAN: I appreciate it. Thank you so much.

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

THE SECRETARY: We do not, Madam Chair.

CHAIRPERSON RHODEN: At this time can I have a motion to close to further evidence and testimony and reserve decision.

MEMBER HAWKINS: So moved.

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MEMBER MINEO: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: Application 2024-11,
253 Garfield Street, Residence A, Section 62,
Block 91, Lot 426. Jeannie Kelly. Construct
second floor rear deck 438 square feet.
Variances: Village Ordinance 210-6A,
210-43C(2) required yards.

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

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

J E A N n I E K E L L Y,

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

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2 R U S S E L L J O R D A N,

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

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

8 MS. KELLY: Jeannie Kelly. 253
9 Garfield Street, Freeport, New York.

10 MR. JORDAN: Russell Jordan. 44
11 Casino Street, Freeport, New York. I'm the
12 architect for the project.

13 The first thing I guess I would like
14 to say to the Board is that in your packet is
15 a blown up site plan that I believe was
16 included. I think this is probably the best
17 reference to take a look at for this
18 particular project.

19 What we're proposing is a second
20 level deck. The house itself is a raised
21 ranch, so all of the principal living area is
22 on the second level. The house is at the end
23 of Garfield Street, a cul-de-sac, and you
24 have, I believe, four wedge shaped lots that
25 constitute the cul-de-sac. So, what's

1
2 resulted here is due to the curvature of the
3 property line is that we ended up infringing
4 on the required 20 foot setback at the one
5 corner of the house by 1.78 feet, and at the
6 other corner of the house by 2.47 feet.

7 Now my understand, having worked in
8 the Village here for about 35 years, is a lot
9 of the setbacks on the water were originally
10 enacted so that property owners wouldn't
11 obstruct the view of their neighbors up and
12 down the canal. In this particular case,
13 because of fact that it's a cul-de-sac and we
14 have all wedged shaped lots, nobody is
15 obstructing anybody else's view because
16 you're all looking out in different
17 directions primarily.

18 We think that the request is minimal,
19 and we would entertain questions from the
20 Board. Prior to that, Ms. Kelly has a letter
21 that we would like to introduce in evidence.

22 Perhaps you'd like to read it to the
23 Board.

24 MS. KELLY: Good evening.

25 MEMBER HAWKINS: Good evening.

1
2 MS. KELLY: This letter is from
3 Steven Esposito. He's on the other side of
4 the canal directly across from me. He's
5 located at 218 Gordon Place. It's dated
6 today.

7 "To whom it may concern. Please be
8 advised that I lived across from 253 Garfield
9 Street for the last four years. Jeannie
10 Kelly has always been a great neighbor who
11 goes out of her way to look out for my
12 property as well. She maintains her property
13 with meticulous care and great understanding
14 of our community. She explained her new
15 renovations to me in detail, and I have no
16 issues with anything that she plans to do. I
17 do believe that it will be beneficial to our
18 community and increase the value of other
19 homes in the area. If you have any
20 questions, please feel free to reach out to
21 me on my cell phone (516) 279-9975. Best
22 regards, Steven J. Esposito. 218 Gordon
23 Place, Freeport, New York 11520.

24 (WHEREUPON, the above-referred to
25 document was marked as Applicant's Exhibit A,

1
2 for identification, as of this date.)

3 MS. KELLY: He was planning on
4 attending this evening, the meeting.
5 However, he had a meeting that he had to
6 attend to that he could not adjust his
7 schedule; hence the reason why he wrote the
8 letter instead.

9 CHAIRPERSON RHODEN: Thank you.

10 MR. JORDAN: At this point in time, I
11 think we probably fully explained this, but
12 we'll entertain any questions that the Board
13 may have.

14 MEMBER HAWKINS: Did you say the
15 house was raised?

16 MR. JORDAN: It's a raised ranch. In
17 a raised ranch, typically you have a garage
18 and some utility space on the ground floor,
19 perhaps some living space. All the primary
20 living space, living room, bedrooms, kitchen
21 and so on are on the second level.

22 MEMBER HAWKINS: What's on the first
23 level?

24 MR. JORDAN: You have the garage, you
25 have utility room. There is, I believe a

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bedroom --

MS. KELLY: Bathroom.

MR. JORDAN: And a bathroom.

MEMBER MINEO: You are tying into the existing deck that is on the second floor?

MR. JORDAN: Yes, we are.

MEMBER MINEO: There was a first floor deck as well as a second floor deck, correct?

MR. JORDAN: There is a first floor deck. I think can you see the one line that shows that it extends out to the same point that we are proposing. This deck extends out so we drop the pilings past the existing first floor deck.

MEMBER HAWKINS: Will be there access from the second floor deck to the first floor deck?

MR. JORDAN: I think we will probably submit a revision to add a stair that goes from the second floor down to the grade level. That would be on the -- as you're looking at this, on the right side. It would not extend past where the 20 foot setback

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line is.

MS. UNGAR: That's what might be in question. Is there a reason why you didn't try to comply with the 20 foot setback?

MR. JORDAN: With the curved property line, it gets sort of choppy to follow that as a curve on a wood deck. That would have involved segmenting then, breaking it up into probably additional pieces, some of which -- one of which -- two of which would have penetrated the existing lower deck.

MS. UNGAR: I understand.

MR. JORDAN: It sort of the conundrum of putting a square peg in a round hole. That's why the two corners extend past the setback line.

MEMBER HAWKINS: I notice your neighbor to the north of you has a deck on the side.

MS. KELLY: On the side?

MR. JORDAN: No, the rear of the property.

MEMBER HAWKINS: Isn't there a wooden deck that your neighbor has on the side of

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the property?

MR. JORDAN: There's a stair from their deck, I believe.

MS. KELLY: Looking at an old picture.

MEMBER HAWKINS: No, I took a picture today.

MS. KELLY: There was a wooden deck on the side when I rented the home in 2013 right after Sandy that was destroyed from Sandy.

CHAIRPERSON RHODEN: Your neighbor, it would be if you're facing your house, the left, has stairs I guess coming out from their.

MEMBER HAWKINS: Your neighbor at 251 Garfield.

MS. KELLY: There's no deck there. It's grass.

MR. JORDAN: The other thing is that we're --

MS. KELLY: May I? That's what happens when you get 30, you can't see. That's not my deck. That's my neighbor's

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deck.

CHAIRPERSON RHODEN: That's what we were asking you.

MS. KELLY: What's the question?

MEMBER HAWKINS: Does that extend to the rear?

MS. KELLY: My neighbors deck, yes. It wraps around to the other side. It comes off the kitchen and goes to the other side. I'm sorry, I misunderstood.

MEMBER HAWKINS: Thank you.

MR. JORDAN: We are a considerable distance from that property line at the point where the deck would be constructed. The front of the house is 11.9 feet. I don't have a specific measurement here, but looking at the scale, it's over 20 feet.

CHAIRPERSON RHODEN: We have no more questions. If you have anything else.

MR. JORDAN: Thank you very much.

MS. KELLY: Thank you. I appreciate it.

CHAIRPERSON RHODEN: Do we have anyone who would like to speak for or against

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this application?

THE SECRETARY: No, Madam Chair.

CHAIRPERSON RHODEN: At this moment, can I please have a motion to close to further evidence and testimony and reserve decision.

MEMBER MINEO: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Can I please have a motion go into executive session.

MS. UNGAR: Madam Chair, we have one decision, if you want to read, before going executive session.

CHAIRPERSON RHODEN: Okay. Perfect.

THE SECRETARY: Application 2024-8, 73 Smith Street, Residence A, Section 62, Block 76, Lot 27. Andre Reviero.

MEMBER MINEO: Chairman, regarding

1
2 Application 2024-8 for the premises located
3 at 73 Smith Street, Freeport, the applicant
4 comes before this Board seeking a variance
5 from the Village Ordinances 210-6A, 210-43,
6 210-41 seeking approval to maintain a 550
7 square foot garage, 126 square foot gazebo
8 105 foot addition on west side of premises.

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

11 A public hearing was held on July 18,
12 2024 wherein applicant Andre Reviero was
13 represented by Christina Bravin of Morano
14 Expediting. She explained that the applicant
15 had purchased the house in 2018 with all of
16 the items before the Board for review already
17 in existence, except for the gazebo. She
18 explained that the garage is a pre-existing
19 garage that she found a property record for
20 in Nassau County dating back to 1938. The
21 side addition was also existing when the
22 applicant purchased the house, and appears to
23 have been added in 1984. The applicant was
24 living in the home until an electrical fire
25 in November of 2023. She explained that the

1
2 applicant did not construct the gazebo
3 himself, and it is 3.3 feet from the side lot
4 line. She said that the gazebo could be
5 moved, if necessary.

6 She explained that when the house was
7 purchased in 2018 there was an apartment in
8 the garage which has been removed. The
9 requirement for a variance to extend the
10 pre-existing non-conformity of the house
11 refers to the addition to a two-family house.
12 Part of the house was already 2.8 feet from
13 the lot line. The addition is 4.8 feet from
14 the lot line, so it not as bas as the present
15 encroachment. That is why that was not
16 called out for a variance.

17 As to the variances required to
18 maintain the 550 square foot garage, when 500
19 feet is permitted, and the encroachments into
20 the required setback for the garage and the
21 extension of the non-conforming building by
22 means of the addition, the Board finds:

23 1. On balance, the benefit to the
24 applicant by the granting of this variance is
25 not outweighed by the detriment to the

1
2 health, safety and welfare of the
3 neighborhood or community if such variance
4 were to be granted. The Board has
5 determined:

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

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

15 c. That the requested area variance
16 is insubstantial.

17 d. That the proposed variance will
18 not have an adverse effect or impact on the
19 physical or environmental conditions in the
20 neighborhood or district, and

21 e. That the alleged difficulty was
22 not self-created. The Board finds the
23 testimony credible that the garage and
24 addition were pre-existing when the applicant
25 purchased the property.

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However, regarding the gazebo:

2. On balance, the benefit to the applicant by the granting of this variance is far 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 be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. The Board is not going to approve new structures too close to the property line that can be moved without too much difficulty.

b. That the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. The gazebo could be relocated to an appropriate distance from the property line.

c. That the requested area variance is substantial.

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2 d. That the proposed variance will
3 have an adverse effect or impact on the
4 physical or environmental conditions in the
5 neighborhood or district; and

6 e. That the alleged difficulty was
7 self-created.

8 Therefore, the Board hereby denies
9 the request for a side yard variance for the
10 gazebo.

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

15 I further move that this application
16 for variances for the oversized garage,
17 maintenance of the garage location, and the
18 extension of the non-conforming house by
19 means of the addition be subject to the
20 following conditions:

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

24 2. Applicant/Owner must obtain the
25 required permits from the Building

1
2 Department.

3 3. This application for variance is
4 being granted on the basis of the specific
5 use proposed. If anything in this
6 application is to change, the applicant must
7 return to the Board for further review.

8 MEMBER HAWKINS: Second.

9 THE SECRETARY: All in favor.

10 MEMBER HAWKINS: Aye.

11 MEMBER MINEO: Aye.

12 CHAIRPERSON RHODEN: Aye.

13 THE SECRETARY: Any opposed?

14 (No response was heard.)

15 CHAIRPERSON RHODEN: Can I please
16 have a motion to close the legislative
17 session.

18 MEMBER MINEO: So moved.

19 MEMBER HAWKINS: Second.

20 THE SECRETARY: All in favor.

21 MEMBER HAWKINS: Aye.

22 MEMBER MINEO: Aye.

23 CHAIRPERSON RHODEN: Aye.

24 THE SECRETARY: Any opposed?

25 (No response was heard.)

CHAIRPERSON RHODEN: Can I have a
motion to enter into executive session.

MEMBER HAWKINS: So moved.

MEMBER MINEO: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed.

(Time Ended: 7:31 p.m.)

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August 15, 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 16th day of August, 2024.


BETHANNE MENNONNA