

A scheduled meeting of the Zoning Board of Appeals of the Incorporated Village of Freeport was held on August 15, 2024 in the Municipal Building, Main Conference Room, 46 North Ocean Avenue, Freeport, NY at 6:00 P.M. with the following present:

Rosa Rhoden	Chairperson	
Jennifer Carey	Deputy Chairperson	Excused
Anthony Mineo	Member	
Ben Jackson	Member	Excused
Charles Hawkins	Member	
Drew Scopelitis	Alternate Member	Absent

The meeting was also attended by:

Jennifer Ungar	Deputy Village Attorney
Remy Watts	Secretary to the Zoning Board of Appeals

At 6:05 P.M. the Board convened in the Main Conference Room and Chairperson Rhoden led in the pledge of Allegiance.

Two (2) individuals were present in the audience.

At 6:06 P.M. motion was made by Member Hawkins, seconded by Member Mineo and carried to adjourn this portion of the Legislative Session to enter in Executive Session to consult with counsel.

The Clerk polled the Board as follows:

Deputy Chairperson Carey	Excused
Member Mineo	In Favor
Member Jackson	Excused
Member Hawkins	In Favor
Chairperson Rhoden	In Favor

At 6:35 P.M., motion was made by Member Mineo, seconded by Member Hawkins and carried to reconvene in Legislative Session.

The Clerk polled the Board as follows:

Deputy Chairperson Carey	Excused
Member Mineo	In Favor
Member Jackson	Excused
Member Hawkins	In Favor
Chairperson Rhoden	In Favor

At 6:36 P.M. Chairperson Rhoden convened in the Main Conference Room and led in the pledge of Allegiance. The Public Hearing was called to order for which a full stenographic record was taken.

Ten (10) individuals were present.

Motion was made by Member Hawkins, seconded by Member Mineo and carried to approve the July 18, 2024 minutes.

The Clerk polled the Board as follows:

Deputy Chairperson Carey	Excused
Member Mineo	In Favor
Member Jackson	Excused
Member Hawkins	In Favor
Chairperson Rhoden	In Favor

One (1) Affidavit of Publication and one (1) Affidavit of Posting, were marked into evidence as Board Exhibits.

There was no request for adjournment.

**Application #2024-9 – 147 Woodcleft Avenue, Marine Commerce – Section 62/ Block 177/ Lot 534 – Aaron Kadosh** – Propose 1-story side addition (224 sq. ft.), 1-story addition (169 sq. ft.), 2<sup>nd</sup> story terrace (930 sq. ft.), roof over deck (424 sq. ft.), and wood shades/ pergola (240 sq. ft.). *Variances: Village Ordinance §210-6A, §210-40 Required yards, §210-172 (4) Required parking spaces.*

One (1) Affidavit of Mailing was entered into the record as board exhibits. Robert Ramirez, the Architect, presented the application along with Aaron Kadosh, the property owner.

Motion was made by Member Hawkins, seconded by Member Mineo and carried to adjourn the public hearing at the Boards request, pending further information regarding parking.

The Clerk polled the Board as follows:

Deputy Chairperson Carey	Excused
Member Mineo	In Favor
Member Jackson	Excused
Member Hawkins	In Favor
Chairperson Rhoden	In Favor

**Application #2024-10 – 335 Miller Avenue, Residence A – Section 62/ Block 167/ Lot 183 – Hellen Duran** – Maintain 50’ of 6’ high and 102’ of 5’ high solid white PVC fence. *Variances: Village Ordinance §210-6A, §210-171D (2) Fences and Enclosures.*

One (1) Affidavit of Mailing was entered into the record as board exhibits. Hellen Duran, the homeowner presented the application.

Motion was made by Member Hawkins, seconded by Member Mineo and carried to close the public hearing for further evidence and testimony and reserve decision.

The Clerk polled the Board as follows:

Deputy Chairperson Carey	Excused
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Member Mineo	In Favor
Member Jackson	Excused
Member Hawkins	In Favor
Chairperson Rhoden	In Favor

**Application #2024-11 – 253 Garfield Street, Residence A – Section 62/ Block 091/ Lot 426 – Jeannie Kelly** – Construct second floor rear deck (438 sq. ft.). *Variances: Village Ordinance §210-6A, §210-43C (2) Required yards.*

One (1) Affidavit of Mailing was entered into the record as board exhibits. Russell Jordan, the Architect, presented the application along with Jeannie Kelly, the homeowner.

Motion was made by Member Mineo, seconded by Member Hawkins and carried to close the public hearing for further evidence and testimony and reserve decision.

The Clerk polled the Board as follows:

Deputy Chairperson Carey	Excused
Member Mineo	In Favor
Member Jackson	Excused
Member Hawkins	In Favor
Chairperson Rhoden	In Favor

DECISIONS:

**Application #2024-8 – 73 Smith Street, Residence A – Section 62/ Block 076/ Lot 27 – Andre Reviero** – Maintain 550 Sq. ft. Garage, 126 Sq. ft. Gazebo, 388 Sq. ft. Deck, Cellar entrance and framed overhangs on east side of the property. Propose 105 Sq. ft. addition on west side and repair fire damage. *Variances: Village Ordinance §210-6A, §210-43 required yards, §210-41 lot coverage; floor area ratio, §210-21 permissible extension of use.*

Member Anthony Mineo moved that this Board make the following findings of fact:

A public hearing was held on July 18, 2024 wherein applicant Andre Reviero was represented by Christina Bravin of Morano Expediting. She explained that the applicant had purchased the house in 2018 with all of the items before the Board for review already in existence, except for the gazebo. She explained that the garage is a pre-existing garage that she found a property record for in Nassau County dating back to 1938. The side addition was also existing when the applicant purchased the house, and appears to have been added in 1984. The applicant was living in the home until an electrical fire in November 2023. She explained that the applicant did construct the gazebo himself, and it is 3.3 feet from the side lot line. She said that the gazebo could be moved if necessary.

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

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

1. On balance, the benefit to the applicant by the granting of this variance is not outweighed by the detriment to the health, safety and welfare of the neighborhood or community if such variance were to be granted. The Board has determined:
  - a. that an undesirable change will not be produced in the character of the neighborhood and a detriment to nearby properties will not be created by the granting of the area variance;
  - b. that the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  - c. that the requested area variance is insubstantial;
  - d. that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - e. that the alleged difficulty was not self-created. The Board finds the testimony credible that the garage and addition were pre-existing when the applicant purchased the property.

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.
  - d. that the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - e. that the alleged difficulty was self-created.

Therefore, the Board hereby **DENIES** the request for a side yard variance for the gazebo.

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

It was further moved that this application for variances for the oversized garage, maintenance of the garage location, and the extension of the non-confirming house by means of the addition be granted subject to the following conditions:

- 1. Applicant/Owner must comply with all the Rules and Regulations of the Village of Freeport.
- 2. Applicant must obtain the required permits from the Building Department.
- 3. This application for variance(s) is being granted on the basis of the specific use proposed. If anything in this application is to change, the applicant must return to the Board for further review.

Second by Member: Charles Hawkins

The Clerk polled the Board as follows:

Deputy Chairperson Carey	Excused
Member Mineo	In Favor
Member Jackson	Excused
Member Hawkins	In Favor
Chairperson Rhoden	In Favor

At 7:35 P.M. motion was made by Member Hawkins, seconded by Member Mineo and carried to reconvene in Executive Session.

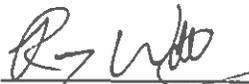
The Clerk polled the Board as follows:

Deputy Chairperson Carey	Excused
Member Mineo	In Favor
Member Jackson	Excused
Member Hawkins	In Favor
Chairperson Rhoden	In Favor

At 8:00 P.M. motion was made by Member Mineo, seconded by Member Hawkins and carried to close the meeting.

The Clerk polled the Board as follows:

Deputy Chairperson Carey	Excused
Member Mineo	In Favor
Member Jackson	Excused
Member Hawkins	In Favor
Chairperson Rhoden	In Favor



Remy M. Watts  
Secretary to the Zoning Board of Appeals