

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INCORPORATED VILLAGE OF FREEPORT
ZONING BOARD

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

January 16, 2025
6:30 p.m.

M E M B E R S :

ROSA RHODEN	CHAIRPERSON
ANTHONY J. MINEO	MEMBER
CHARLES HAWKINS	MEMBER

* * *

PAMELA A. WALSH-BOENING	VILLAGE CLERK
ROBERT McLAUGHLIN	DEPUTY VILLAGE COUNSEL
SCOTT BRAUN	BUILDING DEPARTMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

-----EXHIBITS-----

<u>BOARD'S FOR I.D.</u>	<u>PAGE</u>
1 Affidavit of Publication	4
2 Affidavit of Posting	4

APPLICATION 2024-25

<u>BOARD'S FOR I.D.</u>	<u>PAGE</u>
1 Affidavit of Mailing	6

* * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

APPLICATION#	ADDRESS	PAGE
2024-23	691 S. Bayview Avenue	5
2024-25	411 S. Ocean Avenue	6

* * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON RHODEN: Good evening,
everyone. If everyone would join us for the
Pledge of Allegiance.

(Pledge of Allegiance recited.)

CHAIRPERSON RHODEN: Can I please
have a motion to approve the minutes from the
last board meeting.

MEMBER HAWKINS: So moved.

MEMBER MINEO: Second.

THE CLERK: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE CLERK: Any opposed?

(No response was heard.)

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

THE CLERK: I have one Affidavit of
Publication and one Affidavit of Posting to
be entered as exhibits.

(WHEREUPON, the above-referred to
documents were marked as Board's Exhibits, in

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

evidence, as of this date.)

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

THE CLERK: We have one request for an adjournment for Application Number 2024-23, 691 South Bayview Avenue, Residence A, Section 62, Block 187, Lot 13. David Riemer. Construction of a new house, three-story house with attached garage, two front balconies, two rear decks, and maintain hot tub.

CHAIRPERSON RHODEN: If there's anyone here who is speaking for or --

MR. McLAUGHLIN: Madam Chair, before that, we have to have a motion to adjourn.

CHAIRPERSON RHODEN: Can I have a motion to adjourn that application?

MEMBER MINEO: So moved.

MEMBER HAWKINS: Second.

THE CLERK: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE CLERK: Any opposed?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(No response was heard.)

CHAIRPERSON RHODEN: If we have anyone here who is going to speak for an application or against an application from the audience, please fill out a form in the back and hand it to the clerk. Thank you.

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

THE CLERK: The first application Number 2024-25, 411 South Ocean Avenue, Residence A, Section 62, Block 170, Lot 10. Kimberly Smith. Maintain 648 square foot garage. Variances: Village Ordinance 210-6A, 210-41 lot coverage, floor area ratio.

I have one Affidavit of Mailing to be marked into evidence.

(WHEREUPON, the above-referred to document was marked as a Board's Exhibit, in evidence, as of this date.)

K I M B E R L Y S M I T H,
having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

MS. SMITH: Kimberly Clark Smith.
144 South Ocean Avenue, New York 11520.

CHAIRPERSON RHODEN: Good evening.

MS. SMITH: Hi.

CHAIRPERSON RHODEN: Hi. Do you want to tell us a little bit about the application?

MS. SMITH: I don't know. You have to ask me a specific question.

MR. McLAUGHLIN: Ma'am, it's your application. You have to make a presentation to the Board why you want the variance.

MS. SMITH: I own a home health care company with the State of New York, which is for medically fragile children with disabilities under the Medicaid Waiver Program. I put the garage there so that we can store the wheelchair, handicap equipment, and a car. That's really it.

CHAIRPERSON RHODEN: Okay. Do you know that you built something without a permit?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. SMITH: Yes. My husband used to work in contracting in Florida. We built it. We were not aware that we needed a permit for that. We were building it. We thought being a contractor we didn't have to have a permit to do it. That's how we ended up.

MR. McLAUGHLIN: You got a stop work order.

MS. SMITH: No, we did not get a stop -- we got a stop work order. I hired a company to take care of everything. He came down to the Building Department and he spoke with the Building Department, and they said the garage was already complete. It was complete at the time when they gave me the stop work order, except for the roofing and the siding, and they said to go ahead. The Building Department told All In One Construction to go ahead and put the roof on and the siding to maintain the integrity of the structure.

MEMBER MINEO: Is the plan at this premise to put in a driveway to access a car from the side of your house?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. SMITH: We don't need a driveway. My neighbor doesn't have a driveway; they have the same size garage as we do. They don't have a paved driveway to the back.

MR. McLAUGHLIN: Village Code requires that.

MEMBER MINEO: The Code does require that.

MS. SMITH: Then eventually we'll have to put one in, if we need it for the car.

MEMBER MINEO: Where is the gas service coming in for the house?

MS. SMITH: On the side of the house.

MEMBER MINEO: On the side you are planning on driving down the side of the house?

MS. SMITH: That's the driveway side of the house that has most -- that's where all of the room is.

MEMBER MINEO: The reason I ask that is because there is a potential for cars to strike the gas service, and that would be a danger and hazard. So, having said that,

1
2 that would require some bollards or some
3 protective devices in order to prevent
4 someone from crashing in or accidentally
5 crashing into the gas service on that side of
6 the house.

7 MS. SMITH: There's already an
8 overhang right there. If you crash into
9 anything, you're going to crash into that
10 overhang. All the gas pipes are underneath
11 that. They have the AC and everything,
12 because of the elevation. They built a
13 platform that sticks out about three feet.
14 And when the car drives back to the back of
15 the house, there's about five feet on the
16 side of the car.

17 MR. McLAUGHLIN: So, presently cars
18 drive in the back of the house?

19 MS. SMITH: I mean, even when the
20 garage wasn't there, I pull the car into the
21 back of the house -- the back of the
22 property.

23 MR. McLAUGHLIN: The reason I'm
24 asking is, I'll let you know, Village Code
25 doesn't allow soft surface parking. And the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Village Code requires a permit for you to build a driveway. I'm just letting you know that.

MS. SMITH: Okay. I mean, my neighbor behind me has 11 cars in her backyard. My neighborhood on the other side has 13 cars on their front lawn as well.

MR. McLAUGHLIN: We'll make sure the Building Department addresses that. I'm just letting you know. You can choose to ignore what I'm saying.

MS. SMITH: I'm not ignoring you.

MR. McLAUGHLIN: This originally got built without a permit. I don't want to have a situation where you are back before us again. Another thing I want to advise you of that soft surface parking in the rear back there does require a permit.

You can take the information and do whatever you want with the information.

MS. SMITH: I'm just looking at our surrounding areas and what my neighbors are doing. I'm like wow.

MR. McLAUGHLIN: That's probably not

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

the right thing to do. We'll have the Building Department address that.

MEMBER HAWKINS: Just to clarify, you're not building a second floor in there?

MS. SMITH: God no. God no. I'm not building a second floor and I'm not renting it. I don't want electricity in it. The last thing I need is somebody living in my backyard. I'm too old. I'm 55. I don't need that problem. I have a business. I really need to be able to store this stuff because, like I said, we work with medically fragile children, and I deliver a lot of equipment to and from children's homes. We built it to stock certain things. I need a place to put most that. That's what we have been using it for, a lot of storage.

MEMBER HAWKINS: There's multiple rooms in there?

MS. SMITH: There's a door, pull-up door, and there's two doors because we didn't have electricity. We have two doors on the side so we have light. We just go in and out with the equipment. We have lawn furniture

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

in there right now. That's it.

MEMBER MINEO: Do you know what the height is to the peak of the roof?

MS. SMITH: It should be on the -- my neighbor's garage right behind me is seven feet from that garage, and their roof is two feet higher than that one.

MEMBER HAWKINS: Can you see this picture? This picture here, the building behind your structure, that's your neighbor's garage?

MS. SMITH: It's taller than that one.

CHAIRPERSON RHODEN: You're able to store on the top of your garage as well?

MS. SMITH: On the top of the garage there is an area which you could go up, but you can't stand. So, it's about maybe -- if I was to stand up, it would be about four feet. You can really only push things in. We have Christmas trees in there, Christmas decorations. You can only push things in there. That's it.

CHAIRPERSON RHODEN: I don't have any

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

other questions.

MR. McLAUGHLIN: I'm good.

CHAIRPERSON RHODEN: We don't have any additional questions for you. Thank you very much. You can have a seat. We're going to -- you can have a seat.

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

THE CLERK: I have no slips.

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

MEMBER HAWKINS: So moved.

MEMBER MINEO: Second.

THE CLERK: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE CLERK: Any opposed?

(No response was heard.)

MR. McLAUGHLIN: Ma'am, what is going to happen is, you will end up getting a decision by mail. You don't have to stay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The decision is not going to be tonight.

MS. SMITH: Thank you very much.
Have a good night.

CHAIRPERSON RHODEN: Hi. Good evening. Are you here for an application this evening?

THE AUDIENCE: There was a matter on the reserved calendar from last month's hearing: 101 Albany.

MR. McLAUGHLIN: I don't know if the Board is going to be making a decision tonight. You'll get the decision by mail.

THE AUDIENCE: I thought we had to be here. It's good seeing you.

CHAIRPERSON RHODEN: Good seeing you. Thank you for coming.

THE AUDIENCE: Any idea approximately how long?

MR. McLAUGHLIN: Off the record.

(WHEREUPON, a discussion was held off the record, after which the following transpired:)

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

please?

MEMBER MINEO: So moved.

MEMBER HAWKINS: Second.

THE CLERK: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE CLERK: Any opposed?

(No response was heard.)

(WHEREUPON, the Board entered into executive session from 6:46 p.m. to 6:50 p.m., after which the following transpired:)

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

MEMBER HAWKINS: So moved.

MEMBER MINEO: Second.

THE CLERK: All in favor.

MEMBER HAWKINS: Aye.

MEMBER MINEO: Aye.

CHAIRPERSON RHODEN: Aye.

THE CLERK: Any opposed?

(Time Ended: 6:50 p.m.)

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 20th day of January, 2025.


BETHANNE MENNONNA