

A scheduled meeting of the Zoning Board of Appeals of the Incorporated Village of Freeport was held February 20, 2025 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	
Anthony Mineo	Member	
Ben Jackson	Member	
Charles Hawkins	Member	Excused
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 6:08 P.M., the Board convened in the Main Conference Room and Chairperson Rhoden led in the pledge of Allegiance.

One (1) individual was present in the audience.

At 6:09 P.M., motion was made by Member Mineo, seconded by Member Jackson 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	Absent
Member Mineo	In Favor
Member Jackson	In Favor
Member Hawkins	Excused
Chairperson Rhoden	In Favor

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

The Clerk polled the Board as follows:

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

At 6:37 Member Jackson asked to be excused.

At 6:38 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.

Four (4) individuals were present.

Motion was made by Deputy Chair Carey, seconded by Member Mineo and carried to approve the January 16, 2025 minutes.

The Clerk polled the Board as follows:

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

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

There were one request for adjournment.

Motion was made by Deputy Chair Carey, seconded by Member Mineo and carried to adjourn Application #2024-23 – 691 S. Bayview Avenue, Residence A – Section 62/ Block 187/ Lot 13 – David Riemer – Construct new (4,829.71 SF) 3-story house with attached garage, 2 front balconies (42.6 SF each), 2 rear decks (188.94 SF & 189.09 SF) and maintain hot tub. *Variances: Village Ordinance §210-6A, §210-39A Building height; sky exposure plane, §210-40 Lot area; street frontage; lot width, §210-41 Lot coverage; floor area ratio, §210-43A (1&2), C (2) required yards.*

The Clerk polled the Board as follows:

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

Application #2024-9 – 147 Woodcleft Avenue, Marine Commerce – Section 62/ Block 177/ Lot 534 – Aaron Kadosh – Propose 1-story north side addition (224 sq. ft.), 1-story south side addition (169 sq. ft.), roof over rear and side deck totaling (424 sq. ft.), and new pergola (240 sq. ft.). *Variances: Village Ordinance §210-6A, §210-240 Required yards* was called whereupon the owner, Aaron Kadosh, was present.

One (1) Affidavit of Mailing was entered into the record as board exhibit.

Aaron Kadosh, presented the application.

Motion was made by Member Mineo, seconded by Deputy Chair Carey and carried to reserve decision and to close to further evidence and testimony.

The Clerk polled the Board as follows:

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

DECISIONS:

Application #2024-17 – 101 Albany Avenue, Manufacturing – Section 62/ Block E/ Lot 111-115 – 101 Albany LLC – Legalize 2nd Floor Offices. *Variances: Village Ordinance §210-6A, §210-172A (9) Required parking spaces.*

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

A public hearing was held on November 21, 2024 wherein applicant was represented by attorney Albert D’Agostino. He began with a clarification that the original zoning application was filed on behalf of Bramson House Inc, who he believed was the owner of the property. The owner of the property is 101 Albany LLC, and that is who he is representing in the hearing. The property is known as 101 Albany Avenue.

The subject property contains a building with a mezzanine, which was installed by the tenant. Cars and car parts are stored in the building. The mezzanine is used partly for storage of car parts and partly for office space. Mr. D’Agostino stated that cars are moved across the street to the other location (126 Albany Avenue), “which we do not own and which we have no involvement with other than the fact that their tenants also operate the business here.” A check of the properties shows that 126 Albany Avenue is owned by 126 Albany Ave LLC, and their tax bills get mailed to 151 Albany Avenue. 101 Albany Avenue is owned by 101 Albany Avenue, and their tax bills get mailed to 151 Albany Avenue. Both properties were purchased on September 16, 2020 under the same title number, and the two deeds were returned to the same attorney after being recorded. Both companies have the same registered agent for service of process according to New York State. There appears to be a connection between the two properties.

In its current configuration, 101 Albany Avenue requires 24 parking spaces and 13 are provided. Mr. D’Agostino introduced Ethan Schukoske of Atlantic Traffic and Design to present a parking study. He explained that the mezzanine is presently there, so no new construction is being done. The application is to legalize what is currently there. He said that when they were on site, the present maximum parking demand is 5 parked vehicles. There are a couple of workers in the office space of the mezzanine. He believes that there is more than sufficient parking present at the space.

Customers do not park at 101 Albany. The main location of the business is 126 Albany Avenue where they do the vehicle repairs. Mr. Schukoske explained that it is the same tenant at 101 Albany and 126 Albany Avenue, but a different owner across the street. He explained that there are no damaged cars of theirs parked either outside the property or on the street side. All of the damaged cars were being worked on across the street or stored within their building.

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 may be considered self-created, but this factor is not dispositive.
2. The Board, as lead agency, has determined that this action is an unlisted action under SEQRA. A short environmental assessment form has been completed by the applicant and this Board. The Board finds no environmental impact under SEQRA, issues a negative declaration, and no further review is required.

It was further moved that this application be granted subject to the following conditions:

1. Applicant/Owner must comply with all the Rules and Regulations of the Village of Freeport.
2. Applicant must obtain the required permits from the Building Department.
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.
4. This application is being granted subject to the specific use outlined in this decision and explained during the hearing. This building is not being used for the running of a separate business. This building is being used for storage associated with the car repair shop across the street at 126 Albany Avenue, as well as incidental office use in conjunction with the car repair shop across the street. As such, there is no separate parking demand being created by the use of this building. Applicant has presented a parking study which shows that the 13 spaces provided meet the current demand of the property. However, should this building ever be used as anything more than storage for the business use across the street, no showing has been made that the parking currently provided is adequate. Therefore, the variance would be rescinded, and the

owner of the property would be required to return to the zoning board for further review.

Second by: Jennifer Carey

The Clerk polled the Board:

Deputy Carey	In Favor
Member Mineo	In Favor
Member Jackson	Excused
Member Hawkins	Excused
Alternate Scopelitis	Absent
Chairperson Rhoden	In Favor

Application #2024-24 – 226 Atlantic Avenue, Residence AA – Section 62/ Block 119/ Lot 220 – Azin Tarifard – Erect 7’1” high x 5’ wide ground sign. *Variances: Village Ordinance §210-6A, §210-212 Ground Signs.*

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

A public hearing was held on December 12, 2024 wherein applicant Azin Tarifard’s husband, Shahrouz Torabi, spoke on her behalf. He explained that his wife is a pediatric dentist with an office on Atlantic Avenue. The address is in a Residence AA zone. The sign that is permitted to be posted is only 4 square feet, but she is looking to have a larger sign to attract people passing on Atlantic Avenue. The code permits a height of six feet, and she is requesting 7 foot 1 inch. The width of the sign is 5 feet by 3 feet 9 inches, a total of 18.75 square feet. Mr. Torabi explained that there are other signs that are similar. He is unsure of the exact size, but knows that they are over 4 square feet in size. He said that he believes they could bring the sign to 6 feet, if 7 feet is a problem. He wants to keep the size of the sign the same because he is concerned about space for the relevant issue if the size is smaller, but he can decrease the pole height.

3. 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. Applicant provided photos of other signs that appear to be of similar size to that being proposed. The Board takes note that while this property is in a Residence AA zone, it abuts the parking lot for Atlantic Nursery’s parking lot, also in the Residence AA zone. It notes that the ground sign for Atlantic Nursery is considerably larger and taller than that being proposed here.
 - 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 may be considered self-created, but this factor is not dispositive.
4. The Board, as lead agency, has determined that this action is an unlisted action under SEQRA. A short environmental assessment form has been completed by the applicant and this Board. The Board finds no environmental impact under SEQRA, issues a negative declaration, and no further review is required.

It was further moved that this application be granted subject to the following conditions:

- 5. Applicant/Owner must comply with all the Rules and Regulations of the Village of Freeport.
- 6. Applicant must obtain the required permits from the Building Department.
- 7. 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: Jennifer Carey

The Clerk polled the Board:

Deputy Carey	In Favor
Member Mineo	In Favor
Member Jackson	Excused
Member Hawkins	Excused
Alternate Scopelitis	Absent
Chairperson Rhoden	In Favor

At 7:04 P.M., motion was made by Deputy Chair Carey, 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:

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

At 7:17 P.M., motion was made by Member Mineo, seconded by Deputy Chair Carey and carried to close the meeting.

The Clerk polled the Board:

Deputy Carey
Member Mineo
Member Jackson
Member Hawkins
Chairperson Rhoden

In Favor
In Favor
Excused
Excused
In Favor



Remy M. Watts

Secretary to the Zoning Board of Appeals