

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

March 20, 2025  
6:30 p.m.

M E M B E R S:

- |                  |             |
|------------------|-------------|
| ROSA RHODEN      | CHAIRPERSON |
| BEN JACKSON      | MEMBER      |
| ANTHONY J. MINEO | MEMBER      |

\* \* \*

- |                |                         |
|----------------|-------------------------|
| REMY WATTS     | SECRETARY               |
| JENNIFER UNGAR | DEPUTY VILLAGE ATTORNEY |

1  
2 CHAIRPERSON RHODEN: Good evening,  
3 everyone. I'd like to open up the Zoning  
4 Board of Appeals meeting for March 20th. If  
5 everyone could please join me for the Pledge  
6 of Allegiance.

7 (Pledge of Allegiance recited.)

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

11 MEMBER JACKSON: So moved.

12 MEMBER MINEO: Second.

13 THE SECRETARY: All in favor.

14 MEMBER MINEO: Aye.

15 MEMBER JACKSON: Aye.

16 CHAIRPERSON RHODEN: Aye.

17 THE SECRETARY: Any opposed?

18 (No response was heard.)

19 CHAIRPERSON RHODEN: Do we have any  
20 decisions that need to be read into tonight's  
21 calendar please?

22 THE SECRETARY: Yes, Madam Chair.  
23 Application 2024-25, 411 South Ocean Avenue,  
24 Residence A, Section 62, Block 170, Lot 10  
25 for Kimberly Smith.

MEMBER MINEO: Madam Chair, regarding Application 2024-25 for the premises located at 411 South Ocean Avenue, the applicant comes before this Board seeking a variance from Village Ordinances 210-6A, 210-41, seeking approval to maintain a 648 square foot garage.

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

A public hearing was held on January 16, 2025 wherein applicant, Kimberly Clark Smith, spoke on behalf of her application. She explained that she owns a home health care company with the State of New York, which is for medically fragile children with disabilities under the Medicaid Waiver Program. She put the garage there to store wheelchairs, handicap equipment and a car. She explained that the garage was built without a permit because her husband worked in contracting in Florida, and they didn't think contractors needed to get permits.

She was issued a stop work order by the Building Department in May 2024. She

1 testified that the Building Department told  
2 her that because of the framing of the garage  
3 was complete she was told to do the roofing  
4 and siding. There are no notes from the  
5 inspector who issued the stop work order that  
6 permission was given to move forward. She  
7 was subsequently issued a summons for  
8 violating the stop work order. She said she  
9 had no plans to put in a driveway to access  
10 the garage. She was also unconcerned about  
11 her ability to get a car into the garage,  
12 although her house is only about 11 feet six  
13 inches from her property line, with a  
14 platform for an air conditioner that juts out  
15 into that space. She testified that the  
16 platform sticks out three feet, and that when  
17 the car drives past there is about five feet  
18 on the side of her car.

19  
20 1. On balance, the benefit to the  
21 applicant by the granting of this variance is  
22 far outweighed by the detriment to the  
23 health, safety and welfare of the  
24 neighborhood or community, if such variance  
25 were to be granted. The Board has

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

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. This is an oversized detached garage present on a property that already contains an attached garage.

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. Applicant can build a size compliant garage. The Board heard no testimony that a garage of this size was needed for applicant's purposes. The Board only heard that a car, a wheelchair, some handicap equipment, and some lawn furniture are stored there.

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

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

e. That the alleged difficulty was self-created. Applicant admitted that she and her husband built the garage without the benefit of a permit because her husband used to work on contracting in Florida and did not think contractors needed to have permits.

I further move that this application be denied based on the foregoing findings.

MEMBER JACKSON: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: Application 2024-17, 101 Albany Avenue, Section 62 Block E, Lots 111-115, 101 Albany, LLC.

MEMBER MINEO: Madam Chair, regarding Application 2024-17 for the premises located at 101 Albany Avenue, Freeport, the applicant comes before this Board seeking variances from Village Ordinances 210-6A, 210-172A9

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

seeking approval to legalize second floor offices.

I, Anthony Mineo, move 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 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, 124 Albany Avenue, 62-D-155, "which we do not own and which we

1  
2 have no involvement with, other than the fact  
3 that their tenants also operate the business  
4 here."

5 In its current configuration, 101  
6 Albany Avenue requires 24 parking spaces and  
7 13 are provided. Mr. D'Agostino introduced  
8 Ethan Schukoske of Atlantic Traffic and  
9 Design to present a parking study. He  
10 explained that the mezzanine is presently  
11 there, so no new construction is being done.  
12 The application is to legalize what is  
13 currently there. He said that when they were  
14 on site, the present maximum parking demand  
15 is five parked vehicles. There are a couple  
16 of workers in the office space of the  
17 mezzanine. He believes that there is more  
18 than sufficient parking present at the space.

19 Customers do not park at 101 Albany.  
20 The main location of the business is 124  
21 Albany Avenue where they do the vehicle  
22 repairs. Mr. Schukoske explained that it is  
23 the same tenant at 101 Albany and 124 Albany  
24 but a different owner across the street. He  
25 explained that there are no damaged cars of

1  
2 theirs parked either outside the property or  
3 on the street side. All of the damaged cars  
4 were being worked on across the street or  
5 stored within their building.

6 1. On balance, the benefit to the  
7 applicant by the granting of this variance is  
8 not outweighed by the detriment to the  
9 health, safety and welfare of the  
10 neighborhood or community, if such variance  
11 were to be granted. The Board has determined:

12 a. That an undesirable change will  
13 not be produced in the character of the  
14 neighborhood and a detriment to nearby  
15 properties will not be created by the  
16 granting of the area variance.

17 b. That the benefit sought by the  
18 applicant cannot be achieved by some method,  
19 feasible for the applicant to pursue, other  
20 than an area variance.

21 c. That the requested area variance  
22 is insubstantial.

23 d. That the proposed variance will  
24 not have an adverse effect or impact on the  
25 physical or environmental conditions in the

1 neighborhood or district, and

2  
3 e. That the alleged difficulty may  
4 be considered self-created, but this factor  
5 is not dispositive.

6 2. The Board, as lead agency, has  
7 determined that this action is an unlisted  
8 action under SEQRA. A short environmental  
9 assessment form has been completed by the  
10 applicant and this Board. The Board finds no  
11 environmental impact under SEQRA, issues a  
12 negative declaration, and no further review  
13 is required.

14 I further move that this application  
15 be granted subject to the following  
16 conditions:

17 Applicant/owner must comply with all  
18 the Rules and Regulations of the Village of  
19 Freeport.

20 Applicant/Owner must obtain the  
21 required permits from the Building  
22 Department.

23 This application for variance is  
24 being granted on the basis of the specific  
25 use proposed. If anything in this

1  
2 application is to change, the applicant must  
3 return to the Board for further review.

4 This application is being granted  
5 subject to the specific use outlined in this  
6 decision and explained during the hearing.  
7 This building is not being used for the  
8 running of a separate business. The building  
9 is being used for storage associated with the  
10 car repair stop across the street at 124  
11 Albany Avenue, as well as incidental office  
12 use in conjunction with the car repair shop  
13 across the street. As such, there is no  
14 separate parking demand being created by the  
15 use of this building. Applicant has  
16 presented a parking study which shows that  
17 the 13 spaces provided meet the current  
18 demand of the property. However, should this  
19 building ever be used as anything more than  
20 storage for the business use across the  
21 street, no showing has been made that the  
22 parking currently provided is adequate.  
23 Therefore, the variance would be rescinded  
24 and the owner of the property would be  
25 required to return to the Zoning Board for

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

further review.

MEMBER JACKSON: I second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

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

MEMBER JACKSON: So moved.

MEMBER MINEO: Second.

THE SECRETARY: All in favor.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(Time Ended: 6:39 p.m.)

\* \* \*

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

March 20, 2025

13

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 25th day of March, 2025.

*BethAnne Mennonna*  
\_\_\_\_\_  
BETHANNE MENNONNA