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INCORPORATED VILLAGE OF FREEPORT  
ZONING BOARD

MUNICIPAL BUILDING  
46 North Ocean Avenue  
Freeport, NY 11520

April 17, 2025  
6:43 p.m.

M E M B E R S:

- |                   |              |
|-------------------|--------------|
| ROSA RHODEN       | CHAIRPERSON  |
| JENNIFER L. CAREY | DEPUTY CHAIR |
| BEN JACKSON       | MEMBER       |
| CHARLES HAWKINS   | MEMBER       |

\* \* \*

- |                  |                         |
|------------------|-------------------------|
| SAMANTHA SCALLEY | SECRETARY               |
| LISA DEBOURG     | DEPUTY VILLAGE CLERK    |
| JENNIFER UNGAR   | DEPUTY VILLAGE ATTORNEY |

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April 17, 2025

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-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

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2 Affidavit of Posting 5

APPLICATION 2024-23

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\* \* \*

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April 17, 2025

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

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\* \* \*

1  
2 CHAIRPERSON RHODEN: Good evening,  
3 everyone. I'd like to open the Zoning Board  
4 of Appeals meeting for April 17th. If  
5 everyone could please once again join me for  
6 the Pledge 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 HAWKINS: Second.

13 THE SECRETARY: All in favor.

14 MEMBER HAWKINS: Aye.

15 MEMBER JACKSON: Aye.

16 DEPUTY CHAIR CAREY: Aye.

17 CHAIRPERSON RHODEN: Aye.

18 THE SECRETARY: Any opposed?

19 (No response was heard.)

20 CHAIRPERSON RHODEN: Do we have any  
21 Affidavits of Publication or Posting that  
22 need to be entered into the record as  
23 exhibits?

24 THE SECRETARY: I have one Affidavit  
25 of Publication and one Affidavit of Posting

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to be entered into the record as Board exhibits for this public hearing.

(WHEREUPON, the above-referred to documents were marked as Board's Exhibits 1 & 2, for identification, as of this date.)

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

THE SECRETARY: Yes. We have four adjournments for this evening:

Application 2025-1, 157 Gordon Place, Residence A, Section 62, Block 92, Lot 400. Patricia O'Keefe. Code compliance for apportionment to create a new buildable lot A, 40 feet by 100 feet, 4,000 square feet. Variances: Village Ordinance 210-6A, 210-40 lot area, street frontage, lot width.

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

MS. UNGAR: We're not entering that exhibit. We're not opening the public hearing. It will be held for the next meeting.

THE SECRETARY: Okay.

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MS. UNGAR: Do we have a motion for the adjournment?

MEMBER JACKSON: So moved.

DEPUTY CHAIR CAREY: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE AUDIENCE: Could we ask a question? What does that mean exactly? We're just not discussing it tonight?

MS. UNGAR: Presumably it will be rescheduled for next month. There were additional variances that needed to get added to the denial letter; more reasons that it doesn't comply with the code. That has to be added, so the Board has to full scope of everything before it.

If you are interested, I urge you to come back next month. Pay attention to the mail, pay attention to the Robo call. I urge

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you, if you are interested, to come back next month.

THE AUDIENCE: How do we get that information that you just said? Where do I find that information?

MS. UNGAR: The application is posted on the Village website.

THE AUDIENCE: Where?

MS. UNGAR: Under the calendar. Go to the calendar.

THE AUDIENCE: I did. No details were on the proposal.

THE CLERK: It's on the website. You can go to the Village Clerk and you can review the calendar.

THE SECRETARY: Next is Application 2025-2, 157 Gordon Place, Residence A, Section 62, Block 92, Lot 400. Patricia O'Keefe. Code compliance for apportionment to create a new buildable lot B, 40 feet by 100 feet, 4,000 square feet. Variances: Village Ordinance 210-6A, 210-40 lot area, street frontage, lot width.

Can I get a motion?

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MEMBER JACKSON: So moved.

DEPUTY CHAIR CAREY: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: Application 2025-3,  
40 E. Seaman Avenue, Residence A, Section 55,  
Block 255, Lot 20. Patricia Arias. Maintain  
cellar entrance. Variances: Village  
Ordinance 210-6A, 210-43A(3) required yards.

Can I get a motion?

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

1  
2 THE SECRETARY: Application 2024-20,  
3 19 Suffolk Street, Marine Commerce, Section  
4 62, Block 176, Lots 325, 326, 327, 328, 329.  
5 BGC Properties, Inc. Construct addition to  
6 existing building and change use to Residence  
7 Apartment for 24-Unit, four-story apartment  
8 building, 22,511.06 square feet. Variances:  
9 Village Ordinance 210-6A, 210-238B prohibited  
10 uses, 210-47A building height, 210-48 lot  
11 area, apartments, 210-49BCD lot coverage,  
12 210-51ABC required yards, 210-52 parking  
13 space for apartment building, 210-54 front  
14 yards of apartment building.

15 Can I get a motion.

16 DEPUTY CHAIR CAREY: I'll make a  
17 motion.

18 MEMBER HAWKINS: Second.

19 THE SECRETARY: All in favor.

20 MEMBER HAWKINS: Aye.

21 MEMBER JACKSON: I'll recuse from  
22 this vote.

23 DEPUTY CHAIR CAREY: Aye.

24 CHAIRPERSON RHODEN: Aye.

25 THE SECRETARY: Any opposed?

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THE AUDIENCE: Question. I received notice. I could not find the address, 19 Suffolk Street.

MS. UNGAR: Excuse me?

THE AUDIENCE: I could not find that address, 19 Suffolk Street. No building, no lots, all Suffolk Street, from Woodcleft Avenue to South Long Beach Avenue.

MS. UNGAR: You are welcome to reach out to the Building Department for a location. Okay?

THE AUDIENCE: May I say something?

MS. UNGAR: We're not having a hearing tonight. The hearing is adjourned for tonight.

CHAIRPERSON RHODEN: That application is not being heard tonight.

THE AUDIENCE: When will it be heard?

CHAIRPERSON RHODEN: You will be notified. Look on the website, as the Clerk addressed.

MS. UNGAR: The same way you found out about it this time.

THE AUDIENCE: I didn't know it was

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adjourned.

CHAIRPERSON RHODEN: Okay.

DEPUTY CHAIR CAREY: Thank you.

CHAIRPERSON RHODEN: We don't want you to wait because we're listening to that application.

THE AUDIENCE: Thank you.

CHAIRPERSON RHODEN: Sorry you just found out. We just found out when we get here as well.

THE AUDIENCE: Thank you letting me know that.

CHAIRPERSON RHODEN: No problem. Thank you.

If there is anyone here who is going to be speak for or against an application this evening, please complete a form that is on that table in the back and then hand it to the clerk. Not if you're the applicant. Only if you're speaking for or against the application.

Can we call the next application on tonight's calendar please?

THE SECRETARY: Application 2024-23,

1  
2 691 South Bayview Avenue, Residence A,  
3 Section 62, Block 187, Lot 13. David Riemer.  
4 Construct new 3,743 square foot three-story  
5 house with attached garage, one rear deck 180  
6 square feet, one rear balcony 52.5 square  
7 feet, and maintain hot tub. Variances:  
8 Village Ordinance 210-6A, 210-39A building  
9 height, sky exposure plane, 210-40 lot area,  
10 street frontage, lot width, 210-41 lot  
11 coverage, floor area ratio, 210-43A (1&2),  
12 C(2) required yards.

13 I have three Affidavits of Mailing to  
14 be entered into the record as Board's  
15 Exhibits for this application.

16 (WHEREUPON, the above-referred to  
17 documents were marked as Board's Exhibits 1,  
18 2, 3, in evidence, as of this date.)

19 (WHEREUPON, the above-referred to  
20 documents were marked as Applicant's Exhibits  
21 A through U, for identification, as of this  
22 date.)

23 MR. CHIMERI: Good evening. For the  
24 record, my name is William Chimeri, the  
25 attorney for the applicant. I have my office

1  
2 here in Freeport, I have been her for 44  
3 years now. I have Mr. Riemer here today, we  
4 have our architects, Steve Christiansen and  
5 George Monasterio available to answer any  
6 questions regarding the minutia of the  
7 application, once I have completed my  
8 presentation.

9 As I usually do, I have premarked 21  
10 exhibits. I asked the clerk to mark them.  
11 Graciously, she did so. I like to, to save  
12 time, submit them as a package, they have  
13 been deemed in evidence, so you can refer to  
14 them during my presentation.

15 CHAIRPERSON RHODEN: Was this handed  
16 to the clerk?

17 MEMBER JACKSON: They're marked.

18 MR. CHIMERI: The first four  
19 exhibits: Exhibit A, which is the  
20 Petitioner's deed; Exhibit B is the denial  
21 letter dated February 27, 2025; Exhibit C is  
22 the Nassau County Land and Tax Map of the  
23 subject premises; Exhibit D is the Negative  
24 Declaration, dated February 27, 2025; and  
25 then exhibits E through U are copies of

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Nassau County land records for the surrounding properties.

As you know, we're before the Board tonight seeking a variance for the residence at 691 South Bayview Avenue. Mr. Riemer has owned the property since 2014, has lived there and intends to live there if this variance is granted. This is a waterfront parcel on South Bayview. It's an irregularly shaped parcel, 3,995 square feet, approximately.

This application appeared before you last December, and the Board had reservations regarding the extent of the variances that were being sought. So, my client went back to the drawing board with his architects and resubmitted plans that substantially lowered the variances being requested to keep it in line with the character of the neighborhood.

Since a single family use we're seeking is a permitted for area variance, as the Board is well aware, there are five factors have we to address, and I'd like to address each of them to you in order,

1  
2 pursuant to Village Law Section 7-712B(3).

3 The first factor is, I quote, "Where  
4 an undesirable change is produced in the  
5 character of the neighborhood or detriment to  
6 nearby properties will be created by the  
7 granting of the area variance."

8 I will submit that this proposal fits  
9 in very well with the neighborhood. I'm  
10 going to go through the adjoining properties.  
11 By my count, there 17 waterfront homes on  
12 South Bayview Avenue in Freeport. I looked  
13 at the county records all 17 of those  
14 properties, including the subject, and found  
15 that all 17 are substandard in one or more  
16 ways with respect to the current code of the  
17 Village of Freeport.

18 The property directly to the south is  
19 699 South Bayview. That property's  
20 information is Exhibit C -- actually, it's  
21 Exhibit E, I'm sorry, in the package. That  
22 property has insufficient front yard setback,  
23 insufficient total lot size, lot coverage and  
24 FAR. It also has insufficient sky plane  
25 directly to the south of our subject

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property.

The property directly across the street from the subject is 698 South Bayview. That property has insufficient total lot size and is smaller than the subject with a lot coverage of 35 percent, FAR of 74.7, and insufficient sky plane. That information is also in the package.

The house directly to the north of the subject on the same side of the street, 689 South Bayview, that property has insufficient total square footage, insufficient lot depth.

686 South Bayview, across the street, the one to the north of the subject, has insufficient front yard setback, insufficient lot depth, and insufficient sky plane.

The next house is 680 South Bayview. That property has insufficient lot size, insufficient lot depth, insufficient front yard setback, insufficient side yard setback, insufficient sky plane and FAR of 55.85.

Next house in to the north is 670 South Bayview. That property has

1  
2 insufficient front yard setback, insufficient  
3 lot depth, has a FAR of 51.15 percent.

4 Next house is 660 South Bayview.  
5 That house has insufficient front yard,  
6 insufficient lot depth.

7 Moving across the street, the next  
8 house is 700 South Bayview, two doors down  
9 from the subject. That property has  
10 insufficient front yard setback, insufficient  
11 lot size, insufficient FAR of 61.98, and  
12 insufficient sky plane.

13 Two houses south of the subject, the  
14 same side of the street, 707 South Bayview,  
15 that house has insufficient front and rear  
16 yard setback, insufficient side yard setback,  
17 insufficient street frontage, a FAR of 54  
18 percent, and insufficient sky plane.

19 One house further south, 711 South  
20 Bayview, has insufficient front yard setback,  
21 insufficient sky plane.

22 Next is 715 South Bayview. That  
23 house has insufficient front yard setback,  
24 insufficient rear yard setback.

25 Back across the street, three houses

1  
2 down from the subject, 720 South Bayview,  
3 that house has insufficient front yard  
4 setback, insufficient rear yard setback,  
5 insufficient total lot square footage,  
6 insufficient sky plane, lot coverage 45  
7 percent, and a FAR of 61.89.

8 Next, across the street four houses  
9 down is 724 South Bayview has an insufficient  
10 front yard, rear yard, sky plane, and a FAR  
11 of 61.19.

12 Heading further south in the  
13 cud-de-sax, 728 South Bayview has  
14 insufficient street frontage and insufficient  
15 rear yard setback.

16 732 South Bayview has insufficient  
17 street frontage.

18 736 South Bayview has insufficient  
19 street frontage and sky plane.

20 And finally we have 740 South  
21 Bayview. That property has insufficient  
22 setback from the water on the east side,  
23 insufficient sky plane.

24 So, the surrounding 16 properties,  
25 which are all waterfront properties,

1  
2 similarly situated to the applicant, seven  
3 have a FAR that exceeds the code, five of a  
4 FAR that exceeds percentage that we are  
5 seeking a variance for tonight.

6 Every surrounding waterfront property  
7 is nonconforming in one way or another. I  
8 submit that the granting of the are variance  
9 would not necessarily change the  
10 neighborhood. In fact, it would fit right in  
11 with the neighborhood, which is very  
12 eclectic, as it needs to be because many  
13 properties didn't have the 50 feet from the  
14 inception of the code. Just to mention, a  
15 lot of these houses were built more recently  
16 in: 2006, 2020, 1989, 1990, 2001, 2003,  
17 2003, 2001. So, they're not antique houses  
18 by any stretch of the imagine. Some have  
19 been renovated and raised since the Sandy  
20 storm.

21 Also, just as a matter of  
22 measurements, we which have our architects  
23 available to discuss later on, on this first  
24 criteria. The way that we're calculating the  
25 conditioned space, I think there might be

1  
2 some confusion. Our position would be the  
3 first floor, which I believe is in some of  
4 the Village's calculations, which is being  
5 not counted. We don't need to have walls at  
6 all. It's more for aesthetics, breakaway  
7 walls. So, we still fit in with the  
8 character of the neighborhood either way, but  
9 my personal view would be to have the  
10 breakaway walls, which is much nicer  
11 aesthetics than columns with open space  
12 underneath. However, if that is a stumbling  
13 point with the Board, we're will to take  
14 those walls away. I don't think that would  
15 be a benefit to the neighborhood in any way.

16 The next factor is the benefit sought  
17 by the applicant to be achieved by some  
18 method feasible for the applicant to pursue,  
19 other than an area variance.

20 There's no way you can put up a new  
21 house on that lot that's existed since time  
22 eternal without some serious variances in  
23 line with the neighboring 16 properties. So,  
24 I think the answer to that is no, there is no  
25 other feasible way to build it. We did

1  
2 downsize it, at the request of the Board, and  
3 I believe it now meets the neighborhood  
4 character.

5           The next, third, factor is whether  
6 the requested area variance is substantial.  
7 In calculating and determining whether area  
8 variances are substantial, I believe are not  
9 mere numbers but in the circumstances in the  
10 neighborhood as a whole. As I stated  
11 earlier, at least five of the houses have a  
12 FAR percentage greater than ours. But what  
13 is substantial in this particular property,  
14 given the whole neighborhood where every  
15 single house on the water is substandard in  
16 one way or another, I would say that is not  
17 substantial, especially since we did downsize  
18 it at the request of the Board.

19           The floor area coverage is 57  
20 percent, where 50 percent is required. It's  
21 only seven percent over. As I said, many of  
22 the other properties have that.

23           Street frontage is 50 feet. This  
24 property is 43 feet. There is nothing we can  
25 do; that's the way the property existed when

1  
2 he purchased it 11 years ago. There is  
3 nothing he could do. There is no property to  
4 purchase to extend the size of the lot. The  
5 house directly to the south does not have  
6 sufficient side yard already, so we can't  
7 purchase the property there. There is no  
8 property to purchase. So overall, given the  
9 extent these are nonconforming surrounding  
10 houses, I would submit the variances are not  
11 substantial in nature.

12 The fourth factor of the proposed  
13 factors is will it have an adverse impact on  
14 the physical or environmental conditions of  
15 the neighborhood or district.

16 This proposed structure will meet all  
17 current safety and environmental codes and  
18 regulations and will be more green friendly.  
19 And there has also been a determination,  
20 which is one of the exhibits, by the Village  
21 that the project would not have a significant  
22 negative on the environment. I cannot see  
23 how granting the application will have any  
24 adverse impact on the physical or  
25 environmental conditions of the neighborhood.

1  
2 The fifth and final factor is whether  
3 the alleged difficult was self-created, which  
4 consideration shall be relevant to the  
5 decision of the Board of Appeals, which does  
6 not necessarily preclude the granting of the  
7 variance. Other than coming to the Board  
8 seeking a variance, which everyone before you  
9 always has to do, this is not self-created.  
10 This property is what it is, as far as square  
11 footage. It can't be extended and it's in  
12 conformity with the other 16 properties more  
13 or less on the block that are similarly  
14 situated.

15 So, I would suggest to the Board as  
16 consideration of the five necessary factors  
17 and the balance and the benefit to the  
18 applicant, so they can continue to reside in  
19 the Village the Freeport as they have been  
20 for 11 years, and hopes to be for the rest of  
21 his life, and wants to enjoy the waterfront  
22 in Freeport, that this application should be  
23 approved.

24 As I said earlier, we have two  
25 architects here who can answer any particular

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questions you have with respect to any minutia of the square footage, design issues, etcetera. Are there any questions for the architects?

MEMBER JACKSON: Yes.

G E O R G E M O N A S T E R I O,  
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. MONASTERIO: George Monasterio 59 Bellmore Avenue, Point Lookout, New York.

MEMBER JACKSON: My question for you is, maybe you can describe to the Board the changes that were made from the prior plan.

MR. MONASTERIO: I came on a few months ago.

S T E V E N C H R I S T I A N S E N,  
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.

1  
2 MR. CHRISTIANSEN: Steve  
3 Christianson, 206 Richmond man Avenue  
4 Massapequa, New York.

5 So, in response to what was done, we  
6 took the residence and we made it a lot  
7 smaller. We brought in all the sides of the  
8 home, which brought the area way down, to get  
9 it closer to the numbers that you have  
10 requested last time. This is now,  
11 technically, only a two bedroom home.  
12 Unfortunately, that lower area is in a  
13 breakaway area. Whether we want to close it  
14 in or not, we couldn't. It seems like a  
15 large number with an open area. Being it's a  
16 not, it's only storage/garage, that makes it  
17 seem like it's a larger house than it is. I  
18 mean, it's a 2,400 something square foot  
19 home. It's only two bedrooms.

20 DEPUTY CHAIR CAREY: 1,300 square  
21 foot home, does that mean that it's really  
22 2,600 square feet. The ground floor is  
23 breakaway.

24 MR. CHRISTIANSEN: The ground floor  
25 is breakaway.

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DEPUTY CHAIR CAREY: Two stories above. The total square footage is 2,400 square feet?

MR. CHRISTIANSEN: The total square footage, the second floor is 1,385, and the third floor is 904. That was reduced dramatically. That total came to 2,449 square feet. That's the living space.

MR. MONASTERIO: We did all the square feet at the ground level to get into the building. So, over that garage we have stairs, the landing, the entrance. That space is part of the house.

DEPUTY CHAIR CAREY: I'm now referring to the first time you came. What was the size of the square footage? Do you remember.

MR. CHRISTIANSEN: It was up. I don't know the exact number, but it was, we'll say 3,743, which is more like 5,000.

DEPUTY CHAIR CAREY: You brought the top down and reduced the size?

MR. CHRISTIANSEN: We basically made it a two-story basis. The sky exposure, you

1  
2 are correct, we pulled the house back from  
3 the front yard. It did stay the five feet on  
4 the one side. That we left, because the  
5 problem was the telephone pole was blocking  
6 one of the driveways. As you know, it's very  
7 difficult to have something like that moved.  
8 So, it's a problem to physically access to  
9 house with that telephone pole. So, that is  
10 why it's sort of shifted to that side.  
11 Otherwise, we would have tried to move it  
12 over.

13 MR. MONASTERIO: We also removed two  
14 balconies in the front of the house that I  
15 think you objected to.

16 CHAIRPERSON RHODEN: Thank you very  
17 much.

18 MR. CHIMERI: So, if there are no  
19 further questions, we rest on the variance  
20 granted.

21 MS. UNGAR: If I could have one  
22 clarification. It looks like the calculation  
23 came from the front setback looks like --

24 COURT REPORTER: Excuse me one  
25 moment.

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2 (WHEREUPON, there was a brief pause  
3 in the proceedings, after which the following  
4 transpired:)

5 MS. UNGAR: I was just asking where  
6 in your exhibits, how you obtained the  
7 calculations, for what parts were  
8 nonconforming. The floor area ratio is based  
9 on the lot size and living area.

10 MR. CHIMERI: Sure. If you go  
11 through each exhibit on the county, it has  
12 the total square footage of the lot and then  
13 it has the living area. So, you have total  
14 living area in square feet. For example, on  
15 Exhibit I, it's 1,536 on that one.

16 DEPUTY CHAIR CAREY: You're below  
17 that.

18 MR. CHIMERI: Yes.

19 MS. UNGAR: 1,000 out of 2,750. I  
20 was curious how you came up with the setback  
21 with that.

22 MR. CHIMERI: Setbacks I used Google  
23 Earth and used the measuring tool. I also  
24 drove up and down and looked at them. On a  
25 lot of them I didn't say exactly how far, but

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if you look at the photos you could see.

MS. UNGAR: It's not 20 feet.

MR. CHIMERI: Some of them are right on the curb. There was a new one put up in 2020 that's built to the sidewalk. It's a lengthwise, and it's built right to the sidewalk. So, basically, there is no setback at all.

MS. UNGAR: Okay. I appreciate the clarification.

MR. CHIMERI: Thank you. Anything else?

CHAIRPERSON RHODEN: Thank you. Do we have anyone who would like to speak for or against this application?

THE SECRETARY: There are no requests.

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

MEMBER JACKSON: So moved.

DEPUTY CHAIR CAREY: Second.

THE SECRETARY: All in favor.

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MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

CHAIRPERSON RHODEN: Thank you.

THE SECRETARY: Application 2025-4,  
66 South Bay Avenue, Residence A, Section 62,  
Block 154, Lot 520. Alyssa Narine. Maintain  
266 feet of six foot high closed PVC fence  
and 180 feet of four foot high open.  
Variances: Village Ordinance 210-6A,  
210-171D(2) fences and enclosures.

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

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

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

1  
2 COURT REPORTER: Please state your  
3 name and address for the record.

4 MS. NARINE: Alyssa Narine. 66 South  
5 Bay Avenue, Freeport, New York 11520.

6 Hi. I had a wooden fence and it  
7 was six feet high. I didn't know I needed a  
8 permit to take it off. But I had a child  
9 services case and the social worker came and  
10 said I need to fence it off, it was falling  
11 down. So, I bought everything at Home Depot,  
12 got it fixed before he came back. And this  
13 was -- it's going to be about three years,  
14 and then I found out I needed a permit. Then  
15 I went to get a permit and I found out  
16 something changed, some code. So, now I need  
17 to get approved.

18 DEPUTY CHAIR CAREY: Did you say you  
19 had child services come?

20 MS. NARINE: Yeah, because my kids --  
21 my husband and I, we were separating, having  
22 kids.

23 DEPUTY CHAIR CAREY: Because of the  
24 fence?

25 MS. NARINE: He looked around the

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whole house, he saw the fence where the kids were playing. He walked around the whole house, yeah.

DEPUTY CHAIR CAREY: I didn't know how that played into the fence.

MS. NARINE: It was open. It was open where they were playing, they were running around.

MEMBER HAWKINS: The section of the fence that's by your property and there's a neighbor's right by the driveway, is that your fence also or your neighbor's?

MS. NARINE: I have two driveways. Both of the fences are mine.

MEMBER HAWKINS: Both of those fences are yours and both are six feet high?

MS. NARINE: Not six feet high. The fence is six feet high, but it lines up with a brick wall and it lines up with the five feet. It's shorter than the one previously there.

MEMBER HAWKINS: There was a solid fence there?

MS. NARINE: It was a solid fence

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there. It was wood, and this is PVC. All I did was change to PVC.

MEMBER HAWKINS: Did it extend all the way to the property line?

MS. NARINE: Same way. All I did was, I used the same mold and everything. I just put it the way it was. I added the short piece. I think it's three feet. I added that in the property. That's the thing that is different. That shorter fence was never there. That plastic fence, it was wood, six feet. Now it's five feet.

MEMBER HAWKINS: They way it looks in the picture, it kind of blocks the vision of people pulling out of that driveway, if there was a child coming by.

MS. NARINE: I know it's weird. Since 1997, it was a six feet fence there before. So, all I did was change it to -- this fence is shorter. I thought that was weird, something I got in the mail.

DEPUTY CHAIR CAREY: I do notice many of the homes in the pictures you submitted with your application have neither the lower

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2 level or they have the four foot with one  
3 foot lattice, which is allowed. It's  
4 unfortunate you were not aware, but it was a  
5 safety concern, what Mr. Hawkins mentioned  
6 about your fence is tall and blocking the  
7 ability to see kids in the neighborhood  
8 running past cars backing out of the  
9 driveway. In those kind of situations, it's  
10 our duty to make sure people follow the code  
11 where safety issues are involved. So, that's  
12 why.

13 MS. NARINE: The wooden fence that I  
14 had, I didn't have a piece to see through it  
15 either. It was a solid wooden fence.

16 CHAIRPERSON RHODEN: We understand.  
17 However, you are here in front of us asking  
18 for a permit. You have to understand that we  
19 have to notify you or advise you that you  
20 need to remove that portion of the fence  
21 where -- or bring it down. It's too high on  
22 that side. So, we need to tell you this,  
23 because it's not to code. We understand you  
24 had a fence there existing and you replaced  
25 it, but it's a hazard if someone could get

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hurt.

MS. NARINE: Okay.

CHAIRPERSON RHODEN: I understand what you're saying. We're trying to explain to you that in order for us to give you this permit and you have it proper, you would need to bring down that fence.

MS. UNGAR: If I could ask a couple of questions. So, the pink fence, this existing -- are you familiar with the colors you gave us? We have a picture of your property with different colored highlights. The pink is all four foot open fence. That's complying.

MS. NARINE: Yes.

MS. UNGAR: It looks like it's the area in green around the pool.

MS. NARINE: No. She was saying the pink was not. I cannot -- I was not going to get approved for the pink part.

MS. UNGAR: No, it's the green part that's the problem.

MS. NARINE: No. She said that my --

CHAIRPERSON RHODEN: Who said?

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MS. NARINE: In the Building Department. I was working with them to understand. The house lot is 80 feet and 40 feet is my house and 20 feet is supposed to have the fence on, which was already the green part. The four feet --

CHAIRPERSON RHODEN: Do you have a copy of this diagram?

MS. NARINE: I do. I was looking for the paper where they denied me. That's the paper had the reasoning on it.

MS. UNGAR: The denial letter talks in the secondary front yard, which is the part -- your house fronts on Bay Street.

MS. NARINE: Ray and Bay. It's the corner property.

MS. UNGAR: Sorry. Fronts on South Bay. So your fence, the pink fence that fronts on South Bay is open fence, correct?

MS. NARINE: Yeah.

MS. UNGAR: That complies. It's the green part that's the problem. The green part is the six foot closed fence. The issue you have with the closed fence is the part

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along the street and half the distance from the street to the house, because that's for site line purposes. So, it's the green fence that's the problem.

So, I guess part of my question is, the portion of the fence that's 22 feet on the west side of the property to the side of your driveway, can that be made open, four foot fence? Does it have to be six foot closed?

CHAIRPERSON RHODEN: Right. You see that here?

MS. NARINE: This right here?

CHAIRPERSON RHODEN: Right.

MS. UNGAR: That's one of the sections that is problematic, because you have 44 feet to the house and 22 feet to provide sight line has to be open. So, 22 feet to lower the fence there or 16 feet of open, maybe two fence sections worth. And then the other part is the rest of the green around the pool. The question is, does that have to be -- does it have to be closed fence and does it have to be six feet? The Zoning

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2 Board is here to grant the minimum variance  
3 necessary, if it's granted. To be granted  
4 the minimum variance necessary to meet your  
5 goals and meet the goals of the neighborhood  
6 in balancing the need.

7 So, we understand there was a six  
8 foot closed fence before. Is there some kind  
9 of alternative other than replacing it in  
10 kind with a six foot closed fence to meet  
11 your needs and also might better meet the  
12 needs of the Zoning Board and the  
13 neighborhood as a whole?

14 MS. NARINE: No, because I changed  
15 the fence. I fixed the fence before your  
16 code changed. It was already in place. And  
17 right now I have a lot of financial  
18 situations right now. I can't do anything.

19 MS. UNGAR: When did you put in this  
20 fence?

21 MS. NARINE: The 20 -- it like  
22 October, November 2022. It was -- summer was  
23 finished. And my mom is sick, so we haven't  
24 been in the house. The guy that gave me the  
25 ticket just caught me getting my kids to take

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to Queens. I'm hardly in the house right now.

DEPUTY CHAIR CAREY: Gotcha.

MS. UNGAR: So, you're in a weird situation where had you applied for the permit three years ago, your permit would have been issued.

MS. NARINE: The lady told me it would have been approved then, but I wasn't doing anything. Like, I wasn't fixing and repairing my house. It was a similar situation when the deck happened and the brick wall. I had a funeral ata that time, I just gave birth. The fence, that wooden fence, fell down and the guy came and gave me a ticket. I'm not doing work. There's nothing there. It just so happened it's the same situation like I'm going through.

MEMBER HAWKINS: What year was that when you came?

MS. NARINE: 2020 I had the hearing.

MEMBER HAWKINS: What year?

MS. NARINE: January 2020. I don't remember the date. January 2020. You

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guys -- it was the same.

MEMBER HAWKINS: At that time you didn't have the PVC fence?

MS. NARINE: It was wooden. It kept falling down. That's why I decided to take my credit card and buy the fence and fix it and get it over with. My kids play, and that was it. I did it. I fixed it. All I did was replaced the same kind of everything. Replacing it. I wasn't doing anything else. There was a lot of work that needed to be done to that house, but I can't.

DEPUTY CHAIR CAREY: Do any of your neighbors have the same height fence in the neighborhood? It doesn't look like there are very many fences in the neighborhood. I was curious if anyone else had the same or will it change the character.

MS. NARINE: The lady has a short fence, and my fence, the way the house situates, she doesn't have that extra piece like I had. She doesn't have that extra driveway that I have.

DEPUTY CHAIR CAREY: It's very short.

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MS. NARINE: The same way I have. I kind of copied that little thing she did.

MEMBER HAWKINS: Where your pool is situated, how far is the fence from the pool?

MS. NARINE: This is no pool. I never had a pool, since I bought this house. They said this house had a pool. I didn't know that.

MEMBER HAWKINS: There's to pool now?

MS. NARINE: From when I bought it and the previous owner, they never had a pool either, yeah.

DEPUTY CHAIR CAREY: Why did you put the extra fence, if you had no pool, the one green in the middle?

MS. NARINE: I was doing -- they the wooden fence around the pool for that reason.

DEPUTY CHAIR CAREY: You put a PVC fence where?

MS. NARINE: I just replaced the wooden fence. All of that was wooden fence. All I did was replace that put PVC. I think that's the same fence they had since 1997.

MEMBER HAWKINS: That separates your

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backyard, that fence?

MS. NARINE: Yeah.

MS. UNGAR: It's a closed off section for the backyard.

MS. NARINE: I agreed to put this gate here. I never had a gate. I agreed, because there was three times someone came in my yard and they keep taking the hubcaps off my car. The cops are not doing anything. So, they come and take packages. The hubcaps, I have to go buy back. They said they are doing it all on Sunrise. So, the cops doesn't do anything about it. I have reports too. I was like it's a safety thing too. No one is coming in my yard. The propane tank coming and taking.

When I am there, it's just me and my two kids, two daughters. It makes me feel safe. I feel safer. No one else has a problem with this in my neighborhood. The neighbors that live next to me, never object. They said it makes the neighborhood nicer.

MEMBER HAWKINS: Is that driveway --

MS. NARINE: On Ray, no.

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MEMBER HAWKINS: You don't use that?

MS. NARINE: No.

MEMBER HAWKINS: Your neighbor uses the driveway?

MS. NARINE: He has a Econoline and he parks it there.

MEMBER JACKSON: That's the issue. Especially with a driveway. You didn't have a line of sight for kids coming by on bicycles. You won't be able to see them. That's the reason for the code. You need that line of sight.

MS. NARINE: A few months made a difference with the coding. I think something like that.

DEPUTY CHAIR CAREY: The six foot requirement, not if was six feet was there before. The new code is by half the distance of your home. The other one was only four foot fence with one foot lattice, open top. Never a six foot fence. That's why --

MS. NARINE: But I had that before.

DEPUTY CHAIR UNGAR: People should be aware of the code, people from everywhere.

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If you are buying from Home Depot, they didn't know. It's unfortunate people are not aware of it.

MS. NARINE: It lines up with that five foot brick wall that I have.

MS. UNGAR: It's a six foot fence but it's only five feet tall?

MS. NARINE: The way they did it, they lined it up. I have a brick wall you approved. They lined it up with the brick wall.

CHAIRPERSON RHODEN: It's five feet or six feet?

MS. NARINE: The fence is six feet, but it lines up with the five foot wall. They put it in the dirt.

CHAIRPERSON RHODEN: So it's five feet, not six feet?

MS. NARINE: Yeah.

CHAIRPERSON RHODEN: It lines up against your five foot wall?

MS. NARINE: Yeah. It's the same height.

MS. UNGAR: That's not what the

1 denial letter said. There is the question.  
2 If you applied for a six foot closed fence  
3 going to the street, it as though it's six  
4 feet. If it's only five feet in height, that  
5 is something that --  
6

7 MS. NARINE: I'm going to figure out.

8 DEPUTY CHAIR CAREY: You submitted it  
9 for six feet high.

10 MS. NARINE: They helped me in the  
11 Building Department. I filled it out myself.  
12 I kind of used the application I had before.

13 MS. UNGAR: What I think might make  
14 sense would be to potentially adjourn this  
15 and actually get clarification as to the  
16 actual height from the sidewalk of the fence.  
17 If it is actually five feet in actual height,  
18 even if you put a six foot fence -- if you  
19 put a foot of it underground, we're not  
20 counting that as a six foot fence. It would  
21 be good to actually get a measurement, submit  
22 that to the Building Department, update the  
23 application so we know are we talking about  
24 60 inches exactly, not 72.

25 The other thing that I certainly do

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2 think, especially if you're not using your  
3 driveway now, you may want to see if it's  
4 possible to replace a segment or two of that  
5 section that borders the neighbor's driveway  
6 with an open fence, just because if that's  
7 something you could think about. Even one  
8 section, one eight foot section, that gives  
9 clearance for your neighbors pulling out to  
10 see if there is a safety issue as they are  
11 pulling out.

12 MS. NARINE: When I was replacing the  
13 fence, I did ask if he had issues. He said  
14 he did not.

15 MS. UNGAR: The problem, as a parent  
16 of young kids, the problem is that kid is  
17 three feet tall, on their bicycle. As the  
18 vehicle backing out they don't see them  
19 because there is a solid fence up until that  
20 moment that kid on bicycle pops out. That's  
21 the reason that the code exists. And your  
22 neighbor may think they never had a sight  
23 line problem. The problem is you don't until  
24 you do. In that moment of time when there is  
25 a sight line problem, it's already too late.

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2           What I would say is, I think this  
3 would be good to adjourn the application.  
4 Confirm the height. It also might be  
5 possible to replace the one section of fence  
6 bordering that driveway. And then once you  
7 know the height of the rest of it, we might  
8 be able to kind of make a more informed  
9 decision, if there's -- what else might be  
10 needed or not. Does it sound like things you  
11 could do?

12           MS. NARINE: Do I have to do it right  
13 away?

14           MS. UNGAR: No. You can think about  
15 it. Figure out if that's something you would  
16 be able to do, and to measure the height, so  
17 at least we have an accurate height.

18           DEPUTY CHAIR CAREY: How would she  
19 resubmit that information?

20           MS. UNGAR: She could amend her  
21 application on file with the Building  
22 Department.

23           MEMBER HAWKINS: On the other side of  
24 that PCV, is that brick wall still there?

25           MS. NARINE: Yeah.

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MEMBER HAWKINS: Even if you lower the fence, the brick wall is still there, correct?

MS. UNGAR: It's set back.

MS. NARINE: It's 18 feet out.

MEMBER HAWKINS: So it doesn't extend all the way to the end of the driveway?

MS. NARINE. No. But it was approved last week.

CHAIRPERSON RHODEN: I think it's best to come back. Do your measurements. Go home, do your measurements, come back. The Building Department is very helpful and willing to walk you through it. If you have any questions, just come in and ask them. Just take your time with what you need to do and be ready to come back with all information. Well just adjourn it this evening. You'll come back to the Village. Measure it, make sure it is five feet and say you applied for six feet but it's really five feet. Like legal counsel mentioned, consider maybe a section of the fence near to the driveway removing that and having it be an

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open area. Okay?

MS. NARINE: Yeah.

CHAIRPERSON RHODEN: Thank you.

MS. NARINE: Thank you.

DEPUTY CHAIR CAREY: I hope your mother feels better soon.

MS. NARINE: Thank you.

CHAIRPERSON RHODEN: Can I have a motion to adjourn?

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

THE SECRETARY: Application 2025-5, 3 Ray Street, Residence A, Section 62, Block 52, Lot 500. Ansel Wallace. Maintain 86 feet of six foot high closed PVC fence. Variances: Village Ordinance 210-6A, 210-171D(2) fences and enclosures.

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

5 (WHEREUPON, the above-referred to  
6 document was marked as Board's Exhibit 1, in  
7 evidence, as of this date.)

8 A N S E L W A L L A C E,  
9 having been first duly sworn by a Notary  
10 Public of the State of New York, was  
11 examined and testified as follows:

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

14 MR. WALLACE: Ansel Wallace. 3 Ray  
15 Street, Freeport, New York.

16 I put up the fence when I moved in  
17 November, and I guess the guy across the  
18 street called and said that we had no permit.  
19 I put the permit in. The contractor said  
20 that he put the permit. So, I didn't know.  
21 After he put it in, two or three days he came  
22 back to put the fence up. The guy called and  
23 said that the workers were working with no  
24 permit. That's all.

25 DEPUTY CHAIR CAREY: You had a

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contractor saying the put a permit in and never did?

MR. WALLACE: No. No. I put the application for the permit. And he said that usually two to three days after he'll come put up the fence. So, I just went with it. I didn't know. The guy across the street, he's a boat guy, just, you know, called in said that they were working without a permit, blah, blah, blah. So, that was that.

CHAIRPERSON RHODEN: You put in the application, and when was the fence built?

MR. WALLACE: This was back in November.

DEPUTY CHAIR CAREY: 2024?

MR. WALLACE: Yes.

MEMBER JACKSON: Prior to getting the permit, correct?

MR. WALLACE: Yeah. Then we came down to sort it out.

CHAIRPERSON RHODEN: Had you waited for the permit, you would have found out this was not compliant.

DEPUTY CHAIR CAREY: Also the

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contractor should have. I love people who have no knowledge about the job. If does work in Freeport, he would know the code. I don't know why people don't conform.

MEMBER HAWKINS: There's a fence separating your property and your neighbor's on Ray. Is that your neighbor's fence or your fence?

MR. WALLACE: I think it's the neighbor's fence.

MEMBER HAWKINS: It's like one that is six feet high or whatever.

MR. WALLACE: Yeah. It's a solid fence.

MEMBER HAWKINS: That's the driveway, correct?

MR. WALLACE: There's no driveway there.

MEMBER HAWKINS: On Ray Street?

MR. WALLACE: On Ray Street side, there's no driveway.

MEMBER HAWKINS: No driveway on that side.

MR. WALLACE: No. Everything for me

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is on South Main.

MEMBER HAWKINS: Your neighbor. Does your neighbor have a driveway?

MR. WALLACE: Theirs is on the other side.

MEMBER HAWKINS: On Ray.

MR. WALLACE: There's a lot of space between their driveway and their fence.

MEMBER JACKSON: I assume you have an explanation, a reason for the fence, the sight view for the driveway in the back. God forbid you are coming out and a kid is coming down, you'll never see them.

MR. WALLACE: The fence comes out and blocks anyone from passing as you exit.

CHAIRPERSON RHODEN: What?

MEMBER HAWKINS: The whole fence comes out?

MR. WALLACE: Yeah, out like this.

DEPUTY CHAIR CAREY: It swings out and blocks the sidewalk.

MR. WALLACE: Yes.

DEPUTY CHAIR CAREY: Every time you go out you push it in?

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MR. WALLACE: Yes.

MS. UNGAR: That's one way to make sure nobody passes.

MR. WALLACE: I did it purposely like that.

DEPUTY CHAIR CAREY: It's very tall. I drive in the neighborhood all the time. In your opinion, do any of your neighbors have high fence, besides the one neighbor with the one wall?

MR. WALLACE: The lady on my side, she has a fence and the bushes.

DEPUTY CHAIR CAREY: Is her fence as tall as yours?

MR. WALLACE: Yeah, the bushes are just as high.

CHAIRPERSON RHODEN: The bushes.

MR. WALLACE: The fence is six feet. Like I said, it's Main Street. I'm on the corner lot. I don't have -- I'm not blocking access to anyone.

MS. UNGAR: It looks like it swings out and opens up fully.

MR. WALLACE: You could open it

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fully. We leave it out so no one can pass as we exit out.

MS. UNGAR: The picture you submitted are showing it fully opened, I guess.

MR. WALLACE: They told us to take pictures. We took a lot of pictures.

MEMBER JACKSON: Even at that, if I were walking down the street, I could just walk around the fence. It's almost more of an obstruction. It almost obstructs you more than it being open.

MS. UNGAR: If someone is trying to walk and the fence is open, you're walking out in the shoulder of the street.

MR. WALLACE: Right. Well, on the street -- they wouldn't walk in the street. There are no cars come over there. That's the idea, that no cars would go over the white line. It's a parking lot. So, I can also swing it all the way for better access.

MEMBER JACKSON: Even at that, you still don't have a good vision of someone coming down the sidewalk. Not coming down the sidewalk, but a car coming down South

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Main Street.

MR. WALLACE: They're coming out, you can see.

MEMBER JACKSON: Not until you hit the road.

MR. WALLACE: You wouldn't touch the road at all. Once you exit out on the sidewalk, you actually see it. It's not really that big of a property. Once the front of your car comes, out you see everything.

MEMBER JACKSON: If you back in.

MR. WALLACE: We never -- we never drove forward. It doesn't make sense. For my job, that's what I've been doing for years. That's how I live my life.

DEPUTY CHAIR CAREY: I'd like to ask the Village Attorney a question. I know that -- I believe we have a requirement that it's also six inches off of the sidewalk or is that or in the change?

MS. UNGAR: When they changed the code, it made it half the distance. Like the code -- the code used to require two feet off

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the property line. With the change to half the distance. With four feet open, that's where the code isn't there.

DEPUTY CHAIR CAREY: Thank you for the clarification.

As we asked the previous applicant. I don't know, how other than changing the size to make it more safer. Is there any other reason why we should move forward and let you have the zoning variance for it? Any other reason?

MR. WALLACE: You mean -- it did cost a lot.

MS. UNGAR: If I'm looking at this, your driveway is the only driveway on that block. Your neighbor has the hedges the whole length of theirs.

MR. WALLACE: Yes.

MS. UNGAR: You have the driveway.

MR. WALLACE: Yeah.

MS. UNGAR: I'm looking at the pictures of the property before the fence on Google. It's a hard sight line. It's all about that sight line when you're pulling out

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of the driveway and there is a person there that you can't see until it's too late.

MR. WALLACE: I mean, one picture looks like that. In reality, the moment you -- nobody is going to pull -- well, I'm not going to say nobody. You don't drive out of you driveway at full speed, you inch out. But in the moment your car goes to the front, we can actually see everyone. We can see cars, we can see all pedestrians passing by, believe it or not.

MS. UNGAR: Do you back into your driveway?

MR. WALLACE: Yes.

MS. UNGAR: You're facing forward, when you are going out?

MR. WALLACE: Right.

MS. UNGAR: I think that helps the sight line, obviously. But in the part of the Zoning Board, they can't mandate a car be parked pulled in backwards. They can only focus on the fence itself. It's a question not just of what you're doing, but what the next home owner after you would does. If the

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2 Board was to approve this, it's there  
3 forever. And that is the weight the Zoning  
4 Board has to wrestle with when faced with  
5 these applications. So, I think part of the  
6 question is what else could be done to  
7 mitigate this?

8 MR. WALLACE: I mean, I guess would  
9 there be possible if I take off, I guess  
10 where the cars come out, part of that, so we  
11 have access to see? Bring it down a bit?

12 MEMBER JACKSON: Unfortunately, the  
13 regulation would be an open fence like a  
14 picket fence, correct, four foot. You  
15 couldn't have a closed four foot.

16 MS. UNGAR: Even a closed four foot  
17 is problematic. It's a question of could it  
18 be brought down? Could segments be made open  
19 on both sides of the driveway. Then you  
20 start getting into how the aesthetics of it  
21 work. But aesthetics -- it's a concern.

22 Would it be possible to have the  
23 section on either side, plus the gate, be  
24 open? I don't know how that would look.

25 CHAIRPERSON RHODEN: You have to

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    speak to someone to give you some options,  
    some recommendations on how they could do  
    that.

    MEMBER JACKSON: It would be better  
    for you to come back with some idea of we're  
    speaking of and show us. Even a sketch. It  
    doesn't have to be an artistic drawing. Even  
    a sketch of what you think for it to even be  
    considered.

    CHAIRPERSON RHODEN: At least a  
    certain portion of where the driveway is,  
    right, to come down to four foot open.

    DEPUTY CHAIR CAREY: You can amend  
    the application without having to pay more  
    fees or anything, right?

    MS. UNGAR: Correct. Although this  
    isn't -- this isn't really quite amending the  
    application such as agreeing to do something  
    different. The last one is amending because  
    it's not six feet potentially. This is more  
    of a what kind of changes could be made to  
    this and proposing something that the Zoning  
    Board might be able to grant in an amended  
    form.

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MEMBER JACKSON: Would you like to do that and come back?

MR. WALLACE: Sure.

MEMBER JACKSON: Come back, submit some ideas.

MR. WALLACE: Sure. No problem.

MS. UNGAR: Do you think you can have ideas the next month, the next meeting?

MR. WALLACE: Yeah.

CHAIRPERSON RHODEN: Thank you.

DEPUTY CHAIR CAREY: Thank you for your time.

CHAIRPERSON RHODEN: Can I have a motion to adjourn.

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

MR. WALLACE: Quick question. Do I

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have to go back to the contractor?

MEMBER JACKSON: If the contractor can give you a sketch of it, that would be great.

CHAIRPERSON RHODEN: That will be great.

MR. WALLACE: Thank you.

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

MEMBER JACKSON: So moved.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(WHEREUPON, the Board entered into executive session from 7:54 p.m. to 8:15 p.m., after which the following transpired:)

CHAIRPERSON RHODEN: Do we have any applications that need to be read into tonight's calendar please?

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2 DEPUTY CHAIR CAREY: Regarding  
3 Building Department Application 2024-9 for  
4 the premises located at 147 Woodcleft Avenue,  
5 Freeport, the Applicant comes before this  
6 Board seeking a variance from Village  
7 Ordinances 210-6A and 210-40 seeking approval  
8 for a proposed one-story south side addition,  
9 224 square feet, one-story north side  
10 addition 169 square feet, roof over rear and  
11 side deck totaling 424 square feet, and a new  
12 pergola 240 square feet.

13 I, Jennifer Carey, move that this  
14 Board make the following findings of fact:

15 The application had numerous hearings  
16 in 2024, wherein applicant was attempting to  
17 put rooftop seating space on the building,  
18 which triggered the need for a parking  
19 variance. This proposed rooftop space has  
20 now been removed, so this decision is based  
21 on the testimony presented and drawings  
22 presented at the February 20, 2025 hearing,  
23 wherein applicant, Aaron Kadosh, spoke on  
24 behalf of his application. The proposed  
25 drawings do not include rooftop space, and,

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2 therefore, no parking variance is required.  
3 The sole variance required is for front yard  
4 setback. Five feet is required by code, and  
5 .2 feet is provided. The Board notes that  
6 the following proposed additions are in line  
7 with the present front setback of the  
8 building, so the addition is not encroaching  
9 more on the front setback than is currently  
10 there.

11 1. On balance, the benefit to the  
12 applicant by the granting of this variance is  
13 not outweighed by the detriment to the  
14 health, safety and welfare of the  
15 neighborhood or community, if such variance  
16 were to be granted. The Board has  
17 determined:

18 a. That an undesirable change will  
19 not be produced in the character of the  
20 neighborhood and a detriment to nearby  
21 properties will not be created by the  
22 granting of the area variance.

23 b. That the benefit sought by the  
24 applicant cannot be achieved by some method,  
25 feasible for the applicant to pursue, other

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2 than an area variance. This is, in part, an  
3 attempt to join two buildings together. This  
4 only way to do this involves creating a front  
5 yard setback area in the new space,  
6 connecting the two buildings.

7 c. That the requested area variance  
8 is insubstantial.

9 d. That the proposed variance will  
10 not have an adverse effect or impact on the  
11 physical or environmental conditions in the  
12 neighborhood or district; and

13 e. That the alleged difficulty may  
14 be considered self-created, but this factor  
15 is not dispositive.

16 2. The Board, as lead agency, has  
17 determined that this action is an unlisted  
18 action under SEQRA. A short environmental  
19 assessment form has been completed by the  
20 applicant and this Board. The Board finds no  
21 environmental impact under SEQRA, issues a  
22 negative declaration and no further review is  
23 required.

24 I further move that this application  
25 be granted subject to the following

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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 variances 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.

MEMBER HAWKINS: Second.

THE SECRETARY: All in favor.

MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

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

MEMBER HAWKINS: So moved.

DEPUTY CHAIR CAREY: Second.

THE SECRETARY: All in favor.

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MEMBER HAWKINS: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRPERSON RHODEN: Aye.

THE SECRETARY: Any opposed?

(Time Ended: 8:18 p.m.)

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April 17, 2025

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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 15th day of May, 2025.

*BethAnne Mennonna*

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BETHANNE MENNONNA