

A scheduled meeting of the Zoning Board of Appeals of the Incorporated Village of Freeport was held April 17, 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	Excused
Ben Jackson	Member	
Charles Hawkins	Member	

The meeting was also attended by:

Jennifer Ungar	Deputy Village Attorney
Samantha Scalley	Acting Secretary to the Zoning Board of Appeals
Lisa DeBourg	Deputy Village Clerk
Scott Braun	Building Department Representative

At 6:02 P.M., the Board convened in the Main Conference Room and Chairperson Rhoden led in the pledge of Allegiance.

Fifteen individuals were present.

At 6:03 P.M. a motion was made by Member Jackson, seconded by Member Hawkins to enter in Executive Session to consult with counsel.

The Clerk polled the Board as follows:

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

At 6:42 P.M., motion was made by Member Hawkins, seconded by Member Jackson and carried to reconvene in Legislative Session.

The Clerk polled the Board as follows:

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

At 6:44 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.

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Motion was made by Member Jackson, seconded by Member Hawkins and carried to approve the March 20, 2025 minutes.

The Clerk polled the Board as follows:

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

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

There were four requests for adjournment.

Application #2025-1 – 157 Gordon Place, Residence A – Section 62/ Block 092/ Lot 400 – Patricia O’keefe – Code compliance for apportionment to create a new buildable lot A, 40’ x 100’ (4,000 sq. ft.).
Variances: Village Ordinance §210-6A, §210-40 Lot area; street frontage; lot width.

Motion was made by Member Jackson, seconded by Deputy Chair Carey and carried to adjourn the application at the Board’s request for further review by the Building Department.

The Clerk polled the Board as follows:

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

Application #2025-2 – 157 Gordon Place, Residence A – Section 62/ Block 092/ Lot 400 – Patricia O’keefe – Code compliance for apportionment to create a new buildable lot B, 40’ x 100’ (4,000 sq. ft.).
Variances: Village Ordinance §210-6A, §210-40 Lot area; street frontage; lot width.

Motion was made by Member Jackson, seconded by Member Hawkins and carried to adjourn the application at the Board’s request for further review by the Building Department.

The Clerk polled the Board as follows:

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

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.*

Motion was made by Member Jackson, seconded by Member Hawkins and carried to adjourn the

application at the Board’s request for further review by the Building Department.

The Clerk polled the Board as follows:

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

Application #2024-20 – 19 Suffolk Street, Marine Commerce – Section 62/ Block 176/ Lots 325, 326, 327, 328, 329 – BGC Properties INC – Construct addition to existing building and change use to Residence Apartment for 24 unit 4-story apartment building (22,511.06 sq. ft.). *Variances: Village Ordinance §210-6A, §210-238B Prohibited Uses, §210-47A Building Height, §210-48 lot area; apartments, §210-49BCD Lot Coverage, §210-51ABC Required Yards, §210-52 Parking space for apartment building, §210-54 Front yards of apartment building.*

Motion was made by Deputy Chair Carey, seconded by Member Hawkins and carried to adjourn the application as per the applicant’s request.

The Clerk polled the Board as follows:

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

Application #2024-23 – 691 S. Bayview Avenue, Residence A – Section 62/ Block 187/ Lot 13 – David Riemer – Construct new (3,743 SF) 3-story house with attached garage, 1 rear deck (180 SF), 1 rear balcony (52.5 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.*

Three Affidavits of Mailing was entered into the record as Board exhibits.

William Chimeri, Esq. along with architects presented this application.

Motion was made by Member Jackson, 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	Excused
Member Jackson	In Favor
Member Hawkins	In Favor
Chairperson Rhoden	In Favor

Application #2025-4 – 66 S. Bay Avenue, Residence A – Section 62/ Block 154/ Lot 520 – Alyssa Narine – Maintain 266’ of 6’ high closed PVC fence and 180’ of 4’ high open. *Variances: Village Ordinance §210-*

6A, §210-171D(2) Fences and Enclosures.

One Affidavit of Mailing was entered into the record as a Board exhibit.

Alyssa Narine presented this application.

Motion was made by Member Jackson, seconded by Member Hawkins and carried to adjourn the public hearing at the Board’s request.

The Clerk polled the Board as follows:

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

Application #2025-5 – 3 Ray Street, Residence A – Section 62/ Block 52/ Lot 500 – Ansel Wallace –
Maintain 86’ of 6’ high closed PVC fence. *Variances: Village Ordinance §210-6A, §210-171D(2) Fences and Enclosures.*

One Affidavit of Mailing was entered into the record as a Board exhibit.

Ansel Wallace presented this application.

Motion was made by Member Jackson, seconded by Member Hawkins and carried to adjourn the public hearing at the Board’s request.

The Clerk polled the Board as follows:

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

Motion was made by Member Jackson, seconded by Member Hawkins to enter in Executive Session to consult with counsel.

The Clerk polled the Board as follows:

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

Member Jackson left the meeting at 8:10 P.M.

Motion was made by Deputy Chair Carey, seconded by Member Hawkins and carried to reconvene in Legislative Session.

The Clerk polled the Board as follows:

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

Decisions:

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*

APPROVAL

Building Department Permit Application #20243675

Chairman, regarding Application #2024-9 for the premises located at 147 Woodcleft Avenue, Freeport, the Applicant comes before this Board seeking a variance from Village Ordinances §210-6A, 210-240 seeking approval for a proposed 1-story north side addition 224 square feet, 1-story south side addition 169 square feet, roof over rear and side deck totaling 424 square feet, and new pergola 240 square feet.

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

This application had numerous hearings in 2024, wherein applicant was attempting to put rooftop seating space on the building, which triggered the need for a parking variance. This proposed rooftop space has now been removed, so this decision is based on the testimony and drawings presented at the February 20, 2025 hearing, wherein applicant Aaron Kadosh spoke on behalf of his application. The proposed drawings do not include rooftop space, and therefore, no parking variance is required. The sole variance required is for front yard setback. Five feet is required by the code, and .2 feet is provided. The Board notes that the proposed additions are in line with the present front setback of the building, so the addition is not encroaching more on the front setback than is currently there.

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. This is, in part,

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an attempt to join two buildings together. The only way to do this involves creating a front yard setback area in the new space, connecting the two buildings.

- 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.

I further move 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.

Second by: Charles Hawkins

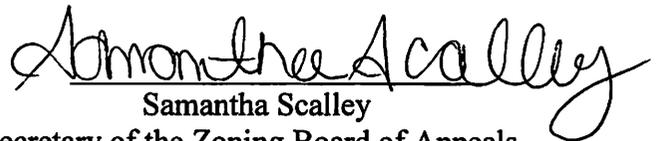
The Clerk polled the Board:

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

Motion was made by Member Hawkins, seconded by Deputy Chair Carey and carried to close the meeting.

The Clerk polled the Board:

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


Samantha Scalley

Acting Secretary of the Zoning Board of Appeals

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