

A scheduled meeting of the Zoning Board of Appeals of the Incorporated Village of Freeport was held on June 19, 2025 in the Municipal Building, Main Conference Room, 46 North Ocean Avenue, Freeport, New York, at 6:00 P.M. with the following present:

Rosa Rhoden	Chairperson	
Jennifer Carey	Deputy Chairperson	Excused
Charles Hawkins	Member	Excused
Ben Jackson	Member	
Anthony Mineo	Member	
Luis Rodriguez	Alternate Member	Excused
Lisa M DeBourg	Deputy Village Clerk	
Darren Merims	Secretary to the Zoning Board of Appeals	
Jennifer Ungar	Deputy Village Attorney	
Scott Braun	Building Department Representative	

At 6:10 P.M. the Board convened in the Main Conference Room and Chairperson Rhoden led in the Pledge of Allegiance.

Four members of the public were present.

Motion was made by Ben Jackson, seconded by Anthony J. Mineo and carried to enter into Executive Session to consult with counsel.

The Clerk polled the Board as follows:

Jennifer Carey	Excused
Anthony Mineo	In Favor
Ben Jackson	In Favor
Charles Hawkins	Excused
Luis Rodriguez	Excused
Rosa Rhoden	In Favor

At 6:31 P.M. motion was made by Anthony J. Mineo seconded by Ben Jackson and carried to reconvene in Legislative Session in the main conference room.

The Clerk polled the Board as follows:

Jennifer Carey	Excused
Anthony Mineo	In Favor
Ben Jackson	In Favor
Charles Hawkins	Excused
Luis Rodriguez	Excused
Rosa Rhoden	In Favor

At 6:33 P.M., Chairperson Rhoden led in the Pledge of Allegiance and called the Public Hearing to order, for which a full stenographic record was taken.

Four members of the public were present.

Motion was made by Ben Jackson seconded by Anthony Mineo and carried to approve the minutes from May 15, 2025.

The Clerk polled the Board as follows:

Jennifer Carey	Excused
Anthony Mineo	In Favor
Ben Jackson	In Favor
Charles Hawkins	Excused
Luis Rodriguez	Excused
Rosa Rhoden	In Favor

The Deputy Village Clerk presented one Affidavit of Publication and one Affidavit of Posting which were marked into evidence as Board Exhibits.

Application #2025-7 – 526 South Ocean Avenue, Residence A – Section 62/ Block 172/ Lot 509-511 – Stephanie Hibbert – Install 120’ of 6’ H closed PVC fence. *Variances: Village Ordinance §210-6A, §210-171 Fences and Enclosures.*

One Affidavit of Mailing and one Nassau County Planning Commission recommendation were marked into evidence as Board Exhibits for this application.

Stephanie Hibbert, the owner, presented this application.

Motion was made by Charles Hawkins, seconded by Anthony Mineo and carried to close the public hearing to further evidence and testimony and reserve decision for this application.

The Clerk polled the Board as follows:

Jennifer Carey	Excused
Anthony Mineo	In Favor
Ben Jackson	In Favor
Charles Hawkins	Excused
Luis Rodriguez	Excused
Rosa Rhoden	In Favor

Decisions:

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.*

APPROVAL with modification/condition

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

A public hearing was held on April 17, 2025 wherein applicant Alyssa Narine spoke on behalf of her application. She explained that about three years ago she had a previous 6-foot high wooden fence that was falling down and in need of repair and she replaced the fence without realizing she needed a permit. She then went to get a permit and was informed that the code had changed since she installed the fence and her fence was now non-conforming.

The property is a corner property that fronts on South Bay Avenue, with a secondary front yard on Ray Street. The 4-foot open fence on South Bay is conforming. The sections of fence at issue are the 6-foot high closed sections of fence on Ray Street and part of the fence separating Ms. Narine's property from the property to the west. During the hearing Ms. Narine explained that the 6-foot fences are actually more like 5 feet, as they line up in height with a 5-foot brick wall approved previously.

The Board's primary concern in this instance is safety, and with a driveway on Ray Street, adjacent to her neighbor's driveway, there is cause for concern. The gate on Ray Street is 4-foot open and conforming. The gate also is wider than the driveway itself, which is by the western portion of the gate, giving some visibility to the east of the gate. That leaves the section of fence along the western property line at issue. The Board advised Ms. Narine to give some thought to replacing one segment of fence that borders the neighbor's property on Ray Street with a section of open fence.

The hearing was continued on May 15, 2025 wherein Ms. Narine returned and reported that her fence rangers from five foot one inch to five feet five inches. The Board discussed switching the section of fence between the two properties on Ray Street from the existing five foot plus closed fence to a 4-foot open fence. Ms. Narine was okay with that option, as long as she had some time to complete it. She expected she could have it completed by September.

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. There are other similar fences in the neighborhood.
 - 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. As this is an existing fence, built before the new law took effect, short of removing and replacing the entire sections of fence, there are not many other options.
 - 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. With the change in one section of fence along the property boundary on Ray Street to a 4-foot open fence, the most serious safety concerns are mitigated.

- e. that the alleged difficulty was self-created, but this factor is not dispositive.
- 2. The Board, as lead agency has determined that this action is a Type II action and under SEQRA 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.
- 4. Applicant must remove and replace the final section of fence along the driveway on Ray Street, separating Ms. Narine’s property from her neighbor’s. New fence section must be a 4-foot open fence. Ms. Narine must complete the replacement of this section of fence by the end of September 2025.

Second by: Ben Jackson

The Clerk polled the Board as follows:

Jennifer Carey	Excused
Anthony Mineo	In Favor
Ben Jackson	In Favor
Charles Hawkins	Excused
Luis Rodriguez	Excused
Rosa 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.*

APPROVAL with modification/condition

Anthony Mineo moved that this Board make the following findings of fact: A public hearing was held on April 17, 2025 wherein applicant Ansel Wallace spoke on behalf of his application. He explained that he began to put up the fence when he moved in November. His neighbor reported him for no permit, he filed for a permit. The contractor told him it took a couple days to be approved and resumed work. That is when Mr. Wallace learned that his permit had not been approved.

Mr. Wallace’s property is a corner lot that fronts on Ray Street, with a secondary front yard on South Main Street. He fenced off his property from the front of the house and around to the secondary front yard. There is no driveway on Ray Street; his driveway is on South Main Street.

When the Board spoke to him about safety concerns for children or pedestrians, he explained that the gate portion of his fence swung out and blocks the sidewalk when he enters or exits the property. The board had concerns that if the fence is open all the way, it blocks the sidewalk and pedestrians could end up on the shoulder of the roadway. Mr. Wallace said he never backs out of his driveway. He always comes out going forward because he backs into his driveway. The Board suggested options of making the whole fence 4 foot open or at a minimum.

The hearing continued on May 15, 2025 wherein applicant provided mirrors he could purchase that would allow cars and pedestrians to see. There is no stop sign going southbound at South Main and Ray. The closest traffic control device is the traffic light at South main and Atlantic Avenue. South Main Street is a busy road with a double solid yellow line down the middle. Once they turn off of Atlantic, there is no traffic control device until South Main and Bedell.

It is also a violation for the gates of the fence to swing open and block traffic while cars are driving. Mr. Wallace suggested closing the fence off completely and not using the driveway, but under the code, a house is required to have two off-street spaces, and without use of the driveway, he would have none. Ultimately, the Board suggested making the gate 4 foot open fence, as well as one 8 foot section on each side of the gate as 4 foot open fence. Mr. Wallace agreed to do that.

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. There are other similar fences in the neighborhood.
 - 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. As this is an existing fence, short of removing and replacing the entire sections of fence, there are not many other options.
 - 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. With the change in the gate to a 4 foot open design as well as one 8 foot section on either side of the gate to a 4 foot open fence, the most serious safety concerns are mitigated.
 - e. that the alleged difficulty was self-created, but this factor is not dispositive.
2. The Board, as lead agency has determined that this action is a Type II action and under SEQRA 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.
4. Applicant must remove and replace the gate plus one 8 foot section of fence on either side of the gate with 4 foot open design.

Second by: Ben Jackson

The Clerk polled the Board:

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

Application #2025-7 – 526 South Ocean Avenue, Residence A – Section 62/ Block 172/ Lot 509-511 – Stephanie Hibbert – Install 120’ of 6’ H closed PVC fence. *Variances: Village Ordinance §210-6A, §210-171 Fences and Enclosures.*

APPROVAL

Anthony Mineo moved that this Board make the following findings of fact: A public hearing was held on June 19, 2025 wherein applicant Stephanie Hibbert spoke on behalf of her application. She explained that her property is adjacent to a municipal parking field. Passersby regularly cut through her property going home from the Nautical Mile to get back to their car. She is seeking a 6-foot closed fence to deter these passersby. Her driveway is at the other side of the property and sightlines will not be affected by this fence. The entrance to the municipal field is not by the fence either so sightlines will not be affected. Additionally, the road is northbound only and curves north of her house, further enabling sufficient sightlines.

1. On balance, the benefit to the applicant by 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; Given that the property is adjacent to a municipal lot, to best achieve privacy, a 6-foot closed fence is reasonable.
 - 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. The normal safety concerns that support a 4-foot open fence are not present here. Sightlines for the applicant’s driveway an entrance to the municipal lot will not be negatively impacted by this fence. This is an existing lot next to an existing municipal parking field.
 - e. that the alleged difficulty was not self-created.
2. The Board, as lead agency has determined that this action is a Type II action and under SEQRA 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: Ben Jackson

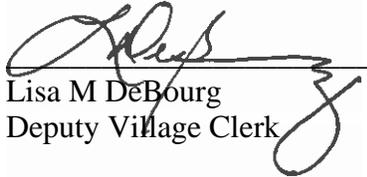
The Clerk polled the Board as follows:

Jennifer Carey	Excused
Anthony Mineo	In Favor
Ben Jackson	In Favor
Charles Hawkins	Excused
Luis Rodriguez	Excused
Rosa Rhoden	In Favor

At 7:13 P.M., motion was made by Ben Jackson, seconded by Anthony Mineo and carried to close the meeting.

The Clerk polled the Board as follows:

Jennifer Carey	Excused
Anthony Mineo	In Favor
Ben Jackson	In Favor
Charles Hawkins	Excused
Luis Rodriguez	Excused
Rosa Rhoden	In Favor



Lisa M DeBourg
Deputy Village Clerk