

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

September 18, 2025
6:45 p.m.

M E M B E R S :

- | | |
|-------------------|--------------|
| ROSA RHODEN | CHAIRPERSON |
| JENNIFER L. CAREY | DEPUTY CHAIR |
| ANTHONY J. MINEO | MEMBER |

* * *

- | | |
|----------------|-------------------------|
| LISA DeBourg | DEPUTY VILLAGE CLERK |
| GINA TERZULLI | SECRETARY |
| JENNIFER UNGAR | DEPUTY VILLAGE ATTORNEY |

-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

1 Affidavit of Publication 4

2 Affidavit of Posting 4

APPLICATION 2025-10

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 5

* * *

APPLICATION 2025-9

BOARD'S FOR I.D. PAGE

1 Affidavit of Mailing 20

WITNESS'S FOR I.D.

A Letter 33

* * *

APPLICATION 2024-20

BOARD'S FOR I.D. PAGE

1-4 Affidavit of Mailing 35

APPLICANT'S FOR I.D.

A Photographs 54

B Letters 113

* * *

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

September 18, 2025

3

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

APPLICATION#	ADDRESS	PAGE
2025-10	265 S. Long Beach Avenue	5-19
2025-9	29 W. Sunrise Highway	19-34
2024-20	19 Suffolk Street	34-114

September 18, 2025

4

1
2 CHAIRWOMAN RHODEN: Good evening,
3 everyone. If everyone could please join us
4 for the Pledge of Allegiance.

5 (Pledge of Allegiance recited.)

6 CHAIRWOMAN RHODEN: Could I please
7 have a motion for approval of the minutes
8 from the last meeting.

9 DEPUTY CHAIR CAREY: So moved.

10 MEMBER MINEO: Second.

11 THE CLERK: All in favor.

12 MEMBER MINEO: Aye.

13 DEPUTY CHAIR CAREY: Aye.

14 CHAIRWOMAN RHODEN: Aye.

15 THE CLERK: Any opposed?

16 (No response was heard.)

17 CHAIRWOMAN RHODEN: Do we have any
18 Affidavits of Publication or Posting that
19 need to be entered into the record as
20 exhibits this evening?

21 THE CLERK: We have one Affidavit of
22 Publication and one Affidavit of Posting to
23 be placed on the record as Board's exhibits.

24 (WHEREUPON, the above-referred to
25 documents were marked as Board's Exhibits, in

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

evidence, as of this date.)

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

THE CLERK: No requests for adjournment.

CHAIRWOMAN RHODEN: So, as we call the application up, I'm going to remind each and everyone here who is speaking for or against an application to please complete a slip on the back table and hand them to the clerk.

Can we please call tonight's first application?

THE CLERK: Application 2025-10, 265 South Long Beach Avenue, Residence AA, Section 62, Block 122, Lot 17. Emilia Guzman. Install 126 feet by six feet high closed PVC fence and ten feet by six feet high double gate. Variances: Village Ordinance 210-6A, 210-171. Fences and enclosures.

We also have an Affidavit of Mailing to be placed on the record as an exhibit.

(WHEREUPON, the above-referred to

September 18, 2025

6

1
2 document was marked as a Board's Exhibit, in
3 evidence, as of this date.)

4 CHAIRWOMAN RHODEN: Please come up.

5 C H R I S T I A N R A M O S,
6 having been first duly sworn by a Notary
7 Public of the State of New York, was
8 examined and testified as follows:

9 COURT REPORTER: Please state your
10 name and address for the record.

11 MR. RAMOS: Christian Ramos. I'm her
12 son. She doesn't speak that much English.
13 I'll be her interpreter.

14 265 Long Beach Avenue, Freeport,
15 New York 11502.

16 E M I L I A G U Z M A N,
17 having been first duly sworn by a Notary
18 Public of the State of New York, was
19 examined and testified as follows:

20 COURT REPORTER: Please state your
21 name and address for the record.

22 MS. GUZMAN: Emilia Guzman. 265
23 South Long Beach Avenue, Freeport, New York.

24 MR. RAMOS: The reason we're here is
25 just for the safety and protection for her

1
2 daycare. She does have, I believe, 16 kids
3 at the daycare. The reason to have it
4 approved, so we can have the kids in that
5 area. We do have a small patio in the back,
6 which you could see in the survey, but it's
7 all concrete. So, the only reason why we
8 would want, obviously, for the daycare, so
9 they can have more area and more protection
10 and just for the security of the kids for
11 daycare.

12 MEMBER MINEO: Is the daycare a
13 licensed New York State facility?

14 MR. RAMOS: Correct.

15 MEMBER MINEO: Under New York State,
16 are there requirements to have a fenced in
17 area for the childcare, outside playground
18 area?

19 MR. RAMOS: Not necessarily, but it's
20 the reason why we want it, because there is a
21 lot of children. So, if there is somewhere
22 else as well, we want the fence to be at the
23 six feet so they have more privacy as well,
24 like I said before, and more protection and
25 security for them.

1
2 MS. UNGAR: Does New York State have
3 specific requirements as to the height of the
4 fence?

5 MR. RAMOS: No, they don't ask a
6 requirement for that. It has to be fenced.

7 DEPUTY CHAIR CAREY: What are the
8 average ages of the children in the daycare?

9 MR. RAMOS: From six months to 12
10 years old.

11 DEPUTY CHAIR CAREY: Can I ask, the
12 tallest person you have in your care right
13 now, the average height of that? A six foot
14 high fence is pretty tall.

15 MR. RAMOS: So, the oldest is 12
16 years old. The height would be five-two.

17 CHAIRWOMAN RHODEN: This is a corner
18 lot, corner house?

19 MR. RAMOS: Correct. The only thing
20 is we don't want the whole corner fence. We
21 want from the back of the house to where it
22 is on the side, so there will still be a gap
23 between the front of the house and the
24 corner.

25 MEMBER MINEO: You are only staying

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

within the footprint section of the house?

MR. RAMOS: Yeah. Correct.

MS. UNGAR: What is located to the east of the house on Archer Street? You're going to the corner. What is next door?

MR. RAMOS: The school is.

MS. UNGAR: The school? That's Archer Street School?

MR. RAMOS: Correct. We're right in front of the school. Then you have Long Beach and then on Archer it's literally the school right to our left, if I'm looking from the house.

MS. UNGAR: What does the driveway situation look like near your fence? Is there a driveway for Archer there?

MS. RAMOS: There's a driveway, yeah. It's looking straight at Archer.

MS. UNGAR: On your survey, Tax Lot 12 is Archer Street School?

MR. RAMOS: I would have to see it. Sorry. Do you mind?

MS. UNGAR: No. Here. This is the front of the house?

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

MR. RAMOS: Right here. That's where Archer is.

MS. UNGAR: Where is the school? That's the street. What is here?

MR. RAMOS: It's our neighbor's. Sorry.

MS. UNGAR: What we're asking is, where is there a driveway?

MR. RAMOS: The driveway is right there.

MS. UNGAR: Where is their driveway?

MR. RAMOS: Their driveway is on the far right side.

CHAIRWOMAN RHODEN: The driveway is going outside -- the fence is going outside of the driveway?

MR. RAMOS: Correct. And the driveway for the neighbor's is on the far right of their house?

CHAIRWOMAN RHODEN: Right. I guess my concern would be you backing out from that driveway and having that six foot fence right there, when you're backing out, to not be able to see a child or anyone coming. Do you

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

understand what I'm saying, coming out from that driveway? What about if you put the fence inside instead of outside?

MR. RAMOS: Well, we want to cover the whole --

CHAIRWOMAN RHODEN: You could. You just wouldn't cover the driveway. It just wouldn't cover the driveway. Your fence would be on the side of it, not be on the other side of your driveway, so that if you come out you wouldn't hit anyone or not see anyone, right?

MS. UNGAR: That partially ameliorates it. Either way, they still wouldn't be able to see the people walking eastbound on Archer. It would cover the people already to the east of Archer, but the people walking east on Archer there, that will still provide privacy but also blocks the sight line backing out of the driveway.

MR. RAMOS: Okay.

DEPUTY CHAIR CAREY: I think we understand. The fence you need to have there could be fully slotted, fully visual; is that

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

correct?

MR. UNGAR: Secondary front yards require a four foot open front fence. Four foot open fence max. You're here because you're requesting a six foot closed.

MR. RAMOS: Just for security and privacy for the kids for the daycare. Even now, how it is nowadays with just people trying to, god forbid, kidnap, especially since it's her aunt and her daughter.

MS. UNGAR: Then there is still the concern over what to do for the passersby. You have a child or an adult walking on the sidewalk and you're backing out of your driveway, you can't see them.

MR. RAMOS: We don't park facing the house, we always park facing the street, even coming out, even without the fence.

CHAIRWOMAN RHODEN: Yeah, that's not justification.

MR. RAMOS: I understand that. So, for example, even to have that proof, what could be done not have the fence block the driveway?

1
2 CHAIRWOMAN RHODEN: So, what we're
3 saying to you is that you cannot put a six
4 foot closed fence in that area, right? So,
5 we're trying to work with you on trying to
6 figure out what will be something else that
7 we can work with and try to help you. So,
8 that's why we're trying to talk about this
9 and see what's the best way, because you,
10 technically, cannot put a six foot closed PVC
11 fence.

12 MS. UNGAR: Because of the safety
13 thing, it's something that the Zoning Board
14 doesn't like to just automatically grant
15 without trying to mitigate it in some kind of
16 way because, again, even if you're pulling
17 front out, you can't see if there's a three-,
18 four-, five-year-old that gets away from
19 their mother and starts running in front of
20 the car. That's why four foot open fences
21 are required in front yards and secondary
22 front yards.

23 So, we're trying to figure out what
24 could help achieve the safety goal while
25 still meeting your goal of the safety 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

security for the daycare children.

MR. RAMOS: Okay. So, what if we were to lower from the driveway?

DEPUTY CHAIR CAREY: Can you repeat that?

MR. RAMOS: What if we are to lower the fencing by the driveway so we could have visual of it, of looking left and right.

MS. UNGAR: So maybe like -- well, lowered or open or what?

MR. RAMOS: Just, for example, have like -- this is example. This is the first time applying for a fence -- four feet in the corner, in each corner, and then have it regular on the six feet.

MEMBER MINEO: Gradually go up. Four feet from the corner, go up to six feet for the rest of the span going back to the left of the house on the left side of the driveway?

MR. RAMOS: Correct. We have that visual on both sides.

DEPUTY CHAIR CAREY: You would have that open and the other part would be solid,

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

like this, on the other part?

MR. RAMOS: Yeah. The fence, for example, have just like that, have it at four feet, or we would have it open. It's just -- our main goal is to have it blocked, just to have the privacy for the kids. Even like I said before, even at four feet, it doesn't give privacy at all. We can have it open at the corner for each side.

MS. UNGAR: What would that look like? Maybe the section on the east side along the driveway, being the last section, four foot open, the gate being four foot open, and one section of the west being four foot open?

MR. RAMOS: If it gets that motion to be approved, that's the only option we do have, unless we come up with any other solutions to it.

DEPUTY CHAIR CAREY: We're going to try to give you ideas and what you can propose back to us. We don't want to do that for you, that's not our purpose.

MR. RAMOS: So, you're saying the

1
2 driveway, for example, has to be at four
3 feet?

4 MS. UNGAR: What we're proposing is
5 the section along the driveway closest to the
6 street, that section will be four foot open,
7 the gate would be four foot open, and one
8 section to the west of the gate would be four
9 foot open, so that when you're backing out
10 you can see through the fence if anybody is
11 coming. Or pulling out forward, the sight
12 line is still there.

13 MR. RAMOS: So, it will still be six
14 feet on the other side of the house from the
15 side looking towards -- facing Long Beach?

16 DEPUTY CHAIR CAREY: Facing Long
17 Beach would be six feet, and most of the
18 section on Archer would be six feet, except
19 for the area closest to the driveway.

20 MR. RAMOS: So that will be -- yeah,
21 that would be perfect.

22 DEPUTY CHAIR CAREY: I live on Long
23 Beach and I have the same issues with fencing
24 that all of Freeport does. Being conscious
25 of neighbors, I have a five foot fence, the

1
2 last section I have to have it open. I don't
3 know if that's an option for you. It might
4 look more appealing.

5 MR. RAMOS: For example, five going
6 toward the six?

7 DEPUTY CHAIR CAREY: It would be five
8 foot solid and one foot open. It's kind of
9 like a suggestion.

10 MS. UNGAR: That's for side
11 properties.

12 CHAIRWOMAN RHODEN: We're okay with
13 moving forward how it was presented. We're
14 going to do four foot open on the side for
15 the driveway, right?

16 MR. UNGAR: For one section closest
17 to the driveway.

18 CHAIRWOMAN RHODEN: Right. And then
19 you can have, going on the other side, six
20 feet, six feet.

21 MR. RAMOS: Is there any way on the
22 survey to show me, so I could show her as
23 well where it would go.

24 DEPUTY CHAIR CAREY: Like right now?
25 For visual now?

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

MR. RAMOS: Correct. So she can at least see.

MS. UNGAR: You're looking at the driveway to the street is eight feet here, the gate, and then eight feet next to the gate, so when you're coming out you can see.

MR. RAMOS: From here it will be six?

MS. UNGAR: That will be six. I don't know exactly how the measurements will line up, but it would be the gate plus an eight foot section and then an eight foot section here. Neither one of these is exact. Obviously, it's just a quick --

MR. RAMOS: Of course. Yeah, that's perfectly fine. That's perfect. If there's anything else. This is the first time we're doing this.

CHAIRWOMAN RHODEN: Thank you very much.

MR. RAMOS: Thank you. I appreciate it.

MS. UNGAR: Just to be clear, you have to wait to get your decision in the mail. You don't have your permit yet. The

September 18, 2025

19

1
2 Board is telling you what is going to be in
3 the decision, but you have to wait for that
4 to come in the mail before you can put up the
5 fence.

6 MR. RAMOS: That's perfect. Thank
7 you. Have a good night.

8 CHAIRWOMAN RHODEN: Do we have anyone
9 that would like to speak for or against this
10 application this evening?

11 THE CLERK: No.

12 CHAIRWOMAN RHODEN: Can I please have
13 a motion to close to further evidence and
14 reserve decision, please.

15 DEPUTY CHAIR CAREY: So move.

16 MEMBER MINEO: Second.

17 THE CLERK: All in favor.

18 MEMBER MINEO: Aye.

19 DEPUTY CHAIR CAREY: Aye.

20 CHAIRWOMAN RHODEN: Aye.

21 THE CLERK: Any opposed?

22 (No response was heard.)

23 THE CLERK: Application 2025-9, 29
24 West Sunrise Highway, Business B, Section 55,
25 Block 21, Lot 20. Marcelo Kohan. Change of

September 18, 2025

20

1
2 use to medical office. Variances: Village
3 Ordinance 210-6A, 210-172 required parking
4 spaces.

5 I have an Affidavit of Mailing to be
6 placed on the record for this application.

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

10 M A R C E L O K O H A N,
11 having been first duly sworn by a Notary
12 Public of the State of New York, was
13 examined and testified as follows:

14 COURT REPORTER: Please state your
15 name and address for the record.

16 MR. KOHAN: Marcelo Kohan, architect,
17 representing my client, Dr. Theagen, for the
18 property located at 29 West Sunrise Highway
19 regarding the parking variance required for
20 his medical space.

21 As you recall, I was here last month
22 and the meeting was adjourned. I mentioned
23 to you that the patients, doctor has majority
24 being brought in by a shuttle. At that time
25 I wasn't sure what kind of shuttle it was,

1
2 but now I was told it's not a bus. I
3 initially thought it was a bus. It's just a
4 regular car service or Uber.

5 MS. UNGAR: Can you use the
6 microphone?

7 MR. KOHAN: So, it's a shuttle
8 service provided for the patient, either by
9 Uber or car service. It's a regular four
10 door sedan. That is important, because one
11 of the patrons said last time, said in case
12 there's no parking space in front of the
13 building for patient to be dropped off, the
14 car service can drop off the patient coming
15 from the back of the building, will be able
16 the drop off the patient and maneuver through
17 the easement towards Church Street.

18 I don't know if you can see, but the
19 easement is coming through Pine Street to the
20 back. You come here, then you make a turn
21 and end up on Church street. What I'm saying
22 is, in case there's no availability for
23 parking in the front of the building, drop
24 off the patient. The car service will bring
25 the patient -- the car around, come to the

1
2 easement and will drop off the patient to the
3 back entrance and then will exit through
4 Church Street again. It's a regular four
5 door sedan. Originally I thought it was
6 going to be like a shuttle bus bringing the
7 patient, but it's not, it's just regular car
8 service. A smaller car, they can easily
9 maneuver through the easement if they have
10 to.

11 DEPUTY CHAIR CAREY: Is Pine Street
12 where the street is closed off?

13 MS. UNGAR: So, I'm a little -- this
14 easement that you're referring to, is this a
15 recorded easement on the property?

16 MR. KOHAN: Yes, it is. It's
17 indicated on the survey.

18 MS. UNGAR: How are they entering?
19 Where are they entering off of to get to the
20 back of the building?

21 MR. KOHAN: This is Pine Street here,
22 and this is where the easement starts, our
23 building. The easement here, this is the
24 back of the building and make a right turn.
25 At that point, ends up at Church Street.

1
2 Again, this is the easement. You make a
3 right, which is right here, and we end up on
4 Church Street.

5 Would you like to see the survey
6 indicating the easement?

7 MS. UNGAR: I'm having trouble
8 visualizing this. I received a letter from
9 Ratan Halder of Miradami, LLC. They own the
10 property at 22 Pine Street. That's the
11 parking lot that we have been talking about.

12 MR. KOHAN: Right.

13 MS. UNGAR: They said that there is
14 not going to be access through their parking
15 lot. That's where this question of the
16 easement needs to get addressed clearly.

17 MR. KOHAN: Right now the easement is
18 being used by parking for other people. So,
19 if someone parked illegally blocking the
20 easement, it's not up to us. Legally the
21 easement is supposed to be there to provide
22 entrance/exit to the space.

23 MS. UNGAR: That's something that we
24 need some documentation for, because right
25 now it sounds like there are going to be

1
2 problems with the neighboring business owner/
3 property owner, because they're saying that
4 there is no access to that parking lot.

5 Additionally, in speaking with the
6 police, as we discussed last time, Pine
7 Street is closed during the school day.
8 There is not going to be access to get in and
9 out of Pine Street during the school day.
10 So, the Uber is not going to be able to drop
11 off back there, because there isn't -- the
12 road is closed.

13 MR. KOHAN: Okay. In that case, what
14 can be done? If there's no place to park in
15 front of the building, they can double park
16 for two minutes, drop off the patient and
17 then keep on going. If we don't find a place
18 to park in the street, we can find a way to
19 do it. If not, there is a municipal parking
20 we have on Church Street as well. The driver
21 can go there and help the patient, walk the
22 patient to the door like that. We're not
23 planning on using the back entrance all the
24 time, only if it's possible, if it's really
25 needed. Again, this is a situation where the

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

car driver just drops off the patient, takes two minutes to get out of the car and he's on his way. He has to double park for two minutes.

MS. UNGAR: You recognize double parking on Sunrise Highway is a bit of a dangerous prospect?

MR. KOHAN: It is, but traffic -- I mean, usually they can find a place to temporarily park, not double park. Park anywhere close to where they have to be and help the patient. If there is no parking, it's easy to double park, if it's possible. They could do it. Maybe my client would like to add something, if it's possible to do that.

S A M U E L T H E A G 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.

DR. THEAGEN: Samuel Theagen. 224-22 Merrick Boulevard in Laurelton, New York

1
2 11413.

3 So, as far as the transportation
4 problem that we have, it's no different than
5 what I have right now in my office. I have
6 been practicing in that office for 12 years,
7 and the reason why we came up with the
8 system -- my practice is on the first floor.
9 I'm a pain management doctor. So, the first
10 floor works well for me -- when patients
11 couldn't get to the office, because we didn't
12 have a parking space in my office right now.
13 The second floor is very large medical group,
14 they're using the parking lot. So, in the
15 past I used to see 50,000 patients a day, all
16 in and out, the traffic and everything. But
17 lately I'm not doing that anymore. I'm
18 tired. I'm only seeing patients two days a
19 week, and there's a maximum of maybe ten
20 patients a day. So, I purchased this
21 building as an attempt to slowly retire. I'm
22 not as young as I look. I'm in my 60s.

23 So, those patients, when they started
24 complaining about not having the ability to
25 come to the clinic, I decided to give

1
2 something back. I said, "Okay. You guys can
3 make it. We're going to provide free
4 transportation, if you live within five to
5 seven mile radius. If you can't really come
6 to the clinic, we'll send" -- my current
7 driver is Mohammed. "We'll send Mohammed to
8 pick you up." We have been doing that for
9 years and it works great. I personally don't
10 have a parking space for myself. It's no
11 different. It's transposing what I have over
12 here. The only difference is here I own
13 this. That's the only thing.

14 What we find over the years is that
15 our patients, they're not crippled, they are
16 walking people, they're just indigent, they
17 can't come to us. So, at times, if you drop
18 a patient around the corner, they can walk.
19 If you drop a patient one block away, they
20 can walk. It's not door-to-door, and it
21 doesn't have to be.

22 When I decided to buy this building,
23 I guess what might have happened was a high
24 sales pitch to unload the property, I was
25 told that there's a possibility you share

1 that space, the easement and all of that.

2 But I had my doubts about that, because all
3 the spaces, they were all tagged, and I was
4 thinking I don't think that's the case. Last
5 time we were here that, in fact, was the
6 case. That sent me back to the surveyor. I
7 looked at it and I realized that my property
8 ends at the back door, period. So, the
9 easement can be there available or not, but
10 it's not for me. It's not mine. I don't
11 have the space to go towards the curb.
12

13 So, I just have to do what I have to
14 do: The same thing I have been doing. We're
15 doing right now at Laurelton the same thing
16 we're going to be doing here with the
17 provision of transportation of the patient as
18 needed. Plus, fortunately now, right across
19 the street is the Long Island Railroad,
20 there's a stop right there. And we have
21 municipal parking, I guess, maybe about a
22 block away. So, we don't need a parking
23 space. Just like right now I don't need a
24 parking space in my office, because the guys
25 upstairs, they're all using all the parking

1 spaces in the building that I'm at right now.

2
3 So, as a specialist, I don't need to
4 see 50,000 patients. I see 10, 11, 9
5 patients a day. I do work with other
6 disciplines. I have a physical therapist on
7 board, I have an acupuncturist on board, and
8 they also see patients. But personally, I
9 don't see. I'm not having a problem seeing
10 my patients.

11 DEPUTY CHAIR CAREY: You said you
12 only see patients two days a week?

13 DR. THEAGEN: That's it. I'm
14 retiring.

15 MS. UNGAR: But the acupuncturist and
16 physical therapist are there more than that?

17 DR. THEAGEN: Right. They do see
18 quite a bit more than I do, but it's really
19 not at all. That's why I decided to come
20 here. Today I stopped seeing patients
21 because I've got to come here and explain the
22 situation. So, we understand each other.

23 MS. UNGAR: What about the patients
24 who see the physical therapist and the
25 acupuncturist; do they use the driving

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

service as well?

DR. THEAGEN: Yes.

MS. UNGAR: So, Mohammed takes care of the whole customer base of who needs rides, and Uber if need be, to cover the load?

DR. THEAGEN: That's correct.

MR. KOHAN: Uber or car service.

MS. UNGAR: Just to be clear, we're not making any judgements or determination as to the easement. It's just when we received the letter saying there is no access, I thought I would mention it. Whether or not there is one or not for you and the adjoining property owner to work out, I wanted to alert you to the fact that if this is something you're planning on doing, you might encounter some hiccups. The Zoning Board does not want to be making a decision based on assuming there was access.

DR. THEAGEN: Right.

MS. UNGAR: So, the Zoning Board would not rely on an easement without documented proof it does exist. I wanted to

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

make that clear.

DEPUTY CHAIR CAREY: Are you open five days a week for the acupuncturist and physical therapist or three or four?

DR. THEAGEN: No, it's three days a week. Usually Monday, Wednesday and Friday, and I see patients Monday and Thursday.

DEPUTY CHAIR CAREY: You live in Laurelton? You're not living here. You would be driving to work and park somewhere nearby, right?

DR. THEAGEN: Right.

CHAIRWOMAN RHODEN: I don't have any additional questions. Thank you.

DR. THEAGEN: Thank you.

MR. KOHAN: Thank you.

CHAIRWOMAN RHODEN: Do we have anyone who would like to speak for or against this application this evening?

THE CLERK: No one to speak.

CHAIRWOMAN RHODEN: Can I please have a motion to close to further evidence --

MS. UNGAR: Actually, Madam Chair, I apologize. Before we do, this letter from

1
2 Mr. Halder, I would like to be added to the
3 Zoning Board file mentioning his concern,
4 since I did refer to it during this hearing.
5 I think Mr. Halder may be here tonight.
6 Would you mind confirming this is indeed the
7 letter that you sent?

8 R A T A N H A L D E R,
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. HALDER: Ratan Halder. 225 Pine
15 Street, Freeport 11550.

16 MS. UNGAR: Mr. Halder, before
17 officially putting this into the file for the
18 Zoning Board, I wanted to make sure this is
19 the letter you sent to the Zoning Board or to
20 me --

21 MR. HALDER: Yes.

22 DEPUTY CHAIR CAREY: -- making your
23 concerns known that there isn't access to the
24 back of the building?

25 MR. HALDER: Right.

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

MS. UNGAR: Okay.

MR. HALDER: I do not have any particular opinion about your decision. I just wanted to let the Board know that there is no access to the back easement, if there is any. They can drop patient off in the front or to the parking lot next to it on Church Street. In fact, there is a point on Sunrise Highway by Church Street on the west side. That could be a place momentarily to drop patients off. I have no objection to that, but it's entirely up to the Board.

MS. UNGAR: Understood. Thank you so much.

(WHEREUPON, the above-referred to document was marked as Witness Exhibit A, for identification, as of this date.)

CHAIRWOMAN RHODEN: Can I please have a motion to close to further evidence and testimony and reserve decision.

MEMBER MINEO: So moved.

DEPUTY CHAIR CAREY: Second.

THE CLERK: All in favor.

MEMBER MINEO: Aye.

September 18, 2025

34

1
2 DEPUTY CHAIR CAREY: Aye.

3 CHAIRWOMAN RHODEN: Aye.

4 THE CLERK: Any opposed?

5 (No response was heard.)

6 THE CLERK: Application Number

7 2024-20, 19 Suffolk Street, Marine Commerce,

8 Section 62, Block 176, Lots 325, 326, 327,

9 328, 329. BGC Properties Inc. Construct

10 19,996.77 square foot addition to existing

11 building and change of use to Residence

12 Apartment for 20-unit apartment building.

13 Variances: Village Ordinance 210-6A;

14 210-238B, Prohibited uses; 210-239, building

15 height; 210-48 lot area, apartments;

16 210-49BCD, lot coverage; 210-51ABC, required

17 yards; 210-52 parking space for apartment

18 building; 210-54 front yards of apartment

19 building; and 210-241 plots abutting or

20 directly across a street from single-family

21 residence districts.

22 I also have four Affidavits of

23 Mailing to be placed on the record as exhibit

24 for this application.

25 (WHEREUPON, the above-referred to

1 documents were marked as Board's Exhibits, in
2 evidence, as of this date.)

3
4 MS. UNGAR: Before we begin, Madam
5 Chair, as you are aware, Mr. Jackson, one of
6 the corporate officers of BGC Properties,
7 Inc. is on the Zoning Board. Before going
8 forward, I wanted to inquire if any Board
9 member believes they have a conflict of
10 interest that would prohibit them from
11 hearing this application?

12 DEPUTY CHAIR CAREY: No.

13 MEMBER MINEO: No.

14 CHAIRPERSON RHODEN: No.

15 DEPUTY CHAIR CAREY: Everyone said
16 they do not have a conflict of interest, so
17 we can proceed.

18 MR. BROWNE: Thank you very much.
19 Christian Browne with McLaughlin and Stern.
20 1125 Franklin Avenue Garden City for the
21 applicant. Good evening again.

22 Yes, one of the principal's of the
23 applicant is a member of this board. He is
24 here, present tonight. He is, of course,
25 recused from all deliberations, and I don't

1
2 believe he will be speaking on the record.

3 I'm going to give you an overview of
4 the application and turn it over to
5 Mr. Nelson who will give you some further
6 detail and get into some of the economic area
7 character, management in a little more
8 detail. I believe there are some individuals
9 here tonight who would like to speak on
10 behalf of the application, and then we'll
11 hand up a couple of exhibits, probably at the
12 end, just to give the Board a further sense
13 of the character of the area.

14 Although I think you're fairly
15 familiar with South Ocean Avenue and Suffolk
16 Street, as you know, 19 Suffolk Street is
17 located on the southeast corner of Suffolk
18 Street and South Ocean Avenue in the Marine
19 Commerce District of the Village. Presently,
20 the site serves as an office and a
21 nonconforming -- legal nonconforming
22 construction yard for Ben's Construction.
23 The applicant is proposing to transform the
24 existing building and expand it into a
25 multi-family residence with 20 one-bedroom

1
2 apartments. All of the units proposed will
3 be one-bedroom apartments. I note that
4 originally back in the earlier part of the
5 year, when this application was first
6 proposed, we were proposing 24 units.
7 Subsequently, before we adjourned this matter
8 and before we made any sort of presentation
9 so that we could adjust it, we have adjusted
10 it down to 20 units, 20 one-bedroom units,
11 and we are proposing 21 parking spaces.

12 So, the big overview is, what will go
13 away is the office and the construction yard,
14 and all of the construction equipment that's
15 presently stored on the yard, around the
16 office both on South Ocean Avenue and on
17 Suffolk Street and would be replaced with one
18 building with 20 one-bedroom apartments. The
19 rendering that is sitting here on the front
20 pew or bench, that rendering depicts the
21 larger version of the building with the four
22 additional units. But you get a sense of
23 what the building will generally look like,
24 if this is approved. In substantial form,
25 that is the look that would be shown to the

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

Site Plan Review Board.

So, because the main issue before you, in my opinion, main legal issue, is the fact it requires a variance because the Marine Commerce District does not permit residential development of this fashion. Because we don't fit a use category, the denial before you is sort of a hodgepodge, which I'll go through for the record and for an overview, taken from different sections of the code that the Building Department has applied to this application. So, you have some of the variances in the denial are pulled from the Marine Commerce section, some of the variances in the denial are pulled from the Resident Apartment District. So, what I'm going to do is go through each one briefly, give you the sense of what we're proposing, what our argument is toward why you should grant that, then I'll touch on the use variance issue and probably turn it over to Mr. Nelson to fill in some of the details and the economic issues that speak to the use variance in particular.

1
2 So, the first area variance before
3 you is building height, and that is cited in
4 Section 210-239 of the code, and that is the
5 Marine Commerce section. Essentially, you're
6 allowed 40 feet in the Marine Commerce
7 District. We are proposing the building at a
8 maximum height to be 40 feet 10 inches, four
9 story instead of the permitted three stories.
10 Obviously, that's a rather small variance of
11 less than a foot, and, as you know, this is
12 in a flood zone, in a low lying area. It is
13 in an AE8 Zone. In order to meet the
14 Freeport Village Code requirement, the extra
15 few feet above the base flood elevation in
16 this instance we have to go up basically five
17 feet from grade. So, we're starting our
18 construction at elevation 14. So, if you
19 give credit so-to-speak for the flood
20 elevation, it's 35 feet from the design flood
21 elevation, 40 feet in total.

22 So, some of that height is
23 attributable to the flood requirements, and
24 that will be true for any structure that will
25 be built or any future structure that will be

1
2 built. It is not a four-story living space,
3 it is only a three-story living space, but it
4 is elevated above because the parking is
5 underneath. So, it's deemed a four-story
6 building, 40 feet 10 inches, and about five
7 feet of that is attributable to the flood
8 zone.

9 The next variance is lot area,
10 210-48. That provision is pulled from the
11 Residence Apartment District section of the
12 code. The requirement there is 15,000 square
13 minimum lot, which would yield 11 apartments,
14 if we were in that zone; and the Building
15 Department is applying that requirement. Our
16 lot is 11,500 square feet and we're proposing
17 20 units as opposed to the permitted 11
18 units.

19 Now the lot, obviously, is existing
20 today, and we'll get into the reasons in a
21 little while as to why we think 20 units is
22 proper here for economic reasons and because
23 we're able to provide 21 parking spaces.
24 Since these are all one-bedroom unit rentals,
25 everyone is given a parking space. We

1
2 wouldn't anticipate there being more than one
3 car, because units will be matched to young,
4 single people or a young couple, retired
5 couples, each of whom are permitted to have
6 one parking space, one car. And then we have
7 one additional parking space. So, that lot
8 area, we're shy on the lot area and we're
9 over on the density. Again, that's pulled
10 from the Residence Apartment District and
11 applied to this lot by the Building
12 Department.

13 The next variance is lot coverage.
14 Again, this is 210-49. This is also a
15 Residence Apartment District section applied
16 here. 40 percent coverage is allowed, and
17 here we are proposing 64.8 percent. So, we
18 have a 25 percent basic coverage. Again,
19 we'll get into the design in a moment but,
20 essentially, the lot right now consists of
21 the office and the yard. So, while the yard
22 is open space, it is a working construction
23 yard with storage of trucks and other types
24 of materials. You'll see the photographs.
25 You are probably somewhat familiar with the

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

site.

Basically, what I'm saying is the whole lot is already in kind of a business operation. The commercial aspects of the storage of materials and vehicles and everything associated with the construction yard will go away and be replaced mostly with a residential building on that, where it was formerly a yard. But as you'll see in the plan, we do leave room for setbacks, we do leave room for landscaping on all sides of the building which, essentially, does not exist now.

While the building doesn't take up as much space, it does go not quite to the lot line, almost to the lot line. All you have around the building now is basically a two foot strip of grass on both corners. That will be replaced with a much more, a nicer landscaping plan, and there would be greater setbacks on both Suffolk Street and on South Ocean Avenue. The building steps back in various areas, including on South Ocean Avenue which faces the residential homes

1
2 across the street. Most of the frontage on
3 South Ocean Avenue will be setback in a two
4 foot buffer zone, and the rest of it would
5 leave room for a landscaped area along South
6 Ocean Avenue, which really doesn't exist now.
7 Although we are taking up more of the lot
8 than permitted, we are getting rid of the
9 construction aspect of it and we're actually
10 improving and adding to the landscaping and
11 greenery around the site.

12 The next variance is also under the
13 same section of the code. What I just
14 covered was under A, this is -- excuse me.
15 What I just cover is under Subsection B, this
16 is under Subsection C of the Residence
17 Apartment District that, again, pertains to
18 the open space requirement.

19 As you know, the Residence Apartment
20 District requires building to provide a
21 certain amount of open space based on the
22 total square footage of the multiple
23 dwelling. According to the Building
24 Department here, the required open space is
25 9,998 square feet. We have 4,054 square

1 feet. We have open space on the roof area.
2 So, there is an amenity in the building for
3 the residents to go up to the roof and look
4 out at the water, the Nautical Mile, and so
5 forth, of just over 4,000 square feet. As
6 you know, this building is also located
7 proximate to parks and other recreational
8 amenities that are within walking distance,
9 you have the water right there. So, I don't
10 think that access to open space and
11 recreational issues is the issue here, and we
12 did make a good faith effort to comply with
13 that requirement.
14

15 Then we come to the required yards,
16 that is Section 210-51. Again, this is
17 pulled from the Residence Apartment District.
18 The first provision, A, deals with front
19 yard. So, we have two front yards. We have
20 Suffolk Street and South Ocean Avenue.
21 There's a 25 foot requirement that for
22 reasons that I have already outlined, for
23 which you can see on the site plan, that's
24 not practical if you're going to build a
25 building with any apartments in it,

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

basically.

And then setbacks right now are very, very minimal. So, along Suffolk Street we have a five foot setback, in general, except at one point towards the corner where there is a further encroachment almost to the lot line. That's very small, .9 on the denial notice. That is the stairs, the access stairs in that one place, the bump out near the lobby entrance, but the rest of it is five feet. As you can see, we will have landscaped buffers along part of Suffolk Street side.

On the South Ocean side we have a seven foot setback in the front yard towards the corner, and that runs up -- I should say down to the south on South Ocean. Again, there would be landscaping provided in that area, and then the building steps back for the remainder of the property going down South Ocean to a full 20 foot buffer and, again, there would be landscaping there. That is the area in which cars will access the parking area which is on grade.

1
2 Next is parking. This is also taken
3 from the Residence Apartment District. As I
4 mentioned, we have 21 spaces. These are on
5 grade spaces that will be reserved for one
6 car per resident, where 30 spaces is
7 required. I think you heard enough
8 applications, I have done some, I've heard
9 others here regarding parking for the
10 apartments. Because we're limiting these to
11 one bedrooms and because we have some control
12 of assigning one spot per apartment, we have
13 enough with one space to spare for each of
14 our units. These would again be -- the
15 marketing of these units would be to single
16 people and young couples, retired couples.
17 As you all know, there is a great need for
18 this sort of housing throughout New York City
19 and Long Island, and this would go a little
20 bit towards that need.

21 So, the goal here is to have people
22 who basically have one car. If you have more
23 than one car, it really would not be the type
24 of place for you. Yes, it's true that you
25 could have guests and so forth. That's

1
2 always an issue. People could have guests in
3 a single-family house or two-family house.
4 And when you compare this use against the
5 permitted uses in the area, I think it's fair
6 to conclude that this use with 20 one-bedroom
7 units is far less intense than many of the
8 permitted uses in the Marine Commerce
9 District, which includes offices, hotels,
10 motels, storage facility for boats,
11 manufacturing facility related to boats,
12 repair facilities, restaurants, bars, grills,
13 engine repair facilities and so forth. So,
14 these are commercial industrial type of uses
15 that would generate far more traffic and
16 parking just for workers, for the customers.
17 We're very proximate to the Nautical Mile.
18 All of you are familiar with the parking
19 demands that are generated by even small
20 restaurants and bars there. What we're
21 proposing is far less intense from a traffic
22 prospective than any of the permitted uses
23 that I just named.

24 If you think about it, one of the
25 nice aspects of this proposal, I think, for

1
2 this site in particular, is the sight lines
3 at the border of the Marine Commerce
4 District. The Marine Commerce District is on
5 the east side of South Ocean Avenue and it
6 runs down south towards the water. But on
7 the west side you have single-family homes.
8 So, it's really a transitional parcel that
9 sort of sits between the busier Nautical Mile
10 and the single-family homes just to the west.

11 So, this makes sense from a zoning
12 and planning prospective that as you move
13 away from the commercial areas, towards the
14 residential areas, you sort of transition to
15 a use that's between, let's say, a restaurant
16 and a bar and a single-family home, which is
17 residential in character. Yes, of course,
18 it's denser than a single-family or a
19 two-family home, but it's a much more benign
20 and less intense use than what you would find
21 just to the east of what would be a marine
22 industrial type of use that would be much
23 more potentially obnoxious and intrusive and
24 generate more traffic and be much more out of
25 place. The code doesn't consider out of

1
2 place. As a practical matter, it would be
3 out of place because you have residential
4 homes directly across the street from you.

5 So, we are under, a little under
6 parking by nine spots. I think for those
7 reasons, we can contain our own parking of
8 one per unit for one-bedroom. And compared
9 to the other uses that could be there, it
10 would generate far less traffic, far less
11 parking demand.

12 Next is 210-54, front yards of
13 apartment buildings. This comes from the
14 Residence Apartment District. The Building
15 Department denied under this section because,
16 according to the denial notice, the parking
17 and trash room are in the front yard,
18 secondary front yard; but those are not
19 outside. The parking is on grade and the
20 trash room is inside the building. So, there
21 won't be a dumpster or anything in the
22 parking lot, this will be contained inside.
23 So, there's no effect on anybody outside.
24 There's no unsightly effect. Trash is not
25 going to be piled up in the front yard of the

1
2 building or anywhere else outside of the
3 building. The refuse room is inside.

4 The last one is 210-241. This is a
5 section of the Marine Commerce District that
6 pertains to plots abutting directly across
7 the street from Single-family residences,
8 which, of course, ours is. As I mentioned,
9 we're on the border of the Marine Commerce
10 District. Across from us, I believe, are
11 Residence A homes. The purpose of this is to
12 provide a 20 foot buffer for the sections of
13 a commercial property that border the
14 Residential District.

15 So, the denial says, "According to
16 the zoning code, no buffer is shown." That's
17 not accurate. As I mentioned, on South Ocean
18 there is a 20 foot buffer on the southern
19 part of the site. It's true that that tapers
20 down to be only seven feet, as you go towards
21 the north, but we are proposing a landscaped
22 strip there. Really, the intent of this, if
23 you read the code, is that the Village did
24 not want commercial and quasi industrial
25 marine uses happening in a front yard that's

1
2 adjacent to residential homes. That's why
3 the buffer was put in there, to shield the
4 Residential District from the heavier uses
5 that go on typically in Marine Commerce, as
6 Marine Commerce originally was envisioned.
7 Because we don't do any of that stuff, or
8 wouldn't do, I should say, any of that stuff,
9 should we have an apartment building here,
10 there would be no -- the intent of that
11 section is sort of moot.

12 Again, if you look at -- you don't
13 want any trucks, heavy equipment, boat repair
14 to be offensive to the residential neighbors
15 who live adjacent or across the street really
16 is irrelevant here, because that is not going
17 to happen, and we do have a 20 foot buffer,
18 or at least part of the frontage along South
19 Ocean, and landscaping. And it would be a
20 lot nicer looking, quite frankly, than what's
21 there today, because that side of the
22 building, that frontage, I should say, of the
23 building is really where a lot of storage is
24 currently situated, there are trailers there.
25 I'm not saying the building is ill kept, it's

1
2 not. It is construction and it's not the
3 most attractive things for the neighbors to
4 look at. That will all go away, if this were
5 to be approved. And of course the site plan
6 aesthetics are still subject to further
7 review by the site plan approval.

8 So, that is an overview of the
9 project and those are the variances that we
10 require. Now I'd like to turn to the use
11 issue, if I can, and I'm going to turn it
12 over to Mr. Nelson to do that. Before I do,
13 I would just, again, emphasize that this is
14 an interesting so-to-speak section of the
15 Village because you have the bars and
16 restaurants, then you have the Marine
17 Commerce strip that is along South Ocean
18 Avenue, but even that is mixed, because over
19 the years housing has been approved along
20 that strip. If you go one lot to the south,
21 you have a condo project. If you go to the
22 end of the South Ocean you have another condo
23 project. We'll hand up some photos in a
24 minute and you could see a lot of buildings
25 that are built with this quasi industrial

1
2 marine type use. They're unsightly, they're
3 either abandoned or only in partial use and
4 situated, again, across the street from very
5 well managed, very nice, single-family homes.
6 It is kind of a mixed area where the
7 residence end abuts up against this marine
8 kind of industrial commerce section, that's
9 how it was envisioned, and then you have the
10 bars and restaurants.

11 As time has gone by, it's sort of
12 shown that that vision perhaps once was wise,
13 but it's now, as a practical matter, a little
14 bit obsolete, and that's why the applicant is
15 having so much trouble, as you will hear in a
16 minute, putting this property to a better,
17 more productive use and selling it and
18 realized a reasonable return. It's really
19 where the zoning doesn't fit with the
20 practical reality. What we're looking to do
21 here is to make it fit a little better with
22 the area character. I'm asking you again to
23 think of it as a transitional parcel between
24 the businesses and the residents and get rid
25 of the construction aspect, get rid of the

1
2 commercial industrial aspect, and have this
3 sit as a moderately dense, really small, 20
4 unit one-bedroom apartment building. That's
5 not atypical either, because the Village has
6 allowed these types of buildings, in fact,
7 more dense buildings, to be built,
8 residential building to be built and sort of
9 replace the marine commerce sites as they
10 have fallen into disuse.

11 So, with that, I'd like to have
12 Mr. Nelson talk about economics and some of
13 the other parts of his expert testimony.

14 (WHEREUPON, the above-referred to
15 documents were marked as Applicant's
16 Exhibit A, for identification, as of this
17 date.)

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

22 COURT REPORTER: Please state your
23 name and address for the record.

24 MR. NELSON: Barry Nelson. 220
25 Pettit Avenue, Bellmore, New York 11710.

September 18, 2025

55

1
2 I handed in some exhibits to the
3 Board. Feel free to review the exhibits.
4 They include aerials of the subject property
5 and surrounding uses. It includes an
6 economic analysis study for the existing
7 conditions, photographs of the subject
8 property and surrounding uses. The
9 photographs were taken by myself and, in my
10 opinion, fairly and accurately represent the
11 subject property and the surrounding uses.
12 Also attached to the aerial views would be a
13 FEMA flood map indicating, as counsel
14 mentioned, the AE8 Zone.

15 The subject property is currently
16 improved, currently on the market. It's been
17 on the market for over a year. The applicant
18 has not had any takers or inquiries for the
19 property. Interestingly, I've been coming
20 before this Board for probably almost 40
21 years. I've been going to the Woodcleft
22 Canal for 50 plus years. I believe the Board
23 and many of the people here tonight will know
24 there's been a substantial change from what
25 it was 40, 50 years ago on Woodcleft Canal

1
2 and the surrounding area. It used to have a
3 marine industry down there, many boats,
4 sales, repairs; that's just about all gone.
5 You had restaurants. In fact, many of the
6 restaurants have changed names, changed
7 ownership. Many of the boat facilities now
8 have left, and it's not unique to Freeport,
9 it's traditionally throughout Long Island.
10 The marine industry is almost a dying
11 industry.

12 The proposal tonight, as counsel went
13 over substantially, is for an apartment
14 building. The building front yard setbacks
15 on Suffolk Street and South Ocean are
16 existing. We're not going to come in and
17 close it for the proposed use. The character
18 of the neighborhood lends itself to a certain
19 type of development. If you drove South
20 Ocean and you if you drove Woodcleft Canal,
21 you will know there's a substantial amount of
22 properties that are vacant. I've reviewed
23 the MLS, I reviewed other commercial listings
24 that are for sale, and there are many
25 properties for sale along the area. It's a

1
2 very desirable area. I don't know why, but
3 there is waterfront to the east, there's some
4 restaurants.

5 What we need here now is something to
6 start a new trend, for a development to bring
7 young people back into the community. It's
8 an opportunity for the young to move out of
9 the house and live and stay within the
10 community. It's an opportunity for people
11 retiring to live in a one-bedroom apartment
12 that's affordable. In fact, myself, I sold
13 my waterfront house and took an apartment
14 above my office in Bellmore. This is the
15 current trend of the times right now.

16 The economic study provided to the
17 Board would be a demonstration to the
18 property itself, as it is a unique parcel,
19 fully improved. I went through the size and
20 the demographics of the building itself.
21 You'll see on the first page I identified the
22 property itself. On the second page I put to
23 you the improvements and economic rents.
24 There are a substantial amount of properties
25 available for rent and for sale in the

1
2 vicinity in Freeport and throughout a good
3 part of Nassau County.

4 The first floor is commercial type
5 use. You'll see I applied the market rent
6 income. I applied the possibility of an
7 apartment in the facility, and I provided an
8 economic rental on the apartment. Between
9 the office space and the apartments, you
10 would generate approximately \$87,600. A
11 small vacancy rent loss out of that would
12 yield an effective gross of about \$79,700.
13 Real estate taxes on the property is \$28,300.
14 Insurance flood insurance is \$7,200. You
15 have maintenance. I took out the bare
16 minimum expenses, including a reserve for
17 replacement. You have to put that into all
18 accounting now, in case you have to replace
19 the roof, do upgrading throughout. You can't
20 just let the property deteriorate. So you
21 see, total expenses of approximately \$52,200.
22 Net operating income you have effective gross
23 of \$79,700. You have expenses at \$52,200.
24 That would give you a net operating income of
25 \$27,500.

1
2 The applicant has invested in this
3 property. When he bought it in 2013 after
4 Sandy, he upgraded and did improvements of
5 \$1,100,000. He has outstanding debt on the
6 property that would be -- I'll address that
7 shortly. But at \$1.1 million, the property
8 has a net operating income of \$27,500.
9 That's less than a quarter percent, less than
10 one percent, a quarter of a percent return on
11 \$1 million. This is not an investment for
12 myself, it's not an investment for anybody on
13 this Board or anybody with normal common
14 sense.

15 The applicant has a first mortgage of
16 \$200,000, has a home equity loan on it at
17 \$549,000, and he advised me this afternoon he
18 has an additional equity loan on the
19 property. Nevertheless, I didn't even
20 consider that. He has debt service for the
21 first mortgage of \$20,390. He has a payback
22 on the home equity of \$58,284. Those two
23 mortgages are \$78,672. The net operating
24 income generated from that property, and this
25 was entirely rented, is \$27,500. He is

1
2 out-of-pocket every year \$51,000. That's one
3 of the reasons why you're not going to be --
4 he's not going to be able to sell his
5 property for anybody to realize a reasonable
6 rate of return on the property.

7 Traditionally, this would be consistent with
8 any properties now along Woodcleft Canal,
9 along this area.

10 With that said, what's being proposed
11 is for rental apartments of 20 units, all
12 one-bedroom, and they vary between 600 square
13 feet up to approximately -- the largest
14 apartment is just under 900 square feet, 890.
15 With an average rental of \$2,500, and that's
16 for an entry level, consistent with the
17 market throughout the area as many type of
18 similar developments in adjacent villages,
19 RVC and Lynbrook, there are some in the Town
20 of Hempstead, there are some in Amityville,
21 in Copiague, Town of Babylon, and
22 Farmingdale. They're all looking towards
23 something to stabilize the market.

24 Commercial and retail is just not
25 recommended. It's not Merrick Road, it's not

1
2 in any downtown business district. This is
3 an area where it needs something for a
4 development, and the only alternative right
5 now in the foreseeable future is apartments.

6 With that said, counsel has gone over
7 the application substantially, but you do
8 have other uses in the area. To the south
9 you have 25 South Ocean. I think there's
10 approximately 20 units at that location,
11 slightly larger. You have the Wharfside.
12 Just back to 25 Ocean Avenue, which is south
13 of the subject property. That was
14 constructed in 1987. It's a stable
15 development, it adds credence to what the
16 applicant is proposing. Occasionally, very
17 limited turnover in that building.
18 Occasionally a unit becomes available for
19 rental.

20 You have the Wharfside, which has
21 been redeveloped and repaired and upgraded
22 since Sandy. I believe that was a four-story
23 building constructed in 1985. Right now it's
24 fully occupied. It's 133 units,
25 approximately four acres, and that's just one

1
2 block south of the subject property built in
3 1985. It's pretty stable. Some turnover,
4 and they sell for around \$350- to \$700,000.
5 Did I say 133 units? It's 153 units at that
6 location.

7 DEPUTY CHAIR CAREY: Those are
8 condos, co-ops?

9 MR. NELSON: Those are condos.

10 The area to the west of the subject
11 property is all single-family. There are
12 some possibly nonconforming two-families.
13 The parcel lends itself to a transitional
14 situation. Uniquely, the variances sought,
15 as far as setbacks and coverage and stuff, if
16 you look at what's immediately adjacent to
17 the subject property to the south, I have
18 outdoor storage containers and parking. To
19 the east of the subject property is a
20 nonconforming building with mixed uses. They
21 take up a substantially good part of their
22 property. Their lot coverages are
23 substantial. And then you go around the
24 corner onto Woodcleft Canal, you see where
25 the mixed uses along that area is. You will

1
2 see some detrimental, deteriorated properties
3 along that area.

4 I'm saying this type of development
5 will lend credence to an upgrade to the site
6 and a substantially good demand. Apartments
7 are in demand. The applicant, if he was to
8 build it and put it on the market tomorrow,
9 he will probably rent them all up within six
10 months. You see the development along the
11 railroad in Lynbrook? That's a seven-story
12 apartment building substantially rented up,
13 as soon as they became available. You'll
14 have similar type of developments in
15 Farmingdale, all rented up. It's made a
16 viable community. Thank you.

17 I'll answer any questions the Board
18 may have. Again, the property has been on
19 the market for over a year and not a single
20 taker, not a single inquiry. It's not a
21 restaurant. It's off the Woodcleft Canal
22 corridor.

23 DEPUTY CHAIR CAREY: I have a
24 question about the market analysis you did.
25 I don't see anywhere in here, unless I'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

missing it -- I'd like you to tell me if I'm missing it. Any rental income they received from the current rent use of that space.

MR. NELSON: Second page.

DEPUTY CHAIR CAREY: \$54,000.

MR. NELSON: It's for the first floor.

DEPUTY CHAIR CAREY: 21 is working?

MR. NELSON: Correct.

DEPUTY CHAIR CAREY: Mr. Nelson, what are the average market rates for commercial property in Nassau County right now?

MR. NELSON: Talking retail, industrial?

DEPUTY CHAIR CAREY: Like compared to this.

MR. NELSON: \$22.50.

MEMBER MINEO: That's the commercial storage portion, as well as office space?

MR. NELSON: The whole thing. You get to use the outside area tough.

DEPUTY CHAIR CAREY: Office space and lot together is 2,100 square feet?

MR. NELSON: No. The office space is

1
2 2,100 square feet. You would be allowed to
3 use it to a certain extent for parking and
4 storage.

5 DEPUTY CHAIR CAREY: There are actual
6 cars and trucks being stored in that area?

7 MR. NELSON: That will all be
8 included. It is now considered \$22.20.

9 DEPUTY CHAIR CAREY: I thought it was
10 just the interior.

11 MR. NELSON: You would have to
12 provide something along with that. They need
13 parking or they need storage and parking.
14 Industrial space now, depending where you're
15 going, is anywhere from \$10 to about \$20 a
16 square foot. Retail on Merrick Road can go
17 anywhere from \$30 to \$35 maybe \$40, depending
18 on what you are going to give as amenities.
19 But this is out of the general demand area of
20 Merrick Road and Sunrise Highway.

21 MS. UNGAR: I have a question about
22 inclusion of the current debt on the property
23 towards a reasonable return. That's not
24 something that I have heard previously in
25 presentations about use variances. My

1
2 question is, when looking for a use variance,
3 it's about qualities of the land. Whereas,
4 debt of the property owner isn't the quality
5 of the land. I'm kind of concerned that you
6 could have a situation where someone takes on
7 debt and says I can't make a return. Is
8 there any part that is a self-created
9 concern?

10 MR. NELSON: If you look at the first
11 page.

12 MS. UNGAR: I don't have a copy.

13 MR. NELSON: If you look at my first
14 page, I stopped at the net operating income
15 and the value of what he has invested on the
16 property of \$1.1 million, and that would be a
17 rate less than one percent. If I have
18 \$1 million and I'm putting it into the bank,
19 I'm getting five, six percent without a
20 headache, without maintenance, without
21 anything. Then I put in the second part
22 where that income would not even support.
23 All we're looking at is approximately 70
24 percent lower the value on that, maybe a
25 little less. Still, you wouldn't be able to

1
2 substantially pay for that debt. That would
3 be the top of page 3.

4 So, I think I believe I addressed
5 what you were concerned with. Outside the
6 economic analysis, preliminary net operation
7 income versus an investment.

8 MS. UNGAR: What I'm saying is if
9 this property -- I understand that there is
10 \$1.1 investment on the property. Is the
11 property worth that much right now?

12 MR. NELSON: No, it wouldn't be worth
13 that. It would be worth probably four,
14 \$500,000. That's all you can get on that
15 property on income, maybe.

16 MS. UNGAR: I'm saying, just because
17 there's \$1.1 million invested doesn't
18 automatically mean that there should be a use
19 variance granted if the property is not -- I
20 mean, this is a unique situation this Board
21 has had.

22 MR. NELSON: We can apply this here
23 to the net operating income of \$27.5. That's
24 worth \$275,000, \$300,000, that property,
25 based on that income. That's not what this

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

building -- we'd like to see that property sell for. That would be a trend that will establish the rest of the real estate in the area, if you understand what I'm saying.

MS. UNGAR: I do. I do.

DEPUTY CHAIR CAREY: I have to ask one more question. I'm in construction, in a way. Not like Mr. Jackson. The cost that you consider totally renovating the building, when you plugged in those numbers -- right now I'm looking at what you have marked up. I know when you are actually the person doing your own work, you couldn't really do this for the customers who are hiring you to do this. Was there any consideration taken of that? Was it just line items and that is what it was?

MR. NELSON: This is the actual numbers. Based on what we have here today, we would have a net operating income of \$27,500. If you applied a cap rate to that at nine, ten percent, you would have a value of \$275,000.

DEPUTY CHAIR CAREY: Was there any

1
2 possibility of that the total amount of the
3 construction cost? I don't know. You
4 answered the question. Thank you.

5 MEMBER MINEO: You represented in
6 your synopsis here that the property was
7 headed to foreclosure based on existing
8 issues for a period of time. So, based on
9 that assertion you have in this letter,
10 there's no other way that the property could
11 be utilized feasible for the owner to
12 generate some type of income other than
13 consider changing the use to the use that is
14 proposed, which is the apartment building?

15 MR. NELSON: He's not going to get
16 anymore income than what I have demonstrated
17 today. If you want more opportunity, you
18 have to add to the property or change it. I
19 utilized the entire property. You want to
20 bump up the numbers a little bit? You're not
21 going to get more than that for an apartment
22 on the second floor, you're not going to get
23 much more for the 2,400 square feet. You
24 want to rent apartments there and tell them
25 you can't use the parking field, you can't

1
2 use that area, I'm going to rent out to
3 somebody else to generate another \$10,000 a
4 year or maybe \$15,000 a year for that parking
5 lot, now you are creating a bigger burden in
6 the community. You have an office. Where
7 are they going to park? On the residential
8 streets and park wherever they can. What
9 about the storage? You rent out that storage
10 area to an outside, separate contractor,
11 you're creating additional problems with
12 tenants and for the community.

13 To get more income, you have to add
14 something to that building. And you'll see.
15 If you drive Woodcleft Canal, you all have,
16 there's a lot of properties that are vacant.
17 In fact, one block, two blocks to the north
18 now he is renting out that vacant property to
19 the car dealership for new storage of
20 vehicles. That's the northeast corner of
21 South Ocean and -- I think it's two blocks to
22 the north. What are you going to do, take
23 the parking lot and rent it out to new car
24 storage? You can get some more money, but
25 that creates another problem. It's two

1
2 blocks to the north. That's what is going to
3 happen. That's what's happening now. You
4 have to pay the taxes, you have to pay
5 expenses and carry the property.

6 Right across the street, 14 Suffolk
7 Avenue, looks like a derelict old building.
8 It doesn't add to the community, it doesn't
9 entice somebody to come to the community.
10 That needs upgrading too. That probably is
11 available for rental and storage or office,
12 manufacturing, whatever. That's right across
13 the street. I think I have pictures of that.

14 DEPUTY CHAIR CAREY: There's a lot of
15 cats. I walk by it.

16 MR. NELSON: Thank you. It's a hard
17 choice. It makes sense. What are you going
18 to put there? Are you going to put retail
19 stores? No. A restaurant there? It's off a
20 main corridor in marine commerce.

21 CHAIRWOMAN RHODEN: How did we come
22 up with 20 units? Why 20 units? Why do you
23 need to create 20 apartments and not 10 or 12
24 or something that will meet and not have --

25 MR. NELSON: You have to ask counsel

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

on that.

CHAIRWOMAN RHODEN: I'd like to understand how that number was established.

MR. BROWNE: A couple of points. First of all, Ms. Ungar, you raise a good point. Sure, you can't load up your single-family house with huge debt and then say, Well, I need to build a factory.

MS. UNGAR: I'm not saying that's the case here, but I'm saying, if a person with a brand new property was out that debt load, would they be able to realize a reasonable return on the property?

MR. BROWNE: I understand what you're saying. I agree. As a general proposition, what you're saying is accurate. I think we're, in part, saying here is, as a practical matter, a property that may not be distressed but is under stress because there is debt that was taken just to pay the property taxes, which is evidence of the fact it is not performing well, to borrow money to pay taxes. And it's been on the market for over a year, at one point for \$1 million,

1
2 with no offers. It's not as if somebody came
3 and said I'll pay \$750,000 to put up a
4 restaurant or a boat repair yard. No one has
5 offered anything. So, there is -- that is,
6 of course, the biggest indication of what
7 real life is, what the market value is.
8 Maybe if you use Mr. Nelson's numbers, put
9 the property up for \$300,000, maybe you would
10 get somebody to take it because it's very
11 cheap. What you would then get is, at best,
12 you would get somebody making it a parking
13 lot, and then the applicant, essentially, is
14 wiped out because he couldn't pay the debt.

15 MS. UNGAR: I understand that. I'm
16 just questioning whether that is criteria to
17 use when the zoning makes its decision.

18 The other thing, I don't know about
19 the commercial real estate market, but is it
20 possible that that purchase price means
21 anybody can make a \$700,000 offer? I don't
22 know about how that works. If it was put on
23 the market for \$700,000, would there have
24 been? I don't know how that works, so I
25 can't speak to that.

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

MR. BROWNE: I think you're right. Anything is possible. But I guess if you don't have any offers even to negotiate, then I think it's fair to say that the values are, obviously, quite a bit lower than that purchase price, which, in this instance -- I understand the Board is not hear to make the applicant money. But in this instance, considering the totality of the circumstances and the factors to grant a use variance, I think it's relevant to the use.

The property is under economic stress right now. It's not clear that it could be put to a feasible permitted use that would earn either the applicant and their successor a reasonable return, just based on real life experience. You're not getting any offers at any price. And then you have the reality, which we all know Mr. Nelson touched on, of the marine commerce world, what this was envisioned to be 50 years ago and even longer. In the 60s and so forth, it was an industrial area geared toward the marine life of this Village, which doesn't exist in the

1
2 way that it did in the 50s and 60s and so
3 forth. You know that from your own
4 experience. All you have to do is walk up
5 and down South Ocean Avenue. All of the
6 nonresidential buildings that are obsolete
7 are either abandoned or partially utilized,
8 they're unsightly and they're not, evidently,
9 marine. There's no marine commerce going on.
10 Whatever is going on is, at best, only
11 related in an ancillary way to that.

12 While it is not your job or within
13 your power to change the zoning, there are
14 circumstances like this where the evidence
15 indicates that the zoning is obsolete and
16 oppressive to the owners. When you're
17 situated in a parcel like this, at the very
18 edge of it, when your neighbor across the
19 street is a single-family home, if you look
20 at the totality of the circumstances and all
21 the factors, it passes muster, even in the
22 admittedly high standard of a use variance.
23 I totally understand that's not this Board's
24 job, in general, to relieve people from use
25 restrictions, except in unique circumstances.

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

As to the question of 20 units. Originally we were at 24 and went down to 20. The number really comes from the way that we are trying to, obviously, maximize the return and maximize the use of the lot without over building it. We're increasing setbacks, we're trying to respect the buffer, we're trying to add greenery and landscaping. We were able to get at least one spot per unit on the space we have, on grade parking, without building the parking lot out to the lot lines, so we can respect some setbacks and buffering. That's where it comes from really. It's what the applicant thinks is the minimum that makes sense for the level of investment required here. We brought the number down, because originally, after we analyzed it, we didn't feel it worked right with the parking. Tandem parking was originally proposed but could be cumbersome. You could block somebody else in. We eliminated all of that. So, we feel it's an appropriate use of the site.

Could you have 15 apartments, 17?

1
2 You could pick any number. Would it
3 substantially change the design and the
4 general layout of the building in terms of
5 impact on the neighborhood? No, probably
6 not. So, the question I think is really,
7 does 20 work logistically? We think it does
8 for the reasons we have outlined. That's how
9 we came up with the number. The applicant
10 believes the number would allow him to make a
11 reasonable profit on an investment.
12 Obviously, it would be a significant
13 undertaking to build something like that.

14 DEPUTY CHAIR CAREY: 20 apartments.
15 What is the average monthly rent per
16 apartment?

17 MR. NELSON: About \$2,500.

18 MEMBER MINEO: If the buffers were
19 reduced to the point where tandem parking
20 were used, how much would that theoretically
21 cut the parking variance down, approximately?

22 MR. BROWNE: We wanted to stay away
23 from that, just in the event it created
24 logistically a problem where somebody is
25 blocked in.

1
2 MEMBER MINEO: If the tandem spots
3 were assigned to units where couples are
4 being rented to, and that couple,
5 hypothetically, has two vehicles, that tandem
6 spot could be utilized for those couples that
7 would be in that area.

8 MR. BROWNE: Yes. We considered that
9 scenario of service. Well, we could come
10 here and say that and impose those sorts of
11 restrictions and regulations on the building,
12 which we could do, but you have to tell
13 people to pay.

14 MEMBER MINEO: Would they be assigned
15 spots for the people that are renting the
16 apartments?

17 MR. BROWNE: No, there would be --
18 yes. I guess our view is just that the Board
19 might think that's unrealistic or not the
20 best idea. I don't know that. We're not
21 against it and we would be willing to add
22 tandem and work with the Board on those types
23 of regulations.

24 DEPUTY CHAIR CAREY: If the zoning
25 application were to come out approved, would

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

the tax base commercial property be different from a rental property?

MR. NELSON: Rental? I didn't get into taxes here. Proposed, it would be increased and probably go up to about \$60,000.

DEPUTY CHAIR CAREY: It's \$28,000.

MR. NELSON: Right. As proposed.

DEPUTY CHAIR CAREY: Has anyone else thought of renting, what the total cost of a new building might run if built this way?

MR. BROWNE: The construction cost will be between three and \$4 million. That's an estimate.

DEPUTY CHAIR CAREY: There are going to be 20 apartments at \$2,500 each. That's \$50,000. I'm just trying to get my mind around the final hardship factor into it.

MR. BROWNE; just to go back for a minute. We would be willing to add tandem parking, if the Board would favor that, because we could probably get five or six more.

MR. NELSON: If you look at the site

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

plan, which would be A1, a quick proposed parking that you have, if you look at -- you have A1 open?

DEPUTY CHAIR CAREY: Yes.

MR. NELSON: If you see opposite Ocean Avenue, you see parking spaces where it says eight.

MEMBER MINEO: Eight spaces.

MR. NELSON: Right. We could probably double those and get approximately five or six more there.

MS. UNGAR: It would be at the expense of the open space.

MR. NELSON: Correct.

MEMBER MINEO: On the northern side?

MS. UNGAR: On the eastern.

MR. NELSON: On the eastern side, right.

MR. BROWNE: I mean, in fairness, that side yard is less visible, obviously, than the front, and it goes to the commercial that's on the next corner. So, it may be less of a sensitivity to leave that ten foot there.

1
2 DEPUTY CHAIR CAREY: The parking
3 marked with the gray hashing that's to the
4 east, is that the open space?

5 MR. BROWNE: Partially. You see the
6 building lines. Part of it is open, part of
7 it is where the parking lot is.

8 DEPUTY CHAIR CAREY: Do you have
9 plans to landscape there at any point in the
10 future?

11 MR. BROWNE: We could put
12 landscaping, if we left it there.

13 DEPUTY CHAIR CAREY: We don't know
14 what's going to go next to it.

15 MR. BROWNE: I think that's a valid
16 point. That's why we left the side yard
17 there. It could be landscaped. We don't
18 show it on this plan. It could be. And
19 you're right, we don't know what would go
20 there, but that, I believe, is also Marine
21 Commerce up to that corner.

22 DEPUTY CHAIR CAREY: Another
23 question. Will the ownership of the building
24 remain the same? Once construction has
25 ended, it's not going to change?

1
2 MR. BROWNE: It's not determined. I
3 think the goal would be to build it and hold
4 it. I can't promise that.

5 MEMBER MINEO: Has there been
6 conversation with regard to fire, not just
7 the pressure, but with the fire department in
8 general? Are they amenable to this type of
9 residential building being built in the
10 Marine District?

11 MR. BROWNE: Mr. Jackson indicates he
12 has spoken with the fire department and they
13 don't have objections to this proposal. Of
14 course we'll comply with the fire code. It
15 will be sprinklered, alarmed, everything
16 that's legally required, of course.

17 DEPUTY CHAIR CAREY: I see an
18 electrical transformer in the northeast
19 corner. Where is the garbage going to be?
20 You said indoors. I know it was mentioned by
21 one of you. We have to have the fire
22 department talk to them about how they have
23 to have the right amount of space.

24 MR. NELSON: On the trash, the
25 transformer is on the easterly side of the

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

building where the stairs are, and there's a separate entrance, and that will be the trash enclosure and the storage right behind it.

DEPUTY CHAIR CAREY: Near the transformer?

MR. NELSON: No, the opposite side.

DEPUTY CHAIR CAREY: Near the stairs.

MR. NELSON: It's not identified on the site plan. You see the double doors swing in or whatever.

DEPUTY CHAIR CAREY: That's on the west side.

MR. NELSON: At the corner. The west side.

DEPUTY CHAIR CAREY: At the corner of the west side where the trash is?

MR. NELSON: The trash will be within the confines of the building.

DEPUTY CHAIR CAREY: Next to the five trees.

MR. NELSON: Correct.

DEPUTY CHAIR CAREY: Is that a wall, or where is the curb cut?

MR. NELSON: It will be on the south,

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

where Suffolk Street is.

DEPUTY CHAIR CAREY: On South Ocean, between the trees and the landscaping on the west side of the trees, is that open space, no street openings?

MR. NELSON: Curb cut for parking, yes.

DEPUTY CHAIR CAREY: I can't really tell from the drawing. I don't know if I heard you say before, Mr. Nelson, but you talked a lot about the average households, the number of cars in this day and age. Do you have that figure off the top of your head?

MR. NELSON: These are one-bedrooms. He's going to look to rent them to single occupants, young, possibly divorced, retired. So, most likely they'll have one vehicle. There might be a second vehicle if you had the tandem parking. Right now the market will be for one vehicle only. You get one spot.

MS. UNGAR: Was building two single-family homes considered on this

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

parcel?

MR. NELSON: That would be a use variance as well.

MS. UNGAR: I understand. It's a question of density and use of the land, which you are asking for 20 apartments and it allows for 11. There is a difference.

MR. NELSON: Right. It's not going to happen, two single families.

DEPUTY CHAIR CAREY: In my estimate, 20 apartments with that much revenue a month, would it be feasible for us to come back to this with something more convenient? Instead of having 20, have nine. It's a big jump. We all hear many times about the parking and how much of a problem it is. I see the first step toward Freeport getting maybe residents like Patchogue. What about the density? It seems like a lot.

MR. BROWNE: Mr. Nelson is passing that on to me. Well, we would like 20 units. Respecting your concerns, we think -- it does sound like a lot. It costs a lot of money to build. Millions of dollars to build. You

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

have to recoup your investment.

Honestly, when you think what's built today, what really needs to be built, 20 units is a drop in the Great South Bay. I understand that these codes were written in such a way that were far more restrictive than is probably general or practical. I think 20 units, utilizing the space that we have and the way that we do, trying to improve the area with greater setbacks, more landscaping, getting rid of the construction yard, it is a net improvement. You want to rent an apartment here, you get one space, that's it. You have another car, you have to park it somewhere else. The chances of that happening are extremely small.

So, it's the judgment of the applicant that this is what makes it economically feasible. If you think about it, take it out of theoretical what the code is, 17 units, what difference would that make in the neighborhood and the Village of Freeport? It would be a minimal change. Maybe it's two or three cars, but it would

1
2 harm the profitability and feasibility of it
3 overall for, I think, very little in return.
4 And I do think it's worth keeping in mind
5 that if you don't want to grant a use
6 variance, it could be a sold to most likely a
7 bar/restaurant, if someone would go there.
8 That's going to be 20 cars. Forget about it
9 for that to work. You'd have a lot more cars
10 than that, and there is no way they can fit
11 on this lot, they'll have to park in the
12 neighborhood.

13 Again, my whole argument about the
14 transitional nature of the use, I think, is
15 something that is sensible for this parcel.
16 It's a lot better for the neighbors to have
17 something like this to look at and something
18 that can pretty, obviously, contain the vast
19 majority of the traffic that either an
20 industrial site or a restaurant or bar would
21 need in order to survive with a lot more
22 ability to generate traffic. Where will
23 those cars go? Into the street. It's only
24 15,000 square feet. That's our view. We're
25 always happy to try to work with the Board as

1
2 much as possible.

3 MEMBER MINEO: Has there been any
4 consideration with regard to perhaps
5 something done in the past with respect to
6 parking leases from adjacent property owners?
7 Having said that, where we have significant
8 parking issues, right, I know you said one
9 car per apartment. But has there been any
10 consideration to provide adjacent neighbors
11 and potential leases, space for the entirety
12 of the apartment?

13 MR. BROWNE: I believe Mr. Jackson
14 investigated that without success, but he
15 could try again. We could ask again. It
16 may, as you know, throw off other people's
17 parking requirements. We could try to look
18 again. Yes, parking is an issue everywhere,
19 particularly an issue now in this area.
20 Again, this is question whether this use
21 overall juxtaposes again what in theory could
22 go there legally is really a reduction, when
23 you think about it. Most people are not
24 entertaining large parties. Could it happen,
25 yes. Could it have happen in a single-family

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

home, yeah. Christmas you might have 20 cars. It happens occasionally, but that's the nature of life.

DEPUTY CHAIRWOMAN CAREY: You have the ground floor parking. How many apartments on each level?

MR. NELSON: Eight, eight and four.

DEPUTY CHAIR CAREY: Is there an elevator in this building?

MR. NELSON: Yes.

MR. BROWNE: I don't usually say this. I would like to hear from the neighbors.

CHAIRWOMAN RHODEN: Yeah. Right now we're going to ask you to sit down.

MR. BROWNE: Thank you.

CHAIRWOMAN RHODEN: Do we have anyone who would like to speak for or against this application?

THE CLERK: We do. Our first speaker is Chris Servce.

C H R I S S E R V C E,
having been first duly sworn by a Notary Public of the State of New York, was

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

examined and testified as follows:

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

MR. SERVICE: Chris Service. 33 Suffolk Street.

CHAIRWOMAN RHODEN: Welcome.

MR. SERVICE: I'm here listening. I'm not against the development in the community. I live directly across from the proposed property. I believe 20 apartments is a lot, because I suffer excessively from people blocking my driveway, crowded area every weekend, especially during the summer months. That's what drives the Mile. But I also appreciate quiet time in the fall until spring. 20 room apartment building, I don't see how they are going to control the flow of traffic of cars with 20 parking spaces.

On that corner, even for the off-beat summer months, there are always parking issues. So, even though there is one car for each apartment, we all know that's not going to be controlled, and that overflow is going to be in the street, it's going to be

1
2 consistent all year around. As I say, I'm
3 not against development, but I believe if
4 they reduce the number of apartments to
5 create more parking, I think it will be more
6 convenient for all in the area.

7 I believe in the area, just a
8 minimum. With a four-story building across
9 from me is another inconvenience to the
10 community for which I won't have any control
11 over, because it's going to be on the corner.
12 It's going to be more people all year around,
13 12 months instead of four months. So, I
14 believe that if they can adjust their plan.
15 It's not up to me, but for a more suitable
16 location. Basically, that's what I have to
17 say.

18 I was also about to apply for an
19 autistic sign in front of my house, because I
20 have a special needs child. If I get through
21 with that, it will further restrict parking
22 in that area. I was going to do that for
23 safety of my child and my family. So the
24 area is going to be more noisy all year
25 around and it's going to be congested.

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

That's the way I see it moving forward.

CHAIRWOMAN RHODEN: Thank you.

THE CLERK: The next speaker is Michael Danon.

M I C H A E L D A N O 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.

MR. DANON: Michael Danon. 395 Woodcleft Avenue, Freeport, New York 11550.

My name is Michael Danon. I've owned several businesses and have several commercial properties in the Village for over 48 years. I see, any changes in the community; some positive, some negative. But one of the biggest things I have seen is the decline of the Nautical Mile from what it used to be. I still believe that is one of the main gems of Freeport. But at one time when certain restaurants were doing exceptionally well over the summer season, we have had an influx of new restaurants and

1
2 businesses hoping to have the same success
3 that pre-existing businesses had. Many of
4 them have failed over and over. I would much
5 prefer to see additional housing built on the
6 Nautical Mile rather than commercial
7 companies or restaurants that become vacant
8 because they can't survive. Additional
9 housing will bring more people that spend
10 money locally, as well as increase the
11 Village's tax role. There are two
12 condominium buildings within close proximity
13 and that are on the same block. I'm looking
14 forward to seeing more condos and rental
15 units being built in the area. Thank you so
16 much for your time.

17 CHAIRWOMAN RHODEN: Thank you.

18 THE CLERK: Our next speaker is Ken
19 Dookram.

20 K E N D O O K R A M,
21 having been first duly sworn by a Notary
22 Public of the State of New York, was
23 examined and testified as follows:

24 COURT REPORTER: Please state your
25 name and address for the record.

1
2 MR. DOOKRAM: Ken Dookram. Work
3 address is 49 West Merrick Road, Freeport,
4 New York.

5 Basically, I represent the Chamber of
6 Commerce. Again, anything that would help
7 businesses in our community, especially on
8 the Mile, will be greatly appreciated.
9 Again, 19, 20 rental unit housing to young
10 people, young families coming in, that helps
11 support the businesses on the Mile and
12 restore some of the family influences that I
13 think are needed now.

14 Again, it's more to have people there
15 who can walk to the establishments and not
16 have to drive, per se, if they were to go to
17 the bar or restaurant down there. I think it
18 would be good, a win-win for the people down
19 there and the businesses down there. Now
20 we'll have some people living and be able to
21 utilize the facility.

22 CHAIRWOMAN RHODEN: Thank you.

23 THE CLERK: The next speaker is Al
24 Grover.

25 MR. GROVER: I'm not sure if I can

1
2 really swear to tell the whole true. I have
3 been a salesman all my life. I'll do my
4 best.

5 A L G R O V E R,

6 having been first duly sworn by a Notary
7 Public of the State of New York, was
8 examined and testified as follows:

9 COURT REPORTER: Please state your
10 name and address for the record.

11 MR. GROVER: Al Grover, Jr. I live
12 at 195 Woodcleft Avenue for almost 70 years.
13 My pop started at his first job down by the
14 Sapphire Printers, the south end of Woodcleft
15 Avenue. He started there when he was eight
16 years old. He's 98. The changes that we
17 talk about, he's seen more than anyone else,
18 but he thinks this is a good idea. It
19 beautifies the community and takes a junkyard
20 and makes it pretty. He'd like to see it
21 happen. That's all I have to say, okay.
22 Thank you.

23 My pop would be here. He would
24 probably be here in a top hat and tails and
25 give you a good show, but I think we're about

1
2 to lose him. He's not been good. The last
3 couple of days we thought we might lose him.
4 I'm here to be a loud mouth in place of him.
5 Thank you.

6 CHAIRWOMAN RHODEN: Thank you.

7 THE CLERK: The next speaker is
8 Gregory Gamotti.

9 G R E G O R Y G A M O T T I,
10 having been first duly sworn by a Notary
11 Public of the State of New York, was
12 examined and testified as follows:

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

15 MR. GAMOTTI: Gregory Gamotti. 99
16 Lester Avenue, Freeport, New York 11520.

17 Thank you all. To the members of the
18 Freeport Zoning Board, I am here speaking in
19 support of granting the requested change in
20 usage from business to residential. I
21 believe this change will be a lasting
22 stability and value to the community. A
23 stable residential project enhances property
24 values, creates a sense of community, and
25 provides long-term benefits for the immediate

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

area.

In addition, the request for a few additional inches in height and modest setback adjustments should not detract from the importance of this project. On the contrary, these minor modifications will help ensure the development meets current standards and provides an attractive, well planned addition to our community.

For these reasons, I respectfully urge the Board to approve the proposed changes. Thank you.

CHAIRWOMAN RHODEN: Thank you.

THE CLERK: The next speaker is Christine DiLeo.

C H R I S T I N E D I L E 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.

MS. DILEO: I live at 84 Lester Avenue, Freeport, New York 11520.

COURT REPORTER: Your name.

1
2 MS. DILEO: Christine DiLeo.

3 I just want to say men always have
4 two cars. You're going to need another spot.
5 It's a joke. Oh, my God.

6 So, as a nurse, I'm going to take
7 this to the human level instead of inches and
8 all of that. The Village of Freeport will
9 become like any other New York City borough,
10 if the Village begins to change the zoning to
11 residential area just to allow more apartment
12 units to be built. It's the beginning of the
13 urbanization of, especially, the historical
14 Nautical Mile. The specific exception to the
15 zoning laws will change the character of the
16 Nautical Mile, and surrounding properties
17 will be directly impacted. Every aspect of
18 this project requires variances. I don't get
19 it. Okay. Residents will lose their water
20 view, use of the Nautical Mile itself, sun
21 exposure will be diminished and alter the
22 overall character of the Nautical Mile.

23 There is a purposeful over
24 intensification of construction here and
25 urbanization that disrupts the quality of

1
2 life. This request for addition to an
3 existing building or accessory dwelling units
4 will also -- Kathy Hochul's initiative in
5 2024 failed because Nassau County was against
6 it.

7 The additional buildings are squeezed
8 into small spaces. It doesn't align with the
9 intent of the zoning, along with multiple
10 variances requested, existing Village code to
11 be ignored, not followed, to accommodate a
12 building of nonconforming Village zoning.
13 The Nautical Mile, as previously mentioned,
14 is an AE8 flood zone. A high risk flood
15 area. The area is defined as Marine
16 Commerce. I don't know. I don't understand
17 the mish-mosh between this is from the marine
18 code, this is from the residential code. I
19 don't understand that, because it says
20 requesting change to residence.

21 So, the area is defined as Marine
22 Commerce. Requesting changes to resident
23 apartments for 20 units -- which that changed
24 to 21. It was 24 and 20, according to the
25 agenda, and now 21 -- will encourage

1
2 overdevelopment, increased congestion,
3 overburdening utility, overburdening schools,
4 and effecting quality of life in the area.

5 The mayor always says quality of life is
6 important. Go knock on his door and he cares
7 about your quality of life.

8 There's not enough parking. 30 is
9 needed, 21 is provided. Not sufficient
10 frontage on the side and rear. I'm sorry,
11 but you know it does matter, whether we have
12 less or more. There's less frontage, there
13 is less area around the building, just
14 because someone doesn't think that's
15 important. Of course, these are variances
16 that Sergio Mauras signed and is stating
17 those facts. Not enough lot area. It's too
18 small. Not enough open space provided.
19 Well, I heard they can go down to the park.
20 Just take a walk down to the park. Okay.
21 Front yard cannot be used for trash storage
22 in the front of the building. And that was,
23 again, according to the variance code that
24 Sergio had instructed.

25 Open space too small. Apartment

1 sizes too small. Only 11 apartments are
2 allowed not 20, according to, again, the
3 variance. Requesting rooftop to add a fourth
4 story. Again, I guess what -- I learned a
5 lot, just listening right now. I guess the
6 first floor is not counting, correct, and
7 there's a fourth story? There would be, I'm
8 sure, a deck, again, blocking residents
9 views. Lot coverage allowed of 40 percent,
10 but 64 percent is submitted. That's why the
11 proposed building design is nonconforming in
12 the Village zoning regulations, and approval
13 must be denied, maintaining and improving the
14 quality of life of the residents of Freeport
15 and more importantly keeping accessory
16 dwelling units in the confined lot.

17
18 So again, I was saying, it says 20,
19 now it's 21. It says the variances -- I
20 don't understand how do you get different
21 codes from marine and from residence, because
22 that's what was spoken about, correct, that
23 this is a marine code, this is a residence.
24 I don't understand that. I thought you had
25 to get a residence code period. Okay.

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

And then we went over to 21 parking. I know you want to rent or -- so, if we rent single people, retired people -- well, I don't think single people want to move out of their parent's home anyway. As I said, people mostly have two or more cars. Where are you going to park those other cars, you know? Is there going to be seniors? Is it affordable for seniors? I don't think it's \$2,500. I'm sure it's going to be more than that, \$3,000 or more. Veterans, disabled people. Would that be offered?

Moving on. Again, the residence, the open space, parking and then, again, the trash. I don't understand. I know it's covered, but why would Sergio say anything about the trash not to be there? The rent. I already told you about that. I said what I have to say. I don't understand the description of 20 and 21 also.

MEMBER MINEO: There's only 20.

MS. UNGAR: When Mr. Browne made his presentation, he said 20 one-bedroom apartments. He said 20 one-bedroom

1
2 apartments. So, it sounded like 21, but it
3 is 20 apartments with one bedroom each. It's
4 been 20 from the beginning of this
5 application.

6 Just as a brief explanation of the
7 difference in zoning. What they do is they
8 analyze it in terms of most restrictive
9 stance. For example, the height and stories
10 in Marine Commerce is 40 feet. Let's say for
11 Apartment District, I believe the code change
12 allows for 50. But the idea is that 40 feet
13 is going to be used because it's in the
14 Marine Commerce area. The surrounding
15 businesses are capped at 40. Talking about
16 trying to chose the most restrictive so it
17 fits in with the existing neighborhood. If
18 our apartment district allowed an 80 foot
19 building and it was in the Marine Commerce
20 with 40, you wouldn't want to put that 80
21 foot apartment building there, so we say 40.

22 MS. DiLEO: I'm having trouble
23 hearing you.

24 MS. UNGAR: It's about choosing the
25 most restrictive standard to try to conserve

1
2 the zoning to the extent possible. So, even
3 though the Apartment District may allow
4 higher, the Marine Commerce doesn't, it's
5 capped at 40. And then because Marine
6 Commerce does not have a residential area,
7 rather than say, okay apartments is being
8 proposed, do whatever you want, we look to
9 our existing residence apartment zone to
10 provide guidance as to how these apartments
11 should be laid out and the criteria.

12 MS. DiLEO: There's no change.
13 That's what they said on the agenda, a change
14 from marine to residence. It's not a change.

15 MS. UNGAR: It's not requesting a
16 zoning change, it's requesting a variance
17 from the existing zoning to provide for a
18 change of use. It is not a change of the
19 physical zone of the property.

20 MS. DiLEO: It's not a change.

21 MS. UNGAR: Also just to be clear,
22 you mentioned about people losing their
23 views. 40 feet is allowed in the Marine
24 Commerce. The proposed building is 40 feet
25 10 inches. Any Marine Commerce building can

1
2 come in and build a 40 foot building and the
3 views would be gone. People do not pay for
4 views, you buy a property and hope your view
5 might stay the same, but you're not entitled
6 to that view, under the zoning code.

7 MS. DiLEO: Okay. I'm going to learn
8 more. That's what I have been doing. I
9 still don't understand the marine, you know,
10 residential.

11 DEPUTY CHAIR CAREY: I'm not familiar
12 with how lawyers write it out. Under the
13 statute of marine or residence, I don't think
14 it's a matter of one versus the other. They
15 are breaking it down to show, addressing each
16 category. They're all part of the property.

17 MS. DiLEO: What I don't understand
18 also is why anyone would put a four-story
19 building at that place, where like the young
20 man back there -- everybody is young to me
21 now. The young man back there, he lives
22 across the street. Why would you want anyone
23 who has been living there, who bought a place
24 there, to have to see this tall building?

25 MS. UNGAR: As of right with Marine

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

Commerce, Marine Commerce is 40 feet, period.

MS. DiLEO: I'm saying --

MS. UNGAR: That's what the zoning code allows. Even if he wasn't seeking any variances, he could come in with a 40 foot restaurant. If everything else complies, he could build a 40 foot restaurant.

MS. DiLEO: I know.

MS. UNGAR: It's not a building question. It's not a question about building. This is what the zoning permits.

MS. DiLEO: You know what, other things are permitted. When you have the forethought of thinking about the residents that are already here. There is an apartment in the house now. There is an apartment in the house that exists. It's always been there. That's an aside. I'm just saying, why would you want to do this to people who already live in the area, to block their view, you know, and have 21 residents or 20 who come with two cars, three cars. People can't afford the \$3,000 or whatever, \$2,500. They're going to have people live with them.

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

That's my concern.

MS. UNGAR: Understood.

MS. DiLEO: I want to say -- as a personal note, I would like to say something, please. So, I come here as a resident of 25 years in Freeport to express my concern and to think free speech, which unfortunately free speech is not free and it has consequences, especially of violence. Rest in peace Charlie.

Today I read the Scripture and I received comfort from The Word. I live on Lester Avenue where those of this project live also. For several years, myself and my property have been targeted. They, themselves, and also others have been sent to target me. I know that a lot of you from the Village --

MS. UNGAR: I understand this is public comment, but is it related to the building issue?

MS. DiLEO: I would like to say this. I am almost done. With my faith in God, I have persevered to go to work and live 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

move on because, you see, I don't know when the next target will come, which was not long ago that something did happen to me and my property. So, I want to say that. And I say I mentioned this to my public my circumstances, but God says leave judgment and punishment to Him. Trust Him to bring justice in His time and in His ways.

So, I'm just trying to say that I don't want to be targeted. I'm tired of this, and this is what I get from the people that live here on Lester Avenue.

CHAIRWOMAN RHODEN: Thank you.

THE CLERK: The last speaker is Ilona Jagnow.

I L O N A J A G N O W,
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.

MS. JAGNOW: Ilona Jagnow. 748 South Long Beach Avenue, Freeport, New York 11520.

Good evening. I am a resident here

1
2 for 60 years on Long Beach Avenue as well as
3 a business owner, as well as my parents and
4 my grandparents before them. Woodcleft
5 Avenue has been the gem, like Mr. Grover has
6 said, throughout the years. But as with
7 everything, everything changes. And to keep
8 up with the changing times and the changing
9 trends in living and in people, we have to
10 change with the times also. I had several
11 properties on the canal. I have been selling
12 them in the last couple of years, as the
13 people and times have changed. I had the
14 mini golf. After COVID, mini golf did not
15 prosper anymore. It was a wonderful thing
16 for Freeport, but it was not fruitful to
17 continue. And we have to realize taxes. We
18 have residents across the street from the
19 businesses which all live in harmony. The
20 taxes on those commercial properties are two
21 to three times more than residential
22 properties; and to make that profitable to
23 stay there, we have to come up with other
24 ideas of how to use those properties and how
25 to develop those properties. The golf course

September 18, 2025

110

1
2 was no longer feasible, so I sold that. Now
3 it's sitting empty. I apologize to the
4 Village for that, but that's not my problem,
5 it's the new person's.

6 Same thing with the ice cream parlor.
7 You're all saying it's nice to have other
8 businesses. Everybody, when I tried to rent
9 or sell that ice cream parlor, wanted to put
10 in another bar, another restaurant. Do we
11 need another restaurant or bar, especially
12 another bar? They used to have codes from
13 the State Liquor Authority that you were not
14 to have another bar within 500 feet of the
15 next one. Well, things changed. Everybody
16 now has one five feet of each other, and that
17 creates business, yes, but businesses have
18 also changed and the clientele has changed.
19 Whether it's for the good or the bad, crowds
20 have come but it's seasonal.

21 With the parking, we also have to
22 bring that into consideration. 20 cars extra
23 for year round, when we have the other cars
24 that are there, massive cars, massive delays
25 up and down Woodcleft that are there three

1
2 months, 12 weeks, if we have good weather.
3 Otherwise, like this year, we only had eight
4 weeks. There's a lot to consider with this.
5 I think this proposal here stays within the
6 aesthetics of our town, a coastal Atlantic
7 town. It's not like a long building or a
8 tall four-story building that has been built
9 on the Mile with neon signs on the roof that
10 looks like Queens Boulevard. This looks,
11 with the shingles and siding, it just looks
12 like what the Village put up at the end a Sea
13 Breeze Park and it fits in with the coastal
14 community. The people that are living there
15 for the single unit apartments, whether it's
16 yuppies or preppies, whatever you call them
17 now, young people have the money to spend for
18 units, or retirees if they're affordable for
19 that will bring up our community. We don't
20 want it to be empty lots and vacant
21 properties that are becoming in disarray, we
22 want to make it nice and rejuvenate it, and I
23 think this adds a beautiful part to that.

24 As for the gentleman across the
25 street, I agree with you. That corner of

1
2 Suffolk and Ocean Avenue is crazy with the
3 parking and congestion. That can be easily
4 fixed with Suffolk Street, especially if it's
5 one side of the street parking. You can't
6 get through there. And because of the life
7 on the weekends, and especially when some
8 people are visitors, they're not residents
9 and neighbors, we need to have one side of
10 the street parking, and we rearrange it to a
11 one-way street, and that's a solution for
12 this. There are little solutions to
13 accommodate a beautiful project like this to
14 make it work for all of us. I would like to
15 ask you to consider other solutions to make
16 this work, bring up Freeport again to the
17 coastal community that it can be.

18 The other thing I wanted to address
19 was the zoning. The way I see it, Freeport
20 was zoned to Marine commercial back in the
21 30s and 40s when they had boat building
22 businesses, we had a boat yard, we had
23 commercial accounts with the government to
24 build boats for the Army. That's gone.
25 That's a different age. Now we have to come

1
2 up with different projects to fit what we are
3 dealing with, the people we are trying to
4 have as neighbors, and the way the world has
5 changed. I think this is suitable for the
6 single people, single family homes, and I
7 hope we can come to an agreement with the
8 parking. It's a nice project and I hope you
9 consider it. Thank you for your time.

10 CHAIRWOMAN RHODEN: Thank you.

11 MR. BROWNE: Before you close, I'd
12 like to hand up additional letters of support
13 from local residents.

14 (WHEREUPON, the above-referred to
15 document was marked as Applicant's Exhibit B,
16 for identification, as of this date.)

17 CHAIRWOMAN RHODEN: Before I call
18 out, I'm going to give you an opportunity and
19 the Board to entertain an adjournment to go
20 back and consider reducing the size of the
21 units, the number of units and finding or
22 creating additional parking, at least to
23 alleviate the nine that you're seeking for.
24 So, we want to give you that opportunity. If
25 you'd like to take it to adjourn for that

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

consideration.

MR. BROWNE: We appreciate that. Yes, we would take the adjournment. We'll take it under advisement what we heard here tonight and see if there's a way to alleviate some of your concerns.

CHAIRWOMAN RHODEN: Thank you. At this time can I please have a motion to adjourn so that we can hear additional information at our next meeting or -- I don't know if you'll be able to make it to the next one.

MR. BROWNE: I'll coordinate with counsel's office.

CHAIRWOMAN RHODEN: Can I have a second?

DEPUTY CHAIR CAREY: So moved.

MEMBER MINEO: Second.

THE CLERK: All in favor.

MEMBER MINEO: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRWOMAN RHODEN: Aye.

THE CLERK: Any opposed?

(No response was heard.)

September 18, 2025

115

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

MR. BROWNE: Thank you.

CHAIRWOMAN RHODEN: Can I please have
a motion to enter into executive session and
consult with counsel.

MEMBER MINEO: So moved.

DEPUTY CHAIR CAREY: Second.

THE CLERK: All in favor.

MEMBER MINEO: Aye.

DEPUTY CHAIR CAREY: Aye.

CHAIRWOMAN RHODEN: Aye.

THE CLERK: Any opposed?

(Time Ended: 9:13 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

September 18, 2025

116

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 23rd day of September, 2025.


BETHANNE MENNONNA