



**INCORPORATED VILLAGE OF FREEPORT  
MUNICIPAL BUILDING  
46 NORTH OCEAN AVENUE  
FREEPORT, NEW YORK 11520  
(516) 377-2300  
(516) 771-4127 Fax**

**ROBERT T. KENNEDY  
MAYOR**

**PAMELA WALSH BOENING  
VILLAGE CLERK**

**ZONING BOARD OF APPEALS PUBLIC HEARING – MARCH 24, 2016**

**NOTICE IS HEREBY** given that a **Public Hearing** will be held before the Zoning Board of Appeals on Thursday March 24, 2016 at 6:00 P.M., in the Incorporated Village of Freeport, Main Conference Room, 46 N. Ocean Avenue, Freeport, New York, on the appeals and applications of cases as they appear on the calendar; residential applications that do not extend their prior non-conforming status may be called first; public comment invited. It is anticipated that the Board will adjourn the legislative session and enter into Executive Session until 6:30P.M.

**INTERESTED PROPERTY OWNERS** and other persons should appear at the above time and place to have questions answered and to voice opinions.

**Application #15-2015 – 365 South Bayview Avenue – G. Arion Balalaos**

Reestablish use for Business/Cabaret/Food & Drink and Public Assembly Licenses.

*Village Ordinance §210-6A, §210-23(A) Discontinuance of nonconforming uses. Generally, whenever a nonconforming use has been discontinued, abandoned, or not used for a continuous period of one year or more, such use shall not thereafter be reestablished, and future use shall not thereafter be reestablished, and future use shall be in conformity with the provisions of this chapter. §210-23(C) Commercial Buildings. When a frame building or structure located in a business or lesser restricted area and heretofore used for a commercial use has not been occupied for a period of at least 12 consecutive months, such building or structure shall not again be occupied or used for a commercial use unless it shall be made to comply with the provisions of the Building Code and fire prevention regulations of the Village as applied to commercial buildings. §210-71A Bars and grills, discotheques, nightclubs, cabarets or any other commercial establishment which supplies entertainment and/or dancing to live or recorded music prohibited. §210-172A Required parking. Drawings submitted indicate an occupant load of 188 people. The off-street onsite required parking for said building is 65 parking spaces; drawing submitted indicates 0 parking spaces. Non-conforming with zoning regulations herein specified for the district in which it is located. Section 62/Block 140/Lot 11. Business A.*

**Application #2-2016 – 81-83 South Bergen Place – Federation of Organizations**

Proposed new 5 story multiple dwelling with 30 efficiency apartments and 15(2) bedroom apartments.

*Village Ordinance §210-6A, §210-47A Building height, all buildings and structures shall be limited to 50 feet in height, except that no dwelling shall have a height of no more than 35 feet nor have more than 3 stories, and apartment houses shall not exceed 32 feet in height nor have more than two and one half stories including the basement. The drawing submitted indicates a proposed building height of four and one half stories which equals 53 feet in height. §210-48 Lot area apartments. No one family dwelling shall be erected unless it conforms to all the regulations contained in Article V, Residence A Districts; and no apartment house shall be erected on a lot whose area is less than 15 thousand square feet or which provides less than 990 square feet of lot area per apartment unit. The drawing you submitted indicates 15 (2) bedroom units and 30 studio units for a total of 45 units. The lot area is 29,178 square feet divided by 45 units = 648 square feet per unit. §210-49D Lot coverage. Open recreation space. Open recreation space out-of-doors, shall be provided on the basis of 1/6 of the open space requirement in a single contiguous area other than the front yard. This requirement is a part of the open space requirement. Open recreation space shall use a portion of the open space required by Subsection C which states that open space, out-of-doors and uncovered, shall be provided at the ratio of at least one square foot of open space to each two square feet of residential floor area which excludes the basement or cellar. The drawing submitted indicates 1,751 square feet of open recreation space. The required open recreation space for said project is 2,990 square feet. §210-50 Minimum floor area. There shall be a minimum floor area of 600 square feet per apartment unit in apartment houses. Drawings submitted indicates proposed apartments with a minimum square footage of 359 sq.ft. §210-53A Basement or cellar*

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*Use. prohibited. With the exception of one apartment in the basement of an apartment house, actually occupied by the building superintendent and his immediate family, no basement, cellar or half story in an apartment house shall be used for persons to live in or sleep or for professional or business purposes or for any purpose except housing the mechanical and heating apparatus to serve the structure and for storage as an accessory use by tenants. The drawing submitted indicates office space for tenant support in the cellar. §210-172A(2)(a) Parking. Drawing submitted indicates a total of 57 off street parking spaces. The actual required amount of on site parking spaces is 60.*

Non-conforming with the zoning regulations herein specified for the district in which it is located. Section 55/Block 325/Lot 7-8. Business AA

**Application #1-2016 – 100 Mill Road – BJ’s Wholesale Club, Inc.**

Proposed propane dispensing unit.

*Village Ordinance §210-6A, §210-148I Prohibited uses. Any use which may be obnoxious or offensive by reason of the emission of odor, gas, smoke or dust, or because of its nature, such as refuse or garbage, or because of the noise or other reason inimical to the comfort, welfare, peace, health or safety of the community, or that tends to create public disturbance or annoyance.*

Non-conforming with the zoning regulations herein specified for the district in which it is located. Section 62/Block D/ Lot 406. Industrial B

**BY ORDER OF THE ZONING BOARD OF APPEALS**

**Pamela Walsh Boening, Village Clerk**