



**INCORPORATED VILLAGE OF FREEPORT  
MUNICIPAL BUILDING  
46 NORTH OCEAN AVENUE  
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**ROBERT T. KENNEDY  
MAYOR**

**PAMELA WALSH BOENING  
VILLAGE CLERK**

**ZONING BOARD OF APPEALS PUBLIC HEARING – January 28, 2016**

**NOTICE IS HEREBY** given that a **Public Hearing** will be held before the Zoning Board of Appeals on Thursday January 28, 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 #27-2014 – 30 Frankel Avenue – Isolina Espinal**

Maintain existing (2) story detached garage with modifications and lower roof height.

*Village Ordinance §210-6A, §210-6C No part of a yard or other open space required about any building of the purpose of complying with the provisions of this Chapter shall be included as a yard or other open space similarly required for any other building. §210-40 Requires a minimum lot area of 5,000 sq.ft. and with a minimum frontage of 50'. The plot plan submitted does not indicate a separate 50' street frontage or a separate lot area of 5,000 sq.ft. for the proposed conversion. §210-43A(1) Requires a minimum front yard setback of 20' on the average depth of all residential front yards on the same side of the street within 200' in either direction, whichever is greater, but in no case more than 40'. The plot plan submitted indicates that a front yard setback has not been provided. §210-43A(2) Requires a rear yard setback of 20' or 20% of the lot depth, whichever is greater. The plot plan submitted with the application indicates only a 14' rear yard setback is provided. §210-43A(3) Requires a minimum 5' side yard setback, the plot plan submitted with the application indicates provision of only a 2'6" side yard setback adjacent to the easterly property line. §210-39B(1) No building shall penetrate the sky exposure plane. Proposed detached garage conversion does not show the sky exposure plane.*

Non-conforming with the zoning regulations herein specified for the district in which it is located. Section 54/Block 209/Lot 52. Residential A

**BY ORDER OF THE ZONING BOARD OF APPEALS  
Pamela Walsh Boening, Village Clerk**