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INCORPORATED VILLAGE OF FREEPORT
ZONING BOARD OF APPEALS

MUNICIPAL BUILDING

46 North Ocean Avenue
Freeport, NY 11520

October 16, 2025
6:30 p.m.

M E M B E R S :

- | | |
|-----------------|---|
| ROSA RHODEN | CHAIRPERSON |
| ANTHONY MINEO | MEMBER |
| CHARLES HAWKINS | MEMBER |
| * * * | |
| GINA TERZULLI | SECRETARY TO THE ZONING
BOARD OF APPEALS |
| JENNIFER UNGAR | DEPUTY VILLAGE ATTORNEY |

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

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-----EXHIBITS-----

BOARD'S FOR I.D. PAGE

1 Affidavit of Publication 6

1 Affidavit of Posting 6

1 Affidavit of Mailing 6

1 Affidavit of Mailing 6

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APPLICANT'S EXHIBIT FOR I.D. PAGE

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DECISIONS

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2 CHAIRPERSON RHODEN: Good evening,
3 everyone. If everyone can please join
4 me for the Pledge of Allegiance.

5 (Whereupon, the Pledge of Allegiance
6 was said.)

7 CHAIRPERSON RHODEN: Thank you.

8 Can I please have a Motion to
9 approve the last Board meeting minutes?

10 MEMBER HAWKINS: So moved.

11 MEMBER MINEO: Second.

12 THE CLERK: All in favor?

13 CHAIRPERSON RHODEN: Aye.

14 MEMBER MINEO: Aye.

15 MEMBER HERNANDEZ: Aye.

16 MEMBER HAWKINS: Aye.

17 THE CLERK: Any oppose?

18 (Whereupon, there was no response
19 given.)

20 CHAIRPERSON RHODEN: Do we have any
21 Affidavit of Publications that need to
22 be entered as exhibits this evening?

23 THE CLERK: I have one Affidavit of
24 Publication and one Affidavit of Posting
25 to be entered into the record as Board

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2 exhibits for this public hearing.

3 (An Affidavit of Publication was
4 marked as Board Exhibit Number 1 for
5 identification, as of this date.)

6 (An Affidavit of Posting was marked
7 as Board Exhibit Number 2 for
8 identification, as of this date.)

9 CHAIRPERSON RHODEN: Do we have
10 any --

11 THE CLERK: We also have one -- we
12 have two Affidavits of Mailing to be
13 entered into the record as Board
14 exhibits for Application 2025-11.

15 (An Affidavit of Mailing was marked
16 Board Exhibit Number 1 for
17 identification, as of this date.)

18 (An Affidavit of Mailing was marked
19 Board Exhibit Number 2 for
20 identification, as of this date.)

21 CHAIRPERSON RHODEN: Do we have any
22 adjournment requests this evening?

23 THE CLERK: Madam Chair, there are
24 no requests for adjournments this
25 evening.

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2 CHAIRPERSON RHODEN: Can we call the
3 first application onto tonight's
4 calendar.

5 THE CLERK: Application Number
6 2025-11, 206 Church Street, Residence A-
7 Section 55, Block 366, Lot 70. Proposed
8 one-story front addition, 118 square
9 feet, two and a half story rear
10 addition, 5,536 square feet. New 45
11 square feet front steps and platform
12 with roof, new 20 feet by 25 feet
13 garage, 20 feet by 10 feet shed, two new
14 cellar entrances and replace existing
15 driveway with 3,143 square feet circular
16 driveway and pave 2,393 square feet area
17 on the side of the house.

18 Variances: Village Ordinance
19 Section 210-6A. Conformity required.
20 Section 210-21 Permissible Extensions of
21 Use. Section 210-41 Lot Coverage, Floor
22 Area Ratio.

23 CHAIRPERSON RHODEN: Good evening.

24 MR. CHIMERI: Good evening. My name
25 is William Chimeri. 113 West Sunrise

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2 Highway, Freeport, for the petitioner
3 Janna Rodriguez.

4 Good evening, everyone. I'm here on
5 behalf of my client with this
6 application for a variance 206 Church
7 Street.

8 Janna is here tonight. She'll be
9 able to answer any questions at the
10 conclusion of any presentation, if you
11 have any particular questions for her.

12 Our architect is Katherine Serrano.
13 Unfortunately she's not able to be
14 here tonight but I should be able to
15 address any particular issues on the
16 plans themselves.

17 As my usual practice, I prepared a
18 package of exhibits for the Board.

19 I'm going to read those exhibits and
20 ask that they be admitted into evidence
21 as one package just to save time.

22 My Exhibit A is the Petitioner's
23 deed dated June 4th, 2025.

24 Exhibit B is the Certificate of
25 Occupancy for two-family dwelling dated

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2 February 3rd, 1976.

3 C is the Reduced Scale Plans for the
4 project.

5 And D is a Letter of Denial dated
6 September 3rd, 2025.

7 E is the Variance Petition dated
8 September 5th, 2025.

9 F is the Negative Declaration dated
10 August 29th, 2025.

11 G is some photos of the existing
12 house.

13 Exhibit H is a series of letters of
14 support from local residents and
15 neighbors of the property.

16 Exhibit I is a Certificate of
17 Accreditation for Janna Rodriguez.

18 Exhibit J is a Letter dated
19 July 21st, 2025, in support from the
20 village.

21 Exhibit K is a matter of Scarsdale
22 Shopping Center. It's a case that has
23 some pertinence to this application.

24 And Exhibit L is a matter of Mobile
25 Oil Corp., another case that has

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2 applicability to the application today.

3 I'd ask that these be marked as one
4 package and I would like to submit them
5 up.

6 (Exhibits A-L were marked as
7 Applicant's Exhibit 1 for
8 identification, as of this date.)

9 MR. CHIMERI: Thank you.

10 My client is here before you seeking
11 a variance for her proposed home at 206
12 Church Street.

13 As I said, Exhibit A is a copy of
14 her deed when she purchased the
15 property.

16 It's a legal two-family at this
17 house according to the Certificate of
18 Occupancy dated February 3rd, '76, which
19 is Exhibit B.

20 According to that Exhibit B
21 Certificate of Occupancy, a variance was
22 granted by the Zoning Board of Appeals
23 for a two-family property on January 28,
24 1976.

25 She's seeking to enlarge her house

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2 to continue the two-family use, and
3 include the permitted use of the
4 property as a licensed day care
5 facility.

6 As I'm sure the Board is aware,
7 under New York Social Services Law
8 Section 390(12), a child day care
9 facility is permitted use in all single
10 two-family multifamily homes anywhere
11 throughout the state of New York.

12 My client is a licensed child day
13 care provider in the state of New York.
14 She has a Certificate of Accreditation
15 for Family Child Care and a copy is
16 annexed as Exhibit I.

17 It should be noted that my client
18 tends to reside in this house herself if
19 the application is granted. She plans
20 on living in the rear living quarters of
21 the two-family and plans to have her
22 mother and brother live in the front
23 living quarters.

24 The plans include a gym and
25 recreation areas that would allow her to

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2 care for up to 32 children in her day
3 care facility.

4 The premises, would, of course, need
5 to meet all the stringent requirements
6 set out by the state of New York for
7 such facilities, including New York
8 state fire codes and building codes.

9 By granting the application, my
10 client will be providing a much needed
11 service to the residents in the Village
12 of Freeport.

13 As far as the benefits to the
14 Village of Freeport as weighed against
15 the variance being requested, I believe
16 that this application should be granted.

17 But before I get in to each of
18 criteria that Board should be
19 considering in deciding whether or not
20 to grant this application, I should note
21 that the Board should consider the
22 requirements for an area variance that
23 are applicable here rather than for a
24 use variance for stringent requirements.

25 I have three distinct reasons why

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2 the area variance criteria rather than
3 use variance would be applicable in this
4 case.

5 First, the courts of the state of
6 New York have consistently held that
7 where a variance has been granted for as
8 use, no further use variance is required
9 for its expansion as apposed to a prior
10 nonconforming use without a variance
11 being granted; and in the Exhibit B,
12 Certificate of Occupancy, a variance was
13 granted on this. And based on that,
14 there's been cases that interpret that
15 just to say that very thing. One such
16 case is matter of Scarsdale Shopping
17 Center Associates, verse Board of
18 Appeals. In that court decision, a copy
19 of which is annexed, they say
20 specifically, with respect to the merit
21 of petition, a use for which a use
22 variance has been granted is a
23 conforming use, and as a result, no
24 further use variance is required for its
25 expansion, unlike a use that is

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2 permitted to continue only by virtue of
3 its prior lawful, nonconforming status.
4 And that case is Exhibit K. And that
5 case has been followed by a number of
6 cases.

7 The second basis is our own Section
8 210-21(B) of the Freeport Village Code.
9 A nonconforming building may be extended
10 where such alteration does not extend
11 the specific aspect of nonconformity of
12 the building site. The nonconformity
13 here is the two-family use. The project
14 does not change that use. The house
15 will remain a two-family house.

16 And finally, even if it was found
17 that the use variance did apply, the
18 courts of New York have also
19 consistently held that in situations
20 such as this, where the changes to the
21 building consist of area issues, such as
22 the size, the area variance criteria
23 should be applied.

24 The seminal case on that is matter
25 of Mobile Oil Corporation verses Village

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2 of Mamaroneck Board of Appeals. And a
3 copy of that case is attached as Exhibit
4 L. And that's an Appellate Division
5 case. It's been recently cited
6 favorably in additional Appellate
7 Division cases in 2016 and 2022.

8 So I'd like to do ahead and address
9 the five criteria you're all familiar
10 with respect to area variances.

11 That first consideration is, whether
12 an undesirable change will be produced
13 in the character of the neighborhood or
14 a detriment to nearby properties will be
15 created by the granting of the variance.

16 I will submit to the Board that
17 there will be no undesirable change of
18 any kind to the neighbor and no
19 detriment to nearby properties would be
20 created.

21 The owners the surrounding
22 properties have signed letters in
23 support of this application and state
24 that the proposed project will fit in
25 with the character of the neighborhood,

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2 not be a detriment of any kind. It is
3 not substantial given the size of the
4 property at all. It will not adversely
5 effect the physical or environmental
6 conditions in the neighborhood, and will
7 be an asset to the neighborhood in the
8 Village of Freeport in general. And
9 these are not just village residents or
10 general neighbors, these are the
11 property owners in all of the
12 surrounding properties to this subject.

13 Village resident Dante Mack lives at
14 210 Church Street, directly adjacent to
15 the subject premises and has lived there
16 for eight years. He signed a letter.
17 It's in your packets.

18 Village resident, Lashonda -
19 L-A-S-H-O-N-D-A Gardenhire-
20 G-A-R-D-E-N-H-I-R-E. She notes that she
21 has lived across the street at 209
22 Church Street for 12 years.

23 Village resident Anthony V. Duffy-
24 D-U-F-F-Y notes that he has lived across
25 the street at 203 Church Street for 21

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2 years.

3 Village resident Edwin Lopez notes
4 that he has lived at 43 East Avenue
5 which is the property directly behind
6 and adjacent to the subject for
7 52 years.

8 All of these surrounding properties
9 are in favor of this project and they
10 have signed letters in the file.

11 With respect to the village of
12 Freeport in general, not just the
13 neighbors, it was noted in a recent
14 letter from the village of Freeport to
15 the Long Island Regional Economic
16 Development Council that the project,
17 and I quote, represents critical
18 investment in our local childcare
19 infrastructure, workforce development,
20 and community well-being.

21 The letter went on to opine that the
22 applicant and the project plays a vital
23 role in providing affordable
24 high-quality, bilingual, and inclusive
25 early childhood education to working

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2 families, particularly low income
3 families receiving CCAP subsidies and
4 children with special needs.

5 And the letter concludes, this
6 project will significantly benefit the
7 Freeport community and surrounding areas
8 by expanding access to essential
9 services.

10 A copy of that letter, which was
11 dated July 21st, 2025, signed by the
12 mayor of Freeport is annexed as Exhibit
13 J.

14 The second consideration is, whether
15 the benefit sought by the applicant can
16 be achieved by some method, feasible for
17 the applicant to pursue, other than the
18 variance. And the answer to that is,
19 no.

20 The expansion of the house will
21 continue the existing two-family use and
22 offer appropriate areas for the for
23 children to be educated, fed, exercised,
24 and cared for. This is precisely what
25 the variance will allow.

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2 It's also important to note, given
3 the large size of the parcel, the only
4 area variance that is actually needed is
5 for the accessory structures.

6 Although the building is large, it's
7 within the zoning requirements for the
8 Residence A where it's located as far as
9 everything except for the proposed shed,
10 which is a 200 square foot shed.

11 Between the garage and the shed, the
12 accessory buildings cover 700 square
13 feet where only 500 feet is permitted
14 under the code. The garage itself meets
15 the code, as it covers 500 square feet
16 which is the requirement.

17 The shed is an additional 200 square
18 feet, and that is what puts us over the
19 limit and that's what requires a
20 variance.

21 I discussed with my client, and if
22 the Board decides, we're willing to
23 remove that shed from the project
24 completely.

25 If we were to do so, no area

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2 variance at all would be required for
3 this project. Everything else meets the
4 code for Residence A.

5 Third consideration is, whether the
6 requested variance is substantial. It's
7 a big -- it's a big house, no question,
8 but given the size of the parcel, the
9 variance for a 200 foot shed is not
10 substantial.

11 The remainder of the project meets
12 all the code and we're willing to give
13 up the shed. So it's not substantial,
14 given that this is almost a 20,000
15 square foot parcel.

16 And just as a side note, there are
17 buildings, larger buildings within a
18 120 yards, a school, which is three
19 times as large to the north-east. To
20 the north-west there's an apartment
21 house and then -- which is about
22 200 yards away, and then there's another
23 apartment house about 250 yards away.
24 So there are other large structures in
25 the neighborhood that should be taken

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2 into consideration.

3 The fourth consideration is, whether
4 the proposed variance will have an
5 adverse effect or impact on the physical
6 or environmental conditions in the
7 neighborhood or district.

8 The Superintendent of Buildings has
9 found that the proposed project will not
10 have a significant effect on the
11 environment. That's set forth in the
12 negative declaration signed by the
13 Superintendent of Buildings which is
14 annexed as Exhibit F.

15 In addition, those letters I
16 referred to from the surrounding
17 property owners confirm that they do not
18 believe the project will have an adverse
19 effect on the physical and environmental
20 conditions in the neighborhood. And if
21 they would know, they're all surrounding
22 neighbors.

23 And the fifth and final
24 consideration is, whether the alleged
25 difficulty was self-created.

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2 This criteria exists in every
3 application for a variance. And every
4 applicant creates a difficulty to some
5 extent by making the application in the
6 first place.

7 But other than bringing this
8 application before the Board, which is
9 essentially is for a 200 foot variance
10 for a shed, my client did not create
11 this difficulty. It's a two-family
12 house. It's got a CO for a two-family
13 house. It's not a prior nonconforming
14 use. It's a variance, that was granted.
15 And in any events that fifth and final
16 criteria would not be controlled.

17 So in summary of all the five
18 criteria, the Board, as you all know, is
19 supposed to take into account and weigh
20 the benefit to the petitioner, which is
21 great, and the benefit to the village,
22 which is even greater, and weigh that
23 against any determinant to the health,
24 safety and welfare of the neighborhood
25 or community by such grant.

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2 So I would say, based on the
3 evidence that's before the Board, there
4 is in detriment to the health, safety,
5 welfare of the neighborhood or community
6 by granting this variance. In fact,
7 it's the opposite. According to all the
8 neighbors, according to the village, and
9 according to my client, this would be a
10 great addition to the neighborhood, a
11 brand new building, childcare for needy
12 people in the village of Freeport that
13 serve 32 children, keep them safe and
14 meet all the requirements in the state
15 of New York.

16 So I would request that this
17 application be granted. And if the
18 Board wants us to remove the shed of
19 200 square feet, we would be more than
20 happy to do so.

21 And if you have any questions, my
22 client is here, I'm hear to answer any
23 questions you may have.

24 MEMBER MINEO: I have a question
25 with regard to the exterior staircases

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2 that are located on both sides of the
3 dwelling. One in particular is on the
4 new addition and one looks like it's
5 going to be added to the old section of
6 the house.

7 Is there a reason why you need two
8 full sets of stairs outside of the
9 residence as well as an egress window?

10 (Inaudible noise from audience.)

11 CHAIRPERSON RHODEN: You would have
12 to come up and get sworn in.

13 MR. CHIMERI: Why don't you come in,
14 get sworn in.

15 (WHEREUPON, the Applicant,
16 J-A-N-N-A R-O-D-R-I-G-U-E-Z was sworn
17 in by the Court Reporter.)

18 MS. RODRIGUEZ: Janna Rodriguez, 206
19 Church Street.

20 So there is only going to be one,
21 another additional second egress from
22 the second floor. So I think you're
23 seeing it as it's two different stairs.
24 So it's from the second floor going
25 down.

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2 MEMBER MINEO: So it's showing two
3 separate -- two separate staircases on
4 the lower level. If you look at A3 on
5 the plans (indicating).

6 MR. CHIMERI: Which page is it?

7 MEMBER MINEO: A3.

8 MR. CHIMERI: Are you looking at
9 A302?

10 MEMBER MINEO: In the application,
11 it doesn't indicate that you're looking
12 to --

13 MS. UNGAR: A300, the description of
14 the project says, two new cellar
15 entrances (indicating).

16 MS. RODRIGUEZ: So what is required
17 from the state from OCFS, Office of
18 Children and Family Services, is that
19 there needs to be a second egress from
20 the second floor if there is an
21 emergency. So given --

22 MR. CHIMERI: I think he's talking
23 about the basement; right?

24 MEMBER MINEO: Yes, I'm talking
25 about the basement.

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2 MS. RODRIGUEZ: So the basement
3 right now the way the house is, it's
4 like a cellar going down and it's not
5 done. So they're closing that off. So
6 what they did was, inside of the house
7 used to be stairs to go into the cellar,
8 the prior person that owned the property
9 closed it off with like a wall so we're
10 just opening it up so that there's
11 another way to get into the cellar for
12 like if you need to look at the boiler
13 and stuff like that.

14 MR. CHIMERI: From the outside?
15 Are you referring to outside?

16 MEMBER MINEO: I'm talking about the
17 outside entrance.

18 MR. CHIMERI: All right.
19 So we don't need two outside
20 entrances.

21 MS. RODRIGUEZ: Yes.

22 The only second entrance is the
23 second entrance on the side where the
24 stairs that are coming down on the side.

25 So that's why I didn't understand

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2 what you guys are looking at.

3 MS. UNGAR: On the plans there are
4 two new cellar entrances, one if you're
5 looking at A300 to the far, far left
6 side of the page, and then part of the
7 existing house, new basement stairs,
8 eight risers on the exterior of the
9 house; and it was in your architect
10 project's description that was submitted
11 to the --

12 MR. CHIMERI: So if the Board wants
13 us to remove one, I don't see any reason
14 to have two separate outside entrances
15 to a basement so we have no objection to
16 removing one.

17 MS. RODRIGUEZ: Right. The most
18 important one is the one that's coming
19 from the second floor down on the side
20 (indicating.)

21 MR. CHIMERI: He's talking about
22 outside.

23 CHAIRPERSON RHODEN: So because
24 there's two. So there's one here,
25 unfinished space, right, and then there

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2 is the one on the other side that's by
3 the existing crawl space (indicating).

4 MS. RODRIGUEZ: Which is the
5 enclosed door.

6 MR. CHIMERI: We will close that
7 off. We'll remove that from the plans.

8 CHAIRPERSON RHODEN: If you close
9 the one by the existing crawl space; is
10 that what you're saying?

11 MS. UNGAR: Are there two separate
12 garage areas -- basement areas that are
13 not connected?

14 MS. RODRIGUEZ: No, so there's
15 currently right now, a crawl space.

16 MS. UNGAR: No, I'm talking about in
17 the new proposed building where the
18 plate area is in the middle separating
19 the two segments, is there a basement
20 underneath that?

21 MS. RODRIGUEZ: No, no.

22 MS. UNGAR: So that's why there's
23 two external staircase, one for one
24 basement and one for the other basement?

25 MS. RODRIGUEZ: Where the boiler and

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2 that would be, correct.

3 Thank you. Sorry. I was like, I
4 was...

5 MEMBER HAWKINS: Will the children
6 be in the current structure that's there
7 now?

8 MS. RODRIGUEZ: That is correct.

9 MEMBER HAWKINS: And the daycare is
10 located in the basement or on the floor
11 first?

12 MS. RODRIGUEZ: No, no, would be the
13 first floor, second floor. That's why
14 the second floor is getting a second --
15 that's why we're requesting a second
16 egress.

17 MEMBER HAWKINS: So the daycare
18 would take up both floors?

19 MS. RODRIGUEZ: Correct.

20 So the reason for the extension is
21 because I don't have personal space for
22 myself.

23 MEMBER MINEO: Okay.

24 MS. RODRIGUEZ: Since I'll be living
25 on the property.

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2 MS. UNGAR: To get a sense, so
3 you're putting a second floor on the --
4 no, there's already a second floor on
5 the existing house?

6 MS. RODRIGUEZ: Correct.

7 MS. UNGAR: And you're putting the
8 two-story rear extension separated by
9 the play area in the middle.

10 You're going to be taking up the
11 entire back area?

12 MS. RODRIGUEZ: Correct.

13 MS. UNGAR: And you said mother or
14 brother --

15 MS. RODRIGUEZ: My brother is here.

16 MS. UNGAR: Your brother and --

17 MS. RODRIGUEZ: And my mother.

18 MS. UNGAR: Which part is he in and
19 which -- where is the kids -- can you
20 give us a little bit of a --

21 MS. RODRIGUEZ: Of course, yeah.

22 MS. UNGAR: Who is where just so we
23 can visualize.

24 MS. RODRIGUEZ: Understood.

25 So the first floor is going to be

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2 where the children would be and the
3 second floor of the primary house. So
4 on the first floor of the addition is
5 where I would be. On the second floor
6 on the addition is where my mother and
7 my brother would be.

8 MS. UNGAR: Okay so family will be
9 in the back part of the house --

10 MS. RODRIGUEZ: Correct.

11 MS. UNGAR: -- daycare is in front?

12 MS. RODRIGUEZ: And I want to
13 separate that so we have our own
14 personal space. It's been 13 years so I
15 need my own personal space after such a
16 long time.

17 MEMBER HAWKINS: How many children
18 are there now?

19 MS. RODRIGUEZ: I have 20 children
20 enrolled right now.

21 MEMBER HAWKINS: And what's the size
22 of the garage that's there now?

23 MR. CHIMERI: That's there now?

24 MEMBER HAWKINS: Yes.

25 MS. RODRIGUEZ: So right now we're

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2 not currently operating out of this
3 house. I have the childcare at another
4 facility.

5 MEMBER HAWKINS: No, I understand
6 that. You're proposing a new two-car
7 garage, right?

8 MS. RODRIGUEZ: For the back. All
9 the way in the back.

10 MEMBER HAWKINS: Right. What's the
11 size of the garage that's there now; do
12 you know?

13 MS. RODRIGUEZ: It's old. It's so
14 old. That garage is in the middle of
15 the property so it's being torn --

16 MEMBER HAWKINS: I'm just wondering
17 whether you're going to use the same
18 footprint for the new garage?

19 MS. RODRIGUEZ: No, no, no, no.

20 MR. CHIMERI: What was the question?

21 MS. RODRIGUEZ: The footprint for
22 where the current old garage is going to
23 be town down, and he's saying are they
24 going to use the same footprint but
25 they're moving the garage to the back

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2 because the addition's being created
3 there.

4 MEMBER HAWKINS: And the 324 for --
5 the current size of the garage, 324
6 square feet?

7 MR. CHIMERI: It looks like current
8 is 18.2 by 18.3.

9 MEMBER HAWKINS: And for the
10 proposed shed, what's the utilization
11 for that; what are you going to do?

12 MS. RODRIGUEZ: To put the cars for
13 the children so that they wouldn't stay
14 out in the rain and get like dirty so I
15 wanted to keep it in there like over the
16 weekend so that it doesn't just have to
17 just be out in the property, like the
18 bicycles, and stuff like that. Yeah,
19 I'm very organized.

20 MR. CHIMERI: Recreation equipment
21 for the kids.

22 MS. RODRIGUEZ: Just keep it
23 consolidated.

24 MS. UNGAR: In looking at the plans,
25 I see three kitchens. I see a kitchen

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2 on the first floor of the extension, I
3 see a kitchen on the first floor of the
4 original part the house, and then I see
5 a kitchen on the second floor of the old
6 house but no kitchen on the second floor
7 of the extension?

8 MS. RODRIGUEZ: Because it's going
9 to be utilizing the kitchen from the
10 first floor.

11 MS. UNGAR: So there's going to be
12 on the other floor but --

13 MS. RODRIGUEZ: But we're using that
14 first kitchen for us to --

15 MS. UNGAR: Just one kitchen for
16 that and two kitchens for the daycare?

17 MS. RODRIGUEZ: Correct.

18 MS. UNGAR: So it's really one
19 thing, you, your mother and your brother
20 are all one unit, not two separate --

21 MS. RODRIGUEZ: No.

22 MS. UNGAR: -- areas. Okay.

23 I know the need for childcare is
24 great, I am thankful that my youngest is
25 in kindergarten, I'm thankful for that

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2 is behind me.

3 This seems ideal for what you're
4 proposing and I know -- I haven't read
5 the caselaw about the extending when a
6 variance is granted it's actually sent
7 in conforming use, but when you're not
8 here in 75 years and the next person
9 this is a very large unique space; have
10 you given any thought kinda to what that
11 would look like after?

12 MS. RODRIGUEZ: Oh, well, yeah no, I
13 think that that's a great question.

14 First and foremost, I've been raised
15 in Freeport my entire life and I want to
16 start my own family, so really don't see
17 this property going anywhere. It took
18 me 13 years to be able to purchase a
19 property here and so I don't -- look, I
20 don't foresee me wanting to sell such a
21 property that took me such a long time
22 to be able to acquire. And my dream is
23 coming true just being able to acquire
24 this property.

25 MR. CHIMERI: But to answer your

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2 question in another way, because nothing

3 lasts forever and eventually we all pass

4 away or whatever, I understand the

5 question, what happens, it's still going

6 to be a two-family. And at that point,

7 I would envision whoever buys the house

8 would probably split that area that's

9 now a gymnasium right down the middle,

10 add one to the rear unit, add one to the

11 front and it still would be two-family

12 but good size. That would be there,

13 whatever, rec room, whatever they have.

14 MS. RODRIGUEZ: For a large family.

15 MR. CHIMERI: Yeah, well, two

16 families.

17 MS. UNGAR: Seems thing sometimes

18 that we see in village court and the

19 Zoning Board, we just want to make sure

20 that whatever comes next also makes

21 sense. Although that's not really

22 directly before us today, it's in the

23 back of our minds.

24 MR. CHIMERI: We certainly

25 understand that concern and we don't

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2 anticipate it in the next 40, 50 years,
3 but when that comes, it still would be a
4 two-family. And if anybody did anything
5 to change that, they would be before you
6 in village court with summonses because
7 it's not legally -- you can't make it a
8 three, four, five, it's going to stay a
9 two and that's the most it's ever going
10 to be.

11 MS. UNGAR: Thank you.

12 MR. CHIMERI: It will be a big two
13 but it will be two.

14 MS. UNGAR: Thank you.

15 MEMBER MINEO: Are there plans to
16 finish the basement; I know it's showing
17 unfinished currently but are there plans
18 to change that into finished?

19 MR. CHIMERI: No, because she has to
20 abide by the rules for childcare
21 facilities and they're not allowed to
22 use that space so it would never be
23 permitted.

24 MEMBER MINEO: From OCFS side?

25 MR. CHIMERI: Yes.

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2 And this property will be subject to
3 periodic inspections, you know,
4 regularly because it's going to be
5 children there. The state looks on
6 these things very carefully. So it's
7 all going to meet all the codes and if
8 they were to go downstairs and see any
9 kind of occupancy, there goes her
10 license and she doesn't want that.
11 That's for sure.

12 MEMBER MINEO: Right.

13 MEMBER HAWKINS: And the proposed
14 circular driveway, that's for dropping
15 off.

16 MS. RODRIGUEZ: That is correct,
17 just to make it seamless so that I don't
18 cause any congestion with cars coming in
19 and out, instead of having cars parked
20 and take up space. And I have such a
21 long driveway that if more cars have to
22 come in, I'm not going to blocking
23 someone's space. That's the reason we
24 thought of the circular driveway.

25 MR. CHIMERI: It's much safer.

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2 CHAIRPERSON RHODEN: Yes,
3 definitely.

4 We don't have additional questions
5 at this time.

6 MR. CHIMERI: Thank you. I
7 understand this is a big application and
8 it's a lot to look at, but my client as
9 has asked, if there's any possibility to
10 get a decision tonight because we do
11 have Site Plan kind of lined up but any
12 chance?

13 MS. UNGAR: I think for this amount
14 of complexity, it would be hard to write
15 a decision tonight that would do it
16 justice.

17 Do you have site plan currently on
18 the calendar already?

19 MS. RODRIGUEZ: Well, we were -- we
20 were planning on it just because the
21 foundation has to be put down. So we're
22 not on the calendar per se but I was
23 supposed to be going to the village
24 clerk tomorrow to try to work on that
25 based off of today.

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2 MS. UNGAR: So when was the -- this
3 plan, end of October calendar is set?

4 THE CLERK: Yes.

5 MS. RODRIGUEZ: I don't -- so it
6 would be November.

7 MS. UNGAR: You're looking at end of
8 November for -- I don't know what
9 Thanksgiving -- how that would work.
10 There had been people in the past who
11 move for a good Site Plan while waiting
12 receipt of their Zoning decision. That
13 is -- I mean certainly --

14 MR. CHIMERI: We understand the
15 risk, then you're doing it if doesn't
16 get approved then it's without a basis,
17 but if we can schedule it maybe.

18 Is there any opposition of her going
19 and trying to schedule it tomorrow and
20 subject to whatever decision the Board
21 makes?

22 MS. UNGAR: I don't -- Site Plan
23 meet the fourth Tuesday of every month,
24 the public site plan meeting so it would
25 the fourth Tuesday of November would be

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2 the next one she would get on the
3 calendar for but by the time a decision
4 is made next month, she would have to
5 start giving the application in now to
6 be on that calendar. And the concern is
7 if, if this application is denied here
8 there's no point going to Site Plan. So
9 there's that small --

10 MR. CHIMERI: Well, of course we
11 would remove it from the calendar and --

12 MS. UNGAR: Correct. There's
13 that --

14 MR. CHIMERI: -- take whatever
15 action.

16 MS. UNGAR: There's that's that risk
17 and there's that they would be taking if
18 they put in the application.

19 CHAIRPERSON RHODEN: I mean, I think
20 that's something that you would have to
21 make a decision on.

22 MR. CHIMERI: She's willing to go to
23 the expense of make extra plans and
24 filing that. So I think I will advice
25 her to try it and see what happens.

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2 Worse the case, the case gets denied and
3 then we withdraw that application. But
4 we don't want to think about a denial.
5 We want to think about approval.

6 Anyway, thank you for your time. I
7 appreciate it.

8 CHAIRPERSON RHODEN: Thank you so
9 much.

10 MS. RODRIGUEZ: Thank you.

11 CHAIRPERSON RHODEN: Do we have
12 anyone who would like to speak for or
13 against this application this evening.

14 (Whereupon, there was no verbal
15 response from the audience.)

16 THE CLERK: No, we don't have any
17 speakers.

18 CHAIRPERSON RHODEN: Okay. Can I
19 please have a Motion to close for
20 further evidence and testimony and to
21 reserve decision, please?

22 MEMBER HAWKINS: So moved.

23 MEMBER MINEO: Second.

24 CHAIRPERSON RHODEN: Thank you.

25 THE CLERK: All in favor?

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2 CHAIRPERSON RHODEN: Aye.

3 MEMBER MINEO: Aye.

4 MEMBER HERNANDEZ: Aye.

5 MEMBER HAWKINS: Aye.

6 THE CLERK: Any oppose?

7 (Whereupon, there was no response
8 given.)

9 CHAIRPERSON RHODEN: Do we have any
10 decisions that can be read for tonight's
11 calendar?

12 THE CLERK: Yes, we have Application
13 2025-10, 265 South Long Beach Avenue,
14 Residence AA, Section 62, Block 122, Lot
15 17.

16 MEMBER MINEO: Madam, Chair,
17 regarding Application 2025-10, for the
18 premises located at 265 South Long Beach
19 Avenue, Freeport.

20 The Applicant comes before this
21 Board seeking a variance from Village
22 Ordinances 210-6A, 210-171D, seeking
23 approval to install 126 feet by six feet
24 high closed PVC fence and ten feet by
25 six feet high double gate.

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2 I, Anthony Mineo, move that this
3 Board make the following findings of
4 fact:

5 A public hearing was held on
6 September 18th, 2025 wherein applicant
7 Emilia Guzman and her son
8 Christian Ramos spoke in support of her
9 application. Mr. Ramos explained that
10 his mother owns a daycare, and is
11 looking for a fence to provide more
12 outdoor space for the children in a
13 secure, private area. New York State
14 daycare's do not have a specific height
15 requirement for fences. The children at
16 the daycare range from six months to 12
17 years old. They live on a corner lot
18 that borders Archer Street school. The
19 proposed fence is in the secondary front
20 yard, and runs in line with the front of
21 the house, to the sidewalk, along the
22 sidewalk, and then turns back towards
23 the house after the driveway. The
24 primary concern about the fence is
25 backing out of the driveway without

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2 sufficient visibility. This creates a
3 safety risk for drivers and pedestrians.

4 The Board proposed an amendment to
5 the proposed fence. The Board proposed
6 that for the eastern portion of the
7 fence running along the driveway, that
8 the southern most 8-foot section of
9 street, closest to the driveway be
10 4-foot open fence. Then the gate by the
11 driveway be four-foot open fence.
12 Finally, the next eight-foot section of
13 fence to the west of the driveway gate
14 would be four-foot open fence. The
15 remainder of the fence would be six-foot
16 closed.

17 Mr. Ramos indicated that this would
18 be a suitable alternative.

19 1. On balance, the benefit to the applicant by
20 the granting of this variance, as modified, is
21 not outweighed by the detriment to the health,
22 safety and welfare of the neighborhood or
23 community if such variance were to be granted.

24 The Board has determined:

25 A. That an undesirable change will not be

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2 produced in the character of the neighborhood
3 and a detriment to nearby properties will not be
4 created by the granting of the area variance;
5 B. That the benefit sought by the applicant
6 cannot be achieved by some method, feasible for
7 the applicant to pursue, other than an area
8 variance;
9 C. That the requested area variance is
10 insubstantial;
11 D. That the proposed variance will not have an
12 adverse effect or impact on the physical or
13 environmental conditions in the neighborhood or
14 district; and
15 E. That the alleged difficulty may be
16 considered self-created, but this factor is not
17 dispositive.
18 2. The Board, as lead agency has determined
19 that this action is a Type II action and under
20 SEQRA and no further review is required.
21 I further move that this application
22 be granted subject to the following
23 conditions:
24 1. Applicant/Owner must comply with all the
25 Rules and Regulations of the Village of

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2 Freeport.

3 2. Applicant must obtain the required permits
4 from the Building Department.

5 3. This application for variance(s) is being
6 granted on the basis of the specific use
7 Proposed. If anything in this application is to
8 change, the applicant must return to the Board
9 for further review.

10 4. This variance is being granted subject to
11 the modification as outlined above. If this
12 modification is not adhered to, then the entire
13 variance is rescinded, and applicant must return
14 to the Board for further review.

15 MEMBER HAWKINS: Second.

16 THE CLERK: All in favor?

17 CHAIRPERSON RHODEN: Aye.

18 MEMBER MINEO: Aye.

19 MEMBER HERNANDEZ: Aye.

20 MEMBER HAWKINS: Aye.

21 THE CLERK: Any oppose?

22 (Whereupon, there was no response
23 given.)

24 CHAIRPERSON RHODEN: Can I please
25 have Motion to close to Legislative

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2 Session.

3 MEMBER HAWKINS: So moved.

4 MEMBER MINEO: Second.

5 THE CLERK: All in favor?

6 CHAIRPERSON RHODEN: Aye.

7 MEMBER MINEO: Aye.

8 MEMBER HERNANDEZ: Aye.

9 MEMBER HAWKINS: Aye.

10 THE CLERK: Any oppose?

11 (Whereupon, there was no response
12 given.)

13 (Whereupon, the Board entered into
14 Legislative Session.)

15 (Time Noted: 7:15 p.m.)

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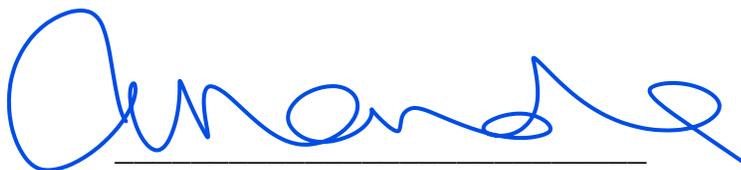
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AMANDA MICILLO

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Official Court Reporter

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