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INCORPORATED VILLAGE OF FREEPORT
ZONING BOARD OF APPEALS

MUNICIPAL BUILDING

46 North Ocean Avenue
Freeport, NY 11520

November 20, 2025
6:30 p.m.

M E M B E R S :

- ROSA RHODEN CHAIRPERSON
- JENNIFER CAREY MEMBER
- CHARLES HAWKINS MEMBER
- LUIS RODRIGUEZ 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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2 CHAIRPERSON RHODEN: Good
3 evening, everyone. If everyone can
4 please join me for the Pledge of
5 Allegiance.

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

8 CHAIRPERSON RHODEN: Can I
9 please have approval -- second for
10 the Board minutes from last Board
11 meeting?

12 MEMBER RODRIGUEZ: So moved.

13 MEMBER CAREY: Second.

14 THE CLERK: All in favor.

15 CHAIRPERSON RHODEN: Aye.

16 MEMBER HAWKINS: Aye.

17 MEMBER CAREY: Aye.

18 MEMBER RODRIGUEZ: Aye.

19 THE CLERK: Any oppose?

20 (Whereupon, there was no
21 verbal response given from the Board
22 Members.)

23 CHAIRPERSON RHODEN: Do we
24 have any Affidavits of Publication
25 that need to be entered into the

record as exhibits this evening?

THE CLERK: I have one Affidavit of Publication, one Affidavit of Posting to be entered into the record as Board exhibits for this Public Hearing.

(Affidavit of Publication was marked as Board Exhibit 1, for identification, as of this date.)

(Affidavit of Posting was marked as Board Exhibit 2, for identification, as of this date.)

THE CLERK: I also have one Affidavit of Mailing to be entered into the record as a Board exhibit for the applications.

(Affidavit of Mailing was marked as Board Exhibit 1, for identification, as of this date.)

CHAIRPERSON RHODEN: Okay. Do we have any requests for adjournments this evening?

THE CLERK: Madam chair, there are no requests for adjournments this

evening.

CHAIRPERSON RHODEN: Okay.

Can we please call the first --
before I actually start, if anyone is
here who wants to speak for or
against an application this evening,
please complete a form on the back
table and hand it to the clerk.

Thank you.

Can we call the first
application on tonight's calendar?

THE CLERK: Application
2025-12, 40 Harris Avenue, Residence
A - Section 55, Block, 254, Lot
115 -- John Esposito.

Proposed 442 square feet first
floor addition and 418 square feet
second floor addition. Variances:
Village Ordinance Section 210-6A.
Conformity Required. And Section
210-21, Permissible Extension of Use.

CHAIRPERSON RHODEN: Good
evening.

(WHEREUPON, the Architect,

2 C-H-R-I-S-T-O-P-H-E-R G-R-A-Y was
3 sworn in by the Court Reporter.)

4 MR. GRAY: Chris Gray,
5 architect, 2401 Capri Place, North
6 Bellmore, New York, representing
7 John Esposito.

8 And the -- he currently lives
9 at 1808 Alice Street in Merrick. And
10 this property in question, 48 Harris
11 Avenue, is a property owned by
12 Mr. Esposito. He happens to be
13 sitting behind me. This happens to
14 be a rental property. This property
15 is a two-family dwelling and I have a
16 document that states that under ZBA
17 case appeal number 392 of 1953, this
18 was granted as a two-family
19 residence. So this has been in
20 existence for 72 years, I hope
21 without incident, and has owned it
22 for the past 12 years. So that's the
23 history of this property.

24 And he would like to expand
25 this dwelling, this two-family

1 dwelling. It currently -- the
2 existing dwelling consists of one
3 bedroom on the first floor with one
4 bathroom and of course a kitchen and
5 a living room.
6

7 On the second floor, there is
8 what looks like two bedrooms but
9 actually one of them really does not
10 qualify as bedroom under the state
11 code, so we can -- for a lack of a
12 better term, it has two bedrooms and
13 living room and kitchen as well.

14 It is -- you know, the
15 building looks pretty large from the
16 outside but on the inside it is
17 fairly small, and also it is limiting
18 in renting to really a couple. It
19 would be nice to have the capability
20 to renting to a family so we are
21 requesting to add an addition
22 basically on one side of the property
23 to add two bedrooms and a bathroom to
24 each floor and then of course on the
25 other side of the dwelling is to

1
2 expand the kitchen a little bit to
3 make them a little larger.

4 The proposed additions,
5 normally if this was -- this is a
6 one-family zone in a Residence A, if
7 this was a one-family we wouldn't be
8 here tonight, the proposed addition
9 would be as-of-right, so what we are
10 here for mainly is or the expansion
11 of the nonconforming use.

12 The existing areas, for
13 instance, on the first floor, are
14 786 square feet, in the addition we
15 would propose to be a total of 12.28
16 square feet per floor. So it's a
17 50 percent increase on each floor.

18 So that's basically my case.

19 MEMBER HAWKINS: What's the
20 current square footage on the second
21 floor?

22 MR. GRAY: Excuse me?

23 MEMBER HAWKINS: What's the
24 current square footage on the second
25 floor?

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2 MR. GRAY: Current square
3 footage is 786 square feet.

4 MEMBER HAWKINS: On the second
5 floor?

6 MR. GRAY: On the second
7 floor. Yeah, 786 on the first and
8 second floor.

9 MEMBER HAWKINS: Is anyone
10 living in the house right now?

11 MR. GRAY: Yes.

12 MEMBER HAWKINS: Both floors?

13 MR. GRAY: Yes, they're both
14 occupied. They're both currently
15 occupied.

16 And also with the requirements
17 of parking, there's ample parking on
18 the property to contain four
19 off-street parking spaces.

20 CHAIRPERSON RHODEN: So we're
21 going to three bedrooms; is that what
22 you said?

23 MR. GRAY: The -- well, the
24 first floor from a one-bedroom to a
25 three-bedroom, and basically the same

1
2 on the second floor. There's one
3 small bedroom that really does not
4 qualify as a bedroom, it's a nice
5 closet. So that's basically the same
6 thing from the existing one-bedroom
7 to a proposed three-bedroom for each
8 floor.

9 MEMBER HAWKINS: It's actually
10 four bedrooms on the second floor,
11 correct?

12 MR. GRAY: Well, there's one
13 bedroom I have labeled as a bedroom
14 but it doesn't really comply with the
15 state code. State code requires that
16 a bedroom to be a minimum of
17 70 square feet. This bedroom is 63.
18 So it doesn't qualify as a bedroom
19 but because the house is old, it was
20 used as a bedroom. Now it's a -- it
21 would be a nice closet. Also, it's
22 the passageway to the attic -- part
23 attic stair which is the attic
24 stair -- the attic is for storage.
25 So it's not a great bedroom. But

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2 originally with the house, as it was
3 built, it was a bedroom.

4 MEMBER RODRIGUEZ: Do you know
5 the lot area coverage?

6 MR. GRAY: Lot area, sure. On
7 the first sheet I have all the zoning
8 data.

9 So the principle building
10 where 30 percent is maximum
11 allowable, the proposed building
12 coverage is 12.9. The minimum
13 property size of this zone is
14 7,500 square feet. This particular
15 property is 10,911. So a little bit
16 oversized to what the code basis the
17 law in.

18 MEMBER RODRIGUEZ: The
19 concrete triangle that's on the front
20 of the house, is that something that
21 you guys added on later?

22 MR. GRAY: Well, there is a --
23 maybe the owner can speak on that.
24 But there is an existing detached
25 garage, so there had to been some

2 form of driveway original.

3 MEMBER RODRIGUEZ: In front of
4 the house?

5 MR. GRAY: Oh, in front of the
6 house?

7 MEMBER RODRIGUEZ: Do you see
8 that? If you look at your survey.

9 MR. GRAY: Okay. Okay. Yes,
10 I remember. Let me get that survey.
11 Oh, yes, I see that the concrete
12 driveway.

13 MEMBER RODRIGUEZ: It says,
14 install new driveway (indicating).

15 Is that part of the proposed
16 parking for the --

17 MR. GRAY: Yes. Yes.
18 That's -- you know, there had to been
19 some form of driveway originally to
20 get to that detached garage. So it
21 looks like it's part lose stone,
22 dirt, and then there's a section of
23 concrete.

24 MEMBER RODRIGUEZ: See right
25 here (indicating)?

2 MR. GRAY: Yes.

3 If you have further questions,
4 I can have the owner step up to
5 answer them. I don't know -- I don't
6 know the history of the driveway.
7 Perhaps he --

8 CHAIRPERSON RHODEN: So
9 there's two sides that you park,
10 there's the right and the left
11 (indicating)?

12 MR. GRAY: Yes, I see that
13 there are two curb cuts. I see the
14 two curb cuts there, yes.

15 CHAIRPERSON RHODEN: Yes.

16 MEMBER CAREY: There are two
17 curb cuts there?

18 MR. GRAY: On the survey, it
19 notes, it says, dropped -- there's
20 two dropped curb areas.

21 CHAIRPERSON RHODEN: So, I'm
22 sorry, can we call the applicant; is
23 he here?

24 MR. GRAY: The owner, sure.
25 Okay.

2 Step up.

3 (WHEREUPON, the Applicant,
4 J-O-H-N E-S-P-O-S-I-T-O was sworn in
5 by the Court Reporter.)

6 MR. ESPOSITO: John Esposito,
7 I live at 18 Alice Street, Merrick.

8 CHAIRPERSON RHODEN: So you
9 have two curb cuts, right, so two
10 driveways; was that existing always,
11 like when you purchased the property?

12 MR. ESPOSITO: Yeah, that was
13 the -- (inaudible) second one on the
14 right.

15 MR. GRAY: Speak to the Board.

16 CHAIRPERSON RHODEN: I'm
17 sorry, did you say yes or no? I
18 didn't hear him.

19 MR. ESPOSITO: That was added
20 on later, the one on the right.

21 CHAIRPERSON RHODEN: The one
22 on the right was added on later?

23 MR. ESPOSITO: Uh-huh.

24 CHAIRPERSON RHODEN: I don't
25 think -- on your survey here, it

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2 doesn't show it; right? That brought
3 to the -- did you get a permit for
4 that driveway?

5 MR. ESPOSITO: For the apron,
6 I believe so. It's been quite awhile
7 ago.

8 CHAIRPERSON RHODEN: Okay.

9 MR. ESPOSITO: It's been a
10 long time.

11 CHAIRPERSON RHODEN: All
12 right.

13 MEMBER CAREY: I have a
14 question about the basement.

15 So does the current
16 basement -- not the new addition that
17 you're planning to -- does that have
18 the staircase in it already?

19 (Whereupon, there was no
20 verbal response given.)

21 MEMBER CAREY: Does that have
22 a staircase --

23 MR. GRAY: The existing
24 basement?

25 MEMBER CAREY: Yes.

2 MR. GRAY: There's an
3 interior -- there' an interior stair
4 to the basement from the inside of
5 the home.

6 MEMBER CAREY: Of course. But
7 I see on the drawing you have a
8 exterior stair to go to the
9 exterior --

10 MR GRAY: Oh, that has a
11 hatch. It's not -- it's a -- it's
12 got a closed hatch. It's not an open
13 stair. The -- I believe I have
14 pictures that may show that, that
15 corner.

16 MEMBER CAREY: No, I
17 understand. But it looks like this
18 drawing that you're proposing, are
19 you going to be expanding that and
20 making it into a stair?

21 MR. GRAY: No, there's no new
22 stair proposed. That's --

23 MEMBER CAREY: In the
24 drawing -- but usually there's like
25 a --

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2 (Crosstalk.)

3 MR. GRAY: It's a hatch. It's
4 like a utility set of stairs.

5 MEMBER CAREY: Got it.

6 MR. GRAY: And the existing
7 basement is six feet tall. I scrape
8 my head. So it's mainly for utility
9 purposes, the boiler equipment and
10 perhaps some storage of things, but
11 it's not so great down there.

12 MEMBER CAREY: Great. Thank
13 you.

14 CHAIRPERSON RHODEN: So you're
15 not renovating that basement?

16 MR. GRAY: No, that will
17 remain unfinished.

18 CHAIRPERSON RHODEN: Okay.
19 That's what I wanted to know.

20 MEMBER HAWKINS: I'm sorry,
21 you said, currently you have two or
22 three families in there now?

23 MR. GRAY: There's two units
24 and there's two families.

25 MEMBER RODRIGUEZ: The third

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2 meter that's on the electrical meter
3 there, I'm assuming that's the owner
4 use, correct, for basement, the
5 utility unit?

6 MR. GRAY: You can answer
7 that.

8 MR. ESPOSITO: Sorry?

9 MEMBER RODRIGUEZ: The third
10 meter, that electric meter that's on
11 there is for the owner's meter,
12 that's for the utility area
13 downstairs, right?

14 MR. ESPOSITO: Yes.

15 CHAIRPERSON RHODEN: So just
16 to recap, this is just to make sure,
17 this two-family dwelling has been
18 approved since 1953?

19 MR. GRAY: That's correct.

20 CHAIRPERSON RHODEN: I have no
21 further questions.

22 MR. GRAY: Okay.

23 CHAIRPERSON RHODEN: Thank you
24 very much.

25 MR. GRAY: Thank you.

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2 CHAIRPERSON RHODEN: Can I
3 please have a Motion to -- is there
4 anybody who would like to speak for
5 or against this application this
6 evening?

7 (Whereupon, there was no
8 verbal response from the audience.)

9 THE CLERK: No.

10 CHAIRPERSON RHODEN: So can I
11 please have a Motion to adjourn?

12 MEMBER HAWKINS: So moved.

13 MEMBER CAREY: Second.

14 CHAIRPERSON RHODEN: Actually
15 I do not request an adjournment.

16 Can I please have a Motion to
17 close for future evidence and
18 testimony and to reserve decision?

19 MEMBER HAWKINS: So moved.

20 MEMBER CAREY: Second.

21 MR. GRAY: Thank you. Good
22 night.

23 CHAIRPERSON RHODEN: Thank
24 you.

25 THE CLERK: All in favor.

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2 CHAIRPERSON RHODEN: Aye.

3 MEMBER HAWKINS: Aye.

4 MEMBER CAREY: Aye.

5 MEMBER RODRIGUEZ: Aye.

6 THE CLERK: Any oppose?

7 (Whereupon, there was no
8 verbal response from the Board
9 Members.)

10 MS. UNGAR: I apologize for
11 the delay Madam Chair, at this point
12 in time, I would request a Motion
13 from the Board to adjourn the next
14 application on tonight's calendar,
15 Application 2025-13, 120 Sportsmans
16 Avenue, Residence A-Section 62, Block
17 8, Lot 1 - Ocean Builders Corp.

18 The Building Department is
19 looking to get some additional
20 information so we expect that this
21 will be able to go on next month's
22 but, at this time, I request that the
23 Board have a Motion for adjournment.

24 CHAIRPERSON RHODEN: Can I
25 have a Motion for an adjournment,

2 please?

3 MEMBER CAREY: I make the
4 Motion.

5 MEMBER RODRIGUEZ: I'll
6 second.

7 THE CLERK: All in favor.

8 CHAIRPERSON RHODEN: Aye.

9 MEMBER HAWKINS: Aye.

10 MEMBER CAREY: Aye.

11 MEMBER RODRIGUEZ: Aye.

12 THE CLERK: Any oppose?

13 (Whereupon, there was no
14 verbal response from the Board
15 Members.)

16 CHAIRPERSON RHODEN: Do we
17 have any decisions that need to be
18 read into the calendar this evening
19 on tonight's calendar?

20 THE CLERK: We have two
21 decisions. Application 2025-9, 29
22 West Sunrise Highway, Business B,
23 Section 55, Block 21, Lot 20.

24 MEMBER CAREY: Chairman,
25 regarding Application #2025-9 for the

1 premises located at 29 West Sunrise
2 Highway, Freeport, the Applicant
3 comes before this Board seeking a
4 variance from Village Ordinances
5 §210-6A, 210-172(A)12 seeking
6 approval for a change of use to a
7 Medical building.
8

9 I, Jennifer Carey, move that
10 this Board make the following
11 findings of fact:

12 A public hearing was held on
13 August 21, 2025 wherein applicant was
14 represented by architect
15 Marcelo Kohan. He explained that his
16 client needs a parking variance for
17 using the property for medical space.
18 He explained that the denial letter
19 said 6 spaces were required, and that
20 his client had one parking space in
21 the back, as part of a shared lot,
22 where he can park his car. His
23 client provides shuttle service for
24 the patients, and drop off at the
25 rear entrance, if necessary. His

1 client, Dr. Theagene, runs a pain
2 management practice, and also has an
3 acupuncturist and a physical
4 therapist. He is relocating his
5 practice from Laurelton, Queens, to
6 Freeport. The denial letter was
7 reported to be incorrect as 6 spaces
8 are required for the size of the
9 space, with an additional 2 for
10 employees, for a required total of 8.
11 There is a pre-existing second floor
12 apartment that is not in question in
13 this application. A neighbor,
14 Ratan Halder, spoke on the
15 application. He explained that he
16 and his wife own the building on 22
17 Pine Street, which is where the rear
18 parking lot is. He said that any
19 space of the applicant in the back of
20 the building must be accessed by
21 going through his lot, which is
22 barely adequate for their own needs.
23 He said that the applicant has no
24 independent way to get from his space
25

from Pine Street.

A second neighbor, Menalos Samaroy, representing 15, 17, and 19 Sunrise Highway expressed concerns about the limited parking on Sunrise Highway. He also drew attention to the fact that Pine Street is restricted on school days. A police barricade closes that road, which decreases any access to the Pine Street lot, even if it were available.

The hearing resumed on September 18, 2025 wherein applicant returned. 8 parking spaces are required for this application. Mr. Kohan explained that there was a shuttle either by Uber or a car service. He said that they could drop in the back if there is no availability in the front. Mr. Kohan attempted to show an easement, but there does not appear to be one recorded anywhere. The Board

clarified that Pine Street is closed during the school day and would not be opened for access.

Mr. Theagene testified as well. He plans to see patients 2 days a week, perhaps 10 patients a day. The building is an attempt to slowly retire. He explained that he realizes he does not have a space in the back of his building. Mr. Halder spoke again. He reiterated that Mr. Theagene will have no access to the back of the building.

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

The Board has determined:

A. That an undesirable change will not be produced in the character of the neighborhood and a detriment to nearby properties will not be created by the granting of the area variance. This building is a pre-existing

1 building with no off-street parking. With
2 Mr. Theagene's plans for a shuttle for his
3 patients, the off-street parking demands should
4 be reduced.
5

6 B. That the benefit sought by the applicant
7 cannot be achieved by some method, feasible for
8 the applicant to pursue, other than an area
9 variance. There are no other options to use
10 this pre-existing building without a parking
11 variance.

12 C. That the requested area variance is
13 insubstantial. When viewed in the light of a
14 pre-existing building that previously operated
15 with no parking, with the same size space, the
16 variance is insubstantial.

17 D. That the proposed variance will not have an
18 adverse effect or impact on the physical or
19 environmental conditions in the neighborhood or
20 district; and

21 E. That the alleged difficulty was not
22 self-created. This is a pre-existing building.
23 The only self-created issue is the desire to
24 open a business.

25 2. The Board, as lead agency has determined

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that this action is a Type II action and under
SEQRA and no further review is required.

I further move that this
application be granted subject to the
following conditions:

1. Applicant/Owner must comply with all the
Rules and Regulations of the Village
Of Freeport.
2. Applicant must obtain the required permits
from the Building Department.
3. This application for variance(s) is being
granted on the basis of the specific use
proposed. If anything in this application is
to change, the applicant must return to the
Board for further review.
4. As explained in the application, applicant
must continue to provide a shuttle service for
all of the patients to this location. As
off-street parking is an issue, this is
essential to provide alternate ways to
alleviate this pressure.

MEMBER HAWKINS: Second.
THE CLERK: All in favor.
CHAIRPERSON RHODEN: Aye.

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2 MEMBER HAWKINS: Aye.

3 MEMBER CAREY: Aye.

4 MEMBER RODRIGUEZ: Aye.

5 THE CLERK: Any oppose?

6 (Whereupon, there was no
7 verbal response from the Board
8 Members.)

9 THE CLERK: The next
10 Application is 2025-11, 206 Church
11 Street, Residence A, Section 55,
12 Block 366, Lot 70, Janna Rodriguez.

13 MEMBER HAWKINS: Madam Chair,
14 regarding Application #2025-11 for
15 the premises located at 206 Church
16 Street, Freeport, the Applicant comes
17 before this Board seeking a variance
18 from Village Ordinances Section
19 210-6A, 210-21, and 210-41 seeking
20 approval for a proposed 1-story front
21 addition 118 square feet, 2 and a
22 half story rear addition, 5, 536
23 square feet, new 45 square foot front
24 steps and platform with roof, new 20'
25 x 25' garage, 20' x 10' shed, 2 new

cellar entrances and replace existing driveway with 3,143 square foot area on the side.

I, Charles Hawkins, move that this Board make the following findings of fact:

A public hearing was held on October 16th, 2025, wherein applicant, Janna Rodriguez, was represented by attorney William Chimeri. He explained that his client was seeking a variance for the property located at 206 Church Street. He provided a package of evidence, including petitioner's deed, petitioner's certificate of occupancy for a two-family dwelling dated February 3rd, 1976, plans for the project, letter of denial, petition for variance, negative SEQRA declaration, photos of the existing house, letter of support from residents and neighbors, certificate of accreditation, letter in support

1
2 from the Village, and two court
3 decisions relevant to the
4 application.

5 Mr. Chimeri explained that the
6 house is a legal two-family according
7 to the Certificate of Occupancy dated
8 February 3rd, 1976, which said that a
9 variance was granted by the Zoning
10 Board of Appeals for a two-family
11 property on January 28th, 1976.

12 Ms. Rodriguez is seeking to
13 expand her current two-family house
14 to include the permitted use of the
15 property as a licensed day care
16 facility. Ms. Rodriguez will live in
17 the house after its completion, along
18 with her mother and brother. The
19 plans provide for a day care
20 servicing up to 32 children.

21 Mr. Chimeri explained that the
22 Board should consider the expansion
23 of the two-family use under the area
24 variance standard as apposed to that
25 of a use variance for three reasons.

1
2 First, New York courts have held that
3 when a variance has been granted as
4 use, no further use variance is
5 required for its expansion as use
6 that has been granted through a
7 variance is now a conforming use, as
8 apposed to a non-conforming use.

9 Second, Mr. Chimeri opined that the
10 Village Code permits a non-conforming
11 building to be expanded if it does
12 not extend the specific aspect of
13 non-conformity. The project does not
14 change the non-conformity, i.e. the
15 two-family use. Third, Mr. Chimeri
16 directed the Board to another court
17 case that held that where changes to
18 a building consist of area issues,
19 such as size, the area variance
20 criteria should be applied. As such,
21 increasing the size of a two-family
22 house would be analyzed under the
23 area variance standard.

24 The Board has reviewed the
25 cases, as well as the Zoning Board

1 decision from 1976. While the
2 certificate of occupancy fills in a
3 pre-printed part of the form to state
4 that a variance was granted, the
5 original application before the
6 Zoning Board was for actually for a
7 fact-finding hearing to establish
8 continuance of premises at 206 Church
9 Street, Freeport, as a non-conforming
10 two-family since prior to the
11 adoption of a 1960 zoning code which
12 removed two family houses as a
13 permissible use. The Board initially
14 determined that the Petitioner had
15 not met its burden, Petitioner filed
16 an article 78 appealing said
17 decision, and a factfinding rehearing
18 was ordered by the court. The
19 decision of the Zoning Board was with
20 respect to a permit to continue the
21 use of the premises at 206 Church
22 Street as a non-conforming two-family
23 dwelling. Said application was
24 granted. As such, the house is a
25

non-conforming two-family dwelling.

No use variance was granted. A

two-family certificate of occupancy

was issued based on a fact finding

that the house had been used

continuously as a two-family house

since at least 1945, and well before

the code changed in 1960. Contrary

to the pre-printed language on the

certificate of occupancy, a use

variance was not granted. After

having reviewed the cases, the Board

agrees with reasons two and three

presented by Mr. Chimeri, that the

proper standard to analyze the

proposed changes to the property

using the area variance standard. As

the size of the property is so large,

the house does not require any area

variances to be built. The only area

variance required is for the 200-

foot shed. Under the code, any

accessories structures may not total

more than 500 square feet. The

1 garage is 500 square feet and the
2 shed is 200 square feet. The
3 applicant is willing to remove the
4 shed if necessary, however, the shed
5 is intended to store children's toys.
6 Compared to the size of the parcel,
7 200 square feet is small relative to
8 a parcel of land which is almost
9 20,000 square feet. The code allows
10 10 percent or 500 square feet of
11 accessory structure, whichever is
12 less. Were 10 percent allowed,
13 applicant would be permitted almost
14 2,000 feet in accessory structures,
15 but 700 is requested.

16
17 1. On balance, the benefit to the applicant by
18 the granting of this variance is not outweighed
19 by the detriment to the health, safety and
20 welfare of the neighborhood or community if
21 such variance were to be granted.

22 The Board has determined:

23 A. That an undesirable change will not be
24 produced in the character of the neighborhood
25 and a detriment to nearby properties will not

1
2 be created by the granting of the area
3 variance. The neighbors sent in letters in
4 support of the project, and how it will not
5 change the character of the neighborhood. The
6 property has been a two-family house in the
7 past, and will continue to be in the future,
8 with the addition of much-needed daycare.

9 B. That the benefit sought by the applicant
10 cannot be achieved by some method, feasible for
11 the applicant to pursue, other than an area
12 variance. If the applicant is to have a shed
13 to protect children's outdoor toys from the
14 elements, there is no other good method for
15 applicant to pursue.

16 C. That the requested area variance is
17 insubstantial. When weighed against
18 The size of the parcel, 200 square feet for a
19 shed is insubstantial.

20 D. That the proposed variance will not have an
21 adverse effect or impact on the physical or
22 environmental conditions in the neighborhood or
23 district; and

24 E. That the alleged difficulty may be
25 considered self-created, but this factor is not

1
2 determinative. The request for a shed that is
3 over the limit allowed for accessory
4 structures is self-created. As per the
5 arguments made by Mr. Chimeri regarding the
6 expansion of the two-family house, there is no
7 use variance required for this application, and
8 none is being granted. The increased size of
9 the house did not require any area variances.
10 As per the text of the 1976 zoning decision,
11 the house is a non-conforming two-family house,
12 which could still lose its two-family use if
13 abandoned.

14 2. The Board, as lead agency has determined
15 that this action is a Type II action and under
16 SEQRA and no further review is required.

17 I further move that this

18 application be granted subject to the
19 following conditions:

- 20 1. Applicant/Owner must comply with all the
21 Rules and Regulations of the Village
22 Of Freeport.
23 2. Applicant must obtain the required permits
24 from the Building Department.
25 3. This application for variance(s) is being

1 Zoning Board of Appeals November 20, 2025 39
2 granted on the basis of the specific use
3 Proposed. If anything in this application is
4 to change, the applicant must return to the
5 Board for further review.

6 MEMBER CAREY: Second.

7 THE CLERK: All in favor.

8 CHAIRPERSON RHODEN: Aye.

9 MEMBER HAWKINS: Aye.

10 MEMBER CAREY: Aye.

11 MEMBER RODRIGUEZ: I recuse
12 myself.

13 CHAIRPERSON RHODEN: Can I
14 please have a Motion to close to
15 Legislative Session, please?

16 MEMBER CAREY: So moved.

17 MEMBER HAWKINS: Second.

18 THE CLERK: All in favor.

19 CHAIRPERSON RHODEN: Aye.

20 MEMBER HAWKINS: Aye.

21 MEMBER CAREY: Aye.

22 MEMBER RODRIGUEZ: Aye.

23 THE CLERK: Any oppose?

24 (Whereupon, there was no
25 verbal response from the Board

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Members.)

(Time Noted 7:25 p.m.)

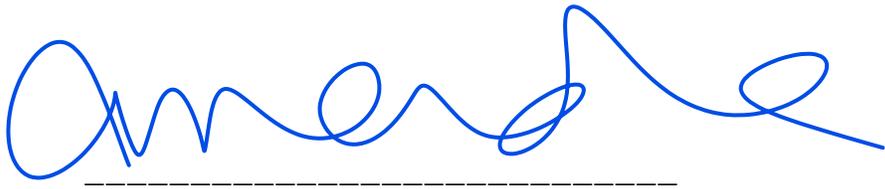
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I, Amanda Micillo, an Official Court Reporter of the State of New York, County of Suffolk, do hereby certify this transcript to be a true and accurate stenographic transcription of the proceedings taken by me to the best of my ability.

Furthermore, photocopies made of this transcript by any party cannot be certified by me to be true and accurate.

Therefore, only those copies bearing an original signature in blue ink are official certified copies.



AMANDA MICILLO
Official Court Reporter