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INCORPORATED VILLAGE OF FREEPORT
ZONING BOARD

MUNICIPAL BUILDING
46 North Ocean Avenue
Freeport, NY 11520

December 18, 2025
6:30 p.m.

M E M B E R S:

- | | |
|-------------------|------------------|
| JENNIFER L. CAREY | DEPUTY CHAIR |
| BEN JACKSON | MEMBER |
| ANTHONY J. MINEO | MEMBER |
| LUIZ RODRIGUEZ | ALTERNATE MEMBER |

* * *

- | | |
|----------------|-------------------------|
| GINA TERZULLI | SECRETARY |
| JENNIFER UNGAR | DEPUTY VILLAGE ATTORNEY |
| SCOTT BRAUN | BUILDINGS DEPARTMENT |

-----EXHIBITS-----

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APPLICATION 2025-14

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G Nassau County Land Records for all 4

houses on west side of Sportsman

South of Ray Street

H Photograph 22

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December 18, 2025

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

APPLICATION#	ADDRESS	PAGE
2025-14	122 Sportsmans Avenue	

* * *

1
2 (WHEREUPON, documents premarked as
3 Applicant's Exhibits A-G for identification,
4 as of this date, by the Reporter.)

5 DEPUTY CHAIR CAREY: Good evening.
6 Welcome to the December 18, 2025 Zoning Board
7 of Appeals meeting. Please join me in the
8 Pledge of Allegiance.

9 (Pledge of Allegiance recited.)

10 DEPUTY CHAIR CAREY: Just a note. If
11 we have somebody to speak for or against an
12 application tonight, there are papers in the
13 back to fill it out and hand it to the clerk,
14 please.

15 Are there any Affidavits of
16 Publication or Posting?

17 THE SECRETARY: I have one Affidavit
18 of Publication and one Affidavit of Posting
19 to be entered into the record as Board's
20 Exhibits for this public hearing.

21 (WHEREUPON, the above-referred to
22 documents were marked as Board's Exhibits, in
23 evidence, as of this date.)

24 DEPUTY CHAIR CAREY: Thank you very
25 much.

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2 Before we proceed, I want to ask for
3 a motion to approve the minutes from the
4 November meeting, please.

5 MEMBER JACKSON: So moved.

6 ALTERNATE MEMBER RODRIGUEZ: Second.

7 DEPUTY CHAIR CAREY: Poll the Board.

8 THE SECRETARY: All in favor.

9 ALTERNATE MEMBER RODRIGUEZ: Aye.

10 MEMBER MINEO: Aye.

11 MEMBER JACKSON: Aye.

12 DEPUTY CHAIR CAREY: Aye.

13 THE SECRETARY: Any opposed?

14 (No response was heard.)

15 DEPUTY CHAIR CAREY: So, we have
16 Affidavits of Publication and Posting that
17 have been entered into the record.

18 There are no requests for adjournment
19 this evening, correct?

20 THE SECRETARY: Madam Chair, there
21 are no requests for adjournment this evening.

22 DEPUTY CHAIR CAREY: I ask to call
23 the first application, please.

24 THE SECRETARY: I have one Affidavit
25 of Mailing to be entered into the record as a

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Board Exhibit for 122 Sportsmans Avenue application.

(WHEREUPON, the above-referred to document was marked as Board's Exhibit 1, for in evidence, as of this date.)

THE SECRETARY: Application Number 2025-14, 122 Sportsmans Avenue, Residence A, Section 62, Block 88, Lot 6. Joseph Owadeyah. Code compliance for Apportionment to create a new buildable lot A 50x50 and B 50x50. Variances: Section 210-6A Conformity Required, Section 210-40 Lot Area, street frontage, lot width.

MR. CHIMERI: Good evening. My name is William Chimeri. I am here tonight as attorney for the applicant property owner which is Gravi Realty Management, LLC. Principal of the LLC is Joseph Owadeyah, and he is here with us tonight to answer any questions you may have later on.

We are before the Board tonight seeking a variance to split the lot at 122 Sportsmans Avenue into two lots with the ultimate intention of coming back before the

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Board with plans to build two single family homes on the split parcels.

As is my usual practice in presentations to the Board, I'd like to submit my exhibits in one package to save time and so I do not overlook anything.

I have a booklet of exhibits. I already had the Reporter pre-mark them as Exhibits A through G, I would ask that they be accepted into evidence as one package.

Exhibit A is the Petitioner's Deed dated August 28, 2025.

Exhibit B is the Denial letter dated November 13, 2025.

Exhibit C is the ZBA Application dated November 19, 2025.

Exhibit D is the Nassau County Land and Tax Map of the parcel.

Exhibit E is the Negative Declaration dated November 13, 2025.

Exhibit F are surveys of the parcel dated September 22, 2025, and

Exhibit G are the Nassau County Land records for all of the houses on the west

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side of Sportsmans Avenue, south of Ray Street.

This parcel was purchased from the Village of Freeport in August of this year with the intention of coming before the Board to make this application.

It's a waterfront parcel on Sportsmans Avenue. The parcel is currently 100 feet wide by 50 feet deep.

The surveys I included show the parcel in its current configuration and separate surveys on how we propose to split it into two separate equal 50 foot by 50 foot parcels. Those exhibits are Exhibit F.

The subject property is located in a Residence A zone and, as such, the single family use we will eventually be seeking is a permitted use and, therefore, these variances we are seeking are area variances.

As the Board is well aware, when dealing with a request for area variances, the Board must consider the five factors that are set forth in Village Law Section 7-712(b)(3). I will address each of those

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five factors as they apply to this application.

First factor is, and I quote:

"Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance."

I would submit to the Board that the granting of this application would not create an undesirable change in the character of the neighborhood, nor would it be a detriment to nearby properties.

Regarding the character of the neighborhood, as the members of this Board are most likely aware, Sportsmans Avenue is a rather unique waterfront street, consisting of many eclectic homes, virtually all on substandard lots.

On the west side of Sportsmans Avenue, where the subject property sits, there are currently 18 waterfront homes between Ray Street and the dead end to the south. Each and everyone of those 18

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properties is substandard in one or more ways. All 18 of the properties do not have sufficient depth, since the land on the west side of Sportsmans Avenue is, at most, 50 feet for it's entire length.

Of the 18 houses, 16 have substandard square footage, 13 have the same or less square footage than what we are proposing tonight.

ALTERNATE MEMBER RODRIGUEZ: How many; 13?

MR. CHIMERI: 13 have the same or less. Nine have less then our proposal; four have the same square footage of the proposal; three have more than our proposal, but still less than 3,000 square feet; only two of the 18 meet or exceed the 5,000 square foot requirement.

Based upon please numbers, I would submit to the Board that our request would not change the character of the neighborhood in any way, but would actually conform exactly to the vast majority of the houses on the block.

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2 The property directly to the north of
3 the subject, on the same side of the street,
4 is 128 Sportsmans Avenue. That property sits
5 on a 40 x 50 foot lot for a total of 2,000
6 square feet, which is less than what we are
7 proposing.

8 As I stated, the County records for
9 all of those properties are annexed as
10 exhibits, and I highlighted square footage of
11 each lot.

12 DEPUTY CHAIR CAREY: Can I ask you a
13 question, before you go on? Are the age of
14 those buildings before the zoning code was
15 actually enacted, the age of building?

16 MR. CHIMERI: Not all of them. Some
17 are old, some are not. I can point to a
18 couple that, or one at least that was
19 subdivided and built in 2015. 178 Sportsmans
20 Avenue is on a 50x50 lot, exactly what we're
21 proposing here. There's photographs of it.
22 I also have a photograph here of that
23 particular parcel which is relatively recent,
24 certainly after the code.

25 There's quite a few that are actually

1
2 built after the code went into effect. All
3 of the exhibits have the year built in them.
4 Some are 1990, some are 2000, some are 2002.
5 A lot are 1935 also, but there's a great
6 majority that are after the code went into
7 effect.

8 The reason why most of them are
9 substandard, besides the way it was done in
10 the old days, is that the canal behind it, at
11 the widest part, along the whole west side,
12 is only 50 feet deep. So, geography would
13 not allow more square footage for most of
14 those parcels.

15 The next house to the north of the
16 subject is 124 Sportsmans. That one sits on
17 a 2,000 square foot parcel.

18 To the south of the subject is 148
19 Sportsmans. That house sits on 50 by 50,
20 exactly what we're proposing here.

21 Then heading south from there we
22 have:

23 162 Sportsmans, which is one of the
24 only two on the block that have sufficient
25 square footage. You probably are all

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familiar with that very large property on
8,500 square foot parcel.

After that is 164 which sits on 3,000
square feet.

Then there's 172, which sits on only
1,250 square feet.

176, 2,500 square feet.

178, I showed you a picture, is
actually on a 2,250 square foot lot, which is
less than we have here, and that house was
constructed after the zoning code went into
effect.

178A is a 2,500 square foot lot, 178B
is only 1,100 square foot lot. That
subdivision was all approved relatively
recently.

Then we have 180 Sportsmans, 2,650.

182: 2,750.

208: 1,500 square foot lot.

210: 2,250 square foot lot.

216: 2,000 square foot lot.

Then it goes to 220: 1,250 square
foot lot.

222: 2,500 square foot lot.

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Then finally, the only other of the two that have sufficient square footage is 226.

That's the entire list of houses on the waterfront on the west side of Sportsmans which is where we're proposing to split into two.

So, in summary all the surrounding similarly situated waterfront properties on the west side of Sportsmans Avenue do not meet the current codes. 16 of the 18 lots do not meet the square footage requirements. If my math is correct, more than 89 percent do not meet the code. As I said, 9 of 18 sit on smaller.

Given these numbers, I would submit that the granting of the variance would not produce an undesirable change in the character of the neighborhood nor be a detriment to the surrounding properties. On the contrary, I believe our proposal fit right in the neighborhood.

The second factor to be considered is, "Whether the benefit sought by the

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applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance."

The applicant sees to construct two single family homes that fit in with those that exist in the neighborhood on that side of the street. Given the again boundaries of the parcel, which is the same as the entire block, in that the depth of the entire block to the waterline is only 50feet or less, there is no other method available other than the variance being requested.

The third factor is:

"Whether the requested area variance is substantial."

Whether an area variance is substantial should be viewed in light of the circumstances of the neighborhood. As discussed, 89 percent of the properties are of equal or less square footage than what we are proposing. The similarly situated properties on the west side of Sportsmans Avenue are all faced with the fact that there is only 50 feet from the street to the canal.

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Our proposal would provide the required street frontage but just not the depth and total square footage.

Overall, given the extent of the nonconformity of the surrounding houses, I would submit that the variances being sought are not substantial in nature.

The fourth factor is:

"Whether the proposed variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district."

If this application is granted, we would still need to come back before the Board with the plans for each of the proposed houses. The proposed construction would meet all the current safety and environmental codes and regulations.

I would also note that there has already been a determination that the proposed project will not have a significant effect on the environment, and that's demonstrated by the negative declaration which is annexed to the package as Exhibit E.

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The fifth and final factor is:

"Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the variance."

Other than coming before the Board to seek a variance, as all applicants do, the applicant has done nothing to create the difficulty, it's the geographic situation that's existing.

The dimensions of this parcel have not changed, and my client has done nothing to create the difficulties. The depth of the parcel is not his doing and generally conform to 89 percent of the parcels in the area.

Also, although it's not before the Board now, we would have to come back in the future with actual building plans. One issue on Sportsmans, as you probably are all familiar, is parking. We would propose that we're not going to use street parking, we're going to have an attached garage, because all houses there, of course, have to be elevated

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2 attached garage, in addition with one parking
3 space in the front. So, we'll have at least
4 two parking spaces for the houses. Given the
5 dimensions of the parcels, it's going to be
6 relatively small houses, probably in line
7 with what is 178A, which was approved by the
8 Board and built in 2015. So, we wouldn't
9 have a negative effect on the parking.
10 Again, we'll need to come back.

11 DEPUTY CHAIR CAREY: What is the
12 address of that last one you showed us?

13 MR. CHIMERI: I can have this marked
14 as an exhibit.

15 MEMBER JACKSON: It's in the book.

16 MR. CHIMERI: I'm not sure if the
17 picture is good in the book. It's 178A.
18 It's a 50 by 50 lot. It was built in 2015.
19 Obviously, they had to come before the Board.
20 It has a garage underneath and enough space
21 for one spot there, possibly here, depending
22 on how you do it. But we would at least have
23 under the garage and a parking space.

24 MEMBER JACKSON: I have a question.
25 That was a home rebuilt after Sandy to

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replace what was there.

MR. CHIMERI: There were originally two houses on the entire lot, which is known as 178. What was done was it was split into three. Actually, quite small. It was approved. One is 1,100 square feet. This one is 2,500, and the other one is 2,250.

So it, was approved to allow the 1,100. If you are familiar with it, it's the real tall, thin looking one. I grew up in Freeport, I've been here 69 years. My friend lived across the street on Sportsmans. I'm familiar with all these houses; they have everything. Since Sandy, some have been upgraded, but they are all still substandard. That's what we want to continue to do it. It would fit right in with the neighborhood. We would still have to come back here, not only here but site plan to make sure it's a good looking house that we want to build.

MEMBER JACKSON: I have a question about the parking. Are you saying two parking spots on the site or --

MR. CHIMERI: I'm counting the garage

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and in front of the garage.

MEMBER JACKSON: Not off-street?

MR. CHIMERI: Not off-street, no. We don't want to have anybody parking in the street, if we can avoid it. It's hard to get down there.

MS. UNGAR: Just to be clear, you are talking one garage, one driveway space?

MR. CHIMERI: Yes.

MEMBER JACKSON: When your client purchased the house, did he realize he would have to come before the Board for a variance to subdivide it?

MR. CHIMERI: Yes. If there's any questions, we can answer them, otherwise I request that this variance be granted and let us come back with some beautiful plans.

DEPUTY CHAIR CAREY: The building at 178A, you showed a picture of, was constructed 2015, which was probably as a result from Sandy and what we had to do for that. I was curious. You're saying that lot was three buildings built on the same lot?

MR. CHIMERI: It was subdivided into

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three. It was two.

DEPUTY CHAIR CAREY: What's the size of each lot, do you know?

MR. CHIMERI: Yes. 178A is 1,100 square foot. The pictures are in the exhibits. 178B, which is the one that we tried to mimic, because it's the same size as our lot and it's a nice looking house, is 2,500 square feet, same as what we would have here. And then 178 is the original, is 2,250 I believe.

DEPUTY CHAIR CAREY: That's 178?

MR. CHIMERI: 178, 178A, 178B.

DEPUTY CHAIR CAREY: 1,100 on 178?

MR. CHIMERI: 2,250.

DEPUTY CHAIR CAREY: The picture that you showed of 178B, does that property -- does the house go right up to the end of the property line, abuts to the house next to it?

MR. CHIMERI: It goes to --

DEPUTY CHAIR CAREY: How many feet are between the houses? Do you know?

MR. CHIMERI: I just see from the picture, probably the house to the south of

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it, which is on the 1,100 square feet, is about three feet. But then there's three feet from their property, which is at least five feet. I'd say eight feet.

I just want to have this marked as Exhibit H, because it shows it.

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

DEPUTY CHAIR CAREY: Besides the one you mentioned that was built in 2015, the other ones we're looking at in the package you provided seem to be from 1913, 1923, 1930. I was wondering, besides that one that was just done after Sandy, were there any other ones?

MR. CHIMERI: I will let you know. So, we have 176 Sportsmans was built in 2002; that's 2,500 square feet, same as what we're proposing.

DEPUTY CHAIR CAREY: Was it an in-size replacement of the building that was there?

MR. CHIMERI: I don't know.

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DEPUTY CHAIR CAREY: That was 2002,
you said.

MR. CHIMERI: 2002.

DEPUTY CHAIR CAREY: That address was
what again?

MR. CHIMERI: 176. Then we have 180
was built in 2019. 222 Sportsmans was built
in 2021.

MS. UNGAR: That is not yet
completed.

MR. CHIMERI: I don't think it's
finished. There's a picture of it under
construction.

DEPUTY CHAIR CAREY: It was completed
in 2019. I'm looking at 180 Sportsmans. The
size of the 180 lot is 2,600.

MR. CHIMERI: Still substandard.

DEPUTY CHAIR CAREY: Again, I think
these houses -- we'll have to go check the
records. I think the majority tea of the
houses you mentioned that you are trying to
compare it to were built in-kind replacement.
That's usually what we allow. We don't want
to have an over intensification of the floor

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area.

MR. CHIMERI: One of the things that the criteria talks about is changing the character of the neighborhood. So, to determine the character of the neighborhood, somebody driving down the street looking at the houses is not going to know if the house was built in 1913, 1830, 1950, they're going to see a house, especially the ones that have been renovated and updated. The character of the neighborhood is a bunch of houses, 90 percent or 89 point something, that are all on substandard lots. That's the character of the neighborhood. We're not changing the character.

I understand what you're saying. Some of them or probably half of them were built a long time ago, but there's also been quite a few that have been approved, built, renovated because of Sandy, but a lot of them were long after Sandy was what, 2012.

DEPUTY CHAIR CAREY: What I'm saying, to have a lot that is empty and splitting into two parts, which is not -- I don't

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recall a time that I have been on the Board that we have done that for that particular area in Freeport.

MR. CHIMERI: Well, I think in 2015, 178, 178A, 178B was definitely split.

DEPUTY CHAIR CAREY: One of the things about financial hardship is they have to indicate that.

MS. UNGAR: Madam Chair, there is no financial hardship for area variance.

DEPUTY CHAIR CAREY: Thank you very much.

MS. UNGAR: That's not one of the criteria.

DEPUTY CHAIR CAREY: Does anyone have any other questions?

Is there anyone here to speak for or against this application?

(No response was heard.)

DEPUTY CHAIR CAREY: I'm going to close the hearing. I'd like to have a make a motion to reserve decision, please, on this application, and close to further testimony and evidence.

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MEMBER JACKSON: So moved.

ALTERNATE MEMBER RODRIGUEZ: Second.

THE SECRETARY: All in favor.

ALTERNATE MEMBER RODRIGUEZ: Aye.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

DEPUTY CHAIR CAREY: Thank you.

MR. CHIMERI: Thank you all.

DEPUTY CHAIR CAREY: There are no other applications on the agenda tonight. Do you want to read the decision into the record.

THE SECRETARY: We have one decision to be read into the record.

Application 2025-12, 48 Harris Avenue, Residence A, Section 55, Block 254, Lot 115. John Esposito.

MEMBER MINEO: Madam Chair, regarding Application 2025-12 for the premises located at 48 Harris Avenue, Freeport, the Applicant comes before this Board seeking a variance

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from Village Ordinances 210-6A, 210-21 seeking approval for a proposed 442 square foot first floor addition and 418 square foot second floor addition.

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

A public hearing was held on November 20, 2025 wherein architect Christopher Gray made a presentation on behalf of applicant, John Esposito. He explained that the house is a two family house, which was granted a variance under ZBA case appeal Number 392 of 1953 to be used as a two-family residence. Mr. Gray explained that the house has one bedroom on the first floor and two on the second floor. Mr. Esposito wants to add two bedrooms and one bathroom to each floor and expand the kitchen. The size of the additions would be permitted as of right in a one-family house.

In this situation, because this property had previously been granted a variance for a two-family house, any such expansion of the house is to be viewed as an

1
2 area variance as opposed to a use variance.
3 New York courts have held that because a
4 variance has already been granted, the
5 two-family use is a conforming use, and any
6 such expansion is subject to the area
7 variance standard.

8 Based on the denial letter and
9 Mr. Gray's presentation, no area variances
10 were needed for this extension.

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

15 I further move that the Board
16 overrule the Building Department's findings
17 that a use variance is required and that this
18 application be granted subject to the
19 following conditions:

20 1. Applicant/Owner must comply with
21 all the Rules and Regulations of the Village
22 of Freeport.

23 2. Applicant/Owner must obtain the
24 required permits from the Building
25 Department.

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MEMBER JACKSON: Second.

THE SECRETARY: All in favor.

ALTERNATE MEMBER RODRIGUEZ: Aye.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

DEPUTY CHAIR CAREY: I would like to ask someone to make a motion to close this board meeting for the evening.

MEMBER JACKSON: So moved.

MEMBER MINEO: Second.

THE SECRETARY: All in favor.

ALTERNATE MEMBER RODRIGUEZ: Aye.

MEMBER MINEO: Aye.

MEMBER JACKSON: Aye.

DEPUTY CHAIR CAREY: Aye.

THE SECRETARY: Any opposed?

(No response was heard.)

(Time Ended: 7:00 p.m.)

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December 18, 2025

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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 21st day of December, 2025.

BethAnne Mennonna

BETHANNE MENNONNA