

A scheduled meeting of the Zoning Board of Appeals of the Incorporated Village of Freeport was held on August 21, 2025 in the Municipal Building, Main Conference Room, 46 North Ocean Avenue, Freeport, New York, at 6:00 P.M. with the following present:

Jennifer Carey	Deputy Chairperson	
Charles Hawkins	Member	
Ben Jackson	Member	
Anthony Mineo	Member	
Luis Rodriguez	Alternate Member	
Rosa Rhoden	Chairperson	Excused
Pamela Walsh Boening	Village Clerk	
Gina Terzulli	Secretary of Zoning Board of Appeals	
Jennifer Ungar	Deputy Village Attorney	
Scott Braun	Building Department Representative	

At 6:05 P.M. the Board convened in the Main Conference Room and Member Jackson led in the Pledge of Allegiance.

Seven (7) members of the public were present.

AT 6:06 P.M. motion was made by Member Hawkins, seconded by Alternate Member Rodriguez and carried to enter into Executive Session to consult with counsel.

The Clerk polled the Board as follows:

Deputy Chair Carey	In Favor
Member Mineo	In Favor
Member Jackson	In Favor
Member Hawkins	In Favor
Alternate Member Rodriguez	In Favor
Chairperson Rhoden	Excused

At 6:31 P.M. motion was made by Member Mineo seconded by Member Jackson and carried to reconvene in Legislative Session in the main conference room.

The Clerk polled the Board as follows:

Deputy Chair Carey	In Favor
Member Mineo	In Favor
Member Jackson	In Favor
Member Hawkins	In Favor
Alternate Rodriguez	In Favor
Chairperson Rhoden	Excused

At 6:32 P.M., Deputy Chairperson Carey led in the Pledge of Allegiance and called the Public Hearing to order, for which a full stenographic record was taken.

Seven (7) members of the public were present.

Motion was made by Member Jackson seconded by Member Hawkins and carried to approve the minutes from July 17, 2025.

The Clerk polled the Board as follows:

Deputy Chair Carey	In Favor
Member Mineo	In Favor
Member Jackson	In Favor
Member Hawkins	In Favor
Alternate Rodriguez	In Favor
Chairperson Rhoden	Excused

The Village Clerk presented one Affidavit of Publication and one Affidavit of Posting which were marked into evidence as Board Exhibits.

There was one (1) request for adjournment.

Motion was made by Member Hawkins, seconded by Alternate Member Rodriguez and carried to adjourn Application #2024-20 – 19 Suffolk Street, Marine Commerce – Section 62/ Block 176/ Lots 325, 326, 327, 328, 329 – BGC Properties INC – Construct 19,996.77 SF addition to existing building and change of use to Residence Apartment for 20-unit apartment building. Variances: Village Ordinance §210-6A, §210-238B Prohibited Uses, §210-239 Building Height, §210-48 Lot area; Apartments, §210-49BCD Lot Coverage, §210-51ABC Required Yards, §210-52 Parking space for apartment building, §210-54 Front yards of apartment building & §210-241 Plots abutting or directly across a street from single- family residence districts.

The Clerk polled the Board as follows:

Deputy Chair Carey	In Favor
Member Mineo	In Favor
Member Jackson	Abstain
Member Hawkins	In Favor
Alternate Rodriguez	In Favor
Chairperson Rhoden	Excused

Application #2025-9 – 29 West Sunrise Highway, Business B – Section 55/ Block 21/ Lot 20 – Marcelo Kohan – Change of use to Medical Office. *Variances: Village Ordinance §210-6A, §210-172 Required Parking Spaces.*

One Affidavit of Mailing was marked into evidence as Board Exhibit #1 for this application.

Marcelo Kohan, the architect, presented this application.

Motion was made by Deputy Chairperson Carey, seconded by Member Hawkins and carried to adjourn Application #2025-9 – 29 West Sunrise Highway, Business B – Section 55/ Block 21/ Lot 20 to next month pending review of building department denial letter, the availability of Pine Street when school is in session, and the recommendation of Nassau County Planning Commission.

The Clerk polled the Board as follows:

Deputy Chair Carey	In Favor
Member Mineo	In Favor
Member Jackson	In Favor
Member Hawkins	In Favor
Alternate Rodriguez	In Favor
Chairperson Rhoden	Excused

Decisions:

Application #2025-8 – 163 Putnam Ave, Residence AA – Section 55/ Block M Lot 209 – Edward Wojcik – Proposed 8’ X 12.5’ Storage Shed. *Variances: Village Ordinance §210-6A, Conformity Required §210-35 Required Yards.*

APPROVAL with Modification

Member Mineo move that this Board make the following findings of fact:

A public hearing was held on July 17, 2025 wherein applicant Edward Wojcik spoke on behalf of his application. He explained that he is trying to put up a pre-fab storage shed in his backyard. He explained that his backyard is small, 80 feet side by only 29 feet deep. The rear of his property borders Freeport Water Department property. He is trying to place the shed against the back fence and the eastern fence on his property. His proposed setbacks are 8 inches on the side and rear. He is planning to install the shed partially over an existing crushed stone area that he had previously used as a patio. That area is approximately 8 feet wide, which is the width of the shed proposed. There is about 11 feet from the fence to a berry patch in his yard. He indicated that he could adjust it a little bit. There are 3 feet between the crushed stones and the berry bushes, and that path hooks around the back of the berry bushes to a gate that is used to access the security perimeter with the water department. He maintains the perimeter and trims the trees to help keep mosquitos at bay.

The board discussed potentially moving the shed somewhat off of both fence lines, to give more room on the neighbor’s side as well as to the water department property. The proposed distance of 8 inches from the neighbor’s property is too close. Therefore, the Board will approve a 3-foot side yard setback and the requested 8 inch rear setback.

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;
 - b. that the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance; with the layout of the yard relaxing the side and rear setback is reasonable;
 - c. that the requested area variance is insubstantial;
 - d. that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - e. that the alleged difficulty was self-created, but this is not dispositive.
2. The Board, as lead agency has determined 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. The Board is approving the 8-inch rear yard setback as requested and a modified 3-foot side yard setback.

Second by: Member Jackson.

The Clerk polled the Board as follows:

Deputy Chair Carey	In Favor
Member Mineo	In Favor
Member Jackson	In Favor
Member Hawkins	In Favor
Alternate Rodriguez	In Favor
Chairperson Rhoden	Excused

At 7:12 P.M., motion was made by Member Jackson, seconded by Alternate Member Rodriguez and carried to close the meeting.

The Clerk polled the Board as follows:

Jennifer Carey	In Favor
Anthony Mineo	In Favor
Ben Jackson	In Favor
Charles Hawkins	In Favor
Luis Rodriguez	In Favor
Rosa Rhoden	Excused


Pamela Walsh Boening
Village Clerk