

A special meeting of the Board of Trustees of the Incorporated Village of Freeport was held on Tuesday, April 4, 2023 at 7:00 P.M. in the Municipal Building, 46 North Ocean Avenue, Freeport, New York, with the following present:

Robert T. Kennedy	Mayor
Ronald Ellerbe	Deputy Mayor
Jorge A. Martinez	Trustee
Christopher L. Squeri	Trustee
Evette B. Sanchez	Trustee
Howard E. Colton	Village Attorney
Pamela Walsh Boening	Village Clerk

Also present:  
Christina Brown, Esq.

At 7:00 P.M., Mayor Kennedy convened in the main conference room and Deputy Mayor Ellerbe led in the Pledge of Allegiance.

Thirteen (13) residents were present.

Mayor Kennedy called the public hearing to order for which a full stenographic record was taken and indicated the purpose of the hearing was to consider the rezoning application for Section 55, Block 190, Lot 63 and Section 55, Block 190, Lots 51-55 from Industrial B District to Residence Apartment District, with a portion of the property designated as a Golden Age Floating Zone.

Howard Colton, Village Attorney entered thirteen (13) exhibits.

It was moved by Trustee Sanchez, seconded by Deputy Mayor Ellerbe that the following resolution be adopted:

**WHEREAS**, the Board of Trustees of the Incorporated Village of Freeport, as lead agency, has determined that the proposed action described below, will not have a significant effect on the environment and neither a draft environmental impact statement nor a final environmental impact statement will be prepared; and

**WHEREAS**, the proposed action is to consider the re-zoning application for Section 55, Block 190, Lot 63 and Section 55, Block 190, Lots 51-55 from Industrial B District to Residence Apartment with a portion of the property designated as a Golden Age Floating Zone; and

**WHEREAS**, said properties are located within the Incorporated Village of Freeport and within that portion of the Incorporated Village of Freeport of which the Freeport Union Free School District a/k/a Freeport Public Schools is a part; and

**WHEREAS**, this Board determines that the proposed action is an unlisted action, as that term is defined in the New York State Environmental Quality Review Act, herein after referred

to as SEQRA. After careful consideration, the Board has concluded that the proposed action will not have a significant effect on the environment for the following reasons:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality, traffic or noise level, will not affect solid waste production, and will not affect erosion, flooding, leaching or drainage problems.
2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna nor interfere with the movement or any resident or migratory fish or wildlife species, nor impact on a significant habitat area, nor result in any other significant adverse effect to natural resources.
3. The proposed action will not encourage or attract a large number of people.
4. The proposed action is consistent with the community's current plans and goals for enforcement of Village laws.
5. The proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources of the Village.
6. The proposed action will not bring about a major change in the use of either the quantity or type of energy.
7. The proposed action will not create a hazard to human health.
8. The proposed action will not produce a substantial change in the use or intensity of land, including cultural or recreational resources, or its capacity to support existing uses.
9. The proposed action will not create a material demand for other actions that would result in any of the above consequences.
10. The proposed action will not change two or more elements in the environment, which when considered together could result in a substantial adverse impact on the environment.
11. When considered cumulatively with other actions, the proposed action will not have a significant effect on the environment or meet one of the above criteria.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Incorporated Village of Freeport, after reviewing the above criteria has determined that the proposed action is not environmentally significant.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe

In Favor

Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

Howard Colton turned the hearing over to Jack Martins of Harris Beach who presented evidence and testimony to the Board of Trustees on behalf of BOSFA.

It was moved by Trustee Martinez, seconded by Trustee Squeri that the following resolution be adopted:

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF FREEPORT RE-ZONING THE PROPERTY KNOWN AS AND BY SECTION 55, BLOCK 190, LOT 63, VILLAGE OF FREEPORT, COUNTY OF NASSAU, STATE OF NEW YORK FROM INDUSTRIAL B TO RESIDENCE APARTMENT DISTRICT, AND THE PROPERTY KNOWN AS AND BY SECTION 55 BLOCK 190 LOTS 51-55, VILLAGE OF FREEPORT, COUNTY OF NASSAU, STATE OF NEW YORK FROM INDUSTRIAL B TO RESIDENCE APARTMENT DISTRICT AND THAT PORTION OF THE BUILDING KNOWN AS THE ARTHUR WEAVER BUILDING TO GOLDEN AGE FLOATING DISTRICT PURSUANT TO SECTION 210-7 OF ARTICLE I OF THE BUILDING AND ZONING CODE OF THE VILLAGE OF FREEPORT**

**WHEREAS**, the Petitioner BOSFA Development, LLC has filed a petition with this Board seeking the re-zoning of the property known as and by Section 55, Block 190, Lot 63, Village of Freeport, County of Nassau, State of New York from Industrial B to Residence Apartment District and the property known as and by Section 55, Block 190, Lots 51-55, Village of Freeport, County of Nassau, State of New York from Industrial B; to Residence Apartment District and that portion of the property known as the Arthur Weaver Building to Golden Age Floating Zone (as an overlay over the Residence Apartment District).

**WHEREAS**, upon due published notice, this Board conducted a public hearing at or about 7:00 p.m., on April 4, 2023 upon the aforementioned petition to so re-zone the subject premises duly filed by The Incorporated Village of Freeport; and

**WHEREAS**, exhibits were submitted into evidence by Village Attorney Howard Colton and Jack Martins, of the Law Firm of Harris Beach presented evidence and testimony to the Board of Trustees; and,

**WHEREAS**, the Board of Trustees found that the act of rezoning is part and parcel of comprehensive land use planning and would have no impact upon the environment; and.

**WHEREAS**, the Nassau County Planning Commission issued a local determination resolution recommending no modifications on March 30, 2023; and,

**WHEREAS**, the Planning Board of the Incorporated Village of Freeport reviewed the Petition and found that the requested rezoning would fit the general characteristics of the surrounding area and that it recommended the change of zones and that the Petition be granted; and,

**WHEREAS**, the petitioner has presented evidence to the fact that the Golden Age Floating Zone would be better utilized as a rental property, and would further allow the greater ability for seniors to occupy and utilize said property.

**WHEREAS**, the Governor of the State of New York and State Legislature have requested and are currently considering legislation to increase housing throughout the state in particular Long Island; and,

**NOW THEREFORE BE IT RESOLVED THAT**, upon the petition of BOSFA Development, LLC duly filed in the office of the Clerk of the Incorporated Village of Freeport, the Office of the Nassau County Planning Commission, and the Planning Board of the Village of Freeport, and the exhibits submitted into evidence during the course of the hearing on April 4, 2023 by Jack Martins of Harris Beach on behalf of the Petitioner,

This Board makes the following findings of fact concerning the aforementioned petition, to re-zone the premises known as and by Section 55, Block 190, Lot 63, Village of Freeport, County of Nassau, State of New York from Industrial B, Residence Apartment District and the property known as and by Section 55, Block 190, Lots 51-55, Village of Freeport, County of Nassau, State of New York from Industrial B; to Residence Apartment District and that portion of the property known as the Arthur Weaver Building to Golden Age Floating Zone (as an overlay over the Residence Apartment District).

1. The Village Clerk duly caused to be published a Notice of Public Hearing relative to the subject petition in the Freeport Long Island Herald on March 16, 2023, pursuant to and in accordance with applicable provisions of the Village Law for the State of New York.

2. The Village Clerk duly posted a Notice of Public Hearing for this hearing at the following locations on March 17, 2023 pursuant to applicable provisions of the Village Law for the State of New York:

- a. Municipal Hall - 46 North Ocean Avenue, Freeport
- b. Freeport Memorial Library - 144 West Merrick Road, Freeport
- c. Freeport Fire Department Hose #1 - 30 Southside Avenue, Freeport

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- d. Freeport Fire Department Hose #2 - 15 Broadway, Freeport
  - e. Freeport Fire Department Hose #3 - 365 S. Bayview Avenue, Freeport
  - f. Freeport Recreation Center
3. Pursuant to and in accordance with New York State Village Law §7-706(2) written notice of the proposed re-zoning of the property was sent to the following entities located within 500 feet of the subject property on March 15, 2023:
- a. The Town Clerk of the Town of Hempstead
  - b. The State of New York Department of Transportation
  - c. The County Clerk of the County of Nassau
  - d. New York State Parks, Recreation and Historic Preservation Department
  - e. The Freeport Housing Authority
  - f. All other owners of property located within 500 feet of the subject property as per GIS
  - g. The Freeport Public Schools, Attn: Kishore Kuncham, Superintendent.
4. On March 17, 2023, the Village of Freeport duly caused to have the posting of the April 4, 2023, Public hearing on the Village's website; and,
5. Pursuant to and in accordance with the provisions of Article 8 of the Environmental Conservation Law for the State of New York, 6 NYCRR, Part 617-7 et. Seq, and the Long Form Environmental Assessment Form Part 1 filed with the Petition for the rezoning, and the completion of Part 2 and 3 (by the Village of Freeport) this Board, as lead agency, did on April 4, 2023, duly adopt a resolution for State Environmental Quality Review Act purposes rendering a negative declaration for the requested change of zones and designating this request as an unlisted action; and,
6. Pursuant to the provisions of §239 of the General Municipal Law for the State of New York, the Village Clerk did duly notify the Nassau County Planning Commission of the subject re-zoning petition and, upon said notice, the Nassau County Planning Commission did approve and send the application back to the Village for local determination with no modifications by resolution dated March 30, 2023; and,
7. Pursuant to §7-725-a of the Village Law for the State of New York, the Planning Board for the Incorporated Village of Freeport did review the instant petition to re-zone the subject property and did, by resolution, send this matter back to the Village Board for its review and determination without modifications and/or amendments; and,
8. The Record establishes, and this Board takes notice, that the surrounding neighborhood is a mixed use consisting of Residence Apartment Districts, Industrial and Business Districts, more specifically occupied by:
- a. Sunrise Highway, a major thoroughfare, to the north;

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- b. A vacant parcel of land owned by the Village of Freeport and used in part by the New York State Department of Transportation for the storage of heavy vehicles;
- c. A beauty supply center to the northwest;
- d. A Gas station and car wash to the northwest;
- e. Other large fabrication factories to the northwest;
- f. A commercial shopping center, including large businesses such as Target, Bob's Discount Furniture, and Marshalls to the west;
- g. A car repair shop to the west;
- h. Multiple auto body facilities to the west on Merrick Road;
- i. A 100-unit apartment building to the west;
- j. Multiple mixed use residence uses;
- k. A stone and masonry business and storage yard to the southwest
- l. A scrap metal recycling business to the southwest;
- m. A mattress shop to the southwest;
- n. A 7-Eleven convenience store to the south;
- o. A BJ's Warehouse store and gas station to the south;
- p. An industrial park to the south;
- q. A BMW service center to the east;
- r. Automobile storage to the east;
- s. A gas station to the east; and
- t. Meadowbrook Parkway to the east.

9. The Board further takes notice that a change from the currently zoning classifications will be in conformity with the surrounding neighborhood and the said zoning classifications noted herein and will restore the prior Residence Apartment District use that existed upon the property for close to 70 years, and also in conformity with the Governor and the State Legislature's desire to increase Residence dwellings in New York State and, more, particularly, Long Island.

10. The Board takes further notice that the Nassau County Planning Commission issued a Local Determination with no modifications resolution and the Planning Board of the Village of Freeport has approved this application and recommended that the Petitioner, the Incorporated Village of Freeport, be and is hereby authorized to re-zone the various properties.

**BE IT FURTHER RESOLVED** that, based on the foregoing findings of fact, the abovementioned properties be and are hereby re-zoned as follows:

- a. Section 55 Block 190 Lot 63, from Industrial B to Residence Apartment District and,
- b. Section 55 Block 190 Lots 51-55 from Industrial B to Residence Apartment District; and,
- c. That portion of the property that will be rezoned to Residence Apartment District and is known as the Arthur Weaver Building will also have the Golden Age District Floating Zone attached to same; and,

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**BE IT FURTHER RESOLVED**, that the Board adds on the following covenants and restrictions which are provided by the Village Code to be modified and or waived as follows:

1. The Golden Age Floating Zone will allow rental uses, and owner occupied units are not required.

**BE IT FURTHER RESOLVED THAT** the zoning map for the Incorporated Village of Freeport be amended to reflect the re-zoning of the subject premises.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

It was moved by Trustee Sanchez, seconded by Trustee Squeri to close the hearing to further evidence and testimony.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

It was moved by Deputy Mayor Ellerbe, seconded by Trustee Squeri, and unanimously carried that the meeting be closed.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

The meeting was closed at 8:15 P.M.

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Pamela Walsh Boening  
Village Clerk

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