

FORM APPLICATION FOR FINANCIAL ASSISTANCE
TOWN OF HEMPSTEAD
INDUSTRIAL DEVELOPMENT AGENCY

PROJECT APPLICATION

3/22

DATE: April 27, 2023

APPLICATION OF: The Gardens at Buffalo LLC
Name of Owner and/or User of Proposed Project

ADDRESS: 301A Central Avenue
Lawrence NY 11559

CONTACT: Aron Goldstein

PHONE NUMBER: [REDACTED]

EMAIL ADDRESS: [REDACTED]

FAX NUMBER: N/A

Type of Application: ☐ Tax-Exempt Bond ☐ Taxable Bond
☒ Straight Lease ☐ Refunding Bond
☐ Special Straight Lease

*Town of Hempstead Industrial Development Agency
350 Front Street, Rom 234A
Hempstead, New York 11550
516-489-5000 extension 4200*

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Part I: Owner & User Data

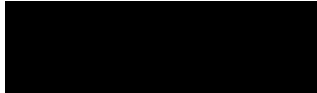
1. Owner Data:

A. Owner (Applicant for assistance): The Gardens at Buffalo LLC

Address: 301 A Central Avenue

Lawrence NY 11559

Federal Employer ID #:



Website: N/A

Owner Officer Certifying Application: Daniel Goldstein

Title of Officer: A Managing Member, as Managing Member of Hashkaot LLC, its Managing Member

Phone Number:



E-mail:



B. Business Type: (Limited Liability Company

Sole Proprietorship ☐

Partnership ☐

Privately Held ☒

Public Corporation ☐

Listed on _____

State of Incorporation/Formation: New York

C. Nature of Business:

(e.g., "manufacturer of _____ for _____ industry"; "distributor of _____"; or "real estate holding company")

Real Estate Holding Company

D. Owner Counsel: (See Rider)

Firm Name: Harris Beach PLLC

Address: 333 Earle Ovington Blvd.

Uniondale, NY 11553

Individual Attorney: Jack Martins, Esq.

Phone Number: 516.880.8484

E-mail:



E. Principal Stockholders, Members or Partners, if any, of the Owner (5% or more equity):

(See Exhibit 2 attached hereto and made a part hereof)

Name

Percent Owned

Gardens at Buffalo Holdco LLC

100% Equity Interest

F. Has the Owner, or any subsidiary or affiliate of the Owner, or any stockholder, partner, member, officer, director or other entity with which any of these individuals is or has been associated with:

- i. ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding? (if yes, please explain)

NO

- ii. been convicted of a felony, or misdemeanor, or criminal offense (other than a motor vehicle violation)? (if yes, please explain)

NO

G. If any of the above persons (see "E", above) or a group of them, owns more than 50% interest in the Owner, list all other organizations which are related to the Owner by virtue of such persons having more than a 50% interest in such organizations.

As set forth in Exhibit 2, Gardens at Buffalo Holdco LLC owns 100% of the Applicant. Gardens at Buffalo Holdco LLC comprises members, none of which own more than a 50% interest in Gardens at Buffalo Holdco LLC.

H. Is the Owner related to any other organization by reason of more than a 50% ownership? If so, indicate name of related organization and relationship:

As set forth in Exhibit 2, Gardens at Buffalo Holdco LLC owns 100% of the Applicant. Gardens at Buffalo Holdco LLC comprises members, none of which own more than a 50% interest in Gardens at Buffalo Holdco LLC.

I. List parent corporation, sister corporations and subsidiaries:

As set forth in Exhibit 2, Gardens at Buffalo Holdco LLC owns 100% of the Applicant. Gardens at Buffalo Holdco LLC comprises members, none of which own more than a 50% interest in Gardens at Buffalo Holdco LLC.

J. Has the Owner (or any related corporation or person) been involved in or benefited by any prior industrial development financing in the municipality in which this project is located, whether by this agency or another issuer? (Municipality herein means city, town or village,

or if the project is not in an incorporated city, town or village, the unincorporated areas of the county in which it is located.) If so, explain in full:

Neither the Owner, nor any related corporation or person thereto, have been involved in, or benefited by, any prior industrial development financing in the Village of Freeport with the Town of Hempstead IDA or any other issuer.

K. List major bank references of the Owner:

[REDACTED]

[REDACTED]

2. User Data

**** (for co-applicants for assistance or where a landlord/tenant relationship will exist between the owner and the user) ****

A. User (together with the Owner, the "Applicant"): See Rider

Address: N/A

Federal Employer ID #: N/A

Website: N/A

NAICS Code: N/A

User Officer Certifying Application: N/A

Title of Officer: N/A

Phone Number: N/A

E-mail: N/A

B. Business Type: (Not Applicable)

Sole Proprietorship ☐

Partnership ☐

Privately Held ☐

Public Corporation ☐

Listed on _____

State of Incorporation/Formation: N/A

C. Nature of Business:

(e.g., "manufacturer of _____ for _____ industry"; "distributor of _____"; or "real estate holding company")

(Not Applicable)

D. Are the User and the Owner Related Entities?

Yes ☐

No ☒

(See Rider)

- i. If yes, the remainder of the questions in this Part I, Section 2 (with the exception of "F" below) need not be answered if answered for the Owner.

ii. If no, please complete all questions below.

E. User's Counsel:

Firm Name: N/A

Address: N/A

Individual Attorney: N/A

Phone Number: N/A

E-mail: N/A

F. Principal Stockholders or Partners, if any (5% or more equity):

Name	Percent Owned
<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>
_____	_____

G. Has the User, or any subsidiary or affiliate of the User, or any of these individuals immediate family members, or any stockholder, partner, officer, director or other entity with which any of these individuals is or has been associated with:

- i. ever filed for bankruptcy, been adjudicated bankrupt or placed in receivership or otherwise been or presently is the subject of any bankruptcy or similar proceeding? (if yes, please explain)

N/A

- ii. ever been convicted of a felony or criminal offense (other than a motor vehicle violation)? (if yes, please explain)

N/A

H. If any of the above persons (see "E", above) or a group of them, owns more than 50% interest in the User, list all other organizations which are related to the User by virtue of such persons having more than a 50% interest in such organizations.

N/A

-
- I. Is the User related to any other organization by reason of more than a 50% ownership? If so, indicate name of related organization and relationship:

N/A

- J. List parent corporation, sister corporations and subsidiaries:

N/A

- K. Has the User (or any related corporation or person) been involved in or benefited by any prior industrial development financing in the municipality in which this project is located, whether by this agency or another issuer? (Municipality herein means city, town or village, or if the project is not in an incorporated city, town or village, the unincorporated areas of the county in which it is located.) If so, explain in full:

N/A

- L. List major bank references of the User:

N/A

Part II – Operation at Current Location

***** (if the Owner and the User are unrelated entities, answer separately for each) *****

1. Current Location Address: Owner is a single purpose entity that will own the Project. It does not operate at any other location.
2. Owned or Leased: N/A
3. Describe your present location (acreage, square footage, number buildings, number of floors, etc.):
- N/A
4. Type of operation (manufacturing, wholesale, distribution, retail, etc.) and products and/or services:

N/A

5. Are other facilities or related companies of the Applicant located within the State?

Yes ☐ No ☒

A. If yes, list the Address: N/A

6. If yes to above ("5"), will the completion of the project result in the removal of such facility or facilities from one area of the state to another OR in the abandonment of such facility or facilities located within the State? Yes ☐ No ☒

A. If no, explain how current facilities will be utilized: N/A

B. If yes, please indicate whether the project is reasonably necessary for the Applicant to maintain its competitive position in its industry or remain in the State and explain in full:

N/A

7. Has the Applicant actively considered sites in another state? Yes ☐ No ☒

A. If yes, please list states considered and explain: N/A

8. Is the requested financial assistance reasonably necessary to prevent the Applicant from moving out of New York State? Yes ☐ No ☐ X

A. Please explain: The Applicant/Owner is a single purpose entity that was formed to own the Project. Relocating

outside of New York is not applicable to this transaction.

9. Number of full-time equivalent employees at current location and average salary: N/A

Part III – Project Data

1. Project Type:

A. What type of transaction are you seeking?: (Check one)

Straight Lease ☒ Taxable Bonds ☐ Tax-Exempt Bonds ☐

Equipment Lease Only ☐

B. Type of benefit(s) the Applicant is seeking: (Check all that apply)

Sales Tax Exemption ☒

Mortgage Recording Tax Exemption ☒

PILOT Agreement: ☒

2. Location of project:

A. Street Address: 80-84 Albany Ave., Freeport NY 11520; 17-33 Buffalo Avenue, Freeport NY 11520

B. Tax Map: District N/A Section 55 Block 190 Lot(s) 51, 52, 53, 54, 55, and 63.

C. Municipal Jurisdiction:

- i. Town: Hempstead
- ii. Village: Freeport
- iii. School District: #9

D. Acreage: appx. 2.5355 acres

3. Project Components (check all appropriate categories):

A. Construction of a new building ☐ Yes ☒ No

i. Square footage: N/A

B. Renovations of an existing building ☒ Yes ☐ No

i. Square footage: (See Rider) 85,932

C. Demolition of an existing building

i. Square footage: (See Rider) 11,451

D. Land to be cleared or disturbed ☐ Yes ☒ No

i. Square footage/acreage: N/A

E. Construction of addition to an existing building ☒ Yes ☐ No

i. Square footage of addition: (See Rider) 80,004

ii. Total square footage upon completion: (See Rider) 165,936

F. Acquisition of an existing building ☒ Yes ☐ No

i. Square footage of existing building: (See Rider) 97,383

G. Installation of machinery and/or Equipment ☒ Yes ☐ No

i. List principal items or categories of equipment to be acquired: Fixtures and Equipment

(See Rider and Exhibit 3)

H. To what length will the project ensure energy efficiency in the design and operations?

The Project is being designed to be sustainable and energy efficient but the Owner does not intend to file for

LEED certification.

4. Current Use at Proposed Location:

A. Does the Applicant currently hold fee title to the proposed location?

i. If no, please list the present owner of the site: Incorporated Village of Freeport

B. Present use of the proposed location: The Property is almost 100% vacant. The warehouse (80-84 Albany) is occupied by a month-to month tenant who is operating a small business on that portion of the Property. The Village is relocating the Tenant.

C. Is the proposed location currently subject to an IDA transaction (whether through this Agency or another?) ☐ Yes ☒ No

i. If yes, explain: N/A

D. Is there a purchase contract for the site? (if yes, explain): ☒ Yes ☐ No

A copy of the Contract has been submitted to the Agency.

E. Is there an existing or proposed lease for the site? (if yes, explain): ☐ Yes ☒ No

N/A

5. Proposed Use:

A. Describe the specific operations of the Applicant or other users to be conducted at the project site: The Applicant shall redevelop and renovate the Property so that it will host 200 units of residential apartments that will be leased to Tenants that will include Workforce Housing, Veterans' Housing and Senior Citizen Housing. The unit mix shall include 40 units of housing for Veterans, and 40 units of housing for Senior Citizens. As presently designed, the Buildings shall comprise 10 studio apartments, 100 one bedroom apartments, 70 two bedroom apartments, and 20 three bedroom apartments. There will be a 10% set aside of affordable units in compliance with the Long Island Workforce Housing Act that will be available for rental by individuals and families at or below one hundred thirty percent of the median income for the Nassau-Suffolk primary metropolitan statistical area as defined by the federal Department of Housing and Urban Development.

B. Proposed product lines and market demands: Residential Rental

C. If any space is to be leased to third parties, indicate the tenant(s), total square footage of the project to be leased to each tenant, and the proposed use by each tenant:

The Project, upon completion, will be leased to tenants, the identity of whom is not presently known to the Owner. These tenants will be the "User" of the Project for purposes of this Application. (See Rider)

D. Need/purpose for project (e.g., why is it necessary, effect on Applicant's business):

There is a demonstrated need for residential Workforce Housing, Housing for Seniors, and Housing for Veterans in the Village of Freeport.

E. Will any portion of the project be used for the making of retail sales to customers who personally visit the project location? Yes ☐ No ☒

i. If yes, what percentage of the project location will be utilized in connection with the sale of retail goods and/or services to customers who personally visit the project location? N/A

6. Project Work:

A. Has construction work on this project begun? If yes, complete the following:

i.	Site Clearance:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	<u>0.00%</u>
ii.	Foundation:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	<u>0.00%</u>
iii.	Footings:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	<u>0.00%</u>
iv.	Steel:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	<u>0.00%</u>
v.	Masonry:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	% COMPLETE	<u>0.00%</u>
vi.	Other:	<u>N/A</u>			

B. What is the current zoning?: Residence Apartment District; a portion of the premises
is zoned within the Village of Freeport's "Golden Age Floating District"

C. Will the project meet zoning requirements at the proposed location?

Yes ☒ No ☐

D. If a change of zoning is required, please provide the details/status of the change of zone request: N/A

E. Have site plans been submitted to the appropriate planning department? Yes ☒ No ☐

7. Project Completion Schedule:

A. What is the proposed commencement date for the acquisition and the construction/renovation/equipping of the project?

i. Acquisition: June, 2023

ii. Construction/Renovation/Equipping: July 2023- December 2024

B. Provide an accurate estimate of the time schedule to complete the project and when the first use of the project is expected to occur: March, 2025

Part IV – Project Costs and Financing

1. Project Costs:

- A. Give an accurate estimate of cost necessary for the acquisition, construction, renovation, improvement and/or equipping of the project location:

<u>Description</u>	<u>Amount</u>
Land and/or building acquisition	\$ <u>17,500,000 See Rider</u>
Building(s) demolition/construction	\$ <u>12,550,000 See Rider</u>
Building renovation	\$ <u>8,420,000 See Rider</u>
Site Work	\$ <u>Included in Construction Budget See Rider</u>
Machinery and Equipment	\$ <u>8,045,000 See Rider</u>
Legal Fees	\$ <u>250,000 See Rider</u>
Architectural/Engineering Fees	\$ <u>350,000 See Rider</u>
Financial Charges	\$ <u>350,000 See Rider</u>
Other (Specify)	\$ <u>1,845,825 See Exhibit 4 (Project Budget) and Rider</u>
Total	\$ <u>49,310,825 See Rider</u>

2. Method of Financing:

	<u>Amount</u>	<u>Term</u>
A. Tax-exempt bond financing:	\$ <u>0</u>	<u>0</u> years (See Rider)
B. Taxable bond financing:	\$ <u>0</u>	<u>0</u> years (See Rider)
C. Conventional Mortgage:	\$ <u>29,586,495</u>	<u>7/30</u> years (See Rider)
D. SBA (504) or other governmental financing:	\$ <u>1,000,000</u>	<u>30</u> years (See Rider)
E. Public Sources (include sum of all State and federal grants and tax credits):	\$ <u>0</u> (See Rider)	
F. Other loans:	\$ <u>0</u>	<u>0</u> years (See Rider)
G. Owner/User equity contribution:	\$ <u>18,724,330</u>	<u>N/A</u> years (See Rider)

Total Project Costs \$ 49,310,825 (See Rider)

- i. What percentage of the project costs will be financed from public sector sources?

3. Project Financing:

- A. Have any of the above costs been paid or incurred (including contracts of sale or purchase orders) as of the date of this application? Yes ☐ No ☒

i. If yes, provide detail on a separate sheet. (N/A)

- B. Are costs of working capital, moving expenses, work in progress, or stock in trade included in the proposed uses of bond proceeds? Give details:

N/A

- C. Will any of the funds borrowed through the Agency be used to repay or refinance an existing mortgage or outstanding loan? Give details:

N/A

- D. Has the Applicant made any arrangements for the marketing or the purchase of the bond or bonds? If so, indicate with whom:

N/A

Part V – Project Benefits

1. Mortgage Recording Tax Benefit:

- A. Mortgage Amount for exemption (include sum total of construction/permanent/bridge financing):

\$ 30,586,495 See Rider

- B. Estimated Mortgage Recording Tax Exemption (product of Mortgage Amount and .75 %):

\$ 229,398.71 See Rider

(excludes 30bp from Transportation District)

2. Sales and Use Tax Benefit:

- A. Gross amount of costs for goods and services that are subject to State and local Sales and Use Tax (such amount to benefit from the Agency's exemption):

\$ 12,015,000 See Rider

B. Estimated State and local Sales and Use Tax exemption (product of 8.625% and figure above):

\$ \$1,036,294. See Rider

C. If your project has a landlord/tenant (owner/user) arrangement, please provide a breakdown of the number in "B" above:

i. Owner: \$ N/A (See Rider)

ii. User: \$ N/A (See Rider)

For purposes of § 224-a of the Labor Law of the State of New York, if the real property tax benefits requested herein are determined to be calculable at the time the work is to be performed, any computation of benefit received by the Applicant from the Agency should be reduced by the exemption allowable under §485-B of the Real Property Tax Law of the State of New York.

3. Real Property Tax Benefit:

A. Identify and describe if the project will utilize a real property tax exemption benefit other than the Agency's PILOT benefit: No

B. Agency PILOT Benefit:

i. Term of PILOT requested: 25 years

ii. Upon acceptance of this application, the Agency staff will create a PILOT schedule and indicate the estimated amount of PILOT Benefit based on anticipated tax rates and assessed valuation and attached such information to Exhibit A hereto. At such time, the Applicant will certify that it accepts the proposed PILOT schedule and requests such benefit to be granted by the Agency.

**** This application will not be deemed complete and final until Exhibit A hereto has been completed and executed.****

Part VI – Employment Data

1. List the Applicant's and each users present employment, and estimates of (i) employment **at the proposed project location** at the end of year one and year two following project completion and (ii) the number of residents of the Labor Market Area* ("LMA") that would fill the full-time and part-time jobs at the end of the second year following completion:

	<u>Present</u>	<u>First Year</u>	<u>Second Year</u>	<u>Residents of LMA</u>
Full-Time	<u>0</u>	<u>3</u>	<u>4</u>	<u>100%</u> (Estimated as per paragraph 1)
Part-Time**	<u>0</u>	<u>1</u>	<u>1</u>	<u>100%</u> (Estimated as per paragraph 1)

* The Labor Market Area includes the County/City/Town/Village in which the project is located as well Nassau and Suffolk Counties.

** Agency staff converts Part-Time jobs into FTEs for state reporting purposes by dividing the number of Part-Time jobs by two (2).

2. Salary and Fringe Benefits:

Category of Jobs to be Retained and Created	Average Salary or Range of Salary	Average Fringe Benefits or Range of Fringe Benefits
Salary Wage Earners	\$35,000 -\$75,000	33.33% of Salary
Commission Wage Earners	0	0
Hourly Wage Earners	0	0
1099 and Contract Workers	\$25,000-\$150,000	N/A

Total Anticipated Construction Jobs 100

Note: The Agency reserves the right to visit the facility to confirm that job creation numbers are being met.

Part VII – Representations, Certifications and Indemnification

1. Is the Applicant in any litigation which would have a material adverse effect on the Applicant's financial condition? (if yes, furnish details on a separate sheet)

Yes ☐ No ☒

2. Has the Applicant or any of the management of the Applicant , or any of these individuals immediate family members, the anticipated users or any of their affiliates, or any other concern with which such management has been connected, been cited for a violation of federal, state or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution or other operating practices? (If yes, furnish details on a separate sheet)

Yes ☐ No ☒

3. Is there a likelihood that the Applicant would not proceed with this project without the Agency's assistance? (If yes, please explain why; if no, please explain why the Agency should grant the benefits requested)

Yes ☒ No ☐

As set forth in the Rider, the Applicant cannot acquire, redevelop and renovate the Project as designed to accomodate Workforce Housing, Senior Citizen Housing and Veterans' Housing without receiving the Financial Assistance, as such term is defined in the General Municipal Law, in the amounts requested herein. See Rider

4. If the Applicant is unable to obtain financial assistance from the Agency for the project, what would be the impact on the Applicant and on the municipality?

If the Agency does not provide the requested financial assistance, the Project will remain under government ownership and will not generate any property tax revenue. Furthermore, it is likely that the Project will remain vacant, blighted and 200 units of housing for seniors, veterans and our next generation will not be developed. See Rider.

-
5. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed project:

§ 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

Initial _____

6. The Applicant understands and agrees that in accordance with Section 858-b(2) of the General Municipal Law, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the project will be listed with the New York State Department of Labor, Community Services Division and with the administrative entity of the service delivery area created pursuant to the Job Training Partnership Act (PL 97-300) in which the project is located (collectively, the "Referral Agencies"). The Applicant also agrees, that it will, except as otherwise provided by collective bargaining contracts or agreements to which they are parties, first consider for such new employment opportunities persons eligible to participate in federal job training partnership programs who shall be referred by the Referral Agencies

Initial _____

7. The Applicant confirms and acknowledges that the owner, occupant, or operator receiving financial assistance for the proposed project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.

Initial _____

8. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.

Initial _____

9. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York

General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

Initial

10. In accordance with Section 862(1) of the New York General Municipal Law the Applicant understands and agrees that projects which result in the removal of an industrial or manufacturing plant of the project occupant from one area of the State to another area of the State or in the abandonment of one or more plants or facilities of the project occupant within the State is ineligible for financial assistance from the Agency, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or to discourage the project occupant from removing such other plant or facility to a location outside the State.

Initial

11. The Applicant represents and warrants that to the Applicant's knowledge neither it nor any of its affiliates, nor any of their respective partners, members, shareholders or other equity owners, and none of their respective employees, officers, directors, representatives or agents is, nor will they become a person or entity with who United States persons or entities are restricted from doing business under regulations of the Office of Foreign Asset Control (OFAC) of the Department of the Treasury (including those named on OFAC's Specially Designated and Blocked Persons List or under any statute, executive order including the September 24, 2001, Executive Order Block Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism, or other governmental action and is not and will not assign or otherwise transfer this Agreement to, contract with or otherwise engage in any dealings or transactions or be otherwise associated with such persons or entities.

Initial

12. The Applicant confirms and hereby acknowledges it has received the Agency's fee schedule attached hereto as Schedule A and agrees to pay such fees, together with any expenses incurred by the Agency, including those of Transaction Counsel, with respect to the Facility. The Applicant agrees to pay such expenses and further agrees to indemnify the Agency, its members, directors, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the project.

Initial

13. The Applicant confirms and hereby acknowledges it has received the Agency's [Construction Wage] Policy attached hereto as Schedule B and agrees to comply with the same.

Initial

14. The Applicant hereby agrees to comply with Section 875 of the General Municipal Law. The Company further agrees that the financial assistance granted to the project by the Agency is subject to recapture pursuant to Section 875 of the Act and the Agency's [Recapture and Termination] Policy, attached hereto as Schedule C.

Initial _____

Part VIII – Submission of Materials

1. Financial statements for the last two fiscal years (unless included in the Applicant's annual report). *(See Rider)*
2. Applicant's annual reports (or 10-K's if publicly held) for the two most recent fiscal years. *(See Rider)*
3. Quarterly reports (form 10-Q's) and current reports (form 8-K's) since the most recent annual report, if any. *(See Rider)*
4. In addition, please attach the financial information described in items A, B, and C of any expected guarantor of the proposed bond issue. *(See Rider)*
5. Completed Long Environmental Assessment Form. *(See Rider)*
6. Most recent quarterly filing of NYS Department of Labor Form 45, as well as the most recent fourth quarter filing. Please remove the employee Social Security numbers and note the full-time equivalency for part-time employees. *(See Rider)*

(Remainder of Page Intentionally Left Blank)

Part IX – Certification

Daniel Goldstein (name of representative of company submitting application) deposes and says that he or she is the Managing Member (title) of Hashkaot LLC, the Managing Member of the corporation (company name) named in the attached application; that he or she has read the foregoing application and knows the contents thereof; and that the same is true to his or her knowledge.

Deponent further says that s/he is duly authorized to make this certification on behalf of the entity named in the attached Application (the “Applicant”) and to bind the Applicant. The grounds of deponent’s belief relative to all matters in said Application which are not stated upon his/her personal knowledge are investigations which deponent has caused to be made concerning the subject matter this Application, as well as in formation acquired by deponent in the course of his/her duties in connection with said Applicant and from the books and papers of the Applicant.

As representative of the Applicant, deponent acknowledges and agrees that Applicant shall be and is responsible for all costs incurred by the [Town of Hempstead] Industrial Development Agency (hereinafter referred to as the “Agency”) in connection with this Application, the attendant negotiations and all matters relating to the provision of financial assistance to which this Application relates, whether or not ever carried to successful conclusion. If, for any reason whatsoever, the Applicant fails to conclude or consummate necessary negotiations or fails to act within a reasonable or specified period of time to take reasonable, proper, or requested action or withdraws, abandons, cancels or neglects the application or if the Applicant is unable to find buyers willing to purchase the total bond issue required, then upon presentation of invoice, Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred with respect to the application, up to that date and time, including fees to bond or transaction counsel for the Agency and fees of general counsel for the Agency. Upon successful conclusion and sale of the transaction contemplated herein, the Applicant shall pay to the Agency an administrative fee set by the Agency in accordance with its fee schedule in effect on the date of the foregoing application, and all other appropriate fees, which amounts are payable at closing.

THE UNDERSIGNED HEREBY CERTIFIES, SUBSCRIBES AND AFFIRMS, under penalties of perjury, that the answers and information provided in this Application and in any schedule, exhibit or statement attached hereto are true, accurate and complete, to the best of the knowledge of the undersigned.

Representative of the Applicant

Sworn to me before this 28
Day of April, 20 23
[Signature]
(seal)

PAULO M. COELHO
Notary Public, State of New York
Reg. No. 02C06417772
Qualified in Suffolk County
Commission Expires 05/24/2025

EXHIBIT A

Proposed PILOT Schedule

Upon acceptance of the Application and completion of the Cost Benefit Analysis, the Agency will attach the proposed PILOT Schedule, together with the estimates of net exemptions based on estimated tax rates and assessment values to this Exhibit.

SCHEDULE A

Agency's Fee Schedule

SCHEDULE B

Agency's [Construction Wage] Policy

SCHEDULE C

Agency's [Recapture] Policy

EXHIBIT 1

SS 4 Notice Dated 3.6.23

Date of this notice: 03-06-2023

Employer Identification Number:

Form: SS-4

Number of this notice:

GARDENS AT BUFFALO LLC
DANIEL GOLDSTEIN MBR
301A CENTRAL AVE
LAWRENCE, NY 11559

For assistance you may call us at:
1-800-829-4933

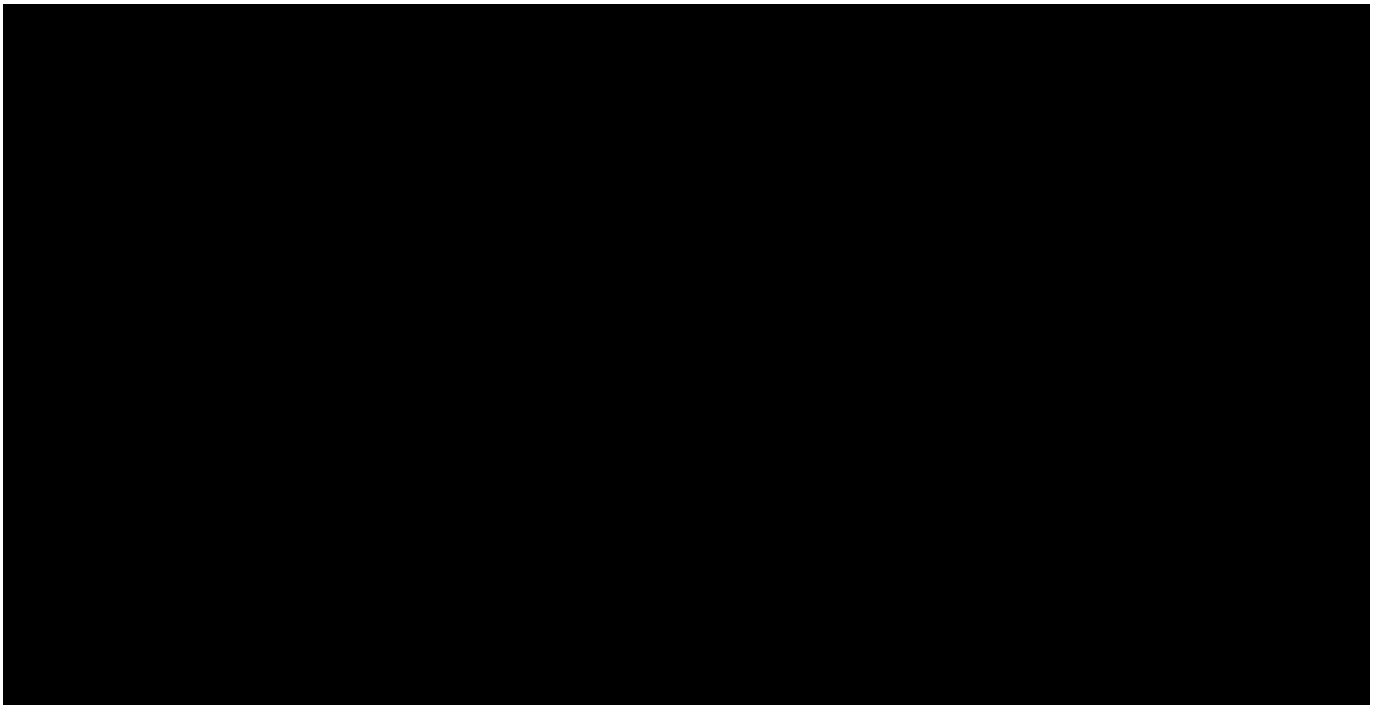
IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you [REDACTED] This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for their business. Some taxpayers receive CP575 notices when another person has stolen their identity and are opening a business using their information. If you did **not** apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.



- * Keep a copy of this notice in your permanent records. This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you. You may give a copy of this document to anyone asking for proof of your EIN.
- * Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- * Refer to this EIN on your tax-related correspondence and documents.
- * Provide future officers of your organization with a copy of this notice.

Thank you for your cooperation.

Your Telephone Number Best Time to Call
() -

GARDENS AT BUFFALO LLC
DANIEL GOLDSTEIN MBR
301A CENTRAL AVE
LAWRENCE, NY 11559

EXHIBIT 2

Organization Chart



EXHIBIT 3

List of Equipment

LIST OF EQUIPMENT

<u>Items</u>	<u>Amount</u>
Build Parking lot & Landscaping	\$ 1,800,000
New Elevator Shafts	\$ 600,000
Parapet Fence	\$ 20,000
New Stairs (budget)	\$ 250,000
New Windows	\$ 350,000
New Doors	\$ 175,000
New Roof	\$ 750,000
Signage	\$ 25,000
New Elevators	\$ 900,000
New Electric	\$ 1,500,000
New HVAC	\$ 1,150,000
New Plumbing	\$ 1,500,000
New Sprinkler System	\$ 450,000
33 Parking quad stackers	\$ 1,980,000
New Sprinkler pump	\$ 100,000
Appliances	\$ 350,000
Garbage Compactors & chutes	\$ 100,000
Fire Extinguishers	\$ 15,000
	<hr/>
	\$ 12,015,000
 Sales tax exemption:	 \$ 1,036,294

EXHIBIT 4

Project Budget

	<u>Description</u>	<u>Items</u>	<u>Subtotal</u>	<u>Total</u>
1	Land & Building Acquisition			
a		Purchase Price	\$ 17,500,000	
			\$ 17,500,000	\$ 17,500,000
2	Building(s) demolition/construction			
a		Demo	\$ 800,000	
b		4th & 5th Floor Addition	\$ 11,500,000	
c		Amenities Bldg.,	\$ 250,000	
			\$ 12,550,000	\$ 12,550,000
3	Building Renovation			
a		Site Utilities DW; SPrk, Sewer	\$ 250,000	
b		Build Parking lot & Landscaping	\$ 1,800,000	
c		150000/100	\$ 250,000	
d		New Elevator Shafts	\$ 600,000	
e		Parapet Fence	\$ 20,000	
f		New Stairs (budget)	\$ 250,000	
g		Interior Build-out	\$ 3,700,000	
h		New Windows	\$ 350,000	
i		New Doors	\$ 175,000	
j		New Roofs	\$ 750,000	
k		ADA Compliant (allowance)	\$ 250,000	
l		Signage	\$ 25,000	
			\$ 8,420,000	\$ 8,420,000

4	Machinery & Equipment			
a		New Elevators	\$ 900,000	
b		New Electric	\$ 1,500,000	
c		New HVAC	\$ 1,150,000	
d		New Plumbing	\$ 1,500,000	
e		New Sprinkler System	\$ 450,000	
f		33 Parking quad stackers	\$ 1,980,000	
g		New Sprinkler pump	\$ 100,000	
h		Appliances	\$ 350,000	
i		Garbage Compactors & chutes	\$ 100,000	
j		Fire Extinguishers	\$ 15,000	
			\$ 8,045,000	\$ 8,045,000
5	Legal Fees			
a		Estimated Legal Fees	\$ 250,000	\$ 250,000
6	Architectural/Engineering Fees			
a		Estimated Architectural/Engineering Fees	\$ 350,000	\$ 350,000
7	Financial Charges			
a		Estimated Financial Charges	\$ 350,000	\$ 350,000
8	Other			
a		Design & Transaction Consultants	\$ 100,000	
b		Unaccounted Soft Costs	\$ 150,000	
c		Contingency	\$ 1,595,825	
			\$ 1,845,825	\$ 1,845,825
		TOTAL ESTIMATED COSTS:		<u>\$ 49,310,825</u>

EXHIBIT 5

Method of Financing/Capital Stack

		<u>Amount</u>	<u>Term (in years)</u>	<u>% allocation</u>
A	Tax-exempt bond Financing	\$ -		0.00%
B	Taxable bond Financing	\$ -		0.00%
C	Conventional Mortgage	\$ 29,586,495	7/30	60.00%
	SBA (504) or other governmental			
D	financing	\$ 1,000,000	30	2.03%
	Public Sources (include sum of all			
	State and federal grants and tax			
E	credits)	\$ -		0.00%
F	Other loans:	\$ -		0.00%
G	Owner/User equity contribution:	<u>\$ 18,724,330</u>		<u>37.97%</u>
	Total Project Costs:	\$ 49,310,825		100.00%

\$ 30,586,495.00

\$ 229,398.71

as of April 18, 2023

1. **Part I, (1)(D)**: In addition to Harris Beach PLLC, The Law Office of David C. Goldstein will represent the Applicant as co-counsel. The Law Office of David C. Goldstein 301A Central Avenue, Lawrence NY 11559; (847) 207-0924; david@dcgoldsteinlaw.com.
2. **Part I, (2)(A)**: The Project, upon completion, will be leased to tenants, the identity of whom is not presently known to the Owner. These tenants will be the “User” of the Project for purposes of this Application.
3. **Part I, (2)(D)**: The Project, upon completion, will be leased to tenants, the identity of whom is not presently known to the Owner. These tenants will be the “User” of the Project for purposes of this Application. To the best of Owner’s knowledge, as of the date of filing this Application, these tenants will not be related to the Owner.
4. **Part III, (3)(A)(i)**: All new construction shall consist of buildings consists of additions and renovations.
5. **Part III, (3)(B)(i)**: The total Gross Square Feet for all renovations to existing buildings is 85,932 that comprises (i) three 27,932 per story square feet of renovations; and (ii) 2,136 square feet of renovations to the one-story housing authority office building.
6. **Part III, (3)(C)(i)**: The total Gross Square Feet for the demolished buildings is 11,451.
7. **Part III, (3)(E)(i)**: The total Gross Square Feet for all additions is 80,004 square feet. This total Gross Square Feet comprises (i) 14,484 square feet over 3 stories for all new additions, inclusive of stairs, elevators and other additions; and (ii) 65,250 square feet for 2 two-stories inclusive of stairs, elevators and other additions
8. **Part III, (3)(E)(ii)**: The total Gross Square Feet for all buildings, upon completion of all additions, is 165,936 square feet.

as of April 18, 2023

9. **Part III, (3)(F)**: The total Gross Square Feet for all buildings that were acquired is 97,383 square feet, which comprises (i) 83,796 square feet of three-story buildings; (ii) 2,136 square feet of a one-story building; and (iii) 11,451 square feet of a warehouse building that will be demolished.
10. **Part III, (3)(G)(i)**: The Applicant/Owner plans to acquire and install necessary heating, safety, ventilation, electrical, plumbing, lighting, computer, recreational and related equipment that is required by law and that will, in the opinion of the Applicant/Owner, service the Project to the design and operational standards submitted by the Applicant/Owner. A list of the main items of equipment that is contemplated to be acquired by the Applicant/Owner as of the date of this Application is set forth at Exhibit “3”.
11. **Part III, (5)(c)**: The Project, upon completion, will be leased to tenants, the identity of whom is not presently known to the Owner. These tenants will be the “User” of the Project for purposes of this Application.
12. **Part IV, (1)(A)**: The total costs, estimated as of the date of submission of this Application, are \$49,310,825. The detailed estimated budget, projected as of the date of submission of this Application, is annexed hereto as Exhibit 4 and made a part hereof. Given the exigencies of the current economy, the budget may be amended as costs of material and labor change with market fluctuations.
13. **Part IV, (2)**: The anticipated method of financing and the proposed capital stack, modeled as of the date of submission of this Application, is described in the spreadsheet annexed hereto as Exhibit 5 and made a part hereof.
14. **Part IV, (2)(i)**: As of the date of submission of this Application, it is anticipated that the percentage of project costs financed from public sector sources will not exceed 2.03%.
15. **Part V, (1)(A)**: As of the date of submission of this Application, it is anticipated that the Mortgage Amount for Exemption is :
 - a. SBA (504) or other governmental financing: \$1,000,000.
 - b. Conventional Mortgage: \$29,586,495.

as of April 18, 2023

16. **Part V, (1)(B)**: As of the date of submission of this Application, based on the Mortgage Amounts listed in paragraph 15, the estimated mortgage recording tax exemption (without including any exemption the additional mortgage recording taxes imposed by §253(2)(a) of the Tax Law of the State of New York) is: \$229,398.71.
17. **Part V, (2)(A)**: As of the date of submission of this Application, it is estimated that the gross amount of costs for goods and services that are subject to State and local Sales and Use Tax that will benefit from the Agency's exemption is \$12,015,000.
18. **Part V, (2)(B)**: As of the date of submission of this Application, it is estimated the Estimated State and local Sales and Use Tax exemption, based on the gross amount of costs for goods and services that are subject to State and local Sales and Use Tax that will benefit from the Agency's exemption, estimated as of the date of submission of this Application, is: \$1,036,294. The exemption amount received through the Agency includes an exemption that is also available by application of §1115(a)(17) of the Tax Law of the State of New York. Accordingly, for purposes of § 224-a of the Labor Law of the State of New York, any computation of benefit received by the Applicant from the Agency should be reduced by the exemption allowable under §1115(a)(17) of the Tax Law of the State of New York.
19. **Part V, (2)(B)**: The Project, upon completion, will be leased to tenants, the identity of whom is not presently known to the Owner. These tenants will be the "User" of the Project for purposes of this Application.
20. **Part VII, (3)**: Without the grant of the financial assistance from the Agency being requested herein, the project cannot be developed because it is not possible to finance and operate the contemplated development under current market conditions and the property tax environment. If the Agency does not provide the requested financial assistance, the Project will remain under government ownership and will not generate any property tax revenue. Furthermore, it is likely that the Project will remain vacant, blighted and 200 units of housing for seniors, veterans and our next generation will not be developed.

as of April 18, 2023

21. **Part VII, (4):** If the Agency does not provide the requested financial assistance, the Project will remain under government ownership and will not generate any property tax revenue. Furthermore, it is likely that the Project will remain vacant, blighted and 200 units of housing for seniors, veterans and our next generation will not be developed.
22. **Part VIII, (1):** The Applicant is a newly formed single purpose entity (“SPE”) and does not have any financial statements.
23. **Part VIII, (2):** The Applicant is a newly formed SPE and does not have any annual reports nor 10-k insofar as it is not publicly held.
24. **Part VIII, (3):** The Applicant is a newly formed SPE, is privately held, and does not have any form 10-Q nor form 8-K.
25. **Part VIII, (4):** There are no guarantors of any bond issue.
26. **Part VIII, (5):** As part of the SEQRA process in relation to land use review and zoning approvals, the Agency was included as an Involved Agency, as such term is defined in the SEQRA regulations. It is respectfully submitted that the EAF submitted as part of the land use and zoning approval process be utilized for the EAF required hereunder.
27. **Part VIII, (6):** The Applicant is a newly formed SPE and does not have any NYS Department of Labor Forms 45.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Gardens at Buffalo		
Project Location (describe, and attach a general location map): 17-33 Buffalo Avenue, Village of Freeport, Town of Hempstead, Nassau County, New York (NCTM # Section 55 - Block 190 - Lot 63 and 51) (see attached Site Location Map)		
Brief Description of Proposed Action (include purpose or need): See attached EAF Supplement.		
Name of Applicant/Sponsor: BOSFA Management c/o Aron Goldstein	Telephone: 917-680-7312	
	E-Mail: aron@bosfamanagement.com	
Address: 301A Central Avenue		
City/PO: Lawrence	State: New York	Zip Code: 11559
Project Contact (if not same as sponsor; give name and title/role): Harris Beach PLLC, Jack M. Martins, Attorneys for Owner/Applicant	Telephone: 516-880-8399	
	E-Mail: JMartins@HarrisBeach.com	
Address: 333 Earle Ovington Blvd, Suite 901		
City/PO: Uniondale	State: NY	Zip Code: 11553
Property Owner (if not same as sponsor): Incorporated Village of Freeport	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Village Board of Trustees - Change of Zone	Approved
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Village Site Plan Review Board - Site Plan Approval	
c. City, Town or Village Zoning Board of Appeals <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Village Zoning Board of Appeals - Variances (See Attachment)	
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Village Building Department - Building Permit; Freeport Water and Sewer District - Water/Sewer	
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nassau County Planning Commission: 239m Referral	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☒ No *

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☒ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

* See the attached EAF Supplement for additional details.

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No

If Yes, what is the zoning classification(s) including any applicable overlay district?

Industrial B District of the Village of Freeport (see attached EAF Supplement for additional details)

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No

c. Is a zoning change requested as part of the proposed action? ☒ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? Residence Apartment District/Golden Age Floating Zone (Senior Housing)

C.4. Existing community services.

a. In what school district is the project site located? Freeport Union Free School District (see attached EAF Supplement for additional details)

b. What police or other public protection forces serve the project site?

Freeport Police Department provides police protection to the Subject Property

c. Which fire protection and emergency medical services serve the project site?

Freeport Fire Department provides fire protection and emergency medical service to the Subject Property

d. What parks serve the project site?

Cleveland Avenue Fields, Freeport Northeast Park, Freeport Recreation Center

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Change of zone and the addition of residential units and associated updates to an existing multifamily residential development.

b. a. Total acreage of the site of the proposed action? 2.5± acres

b. Total acreage to be physically disturbed? 0.8± acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.5± acres

c. Is the proposed action an expansion of an existing project or use? ☒ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % ±96 Units: housing units

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed?

iv. Minimum and maximum proposed lot sizes? Minimum Maximum

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 18 months

ii. If Yes:

- Total number of phases anticipated

- Anticipated commencement date of phase 1 (including demolition) month year

- Anticipated completion date of final phase month year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, show numbers of units proposed.			
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>
	<u>Multiple Family (four or more)</u>		
Initial Phase	_____	_____	_____
At completion	_____	_____	_____
of all phases	_____	_____	98 new units; 200 units total

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? <u>Minimal excavation associated with building foundations.</u>	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> • Volume (specify tons or cubic yards): <u>Minimal excavation associated with building foundations</u> • Over what duration of time? _____ 	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.	
<u>Minimal excavation of site soils is anticipated from the installation of building foundations</u>	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ TBD feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No *

If Yes:

i. Total anticipated water usage/demand per day: _____ 51,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
If Yes:

- Name of district or service area: Village of Freeport Water District
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No *

If Yes:

i. Total anticipated liquid waste generation per day: _____ 51,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: Nassau County Cedar Creek Sewage Treatment Facility
- Name of district: Village of Freeport Sewer Department
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

* See the attached EAF Supplement for additional details.

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____ _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____</p>		
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 6:00 a.m. to 8:00 p.m.* • Saturday: _____ None • Sunday: _____ None • Holidays: _____ None </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24/7 - residential use • Saturday: _____ 24/7 - residential use • Sunday: _____ 24/7 - residential use • Holidays: _____ 24/7 - residential use </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 6:00 a.m. to 8:00 p.m.* • Saturday: _____ None • Sunday: _____ None • Holidays: _____ None 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24/7 - residential use • Saturday: _____ 24/7 - residential use • Sunday: _____ 24/7 - residential use • Holidays: _____ 24/7 - residential use
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 6:00 a.m. to 8:00 p.m.* • Saturday: _____ None • Sunday: _____ None • Holidays: _____ None 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24/7 - residential use • Saturday: _____ 24/7 - residential use • Sunday: _____ 24/7 - residential use • Holidays: _____ 24/7 - residential use 		

*Represents permitted construction hours pursuant to the Village of Freeport noise regulations at Chapter 155 of the Village Code.

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p style="margin-left: 20px;"><u>Ambient noise levels may be temporarily increased during construction activities, which would be performed between the hours of 6:00 a.m. and 8:00 p.m. on weekdays in accordance with Village of Freeport noise regulations at Chapter 155 of the Village Code.</u></p> <p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p style="margin-left: 20px;"><u>Proposed exterior lighting on the Subject Property will be shielded and downward-facing to prevent light spill-over</u></p> <p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): Open Space/Recreational (Cleveland Avenue Fields)

ii. If mix of uses, generally describe:

The Subject Property consists of a vacant multifamily residential development located along a mixed-use corridor consisting of multifamily, industrial and commercial uses with commercial, open space and single-family residences beyond. See EAF Supplement for additional details.

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1.4±	1.6±	+0.2±
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: <u>Lawn and Landscaped</u>	1.1±	0.9±	-0.2±

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? _____ • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div> Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ </div> </div> ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> If yes, DEC site ID number: _____ Describe the type of institutional control (e.g., deed restriction or easement): _____ Describe any use limitations: _____ Describe any engineering controls: _____ Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain: _____ _____ 																			
E.2. Natural Resources On or Near Project Site																			
a. What is the average depth to bedrock on the project site? _____ 1,400± feet below grade surface (bgs)																			
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %																			
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Ug - Urban Land</td> <td style="width: 40%; text-align: right;">100 %</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">_____ %</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">_____ %</td> </tr> </table>		Ug - Urban Land	100 %	_____	_____ %	_____	_____ %												
Ug - Urban Land	100 %																		
_____	_____ %																		
_____	_____ %																		
d. What is the average depth to the water table on the project site? Average: _____ 6± feet bgs																			
e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> Well Drained:</td> <td style="width: 60%; text-align: right;">100 % of site</td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input checked="" type="checkbox"/> Well Drained:	100 % of site	<input type="checkbox"/> Moderately Well Drained:	_____ % of site	<input type="checkbox"/> Poorly Drained	_____ % of site												
<input checked="" type="checkbox"/> Well Drained:	100 % of site																		
<input type="checkbox"/> Moderately Well Drained:	_____ % of site																		
<input type="checkbox"/> Poorly Drained	_____ % of site																		
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> 0-10%:</td> <td style="width: 60%; text-align: right;">100 % of site</td> </tr> <tr> <td><input type="checkbox"/> 10-15%:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input checked="" type="checkbox"/> 0-10%:	100 % of site	<input type="checkbox"/> 10-15%:	_____ % of site	<input type="checkbox"/> 15% or greater:	_____ % of site												
<input checked="" type="checkbox"/> 0-10%:	100 % of site																		
<input type="checkbox"/> 10-15%:	_____ % of site																		
<input type="checkbox"/> 15% or greater:	_____ % of site																		
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____ _____																			
h. Surface water features. <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?</td> <td style="width: 20%; text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> <tr> <td>ii. Do any wetlands or other waterbodies adjoin the project site?</td> <td style="text-align: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> </table> If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?</td> <td style="width: 20%; text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table> iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 50%;">Classification _____</td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name _____</td> <td>Approximate Size _____</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table>		i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	ii. Do any wetlands or other waterbodies adjoin the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No	• Streams:	Name _____	Classification _____	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name _____	Approximate Size _____	• Wetland No. (if regulated by DEC)	_____	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																		
ii. Do any wetlands or other waterbodies adjoin the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																		
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No																		
• Streams:	Name _____	Classification _____																	
• Lakes or Ponds:	Name _____	Classification _____																	
• Wetlands:	Name _____	Approximate Size _____																	
• Wetland No. (if regulated by DEC)	_____																		
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____																			
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																			
j. Is the project site in the 100-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																			
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																			
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">i. Name of aquifer: Nassau-Suffolk Sole Source Aquifer</td> <td style="width: 20%;"></td> </tr> </table>		i. Name of aquifer: Nassau-Suffolk Sole Source Aquifer																	
i. Name of aquifer: Nassau-Suffolk Sole Source Aquifer																			

<p>m. Identify the predominant wildlife species that occupy or use the project site: <u>Typical suburban species (songbirds, squirrels, etc.) may utilize the subject property.</u> _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____ <u>The Subject Property is located near significant natural communities (Low Salt Marsh; High Salt Marsh; Salt Panne)</u></p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: <u>New York State Department of Environmental Conservation's EAF Mapper/ Environmental Resource Mapper</u></p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ 168.0; 7242.0; 292.0 acres • Following completion of project as proposed: _____ 168.0; 7242.0; 292.0 acres • Gain or loss (indicate + or -): _____ 0;0;0 acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____ _____ _____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____ _____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____ _____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____ 	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ 	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No *	
If Yes: <ul style="list-style-type: none"> i. Identify resource: *The site is adjacent to a local park (not a designated scenic resource - see attached EAF Supplement for additional details) ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles. 	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No 	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name BOSFA Management c/o Aron Goldstein Date 4/14/2023

Signature  Title Planner

Abigail Rudow, AICP (Environmental Consultant on behalf of the Applicant)

EAF Supplement
New York State Full Environmental Assessment Form – Part 1
Gardens at Buffalo, 17 Buffalo Avenue
Village of Freeport, Town of Hempstead, Nassau County

Page 1, Question A – Brief Description of Proposed Action (include purpose and need)

The Proposed Action includes a number of area variances for the property located at 17 Buffalo Avenue in the Village of Freeport, Town of Hempstead, Nassau County (see [Figure 1](#) for the site location and [Table 1](#) in the zoning section below for a full list of the requested zoning relief). Section 55, Block 190, Lots 51, 52, 53, 54, 55, and 63 on the Nassau County Land & Tax Map (the "Subject Property;" see [Figure 2](#)) were recently approved for rezoning by the Village Board of Trustees from Industrial B to Residence Apartment, and a portion of Lot 63 at the southeasterly corner of the lot was designated with the Golden Age Floating Zone. The Proposed Action would facilitate the renovation and expansion of the existing multifamily buildings currently developed on the Subject Property to accommodate a total of 200 residential units, 177 parking spaces, and community/amenity space (the "Proposed Project").

The proposed variances are required to support the reuse of the existing buildings on the Subject Property. The Subject Property currently contains three existing three-story (with a partially below-grade cellar) multifamily residential buildings with a total of 102 units, which formerly housed the Moxey Rigby apartments managed by the Freeport Housing Authority. These buildings are in a state of disrepair in part due to extreme weather damage. The north side of the Subject Property also contains a single-story office building (former Freeport Housing Authority offices), playground equipment, a surface parking lot, as well as two vacant (one-story and three-story) industrial warehouse buildings.

The Proposed Project would involve the construction of a two-story addition on the existing multifamily residential buildings and infill of two five-story building segments that would connect the three existing buildings, creating one five-story building with a partial below-grade cellar level. The proposed 200 residential units would include a mix of unit types, including 10 studios, 100 one-bedroom units, 70 two-bedroom units, and 20 three-bedroom units, as well as a mix between market rate (120 units), senior (40 units), and veteran housing (40 units).

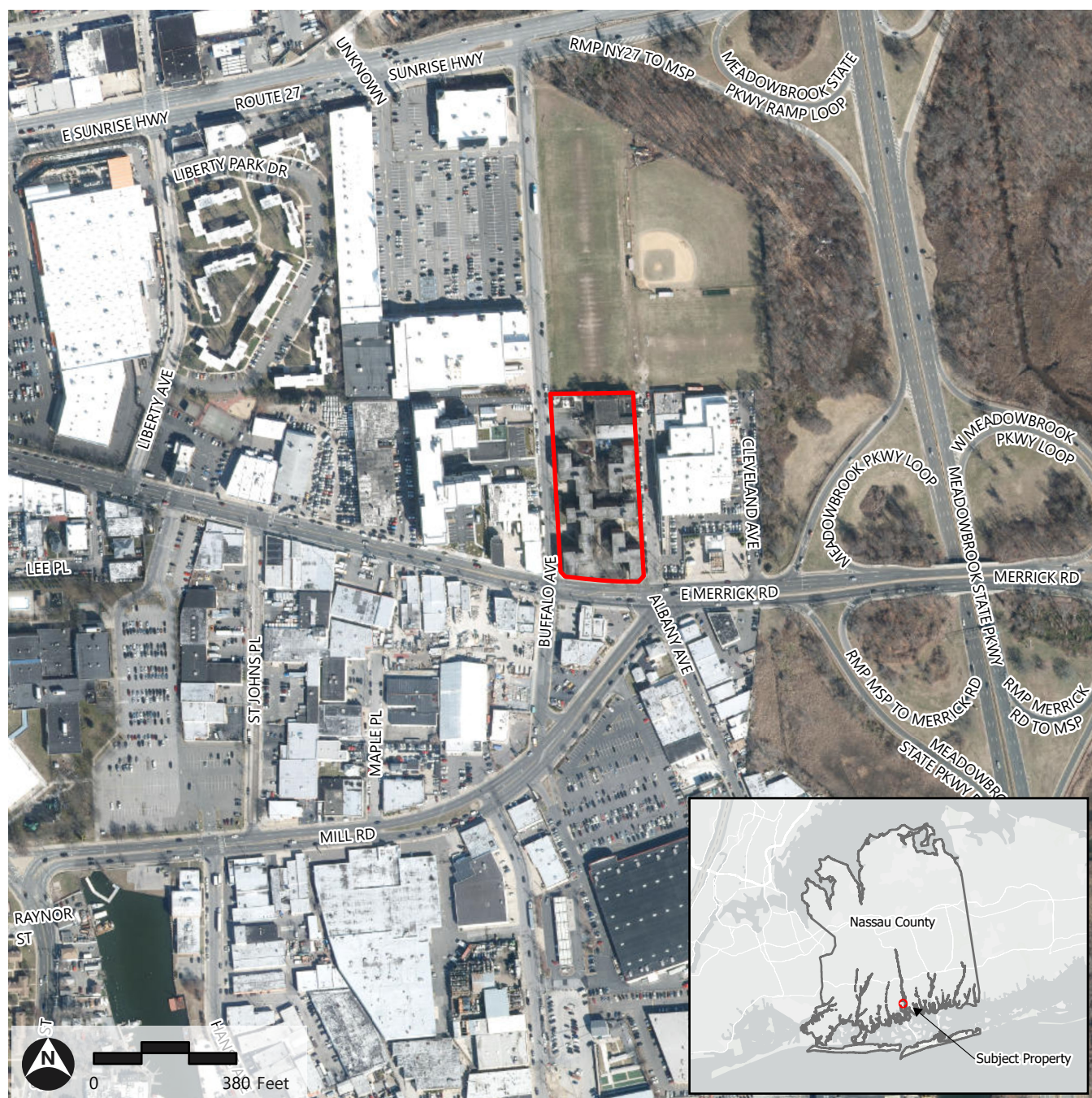
The Proposed Project would include the demolition of the northern industrial building to allow for an approximately 36-foot-tall partially enclosed parking structure to accommodate the stacking of 132 vehicles (33 stackers with four cars per stacker), as well as a 45-space surface parking lot in the location of the current lot, for a total of 177 off-street parking spaces to be provided. The proposed parking garage would be fully attended on a 24-hour basis to allow residents to access their cars at any time. The community/amenity space would be provided in the existing office space located at the northwest corner of the Subject Property, which would be converted for the Proposed Project.

Access to the site would be provided from Buffalo Avenue, with an exit-only gated egress to Albany Avenue. The Proposed Project would make use of the existing connection to municipal water and sewer services through the Village of Freeport Water System and Village of Freeport Sewer Department.

The purpose of the Proposed Action is to allow for the redevelopment and rehabilitation of the Subject Property buildings. The Subject Property, along with the property to the north (Section 55, Block H, Lot 372), was rezoned to Industrial B in March 2022 in support of a development application that was never advanced. The Subject Property has remained vacant since the previous Moxey Rigby apartments were relocated across Buffalo Avenue to the west in 2021. The existing buildings on the Subject Property are in disrepair and in need of renovations to allow for their productive use.

Figure 1: Site Location

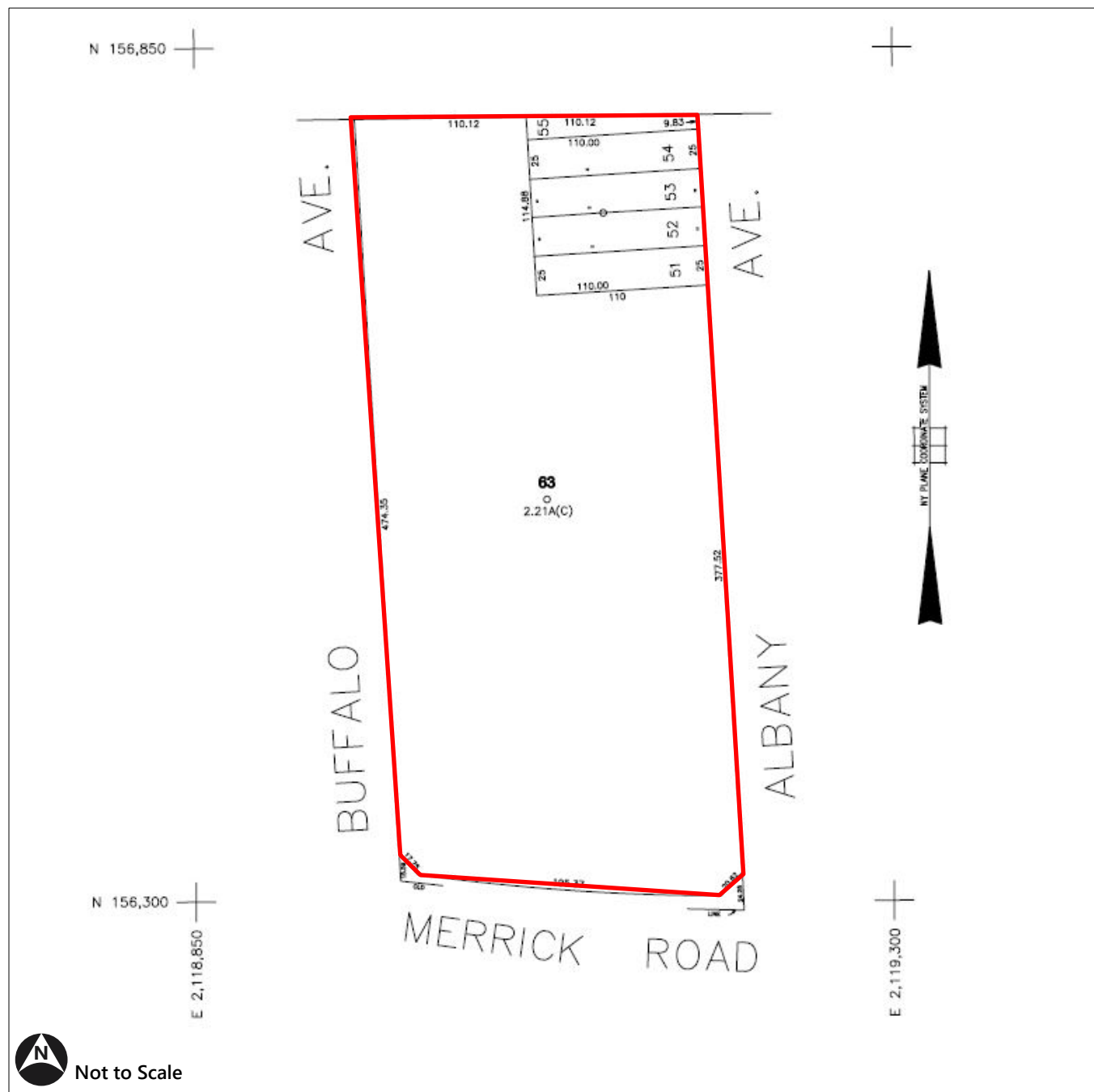
Gardens at Buffalo | 17 Buffalo Avenue, Village of Freeport, Town of Hempstead, Nassau County



Subject Property

Figure 2: Tax Map

Gardens at Buffalo | 17 Buffalo Avenue, Village of Freeport, Town of Hempstead, Nassau County



 Subject Property

The Proposed Project would bring much-needed housing opportunities to the Village of Freeport and to Nassau County, which has a documented shortage of housing based on the current and anticipated demand. The Regional Plan Association (RPA) issued a news release in October 2020 entitled *Lack of Affordable and Rental Housing is a Potential Barrier to Long-Term Economic Recovery on Long Island, According to the Comprehensive Regional Plan Association Analysis of Each Long Island Town and Village* which indicates that based on Long Island housing data, “the chasm between Long Island’s housing needs and its existing housing stock is a serious threat to its recovery and future economic growth.”¹ The Proposed Project would make use of a former residential property, with existing infrastructure supporting that use, in order to increase the supply of housing.

In addition, the Proposed Project would offer both senior and veteran housing, providing opportunities for vulnerable populations to get access to affordable options as well as the opportunity to age in their community. The Village of Freeport Zoning Code §210-275 sets forth the purpose and intent of the Golden Age Zone, stating that “the Village has a high proportion of senior citizens who are confronting adverse economic conditions, limited fixed incomes, physical restrictions and rapidly accelerating costs of maintaining detached single-family dwellings.” As such, the Proposed Project would provide for alternate housing opportunities for both senior citizens and veterans. Finally, the proposed redevelopment of the vacant and underutilized buildings would bring other benefits to the surrounding neighborhood including providing additional spending power for nearby commercial uses along Merrick Road and Sunrise Highway as well as providing a steward for an underutilized property in need of redevelopment along a prominent local corridor.

Page 2 Question C.2 – Adopted land use plans, and Page 9 Question E.1 – Land uses on and surrounding the project site

The Subject Property is currently developed with three vacant multifamily residential buildings formerly occupied by the Moxey Rigby apartments, a small office building formerly occupied by the Freeport Housing Authority, and a vacant industrial warehouse building. The Subject Property is located along a primarily commercial and light industrial segment of East Merrick Road, a prominent east-west corridor in the Village of Freeport, and south of a commercial segment of Sunrise Highway (NYS Route 27). Immediately surrounding uses to the Subject Property include the Cleveland Avenue sports fields to the north (**Photo 1**), a single-story commercial use (a mattress store and car dealership) and the newly developed Moxey Rigby apartment complex to the west (**Photo 2**), a 7-Eleven convenience store to the south (**Photo 3**), and a car dealership/service center and gas station to the east (**Photo 4**). The Meadowbrook State Parkway, which is buffered with significant open space and forested areas, is located east of the car dealership and marks the Village’s eastern boundary.

Beyond the immediate surroundings of the Subject Property, there is a mix of primarily commercial retail and light industrial uses, with some multifamily residential uses. Commercial uses along the south side of Sunrise Highway are largely big-box stores such as Target and Home Depot, some anchoring larger shopping strip centers including the Meadowbrook Commons shopping mall (see **Photo 5**). Smaller footprint industrial and commercial uses continue further west along East Merrick Road from the Subject Property, and include a stone and masonry supply and storage yard and automotive uses, among others (see **Photo 6**). The Liberty Park Apartments, a two-story garden apartment style complex, are also located

¹ Regional Plan Association. *Lack of Affordable and Rental Housing is a Potential Barrier to Long-Term Economic Recovery on Long Island, According to Comprehensive Regional Plan Association Analysis of Each Long Island Town and Village*. 2020

further to the west of the Subject Property along Rev E Mitchell Mallette Drive. The Subject Property is also located approximately one half-mile east of South Main Street and the Village downtown, providing easy access to restaurants and other downtown businesses.

The land use on the Subject Property would change as a result of the Proposed Action from vacant buildings to multifamily residential, and therefore is considered an improvement with regard to land use conditions in the neighborhood. The proposed change would be consistent with the well-established historic land use on the site, which was occupied by the former Moxey Rigby apartments until 2021 (Lot 63) as well as a former warehouse use (Lots 51, 52, 53, 54, and 55). The Proposed Project would renovate the existing residential buildings, which are in need of improvements, allowing for a productive use of the property that would provide continuity along the Merrick Road corridor. The former industrial building at the north end of the Subject Property would be demolished to allow for the construction of a new accessory parking structure.

The Proposed Project would also be compatible with the land uses surrounding the Subject Property. With the construction of the new Moxey Rigby apartments to the west of the Subject Property, as well as other apartment complexes nearby, mid- and high-density residential uses are an established part of the landscape. Residential uses also complement the existing commercial uses along Merrick Road and Sunrise Highway, which would both serve and would benefit from the additional purchasing power brought by the future residents on the Subject Property. The proximity to the Freeport downtown area and Freeport Long Island Rail Road (LIRR) Station to the west will increase access to various community resources for future residents on the site.

The Proposed Action would support the goals set forth in the *1998 Nassau County Comprehensive Master Plan* (the *1998 Comprehensive Plan*).² The *1998 Comprehensive Plan*, prepared by the Nassau County Planning Commission and adopted on December 15, 1998, is a policy document that outlines a vision for the future of Nassau County in various categories including Interagency Planning and Coordination; Land Use; Environmental Resources; Transportation; Housing; Economy; Culture and Recreation; and Community Facilities and Services. The land use and housing sections of the 1998 Comprehensive Plan are the most relevant to the Proposed Project. The goal set forth in the land use chapter is to promote a balanced pattern of land use that encourages the concentration of future development in established areas with adequate infrastructure and facilities and access to the existing transportation network. The housing section of the *1998 Comprehensive Plan* highlights the growing need for increased housing, specifically citing exceptionally low vacancy rates within the County and the need for more housing options. To address the challenge of housing availability, the *1998 Comprehensive Plan* specifically recommends encouraging “appropriate housing to locate in areas close to shopping, community facilities, services and transportation facilities.”

The Proposed Project would rehabilitate existing buildings and provide infill development on an existing developed but vacant property that was formerly occupied with an active residential use, bringing the Subject Property into productive use once again. The neighborhood is fully developed, and the site is served by existing utility and transportation infrastructure, located approximately 0.8 miles east of the Freeport LIRR Station platform with easy access to major thoroughfares including Sunrise Highway and

² Nassau County undertook an update to the 1998 Comprehensive Plan in 2008, called the *Nassau County Comprehensive Plan Update 2008: Trend Analysis*. The 2008 Update emphasized the predominance of high-density lots being approved by the Nassau County Planning Commission between 2003-2007. As the 2008 Update is a trend analysis, rather than a goals-oriented document, there are no specific recommendations with respect to land use.

Meadowbrook State Parkway. As detailed above, the Subject Property would also provide future residents easy access to various community amenities including downtown businesses and restaurants, furthering the goal of locating housing close to these resources. Overall, the Proposed Project is consistent with the relevant goals of the *1998 Comprehensive Plan*.

Based on the factors outlined above, implementation of the Proposed Action is expected to result in positive land use impacts for the Subject Property and surrounding area, furthering important policy priorities outlined in the *1998 Comprehensive Plan*. As such, no significant adverse land use impacts are anticipated.



Photo 1: Cleveland Avenue sports fields north of the Subject Property, facing southeast.



Photo 2: Newly developed Moxey Rigby apartments to the west of the Subject Property, facing west.



Photo 3: Commercial uses to the south of the Subject Property, facing southeast.



Photo 4: Car Service Center east of the Subject Property along Cleveland Avenue, facing north.



Photo 5: Large-footprint commercial uses along Sunrise Highway, facing northwest.

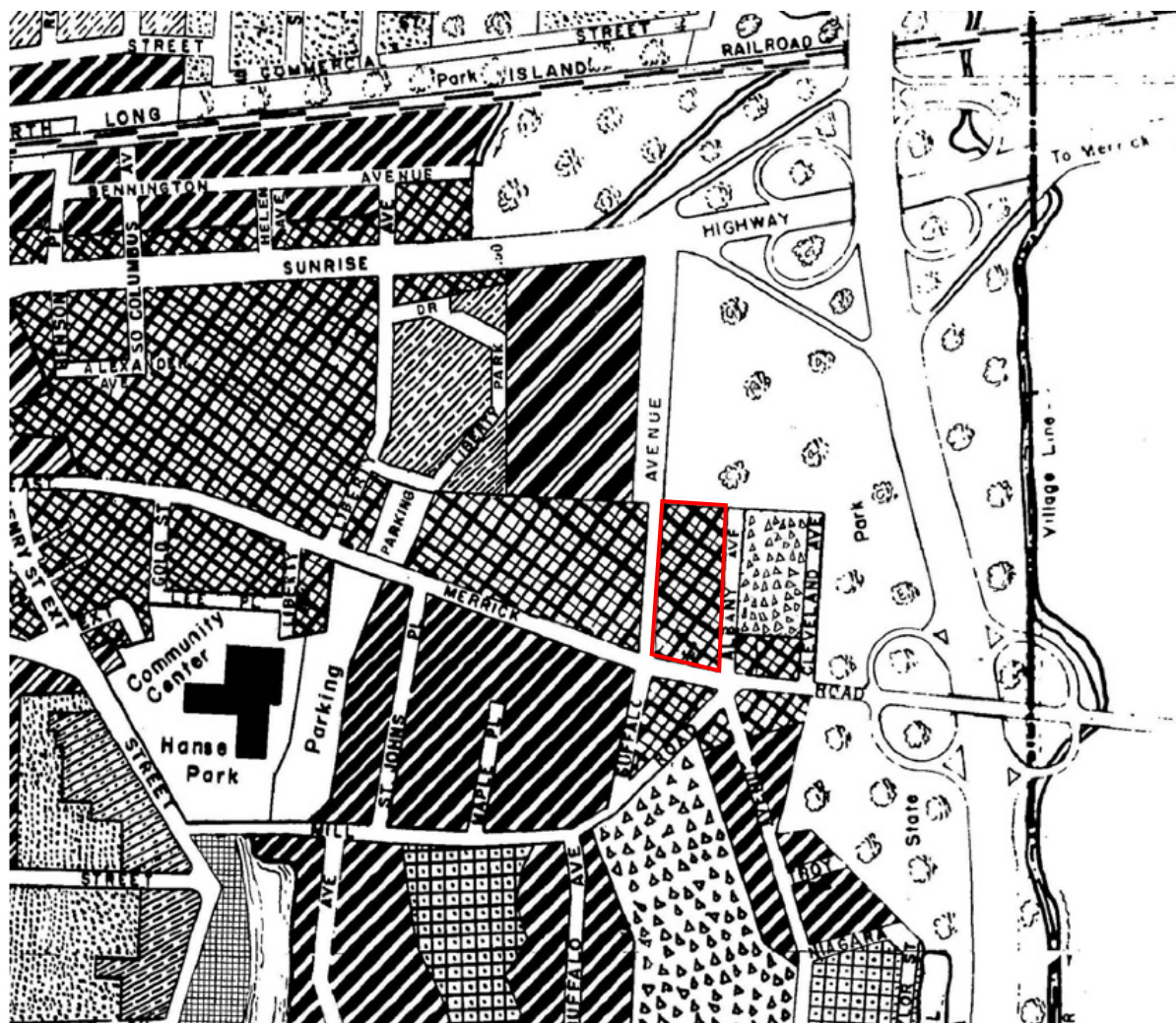


Photo 6: Mix of commercial and light industrial uses along E Merrick Road, facing west.

Page 3 Question C.3 – Zoning

The Subject Property was recently rezoned from the Village of Freeport's Industrial B zoning district to the Residence Apartment district, with a portion of Lot 63 at the southeasterly corner of the lot classified with the Golden Age Floating Zone. The Residence Apartment district permits all uses permitted within the Residence AA and Residence A districts, as well as hotels, clubs and lodges, and apartments used as offices for medicine, dentistry, or the like. The Golden Age Floating Zone regulations may be established in areas currently zoned as Apartment, Business AA, Business A, Business B, or Industrial zoning districts, and limits occupancy to persons who are 55 years of age or over and their children (over the age of 19 only) or care persons. The prior Industrial B zoning was the result of an earlier rezoning from the Manufacturing district in March 2022 in support of a development application that was never advanced. The property to the north of the Subject Property (Cleveland Avenue sports fields) is still zoned Industrial B.

The new Moxey Rigby apartment property immediately to the west of the Subject Property was rezoned from Manufacturing to Business AA in support of the new residential development. According to the Building Zoning Map for the Village of Freeport (dated February 2, 1988 and last revised May 20, 1994), the Manufacturing district is mapped further west along Merrick Road extending to Henry Street and the north side of Sunrise Highway. Other nearby mapped zoning districts include the Business B district, mapped over the Meadowbrook Commons retail shopping center to the northwest of the Subject Property along Sunrise Highway; the Industrial district, mapped along the south side of Merrick Road to the west of Buffalo Avenue; and the Service Business district, mapped to the east of the Subject Property on the car service property, as well as to the south of Mill Road south of the Subject Property. The Liberty Park Apartments are mapped with the Residence Apartment district. See the Building Zoning Map excerpt below for reference. The range of zoning districts in the area surrounding the Subject Property has allowed for a diversity of land uses as the area has continued to develop, including multifamily residential uses, retail shopping, automotive and light industrial uses, adjacent and proximate to each other (see response to Question C.2 above for further detail).



RESIDENCE AA	BUSINESS A	MARINE APARTMENT/BOATEL AND CONDOMINIUM
RESIDENCE A	BUSINESS B	MARINE RESIDENCE
BUSINESS AA	MANUFACTURING	MARINE COMMERCE
APARTMENT	INDUSTRIAL	SERVICE BUSINESS
MARINE BUSINESS	MARINE INDUSTRIAL	INDUSTRIAL B
		HISTORICAL PRESERVATION DISTRICT

↑ FIGURE NOT TO SCALE

Source: Village of Freeport Building Zone Map (Rev. 1994)

Site

Zoning Map Excerpt

Note: The Building Zoning Map was last revised in 1994 and does not reflect more recent rezonings in the Village

As noted above, the Proposed Action involves several required variances. The table below outlines the Residence Apartment and Golden Age Floating Zone bulk regulations as well as the required variances for the Proposed Project.

Table 1 Residence Apartment District and Golden Age Zone Bulk Requirements and Required Variances

Zoning Code Section	Required	Provided	Variance¹
Residence Apartment District			
Conformity Required (§210-6(A))	› Land and buildings shall be in conformity with the regulations of the applicable zoning district	› Variances will be required as set forth herein	X (conformity)
Building Height (§210-47(A))	› 32 feet › 2 ½ stories	› 58 feet › 5 stories	X (building height)
Lot Area; Apartments (§210-48)	› Min lot area of 15,000 SF › Min 990 SF of lot area per unit	› 109,163 SF › 545.8 SF of lot area per unit	* (lot area per unit)
Lot Coverage; Apartments and Open Space (§210-49(B) and (C))	› Max 40 percent › Min 1 SF per 2 SF of residential floor area (81,900 SF total)	› 41.87 percent › 63,451 SF	X (lot coverage; apartments and open space)
Minimum Floor Area (§210-50)	› Min 600 SF per apartment unit	› Min 450 SF	* (minimum floor area)
Required Yards (§210-51)	› Front Yard: Min 25 feet › Side Yard: Min 20 feet	› Front Yard: 2 feet, 4 inches (parking structure) › Side Yard: 8 feet, 3 inches (parking structure)	X (front yard and side yard)
Required Parking Spaces; Apartment houses (§210-172(A))	› 1 space per efficiency unit; 1.5 spaces per 1-bedroom unit; 2 spaces per 2 or more bedroom unit	› 177 parking spaces	X (required parking)
Parking and Garage Facilities; Golden Age Zone (§210-290(A))	› 5 spaces per 4 senior apartment units › 325 total spaces required		
Golden Age Floating Zone			
General Site Criteria (§210-276(A))	› Rooftop green space on at least ½ the rooftop space	› No rooftop green space	X (rooftop green space)
Height (§210-276(K))	› 50 feet › 5 stories	› 58 feet › 5 stories	X (building height)
Building Area (§210-280)	› Max 40 percent	› 41.87 percent	X (building area)
Front Yards; Side Yards; Rear Yards (§210-281; §210-282; §210-283)	› Front Yard: Min 25 feet › Side Yard: Min 20 feet › Rear Yard: Min 25 Feet	› Front Yard: existing structures < 25 feet › Side Yard: 1 foot, 6 inches › Rear Yard: 19 feet, 7 inches	* (front yard, side yard, and rear yard)

Minimum Lot (§210-284)	› 25,000 SF	› 109,162.7 SF	
Separation of Buildings (§210-287(A))	› Equal to the maximum height of the taller building, and in no case less than 20 feet	› Existing structures do not comply	X (separation of buildings)
Floor Area (§210-288)	› Min 600 SF per apartment unit	› Min 450 SF	* (floor area)
Parking and Garage Facilities (§210-290(A))	› See above	› See above	X (parking and garage facilities)
Population density (§210-291)	› 50 dwelling units per acre	› Greater than 50 dwelling units per acre within the Golden Age Zone	* (population density)
Supplemental development standards (§210-294)	› Max 2 bedrooms per unit	› 5 senior units with 3 bedrooms	* (max bedrooms)
¹ Items marked with (X) indicate a variance is required. Items marked with (*) indicate that a waiver has been requested by the Applicant.			

As shown in the Building Zoning Map excerpt above, there are several other Residence Apartment districts mapped in proximity to the to the Subject Property, including the Liberty Park Apartments and another apartment complex located to the southwest of the Subject Property managed by the Freeport Housing Authority. As detailed above, residential multifamily zoning located adjacent or proximate to commercial and light industrial zoning is a common feature in this area of the Village. In addition, the recently approved zoning reflects a longstanding multifamily residential use on the Subject Property that was active until 2021 and has remained in the same built condition since that time. As such, the new Residence Apartment zoning is considered appropriate for the Subject Property.

The Proposed Action includes a number of variances related to the building height and bulk, density, and parking regulations, many of which reflect the fact that the Proposed Project involves an expansion and renovation of the existing buildings on the Subject Property. The proposed site design is constrained by the existing locations of the various site improvements, and therefore require variances for the regulations related to building yards/setbacks, building coverage, and separation between buildings. However, as these represent an existing and long-established built condition on the Subject Property, the requested yard, lot coverage, and setback variances are not anticipated to negatively impact the character of the neighborhood.

With respect to the maximum height, the Proposed Project would increase the existing building height on the Subject Property by two stories, to a maximum height of 58 feet, requiring a variance of 26 feet, or 8 feet within the Golden Age Floating Zone. Likewise, the proposed variances would also allow for an increased unit density on the Subject Property, which would in turn enable the development of units targeted towards specific populations in need of housing opportunities, including senior and veteran populations. The proposed variances would help repurpose the existing facilities to meet the needs of these populations. The Proposed Project height would be similar to the new Moxey Rigby apartment complex across the street to the west of the Subject Property, which is constructed to a height of five stories and 56 feet, and therefore, is not anticipated to be out of context with the existing buildings in the area, but rather the continuation of a pattern toward higher-density development. While not within the

immediate context of the Subject Property, there are other instances of taller and higher-density apartment buildings throughout the Village, including the “Blair House” residential building located at 150 South Ocean Avenue (at the northwest corner of South Ocean Avenue and Smith Street), a four-story apartment building with a fifth support level and parking below, and the four-story apartment building located at 100 South Ocean Avenue (on the west side of South Ocean Avenue, North of West Merrick Road). Given the existing context in the Village and the recent construction of an apartment building of a similar height across the street from the Subject Property, the proposed height of the building is not considered out of character for the Village.

The proposed parking variances are addressed in a separate memo accompanying the project application. Overall, the proposed variances are not expected to result in a significant adverse impact to zoning or to neighborhood character. The variances are required to facilitate the reuse of an existing multifamily residential development in need of improvements, bringing a vacant property back into productive use and providing much-needed housing to the community.

Page 3. Item C.4.a. In what school district is the project site located? (Community Services – Schools)

The Subject Property is situated within the Freeport Union Free School District (Freeport Public Schools). The Freeport Public Schools comprise eight schools, including the Columbus Avenue School (pre-kindergarten and kindergarten); Archer Street School; Bayview Avenue School; Leo F. Giblyn School; New Visions Museum School of Exploration and Discovery (kindergarten through fourth grade); Caroline G. Atkinson Intermediate School (grades five and six); J.W. Dodd Middle School (grades seven and eight); and Freeport High School (grades nine through 12).³

Based on publicly available data obtained from the New York State Education Department (NYSED),⁴ the total district K-12 enrollment for the Freeport Public Schools for the 2021-2022 (latest available) school year was 6,338. According to the enrollment data for the past decade ([Table 3](#)), enrollment within the district has fluctuated, reaching a peak of 6,874 students in the 2015-2016 school year, and has been generally declining since. Overall, since the 2015-2016 school year, there has been a decline of 536 students within the district.

³ Freeport Public Schools. *Schools*. Available at: [Schools - Freeport Public Schools \(freeportschools.org\)](https://www.freeportschools.org). Accessed April 2023.

⁴ New York State Education Department. *Freeport USFD Enrollment (2021-22)*. Available at: [2022 | FREEPORT UFSD - Enrollment Data | NYSED Data Site](https://data.ny.gov/Freeport-Union-Free-School-District-Enrollment-Data/2021-22). Accessed April 2023.

Table 3 Freeport Public Schools Enrollment by Year

School Year	Enrollment	Increase (+)/Decrease (-) From Prior School Year	Percent Increase/Decrease
2021-2022	6,338	-152	-2.40
2020-2021	6,490	-275	-4.24
2019-2020	6,765	+21	+0.31
2018-2019	6,744	-63	-0.93
2017-2018	6,807	-13	-0.19
2016-2017	6,820	-54	-0.79
2015-2016	6,874	+131	+1.91
2014-2015	6,743	+219	+3.25
2013-2014	6,524	+92	+1.41
2012-2013	6,432	-	-

Source: data.nysed.gov

As mentioned above, the Proposed Project includes 200 residential units with a mix of unit types as well as a mix between market rate, senior, and veteran housing. As indicated above, children below the age of 19 are not permitted in residential units under the Golden Age Floating Zone. Therefore, for purposes of identifying the total PSAC population to be generated under the Proposed Action, only market rate and veteran units were included in the analysis.

In order to estimate the number of Public School-Aged Children (PSAC) generated by the Proposed Project, data was used from the *Market Rate Apartment School Aged Children Study* published in April 2019 by the Real Estate Institute (REI) at Stony Brook University College of Business (hereinafter "*REI at Stony Brook Study*").

The *REI at Stony Brook Study* examined PSAC data for 14 market rate multifamily apartment complexes containing 200 or more dwelling units, constructed between 2004 and 2018 across Long Island. These apartment complexes were distributed throughout 10 school districts in Nassau and Suffolk Counties. The *REI at Stony Brook Study* found an average of 0.09 students per unit among the approximately 4,000 apartment units examined, which equates to less than one student per 11 apartment units. Table 4 indicates the total estimated PSAC population generation for the 160 veteran and market rate units within the Proposed Project using the appropriate factors from the *REI at Stony Brook Study*. The calculation was rounded up to the nearest whole number.

Table 4 PSAC Generation (REI at Stony Brook Study)

Unit Count	PSAC Multiplier	PSAC Generated
160	0.09	14.4 (15)

As indicated in [Table 4](#), when applying the 2019 *REI at Stony Brook Study* multiplier, the Proposed Project would generate approximately 15 PSAC. As noted above, enrollment in the Freeport Public Schools has decreased by 536 students over the past six years. Fifteen school aged children would represent a 0.2 percent increase from current enrollment, which would not be a discernible increase in the annual enrollment, and is expected to be easily absorbed given the overall decrease from the peak enrollment. Therefore, implementation of the Proposed Action would not have a significant adverse impact on the Freeport Public Schools.

Page 5. Item D.2.c.&d. Will the proposed action use, or create a new demand for water?/Will the proposed action generate liquid wastes? (Community Services – Utilities)

The Subject Property is served by the Village of Freeport Water System, which supplies potable water to the existing buildings on the Subject Property (when in use). As the existing buildings are vacant, the Subject Property does not currently generate demand for water. The Proposed Project is expected to generate a demand of 51,000± gallons per day (gpd) of water for domestic purposes (i.e., excluding irrigation) based on the Nassau County Department of Public Works Minimum Design Sewage Flow Rates shown in [Table 2](#) below.

Table 2 Proposed Project Projected Water Generation and Sewer Demand

Use	Unit/SF Count	Flow Rate	Water Demand (gpd)
Studio	10 units	200 gpd/unit	2,000±
One-bedroom	100 units	200 gpd/unit	20,000±
Two-bedroom	70 units	300 gpd/unit	21,000±
Three-bedroom	20 units	400 gpd/unit	8,000±
Total			51,000± gpd

Source: Nassau County Department of Public Works Minimum Design Sewage Flow Rates.

According to the Village of Freeport Water Department’s website, the Village’s water system provides water to a population of approximately 40,000 residents through approximately 10,000 services in an area of about 4.93 square miles.⁵ According to the *Freeport Water Quality Report (2020)*,⁶ the Water Department draws its water supply from 11 wells and in 2020 approximately 1.41 billion gallons of water was pumped by the Department. The Proposed Project would represent a nominal (1.3 percent) increase compared with the total water supply. Consultations with the Village of Freeport Water System would occur prior to construction to confirm availability of potable water for the anticipated daily water demand from the proposed multifamily development.

The Subject Property is also served by the Village of Freeport Sewer Department. According to the Village of Freeport Sewer Department’s website, the Sewer Department operates and maintains 103 miles of collection system, three lift stations and one pump station.⁷ Sanitary sewage from the Subject Property is sent to the Nassau County Cedar Creek Water Pollution Control Plant for wastewater treatment. The

⁵ Village of Freeport. *Water*. Available at: [Water | Freeport, NY - Official Website \(freeportny.gov\)](https://www.freeportny.gov/water). Accessed April 2023.

⁶ Village of Freeport. *Freeport Water Quality Report 2020*. Available at: [freeport water single pages 2020 \(freeportny.gov\)](https://www.freeportny.gov/freeport-water-single-pages-2020). Accessed April 2023.

⁷ Village of Freeport. *Sewer*. Available at: [Sewer | Freeport, NY - Official Website \(freeportny.gov\)](https://www.freeportny.gov/sewer). Accessed April 2023.

Nassau County Water Pollution Control Plant is located approximately 3.23± miles east of the Subject Property, and treated wastewater is discharged to the Atlantic Ocean. The Nassau County Cedar Creek Cedar Creek Water Pollution Control Plant treats approximately 58 million gpd of sanitary wastewater and is currently operating below its permitted capacity of 72 million gpd.⁸

Under the Proposed Action, the Subject Property would remain connected to the existing municipal sewer system, with no discharge to groundwater occurring at the Subject Property. Using the Nassau County Department of Public Works Minimum Design Sewage Flow Rates, the Proposed Project would generate an estimated 51,000± gpd of sanitary wastewater (see [Table 2](#) above). Given the minor overall increase in sanitary wastewater generation from the Proposed Project to the Village's sewer infrastructure and the expected capacity at the Cedar Creek Water Pollution Control Plant, no significant adverse impacts associated with sanitary wastewater disposal are expected to result from implementation of the Proposed Action. Consultations with the Village of Freeport Sewer Department would occur prior to construction to confirm availability to accommodate the proposed multifamily development.

Page 13. Item E.3.h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? (Visual Impacts)

The existing visual character of the Subject Property reflects its former use as a multifamily residential development along a heavily trafficked roadway. The buildings on the Subject Property range from one story (small office building on the north side of the property) to three stories in height (residential buildings, with one partially below-grade cellar level). Portions of the Subject Property are visible from the surrounding roadways, including Buffalo Avenue, portions of East Merrick Road, and Albany Avenue, among others. The site is also visible from surrounding industrial and commercial properties, and nearby multifamily residential apartment buildings and developments, including the new Moxey Rigby apartment building (see [Photo 7](#) through [Photo 9](#) below). The buildings have been vacant since 2021 and are in need of improvements.

As detailed above, the Proposed Project would consist of a two-story addition on the existing multifamily residential buildings on the Subject Property and infill of two five-story building segments that would ultimately create one five-story building. The proposed additional floors would have the same building footprint as the existing structures, with no setbacks at the upper levels. However, as shown in [Photo 8](#) and [Photo 9](#), while portions of the buildings are constructed close to the lot line, certain segments of the buildings are set back from the surrounding roadways, providing visual interest along the street wall and reducing the overall visual effect of the buildings on the surrounding neighborhood.

⁸ State Pollutant Discharge Elimination System (SPDES) Discharge Permit for the Cedar Creek Water Pollution Control Plant. Available at: https://www.dec.ny.gov/data/IF/SPDES/NY0026859/Permit.IndSPDES.NY0026859.2021-02-01.2021RECORD.Reissuance_x.pdf. Accessed April 2023.



Photo 7: View of the existing office building on the Subject Property, facing northeast.



Photo 8: View of the existing multifamily residential development on the Subject Property, facing northwest.



Photo 9: View of the existing multifamily residential development on the Subject Property, facing north from E Merrick Road.



Photo 10: View of the new five-story Moxey Rigby multifamily development, facing north.

The proposed multifamily building would not be out of character with the existing built condition in the surrounding area and in the Village overall. In particular, the height of the proposed five-story multifamily development would be consistent with the new Moxey Rigby apartment building to the west of the Subject Property, which is a five-story building including an at-grade parking level ([Photo 10](#)). Although not in the immediate surrounding area of the Subject Property, there are several other taller multifamily developments within the Village. The apartment development at 45 Broadway, approximately 0.65 miles northwest of the Subject Property, is five stories tall ([Photo 11](#)) and the mixed-use development located at 18 East Sunrise Highway, approximately 0.57 miles northwest of the Subject Property, is four stories with commercial uses on the ground floor and three residential floors above ([Photo 12](#)). The developments at 45 Broadway and 18 East Sunrise Highway, similar to the Proposed Project, are not set back on the upper stories and have some portions constructed close to the lot line. Therefore, the height and bulk of the Proposed Project are not considered out of character for the neighborhood or Village.



Photo 11: The five-story multifamily development at 45 Broadway, facing northeast.



Photo 12: View of the existing four-story mixed-use development located at 18 E Sunrise Highway, facing southwest.

One public park, the Cleveland Avenue sports fields, is located in the immediate vicinity, to the north of the Subject Property. While the proposed addition of two stories on the existing residential buildings would be visible from this public resource, the closest structures to the fields are the existing office building and industrial building on the north side of the Subject Property. The Proposed Project would preserve the existing office space and would replace the industrial building with a partially-enclosed parking structure, which would be constructed to a height of 35 feet, 6 inches (shorter than the proposed residential buildings at 58 feet). Therefore, the structures closest to the fields would be the shortest structures on the property, and the two-story addition would be significantly set back from that resource, reducing the visual impact of the Proposed Project.

In addition to building height, the Proposed Action would require variances for built conditions on the Subject Property related to building coverage, separation of buildings, and setbacks. The requested relief is necessary to permit the reuse of (and improvements to) the existing buildings on the Subject Property, which have been an established part of the visual character in the neighborhood since the buildings were constructed over 50 years ago. Therefore, the nature of the Proposed Project to renovate rather than redevelop the Subject Property buildings would provide consistency in the visual conditions, as well as a visual improvement compared with a vacant site, and therefore would not cause significant adverse visual impacts to the neighborhood.