

**1025 OCR LLC/Mazel Productions LLC SEQRA Resolution**

A regular meeting of the Nassau County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 1550 Franklin Avenue, Mineola, Nassau County, New York on November 16, 2017, at 9:00 a.m. local time.

The meeting was called to order by the Chairman, upon roll being called, the following members of the Agency were:

**PRESENT:**

Timothy Williams	Chairman
John Coumatos	Vice Chairman
Christopher Fusco	Asst. Secretary
Michael Rodin	

**NOT PRESENT:**

**THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:**

Joseph J. Kearney	Executive Director
Colleen Pereira	Administrative Director
Nicholas Terzulli	Director of Business Development
Paul O'Brien, Esq.	Bond/Transaction Counsel
Milan Tyler, Esq.	Bond/Transaction Counsel

The attached resolution no. 2017-54 was offered by C. Fusco, seconded by J. Coumatos:

Resolution No. 2017-54

RESOLUTION FINDING THAT THE AMENDMENT OF A CERTAIN PROJECT FOR  
1025 OCR LLC AND MAZEL PRODUCTIONS LLC WILL NOT HAVE A SIGNIFICANT  
ADVERSE IMPACT ON THE ENVIRONMENT

**Project Name:** 1025 OCR LLC/Mazel Productions LLC

**Location:** 1025 Old Country Road, 19 and 51 State Street and 60 Brooklyn Avenue, Westbury, Town of Hempstead, Nassau County, New York

**SEQR Status:** Type I  Unlisted

**Determination of Significance:** Negative Declaration (June, 2016) Positive Declaration

WHEREAS, the Nassau County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), and Chapter 674 of the 1975 Laws of New York, as amended, constituting Section 922 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, industrial and commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, 1025 OCR LLC and MAZEL PRODUCTIONS LLC, each a limited liability company organized and existing under the laws of the State of New York (together, the "Applicants"), presented an application for financial assistance (the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in one or more parcels of land, aggregating approximately 3.35 acres, located at 1025 Old Country Road, 19 and 51 State Street, and 60 Brooklyn Avenue, Westbury, Town of North Hempstead, Nassau County, New York (Section: 11; Block: 79; Lots: 246, 248 and 279 and Section: 11; Block: 80; Lots: 92, 243) (the "Land"), (2) the renovation of the existing approximately 165,395 square foot building on the Land (the "Building"), together with related improvements to the Land, and (3) the acquisition of certain furniture, fixtures, machinery and equipment necessary for the completion

thereof (the "Equipment"), all of the foregoing for use by the Applicants as a multi-tenant telecommunications, data center and office facility (collectively, the "Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing; (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicants or such other entity as may be designated by the Applicants and agreed upon by the Agency; and (D) the sublease of the Project Facility by the Applicants (or such other entity as may be designated by the Applicants and agreed upon by the Agency) to one (1) or more tenants designated by the Applicants and agreed upon by the Agency; and

WHEREAS, in June, 2016, the Agency determined that the Project would not have a significant adverse impact on the environment and issued a negative declaration for the Project as a result of the same; and

WHEREAS, the Applicants received "financial assistance" with respect to the Project Facility from the Agency, which included exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes (collectively, the "Financial Assistance"); and

WHEREAS, the Applicants have requested that the Agency provide certain additional financial assistance in the form of an amended exemption or partial exemption from real property taxes (the "New Project") consisting of: (i) adding to the Land and the Project Facility certain lots to be used for parking associated with the Project Facility (the "New Project Facility") so that the Land and Project Facility shall be comprised of the following: (Section: 11 Block: 79 Lot: 246 (35 State Street, Westbury, NY); Section: 11 Block: 79 Lot: 248 (43 State Street, Westbury, NY); Section: 11 Block: 79 Lot: 253 (51 State Street, Westbury, NY); Section: 11 Block: 79 Lot: 279 (44 Brooklyn Avenue, Westbury, NY); Section: 11 Block: 80 Lot: 92 (1025 Old Country Road, Westbury, NY); Section: 11 Block: 80 Lot: 243 (67 Bond Street, Westbury, NY); Section: 11 Block: 79 Lot: 242 (25 State Street, Westbury, NY); Section: 11 Block: 79 Lot: 258 (60 Brooklyn Avenue, Westbury, NY); and Section: 11 Block: 79 Lot: 319 (19 State Street, Westbury, NY)) and (ii) resetting the base year PILOT amount as a result of a recently entered into Stipulation of Settlement regarding the assessed value of the Project Facility and the New Project Facility (collectively, the "Additional Financial Assistance"); and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, et. seq., as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the Agency must satisfy the requirements contained in SEQRA prior to making a determination whether the New Project will require rescission of the negative declaration; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the New Project may have a significant adverse impact upon the environment, the Applicant submitted to the Agency: (1) Part I of the Short Environmental Assessment Form ("EAF") dated November 7, 2017; and (2) Applicant's amended Application for Financial Assistance dated July 31, 2017 (collectively the "Project Environmental Documents"); and

WHEREAS, pursuant to SEQRA, the Agency desires to conduct a review of the New Project to determine whether the New Project may have a significant adverse impact on the environment and whether the previous negative declaration must be rescinded.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based upon a thorough review and examination of the New Project Environmental Documents and upon the Agency's knowledge of the area surrounding the Land and such further investigation of the New Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the New Project:

(A) The Agency is reviewing the New Project in accordance with the requirements of SEQRA;

(B) Prior to making a recommendation about the potential environmental significance of the New Project, the Agency has considered the requirements set forth in Section 617.7(f) of the Regulations; and

Section 2. No potentially significant adverse impacts on the environment are noted in the EAF and none are known to the Agency.

Section 3. Based upon the foregoing investigations of the potential environmental impacts of the New Project and considering both the magnitude and importance of each environmental impact previously reviewed by the Agency, the Agency has determined that there are no significant adverse impacts in connection with the New Project that would require the Agency to rescind the negative declaration.

Section 4. The Chairman, the Vice Chairman, the Executive Director and the Administrative Director of the Agency are hereby further authorized on behalf of the Agency, or acting together or individually, to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Timothy Williams	VOTING	Aye
John Coumatos	VOTING	Aye
Christopher Fusco	VOTING	Aye
Michael Rodin	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK                    )  
                                                  ) SS.:  
COUNTY OF NASSAU                 )


We, the undersigned [Assistant] Secretary and [Vice] Chairman of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 16, 2017 with the original thereof on file in our office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

WE FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, we have hereunto set our respective hands and affixed the seal of the Agency this 16<sup>th</sup> day of November, 2017.

  
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[Vice] Chairman

  
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[Assc.] Secretary

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