

Farmingdale Development Phase II SEQR 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, Suite 235, Mineola, Nassau County, New York, on June 11, 2013 at 5:00 p.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
Gary Weiss	Secretary
Christopher Fusco	Asst. Secretary

ABSENT:

John T. Ahern

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Joseph J. Kearney	Executive Director
Joseph Foarile	Chief Financial Officer
Colleen Pereira	Administrative Director
Nicholas Terzulli	Director of Business Development
Mary Dolan Grippo	Chief Marketing Officer
Edward Ambrosino, Esq.	General Counsel
Paul O'Brien, Esq.	Bond/Transaction Counsel
Milan Tyler, Esq.	Bond/Transaction Counsel

The attached resolution no. 2013-45 was offered by G. Weiss, seconded by J. Coumatos:

Resolution No. 2013-45

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A
CERTAIN PROJECT FOR FARMINGDALE DEVELOPMENT COMPANY, L.P. WILL NOT
HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

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, FARMINGDALE DEVELOPMENT COMPANY, L.P., a limited partnership organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited partnership (the "Applicant"), presented an application (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 a parcel of land located at 120 Secatogue Avenue, Incorporated Village of Farmingdale, Town of Oyster Bay, County of Nassau, New York (Section: 49; Block: 80; Lot: 3) (collectively, the "Land"), (2) the demolition of the existing structures on the Land, (3) the construction of an approximately 46,000 square foot building on the Land, together with parking and other related improvements to the Land (collectively, the "Building"), and (4) the acquisition and installation therein and thereon of certain furniture, fixtures, machinery and equipment (the "Equipment"), all of the foregoing for use by the Applicant as a mixed-use facility consisting of approximately 6,000 square feet of commercial space and 39 residential rental apartments, a portion of which shall be affordable units (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, including potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes; and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity as may be designated by the Applicant and agreed upon by the Agency; 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 final determination whether to undertake the Project; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the Project may have a significant adverse impact upon the environment, the Applicant submitted to the Agency: (1) a Full Environmental Assessment Form dated May 1, 2013 (the "EAF"), (2) Applicant's Application for Financial Assistance dated April 4, 2013, (3) Traffic Impact Analysis, Proposed Transit-Oriented Development, South Front Street, April 2010, (4) Fiscal Impact Analysis, Proposed Transit-Oriented Development, South Front Street, May 2010, and (5) Impact Analysis and Comparison, Application of Bartone Properties, Secatogue Avenue, March 2013 (collectively the "Project Environmental Documents"); and

WHEREAS, on March 4, 2013, the Board of Trustees of the Incorporated Village of Farmingdale Planning Board (the "Board"), as lead agency, undertook an uncoordinated review of the Project and adopted a Resolution that the Project will not result in any significant adverse environmental impacts based upon information developed by the Applicant; and

WHEREAS, pursuant to SEQRA, the Agency, which was not included as an involved agency in the Board's review, now desires to conduct an independent review of the Project to determine whether the Project may have a significant adverse impact on the environment and whether an Environmental Impact Statement must be prepared with respect to the Project.

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 Project Environmental Documents and upon the Agency's knowledge of the area surrounding the Land and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project:

(A) The Agency is undertaking an uncoordinated review of the proposed action in accordance with the requirements of SEQRA;

(B) Prior to making a recommendation about the potential environmental significance of the Project, the Agency has consulted several information sources, and has considered the list of activities which are Type I Actions outlined in Section 617.4 of the Regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the Regulations, and the criteria for

determining significance outlined in Section 617.7 of the Regulations; and

(C) The Project is an Unlisted action pursuant to SEQRA.

Section 2. No potentially adverse significant 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 Project and considering both the magnitude and importance of each environmental impact indicated, the Agency makes the following determinations with respect to the Project.

The Project will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. The Project consists of the construction of a 46,000 square foot mixed-use building on vacant land to be used as retail and residential space. The Project will alleviate blighted conditions in the neighborhood and provide convenient transit-oriented development adjacent to the Farmingdale train station and downtown Farmingdale.
2. Land use conditions at the Project Facility will not change as a result of the Project. The Project is consistent with the zoning classification of the Land and the Village of Farmingdale *Downtown Master Plan*, which was funded by a New York State Brownfield Opportunity Area grant based on the blighted nature of the area. The Project is consistent with the *Downtown Master Plan's* recommendation for a mixed use, transit-oriented project.
3. The Land is in a developed commercial and residential area with no scenic views known to be important to the community. The Project will alleviate blighted conditions and result in new development which is an improvement from the currently vacant Land.
4. The Land does not contain, nor lie in the immediate vicinity of any surface waterbody.
5. The Project will discharge sanitary wastewater to a piped municipal sanitary sewer system and will not entail the types of activities or operations that are associated with a significant potential for groundwater contamination.
6. The Project will not be a significant source of air emissions or odors. The Project, as a transit-oriented development, will not result in a significant

increase in traffic. The Project will generate a maximum of 50 trips during the AM peak hour, 98 trips during the PM peak hour, and 116 trips during the Saturday peak hour. The existing roadway system has the capacity to accommodate the projected additional traffic volumes and a minor increase in traffic would not be a significant impact to air quality.

7. The Land is already developed and does not possess significant ecological value. A site inventory by qualified professionals concluded that no species of plant or animal life identified as endangered or threatened were located on the Land.
8. The Project does not involve any agricultural land.
9. The Project Facility does not contain historically significant resources. Because the Land is located in an urban, densely developed area, it lacks the characteristics which would suggest the potential presence of significant archaeological resources.
10. The Land is located in a dense residential and commercial area and does not comprise public open space and is not used for recreation.
11. The Project Facility is not located in or substantially contiguous to any Critical Environmental Area.
12. Existing utility lines serve the Project Facility and no significant improvements are necessary to accommodate the Project. The Project will be designed and constructed utilizing modern energy efficient systems and weatherization methods.
13. Operation of the Project Facility is not expected to appreciably increase ambient noise or odor levels.
14. The Project will not result in any impacts to public health, because the Project will be used as retail and residential space and does not involve those activities that increase risk of public exposure to hazardous or toxic materials.
15. The Project will not result in population growth, and generally is in character with adjacent development. The Project, as a transit-oriented development, will provide much needed housing options, contribute to a walkable and revitalized downtown area, increase the tax base, and remove blight.
16. The Project will not result in any significant impacts associated with solid

waste generation. The Project will result in the generation of two (2) tons of solid waste per month, which will be sent to an existing solid waste disposal facility. Recyclable materials will be handled in keeping with local requirements.

17. There will be no significant adverse environmental impacts as a result of the Project.

Section 4. The Chairman and Executive Director of the Agency are hereby authorized and directed 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
Gary Weiss	VOTING	Aye
Christopher Fusco	VOTING	No
John T. Ahern	EXCUSED	

The foregoing Resolution was thereupon declared duly adopted.

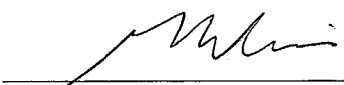
STATE OF NEW YORK)
) SS.:
COUNTY OF NASSAU)

I, the undersigned ~~[Asst.]~~ Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on June 11, 2013, with the original thereof on file in my 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.

I 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.

I 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, I have hereunto set my hand and affixed the seal of the Agency this 11th day of June, 2013.



~~[Asst.]~~ Secretary
(SEAL)

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
DETERMINATION OF SIGNIFICANCE**

This notice is issued by the Nassau County Industrial Development Agency (hereinafter the "Agency"), acting as lead agency, in an uncoordinated environmental impact review, pursuant to and in accordance with Article 8 of the 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, as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA").

On June 11, 2013, the Agency determined that: (A)(1) the acquisition of an interest in a parcel of land located at 120 Secatogue Avenue, Incorporated Village of Farmingdale, Town of Oyster Bay, County of Nassau, New York (Section: 49; Block: 80; Lot: 3) (collectively, the "Land"), (2) the demolition of the existing structures on the Land, (3) the construction of an approximately 46,000 square foot building on the Land, together with parking and other related improvements to the Land (collectively, the "Building"), and (4) the acquisition and installation therein and thereon of certain furniture, fixtures, machinery and equipment (the "Equipment"), all of the foregoing for use by the Applicant as a mixed-use facility consisting of approximately 6,000 square feet of commercial space and 39 residential rental apartments, a portion of which shall be affordable units (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, including potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes; and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity as may be designated by the Applicant and agreed upon by the Agency (collectively, the "Project"), will not have a significant impact upon the environment.

Reasons supporting this determination are fully explained below.

Project Name: Farmingdale Development Company, L.P. - Farmingdale Station - Phase II

SEQR Status: Type I _____ Unlisted: X

Project Description: The Project consists of: (A)(1) the acquisition of the Land, (2) the demolition of existing structures on the Land, (3) the construction of the Building, and (4) the acquisition and installation therein and thereon of the Equipment; (B) the granting of Financial Assistance; and (C) lease (with an obligation to purchase) or sale of the Project Facility to the Applicant or such other entity as may be designated by the Applicant and agreed upon by the Agency.

Project Site: 120 Secatogue Avenue, Farmingdale, Oyster Bay, Nassau County, New York

Reasons Supporting This Determination:

1. The Project consists of the construction of a 46,000 square foot mixed-use building on vacant land to be used as retail and residential space. The Project

will alleviate blighted conditions in the neighborhood and provide convenient transit-oriented development adjacent to the Farmingdale train station and downtown Farmingdale.

2. Land use conditions at the Project Facility will not change as a result of the Project. The Project is consistent with the zoning classification of the Land and the Village of Farmingdale *Downtown Master Plan*, which was funded by a New York State Brownfield Opportunity Area grant based on the blighted nature of the area. The Project is consistent with the *Downtown Master Plan's* recommendation for a mixed use, transit-oriented project.
3. The Land is in a developed commercial and residential area with no scenic views known to be important to the community. The Project will alleviate blighted conditions and result in new development which is an improvement from the currently vacant Land.
4. The Land does not contain, nor lie in the immediate vicinity of any surface waterbody.
5. The Project will discharge sanitary wastewater to a piped municipal sanitary sewer system and will not entail the types of activities or operations that are associated with a significant potential for groundwater contamination.
6. The Project will not be a significant source of air emissions or odors. The Project, as a transit-oriented development, will not result in a significant increase in traffic. The Project will generate a maximum of 50 trips during the AM peak hour, 98 trips during the PM peak hour, and 116 trips during the Saturday peak hour. The existing roadway system has the capacity to accommodate the projected additional traffic volumes and a minor increase in traffic would not be a significant impact to air quality.
7. The Land is already developed and does not possess significant ecological value. A site inventory by qualified professionals concluded that no species of plant or animal life identified as endangered or threatened were located on the Land.
8. The Project does not involve any agricultural land.
9. The Project Facility does not contain historically significant resources. Because the Land is located in an urban, densely developed area, it lacks the characteristics which would suggest the potential presence of significant archaeological resources.
10. The Land is located in a dense residential and commercial area and does not comprise public open space and is not used for recreation.
11. The Project Facility is not located in or substantially contiguous to any Critical Environmental Area.

12. Existing utility lines serve the Project Facility and no significant improvements are necessary to accommodate the Project. The Project will be designed and constructed utilizing modern energy efficient systems and weatherization methods.
13. Operation of the Project Facility is not expected to appreciably increase ambient noise or odor levels.
14. The Project will not result in any impacts to public health, because the Project will be used as retail and residential space and does not involve those activities that increase risk of public exposure to hazardous or toxic materials.
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17. There will be no significant adverse environmental impacts as a result of the Project.

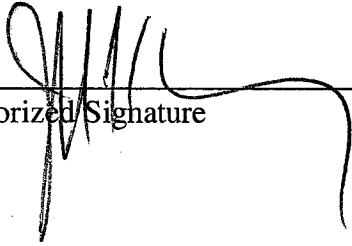
Supporting Documentation:

- 1) Full Environmental Assessment Form dated May 1, 2013.
- 2) Application for Financial Assistance dated April 4, 2013.
- 3) Traffic Impact Analysis, Proposed Transit-Oriented Development, South Front Street, April 2010.
- 4) Fiscal Impact Analysis, Proposed Transit-Oriented Development, South Front Street, May 2010.
- 5) Impact Analysis and Comparison, Application of Bartone Properties, Secatogue Avenue, March 2013.

For Further Information Contact:

Joseph J. Kearney
Executive Director
Nassau County Industrial Development Agency
Theodore Roosevelt County Executive &
Legislative Building
1550 Franklin Ave., Suite 235
Mineola, NY 11501
516-571-1945

Authorized Signature

A handwritten signature in black ink, appearing to be 'JK', is written over a horizontal line. The signature is stylized and extends to the right of the line.