

Ivy Enterprises 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 May 24, 2013 at 8:00 a.m., local time.

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

PRESENT:

John Coumatos	Vice Chairman
Gary Weiss	Secretary
Christopher Fusco	Asst. Secretary
John T. Ahern	

ABSENT:

Timothy Williams	Chairman
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THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

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

The attached resolution no. 2013-37 was offered by J. Ahern, seconded by J. Coumatos:

Resolution No. 2013-37

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A
CERTAIN PROJECT FOR IVY ENTERPRISES, INC. 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 "project" (as defined in the Act) or to cause said project to be acquired, constructed, reconstructed and installed and to convey said project or to lease said project with the obligation to purchase; and

WHEREAS, IVY ENTERPRISES, INC., a corporation organized and existing under the laws of the State of New York (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 certain parcel of land located at 3 Seaview Boulevard, Port Washington, Town of North Hempstead, County of Nassau, New York (Section: 6; Block: 89; Lots: 12, 13 and 61) (the "Land"), (2) the construction of an approximately 72,500 square foot warehouse/office building on the Land (the "Building"), together with related improvements to the Land, and (3) 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 and its affiliates as a warehouse/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 in the form of potential exemptions or partial exemptions from real property taxes, mortgage recording taxes and sales and use taxes; (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 (D) the sublease thereof to the Applicant or such other entity(ies) 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 April 24, 2013, with cover letter dated April 22, 2013 from David A. Dubinsky of D3 Architecture, P.C., and (2) Applicant's Application for Financial Assistance dated March 5, 2013 (collectively the "Project Environmental Documents"); and

WHEREAS, pursuant to SEQRA, the Agency desires to determine whether the Project may have a significant adverse impact on the environment and whether an Environmental Impact Statement (an "EIS") 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 single-story, 72,457 square foot industrial building to be used as a warehouse and as office space. The Project will allow the Applicant to relocate and expand its corporate headquarters, operations and facilities in Port Washington.

2. Land use conditions at the Project Facility will not change as a result of the Project. The Land is the last remaining vacant lot in an 18-unit planned industrial park, and developed industrial properties surround the Land.

3. The Land is in a developed, industrial area with no scenic views known to be important to the community. The Project will include measures to mitigate visual impacts, with landscaping on green spaces and Dark Sky compliant lighting provided in accordance with local requirements.

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. A minor increase in traffic, a maximum of 50 vehicular trips generated per hour, may result from the addition of industrial space, but the existing roadway system has the capacity to support such an increase 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. Although the Land is located in an area of rare plant and animal species, a site inspection and tree inventory survey conducted by qualified professionals concluded that there are no sensitive animals, plants or natural communities and/or significant wildlife habitat that will be impacted by the development of the Project Facility.

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 a developed area and adjacent to a landfill facility, it lacks the

characteristics which would suggest the potential presence of significant archaeological resources.

10. The Land is located in a planned industrial park 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 to achieve a Silver LEED Rating and will include rooftop solar electricity generating equipment.

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 warehouse and office 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 Facility will allow the Applicant to expand its manufacturing and research and development presence in Nassau County, which will result in retaining approximately 300 jobs in Nassau County and create approximately 50 new jobs in the near future. The Project will bring an underutilized vacant parcel within an industrial park to full use.

16. The Project will not result in any significant impacts associated with solid waste generation. The Project will result in the generation of three (3) 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. The Project will include a mechanical trash compactor that will reduce the volume of the solid waste stored outdoors awaiting pickup and augment the recycling process for paper waste.

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	ABSENT	
John Coumatos	VOTING	Aye
Gary Weiss	VOTING	Aye
Christopher Fusco	VOTING	Aye
John T. Ahern	VOTING	Aye

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 May 24, 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 24th day of May, 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 May 24, 2013, the Agency determined that: (A)(1) the acquisition of an interest in a certain parcel of land located at 3 Seaview Boulevard, Port Washington, Town of North Hempstead, County of Nassau, New York (Section: 6; Block: 89; Lots: 12, 13 and 61) (the "Land"), (2) the construction of an approximately 72,500 square foot warehouse/office building on the Land (the "Building"), together with related improvements to the Land, and (3) 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 and its affiliates as a warehouse/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 in the form of potential exemptions or partial exemptions from real property taxes, mortgage recording taxes and sales and use taxes; (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 (D) the sublease thereof to the Applicant or such other entity(ies) 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: Ivy Enterprises Inc. - Seaview Boulevard, Pt. Washington, NY -
New Industrial Building

SEQR Status: Type I _____ Unlisted: X

Project Description: The Project consists of: (A)(1) the acquisition of the Land, (2) the construction of the Building on the Land, (3) the acquisition and installation therein and thereon of the Equipment; (B) the granting of Financial Assistance; (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; and (D) the sublease thereof to the Applicant or such other entity as may be designated by the Applicant and agreed upon by the Agency.

Project Site: 3 Seaview Boulevard, Port Washington, North Hempstead, Nassau
County, New York

Reasons Supporting This Determination:

1. The Project consists of the construction of a single-story, 72,457 square foot

industrial building to be used as a warehouse and as office space. The Project will allow the Applicant to relocate and expand its corporate headquarters, operations and facilities in Port Washington.

2. Land use conditions at the Project Facility will not change as a result of the Project. The Land is the last remaining vacant lot in an 18-unit planned industrial park, and developed industrial properties surround the Land.
3. The Land is in a developed, industrial area with no scenic views known to be important to the community. The Project will include measures to mitigate visual impacts, with landscaping on green spaces and Dark Sky compliant lighting provided in accordance with local requirements.
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. A minor increase in traffic, a maximum of 50 vehicular trips generated per hour, may result from the addition of industrial space, but the existing roadway system has the capacity to support such an increase 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. Although the Land is located in an area of rare plant and animal species, a site inspection and tree inventory survey conducted by qualified professionals concluded that there are no sensitive animals, plants or natural communities and/or significant wildlife habitat that will be impacted by the development of the Project Facility.
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 a developed area and adjacent to a landfill facility, it lacks the characteristics which would suggest the potential presence of significant archaeological resources.
10. The Land is located in a planned industrial park 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 to achieve a Silver LEED Rating and will include rooftop solar electricity generating equipment.

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 warehouse and office 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 Facility will allow the Applicant to expand its manufacturing and research and development presence in Nassau County, which will result in retaining approximately 300 jobs in Nassau County and create approximately 50 new jobs in the near future. The Project will bring an underutilized vacant parcel within an industrial park to full use.
16. The Project will not result in any significant impacts associated with solid waste generation. The Project will result in the generation of three (3) 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. The Project will include a mechanical trash compactor that will reduce the volume of the solid waste stored outdoors awaiting pickup and augment the recycling process for paper waste.
17. There will be no significant adverse environmental impacts as a result of the Project.

Supporting Documentation:

- 1) Full Environmental Assessment Form dated April 24, 2013, with cover letter dated April 22, 2013 from David A. Dubinsky of D3 Architecture, P.C.
- 2) Application for Financial Assistance dated March 5, 2013.

For Further Information Contact:

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Authorized Signature