

## LIF Industries 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 at 1550 Franklin Avenue, Mincola, Nassau County, New York, on June 28, 2016 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
Christopher Fusco	Asst. Secretary

### ABSENT:

Gary Weiss	Secretary
Michael Rodin	

### 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
Paul O'Brien, Esq.	Bond/Transaction Counsel

The attached resolution no. 2016-35 was offered by J. Coumatos, seconded by C. Fusco:

Resolution No. 2016-35

RESOLUTION FINDING THAT THE PROPOSED PROJECT OF  
LIF INDUSTRIES, INC. IS A TYPE II ACTION  
UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT  
AND NOT SUBJECT TO FURTHER REVIEW

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, LIF INDUSTRIES, INC., a corporation organized and existing under the laws of the State of New York (the "Applicant") submitted an application for financial assistance (the "Application") to the Agency requesting that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 7.66 acre parcel of land located at 5 Harbor Park Drive, Port Washington, Town of North Hempstead, Nassau County, New York (Section: 6; Block: 86; Lots: 4, 5, 6A and 6B) (the "5 Harbor Parcel"), (2) the renovation of the existing building (collectively, the "5 Harbor Building") on the 5 Harbor Parcel, together with related improvements to the 5 Harbor Parcel, and (3) the acquisition of certain furniture, fixtures, machinery and equipment (the "5 Harbor Equipment") necessary for the completion thereof (collectively, the "5 Harbor Project Facility"); (B)(1) the acquisition of an interest in an approximately 2.92 acre parcel of land located at 10 Harbor Park Drive, Port Washington, Town of North Hempstead, Nassau County, New York (Section: 6; Block: 58; Lot: 102) (the "10 Harbor Parcel"), (2) the renovation of the existing building (collectively, the "10 Harbor Building") on the 10 Harbor Parcel, together with related improvements to the 10 Harbor Parcel, and (3) the acquisition of certain furniture, fixtures, machinery and equipment (the "10 Harbor Equipment") necessary for the completion thereof (collectively, the "10 Harbor Project Facility"); (C)(1) the acquisition of an interest in an approximately 3.03 acre parcel of land located at 18 Industrial Park Drive, Port Washington, Town of North Hempstead, Nassau County, New York (Section: 6; Block: 86; Lot: 9) (the "18

Industrial Parcel” and together with the 5 Harbor Parcel and the 10 Harbor Parcel, collectively, the “Land”), (2) the renovation of the existing building (collectively, the “18 Industrial Building” and together with the 5 Harbor Building and the 10 Harbor Building, collectively, the “Building”) on the 18 Industrial Parcel, together with related improvements to the 18 Industrial Parcel, and (3) the acquisition of certain furniture, fixtures, machinery and equipment (the “18 Industrial Equipment” and together with the 5 Harbor Equipment and the 10 Harbor Equipment, collectively, the “Equipment”) necessary for the completion thereof (collectively, the “18 Industrial Project Facility” and together with the 5 Harbor Project Facility and the 10 Harbor Project Facility, collectively, the “Project Facility”), all of the foregoing for use by the Applicant and/or its affiliates as their office, manufacturing, warehousing and distribution facility; (D) 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 (collectively, the “Financial Assistance”); (E) 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 (F) 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 consider whether the Project is an “action” that would require it to 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) Part 1 of the Short Environmental Assessment Form (“EAF”) dated March 21, 2016; (2) Applicant’s Application for Financial Assistance dated March 21, 2016; and (3) other supporting documentation (collectively the “Project Environmental Documents”); and

WHEREAS, 6 NYCRR 617.2(aj) of the Regulations states that a Type II action is an action or class of actions identified under 6 NYCRR 617.5; and

WHEREAS, 6 NYCRR 617.5(a) of the Regulations states that actions identified as Type II actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the SEQR Act; and

WHEREAS, 6 NYCRR 617.5(c) of the Regulations states that Type II actions not subject to further review under SEQRA include “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part”; and

WHEREAS, any land transfer is being undertaken solely to effectuate the Financial Assistance to facilitate the Project and the Agency will only be the nominal title holder for as long as is necessary to effectuate the Financial Assistance; and

WHEREAS, the Project consists of the interior renovation of an existing approximately 38,500 square foot Building, currently used as office space, and for warehouse purposes, for use as placement of work area operations and users in the service, and distribution of, fire resistant doors, and potential acquisition and installation of production equipment and/or furniture in conjunction therewith.

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 Project is a Type II action under SEQRA because it is "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes" and does not meet or exceed any threshold for a Type I action.

(B) More specifically, the Project includes the interior renovation of an existing approximately 38,500 square foot Building located at the 10 Harbor Parcel and potential acquisition and installation of production equipment and/or furniture at the 5 Harbor Parcel and 18 Industrial Parcel. The Project will not expand the footprint of the Building nor increase or substantially alter existing environmental conditions on the Land.

Section 2. 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 3. 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	EXCUSED	
Christopher Fusco	VOTING	Aye
Michael Rodin	EXCUSED	

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 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 28, 2016 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.

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 28th day of June, 2016.

  
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[~~Vice~~] Chairman

  
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[Asst.] Secretary

(SEAL)