

Midtown North Hills 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 at 1550 Franklin Avenue, Suite 235, Mineola, Nassau County, New York, on December 5, 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

The attached resolution no. 2013-70 was offered by G. Weiss, seconded by J. Coumatos:

Resolution No. 2013-70

RESOLUTION FINDING THAT THE PROPOSED PROJECT OF RXR NORTH HILLS PHASE I OWNER LLC IS NOT SUBJECT TO FURTHER REVIEW UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT.

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, Midtown North Hills, LLC, an affiliate of RXR North Hills Phase I Owner LLC (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 two parcels of land, which in the aggregate comprise approximately 2.44 acres of land, located at 85-95 Long Island Expressway South Service Road, Incorporated Village of North Hills, Town of North Hempstead, County of Nassau, New York (currently Section: 08; Block: A; Lots: 0892U, 0893U, and parts of 0897B and 0897C) (collectively, the “Land”), (2) the construction of two (2) pairs of 4-story buildings on the Land above one level of parking, together with related improvements to the Land (collectively, the “Building”), 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 as a residential facility comprised of approximately 124 apartment units, of which not less than 60 apartment units shall initially be rental 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; 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”); 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 is an “action” subject to SEQRA, the Applicant submitted to the Agency: 1) Applicant’s Application for Financial Assistance to the Agency dated October 4, 2013; 2) Findings Statement by the Incorporated Village of North Hills, dated April 19, 2006 (“Findings Statement”); 3) Minutes, Board of Trustees, Village of North Hills, dated November 4, 2013 (“Minutes”); 4) a Full Environmental Assessment Form dated June 25, 2013; 5) a Short Environmental Assessment Form; and 6) a Phase I Environmental Site Assessment dated December 8, 2010 (collectively the “Project Environmental Documents”); and

WHEREAS, the Board of Trustees of the Incorporated Village of North Hills (the “Board”), as lead agency, determined that the Project is an Unlisted action subject to SEQRA, undertook a coordinated review of the Project, and issued a “positive declaration” that required preparation of an Environmental Impact Statement; and

WHEREAS, on April 19, 2006, the Board issued the Findings Statement, concluding that upon consideration of the relevant environmental impacts, facts and conclusions disclosed in the Environmental Impact Statement and upon weighing and balancing the relevant environmental impacts with social, economic and other considerations, the Board concluded that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Project avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

WHEREAS, at its meeting on November 4, 2013, the Board, as lead agency, considered the potential environmental impacts associated with changes to the Project and found that the modified Project would not have a significant adverse environmental impact; and

WHEREAS, the Agency, as an involved agency, upon its independent review of the Project Environmental Documents, now desires to adopt and be bound by the Findings Statement and Minutes issued by the Board.

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

Section 1. Based upon an independent 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 an Unlisted action;

(B) It was appropriate that the Board issue a “positive declaration” which required preparation of an Environmental Impact Statement;

(B) The Board, acting as lead agency, conducted a coordinated review of the Project and based upon its thorough review of the Environmental Impact Statement, issued the Findings Statement and Minutes, finding that the Project avoids or minimizes adverse environmental impacts to the maximum extent practicable and subsequent modifications thereto would not have any significant adverse environmental impact;

(C) The Board very carefully considered the full scope of the Project, identified all relevant areas of environmental concern, took a “hard look” at such areas of concern and made a reasoned elaboration of the basis of its determination;

(D) The Agency, as an involved agency, hereby adopts and agrees to be bound by the Findings Statement and Minutes, thus the Project is not subject to further review pursuant to SEQRA.

Section 2. The Chairman, Executive Director and Administrative 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 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	VOTING	Aye
Christopher Fusco	VOTING	Aye
John T. Ahern	EXCUSED	

The foregoing Resolution was thereupon declared duly adopted.


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

I, the undersigned 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 December 5, 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 5th day of December, 2013.



Secretary
(SEAL)