

Nassau Candy 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, Mineola, Nassau County, New York on November 9, 2015 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
Michael Rodin	

NOT PRESENT:

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
Edward Ambrosino, Esq.	General Counsel
Paul O'Brien, Esq.	Bond/Transaction Counsel

The attached resolution no. 2015-59 was offered by G. Weiss, seconded by M. Rodin:

Resolution No. 2015-59

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A
CERTAIN PROJECT FOR NASSAU CANDY DISTRIBUTORS, INC. WILL NOT HAVE A
SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

Project Name: Nassau Candy Facility Addition

Location: 300 Duffy Avenue, Hicksville, Town of Oyster Bay, Nassau
County, New York

SEQR Status: Type I Unlisted XX

**Determination
of Significance:** Negative Declaration XX 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, NASSAU CANDY DISTRIBUTORS, 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 construction of an approximately 26,216 square foot building on a parcel of land located at 300 Duffy Avenue, Hicksville, Town of Oyster Bay, Nassau County, New York (Section: 11; Block: 327; Lots: 406, 408, 412 and 422) (the "Land"), together with other related improvements to the Land (collectively, the "Building"), and (2) 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 manufacturing, warehouse and distribution facility in connection with its wholesale confectionery business (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; 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, the Applicant previously submitted an application to the Agency for the renovation of an existing approximately 127,000 square foot facility located on the Land, and the Agency issued a resolution declaring that project a Type II Action on December 5, 2013, 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 dated September 29, 2015; and (2) Applicant's Application for Financial Assistance dated September 29, 2015 (collectively the "Project Environmental Documents"); and

WHEREAS, pursuant to SEQRA, the Agency desires to conduct a 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 as it involves the construction of an approximately 26,216 square foot addition to an existing approximately 127,000 square foot building, currently used as a manufacturing, warehouse and distribution facility in connection with the Applicant's wholesale confectionary business, and associated improvements on the Land, the construction of which will disturb approximately 0.5 acres, well below the threshold of 5 acres for a Type 1 action for the expansion of a non-residential facility.

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. **Impact on Land.** The Project consists of the construction of an approximately 26,216 square foot addition to an existing approximately 127,000 square foot building, currently used as a manufacturing, warehouse and distribution facility in connection with the Applicant's wholesale confectionary business, and associated improvements on the Land. The zoning and land use classification will not change as a result of the Project. The Project is consistent with the Light Industrial District zoning classification of the Land and is consistent with the surrounding uses, composed of commercial, storage, warehouse and distribution uses. The construction of the Building will result in some minor additional development on the Land, however the Land is located within an industrial and commercial area, a large building and paved parking areas already exist on the Land, and the Building will be similar to existing and neighboring uses in the area. The Project is not anticipated to create any potentially significant adverse impacts to land resources or land use.
2. **Impact on Water.** The Land does not contain, nor lie in the immediate vicinity of any surface water body. There are no wetlands on site. As such, no adverse impacts to water are anticipated.
3. **Impact on Air.** The Project will not be a significant source of air emissions. The Project will not entail the types of activities or operations that are associated with a potential for air emissions. The Project will not result in a significant increase in traffic. The Project will not create any significant adverse impacts to air resources.

4. Impact on Plants and Animals. Although some impacts to flora and fauna may potentially occur with the construction of the Building on a previously undeveloped area of the Land, the Land in the area of the Project does not possess significant ecological value as it is within a developed commercial and industrial area. The Project will not create significant adverse impacts to animals, plants or natural communities, wildlife habitat or wetlands.
5. Impact on Agricultural Land Resources. The Project is located in an area currently used for commercial and industrial purposes. The Project will not involve the conversion or loss of agricultural land resources and no impacts to agricultural land resources are anticipated.
6. Impact on Aesthetic Resources. The Land is in a developed industrial and commercial area. The Building consists of a 26,216 square foot addition to an existing approximately 127,000 square foot facility. No significant adverse impacts to aesthetic resources are anticipated.
7. Impact on Historic and Archeological Resources. The Project does not contain, nor is it adjacent to any historically significant resources or archeologically sensitive areas. Areas near the Site were previously developed and lack the characteristics that would suggest the potential presence of significant archaeological resources. The Project is not anticipated to create any potentially significant adverse impacts to historical or archaeological resources.
8. Impact on Open Space and Recreation. The Land is commercial and industrial in nature and does not comprise public open space and is not used for recreation. No significant impacts to open space or recreational resources are anticipated.
9. Impact on Critical Environmental Areas. The Project Site is not located in or substantially contiguous to any Critical Environmental Area ("CEAs"). There will be no significant adverse impacts to CEAs.
10. Impact on Transportation. The Project will not result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services. Pedestrian accommodations, public transportation and bicycle routes are available near the Land. The Project will not create any significant adverse impacts related to transportation resources.
11. Impact on Energy. Though the construction of the Building will result in an increase in energy usage, existing utility lines serve the Land and no significant improvements are necessary to accommodate the Project.

12. Impact on Noise and Odor. Operation of the Project is not expected to appreciably increase ambient noise levels or to create odors. The proposed Project, which consists of the construction of an addition to an existing manufacturing, warehousing and distribution facility, does not involve the types of activities that create significant noise or odors. Any impacts to noise and odor from construction activities will be minor and temporary. Thus, the Project will not create any significant adverse impacts to noise or odors.
13. Impact on Public Health. The Project does not entail the types of activities or operations that are associated with a significant potential for affecting public health, such as storing large amounts of hazardous or toxic materials. As such, the Project is not anticipated to create a significant adverse impact to public health.
14. Impact on Growth and Character of the Community and Neighborhood. The Project will not result in population growth, is an addition to an existing facility and is in character with adjacent development. The Project will not create any significant adverse impacts to the growth or character of the community.
15. Considering all of the above, the Project will not have a significant adverse impact upon the environment and a negative declaration pursuant to SEQRA is hereby issued.

Section 4. The Chairman, Administrative Director and Executive Director of the Agency are each 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	Aye
Michael Rodin	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.

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

We, the undersigned [~~Vice~~] Chairman and [~~Assistant~~] Secretary 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 9, 2015 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 9th day of November, 2015.



[~~Assistant~~] Secretary



[~~Vice~~] Chairman

(SEAL)