

We're Associates 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, County of Nassau, New York on May 15, 2013 at 9:00 a.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
John T. Ahern	

ABSENT:

None

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. 2013-35 was offered by J. Ahern, seconded by J. Coumatos:

Resolution No. 2013-35

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A
CERTAIN PROJECT FOR WE'RE ASSOCIATES COMPANY 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, WE'RE ASSOCIATES COMPANY, a general partnership 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 an approximately 13.06 acre parcel of land located at 1-3 Dakota Drive, Incorporated Village of Lake Success, Town of North Hempstead, County of Nassau, New York (Section: 8; Block: G; Lots: 929-930) (collectively, the "Dakota Drive Parcel"), (2) the renovation of two (2) existing office buildings on the Dakota Drive Parcel and the construction of an above-grade parking structure on the Dakota Drive Parcel (collectively, the "Dakota Drive Building"), together with related improvements to the Dakota Drive Parcel, and (3) the acquisition and installation therein and thereon of certain furniture, fixtures, machinery and equipment (the "Dakota Drive Equipment"), all of the foregoing for use by the Applicant as a multi-tenant office complex (collectively, the "Dakota Project Facility"); (B) (1) the acquisition of an interest in an approximately 2.98 acre parcel of land located at 4 Ohio Drive, Incorporated Village of Lake Success, Town of North Hempstead, County of Nassau, New York (Section: 8; Block: G; Lot: 933) (the "Ohio Drive Parcel" and together with the Dakota Drive Parcel, the "Land" or "Project Site"), (2) the renovation of an existing office building on the Ohio Drive Parcel (the "Ohio Drive Building" and together with the Dakota Drive Building, collectively, the "Building"), together with related improvements to the Ohio Drive Parcel, and (3) the acquisition and installation therein and thereon of certain furniture, fixtures, machinery and equipment (the

“Ohio Drive Equipment” and together with the Dakota Drive Equipment, the “Equipment”), all of the foregoing for use by the Applicant as a multi-tenant office complex (collectively, the “Ohio Project Facility” and together with the Dakota Project Facility, collectively, the “Project Facility”); (C) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing in the form of potential exemptions or partial exemptions from mortgage recording taxes, real property taxes and sales and use taxes; and (D) the lease (with an obligation to purchase) or sale of the Project Facility 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 (“EAF”) dated June 27, 2012; 2) Applicant’s Application for Financial Assistance dated June 20, 2012; 3) Incorporated Village of Lake Success SEQR Negative Declaration, dated April 19, 2012; 4) Site Plan prepared by Gary Woska, Architect, last revised December 12, 2011; 5) Elevations, prepared by Gary Woska, Architect, last revised March 13, 2012; 6) Preliminary Landscape Plan, prepared by William Johnson, L.A., dated March 12, 2012; 7) Preliminary Drainage Plan, prepared by Bowne AE&T Group, dated April 6, 2012; 8) Area photographs and visual simulations, dated November 2011, prepared by Cameron Engineering; 9) Traffic and Parking Report prepared by VHB, dated November 2011; 10) Supplemental Traffic and Parking Report prepared by VHB, dated April 11, 2012; and 11) Response Letter to the Nassau County Department of Health, prepared by Bowne AE&T Group, dated April 6, 2012; and

WHEREAS, on April 19, 2012 the Incorporated Village of Lake Success Planning Board (the “Board”), as lead agency, undertook a coordinated review of the Project, resolved that the Project will not have a significant impact on the environment and adopted a detailed Negative Declaration 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 (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 Project Site 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 renovation of three existing office buildings on Land that has been previously developed.
2. Land use conditions at the Project Facility will not change as a result of the Project. The Land is already developed and the Building is currently used as office space. The renovation of the Building will help to modernize this office park and restore jobs by attracting new tenants to the Project Facility which is expected to be vacated by the current tenant.
3. A landscaping plan has been prepared for the Project Facility which will enhance vegetation along Project frontage and within landscape islands adjacent to the structures. Also, the exterior treatment of the parking garage will be similar to the existing buildings. Thus, the Project will not have a significant visual impact, and will improve views of the Project Facility.

4. The Land does not contain, nor lie in the immediate vicinity of any surface waterbody.
5. The Project will not result in an increase in current discharge of sanitary wastewater to a disposal system and will not entail the types of activities or operations that are associated with a significant potential for groundwater contamination. The Project will result in a slight increase in impervious surface, however the installation of on-site drainage will provide for management of stormwater runoff from existing and new impervious surfaces.
6. The Project will not be a significant source of air emissions or odors.
7. A minor increase in traffic may result from the Project, however the results of the Traffic and Parking Report and Supplement to the same indicate that the Project will not have a significant impact on traffic conditions in and around the Project Facility because there will not be a change to the overall intersection Level of Service.
8. The Land is already developed and does not possess significant ecological value. 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.
9. The Project does not involve any agricultural land.
10. The Project Facility does not contain any scenic views known to be important to the community.
11. The Project Facility does not contain historically significant resources. As the site previously has been developed, it lacks the characteristics which would suggest the potential presence of significant archaeological resources.
12. The Land is located in a densely developed commercial and residential area and does not comprise public open space and is not used for recreation.
13. The Project Facility is not located in or substantially contiguous to any Critical Environmental Area.
14. Existing utility lines serve the Project Facility and no significant improvements are necessary to accommodate the Project. Energy

efficiency improvements in the Project Facility to meet or exceed current energy standards will ease peak demands on the Long Island Power Authority.

15. Operation of the Project Facility is not expected to appreciably increase ambient noise or odor levels.
16. The Project will not result in any impacts to public health, because there are no known areas of contamination on the Land and the Project does not involve the installation, removal or abandonment of any toxic and hazardous material storage tanks or areas containing fuel oil, waste oil and regulated petroleum or chemical products.
17. The Project will not result in population growth, and generally is in character with adjacent development. The Project Facility will be upgraded to improve energy efficiency and building life/safety systems in order to attract "Class A" office tenants to replace those lost as a result of the current tenant's expected relocation to another community, which would sustain, and likely improve economic activity in the area. The Project will also create 225 full-time-equivalent construction jobs.
18. The Project will not result in an increase in the solid waste generation currently associated with the Project Facility.
19. There will be no significant adverse environmental impacts as a result of the Project.

Section 4. The Chairman, Vice 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	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 15, 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 15, 2013, the Agency determined that: (A) (1) the acquisition of an interest in an approximately 13.06 acre parcel of land located at 1-3 Dakota Drive, Incorporated Village of Lake Success, Town of North Hempstead, County of Nassau, New York (Section: 8; Block: G; Lots: 929-930) (collectively, the "Dakota Drive Parcel"), (2) the renovation of two (2) existing office buildings on the Dakota Drive Parcel and the construction of an above-grade parking structure on the Dakota Drive Parcel (collectively, the "Dakota Drive Building"), together with related improvements to the Dakota Drive Parcel, and (3) the acquisition and installation therein and thereon of certain furniture, fixtures, machinery and equipment (the "Dakota Drive Equipment"), all of the foregoing for use by the Applicant as a multi-tenant office complex (collectively, the "Dakota Project Facility"); (B) (1) the acquisition of an interest in an approximately 2.98 acre parcel of land located at 4 Ohio Drive, Incorporated Village of Lake Success, Town of North Hempstead, County of Nassau, New York (Section: 8; Block: G; Lot: 933) (the "Ohio Drive Parcel" and together with the Dakota Drive Parcel, the "Land" or "Project Site"), (2) the renovation of an existing office building on the Ohio Drive Parcel (the "Ohio Drive Building" and together with the Dakota Drive Building, collectively, the "Building"), together with related improvements to the Ohio Drive Parcel, and (3) the acquisition and installation therein and thereon of certain furniture, fixtures, machinery and equipment (the "Ohio Drive Equipment" and together with the Dakota Drive Equipment, the "Equipment"), all of the foregoing for use by the Applicant as a multi-tenant office complex (collectively, the "Ohio Project Facility" and together with the Dakota Project Facility, collectively, the "Project Facility"); (C) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing in the form of potential exemptions or partial exemptions from mortgage recording taxes, real property taxes and sales and use taxes; and (D) the lease (with an obligation to purchase) or sale of the Project Facility 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: We're Associates Company

SEQR Status: Type I _____ Unlisted: X

Project Description: The Project consists of: (A)(1) the acquisition of the Dakota Drive Parcel, (2) the renovation of the Dakota Drive Building, (3) the acquisition and installation therein and thereon of the Dakota Drive Equipment; (B)(1) the acquisition of the Ohio Drive Parcel; (2) the renovation of the Ohio Drive Building; (3) the acquisition and installation therein and thereon of the Ohio Drive Equipment; (C) the

granting of the Financial Assistance; and (D) 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: 1 and 3 Dakota Drive and 4 Ohio Drive, Lake Success, New York.

Reasons Supporting This Determination:

1. The Project consists of the renovation of three existing office buildings on Land that has been previously developed and the construction of a three-level parking garage between two of the buildings above an existing surface parking lot.
2. Land use conditions at the Project Facility will not change as a result of the Project. The Land is already developed and the Building is currently used as office space. The renovation of the Building and construction of the parking garage will help to modernize this office park and restore jobs by attracting new tenants to the Project Facility which is expected to be vacated by the current tenant.
3. A landscaping plan has been prepared for the Project Facility which will enhance vegetation along Project frontage and within landscape islands adjacent to the structures. Also, the exterior treatment of the parking garage will be similar to the existing buildings. Thus, the Project will not have a significant visual impact, and will improve views of the Project Facility.
4. The Land does not contain, nor lie in the immediate vicinity of any surface waterbody.
5. The Project will not result in an increase in current discharge of sanitary wastewater to a disposal system and will not entail the types of activities or operations that are associated with a significant potential for groundwater contamination. The Project will result in a slight increase in impervious surface, however the installation of on-site drainage will provide for management of stormwater runoff from existing and new impervious surfaces.
6. The Project will not be a significant source of air emissions or odors.
7. A minor increase in traffic may result from the Project, however the results of the Traffic and Parking Report and Supplement to the same indicate that the Project will not have a significant impact on traffic conditions in and around the Project Facility because there will not be a change to the overall intersection Level of Service.
8. The Land is already developed and does not possess significant ecological value. 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.

9. The Project does not involve any agricultural land.
10. The Project Facility does not contain any scenic views known to be important to the community.
11. The Project Facility does not contain historically significant resources. As the site previously has been developed, it lacks the characteristics which would suggest the potential presence of significant archaeological resources.
12. The Land is located in a densely developed commercial and residential area and does not comprise public open space and is not used for recreation.
13. The Project Facility is not located in or substantially contiguous to any Critical Environmental Area.
14. Existing utility lines serve the Project Facility and no significant improvements are necessary to accommodate the Project. Energy efficiency improvements in the Project Facility to meet or exceed current energy standards will ease peak demands on the Long Island Power Authority.
15. Operation of the Project Facility is not expected to appreciably increase ambient noise or odor levels.
16. The Project will not result in any impacts to public health, because there are no known areas of contamination on the Land and the Project does not involve the installation, removal or abandonment of any toxic and hazardous material storage tanks or areas containing fuel oil, waste oil and regulated petroleum or chemical products.
17. The Project will not result in population growth, and generally is in character with adjacent development. The Project Facility will be upgraded to improve energy efficiency and building life/safety systems in order to attract "Class A" office tenants to replace those lost as a result of the current tenant's expected relocation to another community, which would sustain, and likely improve economic activity in the area. The Project will also create 225 full-time-equivalent construction jobs.
18. The Project will not result in an increase in the solid waste generation currently associated with the Project Facility.
19. There will be no significant adverse environmental impacts as a result of the Project.

Supporting Documentation:

- 1) Full Environmental Assessment Form dated June 27, 2012
- 2) Application for Financial Assistance dated June 20, 2012.
- 3) Incorporated Village of Lake Success SEQR Negative Declaration, dated April 19, 2012.
- 4) Site Plan prepared by Gary Woska, Architect, last revised December 12, 2011.
- 5) Elevations, prepared by Gary Woska, Architect, last revised March 13, 2012.
- 6) Preliminary Landscape Plan, prepared by William Johnson, L.A., dated March 12, 2012.
- 7) Preliminary Drainage Plan, prepared by Bowne AE&T Group, dated April 6, 2012.
- 8) Area photographs and visual simulations, dated November 2011, prepared by Cameron Engineering.
- 9) Traffic and Parking Report prepared by VHB, dated November 2011.
- 10) Supplemental Traffic and Parking Report prepared by VHB, dated April 11, 2012.
- 11) Response Letter to the Nassau County Department of Health, prepared by Bowne AE&T Group, dated April 6, 2012.

For Further Information Contact:

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