

1025 OCR LLC and Mazel Productions LLC 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 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
Edward Ambrosino, Esq.	General Counsel
Paul O'Brien, Esq.	Bond/Transaction Counsel
Milan Tyler, Esq.	Bond/Transaction Counsel

The attached resolution no. 2016-44 was offered by C. Fusco, seconded by J. Coumatos:

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A CERTAIN PROJECT FOR 1025 OCR LLC/MAZEL PRODUCTIONS LLC WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

Project Name: 1025 OCR LLC/Mazel Productions LLC

Location: 1025 Old Country Road, 19 and 51 State Street and 60 Brooklyn Avenue, Westbury, Town of Hempstead, Nassau County, New York

SEQR Status: Type I Unlisted

Determination of Significance: Negative Declaration 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, 1025 OCR LLC and Mazel Productions LLC, each a limited liability company organized and existing under the laws of the State of New York (together, the "Applicant") submitted an application for financial assistance (as amended, 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 one or more parcels of land, aggregating approximately 2.70 acres, located at 1025 Old Country Road, 19 and 51 State Street and 60 Brooklyn Avenue, Westbury, Town of North Hempstead, Nassau County, New York (Section: 11; Block: 79; Lots: 246, 248, 253, 258, 279, 319 and Section: 11; Block: 80; Lots: 92, 243) (the "Land"), (2) the renovation of the existing approximately 165,395 square foot building on the Land (the "Building"), together with related improvements to the Land, and (3) the acquisition of certain furniture, fixtures, machinery and equipment necessary for the

completion thereof (the "Equipment"), all of the foregoing for use by the Applicant as a multi-tenant telecommunications, data center and 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 exemptions or partial exemptions from real estate taxes, sales and use taxes and/or mortgage recording taxes (collectively, the "Financial Assistance"); (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 of the Project Facility by the Applicant (or such other entity as may be designated by the Applicant and agreed upon by the Agency) to one (1) or more tenants designated by the Applicant and agreed upon by the Agency; and

WHEREAS, although the Applicant has not included all the properties in connection with the Project as part of their application and agreement with the Agency, all properties described above have been reviewed as part of the environmental review of the overall 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 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 Full Environmental Assessment Form ("EAF") dated June 20, 2016; and (2) Applicant's Application for Financial Assistance dated January 6, 2016 (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 interior renovation of a currently existing structure for use as an office building and demolition of other currently existing buildings to develop on-grade additional parking, as well as associated improvements on the Land, the construction of which will disturb approximately 0.19 acres, well below any Type I thresholds.

Section 2. No potentially significant adverse 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 is not anticipated to create any potentially significant adverse impacts to land resources or land use. The Project consists of the renovation of an existing approximately 165,395 square foot Building on the Land, and demolition of other on-site vacant structures to develop on-grade additional parking. The zoning and land use classification will not change as a result of the Project. The Project is consistent with the Industrial B zoning classification and is also consistent with surrounding uses, which are commercial and industrial in nature. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to land resources or land use.
2. Impact on Water. There are no wetlands on site. The Project will not create a new water body. While the Project is located in a designated 100 year floodplain, the Project will result in the demolition of existing structures within the floodplain. Moreover, the new additional impervious surface proposed at 51 State Street will include drywells to receive any stormwater runoff and retain such water on Site. The Project will not require the construction of new, or an expansion of existing, wastewater treatment facilities. While the Project will result in a minor increase in

water usage, 2,000 GPD, the underutilized building proposed for renovation was, at one point, operating as an office building at full capacity, and any increase in usage will be minimal. Stormwater will not flow to adjacent properties, and the Project plans to minimize the impact of any new impervious surfaces. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to water.

3. **Impact on Air.** The Project will not be a significant source of air emissions. The Project does not entail the types of activities or operations that are associated with a potential for air emissions. Any potential impact on air as a result of construction activities will be minor, and temporary in nature. The Project will not result in a significant increase in traffic. Accordingly, 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 proposed demolition of buildings at the Project site, the land is previously disturbed, and the land in the area of the Project does not possess significant ecological value as it is within a well-developed commercial and industrial area. Accordingly, the Project will not create significant adverse impacts to plants, animals 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. Accordingly, the Project will not create any significant adverse impacts to agricultural land resources.
6. **Impact on Aesthetic Resources.** The Project is not located with five miles of an officially designated local, state or federal scenic or aesthetic resource. The Project is situated in a well-developed commercial area. The Project consists of renovations to an existing office building, and the demolition of vacant structures. If anything, these actions will improve aesthetic resources. Accordingly, the Project is not anticipated to create any significant adverse impacts to aesthetic resources.
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 Project were previously developed and lack the characteristics that would suggest the potential presence of any significant archaeological resources. Accordingly, the Project will not create any significant adverse impacts to historical or archaeological resources.

8. Impact on Open Space and Recreation. The Project is commercial in nature and does not comprise public open space nor is it currently used for public recreation. Accordingly, the Project will not create any significant impacts to open space or recreational resources.
9. Impact on Critical Environmental Areas. The Project Site is not located in or substantially contiguous to any Critical Environmental Area ("CEAs"). Accordingly, there will be no significant adverse impacts to CEAs.
10. Impact on Transportation. The Project will result in an increase in traffic. However, the Building is already developed and there are several alternative forms of transportation available to access the Project. Thus, any potential impacts on transportation resulting from renovation of the Building will be minor. Any impacts to transportation from construction activities will also be minor, and temporary in nature. Accordingly, it is not anticipated that that Project will create any significant adverse impacts to transportation.
11. Impact on Energy. The Project will result in an increase in energy usage, however, existing utility lines serve the Project and no significant improvements are necessary to accommodate the Project. Any increase in energy usage will remain relatively consistent with historic use at the Site when the Building was fully occupied. Accordingly, it is not anticipated that the Project will create any significant adverse impacts to energy.
12. Impact on Noise and Odor. The Project is not expected to appreciably increase ambient noise levels or to create odors. The proposed Project, which consists of the renovation of an existing structure, and demolition of other on-site vacant structures to develop on-grade additional parking, does not involve the types of activities that create significant noise or odors. Any impacts to noise and/or odor from construction activities will be minor, and temporary in nature, conducted during daytime hours when noise sensitivity is lowest. Accordingly, 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. Accordingly, the Project will not create any 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 being undertaken at an existing structure and is in character with adjacent development and surrounding uses. Accordingly, 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, 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 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	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 28 day of June, 2016.



[Vice] Chairman



[Asst.] Secretary

(SEAL)