

## **Delta Sheet Metal 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 located at 1550 Franklin Avenue, Mineola, Nassau County, New York, on August 16, 2017 at 5:00 PM, 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	

### **ABSENT:**

### **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. 2017-38 was offered by M. Rodin, seconded by G. Weiss:

Resolution No. 2017-38

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A  
CERTAIN PROJECT FOR DELTA SHEET METAL CORP. WILL NOT HAVE A  
SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

**Project Name:** Interior Renovations at Existing Project Facility

**Location:** 940 South Oyster Bay Road, Hicksville, Town of Oyster Bay,  
County of Nassau, New York (Section: 46; Block: N; Lot: 72)

**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, Delta Sheet Metal Corp., a corporation organized and existing under the laws of the State of New York ("Delta"), 940 RE Company LLC, a limited liability company organized and existing under the laws of the State of New York ("940RE"), and Steel 940, LLC, a limited liability company organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited liability company ("Steel" and together with Delta and 940RE, the "Applicants"), have submitted a joint 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 3.05 acre parcel of land located at 940 South Oyster Bay Road, Hicksville, Town of Oyster Bay, Nassau County, New York (Section: 46; Block: N; Lot: 72) (the "Land"), (2) the renovation of an approximately 66,000 square foot portion of the existing

approximately 74,000 square foot building on the Land (collectively, 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 Delta and its affiliates as an office, manufacturing and warehouse 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 potential exemptions or partial exemptions from real property taxes, mortgage recording taxes and sales and use taxes (collectively, the “Financial Assistance”); (C) the lease (with an obligation to purchase), license or sale of the Project Facility to 940RE and Steel, as tenants-in-common, or such other entity(ies) as may be designated by 940RE and Steel and agreed upon by the Agency; and (D) the sublease of the Project Facility by 940RE and Steel (or such other entity(ies) designated by 940RE and Steel and agreed upon by the Agency) to Delta (or such other entity designated by Delta 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 Applicants submitted to the Agency: (1) Part 1 of the Short Environmental Assessment Form (“EAF”) dated August 1, 2017; and (2) Applicant’s Application for Financial Assistance dated June 29, 2017 (together 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 impacts as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project:

- (1) The Agency is undertaking an uncoordinated review of the Project in accordance with the requirements of SEQRA;
- (2) 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

(3) In doing so, the Agency determined that the Project is an Unlisted action pursuant to SEQRA as it involves the interior renovation of an approximately 66,000 square foot portion of an existing approximately 74,000 square foot Building on the Land with no Land disturbance. The Project does not meet or exceed any threshold for a Type I Action.

(4) No potentially significant adverse impacts on the environment are noted in the EAF and none are known to the Agency.

Section 2. 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 has determined that 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 interior renovation of an approximately 66,000 square foot portion of an existing approximately 74,000 square foot building on the Land and the acquisition of certain furniture, fixtures, machinery and equipment necessary for use by the Applicants as a sheet metal/duct fabrication facility. The zoning and land use classification will not change as a result of the Project. The Project is 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 nor is the Project within the 100-foot buffer area. The Project will not create a new water body. The Project is not located in a designated 100 or 500 year floodplain. While the NYSDEC Mapper Summary Report does indicate that the Site, or lands adjoining the Site contain wetlands or other regulated water bodies, the Land is entirely developed and has been previously disturbed, and due to the Project consisting of interior renovations to an existing structure, the proposed action would not physically alter, or encroach into, any existing wetland or waterbody. 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 require the Applicant to acquire an Air Facility Permit or that are associated with a significant potential for air emissions. Accordingly, the Project will not create any significant adverse impacts to air resources.
4. Impact on Plants and Animals. The Land and surrounding area of the Project do not possess significant ecological value as it is within a well-developed residential, 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 on the Land, which is an area currently used for commercial 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 Land is situated in a well-developed commercial and industrial area. 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, a building, archeological site or district which is listed on, or that has been nominated to the State or National Registers of Historic Places. No archeological or historic resources have been identified at the Site. Accordingly, the Project will not create any significant adverse impacts to historical or archaeological resources.
8. Impact on Open Space and Recreation. The Project does not comprise public open space nor is the Land or surrounding area 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 Land 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 not result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services. Any impacts to transportation from activities associated with the Project will be minor, and temporary in nature. Accordingly, it is not anticipated that the Project will create any significant adverse impacts to transportation.



11. Impact on Energy. The Project may result in a slight increase in energy usage, however, existing utility lines serve the Project and no significant improvements are necessary to accommodate the Project. Accordingly, the Project will not 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 Project does not involve the types of activities that create significant noise or odors. Any impacts to noise and/or odor from activities associated with the Project will be minor, and temporary in nature. 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. While the NYSDEC Mapper does indicate that the Site or adjoining properties have been the subject of ongoing remediation activities, a review of Applicants' Phase I and Phase II Environmental Site Assessment(s) revealed no significant threats and/or ongoing concerns and recommended no further action in connection with the same. Further, all interior renovations will be undertaken in compliance with all applicable laws. 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, and is in character with adjacent commercial 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 3. 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 Applicants and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 4. 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.

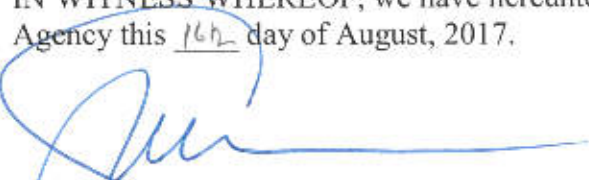
STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF NASSAU                    )

We, the undersigned [~~Assistant~~] Secretary and [~~Vice~~] Chairman 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 August 16, 2017 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 16<sup>th</sup> day of August, 2017.

  
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[~~Vice~~] Chairman

  
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[~~Asst.~~] Secretary

(SEAL)

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