

Farmingdale Development 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, Nassau County, New York, on June 11, 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
Milan Tyler, Esq.	Bond/Transaction Counsel

The attached resolution no. 2013-44 was offered by G. Weiss, seconded by J. Coumatos:

Resolution No. 2013-44

**RESOLUTION FINDING THAT ACTION TO UNDERTAKE A
CERTAIN PROJECT FOR FARMINGDALE DEVELOPMENT COMPANY, L.P. 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 "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, Farmingdale Development Company, L.P. (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 a parcel of land located at 120 Secatogue Avenue, Incorporated Village of Farmingdale, Town of Oyster Bay, County of Nassau, New York (Section: 49; Block: 77; Lot: 69) (collectively, the "Land" or "Project Site"), (2) the demolition of the existing structures on the Land, (3) the construction of an approximately 161,100 square foot building on the Land, including underground parking and other related improvements to the Land (collectively, the "Building"), and (4) 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 mixed-use facility consisting of approximately 13,200 square feet of commercial space and 115 residential rental apartments, a portion of which shall be affordable 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, including potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes; 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, 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) Applicant's Application for Financial Assistance to the Agency dated March 2, 2012, (2) a Full Environmental Assessment Form dated March 7, 2012, (3) Phase I Environmental Site Assessment, dated February 26, 2007 and (4) a Short Environmental Assessment Form dated February 15, 2013 (collectively the "Project Environmental Documents"); and

WHEREAS, pursuant to SEQRA, the Agency desires 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 consists of 13,200 square feet of commercial space, which does not exceed the Type I threshold of 100,000 square feet in gross floor area for non-residential development.

(D) The Project consists of 115 residential units, which does not exceed the Type I threshold of 250 units for residential development.

(E) The Project is an Unlisted action pursuant to SEQRA.

Section 2. No potentially adverse significant impacts on the environment are noted in the Project Environmental Documents 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 construction of a new 162,000 square foot mixed use building on Land that has been previously developed and currently contains an obsolete, blighted and underutilized 62,000 square foot warehouse.
2. Land use conditions at the Project Facility will not change as a result of the Project. The Land is already developed and is adjacent to residential areas. The construction of the Building would provide affordable housing options nearby public transportation and downtown Farmingdale.
3. The Project is consistent with the recently approved *Downtown Farmingdale 2035: A Downtown Master Plan* because it is a mixed use, transit-oriented development which includes affordable housing and promotes additional residential and retail development within the Village to retain young professionals and generate economic growth.
4. The Land does not contain or lie in the immediate vicinity of any surface waterbody.
5. The Project will discharge 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 be constructed on a paved surface so the Project will not increase the impervious surface on the Land. In fact, the Project will decrease impervious surface by adding 0.4 acres of landscaped courtyards to the Land.

6. The Project will not be a significant source of air emissions or odors. A minor increase in traffic may result from the addition of residential and retail space, but the existing roadway system has the capacity to support such an increase and a minor increase in traffic would not be a significant impact to air quality.
7. 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.
8. The Project does not involve any agricultural land.
9. The Project Facility does not contain any scenic views known to be important to the community.
10. 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.
11. The Land was used as warehouse space in a commercial and residential area and does not comprise public open space and is not used for recreation.
12. The Project Facility is not located in or substantially contiguous to any Critical Environmental Area.
13. Existing utility lines serve the Project Facility and no significant improvements are necessary to accommodate the Project. The Project will be designed and constructed using modern energy efficient systems and weatherization methods.
14. Operation of the Project Facility is not expected to appreciably increase ambient noise levels.
15. The Project will not result in population growth, and generally is in character with adjacent development. The Project will result in increased employment and residential options within walking distance of downtown Farmingdale and public transit, as well as an increased tax base and reduced blight.
16. The Project will not result in any significant impacts associated with solid waste generation. The Project will result in the generation of four (4) tons

of solid waste per month, which will be sent to an existing solid waste disposal facility. Recyclable materials will be handled in keeping with current practice and local requirements.

17. There will be no significant adverse environmental impacts as a result of the Project.

Section 4. The Chairman, Vice Chairman, Administrative Director 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	No
John T. Ahern	EXCUSED	

The foregoing Resolution was thereupon declared duly adopted.

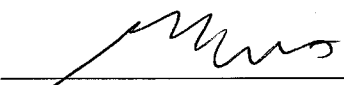
STATE OF NEW YORK)
) SS.:
COUNTY OF NASSAU)

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 June 11, 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 11th day of June, 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 June 11, 2013, the Agency determined that: (A)(1) the acquisition of an interest in a parcel of land located at 120 Secatogue Avenue, Incorporated Village of Farmingdale, Town of Oyster Bay, County of Nassau, New York (Section: 49; Block: 77; Lot: 69) (collectively, the "Land" or the "Project Site"), (2) the demolition of the existing structures on the Land, (3) the construction of an approximately 162,000 square foot building on the Land, together with underground parking and other related improvements to the Land (collectively, the "Building"), and (4) the acquisition and installation therein and thereon of certain furniture, fixtures, machinery and equipment (the "Equipment"), all of the foregoing for use by BWC Realty Partners, LLC (the "Applicant") as a mixed-use facility consisting of approximately 17,013 square feet of commercial space and 115 residential rental apartments, a portion of which shall be affordable 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, including potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes and real property taxes; 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"), will not have a significant impact upon the environment.

Reasons supporting this determination are fully explained below.

Project Name: BWC Realty Partners, LLC Bartone Plaza

SEQR Status: Type I Unlisted:

Project Description: The Project consists of: (A)(1) the acquisition of the Land, (2) the demolition of existing structures on the Land, (3) the construction of the Building and (4) the acquisition and installation therein and thereon of the Equipment; (B) the granting of the Financial Assistance; and (C) 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: 120 Secatogue Avenue, Village of Farmingdale, Town of Oyster Bay, Nassau County, New York

Reasons Supporting This Determination:

1. The Project consists of the construction of a new 162,000 square foot mixed use building on Land that has been previously developed and currently contains an obsolete, blighted and underutilized 62,000 square foot warehouse.
2. Land use conditions at the Project Facility will not change as a result of the Project. The Land is already developed and is adjacent to residential areas. The construction of the Building would provide affordable housing options nearby public transportation and downtown Farmingdale.
3. The Project is consistent with the recently approved *Downtown Farmingdale 2035: A Downtown Master Plan* because it is a mixed use, transit-oriented development which includes affordable housing and promotes additional residential and retail development within the Village to retain young professionals and generate economic growth.
4. The Land does not contain, nor lie in the immediate vicinity of any surface waterbody.
5. The Project will discharge 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 be constructed on a paved surface so the Project will not increase the impervious surface on the Land. In fact, the Project will decrease impervious surface by adding 0.4 acres of landscaped courtyards to the Land.
6. The Project will not be a significant source of air emissions or odors. A minor increase in traffic may result from the addition of residential and retail space, but the existing roadway system has the capacity to support such an increase and a minor increase in traffic would not be a significant impact to air quality.
7. 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.
8. The Project does not involve any agricultural land.

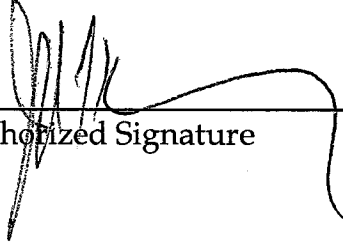
9. The Project Facility does not contain any scenic views known to be important to the community.
10. The Project Facility does not contain historically significant resources. As the site previously has been developed, it lacks the characteristics which would suggest the potential presence of significant archaeological resources.
11. The Land was used as warehouse space in a commercial and residential area and does not comprise public open space and is not used for recreation.
12. The Project Facility is not located in or substantially contiguous to any Critical Environmental Area.
13. Existing utility lines serve the Project Facility and no significant improvements are necessary to accommodate the Project. The Project will be designed and constructed using modern energy efficient systems and weatherization methods.
14. Operation of the Project Facility is not expected to appreciably increase ambient noise levels.
15. The Project will not result in population growth, and generally is in character with adjacent development. The Project will result in increased employment and residential options within walking distance of downtown Farmingdale and public transit, as well as an increased tax base and reduced blight.
16. The Project will not result in any significant impacts associated with solid waste generation. The Project will result in the generation of four (4) tons of solid waste per month, which will be sent to an existing solid waste disposal facility. Recyclable materials will be handled in keeping with current practice and local requirements.
17. There will be no significant adverse environmental impacts as a result of the Project.

Supporting Documentation:

- 1) Full Environmental Assessment Form dated March 7, 2012
- 2) Application for Financial Assistance dated March 2, 2012.
- 3) Phase I Environmental Site Assessment, dated February 26, 2007

For Further Information Contact:

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Authorized Signature