

**HSRE-EB Jericho LLC 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 at 1550 Franklin Avenue, Mincola, Nassau County, New York, on March 1, 2017 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	Assistant Secretary

**NOT PRESENT:**

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. 2017-07 was offered by C. Fusco, second by G. Weiss:

Resolution No. 2017-07

RESOLUTION ACKNOWLEDGING AND ADOPTING THE NEGATIVE DECLARATION  
PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT OF THE  
TOWN BOARD OF THE TOWN OF OYSTER BAY FOR THE PROPOSED PROJECT OF  
HSRE-EB JERICHO LLC

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, HSRE-EB JERICHO LLC, a limited liability company organized and existing under the laws of the State of Delaware and authorized to do business in the State of New York (the "Applicant"), presented an application for financial assistance (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 10-acre parcel of land located at 300-310 Jericho Turnpike, Jericho, Town of Oyster Bay, Nassau County, New York (Section: 17; Block: 11; Lots: 26 and 27) (the "Land"), (2) the construction of an approximately 336,000 square foot building (the "Building") on the Land, 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 an assisted living residential rental 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; 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 consider whether the Project is an "action" that would require it to satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, the Town Board ("Board") of the Town of Oyster Bay ("Town") issued a resolution declaring the Board's intention to act as Lead Agency for the Project and undertake a coordinated review pursuant to 6 NYCRR 617.6(b)(3) of the Regulations; and

WHEREAS, the Agency was inadvertently missed as an involved agency; and

WHEREAS, the Project was thoroughly evaluated as part of a comprehensive coordinated environmental review conducted by the Board; and

WHEREAS, as Lead Agency, on January 5, 2016, the Board issued for its determination of significance, a negative declaration, finding that the Project, a Type I action, would not have any significant adverse environmental impacts;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency agrees that the Project is a Type I action.

Section 2. After careful review of 1) Part 1 of the Full Environmental Assessment Form dated July 21, 2015; 2) the Expanded Environmental Assessment dated November 2015; 3) the Applicant's Application for Financial Assistance dated March 17, 2016; 4) the Town Board's Review of Action and Determination of Significance (Negative Declaration) dated January 5, 2016; 5) the Declaration of Restrictive Covenants, dated January 19, 2016; 6) the Town Board's January 19, 2016 resolution approving a rezoning and Special Use Permit for the project; 7) the 300' Radius Map, as amended March 2015; 8) the Topographical Survey, as amended June 2015; 9) the Site Plan Drawings prepared by Sidney B. Bowne & Son, LLP dated October 2015; 10) the Site Plan Drawings prepared by David Mammina, R.A., as revised October 2015; 11) Phase I Environmental Assessment dated September 2013; 12) the Ecological Inventory and Assessment dated October 2015; 13) the Traffic Impact Study dated October 2015; and 14) the Supplemental Traffic Impact Analysis dated December 2015, the Agency agrees with the determination of the Board relative to SEQRA - specifically, that the Project will not have any adverse significant environmental impacts and that a negative declaration is appropriate.

Section 3. The Agency independently adopts the findings contained in the January 5, 2016 negative declaration issued by the Board and attached hereto, including but not limited to the reasons supporting the determination of no significance and issuance of the negative declaration.

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	EXCUSED	

The foregoing Resolution was thereupon declared duly adopted.

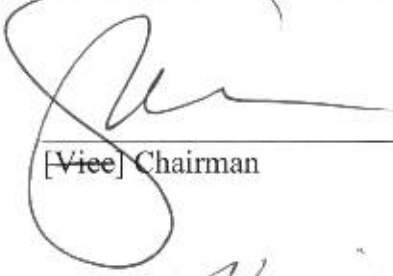
STATE OF NEW YORK            )  
  ) SS.:  
COUNTY OF NASSAU            )

We, the undersigned [~~Assistant~~] Secretary and [~~Vice~~] Chairman of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on March 1, 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 1<sup>st</sup> day of March, 2017.



\_\_\_\_\_  
[~~Vice~~] Chairman



\_\_\_\_\_  
[~~Assistant~~] Secretary

(SEAL)