

Kim & Bae Trading 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 November 9, 2015 at 5:00 p.m., local time.

The meeting was called to order by the Chairman, and 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	

NOT PRESENT:

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

The attached resolution no. 2015-65 was offered by M. Rodin, seconded by C. Fusco:

Resolution No. 2015-65

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A
CERTAIN PROJECT FOR KIM & BAE TRADING CORPORATION WILL NOT HAVE A
SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

Project Name: Kim & Bae Trading Corporation Acquisition and Renovation of
Industrial Warehouse Facility

Location: 45 Seaview Boulevard, Port Washington, Town of North
Hempstead, Nassau County, New York

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, KIM & BAE TRADING CORPORATION, a corporation organized and existing under the laws of the State of New York (the "Applicant"), has 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 an approximately 1.09 acre parcel of land located at 45 Seaview Boulevard, Port Washington, Town of North Hempstead, Nassau County, New York (Section: 8; Block: 89; Lots: 16 & 17) (the "Land"), (2) the renovation of the existing approximately 32,925 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 office, assembly, warehousing and distribution facility in connection with its headwear import business

(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"); 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) Part 1 of the Short Environmental Assessment Form dated October 6, 2015, (2) Applicant's Application for Financial Assistance dated September 29, 2015, (collectively the "Project Environmental Documents"); (3) a Phase I Environmental Site Assessment dated September 24, 2015 ("Phase I"); and (4) a receipt from AARCO Environmental Services Corp. for underground storage tank testing dated October 5, 2015; 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 acquisition of an approximately 1.09 acre parcel of real property located at 45 Seaview Boulevard, Port Washington, Town of North Hempstead, Nassau County, New York and the acquisition, renovation and equipping of an approximately 32,925 square foot Building, to be used as an office, assembly, warehousing and distribution facility in connection with Applicant's headwear import business.

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. **Impact on Land.** The Project consists of the acquisition of an approximately 1.09 acre parcel of real property located at 45 Seaview Boulevard, Port Washington, Town of North Hempstead, Nassau County, New York and the acquisition, renovation and equipping of an approximately 32,925 square foot Building, to be used as an office, assembly, warehousing and distribution facility in connection with Applicant's headwear import business. All renovations are internal. The zoning and land use classification will not change as a result of the Project. The Project is consistent with surrounding commercial and industrial uses. The Project is not anticipated to create any potentially significant adverse impacts to land resources or land use.
2. **Impact on Water.** The Land does not contain, nor lie in the immediate vicinity of any surface water body. There are no wetlands on site. As such, no adverse impacts to water are anticipated.
3. **Impact on Air.** The Project will not be a significant source of air emissions. The Project will not entail the types of activities or operations that are associated with a potential for air emissions. The Project will not result in a significant increase in traffic and involves interior renovations only. The Project will not create any significant adverse impacts to air resources.
4. **Impact on Plants and Animals.** The Project involves interior renovations of the Building only. The Project will not create significant adverse

impacts to animals, plants or natural communities, wildlife habitat or wetlands.

5. Impact on Agricultural Land Resources. The Project is located in an area currently used for commercial purposes. The Project will not involve the conversion or loss of agricultural land resources and no impacts to agricultural land resources are anticipated.
6. Impact on Aesthetic Resources. The Land is in a developed industrial and commercial area. The Project involves interior renovations only. No significant adverse impacts to aesthetic resources are anticipated.
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 Site were previously developed and lack the characteristics that would suggest the potential presence of significant archaeological resources. The Project involves interior renovations only. The Project is not anticipated to create any potentially significant adverse impacts to historical or archaeological resources.
8. Impact on Open Space and Recreation. The Land is commercial and industrial in nature and does not comprise public open space and is not used for recreation. No significant impacts to open space or recreational resources are anticipated.
9. Impact on Critical Environmental Areas. The Project Site is not located in or substantially contiguous to any Critical Environmental Area ("CEAs"). 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. Pedestrian accommodations, public transportation and bicycle routes are available near the Land. The Project will not create any significant adverse impacts related to transportation resources.
11. Impact on Energy. The Project consists of interior renovations to an existing Building. Existing utility lines serve the Land and no significant improvements are necessary to accommodate the Project.
12. Impact on Noise and Odor. Operation of the Project is not expected to appreciably increase ambient noise levels or to create odors. The proposed Project consists of interior renovations only and does not involve the types of activities that create significant noise or odors. Thus,

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. It is noted that the Phase I identifies two underground storage tanks on the property and recommends that the tanks be tested for tightness. Such testing was completed by the Applicant and documentation regarding same was provided to the Agency. As such, the Project is not anticipated to create a 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 interior renovation of an existing facility and is in character with adjacent development. 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, 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	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.

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

We, the undersigned [~~Vice~~] Chairman and [~~Assistant~~] Secretary 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 November 9, 2015 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 9th day of November, 2015.



[Assistant] Secretary



[Vice] Chairman

(SEAL)