

Nassau Events Center 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 at 1550 Franklin Avenue, Mineola, Nassau County, New York, on July 28, 2015 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

NOT PRESENT:

Michael Rodin

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Joseph J. Kearney	Executive Director
Joseph Foarile	Chief Financial Officer
Nicholas Terzulli	Director of Business Development
Edward Ambrosino, Esq.	General Counsel
Paul O'Brien, Esq.	Bond/Transaction Counsel

The attached resolution no. 2015-39 was offered by G. Weiss, seconded by J. Coumatos:

Resolution No. 2015-39

RESOLUTION ACKNOWLEDGING THE NEGATIVE DECLARATION ADOPTED BY
THE TOWN BOARD OF THE TOWN OF HEMPSTEAD PURSUANT TO THE STATE
ENVIRONMENTAL QUALITY REVIEW ACT FOR THE PROPOSED PROJECT OF
NASSAU EVENTS CENTER, 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 "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, NASSAU EVENTS CENTER, LLC, a limited liability company organized and existing under the laws of the State of Delaware and duly qualified to do business in the State of New York as a foreign limited liability company (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 77 acre parcel of land located at 1255 Hempstead Turnpike, Uniondale, Town of Hempstead, Nassau County, New York (Section: 44; Block: F; Lots: 403 and 351) (the "Land"), (2) the renovation, alteration and improvement of the existing Nassau Veterans Memorial Coliseum (the "Building") located 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 approximately 13,000 seat state-of-the-art sports and entertainment complex (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 and assessments, 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 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, on April 14, 2015, the Town Board ("Board") of the Town of Hempstead issued a resolution declaring the Board's intention to act as Lead Agency for a larger action, consisting of the NEC Phase I Plan and NEC Project Plan for the Mitchel Field Mixed-Use District, containing 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 part of a comprehensive coordinated environmental review conducted by the Board; and

WHEREAS, on May 26, 2015, the Board, as Lead Agency, issued for its determination of significance, a negative declaration, finding that the Project 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. After careful review of Part 1 of the Full Environmental Assessment Form dated April 10, 2015, the Applicant's Application for Financial Assistance dated June 29, 2015 and the Board's SEQR record, the Agency agrees with the determination of the Board relative to SEQRA - specifically, that the Project will not have any adverse environmental impacts and that a negative declaration is appropriate.

Section 2. The Agency adopts the findings contained in the May 26, 2015 negative declaration issued by the Board and attached hereto.

Section 3. The Chairman, Executive Director and Administrative 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 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	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 July 28, 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 matter 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 hands and affixed the seal of the Agency this 28th day of July, 2015.



[~~Assistant~~] Secretary



[~~Vice~~] Chairman

(SEAL)

28656
Case No.: 29282

Resolution: 661-2015

Adopted: May 26, 2015

Councilwoman Gosby offered the following resolution and moved its adoption:

RESOLUTION ADOPTING A NEGATIVE DECLARATION AND DETERMINATION OF NON-SIGNIFICANCE IN ACCORDANCE WITH THE NYS ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) PROCESS FOR THE APPLICATION BY NASSAU EVENTS CENTER, LLC FOR CONCEPTUAL MASTER PLAN APPROVAL IN THE MITCHEL FIELD MIXED-USE (MFM) DISTRICT IN UNIONDALE IN THE TOWN OF HEMPSTEAD, NEW YORK

WHEREAS, the Town Board of the Town of Hempstead (hereinafter the "Town Board") has received an application for Conceptual Master Plan Approval including the NEC Phase I Plan and the NEC Project Plan (hereinafter the "Proposed Action") from Nassau Events Center, LLC (hereinafter "NEC") for the Mitchel Field Mixed-Use (MFM) District and to dispense in part with conformity with certain provisions of the MFM District and to make certain findings; and

WHEREAS, the subject property is situated in Uniondale in the unincorporated area of the Town of Hempstead, and is made up of three (3) parcels containing a total area of approximately 91 acres; and the subject property is currently improved with the Nassau Veterans Memorial Coliseum and the Long Island Marriott Hotel; and the subject parcels are designated as Section 44, Block F, Lots 403 and 351 (hereinafter "Coliseum Parcel"), Section 44, Block F, Lots 326 and 401 (hereinafter "Marriott Parcel") and Section 44, Block F, Lot 402 (hereinafter "Vacant Parcel") on the Nassau County Land and Tax Map, hereinafter collectively referred to as the "Subject Premises;" and

WHEREAS, specifically, the Conceptual Master Plan provides for NEC, subject to the terms of the ground lease by and between the County of Nassau and NEC with an effective date of October 30, 2013 (the "Ground Lease"), and subject to authorization by the County of Nassau, to construct additional development on the Coliseum Parcel of approximately 170,000 square feet of retail space, 38,000 square feet of restaurant space, a 60,000-square foot cinema containing 1,500 seats, 120,000 square feet of recreation space (all of which total 388,000 of space), and a plaza and memorial area which will be accessible to the public. The total proposed development, inclusive of the existing 416,000-square foot Coliseum, is 804,000 square feet of space. The proposal also includes a reduction in the number of seats in the Coliseum from existing capacity to 13,000 (although in the future, NEC, subject to SEQRA, which includes studying all parking and traffic implications, and all applicable law, may request an expansion of seating at the Coliseum back to existing capacity); and the foregoing is identified on the Conceptual Master Plan and hereinafter as the "NEC Project Plan;" and

WHEREAS, although the NEC Project Plan provides for future expansion, currently the first phase of the NEC Project Plan consists of space not to exceed 188,000 square feet, in the aggregate, which includes 22,601 square feet of retail space, 38,000 square feet of restaurant space, a 60,000-square foot cinema containing 1,500 seats, and 67,399 square feet of recreation space (the "NEC Phase I Plan"); and

WHEREAS, the Conceptual Master Plan also provides for the future development of the Subject Premises providing for a total of 3,477,700 square feet of space composed of the NEC Project Plan described above plus an additional 215,000 square feet of retail space, 162,000 square feet of restaurant space, 675,000 square feet of office space (e.g., for research and development, healthcare and other medical services), 230,000 square

feet of recreation, retail and/or convention center space, and 466,350 square feet of hotel space on the Coliseum Parcel, along with the existing hotel and convention center space of 573,500 square feet and a proposed additional hotel space of 351,850 square feet on the Marriott and Vacant Parcels; and

WHEREAS, additionally, the Conceptual Master Plan provides for 104,304 square feet of public open space (including, but not limited to, a plaza accessible to the public), equal to or exceeding three percent (3%) of the land area of the Subject Premises after deduction of the area of the right-of-ways, including 85,617 square feet of open space on the Coliseum Parcel and 18,687 square feet of open space on the Marriott Parcel and Vacant Parcel; and

WHEREAS, the Town Board has identified the Proposed Action as a Type I action in accordance with the New York State Environmental Quality Review Act; and

WHEREAS, pursuant to 6 NYCRR 617.6(b)(2)(i), for all Type I actions involving more than one agency, a lead agency must be established prior to a determination of significance; and

WHEREAS, 6 NYCRR 617.6(b)(3)(i) requires that, when an agency proposes to approve a Type I action undergoing coordinated review with other involved agencies, it must, as soon as possible, transmit Part I of the Environmental Assessment Form (EAF) completed by the project sponsor and a copy of any application it has received to all involved agencies and notify them that a lead agency must be agreed upon within 30 calendar days of the date the EAF was transmitted to them; and

WHEREAS, the Town Board declared its intent to be lead agency, followed the above mentioned lead agency designation procedure, received no objection from the other involved agencies during the ensuing 30-day period, and became the lead agency; and

WHEREAS, the Applicant has prepared an Expanded Full Environmental Assessment Form (the "Expanded EAF") with attachments to analyze the potential adverse environmental impacts associated with the Proposed Action, as described above; and

WHEREAS, the issues analyzed in the Expanded Full EAF and its attachments include the potential for adverse environmental impacts relating to Geology, Subsurface Conditions, Soils and Topography; Water Resources; Stormwater Management; Transportation and Parking; and Construction; and

WHEREAS, the Expanded EAF and its attachments have been reviewed by the Town and its consultants and the significance of all environmental considerations, including those enumerated in 6 NYCRR Part 617.7(c), have been thoroughly evaluated to determine whether significant adverse environmental impacts will result; and

WHEREAS, the Town of Hempstead Town Board, after due consideration of the Expanded EAF and its attachments, has found that the Proposed Action will not have any significant adverse impacts on the environment for the following reasons:

1. The Proposed Action will not have a significant adverse environmental impact on geology, soils, and topography because the Coliseum Parcel, the Marriott Hotel Parcel, and the Vacant Parcel are already developed, are minimally sloped, and do not include significant areas of undeveloped land that would be disturbed. New development would be confined to already developed areas of the Subject Premises.

2. The Proposed Action will not have a significant adverse environmental impact with respect to any unique or unusual land forms because there are no unique or unusual land forms on the Subject Premises.
3. The Proposed Action will not have a significant adverse environmental impact on any wetlands or other surface water bodies because there are no wetlands or surface water bodies on the Subject Premises.
4. The Proposed Action will not have a significant adverse environmental impact with respect to new or additional use of ground water, and will not have a significant adverse environmental impact with respect to the introduction of contaminants to ground water or the Nassau/Suffolk sole source aquifer because the Subject Premises is required to develop and implement erosion and sediment controls during construction and a stormwater management plan for the NEC Project Plan. In addition, stormwater runoff will be directed into the existing stormwater collection system and the Subject Premises is located in the existing Roosevelt Industrial Area Sewer District, which has the capacity to handle the sanitary waste water generated by the Proposed Action.
5. The Proposed Action will not have a significant adverse environmental impact with respect to the development of lands subject to flooding because the Subject Premises is not located within any floodplains or floodways.
6. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact related to any State regulated mobile or stationary air emission sources.
7. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact with respect to the loss of flora or fauna or significant habitats because the Subject Premises is already developed and the Proposed Action development will be entirely within the developed areas of the parcels and district.
8. The Proposed Action will not have a significant adverse environmental impact on agricultural resources because the Subject Premises is not located in a designated agricultural district and it is already developed.
9. Based on the 2011 FGEIS analysis, and the proposed MFM District Conceptual Master Plan and the NEC Project Plan's compliance with the MFM District regulations, the Proposed Action will not have a significant adverse environmental impact on any scenic or aesthetic resources, or community character.
10. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact on any historic or archaeological resources because the Subject Premises does not contain, and is not located contiguous to, a building, archaeological site, or district listed on, or nominated to the State or National Register of Historic Places. In addition, the height restrictions of the MFM District eliminate or limit impacts to more remote historic and cultural sites.
11. The Proposed Action will not have a significant adverse environmental impacts with respect to the loss of recreational opportunities or with respect to a reduction of an open space resource because the Proposed Action will preserve and improve the Coliseum, an existing recreational resource, provide new open space resources required by the MFM District regulations, and it will not create new demand for recreational opportunities.
12. The Proposed Action will not have a significant adverse environmental impact on

a Critical Environmental Area (CEA) because there is no CEA located on or adjacent to the Subject Premises.

13. The Proposed Action will not have a significant adverse environmental impact on existing transportation or parking systems because the Proposed Action includes project changes and additions that eliminate or limit the effects of any increased traffic above present levels generated by the Proposed Action, and it will not generate substantial new demand for transportation facilities or services as demonstrated by the traffic study prepared by the Applicant. The multiple uses proposed allow for shared parking between the uses as demonstrated by the shared parking analysis prepared by the Applicant.
14. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact as a result of an increase in the use of any form of energy, and will be served by the existing capacity of the Central Utility Plant currently supplying energy to the Coliseum and the rest of the MFM District.
15. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact as a result of an increase in noise or vibrations. Temporary noise and vibrations during construction will be limited by a construction management plan and the implementation of best practices with regarding to excavation, mechanical equipment, vehicles, and hours of operation.
16. Based on the 2011 FGEIS analysis, and the development and implementation of the Construction Health and Safety Plan, the Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing subsurface and building sources hazardous materials encountered during demolition and construction.
17. The Proposed Action will be consistent with the MFM District regulations and adopted community plans; therefore, it will not have a significant adverse environmental impact with respect to land use and zoning.
18. Based on the 2011 FGEIS analysis, and the Expanded EAF the Proposed Action will not have a significant adverse environmental impact on water resources and water supply. The existing water district serving the Subject Premises has capacity to supply water to meet the increased demand anticipated from the Proposed Action.
19. Based on the 2011 FGEIS analysis and the Expanded EAF, the Proposed Action will not have a significant adverse environmental impact on community services because the Conceptual Master Plan and the NEC Project Plan do not include housing that would generate school children, and the Coliseum parcel and the Marriott Hotel parcels are already served by fire, police and emergency services that have capacity to continue to serve the Subject Premises.

NOW, THEREFORE, BE IT RESOLVED, that the Hempstead Town Board, as lead agency, finds that the Proposed Action, as defined above, will not have a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED, that the Town Board hereby adopts the attached Negative Declaration in connection with the Proposed Action as defined above; and

BE IT FURTHER RESOLVED, that the State Environmental Quality Review Act process has been satisfied and finished with the completion of the above mentioned review and the adopted Negative Declaration; and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file and publish the attached Negative Declaration in accordance with the requirements of 6 NYCRR Part 617.12.

The foregoing resolution was adopted upon roll call as follows:

Ayes: (7) SEVEN

Noes: (0) NONE

Attachment: Negative Declaration

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