

Roslyn O-S 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 September 8, 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. 2015-45 was offered by M. Rodin, seconded by G. Weiss:

Resolution No. 2015-45

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A
CERTAIN PROJECT FOR ROSLYN O-S HOTEL PARTNERS LLC 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, ROSLYN O-S HOTEL PARTNERS LLC, a limited liability company organized and existing under the laws of the State of New York (the "Applicant"), presented an application (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 a certain parcel of land located at 3 Harbor Park Drive, Port Washington, Town of North Hempstead, County of Nassau, New York (Section: 6; Block: 87; Lot: 9) (the "Land"), (2) the construction of an approximately 103,800 square foot, four-story, 165-room hotel facility on the Land, including a lounge/bar area, a fitness center and a swimming pool (collectively, the "Building"), together with related improvements to the Land, and (3) 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 and its affiliates as a hotel 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 the Applicant or such other entity as may be designated by the Applicant and agreed upon by the Agency; and (D) the sublease thereof to the Applicant or such other entity(ies) 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) a Full Environmental Assessment Form dated June 16, 2015, and (2) Applicant's Application for Financial Assistance received by the Agency on June 23, 2015 (collectively, the "Project Environmental Documents"); and

WHEREAS, on May 13, 2014, the Town Board of the Town of North Hempstead (the "Board"), as lead agency, undertook a review of the Project and adopted a Negative Declaration pursuant to SEQRA finding that the Project will not result in any significant adverse environmental impacts based upon information developed by the Applicant; and

WHEREAS, pursuant to SEQRA, the Agency now desires to conduct an independent 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.

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. The Project consists of the construction of a 165-room, four-story hotel, containing meeting space, a lounge/bar area, a fitness center and a swimming pool, which will replace an abandoned building that had once been used as a health club.
2. Land use conditions at the Project Facility will not change as a result of the Project. The Project is consistent with the Planned Industrial Park zoning classification of the Land. In its resolution approving the site plan and special use permit application for the Project, the Town Board found that the hotel is not inconsistent with the permitted accessory and incidental uses authorized within the Planned Industrial Park zoning district, is appropriate to and in harmony with surrounding properties, and will provide a desirable service to the area, among other findings.
3. The Land is in a developed industrial area with no scenic views known to be important to the community.
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 piped municipal sanitary sewer system and will not entail the types of activities or operations that are associated with a significant potential for groundwater contamination. The Project will include an on-site stormwater management system. Subsurface drainage containment/leaching structures will be used to contain stormwater on-site. Drainage design will be in conformance with Town and County requirements.
6. The Project will not be a significant source of air emissions or odors. The Project will not result in a significant increase in traffic. The Project is expected to generate approximately 115 trips during peak weekday evening hours. The existing roadway system has the capacity to accommodate additional traffic volumes 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.
8. The Project does not involve any agricultural land.
9. The Project Facility does not contain historically significant resources. Because the Land is located in an urban, industrial area, it lacks the characteristics which would suggest the potential presence of significant archaeological resources.
10. The Land is located in an industrial area and does not comprise public open space and is not used for recreation.
11. The Project Facility is not located in or substantially contiguous to any Critical Environmental Area.
12. Existing utility lines serve the Project Facility and no significant improvements are necessary to accommodate the Project.
13. Operation of the Project Facility is not expected to appreciably increase ambient noise or odor levels.
14. The Project will not result in any impacts to public health, because the Project will be used as a hotel and does not involve those activities that increase risk of public exposure to hazardous or toxic materials.
15. The Project will not result in population growth, and generally is in character with adjacent development. The proposed hotel will generate economic activity in the form of construction jobs, purchase of building materials, creation of permanent jobs, and the replacement of a vacant blighted structure with a new, aesthetically pleasing structure. The Project will also result in the long-term and substantial increase of the real estate tax base for the County, Town and local school district. The Project will also serve a need in the community for quality hotel facilities.
16. The Project will not result in any significant impacts associated with solid waste generation.
17. There will be no significant adverse environmental impacts as a result of the Project.

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 September 8, 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 8th day of September, 2015.



[~~Assistant~~] Secretary



[~~Vice~~] Chairman

(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").

ROSLYN O-S HOTEL PARTNERS LLC, a limited liability company organized and existing under the laws of the State of New York (the "Applicant"), presented an application (the "Application") to the Agency, requesting that the Agency undertake a project consisting of: (A)(1) the acquisition of an interest in a certain parcel of land located at 3 Harbor Park Drive, Port Washington, Town of North Hempstead, County of Nassau, New York (Section: 6; Block: 87; Lot: 9) (the "Land"), (2) the construction of an approximately 103,800 square foot, four-story, 165-room hotel facility on the Land, including a lounge/bar area, a fitness center and a swimming pool (collectively, the "Building"), together with related improvements to the Land, and (3) 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 and its affiliates as a hotel 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; (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 (D) the sublease thereof to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency (collectively, the "Project"). The members of the Agency determined that the Project will not have a significant adverse impact upon the environment.

Reasons supporting this determination are fully explained below.

Project Name: Port Washington Hilton Garden Inn Hotel

SEQR Status: Type I _____ Unlisted: X

Project Description: The Project consists of: (A)(1) the acquisition of the Land, (2) the construction of the Building, and (3) the acquisition and installation of the Equipment; (B) the granting of certain "financial assistance"; (C) the 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; and (D) the sublease thereof to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency.

Project Site: 3 Harbor Park Drive, Port Washington, Town of North Hempstead, County of Nassau, New York.

Reasons Supporting This Determination:

1. The Project consists of the construction of a 165-room, four-story hotel, containing meeting space, a lounge/bar area, a fitness center and a swimming pool, which will replace an abandoned building that had once been used as a health club.
2. Land use conditions at the Project Facility will not change as a result of the Project. The Project is consistent with the Planned Industrial Park zoning classification of the Land. In its resolution approving the site plan and special use permit application for the Project, the Town Board found that the hotel is not inconsistent with the permitted accessory and incidental uses authorized within the Planned Industrial Park zoning district, is appropriate to and in harmony with surrounding properties, and will provide a desirable service to the area, among other findings.
3. The Land is in a developed industrial area with no scenic views known to be important to the community.
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 piped municipal sanitary sewer system and will not entail the types of activities or operations that are associated with a significant potential for groundwater contamination. The Project will include an on-site stormwater management system. Subsurface drainage containment/leaching structures will be used to contain stormwater on-site. Drainage design will be in conformance with Town and County requirements.
6. The Project will not be a significant source of air emissions or odors. The Project will not result in a significant increase in traffic. The Project is expected to generate approximately 115 trips during peak weekday evening hours. The existing roadway system has the capacity to accommodate additional traffic volumes 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.
8. The Project does not involve any agricultural land.
9. The Project Facility does not contain historically significant resources. Because the Land is located in an urban, industrial area, it lacks the

characteristics which would suggest the potential presence of significant archaeological resources.

10. The Land is located in an industrial area and does not comprise public open space and is not used for recreation.
11. The Project Facility is not located in or substantially contiguous to any Critical Environmental Area.
12. Existing utility lines serve the Project Facility and no significant improvements are necessary to accommodate the Project.
13. Operation of the Project Facility is not expected to appreciably increase ambient noise or odor levels.
14. The Project will not result in any impacts to public health, because the Project will be used as a hotel and does not involve those activities that increase risk of public exposure to hazardous or toxic materials.
15. The Project will not result in population growth, and generally is in character with adjacent development. The proposed hotel will generate economic activity in the form of construction jobs, purchase of building materials, creation of permanent jobs, and the replacement of a vacant blighted structure with a new, aesthetically pleasing structure. The Project will also result in the long-term and substantial increase of the real estate tax base for the County, Town and local school district. The Project will also serve a need in the community for quality hotel facilities.
16. The Project will not result in any significant impacts associated with solid waste generation.
17. There will be no significant adverse environmental impacts as a result of the Project.

Supporting Documentation:

- 1) Application for Financial Assistance received by the Agency on June 23, 2015.
- 2) Full Environmental Assessment Form dated June 16, 2015.

For Further Information Contact:

Joseph J. Kearney
Executive Director
Nassau County Industrial Development Agency
Theodore Roosevelt County Executive &
Legislative Building
1550 Franklin Ave., Suite 235
Mineola, NY 11501
516-571-1945

A handwritten signature in black ink, appearing to read "Joseph J. Kearney", written over a horizontal line.

Authorized Signature