

## **Sollecito 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 located at 1550 Franklin Avenue, Mineola, 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	Asst. 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

The attached resolution no. 2017-01 was offered by G. Weiss, seconded by C. Fusco:

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A  
CERTAIN PROJECT FOR SOLLECITO REALTY CO., LLC WILL NOT HAVE A  
SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

**Project Name:** Honda Valley Stream - Service & Customer Drop-Off Facilities

**Location:** 364-370 West Merrick Road (Section: 37; Block: 346; Lots: 591, 392, 210) and 396 West Merrick Road (Section: 37; Block: 363; Lots: 30, 31, 455, 457, 458), Incorporated Village of Valley Stream, Town of 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, SOLLECITO REALTY CO., LLC, a limited liability company organized and existing under the laws of the State of New York (the "Applicant"), has presented an application for financial assistance (the "Application") to the Agency, which Application requests that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 1.02 acre parcel of land located at 364-370 West Merrick Road, Incorporated Village of Valley Stream, Town of Hempstead, Nassau County, New York (Section: 37; Block: 346; Lots: 591, 392, 210) (the "364 Merrick Parcel"), (2) the construction of an approximately 25,688 square foot building (collectively, the "364 Merrick Building") on the 364 Merrick Parcel, together with related improvements to the 364 Merrick Parcel, and (3) the acquisition of certain furniture, fixtures,

machinery and equipment (the "364 Merrick Equipment") necessary for the completion thereof (collectively, the "364 Merrick Project Facility"); (B)(1) the acquisition of an interest in an approximately 0.75 acre parcel of land located at 396 West Merrick Road, Incorporated Village of Valley Stream, Town of Hempstead, Nassau County, New York (Section: 37; Block: 363; Lots: 30, 31, 455, 457, 458) (the "396 Merrick Parcel" and together with the 364 Merrick Parcel, the "Land"), (2) the construction of an approximately 8,825 square foot building (collectively, the "396 Merrick Building" and together with the 364 Merrick Building, the "Building") on the 396 Merrick Parcel, together with related improvements to the 396 Merrick Parcel, and (3) the acquisition of certain furniture, fixtures, machinery and equipment (the "396 Merrick Equipment" and together with the 364 Merrick Equipment, the "Equipment") necessary for the completion thereof (collectively, the "396 Merrick Project Facility" and together with the 364 Merrick Project Facility, the "Project Facility"), all of the foregoing for use by the Applicant and/or its affiliates as an automobile service center facility; (C) 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"); (D) 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 (E) 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) Part 1 of the Full Environmental Assessment Form ("EAF") dated January 10, 2017; and (2) Applicant's Application for Financial Assistance dated September 19, 2016 (together the "Project Environmental Documents"); 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:

(1) The Agency is undertaking an uncoordinated review of the Project in accordance with the requirements of SEQRA;

(2) 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

(3) In doing so, the Agency determined that the Project is an Unlisted action pursuant to SEQRA as it involves: (1) the acquisition of an interest in an approximately 1.77 acres of land and construction of: (a) an approximately 25,688 square foot building on the 364 Merrick Parcel, together with related improvements to the 364 Merrick Parcel and the acquisition of the 364 Merrick Equipment to complete the 364 Merrick Project Facility, and (b) an approximately 8,825 square foot building on the 396 Merrick Parcel together with related improvements to the 396 Merrick Parcel and the acquisition of the 396 Merrick Equipment to complete the 396 Merrick Project Facility, all of which will disturb approximately 1.77 acres of the Land, well below the threshold of ten acres for a Type 1 action; (2) the granting of Financial Assistance; (3) 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 (4) the sublease thereof to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency. Additionally, the Project is in the Incorporated Village of Valley Stream which has a population of approximately 37,511. Thus, the Project is well below the Type I threshold of 100,000 square feet of gross floor area.

(4) No potentially significant adverse impacts on the environment are noted in the EAF and none are known to the Agency.

Section 2. 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 has determined that 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 is not anticipated to create any potentially significant adverse impacts to land resources or land use. The Project, in relevant part, consists of the construction of the 364 Project Facility and the 396 Project Facility on the Land, which was previously disturbed, for use as an automotive service facility, as well as the acquisition of the 364 Merrick Equipment to complete the 364 Merrick Project Facility and the acquisition of the 396 Merrick Equipment to complete the 396 Merrick Project Facility as well as other associated improvements on the Land. The zoning and land use classification will not change as a result of the Project. While the Project does not currently meet zoning/land use requirements applicable to the Land, the Applicant has applied for variances from the Village of Valley Stream Zoning Board of Appeals for the Project. To acquire those variances, the Zoning Board of Appeals will undertake an additional environmental review of the Project. The Project is consistent with surrounding uses, which are commercial and residential in nature. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to land resources or land use.
2. Impact on Water. There are no wetlands on site, nor is the Project located within the one-hundred foot buffer area of any wetland. The Project will not create a new water body. The Project is not located in a designated 100 year floodplain. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to water.
3. Impact on Air. The Project will not be a significant source of air emissions. The Project does not entail the types of activities or operations that require the Applicant to acquire an Air Facility Permit or that are associated with a significant potential for air emissions. Any potential impact on air as a result of construction activities will be minor, and temporary in nature. Accordingly, the Project will not create any significant adverse impacts to air resources.
4. Impact on Plants and Animals. The Land and surrounding area of the Project does not possess significant ecological value as it is within a well-developed residential and commercial area. Accordingly, the Project will not create significant adverse impacts to plants, animals or natural communities, wildlife habitat or wetlands.
5. Impact on Agricultural Land Resources. The Project is located on the Land, which is an area currently used for residential and commercial purposes. The Project will not involve the conversion or loss of agricultural land resources. Accordingly, the Project will not create any significant adverse impacts to agricultural land resources.
6. Impact on Aesthetic Resources. The Project does not contain, nor is it adjacent to, a building, archeological site or district which is listed on, or



that has been nominated to the State or National Register of Historic Places. The Land does not contain, nor is it adjacent to, an area designated as sensitive for archeological sites by the NYS Historic Preservation Office. The Land is situated in a well-developed residential and commercial area. Accordingly, the Project is not anticipated to create any significant adverse impacts to aesthetic resources.

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 Project were previously developed and lack the characteristics that would suggest the potential presence of any significant archaeological resources. Accordingly, the Project will not create any significant adverse impacts to historical or archaeological resources.
8. Impact on Open Space and Recreation. The Project does not comprise public open space nor is the Land or surrounding area currently used for public recreation. Accordingly, the Project will not create any significant impacts to open space or recreational resources.
9. Impact on Critical Environmental Areas. The Land is not located in or substantially contiguous to any Critical Environmental Area (“CEAs”). Accordingly, 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. Any impacts to transportation from construction activities will be minor, and temporary in nature. Accordingly, it is not anticipated that that Project will create any significant adverse impacts to transportation.
11. Impact on Energy. The Project may result in an increase in energy usage, however, existing utility lines serve the Project and no significant improvements are necessary to accommodate the Project. Accordingly, it is not anticipated that the Project will create any significant adverse impacts to energy.
12. Impact on Noise and Odor. The Project is not expected to appreciably increase ambient noise levels or to create odors. The Project does not involve the types of activities that create significant noise or odors. Any impacts to noise and/or odor from construction activities will be minor, and temporary in nature. Accordingly, 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. The Project will result in the generation of approximately eight-hundred fifty (850) gallons of liquid waste per day from an on-site restroom facility and car wash wastewater. However, the Project will utilize a water recycling system for the car wash discharge and the Nassau County Bay Park Treatment Facility has capacity to serve the Project. In addition, the Project will result in the storage of up to one-thousand one-hundred (1,100) gallons of motor oil and up to five-hundred fifty (550) gallons of waste oil. However, the Project will utilize two (2) five-hundred fifty (550) gallon motor oil storage tanks and one (1) five-hundred fifty (550) gallon waste oil tank to properly store the motor/waste oil in accordance with all local and state storage regulations. Accordingly, the Project will not create any 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, and is in character with adjacent commercial development and surrounding uses. Accordingly, 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 3. The Chairman, the Vice Chairman, the Executive Director and the Administrative Director of the Agency are hereby further authorized on behalf of the Agency, or acting together or individually, 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.

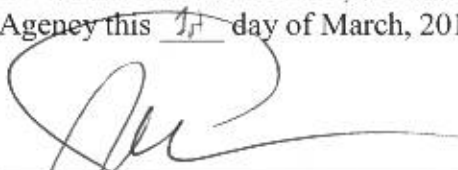
STATE OF NEW YORK            )  
  ) SS.:  
COUNTY OF NASSAU         )


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 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.

  
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[~~Vice~~] Chairman

  
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[~~Asst.~~] Secretary

(SEAL)