

**IDA- Deutsche Lufthansa AG
Resolution adopting a negative declaration under SEQRA**

A regular meeting of the Nassau County Industrial Development Agency (the “Agency”) was convened in public session at the Theodore Roosevelt Executive & Legislative Building, Ceremonial Chambers, 1550 Franklin Avenue, Mineola, Nassau County, New York on May 16, 2019 at 6:30 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:

Richard Kessel	Chairman
Lewis M. Warren	Vice Chairman
Anthony Simon	2nd Vice Chairman
Amy Flores	Treasurer
Chris Fusco	Asst. Secretary

NOT PRESENT:

Timothy Williams	Secretary
John Coumatos	Asst. Treasurer

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Harry Coghlan	Chief Executive Officer/Executive Director
Danielle Oglesby	Chief Operating Officer/Deputy Executive Director
Joseph Foarile	Chief Financial Officer
Colleen Pereira	Administrative Director
Thomas D. Glascock	Agency Counsel
Andrew Komaromi	Bond/Transaction Counsel

The attached resolution no. 2019-49 was offered by Anthony Simon, seconded by Chris Fusco:

Resolution No. 2019-49

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A
CERTAIN PROJECT FOR DEUTSCHE LUFTHANSA AG WILL
NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

Project Name: 2019 Deutsche Lufthansa Project

Location: 400 RXR Plaza, Uniondale, 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, DEUTSCHE LUFTHANSA AG, a foreign corporation organized and existing under the laws of Germany and authorized to do business in the State of New York and entities formed or to be formed on its behalf (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) the acquisition and installation of various machinery, equipment, furniture, fixtures and personal property (collectively, the “Equipment”) into the Company's future facility the location of which is to be determined (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 sales and use taxes (collectively, the “Financial Assistance”); 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 and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 N.Y.C.R.R. Part 617.1, et. seq., as amended (the “Regulations” and collectively “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 Agency has completed, received and/or reviewed: (1) Part 1 of a Environmental Assessment Form, dated May 10, 2019 (the “EAF”); (2) NYSDEC’s Environmental Resource Mapper; (3) New York State Historic Preservation Office’s Cultural Resources Mapper; and (4) other relevant environmental information, as well as completing and reviewing the Parts 2 and 3 of the EAF for the Project (collectively, 1, 2, 3, and 4 shall be referred to as the “Environmental Information” or “the Administrative Record”); and

WHEREAS, pursuant to SEQRA, the Agency is required to analyze the Project to determine whether it has the potential to have a significant adverse impact on the environment and whether an Environmental Impact Statement must be prepared with respect to the Project; and

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 Environmental Information 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 and the Agency adopts each of the matters set forth in the Whereas clauses set out herein as part of this resolution and each of those matters set out in the Whereas clauses shall have the same force and effect as each of the other findings made in this resolution;
- (2) Prior to making a recommendation about the potential environmental significance of the Project, the Agency has reviewed appropriate information concerning the Project, including but not limited to the Environmental Information as defined previously and it has considered the criteria set out in Section 617.4, 617.5, and 617.7 among other provisions of the Regulations, including that criteria to identify the type of action associated with the Project, and to determine the significance of same;

(3) In doing so, the Agency determined that the Project is an Unlisted Action pursuant to SEQRA as it involves the installation of the Equipment in a constructed office building for use as offices for an airline's North American corporate headquarters. The Project does not meet or exceed any threshold for a Type I Action;

(4) Pursuant to SEQRA and based upon the review of the documents and information listed above, the Agency has completed Part 2 of the EAF and reviewed and adopted the completed Part 3 of the EAF;

(5) The Agency has considered the Project, including identifying the reasonable impacts associated with it and compared same to the parameters and criteria set forth in applicable law and regulations, including but not limited to those set forth in 6 N.Y.C.R.R. §§ 617.1 and 617.3 in order to analyze such impacts pursuant to the SEQRA review it conducted for the Project; and

(6) The Agency has considered the significance of the reasonable environmental impacts and reasonable potential environmental impacts of the proposed Project by: (i) carefully reviewing and examining the responses to the EAF, including the information in the completed Part 1 of the EAF, as well as that information set out in the completed Parts 2 and 3 of the EAF, together with examining other available supporting information and documents concerning the Project, as well as reviewing the EAF Mapper results for the Project site at issue, and information and documentation provided by the Applicant to the Agency pursuant to the application for Agency benefits, and the Agency has reviewed the impacts and potential impacts from the Project to land, stormwater and groundwater, wetlands, other water resources, and analyzed any impacts associated with agricultural district designation(s), as well as impacts and potential impacts associated with or to historic, archaeological and other recognized and/or protected resources, and impacts to threatened or endangered plant and animal species, impacts to transportation, including such impacts associated with traffic and considered impacts to community character and cumulative impacts, if any, and considered each of the other potential impacts as required by the Regulations; (ii) considered the criteria set forth in 6 N.Y.C.R.R. §617.7(c) in light of such impacts or potential impacts; and (iii) thoroughly analyzed the identified areas of relevant environmental concern in issuing this negative declaration and determination that no potentially significant adverse impacts on the environment are noted in the EAF and none are known to the Agency.

NOW THEREFORE BE IT FURTHER RESOLVED:

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 consists of the installation of Equipment in an existing office complex, which means that the zoning and land use classification will not change as a result of the Project. The Project is consistent with surrounding uses, which are primarily office and commercial in nature. As the Project consists of the interior revocation of office space in an area zoned for office and commercial uses, it will not negatively impact any nearby residential properties. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to land resources or land use.
2. Impact on Water. The Project will not create a new water body. While the Project is located in a designated 100 or 500 year floodplain, it consists of the interior renovation of existing office space. The Project will not in any way negatively impact the Nassau-Suffolk Sole Source Aquifer. In addition, since the Project is a self-contained interior renovation, no portion of the Project will physically alter, or encroach into, any existing wetland or waterbody. The Project will not create a substantial new demand for water and the existing public water supply has the capacity to serve the Project. The Project will also not generate substantial liquid waste and will utilize existing public wastewater treatment facilities which have the current capacity to serve the Project. Lastly, the Project will not have any significant impact on surface water or groundwater.
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. In addition, any increase in traffic including vehicle trips associated with the Project is not anticipated to materially impact air quality. Any potential impact on air as a result of construction activities will be minor and temporary in nature.
4. Impact on Health or Safety. The Project does not entail the types of activities or operations that are associated with a significant potential for affecting public health. The site does not have a potential contamination history. Since the site involves the interior renovation of office space in

an existing building, the Project will not create any significant adverse impact to public health, air, land or water resources.

5. Impact on Plants and Animals Including to Threatened or Endangered Species. The NYSDEC Mapper indicates that the Project is in the vicinity of two species of animals or associated habitats listed as threatened or endangered. However, since the Project consists of interior construction in an existing office complex, the Project will not create significant adverse impacts to plants, animals or natural communities, wildlife habitat or wetlands.
6. Impact on Agricultural Land Resources. The Project is located in an area currently used for mixed use office and commercial purposes. The Project will not involve the conversion or loss of agricultural land resources. Therefore, the Project will not create any significant adverse impacts to agricultural land resources.
7. Impact on Aesthetic Resources. The Project will not be visible from any officially designated federal, state or local scenic or aesthetic resource. The Project is situated in a well-developed, office and commercial area and is consistent with surrounding uses. Accordingly, the Project is not anticipated to create any significant adverse impacts to aesthetic resources.
8. Impact on Historic and Archeological Resources. The Project does not contain, nor is it adjacent to, a building, archeological site as designated by the NYS Historic Preservation Office or district which is listed on, or that has been nominated to, the State or National Register of Historic Places. Areas near the Project have been 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.
9. Impact on Open Space and Recreation. The Project will not encroach on public space and the Project will be located in an existing, improved 15 story office building. No manufacturing is occurring on the site. Accordingly, the Project will not create any significant adverse impacts to open space or recreational resources.
10. Impact on Critical Environmental Areas. The Land is not located in or substantially contiguous to any Critical Environmental Area (“CEA”) based on a review of the EAF Mapper. Accordingly, the Project will not create any significant adverse impacts to any CEA.

11. Impact on Transportation. The Project will not result in a substantial increase in traffic above capacity of current traffic infrastructure, nor is it expected to generate substantial new demand for transportation facilities or services/infrastructure. Any impacts to transportation from construction activities associated with the Project 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 a relatively small increase in energy usage, however, existing utility lines serve the Project Facility and no significant improvements are necessary to accommodate the Project. Accordingly, the Project will not create any significant adverse impacts to energy.
12. Impact on Noise and Odor and Impacts from Light. The Project is not expected to materially increase ambient noise levels or to create odors of consequence particularly in light of the interior nature of the Project setting. The Project does not involve the types of activities that create significant noise or odors that can be heard outside of the existing building. 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 Growth and Character of the Community and Neighborhood. The Project will not result in significant population growth, and is in character with surrounding uses and the prior use of the Project area. As such, the Project will not create any significant adverse impacts to the growth or character of the community.

NOW THEREFORE BE IT FURTHER RESOLVED:

Section 3.

Based on the foregoing, the Agency finds that the Project will not have any significant adverse impact on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and, in particular, pursuant to the criteria set forth at 6 N.Y.C.R.R. §617.7(b)-(c) of the SEQRA regulations and as such, no environmental impact statement shall be prepared. The Agency thus issues this Negative Declaration pursuant to SEQRA, and directs the following be undertaken and makes the following additional findings:

1. A Notice of Negative Declaration shall be filed and/or published to the extent required by the SEQRA regulations, and as the Agency may deem advisable. The findings and conclusions relating to the determination of significance contained within this Negative Declaration and this notice hereof are hereby

adopted and incorporated by reference into this Resolution as applicable, including the Agency adopting by reference the completed EAF (including parts 1, 2 and 3 of it).

2. 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, including filing the Negative Declaration in accordance with the applicable provisions of the law and this resolution shall also constitute a notice of Negative Declaration.
3. The requirements of SEQRA have been satisfied. This resolution and notice of negative declaration shall take effect immediately.

NOW THEREFORE BE IT FURTHER RESOLVED:

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:

Richard Kessel	VOTING Aye
Lewis M. Warren	VOTING Aye
Anthony Simon	VOTING Aye
Timothy Williams	NOT PRESENT
Chris Fusco	VOTING Aye
Amy Flores	VOTING Aye
John Coumatos	NOT PRESENT

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 May 16, 2019 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 16th day of May, 2019.



[Assistant] Secretary



[Vice] Chairman

(SEAL)