

**Nassau Candy Distributors, Inc.,  
SEQRA Resolution**

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 October 17, 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
Timothy Williams	Secretary
Amy Flores	Treasurer
John Coumatos	Asst. Treasurer
Chris Fusco	Asst. Secretary

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

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

The attached resolution no. 2019-92 was offered by Amy Flores, seconded by Chris Fusco.

Resolution No. 2019-92

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A  
CERTAIN PROJECT FOR NASSAU CANDY DISTRIBUTORS, INC.,  
IS A TYPE II ACTION UNDER THE STATE ENVIRONMENTAL QUALITY  
REVIEW ACT AND IS NOT SUBJECT TO FURTHER REVIEW

**Project Name:** 2019 Nassau Candy Distributors Project  
**Location:** 300 Duffy Avenue, Hicksville, Town of Oyster Bay, New York  
**SEQRA Status:** Unlisted

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, on or about December 5, 2013, NASSAU CANDY DISTRIBUTORS, INC. (the "Applicant") presented an application for financial assistance (the "Original Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Original Project") consisting, inter alia, of the following: (A)(1) the acquisition of an interest in a parcel of land located at 300 Duffy Avenue, Hicksville, Town of Oyster Bay, Nassau County, New York (Section: 11; Block: 327; Lots: 406, 408, 412 and 422) (the "Land"), (2) the renovation of the existing approximately 127,000 square foot building (collectively, the "Original Building") on the Land, together with related improvements to the Land, and (3) the acquisition and installation therein and thereon of certain furniture, fixtures, machinery and equipment (the "Original Equipment"), all of the foregoing for use by the Applicant as a manufacturing, warehouse and distribution facility in connection with its wholesale confectionery business (collectively, the "Original Project Facility"); (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the General Municipal Law) (the "Original Financial Assistance") 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; 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, on or about December 9, 2015, pursuant to an application for financial assistance dated September 28, 2015 (as amended, the "2015 Amendment Request"), the Applicant presented an application to amend the Original Project to permit: (A) the construction, installation and equipping of an approximately 26,216 square foot addition to the Original Building; (B) the granting of certain additional "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, in the form of a potential exemption or partial exemption from real property taxes, mortgage recording taxes and sales and use taxes (collectively, the "2015 Financial Assistance"); and (C) the amendment of certain Transaction Documents (as defined in the Lease Agreement) in connection therewith (collectively, the "2015 Project"); and

WHEREAS, on or about December 19, 2017, pursuant to an application for financial assistance dated October 17, 2017 (as amended, the "2017 Amendment Request"), the Applicant presented an application to amend the Original Project to permit: (A) the construction, installation and equipping of an approximately 7,210 square foot addition to the Original Building on Lot 424 (together with the Original Land, the "Land"); (B) the granting of certain additional "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, in the form of a potential exemption or partial exemption from real property taxes, mortgage recording taxes and sales and use taxes (collectively, the "2017 Financial Assistance"); and (C) the amendment of certain Transaction Documents (as defined in the Lease Agreement) in connection therewith (collectively, the "2017 Project"); and

WHEREAS, in connection with the Original Project Facility the Agency entered into a straight-lease with the Company and granted the Original Financial Assistance; and

WHEREAS, in connection with the 2015 Amended Request the Agency entered into certain amendments of the straight-lease and granted the 2015 Financial Assistance; and

WHEREAS, in connection with the 2017 Amended Request the Agency entered into certain amendments of the straight-lease and granted the 2017 Financial Assistance; and

WHEREAS, the Applicant presented an application for additional financial assistance (the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting, inter alia, of the following: (A)(1) retention of an interest in the Land, (2) renovations to the Original Building and the construction of an approximately 20,000 square foot addition to the building, 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 as its headquarters and main manufacturing, warehouse and distribution facility for the Applicant's wholesale confectionary business (collectively, the "Project Facility"); (B) the granting of certain additional "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions or partial exemptions from sales and use taxes, mortgage recording taxes, and real property taxes (but not including special assessments and ad valorem levies) (the "Financial Assistance"); and (C) the amendment of certain Transaction Documents (as defined in the Lease Agreement) in connection therewith; 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 N.Y.C.R.R. 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 Agency has completed, received and/or reviewed (1) Part 1 of a Short Environmental Assessment Form ("EAF"), dated August 23, 2019 and (2) Applicant's request for consent dated September 10, 2019 (collectively 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.

WHEREAS, the Project consists of the renovation and expansion of the Building, which is existing and presently used as the Applicants zone sales headquarters and warehousing and distribution of bottled water and related products.

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:

(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 construction of an approximately 20,000 square foot addition to an existing building, currently used as a manufacturing, warehouse and distribution facility in connection with the Applicant's wholesale confectionary business, and associated improvements on the Land, the construction of which will disturb

well below the threshold of 10 acres for a Type I action for the expansion of a non-residential facility.

Section 2. No potentially significant adverse 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 construction of an approximately 20,000 square foot addition to a manufacturing, warehouse and distribution facility in connection with the Applicant's wholesale confectionary business, and associated improvements on the Land. The zoning and land use classification will not change as a result of the Project. The Project is consistent with the Light Industrial District zoning classification of the Land and is consistent with the surrounding uses, composed of commercial, storage, warehouse and distribution uses. The construction of the Building will result in some minor additional development on the Land, however the Land is located within an industrial and commercial area, a large building and paved parking areas already exist on the Land, and the Building will be similar to existing and neighboring uses in the area. 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. The Project will not create any significant adverse impacts to air resources.

4. Impact on Plants and Animals. Although some impacts to flora and fauna may potentially occur with the construction of the Building on a previously undeveloped area of the Land, the Land in the area of the Project does not possess significant ecological value as it is within a developed commercial and industrial area. 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 and industrial 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 Building consists of a 20,000 square foot addition to an existing facility. 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 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. Though the construction of the Building will result in an increase in energy usage, 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, which consists of the construction of an addition to an existing manufacturing, warehousing and distribution facility, does not involve the types of activities that create significant noise or odors. Any impacts to noise and odor from construction activities will be minor and temporary. 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. 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 an addition to 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, Vice Chairman, Chief Executive Officer/Executive Director, Chief Operating Officer and 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 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:

Richard Kessel	VOTING Aye
Lewis M. Warren	VOTING Aye
Anthony Simon	VOTING Aye
Timothy Williams	VOTING Aye
Chris Fusco	VOTING Aye
Amy Flores	VOTING Aye
John Coumatos	VOTING Aye

The foregoing Resolution was thereupon declared duly adopted.



STATE OF NEW YORK

) SS.:

COUNTY OF NASSAU

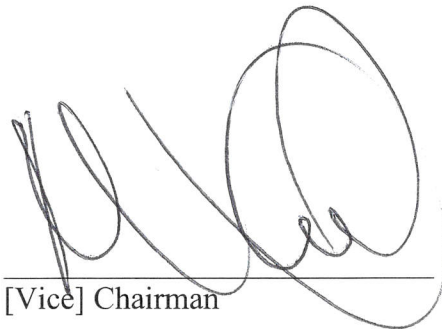
We, the undersigned [Vice] Chairman and [Assistant] Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on October 17, 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 17<sup>th</sup> day of October, 2019.

  
[Assistant] Secretary

  
[Vice] Chairman

(SEAL)