North Shore Millbrook LLC
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 offices of the Agency located at 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. 2019-51 was offered by Anthony Simon, seconded by Lewis M. Warren:
Resolution No. 2019-51

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A CERTAIN PROJECT FOR NORTH SHORE MILLBROOK LLC WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

Project Name: 2019 Millbrook Apartments Project

Location: 240-250 Middle Neck Road, Great Neck, Town of North Hempstead, Nassau County, New York

SEQR Status: Type I ___ Unlisted ___

Determination of Significance: Negative Declaration ___ 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, NORTH SHORE MILLBROOK LLC (“Applicant”), a limited liability company duly 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 4.35 acre parcel of land located at 240-250 Middle Neck Road, Great Neck, Town of North Hempstead, Nassau County, New York (Section: 2; Block: 354; Lot: 138) (the “Land”), (2) the partial demolition and renovation of certain existing buildings on the Land, together with the construction of three separate new buildings on the Land, all of such buildings aggregating approximately 205,535 square feet of space (collectively, the “Building”), together with related improvements to the Land, including underground and surface parking spaces, and (3) the acquisition of certain furniture, fixtures, machinery and equipment (collectively, the “Equipment”) necessary for the completion thereof (collectively, the “Project...
Facility”), all of the foregoing for use by the Applicant as a residential rental facility consisting of approximately 185 residential rental units (at least seven of which units shall be affordable units) including the construction of 67 net new residential units, and at least 75 currently existing units which shall be rent stabilized units; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing; 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 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 Full Environmental Assessment Form (“EAF”), dated May 24, 2018; (2) NYSDEC’s Environmental Resource Mapper; (3) New York State Historic Preservation Office’s Cultural Resources Mapper; and (4) other relevant environmental information (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 acquisition of an interest in a parcel of Land, the partial demolition and renovation of certain existing buildings on the Land, the construction of three new buildings for residential purposes on the Land, and the acquisition of certain furniture, fixtures, machinery, and equipment necessary for completion thereof. 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; and

(5) 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 partial demolition and renovation of certain existing buildings on the Land, and the construction of three new buildings on the Land to be used for residential purposes including the addition of 67 net new residential units. The zoning and land use classification will not change as a result of the Project as the applicable parcels are zoned Residence E or Apartment zoning district. The Project is consistent with surrounding uses, which are primarily a mix of multifamily residential and institutional uses (e.g. Young Israel of Great Neck, Shaare Zion of Great Neck). As the proposed Project is a multifamily residential development in an area zoned for such uses, it will not negatively impact any nearby residential properties. Although a portion of the Project site contains slopes of 15% or more, construction will not be performed on these portions of the site. While the Project may involve construction that continues for more than one year, construction hours will be limited to 8 am to 7 pm Monday through Friday, with no or minimal work anticipated.
on weekends and holidays. 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 or 500 year floodplain. The Project will not negatively impact the Nassau-Suffolk Sole Source Aquifer. While the Project will create a new demand for water in the amount of approximately 47,400 gallons per day, the existing public water supply has the capacity to serve the Project and an expansion of the existing Great Neck Water Authority North District is unnecessary. The Project will generate liquid waste in the amount of approximately 47,400 gallons per day and utilize existing public wastewater treatment facilities, namely the Great Neck Water Pollution Control District Waste Water Treatment Plant, which also has current capacity to serve the Project.

The Project involves the installation of on-site drywells. Such drywells will be installed in accordance with local applicable design requirements, if any. Accordingly, they will not have any significant impact on surface water or groundwater on the Land. Lastly, no storm water runoff will flow to adjacent properties.

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. While the site does have a potential contamination history (Spill Number 8906491), the spill case appears to be closed, remediated, and/or not expected to contaminate groundwater and the site appears to be not within 2000 feet of any site in the NYSDEC Environmental Site Remediation database. Accordingly, 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 Land in the area of the Project does not appear to contain any habitats of significance as it is located in a well-developed area. The NYSDEC Mapper indicates that the Land does not contain a species of
animal, or associated habitat listed as threatened or endangered. Accordingly, 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 multi-family residential and institutional 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.

7. Impact on Aesthetic Resources. The Project will not be visible from any officially designated federal, state or local scenic or aesthetic resource. The Land is situated in a well-developed multi-family residential area and is consistent with surrounding uses. The Project does not create a new use, but rather is the expansion of an existing use. Accordingly, the Project is not anticipated to create any significant adverse impacts to aesthetic resources.

8. Impact on Historic and Archeological Resources. The Land and Project do not contain, nor are they 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 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 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”). Accordingly, the Project will not create any significant adverse impacts to CEAs.

11. Impact on Transportation. The Project will not result in a substantial increase in traffic above historic levels or generate substantial new demand for transportation facilities or services. Any impacts to transportation from construction activities associated with the Project will be minor, and temporary in nature. Accordingly, it is not anticipated that the Project will create any significant adverse impacts to transportation.
12. **Impact on Energy.** The Project may result in a slight increase in energy usage, however, existing utility lines serve the Project and no significant improvements are necessary to accommodate the Project. Accordingly, the Project will not create any significant adverse impacts to energy.

13. **Impact on Noise and Odor and Impacts from Light.** 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.

14. **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 existing use of the Land. Accordingly, 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.

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.
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:

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<tr>
<th>Name</th>
<th>Vote</th>
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<tbody>
<tr>
<td>Richard Kessel</td>
<td>VOTING Aye</td>
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<tr>
<td>Lewis M. Warren</td>
<td>VOTING Aye</td>
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<tr>
<td>Anthony Simon</td>
<td>VOTING Aye</td>
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<tr>
<td>Timothy Williams</td>
<td>NOT PRESENT</td>
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<tr>
<td>Chris Fusco</td>
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<tr>
<td>Amy Flores</td>
<td>VOTING Aye</td>
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<tr>
<td>John Coumatos</td>
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The foregoing Resolution was thereupon declared duly adopted.
STATE OF NEW YORK)
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 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.

[Vice] Chairman

[Asst.] Secretary

(SEAL)