

Oyster Bay Gardens 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 May 8, 2018 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

NOT PRESENT:

Chris Fusco	Asst. Secretary
John Coumatos	Asst. Treasurer

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Joseph J. Kearney	Executive Director
Joseph Foarile	Chief Financial Officer
Colleen Pereira	Administrative Director
Paul O'Brien, Esq.	Bond/Transaction Counsel

The attached resolution no. 2018-16 was offered by T. Williams, seconded by L. Warren:

Resolution No. 2018-16

RESOLUTION ACKNOWLEDGING AND ADOPTING THE NEGATIVE
DECLARATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY
REVIEW ACT OF THE TOWN OF OYSTER BAY TOWN BOARD FOR THE
PROPOSED PROJECT OF OYSTER BAY GARDENS LLC

Project Name: OYSTER BAY GARDENS

Location: 857 South Oyster Bay Road, Bethpage, Town of Oyster
Bay, County of Nassau, New York
(currently part of Section: 46; Block: G; Lot: 66)

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 "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, OYSTER BAY GARDENS LLC, a limited liability company organized and existing under the laws of the State of New York (the "Applicant"), has submitted 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 3.66 acre parcel of land located at 857 South Oyster Bay Road, Bethpage, Town of Oyster Bay, County of Nassau, New York (currently part of Section: 46; Block:

G; Lot: 66) (collectively, the “Land”), (2) the construction of an approximately 40,000 square foot, three-story building on the Land, together with related improvements to the Land (collectively, the “Building”), and (3) the acquisition of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the “Equipment”), all of the foregoing for use by the Applicant as a 48-unit residential rental facility consisting of thirty-six (36) units which shall constitute “Housing for Older Persons” (i.e., intended for, and solely occupied by, persons 62 years of age or older in accordance with the Fair Housing Act and other applicable laws prohibiting discrimination in housing) and twelve (12) units designated for individuals with intellectual and developmental disabilities, all of which units shall be affordable units (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 a potential exemption or partial exemption from real property taxes (collectively, the “Financial Assistance”); 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 consider whether the Project is an “action” that would require it to satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, the Town of Oyster Bay Town Board (the “Town Board”) was Lead Agency for the Project and undertook an uncoordinated review pursuant to 6 N.Y.C.R.R. 617.6 et seq. of the Regulations; and

WHEREAS, the Project was thoroughly evaluated as part of a comprehensive environmental review conducted by the Town Board which included a complete review of (1) Part 1 of the Full Environmental Assessment Form dated May 18, 2016; and (2) other supporting documentation; and

WHEREAS, as Lead Agency, on July 25, 2017, the Town Board issued for its determination of significance, a negative declaration, finding that the Project, an Unlisted action, would not have any significant adverse environmental impacts;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency formally acknowledges the “hard look” that the Lead Agency took at the Project and concurs with the Lead Agency’s determination relative to SEQRA - specifically, that the Project will not have any adverse significant environmental impacts and that a negative declaration is appropriate.

Section 2. The Agency, after undertaking its own “hard look,” independently adopts all findings and conclusions contained in the July 25, 2017 negative declaration issued by the Town Board and attached hereto.

Section 3. The appropriate representative(s) of the Agency is(are) 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 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	VOTING	Aye
Chris Fusco	EXCUSED	
Amy Flores	VOTING	Aye
John Coumatos	EXCUSED	

The foregoing Resolution was thereupon declared duly adopted.

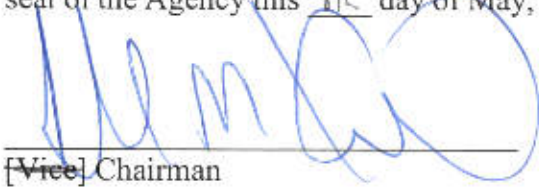
STATE OF NEW YORK)
) SS.:
COUNTY OF NASSAU)

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 May 8, 2018 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 May, 2018.



[~~Vice~~] Chairman



[Asst.] Secretary