

**Resolution adopting a determination and finding under the New York State Environmental
Quality Review Act**

A regular meeting of the Nassau County Industrial Development Agency (the “Agency”) was convened in public session, electronically, pursuant to Executive Order No. 202.11, 202.28, 202.48 and 202.55 - Continuing Temporary Suspension And Modification Of Laws Relating To The Disaster Emergency - by Governor Andrew M. Cuomo of the State of New York on August 25, 2020 at 6:45 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
John Coumatos	Asst. Treasurer
Chris Fusco	Asst. Secretary
Timothy Williams	Secretary

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Harry Coghlan	Chief Executive Officer / Executive Director
Danielle Oglesby	Chief Operating Officer/ Deputy Executive Director
Anne LaMorte	Chief Financial Officer
Catherine Fee	Director of Business Development/Chief Marketing Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Thomas D. Glascock, Esq.	General Counsel
Andrew D. Komaromi, Esq.	Bond/Transactional Counsel

The attached resolution no. 2020-64 was offered by John Coumatos, seconded by Lewis M. Warren.

RESOLUTION FINDING THAT AN ACTION TO UNDERTAKE A THE ACQUISITION AND
STRAIGHT LEASING OF A CERTAIN PROJECT FOR ENGEL BURMAN AT THE BEACH LLC
WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

Project Name: ENGEL BURMAN AT THE BEACH LLC 2020

Location: Approximately 6.04 acre parcel of land located between Long Beach Boulevard, Shore Road and Riverside Boulevard, City of Long Beach, Town of Hempstead, Nassau County, New York (Section: 59; Block: 116; Lot: 38)

SEQRA Status: Type I

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, ENGEL BURMAN AT THE BEACH LLC, a limited liability company organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York on behalf of itself 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)(1) the acquisition of an interest in an approximately 6.04 acre parcel of land located between Long Beach Boulevard, Shore Road and Riverside Boulevard, City of Long Beach, Town of Hempstead, Nassau County, New York (Section: 59; Block: 116; Lot: 38) (the “Land”), (2) the construction of an approximately 620,000 square foot mixed-use building, transit oriented development (collectively, the “Building”) on the Land, together with related improvements to the Land, including, but not limited to, a parking garage, and (3) the acquisition of certain furniture, fixtures, machinery and equipment (the “Equipment”) necessary for the completion thereof (collectively, the “Project Facility”), all of the foregoing for use by the Applicant as residential facility consisting of approximately two-hundred (200) residential condominium housing units, two-hundred-thirty-eight (238) residential rental housing units (30 of which units shall be affordable/workforce units) (the “Rental Portion”) and approximately 6,500 square feet of retail space, together with two (2) levels of structured parking; (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 real property taxes (but only with respect to the Rental Portion), mortgage recording taxes and/or sales and use 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 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) Full Environmental Assessment Form, dated March 10, 2020 (the “LEAF”); (2) NYSDEC’s Environmental Resource Mapper; (3) New York State Historic Preservation Office’s Cultural Resources Mapper; (4) City of Long Beach Code; (5) Negative Declaration Notice of Determination of Non-Significance of the City of Long Beach, dated June 18, 2002, regarding the Land and associated findings statement; (6) Full Environmental Assessment Form & Expanded Environmental Assessment prepared by Cameron Engineering regarding the iStar Financial application at the Land, dated January 2014; (7) Traffic and Park Assessment prepared by Cameron Engineering, dated January 23, 2014; (8) Fiscal and Economic Impact and Household Buying Power Analysis prepared by Nelson Pope & Voorhis, dated June 14, 2020; (9) Economic and Fiscal Impact study prepared by Camoin Associates, dated July, 2020; (10) New York SEQRA Supplemental Environmental Analysis, dated August 3, 2020; and (11) other relevant environmental information (collectively, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 shall be referred to as the “Environmental Information”); and

WHEREAS, pursuant to SEQRA, the Agency is an involved agency in the SEQRA review of the Project, and as an involved agency is required to analyze the Project to determine whether it has the potential to have a significant adverse impact on the environment; and

WHEREAS, pursuant to 6 CRR-NY 617.4(b)(5), the construction of new residential units that meet or exceed 200 units to be connected (at the commencement of habitation) to existing community or public water and sewerage systems including sewage treatment works in a city, town or village having a population of 150,000 persons or less are defined as Type I action; and

WHEREAS, the Project, as described in the LEAF, meets the thresholds of 6 CRR-NY 617.4(b)(5) and is, thus, a Type I action; and

WHEREAS, pursuant to 6 CRR-NY 617.4(a)(1), all individual actions which are Type I require a the determination of significance by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in 6 CRR-NY 617.7; and

WHEREAS, in 2001, the City Council, City of Long Beach, as lead agency, determined that the proposed Superblock Urban Renewal Plan (and potential redevelopment in accordance with the Plan) may have a significant adverse environmental impact and a draft EIS was required. A public scoping session on the proposed was, thereafter, held on January 16, 2001 at 8:00 p.m. at City Hall, 6th Floor, City of Long Beach, 1 West Chester Street, Long Beach, NY 11561. The project involved the Adoption of an Urban Renewal Plan and related zoning controls for the redevelopment of Land. The noticed hearing advised that if the urban renewal plan is approved, the subsequent redevelopment project could include: limited commercial uses; restaurants; hotel with various services and facilities; residences; and accessory parking spaces; and

WHEREAS, in 2002, the City Council, City of Long Beach, as lead agency, determined that the proposed Superblock Urban Renewal Plan (and potential redevelopment in accordance with the Plan) would not have a significant adverse impact. A redevelopment plan, alternatives, and proposed zoning actions were analyzed in a Generic Environmental Impact Statement (GEIS). The additional data did not identify any impacts or the need for any mitigation beyond that already disclosed in the GEIS. Therefore, the City Council, City of Long Beach concluded the proposed project would not result in any significant environmental impacts and a Negative Declaration was issued; and

WHEREAS, the 2002 project approved a development that included 325 residential units, a 100-room hotel condominium with conference/meeting and catering space with a minimum seating capacity of 250 seated guests, restaurant, a gift and sundry shop, a full service spa and health club, a bar, a salon, and off-street parking for 825 cars; and

WHEREAS, the Supreme Court, Appellate Division, Second Department, New York upheld the Negative Declaration issued by the City Council, City of Long Beach, holding that there was no abuse of discretion by the City Council, City of Long Beach, which after preparation of Draft and Final Generic Environmental Impact Statements, and upon further review of a Site Specific Environmental Review conducted with regard to the proposed project, the City Council determined that there was no need to prepare a supplemental environmental impact statement because the proposed project was virtually identical to the preferred plan analyzed in the generic studies and there were no significant adverse impacts (see 6 NYCRR 617.10). *Haberman v. City of Long Beach*, 307 A.D.2d 313 (N.Y. App. Div. 2003); and

WHEREAS, in 2002, the City Council, City of Long Beach, as lead agency, adopted the Superblock Urban Renewal Plan; and

WHEREAS, Title 6, New York Code of Rules and Regulations (“6 NYCRR”) Part 617.10(d), states that: “When a final generic EIS has been filed under this part:

- 1) No further SEQR compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the generic EIS or its findings statement;
- 2) An amended findings statement must be prepared if the subsequent proposed action was adequately addressed in the generic EIS but was not addressed or was not adequately addressed in the findings statement for the generic EIS;
- 3) A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental impacts;
- 4) A supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts.”

WHEREAS, with the Project complies with the limitations imposed by the City Council, City of Long Beach pursuant to its City Code provisions governing the property, which were revised in accordance with Amendments to the City Zoning Ordinance generally concurrent with its adoption of the Urban Renewal Plan; and

WHEREAS, build program identified in the redevelopment plan and analyzed in the GEIS and the Project are similar as confirmed by the Project’s compliance with the City regulations adoption in furtherance of its review of the GEIS; and

WHEREAS, the Project involves a redevelopment plan, alternatives, and proposed zoning actions which were previously analyzed for the Land, in the GEIS, which was amended to reduce the impact further from those conditions approved by the City and studied by the GEIS, as detailed in the Findings Statement Prepared in connection herewith.

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. Conformance of Project with City of Long Beach Plans and Goals.
 - a) In 2002, the City adopted an Urban Renewal Plan and related zoning controls governing development of the Land as detailed in the 2002 Environmental Findings Statement prepared by the City.
 - b) The objectives of the Urban Renewal Plan were to develop the waterfront area in a comprehensive manner and to eliminate vacant conditions that led to blight. These objectives included creating new jobs; attracting new businesses; generating a positive trend in neighborhood real estate values; creating new housing opportunities; developing vacant and underutilized properties for commercial and residential development along the oceanfront; generating additional local and school district tax revenues; and enhancing the aesthetics and improving the overall area environment.
 - c) As indicated in the Economic and Fiscal Impact study prepared by Camoin Associates for the Agency regarding the costs benefits and other economic impacts of the Project, the Project constitutes a commercial activity as it promotes the creation of employment opportunities, elimination of underutilized property that has remained vacant since 1985 and the prevention of economic deterioration in accordance with the Urban Renewal Plan.
 - d) Over the life of the Project, the Project Facility will generate \$14,700,000.00 in additional property taxes over the current conditions at the Property for the 238-unit rental development. The Project, however, contains a 200 unit condominium housing development that will not be subject to the PILOT. Instead, that portion of the development will be subject to regular taxation and is anticipated to generate \$1,748,804 annual surplus in payments to the City of Long Beach school district in excess of the cost of educating the school children that will residing at the Project Facility.
 - e) Aside from property taxes, the proposed retail portion would also contribute sales taxes to the County and State.
 - f) The proposed commercial development would generate several employment opportunities. The proposed 6,500-SF commercial portion of the development was estimated to generate approximately 11 direct jobs (assuming full occupancy) over the existing condition, while an additional 9 jobs would be maintained at the Project Facility.

- g) The proposed residential development would support indirect employment opportunities as well, primarily within the local real estate, landscaping, and maintenance industries. The residential component of the development is expected to generate approximately 38 indirect induced employment opportunities, and 91 permanent household spending jobs. As such, it is anticipated that the proposed project would provide employment opportunities to people in the surrounding area of the subject property, resulting in a beneficial economic impact. Thus, implementation of the proposed action is expected to have a positive fiscal impact.
- h) While the City of Long Beach has not adopted an amendment to its Comprehensive Plan since the 2002 approval of the Urban Renewal Plan, it has drafted an updated Comprehensive Plan. The commercial development is consistent with the goals of the draft Comprehensive Plan as follows:
- i. Increasing resilient infrastructure to reduce vulnerability to storms and flooding through the provision of a development that complies with applicable zoning and building code requirements. Residential units will be located above FEMA's base flood elevation and will be served by a new on-site drainage collection and recharge system.
 - ii. Increasing economic diversity and year-round attractions by expanding the year round customer base for local businesses through the construction of 438 residential units and inclusion of an additional 6,500 SF of retail or restaurant space on the currently undeveloped site.
 - iii. Increasing housing options to accommodate a variety of income levels and retaining current residents looking for new housing options through the provision of 238 new multifamily rental units including a mix of studio, one-bedroom, and two-bedroom apartments and 200 new owner-occupied one-bedroom and two-bedroom condominium units. The proposed units are of different sizes, include both rental and owner-occupied units, and will have differing monthly rents and unit costs, respectively, to serve the needs of different age groups and household sizes in the City. Thirty (30) of the apartments will be designated as "workforce" units affordable to individuals and households earning less than 80% (6 units) , 100% (12 units), 120% (12 units) of area median income.
 - iv. Increasing green space and improve accessibility by replacing a vacant site within an urban setting with a project that will provide its own recreational facilities, with direct access to the ocean beach and boardwalk and limited impact on existing public open space or recreational facilities.
 - v. Ensuring the safety of current and future residents by providing for buildings that will be sprinklered and compliant with all applicable building and fire codes, and by providing fire hydrants. Existing semi-volatile organic compound ("SVOCs") and metal contamination on the site from past demolition and remaining demolition debris will also be removed and properly disposed. Further, the project will connect to a public water supply for quality drinking water and discharge to public sewers for advanced sewage treatment and disposal.
 - vi. Increasing parking options by providing more than adequate parking on-site within a structured facility beneath the proposed buildings for a

total of 1,112 garage spaces provided, including 926 residential spaces and 186 metered spaces.

- vii. While redevelopment of the Bayfront, including more resources for the North Park community is also a City Goal, the project is not within the North Park community.
 - viii. While the improvements are not municipal transportation infrastructure improvements that the City draft Comprehensive Plan provides as a goal, the project will have frontages on three streets, as well as the boardwalk. The LIRR's Long Beach station is one-half mile from the site and bus service is also available.
- i) Based upon the foregoing, the proposed action has been developed to address the need for the goals identified by the Urban Renewal Plan by creating new jobs, new businesses, creating new housing opportunities, developing vacant and underutilized properties for commercial and residential development along the oceanfront, generating additional local and school district tax revenues and enhancing the aesthetics. Therefore, no significant adverse socioeconomic impacts have been identified.

2. Impact on Land.

- a. The Project is not anticipated to create any potentially significant adverse impacts to land resources or land use. The Project consists of construction of an "as of right" use in the Residence-Business A District. The zoning and land use classification will not change as a result of the Project and the Project is consistent with surrounding uses, which are primarily multi-family residential, recreational and commercial in nature.
- b. Unlike the iStar Application for the Land, this Project does not involve any variances from the City of Long Beach Code. The iStar Application was for 522 units and, thus, the Project represents a reduction of 84 units.
- c. Through the Project's strict compliance with the adopted City Code and Urban Renewal Plan specially adopted for this Land, the land use and zoning character of the area will be protected. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to land resources or land use.

3. Impact on Water.

- a. While the project is landward of the City of Long Beach Boardwalk, which limits New York State Department of Environmental Conservation wetland regulation of the Land, the abutting wetland will not be disturbed by the Project.
- b. The Land has been previously disturbed and the renovation will not physically alter, or encroach into, any existing wetland or waterbody.
- c. Although the Project site is located within areas covered by the Long Island South Shore Estuary Reserve Comprehensive Management Plan, no activities proposed for the Project are anticipated to impact groundwater or abutting water quality, nor is construction or operation of such project anticipated to expose such water to the undue threat of contamination.

- d. In 2002, the City Council concluded that the development of the Superblock would not hinder oceanfront activities.
- e. The Project is designed to comply with applicable FEMA floodplain management standards and requirements for development in the VE Zone, which demonstrates satisfaction of any Flood Zone concerns.
- f. Further, in terms of stormwater impacts and drainage, the Project will be constructed in accordance with applicable standards, including the contractor obtaining permits from the NYSDEC under the State Pollutant Discharge Elimination System permit program and implementing measures required under it, such as a Storm Water Pollution Prevention Plan.
- g. The preferred project under the original GEIS had an average water supply demand of 260,000 gallons per day (gpd), while the Project is expected to generate approximately 122,076 gallons per day (gpd) or approximately 47 % of the preferred project studied by the GEIS.
- h. It is noted that off-site sewer and water improvements are proposed as part of the project including: (i) the replacement of an existing eight-inch (8") City of Long Beach water main located on the southerly side of Broadway with a new 20" in diameter water main connecting an existing 20" water main located to the west of the site at Riverside Boulevard to a 16" water main east of the site at Long Beach Boulevard (approximately 800 linear feet); (ii) a new water main from Broadway connecting to a proposed blow off hydrant located at the southerly end of Riverside Boulevard; and (iii) installation of a new ten-inch (10") City of Long Beach sewer main extending (approximately 1,500 linear feet) from an existing sewer manhole at the intersection of Park Avenue and Riverside Boulevard along the east side of Riverside Boulevard to the south side of Broadway (approximately 400 linear feet), terminating at a new sewer manhole.
- i. The capacity of the public water and sewers in the City will be adequate for the Project and are substantially below that studied and approved for the preferred project in the GEIS.

4. Impact on Air.

- a. The Project will not be a significant source of air emissions.
- b. After construction, the Project is expected to include stationary sources of air emissions, such as heating boilers, hot water heaters, and emergency generators. The Project, however, 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 associated with the Project is not anticipated to materially impact air quality as more specifically discussed in the Transportation section below, including based on various analyses completed regarding traffic. No exceedance of the National Ambient Air Quality Standards (NAAQS) are expected.
- c. Construction and demolition activities associated with implementation of the proposed action would result in a slight, short-term increase in air

emissions. Overall, construction activities would not be expected to substantially affect air quality due to the implementation of emission control procedures and the temporary nature of construction activities. Emissions from the operation of construction machinery (CO, NOx, PM, VOCs, and greenhouse gases) are short-term and not generally considered substantial.

- d. Overall, removal of the existing dirt lot and redevelopment of the site with a mixed-use community with on-site recreational facilities and walkable proximity to the Long Beach train station and abutting boardwalk and neighboring beach will potentially decrease the number of vehicle trips on area roadways and reduce the fugitive dust generated by the current conditions, thus reducing the impacts to area air quality.
- e. The GEIS determined that based upon modeling of air quality as it relates to transportation, future 1-hour and 8-hour carbon monoxide concentrations would decrease slightly from 2001 levels due to federal vehicle emission control programs, and that ambient air quality levels would meet all applicable regulations for carbon monoxide. Since fewer trips will be generated by the Project, as currently proposed, than the preferred project studied in the GEIS and there is no greater traffic in the area proximate to the Property than studied in 2001, as explained in the Environmental Information, the GEIS's conclusions regarding air impacts remain valid.

5. Impact on Health or Safety.

- a. The GEIS included a limited environmental investigation that concluded that the site did not appear to have been used in any significant commercial or industrial manner that would have negatively affected the environment at the site.
- b. The EAF indicates the Land is or is proximate to land subject to NYSDEC remediation.
- c. A Phase I and II Environmental Assessment Report has been prepared and the necessary remediation measures have been identified to remediate the site as required in accordance with all applicable regulations prior to development.
- d. The Project also does not entail the types of activities or operations that are associated with a significant potential for affecting public health. Accordingly, the Project will not create any significant adverse impact to public health, air, land or water resources.
- e. With respect to community public safety services, the GEIS concluded that as adequate parking was being provided and the traffic impact was minimal, the development was not anticipated to affect the Police Department's level of service. As with the Preferred Alternative in the GEIS, increased tax revenues and PILOT revenues resulting from the Project would mitigate any costs arising due to increased police, fire and ambulance demands. The Project as currently proposed meets the criteria studied in the GEIS, while also providing less commercial space, which will reduce the number of visitors to the site and lessen the burden on fire and ambulance

services. Therefore, the conclusions of the GEIS regarding impact on emergency services remain valid.

- f. Concerning the impact on the Long Beach school district, the GEIS projected a school-aged population of approximately 20 students from 325 housing units including 36 three-bedroom units associated with the Preferred Alternative. Using the same factors used by the GEIS, the iStar Application was estimated to generate 23 school age children. More recent data from the Long Island Housing Partnership (“LIHP”) for the City of Long Beach, however, would result in the estimate for iStar being adjusted downward to 16 school-age students. Using LIHP data for Long Beach, the current Proposed Project would be expected to generate 13 school age children. Of the 13 school age children projected for the Project, 11 would be expected to attend public schools. The GEIS concluded that the additional 20 children that had been projected could be accommodated by the School District. The 11 students that would enroll in the public school system would be distributed among grades k-12 and costs would be offset by property taxes and PILOT revenues and therefore would have minimal impact on individual schools and that new taxes would offset the costs of educating these students.

6. Impact on Plants and Animals Including to Threatened or Endangered Species.

- a. The GEIS reported that the Land is mostly covered with grass and brush and is not considered to be an appropriate habitat for significant species of flora and fauna.
- b. Presently, the Land does not appear to contain any habitats of significance as it is located in a well-developed urban residential and commercial area.
- c. The Land was previously developed and the natural fauna was cleared at that time.
- d. There are no designated Significant Coastal Fish and Wildlife habitat areas adjacent or near the site. The GEIS specifically looked at regulated wetlands, endangered, rare, threatened or protected plants and animal species, designated significant fish and wildlife habitats, designated wild scenic and recreational rivers, special groundwater protection areas, federal and state parks and recreation areas and coastal zone management areas. The GEIS concluded that there were no significant terrestrial or aquatic resources on or adjacent to the Land and, therefore, no significant adverse environmental impacts were expected to such resources.
- e. The NYSDEC Mapper indicates that the Land does not contain a species of animal, or associated habitat listed as threatened or endangered. Given the same, as well as that the Project Facility is a less intense use than the preferred alternative in the GEIS, the conclusions of the GEIS regarding the impact on the natural environment remain valid since the improvements will not increase or substantially alter existing environmental conditions on the Land.

7. Impact on Agricultural Land Resources.

- a. The Project is located in an area currently devoted to residential, recreational and commercial uses.
- b. As a result, it 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.

8. Coastal Zone Assessment.

- a. When the GEIS was prepared in 2001, the City had a draft Local Waterfront Revitalization Plan that was prepared in 1985 but was never adopted. Subsequent drafts have been prepared but still there is no existing Local Waterfront Revitalization Program (“LWRP”) in place. The latest Draft LWRP identifies several key issues related to future waterfront development in the City. These issues include water quality, stormwater management, erosion and flooding, waterfront revitalization and redevelopment and public access to the waterfront.
- b. The proposed Project intends to follow all of the City’s measures for reducing waste and improving local water quality, including proper disposal of trash and recyclables, regular street sweeping and connecting the Project to the public sewer system. The Project will follow Best Management Practices to preserve local surface and groundwater quality. This includes the creation of a Stormwater Pollution Prevention Plan to manage stormwater during construction activities and provide best management practices to control sediment and erosion from the subject property during construction. To manage stormwater on-site, the Project will include a drainage system that will collect and recharge runoff through subsurface on-site infiltration devices to ensure proper drainage. Erosion and sedimentation controls will be put in place during project construction and the Project will meet FEMA floodplain management standards. The project will also connect to the municipal sewerage system to ensure the safe treatment and disposal of wastewater generated from the site. There are no designated Significant Fish and Wildlife Habitats adjacent to the project site. All residential units will be located well above the site’s base flood elevations. All mechanical equipment will be located on the first level of the parking deck or on the roof of the building.
- c. The development of the Superblock will greatly expand residential and to a lesser extent commercial retail uses within previously blighted and now abandoned and underused portion of the City’s waterfront. The design of the Project intends to preserve public access and views, while enhancing Boardwalk use. The Project will create public connections that link the Superblock to the City’s Boardwalk and the people who live, visit, shop or eat at the proposed retail and/or restaurant use will benefit from its connection to the boardwalk and beach.

9. Impact on Aesthetic Resources.

- a. The Project will not be visible from any officially designated federal, state or local scenic or aesthetic resource.

- b. The property is situated in a developed residential, recreational and commercial area, as indicated above it is zoned for uses consistent with the Project with is also consistent with surrounding uses and structures, as well as the GEIS's preferred alternative.
 - c. As the proposed Project is a multi-family development with a small retail component, consistent with its surroundings, it is not anticipated to create any significant adverse impacts to aesthetic resources.
10. Impact on Historic and Archeological Resources.
- a. The Land on which the Project is to be located does not contain, nor is it adjacent to, a building, structure or archeological site designated by the NYS Historic Preservation Office as a resource, nor is it located within a district which is listed on the State or National Register of Historic Places.
 - b. The Land is separated for a district and residence that has been nominated for State or National Register of Historic Places by a roadway and residential structures of similar character to the Project that obscure the view of the Land from such properties.
 - c. To the extent the Project visible from the places nominated for State or National Register of Historic Place, after development, the southward view would be of an attractive commercial building, as depicted in the renderings of the Building.
 - d. Since the Land has previously developed and lack the characteristics that would suggest the potential presence of any significant archaeological resources, the Project will not create any significant adverse impacts to historical or archaeological resources.
11. Impact on Open Space and Recreation.
- a. The Land on which the Project is not open space, however, the abutting boardwalk and beach beyond are open space.
 - b. The redevelopment occurring on the Land, however, is not anticipated to impact any open space or recreational resources, including any parks or park features in vicinity thereto as the use and development are in harmony with existing uses and structures in the area. Accordingly, the Project will not create any significant adverse impacts to open space or recreational resources.
12. Impact on Critical Environmental Areas. The property on which the Project is to be developed is not located in or substantially contiguous to any Critical Environmental Area ("CEA") based on a review of the EAF Mapper associated with such property. Accordingly, the Project will not create any significant adverse impacts to any CEA.
13. Impact on Transportation.
- a. The Project will not result in a substantial increase in traffic above capacity of current traffic infrastructure, but is expected to generate substantial new demand for transportation facilities or services/infrastructure.

- b. The City of Long Beach is an urban setting and the Project is located within walking distance of the Long Island Rail Road. Census data shows that over 30% of the City's population uses public transportation, walks, bikes or carpools to work.
 - c. Parking facilities for the Project are presumed to be adequate as no variance relief is required pursuant to the City Code. Accordingly, there are no anticipated SEQRA impacts to off-site parking conditions.
 - d. The GEIS review of traffic and parking determined that no traffic mitigation was necessary at the five (5) key intersections immediately adjacent to the Superblock site. An updated Traffic and Parking Assessment was prepared by Cameron Engineering and included in the 2014 Expanded EA. The analysis was prepared using a comparative methodology to the City's previously adopted Findings on a DGEIS/FGEIS for a more intensive use at the Superblock site.
 - e. The updated Traffic and Parking Assessment conducted June 2012 traffic counts at the five intersections that were analyzed in the DGEIS/FGEIS, and the traffic in June 2012 was less than the traffic analyzed in the DGEIS/FGEIS. In addition, based on ITE trip generation data, both the Project would generate fewer trips overall than the uses previously analyzed in the DGEIS/FGEIS (due to significant reduction in commercial uses).
 - f. Between 2012 and 2019, the latest year for which Census Bureau records are available, the estimated population of the City of Long Beach increased by 94 residents, which indicates that there has not been significant background population growth impacting the updated Traffic and Parking Assessment.
 - g. Given the combination of smaller "No Build" intersection volumes noted in the 2014 Traffic and Parking Assessment plus smaller trip generation yields resulting from the smaller development and, thus, less traffic than what was previously analyzed, the SEQRA Findings in the DGEIS/FGEIS remain valid.
 - h. 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.
 - i. Construction related access will be coordinated by the Applicant with the City of Long Beach Building Department.
14. Impact on Energy. The proposed redevelopment of the subject property would increase energy use, however, existing utilities serve the area where the Project will be developed and are anticipated to have adequate capacity to serve it.
15. Solid Waste. Solid waste generated at the subject property by both the proposed residential and restaurant/office uses. It is expected the proposed development would undertake a recycling program geared toward its individual uses. Each

component user would recycle specific materials and would provide the proper receptacles to allow for separation and recycling. Based upon the foregoing, implementation of the proposed action would not be expected to result in significant adverse impacts to the City's waste management facilities, practices or plans.

16. Impact on Noise and Odor and Impacts from Light.

- a. The GEIS noted that ambient noise is dominated by traffic noise, airplane noise, commercial/residential activities and beach activities. The GEIS found that potential noise impacts from increased traffic were not significant and that potential noise from new mechanical equipment would not perceptibly change the noise levels. The GEIS indicated that construction would conform to the City's Noise Ordinance and post development noise from the proposed land use would not be expected to significantly raise ambient sound levels in the area. Since the Project as currently proposed has less traffic and similar construction anticipated, these conclusions remain valid.
- b. The Project is also not expected to materially to create odors of consequence particularly in light of such project setting including the Project site location.
- c. As a result, it is not anticipated that operation of the Project will result in undue noise impacts. Further, any impacts to noise and/or odor from construction activities will be minor, and temporary in nature.
- d. In addition, any such noise from construction will be undertaken during work hours and as such is not anticipated to be significant. Accordingly, the Project will not create any significant adverse impacts to noise or odors.

17. Impact on Growth and Character of the Community and Neighborhood.

- a. The Project is not anticipated to result in significant growth out of character or beyond the capacity of the area to accommodate same in light of the zoning of the site of said project and surrounding uses.
- b. In sum, the Project is similar and is in character with surrounding uses. Accordingly, the Project is not anticipated to create any significant adverse impacts to the growth or character of the community.

18. No Related Actions being Funded, Undertaken or Approved by the Agency. The Project is not associated with any related action being undertaken, funded or approved by an agency. Accordingly, the Project is not anticipated to have a cumulative impact that affects the consideration of the Project under SEQRA given the limited impact of the Project given existing environmental conditions and mitigation measures included in the improvements rendering it an as of right use pursuant to the zoning regulations of the City of Long Beach.

19. Changes Associated with the Project will not have a Significant Impact on the Environmental in the Aggregate. No anticipated changes in two or more elements of the environment, neither of which has a significant impact on the environment, when considered together will result in a substantial adverse impact on the environment given existing environmental conditions and mitigation

measures included in the improvements rendering it an as of right use pursuant to the zoning regulations of the City of Long Beach.

NOW THEREFORE BE IT FURTHER RESOLVED:

Section 2. 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 NYCRR §617.7(b)-(c) of the SEQRA regulations and as such, no environmental impact statement shall be prepared.

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:

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.:

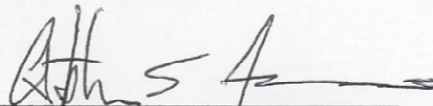
COUNTY OF NASSAU

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 August 25, 2020 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 5 of the Public Officers Law (the "Open Meetings Law") as modified pursuant to Executive Order No. 202.11, 202.28, 202.48 and 202.55 - Continuing Temporary Suspension And Modification Of Laws Relating To The Disaster Emergency - by Governor Andrew M. Cuomo of the State of New York, 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 25th day of August, 2020.


[Assistant] Secretary

[Vice] Chairman

(SEAL)

STATE OF NEW YORK

) SS.:

COUNTY OF NASSAU

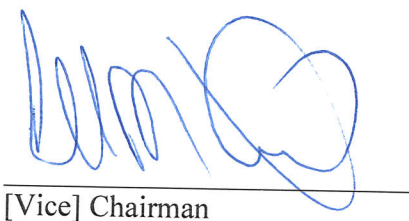
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[Assistant] Secretary



[Vice] Chairman

(SEAL)