

## Seviroli Foods 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 June 19, 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         |
| Chris Fusco      | Asst. Secretary   |
| John Coumatos    | Asst. Treasurer   |

### NOT PRESENT:

|            |           |
|------------|-----------|
| Amy Flores | 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. 2018-26 was offered by T. Williams, seconded by C. Fusco:

Resolution No. 2018-26

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A  
CERTAIN PROJECT FOR SEVIROLI FOODS, INC. WILL NOT HAVE A SIGNIFICANT  
ADVERSE IMPACT ON THE ENVIRONMENT

**Project Name:** Seviroli Foods, Inc.

**Location:** Certain parcels of land located in the Incorporated Village of Garden City, Town of Hempstead, Nassau County, New York, identified further as: 600 Commercial Ave (SBL 34-100-12, 17 & 19), 620 Commercial Ave (SBL 34-100-18), 10 Commercial (SBL 44-D-8), 585 Brook St (SBL 34-100-5), 601 Brook St (SBL 34-100-6&7), 557-579 Brook Street (SBL 34-100-4), Vacant Lot at Commercial Ave (SBL 34-100-8)

**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, SEVIROLI FOODS, INC., a corporation 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 requesting that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in those certain parcels of land located in the Incorporated Village of Garden City, Town of Hempstead, Nassau County, New York, more particularly described on Schedule A attached hereto (collectively, the "Land"); (B) the renovation of the buildings and other structures on the

Land (collectively, the "Building"), together with related improvements to the Land, (C) 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 manufacturing, warehousing and office facility (collectively, the "Project Facility"); (D) 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, mortgage recording taxes and sales and use taxes (collectively, the "Financial Assistance"); and (E) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, any land transfer is being undertaken solely to effectuate the Financial Assistance to facilitate the Project and the Agency will only be the nominal title holder for as long as is necessary to effectuate the Financial Assistance; and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (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 for each parcel (600 Commercial Ave (SBL 34-100-12, 17 & 19), 620 Commercial Ave (SBL 34-100-18), 10 Commercial (SBL 44-D-8), 585 Brook St (SBL 34-100-5), 601 Brook St (SBL 34-100-6&7), 557-579 Brook Street (SBL 34-100-4), Vacant Lot at Commercial Ave (SBL 34-100-8)), dated June 12, 2018; (2) NYSDEC's Environmental Resource Mapper; (3) New York State Historic Preservation Office's Cultural Resources Mapper; (4) the U.S. Fish and Wildlife Service's Information for Planning and Consultation Mapper; and (5) other relevant environmental information (collectively, 1, 2, 3, 4, and 5 shall be referred to as the "Project Environmental Information"); 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.

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 Project 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;

(2) 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

(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 certain parcels of land totaling approximately 3.35 acres and the interior renovation of the existing Buildings on the Land with no land disturbance. The Project does not meet or exceed any threshold for a Type I Action.

(4) No potentially significant adverse impacts on the environment are noted in the EAF and none are known to the Agency.

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 acquisition of the Land, the interior renovation of an existing Buildings on the Land, and the acquisition of certain furniture, fixtures, machinery and equipment necessary for use by the Applicant in the Project Facility. The zoning and land use classification will not change as a result of the Project. The Project is consistent with surrounding uses, which are commercial and industrial in nature and involves no land disturbance or exterior modifications. 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. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to water.

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. Accordingly, the Project will not create any significant adverse impacts to air resources.
4. Impact on Plants and Animals. The Land in the area of the Project does not possess significant ecological value as it is within a well-developed commercial and industrial area. Accordingly, the Project will not create significant adverse impacts to plants, animals 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. Accordingly, the Project will not create any significant adverse impacts to agricultural land resources.
6. 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 commercial and industrial area and is consistent with surrounding uses. Accordingly, the Project is not anticipated to create any significant adverse impacts to aesthetic resources.
7. Impact on Historic and Archeological Resources. The Land and Project Facility 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 Facility 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.
8. Impact on Open Space and Recreation. The Project Facility 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 impacts to open space or recreational resources.
9. Impact on Critical Environmental Areas. The Land is not located in or substantially contiguous to any Critical Environmental Area ("CEAs"). Accordingly, 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. Accordingly, it is not anticipated that that Project will create any significant adverse impacts to transportation.
11. Impact on Energy. The Project may result in a 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.
12. Impact on Noise and Odor. 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. Accordingly, 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. While the NYSDEC Mapper does indicate that the adjoining or nearby lands (of 557-559 Brook Street) have been the subject of remediation, a review of the Application and the Project Environmental Information materials reveals that the Project will not disturb or otherwise impact past remedial activities at these Lands. Any solid waste generated at the Project Facility will be properly disposed of pursuant to Federal, State and local laws and regulations. Accordingly, the Project will not create any significant adverse impact to public health.
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 adjacent commercial and industrial development and surrounding uses. Accordingly, 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 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       | EXCUSED |     |
| John Coumatos    | VOTING  | Aye |

The foregoing Resolution was thereupon declared duly adopted.

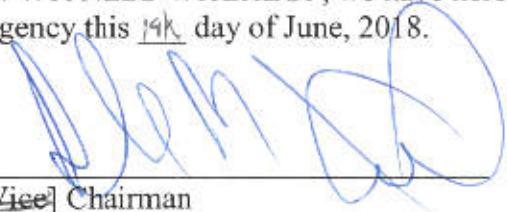
STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF NASSAU                    )

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 June 19, 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.

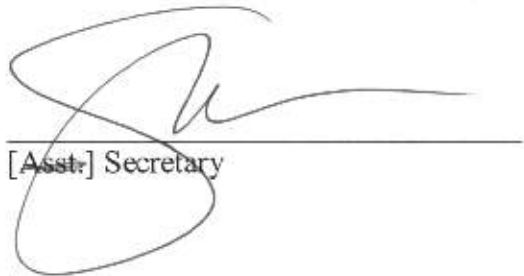
WE FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, we have hereunto set our respective hands and affixed the seal of the Agency this 19<sup>th</sup> day of June, 2018.



---

[~~Vice~~] Chairman



---

[~~Asst.~~] Secretary

(SEAL)



**Schedule A**  
**(Description of Project Land)**

600 Commercial Ave (SBL 34-100-12, 17 & 19)  
620 Commercial Ave (SBL 34-100-18)  
10 Commercial (SBL 44-D-8)  
585 Brook St (SBL 34-100-5)  
601 Brook St (SBL 34-100-6&7)  
557-579 Brook Street (SBL 34-100-4)  
Vacant Lot at Commercial Ave (SBL 34-100-8)