

## **Woodcrest 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 September 5, 2018 at 6:00 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
Chris Fusco	Asst. Secretary
John Coumatos	Asst. Treasurer

### **NOT PRESENT:**

### **THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:**

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

The attached resolution no. 2018-47 was offered by R. Kessel, seconded by T. Williams:

Resolution No. 2018-47

RESOLUTION ACKNOWLEDGING AND ADOPTING THE NEGATIVE  
DECLARATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY  
REVIEW ACT OF THE TOWN OF HEMPSTEAD TOWN BOARD FOR THE  
PROPOSED PROJECT OF WOODCREST VILLAGE PARK ASSOCIATES

**Project Name:** WOODCREST VILLAGE PARK ASSOCIATES

**Location:** 2930 Rockaway Avenue, Oceanside, Town of Hempstead,  
Nassau County, NY (Section: 38; Block: E; Lots: 42, 13, 5)

**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, WOODCREST VILLAGE PARK ASSOCIATES, a general partnership 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 5.19 acre parcel of land located at 2930 Rockaway Avenue, Oceanside, Town of Hempstead, Nassau County, New York (Section: 38; Block: E; Lots: 42, 13, 5) (the "Land"), (2) the construction of an approximately 260,108 square foot building (collectively, the "Building") on the Land, together with related improvements to the

Land, 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 a residential rental facility consisting of approximately 239 residential rental 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 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 (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 Hempstead Town Board ("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; and (2) other supporting documentation; and

WHEREAS, as Lead Agency, on August 7, 2018, 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 August 7, 2018 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	VOTING	Aye
Amy Flores	VOTING	Aye
John Coumatos	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.

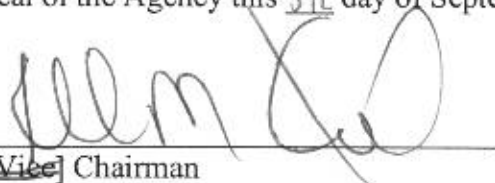
STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF NASSAU                    )


We, the undersigned [~~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 September 5, 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 5<sup>th</sup> day of September, 2018.

  
[~~Vice~~] Chairman

  
[Asst.] Secretary

Adopted: August 7, 2018

Senior Councilwoman Goosby offered the following resolution and moved for its adoption:

RESOLUTION ADOPTING A S.E.Q.R. NEGATIVE DECLARATION AND DETERMINATION OF NON-SIGNIFICANCE IN CONNECTION WITH AN APPLICATION TO REZONE A PARCEL OF LAND LOCATED IN OCEANSIDE, NEW YORK, AND IDENTIFIED AS SECTION 38, BLOCK E, LOT(S) 42, 13 AND 5 ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU.

WHEREAS, the applicant, Woodcrest Village Park Associates, has submitted to the Town of Hempstead an Application to Rezone a 5.19 acre parcel of land located at 2930 Rockaway Avenue, Oceanside, New York from "Residence CA" District to "Residence CA-S" District; and

WHEREAS, the purpose of the proposed Rezoning from "Residence CA" to "Residence CA-S" is to allow for the construction of 239 Multi-Family Residential Housing Units; and

WHEREAS, the applicant has submitted to the Town of Hempstead and Environmental Assessment Form (E.A.F.); and

WHEREAS, said E.A.F. has been reviewed by the Town Attorney of the Town of Hempstead and his staff and the significance of all environmental considerations, including those enumerated in 6NYCRR part 617.7 have been thoroughly evaluated to ascertain whether adverse environmental impacts will result; and

WHEREAS, the proposed action is an Unlisted Action as defined in 6NYCRR Part 617; and

WHEREAS, upon completion of said review, the Town Attorney has made a recommendation to the Town Board; and

WHEREAS, the Town Board, after due consideration of the recommendation of said Town Attorney considers the project to be an Unlisted Action and will not have a significant effect on the environment for the following reasons:

The Proposed Action will not result in any significant physical alterations to the site.

The Proposed Action will not have a significant adverse environmental impact on any Critical Environmental Area.

The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.

The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.

The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.

The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.

The Proposed Action will not have a significant adverse environmental impact on or alter drainage flow or patterns, or surface water runoff.

The Proposed Action will not have a significant adverse environmental impact on air quality.

The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.

The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.

The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.

The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.

The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.

The Proposed Action will not have any significant adverse environmental impact on existing transportation systems.

The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.

The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.

The Proposed Action will not have a significant adverse environmental impact on the public health and safety.

The Proposed Action will not have a significant adverse environmental impact on the character of the existing community.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board is "Lead Agency" for the proposed Rezoning from "Residence CA" District to "Resident CA-S" District for said parcel of land located in Oceanside, New York; and BE IT FURTHER

RESOLVED, that the proposed action is an Unlisted Action pursuant to Part 617.6 and will not have a significant adverse impact on the environment; and BE IT FURTHER

RESOLVED, that the Town Board hereby declares that a Declaration of Non-Significance in connection with the proposed Rezoning is consistent with considerations of public interest; and BE IT FURTHER

RESOLVED, that the S.E.Q.R. process has been satisfied and completed with the completion of the above-mentioned review and duly approved Negative Declaration.

The foregoing resolution was adopted upon roll call as follows:

AYES: SIXTEEN (16)

NOES: NONE (0)

COUNCILMAN AMBROSINO RECUSED HIMSELF FROM VOTING

Adopted: March 6, 2018

Councilman D'Esposito offered the following resolution and moved its adoption:

RESOLUTION GRANTING THE PETITION OF  
WOODCREST VILLAGE PARK ASSOCIATES FOR A  
REZONING FROM CA RESIDENCE DISTRICT TO  
CA-S RESIDENCE DISTRICT, OF REAL PROPERTY  
LOCATED ON THE WEST SIDE OF ROCKAWAY AVENUE,  
OCEANSIDE, TOWN OF HEMPSTEAD, NASSAU COUNTY,  
NEW YORK.

WHEREAS, the petition of Woodcrest Village Park Associates, with an office address at 370 Seventh Avenue, New York, New York, dated and acknowledged September 8, 2016, for a change of zone of real property in Oceanside, New York, more particularly described hereinafter, from CA Residence District to CA-S District, was filed with this Town Board; and

WHEREAS, a public hearing was duly called and held on April 25, 2017, pursuant to the provisions of the Building Zone Ordinance of the Town of Hempstead, and all persons present desiring to be heard on said Petition were heard and decision was reserved thereon; and

WHEREAS, this Town Board after due consideration thereof deems it to be in the public interest to grant said Petition;

NOW, THEREFORE, BE IT

RESOLVED that the aforesaid petition of Woodcrest Village Park Associates, for a change of zone of real property in Oceanside, New York, from CA Residence District to CA-S Residence District is hereby granted and the following described property now located in the CA Residence District be located in the CA-S Residence District, and regulated pursuant to the Building Zone Ordinance and the Building Zone Map of the Town of Hempstead:

All that certain plot, piece or parcel of land with the building and improvements thereon erected, situate, lying and being partly at Oceanside, Town of Hempstead and partly in the Incorporated Village of East Rockaway, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point on the Northwestern side of Rockaway Avenue, as widened, distant 102.83 feet Northeasterly from the extreme Northeasterly end of the corner cut off connecting the Northwestern side of Rockaway Avenue as widened with the Northerly side of West Atlantic Avenue (Atlantic Avenue);

running thence North 65 degrees, 13 minutes, 00 seconds West, 552.66 feet to land of the Long Island Railroad;

thence along said railroad land, the following 5 courses and distances:

- 1) North 25 degrees, 30 minutes, 10 seconds West, 70.09 feet;
- 2) North 64 degrees, 29 minutes, 50 seconds East, 15 feet;
- 3) North 25 degrees, 30 minutes, 10 seconds West, 50 feet;
- 4) South 64 degrees, 29 minutes, 50 seconds West, 15 feet;
- 5) North 25 degrees, 30 minutes, 10 seconds West, 329.79 feet to the Southeasterly side of Mill River;

thence along and through the Southeasterly side of Mill River, North 64 degrees, 29 minutes, 50 seconds East, 31.56 feet;

thence continuing through Mill River, South 76 degrees, 30 minutes, 00 seconds East, 89.97 feet;

thence partly through Mill River and partly along the Westerly line of land now or formerly of the Town of Hempstead Housing Authority, south 5 degrees, 38 minutes, 00 seconds West, 31.05 feet;

thence along the Southerly line of said Town of Hempstead land, south 65 degrees, 13 minutes, 00 seconds east, 816.53 feet to the Northwestern side of Rockaway Avenue, as widened;

thence South 32 degree, 42 minutes, 01 seconds west along the Northwestern side of Rockaway Avenue, as widened, 197.75 feet;

thence South 29 degrees, 48 minutes, 00 seconds west still along the Northwestern side of Rockaway Avenue, as widened, 104.54 feet to the point or place of BEGINNING.

Being Section 38, Block E, and of Lots 5, 13, 42 on the Nassau County Land and Tax Map.

and, BE IT FURHTER

RESOLVED, that the subject parcel be developed in accordance with the site plan prepared by H2M Architects & Engineers, dated June, 2017, subject to further Town site plan approval; and, BE IT FURTHER

RESOLVED, that the necessary changes be made upon the Zoning and Departmental Maps so as to indicate the aforesaid amendment, and the Town Clerk give necessary notice of change.

The foregoing resolution was seconded by Councilman Blakeman and adopted upon roll call as follows:

AYES: SIX (6)

NOES: NONE (0)

COUNCILMAN AMBROSINO RECUSED HIMSELF FROM VOTING

Adopted: March 6, 2018

Councilman D'Esposito offered the following resolution and moved its adoption:

RESOLUTION ACCEPTING A DECLARATION OF RESTRICTIVE COVENANTS INCIDENTAL TO AND IN CONNECTION WITH GRANTING THE PETITION OF WOODCREST VILLAGE PARK ASSOCIATES FOR A REZONING FROM CA RESIDENCE DISTRICT TO CA-S RESIDENCE DISTRICT, ON REAL PROPERTY LOCATED ON THE WEST SIDE OF ROCKAWAY AVENUE, OCEANSIDE, TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK.

WHEREAS, the petition of Woodcrest Village Park Associates, with an offices at 370 Seventh Avenue, New York, New York, for a change of zone, from Residence "CA" Residence District to "CA-S" Residence District, concerning real property located on the west side of Rockaway Avenue, 102.83 feet north of West Atlantic Avenue, Oceanside, Town of Hempstead, Nassau County, New York, more particularly described hereinafter was filed with this Town Board; and

WHEREAS, Woodcrest Village Park Associates, are the owners of the subject premises and have submitted to the Town of Hempstead a Declaration of Restrictive Covenants acknowledged May 24, 2018 with reference to said subject premises; and

NOW, THEREFORE, BE IT

RESOLVED, that said Declaration of Restrictive Covenants submitted by Woodcrest Village Park Associates acknowledged May 24, 2018, hereby is accepted; and BE IT FURTHER

RESOLVED, that the Supervisor be and she hereby is authorized to accept the said Declaration of Restrictive Covenants submitted for and on behalf of the Town of Hempstead; and BE IT FURTHER

RESOLVED, that the said Declaration of Restrictive Covenants be and the same is hereby approved and ordered filed in the Office of the Town Clerk of the Town of Hempstead, after same has been recorded in the Office of the Clerk of Nassau County at the cost and expense of the declarant; and, BE IT FURTHER

RESOLVED, that the restrictions set forth in said Declaration of Restrictive Covenants be and the same are hereby accepted in accordance with the terms and conditions of said declaration.

The forgoing resolution was seconded by Councilman Blakeman and adopted upon roll call as follows:

AYES: SIX (6)

NOES: NONE (0)

COUNCILMAN AMBROSINO RECUSED HIMSELF FROM VOTING