

NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY

AUDIT COMMITTEE AGENDA

March 30, 2023, at 6:45 p.m.

- I. Roll Call
- II. Business and Discussion
 - a. Presentation by Usmara Siddique of PKF O'Connor Davies Accountants and Advisors, reviewing December 31, 2022 audited financial statements.
 - b. Resolution to recommend to the Board of the Nassau County Industrial Development Agency its adoption of the described 2022 audited financial statements.
- III. Adjournment

**Audit Committee
Members:**

Raymond Pinto, Chair
William Rockensies
John Coumatos

NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY

FINANCE COMMITTEE AGENDA

March 30, 2023 at 6:30 p.m.

- I. Roll Call
- II. Business and Discussion
 - a. Presentation by Usmara Siddique of PKF O'Connor Davies Accountants and Advisors, reviewing December 31, 2022 audited financial statements.
 - b. Resolution to recommend to the Board of the Nassau County Industrial Development Agency its adoption of the described 2022 audited financial statements.
- III. Adjournment

Finance Committee
Members:

Reginald Spinello, Chair
Victor LaGreca

Nassau County Industrial Development Agency (“IDA”)

Agenda

March 30, 2023, at 6:45 PM

- I. Board Roll Call
- II. Chair Report
- III. Public Comment Period
 - A. Public Comment
- IV. Existing Business and Discussion
 - A. Approval Resolutions
 - i. 120 Jericho Associates LLC
 - a. SEQRA Resolution
 - b. PILOT Deviation Resolution
 - c. Approving Resolution
 - ii. Searing Group LLC
 - a. SEQRA Resolution
 - b. PILOT Deviation Resolution
 - c. Approving Resolution
 - B. Preliminary Resolutions
 - i. First Playhouse of Great Neck Corporation
 - C. Discussion

None
 - D. Consent Resolutions
 - i. Consent Request by EGB Hospitality, LLC
- V. Other Business
 - A. Minutes
 - i. Approval of February 23, 2023, Minutes

- B. Other Resolutions
 - i. Resolution to Adopt Audited Financial Statements
 - ii. Resolution Authorizing Longevity Payment
 - iii. Governance Resolution

- C. Other Discussion
 - i. 2022 PARIS Report

VI. Chief Financial Officer Report

VII. Adjournment

120 JERICHO ASSOCIATES LLC - 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, Legislative Chambers, 1550 Franklin Avenue, Mineola, Nassau County, New York, on March 30, 2023, at 6:45 p.m., local time.

The meeting was called to order by the [Chair], upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chair
John Coumatos	Asst. Treasurer
Reginald A. Spinello	Member
William H. Rockensies	Member
Raymond Pinto	Member
Victor LaGreca	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Ben Ciorra	Director of Operations
Hon. Anthony Marano	Agency Counsel
Paul O’Brien	Bond/Transaction Counsel

The attached resolution no. 2023-[] was offered by [], seconded by [].

Resolution No. 2023-__

**RESOLUTION OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT
AGENCY PURSUANT TO THE STATE ENVIRONMENTAL QUALITY
REVIEW ACT CONCERNING THE CLASSIFICATION OF A CERTAIN
PROJECT FOR 120 JERICHO ASSOCIATES LLC**

Name of Project: 120 JERICHO ASSOCIATES LLC

Location: 120 Jericho Turnpike, Jericho, Town of Oyster Bay, Nassau County, New York (SBL No. 17-16-47)

SEQR Status: Type II

WHEREAS, the Nassau County Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of the New York State Industrial Development Agency Act, constituting Title 1 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 71 of the 1972 Laws of New York, as amended, constituting Section 895-h 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, renovating, improving, maintaining, equipping and furnishing of 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, among other things, (i) acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein; and (ii) 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, 120 JERICHO ASSOCIATES LLC, a limited liability company organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of 120 Jericho Associates LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, 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 1.64 acre parcel of land located at 120 Jericho Turnpike, Jericho, Town of Oyster Bay, Nassau County, New York (Section: 17; Block: 16; Lot: 47) (the “Land”), (2) the renovation of the existing approximately 53,000 square foot building (the “Building”) on the Land, together with related improvements to the Land, including surface parking spaces, 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 commercial facility to be leased to New York Institute of Technology (“NYIT”) and operated by NYIT as a student housing 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 potential exemptions or partial exemptions from real property taxes and mortgage recording 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(ies) 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 (“NYSDEC”), being 6 NYCRR 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, the Town of Oyster Bay (“Town”) Board of Trustees determined on January 19, 2023 that the Project is a Type II action under SEQRA; 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) the Application; and (2) a Short Environmental Assessment Form (“EAF” and together with the Application, collectively, the “Environmental Information”); and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Project, the Agency has reviewed the Environmental Information, consulted various information sources, and considered the list of activities that 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

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts associated with the Project reveals that the Project will not have any potentially significant adverse environmental impacts; and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Project, the Agency has reviewed the Environmental Information, consulted various information sources, and considered the list of activities that 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

WHEREAS, 6 NYCRR 617.2(ak) of the Regulations states that a Type II action is an action or class of actions identified under 6 NYCRR 617.5; and

WHEREAS, 6 NYCRR 617.5(a) states that actions identified as Type II actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the SEQRA Act; and

WHEREAS, 6 NYCRR 617.5(c) states that Type II actions not subject to further review under SEQRA include “maintenance or repair involving no substantial changes in an existing structure or facility,” “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part,” the “purchase or sale of furnishings, equipment or supplies, including surplus government property” and “reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance” in connection with a project; and

WHEREAS, the Project consists of renovation of the existing Building within its existing footprint and improvements to the interior of the Building to accommodate the installation of the Equipment and the reuse of the Project Facility;

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

Section 1. Based upon the Agency’s review of the Environmental Information, the Agency has made the following findings:

(a) The Project is a Type II action under SEQRA, precluded from further environmental review, because it consists of the “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes,” the “purchase or sale of furnishings, equipment or supplies, including surplus government property” and “reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance” in connection with a project and does not meet or exceed any threshold for a Type I action.

(b) More specifically, the Project involves the replacement, rehabilitation or reconstruction of a structure or facility, in kind, because it involves interior renovation and rehabilitation of an existing structure with use and occupancy by a type of use permitted within the zoning district occupied by the Land. The Project will not expand the footprint of the Project Facility nor increase or substantially alter environmental impacts associated with the Land. Finally, the Project includes the acquisition of the Equipment in connection with the above.

Section 2. The Chairman, the Vice Chairman, the Chief Executive Officer/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 3. 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
John Coumatos	VOTING
Reginald A. Spinello	VOTING
William H. Rockensies	VOTING
Raymond Pinto	VOTING
Victor LaGreca	VOTING

The foregoing Resolution was thereupon declared duly _____.

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 March 30, 2023 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 ____ day of March, 2023.

[Assistant] Secretary

[Vice] Chairman

(SEAL)

120 JERICHO ASSOCIATES LLC - PILOT Deviation 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, Legislative Chambers, 1550 Franklin Avenue, Mineola, Nassau County, New York, on March 30, 2023, at 6:45 p.m., local time.

The meeting was called to order by the [Chair], upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chair
John Coumatos	Asst. Treasurer
Reginald A. Spinello	Member
William H. Rockensies	Member
Raymond Pinto	Member
Victor LaGreca	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Ben Ciorra	Director of Operations
Hon. Anthony Marano	Agency Counsel
Paul O’Brien	Bond/Transaction Counsel

The attached resolution no. 2023-[] was offered by [], seconded by [].

Resolution No. 2023-[]

RESOLUTION AUTHORIZING A DEVIATION FROM THE UNIFORM
TAX EXEMPTION POLICY OF THE NASSAU COUNTY
INDUSTRIAL DEVELOPMENT AGENCY WITH RESPECT
TO A PROJECT FOR 120 JERICHO ASSOCIATES LLC

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, 120 JERICHO ASSOCIATES LLC, a limited liability company organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of 120 Jericho Associates LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, 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 1.64 acre parcel of land located at 120 Jericho Turnpike, Jericho, Town of Oyster Bay, Nassau County, New York (Section: 17; Block: 16; Lot: 47) (the "Land"), (2) the renovation of the existing approximately 53,000 square foot building (the "Building") on the Land, together with related improvements to the Land, including surface parking spaces, 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 commercial facility to be leased to New York Institute of Technology ("NYIT") and operated by NYIT as a student housing 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 potential exemptions or partial exemptions from real property taxes

and mortgage recording 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(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, the Application states that the Applicant is seeking an exemption from real property taxes with respect to the Project Facility that constitutes a deviation from the Agency’s Uniform Tax Exemption Policy (the “Tax Exemption Policy”); and

WHEREAS, pursuant to Section 874(4) of the Act, (A) the CEO/Executive Director of the Agency caused a letter dated March 10, 2023 (the “Pilot Deviation Notice Letter”) to be mailed to the chief executive officer of each affected tax jurisdiction (and to the district clerk of the applicable school district), informing said individuals that the Agency would, at its meeting on March 30, 2023 (the “IDA Meeting”), consider a proposed deviation from the Tax Exemption Policy with respect to the payments in lieu of real property taxes to be made pursuant to a payment in lieu of taxes agreement to be entered into by the Agency with respect to the Project Facility; and (B) the members of the Agency conducted the IDA Meeting on the date hereof and reviewed any comments and correspondence received with respect to the proposed deviation from the Tax Exemption Policy; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 874(4) of the Act with respect to the proposed deviation from the Tax Exemption Policy;

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

Section 1. Prior to making the determinations set forth in this resolution, the members of the Agency have considered the following factors set forth in the Tax Exemption Policy: (1) the extent to which the Project would create or retain permanent jobs; (2) the extent to which the Project would create construction jobs; (3) the estimated value of tax exemptions to be provided with respect to the Project; (4) the amount of private sector investment generated or likely to be generated by the Project; (5) the likelihood of the Project being accomplished in a timely manner; (6) the extent of new revenue that would be provided to affected tax jurisdictions as a result of the Project; (7) whether affected tax jurisdictions would be reimbursed by the Applicant if a Project does not fulfill the purposes for which an exemption was provided, (8) the impact of the Project on existing and proposed businesses and economic development projects in the vicinity, (9) the demonstrated public support for the Project, (10) the effect of the Project on the environment, (11) the extent to which the Project would require the provision of additional services, including, but not limited to, additional educational, transportation, police, emergency, medical or fire services, and (12) any other miscellaneous public benefits that might result from the Project.

Section 2. The Agency hereby determines that the Agency has fully complied with the requirements of Section 874(4) of the Act relating to the proposed deviation from the Tax Exemption Policy.

Section 3. Having reviewed all comments and correspondence received at or prior to the IDA Meeting, the Agency hereby approves the proposed deviation from the Tax Exemption Policy as described in the Pilot Deviation Notice Letter (a copy of which is attached hereto as Exhibit A) because (i) the proposed deviation is necessary to induce the Applicant to undertake the Project, and (ii) the Project would not be financially feasible without the proposed deviation.

Section 4. The Chairman, Vice Chairman, Administrative Director and CEO/Executive Director of the Agency are each hereby authorized and directed, acting individually or jointly, 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. If the Agency hereafter adopts appropriate final approving resolutions with respect to the proposed straight-lease transaction with the Applicant (the “Transaction”), the Chairman, Vice Chairman, CEO/Executive Director and Administrative Director of the Agency are each hereby authorized and directed, acting individually or jointly, to cause the Agency to (A) enter into a Payment in Lieu of Taxes Agreement with the Applicant, providing, among other things, that the Applicant shall make payments in lieu of taxes consistent with the formula set forth in the Pilot Deviation Notice Letter, and (B) file an application for real property tax exemption with the appropriate assessor(s) with respect to the Project Facility.

Section 5. This Resolution shall take effect immediately, but is subject to and conditioned upon the closing of the Transaction.

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
John Coumatos	VOTING
Reginald A. Spinello	VOTING
William H. Rockensies	VOTING
Raymond Pinto	VOTING
Victor LaGreca	VOTING

The foregoing Resolution was thereupon declared duly [____].

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 March 30, 2023 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 ____ day of March, 2023.

[Assistant] Secretary

[Vice] Chairman

(SEAL)

EXHIBIT A

Pilot Deviation Notice Letter

See Attached

March 10, 2023

CERTIFIED MAIL, RETURN
RECEIPT REQUESTED and
FIRST CLASS MAIL

County Executive Bruce A. Blakeman
County of Nassau
1550 Franklin Avenue
Mineola, NY 11501

Supervisor Joseph Saladino
Town of Oyster Bay
54 Audrey Avenue
Oyster Bay, NY 11771

Superintendent Henry L. Grishman
Jericho Union Free School District
99 Cedar Swamp Road
Jericho, NY 11753

District Clerk
Jericho Union Free School District
99 Cedar Swamp Road
Jericho, NY 11753

NOTICE OF PROPOSED DEVIATION FROM
UNIFORM TAX EXEMPTION POLICY

Ladies and Gentlemen:

Notice is hereby given that at a meeting of the Nassau County Industrial Development Agency (the "Agency") to be held on March 30, 2023 at 6:45 p.m. local time at the Nassau County Executive & Legislative Building, Legislative Chambers, 1550 Franklin Avenue, Mineola, NY 11501, the Agency will consider whether to approve the application of 120 JERICHO ASSOCIATES LLC, a limited liability company organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of 120 Jericho Associates LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "Applicant"), for certain "financial assistance" which, if granted, would deviate from the Agency's Uniform Tax Exemption Policy (the "Policy") with respect to the payment of real property taxes. The meeting of the Agency will be open to the public.



1 West St., 4th Floor
Mineola, NY 11501



Phone: 516-571-1945
Fax: 516-571-1076



info@nassauida.org
nassauida.org

The Applicant has submitted an application (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 an approximately 1.64 acre parcel of land located at 120 Jericho Turnpike, Jericho, Town of Oyster Bay, Nassau County, New York (Section: 17; Block: 16; Lot: 47) (the “Land”), (2) the renovation of the existing approximately 53,000 square foot building (the “Building”) on the Land, together with related improvements to the Land, including surface parking spaces, 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 commercial facility to be leased to New York Institute of Technology (“NYIT”) and operated by NYIT as a student housing 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 potential exemptions or partial exemptions from real property taxes and mortgage recording 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(ies) as may be designated by the Applicant and agreed upon by the Agency.

The Application states that the Applicant is seeking an abatement of real property taxes. However, based upon preliminary negotiations between representatives of the Applicant and the Agency, the parties contemplate that the Agency may agree to grant an approximately fifteen (15) year real property tax exemption, with two (2) extension options, each for an additional five (5) year period (the “Property Tax Exemption”), with respect to the Project Facility as follows:

<u>Year</u>	<u>PILOT</u>
1	\$80,000.00
2	\$81,600.00
3	\$83,232.00
4	\$84,896.64
5	\$86,594.57
6	\$88,326.46
7	\$90,092.99
8	\$91,894.85
9	\$93,732.75
10	\$95,607.41
11	\$97,519.55
12	\$99,469.94
13	\$101,459.34
14	\$103,488.53
15	\$105,558.30
16	\$107,669.47
17	\$109,822.86
18	\$112,019.31
19	\$114,259.70
20	\$116,544.89
21	\$118,875.79

22	\$121,253.31
23	\$123,678.37
24	\$126,151.94
25	\$128,674.98

Thereafter, and through the end of the term of the lease or installment sale agreement with respect to the Project Facility, the payments would be equal to the real property taxes and assessments that would be payable as if the Project Facility were returned to the tax rolls as taxable property and subject to taxation at its then current, full assessed value, as the same may be reassessed from time to time, and subject to tax rate increases imposed by the affected tax jurisdictions.

The Company's right to extend the term of the Property Tax Exemption for Years 16-20 and Years 21-25 will be subject to, inter alia, (i) timely and proper satisfaction of certain performance standards related to the Applicant's employee headcount at the Project Facility, (ii) continuous use of the Project Facility for student housing, and (iii) there being no defaults or events of default by the Applicant under the transaction documents between the Agency and the Applicant.

The Property Tax Exemption, if approved by the Agency, would constitute a deviation from the Policy.

The reason for the deviation is that the Property Tax Exemption, if approved by the Agency, is necessary to induce the Applicant to undertake the Project and that the Project would not be financially feasible without the Property Tax Exemption.

Sincerely,

NASSAU COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

By: 

Sheldon L. Shrenkel
CEO/Executive Director

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Town of Oyster Bay
 54 Audrey Avenue
 Oyster Bay, NY 11771
 Attn: Supervisor Joseph S. Saladino



9590 9402 7939 2305 4069 45

2. Article Number (Transfer from service label)

7022 2410 0001 3923 2202

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fee

\$

Sent To

Street and Apt. No., or

City, State, ZIP+4®

PS Form 3800, Apr

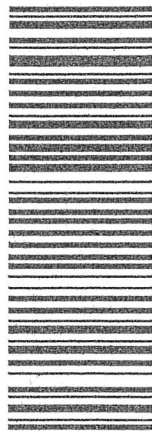
03/10/2023

120 Lencho
 Associates LLC
 public hearings
 Notice and
 Pilot Deviation
 Letter

Town of Oyster Bay
 54 Audrey Avenue
 Oyster Bay, NY 11771
 Attn: Supervisor Joseph S. Saladino

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.

CERTIFIED MAIL®



7022 2410 0001 3923 2202
 7022 2410 0001 3923 2202

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jericho Union Free School District
 99 Cedar Swamp Road
 Jericho, NY 11753
 Attn: Superintendent Henry L.
 Grishman



9590 9402 7939 2305 4157 56

2. Article Number (Transfer from service label)

7022 2410 0001 3923 2219

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

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Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No.,

City, State, ZIP+4®

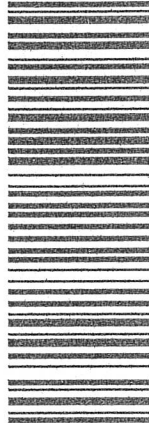
PS Form 3800, Ap

03/10/2023

120 Jericho
 Associates
 Public Hearing
 Notice and
 Pilot Deviation
 Letter

Jericho Union Free School District
 99 Cedar Swamp Road
 Jericho, NY 11753
 Attn: Superintendent Henry L.
 Grishman

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
 OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
CERTIFIED MAIL®



7022 2410 0001 3923 2219
 7022 2410 0001 3923 2219

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jericho Union Free School District
 99 Cedar Swamp Road
 Jericho, NY 11753
 Attn: District Clerk



9590 9402 7939 2305 4069 52

2. Article Number (Transfer from service label)

7022 2410 0001 3923 2226

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Registered Mail
 Registered Mail Restricted Delivery
 \$500

PS Form 3811, July 2020 PSN 7530-02-000-9053

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- Certified Mail Fee \$ _____
- Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) \$ _____
 - Return Receipt (electronic) \$ _____
 - Certified Mail Restricted Delivery \$ _____
 - Adult Signature Required \$ _____
 - Adult Signature Restricted Delivery \$ _____

03/10/2023
 120 Jericho
 Associates LLC
 Here
 PILOT Deviation
 Letter

Postage \$ _____

Total Postage and Jericho Union Free School District

\$ _____ 99 Cedar Swamp Road

Sent To Jericho, NY 11753

Street and Apt. No. Attn: District Clerk

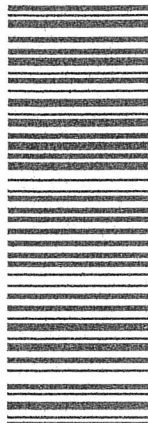
City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®



7022 2410 0001 3923 2226
 7022 2410 0001 3923 2226

120 JERICHO ASSOCIATES LLC - Approving 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, Legislative Chambers, 1550 Franklin Avenue, Mineola, Nassau County, New York, on March 30, 2023, at 6:45 p.m., local time.

The meeting was called to order by the [Chair], upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chair
John Coumatos	Asst. Treasurer
Reginald A. Spinello	Member
William H. Rockensies	Member
Raymond Pinto	Member
Victor LaGreca	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Ben Ciorra	Director of Operations
Hon. Anthony Marano	Agency Counsel
Paul O’Brien	Bond/Transaction Counsel

The attached resolution no. 2023-[] was offered by [], seconded by [].

RESOLUTION TAKING OFFICIAL ACTION TOWARD AND APPROVING
THE ACQUISITION AND STRAIGHT LEASING OF A CERTAIN PROJECT
FOR 120 JERICHO ASSOCIATES LLC

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 1 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, 120 JERICHO ASSOCIATES LLC, a limited liability company organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of 120 Jericho Associates LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, 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 1.64 acre parcel of land located at 120 Jericho Turnpike, Jericho, Town of Oyster Bay, Nassau County, New York (Section: 17; Block: 16; Lot: 47) (the “Land”), (2) the renovation of the existing approximately 53,000 square foot building (the “Building”) on the Land, together with related improvements to the Land, including surface parking spaces, 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 commercial facility to be leased to New York Institute of Technology (“NYIT”) and operated by NYIT as a student housing 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 potential exemptions or partial exemptions from real property taxes and mortgage recording 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(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, any approval of the Project is contingent upon, among other things, a final determination by the members of the Agency to proceed with the Project following a determination by the Agency that: (A) the public hearing and notice requirements and other procedural requirements contained in the Act relating to the Project and the Financial Assistance have been satisfied; and (B) the undertaking of the Project by the Agency and the granting of the Financial Assistance are and will be in compliance with all other applicable requirements of the Act, Article 8 of the Environmental Conservation Law (the “SEQR Act”) and the regulations adopted pursuant thereto (the “Regulations” and together with the SEQR Act, collectively, “SEQRA”), and all other statutes, codes, laws, rules and regulations of any governmental authority having jurisdiction over the Project or the Project Facility (collectively, the “Applicable Laws”); and

WHEREAS, the CEO/Executive Director of the Agency (A) caused notice of a public hearing of the Agency pursuant to Section 859-a of the Act (the “Public Hearing”) to hear all persons interested in the Project and the Financial Assistance contemplated by the Agency with respect to the Project, to be mailed on March 10, 2023 to the chief executive officer of the County of Nassau, New York, and of each other affected tax jurisdiction within which the Project Facility is or is to be located; (B) caused notice of the Public Hearing to be published on March 10, 2023 in the Nassau edition of *Newsday*, a newspaper of general circulation available to residents of the County of Nassau, New York; (C) caused the Public Hearing to be conducted on March 28, 2023, at 2:00 p.m., local time, at Oyster Bay Community Center, 59 Church Street, Town of Oyster Bay, Nassau County, New York; (D) caused the Public Hearing to be streamed on the Agency’s website in real-time and caused a recording of the Public Hearing to be posted on the Agency’s website, all in accordance with Section 857 of the Act; and (E) caused a transcript of the Public Hearing (the “Report”) to be prepared which transcribes the comments presented at the Public Hearing and distributed the Report to the members of the Agency; and

WHEREAS, in accordance with Section 874(4) of the Act, (A) the CEO/Executive Director of the Agency caused notice of a meeting of the Agency (the “IDA Meeting”) with respect to the proposed deviation from the Agency’s uniform tax exemption policy (the “Tax Exemption Policy”) to be mailed on March 10, 2023 to the chief executive officer of each affected tax jurisdiction and to district clerk of the applicable school district (the “Deviation Notice”); and (B) the members of the Agency conducted the IDA Meeting on the date hereof and reviewed any written comments or correspondence received with respect to the proposed deviation from the Agency’s uniform tax exemption policy and approved the proposed deviation; and

WHEREAS, pursuant to SEQRA, the appropriate personnel of the Agency reviewed the environmental assessment form and other materials submitted by the Company and made any necessary comments to the members of the Agency, and by resolution adopted by the members of the Agency on the date hereof (the “SEQRA Resolution”), the Agency determined that the Project is a Type II Action, which type of action has been determined pursuant to the Regulations not to have a significant impact on the environment or is otherwise precluded from environmental review under the SEQR Act; and

WHEREAS, the Agency now desires to make its determination to proceed with the Project and to grant the Financial Assistance, subject to the terms hereof; and

WHEREAS, (A) the Applicant will execute and deliver a bargain and sale deed, assignment of lease or company lease agreement to the Agency, pursuant to which the Applicant will convey an interest in the Land and the Building to the Agency (the "Conveyance Instrument"), (B) the Applicant will execute and deliver a bill of sale (the "Bill of Sale to Agency") to the Agency, pursuant to which the Applicant will convey to the Agency its interest in the Equipment, (C) the Applicant will execute and deliver a lease agreement or sublease agreement (uniform project agreement) (the "Project Agreement") between the Agency and the Applicant, pursuant to which the Agency will grant to the Applicant a leasehold interest in the Project Facility, (D) the Applicant will cause to be executed and delivered an environmental compliance and indemnification agreement (the "Environmental Indemnification") pursuant to which the Agency will be indemnified from and against certain losses, costs, damages and liabilities, (E) the Applicant will execute and deliver or cause to be executed and delivered a payment in lieu of taxes agreement (the "PILOT Agreement") to the Agency, and, to secure the obligations thereunder, a certain mortgage and assignment of leases and rents in favor of the County of Nassau, New York (the "PILOT Mortgage"), and (F) the Applicant will execute and deliver and/or cause to be executed and delivered certain other certificates, documents, instruments and agreements related to the Project (together with the Conveyance Instrument, the Bill of Sale to Agency, the Project Agreement, the Environmental Indemnification, the PILOT Agreement and the PILOT Mortgage, collectively, the "Transaction Documents");

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

Section 1. In accordance with Section 859-a of the Act, the Agency has caused to be prepared a written cost-benefit analysis with respect to the Project and the granting of the Financial Assistance (the "Analysis"). The Agency has reviewed the Application, the Analysis and the Report and, based upon the representations made by the Applicant to the Agency and the facts and information obtained by the Staff of the Agency and reported to and reviewed by the members of the Agency at this meeting (including, without limitation, the facts and information set forth in the Staff Review of the Application), the Agency has reviewed and assessed all material information necessary to afford a reasonable basis for the Agency to make a determination to approve the Financial Assistance. In addition, the Agency makes the following findings and determinations with respect to the Project:

(a) based on the proposed use of the Project Facility as set forth in the Application, the economic effects of the Project on the area in which it is situated including the prevention of economic deterioration, the job opportunities to be created and/or maintained by the Project, the Project will constitute a commercial facility and, therefore, the Project constitutes a "project" within the meaning of the Act;

(b) the granting of the Financial Assistance by the Agency to the Applicant is necessary to induce the Applicant to proceed with the Project;

(c) there is a likelihood that the Project would not be undertaken but for the granting of the Financial Assistance by the Agency to the Applicant;

(d) the completion of the Project Facility by the Applicant, the granting of an interest therein by the Agency to the Applicant and the operation thereof by the Applicant will not result in the removal of a facility or plant of the Applicant or any other proposed user, occupant or tenant of the Project Facility from one area of the State of New York (the “State”) to another area of the State or in the abandonment of one or more plants or facilities of the Applicant or any other proposed user, occupant or tenant of the Project Facility located within the State (but outside of Nassau County). Therefore, the provisions of subdivision (1) of Section 862 of the Act are not and will not be violated as a result of the granting of the Financial Assistance by the Agency to the Applicant;

(e) the Project will not result in the removal or abandonment of a plant or facility of the Applicant, or of a proposed user, occupant or tenant of the Project Facility, currently located within Nassau County;

(f) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs and increasing the overall number of permanent, private sector jobs in the State;

(g) no funds of the Agency shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant, nor shall any funds of the Agency be given in connection with the Project to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State, nor shall any funds of the Agency be used for advertising or promotional materials which depict elected or appointed government officials in either print or electronic media;

(h) the granting of the Financial Assistance by the Agency with respect to the Project will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of Nassau County, New York and the State, will improve their standard of living, and will prevent unemployment and economic deterioration, and thereby serves the public purposes of the Act; and

(i) the Project Facility does not and will not constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Project. For purposes of this representation, “retail sales” shall mean: (i) sales by a registered vendor under Article 28 of the New York Tax Law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section 1101 of the New York Tax Law; or (ii) sales of a service to such customers.

Section 2. The Agency hereby ratifies, confirms and approves all actions heretofore taken by the Chief Executive Officer/Executive Director and the staff of the Agency with respect to the Application, the IDA Meeting and the Public Hearing, including, without limitation, (a) those actions required to ensure full compliance with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project, and (b) the appointment of the law firm of Phillips

Lytle LLP, Garden City, New York, as Special Counsel to the Agency with respect to all matters in connection with the Project.

Section 3. The Agency hereby determines that the Agency has fully complied with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project.

Section 4. Having considered fully all comments received at the Public Hearing, the IDA Meeting or otherwise in connection with the Project, the Agency hereby further determines to proceed with the Project and the granting of the Financial Assistance, subject to the terms of this Resolution.

Section 5. The Agency hereby approves the Applicant as the lessee/sublessee under the Project Agreement and hereby approves the Applicant as the recipient of the Financial Assistance. The Agency hereby approves the granting of the Financial Assistance in the form of (i) exemptions from mortgage recording tax (excluding the portion of the mortgage recording tax allocated to transportation districts referred to in Section 253(2)(a) of the Tax Law of the State of New York), for one or more mortgages (other than the PILOT Mortgage) securing the principal amount not to exceed \$11,000,000 in connection with the financing of the acquisition, renovation, installation and equipping of the Project Facility and any future financing, refinancing or permanent financing of the costs of acquiring, constructing, installing and equipping the Project Facility, and (ii) exemptions from real property taxes having an estimated value of \$8,171,501.52, consistent with the deviation set forth in the Deviation Notice, for the reasons set forth in the Deviation Notice and after consideration of the factors set forth in the Tax Exemption Policy.

Section 6. The Agency is hereby authorized to (a) acquire an interest in the Project Facility pursuant to the Bill of Sale to Agency and the other Transaction Documents, (b) grant an interest in the Project Facility pursuant to the Project Agreement and the other Transaction Documents, (c) grant the aforementioned Financial Assistance, (d) execute the PILOT Mortgage for the sole purpose of encumbering its interest in the Project Facility or accept such other collateral as the Chairman, the Vice Chairman or the Chief Executive Officer/Executive Director shall determine to secure the performance by the Applicant of its obligations under the PILOT Agreement, (e) execute one (1) or more fee and leasehold mortgage, assignment of rents and leases, and security agreements in favor of such bank, governmental agency or financial institution as the Applicant may determine (such bank, governmental agency or financial institution, the "Bank"), encumbering the Project Facility, solely to subject the Agency's interest in the Project Facility to the lien thereof, all to secure one (1) or more loans made by the Bank to the Applicant with respect to the Project Facility, and (f) do all things necessary, convenient or appropriate for the accomplishment thereof. All acts heretofore taken by the Agency with respect to the foregoing are hereby approved, ratified and confirmed.

Section 7. The form and substance of the Project Agreement, the Bill of Sale to Agency, the Environmental Indemnification, the PILOT Agreement, the PILOT Mortgage and the other Transaction Documents, in the forms used by the Agency with respect to prior projects, together with such changes as the Chairman, the Vice Chairman or the Chief Executive Officer/Executive Director may hereafter deem necessary or appropriate, are hereby approved. The Chairman, the Vice Chairman, the Chief Executive Officer/Executive Director, the Chief Operating Officer and the Administrative Director are hereby authorized, on behalf of the Agency,

acting together or individually, to execute and deliver the Project Agreement and the other Transaction Documents, and any document with or in favor of the Bank to which the Agency is a party, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same. The execution and delivery of each such agreement, approval and consent by such person(s) shall be conclusive evidence of such approval.

Section 8. The Chairman, the Vice Chairman, the Chief Executive Officer/Executive Director, the Chief Operating Officer and the Administrative Director of the Agency are hereby further authorized, on behalf of the Agency, acting together or individually, to designate any additional Authorized Representatives (as defined in the Project Agreement) of the Agency.

Section 9. The officers, employees and agents of the Agency are hereby authorized and directed, acting individually or jointly, for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Transaction Documents, to execute and deliver all such additional certificates, instruments, agreements and documents, to pay all such fees, charges and expenses, and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, convenient or appropriate to effect the purposes of this Resolution and to cause compliance with all of the terms, covenants and provisions of the Transaction Documents to which the Agency is a party or which are binding on the Agency.

Section 10. The Agency recognizes that due to the complexities of the proposed transaction it may become necessary that certain of the terms approved hereby may require modifications from time to time which will not affect the intent and substance of the authorizations and approvals by the Agency herein. The Agency hereby authorizes the Chairman, the Vice Chairman and Chief Executive Officer/Executive Director of the Agency, acting individually or jointly, to approve modifications to the terms approved hereby which do not affect the intent and substance of this Resolution. The approval of such modifications shall be evidenced by the certificate of determination of an Agency officer or the execution and delivery by some or all such Agency officers of relevant documents containing such modified terms.

Section 11. The Chairman, the Vice Chairman, the Chief Executive Officer/Executive Director, the Chief Operating Officer and the Administrative Director of the Agency 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 12. This Resolution shall take effect immediately and shall be effective for one hundred eighty (180) days from the date of its adoption.

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
John Coumatos	VOTING
Reginald A. Spinello	VOTING

William H. Rockensies
Raymond Pinto
Victor LaGreca

VOTING
VOTING
VOTING

The foregoing Resolution was thereupon declared duly [____].

Doc #1625471.2

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 March 30, 2023 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 ____ day of March, 2023.

[Assistant] Secretary

[Vice] Chairman

(SEAL)

A regular meeting of the Nassau County Industrial Development Agency (the “Agency”) was convened in public session at the Theodore Roosevelt Executive & Legislative Building, Legislative Chambers, 1550 Franklin Avenue, Mineola, Nassau County, New York, on March 30, 2023, at 6:45 p.m., local time.

The meeting was called to order by the [Chair], upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chair
John Coumatos	Asst. Treasurer
Reginald A. Spinello	Member
William H. Rockensies	Member
Raymond Pinto	Member
Victor LaGreca	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Ben Ciorra	Director of Operations
Hon. Anthony Marano	Agency Counsel
Paul O'Brien	Bond/Transaction Counsel

The attached resolution no. 2023-[] was offered by [], seconded by [].

Resolution No. 2023-__

**RESOLUTION OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT
AGENCY PURSUANT TO THE STATE ENVIRONMENTAL QUALITY
REVIEW ACT CONCERNING THE DETERMINATION OF SIGNIFICANCE
FOR A CERTAIN PROJECT FOR SEARING GROUP LLC AND/OR ITS
AFFILIATES**

Name of Project: SEARING GROUP LLC

Location: 101 & 105 Searing Avenue and 136 Willis Avenue, Village of Mineola,
Nassau County, New York Route 60, Town of Pomfret, New York 14063
(SBL Nos. 9.00-452-419, 9.00-452-509 and 9.00-452-511)

SEQR Status: Type I

**Determination
of Significance:** Negative Declaration

WHEREAS, the Nassau County Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of the New York State Industrial Development Agency Act, constituting Title 1 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 71 of the 1972 Laws of New York, as amended, constituting Section 895-h 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, renovating, improving, maintaining, equipping and furnishing of 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, among other things, (i) acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein; and (ii) 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, SEARING GROUP LLC, a limited liability company duly organized and existing under the laws of the State of New York (the “Applicant”), presented an application for financial assistance (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in three parcels of land of a combined 0.80 acres located at 101 & 105 Searing Avenue and 136 Willis Avenue, Village of Mineola, Town of North Hempstead, Nassau County, New York (collectively, the “Land”), (2) the acquisition, construction, installation, and

equipping on the Land of: (i) building materials to construct an approximately 101,600 sq. ft. 6-story multifamily residential housing community consisting of 54 units with ground-level parking, (ii) a 28-space bituminous concrete paved parking area, (iii) fencing, (vi) a system of parking, landscaping, and related improvements to the Land (collectively, the “Improvements”), and (2) the acquisition and installation of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the “Equipment” and together with the Land and the Improvements, 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 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(ies) 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 (“NYSDEC”), being 6 NYCRR 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 received and reviewed: (1) a Revised Part 1 of a Full Environmental Assessment Form dated January 23, 2023 (“EAF”); (2) NYSDEC’s Environmental Resource Mapper (“NYSDEC Mapper”); (3) the New York State Cultural Resource Information System (“CRIS”); (4) the Application; (5) an Expanded Environmental Assessment dated May 2022 (“Expanded Environmental Assessment”); (6) a survey of the Site conducted on August 31, 2022 (“Survey”); (7) a planting plan dated May 11, 2022 (“Planting Plan”); (8) a letter from the County of Nassau Department of Public Works dated August 13, 2021 (“Sewer Letter”); (9) correspondence between the Applicant’s consultant and the Village Superintendent of Buildings concerning water and sewer at the Land (“Water and Sewer Correspondence”); (10) a Traffic Impact and Parking Analysis Report dated May 2022 (“Traffic Report”); (11) a letter from PSEG Long Island dated February 12, 2021 (“Electric Letter”); (12) a letter from National Grid dated May 13, 2022 (“Gas Letter”); (13) (“Layout and Materials Plan”); (14) Architectural Site Plans for the Project (“Architectural Site Plans”); and (15) other relevant environmental information (collectively, 1-15 shall be referred to as the “Environmental Information”); and

WHEREAS, the Village of Mineola (“Village”) Board of Trustees classified the Project as an Unlisted action under SEQR and undertook an uncoordinated review of the Project in accordance with SEQRA; and

WHEREAS, because the Village undertook an uncoordinated review, the Agency is required to conduct its own review pursuant to SEQRA; and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Project, the Town Board has reviewed the list of activities that constitute Type I actions in Section 617.4 of the Regulations and the list of activities that constitute Type II Actions in Section 617.5 of the Regulations; and

WHEREAS, based upon the Application, the EAF and the Environmental Information, the Agency has determined that the Project constitutes a Type I action for purposes of SEQRA because the Project is located substantially adjacent to a Village-owned recreation area and will involve the construction of 54 residential units connecting to the existing Village water supply and sewer; and

WHEREAS, a coordinated review is mandatory for all Type I actions and the Agency has identified certain parties as potentially involved agencies for purposes of SEQRA (“Potentially Involved Agencies”); and

WHEREAS, in conjunction with its intention to act as lead agency to complete a coordinated review of the Project, the Agency, in February 2023, caused to be delivered to the Potentially Involved Agencies copies of the Application and EAF, together with notice of the Agency’s intent to act as lead agency for review of the Project pursuant to SEQRA; and

WHEREAS, none of the Potentially Involved Agencies contested lead agency status, and the time period for the Potentially Involved Agencies to object has expired; and

WHEREAS, the Agency having taken a hard look at the potential environmental impacts, and a thorough analysis of the Environmental Information and potential environmental impacts associated with the Project reveals that the Project will not have any potentially significant adverse environmental impacts; and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Project, the Agency has reviewed the Environmental Information, consulted various information sources, and considered the list of activities that 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

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts associated with the Project reveals that the Project will not have any potentially significant adverse environmental impacts; and

WHEREAS, it is appropriate that the Agency issue a negative declaration pursuant to SEQRA for 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 and 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:

- (A) The Project is a Type I Action pursuant to 6 N.Y.C.R.R. 617.4(b)(1) and 617.4(b)(5)(iii), as the Project involves construction of more than 50 residential units substantially contiguous to a municipal-owned recreation area in a village with a population of less than 150,000 people;
- (B) The Village has undertaken an uncoordinated review of the Project in accordance with the requirements of SEQRA which did not include the Agency and as such, the Agency is not bound by the Village's determination pursuant to SEQR but rather must issue its own determination; and
- (C) No potentially significant adverse impacts on the environment are noted in the Environmental Information and none are known to the Agency.

Section 2. Based upon the Agency's review of the Environmental Information and investigations of the potential environmental impacts associated with the Project, considering both the magnitude and importance of each potential environmental impact indicated, and upon the Agency's knowledge of the Land and surrounding area and such further investigations of the Project and its environmental effects as the Agency has deemed appropriate, 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 consists of the development of an approximately 0.80 acre parcel of land across three tax lots located at 101 & 105 Searing Avenue and 136 Willis Avenue in the Village of Mineola, Nassau County, New York (collectively, the "Land").

According to the EAF and the Expanded Environmental Assessment, the Project will involve the construction of a six-story approximately 101,600 square feet 54-unit residential development ("Residential Building") on 101 and 105 Searing Avenue ("Residential Parcel") consisting of a residential building with floor level parking and an adjacent offsite parking area ("Parking Lot") located at 136 Willis Avenue ("Parking Parcel"). The Residential Parcel was previously the site of two houses, but those houses were removed in 2019 and 2020.

The two lots comprising the Residential Parcel, will be combined. The Residential Parcel is bordered to the east by a relatively new four-story multifamily residential development, to the north by Searing Street and a similar development, to the east by the Oyster Bay Branch of the Long Island Railroad ("LIRR") and to the south by a parking lot which services the adjacent village-owned park ("Park"), which consists primarily of two baseball fields.

As noted in the EAF, the Residential Parcel is zoned R-5 (Residential) and the Parking Parcel is zoned B-1 (Business). Both are within the Development Incentive Overlay,

indicating that development, utilization and density of these parcels is consistent with the policies of the Village's Comprehensive Master Plan. Further, as noted in the EAF, the Applicant is seeking a Special Permit from the Village Board of Trustees. And the Village Board of Trustees provided relaxation of dimensional requirements consistent with the Village's development incentive bonus law. Moreover, the Project was contemplated by the Village's Master Plan, and will contribute to the vibrancy and economic stability of the Village's downtown, furthering the Comprehensive Master Plan's goals of creating a more desirable, safe and attractive place to live and work. The Project is therefore consistent with the Land's existing zoning classification, and will not impact or deter existing or future adjacent land use.

Although there will be excavation, the average depth to the water table at the Site is approximately 50 feet, and the maximum depth of the excavations is 12 feet. Depth to bedrock is approximately 750 feet and there are no bedrock outcroppings at the Site. Further, the Land is relatively level, without steep slopes. Of the approximately 1.01 acres controlled by the Applicant, 0.80 acres will be physically disturbed by the Project, and it will create approximately 0.73 acres of impervious surfaces.

The Land consists of Urban land and Urban Land - Hempstead Complex. As noted in the EAF, a small portion of the Site, an area of approximately 0.53 acres, will be excavated. The excavation will reach a depth of approximately 12 feet and is necessary to install building foundations, drainage systems, and utilities to serve the Project. An approximate combined 2,632 cubic yards of material will be excavated consisting of asphalt, concrete, loam, loose soil, coarse to fine sand, silt and gravel. The excavation will take approximately 12 months; and even if the excavation exceeds 1 year, it will not be long-term or multi-phased. Moreover, the EAF notes that the Applicant will dispose of all excavated material in accordance with all applicable regulations. Thus, any potential impacts to land due to erosion resulting from the excavation will be limited.

Further, because the Project will disturb less than one acre, a SWPPP was not required. Nevertheless, as shown in the Layout and Materials Plan and explained in the Expanded Environmental Assessment, the Applicant has prepared an erosion and sediment control plan to manage stormwater runoff and sediments migration. The plan includes robust measures to control stormwater, manage runoff and capture and prevent sediment migration in accordance the standards in the New York State Stormwater Management Design Manual and Chapter 454 of the Village Code, including implementation of a sequenced construction process and other best management practices.

During construction, all clearing and grading will be scheduled to minimize the time non-vegetated areas are exposed. During operation, stormwater drainage from the residential building's rooftop, courtyard and garage will be redirected to an onsite stormwater recharge system located below the surface-level parking. To further prevent erosion, the existing landscape/lawn cover will be replaced with impervious surfaces and deeper rooted vegetation, as shown in the Planting Plan.

As noted in the EAF and NYSDEC Mapper, the Project is not within a Coastal Area, a waterfront area of a Designated Inland Waterway, an area with an approved Local Waterfront Revitalization Program or a Coastal Erosion Hazard Area.

Based on the foregoing, the Project will not create any potentially significant adverse impacts to land resources or land use.

2. Impact on Geological Features. The Project does not contain and is not adjacent to any unique geologic features or National Natural Landmarks. Accordingly, the Project will not create any potentially significant adverse impacts to geological features.
3. Impact on Surface Water. The EAF and NYSDEC Mapper indicate that there are no wetlands or other surface bodies that may be present near or on the Site. The Project will not create any new waterbody or affect the surface area of any existing waterbody. As discussed above, the Erosion and Sediment Control Plan will ensure that erosion is prevented, stormwater runoff is controlled and sediment migration is properly managed so that downstream surface waterbodies are not impacted by siltation, other degradation and are not otherwise adversely impacted.

As demonstrated by the Sewer Letter, the Nassau County Department of Public Works has confirmed that the sewer collection system has sufficient capacity for the additional 11,600 gallons per day of additional sanitary flow to be created by the Project. Therefore, existing wastewater treatment facilities are sufficient to serve the Project.

Although the size and precise location of a necessary water main for the Residential Building has not yet been ascertained, as noted in the EAF and as demonstrated by the Water and Sewer Correspondence, the Applicant is working with the Village to determine a suitable location for the water main while seeking to minimize physical disturbances and impacts to existing infrastructure.

Accordingly, the Project will not create any significant adverse impacts on surface water.

4. Impact on Groundwater. The EAF notes that the Nassau-Suffolk Sole Source Aquifer lies underneath or adjoining the Site. However, no water supply wells are contemplated by the Project. Further, as noted above, the average depth to the water table at the Site is approximately 50 feet, while excavation will only reach a depth of approximately 12 feet, well above the water table.

As noted in the EAF and the Sewer Letter, the Project is anticipated to use approximately 11,600 to 12,180 gallons of water per day and create approximately 11,600 gallons per day of additional wastewater, with an additional 580 gallons per day used for irrigation during the growing season. Additionally, as discussed above, except for the additional water main necessary to serve the Residential Building, the existing water and wastewater treatment infrastructure is sufficient to serve the demand created by the Project. Wastewater from the site will be managed at the Bay Park Sewage Treatment Plant and will not be discharged to groundwater.

The Project does not involve bulk storage of chemicals, production of hazardous waste, commercial application of pesticides near water sources or any other activities that would pose a threat to groundwater. Accordingly, the Project is not anticipated to create any significant adverse impacts to groundwater.

5. Impact on Flooding. The EAF states that the Project will not result in the development of lands which are subject to flooding and does not include the impoundment of water. The Project is not within a designated floodway, or the 100-year or 500-year floodplain. Accordingly, the Project is not anticipated to create any significant adverse impacts to flooding.
6. Impact on Air. As demonstrated in the EAF, any impacts to air quality from construction activities will be minor and temporary in nature. Additionally, during operation, an emergency generator may be used occasionally. The Project will not include significant sources of air emissions, and it does not entail the types of activities or operations that require the Applicant to obtain air registration permits or that are associated with a significant potential for air emissions. Accordingly, the Project is not anticipated to create any significant adverse impacts to air resources.
7. Impact on Plants and Animals. As noted in the EAF, the Project will result in a loss of approximately 0.73 acres of lawn or landscaped land, which is not suitable habitat for most species. As noted in the EAF, there are no predominant wildlife species that occupy or use the site. As such, the Project will not substantially interfere with the nesting/breeding, foraging or over-wintering habitat for any species because, and the Project will not fragment the habitat or reduce the value of the surrounding land to any species.

Nothing in the Environmental Information indicates the potential presence of an endangered or threatened species at the Site. However, even if there were the potential for such species, the Site is not suitable habitat for them. The Parking Parcel consists of an existing parking lot and a grassy lawn area with no other vegetation. The Residential Parcel presently consists of short weedy grass covering a field and is surrounded by a chain-link fence, and there is small to medium shrubby placed as landscaping along the southern side of the Residential Parcel. Neither parcel contains suitable habitat for wildlife.

Although some impacts to flora and fauna may occur from the construction of the Project as a result of the conversion of lawn or landscaped lands to a building and parking lot, the Land does not contain a designated significant natural community. Moreover, the Project will not involve the use of pesticides during construction or operation. Accordingly, the Project is not anticipated to create any significant adverse impacts on plants and animals.

8. Impact on Agricultural Land Resources. The EAF shows that the Project is not located in a designated agricultural district, and there are no agricultural activities on, adjoining or near the Land. The surrounding area is very developed and not suitable for agricultural

activities, and the Land is not located in a designated agricultural district. Accordingly, the Project will not create any significant adverse impacts to agricultural land.

9. Impact on Aesthetic Resources. The EAF notes that the Project is within “fives [sic] miles” of four officially designated and publicly accessible federal, state or local scenic or aesthetic resources, all of which are scenic byways. They include: the Northern State Parkway (approx. 1.14 miles away), the Meadowbrook State Parkway (approx. 1.18 miles away), the Southern State Parkway (approx. 3.72 miles away) and the Cross Island Parkway (approx. 4.53 miles away). The Project is not visible from any of the scenic byways and given the distance between the Project and the aesthetic resources, it will not have any impact upon these resources.

The area surrounding the Land is made up of buildings of various architectural styles, materials, heights and uses, as well as parking lots. The two buildings closest to the Residential Parcel are similar in size, scale and design as the Residential Building, and the Residential Building will have similar setbacks and massing as the neighboring buildings and make use of similar materials.

While the Survey labels the nearby buildings as four-story frame buildings, the buildings are in fact four to five stories high, with the five-story part along its Searing Avenue side. And, although the 69-foot Residential Building is one story higher, it is shorter in height than the five-story existing buildings, which measure over 70 feet. As such, the Project height is consistent with the surrounding development.

As noted in the Expanded Environmental Assessment, temporary fencing with privacy screening will be utilized during construction to limit visual impacts. After construction, natural screening in the form of vegetation, including pine trees and shrubbery will be installed, as shown in the Planting Plan.

Although not a scenic view, the Project will be visible from the LIRR’s Oyster Bay Branch. Thus, commuters traveling on this route may be able to view the Project. However, these impacts will be very brief since the Project will only be visible as the train passes by the Project and the Park. Additionally, recreational users of the Park may experience some visual impacts.

As shown in the Expanded Environmental Assessment and Planting Plan, to limit these visual impacts, the Applicant will plant evergreen trees and shrubs to provide a dense screen along the eastern property boundary of the Residential Parcel. Additionally, the outdoor generator on the concrete pad will be screened by this vegetation.

Presently, the Land consists of mostly unmaintained vacant lots covered with naturally occurring vegetation including grass and weeds. As shown in the Architectural Site Plans, the Project will dramatically improve the visual aspects of the Site by bringing it in line with the surrounding visual character. Moreover, the Project will fill a visual gap that presently exists due to the empty space, enhancing the visual appeal of Searing Avenue and the surrounding community. Based on the foregoing, the Project is not

anticipated to create any significant adverse impacts to aesthetic resources.

10. Impact on Historic and Archaeological Resources. One nearby historic resource was identified by CRIS and the EAF: the U.S. Post Office-Mineola, which is located approximately 440 feet from the Parking Lot. While the historic resource is relatively close to the Land, the Land is not visible from the historic resource due to buildings which screen the Land from view. Further, the Land is not located in an area flagged as sensitive for archaeological resources. Accordingly, the Project will not create any significant impacts to historic or archeological resources.

11. Impact on Open Space and Recreation.

While the Village of Mineola does not have an Open Space Plan, the Village recognizes the benefit of open space throughout its Zoning Code. From 2005, the Village in its Comprehensive Master Plan recognized the need to protect open spaces and described them as community anchors and resources. Although not designated open space, the Park is used for recreation. The Project will in no way impinge on the Park and will instead enhance the overall visitor experience by the number of available increasing parking spots.

However, neither the Residential Parcel nor the Parking Parcel are what would be considered valuable “open space.” Until recently, the Residential Parcel had two structures, both houses. The house at 101 Searing Avenue was demolished in 2019, and the house at 105 Searing Avenue was demolished in 2020. The Parking Parcel includes an existing parking lot that serves as overflow parking and is little more than a small grassy area. Accordingly, the Project will not create any significant impacts to open space or recreational resources.

12. Impact on Critical Environmental Areas. The Project is not located in or substantially contiguous to any Critical Environmental Areas. Accordingly, the Project will not create any significant impacts to Critical Environmental Areas.

13. Impact on Transportation.

Traffic during construction will be limited to Searing Avenue, which is a local roadway which dead-ends and therefore does not experience much traffic. During operation, although the Project will result in a slight increase in traffic in and around the Site, estimated at approximately 19 AM peak hour trips, 24 PM peak hour trips and 24 Saturday midday trips.

The Applicant completed a traffic analysis as examined in the Traffic Report. The Project will result in 54 parking spaces on the floor level of the Residential Building and 28 additional parking spaces on the Parking Parcel, exceeding the 1.5 parking stall per unit requirement of the Village. Four of the new parking spots will be parallel parking spots to serve Park visitors.

As shown in the Traffic Report, the Project includes sufficient traffic mitigation measures

including a significant improvements to traffic circulation along Searing Avenue and Willis Avenue by creating continuity between the two roads and adding additional parking spaces that can be used by visitors to the Park.

The parking in the Residential Building will be in a circular pattern, promoting ideal traffic flow, reducing congestion and limiting impacts to traffic on nearby roadways. Similarly, the parking on the Parking Parcel leaves in place the existing circulation in the parking lot of the nearby Park, and it provides four additional parallel parking spots for the park.

The Traffic Report examined in detail the existing, projected and peak trips resulting from the Project and capacities of the existing roadways and nearby. The Traffic Report demonstrates that the existing roadways surrounding and near the Site have sufficient capacity to absorb any increase in traffic resulting from the Project particularly in light of the techniques employed in the Project design, most notably by preserving traffic circulation while adding spaces.

Moreover, the 28 additional parking spots and the existing Park parking spots will be shared between residents and Park visitors. Resident traffic will be most frequent on weekdays during the peak AM and PM hours, and Park-related peak traffic will primarily be midday on Saturdays. Thus, with peak parking demand at different times for those groups, parking impacts resulting from the Project will be inconsequential. Moreover, the shared parking will provide more space in the areas surrounding the Park for pedestrian circulation and landscaping.

The Project will promote transit-oriented development, and as the Expanded Environmental Assessment points out, the Project is within walking distance of the Mineola LIRR station. Additionally, it does not propose the creation of a new, or modification of an existing, roadway. Based on the foregoing, the Project is not anticipated to create any significant adverse impacts on transportation.

14. Impact on Energy. The Project will involve the construction of 54 residential units and related infrastructure, including a transformer, gas meter and an emergency generator, which will increase energy demand. However, the Project is in a densely populated suburbanized area with sufficient energy infrastructure such that it will not require a new, or upgrade to an existing, substation.

While the Project involves over 110,000 square feet of space, only approximately 83,200 feet of interior space will be finished, which will need to be cooled and heated. This includes approximately 65,500 square feet of residential units and approximately 17,700 square feet of common space. The remaining 20,700 square feet is the open parking garage which will be lit but not heated or cooled. As evidenced by the Electric Letter, PSEG Long Island confirmed that, based on this information and estimates of the total demand, it will be able to provide electric service to the Project. Similarly, National Grid has confirmed that it will be able to provide natural gas service to the Project, as shown in the Gas Letter.

Moreover, the Project will follow the New York State Energy Code with regard to energy efficiency design. Accordingly, the Project will not create any significant adverse impacts on energy.

15. Impact on Noise, Odor and Light. The Project is not expected to appreciably create odors or result in excessive lighting. During construction, there may be minor odors in the vicinity of the Parking Parcel as bituminous asphalt is laid. As shown in the Layout and Materials Plan, trash will be contained in a dumpster within an enclosed trash room.

As noted in the EAF, outdoor light fixtures will be installed for safety and security. All such lighting will be downward facing and shielded to prevent light impacts, and all existing natural light screens will be retained, limiting sky glow. And according to the Expanded Environmental Assessment, building and adjacent street lighting installed will be in accordance with Village requirements. Further, lighting is consistent with that of the surrounding uses.

The EAF and Expanded Environmental Assessment recognize that construction activity may exceed ambient noise, and cause vibration, but this increase in noise levels will be limited by the allowed construction hours in the Village Code, and noise impacts are temporary, ceasing upon the completion of construction. The Project will not involve any blasting, and it will limit construction-related noise through the use of noise muffler systems. The Project will also adhere to the time requirements for construction noise in the Village, between 8:00 AM and 6:00 PM on weekdays and 9:00 AM and 6:00 PM on weekends for the Residential Parcel, and between 7:00 AM and 6:00 PM on weekdays and 9:00 AM and 6:00 PM on weekends for the Parking Parcel.

The Project will likely result in a minor increase in noise during operation as the Project will likely result in an increase in residential traffic, including moving trucks for resident move-in and move-out. There may also be a slight increase in noise levels due to infrastructure such as the emergency generator, but any such increases will be minor and/or temporary. Moreover, the noises resulting from the Project will be consistent with the surrounding uses.

Based on the foregoing, the Project will not create any significant adverse impacts on noise, odor or light.

16. Impact on Public Health. As identified in the EAF, while there are a number of facilities nearby which serve susceptible populations, including the Park, the Hampton Street School located approximately 1,060 feet east of the Site, the Willis Avenue School located approximately 1,020 feet north of the Site and numerous facilities associated with NYU Langone Hospital - Long Island located within 1,500 feet of the Site, the Project does not involve the types of activities or operations that are associated with a significant potential for affecting public health, including the use, creation, disposal or storage of a hazardous or toxic substance. Further, any solid waste generated at the Project Facility will be properly disposed of pursuant to Federal, State and local laws and regulations.

The EAF notes the potential presence of a former Voluntary Cleanup Program and State Superfund Program site approximately 950 feet south of the Land; but remediation at the site is complete, and any residual contamination is being managed according to the site management plan.

As shown in the Expanded Environmental Assessment, the solid waste generated at the Project Facility, anticipated to be approximately 5.1 tons per month, will be collected and disposed of by private carter. Solid waste at the Residential Building will be collected in an enclosed area as depicted in the Layout and Materials Plan, which will have space blocked off for the private carter to securely remove the solid waste, limiting the potential for waste to escape into the surrounding environment.

Accordingly, the Project is not anticipated to create any significant adverse impact to public health.

17. Impact on Character of the Community and Community Plans.

The Residential Parcel was identified by the Village for multifamily residential development like the one proposed by the Project in its Village Comprehensive Master Plan (“Master Plan”) with a zoning classification of R-5 (Residential).

As shown in the Layout and Materials Plan, the northern and eastern sides of the Residential Building will be adorned with landscaping, and landscaping will also be placed on the northern and southern sides of the Parking Lot to provide screening and lessen visual impacts.

The Master Plan recognizes the importance of providing housing variety in the Village without creating intrusions on neighborhood cohesion; and the Project accomplishes this while meeting the housing demand due to the local workforce. The Project is consistent with the existing character of the neighborhood and complements the existing multifamily residential buildings surrounding the Site. Similarly, the Parking Lot, although separated by a gate and fencing, will visibly appear like an extension of an existing parking lot at the Parking Parcel, visually connecting the existing lots. Although the Residential Building is adjacent to the Park, it will act as a visual continuation and an appropriate endpoint for the development along Searing Avenue, removing the empty lot which is presently an unsightly focal point and providing other benefits like parking.

The Village granted the Applicant’s request for relaxation of the Village zoning regulations with respect to building height, front yard setback, side yard setback and lot coverage percentage so that the building would have similar massing as the existing neighboring buildings, markedly increasing community cohesion along Searing Avenue. Further contributing to this visual cohesion, the design of and materials chosen for the Residential Building are squarely in line with the existing neighboring buildings and will serve to complement them. Overall, the Residential Building and the Parking Lot will serve to fill gaps in underutilized spaces better suited for their planned uses.

The Project advances the Village's Comprehensive Master Plan in many ways. Nassau County, and Long Island overall, needs additional housing, particularly housing with close access to transit to support growing and vibrant communities in the greater New York City metro area. The Project directly addresses this need but providing multifamily housing in close proximity to transit, in line with State, regional and local objectives to create vibrant transit-oriented developments to support the local population. And while the Project results in the conversion of lawn/landscaping to multifamily residential, the Project is not anticipated to result in secondary development effects or significant population growth. Rather, it will support natural growth without straining existing public infrastructure or resulting in secondary development impacts.

Accordingly, the Project will not create any significant adverse impacts to the character of the community or community plans.

Section 3. Since the Project will not have a significant adverse impact on the environment, a negative declaration ("Negative Declaration") pursuant to SEQRA is hereby issued, and the EAF Parts II and III prepared by the Town are hereby adopted by the Agency. This Negative Declaration has been prepared pursuant to and in accordance with the requirements of SEQRA.

Section 4. The Chairman, the Vice Chairman, the CEO/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 5. This Resolution, which is adopted by a majority vote of the Agency, shall serve as the Negative Declaration (as defined in 6 N.Y.C.R.R. 617.2(y)) for the Project, and is issued by the Agency pursuant to and in accordance with SEQRA in connection with the Agency's environmental impact review, shall take effect immediately.

Section 6. For further information on this Negative Declaration contact:

Nassau County Industrial Development Agency
1 West Street, 4th Floor
Mineola, New York 11501-4813
ATTN: Colleen Pereira, Administrative Director
Phone: 516-571-1945
Fax: 516-571-1076

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
John Coumatos	VOTING
Reginald A. Spinello	VOTING
William H. Rockensies	VOTING
Raymond Pinto	VOTING
Victor LaGreca	VOTING

The foregoing Resolution was thereupon declared duly _____.

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 March 30, 2023 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 ____ day of March, 2023.

[Assistant] Secretary

[Vice] Chairman

(SEAL)

SEARING GROUP LLC - PILOT Deviation 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, Legislative Chambers, 1550 Franklin Avenue, Mineola, Nassau County, New York, on March 30, 2023, at 6:45 p.m., local time.

The meeting was called to order by the [Chair], upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chair
John Coumatos	Asst. Treasurer
Reginald A. Spinello	Member
William H. Rockensies	Member
Raymond Pinto	Member
Victor LaGreca	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Ben Ciorra	Director of Operations
Hon. Anthony Marano	Agency Counsel
Paul O’Brien	Bond/Transaction Counsel

The attached resolution no. 2023-[] was offered by [], seconded by [].

Resolution No. 2023-[]

RESOLUTION AUTHORIZING A DEVIATION FROM THE UNIFORM
TAX EXEMPTION POLICY OF THE NASSAU COUNTY
INDUSTRIAL DEVELOPMENT AGENCY WITH RESPECT
TO A PROJECT FOR SEARING GROUP LLC

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, SEARING GROUP LLC, a limited liability company organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of Searing Group LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, 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 0.80 acre parcel of land located at 101-105 Searing Avenue, Village of Mineola, Town of North Hempstead, Nassau County, New York (Section: 9; Block: 452; Lots: 509, 511 and p/o 419) (the "Land"), (2) the construction of an approximately 101,600 square foot six-story building (the "Building") on the Land, together with related improvements to the Land, including on-site parking spaces, 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 54 residential rental units, at least six (6) of which units shall be workforce housing 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, sales and use taxes and mortgage recording 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(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, the Application states that the Applicant is seeking an exemption from real property taxes with respect to the Project Facility that constitutes a deviation from the Agency’s Uniform Tax Exemption Policy (the “Tax Exemption Policy”); and

WHEREAS, pursuant to Section 874(4) of the Act, (A) the CEO/Executive Director of the Agency caused a letter dated March 16, 2023 (the “Pilot Deviation Notice Letter”) to be mailed to the chief executive officer of each affected tax jurisdiction (and to the district clerk of the applicable school district), informing said individuals that the Agency would, at its meeting on March 30, 2023 (the “IDA Meeting”), consider a proposed deviation from the Tax Exemption Policy with respect to the payments in lieu of real property taxes to be made pursuant to a payment in lieu of taxes agreement to be entered into by the Agency with respect to the Project Facility; and (B) the members of the Agency conducted the IDA Meeting on the date hereof and reviewed any comments and correspondence received with respect to the proposed deviation from the Tax Exemption Policy; and

WHEREAS, the Agency desires to provide for compliance with the provisions of Section 874(4) of the Act with respect to the proposed deviation from the Tax Exemption Policy;

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

Section 1. Prior to making the determinations set forth in this resolution, the members of the Agency have considered the following factors set forth in the Tax Exemption Policy: (1) the extent to which the Project would create or retain permanent jobs; (2) the extent to which the Project would create construction jobs; (3) the estimated value of tax exemptions to be provided with respect to the Project; (4) the amount of private sector investment generated or likely to be generated by the Project; (5) the likelihood of the Project being accomplished in a timely manner; (6) the extent of new revenue that would be provided to affected tax jurisdictions as a result of the Project; (7) whether affected tax jurisdictions would be reimbursed by the Applicant if a Project does not fulfill the purposes for which an exemption was provided, (8) the impact of the Project on existing and proposed businesses and economic development projects in the vicinity, (9) the demonstrated public support for the Project, (10) the effect of the Project on the environment, (11) the extent to which the Project would require the provision of additional services, including, but not limited to, additional educational, transportation, police, emergency, medical or fire services, and (12) any other miscellaneous public benefits that might result from the Project.

Section 2. The Agency hereby determines that the Agency has fully complied with the requirements of Section 874(4) of the Act relating to the proposed deviation from the Tax Exemption Policy.

Section 3. Having reviewed all comments and correspondence received at or prior to the IDA Meeting, the Agency hereby approves the proposed deviation from the Tax Exemption Policy as described in the Pilot Deviation Notice Letter (a copy of which is attached hereto as Exhibit A) because the proposed deviation is necessary to induce the Applicant to undertake the Project and because the PILOT payments would not be lower than the real property taxes that should otherwise apply with respect to the Land and the existing improvements thereon as of the closing date of the transaction.

Section 4. The Chairman, Vice Chairman, Administrative Director and CEO/Executive Director of the Agency are each hereby authorized and directed, acting individually or jointly, 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. If the Agency hereafter adopts appropriate final approving resolutions with respect to the proposed straight-lease transaction with the Applicant (the “Transaction”), the Chairman, Vice Chairman, CEO/Executive Director and Administrative Director of the Agency are each hereby authorized and directed, acting individually or jointly, to cause the Agency to (A) enter into a Payment in Lieu of Taxes Agreement with the Applicant, providing, among other things, that the Applicant shall make payments in lieu of taxes consistent with the formula set forth in the Pilot Deviation Notice Letter, and (B) file an application for real property tax exemption with the appropriate assessor(s) with respect to the Project Facility.

Section 5. This Resolution shall take effect immediately, but is subject to and conditioned upon the closing of the Transaction.

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
John Coumatos	VOTING
Reginald A. Spinello	VOTING
William H. Rockensies	VOTING
Raymond Pinto	VOTING
Victor LaGreca	VOTING

The foregoing Resolution was thereupon declared duly [___].

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 March 30, 2023 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 ____ day of March, 2023.

[Assistant] Secretary

[Vice] Chairman

(SEAL)

EXHIBIT A

Pilot Deviation Notice Letter

See Attached

March 16, 2023

CERTIFIED MAIL, RETURN
RECEIPT REQUESTED and
FIRST CLASS MAIL

County Executive Bruce A. Blakeman
County of Nassau
1550 Franklin Avenue
Mineola, NY 11501

Supervisor Jennifer DeSena
Town of North Hempstead
220 Plandome Road
Manhasset, NY 11030

Mayor Paul A. Pereira
Incorporated Village of Mineola
155 Washington Avenue
Mineola, NY 11501

Superintendent Michael P. Nagler
Mineola Union Free School District
2400 Jericho Turnpike
Garden City Park, NY 11040

District Clerk
Mineola Union Free School District
2400 Jericho Turnpike
Garden City Park, NY 11040

NOTICE OF PROPOSED DEVIATION FROM
UNIFORM TAX EXEMPTION POLICY

Ladies and Gentlemen:

Notice is hereby given that at a meeting of the Nassau County Industrial Development Agency (the "Agency") to be held on March 30, 2023 at 6:45 p.m. local time at the Nassau County Executive and Legislative Building, Legislative Chambers, 1550 Franklin Avenue, Mineola, New York 11501, the Agency will consider whether to approve the application of the Applicant (as defined below) for certain "financial assistance" which, if granted, would deviate



1 West St., 4th Floor
Mineola, NY 11501



Phone: 516-571-1945
Fax: 516-571-1076



info@nassauida.org
nassauida.org

from the Agency’s Uniform Tax Exemption Policy (the “Policy”) with respect to the payment of real property taxes. The meeting of the Agency will be open to the public.

SEARING GROUP LLC (the "Applicant"), a limited liability company organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of Searing Group LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, 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 0.80 acre parcel of land located at 101-105 Searing Avenue, Village of Mineola, Town of North Hempstead, Nassau County, New York (Section: 9; Block: 452; Lots: 509, 511 and p/o 419) (the “Land”), (2) the construction of an approximately 101,600 square foot six-story building (the “Building”) on the Land, together with related improvements to the Land, including on-site parking spaces, 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 54 residential rental units, at least six (6) of which units shall be workforce housing 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, sales and use taxes and mortgage recording 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(ies) as may be designated by the Applicant and agreed upon by the Agency.

The Application states that the Applicant is seeking an abatement of real property taxes. However, based upon preliminary negotiations between representatives of the Applicant and the Agency, the parties contemplate that the Agency may agree to grant an approximately twenty (20) year real property tax exemption (the “Property Tax Exemption”), with respect to the Project Facility as follows:

<u>Year</u>	<u>PILOT</u>
1	\$93,500
2	\$93,500
3	\$93,500
4	\$93,500
5	\$123,722
6	\$153,945
7	\$184,167
8	\$214,389
9	\$244,611
10	\$274,833
11	\$305,055
12	\$335,278

13	\$365,500
14	\$395,722
15	\$425,944
16	\$456,166
17	\$486,388
18	\$516,610
19	\$546,833
20	\$577,055

Thereafter, and through the end of the term of the lease or installment sale agreement with respect to the Project Facility, the payments would be equal to the real property taxes and assessments that would be payable as if the Project Facility were returned to the tax rolls as taxable property and subject to taxation at its then current, full assessed value, as the same may be reassessed from time to time, and subject to tax rate increases imposed by the affected tax jurisdictions.

The Property Tax Exemption, if approved by the Agency, would constitute a deviation from the Policy.

The reason for the deviation is that the Property Tax Exemption, if approved by the Agency, is necessary to induce the Applicant to undertake the Project and that the PILOT payments would not be lower than the real property taxes that should otherwise apply with respect to the Land and the existing improvements thereon as of the Closing Date.

Sincerely,

NASSAU COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

By:



Sheldon L. Shrenkel
CEO/Executive Director

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Town of North Hempstead
 220 Plandome Road
 Manhasset, NY 11030
 Attn: Supervisor Jennifer DeSena



9590 9402 7984 2305 0170 80

2. Article Number (Transfer from service label)

7022 2410 0001 3923 2233

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
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- Collect on Delivery Restricted Delivery
- Priority Mail Express®
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- Registered Mail Restricted Delivery
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- Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

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Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and

\$

Sent To

Street and Apt. No

City, State, ZIP+4®

Town of North Hempstead
 220 Plandome Road
 Manhasset, NY 11030
 Attn: Supervisor Jennifer DeSena

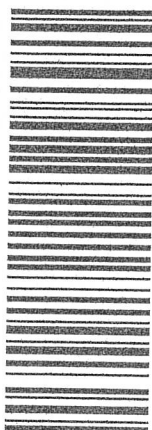
3/16/2023
 PILOT Deviation
 NOTICE
 Seaning Group

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS; FOLD AT DOTTED LINE

CERTIFIED MAIL®



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 7022 2410 0001 3923 2233

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Incorporated Village of Mineola
 155 Washington Avenue
 Mineola, NY 11501
 Attn: Mayor Paul A. Pereira



9590 9402 7984 2305 0171 10

2. Article Number (Transfer from service label)

7022 2410 0001 3923 2264

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

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3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
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- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Registered Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

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OFFICIAL USE

- Certified Mail Fee \$
- Extra Services & Fees (check box, add fee as appropriate)
 - Return Receipt (hardcopy) \$
 - Return Receipt (electronic) \$
 - Certified Mail Restricted Delivery \$
 - Adult Signature Required \$
 - Adult Signature Restricted Delivery \$

3/16/2023
 Pilot Deviation
 Notice
 Seann's Group

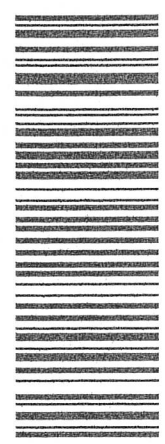
Postage \$

Total Postage and \$

Sent To Incorporated Village of Mineola
 155 Washington Avenue
 Street and Apt. No. Mineola, NY 11501
 City, State, ZIP+4® Attn: Mayor Paul A. Pereira

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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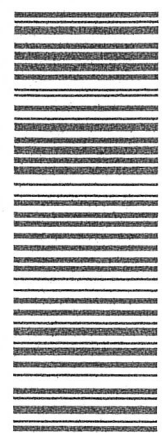
7022 2410 0001 3923 2264
 7022 2410 0001 3923 2264

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p> <p>B. Received by (<i>Printed Name</i>) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Mineola Union Free School District 2400 Jericho Turnpike Garden City Park, NY 11040 Attn: Superintendent Michael P. Nagler</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (<i>Transfer from service label</i>)</p> <p>7022 2410 0001 3923 2240</p>	<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

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Certified Mail Fee	\$	3/16/2023
Extra Services & Fees (<i>check box, add fee as appropriate</i>)		<i>PILOT Deviation</i>
<input type="checkbox"/> Return Receipt (hardcopy)	\$	<i>Notice</i>
<input type="checkbox"/> Return Receipt (electronic)	\$	<i>Sealing Group</i>
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
Total Postage and	\$	
Sent To	Mineola Union Free School District	
Street and Apt. No.	2400 Jericho Turnpike	
City, State, ZIP+4®	Garden City Park, NY 11040	
	Attn: Superintendent Michael P. Nagler	

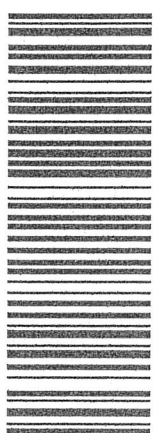
PS Form 3800, April 2019 PSN 7530-02-000-9047 See reverse for instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X</p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (<i>Printed Name</i>)</p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Mineola Union Free School District 2400 Jericho Turnpike Garden City Park, NY 11040 Attn: District Clerk</p>  <p>9590 9402 7984 2305 0170 73</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (<i>Transfer from service label</i>)</p> <p>7022 2410 0001 3923 2257</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p>Registered Mail Registered Mail Restricted Delivery or \$500</p>

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

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Certified Mail Fee	\$	3/16/2023
Extra Services & Fees (<i>check box, add fee as appropriate</i>)		PILOT Denation
<input type="checkbox"/> Return Receipt (hardcopy)	\$	NOTICE
<input type="checkbox"/> Return Receipt (electronic)	\$	Postmark
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	Sealing Group
<input type="checkbox"/> Adult Signature Required	\$	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
Total Postage and	\$	
Sent To	Mineola Union Free School District	
Street and Apt. No.,	2400 Jericho Turnpike	
City, State, ZIP+4®	Garden City Park, NY 11040	
	Attn: District Clerk	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SEARING GROUP LLC - Approving 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, Legislative Chambers, 1550 Franklin Avenue, Mineola, Nassau County, New York, on March 30, 2023, at 6:45 p.m., local time.

The meeting was called to order by the [Chair], upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chair
John Coumatos	Asst. Treasurer
Reginald A. Spinello	Member
William H. Rockensies	Member
Raymond Pinto	Member
Victor LaGreca	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Ben Ciorra	Director of Operations
Hon. Anthony Marano	Agency Counsel
Paul O’Brien	Bond/Transaction Counsel

The attached resolution no. 2023-[] was offered by [], seconded by [].

RESOLUTION TAKING OFFICIAL ACTION TOWARD AND APPROVING
THE ACQUISITION AND STRAIGHT LEASING OF A CERTAIN PROJECT
FOR SEARING GROUP LLC

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 1 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, SEARING GROUP LLC, a limited liability company organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of Searing Group LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, 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 0.80 acre parcel of land located at 101-105 Searing Avenue, Village of Mineola, Town of North Hempstead, Nassau County, New York (Section: 9; Block: 452; Lots: 509, 511 and p/o 419) (the “Land”), (2) the construction of an approximately 101,600 square foot six-story building (the “Building”) on the Land, together with related improvements to the Land, including on-site parking spaces, 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 54 residential rental units, at least six (6) of which units shall be workforce housing 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, sales and use taxes and mortgage recording 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(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, any approval of the Project is contingent upon, among other things, a final determination by the members of the Agency to proceed with the Project following a determination by the Agency that: (A) the public hearing and notice requirements and other procedural requirements contained in the Act relating to the Project and the Financial Assistance have been satisfied; and (B) the undertaking of the Project by the Agency and the granting of the Financial Assistance are and will be in compliance with all other applicable requirements of the Act, Article 8 of the Environmental Conservation Law (the “SEQR Act”) and the regulations adopted pursuant thereto (the “Regulations” and together with the SEQR Act, collectively, “SEQRA”), and all other statutes, codes, laws, rules and regulations of any governmental authority having jurisdiction over the Project or the Project Facility (collectively, the “Applicable Laws”); and

WHEREAS, the CEO/Executive Director of the Agency (A) caused notice of a public hearing of the Agency pursuant to Section 859-a of the Act (the “Public Hearing”) to hear all persons interested in the Project and the Financial Assistance contemplated by the Agency with respect to the Project, to be mailed on March 10, 2023 to the chief executive officer of the County of Nassau, New York, and of each other affected tax jurisdiction within which the Project Facility is or is to be located; (B) caused notice of the Public Hearing to be published on March 11, 2023 in the Nassau edition of *Newsday*, a newspaper of general circulation available to residents of the County of Nassau, New York; (C) caused the Public Hearing to be conducted on March 27, 2023, at 3:00 p.m., local time, at Village of Mineola Village Hall, 155 Washington Avenue, Village of Mineola, Town of North Hempstead, Nassau County, New York; (D) caused the Public Hearing to be streamed on the Agency’s website in real-time and caused a recording of the Public Hearing to be posted on the Agency’s website, all in accordance with Section 857 of the Act; and (E) caused a transcript of the Public Hearing (the “Report”) to be prepared which transcribes the views presented at the Public Hearing and distributed the Report to the members of the Agency; and

WHEREAS, in accordance with Section 874(4) of the Act, (A) the CEO/Executive Director of the Agency caused notice of a meeting of the Agency (the “IDA Meeting”) with respect to the proposed deviation from the Agency’s uniform tax exemption policy (the “Tax Exemption Policy”) to be mailed on March 16, 2023 to the chief executive officer of each affected tax jurisdiction and to district clerk of the applicable school district (the “Deviation Notice”); and (B) the members of the Agency conducted the IDA Meeting on the date hereof and reviewed any written comments or correspondence received with respect to the proposed deviation from the Agency’s uniform tax exemption policy and approved the proposed deviation; and

WHEREAS, by resolution adopted by the members of the Agency on the date hereof (the “SEQRA Resolution”), the Agency determined that the Project is a Type I Action pursuant to SEQRA and that the Project will not have a significant adverse impact upon the environment; and

WHEREAS, the Agency now desires to make its determination to proceed with the Project and to grant the Financial Assistance, subject to the terms hereof; and

WHEREAS, (A) the Applicant will execute and deliver a bargain and sale deed, assignment of lease or company lease agreement to the Agency, pursuant to which the Applicant will convey an interest in the Land and the Building to the Agency (the “Conveyance Instrument”), (B) the Applicant will execute and deliver a bill of sale (the “Bill of Sale to Agency”) to the Agency, pursuant to which the Applicant will convey to the Agency its interest in the Equipment, (C) the

Applicant will execute and deliver a lease agreement or sublease agreement (uniform project agreement) (the “Project Agreement”) between the Agency and the Applicant, pursuant to which the Agency will grant to the Applicant a leasehold interest in the Project Facility and appoint the Applicant as the agent of the Agency for purposes of undertaking the acquisition, construction, installation and equipping of the Project Facility, (D) the Applicant will cause to be executed and delivered an environmental compliance and indemnification agreement (the “Environmental Indemnification”) pursuant to which the Agency will be indemnified from and against certain losses, costs, damages and liabilities, (E) the Applicant will execute and deliver or cause to be executed and delivered a payment in lieu of taxes agreement (the “PILOT Agreement”) to the Agency, and, to secure the obligations thereunder, a certain mortgage and assignment of leases and rents in favor of the County of Nassau, New York (the “PILOT Mortgage”), and (F) the Applicant will execute and deliver and/or cause to be executed and delivered certain other certificates, documents, instruments and agreements related to the Project (together with the Conveyance Instrument, the Bill of Sale to Agency, the Project Agreement, the Environmental Indemnification, the PILOT Agreement and the PILOT Mortgage, collectively, the “Transaction Documents”);

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

Section 1. In accordance with Section 859-a of the Act, the Agency has caused to be prepared a written cost-benefit analysis with respect to the Project and the granting of the Financial Assistance (the “Analysis”). The Agency has reviewed the Application, the Analysis and the Report and, based upon the representations made by the Applicant to the Agency and the facts and information obtained by the Staff of the Agency and reported to and reviewed by the members of the Agency at this meeting (including, without limitation, the facts and information set forth in the Staff Review of the Application), the Agency has reviewed and assessed all material information necessary to afford a reasonable basis for the Agency to make a determination to approve the Financial Assistance. In addition, the Agency makes the following findings and determinations with respect to the Project:

(a) based on the proposed use of the Project Facility as set forth in the Application, the economic effects of the Project on the area in which it is situated including the prevention of economic deterioration, the job opportunities to be created and/or maintained by the Project, the Project will constitute a commercial facility and, therefore, the Project constitutes a “project” within the meaning of the Act;

(b) the granting of the Financial Assistance by the Agency to the Applicant is necessary to induce the Applicant to proceed with the Project;

(c) there is a likelihood that the Project would not be undertaken but for the granting of the Financial Assistance by the Agency to the Applicant;

(d) the completion of the Project Facility by the Applicant as agent of the Agency, the granting of an interest therein by the Agency to the Applicant and the operation thereof by the Applicant will not result in the removal of a facility or plant of the Applicant or any other proposed user, occupant or tenant of the Project Facility from one area of the

State of New York (the “State”) to another area of the State or in the abandonment of one or more plants or facilities of the Applicant or any other proposed user, occupant or tenant of the Project Facility located within the State (but outside of Nassau County). Therefore, the provisions of subdivision (1) of Section 862 of the Act are not and will not be violated as a result of the granting of the Financial Assistance by the Agency to the Applicant;

(e) the Project will not result in the removal or abandonment of a plant or facility of the Applicant, or of a proposed user, occupant or tenant of the Project Facility, currently located within Nassau County;

(f) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs and increasing the overall number of permanent, private sector jobs in the State;

(g) no funds of the Agency shall be used in connection with the Project for the purpose of preventing the establishment of an industrial or manufacturing plant, nor shall any funds of the Agency be given in connection with the Project to any group or organization which is attempting to prevent the establishment of an industrial or manufacturing plant within the State, nor shall any funds of the Agency be used for advertising or promotional materials which depict elected or appointed government officials in either print or electronic media;

(h) the granting of the Financial Assistance by the Agency with respect to the Project will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of Nassau County, New York and the State, will improve their standard of living, and will prevent unemployment and economic deterioration, and thereby serves the public purposes of the Act; and

(i) the Project Facility does not and will not constitute a project where facilities or property that are primarily used in making retail sales of goods and/or services to customers who personally visit such facilities constitute more than one-third of the total cost of the Project. For purposes of this representation, “retail sales” shall mean: (i) sales by a registered vendor under Article 28 of the New York Tax Law primarily engaged in the retail sale of tangible personal property, as defined in subparagraph (i) of paragraph four of subdivision (b) of section 1101 of the New York Tax Law; or (ii) sales of a service to such customers; and

(j) there is a lack of safe, clean, affordable, modern rental housing in the Village and the County of Nassau (the “County”); and

(k) such lack of affordable rental housing has resulted in residents leaving the Village and the County, thereby adversely affecting businesses, retailers, banks, financial institutions, insurance companies, health and legal services providers and other merchants in the Village and the County and otherwise adversely impacting the economic health and well-being of the residents of the Village and the County and the tax base of the Village and the County; and

(1) the Project Facility, by providing such housing will enable persons to remain in the Village and the County and thereby to support the businesses, retailers, banks, and other financial institutions, insurance companies, health care and legal services providers and other merchants in the Village and the County which will increase the economic health and well-being of the residents of the Village and the County, help preserve and increase permanent private sector jobs in furtherance of the Agency's public purposes as set forth in the Act.

Section 2. The Agency hereby ratifies, confirms and approves all actions heretofore taken by the Chief Executive Officer/Executive Director and the staff of the Agency with respect to the Application, the IDA Meeting and the Public Hearing, including, without limitation, (a) those actions required to ensure full compliance with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project, and (b) the appointment of the law firm of Phillips Lytle LLP, Garden City, New York, as Special Counsel to the Agency with respect to all matters in connection with the Project.

Section 3. The Agency hereby determines that the Agency has fully complied with the requirements of the Act, SEQRA and all other Applicable Laws that relate to the Project.

Section 4. Having considered fully all comments received at the Public Hearing, the IDA Meeting or otherwise in connection with the Project, the Agency hereby further determines to proceed with the Project and the granting of the Financial Assistance, subject to the terms of this Resolution.

Section 5. The Agency hereby approves the Applicant as the lessee/sublessee under the Project Agreement, authorizes the Applicant to act as its agent for purposes of undertaking the acquisition, construction, installation and equipping of the Project Facility, and hereby approves the Applicant as the recipient of the Financial Assistance. The Agency hereby approves the granting of the Financial Assistance in the form of (i) exemptions from sales and use taxes in an amount not to exceed \$1,466,250, in connection with the purchase or lease of furniture, fixtures, equipment, building materials, services and other personal property with respect to the acquisition, construction, installation and equipping of the Project Facility, (ii) exemptions from mortgage recording tax (excluding the portion of the mortgage recording tax allocated to transportation districts referred to in Section 253(2)(a) of the Tax Law of the State of New York), for one or more mortgages (other than the PILOT Mortgage) securing the principal amount not to exceed \$28,509,000 in connection with the financing of the acquisition, construction, installation and equipping of the Project Facility and any future financing, refinancing or permanent financing of the costs of acquiring, constructing, installing and equipping the Project Facility, and (iii) exemptions from real property taxes having an estimated value of \$9,509,331, consistent with the deviation set forth in the Deviation Notice, for the reasons set forth in the Deviation Notice and after consideration of the factors set forth in the Tax Exemption Policy.

Section 6. The Agency is hereby authorized to (a) acquire an interest in the Project Facility pursuant to the Bill of Sale to Agency and the other Transaction Documents, (b) grant an interest in the Project Facility pursuant to the Project Agreement and the other Transaction Documents, (c) grant the aforementioned Financial Assistance, (d) execute the PILOT Mortgage for the sole purpose of encumbering its interest in the Project Facility or accept such other collateral

as the Chairman, the Vice Chairman or the Chief Executive Officer/Executive Director shall determine to secure the performance by the Applicant of its obligations under the PILOT Agreement, (e) execute one (1) or more fee and leasehold mortgage, assignment of rents and leases, and security agreements in favor of such bank, governmental agency or financial institution as the Applicant may determine (such bank, governmental agency or financial institution, the "Bank"), encumbering the Project Facility, solely to subject the Agency's interest in the Project Facility to the lien thereof, all to secure one (1) or more loans made by the Bank to the Applicant with respect to the Project Facility, and (f) do all things necessary, convenient or appropriate for the accomplishment thereof. All acts heretofore taken by the Agency with respect to the foregoing are hereby approved, ratified and confirmed.

Section 7. The form and substance of the Project Agreement, the Bill of Sale to Agency, the Environmental Indemnification, the PILOT Agreement, the PILOT Mortgage and the other Transaction Documents, in the forms used by the Agency with respect to prior projects, together with such changes as the Chairman, the Vice Chairman or the Chief Executive Officer/Executive Director may hereafter deem necessary or appropriate, are hereby approved. The Chairman, the Vice Chairman, the Chief Executive Officer/Executive Director, the Chief Operating Officer and the Administrative Director are hereby authorized, on behalf of the Agency, acting together or individually, to execute and deliver the Project Agreement and the other Transaction Documents, and any document with or in favor of the Bank to which the Agency is a party, and, where appropriate, the Secretary (or Assistant Secretary) of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same. The execution and delivery of each such agreement, approval and consent by such person(s) shall be conclusive evidence of such approval.

Section 8. The Chairman, the Vice Chairman, the Chief Executive Officer/Executive Director, the Chief Operating Officer and the Administrative Director of the Agency are hereby further authorized, on behalf of the Agency, acting together or individually, to designate any additional Authorized Representatives (as defined in the Project Agreement) of the Agency.

Section 9. The officers, employees and agents of the Agency are hereby authorized and directed, acting individually or jointly, for and in the name and on behalf of the Agency to do all acts and things required or provided for by the provisions of the Transaction Documents, to execute and deliver all such additional certificates, instruments, agreements and documents, to pay all such fees, charges and expenses, and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, convenient or appropriate to effect the purposes of this Resolution and to cause compliance with all of the terms, covenants and provisions of the Transaction Documents to which the Agency is a party or which are binding on the Agency.

Section 10. The Agency recognizes that due to the complexities of the proposed transaction it may become necessary that certain of the terms approved hereby may require modifications from time to time which will not affect the intent and substance of the authorizations and approvals by the Agency herein. The Agency hereby authorizes the Chairman, the Vice Chairman and Chief Executive Officer/Executive Director of the Agency, acting individually or jointly, to approve modifications to the terms approved hereby which do not affect the intent and substance of this Resolution. The approval of such modifications shall be evidenced by the

certificate of determination of an Agency officer or the execution and delivery by some or all such Agency officers of relevant documents containing such modified terms.

Section 11. The members of the Agency acknowledge the terms and conditions of Section 875(3) of the Act and the duties and obligations of the Agency thereunder with respect to granting of State Sales and Use Taxes (as such term is defined in Section 875 of the Act) with respect to the Project. The members hereby direct the officers of the Agency to comply with such terms and conditions with respect to the Project and hereby direct Special Counsel to the Agency to include such terms and conditions in all relevant Transaction Documents.

Section 12. The Chairman, the Vice Chairman, the Chief Executive Officer/Executive Director, the Chief Operating Officer and the Administrative Director of the Agency 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 13. This Resolution shall take effect immediately and shall be effective for one hundred eighty (180) days from the date of its adoption.

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
John Coumatos	VOTING
Reginald A. Spinello	VOTING
William H. Rockensies	VOTING
Raymond Pinto	VOTING
Victor LaGreca	VOTING

The foregoing Resolution was thereupon declared duly [___].

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 March 30, 2023 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 ____ day of March, 2023.

[Assistant] Secretary

[Vice] Chairman

(SEAL)

FIRST PLAYHOUSE OF GREAT NECK CORP. - Preliminary Inducement 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, Legislative Chamber Chambers, 1550 Franklin Avenue, Mineola, Nassau County, New York, on March 30, 2023, at 6:45 p.m., local time.

The meeting was called to order by the [Chair], upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chair
John Coumatos	Asst. Treasurer
Reginald A. Spinello	Member
William H. Rockensies	Member
Raymond Pinto	Member
Victor LaGreca	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Ben Ciorra	Director of Operations
Hon. Anthony Marano	Agency Counsel
Paul O’Brien	Bond/Transaction Counsel

The attached resolution no. 2023-[] was offered by [], seconded by [].

RESOLUTION TAKING PRELIMINARY ACTION TOWARD THE
ACQUISITION AND STRAIGHT LEASING OF A CERTAIN PROJECT FOR FIRST
PLAYHOUSE OF GREAT NECK CORP. (THE “APPLICANT”) AND AUTHORIZING THE
EXECUTION AND DELIVERY OF A PRELIMINARY AGREEMENT WITH THE APPLICANT
WITH RESPECT TO SUCH TRANSACTION

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, FIRST PLAYHOUSE OF GREAT NECK CORP., a corporation organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of First Playhouse of Great Neck Corp. and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, 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 0.27 acre parcel of land located at 102-112 Middle Neck Road, Village of Great Neck Estates, Town of North Hempstead, Nassau County, New York (Section: 2; Block: 38; Lot: 116) (the “Land”), (2) the construction of an approximately 43,262 square foot four-story building (the “Building”) on the Land, together with related improvements to the Land, including on-site parking spaces, 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 mixed-use facility consisting of approximately 3,000 square feet of retail space on the first floor and twenty (20) residential rental units, of which at least two (2) residential rental units shall be affordable 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, sales and use taxes and mortgage recording 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(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, the Agency has given due consideration to the Application and to the representations made by the Applicant therein, in certain supplemental documents and at this meeting, including, without limitation, representations of the Applicant that: (A) the granting by the Agency of the Financial Assistance with respect to the Project Facility will be an inducement to the Applicant to undertake the Project in Nassau County, New York; (B) the completion of the Project and the leasing and operation of the Project Facility will not result in the removal of a facility or plant of the Applicant or any tenant, user or occupant of the Project Facility from one area of the State of New York (the "State") to another area of the State or in the abandonment of one or more plants or facilities of the Applicant or any tenant, user or occupant of the Project Facility located in the State but outside Nassau County, New York; (C) the Project will serve the public purposes of the Act by preserving permanent, private sector jobs and increasing the overall number of permanent, private sector jobs in the State; and (D) the granting of the Financial Assistance by the Agency will promote the job opportunities, health, general prosperity and economic welfare of the inhabitants of Nassau County, New York, and improve their standard of living, and prevent unemployment and economic deterioration, and thereby serve the public purposes of the Act; and

WHEREAS, a portion of the Financial Assistance consisting of an exemption from real property taxes, if granted, may represent a deviation from the Agency's uniform tax exemption policy with respect to the making of payments in lieu of real property taxes; and

WHEREAS, any approval of the Project is contingent upon, among other things, a final determination by the members of the Agency to proceed with the Project following determinations by the Agency that: (A) the public hearing and notice requirements and other procedural requirements contained in the Act relating to the Project and the Financial Assistance have been satisfied; and (B) the undertaking of the Project by the Agency and the granting of the Financial Assistance are and will be in compliance with all other applicable requirements of the Act, Article 8 of the Environmental Conservation Law (the "SEQR Act") and the regulations adopted pursuant thereto (the "Regulations" and together with the SEQR Act, collectively, "SEQRA"), and all other statutes, codes, laws, rules and regulations of any governmental authority having jurisdiction over the Project or the Project Facility (collectively, the "Applicable Laws"); and

WHEREAS, the Agency desires to encourage the Applicant to preserve and advance the job opportunities, health, general prosperity and economic welfare of the people of Nassau County, New York, and to prevent unemployment and economic deterioration, by undertaking the Project in Nassau County, New York; and

WHEREAS, a preliminary agreement (the "Preliminary Agreement") relative to the proposed undertaking of the Project by the Agency has been or will be delivered to the Applicant for execution;

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

Section 1. The Agency hereby authorizes the Chief Executive Officer/Executive Director of the Agency (and hereby ratifies any actions taken to date by the Chief Executive Officer/Executive Director): (A) to establish a time, date and place for a public hearing (the "Public Hearing") of the Agency to hear all persons interested in the location and nature of the Project and the proposed Financial Assistance being contemplated by the Agency with respect to the Project,

said Public Hearing to be held in the city, town or village within which the Project Facility is or will be located; (B) to cause notice of said Public Hearing to be given to the public by publishing a notice of said Public Hearing in a newspaper of general circulation available to residents of the governmental units within which the Project Facility is or will be located, such notice to comply with the requirements of and to be published in accordance with the requirements of the Act; (C) to cause notice of said Public Hearing, pursuant to the Act, to be given to the chief executive officer of the County of Nassau, New York, and of each city, town, village, school district and other affected tax jurisdiction in which the Project Facility is or is to be located; (D) to establish a time, date and place for a meeting of the Agency (the "IDA Meeting") to consider whether to approve a proposed deviation from the Agency's uniform tax exemption policy in accordance with the Act if the Chief Executive Officer/Executive Director determines that the portion of the Financial Assistance consisting of an exemption from real property taxes constitutes a deviation from such policy; (E) to cause notice of any such proposed deviation from the Agency's uniform tax exemption policy and of the IDA Meeting to be given to the chief executive officer of each affected tax jurisdiction and to all other persons required by the Act; (F) to conduct the Public Hearing or to authorize a hearing officer to conduct the Public Hearing; (G) to cause a report of the Public Hearing fairly summarizing the views presented at said Public Hearing to be promptly prepared and cause copies of said report to be made available to the members of the Agency; (H) to hold the IDA Meeting and to review and respond to any correspondence received from the affected tax jurisdictions regarding the proposed deviation from the Agency's uniform tax exemption policy, if applicable; and (I) to otherwise comply with all other procedural and other requirements imposed on the Agency pursuant to Applicable Laws with respect to the Project and/or the Financial Assistance.

Section 2. The Applicant is hereby authorized to conduct such environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary or convenient to enable the Agency to make its determination whether to proceed with the Project and to grant the Financial Assistance; provided, however, that such authorization shall not entitle or permit the Applicant to commence the acquisition, renovation, installation or equipping of the Project Facility on behalf of the Agency unless and until the Agency shall determine that all requirements of Applicable Laws have been fulfilled. The officers, agents and employees of the Agency are hereby directed to proceed to do such things or perform such acts as may allow the Agency to proceed to its final consideration of the Project. This Resolution constitutes an authorization to conduct concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning with respect to the Project within the meaning of Section 617.3(c)(2) of the Regulations and a determination of compliance with technical requirements within the meaning of Section 617.3(c)(2) of the Regulations and does not constitute, and shall not be deemed to constitute, either an approval by the Agency of the Project for the purposes of the Act or SEQRA or a commitment by the Agency to approve the Project or to grant the Financial Assistance.

Section 3. Any expenses incurred by the Agency with respect to the Project and/or the financing thereof shall be paid by the Applicant as set forth in the Preliminary Agreement.

Section 4. The findings of the Agency set forth herein are expressly conditioned upon full compliance of the Applicant, the Project and the Project Facility with all Applicable Laws, and the Applicant shall be required to provide evidence of same satisfactory to the Agency prior to the granting of any Financial Assistance.

Section 5. If, following full compliance with all Applicable Laws, the Agency adopts a future resolution (the “Future Resolution”) determining to proceed with the Project and to grant the Financial Assistance, or any portion thereof, with respect to the Project and the Applicant complies with all conditions set forth in the Preliminary Agreement and the Future Resolution, then the Agency will (A) acquire an interest in the Project Facility pursuant to a deed, lease agreement, assignment of lease, license, bill of sale and/or other documentation to be negotiated between the Agency and the Applicant (the “Acquisition Agreement”); (B) renovate, install and equip the Building and acquire and install the Equipment; (C) lease (with the obligation to purchase), license or sell the Project Facility to the Applicant pursuant to a lease agreement or an installment sale agreement (the “Project Agreement”) to be negotiated between the Agency and the Applicant; and (D) provide the Financial Assistance with respect to the Project, all as contemplated by the Preliminary Agreement and the Future Resolution.

Section 6. The form, terms and substance of the Preliminary Agreement (in substantially the form presented at this meeting and attached hereto) are in all respects approved, and the Chair, Vice Chair, Chief Executive Office/Executive Director, Chief Operating Officer/Deputy Executive Director or Administrative Director of the Agency are each hereby authorized, empowered and directed, acting individually or jointly, to execute and deliver said Preliminary Agreement in the name and on behalf of the Agency, with such changes therein as shall be approved by the officer executing same on behalf of the Agency, the execution thereof by such officer to constitute conclusive evidence of such officer's approval of any and all changes or revisions therein from the form now before this meeting.

Section 7. From and after the execution and delivery of the Preliminary Agreement, the officers, agents and employees of the Agency are hereby authorized, empowered and directed, acting individually or jointly, to proceed with the undertakings provided for herein and therein on the part of the Agency, and are further authorized to do all such acts and things and to execute all such documents as may be necessary or convenient to carry out and comply with the terms and provisions of the Preliminary Agreement as and when executed.

Section 8. The law firm of Phillips Lytle LLP, Garden City, New York, is hereby appointed Special Counsel to the Agency with respect to all matters in connection with the Project. Special Counsel for the Agency is hereby authorized, at the expense of the Applicant, to work with counsel to the Agency, the Applicant, counsel to the Applicant, and others to prepare, for submission to the Agency, all documents necessary to effect the transactions contemplated by this Resolution.

Section 9. The Chair, Vice Chair, Chief Executive Office/Executive Director, Chief Operating Officer/Deputy Executive Director and Administrative Director of the Agency are each hereby authorized and directed to distribute copies of this Resolution to the Applicant and to all other persons required by Applicable Laws and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 10. 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
John Coumatos	VOTING
Reginald A. Spinello	VOTING
William H. Rockensies	VOTING
Raymond Pinto	VOTING
Victor LaGreca	VOTING

The foregoing Resolution was thereupon declared duly [_____].

STATE OF NEW YORK

) SS.:

COUNTY OF NASSAU

We, the undersigned [Vice] Chair 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 March 30, 2023 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; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

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 _____ day of March, 2023.

[Assistant] Secretary

[Vice] Chair

(SEAL)

EGB HOSPITALITY, LLC - Consent 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 March 30, 2023, at 6:45 p.m., local time.

The meeting was called to order by the [Chair], upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chair
John Coumatos	Asst. Treasurer
Reginald A. Spinello	Member
William H. Rockensies	Member
Raymond Pinto	Member
Victor LaGreca	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Ben Ciorra	Director of Operations
Judge Anthony Marano	Agency Counsel
Paul O’Brien	Bond/Transaction Counsel

The attached resolution no. 2023-__ was offered by _____ seconded by _____.

RESOLUTION AUTHORIZING CERTAIN MATTERS IN CONNECTION
WITH A CERTAIN PROJECT FOR EGB HOSPITALITY, LLC

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 1 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, EGB HOSPITALITY, LLC, a limited liability company organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of EGB Hospitality, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, 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 renovation of an existing approximately 35,000 square foot building (the “Building”) located on a parcel of land having an address of 1899 Hempstead Turnpike, East Meadow, Town of Hempstead, Nassau County, New York (the “Land”), and (2) 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 catering, restaurant and event facility constituting a tourism destination project; (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 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(ies) as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, any approval of the Project is contingent upon, among other things, a final determination by the members of the Agency to proceed with the Project following a determination by the Agency that: (A) the public hearing and notice requirements and other procedural requirements contained in the Act relating to the Project and the Financial Assistance have been satisfied; and (B) the undertaking of the Project by the Agency and the granting of the Financial Assistance are and will be in compliance with all other applicable requirements of the Act, Article 8 of the Environmental Conservation Law (the “SEQR Act”) and the regulations adopted pursuant thereto (the “Regulations” and together with the SEQR Act, collectively, “SEQRA”), and all other statutes, codes, laws, rules and regulations of any governmental authority having jurisdiction over the Project or the Project Facility (collectively, the “Applicable Laws”); and

WHEREAS, the Executive Director of the Agency (A) caused notice of a public hearing of the Agency pursuant to Section 859-a of the Act (the “Public Hearing”) to hear all persons interested in the Project and the Financial Assistance contemplated by the Agency with respect to the Project, to be mailed on February 8, 2023 to the chief executive officer of the County of Nassau, New York, and of each other affected tax jurisdiction within which the Project Facility is or is to be located; (B) caused notice of the Public Hearing to be published on February 8, 2023 in the Nassau edition of *Newsday*, a newspaper of general circulation available to residents of the County of Nassau, New York; (C) caused the Public Hearing to be conducted on February 21, 2023, at 2:00 p.m., local time, at the Nassau County Executive and Legislative Building, Legislative Chambers (in lieu of the Ceremonial Chambers), 1550 Franklin Avenue, Mineola, Town of Hempstead, Nassau County, New York; (D) caused the Public Hearing to be streamed on the Agency’s website in real-time and caused a recording of the Public Hearing to be posted on the Agency’s website, all in accordance with Section 857 of the Act; and (E) caused a report of the Public Hearing (the “Report”) to be prepared which fairly summarizes the views presented at the Public Hearing and distributed the Report to the members of the Agency; and

WHEREAS, pursuant to Article 8 of the 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 (the “Regulations,” and collectively with the SEQR Act, “SEQRA”), the appropriate personnel of the Agency reviewed the environmental assessment form and other materials submitted by the Applicants and made any necessary comments to the members of the Agency, and by resolution of the members of the Agency adopted on February 23, 2023, the Agency determined that the Project is a Type II action under SEQRA and, therefore, that the Project will not have a significant adverse environmental impact because the Project involves the replacement, rehabilitation and reconstruction of a structure, in kind, on the same site and the footprint of the facility does not exceed any threshold that would make it a Type I Action; and

WHEREAS, by resolution adopted by the members of the Agency on February 23, 2023 (the “Authorizing Resolution”), the Agency, following a review of the Report, determined to proceed with the Project, to grant the Financial Assistance and to enter into the “straight lease transaction” (as such quoted term is defined in the Act) contemplated by the Project Agreement (as hereinafter defined) and the other Transaction Documents (as defined in the Project Agreement); and

WHEREAS, the Agency appointed the Applicant as agent of the Agency to undertake the acquisition, renovation, installation and equipping of the Project Facility and the Agency has subleased the Project Facility to the Applicant all pursuant to the terms and conditions set forth in the Uniform Project Agreement between the Applicant and the Agency dated as of March 1, 2023 (as amended to date, the “Project Agreement”), and the other Transaction Documents; and

WHEREAS, after the adoption of the Authorizing Resolution but prior to the execution and delivery of the Project Agreement and the other Transaction Documents, the Applicant requested that the Agency accept an adjusted administrative fee (including out-of-pocket costs and expenses) of \$27,749.05, because the Applicant is receiving Financial Assistance in the form only of sales and use tax exemptions;

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

Section 1. The Agency hereby ratifies, confirms and approves actions heretofore taken by the Chair and the staff of the Agency with respect to the matters contemplated by this Resolution, including, without limitation, those actions required to ensure full compliance with the requirements of the Act, SEQRA, and all other Applicable Laws that relate thereto.

Section 2. The Agency hereby determines that the Applicant's request with respect to the previously approved and unchanged Project is a Type II Action pursuant to SEQRA involving “continuing agency administration” which does not involve “new programs or major reordering of priorities that may affect the environment” (6 NYCRR §617.5(c)(20)) and therefore no findings or determination of significance are required under SEQRA.

Section 3. The Agency has considered the request made by the Applicant and hereby finds and determines that the requested consent will serve the public purposes of the Act. Accordingly, the Agency hereby approves the requested fee reduction.

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
John Coumatos	VOTING
Reginald A. Spinello	VOTING
William H. Rockensies	VOTING
Raymond Pinto	VOTING
Victor LaGreca	VOTING

The foregoing Resolution was thereupon declared duly adopted.

Doc #1630297.1

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 March 30, 2023 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 ____ day of March, 2023.

[Assistant] Secretary

[Vice] Chairman

(SEAL)

Nassau County Industrial Development Agency (the “Agency”)
Board Meeting Minutes
February 23, 2023
6:55 PM

I. Board Roll Call

John Coumatos	Present
Richard Kessel	Present
Timothy Williams	Present
William Rockensies	Present
Reginald Spinello	Present
Victor LaGreca	Excused
Raymond Pinto	Present

Others Present:

Sheldon L. Shrenkel	Chief Executive Officer / Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Nicole Gil	Administrative Assistant
Ben Ciorra	Director of Operations
Judge Anthony Marano	Agency Counsel
Andrew Komaromi	Bond/Transactional Counsel
Paul O’Brien	Bond/Transactional Counsel

Pledge of Allegiance led by Member Williams. Chair Kessel led a moment of silence.

II. Chair Report

Chair Kessel deferred his Chair report to the end of the meeting.

III. Public Comment Period

K. McKenna (Syosset) made comments to the Board relating to his pending FOIL request seeking lists of approved and disapproved projects.

IV. Existing Business and Discussion

A. Approval Resolutions

i. EGB Hospitality, LLC

a. SEQRA and Approving Resolution

Applicant's general counsel, Elias Trahanas, Esq., described the proposed project to the Board, noting that it his company's intention to create a tourism destination in the heart of Nassau County.

Chair Kessel opened the floor to comments from the public. None were offered.

Bond/Transaction Counsel Paul O'Brien stated that the Applicant is seeking only an exemption from sales and use tax for the project.

Member Williams moved to adopt the proposed SEQRA/Authorizing Resolution. Member Coumatos seconded the motion. The motion was approved unanimously. (Resolution No. 2023-05)

ii. RG Crossways Owner, LLC

- a. SEQRA Resolution
- b. PILOT Deviation Resolution
- c. Approving Resolution

Applicant's counsel Peter Curry, Esq. of Farrell Fritz, P.C., described the proposed project to the Board and his client's outreach to and involvement of organized labor.

Member Spinello asked questions relating to the SVS appraisal and the base year taxes for the PILOT and Mr. Curry answered.

Chair Kessel opened the floor to comments from the public. J. Kush (Ironworkers 361), D. Adrian (Local 138 Operating Engineers), M. Aracich (Building Trades Council), P. Farrell (union contractor), K. McKenna (Syosset) and B. Reilly (Aurora) made comments to the Board.

Chair Kessel made comments relating to the importance of communication at an early stage between developers and the construction trades. Member Williams made comments relating to organized labor as well as the need to induce companies to come to Nassau.

Bond/Transaction Counsel A. Komaromi described the project and the requested financial assistance.

Member Williams moved to adopt the (3) proposed resolutions in the order set forth above. Member Spinello seconded the motion. The motion was

approved by a vote of 5-1 with Member Coumatos voting Nay (Resolution Nos. 2023-06, 2023-07 and 2023-08).

B. Preliminary Resolutions

i. Mitchell Field Senior Citizens Redevelopment Company, L.P.

Dan Dornfeld, Esq., of Forchelli Deegan Terrana LLP, the Applicant's counsel, and D. Smith and D. Coyle from the Applicant described the proposed renovation project to the Board and the requested sales tax exemption.

Chair Kessel asked questions and made comments, with Mr. Dornfeld and Mr. Smith responding. Chair Kessel opened the floor to comments from the public. K. McKenna (Syosset) made comments to the Board.

Bond/Transactional Counsel Paul O'Brien described the requested exemption from sales and use taxes and stated that the maximum amount is \$180,000.

Member Rockensies moved to adopt the proposed preliminary resolution. Chair Kessel seconded the motion. The motion was approved by a vote of 5-1 with Member Williams abstaining. (Resolution No. 2023-09)

C. Discussion

None.

D. Consent Resolutions

i. Hempstead Properties, LLC

Bond/Transaction Counsel Paul O'Brien described the requested consent to the Board.

Member Spinello moved to adopt the proposed consent resolution. Chair Kessel seconded the motion. The motion was approved unanimously. (Resolution No. 2023-10)

ii. Bedell Terrace Apartments, L.P.

Applicant's counsel, Joseph Lynch of Nixon Peabody, and Bond/Transaction Counsel Paul O'Brien described the requested consent to the Board.

Member Coumatos moved to adopt the proposed consent resolution. Member Williams seconded the motion. The motion was approved unanimously. (Resolution No. 2023-11)

iii. Rockville Mill River, L.P.

Applicant's counsel, Joseph Lynch of Nixon Peabody, and Bond/Transaction Counsel Paul O'Brien described the requested consent to the Board.

Member Coumatos moved to adopt the proposed consent resolution. Member Williams seconded the motion. The motion was approved unanimously. (Resolution No. 2023-12)

iv. Alkier Steel LLC and Steel Mineola Second Street LLC

Applicant's counsel, Dan Dornfeld of Forchelli Deegan Terrana, and Bond/Transaction Counsel Paul O'Brien described the requested consent to the Board.

Member Coumatos moved to adopt the proposed consent resolution. Member Pinto seconded the motion. The motion was approved by a vote of 5-0 with Member Williams abstaining (Resolution No. 2023-13)

V. Other Business

A. Minutes

i. Approval of February 2, 2023 Minutes

Member Williams moved to approve the draft February 2, 2023 meeting minutes. Member Spinello seconded the motion. The motion was approved unanimously.

B. Other Resolutions

i. FY2023 Budget Line Item Amendment Resolution

Director Williams described the recommendation of the Finance Committee to approve amended budget line items for FY2023.

Director Williams moved to approve the FY2023 budget line item amendment resolution. Director Spinello seconded the motion. The motion was approved unanimously. (Resolution No. 2023-14)

VI. Chief Financial Officer Report

Chief Financial Officer Anne LaMorte gave the January 2023 CFO report.

VII. Executive Session, if needed

None.

VIII. Chairman's Report (continued)

Chair Kessel announced that he is resigning as a member of the Agency effective April 1, 2023 and made comments to the Board.

Member Williams announced that he is resigning as a member of the Agency effective March 1, 2023 and made comments to the Board.

IX. Adjournment

Chair Kessel announced that the Agency's next board meeting is tentatively scheduled for Thursday, March 23, 2023, at 6:45 pm.

A motion to adjourn the board meeting was made by Member Williams, which was seconded by Chair Kessel. The resolution was approved unanimously. The meeting ended at 8:25 PM.

[For additional information, please see a recording of the February 2, 2023 meeting of the board of the Nassau County Industrial Development Agency found at: <https://www.youtube.com/watch?v=NXUwoOCZqLI>]

--END--

Resolution Addressing Financial Matters

A regular meeting of the Nassau County Industrial Development Agency (the “Agency”) was convened in public session at the Theodore Roosevelt Executive & Legislative Building, Legislative Chambers, 1550 Franklin Avenue, Mineola, Nassau County, New York, on March 30, 2023, at 6:45 p.m., local time.

The meeting was called to order by the [Chair], upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chair
John Coumatos	Asst. Treasurer
Reginald A. Spinello	Member
William H. Rockensies	Member
Raymond Pinto	Member
Victor LaGreca	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Ben Ciorra	Director of Operations
Hon. Anthony Marano	Agency Counsel
Paul O’Brien	Bond/Transaction Counsel

The attached resolution no. 2023-[] was offered by [], seconded by []:

RESOLUTION OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY
APPROVING AND ADOPTING ANNUAL FINANCIAL STATEMENTS

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, upon recommendation of its Audit Committee, the Agency wishes to approve and adopt certain audited financial statements as the 2022 audited financial statements of the Agency, pursuant to the requirements of the Public Authorities Accountability Act of 2005 and the Public Authorities Reform Act of 2009, as amended;

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

Section 1. Upon recommendation of its Audit Committee, the Agency hereby approves and adopts the audited financial statements annexed hereto as Exhibit A as the 2022 audited financial statements of the Agency.

Section 2. The Agency hereby determines that the proposed action is a Type II Action pursuant to Article 8 of the New York Environmental Conservation Law (including the regulations thereunder, “SEQRA”) involving “continuing agency administration” which does not involve “new programs or major reordering of priorities that may affect the environment” (6 NYCRR §617.5(c)(26)) and therefore no findings or determination of significance are required under SEQRA.

Section 3. 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 M. Kessel	VOTING
John Coumatos	VOTING
Reginald A. Spinello	VOTING
William H. Rockensies	VOTING
Raymond Pinto	VOTING
Victor LaGreca	VOTING

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK

) SS.:

COUNTY OF NASSAU

We, the undersigned [Vice] Chair 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 March 30, 2023 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; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

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 _____ day of March, 2023.

[Assistant] Secretary

[Vice] Chair

(SEAL)

EXHIBIT A

Resolution Authorizing Longevity Payment Pursuant to the Employee Benefits Handbook

A regular meeting of the Nassau County Industrial Development Agency (the “Agency”) was convened in public session at the Theodore Roosevelt Executive & Legislative Building, Legislative Chambers, 1550 Franklin Avenue, Mineola, Nassau County, New York, on March 30, 2023, at 6:45 p.m., local time.

The meeting was called to order by the [Chair], upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chair
John Coumatos	Asst. Treasurer
Reginald A. Spinello	Member
William H. Rockensies	Member
Raymond Pinto	Member
Victor LaGreca	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Ben Ciorra	Director of Operations
Hon. Anthony Marano	Agency Counsel
Paul O’Brien	Bond/Transaction Counsel

The attached resolution no. 2023-__ was offered by _____, seconded by _____.

RESOLUTION OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT
AGENCY AUTHORIZING LONGEVITY PAYMENT PURSUANT TO ITS
EMPLOYEE BENEFITS HANDBOOK

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 1 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, by resolution of the members of the Agency, Agency adopted an Employee Benefits Handbook, first effective on or as of October 1, 2010 and subsequently amended (hereinafter, the “Employee Benefits Handbook”); and

WHEREAS, the Employee Benefits Handbook provides, among other provisions, that any full-time officer or employee who has attained fifteen (15) years of actual completed service with the Agency by January 31 of a calendar year shall receive, by March 31 of such calendar year, a lump sum full-time longevity benefit payment of \$1,000 and such longevity benefit payment shall be paid annually thereafter by March 31; and

WHEREAS, the Employee Benefits Handbook further provides that any full-time officer or employee receiving a longevity payment as provided in the immediately foregoing WHEREAS clause shall have such payment increased by an additional \$110 per year for each year of actual completed service in excess of fifteen (15) years, with such aggregate longevity benefit paid annually thereafter as hereinabove indicated; and

WHEREAS, the Agency’s Administrative Director (Colleen Pereira) has attained not less than seventeen (17) years of actual completed service with the Agency by January 31 of the prior calendar year, and she is also entitled to have such full-time longevity benefit payment increased by an additional \$110 per year for each year of actual completed service in excess of fifteen (15) years, with such aggregate longevity benefit paid annually thereafter;

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

Section 1. The Agency hereby determines that the proposed action is a Type II Action pursuant to Article 8 of the New York Environmental Conservation Law (including the regulations thereunder, "SEQRA") involving "continuing agency administration" which does not involve "new programs or major reordering of priorities that may affect the environment" (6 NYCRR Section 617.5(c)(26)) and therefore no findings or determination of significance are required under SEQRA.

Section 2. The members of the Agency authorize a payment to Ms. Pereira in the sum of \$1,220, as the full-time longevity benefit payment payable on or before March 31, 2023. Furthermore, subject to Ms. Pereira's continued service as a full-time officer or employee of the Agency, the members of the Agency authorize future longevity payments to Ms. Pereira at such times and in such amounts as provided in the Employee Benefits Handbook.

Section 3. 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
John Coumatos	VOTING
Reginald A. Spinello	VOTING
William H. Rockensies	VOTING
Raymond Pinto	VOTING
Victor LaGreca	VOTING

The foregoing Resolution was thereupon declared duly [_____].

STATE OF NEW YORK

) SS.:

COUNTY OF NASSAU

We, the undersigned [Vice] Chair 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 March 30, 2023 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; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

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 _____ day of March, 2023.

[Assistant] Secretary

[Vice] Chair

(SEAL)

Resolution Addressing Financial Matters

A regular meeting of the Nassau County Industrial Development Agency (the “Agency”) was convened in public session at the Theodore Roosevelt Executive & Legislative Building, Legislative Chambers, 1550 Franklin Avenue, Mineola, Nassau County, New York, on March 30, 2023, at 6:45 p.m., local time.

The meeting was called to order by the [Chair], upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chair
John Coumatos	Asst. Treasurer
Reginald A. Spinello	Member
William H. Rockensies	Member
Raymond Pinto	Member
Victor LaGreca	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Ben Ciorra	Director of Operations
Hon. Anthony Marano	Agency Counsel
Paul O’Brien	Bond/Transaction Counsel

The attached resolution no. 2023-[] was offered by [], seconded by []:

RESOLUTION OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY
APPROVING AND ADOPTING 2022 ANNUAL FINANCIAL REPORT

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, the Agency wishes to approve and adopt the 2022 annual financial report of the Agency, pursuant to the requirements of the Public Authorities Accountability Act of 2005 and the Public Authorities Reform Act of 2009, as amended;

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

Section 1. The Agency hereby approves and adopts the financial report annexed hereto as Exhibit A as the 2022 annual financial report of the Agency and authorizes Staff to cause same to be filed with the New York State Authorities Budget Office, the New York State Comptroller’s Office through the PARIS system, and such other agencies, offices and persons as are required by applicable law.

Section 2. The Agency hereby determines that the proposed action is a Type II Action pursuant to Article 8 of the New York Environmental Conservation Law (including the regulations thereunder, “SEQRA”) involving “continuing agency administration” which does not involve “new programs or major reordering of priorities that may affect the environment” (6 NYCRR §617.5(c)(26)) and therefore no findings or determination of significance are required under SEQRA.

Section 3. 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 M. Kessel	VOTING
John Coumatos	VOTING
Reginald A. Spinello	VOTING
William H. Rockensies	VOTING
Raymond Pinto	VOTING
Victor LaGreca	VOTING

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK

) SS.:

COUNTY OF NASSAU

We, the undersigned [Vice] Chair 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 March 30, 2023 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; (D) there was a quorum of the members of the Agency present throughout said meeting; and (E) the meeting was recorded and the recording has been or will be posted on the public website of the Agency pursuant to the Open Meetings Law.

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 _____ day of March, 2023.

[Assistant] Secretary

[Vice] Chair

(SEAL)

EXHIBIT A

Resolution Addressing Governance Matters

A regular meeting of the Nassau County Industrial Development Agency (the “Agency”) was convened in public session at the Theodore Roosevelt Executive & Legislative Building, Legislative Chambers, 1550 Franklin Avenue, Mineola, Nassau County, New York, on March 30, 2023, at 6:45 p.m., local time.

The meeting was called to order by the [Chair], upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chair
John Coumatos	Asst. Treasurer
Reginald A. Spinello	Member
William H. Rockensies	Member
Raymond Pinto	Member
Victor LaGreca	Member

NOT PRESENT:

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Ben Ciorra	Director of Operations
Hon. Anthony Marano	Agency Counsel
Paul O’Brien	Bond/Transaction Counsel

The attached resolution no. 2023-[] was offered by [], seconded by [].

Resolution No. 2023-__

RESOLUTION OF THE NASSAU COUNTY INDUSTRIAL
DEVELOPMENT AGENCY (THE “AGENCY”)
APPOINTING A SECRETARY AND
ADDRESSING OTHER MATTERS IN CONNECTION THEREWITH

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, the Agency wishes to appoint a Secretary;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:

Section 1. [] is hereby appointed to the board office of Secretary of the Agency.

Section 2. The Agency hereby determines that the proposed action is a Type II Action pursuant to Article 8 of the New York Environmental Conservation Law (including the regulations promulgated thereunder, “SEQRA”) involving “continuing agency administration” which does not involve “new programs or major reordering of priorities that may affect the environment” (6 NYCRR §617.5(c)(20)) and therefore no findings or determination of significance are required under SEQRA.

Section 3. 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
John Coumatos	VOTING
Reginald A. Spinello	VOTING
William H. Rockensies	VOTING
Raymond Pinto	VOTING
Victor LaGreca	VOTING

The foregoing Resolution was thereupon declared duly adopted.

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

We, the undersigned [Assistant] Secretary and [Vice] Chair 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 March 30, 2023 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 matter 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 hands and affixed the seal of the Agency this ____ day of March, 2023.

[Assistant] Secretary

[Vice] Chair

(SEAL)