

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 May 18, 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:

William H. Rockensies	Chair
John Coumatos	Asst. Treasurer
Raymond Pinto	Secretary
Reginald A. Spinello	Member
Victor LaGreca	Member
Marco Troiano	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
Paul O'Brien	Bond/Transaction Counsel

The attached resolution no. 2023-33 was offered by J. Coumatos, seconded by R. Pinto.

**Resolution No. 2023-33**

**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 FIRST PLAYHOUSE OF GREAT NECK  
CORP. AND/OR ITS AFFILIATES**

**Name of Project:** FIRST PLAYHOUSE OF GREAT NECK CORP.

**Location:** 102-112 Middle Neck Road, Village of Great Neck Estates, Town of Hempstead, Nassau County, New York 14063 (SBL No. 2-38-116)

**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, 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, 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 Agency 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 and a revised Part 1 of a Full Environmental Assessment Form dated April 14, 2023 (“EAF”), the Agency has determined that the Project should be treated as a Type I action for purposes of SEQRA because the Project involves the construction of more than 25,000 square feet for a mixed use facility and is substantially contiguous to a historic resource (Squire Theater); and

WHEREAS, in conjunction with its intention to act as lead agency to complete a coordinated review of the Project, the Agency, in April 2023, caused to be delivered to all identified involved agencies (“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 has therefore been properly established as lead agency; 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) the EAF; (2) NYSDEC’s Environmental Resource Mapper (“NYSDEC Mapper”);

(3) the New York State Cultural Resource Information System (“CRIS”); (4) the Application; (5) a photograph of the present conditions of the Land (“Site Photograph”); (6) a rendering of the Project (“Rendering”); (7) three resolutions approving and amending an incentive zoning permit by the Village of Great Neck Estates Board of Trustees (“Resolutions”); (8) a revised site plan for the Project (“Site Plan”); (9) flood maps published by the Federal Emergency Management Agency (“Flood Maps”); (10) the Village of Great Neck Estate’s Middle Neck Road Corridor Plan (“Corridor Plan”); (11) an email from the Applicant’s counsel dated April 25, 2023 clarifying part of the EAF (“Applicant Email”); and (12) other relevant environmental information (collectively, 1-12 shall be referred to as 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, 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, 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 a more than 25,000 square feet for a mixed use facility substantially contiguous to a historic building listed on the State Register of Historic Places in a village of less than 150,000 people; 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. As shown in the EAF, Rendering and Site Plan, the Project consists of the development of a 20-unit four-story residential building with ground floor lobby, commercial/retail spaces and 28 ground-level and lower-level parking spaces on a 0.27 acre parcel located at 102-112 Middle Neck Road in the Village of Great Neck Estates (“Village”) in Nassau County, New York. The Project will replace a four-story structure, as shown in the Site Photograph, that has since been demolished. The Land is surrounded by two-story commercial development and some residential properties.

As demonstrated by the EAF and Resolutions, the Village of Great Neck Estates Village Board of Trustees (“Village Board”) approved the rezoning of the Land to Business D Incentive District in 2007 and the Project will advance the Plan’s objectives by “deliver[ing] good urban design outcomes and [furthering] a sustainable growth strategy for the Village.” The Project is therefore consistent with the Land’s existing zoning classification and will not impact or deter existing or future adjacent land use.

The Project does not involve any excavation outside of general site preparation, grading and installation of utilities and foundation. The average depth to the water table is approximately 23 feet, average depth to bedrock is over 50 feet and there are no bedrock outcroppings on the Land. The Land consists of brown fine sand and medium course sand and is relatively level, without steep slopes.

The Project will result in the entire 0.27 acre parcel being redeveloped and again covered with impervious surfaces, but the Project replaces an existing building of substantially the same footprint as the one proposed by the Project. Further, because the Project will disturb less than one acre, a SWPPP was not required for the Project.

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, and the Project will not create any new waterbody or affect the surface area of any existing waterbody. Pursuant to Village Code, the Project 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. Based on the foregoing, 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, and as noted above, the average depth to the water table at the Site is approximately 23 feet. While there will be minimal excavation for general site preparation, grading and installation of utilities and foundation, such excavation will be well above the water table.

As noted in the EAF, the project will use approximately 3,400 gallons of water per day and approximately 6,000 gallons per day of sanitary wastewater. 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 Great Neck Water Pollution Control District wastewater 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. Although the Project is in a designated floodway under section 126-6(A)(1) of the Village Code, the EAF states, and the Flood Maps confirm, that the Project will not result in the new development of lands which are subject to flooding and does not include the impoundment of water. Despite this, the Project is not within 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, 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. Any impacts to air quality from construction activities will be minor and temporary in nature. Accordingly, the Project is not anticipated to create any significant adverse impacts to air resources.
7. Impact on Plants and Animals. The EAF shows that the Project will not result in any changes to cover type that would result in the loss of habitat for plant or animal species. The Land was previously developed, and 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, and the Project will not fragment the habitat or reduce the value of the surrounding land to any species. The Land does not contain a designated significant natural community, and 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. As noted in the EAF, the Land is not located in

a designated agricultural district, and there are no agricultural activities on, adjoining or near the Land. Both the Land and the surrounding area is very developed and not suitable for agricultural activities. 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 not within “fives [sic] miles” of any officially designated and publicly accessible federal, state or local scenic or aesthetic resources, and the Project is not visible from any aesthetic resource. As such, it will not have any impact upon any such resource.

The area surrounding the Land is made up of buildings of various architectural styles, materials, heights and uses. Most nearby buildings, both residential and commercial, are two-storied, while the Project will result in the construction of a four-story building measuring approximately 47 feet high. However, many nearby buildings contain gabled dormers and similar features which increase building height, making the four-story building less visually obtrusive.

Moreover, as shown in the Rendering and the Site Plan, the building proposed by the Project will replace a former four-storied building with substantially the same footprint. The two buildings have similar setbacks and massing as each other and the neighboring buildings and they make use of similar materials such as brick and glass. As such, the Project height is consistent with prior land use.

Moreover, the Project will enhance the visual appeal of Middle Neck Road 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. Two nearby historic resources were identified by CRIS and the EAF: (1) the Squire Theater, which is directly across Middle Neck Road from the Land and was built between 1926 and 1930; and (2) an unnamed commercial building built between 1919 and 1926 located two blocks south of the Land at the intersection of Gussack Plaza and Middle Neck Road. As shown in the Rendering and Site Plan, the Project will improve the site conditions relative to the former structure, as shown in the Site Photograph.

While the nearby Maple Drive Parking Lot has undergone an archeological survey, no such resources have been identified on the Land and the Project will not involve excavation which would disturb any resources in the soil. Accordingly, the Project will not create any significant impacts to historic or archeological resources.

11. Impact on Open Space and Recreation. While the Village does not have an Open Space Plan, there are recreation areas near the Land. As noted in the EAF, nearby recreation areas include the Great Neck Estates Park at 12 Shore Drive, which is nearly one mile away from the Land. There are also a few additional parks in the surrounding area not noted in the EAF, including Firefighters Park (approximately 0.2 miles away), Daniel J. Berg Memorial Park (approximately 0.5 miles away) and Cutter Mill Park

(approximately 0.5 miles away). Given the distance between the parks and the fact that no open space or recreation area will be converted to another land use, 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. The EAF notes that the Project will not result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services. The Project will add 28 ground level and lower level parking spaces to serve the residents and the commercial tenants. In the Middle Neck Road Corridor Plan, the Village contemplated a resulting slight increase in traffic along Middle Neck Road due to the planned 143 new residential units in the incentive zone.

Moreover, the Project will promote transit-oriented development and is located within walking distance, approximately 0.3 miles, away from Great Neck Plaza Long Island Railroad station. Additionally, the Project 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 20 residential housing units totaling approximately 43,262 square feet including approximately 3,000 square feet of retail space. As a result, The Project will result in increased annual energy demand of approximately 125,000 kWh. However, the Project is in a densely populated area with sufficient energy infrastructure such that it will not require a new, or upgrade to an existing, substation. Moreover, as shown in the Site Plan, 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 or noise. The EAF recognizes that construction activity may result in noises exceeding ambient levels, but this increase in noise levels is typical of construction and will be limited to weekdays from 8:00 A.M. to 5:00 P.M. Noise during operation will be negligible, and most noise impacts from the Project will be temporary, ceasing upon the completion of construction. The Project will also likely result in a minor increase in noise during operation due to an increase in residential traffic, including moving trucks for resident move-in and move-out. Moreover, the noises resulting from the Project will be consistent with the surrounding uses.

As noted in the EAF, outdoor light fixtures consisting of wall sconces will be installed on the exterior of the building. All such lighting will be downward facing toward the sidewalk, and all existing natural light screens will be retained, limiting sky glow. Further, lighting is consistent with that of 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. The EAF does not identify any facilities nearby which serve susceptible populations, and 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, while the Applicant Email notes that approximately 32 tons of solid waste will be generated during construction and the EAF states that approximately 1.1 tons will be created each month during operation, any solid waste generated by the Project will be properly disposed of pursuant to Federal, State and local laws and regulations and recyclable solid waste generated by the Project will be disposed of pursuant to Village regulations.

The EAF notes the potential presence of a remediation site within 2000 feet of the Land, the Island Automotive Technology site at 41 Cutter Mill Road. Because the Project does not involve excavation and consists of a building replacement, the Project should not impact the site or cause disturbance or migration of remaining contaminants given the approximate 0.20 mile distance between the remediation site and the Land. Based on the foregoing, the Project is not anticipated to create any significant adverse impact to public health.

17. Impact on Character of the Community and Community Plans. Impact to the character of the surrounding community will be minimal. The EAF notes that the Land is located in the Long Island North Shore Heritage Area, a New York State designated heritage area, but as discussed above, the Project will add to and complement the existing historic landscape of the designated heritage area.

As shown in the EAF and Resolutions, the Land is zoned Business D Incentive District. This reflects the intent of the Board to increase density, and the Project will comply with the limitations established in the Resolutions and the Village Zoning Code.

The Corridor Plan identifies the Land as a target for mixed use development and describes its goal as addressing commercial vacancy rates along Middle Neck Road by encouraging residents to live along the corridor and thereby increasing foot traffic. The Project directly furthers the Village's vision by constructing a contextual brick building which provides visual continuity, complements nearby existing structures and adds to the streetscape and built environment, as shown in the Rendering and Drawings.

Moreover, the Project provides multifamily housing in close proximity to transit, in line with State, regional and local objectives to create vibrant walkable, transit-oriented developments to support the local population and support retail businesses along Middle Neck Road. 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 Village 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

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The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

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

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK

) SS.:

COUNTY OF NASSAU

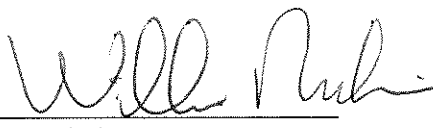
We, the undersigned [~~Vice~~] Chairman and [~~Assistant~~] Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on May 18, 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 18 day of May, 2023.

  
[~~Assistant~~] Secretary

  
[~~Vice~~] Chairman

(SEAL)