

Resolution No. 2016-09

RESOLUTION FINDING THAT THE PROPOSED PROJECT OF  
676 WEST MERRICK ROAD LLC IS A TYPE II ACTION  
UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT  
AND NOT SUBJECT TO FURTHER REVIEW

WHEREAS, the Nassau County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), and Chapter 674 of the 1975 Laws of New York, as amended, constituting Section 922 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, industrial and commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "project" (as defined in the Act) or to cause said project to be acquired, constructed, reconstructed and installed and to convey said project or to lease said project with the obligation to purchase; and

WHEREAS, 676 WEST MERRICK ROAD LLC, a limited liability company organized and existing under the laws of the State of New York (the "Applicant"), has submitted an application for financial assistance (the "Application") to the Agency requesting that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 1.24 acre parcel of land located at 676 West Merrick Road, Incorporated Village of Valley Stream, Town of Hempstead, Nassau County, New York (Section: 37; Block: 385; Lots: 1-19, 28-34) (the "Land"), (2) the renovation of the existing approximately 15,487 square foot building (the "Building") on the Land, together with related improvements to the Land, and (3) the acquisition of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the "Equipment"), all of the foregoing for use by the Applicant as an automobile sales and service facility (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 as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, et. seq., as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the Agency must consider whether the Project is an "action" that would require it to satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the Project may have a significant adverse impact upon the environment, the Applicant submitted to the Agency: (1) Part I of the Short Environmental Assessment Form dated October 29, 2015; (2) a Phase I Environmental Site Assessment dated October 1, 2015; (3) a Phase II Subsurface Investigation dated October 8, 2015; and (4) Applicant's Application for Financial Assistance dated October 29, 2015 (collectively the "Project Environmental Documents"); and

WHEREAS, 6 NYCRR 617.2(a) 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 SEQR Act; and

WHEREAS, 6 NYCRR 617.5(c) states that Type II actions not subject to further review under SEQRA include "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"; and

WHEREAS, any land transfer in connection with the Project is being undertaken solely to effectuate the Financial Assistance to facilitate the Project and the Agency will only be the nominal holder of an interest in the Project Facility for as long as is necessary to effectuate the Financial Assistance; and

WHEREAS, the Project consists of the renovation of an existing approximately 15,487 square foot Building, for use as a Mazda car dealership and service center; and the repaving of the existing parking lot within its existing footprint, and the installation of the Equipment.

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

Section 1. Based upon a thorough review and examination of the Project Environmental Documents 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 II action under SEQRA because it is "replacement, rehabilitation or reconstruction of a structure or facility, in-kind, on the same site, including upgrading buildings to meet building or fire codes" and does not meet or exceed any threshold for a Type I action.

(B) More specifically, the Project is a replacement, rehabilitation or reconstruction of a structure or facility, in-kind, because it involves renovation of an existing approximately 15,487 square foot Building, previously used as car dealership, for use as a Mazda car dealership and service center, and the repaving of the existing parking lot and the installation of the Equipment with use and occupancy by types of uses permitted within the zoning district occupied by the Land. The Project will not expand the footprint of the Building nor increase or substantially alter existing environmental conditions on the Land.

Section 2. The Chairman, Executive Director and 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 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:

Timothy Williams	VOTING	Aye
John Coumatos	VOTING	Aye
Gary Weiss	VOTING	Aye
Christopher Fusco	VOTING	Aye
Michael Rodin	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.


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

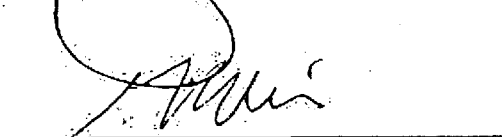
We, the undersigned [~~Assistant~~] Secretary and [~~Vice~~] Chairman of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on January 27, 2016, 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 27th day of January, 2016.

  
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[~~Vice~~] Chairman

  
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[~~Assistant~~] Secretary

(SEAL)