

**Premiero Cherry 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 October 15, 2024, 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
Reginald A. Spinello	Member
Marco Troiano	Member
Marissa Brown	Member

NOT PRESENT:

Raymond Pinto	Secretary
Joseph Manzella	Member

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Stephanie Alfano	Temporary Administrative Assistant
Anthony Marano	Agency Counsel
Paul O'Brien	Bond/Transaction Counsel

The attached resolution no. 2024-57 was offered by M. Troiano, seconded by M. Brown.

Resolution No. 2024-57

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A
CERTAIN PROJECT FOR PREMIERO CHERRY LLC WILL
NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

Project Name: Premiero Cherry LLC

Location: 33 and 37 West Cherry Street, Town of Oyster Bay, County of Nassau, New York

SEQR Status: Type I Unlisted XX

Determination of Significance: Negative Declaration XX Positive Declaration

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

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "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, PREMIERO CHERRY 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 Premiero Cherry 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 0.4 acre parcel of land located at 33 and 37 West Cherry Street, Hicksville, Town of Oyster Bay, Nassau County, New York (Section: 11; Block: 291; Lots: 32 and 37) (the "Land"), (2) the construction of an approximately 35,365 square foot three-story building (the "Building") on the Land, together with related improvements to the Land, including thirty (30) on-site parking spaces, and (3) the acquisition of certain furniture, fixtures, machinery, equipment and building materials (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 twenty (20) residential rental units, at

least three (3) of which units shall be affordable/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, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 N.Y.C.R.R. Part 617, et. seq., as amended (the “Regulations” and collectively with the SEQR Act, “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, pursuant to SEQRA, to aid the Agency in determining whether the Project may have a significant adverse impact upon the environment, the Agency has completed, received and/or reviewed: (1) Part 1 of a Full Environmental Assessment Form (“EAF”), dated June 15, 2023 (the “EAF”); (2) NYSDEC’s Environmental Resource Mapper; (3) Screenshots of NYSDEC’s Environmental Resource Mapper; (4) the Application; (5) an Aerial Location Map; (6) Correspondence with the Hicksville Water District; (7) Cameron Engineering’s Traffic and Parking Assessment; (8) Correspondence from PSEG, Long Island; (9) NYSDEC’s Spills Incident’s Database Search; (10) New York State Historic Preservation Office’s Cultural Resources Information System Mapper; and (11) other relevant environmental information (collectively, (1) through (11) shall be referred to as the “Environmental Information”); and

WHEREAS, pursuant to SEQRA, the Agency desires to conduct a review of the Project to determine whether the Project may have a significant adverse impact on the environment and whether an Environmental Impact Statement must be prepared with respect to the Project.

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

Section 1. Based upon a thorough review and examination of the Environmental Information and upon the Agency’s knowledge of the area surrounding the Land and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project:

- (1) The Agency is undertaking an uncoordinated review of the Project in accordance with the requirements of SEQRA;
- (2) Prior to making a recommendation about the potential environmental significance of the Project, the Agency has consulted several information sources, and has considered the list of activities 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;

(3) In doing so, the Agency determined that the Project is an Unlisted Action pursuant to SEQRA as it involves the construction of a three-story, 35,365 sq.ft. building containing 20 units within an area of Hicksville covered by the 2021 rezoning by the Town of Oyster Bay. The Project does not meet or exceed any threshold for a Type I Action;

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

Section 2. Based upon the foregoing investigations of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact indicated, the Agency has determined that the Project will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. Impact on Land. The Land sits within the Town of Oyster Bay's newly rezoned Hicksville Downtown (HD) Zoning District and the Hicksville Gateway Transition Sub-district/District Overlay (HD-II), both of which are intended to spur development in the underutilized area between Hicksville's Downtown and its outlying residential districts. The intent of the HD-II Sub-district is to create a vibrant gateway to downtown Hicksville through new development that provides a mix of both residential and commercial uses while also activating the streetscape through the addition of uses at grade level. The Applicant proposes to construct a three-story, 20-unit multi-family development, containing a mix of one- and two-bedroom units, three (3) of which will be affordable/workforce units. The Project also includes outdoor open space on each floor, a rooftop terrace, 30 off-street parking spaces, and an outdoor dog run at grade to add interest along the street. The Applicant will seek a Site Plan Approval and notes in the EAF that, although the Project does not contain a mix of residential and commercial uses, it does align with the majority of the design guidelines for both districts. Namely, the Project provides a mix of housing types, quality landscaping, and outdoor gathering spaces to enliven the streetscape. Further, it meets height, yard, and parking space requirements and also fulfills the District's sidewalk improvement design guidelines. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to land resources or land use.
2. Impact on Surface Water and Flooding. The EAF indicates that there are no wetlands or other surface bodies present near or on the Land, and the Project will not create any new waterbody or affect the surface area of any existing waterbody. The Project is not located in a designated 100-year or 500-year

floodplain. The Land contains a single-family home and has been previously disturbed. The EAF notes that no additional stormwater runoff is anticipated to be generated by the Project either during construction or post-construction. Accordingly, the Project will not create any potentially significant adverse impacts on surface water.

3. Impact on Groundwater. The Land is served by the Hicksville Water District and the Nassau-Suffolk Sole Source Aquifer lies underneath the Land. The Project will generate a new demand for water of about 6,068 Gallons Per Day that will require the replacement of a six-inch water main with an 8-inch main. The Land is served by existing sewer lines sufficient to serve the demand created by the Project. It sits within the Nassau County Sewage District and will utilize the Nassau County Department of Public Works Wastewater Treatment Plant, both of which have capacity to handle the sanitary wastewater generated by the Project. Although the Project site is located over the Nassau-Suffolk Sole Source Aquifer, the Project does not involve the storage of petroleum or chemical products or other types of industrial activities where groundwater or the aquifer could be exposed to contaminants. With minimum excavation needed for the Project's site preparation, wall footings, and basement construction, the Project will not impact the groundwater beneath the site, which sits approximately 88 feet below grade. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to water.
4. Impact on Air. The Project will not be a significant source of air emissions. The Project does not include the types of activities or operations that require an Air Facility Permit or that are associated with a significant potential for air emissions. Although the Project does involve both the construction of 20 units and 30 parking spaces, the Project will not substantially increase traffic to the Land nor will it substantially increase demand for transportation facilities or services. Any potential impact on air as a result of construction activities will be minor, and temporary in nature. Accordingly, the Project will not create any significant adverse impacts to air resources.
5. Impact on Plants and Animals. The Land in the area of the Project does not possess significant ecological value as it is surrounded by residential, community facilities, and commercial uses abutting downtown Hicksville. It sits less than one-half mile from the Long Island Rail Road Station. The NYSDEC Mapper indicates that the Land does not contain a species of animal, or associated habitat listed as threatened or endangered. Accordingly, the Project will not create significant adverse impacts to plants, animals, natural communities, wildlife habitats, or wetlands.
6. Impact on Agricultural Land Resources. The Land is not located within an Agricultural District and is neither currently used for Agricultural purposes

nor zoned to be used as such. Therefore, the Project will not create any potentially significant adverse impacts to agricultural land resources.

7. Impact on Aesthetic Resources. The Project will not be visible from any officially designated federal, state, or local scenic or aesthetic resource. The Land, which is previously developed with a single-family home, is situated on West Cherry Street, a transitional area with commercial, residential, and community facilities abutting the Hicksville downtown corridor. Thus, the Project is compatible with the surrounding uses. The Project's design, chosen materials, and layout is consistent with neighboring uses and maintains the area's character. Accordingly, the Project is not anticipated to create any significant adverse impacts to aesthetic resources.
8. Impact on Historic and Archeological Resources. The Land and Project do not contain, nor are they adjacent to, a building, archeological site as designated by the NYS Historic Preservation Office or district, which is listed on or that has been nominated to, the State or National Register of Historic Places. Areas near the Project have been previously developed and lack the characteristics that would suggest the potential presence of any significant archaeological resources. Accordingly, the Project will not create any significant adverse impacts to historical or archaeological resources.
9. Impact on Open Space and Recreation. The Land does not comprise public open space nor is the Land or surrounding area currently used for public recreation. Accordingly, the Project will not create any significant adverse impacts to open space or recreational resources.
10. Impact on Critical Environmental Areas. The Land is not located in or substantially contiguous to any Critical Environmental Area ("CEA"). Accordingly, the Project will not create any significant adverse impacts to any CEA.
11. Impact on Transportation. The Project's 20 proposed housing units will not result in a substantial increase in traffic nor generate a significant demand for transportation facilities or services. The Project would generate up to 8-10 trips during the AM and PM peak hours, which would not be enough to generate any impact on local streets. The Project's 30 provided parking spaces would meet the parking requirement in both the HD District and HD-II Sub-district. In analyzing the potential cumulative impacts of the Project, the Traffic and Parking Assessment submitted with the EAF noted 11 approved or pending projects within one mile of the Project. The Traffic and Parking Analysis noted that trips generated from five of the developments would likely utilize Route 107 or Jerusalem Avenue as opposed to West Cherry Street as West Cherry is not a major through street.

This makes cumulative impacts from these developments unlikely. Looking at the remaining six developments, the Traffic Analysis developed trip generation estimates related to the six developments and concluded that the trip generation from these projects, combined with the small trip numbers from the proposed Project, would be too small to have a traffic impact on West Cherry Street or nearby intersections. Further, any impacts to transportation from construction activities associated with the Project will be minor and temporary in nature. Accordingly, it is not anticipated that that Project will create any significant adverse impacts to transportation.

12. Impact on Energy. The Project will result in a slight increase in energy usage, however, existing utility lines serve the Project Facility and no significant improvements are necessary to accommodate the Project. Accordingly, the Project will not create any significant adverse impacts to energy.
13. Impact on Noise, Odor and Light. The Project is not expected to appreciably increase ambient noise levels or to create odors. The Project does not involve the types of activities that create significant noise or odors. 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. Any impacts to noise and/or odor from construction activities will be minor, and temporary in nature. The Project will add minimal pole lighting on the front side of the building. This small additional of lighting will have minor impact and, overall, the Project will enhance downtown Hicksville's vibrancy, supporting the intent of the 2021 rezoning of the area. Accordingly, the Project will not create any significant adverse impacts to noise, odors or light.
14. Impact on Public Health. The Project does not entail the types of activities or operations that are associated with a significant potential for affecting public health, such as storing large amounts of hazardous or toxic materials. During the demolition and the construction period, the Project will generate solid waste that will be properly handled, recycled, and disposed of by the Applicant pursuant to Federal, State and local laws and regulations. The NYCDEC's Spill Incidents Database Search does note five reported spills near the Land, but not on the site. All five spills have been closed for over 20 years. Accordingly, the Project will not create any significant adverse impact to public health.
15. Impact on Growth and Character of the Community and Neighborhood. The Project will not result in significant population growth, and is within character with the surrounding uses. The Project will be designed to meet the density, height, and yard requirements of the newly adopted zoning district and will also include materials and design elements that match the

surrounding character. The Project calls for landscaping and façade treatments that will shield the on-site parking from the street and will also make significant improvements to the sidewalks surrounding the site as is required by the existing zoning. The EAF provides that the 20 one- to two-bedroom units are projected to generate three potential new public school-age children. This represents less than one-tenth of one percent of the current enrollment. This small projected increase is unlikely to require additional classrooms or teachers. Accordingly, the Project will not create any significant adverse impacts to the growth or character of the community.

16. Considering all of the above, the Project will not have a significant adverse impact upon the environment and a negative declaration pursuant to SEQRA is hereby issued.

Section 3. The Chairman, the Vice Chairman, the Executive Director and the Administrative Director of the Agency are hereby further authorized on behalf of the Agency, or acting together or individually, to distribute copies of this Resolution to the Applicant and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 4. This Resolution shall take effect immediately.

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

William H. Rockensies	VOTING	Aye
John Coumatos	VOTING	Aye
Raymond Pinto	EXCUSED	
Reginald A. Spinello	VOTING	Aye
Marco Troiano	VOTING	Aye
Marissa Brown	VOTING	Aye
Joseph Manzella	EXCUSED	

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK

) SS.:

COUNTY OF NASSAU

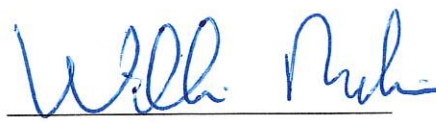
We, the undersigned [~~Vice~~] Chair and [~~Assistant~~] Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on October 15, 2024 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 15th day of October, 2024.


[~~Assistant~~] Secretary


[Vice] Chair

(SEAL)