

**Resolution adopting a determination and finding under the New York State Environmental
Quality Review Act**

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, 1st Floor, 1550 Franklin Avenue, Mineola, Nassau County, New York on November 21, 2024 at 6:45 p.m., local time.

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

PRESENT:

William H. Rockensies	Chair
Raymond Pinto	Secretary
John Coumatos	Asst. Treasurer
Reginald A. Spinello	Member
Marissa Brown	Member

THE FOLLOWING PERSONS WERE ALSO 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 (Ret.)	Agency Counsel
Andrew D. Komaromi, Esq.	Bond/Transactional Counsel

The attached resolution No. 2024-65 was offered by John Coumatos, seconded by William H. Rockensies.

RESOLUTION FINDING THAT AN ACTION TO UNDERTAKE THE ACQUISITION AND STRAIGHT LEASING OF A CERTAIN PROJECT FOR ROCKVILLE MANOR DEVELOPER LLC WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

Project Name: Rockville Manor Developer LLC 2024

Location: 579 Merrick Road, Village of Rockville Centre, Town of Hempstead, County of Nassau, New York (NCTM: Section 38, Block 513, Lot 732)

SEQRA Status: Unlisted

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, Rockville Manor Developer LLC, a limited liability company organized and existing under the laws of the State of New York, together with entities formed or to be formed on its behalf (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 1.01 acre parcel of land located at 579 Merrick Road, Village of Rockville Centre, Town of Hempstead, County of Nassau, New York (NCTM: Section 38, Block 513, Lot 732) (the “Land” or “Project Site”), (2) the renovation of an approximately 37,888 square foot building and the construction of an approximately 7,448 square foot addition thereto on the Land (collectively, the “Building”), together with related improvements to the Project Site, including onsite parking spaces, and (3) the acquisition and installation therein and thereon of certain furniture, fixtures, machinery, building and construction materials and equipment (the “Equipment”), all of the foregoing for use by the Applicant as a senior / disabled multi-family housing-development facility, consisting of approximately fifty-six (56) affordable rental housing apartments (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, by resolution adopted by the members of the Agency on June 27, 2024 (the “Preliminary Inducement Resolution”), the Agency, following a review of the Application, determined to

take preliminary action toward the acquisition and straight leasing of the Project for the Company and made a determination to proceed with the Project; 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 and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (NYSDEC), being 6 N.Y.C.R.R. Part 617.1, et. seq., as amended (the “Regulations” and collectively “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 (“FEAF”), dated May 11, 2018; (2) FEAF Parts 2 and 3 completed by the Village of Rockville Centre Planning Board; (3) SEQRA Negative Declaration by the Village of Rockville Centre Board of Appeals, dated December 18, 2023 (the “Village Neg. Dec.”); (4) Application for Financial Assistance, updated November 3, 2023; (5) NYSDEC’s Environmental Resource Mapper; (6) New York State Historic Preservation Office’s Cultural Resources Mapper; and (7) other relevant environmental information (collectively, 1, 2, 3, 4, 5, 6 and 7 shall be referred to as the “Environmental Information”); and

WHEREAS, pursuant to SEQRA, the Agency is an involved agency in the SEQRA review of the Project, and as an involved agency is required to analyze the Project to determine whether it has the potential to have a significant adverse impact on the environment; and

WHEREAS, the Applicant has agreed to indemnify the Agency against certain losses, claims, expenses, damages and liabilities that may arise in connection with the transaction contemplated by the leasing of the Facility by the Agency to the Applicant;

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

Section 1. Based upon the FEAF completed by the Applicant and reviewed by the Agency and other representations and information furnished by the Applicant regarding the Project, the Agency determines that the action relating to the acquisition, construction, equipping, furnishing and operation of the Project Facility is an “unlisted” action, as that term is defined in the SEQRA.

Section 2. 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, as lead agency, makes the following findings with respect to the Project:

1. Conformance of Project with Town Code.
 - a. The Project is located in the Residential B zoning district.
 - b. Based on the application for benefits, on August 14, 2018, the Village of Rockville Centre Board of Appeals approved the proposed additions to the Building.
 - c. Based on the Village Neg. Dec., the Village of Rockville Centre Board of Appeals extended its approval of the project subject to the Applicant obtaining a Building Permit by December 31, 2024.

2. Impact on Land.

- a. The Project is not anticipated to create any potentially significant adverse impacts to land resources or land use. The Project consists of a renovation and expansion of an existing use. The zoning and land use classification will not change as a result of the Project and the Project is consistent with surrounding uses along Merrick Road, which are primarily multifamily and commercial in nature. The Project will also not change the existing single-family residential uses to the east and north of the Land.
- b. Through the Project's general compliance with Village approvals, the land use and zoning character of the area will be protected. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to land resources or land use.

3. Impact on Water.

- a. No wetlands in the area of the existing building abut the Land nor are contained thereon. In addition, the Project is not located in a designated 100 year floodplain. The Land has been previously disturbed and the improvements will not physically alter, or encroach into, any existing wetland or waterbody. Although the Project site is located over the Nassau-Suffolk sole source aquifer, no activities proposed for the Project are anticipated to impact groundwater or the aquifer, nor is construction or operation of such project anticipated to expose such aquifer to the undue threat of contamination.
- b. Public water will continue to serve the Project after the expansion and the sanitary disposal will continue to be accommodated by the Nassau County municipal system.
- c. Accordingly, the Project will not have an adverse impact on water resources.

4. Impact on Air. The Project will not be a significant source of air emissions. The Project does not entail the types of activities or operations that require the Applicant to acquire an Air Facility Permit or that are associated with a significant potential for air emissions. Any potential impact on air as a result of construction activities will be minor and temporary in nature.

5. Impact on Health or Safety.

- a. Based on the NYSDEC database, there are two (2) parcels within 2,000 feet of the Land that have become polluted. The MTA Long Island Railroad property at Maple Avenue & Brower Road is known by NYSDEC ID #s V00401 and 130236. NYSDEC records indicate that remediation at the site, which is a New York Superfund site, is complete and the site poses no likely risk to the surrounding area.

The second parcel is located at 486 Sunrise Highway, Rockville Centre and known by NYSDEC ID # C130220. NYSDEC records indicate that the pollution related to such site may be in ground water in the area, but such

impacts are subject to mitigation by sub-slab depressurization systems and do not impact the safety of water serving the Project Facility.

- b. The Project, itself, also does not entail the types of activities or operations that are associated with a significant potential for affecting public health. Accordingly, the Project will not create any significant adverse impact to public health, air, land or water resources.
6. Impact on Plants and Animals Including to Threatened or Endangered Species. Based on the FEAF, there are no existing records for rare/protected plants or wildlife species on or adjacent to the project site. Moreover, the Land was historically cleared and fully developed. Accordingly, the Project does not present the potential for removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.
7. Impact on Agricultural Land Resources. The Project is located in an area currently devoted to residential, medical and commercial uses. As a result, it will not involve the conversion or loss of agricultural land resources. Accordingly, the Project will not create any significant adverse impacts to agricultural land resources.
8. Impact on Aesthetic Resources. The Project will not be visible from any officially designated federal, state or local scenic or aesthetic resource. The Land is situated in a developed commercial and residential area, zoned for uses consistent with the Project, which is also consistent with surrounding uses. As the proposed Project is an expansion of an existing senior / disabled housing facility, which is consistent with its surroundings, and the Project Facility will be constructed pursuant to plans approved by the Village of Rockville Centre Board of Appeals, it is not anticipated to create any significant adverse impacts to aesthetic resources.
9. Impact on Historic and Archeological Resources. The Land which the Project is to be located does not contain, nor is it adjacent to, a building, structure or archeological site designated by the New York State Historic Preservation Office as a resource, nor is it located within a district which is listed on, or that has been nominated to, the State or National Register of Historic Places. Areas near the property on which the Project is to be located 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.
10. Impact on Open Space and Recreation. The Land and adjacent areas around it do not comprise public open space as it is devoted to commercial, medical and residential uses. Further, the density of the Project Facility created by the six (6) additional senior / disabled housing, rental units is not anticipated to create an adverse impact of local parkland. Accordingly, the Project will not create any significant adverse impacts to open space or recreational resources.

11. Impact on Critical Environmental Areas. The Land is not located in or substantially contiguous to any Critical Environmental Area (“CEA”) based on a review of the Environmental Information. Accordingly, the Project will not create any significant adverse impacts to any CEA.
12. Impact on Transportation. Based on the FEAF and the Agency’s experience, the continuation of the existing residential use, together with the development of six (6) additional senior / disabled housing, rental units, will not result in a substantial increase in traffic above capacity of current traffic infrastructure, nor is it expected to generate substantial new demand for transportation facilities or services/infrastructure. Further, anticipated truck traffic associated with the operation of the Project is also not anticipated to result in significant negative effects given that the improvements are relatively small in relation to the existing building and use being maintained on the Land. Any impacts to transportation from construction activities associated with the Project will be minor and temporary in nature. Accordingly, it is not anticipated that the Project will create any significant adverse impacts to transportation.
13. Impact on Energy. The Project would increase energy use; however, existing utilities serve the area where the Project Facility will be renovated and expanded and are anticipated to have adequate capacity to serve it. As a result, the Project will not create any significant adverse impacts to energy.
14. Impact on Noise and Odor and Impacts from Light. The Project is not expected to materially increase ambient noise levels or to create odors of consequence particularly considering such project setting including the Project site location. As a result, it is not anticipated that the operation of the Project will result in undue noise impacts. Further, any impacts to noise and/or odor from construction activities will be minor, and temporary in nature. In addition, any such noise from construction will be undertaken during work hours and as such is not anticipated to be significant. Accordingly, the Project will not create any significant adverse impacts to noise or odors.
15. Impact on Growth and Character of the Community and Neighborhood. The Project is not anticipated to result in significant growth out of character or beyond the capacity of the area to accommodate the same considering the zoning of the site of said project, existing improvements on the Land and surrounding uses. In sum, the Project is similar and is in character with surrounding uses. Accordingly, the Project is not anticipated to create any significant adverse impacts to the growth or character of the community.
16. No Related Actions being Funded, Undertaken or Approved by the Agency. The Project is not associated with any related action being undertaken, funded or approved by the Agency. Accordingly, the Project is not anticipated to have a cumulative impact that affects the consideration of the Project under SEQRA.
17. Changes Associated with the Project Will Not have a Significant Impact on the Environment in the Aggregate. No anticipated changes in two or more elements of the environment, neither of which has a significant impact on the environment, when considered together will result in a substantial adverse impact on the environment given existing environmental conditions and mitigation measures included in the improvements.

NOW THEREFORE BE IT FURTHER RESOLVED:

Section 3. Based on the foregoing, the Agency finds that the Project will not have any significant adverse impact on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and, in particular, pursuant to the criteria set forth at 6 NYCRR §617.7(b)-(c) of the SEQRA regulations and as such, no environmental impact statement shall be prepared.

Section 4. 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 5. 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	VOTING AYE
Reginald A. Spinello	VOTING AYE
Marco Troiano	VOTING ABSENT
Joseph Manzella	VOTING ABSENT
Marissa Brown	VOTING AYE

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK

) SS.:

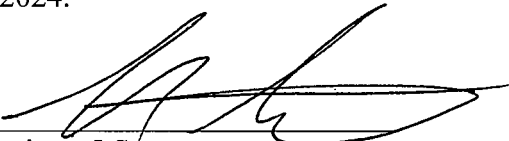
COUNTY OF NASSAU

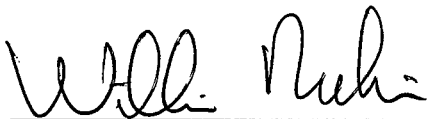
We, the undersigned [~~Vice~~] Chair and [~~Assistant~~] Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on November 21, 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; (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 21st day of November, 2024.


[~~Assistant~~] Secretary


[~~Vice~~] Chair

(SEAL)