

Date: October 21, 2021

At a meeting of the Town of Hempstead Industrial Development Agency (the “Agency”), held at Town Hall Pavilion, 1 Washington Street, Hempstead, New York 11550, on the 21st day of October, 2021 at 9:00 a.m., the following members of the Agency were present:

Present: Florestano Girardi, Chairman
Rev. Dr. Eric C. Mallette, Treasurer
Jack Majkut, Secretary
Thomas J. Grech, Member
Robert F. Bedford, Member

Excused:

Resigned: James G. Marsh, Esq., Vice Chairman
Cherice Vanderhall, Member

Also Present: Frederick E. Parola, Chief Executive Officer
Edie Longo, Chief Financial Officer
Michael Lodato, Deputy Executive Director
Arlyn Eames, Deputy Financial Officer
Lorraine Rhoads, Agency Administrator
Laura Tomeo, Deputy Agency Administrator
John Ryan, Esq., Agency Counsel
William F. Weir, Esq., Transaction Counsel
Paul O’Brien, Esq, Transaction Counsel

After the meeting had been duly called to order, the Chairman announced that among the purposes of the meeting was to consider and take action on certain matters pertaining to the acquisition of a leasehold interest in or title to a certain industrial development facility more particularly described herein (111 Hempstead Tpke, LLC 2021 Facility), and the leasing of such facility to 111 Hempstead Tpke, LLC.

The following resolution was duly moved, seconded, discussed and adopted with the following members voting:

Voting Aye

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Voting Nay

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Abstaining

RESOLUTION OF THE TOWN OF HEMPSTEAD INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") APPROVING THE APPOINTMENT OF 111 HEMPSTEAD TPKE, LLC, A NEW YORK LIMITED LIABILITY COMPANY, ON BEHALF OF ITSELF AND/OR THE PRINCIPALS OF 111 HEMPSTEAD TPKE, LLC AND/OR AN ENTITY FORMED OR TO BE FORMED ON BEHALF OF ANY OF THE FOREGOING AS AGENT OF THE AGENCY FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND EQUIPPING OF AN INDUSTRIAL DEVELOPMENT FACILITY, APPROVING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF SUCH FACILITY AND MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO SUCH FACILITY AND APPROVING THE FORM, SUBSTANCE AND EXECUTION OF RELATED DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 529 of the Laws of 1971 of the State of New York, as the same may be amended from time to time (collectively, the "**Act**"), the Town of Hempstead Industrial Development Agency (the "**Agency**") was created with the authority and power among other things, to assist with the acquisition of certain industrial development projects as authorized by the Act; and

WHEREAS, 111 Hempstead Tpke, LLC, a New York limited liability company, on behalf of itself and/or the principals of 111 Hempstead Tpke, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "**Company**"), submitted its application for financial assistance (the "**Application**") to the Town of Hempstead Industrial Development Agency (the "**Agency**") to enter into a transaction in which the Agency will assist in the acquisition of an interest in an approximately 9.43 acre parcel of land located at 111 Hempstead Turnpike, West Hempstead, Town of Hempstead, Nassau County, New York (the "**Land**"), the demolition of the existing structures and improvements on the Land, the construction of one (1) four-story and two (2) three-story buildings aggregating approximately 468,325 square feet of space and consisting of approximately 428 residential rental units, approximately 5,143 square feet of retail/residential flex space, and surface and garage parking on the Land for approximately 757 vehicles (the "**Improvements**"), and the acquisition of certain fixtures, equipment and personal property necessary for the completion thereof (the "**Equipment**"; and together with the Land and the Improvements, the "**Facility**"), which Facility is to be subleased by the Agency to the Company and further sub-leased by the Company to future tenants for use as a mixed-use multifamily housing and retail complex (the "**Project**"); and

WHEREAS, a public hearing (the "**Hearing**") was held on September 28, 2021 and notice of the Hearing was given and such notice (together with proof of publication) together with the minutes of the Hearing are in substantially the forms annexed hereto as Exhibits A and B, respectively; and

WHEREAS, the Agency contemplates that it will provide financial assistance to the Company in the form of (i) exemptions from sales and use taxes in an amount not to exceed \$6,620,009, in connection with the purchase or lease of equipment, building materials, services or other personal property with respect to the 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 securing the principal amount not to exceed \$107,512,474 in connection with the financing of the acquisition, construction and equipping of the Facility and any future financing, refinancing or permanent financing of the costs of acquiring, constructing and equipping of the Facility, and (iii) abatement of real property taxes (as set forth in the Proposed PILOT Schedule annexed hereto as Exhibit C); and

WHEREAS, the Agency required the Company to provide to the Agency a feasibility report together with letters or reports from interested parties and governmental agencies or officials, if any (collectively, the “**Requisite Materials**”), to enable the Agency to make findings and determinations that the Facility qualifies as a “project” under the Act and that the Facility satisfies all other requirements of the Act, and such Requisite Materials are listed below and are annexed hereto as Exhibit D:

1. Feasibility Study dated August 17, 2021;
2. Cost-Benefit Analysis prepared by Camoin Associates for 111 Hempstead Tpke, LLC dated May 6, 2021;
3. New York Law Journal article published 3-22-17 on Eligibility of Residential Developments for IDA Benefits by Anthony Guardino, Esq.; and
4. Ryan et al. v Town of Hempstead Industrial Development Agency et al.

WHEREAS, the Agency’s Uniform Tax Exemption Policy (“**UTEP**”), a copy of which is annexed hereto as Exhibit E, provides for the granting of financial assistance by the Agency for unusual projects pursuant to Sections 1(A) and (B); and

WHEREAS, the financial assistance to be granted by the Agency to the Company would represent a deviation from the UTEP because the payment in lieu of taxes arrangement with respect to the Facility would be for a term of up to twenty (20) years; and

WHEREAS, by letter dated September 17, 2021 (collectively, the “**Deviation Notice**”), a copy of which is annexed hereto as Exhibit F, the Agency provided notice to each affected tax jurisdiction of the proposed deviation from the UTEP and the respective dates of the Public Hearing and of the date of this meeting of the Agency and invited each affected tax jurisdiction to provide their comments either in person or in writing to the Agency at such Public Hearing or this meeting with respect to the location and nature of the Facility, the financial assistance to be granted by the Agency to the Company and the Agency’s deviation from the UTEP; 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 completed, received and/or reviewed: (1) Part 1 of a Full Environmental Assessment Form (“**EAF**”), dated July 7, 2020 and revised January 15, 2021; (2) the New York State Cultural Resource Information System (“**CRIS**”); (3) NYSDEC’s Environmental Resource Mapper (“**ERM**”); (4) an Expanded Environmental Assessment prepared by VHB Engineering, Surveying, Landscape Architecture, and Geology P.C. (“**VHB**”) dated September 2020 (“**EAA**”); (5) a Traffic Impact and Parking Analysis Report prepared by VHB dated December 2020 (“**Traffic Study**”); (6) an application for financial assistance dated December 11, 2020 (“**Application**”); and (7) other relevant environmental information (collectively, (1)-(7) 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, 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; and

WHEREAS, the Agency will acquire a leasehold interest in the Land and the Improvements pursuant to a certain Company Lease Agreement, dated as of October 1, 2021, or such other date as the Chairman, the Chief Executive Officer, the Chief Financial Officer or the Deputy Executive Director of the Agency and counsel to the Agency shall agree (the “**Company Lease**”), by and between the Company and the Agency; and

WHEREAS, the Agency will acquire title to the Equipment pursuant to a certain Bill of Sale, dated the Closing Date (as defined in the hereinafter defined Lease Agreement) (the “**Bill of Sale**”), from the Company to the Agency; and

WHEREAS, the Agency will sublease and lease the Facility to the Company pursuant to a certain Lease and Project Agreement, dated as of October 1, 2021 or such other date as the Chairman, the Chief Executive Officer, the Chief Financial Officer or the Deputy Executive Director of the Agency and counsel to the Agency shall agree (the “**Lease Agreement**”), by and between the Agency and the Company; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Facility and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, the Agency has given due consideration to the Application of the Company and to representations by the Company that the proposed Facility is either an inducement to the Company to construct and maintain the Facility in the Town of Hempstead or is necessary to maintain the competitive position of the Company in its industry; and

WHEREAS, the Company has represented to the Agency that the approval of the Project and the transactions contemplated by the Lease Agreement shall not result in the removal of an industrial or manufacturing plant of any Facility occupant(s) from one area of the State to another area of the State or in the abandonment of one or more plants of facilities of the Facility occupant(s) located within the State; and

WHEREAS, as security for a loan or loans, the Agency and the Company will execute and deliver to a lender or lenders not yet determined (collectively, the “**Lender**”), one (1) or more mortgages, and such other loan documents satisfactory to the Agency, upon advice of counsel, in both form and substance as may be reasonably required by the Lender, to be dated a date to be determined, in connection with the financing, any refinancing or permanent financing of the acquisition, construction and equipping of the Facility (collectively, the “**Loan Documents**”); and

WHEREAS, the Company 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 and subleasing of the Facility by the Agency to the Company.

NOW, THEREFORE, BE IT RESOLVED by the Agency (a majority of the members thereof affirmatively concurring) as follows:

Section 1. 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 made the following findings: (a) the Project is an Unlisted Action pursuant to SEQRA as the Project involves the construction of less than 500 new residential units in a town with a population of greater than 150,000 persons, (b) no potentially significant adverse impacts on the environment are noted in the Environmental Information and none are known to the Agency and, therefore, the Project will not have a significant adverse impact upon the environment. The reasons supporting this determination are attached as Exhibit G. Since the Project will not have a significant adverse impact on the environment, a negative declaration (the “**Negative Declaration**”) pursuant to SEQRA is hereby issued. This Negative Declaration has been prepared pursuant to and in accordance with the requirements of SEQRA. This Resolution 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 an uncoordinated environmental impact review, and shall take effect immediately.

Section 2. In connection with the acquisition, construction and equipping of the Facility, the Agency hereby makes the following determinations and findings based upon the Agency's review of the information provided by the Company with respect to the Facility, including, the Application, the Requisite Materials and other public information:

(a) There is a lack of safe, clean and modern rental housing (including affordable housing) in the Town of Hempstead;

(b) Such lack of rental housing has resulted in residents leaving the Town of Hempstead and therefore adversely affecting businesses, retailers, banks, financial institutions, insurance companies, health and legal services providers and other merchants in the Town of Hempstead and otherwise adversely impacting the economic health and well-being of the residents of the Town of Hempstead and the tax base of the Town of Hempstead;

(c) The Facility, by providing such housing will enable persons to remain in the Town of Hempstead 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 Town of Hempstead, which will increase the economic health and well-being of the residents of the Town of Hempstead, help preserve and increase permanent private sector jobs in furtherance of the Agency's public purposes as set forth in the Act, and therefore the Agency finds and determines that the Facility is a commercial project within the meaning of Section 854(4) of the Act;

(d) The Facility will provide services, i.e., rental housing (including affordable housing), which but for the Facility, would not otherwise be reasonably accessible to the residents of the Town of Hempstead.

Section 3. The Agency hereby finds and determines:

(a) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(b) The Facility constitutes a "project", as such term is defined in the Act; and

(c) The acquisition, construction and equipping of the Facility, and the leasing and subleasing of the Facility to the Company will promote and maintain the job opportunities, health, general prosperity and economic welfare of the citizens of the Town of Hempstead and the State of New York, and improve their standard of living and thereby serve the public purposes of the Act; and

(d) The acquisition, construction and equipping of the Facility is reasonably necessary to induce the Company to maintain and expand its business operations in the State of New York; and

(e) Based upon the representations of the Company, the transactions contemplated by the Lease Agreement shall not result in the removal of any facility or plant of any Facility occupant(s) from one area of the State to another area of the State or in the abandonment of one or more facilities or plants of the Facility occupant(s) located within the State; and

(f) The 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 finding, 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

(g) Based upon representations of the Company and counsel to the Company, the Facility conforms with the local zoning laws and planning regulations of the Town of Hempstead, Nassau County, and all regional and local land use plans for the area in which the Facility is located; and

(h) It is desirable and in the public interest for the Agency to lease and sublease the Facility to the Company; and

(i) The Company Lease will be an effective instrument whereby the Agency leases the Land and the Improvements from the Company; and

(j) The Lease Agreement will be an effective instrument whereby (i) the Agency leases and subleases the Facility to the Company, (ii) the Agency and the Company set forth the terms and conditions of their agreement regarding payments-in-lieu-of-taxes, (iii) the Company agrees to comply with all Environmental Laws (as defined therein) applicable to the Facility and (iv) the Agency and the Company describe the circumstances in which the Agency may recapture some or all of the benefits granted to the Company; and

(k) The Loan Documents to which the Agency is a party will be effective instruments whereby the Agency and the Company agree to secure the loan(s) made to the Company by the Lender.

Section 4. The Agency has assessed all material information included in connection with the Application, including but not limited to, the Application and the Requisite Materials, and such information has provided the Agency a reasonable basis for its decision to provide the financial assistance described herein to the Company.

Section 5. In consequence of the foregoing, the Agency hereby determines to: (i) lease the Land and the Improvements from the Company pursuant to the Company Lease, (ii) execute, deliver and perform the Company Lease, (iii) acquire the Equipment from the Company pursuant to the Bill of Sale; (iv) lease and sublease the Facility to the Company pursuant to the Lease Agreement, (v) execute, deliver and perform the Lease Agreement, (vi) grant a mortgage on and security interests in and to the Facility pursuant to the Loan

Documents, and (vii) execute, deliver and perform the Loan Documents to which the Agency is a party.

Section 6. The Agency is hereby authorized to acquire the real property and personal property described in Exhibit A and Exhibit B, respectively, to the Lease Agreement and to do all things necessary or appropriate for the accomplishment thereof, and all acts heretofore taken by the Agency with respect to such acquisition are hereby approved, ratified and confirmed.

Section 7. The Agency is hereby authorized to execute and deliver the Loan Documents in connection with the financing of the costs of acquiring, constructing and equipping the Facility and any future Loan Documents in connection with any future refinancing or permanent financing of such costs of acquiring, constructing and equipping of the Facility without the need for any further or future approvals of the Agency.

Section 8. The Agency hereby authorizes and approves the following economic benefits to be granted to the Company in connection with the acquisition, construction and equipping of the Facility in the form of (i) exemptions from sales and use taxes in an amount not to exceed \$6,620,009, in connection with the purchase or lease of equipment, building materials, services or other personal property with respect to the 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 securing the principal amount not to exceed \$107,512,474 in connection with the financing of the acquisition, construction and equipping of the Facility and any future financing, refinancing or permanent financing of the costs of acquiring, constructing and equipping of the Facility, and (iii) abatement of real property taxes (as set forth in the PILOT Schedule annexed as Exhibit C hereof), 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 UTEP.

Section 9. Subject to the provisions of this resolution, the Company is herewith and hereby appointed the agent of the Agency to acquire, construct and equip the Facility. The Company is hereby empowered to delegate its status as agent of the Agency to its agents, subagents, contractors, subcontractors, materialmen, suppliers, vendors and such other parties as the Company may choose in order to acquire, construct and equip the Facility. The Agency hereby appoints the agents, subagents, contractors, subcontractors, materialmen, vendors and suppliers of the Company as agents of the Agency solely for purposes of making purchases or leases of goods, services and supplies to the Facility, and any such transaction between any agent, subagent, contractor, subcontractor, materialmen, vendor or supplier, and the Company, as agent of the Agency, shall be deemed to be on behalf of the Agency and for the benefit of the Facility. This agency appointment expressly excludes the purchase by the Company of any motor vehicles, including any cars, trucks, vans or buses which are licensed by the Department of Motor Vehicles for use on public highways or streets. The Company shall indemnify the Agency with respect to any transaction of any kind between and among the agents, subagents, contractors, subcontractors, materialmen, vendors and/or suppliers and the Company, as agent of the Agency. The aforesaid appointment of the Company as agent of the Agency to acquire,

construct and equip the Facility shall expire at the earlier of (a) the completion of such activities and improvements, (b) a date which the Agency designates, or (c) the date on which the Company and its agents, subagents, contractors, subcontractors, materialmen, vendors and/or suppliers have received exemptions from sales and use taxes in an aggregate amount not to exceed \$6,620,009 in connection with the purchase or lease of equipment, building materials, services or other personal property with respect to the Facility; provided however, such appointment may be extended at the discretion of the Agency, upon the written request of the Company if such activities and improvements are not completed by such time. The aforesaid appointment of the Company is subject to the execution of the documents contemplated by this resolution.

Section 10. The Company is hereby notified that it will be required to comply with Section 875 of the Act. The Company is further notified that the exemption of sales and use tax provided pursuant to the Act and the appointment of the Company as agent of the Agency pursuant to this resolution are subject to termination and recapture of benefits pursuant to Sections 859-a and 875 of the Act and the recapture provisions of the Lease Agreement.

Section 11. The form and substance of the Company Lease, the Lease Agreement and the Loan Documents to which the Agency is a party (each in substantially the forms presented to or approved by the Agency and which, prior to the execution and delivery thereof, may be redated and renamed) are hereby approved.

Section 12.

(a) The Chairman, the Chief Executive Officer, the Chief Financial Officer, the Deputy Executive Director or any member of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Company Lease, the Lease Agreement and the Loan Documents to which the Agency is a party, all in substantially the forms thereof presented to this meeting with such changes, variations, omissions and insertions as the Chairman, the Chief Executive Officer, the Chief Financial Officer, the Deputy Executive Director or any member of the Agency shall approve, and such other related documents as may be, in the judgment of the Chairman and counsel to the Agency, necessary or appropriate to effect the transactions contemplated by this resolution (hereinafter collectively called the “**Agency Documents**”). The execution thereof by the Chairman, the Chief Executive Officer, the Chief Financial Officer, the Deputy Executive Director or any member of the Agency shall constitute conclusive evidence of such approval.

(b) The Chairman, the Chief Executive Officer, the Chief Financial Officer, the Deputy Executive Director or any member of the Agency are further hereby authorized, on behalf of the Agency, to designate any additional Authorized Representatives (as defined in and pursuant to the Lease Agreement) of the Agency.

Section 13. The officers, employees and agents of the Agency are hereby authorized and directed 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 Agency Documents, and to execute and deliver all such additional certificates, instruments and documents, 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, desirable and proper to effect the purposes of the foregoing resolution and to cause compliance by the Agency with all of the terms, covenants and provisions of the Agency Documents binding upon the Agency.

Section 14. Any expenses incurred by the Agency with respect to the Facility shall be paid by the Company. The Company shall agree to pay such expenses and further agrees to indemnify the Agency, its members, directors, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the Facility.

Section 15. This resolution shall take effect immediately.

ADOPTED: October 21, 2021

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

We, the undersigned Chief Executive Officer and Chairman of the Town of Hempstead Industrial Development Agency, DO HEREBY CERTIFY:

That we have compared the annexed extract of the minutes of the meeting of the Town of Hempstead Industrial Development Agency (the “Agency”), including the resolutions contained therein, held on October 21, 2021 and correct copy of the proceedings of the Agency and of such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

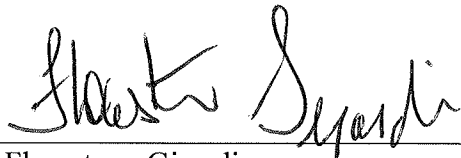
That the Agency Documents contained in this transcript of proceedings are each in substantially the form presented to the Agency and/or approved by said meeting.

WE FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with the New York Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, that all members of said Agency had due notice of said meeting and that the meeting was all respects duly held.

IN WITNESS WHEREOF, we have hereunto set our hands as of the ___ day of October, 2021.



By: _____
Frederick E. Parola
Chief Executive Officer



By: _____
Florestano Girardi
Chairman

EXHIBIT A

Notice of Public Hearing

EXHIBIT B

Minutes from Public Hearing held on September 28, 2021

EXHIBIT C

Proposed PII.OT Schedule

EXHIBIT D

Requisite Materials (in order as follows)

1. Feasibility Study dated August 17, 2021;
2. Cost-Benefit Analysis prepared by Camoin Associates for 111 Hempstead Tpke, LLC dated May 6, 2021;
3. New York Law Journal article published 3-22-17 on Eligibility of Residential Developments for IDA Benefits by Anthony Guardino, Esq.; and
4. Ryan et al. v Town of Hempstead Industrial Development Agency et al.

EXHIBIT E

Town of Hempstead Industrial Development Agency Uniform Tax Exemption Policy

EXHIBIT F

PILOT Deviation Notice

EXHIBIT G

REASONS SUPPORTING THE DETERMINATION OF SIGNIFICANCE FOR A CERTAIN PROJECT FOR 111 HEMPSTEAD TPKE. LLC

Name of Project: 111 Hempstead Tpke. LLC 2021 Facility

Location: 111 Hempstead Turnpike, Town of Hempstead, New York 11552

SEQR Status: Unlisted

Determination of Significance: Negative Declaration

1. Impact on Land. The Project consists of the demolition of an existing three story retail building and removal of existing improvements on the Land and the construction of two three-story buildings and one four-story building totaling 468,235 square feet comprising of 428 apartment units, with underground and surface parking for 757 total spaces, supportive retail, and associated improvements including an integrated stormwater management system. The zoning classification will change as a result of the Project from Business to Residence, however, the EAF notes that existing land uses in the vicinity of the Project site include both commercial and residential uses. Specifically, the EAF identifies adjacent mixed commercial use, and multi-family housing developments. The EAF further notes that there will be a net decrease in the acreage of the Land covered by paved and impervious surfaces. Construction is anticipated to last for 38 months, however, no significant adverse impacts to adjacent properties are anticipated during construction. Accordingly, 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 Project is in a well-developed area and the EAF, EAF Mapper, and ERM note that the site does not contain, and is not adjacent to, any surface water features. In addition, the EAF notes that stormwater runoff resulting from the impervious surfaces associated with the Project will be appropriately managed by on-site stormwater detention facilities. As the Project includes a net decrease in impervious surfaces, stormwater runoff is not anticipated to increase as a result of the Project. The EAF further notes that no stormwater runoff flows to adjacent properties. Accordingly, the Project will not create any significant adverse impacts on surface water.

4. Impact on Groundwater. The EAF states that the Project includes additional demand for water, and the generation of liquid waste, however, existing water and sewer lines with adequate capacity service the Land. No expansion of the water or sewer districts will be required in connection with the Project. While the Project site is located above a sole source aquifer, the Project does not involve the bulk storage of petroleum or chemical products, or any other activities which would entail any substantial risk to groundwater. Accordingly, the Project will not create any potentially significant adverse impacts to groundwater.
5. Impact on Flooding. The EAF states that the Project is not located within a designated floodway, nor is the Project located in the 100 or 500-year floodplains. Additionally, the Project is in a well-developed area. Further, as the Project includes a net decrease in impervious surfaces, stormwater runoff is not anticipated to increase as a result of the Project. All stormwater runoff associated with the Project will be appropriately managed by on-site stormwater detention facilities. The EAF further notes that no stormwater runoff flows to adjacent properties. Accordingly, the Project will not create any potentially significant adverse impacts to flooding.
6. 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 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 will not create any significant adverse impacts to air resources.
7. Impact on Plants and Animals. The Project site is in a well-developed area and has been previously developed. Further, no wildlife species were identified in the EAF, EAF Mapper, or ERM as occupying or using the Land. Accordingly, the Project will not create any significant adverse impacts to plants, animals or natural communities, or wildlife habitat.
8. Impact on Agricultural Land Resources. The Project is not located within an Agricultural District and the Land is neither currently used for Agricultural purposes nor zoned to be used as such. Therefore, the Project will not create any significant adverse impacts to agricultural land resources.
9. Impact on Aesthetic Resources. As noted in the EAF, the Project will not be visible from any officially designated federal, state or local scenic or aesthetic resources. As described above, the Project site is previously developed and will be converted from an existing, older department store to new, aesthetically pleasing mixed-use structures. The redevelopment of the site will be consistent with adjacent development, and will serve to remove aging structures from the Land. The Project is expected to be aesthetically beneficial as a result of the above. Accordingly, the Project will not create any significant adverse impacts to aesthetic resources.

10. Impact on Historic and Archaeological Resources. The Land does not contain, nor is it adjacent to, a building, or district which is listed on, or that has been nominated to the State or National Register of Historic Places. Accordingly, the Project will not create any significant impacts to historic or archaeological resources.
11. Impact on Open Space and Recreation. The Project does not include the reduction of any open or recreational spaces. 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. As such, the Project will not create any significant adverse impacts to Critical Environmental Areas.
13. Impact on Transportation. The Project will result in a total of 757 of parking spaces, a net increase of 29 new parking spaces in a well-developed residential/commercial area. The majority of the Land is currently utilized for parking for the existing use. While the EAF notes that traffic will increase as a result of the Project, the Traffic Study concludes that the Project will not have a significant impact on the intersections or roadway network in the vicinity of the Project. The Project will be serviced by three access drives which will provide for full adequate circulation of Project traffic. Further, the Land is in close proximity to the Long Island Railroad, which will encourage a reduction in vehicle traffic associated with the Project. The Traffic Study also recites that the Project represents a decrease in the historical traffic associated with the area, as the Land was previously utilized as a National Wholesale Liquidators Center which experienced higher volumes of traffic than the Project will create. Further, the Traffic Study concludes that the proposed parking for the Project is more than adequate to satisfy peak parking demand. The Project is transit-oriented, and will not create any significant adverse impacts to transportation.
14. Impact on Energy. The Project will not result in substantial increase in the use of energy, and no significant energy infrastructure improvements are necessary to accommodate the Project. While energy usage is anticipated to increase as a result of the Project, the Project will connect to PSEG Long Island electric utilities, which have sufficient capacity to service the Project. As such, the Project will not create any significant adverse impacts to energy resources.
15. Impact on Noise, Odor and Light. The Project is consistent with surrounding land uses and is not expected to appreciably increase ambient noise levels or to create odors or excessive lighting. As noted in the EAF, outdoor lighting will be designed to minimize any spill over to neighboring properties. Further, any impacts to noise and/or odor from construction activities will be minor, and temporary in nature. Accordingly, the Project will not create any significant adverse impacts relating to noise, odors or light.
16. 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. While there will be structures demolished in conjunction with the Project, any hazardous and or waste materials generated by the demolitions will be properly handled and disposed of in accordance with applicable laws and regulations. Accordingly, the Project will not create any significant adverse impact to public health.

17. Impact on Character of the Community, and Community Plans. The Project is consistent with the West Hempstead Urban Renewal Plan, Nassau County Infill Redevelopment Feasibility Report, and the Nassau County Comprehensive Plan, as detailed in the EAA. Specifically, the Project diversifies the County's housing stock, fosters transit-supported development due to the proximity of the Long Island Railroad as well as local bus routes, and improves Nassau County's economic competitiveness by introducing additional retail opportunities. Further, the Project is consistent with nearby commercial and multi-family developments, and serves to revitalize the underutilized Land by removing existing blight and replacing it with a vibrant residential and retail development. Accordingly, the Project will not create any significant adverse impacts to the character of the community or community plans.