

ACLD SEQR Resolution

A regular meeting of the Nassau County Local Economic Assistance Corporation (the "Issuer") was convened in public session at the offices of the Issuer located at 1550 Franklin Avenue, Suite 235, Mineola, County of Nassau, New York on October 5, 2011 at 5:00 p.m., local time.

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

PRESENT:

Jeffrey L. Seltzer	Chairman
Bruce Ungar	Treasurer
Christopher Fusco	Asst. Secretary

ABSENT:

Gary Weiss	Secretary
------------	-----------

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Joseph J. Kearney	Chief Executive Officer
Colleen Pereira	Administrative Director
Joseph Foarile	Chief Financial Officer
Mary Dolan Grippo	Chief Marketing Officer
Edward Ambrosino, Esq.	General Counsel
Paul O'Brien, Esq.	Bond/Transaction Counsel
Milan Tyler, Esq.	Bond/Transaction Counsel

The attached resolution no. 2011-05 was offered by B. Ungar, seconded by C. Fusco:

Resolution No. 2011-05

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A
CERTAIN PROJECT FOR ADULTS AND CHILDREN WITH LEARNING AND
DEVELOPMENTAL DISABILITIES, INC. WILL NOT HAVE A SIGNIFICANT ADVERSE
IMPACT ON THE ENVIRONMENT

WHEREAS, Section 1411 of the Not-For-Profit Corporation Law, as amended (the "Act"), has been heretofore enacted by the Legislature of the State of New York for the purposes, among others, of providing for the creation of local development corporations in the State of New York for the exclusively charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, and lessening the burdens of government and acting in the public interest; and

WHEREAS, the Nassau County Legislature (the "County Legislature") authorized the formation of the Issuer under the Act pursuant to Resolution No. 255-2010 adopted by the County Legislature on September 20, 2010 and approved by the County Executive of Nassau County on September 21, 2010; and

WHEREAS, pursuant to such authorization of the County Legislature, the Issuer has been incorporated under said Act by the filing of its Certificate of Incorporation with the Office of the Secretary of State of the State of New York on November 30, 2010; and

WHEREAS, the Issuer is authorized by the Act to issue its negotiable bonds, notes or other obligations; and

WHEREAS, Adults and Children with Learning and Developmental Disabilities, Inc., a corporation organized under the New York Not-For-Profit Corporation Law (the "Applicant"), has requested that the Issuer finance the acquisition, construction and equipping of a project (the "Project") through the issuance of its tax-exempt and/or taxable revenue bonds (the "Bonds") in one (1) or more series presently estimated to be in the aggregate principal amount of \$19,622,000 but in no event to exceed \$22,000,000 consisting of: (A) the acquisition of title to or other interest in all or a portion of an approximately 3.66 acre parcel of vacant land (the "Charles Evans Parcel") located on South Oyster Bay Road, Town of Oyster Bay, Bethpage, New York (Section 46, Block G, Lot 66) and the construction thereon of the Applicant's "Charles Evans Health Services Center" consisting primarily of a two-story clinic and office building containing an aggregate of approximately 22,000 square feet for the purpose of housing the Applicant's Article 28 and Article 16 medical and dental services facility for individuals with developmental disabilities (the "Charles Evans Health Services Center Project"); (B) the

construction and equipping of up to three (3) individual residential alternative buildings, each containing approximately 4,275 square feet to be located on a portion of the Charles Evans Parcel, to provide a 24 hour supervised residential program for up to eight (8) residents per building (the "Residential Programs Project"); (C) the renovation, upgrading and improvement to the Applicant's existing Lindner Building located at 807 South Oyster Bay Road, Town of Oyster Bay, Bethpage, New York (Section 46, Block G, Lot 61), such building containing an aggregate of approximately 20,000 square feet for the purpose of administrative offices (the "Lindner Center Renovation Project"); and (D) the renovation, upgrading and improvement to the Applicant's existing Day Habilitation Building located at 837 South Oyster Bay Road, Town of Oyster Bay, Bethpage, New York (Section 46, Block G, Lot 64), such building containing approximately 20,000 square feet for the purpose of administrative offices and adult day habilitation programs (the "Day Habilitation Renovation Project"), together with the acquisition and installation in and around the Project of certain machinery, equipment, furnishings, fixtures and other items of tangible real and/or personal property, and the payment of certain costs and expenses incurred in connection with the Project and the financing thereof, together with a debt service reserve fund and certain capitalized interest; 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 Issuer 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 Issuer in determining whether the Project may have a significant adverse impact upon the environment, the Applicant submitted to the Issuer: (1) Applicant's Application for Financial Assistance to the Issuer dated September 6, 2011, (2) a Short Environmental Assessment Form dated September 6, 2011 (Residential Programs Project), (3) a Short Environmental Assessment Form, dated September 8, 2011 (Lindner Center Renovation Project), (4) a Short Environmental Assessment Form, dated September 8, 2011 (Day Habilitation Renovation Project), and (5) a Full Environmental Assessment Form, dated October 15, 2010 (Charles Evans Health Services Center Project) (collectively the "Project Environmental Documents"); and

WHEREAS, on April 21, 2011 the Town of Oyster Bay Planning Advisory Board (the "Town Board") resolved that the Charles Evans Health Services Center Project will not have a significant impact on the environment and adopted a detailed resolution in support of its Negative Declaration based upon information developed by the Applicant; and

WHEREAS, pursuant to SEQRA, the Issuer, in conducting an independent review of the Project, now desires to determine whether the Project may have a significant adverse impact on the environment and whether an Environmental Impact Statement (an "EIS") must be prepared with respect to the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE NASSAU COUNTY LOCAL ECONOMIC ASSISTANCE CORPORATION AS FOLLOWS:

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

(A) The Issuer is undertaking an uncoordinated review of the proposed action in accordance with the requirements of SEQRA;

(B) Prior to making a recommendation about the potential environmental significance of the Project, the Issuer has consulted several information sources, and has considered the list of activities which 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

(C) The Project is an Unlisted action pursuant to SEQRA.

Section 2. No potentially adverse significant impacts on the environment are noted in the Project Environmental Documents and none are known to the Issuer.

Section 3. The Issuer has completed Parts 2 and 3 of the Full Environmental Assessment Form as a single review of the Charles Evans Health Services Center Project, the Residential Programs Project, the Lindner Center Renovation Project and the Day Habilitation Renovation Project.

Section 3. 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 Issuer makes the following determinations with respect to the Project.

The Project will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. The Project consists of the construction of a medical services building and three (3) residential alternative buildings on vacant land and the renovation of two (2) existing administrative buildings, all for use as a medical services complex to enhance private health services for adults and children with developmental disabilities.

2. Land use conditions at the site of the Project will not change as a result of the Project. The properties to be renovated are already developed and although the Charles Evans Parcel is vacant, it is surrounded by developed land in a dense commercial and light industrial area adjacent to residential development.
3. The Project site does not contain, nor lie in the immediate vicinity of, any surface waterbody.
4. The Project will discharge sanitary wastewater to the sewer system and will not entail the types of activities or operations that are associated with a significant potential for groundwater contamination.
5. The Project will not be a significant source of air emissions or odors. As the Project includes construction of a new clinic/office facility and three (3) individual residential alternative buildings, there may be a minor increase in traffic from increased use of the Project, but the existing roadway system has the capacity to support such an increase and a minor increase in traffic would not be a significant impact to air quality.
6. The Project site is already developed and does not possess significant ecological value. There are no sensitive animals, plants or natural communities and/or significant wildlife habitat that will be impacted by the development of the Project.
7. The Project does not involve any agricultural land.
8. The Project site does not contain any scenic views known to be important to the community.
9. The Project site does not contain historically significant resources. As the site previously has been developed, it lacks the characteristics which would suggest the potential presence of significant archaeological resources.
10. The Project site includes existing commercial structures and a mowed field located in a commercial/light industrial area and does not comprise public open space and is not used for public recreation.
11. The Project site is not located in or substantially contiguous to any Critical Environmental Area.
12. Existing utility lines serve the Project site and no significant improvements are necessary to accommodate the Project.

13. Operation of the Project is not expected to appreciably increase ambient noise levels.
14. The Project will not result in population growth, and generally is in character with adjacent development. The Project will result in increased employment and improved medical services to adults and children with developmental disabilities.
15. The Project will not result in any significant impacts associated with solid waste generation. The Charles Evans Health Services Center Project will generate solid wastes at a rate of approximately 3.3 tons per month. For the entire Project, the solid wastes will be collected by a private carter for transport to existing solid waste disposal facilities, and recycling will occur in accordance with local requirements.
16. There will be no significant adverse environmental impacts as a result of the Project.

Section 4. The Chairman, Executive Director and Administrative Director of the Issuer 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 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:

Jeffrey L. Seltzer	VOTING	Aye
Gary Weiss	EXCUSED	
Bruce Ungar	VOTING	Aye
Christopher Fusco	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.

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

I, the undersigned ^{AA.} Secretary of the Nassau County Local Economic Assistance Corporation (the "Issuer"), do hereby certify that I have compared the foregoing extract of the minutes of the meeting of the board of directors of the Issuer, including the Resolution contained therein, held on September 27, 2011, with the original thereof on file in my 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.

I FURTHER CERTIFY that (A) all directors of the Issuer 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 board of directors of the Issuer present throughout said meeting.

I 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, I have hereunto set my hand and affixed the seal of the Issuer this 5th day of September, 2011.

Anthony S. Fusco
Asst. Secretary
(SEAL)