

Friedbeg JCC 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 June 14, 2013 at 12:00 noon, local time.

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

PRESENT:

Jeffrey Seltzer	Chairman
Bruce Ungar	Vice Chairman, Treasurer
Gary Weiss	Secretary

ABSENT:

Christopher Fusco	Asst. Secretary
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THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Joseph J. Kearney	Chief Executive Officer
Joseph Foarile	Chief Financial Officer
Edward A. Ambrosino, Esq.	General Counsel
Paul V. O'Brien, Esq.	Bond Counsel
Milan K. Tyler, Esq.	Bond Counsel

The attached resolution no. 2013-06 was offered by G. Weiss, seconded by B. Ungar:

Resolution No. 2013-06

RESOLUTION FINDING THAT THE PROPOSED PROJECT OF BARRY AND FLORENCE FRIEDBERG JEWISH COMMUNITY CENTER, INC. IS A TYPE II ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND NOT SUBJECT TO FURTHER REVIEW.

WHEREAS, the Nassau County Local Economic Assistance Corporation (the “Issuer”) 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 not-for-profit institutions and organizations, among others, for the purpose of promoting, attracting and developing economically sound services and resources 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 Issuer is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “project” (as defined in the Act) or to cause said project to be acquired, constructed, reconstructed and installed and to convey said project or to lease said project with the obligation to purchase; and

WHEREAS, The Barry and Florence Friedberg Jewish Community Center, Inc. (“JCC”), a human services organization formed as a not for profit corporation under New York Law and exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, has requested that the Issuer assist in the (i) refunding of certain outstanding Town of Hempstead Industrial Development Agency Series 1999 Revenue Bonds, the proceeds of which, together with other funds of JCC, were used to finance or refinance JCC’s acquisition, renovation and/or equipping of an approximately 60,000 square foot full-service community center located on an approximately 4.2 acre parcel of land located at 15 Neil Court, Oceanside, New York 11572; (ii) refinancing of an outstanding approximately \$1,000,000 mortgage loan, the proceeds of which, together with other funds of JCC, were used to finance or refinance JCC’s acquisition, renovation and/or equipping of an approximately 18,000 square foot community center located on an approximately 1.79 acre parcel of land located at 11 Neil Court, Oceanside, New York 11572; (iii) financing approximately \$250,000 of interior improvements and/or acquisition of office equipment, athletic equipment, furniture, fixtures and/or other personal property for JCC’s approximately 14,000 square foot community center located on an approximately 0.33 acre parcel of land located at 310 National Boulevard, Long Beach, New York 11561; and (iv) paying certain costs of issuance of the Bonds (as hereinafter defined), by issuing its tax-exempt revenue bonds (the “Tax-Exempt Bonds”) in an aggregate principal amount not to exceed \$8,000,000 and its taxable revenue bonds (the “Taxable Bonds,” and

collectively with the Tax-Exempt Bonds, the “Bonds”) in an aggregate principal amount not to exceed \$500,000 (collectively, 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 (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 consider whether the Project is an “action” that would require it to satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, pursuant to SEQRA, to aid the Issuer in determining whether the Project is an “action” subject to SEQRA, the Applicant submitted to the Issuer: 1) JCC’s Application for Financial Assistance; and 2) Short Environmental Assessment Forms (collectively the “Project Environmental Documents”); and

WHEREAS, 6 NYCRR 617.2(aj) of the Regulations states that a Type II action is an action or class of actions identified under 6 NYCRR 617.5; and

WHEREAS, 6 NYCRR 617.5(a) states that actions identified as Type II actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the SEQR Act; and

WHEREAS, 617.5(c)(2) states that Type II actions not subject to further review under SEQRA include “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part”; and

WHEREAS, 6 NYCRR 617.5(c)(23) states that Type II actions not subject to further review under SEQRA include “investments by or on behalf of agencies or pension or retirement systems, or refinancing of existing debt”; and

WHEREAS, the Project consists of the refinancing of existing debt and renovation of the JCC community center within its existing footprint for the purpose of providing social and educational programs and services for individuals of all ages, including programs for new mothers/new babies, day care, nursery school, after school activities, summer camps, teen programs, adult activities, special needs programs, and cultural activities; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS 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 facilities

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 Project is a Type II action under SEQRA because it comprises “refinancing of existing debt” and “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes” and does not meet or exceed any threshold for a Type I action.

(B) More specifically, the Project includes a replacement, rehabilitation or reconstruction of a structure or facility, in kind, because it involves interior renovation with use and occupancy by a type of use permitted within the zoning district occupied by the community center. The Project will not expand the footprint of the community center nor increase or substantially alter environmental impacts associated with the property.

Section 2. The Chairman and Chief Executive Officer of the Issuer are hereby authorized and directed to distribute copies of this Resolution and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 3. This Resolution shall take effect immediately.

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

Jeffrey Seltzer	VOTING	Aye
Bruce Ungar	VOTING	Aye
Gary Weiss	VOTING	Aye
Christopher Fusco	ABSENT	

The foregoing Resolution was thereupon declared duly adopted.

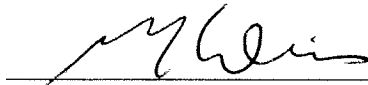
STATE OF NEW YORK)
) SS.:
COUNTY OF NASSAU)

I, the undersigned 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 members of the Issuer, including the Resolution contained therein, held on June 14, 2013, 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 members 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 members 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 14th day of June, 2013.



Secretary
(SEAL)