RESOLUTION OF THE TOWN OF HEMPSTEAD LOCAL DEVELOPMENT CORPORATION TAKING OFFICIAL ACTION TOWARD THE ISSUANCE OF EDUCATION REVENUE BONDS IN AN AMOUNT SUFFICIENT TO FINANCE AND REFINANCE CERTAIN COSTS OF ACQUIRING, CONSTRUCTING, RENOVATING, EQUIPPING AND FURNISHING THE 2022 EVERGREEN CHARTER SCHOOL PROJECT, MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO SUCH PROJECT, AND REQUESTING THE SUPERVISOR OF THE TOWN OF HEMPSTEAD TO APPROVE THE ISSUANCE OF SERIES 2022 BONDS WITH RESPECT THERETO

WHEREAS, Friends of ECS, Inc., a not-for-profit corporation organized and existing under the laws of the State of New York and an organization described in Section 501(c)(3) of the Code, which is exempt from federal income taxation pursuant to Section 501(a) of the Code (“**Friends**”), on behalf of itself or a single-member limited liability company organized and existing under the laws of the State of New York and disregarded for tax purposes (the “**School LLC**”; the School LLC and Friends being referred to herein as the “**Facility Owner**”) formed on behalf of Evergreen Charter School, a not-for-profit education corporation organized and existing under the laws of the State of New York and an organization described in Section 501(c)(3) of the Code, which is exempt from federal income taxation pursuant to Section 501(a) of the Code (the “**School**”), has requested that Town of Hempstead Local Development Corporation (the “**Issuer**”) issue its Education Revenue Bonds (2022 Evergreen Charter School Project), Series 2022A, as qualified 501(c)(3) bonds under Section 145 of the Code, in an amount presently estimated to be $71,200,000 but not to exceed $75,000,000 (the “**Series 2022A Bonds**”) and its Taxable Education Revenue Bonds (2022 Evergreen Charter School Project), Series 2022B, in an amount presently estimated to be $300,000 but not to exceed $2,000,000 (the “**Series 2022B Bonds**”; and together with the Series 2022A Bonds, the “**Series 2022 Bonds**”); and

WHEREAS, the proceeds of the Series 2022 Bonds will be used by the Facility Owner to finance and refinance all or a portion of the costs of the following: (A)(1) the acquisition of an approximately 1.25 acre parcel of land located at 495 Peninsula Boulevard, 27-33 Laurel Avenue and 37 Laurel Avenue, Village of Hempstead, Town of Hempstead, Nassau County, New York (the “**Land**”), together with the existing improvements thereon, (2) the construction of an approximately 85,000 square foot, multi-level building consisting of four stories plus a basement and utilized roof space and the renovation of an existing approximately 14,000 square foot warehouse structure (collectively, the “**Improvements**”), all located on the Land, and (3) the acquisition of certain machinery, equipment, furnishings and other tangible personal property necessary for completion of the Improvements (the “**Equipment**”; and together with the Improvements and the Land, the “**Facility**”), which Facility will be leased by the Facility Owner to the School, to be used for educational space for students, including classrooms, gymnasium, cafeteria, administrative areas, related education areas and parking areas; (B) paying capitalized interest on the Series 2022 Bonds; (C) funding a debt service reserve fund, if required, for the Series 2022 Bonds; (D) funding a repair and replacement reserve fund, if required, for the Series 2022 Bonds; and (E) paying certain costs of issuance of the Series 2022 Bonds (collectively, the “**Series 2022 Project**”); and

WHEREAS, the Facility will be owned by the Facility Owner, and will initially be operated and/or managed by the School; and

WHEREAS, the proceeds of the Series 2022 Bonds will be loaned by the Issuer to the Facility Owner for the financing and refinancing of the Series 2022 Project, pursuant to the New York Membership Corporation Law as in effect in 1966, as superseded by Section 1411 of the New York Not-For-Profit Corporation Law (collectively, the “**Act**”); and

WHEREAS, the Act authorizes and empowers the Issuer to issue its revenue bonds to promote, develop, encourage and assist projects such as the Series 2022 Project and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, in addition to the issuance of the Series 2022 Bonds, the Issuer contemplates that it will provide financial assistance to the Facility Owner in connection with the Series 2022 Project in the form of exemptions from mortgage recording taxes in connection with the financing, refinancing or subsequent refinancing of the costs of the Series 2022 Project, consistent with the policies of the Issuer, to be more particularly described in a final bond resolution to be adopted by the Issuer prior to the issuance of the Series 2022 Bonds (the “**Bond Resolution**”); and

WHEREAS, prior to the adoption of the Bond Resolution, the Facility Owner and/or the School will obtain all necessary site plan approvals, architectural reviews, zoning board approvals and permits required in connection with the acquisition, construction, renovation, equipping and furnishing of the Series 2022 Project; and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Series 2022A Bonds will not be excluded from gross income for federal income tax purposes unless the issuance of the Series 2022A Bonds is approved by the “applicable elected representative” of the Town of Hempstead after a public hearing (the “**Public Hearing**”) has been held on the Series 2022 Project and the issuance of the Series 2022 Bonds; and

WHEREAS, prior to the issuance of the Series 2022 Bonds, public notice of the Public Hearing will be given as required by Section 147(f) of the Code, the notice of which (together with proof of publication) will be substantially in the form annexed hereto as Exhibit A and such notice will comply with all requirements of the Code; and

WHEREAS, the Public Hearing will be held to hear all persons with views in favor of or opposed to the issuance of the Series 2022 Bonds, the Series 2022 Project, and the other financial assistance contemplated by the Issuer, the minutes of which will be posted on the Issuer’s website; and

WHEREAS, the Facility Owner reasonably expects that it will pay or incur certain capital expenditures in connection with the Series 2022 Project prior to the issuance of the Series 2022 Bonds for the Series 2022 Project; and

WHEREAS, the Facility Owner will use funds from sources other than the proceeds of the Series 2022 Bonds which are or will be available on a short-term basis to pay for preliminary expenditures and the acquisition, construction, renovation, equipping and furnishing of the Series 2022 Project; and

WHEREAS, the Facility Owner reasonably expects that it will reimburse itself for the use of such funds with proceeds of indebtedness to be issued by the Issuer to finance and refinance the costs of the Series 2022 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 (“**NYSDEC**”), being 6 N.Y.C.R.R. 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 Series 2022 Project; and

WHEREAS, pursuant to SEQRA, to aid the Issuer in determining whether the Series 2022 Project may have a significant adverse impact upon the environment, the Issuer has completed, received and/or reviewed: (1) a Full Environmental Assessment Form (“**EAF**”) dated April 20, 2022; (2) the Application for Financial Assistance submitted by the Facility Owner to the Issuer on or about April 20, 2022 (the “**Application**”); (3) the New York State Cultural Resource Information System (“**CRIS**”); (4) the New York State Environmental Resource Mapper (“**NYSERM**”); (5) the NYSDEC Environmental Site Database (“**NYSDEC Database**”); (6) a Transportation Analyses Report prepared by Langan Engineering dated June 13, 2022 (“**Traffic Report**”) and (7) other relevant environmental information collectively (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 Series 2022 Project reveals that the Series 2022 Project will not have any potentially significant adverse environmental impacts; and

WHEREAS, it is appropriate that the Issuer issue a negative declaration pursuant to SEQRA for the Series 2022 Project; and

WHEREAS, the Facility Owner has agreed to indemnify the Issuer against certain losses, claims, expenses, damages and liabilities that may arise in connection with the transaction contemplated by the issuance of the Series 2022 Bonds and the financing and refinancing of the Series 2022 Project;

NOW, THEREFORE, BE IT RESOLVED by the Issuer (a majority of the members thereof affirmatively concurring) that:

## Based upon the Issuer’s review of the Environmental Information and investigations of the potential environmental impacts associated with the Series 2022 Project, considering both the magnitude and importance of each potential environmental impact indicated, and upon the Issuer’s knowledge of the Land and surrounding area and such further investigations of the Series 2022 Project and its environmental effects as the Issuer has deemed appropriate, the Issuer has made the following findings:

### The Project is an Unlisted Action pursuant to SEQRA as the Series 2022 Project involves the disturbance of less than 10 acres of land and does not exceed any of the thresholds set forth in the Type I Action list.

### No potentially significant adverse impacts on the environment are noted in the Environmental Information and none are known to the Issuer and, therefore, the Series 2022 Project will not have a significant adverse impact upon the environment. The reasons supporting this determination are attached as Exhibit B.

### Since the Series 2022 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 Series 2022 Project, and is issued by the Issuer, pursuant to and in accordance with SEQRA, and shall take effect immediately.

## The Issuer makes the following findings and determinations with respect to the Series 2022 Project:

## (a) The financing and refinancing of the Series 2022 Project by the Issuer, through the issuance of the Series 2022 Bonds pursuant to the Act and the Code, and the provision of other financial assistance in connection therewith pursuant to the Act, will serve the charitable and public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, lessening the burdens of government and acting in the public interest, and thereby serve the public purposes of the Act and the same is, therefore, approved; and

## (b) It is desirable and in the public interest for the Issuer to issue the Series 2022 Bonds for the purposes of financing and refinancing the Series 2022 Project, together with necessary incidental expenses in connection therewith as reflected in the Application, as amended from time to time prior to the issuance of the Series 2022 Bonds. The aggregate principal amount of the Series 2022A Bonds to be issued is currently estimated to be $71,200,000 but shall not exceed $75,000,000; and the aggregate principal amount of the Series 2022B Bonds to be issued is currently estimated to be $300,000 but shall not exceed $2,000,000.

## (c) The Series 2022 Bonds will be special obligations of the Issuer payable solely from loan payments made by the Facility Owner to the Issuer pursuant to a Loan Agreement among the Issuer, the Facility Owner and the School, and from certain other assets of the Facility Owner and the School pledged to the repayment of the Series 2022 Bonds. The Series 2022 Bonds shall not be a debt of the State of New York or any political subdivision thereof, including the Town of Hempstead, and neither the State of New York nor any political subdivision thereof, including the Town of Hempstead, shall be liable thereon.

## Subject to (a) the Facility Owner or the School obtaining all necessary site plan approvals, architectural reviews, zoning board approvals and permits required in connection with the acquisition, construction, renovation, equipping and furnishing of the Series 2022 Project, (b) the adoption of the Bond Resolution after the Public Hearing has been held, and (c) approval of the issuance of the Series 2022A Bonds by the Hon. Donald X. Clavin, Jr., Supervisor, Town of Hempstead, Nassau County, New York, and the compliance with any other applicable provisions of the Code, the Issuer shall (i) issue the Series 2022 Bonds in an amount and with maturities, interest rate(s), redemption terms and other terms and provisions as the Issuer, the Facility Owner and the purchaser(s) of the Series 2022 Bonds mutually deem appropriate, (ii) loan the proceeds of the Series 2022 Bonds to the Facility Owner pursuant to the terms of a Loan Agreement whereby the Facility Owner will be obligated, among other things, to make loan payments to or for the account of the Issuer in amounts and at times so that such loan payments will be adequate to pay the principal of, premium, if any, and interest on the Series 2022 Bonds, and (iii) secure the Series 2022 Bonds in such manner as the Issuer, the Facility Owner and the purchaser(s) of the Series 2022 Bonds mutually deem appropriate. If the proceeds of the sale of the Series 2022 Bonds are insufficient to finance or refinance the Series 2022 Project, the Issuer will, subject to the terms and conditions to be agreed upon between the Issuer and the Facility Owner, and upon the request of the Facility Owner, take such actions and execute such documents as may be necessary to effect the issuance from time to time of additional bonds, whether on a parity with the Series 2022 Bonds or otherwise, for the purpose of paying the costs of completing the Series 2022 Project.

## To the extent the Facility Owner has paid or incurred or will pay or incur preliminary expenditures or hard costs in connection with the Series 2022 Project with its current funds, it reasonably expects to reimburse itself with proceeds from the Series 2022 Bonds. This Resolution is intended to be a declaration of official intent pursuant to Section 1.150-2 of the Treasury Regulations to reimburse prior expenditures made by the Facility Owner for the Series 2022 Project with proceeds of the Series 2022 Bonds.

## The law firm of Phillips Lytle LLP is hereby appointed Bond Counsel to the Issuer in connection with the issuance of the Series 2022 Bonds.

## Counsel to the Issuer and Bond Counsel are hereby authorized to work with counsel to the Facility Owner and/or the School and others to prepare, for submission to the Issuer, all documents necessary to effect the authorization, issuance and sale of the Series 2022 Bonds.

## The Chairman, the Chief Executive Officer and the Chief Financial Officer of the Issuer are hereby authorized and directed (i) to distribute copies of this resolution to the Facility Owner and the School, (ii) to issue the notice of the Public Hearing substantially in the form attached hereto as Exhibit A and to conduct the Public Hearing, and (iii) to request the Hon. Donald X. Clavin, Jr., Supervisor, Town of Hempstead, Nassau County, New York, to approve the issuance of the Series 2022A Bonds following the Public Hearing, and (iv) to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.

## This resolution shall take effect immediately and shall be continuously available for inspection by the general public during normal business hours at the Issuer’s office.

STATE OF NEW YORK )

: SS.:

COUNTY OF NASSAU )

We, the undersigned of the Town of Hempstead Local Development Corporation, DO HEREBY CERTIFY THAT:

We have compared the foregoing copy of a resolution of the Town of Hempstead Local Development Corporation (the “**Issuer**”) with the original thereof on file in the office of the Issuer, and that the same is a true and correct copy of such resolution and of the proceedings of the Issuer in connection with such matter.

Such resolution was passed at a meeting of the Issuer duly convened in public session on June 21, 2022, at Town Hall Pavilion, 1 Washington Street, Hempstead, New York 11550, at which the following members were:

Present: Florestano Girardi, Chairman

Thomas Grech, Vice Chairman

Rev. Dr. Eric C. Mallette, Treasurer

Jack Majkut, Secretary

Robert Bedford, Member

Jill Mollitor, Member

Jerry Kornbluth, Member

Recused:

Absent:

Also Present: Frederick E. Parola, Chief Executive Officer

Michael Lodato, Deputy Executive Director

Edith M. Longo, Chief Financial Officer

Lorraine Rhoads, Agency Administrator

Arlyn Eames, Deputy Agency Administrator

Paul V. O’Brien, Esq., Bond Counsel

John E. Ryan, Esq., Issuer Counsel

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

Voting Aye Voting Nay

and, therefore, the resolution was declared duly adopted.

Doc #1550269.6

The Application is in substantially the form presented to and approved at such meeting.

WE FURTHER CERTIFY that (i) all members of the Issuer had due notice of said meeting, (ii) pursuant to Sections 103a and 104 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public and public notice of the time and place of said meeting was duly given in accordance with such Sections 103a and 104, (iii) the meeting in all respects was duly held, and (iv) there was a quorum present throughout.

IN WITNESS WHEREOF, we have hereunto set our hands as of June \_\_\_, 2022.

By:

Frederick E. Parola  
Chief Executive Officer

By:

Florestano Girardi  
Chairman

EXHIBIT A

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTICE OF PUBLIC HEARING

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTICE IS HEREBY GIVEN that a public hearing (the “**Public Hearing**”) pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “**Code**”) will be held by the Town of Hempstead Local Development Corporation (the “**Issuer**”) on the \_\_\_ day of \_\_\_\_\_\_, 2022, at \_\_\_\_\_\_\_\_ a.m., local time, in connection with the matter described below. As set forth below, the Public Hearing will be held via toll-free telephone conference only.

Friends of ECS, Inc., a not-for-profit corporation organized and existing under the laws of the State of New York and an organization described in Section 501(c)(3) of the Code, which is exempt from federal income taxation pursuant to Section 501(a) of the Code (“**Friends**”), on behalf of itself or a single-member limited liability company organized and existing under the laws of the State of New York and disregarded for tax purposes (the “**School LLC**”; the School LLC and Friends being referred to herein as the “**Facility Owner**”) formed on behalf of Evergreen Charter School, a not-for-profit education corporation organized and existing under the laws of the State of New York and an organization described in Section 501(c)(3) of the Code, which is exempt from federal income taxation pursuant to Section 501(a) of the Code (the “**School**”), has requested that the Issuer issue its Education Revenue Bonds (2022 Evergreen Charter School Project), Series 2022A, as qualified 501(c)(3) bonds under Section 145 of the Code, in an amount presently estimated to be $71,200,000 but not to exceed $75,000,000 (the “**Series 2022A Bonds**”) and its Taxable Education Revenue Bonds (2022 Evergreen Charter School Project), Series 2022B, in an amount presently estimated to be $300,000 but not to exceed $2,000,000 (the “**Series 2022B Bonds**”; and together with the Series 2022A Bonds, the “**Series 2022 Bonds**”).

The proceeds of the Series 2022 Bonds will be used by the Facility Owner to finance and refinance all or a portion of the costs of the following: (A)(1) the acquisition of an approximately 1.25 acre parcel of land located at 495 Peninsula Boulevard, 27-33 Laurel Avenue and 37 Laurel Avenue, Village of Hempstead, Town of Hempstead, Nassau County, New York (the “**Land**”), together with the existing improvements thereon, (2) the construction of an approximately 85,000 square foot, multi-level building consisting of four stories plus a basement and utilized roof space and the renovation of an existing approximately 14,000 square foot warehouse structure (collectively, the “**Improvements**”), all located on the Land, and (3) the acquisition of certain machinery, equipment, furnishings and other tangible personal property necessary for completion of the Improvements (the “**Equipment**”; and together with the Improvements and the Land, the “**Facility**”), which Facility will be leased by the Facility Owner to the School, to be used for educational space for students, including classrooms, gymnasium, cafeteria, administrative areas, related education areas and parking areas; (B) paying capitalized interest on the Series 2022 Bonds; (C) funding a debt service reserve fund, if required, for the Series 2022 Bonds; (D) funding a repair and replacement reserve fund, if required, for the Series 2022 Bonds; and (E) paying certain costs of issuance of the Series 2022 Bonds (collectively, the “**Series 2022 Project**”). The Facility will initially be owned by the Facility Owner and the initial principal user of the Facility will be the School.

The proceeds of the Series 2022 Bonds will be loaned by the Issuer to the Facility Owner pursuant to the terms of a Loan Agreement among the Issuer, the Facility Owner and the School (the “**Loan Agreement**”) to pay the costs of the Series 2022 Project. The Series 2022 Bonds will be special limited obligations of the Issuer payable solely from loan payments made by the Facility Owner to the Issuer pursuant to the Loan Agreement, a pledge of the lease payments from the School to the Facility Owner, and certain other assets of the Facility Owner pledged to the repayment of the Series 2022 Bonds. THE SERIES 2022 BONDS SHALL NOT BE A DEBT OF THE STATE OF NEW YORK OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE TOWN OF HEMPSTEAD, AND NEITHER THE STATE OF NEW YORK NOR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE TOWN OF HEMPSTEAD, SHALL BE LIABLE THEREON.

It is intended that the interest on the Series 2022A Bonds shall be excluded from gross income for federal income tax purposes pursuant to Section 103(a) of the Code.

**PLEASE NOTE THE FOLLOWING SPECIAL PUBLIC HEARING LOGISTICS AND INSTRUCTIONS:**

Pursuant to Revenue Procedure 2022-20 issued by the Internal Revenue Service, a teleconference hearing accessible to the residents of the approving governmental unit by calling a toll-free number is treated as held in a location that, based on the facts and circumstances, is convenient for residents of the approving governmental unit for purposes of the public hearing requirement in Section 147(f) of the Code and the Treasury Regulations promulgated thereunder.

A representative of the Issuer will, at the above-stated date and time, hear and accept oral comments from all persons with views in favor of or opposed to the issuance of the Series 2022 Bonds, the granting of other financial assistance contemplated by the Issuer or the location or nature of the Series 2022 Project.

Interested members of the public are invited to participate in the Public Hearing by dialing \_\_\_\_\_\_\_\_\_\_\_\_ (Toll Free) and entering the following password: \_\_\_\_\_\_\_\_\_\_\_#. In order to facilitate registration of participants, it is requested that members of the public call the above number no later than \_\_\_\_\_ a.m. on the day of the Public Hearing. If a member of the public is having difficulty accessing the telephone conference call, they should contact Mike at (516) 812-3134 for assistance.

All persons will have the opportunity to review the application for financial assistance filed by the Facility Owner with the Issuer at www.tohldc.org. Persons desiring to make a statement during the conference call should give prior notice to the Issuer by contacting the Issuer no later than 5 p.m. the day before the Public Hearing. Such notice of desire to make a statement during the conference call, and any written comments, may be submitted to the Issuer at the following email address: LDCMail@tohmail.org. Written comments will be accepted by the Issuer until the closing of the Public Hearing.

Minutes of the Public Hearing (including copies of written comments received by the Issuer as aforesaid) will be made available to Hon. Donald X. Clavin, Jr., Supervisor of the Town of Hempstead, New York. Approval of the issuance of the Series 2022A Bonds by the Town of Hempstead, through Hon. Donald X. Clavin, Jr., is necessary in order for the interest on the Series 2022A Bonds to be excluded from gross income for federal income tax purposes.

Dated: \_\_\_\_\_\_\_\_ \_\_, 2022 TOWN OF HEMPSTEAD LOCAL

DEVELOPMENT CORPORATION

By: Frederick E. Parola

Title: Chief Executive Officer

EXHIBIT B

REASONS SUPPORTING THE DETERMINATION OF

SIGNIFICANCE FOR A CERTAIN PROJECT FOR

THE 2022 EVERGREEN CHARTER SCHOOL PROJECT

**Name of Project:** THE 2022 EVERGREEN CHARTER SCHOOL PROJECT

**Location:** 27-33 and 37 Laurel Avenue and 495 Peninsula Boulevard, Village of Hempstead, Town of Hempstead, Nassau County, New York

**SEQR Status:** Unlisted

**Determination**

**of Significance:** Negative Declaration

1. Impact on Land. The Series 2022 Project (“**Project**”) consists of the acquisition of approximately 1.25 acres of land and construction of an approximately 85,000 square foot, multi-level building consisting of four stories plus a basement and utilized roof space. In addition, the Project involves the renovation of an existing blighted approximately 14,000 square foot warehouse structure located on the Land. The Project is located in the Town’s residential and commercial districts. While the Facility Owner has represented that the Project, as a school use, is exempt from local zoning requirements within the Town, the Project is nevertheless consistent with existing adjacent land uses. Existing land uses in the vicinity of the Land include primarily commercial, residential and civic uses, including a church northeast of the Land as well as an elementary school located to the south of the Land. While the Project will result in an increase in the acreage of the Land covered by paved and impervious surfaces, the total area of disturbance for the Project is small (i.e., less than a single acre). The western portion of the Land is currently without vegetation and either paved over or covered by the existing warehouse structure and surrounding asphalt. While some clearance of brush and vegetation on the eastern portion of the Land will be necessary, such clearance is consistent with existing adjacent land uses. 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 adjacent to existing commercial, residential and civic development. The EAF notes that no wetland or other surface water resources are located on or adjacent to the Land, and the Project is not proposing the creation of any new surface water features. In addition, while the Project includes the creation of new impervious surfaces, the EAF and Site Plans show that the stormwater management system is a complete infiltration system, and that no stormwater runoff will flow 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. 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, the 100 year floodplain, or the 500-year floodplain. Also, as noted above, while the Project includes the creation of new impervious surfaces, the EAF notes that the stormwater management system is a complete infiltration system designed in compliance with applicable law, and that no stormwater runoff will flow 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 Facility Owner 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 and, although currently vacant, is without significant existing vegetation or areas that could serve as suitable habitat for communities of plants or animals. Further, the EAF and NYSERM note that the Land does not serve as an existing or suitable habitat for any threatened or endangered species, and that none are known to inhabit any areas near 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 is not located within five miles of any officially designated federal, state, or local scenic or aesthetic resources. The Project is proposed to be four stories, with a total height of 56’. While this is an increase in the height compared to the existing warehouse on the Land, similarly sized structures are located to the north and west of the Land in the commercial district of the Village of Hempstead. The Project also includes the renovation of the existing warehouse on the Land and is expected to be aesthetically beneficial as a result of the above. Further, the Project is aesthetically consistent with the commercial to residential transitional area in which it is located. Accordingly, the Project will not create any significant adverse impacts to aesthetic resources.

10. Impact on Historic and Archaeological Resources. The Project is not located in an area identified as sensitive for archaeological resources on the EAF, and much of the Land is previously disturbed such that any archaeological resources likely would have been destroyed and/or discovered and removed during the prior development of the Land. CRIS further notes that no adjacent structures are either listed or determined to be eligible for listing on either the National or State Registers of Historic Places. In fact, various structures adjacent to the Project have been determined not to be eligible according to CRIS. While the Francis E. Dec homestead was previously located to the southeast of the Land, the homestead was neither listed nor determined to be eligible for listing on either the National or State Registers of Historic Places. In addition, it appears that the homestead was demolished. 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. As noted in the EAF and Traffic Report, the access and egress for the Project will be located in the vicinity of the intersection of Peninsula Boulevard, Evans Avenue, and Polk Avenue. The Traffic Report evaluated existing and future conditions at eleven intersections in the vicinity of the Land. The Traffic Report details that the Project will include mitigation (including modification of existing signal times) sufficient to allow the study area intersections to operate at similar service conditions as in the future no-action condition. Further, the Project is planned to implement a staggered school-day start and end schedule as well as an early morning breakfast program for some students. As a result, Project generated trips studied in the Traffic Report would actually be reduced during the peak hours studied. The Project is also located adjacent to Peninsula Boulevard, an arterial County highway, as well as adjacent streets. In addition, the Project includes on-site parking to mitigate any potential impact to existing parking resources in the vicinity of the Land. Accordingly, the Project 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 is replacing existing uses on the Property. Further, the EAF notes that the Project is pursuing a combination of both grid power as well as on-site renewable energy. Lastly, the Project is proposing to construct a LEED GOLD facility to reduce its demand for energy. 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 provided to enhance neighborhood safety adjacent to the existing roadway. 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. The EAF details that two NYSDEC remediation sites are identified in the vicinity of the Land; however, neither of these sites include the Land itself, and both of the sites have completed their environmental remediation. Further, the NYSDEC Database details that groundwater flows from both remaining contaminated sites generally away from the Land, such that the Project will not be impacted by the distant contamination. 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 existing adjacent uses, including an existing church to the northeast of the Land and an elementary school located south of the Land, as detailed in the EAF. Further, the Project is located in a transitional area between the northern commercial district and southern residential district, such that it will serve as an ideal buffer between the two. The Project will serve to supplement existing educational options in the Village of Hempstead, and will serve to account for projected enrollment increases as detailed in the Application. Accordingly, the Project will not create any significant adverse impacts to the character of the community or community plans.