

Public Storage Hicksville SEQR Resolution

A regular meeting of the Nassau County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 1550 Franklin Avenue, Mineola, Nassau County, New York on May 13, 2015 at 5:00 p.m., local time.

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

PRESENT:

Timothy Williams	Chairman
John Coumatos	Vice Chairman
Christopher Fusco	Asst. Secretary
Michael Rodin	

ABSENT:

Gary Weiss	Secretary
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THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Joseph J. Kearney	Executive Director
Joseph Foarile	Chief Financial Officer
Colleen Pereira	Administrative Director
Nicholas Terzulli	Director of Business Development
Edward Ambrosino, Esq.	General Counsel
Paul O'Brien, Esq.	Bond/Transaction Counsel

The attached resolution no. 2015-28 was offered by C. Fusco, seconded by M. Rodin:

Resolution No. 2015-28

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A
CERTAIN PROJECT FOR PUBLIC STORAGE WILL NOT HAVE A SIGNIFICANT
ADVERSE IMPACT ON THE ENVIRONMENT

Project Name: Public Storage Construction of Self-Service Storage Building

Location: 800 South Oyster Bay Road, Hicksville, Town of Oyster Bay,
Nassau County, New York

SEQR Status: Type I Unlisted

**Determination
of Significance:** Negative Declaration Positive Declaration

WHEREAS, the Nassau County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), and Chapter 674 of the 1975 Laws of New York, as amended, constituting Section 922 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, industrial and commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, PUBLIC STORAGE, a real estate investment trust organized and existing under the laws of the State of Maryland and qualified to do business in the State of New York (the "Applicant"), presented an application (the "Application") to the Agency, which Application requested that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 1.95 acre parcel of land located at 800 South Oyster Bay Road, Hicksville, Town of Oyster Bay, Nassau County, New York (Section: 46; Block: N; Lot: 75) (the "Land"), (2) the demolition of the existing improvements on the Land, (3) the construction of an approximately 128,000 square foot building on the Land (collectively, the "Building"), together with related improvements to the Land, and (4) the acquisition of certain furniture, fixtures, machinery and equipment necessary for the completion thereof (the "Equipment"), all of the foregoing for use by the Applicant as a self-storage facility (collectively, the "Project Facility"); (B) the granting of certain "financial

assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing; and (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity as may be designated by the Applicant and agreed upon by the Agency; and

WHEREAS, 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 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 Applicant submitted to the Agency: (1) Part I of the Short Environmental Assessment Form dated November 17, 2014 (the “EAF”), (2) Applicant’s Application for Financial Assistance dated February 3, 2015, (3) a Phase I Environmental Site Assessment dated July 16, 2014 (“Phase I”), and (4) a Phase II Investigation Memo dated September 4, 2014 (“Phase II Memo”) (collectively the “Project Environmental Documents”); and

WHEREAS, pursuant to SEQRA, the Agency desires to conduct a review of the Project to determine whether the Project may have a significant adverse impact on the environment and whether an Environmental Impact Statement must be prepared with respect to the Project.

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

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

(A) The Agency 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 Agency 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 as it involves the construction of a new three story approximately 128,016 square foot self-service storage facility and associated improvements, including parking, pavement and landscaping on land currently containing a vacant 7,000 square foot steel and masonry building, the construction of which will disturb approximately 1.96 acres, well below the threshold of 10 acres for a Type 1 action.

Section 2. No potentially adverse significant impacts on the environment are noted in the EAF and none are known to the Agency.

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 Agency 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. **Impact on Land.** The Project consists of the construction of a new three story approximately 128,016 square foot self-service storage facility with associated improvements including parking, pavement and landscaping on the Land which land currently contains a vacant 7,000 square foot steel and masonry building on the Land to meet the needs of the underserved market in Nassau County. The zoning and land use classification will not change as a result of the Project. The Project is consistent with the Light Industrial District zoning classification of the Land and is consistent with the surrounding uses, composed of commercial and office uses. The Project is located at the northern end of an industrial zone. An Oyster Bay neighborhood park is located to the west, and there is an abandoned residence to the north. The construction of the Building will develop currently vacant land, however the Land is located within an industrial and commercial area and the Building will be similar to existing and neighboring uses in the area. A 7,000 square foot building is currently constructed on the Land, and most of the Land is either paved or covered by a gravel and stone parking area. The Project is not anticipated to create any potentially significant adverse impacts to land resources or land use.
2. **Impact on Water.** The Land does not contain, nor lie in the immediate vicinity of any surface water body. There are no wetlands on site. Though the Project may create impervious surfaces, stormwater runoff will be routed underground to infiltration structures. As such, no adverse impacts to water are anticipated.
3. **Impact on Air.** The Project will not be a significant source of air emissions. The Project will not entail the types of activities or operations

that are associated with a potential for air emissions. The Project will not result in a significant increase in traffic. The existing roadway system has the capacity to accommodate additional traffic volumes and a minor increase in traffic would not be a significant impact to air quality. The Project will not create any significant adverse impacts to air resources.

4. Impact on Plants and Animals. Although some impacts to flora and fauna may potentially occur with the construction of the Building on previously undeveloped land, the Land in the area of the Project does not possess significant ecological value as it is within a developed commercial and industrial area, and most of the Land consists of pavement or stone and gravel. The Project will not create significant adverse impacts to animals, plants or natural communities, wildlife habitat or wetlands.
5. Impact on Agricultural Land Resources. The Project is located in an area currently used for commercial purposes. The Project will not involve the conversion or loss of agricultural land resources and no impacts to agricultural land resources are anticipated.
6. Impact on Aesthetic Resources. The Land is in a developed industrial and commercial area. Although there is a park to the west, the Project will be an improvement to aesthetic resources, as the facility will contain landscaping and will replace a dilapidated structure that has been vacant for over a decade. No significant adverse impacts to aesthetic resources are anticipated.
7. Impact on Historic and Archeological Resources. The Project does not contain, nor is it adjacent to any historically significant resources or archeologically sensitive areas. Areas near the Land were previously developed and lack the characteristics that would suggest the potential presence of significant archaeological resources. The Project is not anticipated to create any potentially significant adverse impacts to historical or archaeological resources.
8. Impact on Open Space and Recreation. The Land is commercial and industrial in nature and does not comprise public open space and is not used for recreation. Although there is a park to the west, the Project will be an improvement to aesthetic resources, as the facility will contain landscaping and will replace a dilapidated structure that has been vacant for over a decade. No significant impacts to open space or recreational resources are anticipated.
9. Impact on Critical Environmental Areas. The Land is not located in or substantially contiguous to any Critical Environmental Area ("CEAs"). There will be no significant adverse impacts to CEAs.

10. Impact on Transportation. The Project will not result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services. Pedestrian accommodations and bicycle routes are available near the Land. The Project will not create any significant adverse impacts related to transportation resources.
11. Impact on Energy. Though the construction of the Building will result in an increase in energy usage, existing utility lines serve the Land and no significant improvements are necessary to accommodate the Project.
12. Impact on Noise and Odor. Operation of the Project is not expected to appreciably increase ambient noise levels or to create odors. The proposed Project, which consists of the construction of a parking lot and storage facility, does not involve the types of activities that create significant noise or odors. Any impacts to noise and odor from construction activities will be minor and temporary. Thus, the Project will not create any significant adverse impacts to noise or odors.
13. 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 Phase I and Phase II Memo identified potential recognized environmental conditions ("RECs") on the Land, including the potential presence of underground storage tanks. Soil samples were tested and the Phase II Memo makes recommendations to address the RECs. The Applicant intends to implement all remedial measures recommended in the Phase II Memo. As such, the Project is not anticipated to create a significant adverse impact to public health.
14. Impact on Growth and Character of the Community and Neighborhood. The Project will not result in population growth and is in character with adjacent development. The Project will not create any significant adverse impacts to the growth or character of the community.
15. Considering all of the above, the Project will not have a significant adverse impact upon the environment and a negative declaration pursuant to SEQRA is hereby issued.

Section 4. The Chairman, Administrative Director and Executive Director of the Agency are each 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:

Timothy Williams	VOTING	Aye
John Coumatos	VOTING	Aye
Gary Weiss	ABSENT	
Christopher Fusco	VOTING	Aye
Michael Rodin	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.

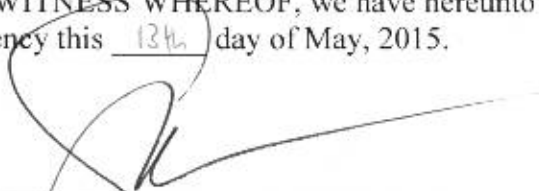
STATE OF NEW YORK)
) SS.:
COUNTY OF NASSAU)

We, the undersigned [Assistant] Secretary and [~~Vice~~] Chairman of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on May 13, 2015, with the original thereof on file in our office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.


WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

WE FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, we have hereunto set our respective hands and affixed the seal of the Agency this 13th day of May, 2015.



[~~Vice~~] Chairman



[Assistant] Secretary

(SEAL)

Project:

Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Date:

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

No potentially moderate to large impacts were identified. Please see attached Resolution for negative declaration.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Nassau County Industrial Development Agency

May 13, 2015

Name of Lead Agency

Date

Joseph J. Kearney

Executive Director, NCIDA

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)