Steel G 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 February 11, 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

Christopher Fusco

Chairman

John Coumatos

Vice Chairman

Asst. Secretary

ABSENT:

Gary Weiss

Secretary

Michael Rodin

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Joseph J. Kearney

Executive Director

Joseph Foarile

Chief Financial Officer

Colleen Pereira

Administrative Director

Nicholas Terzulli Edward Ambrosino, Esq. Director of Business Development General Counsel

Paul O'Brien, Esq.

Bond/Transaction Counsel

The attached resolution no. 2015-04 was offered by J. Coumatos, seconded by C. Fusco:

Resolution No. 2015-04

RESOLUTION FINDING THAT ACTION TO UNDERTAKE A CERTAIN PROJECT FOR STEEL G, LLC WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

Project Name:

Steel G, LLC Proposed FedEx Freight Facility

Location:

201 Grumman Road West, Bethpage, Town of Oyster Bay, Nassau

County, New York

SEQR Status:

Type I ___

Unlisted XX

Determination

of Significance:

Negative Declaration XX

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, Steel G, LLC, a limited liability company organized and existing under the laws of the State of Delaware and qualified to do business in the State of New York as a foreign limited liability company (the "Applicant") has submitted an application (the "Application") to the Agency requesting that the Agency consider undertaking a project (the "Project") consisting of the following: (A)(1) the acquisition of an interest in an approximately 16 acre parcel of land located at 201 Grumman Road West, Bethpage, Town of Oyster Bay, Nassau County, New York (Section: 46; Block: 323; Lot: 247) (the "Land"), (2) the renovation of the existing approximately 161,000 square foot building located on the Land (the "Existing Building"), (3) the construction of an approximately 39,000 square foot building on the Land (the "New Building" and together with the Existing Building, 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 as a multi-tenant office, warehouse and industrial 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, in the form of potential exemptions or partial exemptions from real property taxes, mortgage recording taxes and sales and use taxes (collectively, the "Financial Assistance"); (C) the lease (with an obligation to purchase), license or sale of the Project Facility to the Applicant or such other entity(ies) as may be designated by the Applicant and agreed upon by the Agency; and (D) the sublease of the New Building and certain portions of the Land to FedEx Freight, Inc. or such other entity(ies) 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) Short Environmental Assessment Form dated November 19, 2014 (the "Base EAF"), (2) Applicant's Town of Oyster Bay Short Environmental Assessment Form Addendum, dated November 19, 2014 (the "EAF Addendum" and together with the Base EAF, the "EAF"), (3) Applicant's Application for Financial Assistance dated September 11, 2014, (4) Applicant's Site Plan dated September 9, 2014, (5) Applicant's Soil Erosion Control Plan dated July 14, 2014, (6) Applicant's Drainage Plan, dated September 9, 2014, (7) Applicant's Phase I Environmental Site Assessment Executive Summary dated November 3, 2014, and (8) Applicant's Phase II Environmental Site Assessment Summary, dated November 5, 2014 (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 renovation of an existing structure and the construction of a new approximately 39,000 square foot facility, the construction of which will disturb approximately 8 acres, 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. The Project consists of the acquisition of an Impact on Land. approximately 16 acre parcel of Land, the renovation of an approximately 161,000 square foot existing building into office, industrial and warehousing space, and the construction of an approximately 39,000 square foot new building on the Land to be used as a facility for FedEx Freight, Inc. 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 surrounding uses. The construction of the New Building will develop currently undeveloped land, however the land is located within an industrial and commercial area and was formerly used as a runway for airplane testing, and will be similar to existing and neighboring uses in the 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 the site. Stormwater will recharge back into the ground through concrete drywell structures. New drywell structures will be constructed to handle new stormwater volume related to the New Building. Existing and new stormwater drywells will be subject to ongoing cleaning and maintenance

as per the recommendation in the Phase II Environmental Site Assessment to protect groundwater. Additionally, the Applicant will prepare a remedial work plan for submittal to the Nassau County Department of Health and the US EPA for review and approval in order to address any potential for impacted sediments or soils related to existing drywells. The Applicant will remove any impacted sediments or soils to below Part 375 Groundwater Protection Soil Cleanup Objectives as part of the Project, thereby removing the potential for impacts to groundwater. 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, containing two office, industrial and warehousing facilities, 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 New Building, the Land in the area of the Project does not possess significant ecological value as it is commercial and industrial in nature, and was formerly used as a runway for airplane testing. The Project will not create significant adverse impacts to animals, plants or natural communities, wildlife habitat or wetlands.
- Impact on Agricultural Land Resources. The Project is on Land 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.
- Impact on Aesthetic Resources. The Land is in a developed industrial area
 with no scenic views known to be important to the community. 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 Site 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.
- 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. No significant impacts to open space or recreational resources are anticipated.
- Impact on Critical Environmental Areas. The Project Site is not located in or substantially contiguous to any Critical Environmental Area ("CEA"). There will be no significant adverse impacts to any CEA.
- 10. Impact on Transportation. The Project is likely to create 36 traffic trips during the peak hour of 7a.m. 8a.m. and 38 trips during the peak-hour of 5p.m. 6p.m. on weekdays, therefore the proposed increases to traffic are very minimal for this commercial and industrial area. The Project will not create any significant adverse impacts related to transportation resources.
- Impact on Energy. Though the construction of the New 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 renovation of a commercial building and the construction of a facility for FedEx Freight, Inc., 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. While there is the potential for soil vapor intrusion from historic uses at and around the Land and the presence of a plume of VOCimpacted groundwater that extends beneath the Land from the upgradient Hooker Superfund Site, the Phase II Environmental Site Assessment addressed these issues. Sub-slab soil vapor samples were collected within the footprint of the Existing Building as required by NYS Department of Health guidance. The observed VOCs and associated concentrations in all sub-slab soil vapor samples are typical of soil vapor quality in urban/industrial areas, and are not at levels that typically result in a soil vapor intrusion condition where indoor air VOC concentrations exceed NYS Department of Health guidance values. Given the good condition of the floor slab throughout the Existing Building, and the fact that a similar slab will be a part of the New Building, the likelihood of a soil vapor intrusion issue is low. 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.
- 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	ABSENT	

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 February 11, 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 ______ day of February, 2015.

[Vice] Chairman

[Assistant] Secretary

(SEAL)

617.20 Appendix B Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project	and Sponsor Information	on						
STEEL	FOUTTES							
Name of Action	A 2000 C						-	
Project Location	FREILOHT	: 						
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Brief Description	MAN ROAD	BETH	PAGE.	NY				
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dministrative rule	or regulation?	registative adopti	on of a plan, le	ocal law, o	rdinance,		NO	YE.
	tive description of the int e municipality and proce						X	
loes the proposed	action require a permit, name and permit or appro	appropriat on Engl	ing from any o	other gover	nmental Agend	v?	NO	YES
	STEC BAY PU							K/I
								M
Total acreage of t	he site of the proposed ac e physically disturbed?	tion?			cres			_
Total acreage (pro	ject site and any continue	ous properties) o	wned	8_a	cres			
or controlled by th	e applicant or project spo	onsor?		35_ac	res			
neck all fand uses	that occur on, adjoining	and near the prop	osed action.					
	Rural (non-agriculture)	M Industrial	Commerc	cial DR	esidential (sub	urban)		
C Ologii C	Rural (non-agriculture)				The state of the s			
C. C. Court	Agriculture	Aquatic	Other (sp	ecify):				

5. Is the proposed action,	NO	YES	S N/
a. A permitted use under the zoning regulations?	П	X	TIT
b. Consistent with the adopted comprehensive plan?		文	H
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YE
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area If Yes, identify:	?	NO NO	YE
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	=	NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?	ļ	X	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action	2	H	X
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	1	NO X	YES
10. Will the proposed action connect to an existing public/private water supply?	- 1	NO	YES
If No, describe method for providing potable water:	- [X
11. Will the proposed action connect to existing wastewater utilities?	- N	0	YES
If No, describe method for providing wastewater treatment:	. [7	X
a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area? 3. a. Does any portion of the site of the proposed action.	N	X	YES
3. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	N N		YES
ldeatify the typical habitat types that occur on, or are likely to be found on the project site. Check all that ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban	apply	: .	-
Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	Y	ES
Is the project site located in the 100 year flood plain?	NO	Y	ES
Will the proposed action create storm water discharge, either from point or non-point sources? Will storm water discharge flowers flowers to the storm water discharge at the storm water discharge flowers.	X	1-	ES /
. Will storm water discharges flow to adjacent properties? NO YES Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? es, briefly describe:		×	7

18. Does the proposed action include construction or other activities that result in the impourance or other liquids (e.g. retention pond, waste lagoon, dam)?	undment of	NO	YES	
If Yes, explain purpose and size:				
19. Has the site of the proposed action or an adjoining property been the location of an active solid waste management facility?	e or closed	NO	YES	
If Yes, describe:				
		الدا		
20. Has the site of the proposed action or an adjoining property been the subject of remediation completed) for hazardous waste? -Twis property his well has Attached Property in the subject of remediation of the subject of the subject of the subject of the subject of remediation of the subject of the subj	on (ongoing or	NO	YES	
PRUGRAMS IN WHICH EXTENSIVE BY	ELIMATIRY		X	
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Applicant/sponsor name: Date:				
Signature: Date:				
Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2, questions in Part 2 using the information contained in Part 1 and other materials submitted by the otherwise available to the reviewer. When answering the questions the reviewer should be guid responses been reasonable considering the scale and context of the proposed action?"	he project sponso ded by the concep	or or ot "Have n	ny	
otherwise available to the reviewer. When appropriate and other materials submitted by the	No, or small impact	Moders to larg	ny ate ge	
otherwise available to the reviewer. When answering the questions the reviewer should be guid responses been reasonable considering the scale and context of the proposed action?"	No, or small impact may	Moders to larg impac may	ny ate ge	
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A	gency Use Onl	ly [If applicable]
Project:		
Date:		
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?	X	
2.	Will the proposed action result in a change in the use or intensity of use of land?	X	
3.	Will the proposed action impair the character or quality of the existing community?	×	
4.	Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
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?	x	
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?	×	
7.	Will the proposed action impact existing: a. public / private water supplies?	X	
	b. public / private wastewater treatment utilities?	×	
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	X	
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	×	
10.	Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	X	
11.	Will the proposed action create a hazard to environmental resources or human health?	X	

Agency Use Only [If applicable]		
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.

Please see attached resolution/negative declaration.

that the proposed action may result in one or more pote environmental impact statement is required.	rmation and analysis above, and any supporting documentation,	
Nassau County Industrial Development Agency	February 11, 2015	
Name of Lead Agency Date		
Joseph J. Kearney Executive Director		
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer	
Signature of Responsible Office in Lead Agency	Signature of Preparer (if different from Responsible Officer)	