

**Resolution adopting a determination and finding under the New York State
Environmental Quality Review Act**

A regular meeting of the Nassau County Industrial Development Agency (the "Agency") was convened in public session at the Theodore Roosevelt Executive & Legislative Building, Ceremonial Chambers, 1550 Franklin Avenue, Mineola, and Nassau County, New York on December 12, 2018 at 6:30 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:

Richard Kessel	Chairman
Lewis M. Warren	Vice Chairman
Anthony Simon	2nd Vice Chairman
Timothy Williams	Secretary
Amy Flores	Treasurer
John Coumatos	Asst. Treasurer

NOT PRESENT:

Chris Fusco	Asst. 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
Andrew Komaromi, Esq.	Bond/Transaction Counsel

The attached resolution no. 2018-73 was offered by John Coumatos, seconded by Lewis M. Warren:

Resolution No. 2018-73

RESOLUTION FINDING THAT AN ACTION TO UNDERTAKE A THE ACQUISITION AND STRAIGHT LEASING OF A CERTAIN PROJECT FOR NASSAU STEEL, LLC WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

Project Name: Proposed Distribution Warehouse

Location: 999 South Oyster Bay Road, Bethpage New York 11714 (a/k/a Section 46, Block G, Lot p/o 98 and 99)

SEQRA Status: Type I X Unlisted

SEQRA Determination: Background: Negative Declaration previously issued by the Town Of Oyster Bay Planning Advisory Board (hereinafter “Oyster Bay Planning Board”) SEQRA Determination Required for Agency Action associated with conferring certain benefits

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, Nassau Steel, LLC, is a limited liability company organized and existing under the laws of the State of Delaware and qualified to do business as a foreign limited liability company in the State of New York (the “Applicant”), submitted an application for financial assistance (the “2011 Application”) to the Agency requesting that the Agency consider undertaking a project (the “2011 Project”) consisting of the following: (1) (A) the acquisition of an interest or interests in an approximately 85.50 acre parcel of land located at 999 South Oyster Bay Road, Bethpage, Town of Oyster Bay, County of Nassau, New York (Section: 46; Block: G; Lot: 98) (the “Existing Land”), (2) the repair and restoration of the base building systems and infrastructure of the existing approximately 1,200,000 square foot building complex on the Land (the “Original

Building”), which is limited to repairs of roofing, flooring, electrical and plumbing components and asbestos compliance work, together with related infrastructure improvements to the Existing Land, all to bring the Original Building into compliance with building code regulations; and (3) consistent with item (2) above, the acquisition and installation therein and thereon of certain fixtures, machinery and equipment related to the repair and restoration of the Original Building and related improvements to the Existing Land (the “2011 Equipment” and together with the Existing Land and the Original Building, collectively, the “2011 Project Facility”); 1(B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the General Municipal Law) with respect to the foregoing, including exemptions or partial exemptions from real property taxes, sales and use taxes and mortgage recording taxes (the “Original Financial Assistance”); and

WHEREAS, on or about October 21, 2011, the Applicant entered into a “straight lease” transaction with the Agency under the Act pursuant to, *inter alia*, a certain Sublease Agreement, dated as of October 1, 2011, between the Agency and the Applicant relating to the 2011 Project Facility (as amended, modified, supplemented and restated, the “Lease Agreement”); and

WHEREAS, pursuant to an application dated on or about June 2018 VHB on behalf of the Applicant applied for approval of an amended site plan for the demolition of existing structures and pavement on the referenced land, and the construction of a new spec warehouse/distribution facility located on Aerospace Boulevard, approximately 1031 feet southeast of South Oyster Bay Road, as the original application by Nassau Steel involved a slightly smaller building (an approximately 225,000 square foot building versus the current amended site plan involving an approximately 244,500 warehouse as well surface parking including but not limited to indoor parking of approximately 112,400 square feet, and outdoor surface parking that includes but is not limited to 10 handicapped accessible spaces and 61 loading spaces (the “2018 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 and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 N.Y.C.R.R. Part 617.1, et. seq., as amended (the “Regulations” and collectively “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the 2018 Project; and

WHEREAS, pursuant to SEQRA, the Oyster Bay Planning Board including staff undertook a coordinated review of the action associated with the 2018 Project as part of such Planning Board’s site plan review process and it completed or caused to be completed : (1) Part 1 of a Full Environmental Assessment Form, dated October, 2018 (hereinafter referred to as “the EAF”) as well as causing the completion of Parts 2 and 3 of the EAF also dated October 2018 (hereinafter referred to as “Parts 2 and/ or 3 of the EAF”) ; (2) and (3) other relevant environmental information, including but not limited to a Phase I Environmental Site Assessment prepared by ERM Consulting and Engineering, Inc. (“ERM”) as well as completing and reviewing the Parts 2 and 3 of the Full EAF for the Project (collectively, 1, 2, and 3 shall be referred to as the “Environmental Information” or “the Administrative Record”); and

WHEREAS, pursuant to SEQRA, the Agency is an involved agency in the SEQRA review of the 2018 Project, and as an involved agency is required to analyze the 2018 Project to determine whether it has the potential to have a significant adverse impact on the environment; and

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 determinations by the Town of Oyster Bay Planning Advisory Board and staff, including as set forth in the Part 3 of the Full Environmental Assessment Form prepared by same dated October, 2018 and as set forth in such Planning and Advisory Board's determination in its resolution dated December 5, 2018 (hereinafter collectively may be referred to as "the Oyster Bay Planning Board's Negative Declaration") and based upon its own independent review of the Environmental Information and upon the Agency's knowledge of the area surrounding the Land and such further investigation of the 2018 Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings with respect to the Project:

(1) The Agency is reviewing available information concerning the 2018 Project in accordance with the requirements of SEQRA, including the environmental review completed by the Oyster Bay Planning Board of the 2018 Project and the Agency adopts each of the matters set forth in the Whereas clauses set forth herein as part of this resolution and each of those matters set out in the Whereas clauses shall have the same force and effect as each of the other findings made in this resolution;

(2) Prior to making a recommendation about the potential environmental significance of the Project, the Agency has reviewed appropriate information concerning the Project, including but not limited to the Environmental Information as defined previously and it has considered the criteria set out in Section 617.4, 617.5, and 617.7 among other provisions of the Regulations, including that criteria to identify the type of action associated with the Project, and to determine the significance of same; and

(4) The Agency has considered the 2018 Project, including identifying the reasonable impacts associated with it and compared same to the parameters and criteria set forth in applicable law and regulations, including but not limited to those set forth in 6 NYCRR §§617.1 and 617.3 in order to analyze such impacts pursuant to the SEQRA review it conducted for the Project.

(5) The Agency has considered the significance of the reasonable environmental impacts and reasonable potential environmental impacts of the proposed Project by: (i) carefully reviewing and examining the responses to the Full EAF, prepared by the Town of Oyster Bay Planning Advisory Board, including the information in the completed Part 1 of the Full EAF, as well as that information set out in the completed Parts 2 and 3 of the EAF (dated October 2018) and the Oyster Bay Planning Board's Negative Declaration together with examining other available supporting information for the 2018 Project as well as reviewing the Environmental Information, including Phase I Environmental Assessment completed for the property at issue, and the Agency incorporates by reference the Oyster Bay Planning Board's Negative Declaration and the Agency has independently reviewed the impacts and potential impacts from the 2018 Project to land, stormwater and groundwater, wetlands, other water resources, and analyzed any impacts associated with agricultural district designation(s), as well as impacts and potential impacts associated with or to historic, archaeological and other recognized and/or protected resources, and impacts to threatened or endangered plant and animal species, impacts to transportation, including such impacts associated with traffic and considered impacts to community character and cumulative impacts, if any, and considered each of the other potential impacts as required by the Regulations; (ii) considered the criteria set forth in 6 NYCRR §617.7(c) in light of such impacts or potential impacts; and (iii) thoroughly analyzed the identified areas of relevant environmental concern in issuing this determination that no potentially significant adverse impacts on the environment are noted in the EAF and none are known to the Agency.

Section 2. Based upon the foregoing investigations of the potential environmental impacts of the 2018 Project and considering both the magnitude and importance of each environmental impact indicated, the Agency has determined that the Project will not have a significant adverse impact upon the environment. The reasons supporting this determination and finding are as follows:

1. Impact on Land. The 2018 Project is not anticipated to create any potentially significant adverse impacts to land resources or land use. The 2018 Project consists of construction of the warehouse, associated indoor and surface parking and distribution facility. The zoning and land use classification will not change as a result of the Project as the applicable parcels are zoned light industrial. The Project is consistent with surrounding uses, which are primarily commercial in nature) within an industrial complex. As the proposed Project is a single story warehouse distribution facility, it will not negatively impact the nearby residential

properties. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to land resources or land use.

2. Impact on Water. No wetlands in the area of the proposed warehouse and distribution facility are anticipated to be impacted as construction will be undertaken on property which previously housed similar uses. In addition, the 2018 Project is not located in a designated 100 or 500 year floodplain. The property on which the 2018 will be built has been previously disturbed and construction of the warehouse and distribution facility will not physically alter, or encroach into, any existing wetland or waterbody. Although the 2018 Project site is located over the Nassau-Suffolk sole source aquifer, no activities proposed for the 2018 Project are anticipated to impact groundwater or the aquifer, nor is construction or operation of such project anticipated to expose such aquifer to the undue threat of contamination. Further, in terms of stormwater impacts and drainage, the 2018 Project will be constructed in accordance with applicable standards, including the contractor obtaining permits from the NYSDEC under the State Pollutant Discharge Elimination System permit program and implementing measures required under it, such as a Storm Water Pollution Prevention Plan.
3. Impact on Air. The 2018 Project will not be a significant source of air emissions. The 2018 Project does not entail the types of activities or operations that require the Applicant to acquire an Air Facility Permit or that are associated with a significant potential for air emissions. In addition, any increase in traffic including vehicle trips associated with the 2018 Project is not anticipated to materially impact air quality as more specifically discussed in the Transportation section below, including based on various analyses completed regarding traffic. Any potential impact on air as a result of construction activities will be minor, and temporary in nature.
4. Impact on Health or Safety. At least a portion of the area on which the 2018 Project will be constructed is on property which is encumbered by a site management plan and environmental easement pursuant to NYSDEC inactive hazardous waste site number 1-30-043P also known as the 118-130 Swalm Street Site, New Cassel, New York (hereinafter the site management plan for the referenced site shall be referred to as “the SMP,” and the referenced easement for it shall be referred to as “the environmental easement,” and the site itself shall be referred to as “the Swalm Street site”). As discussed in detail, the area at issue so burdened by these documents and plans has been the subject of significant investigation and remediation, but some substances and contaminants remain. The environmental easement restricts certain activities on property encompassing the Swalm Street site, including use of groundwater except under certain conditions, and also restricts among

other things, gardening or agricultural activities, as well as also restricting uses that are not commercial in nature. The Agency shall insure that the Applicant and any operator of the 2018 Project associated with the Swalm Street site adheres to each of the requirements of the environmental easement, and such easement and its requirements are incorporated by reference into this determination by the Agency. In addition, NYSDEC requires the Swalm Street site to implement an SMP (site management plan) and such SMP has been developed and implemented at the Swalm Street site; in fact, the requirements of the SMP and the document itself is incorporated by reference into this determination by the Agency. The Agency shall require the Applicant and any operator of the property on which the 2018 Project is to be developed to the extent the SMP applies to it to comply with each of the terms of the SMP, including requiring the Applicant and operator to undertake each and every obligation imposed by the SMP including any site inspections required and at the times and with the frequency so required (referenced as annual inspections), implementation of soil vapor intrusion measures (as required and evaluation as required), and implementing a Climate Change Vulnerability Assessment (annual unless otherwise specified). Further, the Agency finds that implementation of the measures required by the SMP and the environmental easement for the Swalm Street site to the extent same impact or burden the property associated with the 2018 Project will not unduly or impact in any significant manner the operation of the 2018 Project, nor will the implementation of these measures including those associated with the SMP and the environmental easement result in any significant adverse impact to health or the environment as such measures were implemented to avoid or limit such impacts.

In addition, the NYSDEC Mapper indicates the Land is within 2,000 feet of several NYSDEC Remediation Sites, including Grumman Aerospace-Bethpage Facility and associated sites including the Naval Weapons Ind. Reserve Plant and other sites (including the RUCO Polymer Corp. site, the 999 Stewart Avenue site, a private residence at 30 Floral Ave, and the Metro S/S area on 900 Stewart Street) the construction of the warehouse and distribution structure and operation of it will not impact or disturb any existing sites. Further, many of the sites are currently being monitored and/or remediation activities have been completed on the sites. As such, despite there being a number of such sites impacted by contamination in proximity to the property on which the 2018 Project shall be constructed and operated, there is no indication that the presence of those other sites in proximity to the 2018 Project will result in a significant adverse impact to health or the environment associated with the Project (beyond contamination issues already existing and addressed in pursuant to the Swalm Street site SMP and environmental easement). Further, the Phase I Environmental Site Assessment prepared for the 2018 Project site did not

indicate there were issues identified that would result in significant adverse impacts from development of the 2018 Project or result in any significant impacts to the 2018 Project.

5. Impact on Plants and Animals Including to Threatened or Endangered Species. The Land in the area of the 2018 Project does not appear to contain any habitats of significance as it is located in a well-developed industrial and commercial area. The NYSDEC Mapper indicates that the property where such project is to be developed does not contain a species of animal, or associated habitat listed as threatened or endangered. Accordingly, the 2018 Project will not create significant adverse impacts to plants, animals or natural communities, wildlife habitat or wetlands.
6. Impact on Agricultural Land Resources. The 2018 Project is located in an area currently devoted to commercial uses. As a result it will not involve the conversion or loss of agricultural land resources. Accordingly, the 2018 Project will not create any significant adverse impacts to agricultural land resources.
7. Impact on Aesthetic Resources. The 2018 Project will not be visible from any officially designated federal, state or local scenic or aesthetic resource. The property is situated in a developed commercial area, as indicated with is zoned for uses consistent with the 2018 Project with is also consistent with surrounding uses. As the proposed 2018 Project is warehouse and distribution center, consistent with its surroundings, it is not anticipated to create any significant adverse impacts to aesthetic resources.
8. Impact on Historic and Archeological Resources. The property on which the 2018 Project is to be located does not contain, nor is it adjacent to, a building, structure or archeological site designated by the NYS Historic Preservation Office as a resource, nor is it located within a district which is listed on, or that has been nominated to, the State or National Register of Historic Places. Areas near the property on which the 2018 Project is to be located have been previously developed and lack the characteristics that would suggest the potential presence of any significant archaeological resources. Accordingly, the 2018 Project will not create any significant adverse impacts to historical or archaeological resources.
9. Impact on Open Space and Recreation. The property on which the 2018 Project is to be located and adjacent areas around it do not comprise public open space as it is devoted to commercial uses. Further, as the structure to be constructed will be used for a warehouse and distribution center, no use occurring on the property at issue is anticipated to impact any open space or recreational resources, including any parks or park

features in vicinity thereto. Accordingly, the 2018 Project will not create any significant adverse impacts to open space or recreational resources.

10. Impact on Critical Environmental Areas. The property on which the 2018 Project is to be developed is not located in or substantially contiguous to any Critical Environmental Area (“CEA”) based on a review of the EAF Mapper associated with such property. Accordingly, the 2018 Project will not create any significant adverse impacts to any CEA.
11. Impact on Transportation. The 2018 Project will not result in a substantial increase in traffic above capacity of current traffic infrastructure, nor is it expected to generate substantial new demand for transportation facilities or services/infrastructure. Comprehensive traffic analyses were undertaken in 2016 of the area where the 2018 Project is to be developed and then updated in 2018 and reviewed among other things, truck traffic anticipated from the use of the site at issue for a warehouse and distribution facility. Such studies concluded that the volume of overall traffic is not anticipated to result in significant impact given the capacity of the transportation network at issue. Further, anticipated truck traffic associated with the operation of the 2018 Project is also not anticipated to result in significant negative effects, as most such truck traffic is not anticipated to be present at traditional peak travel times. Moreover, the operation of the 2018 Project will avoid additional truck traffic impacts because such trucks will adhere to route restrictions imposed by local law based on the size and weight of trucks. Any impacts to transportation from construction activities associated with the Project will be minor and temporary in nature. Accordingly, it is not anticipated that that Project will create any significant adverse impacts to transportation.
12. Impact on Energy. The Project may result in an increase in energy usage, however, existing utilities serve the area where the 2018 Project will be developed and are anticipated to have adequate capacity to serve it. As a result, the 2018 Project will not create any significant adverse impacts to energy.
13. Impact on Noise and Odor and Impacts from Light. The 2018 Project is not expected to materially increase ambient noise levels or to create odors of consequence particularly in light of such project setting including the 2018 Project site location. That being said, due to concerns raised by the community during the original 2016 site plan review, the orientation and layout of the warehouse and distribution facility was changed to avoid noise and other impacts, and an appropriately sized sound wall was incorporated into the design of such building. As a result, it is not anticipated that operation of the 2018 Project will result in undue noise impacts. Further, any impacts to noise and/or odor from construction activities will be minor, and temporary in nature. In addition, any such

noise from construction will be undertaken during work hours and as such is not anticipated to be significant. Accordingly, the 2018 Project will not create any significant adverse impacts to noise or odors.

14. Impact on Growth and Character of the Community and Neighborhood. The 2018 Project is not anticipated to result in significant growth out of character or beyond the capacity of the area to accommodate same in light of the zoning of the site of said project and surrounding uses. In sum, the 2018 Project is similar and is in character with surrounding uses. Accordingly, the 2018 Project is not anticipated to create any significant adverse impacts to the growth or character of the community.

NOW THEREFORE BE IT FURTHER RESOLVED:

Section 3.

Based on the foregoing, the Agency finds that the Project will not have any significant adverse impact on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and, in particular, pursuant to the criteria set forth at 6 NYCRR §617.7(b)-(c) of the SEQRA regulations and as such, no environmental impact statement shall be prepared. The Agency thus issues this determination and finding pursuant to SEQRA, and directs the following be undertaken and makes the following additional findings:

1. A notice of this determination and finding shall be filed and/or published to the extent required by the SEQRA regulations, and as the Agency may deem advisable. The findings and conclusions relating to the determination contained within this notice hereof are hereby adopted and incorporated by reference into this Resolution as applicable, including the Agency adopting by reference the Oyster Bay Planning Board's Negative Declaration and incorporating by referenced the EAF (including parts 1, 2 and 3 of it) prepared by the Oyster Bay Planning Board, including its December 5, 2018 Resolution and the Agency notes that based on its own independent review of the 2018 Project, in addition to any findings made by the Oyster Bay Planning Board, that such project will not cause or potentially cause any significant adverse environmental impact.
2. The Chairman, the Vice Chairman, the Executive Director and the Administrative Director of the Agency are hereby further authorized on behalf of the Agency, or acting together or individually, 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, including filing the determination and finding set out herein in accordance with the applicable provisions of the law.

3. The requirements of SEQRA have been satisfied.
4. This resolution shall take effect immediately

NOW THEREFORE BE IT FURTHER RESOLVED:

Section 4. 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:

Richard Kessel	VOTING Aye
Lewis M. Warren	VOTING Aye
Anthony Simon	VOTING Aye
Timothy Williams	VOTING Aye
Chris Fusco	NOT PRESENT
Amy Flores	VOTING Aye
John Coumatos	VOTING Aye

The foregoing Resolution was thereupon declared duly adopted.

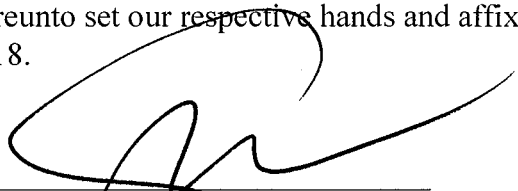
STATE OF NEW YORK)
) SS.:
COUNTY OF NASSAU)

We, the undersigned [Vice] Chairman and [Assistant] Secretary 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 December 12, 2018 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.

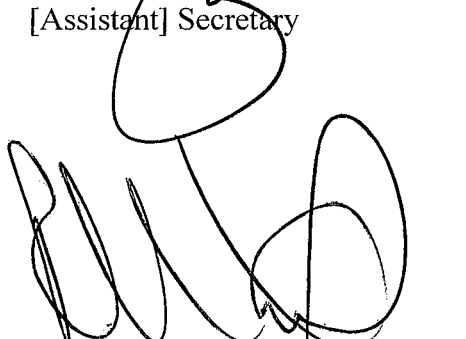
WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said 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 12th day of December, 2018.



[Assistant] Secretary



[Vice] Chairman

(SEAL)