

**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, electronically, pursuant to Executive Order No. 202.11, 202.28, 202.48, 202.55, 202.60, 202.67, 202.72, 202.79, 202.87, 202.91 and 202.96 - Continuing Temporary Suspension And Modification Of Laws Relating To The Disaster Emergency - by Governor Andrew M. Cuomo of the State of New York on March 18, 2021 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 |
| Amy Flores       | Treasurer         |
| John Coumatos    | Asst. Treasurer   |
| Chris Fusco      | Asst. Secretary   |
| Timothy Williams | Secretary         |

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

|                          |  |
|--------------------------|--|
| Harry Coghlan            | Chief Executive Officer / Executive Director             |
| Danielle Oglesby         | Chief Operating Officer/ Deputy Executive Director       |
| Anne LaMorte             | Chief Financial Officer                                  |
| Catherine Fee            | Director of Business Development/Chief Marketing Officer |
| Colleen Pereira          | Administrative Director                                  |
| Carlene Wynter           | Compliance Assistant                                     |
| Nicole Gil               | Administrative Assistant                                 |
| Thomas D. Glascock, Esq. | General Counsel  |
| Andrew D. Komaromi, Esq. | Bond/Transactional Counsel                               |

The attached resolution no. 2021-14 was offered by Timothy Williams, seconded by Richard Kessel.

RESOLUTION FINDING THAT AN ACTION TO UNDERTAKE A THE ACQUISITION AND STRAIGHT LEASING OF A CERTAIN PROJECT FOR AMAZON.COM SERVICES LLC WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT

**Project Name:** AMAZON.COM SERVICES LLC 2021

**Location:** Northeast corner of Robbins Lane and Miller Place, Syosset, Town of Oyster Bay, Nassau County, New York (Section: 15; Block: H; Lot: 251 and 252)

**SEQRA Status:** Type I

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, AMAZON.COM SERVICES LLC, a limited liability company organized and existing under the laws of the State of Delaware and authorized to business in the State of New York as a foreign limited liability company, and SYOSSET PARK DEVELOPMENT, LLC, a limited liability company organized and existing under the laws of the State of Delaware and authorized to business in the State of New York as a foreign limited liability company, (collectively, the “Applicant”) has presented an application for financial assistance (the “Application”) to the Agency, which Application requests that the Agency consider undertaking a project (the “Project”) consisting of the following: (A)(1) the acquisition of an interest in an approximately 39 acre parcel of land located at the northeast corner of Robbins Lane and Miller Place, Syosset, Town of Oyster Bay, Nassau County, New York (Section: 15; Block: H; Lot: 251 and 252) (the “Land”), (2) the construction of a 1-story, 204,175 square foot building (collectively, the “Building”) on the Land, together with related improvements to the Land, including surface parking spaces, (3) the acquisition of certain furniture, fixtures, machinery and equipment (the “Equipment”) necessary for the completion thereof (collectively, the “Project Facility”), all of the foregoing for use by the Applicant as a warehouse/distribution 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”); 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 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 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 Agency has completed, received and/or reviewed (1) Part 1 of a Full Environmental Assessment Form (“FEAF”), dated July 20, 2020; (2) NYSDEC’s Environmental Resource Mapper; (3) New York State Historic Preservation Office’s Cultural Resources Mapper; (4) Town of Oyster Bay Department of Environmental Resources, Town Environmental Quality Review Division, Review of Action and Recommended Determination of Significance, Draft TEQR Report, dated December 15, 2020, inclusive of Parts 2 and 3 of the EAF, dated December 15, 2020 (the “Town SEQRA Recommendations”); (5) Expanded Environmental Assessment – Syosset Park Warehouse, dated November 2020, prepared by VHB Engineering (“EEA”); (6) NYSDEC fact sheet, dated November 2020; (7) SEQRA Negative Declaration by the Town of Oyster Bay Planning Board, dated January 20, 2021; and (8) other relevant environmental information (collectively, 1, 2, 3, 4, 5, 6, 7 and 8 shall be referred to as the “Environmental Information”); and

Whereas, the Applicant has a pending request for approval of its Remedial Action Work Plan (“RAWP”) before the New York State Department of Environmental Conservation (“DEC”) related to environmental remediation of the Land and the development of the Project Facility requires the DEC to approve the RAWP; and

Whereas, the DEC has published a Fact Sheet, dated November 2020, for SITE No. C130002, advising that “the site does not pose a significant threat to public health or the environment. This decision is based on the nature of the existing contaminants identified at the site”; and

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

WHEREAS, pursuant to 6 N.Y.C.R.R. 617.4(b)(6), the construction of a commercial facility that involves the physical alteration of 10 acres or more is defined as Type I action; and

Whereas, the Project, as described in the FEAF, meets the thresholds of 6 N.Y.C.R.R. 617.4(b)(6) and is, thus, a Type I action; and

WHEREAS, pursuant to 6 N.Y.C.R.R. 617.4(a)(1), all individual actions which are Type I require a determination of significance by comparing the impacts which may be reasonably expected to result from the proposed action with the criteria listed in 6 N.Y.C.R.R. 617.7; and

WHEREAS, on or about September 10, 2020, the Town of Oyster Bay Department of Environmental Resources sent a Lead Agency Coordination Review letter to all involved agencies, advising of the intent of the Town of Oyster Bay Planning Advisory Board to declare itself the lead agency under SEQRA with respect to undertaking a review of the Project Facility; and

WHEREAS, on September 16, 2020, the Agency received notice of the Town of Oyster Bay Planning Advisory Board's notice of an intent to declare lead agency and did not object to and/or contest the same; and

WHEREAS, pursuant to 6 N.Y.C.R.R. 617.6 [b] [3] [iii] "if a lead agency exercises due diligence in identifying all other involved agencies and provides written notice of its determination of significance to the identified involved agencies, then no involved agency may later require the preparation of an EAF, a negative declaration or an EIS in connection with the action. The determination of significance issued by the lead agency following coordinated review is binding on all other involved agencies"; and

WHEREAS, the Court of Appeals has held that when an involved agency is properly identified as a party to a coordinated SEQRA review, it is bound by the negative declaration issued by the lead agency (*Gordon v. Rush*, 100 N.Y.2d 236, 243 (2003) citing 6 N.Y.C.R.R. 617.6 [c] [Nov. 1987 regulations] and 6 N.Y.C.R.R. 617.6 [b] [3] [current regulations]).

WHEREAS, the Town of Oyster Bay Planning Advisory Board declared itself as lead agency under SEQRA; and

WHEREAS, on January 20, 2021, pursuant to Resolution Number 01-202, the Town of Oyster Bay Planning Advisory Board, as lead agency, unanimously determined that the Project Facility would not have a significant adverse impact and issued a Negative Declaration; and

WHEREAS, on February 3, 2021, the Town of Oyster Bay Planning Advisory Board, as lead agency, published the Negative Declaration that the Project Facility would not have a significant adverse impact and issued a Negative Declaration to the NYSDEC Environmental News Bulletin; and

WHEREAS, the Agency is granting financial assistance to the Project Facility, the environmental impacts of which were reviewed and analyzed by the Town of Oyster Bay Planning Advisory Board, as lead agency; and

WHEREAS, the Project complies with the limitations imposed by the Oyster Bay Planning Advisory Board pursuant to the Town of Oyster Bay Code provisions; and

WHEREAS, the Project involves a plan, alternatives, and proposed zoning actions which were previously analyzed by the Town of Oyster Bay Planning Advisory Board, as lead agency, as detailed in the Findings Statement prepared in connection herewith; and

WHEREAS, the Agency, as an involved agency, is bound by the negative declaration issued by the Town of Oyster Bay Planning Advisory Board, as lead agency, and, further, concurs with the Town SEQRA Recommendations, and the determination of the Town of Oyster Bay Planning Advisory Board, as lead agency; and

WHEREAS, the Applicant has agreed to indemnify the Agency against certain losses, claims, expenses, damages and liabilities that may arise in connection with the transaction contemplated by the leasing of the Facility by the Agency to the Applicant;

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

Section 1. Based upon the Full Environmental Assessment Form completed by the Applicant and reviewed by the Agency and other representations and information furnished by the Applicant regarding the Project, the Agency determines that the action relating to the acquisition, construction, equipping, furnishing and operation of the Project Facility is a "Type 1" action, as that term is defined in the SEQRA.

Section 2. Pursuant to 6 N.Y.C.R.R. 617.6 [b] [3] [iii], the determination of non-significance by the Town of Oyster Bay Planning Advisory Board, as lead agency, is binding on the Agency.

Section 3. Based upon a thorough review and examination of the Environmental Information 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 concurs with the Town of Oyster Bay Planning Advisory Board, as lead agency, and makes the following findings with respect to the Project:

1. Conformance of Project with Town Code.
  - a) The Project does not require any variances and is a permitted as-of-right use in the Light Industry ("LI") Zone.
  - b) The Project meets all regulations of the LI zoning district, incorporating substantial front, side and rear yard setbacks and lot width frontages along both Miller Place and Robbins Lane, a building coverage of just under 20 percent, where 50 percent is permitted, and almost 11 percent landscape islands, whereas 10 percent is required. Overall, almost 18 percent of the site is proposed to be landscaped, with 82 percent containing impervious surfaces.
2. Impact on Land.
  - a. The Project is not anticipated to create any potentially significant adverse impacts to land resources or land use. The Project consists of construction of an "as of right" use in the LI Zone. The zoning and land use classification will not change as a result of the Project and the Project is consistent with surrounding uses, which are primarily multi-family residential, recreational and commercial in nature.

- b. Through the Project's strict compliance with the adopted Town Code, the land use and zoning character of the area will be protected. Accordingly, the Project is not anticipated to create any potentially significant adverse impacts to land resources or land use.
3. Impact on Water.
- a. The Land has been previously disturbed and the renovation will not physically alter, or encroach into, any existing wetland or waterbody.
  - b. The project has been designed to include the use of green infrastructure, including vegetated drainage reserve areas to minimize impervious surfaces associated with stormwater management. Water quality treatment units will be utilized in the stormwater management design to rid stormwater of pollutants, trash and debris prior to infiltrating back into the ground.
  - c. Drought-tolerant plant species and a drought-tolerant seed mix have been incorporated as xeriscaping measures to reduce the irrigation water demand.
  - d. The Project is not located in a FEMA floodplain area, and as the site has been previously developed it does not contain soils that would be prohibitive for effective stormwater management or site redevelopment. Drainage structures will be upgraded to adequately accommodate applicable regulatory requirements for a five-inch storm event.
  - e. The Town SEQRA Recommendations advise that the stormwater management system is proposed to include subsurface infiltration systems with three drainage reserve areas (DRAs) at grade, which will collect and recharge stormwater to groundwater. The required storage based on a five-inch rainfall for Drainage Area A is 301,001 cubic feet (CF). Storage within Drainage Area A will total about 344,219 CF based on use of a Storm Trap Infiltration System and a DRA, located at the interior of the site between the proposed building and the LIRR tracks. For Drainage Area B, required storage, based on a five-inch rainfall has been calculated at 319,079 CF. Storage provided for Drainage Area B totals approximately 411,538 CF, including use of a Storm Trap Infiltration System and two DRAs, located along Robbins Lane, north of the proposed landscaped frontage. A Stormwater Pollution Prevention Plan (SWPPP) has been prepared by the applicant in accordance with NYSDEC requirements. The SWPPP was submitted to the Town of Oyster Bay for review under Chapter 204 of the Town Code and subsequently will be forwarded to NYSDEC once deemed acceptable by the Town. It is noted that permission is required from the Town during the SWPPP review process to disturb more than five acres and one time. Additionally, two inspections per week are

required during site disturbance/construction activity. The amount of soil exposure at one time and the number of active soil stockpiles will be minimized to the maximum extent practicable.

- f. The Town SEQRA Recommendations provide that SWPPP filed with the Town contains a discussion of existing site conditions, the construction schedule and sequence, a spill prevention plan and response procedures, required erosion and sedimentation controls, inspections maintenance and documentation and project stormwater management practices. The erosion and sedimentation control plans and program incorporate best management practices (BMPs) specified by the NYSDEC and complies with the SPDES General Permit for Storm Water Discharges from Construction Activities. Details shown on the plans include silt fencing, stabilized construction entrance, material stockpile areas, concrete truck washout areas, curb inlet sediment control device with curb filter and inlet sediment control device with Dandy Bags. Erosion and sediment control practices and post-construction water quality and water quantity control practices will be installed, inspected, and maintained as per the NYSDEC Storm Water Management Design Manual (2015) and the NYSDEC Standards and Specifications for Erosion and Sediment Control Practices (2016). Erosion control measures will be installed prior to starting any other work on the subject property.
  - g. Public water to serve the Project will be provided by the Jericho Water District, while sanitary disposal would be accommodated by the Nassau County municipal system and discharged at the Cedar Creek Water Pollution Control Plant.
  - h. Sanitary disposal, estimated at 8,450 gallons per day (gpd), will be accommodated by the Nassau County municipal system. Sewer capacity has been confirmed by the NCDPW.
  - i. The Jericho Water District has provided a Conditional Certificate of Availability of Water, dated October 30, 2020, advising that sufficient public water to serve the Project is estimated at 8,450 gpd, plus an additional 17,150± gpd during the irrigation season will be provided for the Project.
  - j. Accordingly, the Project will not have an adverse impact on water resources.
4. Impact on Air.
- a. Minor impacts may occur during construction activity; however, best management practices will be deployed in order to provide sufficient dust mitigation and soil and erosion and sediment control measures as it pertains to dust suppression and potential temporary minor air quality impacts. Standard odor and dust control measures will be

deployed during construction activities as needed. If nuisance dust emissions are identified, work will be halted and the source of dusts will be identified and corrected. Work will not resume until all nuisance dust emissions have been abated.

- b. As the proposed facility will receive trailer truck deliveries and will include van deliveries, as well as the use of personal vehicles, the Applicant performed an air quality screening analysis to determine the potential impacts associated with both the stationary HVAC equipment on the building and traffic
  - c. Effects of construction of the project are expected to be minimal and further reduced by standard mitigation measures.
  - d. Consequently, the Project will not have an adverse impact on the air quality.
5. Impact on Health or Safety.
- a. There are three Spill Numbers associated with the subject property as listed below, all of which have a "closed" status.
  - b. In 1983, the subject property as Cerro Wire was listed as a Class 2 site in the New York State Superfund Program (Registry), Site no. 130002. A decommissioning program was completed with NYSDEC and New York State Department of Health (NYSDOH) oversight and the subject property was reclassified to a Class 4 (properly closed, but requires continued management/monitoring). Following completion of multiple subsurface investigations and remedial activities the subject property was reclassified to a Class C (completed).
  - c. The subject property is also part of the Brownfield Cleanup Program (BCP) as Syosset Park Site no. C13002. A Remedial Investigation Report was submitted and based on the findings of the investigation, NYSDEC, in consultation with the NYSDOH, has determined the site does not pose a significant threat to public health or the environment. An Alternatives Analysis Report and a Remedial Action Work Plan to address relevant site conditions as part of the Proposed Action, with NYSDEC and the NYSDOH oversight, have been submitted to the NYSDEC.
  - d. Remedial investigations were completed at the subject property from 1987 through 2019 and included extensive soil sampling, groundwater sampling and soil vapor sampling. During the remedial investigations, more than 750 soil samples from approximately 500 locations were collected and analyzed. As noted in the NYSDEC's June 2020 Brownfield Cleanup Program Fact Sheet for the subject property (Site No. C130002); NYSDEC has reviewed the Remedial Investigation Report for the Syosset Park Lots 251 & 252 site located at 305



Robbins Lane, Syosset, Nassau County. Based on the findings of the investigation, DEC, in consultation with the New York State Department of Health (DOH), has determined the site does not pose a significant threat to public health or the environment. However, cleanup has been determined necessary to satisfy the stringent requirements of the Brownfield Cleanup Program (BCP). This decision is based on data obtained from the Remedial Investigation.

- e. The NYSDEC and the NYSDOH determined that copper and and Semi Volatile Organic Compounds (SVOCs) are contaminants of concern (COCs) in site soils, requiring an evaluation for Remedial Action. Accordingly, an RAWP was submitted to the NYSDEC in July 2020, and a revised RAWP in November 2020. The public comment period on the RAWP has ended. Any development of the property will be done in accordance with the RAWP approved by the NYSDEC. Before Applicant starts construction of the remedy, NYSDEC will provide another fact sheet announcing the start of construction and, upon completion of construction of the remedy a final engineering report (FER) will be prepared to document that the remedy was performed in accordance with the approved Remedial Action Work Plan.
  - f. The investigations undertaken as part of the BCP requirements have determined that there is no groundwater contamination to remediate, there are no vapor issues to remediate, and only residual contamination remains in the soil.
  - g. Therefore, there is no anticipated impact as it pertains to hazardous materials and/or the potential to adversely impact human health and safety as a result of the proposed action.
6. Impact on Plants and Animals Including to Threatened or Endangered Species. Based on review of the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper database, there are no existing records for rare/protected plants or wildlife species on or adjacent to the project site (the EEA includes the Endangered Species and Critical Habitat Map). Accordingly, no adverse impacts are anticipated to plants and animals.
7. Impact on Agricultural Land Resources.
- a. The Project is located in an area currently devoted to industrial, recreational, institutional, residential and commercial uses.
  - b. As a result, it will not involve the conversion or loss of agricultural land resources. Accordingly, the Project will not create any significant adverse impacts to agricultural land resources.
8. Impact on Aesthetic Resources.

- a. The proposed action involves the redevelopment of the site with enhanced landscaping and the architectural features incorporated into the building design which would constitute an aesthetic improvement as compared to the existing condition. The refurbishment of the premises in this manner, particularly with respect to the improved landscaping design and variety of aesthetically appealing vegetation, will improve the aesthetic appearance of the site. There are no particularly significant viewsheds in the immediate vicinity or surrounding area, however; given the proximity to residential properties and high visibility of the site from surrounding properties, landscape screening and light shielding and design measures were incorporated into the proposed action in order to minimize impacts to the surrounding community.
  - b. The planting plan provides for enhanced biodiversity and visual interest as compared to the current condition. The proposed landscape buffer along Robbins Lane is 20 feet in width, which will allow for substantial plant diversity on the property. Amongst the other plantings, spring flowering trees, flowering shrubs and perennials are included in this buffer to provide both variety and color interest across this street frontage. The landscape buffer along most of Miller Place has a depth of 12 feet. Plant species to be installed will provide variety, as well as textural contrast and spring and fall color interest among the proposed street trees and perennials. The buffer depths, plant variety and color palette will provide screening and visual interest along both street frontages. No landscaping will be greater than 2.5 feet in height on any corners to ensure there is appropriate vehicular visibility. Based on the aforementioned, it is not anticipated that there will be any significant adverse impacts to aesthetic resources as a result of the proposed action.
9. Impact on Historic and Archeological Resources. According to a review of The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) Cultural Resource Information System (CRIS) map, the project site is not mapped within an area of archaeological sensitivity nor an archaeological survey area. The subject property does not contain historically significant resources and lacks the characteristics which would suggest the potential presence of significant archaeological resources. The subject property is located in an area which has been previously disturbed during prior site development, demolition activities, and prior decommission and remediation activities. There are no areas directly within or substantially contiguous to areas identified as “archeo-sensitive.” Thus, it is not anticipated that any historic or archeological resources would be disturbed or impacted at this location due to prior ground disturbance. Therefore, it is not anticipated that the Project will have any significant impact on historic or archaeological resources.
10. Impact on Open Space and Recreation.

- a. The Project is located in a LI Zone predominated by commercial development. The proposed action does not entail redevelopment activity that could potentially adversely impact open parkland or recreational resources.
  - b. The site has not been redeveloped into open space or parkland; therefore the community will not be disadvantaged by the loss of open space or parkland. Robbins Lane Community Park, Syosset-Woodbury Community Park, Trail View State Park; Matthew D. Lynch Field, various playgrounds/pocket parks within nearby residential subdivision communities, and; Stillwell Woods County Park are located in the relative project vicinity. It is not anticipated that the proposed action will significantly affect the utilization, access or enjoyment of these open space and recreational opportunities.
11. Impact on Critical Environmental Areas. The property on which the 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 Project will not create any significant adverse impacts to any CEA.
  12. Impact on Transportation. The Town SEQRA Recommendations note that, based on the information and analysis provided in the revised Traffic Impact Study, the access configuration depicted on the site plan, and the mitigation measures discussed in the study report, the Town of Oyster Bay’s independent expert traffic engineering consultant opined the traffic generated by the Project can be reasonably accommodated on the area roadway network without significant undue impact on operational and safety conditions. Based on this independent expert opinion obtained by the Town of Oyster Bay, the Agency concludes that the Project will not have an adverse impact on transportation.
  13. Impact on Energy. The proposed redevelopment of the Land would increase energy use, however, existing utilities serve the area where the Project will be developed and are anticipated to have adequate capacity to serve it.
  14. Solid Waste. Solid waste, as well as recyclable materials, will be kept in an enclosed dumpster, which is provided in the truck court by the loading docks and the property will be maintained in a clean and orderly manner. Private carting for solid waste and recyclables will occur on an appropriate schedule, based upon the operations. As applicable, existing pavement would be turned into recycled concrete aggregate (RCA) and reclaimed asphalt pavement (RAP) for use as base and paving material during construction. Waste material will be collected by private carter for transport to existing solid waste disposal facilities. Based on industry standard solid waste generation rates for commercial office buildings (Solid Waste Management in Environmental Engineering, Salvato 2013) it

is expected that there will be approximately 0.755 ton/month increase in waste generation for the proposed development. Short-term solid waste disposal will also be minimal as there are no prior buildings that must be demolished in order to for the new building construction, and existing vegetative debris to be removed and overall site work is not expected to constitute as waste production that would be significant. It is not anticipated that the amount of additional solid waste generated by the proposed action during demolition and construction and as it pertains to wastes produced during operation will adversely impact solid waste management services in the Town of Oyster Bay.

15. Impact on Noise and Odor and Impacts from Light.

- a. Standard odor and dust control measures will be deployed during construction activities as needed.
- b. Proposed lighting will meet all Town standards and, accordingly, such lighting is assumed to not have a detrimental impact.
- c. In accordance with NYSDEC guidelines, an ambient sound survey was conducted to establish ambient sound levels. Noise sources noted during the survey included intermittent local traffic and distant steady traffic flow on the LIE, aircraft, train horns, residential HVAC equipment, and intermittent fauna noise. Traffic flow on the Long Island Expressway was prominent throughout all measurement periods.
- d. As noted in the Town SEQRA Recommendations, overall, none of the modelled location/oversite areas in the as-built/fully operational condition show in the ambient sound survey show any noise level increases which would be considered significant in accordance with SEQR guidance documents or relevant industry standards as described in the studies and EEA.
- e. As a result, it is not anticipated that operation of the 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.
- f. In addition, any such noise from construction will be undertaken during work hours and as such is not anticipated to be significant. Accordingly, the Project will not create any significant adverse impacts to noise or odors.

16. Impact on Growth and Character of the Community and Neighborhood.

The 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.

17. No Related Actions being Funded, Undertaken or Approved by the Agency. The Project is not associated with any related action being undertaken, funded or approved by an agency. Accordingly, the Project is not anticipated to have a cumulative impact that affects the consideration of the Project under SEQRA given the limited impact of the Project given existing environmental conditions and mitigation measures included in the improvements rendering it an as of right use pursuant to the zoning regulations of the Town of Oyster Bay.
  
18. Changes Associated with the Project will not have a Significant Impact on the Environment in the Aggregate. No anticipated changes in two or more elements of the environment, neither of which has a significant impact on the environment, when considered together will result in a substantial adverse impact on the environment given existing environmental conditions and mitigation measures included in the improvements rendering it an as of right use pursuant to the zoning regulations of the Town of Oyster Bay.

NOW THEREFORE BE IT FURTHER RESOLVED:

Section 4. 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.

Section 5. 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.

Section 6. 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      | VOTING | Aye |
| Amy Flores       | VOTING | Aye |
| John Coumatos    | VOTING | Nay |

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK

) SS.:

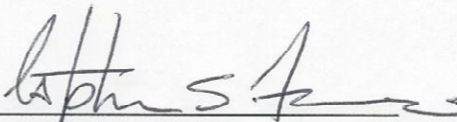
COUNTY OF NASSAU

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 March 18, 2021 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 5 of the Public Officers Law (the "Open Meetings Law") as modified pursuant to Executive Order No. 202.11, 202.28, 202.48, 202.55, 202.60, 202.67, 202.72, 202.79, 202.87, 202.91 and 202.96 - Continuing Temporary Suspension And Modification Of Laws Relating To The Disaster Emergency - by Governor Andrew M. Cuomo of the State of New York, 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 18th day of March, 2021.

  
[Assistant] Secretary

\_\_\_\_\_  
[Vice] Chairman

(SEAL)



STATE OF NEW YORK

) SS.:

COUNTY OF NASSAU

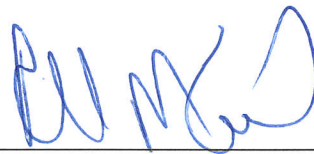
We, the undersigned [Vice] Chairman and [Assistant] Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on March 18, 2021 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 5 of the Public Officers Law (the "Open Meetings Law") as modified pursuant to Executive Order No. 202.11, 202.28, 202.48, 202.55, 202.60, 202.67, 202.72, 202.79, 202.87, 202.91 and 202.96 - Continuing Temporary Suspension And Modification Of Laws Relating To The Disaster Emergency - by Governor Andrew M. Cuomo of the State of New York, 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 18th day of March, 2021.

\_\_\_\_\_  
[Assistant] Secretary



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[Vice] Chairman

(SEAL)