

**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, Legislative Chambers, 1<sup>st</sup> Floor, 1550 Franklin Avenue, Mineola, Nassau County, New York on May 18, 2023 at 6:45 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:

William H. Rockensies	Chairman
John Coumatos	Asst. Treasurer
Reginald A. Spinello	
Victor LaGreca	
Raymond Pinto	
Marco Troiano	

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Sheldon L. Shrenkel	Chief Executive Officer/Executive Director
Anne LaMorte	Chief Financial Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Andrew D. Komaromi, Esq.	Bond/Transactional Counsel
Paul V. O’Brien, Esq.	Bond/Transactional Counsel

EXCUSED:

Judge Anthony Marano	Agency Counsel
Catherine Fee	Director of Business Development/Chief Marketing Officer

The attached resolution No. 2023-36 was offered by Marco Troiano, seconded by Victor LaGreca.

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

**Project Name:** PICTOR NASSAU LOGISTICS CENTER LLC 2023

**Location:** 125 New South Road, Hicksville, Town of Oyster Bay, Nassau County, New York (Section: 46; Block: N; Lot: 30 and 31)

**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, PICTOR NASSAU LOGISTICS CENTER LLC, a limited liability company organized and existing under the laws of the State of Delaware and duly authorized to transact business in the State of New York (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 retention of an approximately 15.0829 acre parcel of land located at 125 New South Road, Hicksville, Town of Oyster Bay, Nassau County, New York (Section: 46; Block: N; Lot: 30 and 31) (the “Land”), (2) the construction of a single LEED certified warehouse, totaling approximately 207,237 square feet including ancillary office of up to approximately 12,400 square feet (the “Building”), on the Land, together with related improvements to the Land, (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 for leasing to one (1) or more tenants, together with surface parking; (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, by resolution adopted by the members of the Agency on March 3, 2022 (the “Preliminary Inducement Resolution”), the Agency, following a review of the Application, determined to take preliminary action toward the acquisition and straight leasing of the Project for the Company and made a determination to proceed with the Project; and

WHEREAS, on or about March 13, 2023, the Applicant filed an amendment to the Application to the Agency, by which, among other things, the Applicant altered the original building proposal to construct two (2) LEED certified warehouses, totaling approximately 303,678 square feet (with one warehouse at approximately 97,748 square feet and the second warehouse at 205,931 square feet) on the Land, by amending the Project to request that the Agency consider a single LEED certified warehouse, totaling approximately 207,237 square feet on the Land including ancillary office of up to approximately 12,400 square feet on the Land, together with related improvements to the Land; 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 February 1, 2023, together with the Attachment 1 thereto; (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 February 21, 2023, inclusive of Parts 2 and 3 of the FEAF, dated February 21, 2023 (the “Town SEQRA Recommendations”); (5) NYSDEC Order on Consent and Administrative Settlement, Index No. 1-20210615-83, dated July 13, 2021; (6) Town of Oyster Bay Planning Advisory Board Approval and Determination of Significance, dated May 3, 2023; and (7) other relevant environmental information (collectively, 1, 2, 3, 4, 5, 6 and 7 shall be referred to as the “Environmental Information”); 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 October 19, 2022, the Town of Oyster Bay Planning Advisory Board’s sent a notice of an intent to declare lead agency; 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 involves a plan, alternatives, and proposed zoning actions which were previously analyzed by the Town of Oyster Bay Planning Advisory Board, as lead agency; and

WHEREAS, on May 3, 2023, the Town of Oyster Bay Planning Advisory Board's issued a Negative SEQRA Declaration; and

WHEREAS, the Agency 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 finding of non-significance by 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 is permitted in the Light Industry ("LI") Zone.
  - b. The Project meets all regulations of the LI zoning district and limited variance relief has been sought from the Town of Oyster Bay related to the hours of use of real property located within 100 feet of residential zoning districts. The residential zoning district referenced is separated from the Land by Long Island Rail Road tracks.
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 a use permissible 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 industrial and commercial in nature.

- b. Through the Project's 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.
- c. Moreover, the Land is located within the Southeast Hicksville Brownfield Opportunity Area that was nominated to be created by the Town of Oyster Bay and, ultimately, designated as such by the NYSDEC. The Southeast Hicksville Brownfield Opportunity Area seeks to promote development of abandoned, vacant and underutilized properties. Here, the Project involves the development of a brownfield on the vacant site of a former industrial use. Accordingly, the Town SEQRA Recommendations conclude that the Project is compliant with the Southeast Hicksville Brownfield Opportunity Area recommendations and the Agency concurs.

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 areas to minimize impervious surfaces associated with stormwater management.
- c. Based on the FEAF, the proposed stormwater management system is designed to limit post development stormwater discharges to less than predevelopment rates for storm event ranging from 1-year to 100 year, with a large majority of stormwater runoff from the Land generally infiltrated into the ground.
- 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 storm events.
- e. Public water to serve the Project will be provided by the Hicksville Water District, while sanitary disposal would be accommodated by the Nassau County municipal system and discharged at the Cedar Creek Water Pollution Control Plant.
- f. Sanitary disposal will be accommodated by the Nassau County municipal system. Based on the FEAF, sewer capacity has been confirmed.
- g. The Hicksville Water District has issued a letter confirming water service availability based on specific mitigating measures incorporated into the Project.

- h. With respect to water, the Town SEQRA Recommendations conclude that “[b]ased on the information provided by the applicant, it is not anticipated that the proposed action will result in any significant adverse environmental impacts pertaining to surface waters, existing stormwater management systems in the Town, nor effective on-site erosion and sediment control; the site has been designed to provide for overall effective stormwater management during construction activity and through the long-term operation and maintenance plan upon project build-out.”
- i. Accordingly, the Project will not have an adverse impact on water resources.

4. Impact on Air.

- a. All excavation work will be completed in accordance with the NYSDEC-approved Site Management Plan (SMP) and Excavation Work Plan (EWP). The NYSDEC-approved SMP also includes a Community Air Monitoring Plan (CAMP). The CAMP stipulates that continuous air monitoring will be conducted during all ground intrusive activities. Volatile organic compounds (VOCs) and particulates will be monitored at one upwind and three downwind locations (one downwind of Site activities and two between Site activities and nearest receptors). Additionally, meteorological monitoring will be conducted continuously at the Site using a portable meteorological monitoring system equipped with electronic data-logging capabilities.
- b. During construction, dust suppression during invasive on-site work will include a dedicated on-site water truck, sprinklers, or spray hoses for road wetting, clearing and grubbing in stages to limit the area of exposed, minimizing the number and size of excavation areas open at one time, limiting travel speed and applying water to gravel haul roads, and covering the excavated material in staging areas with polyethylene sheeting.
- c. During construction, air monitoring data will be provided to NYSDEC, New York State Department of Health (NYSDOH), and the Town of Oyster Bay DER in weekly CAMP reports.
- d. Further, air pollutant emission levels associated with construction will be minimized through truck idling restrictions, the use of low-sulfur diesel, utilizing diesel particulate filters, and/or at least Tier 3 emissions standards on equipment rated for greater than 50 hp which shall be utilized whenever reasonably feasible to do so.
- e. Once in operation, the Project will not be a significant source of air emissions. The Project does not entail the types of activities or operations that require the 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 Project is not anticipated to materially impact air quality.
- f. Consequently, the Project will not have an adverse impact on the air quality.

5. Impact on Health or Safety.
  - a. From *circa* 1945 to 2002, the subject property was operated as a PVC manufacturing facility that produced organic wastes, metals and polychlorinated biphenyls. Interim corrective measures have been undertaken to address such contamination, including the removal of 35,000 tons of soil containing primarily PCBs and metals. A one-foot-thick soil cover system above a demarcation layer above the effective soils was also installed. The existing soil cover system will be removed and replaced as part of the construction of the Project.
  - b. The Land is “remedy construction complete” in the Superfund program and development can be done in accordance with the NYSDEC Management Plan.
  - c. During construction, any soil that may contain residual impacts will remain on-site and be placed beneath the cap. If impacted soil (odor, sheen, separate phase) is generated, the soil will be segregated, sampled, and tested for appropriate off-site transportation and disposal in accordance with the NYSDEC-approved Site Management Plan.
  - d. There are numerous Spill Numbers associated with the Land identified in the FEAF, all of which have a "closed" status from the NYSDEC.
  - e. Additionally, the Project will incorporate green technologies such as a concrete truck court, sidewalks and a white Thermoplastic Polyolefin (“TPO”) roof to contribute to the reduction of heat island effect on-site.
  - f. The Project, itself, also does not entail the types of activities or operations that are associated with a significant potential for affecting public health. Accordingly, the Project will not create any significant adverse impact to public health, air, land or water resources.
6. Impact on Plants and Animals Including to Threatened or Endangered Species. Based on the FEAF, 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). Moreover, the Land was historically cleared and fully developed. Accordingly, the Proposed Action does not present the potential for removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.
7. Impact on Agricultural Land Resources. The Project is located in an area currently devoted to industrial and commercial uses. 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. The 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 and industrial area, as indicated with is zoned for uses consistent with the Project with is also consistent with surrounding uses. As the proposed Project is for a warehouse/distribution facility for leasing to one (1) or more tenants, which is consistent with its surroundings, and the Project Facility will be constructed pursuant to plans approved by the Town of Oyster Bay, it is not anticipated to create any significant adverse impacts to aesthetic resources. The Applicant has also included additional Site landscaping to enhance the visual effects from the adjacent roads. The proposed development incorporates landscaping improvements, which will improve the aesthetics in the community.
9. Impact on Historic and Archeological Resources. Based on the FEAF, 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. The Project is located in a LI Zone predominated by commercial and industrial development. The proposed action does not entail redevelopment activity that could potentially adversely impact open parkland or recreational resources. 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. Further, the density of the Project Facility is not anticipated to create an adverse impact of local parkland.
11. Impact on Critical Environmental Areas. The Land 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 FEAF Mapper associated with such property. Accordingly, the Project will not create any significant adverse impacts to any CEA.
12. Impact on Transportation.
  - a. Based on the FEAF prepared by a professional engineer, based on the information and analysis provided in the revised Traffic Impact Study, the Project can be reasonably accommodated on the area roadway network without significant undue impact on operational and safety conditions.
  - b. Further, during construction, the Applicant plans to divert more than 50% of construction waste away from landfills by reusing on-site materials that would otherwise be considered a waste (e.g. crushed clean concrete as base or fill). This will reduce off-site waste disposal as well as limit truck traffic for material export and import in the area. Any off-site disposal of soil and



construction and debris material will be limited only to grossly impacted material.

- c. With respect to traffic, the Town SEQRA Recommendations concludes “based upon the results of the analysis provided in the Traffic Assessment prepared for the subject proposed action, DER concurs with the conclusion of the licensed traffic engineer from LKMA that the proposed development of this property will not have a significant adverse impact on local traffic or parking conditions, nor other transportation resources in the Town of Oyster Bay in accordance with SEQR/TEQR standards.” Accordingly, there are no adverse traffic impacts associated with this Project.

13. Impact on Energy.

- a. 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.
- b. Further, structural considerations have been implemented in the design phase of Project to ensure that if/when solar panels are proposed, actual implementation would not be economically infeasible, overly onerous in terms of building retrofit requirements to bear the added structural load. In addition to solar infrastructure, the developer is proposing a TPO cool roof with an SRI value of 85 to achieve the Heat Island Reduction LEED credit. Both of these features will reflect heat from the building (reducing roof temperatures) and utilizing solar panels is an EPA preferred method to reduce heat island effect. In furtherance of the Town of Oyster Bay’s Climate Smart Community principle initiatives, the Applicant is also proposing a total of (6) electric vehicle (EV) parking spots. Based on the foregoing, the Town SEQRA Recommendations conclude that the “aforementioned energy demand reduction measures demonstrate meaningful consideration and implementation where feasible of Climate Smart Community Principles design features in accordance with TEQR standards.”

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

- a. The Project is not expected to materially increase ambient noise levels or to create odors of consequence particularly considering such project setting including the Project site location. 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, given the neighboring uses, 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 Project will not create any significant adverse impacts to noise or odors.
- b. Proposed lighting will meet all Town of Oyster Bay “dark sky” compliance standards, with house side shields on all fixtures on the perimeter of the Land. Accordingly, such lighting is assumed to not have a detrimental impact.

15. 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 considering the zoning of the site of said project and surrounding uses. In sum, the Project is similar and is in character with surrounding uses. Accordingly, the Project is not anticipated to create any significant adverse impacts to the growth or character of the community.
16. 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.
17. 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.

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:

William H. Rockensies	VOTING AYE
John Coumatos	VOTING AYE
Reginald A. Spinello	VOTING AYE
Raymond Pinto	VOTING AYE
Victor LaGreca	VOTING AYE
Marco Troiano	VOTING AYE

The foregoing Resolution was thereupon declared duly approved.

STATE OF NEW YORK

) SS.:

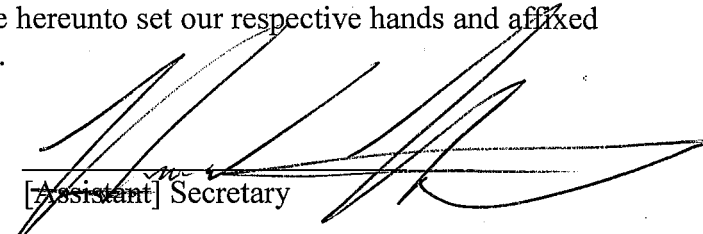
COUNTY OF NASSAU

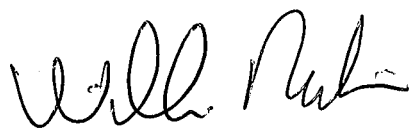
We, the undersigned [~~Vice~~] Chairman and [~~Assistant~~] Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on May 18, 2023 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 18<sup>th</sup> day of May, 2023.

  
[~~Assistant~~] Secretary

  
[~~Vice~~] Chairman

(SEAL)