



ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

333 WEST WASHINGTON STREET, SUITE 130, SYRACUSE, NY 13202

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Meeting Agenda September 14, 2021

8:00 AM Call to Order the Meeting of the Governance Committee

8:05 AM Call to Order the Meeting of the Agency

- A. Approval of Minutes-August 24 , 2021
- B. Treasurer's Report
- C. Payment of Bills
- D. Conflict of Interest

Action Items

1. Tracey Road Equipment, Inc./ Gerald W. Tracey Project (3101-20-03B)

Tracey Road Equipment, Inc. /Gerald W. Tracey Project is requesting increase of the Sale and Use Tax Exemption from \$160,000 to \$260,000.

Agency Action Requested:

- a. A resolution of the board authorizing additional financial assistance in the form of an increase in the Sales and Use Tax Exemption.

Representative: Peter Blasioli, Tracey Road Equipment, Inc.

2. Ultra Dairy Expansion –Wastewater Treatment Plant (3101-21-11H) Second Meeting

Ultra Dairy, located in the Town of Dewitt is proposing to construct a waste water treatment facility with a tanker wash. This project will involve capital expenditures of approximately \$6.4 million and will create a total of 10 new full time jobs. The applicant is requesting exemptions from certain sales and use taxes, real property taxes and real estate transfer taxes.

Agency Action Requested:

- a. A resolution of the Board to authorize adoption of a SEQRA determination.
- b. A resolution of the Board authorizing the financial assistance the agency will provide. Agency benefits requested include exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes.

Representative: Jim Gosier, Counsel, Byrne Dairy

3. Ranalli Super DC, LLC (3101-21-10A) Second Meeting

Ranalli Super DC, LLC is proposing the construction of approximately 360,000 sq. ft. warehouse, distribution center, and office space in the Town of Lysander. The project will ultimately be leased to United Auto Supply of Syracuse, West, Inc. The applicant is requesting exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording tax.

Agency Action Requested:

- a. A resolution of the Board to authorize adoption of SEQRA determination.
- b. A resolution of the Board authorizing the financial assistance the agency will provide. Agency benefits requested include exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes.

Representative: James Trasher, CHA Consulting

4. SSC, Cicero, LLC (3101-21-02B) Initial Meeting

SSC Cicero, LLC is proposing to construct a 5 mega-watt solar project in the Town of Cicero. The applicant is requesting exemptions from real property taxes.

Agency Action Requested:

- a. A resolution of the Board authorizing a public hearing.

Representative: John Switzer, Managing Member, Summit Solar Capitol, LLC

5. GSPP Sentinel Heights Road, LLC (3101-20-10B) Meeting to Modify

GSPP Sentinel Heights Road, LLC is requesting the Board to consent to the sale of its membership interests and amendments to the application.

Agency Action Requested:

- a. A resolution of the Board consenting to the sale of membership interest of a project applicant and approving amendments to the application.

Representative: Jeffrey W. Davis, OCIDA Legal Counsel, Barclay Damon

**6. Abundant Solar Power LLC. (3101-19-11A) Meeting to Modify
Abundant Solar Power, LLC is requesting the Board to consent to the sale of its
membership interests.**

Agency Action Requested:

- a. A resolution of the Board consenting to the sale of membership interest of a company with a current straight-lease transaction

Representative: Samantha R. Podlas, OCIDA Legal Counsel, Barclay Damon

Executive Session

7. Purchase Contract Execution

Authorization to enter into a purchase contract for two parcels of property.

Agency Action Requested:

- a. A resolution of the Board authorizing the adoption of a SEQRA determination.
- b. A resolution of the Board authorizing the Executive Director to enter into a purchase contract and any related documents with respect to two parcels of property.

Representative: Robert Petrovich, Executive Director, OCIDA

8. Revised OCIDA Project Application

Agency Action Requested:

- a. A resolution of the Board adopting revised OCIDIA Project Application.

Representative: Nancy Lowery, Secretary, OCIDA

Adjourn

SUBJECT TO BOARD APPROVAL

Onondaga County Industrial Development Agency Special Meeting Minutes August 24, 2021

A Special meeting of the Onondaga County Industrial Development Agency was held on Tuesday, August 24, 2021 at 333 West Washington Street, Syracuse, New York in the large conference room on the first floor.

Patrick Hogan called the meeting to order at 8:00 am with the following:

PRESENT:

Patrick Hogan
Janice Herzog
Victor Ianno
Steve Morgan
Susan Stanczyk

ABSENT:

Kevin Ryan
Fanny Villarreal

ALSO PRESENT:

Robert Petrovich, Executive Director
Nancy Lowery, Secretary
Nate Stevens, Treasurer
Karen Doster, Recording Secretary, Agency
Len Rauch, Office of Economic Development
Rebecca Shiroff, Office of Economic Development
Jeff Davis, Barclay Damon Law Firm
Mark McNamara, Barclay Damon Law Firm
Rick Moriarty, Post Standard
Barbara O'Brien (via Zoom)
Michele Wolfender (via Zoom)

APPROVAL OF REGULAR MEETING MINUTES – AUGUST 10, 2021

Upon a motion by Janice Herzog, seconded by Victor Ianno, the OCIDA Board approved Special Meeting Minutes of August 10, 2021 with the correction. Motion was carried.

CONFLICT OF INTEREST DISCLOSURE

The Conflict of Interest was circulated and there were no conflicts reported.

EMINENT DOMAIN

Jeff Davis stated before the Board for consideration is a proposed resolution to commence or take any necessary steps should they be required for the use of eminent domain under the Eminent Domain Procedure Law with regard to acquisition of lands or easement rights in support of the White Pine Commerce Park. He stated he will read the resolution and then discuss procedure and steps.

Jeff Davis read the following resolution.

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, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire by eminent domain pursuant to the New York Eminent Domain Procedure Law (“EDPL”) or other means those real property interests necessary and/or appropriate to further its stated purposes; and

Whereas, the Agency manages the White Pine Commerce Park (“Park”) which currently consists of approximately 723± acres owned by the Agency and which is located northeast of the intersection of NYS Route 31 and CR 49 (Caughdenoy Road) in the Town of Clay, Onondaga County, New York; and

Whereas, the Park was originally created to be capable of supporting a mix of industrial and/or commercial uses with related office space, advanced state-of-the-art research, large- or small-scale manufacturing, assembly, warehousing, data management, material processing facilities in a campus-like setting, to that end, since 2013, the Agency has attempted to market the Park for development around the United States to potential manufacturing, industrial, and commercial users, but those efforts have been unsuccessful and the Park remains vacant; and

Whereas, through its marketing efforts and communications with desired tenants around the United States, the Agency has determined that the Park is not geographically large enough and must be expanded significantly to be considered an attractive, viable location for prospective large- and small-scale manufacturing and industrial developers, particularly in the semiconductor industry, which will bring high-tech facilities and high paying jobs to Onondaga County but which requires a larger geographic footprint to support this industry and the associated investment required by such tenants; and

Whereas, to improve the Agency’s ability to market the Park to a larger, more diverse mix of large- and small-scale industrial, manufacturing, and commercial users, the Agency by previous resolutions has proposed to expand the Park to approximately 1,250± acres (the “Project” or “Action”) with the real property and improvements to be acquired being parcels located in the Town of Clay and contiguous to the current Park generally bounded on the north by the northern lot boundaries of parcels 048.-01-02.2, 048.-01-19.0, 048.-01-23.1, 048.-01-21.0, and 048.-01-22.0; on the east by the boundary between the towns of Clay and Cicero; on the south by

NYS Route 31; and on the west by Caughdenoy Road (“Project Site”) including, but not limited to, real property and improvements the Agency has under contract to purchase or is in negotiations to acquire by purchase, and various permanent easements in real property described below; and

Whereas, the purpose of the expanded Park and Project includes, but is not limited to: enabling the Agency to market the Project to a larger, more diverse mix of potential industrial and commercial developers by making the site more attractive to a broader scope of industries and particularly the semiconductor industry since: i) the expanded Park will be capable of supporting a mix of industrial and/or commercial uses including large scale semiconductor industrial development with related office space, advanced state-of-the-art research, large- or small-scale manufacturing, assembly, warehousing, data management, material processing and distribution facilities in a campus-like setting; ii) the Project will provide an expanded and improved “shovel ready” facility, demonstrating to industrial and commercial prospects that governmental approvals needed for the infrastructure development and construction have already been secured, or can be readily secured within certain thresholds or permit criteria all of which will advance the job opportunities, health, general prosperity and economic welfare of the people of Onondaga County and the State of New York and to improve their prosperity and standard of living and prevent unemployment and economic deterioration; and

Whereas, in addition to the real property the Agency currently owns at the Park, the Agency is considering acquiring the other real property and improvements at the Project Site necessary to develop the Project; and

Whereas, in addition to the real property within the Project Site, the Agency is considering acquiring property interests in fee and permanent right of way and/or temporary easements necessary to develop the Project, which rights will be located in lands within and immediately adjacent to the existing Niagara Mohawk Power Corporation utility easements running from 8720 Caughdenoy Road to the Niagara Mohawk Power Corporation substation located at 4459 NYS Route 31 including, but not limited to, portions of the following properties located in the Town of Clay:

Property Address	Tax Map Number
Van Hoesen Road	044.-01-29.1
4806 Appaloosa Trail	044.-01-50.0
4800 Appaloosa Trail	044.-01-49.0
4796 Appaloosa Trail	044.-01-48.0
4790 Appaloosa Trail	044.-01-47.0
4782 Appaloosa Trail	044.-01-45.0
4780 Appaloosa Trail	044.-01-44.0
Ver Plank Road	044.-01-17.1
Van Hoesen Road	044.-01-18.1
8761 Van Hoesen Road	044.-01-19.0
8790 Van Hoesen Road	047.-01-03.0
4936 Ver Plank Road	047.-01-09.1
8721 Caughdenoy Road	047.-01-14.3
Caughdenoy Road	047.-01-13.0
4401 State Route 31	029.-01-06.1
4531 State Route 31	029.-01-10.1
4523 State Route 31	029.-01-11.1
4541 State Route 31	029.-01-09.1
Henry Clay Boulevard	045.-01-02.1
4647 State Route 31	045.-01-05.1

and, a temporary easement running to the west of the Ver Plank Road Niagara Mohawk Power Corporation substation complex in an approximately linear direction from Ver Plank Road to the existing Niagara Mohawk Power Corporation utility easement area (collectively, the “Easement Property”); and the acquisition of various roadway property interests in fee and temporary, and permanent easements along NYS Route 31 from west of the NYS Route 11 intersection and continuing east along NYS Route 31 to the Lakeshore Spur intersection; the triangle created by Lakeshore Road, Lakeshore Road Spur, and NYS Rte. 31; the I-481/Caughdenoy Road/Maple Road Roundabout; and the Caughdenoy Road/NYS Rte. 31 intersection (collectively, “Roadway Interests”).

Whereas, in an effort to transform the Park into a modern industrial park for advanced manufacturing and state-of-the-art industrial uses, the Agency previously performed a thorough environmental review of the Park and its anticipated environmental impacts pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “SEQRA”), which included, but was not limited to, the following: (1) classifying the Park project as a Type 1 action; (2) acting as Lead Agency for the purpose of a coordinated environmental review; (3) conducting necessary studies and holding required hearings in connection with the preparation of a Generic Environmental Impact Statement (“GEIS”) to address anticipated potential impacts associated with the proposed multi-use industrial park; (4) preparation of a subsequent Final GEIS (“FGEIS”) that incorporated the DGEIS by reference and included responses to public comments received; and (5) preparation and issuance by the Agency of a Findings Statement in October of 2013 that (a) concluded the project avoided or minimized adverse environmental impacts to the maximum extent practicable, (b) incorporated mitigation measures that were considered practicable, and (c) identified certain impact thresholds that, if exceeded, may require supplemental determinations of their significance and/or impact evaluation, and possibly mitigation measures in addition to those identified; and

Whereas by Resolution dated December 8, 2020 the Agency, based on its review and evaluation of the Full Environmental Assessment Form for the Project, determined that:

- i) the Project represents a significant change from the Park’s current footprint and will result in changed circumstances from those previously evaluated by the Agency in the DGEIS/FGEIS, and that the preparation of a Supplemental GEIS (“SGEIS”) is necessary to adequately identify and evaluate potential significant adverse impacts associated with the Project that are not addressed or are inadequately addressed in the existing DGEIS/FGEIS;
- ii) a supplement to the FGEIS should be prepared, and, therefore, issued a Notice of Intent to prepare a supplemental GEIS (i.e., a positive declaration);
- iii) declared its intent to act as “Lead Agency” (as said term is defined in SEQRA) with respect to a coordinated agency review of the Project pursuant to SEQRA, including the preparation of a SGEIS, and published notice of its determination and intent to be “Lead Agency;”

and,

Whereas, pursuant to SEQRA the Agency prepared, accepted, and issued the Draft SGEIS on May 6, 2021, held a public comment hearing with respect to the Draft SGEIS on May 24, 2021, closed the public comment period on June 11, 2021, prepared and issued the Final SGEIS at a special meeting of OCIDA on July 16, 2021 and made its SEQRA Findings on July 27, 2021; and

Whereas, Agency representatives have contacted the record owners of the Property and certain other properties located within the Project Site to negotiate the possible acquisition of their respective parcels and improvements but such negotiations, to date, have been unsuccessful;

Now, therefore, be it resolved by the members of the Onondaga County Industrial Development Agency as follows:

- (1) The Agency Executive Director, staff, and the Agency's legal counsel, Barclay Damon LLP, are hereby authorized and directed:
 - a. To do such things or perform such acts and execute such documents as are necessary and/or appropriate to duly notice and conduct a public hearing as provided for under EDPL Article 2 including, but not limited to, retaining any professionals, consultants and contractors necessary to provide materials required under the EDPL in connection with a public hearing and the possible acquisition of the real property within the Project Site and, in addition, the Easement Property and Roadway Interests by eminent domain or negotiated purchase; and
 - b. To take all actions under EDPL § 404 to allow for and facilitate Agency officers, agents, and contractors to enter upon the real property located within the Project Site, the Easement Property, and Roadway Interests for the purpose of making surveys, test pits and borings, or other investigations, and also for temporary occupancy during construction.

(2) A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

- (3) This Resolution shall take effect immediately.

Jeff Davis stated that is the proposed draft resolution and would take the step of starting what would be a process, if necessary, to undertake acquisition of lands, easement areas and certain interests by eminent domain. He stated it does not set a date for a public hearing but it authorizes us to do one in the future should we get to that point. He stated it would authorize the Executive Director, staff and agency counsel to take other steps necessary under the eminent domain procedure law to pursue the acquisition of lands under Eminent Domain Procedure Law if necessary.

Robert Petrovich stated as the Board knows this sets the table for us to proceed down this path should we deem it necessary but we are confident given where we are today that we are in discussions and negotiations to acquire property within the park as identified in this resolution through negotiated purchase and sale. He stated the other aspect of this is we need to secure rights for placement of a gas line that is eventually going to serve the site and this preserves our

right to be able to do that should we not be able to come to reasonable terms in acquiring easement rights for placement of the gas line. He stated we talked about this ad hoc before with individual Board members and we feel like we are at the point now where we should set the table if we find it necessary to proceed. He stated that is effectively where we are at.

Mark McNamara stated he would like to emphasize this is not a resolution to acquire any property interests that are identified here. He stated it is a resolution to set the table and start the process which culminates with a public hearing, comment from the public, consideration of all the comments by this Board and then potentially the issuance of the determination and findings. He stated it is that resolution at some point in the future if the Board so determines, that authorizes the next stage of the process to actually take title to these properties and take these easements. He stated this again sets the table and authorizes the process to go formally forward with the process of at some point scheduling and holding a public hearing and then potentially making a determination and findings in a resolution.

Victor Ianno asked if the goal is 1,200 acres and how many acres do we have now. Robert Petrovich stated our goal is 1,250 ±. Jeff Davis stated in fee right now we have 723 acres that we own in OCIDA's name.

Victor Ianno asked how many are contracted. Robert Petrovich stated we have about 100 acres yet to be under contract. He stated we are in negotiations with all the folks within the park.

Victor Ianno stated we have 700 and another 100 in transition. Robert Petrovich stated the balance we have under contract or option. Jeff Davis stated we have about 1,150 acres either in our name or under contract. He stated we have a remaining 100 acres that we do not have.

Victor Ianno stated we have 100 acres give or take that will probably be part of the eminent domain. Robert Petrovich stated if we can't come to terms. He stated given developments over the past couple weeks, we feel that we should come to terms with folks in the near future.

Victor Ianno asked if we are only 100 acres from our goal. Robert Petrovich stated roughly yes.

Victor Ianno asked if the gas line is going to come across other properties that are not part of the 1,200 acres. Robert Petrovich stated yes. He stated from the Clay station we need to bring a gas

line to the site and within existing roadway or existing National Grid right of ways, in some instances, we have to cross public land. He stated National Grid has done this before so we will essentially install another gas line in the existing easement.

Jeff Davis stated if the Board recalls during the process of reviewing the draft supplemental GEIS and the final supplemental GEIS there were certain areas that were studied. He stated one of them was the site proper and one was the potential gas line location where two different alternative gas line locations were looked at. He stated we are talking about identifying one of those now as a location that runs primarily along the existing Niagara Mohawk overhead utility line easement area. He stated another thing that was studied extensively in that EIS documentation was roadway mitigation locations. He stated there were certain improvements in various intersections along that Route 31 corridor in other intersections. He stated some of those improvements required minor widening outside the existing right of way. He stated this resolution addresses, that should we not be able to acquire a couple small strips in either one of those intersection locations by negotiating an agreement with the neighboring land owners. He stated then if we need to acquire land via eminent domain we can do that by including those properties and acquiring easements and/or fee title interests to areas that will allow us to do those roadway improvements for mitigation purposes. He stated those are the three components in the resolution; the site proper, the gas line easement area and certain locations along that Route 31 corridor, 481, Caughdenoy Road intersection mentioned etc. that come off 481 where there were roadway mitigation improvements identified in those locations.

Victor Ianno asked how long until we get the other 100 acres and how much time until we are open for business so we can market and entertain offers. Robert Petrovich stated we are already doing that. He stated we do not have an end user and are actively looking to get an end user to come here. He stated we do not have one today. He stated the County Executive has made no secret that we are in discussions with global companies that are looking for a location. He stated he thinks we have a very attractive location. He stated no one has said “yes” to us yet. He stated we need obviously to be in conversations with these folks because these types of multi-billion dollar projects are not decided on off the cuff. He stated at the same time we need to do the spade work necessary to be sure that our site is a mega site available and ready for a potential end user.

Victor Ianno asked if we are a year away from having the 1,200 acres and ready to go. Robert Petrovich stated his expectation is the 1,253 acres is going to come together within the next 2-4 weeks.

Victor Ianno asked if we will be at 1,200. Robert Petrovich stated we should be at 1,253 roughly.

Patrick Hogan stated we wouldn't even contemplate such a serious matter unless we were committed to having something out there.

Robert Petrovich stated this just sets the table to be able to affect this process should we become stuck in the mud some place. He stated in terms of schedule he would refer to counsel for the descriptive schedule of eminent domain relative to a public hearing but we are not there yet. Jeff Davis stated the 2-4 week time line that Mr. Petrovich laid out does not utilize the Eminent Domain Procedure Law and that is our goal. He stated if we have to utilize eminent domain then the time line to acquire actual easement and/or title rights to the property is a little bit longer because you have to go through the public hearing process and take particular procedural steps and time lines.

Victor Ianno asked if we are ready to say yes if a prospect says they want to locate there. Robert Petrovich stated we are getting ready to say yes.

Janice Herzog stated the 4,000 employees number has been tossed around and she has seen that number in some of the documents. She asked if that number of employees reached is consistent with other facilities around the country for what we are looking at White Pine. Robert Petrovich stated the short answer is yes. He stated this is an iterative process so we have learned as we have gone through opportunities from the evaluation of the Project Rhino and TSMC opportunities that came here. He stated there were certain aspects of what we had that needed to be enhanced, corrected and made better. He stated TSMC said this is an ok site for now but doesn't afford us any ability to expand so we recognize that to attract a substantive project that would be a 2 decade long investment, the site had to be that much bigger. He stated based on the research and based on the back and forth with prospects, we determined that end users want between 1,000 and 1,500 acres. He stated that we are at 1,250 ±. Jeff Davis stated the Generic Environmental Impact Statement process had to identify certain assumptions and so the review

that was completed was based upon an initial development and we used 4,000 employees as a number as an assumption in that generic environmental review to allow us to start looking at the types of potential environmental impacts that could result from a facility at that location with 4,000 employees. He stated that figures in traffic counts, number of shifts, etc. He stated that is how you build your models for review of the generic EIS. He stated that was what was studied and reviewed for development of the White Pine Commerce Park. He stated in the future should something come in 10 years from now and somebody wants to expand beyond, there will be additional environmental review for that.

Patrick Hogan stated let's not forget the significant economic impacts for the construction industry on a facility like this. He stated it will be transformative.

Janice Herzog stated she thinks it is important to focus on the employee impacts for the community. Robert Petrovich stated if you look at the numbers based on what the industry pays you are looking at an addition to the local payroll of something like \$500,000,000. He stated they are high paying highly skilled jobs so it is the kind of a project that we are chasing.

Janice Herzog stated hopefully training programs will be provided. Robert Petrovich stated there is a whole ecosystem that comes around it. Janice Herzog stated if we do have a company ready to go those are things we have to look at.

Janice Herzog asked if and when this advances to the public meeting, what does that look like and what does that entail. Mark McNamara stated keep in mind that part of this is that there is no decision which has been made despite all the activities that are ongoing into this process. He stated there is no preordained decision with respect to the acquisition of any of these properties. He stated the purpose of the public hearing is part of the whole due diligence process that the OCIDA Board has been going through with respect to the pragmatics of any agency looking at a project like this plus the environmental review. He stated this is one more aspect of the due diligence process. He stated the purpose of the public hearing is not so much for the Board to comment or to provide a lot of information to the public but to get information from the public. He stated the way the meeting is run is there is a description of the project or proposed project which is identical to what the Board has heard numerous times in terms of the various actions the Board has taken, and then you ask for public comment. He stated the Board sits back and the people who wish to make statements both in favor of the project or potential acquisition of

property as well as against the project or against the acquisition of property have a limited amount of time, depending on how many people and it is usually about 5 minutes, and then they come up to the microphone and make their statement. He stated the Board is not there to answer questions, you are there to get information. He stated people sometimes ask questions but representatives of the Agency who are there are not really supposed to answer, they are to get information. He stated you will accumulate all of that information, in addition to which people can make written submissions over a period of time that the hearing is open. He stated once you have all that information and you close the hearing information, you then have 90 days in which to make your determination and findings. He stated your determination and findings is a resolution with respect to the public use benefit or purpose of the project, the location of the project and if there were any serious alternative locations, and in this case there really aren't, the environmental impacts of the project which the Agency has already done which was at the meeting that the Board made the findings statement under SEQR and anything else you want to make findings about. He stated that determination and findings, assuming that that type of resolution was approved, comes out like a normal resolution. He stated there is then a synopsis of that resolution which is published and served on all the property owners and that starts a time period, a legal process, in which any of those property owners could challenge the determination and findings itself. He stated that is a litigation phase.

Steve Morgan asked how long the eminent domain process takes for something like this. Mark McNamara stated there are two different time lines. He stated from the time you make your determination and findings, assuming there is not a challenge to the determination and findings, it is approximately 60-90 days. He stated the next phase going to court to seek an order of condemnation acquiring the various property interest that you identified in your determination and findings. He stated that goes right to the Supreme Court Justice here in Syracuse. He stated basically the time is when you are going to get his or her return date and these are special proceedings so they move very quickly. He stated it is not like a normal civil action. He stated it is a monumental undertaking, difficult process and an expensive process if you are going to challenge them.

Patrick Hogan asked if it goes to eminent domain who determines the just compensation. Mark McNamara stated the just compensation phase is the final phase so having taken title to the property, part of that process is that you make an advance payment offer to the property owners

in the amount of the highest approved appraisal, which is different than the amounts you are negotiating for terms of acquiring the property.

Patrick Hogan stated so the property negotiations might be higher than the court determined compensation. Mark McNamara stated yes. He stated you get your order of condemnation and the order of condemnation provides the statute of limitations. He stated the judge sets the statute of limitations by which the property owner brings a claim, like a counter claim in a law suit, against the Agency for additional compensation and then that plays out over a period of time. He stated those are relatively quick proceedings also but that plays out over whatever time is necessary. He stated once the order of condemnation and the acquisition maps are filed the Agency automatically takes title by virtue of the filing of those documents in the County Clerk's office.

Robert Petrovich stated in 60-90 days there is the ability to advance and move forward and then downstream we are figuring out what the price is. Mark McNamara stated yes and when you get your condemnation you pay the just compensation either to the property owner or into the court based on your highest approved appraisal. He stated it goes into the court if there are any title issues. He stated that challenge or evaluation takes place outside the project. He stated it is a different procedure moving forward but as of the filing of that order of condemnation you have control of the property.

Robert Petrovich stated it is not unreasonable to assume those numbers could come in substantially lower than what is being negotiated amongst the parties. Mark McNamara stated he will respectfully say that is an understatement.

Patrick Hogan asked who pays the court costs. Mark McNamara stated the court either confirms or rejects and that is all they can do. He stated in the event that they were successful with respect to that or if the project was abandoned then they are able file claim to get reimbursed for all of their attorney and expert fees. He stated on the evaluation side in the event the ultimate determination of just compensation made by the judge is substantially in excess of the advancement payment then they can make the claim for attorney's fees and appraisers fees in connection with that evaluation proceeding.

Robert Petrovich asked Mark McNamara how likely that is based on his experience. Mark McNamara stated that it is not unusual. He stated he always advises condemners give property owners the benefit of the doubt and to always boost evaluation higher towards the property owner because you are taking their property but also because of that exposure. He stated your appraisers are going to do an honest and objective evaluation and determination of the property value. He stated if another appraiser comes in that is substantially in excess of the advance payment offer based on your appraisal and the judge agrees with that, you have exposure. He stated the once you get north of 30-40% above the advance payment you are in strong territory to recover the attorney fees.

Patrick Hogan stated it sounds like an onerous process to challenge. Mark McNamara stated it certainly is with respect to challenging the determination and findings. He stated that is a massive undertaking with a project like this. He stated the evaluation challenges not so much.

Patrick Hogan stated he would like to congratulate Mr. Petrovich because he knows he has gone to great lengths to negotiate this along with staff. Robert Petrovich stated he appreciates that and we has been working closely with the County Executive on this and he hopes we get to a point where everyone feels good.

Upon a motion by Victor Ianno, seconded by Steve Morgan, the OCIDA Board approved a resolution authorizing and directing Agency staff and counsel to take various actions pursuant to the Eminent Domain Procedure Law for the potential acquisition of lands and easement rights in support of the development of the White Pine Commerce Park. Motion was carried.

Upon a motion by Victor Ianno, seconded by Steve Morgan, the OCIDA Board adjourned the meeting at 8:36 am. Motion was carried.

Nancy Lowery, Secretary



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August 31, 2021

Revenue / Expense / Income	Current Period	Current YTD	2021 Budget Amount	Current YTD Change to Budget
Operating Revenue	17,199	1,393,115	1,646,000	(252,885)
Administrative Expense	49,114	330,602	1,008,000	(677,398)
Operating/Program Exp.	227,067	681,282	638,000	43,282
Net Ordinary Income	(258,982)	381,231	-	381,231

Current Assets	Current YTD	Prior YTD
Total Cash	3,050,234	4,474,350
Less Pass Through Received	2,500	-
Available Cash	3,047,733	4,474,350
Receivables (less pass through rec.)	638,375	1,265,139
Grant Reimbursements	-	268,733
Total	3,686,108	6,008,222

Reserve for Contracts	
County Operations 2021	677,398
333 W. Washington St 2021 Rent	35,582
OBG WPCP CO #4 Additional Studies	336,856
JMT 800 Hiawatha Engineering	10,234
Barclay Damon WPCP Options	-
Total	1,060,069

Receivables	
0-120 days	57,496
> 120 days	222,024
Total	279,520

Onondaga County Industrial Development Agency

Profit and Loss

August 2021

	TOTAL
Income	
500 Operating Revenue	
2410 Lease Income	2,250.00
2655 Other Operating Revenue	11,652.75
Total 500 Operating Revenue	13,902.75
501 Non-Operating Revenue	
2401 Interest Income	26.45
501.1 Subsidies Grants Donations	3,270.00
Total 501 Non-Operating Revenue	3,296.45
534 Pilot & Pass Thru Revenue	
529 PILOT Income	1,810,220.87
Total 534 Pilot & Pass Thru Revenue	1,810,220.87
Total Income	\$1,827,420.07
GROSS PROFIT	\$1,827,420.07
Expenses	
6400 Operating Expense	
6401 Insurance	
6401.2 Office Commercial	235.00
Total 6401 Insurance	235.00
6406 Other Professional Services	360.00
6406.50 Consulting Services	2,500.00
Total 6406 Other Professional Services	2,860.00
6407 Administrative Expense	49,114.00
6408 Meeting Expenses	465.04
6410 Office Expense	957.38
Total 6400 Operating Expense	53,631.42
6440 Legal Fees	
6445 Special Counsel	
6445.01 Blue Rock BS&K	518.50
Total 6445 Special Counsel	518.50
6450 Barclay Damon	
6460 IDA General Legal	2,662.50
6470 WPCP Development	
6470.1 Options	6,602.50
6470.2 Land Purchases	23,448.32
6470.3 JMA SEQR/Envir	175,222.33
Total 6470 WPCP Development	205,273.15
Total 6450 Barclay Damon	207,935.65
Total 6440 Legal Fees	208,454.15

Onondaga County Industrial Development Agency

Profit and Loss

August 2021

	TOTAL
6500 Agency Program Expenses	
6510 White Pine Commerce Park	
6510.5 Insurance	6,872.00
6510.6 Taxes/SDC	952.15
Total 6510 White Pine Commerce Park	7,824.15
6520 North Salina Property Acquisition	
6520.1 435 N Salina Expenses	4,218.00
Total 6520 North Salina Property Acquisition	4,218.00
6530 800 Hiawatha Blvd. West	
6530.2 Insurance	121.00
6530.3 Engineering	1,932.50
Total 6530 800 Hiawatha Blvd. West	2,053.50
Total 6500 Agency Program Expenses	14,095.65
6600 Non-Operating Expenses	
6605 Pilot & Pass Thru Expenses	
6605.2 PILOT Expense	1,810,220.87
Total 6605 Pilot & Pass Thru Expenses	1,810,220.87
Total 6600 Non-Operating Expenses	1,810,220.87
Total Expenses	\$2,086,402.09
NET OPERATING INCOME	\$ -258,982.02
NET INCOME	\$ -258,982.02

Onondaga County Industrial Development Agency

Balance Sheet As of August 31, 2021

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
200 Cash	0.00
200.1 Cash - M & T Checking	2,168,760.78
200.2 Cash - M & T Money Maker Savings	890,380.54
200.4 Destiny USA Restricted Cash	-8,957.82
210 Petty Cash	50.00
Total 200 Cash	3,050,233.50
Total Bank Accounts	\$3,050,233.50
Accounts Receivable	
380 Accounts Rec.	
380.6 A/R Fees, Lease & PILOT	1,865,216.53
Total 380 Accounts Rec.	1,865,216.53
Total Accounts Receivable	\$1,865,216.53
Other Current Assets	
391 Long Tern Receivable	222,024.00
Total Other Current Assets	\$222,024.00
Total Current Assets	\$5,137,474.03

Onondaga County Industrial Development Agency

Balance Sheet As of August 31, 2021

	TOTAL
Fixed Assets	
100 Land	
101 White Pines Commerce Park	3,955,401.50
101.1 WPCP GEIS	
101.101 CHA GEIS 1	267,452.05
101.102 CHA GEIS 2	219,439.36
101.104 GEIS Reg Plan Board Overview	19,797.74
Total 101.1 WPCP GEIS	506,689.15
101.2 WPCP Legal	69,774.25
101.3 Engineering Services	52,675.00
101.301 Temporary Access	4,055.44
101.4 Environmental/Demo Services	10,318.98
Total 101.3 Engineering Services	67,049.42
101.5 Land Acquisition Costs	
101.501 Land Purchases	1,160,063.57
101.502 Closing Costs	3,168.14
Total 101.5 Land Acquisition Costs	1,163,231.71
Total 101 White Pines Commerce Park	5,762,146.03
106 North Salina Properties	0.00
106.1 435 North Salina	17,083.55
106.3 435 North Salina Building	634,421.53
Total 106 North Salina Properties	651,505.08
107 800 Hiawatha	604,840.42
Total 100 Land	7,018,491.53
104 Machinery & Equipment	
104.1 Office Furniture	1,429.00
104.2 Equipment	1,432.40
Total 104 Machinery & Equipment	2,861.40
211 A/D Office Furniture	-2,862.00
213 A/D Buildings	-81,335.00
Total Fixed Assets	\$6,937,155.93
Other Assets	
240 Blue Sky Redevelopment	1,641.76
Total Other Assets	\$1,641.76
TOTAL ASSETS	\$12,076,271.72

Onondaga County Industrial Development Agency

Balance Sheet
As of August 31, 2021

	TOTAL
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
600 Accounts Payable	0.00
600.1 Due to Related Party - OED	330,602.48
600.206 Mileage Reimbursement	92.34
600.208 BlueRock Energy Agreement Deposit	25,000.00
600.209 Syracuse Rail Overpayment	500.00
Total 600 Accounts Payable	356,194.82
601 PILOT and Pass Thru Payable	
603 PILOT Pass Thru	1,807,720.54
604 Other Pass Thrus	74,063.70
Total 601 PILOT and Pass Thru Payable	1,881,784.24
631 Due to Other Governments	
631.1 Towns	
631.12 Dewitt	14.33
631.145 Onondaga	2.92
Total 631.1 Towns	17.25
631.3 Schools	
631.325 Jamesville-Dewitt	93.80
Total 631.3 Schools	93.80
631.4 Onondaga County	935.04
631.5 City of Syracuse	1,454.24
Total 631 Due to Other Governments	2,500.33
Total Other Current Liabilities	\$2,240,479.39
Total Current Liabilities	\$2,240,479.39
Total Liabilities	\$2,240,479.39
Equity	
3900 Equity Unreserved	6,735,894.07
3901 Equity-Investment Fixed Assets	2,345,838.63
463 Reserve For Contracts	1,060,069.09
465 Equity - Unreserved	-687,240.09
Net Income	381,230.63
Total Equity	\$9,835,792.33
TOTAL LIABILITIES AND EQUITY	\$12,076,271.72

**ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PAYMENT OF BILL - SCHEDULE #461
September 14, 2021**

GENERAL EXPENSES

1. <u>BARCLAY DAMON LLP*</u>	\$ 392,716.36
Land Purchase	
2. <u>BARCLAY DAMON LLP*</u>	\$ 246,591.43
Land Purchase	
3. <u>PARK STRATEGIES, LLC</u>	\$ 5,000.00
Inv#16585093 & 16585235, August/September 2021 Consulting	
4. <u>GARY DAVID GOLD PHOTOGRAPHY</u>	\$ 150.00
Inv#2021030, WPCP Marketing	
5. <u>WIZARD EQUIPMENT, INC. D/B/A BOB'S SIGNS</u>	\$ 525.00
Inv#853681, WPCP Signs	
6. <u>FEDEX</u>	\$ <u>45.03</u>
Inv#7-491-22107 & 7-483-74450, Shipping	
TOTAL	\$ 645,027.82

* Ratification of Checks dated August 9, 2021

**ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
PAYMENT OF BILL - SCHEDULE #461
September 14, 2021**

PILOT Payments

1. <u>CITY OF SYRACUSE</u>	\$	1,454.24
2nd Quarter 2021 Syracuse Rail PILOT Payment		
2. <u>ONONDAGA COUNTY</u>	\$	935.04
2nd Quarter 2021 Syracuse Rail PILOT Payment		
3. <u>TOWN OF DEWITT</u>	\$	14.33
2nd Quarter 2021 Syracuse Rail PILOT Payment		
4. <u>TOWN OF ONONDAGA</u>	\$	2.92
2nd Quarter 2021 Syracuse Rail PILOT Payment		
5. <u>JAMESVILLE DEWITT CSD</u>	\$	<u>93.80</u>
2nd Quarter 2021 Syracuse Rail PILOT Payment		
	TOTAL	\$ 2,500.33

**ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
RESERVE FOR CONTRACTS
8/31/2021**

	CONTRACT	TOTAL	PORTION	BALANCE
DESCRIPTION	TERM	CONTRACT	PAID	OUTSTANDING
ONONDAGA COUNTY OED 2021	1-1-21-12-31-21	\$1,008,000.00	\$330,602.48	\$677,397.52
333 W. WASHINGTON ST 2021 RENT	1-1-21-12-31-21	\$65,000.00	\$29,418.38	\$35,581.62
OBG WPCP CO #4 ADDITIONAL STUDIES	11-30-18-12-31-21	\$800,000.00	\$463,143.95	\$336,856.05
JMT 800 HIAWATHA ENGINEERING	2/13/19-12-31-21	\$25,000.00	\$14,766.10	\$10,233.90
BARCLAY DAMON WPCP OPTIONS	11/30/20-12-31-21	\$200,000.00	\$200,000.00	\$0.00
		\$2,098,000.00	\$1,037,930.91	\$1,060,069.09

**ACCOUNTS RECEIVABLE
8/31/2021**

AGENCY FEES RECEIVABLE		\$57,496.00
ACCOUNTS RECEIVABLE GENERAL		\$0.00
QUASI-EQUITY LOAN RECEIVABLE		\$0.00
GRANTS RECEIVABLE		\$0.00
LONG TERM RECEIVABLE		\$222,024.00
TOTAL		\$279,520.00



Syracuse (HQ)

6803 Manlius Center Rd
East Syracuse, NY 13057
(315) 437-1471
Fax (315) 437-4041

Albany

115 Railroad Ave
Albany, NY 12205
(518) 438-1100
Fax (518) 438-4430

Binghamton

1523Route 11 North
Kirkwood, NY 13795
(607) 775-5010
Fax (607) 775-5104

Queensbury

280 Corinth Rd
Queensbury, NY 12804
(518) 793-9688
Fax (518) 793-1929

Rochester

300 Middle Rd
Henrietta, NY 14467
(585) 334-5120
Fax (585) 334-5127

Utica

9598 River Rd
Marcy, NY 13403
(315) 765-8746
Fax (315) 266-1279

Watertown

19598 Cady Rd
Adams Center, NY 13606
(315) 788-02500
Fax (315) 788-3006

July 19, 2021

Onondaga County Industrial Development Agency
Attn: Nate Stevens
333 W. Washington Street, Suite 130
Syracuse, NY 13202

Re: Increase of Sales and Use Benefits

Dear Nate,

Please accept this as our formal request to increase the OCIDA benefits received for the renovation and expansion project at 6803 Manlius Center Road, East Syracuse, NY.

Due to the rising cost of materials, we are anticipating a total material estimate of \$3.25 million as compared to our original projection of \$2,000,000. We would therefore like to request an increase in our sales and use exemption from \$160,000 to \$260,000.

We appreciate the assistance that OCIDA has provided and look forward to continuing to work with OCIDA.

Please feel free to reach out with any questions.

Yours truly,

A handwritten signature in black ink that reads 'Gerald W. Tracey'.

Gerald W. Tracey
President & CEO, Tracey Road Equipment, Inc.

Onondaga County Industrial Development Agency Draft



Project Summary

6/30/2021

1. Project	Ultra Dairy, LLC (Wastewater 2021 Expansion)	2. Project Number	3101-21-11H
3. Location	Dewitt	4. School District	ESM
5. Tax Parcel(s)	042.-13-05.1	6. Project Type	Expansion
		Village	-

7. Total Project Cost	\$	6,420,859.00	8. Total Jobs	223
Land	\$	-	8A. Job Retention	213
Site Work	\$	-	8B: Job Creation	10
Building	\$	3,609,704	(Next 5 Years)	
Furniture & Fixtures	\$	-		
Equipment	\$	2,137,301		
Equipment Subject to NYS Production Exemption	\$	-		
Engineering/Architecture Fees	\$	129,000		
Financial Charges	\$	-		
Legal Fees	\$	-		
Other	\$	544,854		

Cost Benefit Analysis

Ultra Dairy, LLC (Wastewater 2021 Expansion)

Fiscal Impact (\$)

Estimated Abatement Cost	\$433,677
Sales Tax Abatement	\$180,000
Mortgage Recording Tax Abatement	\$0
Real Property Tax Relief	\$253,677
New Investment	\$12,378,733
PILOT Payments	\$221,664
Project Wages (10 years)	\$7,047,738
Construction Wages	\$870,600
Employee Benefits (10 years)	\$563,819
Project Capital Investment	\$3,609,704
Agency Fees	\$65,209

Project Description

Ultra Dairy is proposing to construct a wastewater feature at their existing facility in th Town of Dewitt.

Benefit:Cost Ratio

28.54 :1

Ultra Dairy, LLC (Wastewater 2021 Expansion)

6/29/2021

A) PILOTS Estimate Table Worksheet

for 10 years

OCIDA estimate of current market value					\$	8,850,000
Projected investment					\$	3,609,704
OCIDA estimate of increase in value					\$	1,202,031
OCIDA estimated value after project is completed					\$	10,052,031
Taxes that would have been collected if the project did not occur					\$	4,661,977
Scheduled PILOT payments					\$	4,883,640

PILOT YEAR (Town and County)	PILOT Year (School District)	Exemption %	Onondaga County	Dewitt	ESM	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
2022	2021-2022	NA	\$ 35,238	\$ 32,570	\$ 173,075	\$ 240,883	\$ 268,580	
2023	2022-2023	NA	\$ 39,101	\$ 36,141	\$ 192,047	\$ 267,288	\$ 295,539	
2024	2023-2024	100%	\$ 45,549	\$ 42,100	\$ 223,713	\$ 311,361	\$ 354,772	\$ 43,411
2025	2024-2025	90%	\$ 53,315	\$ 49,328	\$ 261,814	\$ 364,457	\$ 404,309	\$ 39,851
2026	2025-2026	80%	\$ 56,288	\$ 52,128	\$ 276,371	\$ 384,787	\$ 420,919	\$ 36,132
2027	2026-2027	70%	\$ 59,358	\$ 55,020	\$ 291,406	\$ 405,784	\$ 438,032	\$ 32,248
2028	2027-2028	60%	\$ 62,529	\$ 58,008	\$ 306,931	\$ 427,468	\$ 455,662	\$ 28,194
2029	2028-2029	50%	\$ 65,803	\$ 61,092	\$ 322,961	\$ 449,856	\$ 473,821	\$ 23,965
2030	2029-2030	40%	\$ 69,183	\$ 64,277	\$ 339,509	\$ 472,969	\$ 492,524	\$ 19,555
2031	2030-2031	30%	\$ 72,672	\$ 67,565	\$ 356,590	\$ 496,826	\$ 511,786	\$ 14,960
2032	2031-2032	20%	\$ 76,272	\$ 70,958	\$ 374,219	\$ 521,449	\$ 531,622	\$ 10,173
2033	2032-2033	10%	\$ 79,059	\$ 73,602	\$ 387,849	\$ 540,510	\$ 545,698	\$ 5,188
TOTAL			\$ 714,367	\$ 662,790	\$ 3,506,483	\$ 4,883,640	\$ 5,193,264	\$ 253,677

	Year					
	2021	2022	2023	2024	2025	2026
Jobs						
Current/Actuals						
Creation Goals		20	5			
Total Employment Goals	247	267	272	272	272	272

This PILOT Schedule replaces all previous PILOT schedules regarding the associated parcels

It is the policy of the Agency that any project receiving benefits from the Onondaga County Industrial Development Agency will utilize 100% local contractors and local labor for the construction period of the project unless a waiver is granted in writing by the Agency.

Return to:
Onondaga County Industrial Development Agency
Attn: Nate Stevens
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770 | Fax: 315-435-3669
nstevens@ongov.net

Section I: Applicant Information

Please answer all questions. Use "None", "Not Applicable" and "See Attached" where necessary.

A) Applicant information-company receiving benefits:

Applicant Name: Ultra Dairy, LLC

Applicant Address: 2394 US Route 11, Lafayette, NY 13084

Phone: (315) 350-4836 Fax: (315) 471-0930

Website: byrnedairy.com E-mail: jgosier@byrne1933.com

Federal ID#: 20-0030743 NAICS: 311511

State and Year of Incorporation/Organization: NY 2003

Will a Real Estate Holding Company be utilized to own the Project property/ facility? Yes No

What is the name of the Real Estate Holding Company: _____

Federal ID#: _____

State and Year of Incorporation/Organization: _____

List of stockholders, members, or partners of Real Estate Holding Company:

B) Individual Completing Application:

Name: James Gosier

Title: General Counsel

Address: 2394 US Route 11, Lafayette, NY 13084

Phone: (315) 350-4836 Fax: (315) 471-0930

E-mail: jgosier@byrne1933.com

C) Company Contact (if different from individual completing application):

Name: _____
Title: _____
Address: _____
Phone: _____ Cell Phone: _____
E-mail: _____

D) Company Counsel:

Name of Attorney: _____
Firm Name: _____
Address: _____
Phone: _____ Cell Phone: _____
E-mail: _____

E) Business Organization (check appropriate category):

- Corporation Partnership
 Public Corporation Joint Venture
 Sole Proprietorship Limited Liability Company

Others (please specify): _____

Year Established: 2003

State in which Organization is established: NY

F) List all stockholders, members, or partners with % of ownership greater than 5% :

Name	% of ownership
<u>Byrne Holdings, Inc.*</u>	<u>85.3%</u>
<u>Nicholas Marsella</u>	<u>14.7%</u>
<u>*Shareholders: Carl V. Byrne, Mark V. Byrne, Thomas P. Byrne</u>	<u>40.90/40.07/8.08% respectively</u>

G) Applicant Business Description:

Please attach a description of your company's background, products, customers, goods and services.

Estimated % of sales within Onondaga County: <1%

Estimated % of sales outside Onondaga County but within New York State: 8%

Estimated % of sales outside New York State but within the U.S.: 92%

Estimated % of sales outside the U.S.: 0

(*Percentage to equal 100%)

H) What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Onondaga County. Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation including estimated percentages of local purchases. Please attach this information.

I) Applicant History: If the answer to any of the following is "Yes", please explain below. If necessary, attach additional information.

1. Is the company or management of the Company now a plaintiff or defendant in any civil or criminal litigation? Yes No
2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes No
3. Has any person listed in Section I ever been in receivership or declared bankruptcy? Yes No

Please attach any explanations:

J) Has the Project Beneficiary received assistance from OCIDA, SIDA, New York State or the Onondaga Civic Development Corporation in the past? If yes please attach an explanation and please give year, project name, description of benefits and address of project.

Yes No

Section II: Project Information

A) Project Location: Location where the investment will take place. If company is moving, the new location should be entered here and the current location should be in Section I.

Address: 6750 W. Benedict Road

Legal Address (if different): _____

City: East Syracuse

Village/Town: Dewitt

Zip Code: 13057

School District: East Syracuse Minoa

Tax Map Parcel ID(s): 042.-13-05.1

Current Assessed Value: 8,850,000

Sq. Footage of Existing Building: 160,000

Census Tract: _____

B) Type (Check all that apply):

New construction

Purchase of machinery and/or equipment

Expansion/Addition to current facilities

Brownfield/Remediated Brownfield

Renovation of existing facility

LEED Certification

Acquisition of existing facility/property

Other:

Demolition and Construction

C) Please attach a summary of how this project will help your business grow. Will it set the company up for revenue growth? Will it mitigate cost? Will it provide more flexibility?

D) Description of Project: Please provide a detailed narrative of the proposed Project. This narrative should include, but is not limited to:

(i) the size of the Project in square feet and a breakdown of square footage per each intended use;

(ii) the size of the lot upon which the Project sits or is to be constructed;

(iii) the current use of the site and the intended use of the site upon completion of the Project;

(iv) the principal products to be produced and/or the principal activities that will occur on the Project site; and

(v) an indication as to why the Applicant is undertaking the Project and the need for the requested benefits. **Please separately attach the description and any copies of site plans, sketches or maps.**

E) Select Project Type for all end users at Project site (you may check more than one):

**Please check any and all end users as identified below

- | | |
|---|--|
| <input checked="" type="checkbox"/> Industrial | <input type="checkbox"/> Bank Office |
| <input type="checkbox"/> Acquisition of Existing Facility | <input type="checkbox"/> Retail |
| <input type="checkbox"/> Housing | <input type="checkbox"/> Mixed Use |
| <input checked="" type="checkbox"/> Equipment Purchase | <input type="checkbox"/> Facility for Aging |
| <input type="checkbox"/> Multi-Tenant | <input type="checkbox"/> Civic Facility (not for profit) |
| <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Other _____ |

F) For the Agency to consider this Project, please provide the following information:

1. Does the project consist of new construction or expansion or substantial renovation of an existing facility?
 Yes No
2. Will the project create new employment opportunities or retain existing jobs that may otherwise be lost?
 Yes No
3. Does the project beneficiary serve a customer base primarily outside of Onondaga County?
 Yes No

G) Will the completion of the Project result in the removal of an industrial or manufacturing plant of the company from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the company located within the state? Please explain if you answer "Yes" by attaching a response.

- Yes No

H) Please attach a description of any compelling circumstances the Agency should be aware of while reviewing this application.

I) Environmental Information

1. Please attach the appropriate Environmental Impact Forms to your application. Here is a link to the SEQR forms:
 - a. <http://www.dec.ny.gov/permits/6191.html>
2. Have any environmental issues been identified on the property?
 Yes No
If yes, please attach an explanation.

Section III: Construction

A) Project Costs and Finances

Description of Costs	Total Budget Amount	% of Total Budget to be Procured in Onondaga County	Total Private Expenditure (should be less than or equal to total budget amount)
Land Acquisition			
Site Work/Demo			
Building Construction & Renovation	3,609,704		
Furniture & Fixtures			
Equipment	2,137,301		
Equipment Subject to NYS Production Sales Tax			
Engineering/Architect	129,000		
Financial Charges			
Legal			
Other	544,854		
Management/Developer Fees			
Total Project Cost	6,420,859		

Note: Do not include OCIDA fees, OCIDA application fees or OCIDA legal fees as part of the Total Project Cost. You may attach a separate chart if needed.

B) <u>TOTAL Capital Costs</u>	\$ <u>6,420,859</u>
<u>Project refinancing: estimated amount</u> (for refinancing of existing debt only)	\$ _____
<u>Sources of Funds for Project Costs:</u>	
1. Bank Financing	\$ <u>3,000,000</u>
2. Equity (excluding equity that is attributed to grants/tax credits)	\$ <u>3,420,859</u>
3. Tax Exempt Bond Issuance (if applicable)	\$ _____
4. Taxable Bond Issuance (if applicable)	\$ _____

D) New Employment Benefits

- i. Complete the following chart indicating the number of FTE jobs presently employed at the Project and the number of FTE jobs that will be created at the Project site at the end of the first, second, third, fourth and fifth years after the Project is completed. Jobs should be listed by title of category (see below), including FTE independent contractors or employees of independent contractors that work at the Project location. Do not include construction workers.
- ii. Feel free to include additional information or a substitute chart if you think additional material would add clarity.

Current & Planned Full Time Occupations (Job Titles)	Salary (Annual or Hourly)	Current Number of FTEs	Estimated Number of FTE Jobs added each year after project				
			Year 1	Year 2	Year 3	Year 4	Year 5
Technicians/Engineers	\$68,000	4	2	2			
Operators	\$48,000	113	1	1			
Maintenance Mechanic	\$84,000	37	1	1			
Tank Washers	\$44,000	0	1	1			
Warehouse	\$45,000	39					
Management/Training/Planning	\$75,000	7					
Sanitation/WWT/Other	\$54,000	13					
Job Creation Subtotal		213	5	5			

For purposes of completing the chart, please list the job titles that will be increasing in number. If possible, please attach a brief description that outlines what each job entails.

If you prefer, you may attach a job chart of your own that outlines the job growth projections regarding the project.

E) Financial Assistance sought (estimated values):

- Real Property Tax Abatement (PILOT): _____
- Mortgage Recording Tax Exemption (.75% of amount mortgaged): _____
- Sales and Use Tax Exemption (4% Local, 4% State): \$180,000 _____
- Tax Exempt Bond Financing (Amount Requested): _____
- Taxable Bond Financing (Amount Requested): _____

F) Mortgage Recording Tax Exemption Benefit Calculator: Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ _____

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above, multiplied by .0075): \$ _____

G) Sales and Use Tax Benefit Calculator: Gross amount of costs for goods and services that are subject to State and local Sales and US tax – said amount to benefit from the Agency’s Sales and Use Tax exemption benefit:

\$ 2,250,000

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure, above) (This should match the amount in section “E” on this page, this calculation only exists to help you with your estimate):

\$ 180,000

Section IV: Estimate of Real Property Tax Abatement Benefits

Section IV of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application prior to the completed application being provided to the OCIDA Board.

A) PILOTS Estimate Table Worksheet

OCIDA estimate of current value	
New construction and renovation costs	
OCIDA estimate of increase in value	
OCIDA estimated value of completed project	
OCIDA estimate of taxes that would have been collected if the project did not occur	
Scheduled PILOT payments	

PILOT Year	Exemption %	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	100						
2	90						
3	80						
4	70						
5	60						
6	50						
7	40						
8	30						
9	20						
10	10						
TOTAL							

Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff

Section V: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, sub-contractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

Noncompliance may result in the revocation and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne. Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the Local Access Policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available upon request.

Prior to issuance of any NYS Tax & Finance ST-60 forms, the Applicant must submit a **Contractor Status Report to the Agency.**

In consideration of the extension of financial assistance by the Agency Ultra Dairy, LLC (the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency's application at the time of the application to the Agency and as part of a request to extend the valid date of the Agency's tax-exempt certificate for the Project. The Company understands that an Agency tax-exempt certificate is typically valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands that any request for a waiver to this policy must be submitted in writing and approved by the Agency.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of 6/28/2021 (date).

Company: Ultra Dairy, LLC

Representative for Contract: James A. Gosier

Address: 2394 US Route 11 City: Lafayette State: NY Zip: 13084

Phone: (315) 350-4836 Email: jgosier@byrne1933.com

Project Address: 6750 W. Benedict Road City: E. Syracuse State: NY Zip: 13057

General Contractor: The Hayner Hoyt Company

Contact Person: Jeremy Thurston, President

Address: 628 Erie Boulevard West City: Syracuse State: NY Zip: 13204

Phone: (315) 455-5941 Email: jthurston@haynerhoyt.com

Authorized Representative: James Gosier Title: General Counsel

Signature: _____

Section VI: Agency Fee Schedule

Payment Terms:

Application & Processing Fee (payable at the time of application):	\$1,000
Legal Deposit (payable at the time of application):	\$2,500
Agency Fee for Bond Projects:	Payable at Closing
Agency and Legal Fees for all other projects:	Due and Payable at Inducement

*** A sales tax certificate (ST-60) will not be issued until the Agency Fee is Paid in Full**

Agency Fees: The project cost is the Total Project Cost from section III A

<u>Benefit Sought</u>	<u>Fee Charged</u>
Mortgage Recording Tax and/or Sales Tax exemptions:	0.01 X the project cost
Additional Fee for PILOT Agreement Projects:	0.0025 X the project cost
Fee for bond financing, refinancing & refunding:	0.0025 X the project cost

Note: For Manufacturing Projects under \$10 million the fee is reduced by: 0.0025 X the project cost

Agency Legal Fees: The project cost is the Total Project Cost from section III A

Fee for first \$20 million:	0.0025 of the project cost
Fee for expenses above \$20 million:	0.00125 of the project cost

In addition to the foregoing, Applicants are responsible for payment of all costs and expenses incurred by OCIDA in connection with application or Project including without limitation publication, copying costs, SEQRA compliance and fees and costs to OCIDA's attorneys, engineers, and consultants. OCIDA reserves the right to require a deposit to cover anticipated costs. Application fees are payable at time application/request is submitted. All fees are non-refundable. Applicants for bond transactions are responsible for payment of a Bond Issuance Charge payable to the State of New York. Applicants are also responsible for payment of post-closing fees and costs associated with the appointment of additional agents.

OCIDA reserves the right to modify this schedule at any time and assess fees and charges in connection with other transactions such as grants of easement or lease or sale of OCIDA-owned property.

Section VII: Recapture of Tax Abatement/Exemptions

Information to be Provided by Companies: Each Company agrees that to receive benefits from the Agency it must, whenever requested by the Agency or required under applicable statutes or project documents, provide and certify or cause to be provided and certified such information concerning the Company, its finances, its employees and other topics which shall, from time to time, be necessary or appropriate, including but not limited to, such information as to enable the Agency to make any reports required by law or governmental regulation.

Recapture of Benefits: It is the policy of the Agency to recapture the value of a PILOT, any sales and use tax exemption, and mortgage recording tax exemption in accordance with the Laws of the State and the provisions contained herein. Before receiving benefits, the Company must attest in writing to its understanding of, and agreement to, the recapture provisions contained in State Law and herein. To the extent permitted by State law, the recapture provisions contained herein may be modified from time to time by the Agency at its sole discretion.

Recapture of a PILOT, Sales Tax and the Mortgage Recording Tax Exemptions: If the number of full time equivalent jobs to be maintained or created in connection with a project falls below 75% of the number projected in the Company's application to the Agency, or if there are material violations of the project agreements, then the value of the property tax, sales and use tax and mortgage recording tax benefits extended to the project by the Agency may be subject to recapture. When deciding whether or not to recapture benefits and the amount of such recapture, the Agency may consider the potential future benefit of the business to the community.

Recapture Payment: The recapture payment paid by the Company to the Agency shall be determined (1) by the difference between any PILOT payments made by the Company and the property taxes that would have been paid by the Company if the property were not under the supervision, jurisdiction or control of the Agency, (2) the value of any mortgage recording tax exemption, if awarded to the Company and (3) the amount of sales and use tax that would have been paid if an exemption was not granted.

Recapture of the PILOT, Sales Tax or Mortgage Recording Tax: The Recapture Schedule for a Payment in Lieu of Tax Agreement, Sales Tax or the Mortgage Recording Tax is as follows:

Time from Project Completion	Tax Savings Recaptured
1 Year	80%
2 Years	60%
3 Years	40%
4 Years	20%
5 Years	10%

Distribution of the Recapture Payment: Any funds recaptured as a result of the recapture payment shall be distributed to the affected taxing jurisdictions in the same proportion as if the payments were paid or owed by the Company on the date of recapture.

Additional Conditions for the Recapture of Sales and Use Tax: As of April 1, 2013, New York State law requires Industrial Development Agencies to recapture sales tax benefits where:

- A project is not entitled to receive the benefits;
 - Exemptions received exceed the amount authorized by the Agency;
 - Exemptions are claimed by the Project for unauthorized property or services; or
 - A project fails to use property in the manner required by its IDA agreements.
1. **Distribution of Sales and Use Tax.** Project operators must cooperate with the Agency in its effort to recapture all sales and use tax benefits received by the Company by promptly paying the recapture amount as determined by the Agency. The amount to be recaptured will be dictated by State Law or this UTEP Policy, which ever may be applicable. The Agency shall remit the recaptured sales and use tax benefits to the State within 30 days of receipt.
 2. **Compliance Report.** Annually, the Agency will file an annual compliance report with the State of New York detailing its recapture terms and its activities to recapture benefits, including any attempt to recapture benefits from an Agency project.

A "Full Time Permanent Employee" shall mean

1. A full time, permanent, private sector employee on the Company's payroll, who has worked at the project location for a minimum of thirty hours per week for not less than four consecutive weeks and who is entitled to receive the usual and customary fringe benefits extended by Company to other employees with comparable rank, duties and hours; or

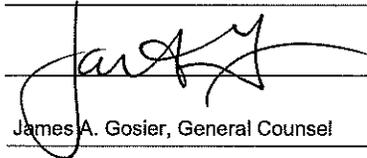
2. Up to three part time, permanent, private-sector employees on Company's payroll, who have worked at the project location for a combined minimum of thirty hours per week for not less than four consecutive weeks and who are entitled to receive the usual and customary fringe benefits extended by Company to other employees with comparable rank, duties and hours.

I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.

Name of Applicant Company

Ultra Dairy, LLC

Signature of Officer or Authorized Representative:



Name & Title of Officer or Authorized Representative:

James A. Gosier, General Counsel

Date: 6/28/2021

Section VIII: Employment Plan

Jobs Listings: In accordance with §858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Business Services and with the administrative entity of the service delivery area created by the Workforce Innovation and Opportunity Act of 2014 in which the Project is located. In Onondaga County, please contact CNY Works. Additionally, the applicant is encouraged to review the services provided by JOBSPlus! for candidate matching services.

Are the employees of your company currently covered by a collective bargaining agreement?

Yes No

If yes, name and location: _____

Is the labor pool in Onondaga County and/or the CNY Economic Development Region adequate to fill new positions?

Yes No

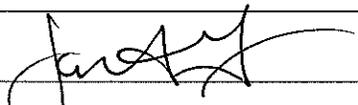
Enter Company Name in three (3) places below and sign by an authorized company officer:

In consideration of the benefits provided by the Onondaga County Industrial Development Agency (OCIDA), Ultra Dairy, LLC, project beneficiary, also agrees to report to OCIDA on the number of new employment opportunities created in connection with industrial or commercial projects financed by the proceeds of such benefits to be listed with the New York State Department of Labor Business Services and CNY Works.

Ultra Dairy, LLC, project beneficiary, also agrees to report to OCIDA on or before March 1 of each year the status of employment opportunities filed with the New York State Department of Labor Business Services, including the number of new employment opportunities created, the number listed, and the number filled for the year ending the prior December 31.

Ultra Dairy, LLC, project beneficiary, further agrees that, to the extent practicable and feasible, and subject to the requirements of any existing collective bargaining agreement, the project beneficiary shall fill at least 10% of new employment opportunities with persons eligible for service under the Workforce Innovation and Opportunity Act of 2014.

Name of Applicant Company: Ultra Dairy, LLC

Signature of Officer or Authorized Representative: 

Name & Title of Officer or Authorized Representative: James Gosier, General Counsel

Date: 6/28/2021

NYS Department of Labor:
Roy Jewell
Associate Business Service Representative
450 South Salina Street, Syracuse, NY 13202 315-479-3362
roy.jewell@labor.ny.gov
www.labor.ny.gov

CNY Works
Chris Kennedy
Business Development Specialist
960 James Street, Syracuse, NY 13203
315-477-6974
ckennedy@cnyworks.com
www.cnyworks.com

Section IX: Conflict of Interest

Agency Board Members

- 1. Patrick Hogan
- 2. Steve Morgan
- 3. Victor Ianno
- 4. Sue Stanczyk
- 5. Kevin Ryan
- 6. Janice Herzog
- 7. Fanny Villarreal

Agency Officers/Staff

- 1. Robert M. Petrovich
- 2. Nathaniel Stevens
- 3. Nancy Lowery
- 4. Karen Doster
- 5. Chris Cox

Agency Legal Counsel & Auditor

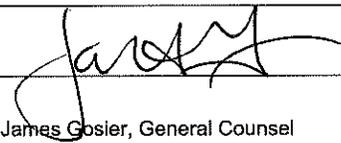
- 1. Jeffrey Davis, Esq., Barclay Damon LLP
- 2. Amanda Mirabito, Esq., Barclay Damon LLP
- 3. Michael G. Lisson, CPA, Grossman St. Amour Certified Public Accountants PLLC

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

Name of Applicant Company

Ultra Dairy, LLC

Signature of Officer or Authorized Representative:



Name & Title of Officer or Authorized Representative:

James Gosier, General Counsel

Date: 6/28/2021

Section X: Representations, Certifications, and Indemnification

Carl V. Byrne _____ (Name of CEO or other authorized representative of Applicant) confirms and says that he/she is the President _____ (title) of Ultra Dairy, LLC _____ (name of corporation or other entity) named in the attached Application (the "Applicant"), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. First Consideration for Employment:** In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.
- B. Other NYS Facilities:** In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which will result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or is reasonably necessary.
- C. Annual Sales Tax Filings:** In accordance with §874(8) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- D. Outstanding Bonds:** The Applicant understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.
- E. Employment Reports:** The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant agrees to file with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, with said report being an agenda item subject to the open

meetings law.

- F. Absence of Conflicts of Interest:** The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Section X.
- G. Compliance:** The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.
- H.** The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the Agency. (1) No funds of the Agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

- I.** The Applicant confirms and acknowledges that the owner, occupant or operator receiving financial assistance for the proposed Project is in substantial compliance with applicable local, state, and federal tax, worker protection and environmental laws, rules and regulations.
- J.** The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement in the Project.
- K.** The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
- L.** The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statement contained herein not misleading.

M. The OCIDA has the right to request and inspect supporting documentation regarding attestations made on this application.

N. **Hold Harmless Agreement:** Applicant hereby releases Onondaga County Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax-exemptions and other assistance requested therein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the process of the Application, including attorney's fees, if any.

Name of Applicant Company

Ultra Dairy, LLC

Signature of Officer or Authorized Representative:

Name & Title of Officer or Authorized Representative:

Carl V. Byrne, President

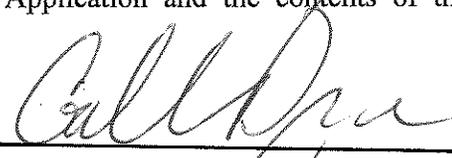
Date: 6/28/2021

STATE OF NEW YORK)

COUNTY OF ONONDAGA)ss.;

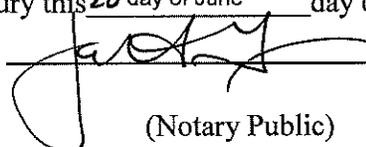
Carl V. Byrne, being first duly sworn, deposes and says:

1. That I am the President (Corporate Officer) of Ultra Dairy, LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read and attached Application, I Know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete



 (Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this 28th day of June day of 2021.



 (Notary Public)

JAMES A. GOSIER
 Notary Public, State of New York
 No. 4889745
 Qualified in Onondaga County
 Commission Expires March 23, 2023 End of Application

**Statement in Support of the Application of Ultra Dairy, LLC for
Economic Benefits from The Onondaga County Industrial Development Agency**

Section I (G):

Ultra Dairy, LLC (“Ultra”) was formed in 2003 as part of the Byrne Dairy family of companies. Ultra produces high quality dairy and non-dairy food products utilizing Ultra High Temperature (UHT) technology that results in extended shelf life (ESL) and aseptic products. Ultra produces a variety of milk, cream and non-dairy products having shelf lives from 70 – 180 days for ESL products and 365 days for aseptic products. Ultra ships 92% of its finished products out of New York State for wholesale and retail sale.

Section I (H):

As a processor of milk and cream products, Ultra’s biggest raw material by far is milk and cream, much of it from local farms. Ultra works with family farms throughout Central New York and the Finger Lakes regions. Six of the largest farms Ultra works with are located in Onondaga County. As of May 31, 2021, Ultra had purchased nearly \$57 million in milk and cream in 2021. Examples of local vendors and raw material suppliers are as follows:

<u>Vendor</u>	<u>Location</u>	<u>Material/Service</u>	<u>Spend YTD (as of 5/31/21)</u>
Various Farms	Varies	Raw Milk/Cream	\$56,800,000
Sweeteners Plus	Lakeville, NY	Sweeteners	\$ 2,833,000
Packaging Corp. Of America	Solvay, NY	Corrugate	\$ 2,551,000
CHEP	Liverpool, NY	Pallets	\$ 1,082,000

Section I (J):

Since 2003, Ultra has been a party to a Payment in Lieu of Taxes (PILOT) Agreement with the Onondaga County Industrial Development Agency (OCIDA). Additionally, Ultra has requested and received exemptions from the NYS Mortgage Recording tax from OCIDA as part of its credit facilities with its lenders.

Section II(C):

See Section II(D) below.

Section II (D):

Ultra is situated on 22 +/- acres of land in the Town of Dewitt bounded by Fly Road on the West and I-481 on the East. Ultra is proposing to expand its existing 160,000 sq. ft. facility by adding a 6,500 sf wastewater treatment facility.

The processing of dairy products results in naturally occurring oils and fats combining with process wastewater. This wastewater must be treated and further processed to remove the fats and oils so that to the greatest extent possible, only properly treated wastewater is introduced into municipal sewer systems.

The existing wastewater treatment facility at Ultra Dairy is approaching its operational capacity. A new system must be built and commissioned before Ultra can expand its processing and filling capabilities.

Onondaga County is in the process of constructing a force main sewer along the south side of Benedict Road at the Project Site. The new wastewater treatment facility will discharge into this new sewer, thereby relieving stress on the existing, overburdened sewer system. It is anticipated that Ultra Dairy's wastewater treatment facility and the new force main will be operational in the Spring of 2022.

This project will involve capital expenditures of approximately \$6.4 million and will create a total of 10 new full time jobs. It is also anticipated that approximately 40 construction jobs will be created. Construction and equipment installation will take approximately 6 – 8 months.

Economic benefits from OCIDA in the forms of real property tax abatement (PILOT) and Sale and Use Tax exemptions are extremely important to the viability of the proposed project. A PILOT Agreement will provide Ultra with a steady and predictable vehicle for the payment its share of local services. Additionally, Ultra anticipates that it will expend approximately \$1.5 million on goods, materials and services that would otherwise be subject to state and local sales taxes. Exemptions from these taxes will allow Ultra to invest more of its own money into the project.

**Full Environmental Assessment Form
Part 1 - Project and Setting**

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Ultra South 2021 Phase 2(a)		
Project Location (describe, and attach a general location map): 6750 W. Benedict Road, E. Syracuse, NY 13057		
Brief Description of Proposed Action (include purpose or need): Expansion of existing dairy manufacturing facility involves construction of a waste water treatment facility with tanker wash.		
Name of Applicant/Sponsor: Ultra Dairy, LLC		Telephone: (315) 350-4836 E-Mail: jim.gosier@byrnedairy.com
Address: 2394 US Route 11		
City/PO: Lafayette	State: NY	Zip Code: 13084
Project Contact (if not same as sponsor; give name and title/role): James Gosier, General Counsel		Telephone: (315) 350-4836 E-Mail: jim.gosier@byrnedairy.com
Address: 2394 US Route 11		
City/PO: Lafayette	State: NY	Zip Code: 13084
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Dewitt Planning Board: Site Plan Approval	6/14/21
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	OCIDA	Pending
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	SOCPA	Referral Pending
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
 Hi-Tech District _____

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? East Syracuse-Minoa

b. What police or other public protection forces serve the project site?
 Town of Dewitt PD, Onondaga County Sheriff, NYS Police

c. Which fire protection and emergency medical services serve the project site?
 Town of Dewitt FD

d. What parks serve the project site?
 N/A

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Commercial/Industrial

b. a. Total acreage of the site of the proposed action? _____ 20.23 acres
 b. Total acreage to be physically disturbed? _____ 1.3 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 24.15 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: 6,500 Sq. Ft.

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____
 Current wastewater treatment system is approaching its functional capacity. Enhanced wastewater treatment system is needed to permit future growth.

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____ 1

ii. Dimensions (in feet) of largest proposed structure: _____ 35 ft height; _____ 65 width; and _____ 100 ft length

iii. Approximate extent of building space to be heated or cooled: _____ 6,500 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: _____ 30,000 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No
 If Yes:

- Name of district or service area: Town of Dewitt
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No
 If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ 30,000 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

Treated wastewater _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No
 If Yes:

- Name of wastewater treatment plant to be used: Onondaga County Metro
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

• Do existing sewer lines serve the project site? Yes No
 • Will line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____
 Onondaga County is in the process of installing a new force main. When completed, the new sewer line will adequately handle applicant's increase in wastewater.

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____
 v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

 vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 6,500 Square feet or _____ acres (impervious surface)
 _____ Square feet or 20.23 acres (parcel size)
 ii. Describe types of new point sources. _____

 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?
 On-site stormwater management facilities

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No
 iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
 Delivery vehicles
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)
 process and boiler emissions

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
 via local grid and on-site substation

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:		ii. During Operations:	
• Monday - Friday:	_____ 24 hours	• Monday - Friday:	_____ 24 hours
• Saturday:	_____ 24 hours	• Saturday:	_____ 24 hours
• Sunday:	_____ 24 hours	• Sunday:	_____ 24 hours
• Holidays:	_____ 24 hours	• Holidays:	_____ 24 hours

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration: _____

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n.. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
 dark sky compliant lighting in travelways and parking areas as well as on outside of building, all in accordance with Town of Dewitt requirements

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ 15-20 tons per _____ month (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____
 • Operation: _____ milk sludge is disposed of at bio-digesters or land spread

iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____
 • Operation: _____ delivery to bio-digesters or land spread

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe:

Project site completely surrounded by commercial uses or highways, with the exception of one (1) single family residence.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	7.0	7.2	0.2
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:
Bishop Ludden High School _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): 1303522/1605981
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 3.5 - 20 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Lockport/Brockport Silty Loam	_____	46.3 %
Lairdsville Silty Loam	_____	21.3 %
Howard Gravelly Fine Silt Loam	_____	20.6 %

d. What is the average depth to the water table on the project site? Average: _____ 3.3 - 9 feet

e. Drainage status of project site soils: Well Drained: _____ 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	_____ None _____ _____
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
<i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____	
<i>ii.</i> Source(s) of description or evaluation: _____	
<i>iii.</i> Extent of community/habitat:	
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
<i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
<i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
<i>iii.</i> Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

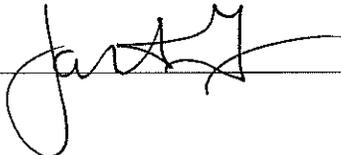
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Ultra Dairy, LLC Date June 14, 2021

Signature  Title General Counsel

PRINT FORM



9/10/2021

Ultra-Dairy Phases 2A and 2B

This Board makes the following determination pursuant **Part 617 of the Implementing Regulations pertaining to Article 8 (State Environmental Quality Revue Act “SEQRA”) of the Environmental Conservation Law of the State of New York** to NYSCRR (“SEQRA”) for the project known as: Ultra-Dairy Phases 2A and 2B

This Board has reviewed the EAF of the applicant submitted June 14, 2021.

This Board has further reviewed the comments of OCPB dated July 14, 2021.

This Board has further reviewed input of the Town Highway Department, Planning Board Engineer; Onondaga County Water Environment Protection and National Grid as relates to this project,

This Board finds that this expansion project does not meet any of the thresholds for a Type 1 action under SEQRA and therefore finds that this is an Unlisted Action under SEQRA.

Having taken a hard look at the environmental impacts of the project and having found that with all mitigations proposed by the project as reflected in the site plan as presented to this Board, including but no limited to proposed SWPPP this Board finds that all potential environmental impacts required to be examined pursuant to SEQRA are minimum or no impact;

this Board therefore issues a negative SEQRA declaration for this project finding no adverse environmental impacts from the project.

Onondaga County Industrial Development Agency DRAFT



Project Summary

9/10/2021

1. Project	Ranalli Super DC, LLC	2. Project Number	3101-21-10A
3. Location	Lysander	4. School District	Baldwinsville
5. Tax Parcel(s)	055.-01-19.1; 055.-01-20.0; 055.-01-18.0	6. Project Type	New Construction
		Village	-

7. Total Project Cost	\$	40,250,000.00	8. Total Jobs	135
Land	\$	650,000	8A. Job Retention	0
Site Work	\$	10,000,000	8B: Job Creation	135
Building	\$	24,000,000	(Next 5 Years)	
Furniture & Fixtures	\$	3,000,000		
Equipment	\$	2,000,000		
Equipment Subject to NYS Production Exemption	\$	-		
Engineering/Architecture Fees	\$	450,000		
Financial Charges	\$	50,000		
Legal Fees	\$	100,000		
Other	\$	-		

Cost Benefit Analysis

Ranalli Super DC, LLC

	Fiscal Impact (\$)
Estimated Abatement Cost	\$6,004,115
Sales Tax Abatement	\$1,920,000
Mortgage Recording Tax Abatement	\$225,000
Real Property Tax Relief	\$3,859,115
New Investment	\$108,687,421
PILOT Payments	\$2,641,845
Project Wages (10 years)	\$57,151,383
Construction Wages	\$10,882,500
Employee Benefits (10 years)	\$2,857,569
Project Capital Investment	\$34,650,000
Agency Fees	\$504,125

Project Description

The proposed new state of the art approximately 360,000 sq. ft. facility in the Town of Lysander , will be home to an auto parts warehouse, distribution center and office space. The \$40 million investment into this site will create approximately 135 new jobs after full staffing and operation.

Benefit:Cost Ratio **18.10 :1**

Ranalli Super DC, LLC

5/4/2021

A) PILOTS Estimate Table Worksheet DRAFT

for 15 years

OCIDA estimate of current market value						\$	322,000
Projected investment						\$	24,000,000
OCIDA estimate of increase in value						\$	11,585,000
OCIDA estimated value after project is completed						\$	11,907,000
Taxes that would have been collected if the project did not occur						\$	175,805
Scheduled PILOT payments						\$	2,641,845

PILOT YEAR	Exemption %	Onondaga County	Lysander	Baldwinsville	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
2020-2021		\$ 1,658	\$ 638	\$ 7,670	\$ 9,967		
1	100%	\$ 1,691	\$ 651	\$ 7,824	\$ 10,166	\$ 375,921	\$ 365,755
2	100%	\$ 1,725	\$ 664	\$ 7,980	\$ 10,369	\$ 383,440	\$ 373,070
3	90%	\$ 8,090	\$ 3,114	\$ 37,425	\$ 48,630	\$ 391,108	\$ 342,478
4	90%	\$ 8,252	\$ 3,177	\$ 38,174	\$ 49,602	\$ 398,930	\$ 349,328
5	80%	\$ 15,003	\$ 5,776	\$ 69,406	\$ 90,185	\$ 406,909	\$ 316,724
6	80%	\$ 15,303	\$ 5,891	\$ 70,794	\$ 91,989	\$ 415,047	\$ 323,059
7	70%	\$ 22,461	\$ 8,647	\$ 103,910	\$ 135,018	\$ 423,348	\$ 288,330
8	70%	\$ 22,911	\$ 8,820	\$ 105,988	\$ 137,719	\$ 431,815	\$ 294,096
9	60%	\$ 30,498	\$ 11,741	\$ 141,088	\$ 183,327	\$ 440,451	\$ 257,124
10	60%	\$ 31,108	\$ 11,976	\$ 143,910	\$ 186,994	\$ 449,260	\$ 262,267
11	50%	\$ 39,147	\$ 15,071	\$ 181,101	\$ 235,319	\$ 458,246	\$ 222,927
12	40%	\$ 47,496	\$ 18,285	\$ 219,722	\$ 285,502	\$ 467,411	\$ 181,908
13	30%	\$ 56,163	\$ 21,621	\$ 259,815	\$ 337,599	\$ 476,759	\$ 139,160
14	20%	\$ 65,157	\$ 25,084	\$ 301,425	\$ 391,665	\$ 486,294	\$ 94,629
15	10%	\$ 74,489	\$ 28,676	\$ 344,595	\$ 447,759	\$ 496,020	\$ 48,261
TOTAL		\$ 439,494	\$ 169,193	\$ 2,033,158	\$ 2,641,845	\$ 6,500,960	\$ 3,859,115

	Year					
	0	1	2	3	4	5
Jobs						
Current/Actuals						
Creation Goals						
Total Employment Goals	0	54	54	12	10	5



ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION FOR BENEFITS

1. Fill in all blanks using “none”, “not applicable” or “not available”. If you have any questions about the way to respond, please call the Onondaga County Industrial Development Agency at 315-435-3770.
2. If providing an estimate put “(est.)” after the figure or answer. If more space is needed to answer any specific question, attach a separate sheet.
3. If the OCIDA Board approves benefits, it is the company’s responsibility to obtain and submit all necessary forms and documents. (ST-60, PILOT Agreement)
4. When completed, return this Application by mail or fax to the Agency at the address indicated below. A signed application may also be submitted electronically in PDF format to Nate Stevens at nstevens@ongov.net. **An Application will not be considered by the Agency until the Application fee has been received.**
5. The Agency will not give final approval for this Application until the Agency receives a completed NYS Full Environmental Assessment Form concerning the Project, which is the subject of this Application. The form is available at <http://www.dec.ny.gov/permits/6191.html>.
6. Please note the Public Officers Law declares all records in the possession of the OCIDA (with certain limited exceptions) are open to public inspection and copying. If the Applicant is of the opinion that there are elements of the Project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant’s competitive position, this Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officer’s Law, the OCIDA may also redact personal, private, and/or proprietary information from publicly disseminated documents.
7. The Applicant will be required to pay the Agency Application fee and, if accepted as a project of the agency, all administrative and legal fees as stated in Section VI of the Application.
8. A complete application consists of the following 9 items:
 - This Application
 - Local Access Agreement
 - Employment Plan
 - Conflict of Interest
 - A feasibility statement indicating the need for the requested benefits
 - Description of project, Site Plans/Sketches, and Maps
 - NYS Full Environmental Assessment Form
 - A check payable to the Agency in the amount of \$1,000
 - A check payable to Barclay Damon LLP in the amount of \$2,500
9. This Application was adopted by the OCIDA Board on November 19, 2019.

It is the policy of the Agency that any project receiving benefits from the Onondaga County Industrial Development Agency will utilize 100% local contractors and local labor for the construction period of the project unless a waiver is granted in writing by the Agency.

Return to:

Onondaga County Industrial Development Agency
Attn: Nate Stevens
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770 | Fax: 315-435-3669
nstevens@ongov.net

Section I: Applicant Information

Please answer all questions. Use “None”, “Not Applicable” and “See Attached” where necessary.

A) Applicant information-company receiving benefits:

Applicant Name: _____

Applicant Address: _____

Phone: _____ Fax: _____

Website: _____ E-mail: _____

Federal ID#: _____ NAICS: _____

State and Year of Incorporation/Organization: _____

Will a Real Estate Holding Company be utilized to own the Project property/ facility? Yes No

What is the name of the Real Estate Holding Company: _____

Federal ID#: _____

State and Year of Incorporation/Organization: _____

List of stockholders, members, or partners of Real Estate Holding Company:

B) Individual Completing Application:

Name: _____

Title: _____

Address: _____

Phone: _____ Fax: _____

E-mail: _____

C) Company Contact (if different from individual completing application):

Name: _____
Title: _____
Address: _____
Phone: _____ Cell Phone: _____
E-mail: _____

D) Company Counsel:

Name of Attorney: _____
Firm Name: _____
Address: _____
Phone: _____ Cell Phone: _____
E-mail: _____

E) Business Organization (check appropriate category):

- Corporation Partnership
 Public Corporation Joint Venture
 Sole Proprietorship Limited Liability Company

Others (please specify): _____
Year Established: _____
State in which Organization is established: _____

F) List all stockholders, members, or partners with % of ownership greater than 5% :

Name	% of ownership
_____	_____
_____	_____
_____	_____
_____	_____

G) Applicant Business Description:

Please attach a description of your company’s background, products, customers, goods and services.

Estimated % of sales within Onondaga County: _____

Estimated % of sales outside Onondaga County but within New York State: _____

Estimated % of sales outside New York State but within the U.S.: _____

Estimated % of sales outside the U.S.: _____

(*Percentage to equal 100%)

H) What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Onondaga County. Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation including estimated percentages of local purchases. Please attach this information.

I) Applicant History: If the answer to any of the following is “Yes”, please explain below. If necessary, attach additional information.

- 1. Is the company or management of the Company now a plaintiff or defendant in any civil or criminal litigation? Yes No
- 2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes No
- 3. Has any person listed in Section I ever been in receivership or declared bankruptcy? Yes No

Please attach any explanations:

J) Has the Project Beneficiary received assistance from OCIDA, SIDA, New York State or the Onondaga Civic Development Corporation in the past? If yes please attach an explanation and please give year, project name, description of benefits and address of project.

Yes No

Section II: Project Information

A) Project Location: Location where the investment will take place. If company is moving, the new location should be entered here and the current location should be in Section I.

Address: _____

Legal Address (if different): _____

City: _____ Village/Town: _____

Zip Code: _____ School District: _____

Tax Map Parcel ID(s): _____

Current Assessed Value: _____ Sq. Footage of Existing Building: _____

Census Tract: _____

B) Type (Check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> New construction | <input type="checkbox"/> Purchase of machinery and/or equipment |
| <input type="checkbox"/> Expansion/Addition to current facilities | <input type="checkbox"/> Brownfield/Remediated Brownfield |
| <input type="checkbox"/> Renovation of existing facility | <input type="checkbox"/> LEED Certification |
| <input type="checkbox"/> Acquisition of existing facility/property | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Demolition and Construction | |

C) Please attach a summary of how this project will help your business grow. Will it set the company up for revenue growth? Will it mitigate cost? Will it provide more flexibility?

D) Description of Project: Please provide a detailed narrative of the proposed Project. This narrative should include, but is not limited to:

- (i) the size of the Project in square feet and a breakdown of square footage per each intended use;
- (ii) the size of the lot upon which the Project sits or is to be constructed;
- (iii) the current use of the site and the intended use of the site upon completion of the Project;
- (iv) the principal products to be produced and/or the principal activities that will occur on the Project site; and
- (v) an indication as to why the Applicant is undertaking the Project and the need for the requested benefits. **Please separately attach the description and any copies of site plans, sketches or maps.**

E) Select Project Type for all end users at Project site (you may check more than one):

**Please check any and all end users as identified below

- | | |
|---|--|
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Bank Office |
| <input type="checkbox"/> Acquisition of Existing Facility | <input type="checkbox"/> Retail |
| <input type="checkbox"/> Housing | <input type="checkbox"/> Mixed Use |
| <input type="checkbox"/> Equipment Purchase | <input type="checkbox"/> Facility for Aging |
| <input type="checkbox"/> Multi-Tenant | <input type="checkbox"/> Civic Facility (not for profit) |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Other _____ |

F) For the Agency to consider this Project, please provide the following information:

1. Does the project consist of new construction or expansion or substantial renovation of an existing facility?
 Yes No
2. Will the project create new employment opportunities or retain existing jobs that may otherwise be lost?
 Yes No
3. Does the project beneficiary serve a customer base primarily outside of Onondaga County?
 Yes No

G) Will the completion of the Project result in the removal of an industrial or manufacturing plant of the company from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the company located within the state? Please explain if you answer “Yes” by attaching a response.

- Yes No

H) Please attach a description of any compelling circumstances the Agency should be aware of while reviewing this application.

I) Environmental Information

1. Please attach the appropriate Environmental Impact Forms to your application. Here is a link to the SEQR forms:
 - a. <http://www.dec.ny.gov/permits/6191.html>
2. Have any environmental issues been identified on the property?
 Yes No
If yes, please attach an explanation.

Section III: Construction

A) Project Costs and Finances

Description of Costs	Total Budget Amount	% of Total Budget to be Procured in Onondaga County	Total Private Expenditure (should be less than or equal to total budget amount)
Land Acquisition			
Site Work/Demo			
Building Construction & Renovation			
Furniture & Fixtures			
Equipment			
Equipment Subject to NYS Production Sales Tax			
Engineering/Architect			
Financial Charges			
Legal			
Other			
Management/Developer Fees			
Total Project Cost			

Note: Do not include OCIDA fees, OCIDA application fees or OCIDA legal fees as part of the Total Project Cost. You may attach a separate chart if needed.

B) TOTAL Capital Costs \$ _____

Project refinancing: estimated amount
(for refinancing of existing debt only) \$ _____

Sources of Funds for Project Costs:

1. Bank Financing \$ _____
2. Equity (excluding equity that is attributed to grants/tax credits) \$ _____
3. Tax Exempt Bond Issuance (if applicable) \$ _____
4. Taxable Bond Issuance (if applicable) \$ _____

5. Public Sources (Include sum total of all state and federal grants and tax credits) \$ _____

-Identify each state and federal grant/credit:

_____ \$ _____
 _____ \$ _____
 _____ \$ _____

6. Total Sources of Funds for Project Costs \$ _____

C) Employment and Payroll Information

*Full Time Equivalent (FTE) is defined as one employee working no less than 40 hours per week or two or more employees together working a total of 40 hours per week.

1. Are there people currently employed at the project site?
 Yes No If yes, provide number of FTE jobs at the facility: _____

2. Complete the following:

Estimate the number of FTE jobs to be retained as a result of this Project:	
Estimate the number of construction jobs to be created by this Project:	
Estimate the average length of construction jobs to be created (months):	
Current annual payroll at facility:	
Average annual growth rate of wages:	
Please list, if any, benefits that will be available to either full and/or part time employees:	
Average annual benefit paid by the company (\$ or % salary) per FTE job:	
Average growth rate of benefit cost:	
Amount or percent of wage employees pay for benefits:	
Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oneida, Oswego, and Cortland Counties) to fill new FTE jobs:	

D) New Employment Benefits

- i. Complete the following chart indicating the number of FTE jobs presently employed at the Project and the number of FTE jobs that will be created at the Project site at the end of the first, second, third, fourth and fifth years after the Project is completed. Jobs should be listed by title of category (see below), including FTE independent contractors or employees of independent contractors that work at the Project location. Do not include construction workers.
- ii. Feel free to include additional information or a substitute chart if you think additional material would add clarity.

Current & Planned Full Time Occupations (Job Titles)	Salary (Annual or Hourly)	Current Number of FTEs	Estimated Number of FTE Jobs added each year after project				
			Year 1	Year 2	Year 3	Year 4	Year 5
Job Creation Subtotal							

For purposes of completing the chart, please list the job titles that will be increasing in number. If possible, please attach a brief description that outlines what each job entails.

If you prefer, you may attach a job chart of your own that outlines the job growth projections regarding the project.

E) Financial Assistance sought (estimated values):

- Real Property Tax Abatement (PILOT): _____
- Mortgage Recording Tax Exemption (.75% of amount mortgaged): _____
- Sales and Use Tax Exemption (4% Local, 4% State): _____
- Tax Exempt Bond Financing (Amount Requested): _____
- Taxable Bond Financing (Amount Requested): _____

F) Mortgage Recording Tax Exemption Benefit Calculator: Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ _____

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above, multiplied by .0075): \$ _____

G) Sales and Use Tax Benefit Calculator: Gross amount of costs for goods and services that are subject to State and local Sales and US tax – said amount to benefit from the Agency’s Sales and Use Tax exemption benefit:

\$ _____

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure, above) (This should match the amount in section “E” on this page, this calculation only exists to help you with your estimate):

\$ _____

Section IV: Estimate of Real Property Tax Abatement Benefits

Section IV of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application prior to the completed application being provided to the OCIDA Board.

A) PILOTS Estimate Table Worksheet

OCIDA estimate of current value	
New construction and renovation costs	
OCIDA estimate of increase in value	
OCIDA estimated value of completed project	
OCIDA estimate of taxes that would have been collected if the project did not occur	
Scheduled PILOT payments	

PILOT Year	Exemption %	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	100						
2	90						
3	80						
4	70						
5	60						
6	50						
7	40						
8	30						
9	20						
10	10						
TOTAL							

Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff

Section V: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, sub-contractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

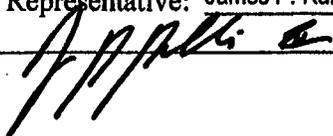
Noncompliance may result in the revocation and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne. Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the Local Access Policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available upon request.

Prior to issuance of any NYS Tax & Finance ST-60 forms, the Applicant must submit a **Contractor Status Report to the Agency.**

In consideration of the extension of financial assistance by the Agency Ranalli Super DC, LLC (the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency's application at the time of the application to the Agency and as part of a request to extend the valid date of the Agency's tax-exempt certificate for the Project. The Company understands that an Agency tax-exempt certificate is typically valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands that any request for a waiver to this policy must be submitted in writing and approved by the Agency.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of _____ (date).

Company: Ranalli Super DC, LLC
Representative for Contract: James P. Ranalli, III, Trustee
Address: 1200 State Fair Boulevard City: Syracuse State: NY Zip: 13209
Phone: 315-478-4242 Email: jamesranalli3@unitedautosupply.com
Project Address: 8626 Oswego Road City: Baldwinsville State: NY Zip: 13027

General Contractor: Top Notch Property Management
Contact Person: James P. Ranalli, III
Address: 1200 State Fair Boulevard City: Syracuse State: NY Zip: 13209
Phone: 315-478-4242 Email: jamesranalli3@unitedautosupply.com
Authorized Representative: James P. Ranalli, III, Trustee Title: Member
Signature: 

Section VI: Agency Fee Schedule

Payment Terms:

Application & Processing Fee (payable at the time of application):	\$1,000
Legal Deposit (payable at the time of application):	\$2,500
Agency Fee for Bond Projects:	Payable at Closing
Agency and Legal Fees for all other projects:	Due and Payable at Inducement

*** A sales tax certificate (ST-60) will not be issued until the Agency Fee is Paid in Full**

Agency Fees: The project cost is the Total Project Cost from section III A

<u>Benefit Sought</u>	<u>Fee Charged</u>
Mortgage Recording Tax and/or Sales Tax exemptions:	0.01 X the project cost
Additional Fee for PILOT Agreement Projects:	0.0025 X the project cost
Fee for bond financing, refinancing & refunding:	0.0025 X the project cost

Note: For Manufacturing Projects under \$10 million the fee is reduced by: 0.0025 X the project cost

Agency Legal Fees: The project cost is the Total Project Cost from section III A

Fee for first \$20 million:	0.0025 of the project cost
Fee for expenses above \$20 million:	0.00125 of the project cost

In addition to the foregoing, Applicants are responsible for payment of all costs and expenses incurred by OCIDA in connection with application or Project including without limitation publication, copying costs, SEQRA compliance and fees and costs to OCIDA’s attorneys, engineers, and consultants. OCIDA reserves the right to require a deposit to cover anticipated costs. Application fees are payable at time application/request is submitted. All fees are non-refundable. Applicants for bond transactions are responsible for payment of a Bond Issuance Charge payable to the State of New York. Applicants are also responsible for payment of post-closing fees and costs associated with the appointment of additional agents.

OCIDA reserves the right to modify this schedule at any time and assess fees and charges in connection with other transactions such as grants of easement or lease or sale of OCIDA-owned property.

Section VII: Recapture of Tax Abatement/Exemptions

Information to be Provided by Companies: Each Company agrees that to receive benefits from the Agency it must, whenever requested by the Agency or required under applicable statutes or project documents, provide and certify or cause to be provided and certified such information concerning the Company, its finances, its employees and other topics which shall, from time to time, be necessary or appropriate, including but not limited to, such information as to enable the Agency to make any reports required by law or governmental regulation.

Recapture of Benefits: It is the policy of the Agency to recapture the value of a PILOT, any sales and use tax exemption, and mortgage recording tax exemption in accordance with the Laws of the State and the provisions contained herein. Before receiving benefits, the Company must attest in writing to its understanding of, and agreement to, the recapture provisions contained in State Law and herein. To the extent permitted by State law, the recapture provisions contained herein may be modified from time to time by the Agency at its sole discretion.

Recapture of a PILOT, Sales Tax and the Mortgage Recording Tax Exemptions: If the number of full time equivalent jobs to be maintained or created in connection with a project falls below 75% of the number projected in the Company's application to the Agency, or if there are material violations of the project agreements, then the value of the property tax, sales and use tax and mortgage recording tax benefits extended to the project by the Agency may be subject to recapture. When deciding whether or not to recapture benefits and the amount of such recapture, the Agency may consider the potential future benefit of the business to the community.

Recapture Payment: The recapture payment paid by the Company to the Agency shall be determined (1) by the difference between any PILOT payments made by the Company and the property taxes that would have been paid by the Company if the property were not under the supervision, jurisdiction or control of the Agency, (2) the value of any mortgage recording tax exemption, if awarded to the Company and (3) the amount of sales and use tax that would have been paid if an exemption was not granted.

Recapture of the PILOT, Sales Tax or Mortgage Recording Tax: The Recapture Schedule for a Payment in Lieu of Tax Agreement, Sales Tax or the Mortgage Recording Tax is as follows:

Time from Project Completion	Tax Savings Recaptured
1 Year	80%
2 Years	60%
3 Years	40%
4 Years	20%
5 Years	10%

Distribution of the Recapture Payment: Any funds recaptured as a result of the recapture payment shall be distributed to the affected taxing jurisdictions in the same proportion as if the payments were paid or owed by the Company on the date of recapture.

Additional Conditions for the Recapture of Sales and Use Tax: As of April 1, 2013, New York State law requires Industrial Development Agencies to recapture sales tax benefits where:

- A project is not entitled to receive the benefits;
 - Exemptions received exceed the amount authorized by the Agency;
 - Exemptions are claimed by the Project for unauthorized property or services; or
 - A project fails to use property in the manner required by its IDA agreements.
1. **Distribution of Sales and Use Tax.** Project operators must cooperate with the Agency in its effort to recapture all sales and use tax benefits received by the Company by promptly paying the recapture amount as determined by the Agency. The amount to be recaptured will be dictated by State Law or this UTEP Policy, which ever may be applicable. The Agency shall remit the recaptured sales and use tax benefits to the State within 30 days of receipt.
 2. **Compliance Report.** Annually, the Agency will file an annual compliance report with the State of New York detailing its recapture terms and its activities to recapture benefits, including any attempt to recapture benefits from an Agency project.

A "Full Time Permanent Employee" shall mean

1. A full time, permanent, private sector employee on the Company's payroll, who has worked at the project location for a minimum of thirty hours per week for not less than four consecutive weeks and who is entitled to receive the usual and customary fringe benefits extended by Company to other employees with comparable rank, duties and hours; or
2. Up to three part time, permanent, private-sector employees on Company's payroll, who have worked at the project location for a combined minimum of thirty hours per week for not less than four consecutive weeks and who are entitled to receive the usual and customary fringe benefits extended by Company to other employees with comparable rank, duties and hours.

I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.

Name of Applicant Company

Ranalli Super DC, LLC

Signature of Officer or Authorized Representative:



Name & Title of Officer or Authorized Representative:

James P. Ranalli III, Trustee, Member

Date:

6/7/2021

Section VIII: Employment Plan

Jobs Listings: In accordance with §858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Business Services and with the administrative entity of the service delivery area created by the Workforce Innovation and Opportunity Act of 2014 in which the Project is located. In Onondaga County, please contact CNY Works. Additionally, the applicant is encouraged to review the services provided by JOBSPlus! for candidate matching services.

Are the employees of your company currently covered by a collective bargaining agreement?

Yes No

If yes, name and location: _____

Is the labor pool in Onondaga County and/or the CNY Economic Development Region adequate to fill new positions?

Yes No

Enter Company Name in three (3) places below and sign by an authorized company officer:

In consideration of the benefits provided by the Onondaga County Industrial Development Agency (OCIDA), Ranalli Super DC, LLC, project beneficiary, also agrees to report to OCIDA on the number of new employment opportunities created in connection with industrial or commercial projects financed by the proceeds of such benefits to be listed with the New York State Department of Labor Business Services and CNY Works.

Ranalli Super DC, LLC, project beneficiary, also agrees to report to OCIDA on or before March 1 of each year the status of employment opportunities filed with the New York State Department of Labor Business Services, including the number of new employment opportunities created, the number listed, and the number filled for the year ending the prior December 31.

Ranalli Super DC, LLC, project beneficiary, further agrees that, to the extent practicable and feasible, and subject to the requirements of any existing collective bargaining agreement, the project beneficiary shall fill at least 10% of new employment opportunities with persons eligible for service under the Workforce Innovation and Opportunity Act of 2014.

Name of Applicant Company: Ranalli Super DC, LLC

Signature of Officer or Authorized Representative: 

Name & Title of Officer or Authorized Representative: James P. Ranalli III, Trustee, Member

Date: 6/7/2021

NYS Department of Labor:
Roy Jewell
Associate Business Service Representative
450 South Salina Street, Syracuse, NY 13202 315-479-3362
roy.jewell@labor.ny.gov
www.labor.ny.gov

CNY Works
Chris Kennedy
Business Development Specialist
960 James Street, Syracuse, NY 13203
315-477-6974
ckennedy@cnyworks.com
www.cnyworks.com

Section IX: Conflict of Interest

Agency Board Members

1. Patrick Hogan
2. Steve Morgan
3. Victor Ianno
4. Sue Stanczyk
5. Kevin Ryan
6. Janice Herzog
7. Fanny Villarreal

Agency Officers/Staff

1. Robert M. Petrovich
2. Nathaniel Stevens
3. Nancy Lowery
4. Karen Doster
5. Chris Cox

Agency Legal Counsel & Auditor

1. Jeffrey Davis, Esq., Barclay Damon LLP
2. Amanda Mirabito, Esq., Barclay Damon LLP
3. Michael G. Lisson, CPA, Grossman St. Amour Certified Public Accountants PLLC

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

Name of Applicant Company

Ranalli Super DC, LLC

Signature of Officer or Authorized Representative:



Name & Title of Officer or Authorized Representative:

James P. Ranalli III, Trustee, Member

Date:

6/7/2021

Section X: Representations, Certifications, and Indemnification

_____ (Name of CEO or other authorized representative of Applicant) confirms and says that he/she is the _____ (title) of _____ (name of corporation or other entity) named in the attached Application (the “Applicant”), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. First Consideration for Employment:** In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.
- B. Other NYS Facilities:** In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which will result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or is reasonably necessary.
- C. Annual Sales Tax Filings:** In accordance with §874(8) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- D. Outstanding Bonds:** The Applicant understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.
- E. Employment Reports:** The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant agrees to file with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, “Employment Reports”) that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, with said report being an agenda item subject to the open

meetings law.

- F. Absence of Conflicts of Interest:** The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Section X.
- G. Compliance:** The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.
- H.** The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the Agency. (1) No funds of the Agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

- I.** The Applicant confirms and acknowledges that the owner, occupant or operator receiving financial assistance for the proposed Project is in substantial compliance with applicable local, state, and federal tax, worker protection and environmental laws, rules and regulations.
- J.** The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement in the Project.
- K.** The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
- L.** The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statement contained herein not misleading.

- M. The OCIDA has the right to request and inspect supporting documentation regarding attestations made on this application.
- N. **Hold Harmless Agreement:** Applicant hereby releases Onondaga County Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax-exemptions and other assistance requested therein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the process of the Application, including attorney's fees, if any.

Name of Applicant Company

Ranalli Super DC, LLC

Signature of Officer or Authorized Representative:

Name & Title of Officer or Authorized Representative:

James P. Ranalli III, Trustee, Member

Date: 6/7/2021

STATE OF NEW YORK)

COUNTY OF ONONDAGA)ss.;

James P. Ranalli, III, Trustee, being first duly sworn, deposes and says:

1. That I am the Member (Corporate Officer) of Ranalli Super DC, LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read and attached Application, I Know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this 7 day of June, 2021.

(Notary Public)

JESSICA L CLARK
Notary Public, State of New York
No. 01CL6272162
Qualified in Onondaga County
Commission Expires 11/13/2024

End of Application

COSTELLO

COONEY & FEARON, PLLC

Experience Innovation

211 W. Jefferson St., Syracuse, NY 13202

Tel: 315.422.1152 | Fax: 315.422.1139

www.ccf-law.com

Wendy S. Loughnot, *Partner*

wloughnot@ccf-law.com

September 10, 2021

VIA ELECTRONIC MAIL

Nancy Lowery
Office of Economic Development
Onondaga County
333 W. Washington Street, Suite 130
Syracuse, NY 13202

Re: Ranalli Super DC, LLC – Amended Application for Benefits

Dear Nancy:

Pursuant to your request, enclosed herewith please find an Amended OCIDA Application Appendix. The Appendix has been amended to reflect that the project will now include only the first phase, which will be 360,000 square feet of primarily warehouse and distribution uses. The necessary utility improvements, parking, roadcuts and widening, site improvements and building construction will be completed over a 12 to 24 month construction period. The SEQR Negative Declaration and Site Plan Approval from the Town of Lysander also reflect those changes. All other aspects of the Application (including the projects costs) have remained the same.

If anything further is needed for this application, please do not hesitate to contact me.

Very truly yours,

COSTELLO, COONEY & FEARON, PLLC


Wendy S. Loughnot

WSL/
Encl.

Amended OCIDA Application Appendix

Section 1

H) Percentage of supplies and vendor services in Onondaga County – 60%

Top Notch Property Management – Equipment set up, property maintenance, property management

WB Mason – Furniture, warehouse supplies, paper products

Strategic Accounting Outsource Solutions, LLC – Accounting services

CHA Consulting Inc – Engineering services

Costello, Cooney and Fearon – Corporate attorney

Tracy Road Equipment – Heavy highway equipment

Thompson and Johnson – Material handling solutions

East Syracuse Chevrolet, Romano Auto Group, Fuccillo Automotive Group, etc. – Delivery vehicles source

Multiple Auto Repair Shops – Repair of delivery vehicles

Section 2 – Project Information

C.

The new facility is intended to be utilized by United Auto Supply of Syracuse, West, Inc. (“United Auto Supply”), an affiliate of Ranalli Super DC, LLC. More specifically, the facility will be operated by United Auto Supply by way of a lease between to the two affiliated entities. United Auto Supply is a distributor/retailer of auto parts which was founded in 1946. Over the last sixty years we have expanded from a 2,500 square foot store on West Genesee Street to a 70,000 square foot facility on Tracy Street in the City of Syracuse. Based on the continued growth in our business, in 2016 we purchased and renovated the former P&C Warehouse at 1200 State Fair Boulevard, which is now Ranalli Industrial Park and corporate headquarters for United Auto Supply. Most recently, we are currently undertaking an expansion of our State Fair Boulevard warehouse space with the departure of the Lowe’s warehouse from that facility.

Based on our continued growth in the northeast and commitment to Onondaga County there is a need for additional warehouse and distribution space (above and beyond the expanded facility at State Fair Boulevard) to allow the company to expand its product lines to include larger, bulkier items (i.e. bumpers, doors, etc.) which require additional warehouse space that cannot be accommodated by our current facility. The project will be about 360,000 square feet of additional warehouse space. The new warehouse site is located at the intersection of NYS Route 690/48 and Hencle Boulevard. Based on proximity to our existing facility at 1200 State Fair Blvd, the new site is a great location for the next expansion of our business. Due to the growth and influx of demand, this adjacent facility will complement the existing warehouse at the Ranalli Industrial Park.

United Auto Supply has experienced 50% revenue growth year over year which has allowed for the company to continuously expand. The close proximity of the facility will allow greater flexibility in future expansions and bringing on new product lines to serve the automotive and retail industry in the northeast. The anticipated expansion would allow for job creation and revenue increases over the upcoming three to five years.

D)

(i) The proposed new facility would be approximately 360,000 square feet of warehouse, distribution and office space. The proposed new facility would be both corporate offices and warehouse distribution space. Approximately 5-10% of the new facility would be utilized for office, retail and ancillary uses and the remaining area would be utilized for warehouse and distribution. The office space would be corporate offices for various United Auto Supply personnel. The retail component would be a small portion of the building which would allow customers to come to the warehouse to pick up their orders. The ancillary uses would include lunchroom facilities and other facilities commonly provided for employees in a typically warehouse/distribution center. Currently it is anticipated that United Auto Supply would utilize the new facility. To the extent excess space is available, the applicant may consider leasing portions of the space to other tenants thereby creating additional jobs above and beyond the jobs created by United Auto Supply.

(ii) The proposed parcel is approximately 120+/- acres. The parcel included three current tax parcels located at 8626 Oswego Road, 8652 Oswego Road and 2200 Hencle Boulevard in the Town of Lysander. Approximately 40-45 acres of the parcel would be utilized for the overall development. The proposed facility and its ancillary uses (i.e. access roads, parking, stormwater management, drainage facilities, etc.) will sit on all three tax parcels.

(iii) The existing site is agricultural fields at the intersection of NYS Route 690/48 and Hencle Boulevard. The property is zoned for industrial uses.

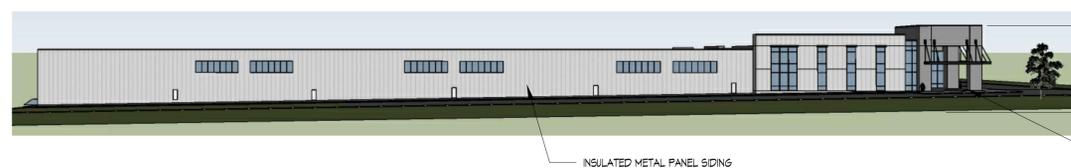
The proposed facility will be a state-of-the-art warehouse and distribution complex. The proposed \$40 million new construction will allow for new product lines and increased efficiency. The new facility will create approximately 135 new jobs, paying approximately \$5 million annually in salaries, after full staffing and operation.

(iv) The proposed facility will be a warehouse distribution and retail center of auto parts.

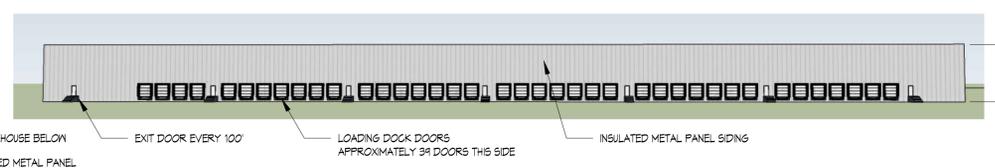
(v) The applicant is undertaking the proposed project to accommodate its continued growth and allow the applicant to expand new product lines to serve the automotive and retail industry in the northeast. The project cost is expected to exceed \$40 million dollars and will benefit the community and the county by creating new jobs and creating various sources of revenue to the County. The requested benefits in the forms of real property tax abatement (PILOT), sales and use tax exemptions and mortgage tax exemptions are extremely important to the viability and feasibility of the construction of the new warehouse distribution facility and corporate office for United Auto Supply. The benefits requested will allow the applicant to complete these improvements to open a facility that is going to create jobs, pay taxes, and allow for continued growth of a local business.



10 ILLUSTRATION- SOUTHWEST CORNER
SCALE: N.T.S.



20 ILLUSTRATIVE ELEVATION- WEST
SCALE: 1:60



25 ILLUSTRATIVE ELEVATION- EAST
SCALE: 1:60



30 ILLUSTRATIVE ELEVATION- NORTH
SCALE: 1:60

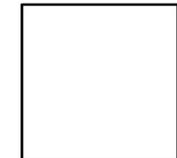


40 ILLUSTRATIVE ELEVATION- SOUTH
SCALE: 1:60



DRAFT- NOT FOR CONSTRUCTION

IT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED REGISTERED ARCHITECT, TO ALTER AN ITEM ON THIS DOCUMENT IN ANY WAY.



PROPOSED WAREHOUSE
HERCULE BOULEVARD
LYONSBUR, NEW YORK

PROJECT:

REVISIONS		
NO.	DATE	BY

DATE 3/18/21

SCALE AS SHOWN

DRAWN AA

PROJ. --

TITLE
PRELIMINARY
BUILDING
ILLUSTRATIONS

A-101

United Auto
Site Plan
8-13-2021

IN THE MATTER
Of
SITE PLAN APPROVAL FOR
RANALLI ALA, LLC – UNITED AUTO
WAREHOUSE

Resolution 2021-007
Site Plan Approval
Motion by Darcangelo
Second by Lester

The **TOWN PLANNING BOARD OF THE TOWN OF LYSANDER**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Lysander, located at 8220 Loop Road, Baldwinsville, New York 13027, County of Onondaga, State of New York, on the 12thth day of August, 2021, at 7:00 p.m. The meeting was called to order by John B. Corey, as Chairman, and the following were present, namely:

John B. Corey	Chairman
Hubert D. Kimball	Member
William Lester	Member
Steve Darcangelo	Member

Absent: Doug Beachel, Member

WHEREAS, the Ranalli ALA LLC (the “Applicant”) originally proposed the construction of a 1 million square foot warehouse and distribution center at the intersection of Hencle Blvd., Oswego Road (Route 48) and I -690;

WHEREAS, on or about July 8, 2021, the Applicant revised the proposal and reduced the size of the building to 360,000 sq. ft (the “Building”) by eliminating the originally proposed Phase II and Phase III of the project (the revised proposal hereinafter referred to as the “Project”);

WHEREAS, the Applicant, through its engineers (CHA Engineers), has submitted a site plan package (the “Site Plan Package”) entitled “Proposed Warehouse, 8626 Oswego Road, Town of Lysander, New York,” prepared by CHA, which consists of the following Sheets: C-001 Title Sheet, C-

003 Existing Conditions, C-100 Overall Layout, C-101 Site Layout, C-102 Site Layout, C-200 Overall Grading, C-201 Site Grading, C-202 Site Grading, C-203 Site Grading, C-204 Site Grading, C-300 Overall Utility Plan, C-301 Site Utility Plan, C-302 Site Utility Plan, C-303 Site Utility Plan, C-400 Landscaping Plan, C-500 Overall Erosion and Sediment Control Plan, C-551 Erosion Control Details, C-601 Details, C-602 Details, C-603 Details, C-604 Details, C-700 Lighting Plan, C-701 Lighting Details, C-702 Lighting Details, identified as Project No. 23278.9074, and dated 3-17-21, last revision date 8-10-21;

WHEREAS, on August 12, 2021, the Planning Board approved a resolution issuing a negative declaration under the State Environmental Quality Review Act (the "SEQRA Resolution");

WHEREAS, the Planning Board received a Site Plan review letter from the Town Engineer, dated August 11, 2021 indicating that he has reviewed the Site Plan Package and believes it conforms to New York State law and the Town Code;

NOW, THEREFORE BE IT RESOLVED, that having issued a negative declaration under SEQRA and having reviewed the Site Plan Package and comparing it to the criteria set forth in Town Code 320-41 (Site Plan Criteria) the Planning Board approves the Site Plan Package subject to the following conditions:

1. All the Site Plan conditions set forth in the SEQRA Resolution, including, but not limited to: traffic mitigation requested by NYS DOT, the modifications and comments set forth in the Syracuse Onondaga County Planning Board's Resolution, all recommendations of the Town Engineer set forth in his review letters, the recommendations and restrictions set forth in the Onondaga County Memo, **are hereby approved and adopted**;

2. A wetland determination letter from the New York State Department of Conservation and the Army Corp of Engineers must be submitted to the Town Engineer that verifies the boundaries on the Wetland Delineation Report submitted by the Applicant, dated April 15th, 2021;

3. The extension of the appropriate sewer and water district to the Project Site must be approved by the Town Board;

4. Hours of operation shall be as set forth in the Traffic Impact Study and the Environmental Assessment Form, since they were partially relied on to make the SEQRA determination (Finding and Determination 19 in the SEQRA Resolution);

5. Final review and approval of the Town Engineer and the Planning Board Attorney on the Site Plan Package, the Stormwater Pollution and Prevention Plan and any subsequent documents submitted by the Applicant that does not materially change the Site Plan;

6. The three parcels set forth in Part I or the EAF (tax map - 055-01-19.1; 055-01-18; 055-01-20.0) be merged into one parcel before a certificate of occupancy is issued.

7. Conditions set forth in the Town Engineer's Site Plan approval letter dated August 11, 2021.

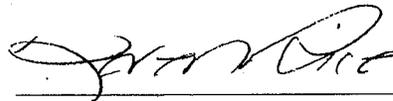
4 Ayes -- 0 Noes

I, KAREN RICE, Secretary of the Planning Board, DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Town Planning Board of the Town of Lysander at a regular meeting of the Board duly called and held on the 5th day of August, 2021 that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I HEREBY CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Lysander, this 13th day of August, 2021.

DATED: 8-13, 2021
Baldwinsville, New York



Karen Rice
Secretary
Planning Board of the Town of Lysander
Onondaga County, New York

IN THE MATTER
Of
STATE ENVIRONMENTAL QUALITY REVIEW
ACT
DETERMINATION FOR
RANALLI ALA, LLC
SITE PLAN

Resolution 2021-~~004~~
DETERMINATION OF
ENVIRONMENTAL
SIGNIFICANCE OF PROJECT

*Motion by Corey,
Second by Lester*

The TOWN PLANNING BOARD OF THE TOWN OF LYSANDER, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Lysander, located at 8220 Loop Road, Baldwinsville, New York 13027, County of Onondaga, State of New York, on the 12th day of August, 2021, at 7:00 p.m. The meeting was called to order by John B. Corey, as Chairman, and the following were present, namely:

John B. Corey	Chairman
Hubert D. Kimball	Member
William Lester	Member
Steve Darcangelo	Member
Doug Beachel	Member

Absent: *Doug Beachel*

WHEREAS, the Ranalli ALA LLC (the "Applicant") originally proposed the construction of a 1 million square foot warehouse and distribution center at the intersection of Hencle Blvd., Oswego Road (Route 48) and I-690;

WHEREAS, on or about July 8, 2021, the Applicant revised the proposal and reduced the size of the building to 360,000 sq. ft (the "Building") by eliminating the originally proposed Phase II and Phase III of the project (the revised proposal hereinafter referred to as the "Project");

WHEREAS, the Applicant, through its engineers (CHA Engineers), has submitted a site plan package (the "Site Plan Package") entitled "Proposed Warehouse, 8626 Oswego Road, Town of

Lysander, New York," prepared by CHA, which consists of the following Sheets: C-001 Title Sheet, C-003 Existing Conditions, C-100 Overall Layout, C-101 Site Layout, C-102 Site Layout, C-200 Overall Grading, C-201 Site Grading, C-202 Site Grading, C-203 Site Grading, C-204 Site Grading, C-300 Overall Utility Plan, C-301 Site Utility Plan, C-302 Site Utility Plan, C-303 Site Utility Plan, C-400 Landscaping Plan, C-500 Overall Erosion and Sediment Control Plan, C-551 Erosion Control Details, C-601 Details, C-602 Details, C-603 Details, C-604 Details, C-700 Lighting Plan, C-701 Lighting Details, C-702 Lighting Details, identified as Project No. 23278.9074, and dated 3-17-2, last revision date 7-23-21;

WHEREAS, the Project is proposed to be situated on three separate vacant parcels (which the Planning Board will require to be merged if approved), identified as tax map nos. 055-01-19.1, 055-01-18.0, and 055-01-20.0, which together equal 122.6 acres (the "Property" or "Project Site");

WHEREAS, of the 122.6 acres, the Applicant has proposed to disturb approximately 23%, or 27.9 acres of the Property;

WHEREAS, when the Project is completed, only 15.5 acres of the 122.6 acres, or less than 10%, will be impervious surfaces;

WHEREAS, the remaining vacant lands will be used to buffer the Building with open space and accommodate for stormwater run-off;

WHEREAS, the Planning Board and its engineer has reviewed the Site Plan Package and has considered it in relation to the SEQRA review and findings set forth herein;

WHEREAS, the existing zoning for the Project Site is Industrial and has been zoned Industrial of several decades;

WHEREAS, the Project is now proposed to be developed in one phase – a 360,000 sq. ft. building with construction to be completed within an estimated 24 months;

WHEREAS, land uses in the adjacent surrounding area are low intensity commercial, some individual residents situated on Church Road, NYS Rt. 48 and the closest subdivision being

Giddings Crest (approximately 93 building lots), with the closest residents in this subdivision being approximately .7 miles feet from the Project Site;

WHEREAS, because 27 acres of the Property will be disturbed by the construction of the Project, it qualifies the Action as a Type I action under Article 8 of the New York State Environment Law and 6 NYCRR ("SEQRA");

WHEREAS, on February 11, 2021, pursuant to NYCRR Part 617.6(b), the Lysander Planning Board (the "Planning Board") declared itself the Lead Agency and issued to all involved agencies a Notice of Intent that classified the Project as a Type I action and further stated that it intended to be the Lead Agency for the Action;

WHEREAS, no involved agency responded in objection to the Notice of Intent for Lead Agency;

WHEREAS, on March 4, 2021 the New York State Department of Transportation submitted a letter to the Town Planning Board Chairman identifying concerns related to traffic, highway work permits, right-of-way issues and utility installation and requested a copy of the stormwater pollution and prevention plan ("SWPPP");

WHEREAS, on March 22, 2021, the Planning Board held a scoping session for all the involved agencies to determine any environmental concerns they may have - none of the involved agencies attended or submitted comments;

WHEREAS, the Applicant has provided the Town Planning Board with a revised Traffic Impact Study (the "Traffic Impact Study"), dated July 2021, prepared by GTS Consulting, Inc. ("GTS"), reflecting the reduction of the Building size from 1 million sq. ft. to 360,000 sq. ft., in which GTS indicates that the level of traffic generated by the Project will not significantly degrade traffic level services in and around the area;

WHEREAS, the Traffic Impact Study recommend several mitigation measures to reduce traffic impacts;

WHEREAS, the New York State Department of Transportation (NYS DOT), which controls access to NYS Rt. 48, the point of ingress/egress for the Project, has been asked by the Applicant and the Town Engineer to review the Traffic Impact Study to assess whether the information provided in the Traffic Impact Study is sufficient to warrant the ingress/egress proposed by the Applicant and whether the mitigation measures proposed are sufficient to accommodate the additional traffic generated by the Project;

WHEREAS, by letter dated July 14, 2021, the NYS DOT has determined that the Traffic Impact Study and the ingress/egress to State Rt. 48 is sufficient to accommodate the additional traffic from the Project and has recommended several mitigation measures to improve the flow of traffic in and around the Project site (the "NYS DOT Letter" attached hereto as Exhibit A and made part of the Findings and Determinations below);

WHEREAS, the Onondaga County Department of Transportation (the "County DOT"), which controls Hencle Blvd, which was originally second point of ingress/egress for the Project, has been asked by the Applicant and the Town Engineer to review the Traffic Impact Study to assess whether the information provided in the Traffic Impact Study is sufficient to warrant the ingress/egress proposed by the Applicant and whether the mitigation measures proposed are sufficient to accommodate the additional traffic generated by the Project;

WHEREAS, by memo dated July 6, 2021, the County DOT has determined that the Traffic Impact Study acceptable for the portion that pertains to Hencle Blvd. but that Hencle Blvd is determined to be a highways "without access" (the "County DOT Memo", which is attached to this Resolution as Exhibit B and made part of the Findings and Determinations below);

WHEREAS, by letter dated April 1, 2021 and follow up letter dated August 11, 2021, the Engineer for the Town has reviewed the Traffic Impact Study and based on his review and the NYS DOT Letter and the County DOT Memo, agrees that the mitigation measures proposed by the Applicant will eliminate or moderate any significant impacts on traffic in and around the Project Site (the "Engineer Review Letters");

WHEREAS, the Land is zoned Industrial under the Town Code and the use proposed by the Applicant is in keeping with the allowed zoning and the character and nature of this area;

WHEREAS, CHA submitted to the Town Engineer a Stormwater Pollution and Prevention Plan ("SWPPP") date August 2021 which identifies stormwater run-off issues and proposed stormwater facilities that will meet the NYS Department of Environmental Conservation regulations (See Engineer's Review Letter of August 11, 2021);

WHEREAS, by resolution dated June 21, 2021, the Onondaga County Planning Agency indicated that it met on April 21, 2021 to review the original 1 million sq. ft. building proposal and it made four (4) modifications that it requested from the Applicant;

WHEREAS, by resolution dated August 4, 2021, the Onondaga Planning Agency re-examined the Project based on the reduction of the Building to 360,000 sq. ft. and made three (3) modifications that it is requesting of the Applicant and two (2) comments, all of which the Planning Board agrees with and makes part of this Resolution and the findings and determinations below;

WHEREAS, on April 8, 2021, at its monthly meeting, the Planning Board reviewed, discussed and asked questions to the CHA Engineers regarding Part II of the Long Environmental Assessment Form (the "EAF") and answered the 18 questions set forth therein based on the 1 million sq. ft. original proposal;

WHEREAS, the Planning Board identified six areas of potential environmental impact as follows: (i) Impact on Land; (ii) Impacts on Surface Water; (iii) Impacts on Plants and Animals; (iv) Impacts on Transportation; (v) Impacts on Energy; and (vi) Impacts on Noise, Odor and Light;

WHEREAS, of the six potential environmental impacts set forth in the previous paragraph, the Planning Board determined that the standards set forth in the EAF sub-questions indicated "no, or small impact may occur" for all identified potential environmental impacts except for:

Question 1(d), which indicates the proposed action may involve the excavation and removal of 1,000 tons of natural material, and

Question 13(a) and (b), which indicates that the action may increase traffic to exceed capacity of existing road network and the construction of paved parking for more than 500 or more vehicles;

Question 14(d), which indicates that the action may involve the heating and/or cooling of more than 100,000 square feet of building when completed;

WHEREAS, the FINDINGS and DETERMINATIONS set forth below explain the Planning Board's opinion on Question 1(d), Question 13(a) (b) and Question 14(d) above and other issues of environmental concern expressed to the Planning Board;

WHEREAS, on August 12, 2021, the Planning Board re-reviewed Part I and Part II of the EAF based on the updated information provided by the Applicant that reduced the size of the Building from one million sq. ft to 360,000 sq. ft. and made the following changes to the EAF Part II:

- ③ 1. Impact on Agricultural Resources - yes; w/no to some impacts
- ② 2. Impact on Transportation - parking area reduced but new area
- 3. _____;
- 4. _____;

WHEREAS, based on the review of the Site Plan Package, Part I and Part II of the EAF, the Planning Board's familiarity of the Project Site, the Town's Comprehensive Plan, the zoning designation of the Property as Industrial, and the comments received by the public, and the Recitals stated above, the Planning Board hereby makes the following FINDINGS and DETERMINATIONS, which will be added as a supplement to the EAF Part II and III:

1. **FINDING and DETERMINATION:** The purpose of the Industrial Zone, the zoning designation where the Project is situated, is "for uses which focus on the movement, storage or processing of raw materials or finished/semifinished goods. Good access to major transportation routes (highway, railroad or river) is to be encouraged as is separation from and buffering from nearby residential areas." Section 320-31 of the Town Code

2. **FINDING and DETERMINATION:** The Project and its use (as a warehouse and distribution facility) fits directly within the purposes for a business in the Industrial Zone because the Property has direct, or nearly direct, access to major highways (I-690, State Route 48, Hencle Blvd, the New York State Thruway and Interstate 81).
3. **FINDING and DETERMINATION:** After three public hearings and input from the Planning Board, the Applicant reduced the size of the proposed Building from 1 million sq. ft. to 360,000 sq. ft which has significantly lessened the environmental impact of the Project in terms of traffic, the length of time for construction, ingress/egress issues, visual impacts, wetland impacts, impacts on soils and ground cover excavation.
4. **FINDING and DETERMINATION:** The general nature and character of the adjoining surrounding land use is low intensity commercial or vacant land, with possibly some individualized residences north, west and south of the Project Site.
5. **FINDING and DETERMINATION:** The Giddings Crest subdivision is approximately .7 miles from the Project Site boundary, which distance will prevent any direct environmental impact from the Project, including but not limited to noise, lighting, odor or construction impacts. (See Exhibit C to this Resolution – an arial/satellite depiction of the Giddings Crest subdivision and its proximity to the Property prepared by the Town Engineer
6. **FINDING and DETERMINATION:** Between the Giddings Crest subdivision and the Project Site is forested land, which buffering will prevent any direct environmental impact from the Project. (See Exhibit C to this Resolution – an arial/satellite depiction of the Giddings Crest subdivision and its proximity to the Property prepared by the Town Engineer)
7. **FINDING and DETERMINATION:** The existing topography, which provides a crest vertical curve, or hill, from the Project Site to the Giddings Crest subdivision will prevent any direct environmental impact from the Project. (See Exhibit C to this Resolution – an arial/satellite depiction of the Giddings Crest subdivision and its proximity and elevation to the Property prepared by the Town Engineer)

8. **FINDING and DETERMINATION:** The Planning Board adopts the conclusions and recommendations of the modified Traffic Impact Study as it relates to ingress/egress, traffic distribution, level of service at intersection and parking, based on the NYS DOT Letter, the County DOT Memo and the Town Engineer Letter.
9. **FINDING and DETERMINATION:** While the Applicant is proposing the excavation or removal of more than 1,000 tons of natural material (topsoil) (See Question 1(d) of the EAF Part 2), the Property is large enough to accommodate such excavation and removal since the disturbance will be approximately 23% of the total Property acreage and a significant amount of excavated natural material will remain on the Project Site. Based on the Applicant's representations, any material that is taken off the Project Site during development will be repurposed or processed as screened topsoil. Finally, the Applicant mitigated the amount of topsoil being taken off the Project Site by reducing the size of the building from 1 million sq. ft. to 360,000 sq. ft.
10. **FINDING and DETERMINATION:** The SWPPP submitted by CHA provides enough information to indicate that the onsite stormwater can be managed on the Property because of the amount of vacant land remaining after construction (See Engineer's Letter dated August 11, 2021). The grading plan, presented as part of the Site Plan Package shows the bioretention area has been moved away from the wetland buffer, which should not be disturbed. In the event the buffer or wetland is disturbed, the Applicant will be required to obtain a NYS DEC and Army Corp of Engineer's permit, which shall be a condition of any Site Plan approval, in additions to the conditions set forth in Finding and Determination 11 below.
11. **FINDING and DETERMINATION:** While the Planning Board has determined that there will be no significant environmental impact on flooding (Question 5 of the EAF Part 2), during the Site Plan process the Planning Board will pay special attention to the SWPPP and require mitigation efforts to ensure that construction near the Tannery Creek area accounts for proper

drainage management of this water body, not including downstream maintenance issues such as culvert cleaning and stream overgrowth management.

12. **FINDING and DETERMINATION:** There is no indication from the EAF Mapper that there are any endangered species, natural communities of animals, or rare plants and animals on the Property.
13. **FINDING and DETERMINATION:** The New York State Department of Environmental Conservation, which is an Involved Agency and was invited to participate in the Scoping Session for SEQRA, did not provide the Planning Board with any comments related to the environmental impacts of the Project on the Three Rivers Wildlife Management Area. The Town Engineer has contacted the staff at the NYSDEC and at Three Rivers Wildlife Management Area to verify that the SEQRA coordinated review package was received along with the revised Site Plan Package. No concerns have been raised by NYSDEC about the impacts of the Project on Three Rivers Wildlife Management Area and the plants and animals at Three Rivers Wildlife Management Area.
14. **FINDING and DETERMINATION:** While part of the Project Site has previously been used for agricultural purposes, and the soils may qualify under soil groups 1 to 4 (see EAF Part II question 8(a)), the Property and has been set aside by the Town of Lysander for Industrial purposes and is properly zoned for the use proposed by the Applicant, as set forth above. The Zoning Map of the Town of Lysander indicates that most of the land in the Town is zoned for agricultural purposes and removing the Project Site from agricultural use will be insignificant in the overall opportunity for agricultural uses of land in the Town.
15. **FINDING and DETERMINATION:** The Applicant submitted Phase I (Ia and Ib) Cultural Resource Investigations Report that indicates that no further archeological work is required to determine whether this is an archaeologically sensitive site, that the Planning Board accepts this Report in full.

16. **FINDING and DETERMINATION:** The Traffic Impact Study is hereby agreed to and accepted, and its conclusions are adopted by the Planning Board insofar as they determine that there will not be any significant degradation in the level of service on the existing roads and intersections in and around the Project Site (Question 13(a) of EAF Part II).
17. **FINDING and DETERMINATION:** The mitigation measures proposed in the Traffic Impact Study are hereby agreed to and accepted and such measures will reduce the environmental impact of traffic being generated by the Project based on the analysis of the Town Engineer, the County DOT, and the NYS DOT. (Question 13(a) of EAF Part II).
18. **FINDING and DETERMINATION:** While the Planning Board agrees with the NYS DOT decision to allow one point of ingress/egress to the Project Site, this is based on a 360,000 sq. ft. Building.
19. **FINDING and DETERMINATION:** While the Applicant is proposing a paved parking lot for more than 406 cars (See Question 13(b) of the EAF Part II), the Planning Board accepts the explanation set forth in the Traffic Impact Study as to how traffic will be managed from the parking lot and based on the analysis of the Town Engineer, the County DOT and the State DOT. Further, the terms and conditions that restrict the hours of operation and proposed worker shifts to the times reflected in the Traffic Impact Study and the EAF shall be a condition of any Site Plan approval by the Planning Board.
20. **FINDING and DETERMINATION:** The 122-acre site is large enough to provide sufficient space to accommodate and manage traffic on site so that vehicles can be taken off the roads quickly and avoid congestion on the public highways around the Project Site.
21. **FINDINGS and DETERMINATIONS:** While the Planning Board recognizes that the Building will require the heating and/or cooling of more than 100,000 sq. ft. of building (Question 14(d) of the EAF Part 2), the Project involves a warehouse and distribution center that will not require any abnormal or heavy energy loads and will use existing energy sources and distribution systems and will not require a new or upgraded substation.

22. **FINDINGS and DETERMINATION:** The Planning Board has reviewed the Lighting Plan provided by CHA (dated July 23, 2021) and agrees that it is "dark sky" compliant and will not have any spillage off of the Property.
23. **FINDINGS and DETERMINATION:** The Planning Board agrees with and hereby adopts the recommendations for modifications of the Site Plan that are proposed by the Onondaga County Planning Board, as set forth in its letter of August 4, 2021, which letter and rationale serves as a basis for the Planning Boards FINDINGS and DETERMINATIONS.
24. **FINDINGS and DETERMINATION:** The letters received by the Town Engineer from CHA, dated July 27, 2021, August 9, 2021 and August 10, 2021, answer the questions that resulted from the public hearings and posed by the Town Engineer in his letters, dated July 16, 2021 and August 5, 2021 and August 11, 2021 and such answers serve as a partial basis for the Planning Board's FINDINGS and DETERMINATIONS.
25. **FINDING and DETERMINATION:** Each and every FINDING and DETERMINATION set forth herein can serve as a rational basis for the decision made in this Resolution and any FINDING and DETERMINATION can be severed from the rest if found incorrect, incomplete or insufficient by a court of competent jurisdiction.

WHEREAS, on May 13, 2021 and continued on June 10, 2021 and July 8, 2021 the Planning Board held a public hearing on the Site Plan Package and to determine whether any additional information gained by the public would assist the Planning Board in its SEQRA determination;

WHEREAS, based on the public hearing(s), the Planning Board makes the following **SUPPLEMENTAL FINDINGS and DETERMINATIONS:**

1. **TRAFFIC ON NYS RT 48**

Concern was raised about accidents on NYS Rt. 48 and the traffic impacts the Project could cause to exacerbate the potential issues. The Planning Board has received the NYS DOT Letter, the County

DOT Memo and an analysis by the Town Engineer and based on this information has determined that the Traffic Impact Study sufficiently addresses the concerns raised about the increase in traffic and any impacts resulting from said increase.

2. ACQUIFER DISTURBANCE

Concern was raised that the disturbance of the vacant land will affect a drinking water aquifer below the surface of the Project Site. CHA has indicated in its correspondence to the Town Engineer that the Project Site is not over an aquifer and the nearest aquifer is located to the south of the Project Site. The Planning Board has determined that based on the soil type HSG 'D' (clay loam, silty clay loam, sandy clay, silty clay, or clay): Soils have high runoff potential and they have very low infiltration rates when thoroughly wetted, and consist chiefly of clay soils with a high swelling potential, soils with a permanent high water table, soils with a clay pan or clay layer at or near the surface, and shallow soils over nearly impervious material. These soils have a very low rate of water transmission (< 0.05 inches/hour) and as a result they will have minimal impact on the recharge of the groundwater aquifer near the surface of the Project Site (the Applicant is proposing to excavate approximately 8 feet at the Building and 16 feet at the stormwater facilities at the deepest point and the aquifer is estimated to be greater than 60' below grade).

3. GIDDINGS CREST SUBDIVISION IMPACT

Concern was raised that the Project will negatively impact the Giddings Crest subdivision homes primarily because of: (i) traffic, (ii) the height of the Building (40 ft), (iii) property values and (iv) drainage. Aside from the FINDINGS and DETERMINATIONS above, the Planning Board has further determined that (a) the noise related to any additional traffic on I-690 is an existing condition for the homes and as a result will not significantly change the current conditions; (b) the visual impact of the 40' high building will not be seen from the Giddings Crest subdivision as set forth in the FINDINGS and DETERMINATIONS above and therefore is not a significant environmental issue; (d) no evidence has been submitted that would show that the Project, situated on a properly zoned Industrial site, would affect property values of homes that are over .7 miles away, and (e) the Project Site (122.6 acres of which

approximately 77% will be undisturbed) is large enough accommodate the drainage facilities that will be required, pursuant to the SWPPP and the Giddings Crest Subdivision is not a drainage tributary to the Project Site.

4. SEWER CAPACITY

Concern was raised that the Project would be an additional strain on the wastewater treatment and capacity in the Baldwinsville/Seneca Knolls treatment plant. The Planning Board has determined based on a letter from the Water Environmental Protection Department, dated March 25, 2021, that there is sufficient capacity at the treatment plant to accommodate the Project.

5. SOUND MITIGATION FROM ADDITIONAL TRAFFIC

Concern was raised that the additional truck traffic generated by the Project will increase the sound noise to the residents whose houses are situated east of I-690. The Planning Board has determined that I-690 is a State highway that was built to accommodate truck traffic and the residents who built or purchased homes adjacent to I-690 were aware, or should have been aware, of the potential for traffic noise.

6. IMPACTS ON THE THREE RIVERS WILDLIFE MANAGEMENT AREA

Concern was raised that the Project would generally have a negative environmental impact on the Three Rivers Wildlife Management Area. In addition to the FINDING and DETERMINATION made above, the Planning Board has determined that the bulk of the Three Rivers Wildlife Management Area is located over .5 mile(s) from the Project Site and that the physical distance between the Building, the existing vegetation and forested land and the buffering that will be required will mitigate any concerns about the environmental impacts to the Three Rivers Wildlife Management Area. Finally, there is no evidence of endangered or threatened species that would be significantly affected by the development of the Project either on the Project Site or near the Project Site. Therefore, the environmental impact on Three Rivers Wildlife Management Area will be minimal. (See Exhibit D - United Auto Park Land Proximity prepared by the Town Engineer that provides context to this Supplemental Finding and Determination).

NOW, THEREFORE BE IT RESOLVED, that having reviewed the EAF and relating it to the criteria set forth in Section 617.8(c) of the SEQRA regulations, having held the public hearing and making the Findings and Determinations contained in this Resolution, the Planning Board hereby issues a Negative Declaration under Article 8 of the Environmental Conservation Law; and be it

BE IT FURTHER RESOLVED, that the Lead Agency is the Planning Board of the Town of Lysander, with a mailing address of 8220 Loop Road, Baldwinsville, Town of Lysander, New York;

BE IT FURTHER RESOLVED, that the Project is a Type I Action under SEQRA;

BE IT FURTHER RESOLVED, that the proposed Action is located on Hencle Blvd and NYS Route 48 in the Town of Lysander;

BE IT FURTHER RESOLVED, that this Resolution be appended to the EAF Part II and Part III and made a part thereof;

BE IT FURTHER RESOLVED, that Secretary to the Planning Board is hereby directed to file this Negative Declaration with the appropriate entities as set forth under 6 NYCRR Part 617.

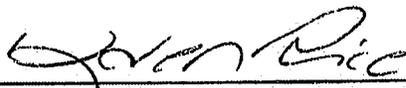
4 A2/25 - 0 NOCS

I, KAREN RICE, Secretary of the Planning Board, DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Town Planning Board of the Town of Lysander at a regular meeting of the Board duly called and held on the 12th day of August, 2021 that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I HEREBY CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Lysander, this 13th day of August, 2021.

DATED: 8-13, 2021
Baldwinsville, New York



Karen Rice
Secretary
Planning Board of the Town of Lysander
Onondaga County, New York

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No	district extension & sewer capacity)	
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No	NYS DOT Driveway permit	
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>i. Coastal Resources.</p> <p><i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? Yes No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Yes No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? Yes No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) Yes No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? Yes No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? _____

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____
 ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length
 iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

 iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

- Do existing sewer lines serve the project site? Yes No
- Will a line extension within an existing district be necessary to serve the project? Yes No

 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____

- Will stormwater runoff flow to adjacent properties? Yes No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p><i>i.</i> During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p><i>ii.</i> During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
---	--

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No
 Describe: _____

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No
 Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No
 If Yes:
 i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ tons per _____ (unit of time)
 • Operation : _____ tons per _____ (unit of time)
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: _____

 • Operation: _____

 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____

 • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100-year Floodplain? Yes No

k. Is the project site in the 500-year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p>
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

<p>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District</p> <p style="margin-left: 20px;">ii. Name: _____</p> <p style="margin-left: 20px;">iii. Brief description of attributes on which listing is based: _____</p>
<p>f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe possible resource(s): _____</p> <p style="margin-left: 20px;">ii. Basis for identification: _____</p>
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Identify resource: _____</p> <p style="margin-left: 20px;">ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p style="margin-left: 20px;">iii. Distance between project and resource: _____ miles.</p>
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Identify the name of the river and its designation: _____</p> <p style="margin-left: 20px;">ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

F. Additional Information

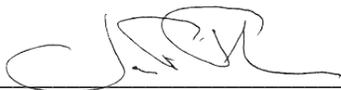
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature  _____ Title _____

United Auto
Loop EAF
8-12-2021

The ENB SEQRA Notice Publication Form - Please check all that apply

Deadline: Notices must be received by 6 p.m. Wednesday to appear in the following Wednesday's ENB

- Negative Declaration - Type I
- Conditioned Negative Declaration
- Positive Declaration
- Draft Scope
- with Public Scoping Session (optional)
- Final Scope
- Draft EIS
- with Public Hearing
- Generic
- Supplemental
- Final EIS
- Generic
- Supplemental

DEC Region # 7 County: Onondaga Lead Agency: Town of Lysander Planning Board

Project Title: Ranalli ALA, LLC United Auto Supply Warehouse

Brief Project Description: The action involves . . .

Construct a 360,000 square foot warehouse and distribution center with associated parking at the intersection of Hencle Boulevard/Oswego Road/NYS Route 48, more particularly 8626 Oswego Road, Town of Lysander, Baldwinsville, New York

Project Location (include street address/municipality):

Contact Person: Karen Rice, Clerk to the Town of Lysander Planning Board

Address: 8220 Loop Road City: Baldwinsville State: NY Zip: 13027
Phone: 3156384819 Fax: 3156351515 E-mail: planning@townoflysander.org

For Conditioned Negative Declaration / Draft Scope / Draft EIS: Public Comment Period ends: ___ / ___ / ___

For Public Hearing or Scoping Session: Date: 7 / 8 / 2021 Time: 7 : 43 am/pm

Location: Town of Lysander, 8220 Loop Road, Baldwinsville, NY 13027

A hard copy of the Draft Scope/Final Scope/DEIS/FEIS is available at the following locations:

The online version of the Draft Scope/Final Scope/DEIS/FEIS is available at the following publically accessible web site: www.townoflysander.org

For Conditioned Negative Declaration: In summary, conditions include:

IN THE MATTER
Of
STATE ENVIRONMENTAL QUALITY REVIEW
ACT
DETERMINATION FOR
RANALLI ALA, LLC
SITE PLAN

Resolution 2021-504
DETERMINATION OF
ENVIRONMENTAL
SIGNIFICANCE OF PROJECT

*Motion by Corelli,
Second by Lester*

The TOWN PLANNING BOARD OF THE TOWN OF LYSANDER, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Lysander, located at 8220 Loop Road, Baldwinsville, New York 13027, County of Onondaga, State of New York, on the 12th day of August, 2021, at 7:00 p.m. The meeting was called to order by John B. Corey, as Chairman, and the following were present, namely:

John B. Corey	Chairman
Hubert D. Kimball	Member
William Lester	Member
Steve Darcangelo	Member
Doug Beachel	Member

Absent: Doug Beachel

WHEREAS, the Ranalli ALA LLC (the "Applicant") originally proposed the construction of a 1 million square foot warehouse and distribution center at the intersection of Hencle Blvd., Oswego Road (Route 48) and I-690;

WHEREAS, on or about July 8, 2021, the Applicant revised the proposal and reduced the size of the building to 360,000 sq. ft (the "Building") by eliminating the originally proposed Phase II and Phase III of the project (the revised proposal hereinafter referred to as the "Project");

WHEREAS, the Applicant, through its engineers (CHA Engineers), has submitted a site plan package (the "Site Plan Package") entitled "Proposed Warehouse, 8626 Oswego Road, Town of

Lysander, New York," prepared by CHA, which consists of the following Sheets: C-001 Title Sheet, C-003 Existing Conditions, C-100 Overall Layout, C-101 Site Layout, C-102 Site Layout, C-200 Overall Grading, C-201 Site Grading, C-202 Site Grading, C-203 Site Grading, C-204 Site Grading, C-300 Overall Utility Plan, C-301 Site Utility Plan, C-302 Site Utility Plan, C-303 Site Utility Plan, C-400 Landscaping Plan, C-500 Overall Erosion and Sediment Control Plan, C-551 Erosion Control Details, C-601 Details, C-602 Details, C-603 Details, C-604 Details, C-700 Lighting Plan, C-701 Lighting Details, C-702 Lighting Details, identified as Project No. 23278,9074, and dated 3-17-2, last revision date 7-23-21;

WHEREAS, the Project is proposed to be situated on three separate vacant parcels (which the Planning Board will require to be merged if approved), identified as tax map nos. 055-01-19.1, 055-01-18.0, and 055-01-20.0, which together equal 122.6 acres (the "Property" or "Project Site");

WHEREAS, of the 122.6 acres, the Applicant has proposed to disturb approximately 23%, or 27.9 acres of the Property;

WHEREAS, when the Project is completed, only 15.5 acres of the 122.6 acres, or less than 10%, will be impervious surfaces;

WHEREAS, the remaining vacant lands will be used to buffer the Building with open space and accommodate for stormwater run-off;

WHEREAS, the Planning Board and its engineer has reviewed the Site Plan Package and has considered it in relation to the SEQRA review and findings set forth herein;

WHEREAS, the existing zoning for the Project Site is Industrial and has been zoned Industrial of several decades;

WHEREAS, the Project is now proposed to be developed in one phase – a 360,000 sq. ft. building with construction to be completed within an estimated 24 months;

WHEREAS, land uses in the adjacent surrounding area are low intensity commercial, some individual residents situated on Church Road, NYS Rt. 48 and the closest subdivision being

Giddings Crest (approximately 93 building lots), with the closest residents in this subdivision being approximately .7 miles feet from the Project Site;

WHEREAS, because 27 acres of the Property will be disturbed by the construction of the Project, it qualifies the Action as a Type I action under Article 8 of the New York State Environment Law and 6 NYCRR ("SEQRA");

WHEREAS, on February 11, 2021, pursuant to NYCRR Part 617.6(b), the Lysander Planning Board (the "Planning Board") declared itself the Lead Agency and issued to all involved agencies a Notice of Intent that classified the Project as a Type I action and further stated that it intended to be the Lead Agency for the Action;

WHEREAS, no involved agency responded in objection to the Notice of Intent for Lead Agency;

WHEREAS, on March 4, 2021 the New York State Department of Transportation submitted a letter to the Town Planning Board Chairman identifying concerns related to traffic, highway work permits, right-of-way issues and utility installation and requested a copy of the stormwater pollution and prevention plan ("SWPPP");

WHEREAS, on March 22, 2021, the Planning Board held a scoping session for all the involved agencies to determine any environmental concerns they may have - none of the involved agencies attended or submitted comments;

WHEREAS, the Applicant has provided the Town Planning Board with a revised Traffic Impact Study (the "Traffic Impact Study"), dated July 2021, prepared by GTS Consulting, Inc. ("GTS"), reflecting the reduction of the Building size from 1 million sq. ft. to 360,000 sq. ft., in which GTS indicates that the level of traffic generated by the Project will not significantly degrade traffic level services in and around the area;

WHEREAS, the Traffic Impact Study recommend several mitigation measures to reduce traffic impacts;

WHEREAS, the New York State Department of Transportation (NYS DOT), which controls access to NYS Rt. 48, the point of ingress/egress for the Project, has been asked by the Applicant and the Town Engineer to review the Traffic Impact Study to assess whether the information provided in the Traffic Impact Study is sufficient to warrant the ingress/egress proposed by the Applicant and whether the mitigation measures proposed are sufficient to accommodate the additional traffic generated by the Project;

WHEREAS, by letter dated July 14, 2021, the NYS DOT has determined that the Traffic Impact Study and the ingress/egress to State Rt. 48 is sufficient to accommodate the additional traffic from the Project and has recommended several mitigation measures to improve the flow of traffic in and around the Project site (the "NYS DOT Letter" attached hereto as Exhibit A and made part of the Findings and Determinations below);

WHEREAS, the Onondaga County Department of Transportation (the "County DOT"), which controls Hencle Blvd, which was originally second point of ingress/egress for the Project, has been asked by the Applicant and the Town Engineer to review the Traffic Impact Study to assess whether the information provided in the Traffic Impact Study is sufficient to warrant the ingress/egress proposed by the Applicant and whether the mitigation measures proposed are sufficient to accommodate the additional traffic generated by the Project;

WHEREAS, by memo dated July 6, 2021, the County DOT has determined that the Traffic Impact Study acceptable for the portion that pertains to Hencle Blvd. but that Hencle Blvd is determined to be a highway "without access" (the "County DOT Memo", which is attached to this Resolution as Exhibit B and made part of the Findings and Determinations below);

WHEREAS, by letter dated April 1, 2021 and follow up letter dated August 11, 2021, the Engineer for the Town has reviewed the Traffic Impact Study and based on his review and the NYS DOT Letter and the County DOT Memo, agrees that the mitigation measures proposed by the Applicant will eliminate or moderate any significant impacts on traffic in and around the Project Site (the "Engineer Review Letters");

WHEREAS, the Land is zoned Industrial under the Town Code and the use proposed by the Applicant is in keeping with the allowed zoning and the character and nature of this area;

WHEREAS, CHA submitted to the Town Engineer a Stormwater Pollution and Prevention Plan ("SWPPP") date August 2021 which identifies stormwater run-off issues and proposed stormwater facilities that will meet the NYS Department of Environmental Conservation regulations (See Engineer's Review Letter of August 11, 2021);

WHEREAS, by resolution dated June 21, 2021, the Onondaga County Planning Agency indicated that it met on April 21, 2021 to review the original 1 million sq. ft. building proposal and it made four (4) modifications that it requested from the Applicant;

WHEREAS, by resolution dated August 4, 2021, the Onondaga Planning Agency re-examined the Project based on the reduction of the Building to 360,000 sq. ft. and made three (3) modifications that it is requesting of the Applicant and two (2) comments, all of which the Planning Board agrees with and makes part of this Resolution and the findings and determinations below;

WHEREAS, on April 8, 2021, at its monthly meeting, the Planning Board reviewed, discussed and asked questions to the CHA Engineers regarding Part II of the Long Environmental Assessment Form (the "EAF") and answered the 18 questions set forth therein based on the 1 million sq. ft. original proposal;

WHEREAS, the Planning Board identified six areas of potential environmental impact as follows: (i) Impact on Land; (ii) Impacts on Surface Water; (iii) Impacts on Plants and Animals; (iv) Impacts on Transportation; (v) Impacts on Energy; and (vi) Impacts on Noise, Odor and Light;

WHEREAS, of the six potential environmental impacts set forth in the previous paragraph, the Planning Board determined that the standards set forth in the EAF sub-questions indicated "no, or small impact may occur" for all identified potential environmental impacts except for:

Question 1(d), which indicates the proposed action may involve the excavation and removal of 1,000 tons of natural material, and

Question 13(a) and (b), which indicates that the action may increase traffic to exceed capacity of existing road network and the construction of paved parking for more than 500 or more vehicles;

Question 14(d), which indicates that the action may involve the heating and/or cooling of more than 100,000 square feet of building when completed;

WHEREAS, the FINDINGS and DETERMINATIONS set forth below explain the Planning Board's opinion on Question 1(d), Question 13(a) (b) and Question 14(d) above and other issues of environmental concern expressed to the Planning Board;

WHEREAS, on August 12, 2021, the Planning Board re-reviewed Part I and Part II of the EAF based on the updated information provided by the Applicant that reduced the size of the Building from one million sq. ft to 360,000 sq. ft. and made the following changes to the EAF Part II:

- ⑧ 1. Impact on Agricultural Resource - yes; w/no to smart impacts
- ⑬ 2. Impact on Transportation - parking area reduced below 500
3. _____;
4. _____;

WHEREAS, based on the review of the Site Plan Package, Part I and Part II of the EAF, the Planning Board's familiarity of the Project Site, the Town's Comprehensive Plan, the zoning designation of the Property as Industrial, and the comments received by the public, and the Recitals stated above, the Planning Board hereby makes the following FINDINGS and DETERMINATIONS, which will be added as a supplement to the EAF Part II and III:

1. **FINDING and DETERMINATION:** The purpose of the Industrial Zone, the zoning designation where the Project is situated, is "for uses which focus on the movement, storage or processing of raw materials or finished/semifinished goods. Good access to major transportation routes (highway, railroad or river) is to be encouraged as is separation from and buffering from nearby residential areas." Section 320-31 of the Town Code

2. **FINDING and DETERMINATION:** The Project and its use (as a warehouse and distribution facility) fits directly within the purposes for a business in the Industrial Zone because the Property has direct, or nearly direct, access to major highways (I-690, State Route 48, Hencle Blvd, the New York State Thruway and Interstate 81).
3. **FINDING and DETERMINATION:** After three public hearings and input from the Planning Board, the Applicant reduced the size of the proposed Building from 1 million sq. ft. to 360,000 sq. ft which has significantly lessened the environmental impact of the Project in terms of traffic, the length of time for construction, ingress/egress issues, visual impacts, wetland impacts, impacts on soils and ground cover excavation.
4. **FINDING and DETERMINATION:** The general nature and character of the adjoining surrounding land use is low intensity commercial or vacant land, with possibly some individualized residences north, west and south of the Project Site.
5. **FINDING and DETERMINATION:** The Giddings Crest subdivision is approximately .7 miles from the Project Site boundary, which distance will prevent any direct environmental impact from the Project, including but not limited to noise, lighting, odor or construction impacts. (See Exhibit C to this Resolution – an arial/satellite depiction of the Giddings Crest subdivision and its proximity to the Property prepared by the Town Engineer
6. **FINDING and DETERMINATION:** Between the Giddings Crest subdivision and the Project Site is forested land, which buffering will prevent any direct environmental impact from the Project. (See Exhibit C to this Resolution – an arial/satellite depiction of the Giddings Crest subdivision and its proximity to the Property prepared by the Town Engineer)
7. **FINDING and DETERMINATION:** The existing topography, which provides a crest vertical curve, or hill, from the Project Site to the Giddings Crest subdivision will prevent any direct environmental impact from the Project. (See Exhibit C to this Resolution – an arial/satellite depiction of the Giddings Crest subdivision and its proximity and elevation to the Property prepared by the Town Engineer)

8. **FINDING and DETERMINATION:** The Planning Board adopts the conclusions and recommendations of the modified Traffic Impact Study as it relates to ingress/egress, traffic distribution, level of service at intersection and parking, based on the NYS DOT Letter, the County DOT Memo and the Town Engineer Letter.
9. **FINDING and DETERMINATION:** While the Applicant is proposing the excavation or removal of more than 1,000 tons of natural material (topsoil) (See Question 1(d) of the EAF Part 2), the Property is large enough to accommodate such excavation and removal since the disturbance will be approximately 23% of the total Property acreage and a significant amount of excavated natural material will remain on the Project Site. Based on the Applicant's representations, any material that is taken off the Project Site during development will be repurposed or processed as screened topsoil. Finally, the Applicant mitigated the amount of topsoil being taken off the Project Site by reducing the size of the building from 1 million sq. ft. to 360,000 sq. ft.
10. **FINDING and DETERMINATION:** The SWPPP submitted by CHA provides enough information to indicate that the onsite stormwater can be managed on the Property because of the amount of vacant land remaining after construction (See Engineer's Letter dated August 11, 2021). The grading plan, presented as part of the Site Plan Package shows the bioretention area has been moved away from the wetland buffer, which should not be disturbed. In the event the buffer or wetland is disturbed, the Applicant will be required to obtain a NYS DEC and Army Corp of Engineer's permit, which shall be a condition of any Site Plan approval, in additions to the conditions set forth in Finding and Determination 11 below.
11. **FINDING and DETERMINATION:** While the Planning Board has determined that there will be no significant environmental impact on flooding (Question 5 of the EAF Part 2), during the Site Plan process the Planning Board will pay special attention to the SWPPP and require mitigation efforts to ensure that construction near the Tannery Creek area accounts for proper

drainage management of this water body, not including downstream maintenance issues such as culvert cleaning and stream overgrowth management.

12. **FINDING and DETERMINATION:** There is no indication from the EAF Mapper that there are any endangered species, natural communities of animals, or rare plants and animals on the Property.
13. **FINDING and DETERMINATION:** The New York State Department of Environmental Conservation, which is an Involved Agency and was invited to participate in the Scoping Session for SEQRA, did not provide the Planning Board with any comments related to the environmental impacts of the Project on the Three Rivers Wildlife Management Area. The Town Engineer has contacted the staff at the NYSDEC and at Three Rivers Wildlife Management Area to verify that the SEQRA coordinated review package was received along with the revised Site Plan Package. No concerns have been raised by NYSDEC about the impacts of the Project on Three Rivers Wildlife Management Area and the plants and animals at Three Rivers Wildlife Management Area.
14. **FINDING and DETERMINATION:** While part of the Project Site has previously been used for agricultural purposes, and the soils may qualify under soil groups 1 to 4 (see EAF Part II question 8(a)), the Property and has been set aside by the Town of Lysander for Industrial purposes and is properly zoned for the use proposed by the Applicant, as set forth above. The Zoning Map of the Town of Lysander indicates that most of the land in the Town is zoned for agricultural purposes and removing the Project Site from agricultural use will be insignificant in the overall opportunity for agricultural uses of land in the Town.
15. **FINDING and DETERMINATION:** The Applicant submitted Phase I (1a and 1b) Cultural Resource Investigations Report that indicates that no further archeological work is required to determine whether this is an archaeologically sensitive site, that the Planning Board accepts this Report in full.

16. **FINDING and DETERMINATION:** The Traffic Impact Study is hereby agreed to and accepted, and its conclusions are adopted by the Planning Board insofar as they determine that there will not be any significant degradation in the level of service on the existing roads and intersections in and around the Project Site (Question 13(a) of EAF Part II).
17. **FINDING and DETERMINATION:** The mitigation measures proposed in the Traffic Impact Study are hereby agreed to and accepted and such measures will reduce the environmental impact of traffic being generated by the Project based on the analysis of the Town Engineer, the County DOT, and the NYS DOT. (Question 13(a) of EAF Part II).
18. **FINDING and DETERMINATION:** While the Planning Board agrees with the NYS DOT decision to allow one point of ingress/egress to the Project Site, this is based on a 360,000 sq. ft. Building.
19. **FINDING and DETERMINATION:** While the Applicant is proposing a paved parking lot for more than 406 cars (See Question 13(b) of the EAF Part II), the Planning Board accepts the explanation set forth in the Traffic Impact Study as to how traffic will be managed from the parking lot and based on the analysis of the Town Engineer, the County DOT and the State DOT. Further, the terms and conditions that restrict the hours of operation and proposed worker shifts to the times reflected in the Traffic Impact Study and the EAF shall be a condition of any Site Plan approval by the Planning Board.
20. **FINDING and DETERMINATION:** The 122-acre site is large enough to provide sufficient space to accommodate and manage traffic on site so that vehicles can be taken off the roads quickly and avoid congestion on the public highways around the Project Site.
21. **FINDINGS and DETERMINATIONS:** While the Planning Board recognizes that the Building will require the heating and/or cooling of more than 100,000 sq. ft. of building (Question 14(d) of the EAF Part 2), the Project involves a warehouse and distribution center that will not require any abnormal or heavy energy loads and will use existing energy sources and distribution systems and will not require a new or upgraded substation.

22. **FINDINGS and DETERMINATION:** The Planning Board has reviewed the Lighting Plan provided by CHA (dated July 23, 2021) and agrees that it is "dark sky" compliant and will not have any spillage off of the Property.
23. **FINDINGS and DETERMINATION:** The Planning Board agrees with and hereby adopts the recommendations for modifications of the Site Plan that are proposed by the Onondaga County Planning Board, as set forth in its letter of August 4, 2021, which letter and rationale serves as a basis for the Planning Boards FINDINGS and DETERMINATIONS.
24. **FINDINGS and DETERMINATION:** The letters received by the Town Engineer from CHA, dated July 27, 2021, August 9, 2021 and August 10, 2021, answer the questions that resulted from the public hearings and posed by the Town Engineer in his letters, dated July 16, 2021 and August 5, 2021 and August 11, 2021 and such answers serve as a partial basis for the Planning Board's FINDINGS and DETERMINATIONS.
25. **FINDING and DETERMINATION:** Each and every FINDING and DETERMINATION set forth herein can serve as a rational basis for the decision made in this Resolution and any FINDING and DETERMINATION can be severed from the rest if found incorrect, incomplete or insufficient by a court of competent jurisdiction.

WHEREAS, on May 13, 2021 and continued on June 10, 2021 and July 8, 2021 the Planning Board held a public hearing on the Site Plan Package and to determine whether any additional information gained by the public would assist the Planning Board in its SEQRA determination;

WHEREAS, based on the public hearing(s), the Planning Board makes the following **SUPPLEMENTAL FINDINGS and DETERMINATIONS:**

1. **TRAFFIC ON NYS RT 48**

Concern was raised about accidents on NYS Rt. 48 and the traffic impacts the Project could cause to exacerbate the potential issues. The Planning Board has received the NYS DOT Letter, the County

DOT Memo and an analysis by the Town Engineer and based on this information has determined that the Traffic Impact Study sufficiently addresses the concerns raised about the increase in traffic and any impacts resulting from said increase.

2. ACQUIFER DISTURBANCE

Concern was raised that the disturbance of the vacant land will affect a drinking water aquifer below the surface of the Project Site. CHA has indicated in its correspondence to the Town Engineer that the Project Site is not over an aquifer and the nearest aquifer is located to the south of the Project Site. The Planning Board has determined that based on the soil type HSG 'D' (clay loam, silty clay loam, sandy clay, silty clay, or clay): Soils have high runoff potential and they have very low infiltration rates when thoroughly wetted, and consist chiefly of clay soils with a high swelling potential, soils with a permanent high water table, soils with a clay pan or clay layer at or near the surface, and shallow soils over nearly impervious material. These soils have a very low rate of water transmission (< 0.05 inches/hour) and as a result they will have minimal impact on the recharge of the groundwater aquifer near the surface of the Project Site (the Applicant is proposing to excavate approximately 8 feet at the Building and 16 feet at the stormwater facilities at the deepest point and the aquifer is estimated to be greater than 60' below grade).

3. GIDDINGS CREST SUBDIVISION IMPACT

Concern was raised that the Project will negatively impact the Giddings Crest subdivision homes primarily because of: (i) traffic, (ii) the height of the Building (40 ft), (iii) property values and (iv) drainage. Aside from the FINDINGS and DETERMINATIONS above, the Planning Board has further determined that (a) the noise related to any additional traffic on I-690 is an existing condition for the homes and as a result will not significantly change the current conditions; (b) the visual impact of the 40' high building will not be seen from the Giddings Crest subdivision as set forth in the FINDINGS and DETERMINATIONS above and therefore is not a significant environmental issue; (d) no evidence has been submitted that would show that the Project, situated on a properly zoned Industrial site, would affect property values of homes that are over .7 miles away, and (e) the Project Site (122.6 acres of which

approximately 77% will be undisturbed) is large enough accommodate the drainage facilities that will be required, pursuant to the SWPPP and the Giddings Crest Subdivision is not a drainage tributary to the Project Site.

4. SEWER CAPACITY

Concern was raised that the Project would be an additional strain on the wastewater treatment and capacity in the Baldwinsville/Seneca Knolls treatment plant. The Planning Board has determined based on a letter from the Water Environmental Protection Department, dated March 25, 2021, that there is sufficient capacity at the treatment plant to accommodate the Project.

5. SOUND MITIGATION FROM ADDITIONAL TRAFFIC

Concern was raised that the additional truck traffic generated by the Project will increase the sound noise to the residents whose houses are situated east of I-690. The Planning Board has determined that I-690 is a State highway that was built to accommodate truck traffic and the residents who built or purchased homes adjacent to I-690 were aware, or should have been aware, of the potential for traffic noise.

6. IMPACTS ON THE THREE RIVERS WILDLIFE MANAGEMENT AREA

Concern was raised that the Project would generally have a negative environmental impact on the Three Rivers Wildlife Management Area. In addition to the FINDING and DETERMINATION made above, the Planning Board has determined that the bulk of the Three Rivers Wildlife Management Area is located over .5 mile(s) from the Project Site and that the physical distance between the Building, the existing vegetation and forested land and the buffering that will be required will mitigate any concerns about the environmental impacts to the Three Rivers Wildlife Management Area. Finally, there is no evidence of endangered or threatened species that would be significantly affected by the development of the Project either on the Project Site or near the Project Site. Therefore, the environmental impact on Three Rivers Wildlife Management Area will be minimal. (See Exhibit D - United Auto Park Land Proximity prepared by the Town Engineer that provides context to this Supplemental Finding and Determination).

NOW, THEREFORE BE IT RESOLVED, that having reviewed the EAF and relating it to the criteria set forth in Section 617.8(c) of the SEQRA regulations, having held the public hearing and making the Findings and Determinations contained in this Resolution, the Planning Board hereby issues a Negative Declaration under Article 8 of the Environmental Conservation Law; and be it

BE IT FURTHER RESOLVED, that the Lead Agency is the Planning Board of the Town of Lysander, with a mailing address of 8220 Loop Road, Baldwinsville, Town of Lysander, New York;

BE IT FURTHER RESOLVED, that the Project is a Type I Action under SEQRA;

BE IT FURTHER RESOLVED, that the proposed Action is located on Hencle Blvd and NYS Route 48 in the Town of Lysander;

BE IT FURTHER RESOLVED, that this Resolution be appended to the EAF Part II and Part III and made a part thereof;

BE IT FURTHER RESOLVED, that Secretary to the Planning Board is hereby directed to file this Negative Declaration with the appropriate entities as set forth under 6 NYCRR Part 617.

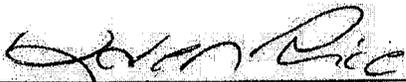
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I, KAREN RICE, Secretary of the Planning Board, DO HEREBY CERTIFY that the preceding Resolution was duly adopted by the Town Planning Board of the Town of Lysander at a regular meeting of the Board duly called and held on the 12th day of August, 2021 that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

I HEREBY CERTIFY that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Lysander, this 13th day of August, 2021.

DATED: 8-13, 2021
Baldwinsville, New York



Karen Rice
Secretary
Planning Board of the Town of Lysander
Onondaga County, New York

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only (If applicable)
 Project: Project 11 ALA, LLC
 Date: 8-12-21

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1, D.1)			
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>The impacts of 24 month construction are minimal considering the size of the property and the fact that there are few residences that will be impacted</u>		<input type="checkbox"/>	<input type="checkbox"/>

see Fed 9

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) NO YES
If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) NO YES
If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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I. Other impacts: _____	<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1, D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
 If "Yes", answer questions a - h. If "No", move on to Section 5. NO YES

See Supplemental FED 2

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding. (See Part 1, E.2)
 If "Yes", answer questions a - g. If "No", move on to Section 6. NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____

6. Impacts on Air
 The proposed action may include a state regulated air emission source. NO YES
 (See Part 1, D.2.f, D.2,h, D.2.g)
 If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflouorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals
 The proposed action may result in a loss of flora or fauna. (See Part 1, E.2, m.-q.) NO YES
 If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

NO

YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

see p. 14

9. Impact on Aesthetic Resources
 The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)
 If "Yes", answer questions a - g. If "No", go to Section 10.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources
 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)
 If "Yes", answer questions a - e. If "No", go to Section 11.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

(See Part 1. C.2.c, E.1.c., E.2.q.)

If "Yes", answer questions a - e. If "No", go to Section 12.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)

If "Yes", answer questions a - c. If "No", go to Section 13.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
 If "Yes", answer questions a - g. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy
 The proposed action may cause an increase in the use of any form of energy. NO YES
 (See Part 1. D.2.k)
 If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

see F&D 21

15. Impact on Noise, Odor, and Light
 The proposed action may result in an increase in noise, odors, or outdoor lighting. NO YES
 (See Part 1. D.2.m., n., and o.)
 If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

see F&D 22

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part I.D.2.q., E.1. d. f. g. and h.) NO YES
If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part I. C.1, C.2. and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part I. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

PRINT FULL FORM

Project: Ranall, A.B. LLC
 Date: 8-12-21

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status:

Type I

Unlisted

Identify portions of EAF completed for this Project:

Part 1

Part 2

Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

See Attached JEDKA Resolution adopted by
Planning Board on 8-12-21

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Lysander Planning Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Rinelli ALA LLC - Dated Auto Warehouse

Name of Lead Agency: Lysander Planning Board

Name of Responsible Officer in Lead Agency: John B. Corey

Title of Responsible Officer: Chairman John B. Corey

Signature of Responsible Officer in Lead Agency: [Signature] Date: 8/12/21

Signature of Preparer (if different from Responsible Officer) Date:

For Further Information:

Contact Person: Karen Rice, Secretary, Lysander Planning Bd

Address: 220 Loop Road, Baldwinsville, NY 1

Telephone Number: 315-638-4212

E-mail: planning@townoflysander.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

TO: Elizabeth Parmley, Traffic Safety & Mobility Group, Region 3

FROM: Jeffrey Deep, Traffic Safety & Mobility Group, Region 3

SUBJECT: Revised TIS Review – Proposed Warehouse Development: United Auto Supply

LOCATION: State Route 48 at Hencle Blvd (County Route 95)
Town of Lysander, Onondaga County

DATE: July 14, 2021

This review of the July 2021 TIS is intended to update the previous 5/27/21 review of the March 2021 TIS. Detailed responses and a May 2021 TIS were previously submitted for review. During this review, it was indicated by the consultant that the previous Full-Build condition will not be pursued, only Phase 1 will be built. It was also indicated that access to Hencle Blvd is restricted and therefore will not be included; OCDOT comments confirm Hencle Blvd is without-access.

Trip Generation:

As shown below, the Trip Generation values were revised based on the proposed warehouse business as opposed to using ITE. The values are less conservative, easing some congestion. Estimated truck trips and shift times are also included.

March TIS:

- 24/7 Operation
 - Three shifts at approximately 500 employees per shift.
- ITE Trip Generation
 - Indicated to be conservative.

Trip Generation Summary				
	AM Peak		PM Peak	
	Entering	Exiting	Entering	Exiting
Phase 1 – 350,000 SF Warehouse	114	93	235	245
Additions – 657,500 SF Warehouse	213	175	441	459
Full Build Total New Trips	327	268	676	704

July TIS:

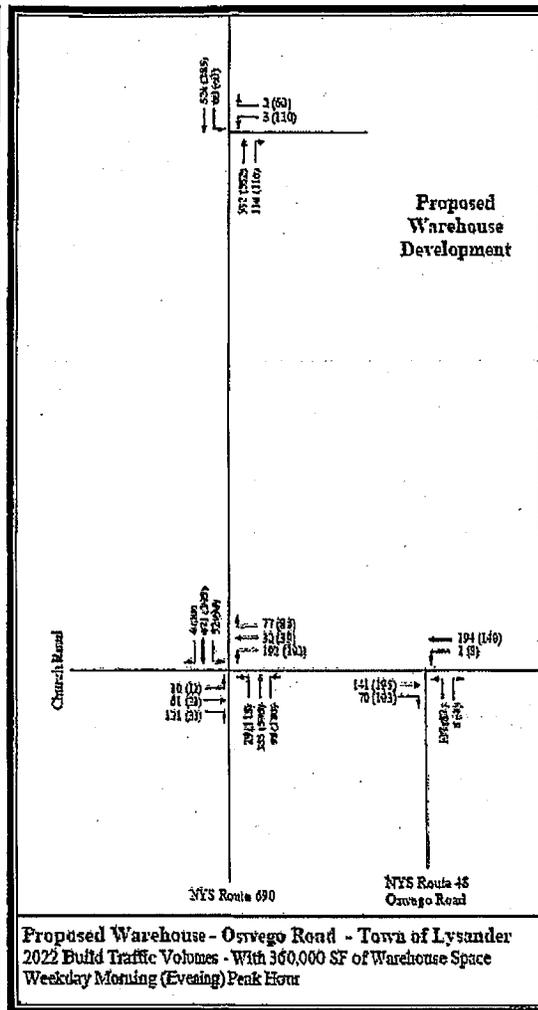
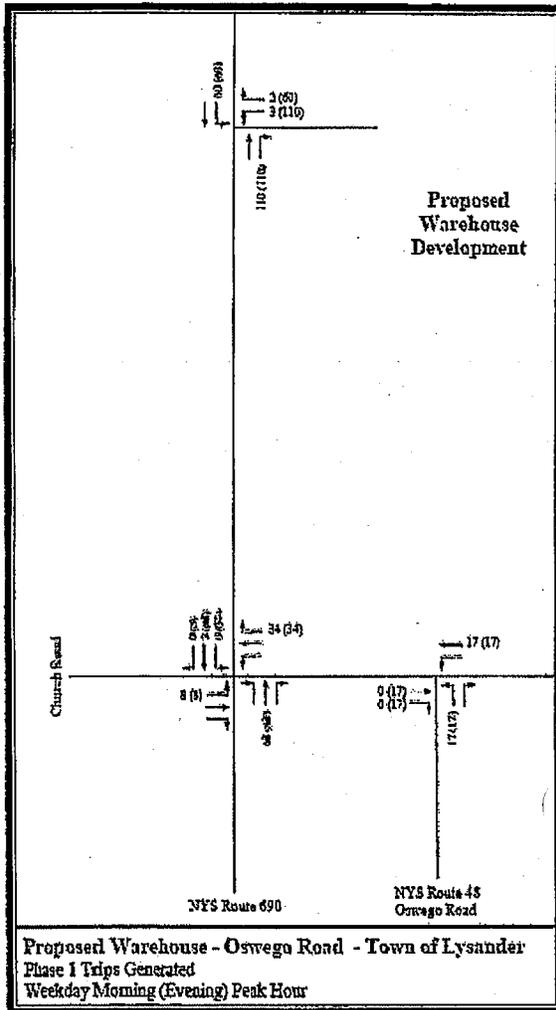
- Two shift operation
 - 6am – 4:30pm and 5pm – 3:30am
 - Approximately 165 employees per shift
- Estimated Trips Generation
 - Phase 1 = 50-75 trucks per day ; 5-10 during peak hours

Trip Generation Summary				
	AM Peak		PM Peak	
	Entering cars (trucks)	Exiting cars (trucks)	Entering cars (trucks)	Exiting cars (trucks)
360,000 SF Warehouse	165 (5)	0 (5)	165 (5)	165 (5)

Trip Distribution:

March 2021 TIS indicated 45% of trips exiting to Hencle Blvd WB with 30% destined for Route 690 SB. This volume needed to travel through the T-intersection with Oswego Rd and then turn left at the signal, opposed to traffic exiting onto Route 48 and travelling south through the signal, creating delays at Oswego Rd.

July 2021 TIS no longer has access on Hencle Blvd. This prevents vehicles from the east from being able to access the site before the signal or Oswego Rd. However, it's estimated that only 10% of trips will be to/from Hencle Blvd and another 10% to/from the south on Oswego Rd. No access on Hencle Blvd eliminates additional WB left traffic at the signal, which added queue towards Oswego Rd.



Capacity Analysis

With the revised trip generation and distribution, the previous concerns for impacts to Oswego Rd @ Hencle Blvd are alleviated. Simtraffic no longer shows an excessive failing level-of-service for the NB left and right movements due to the WB Hencle Blvd queue at the signal. Also, there are minimal impacts to the signalized intersection, with the greatest increase in delay being 3 seconds.

The area of concern is the proposed unsignalized driveway on Route 48. During the PM peak, Synchro indicates a failing LOS with 80 seconds of delay; Simtraffic indicates a LOS E with 44 seconds of delay (50 seconds being a failing LOS). Considering that the development's trips are mostly at shift changes, there will likely be intervals of worse conditions than estimated in Synchro due to mass exodus. Long delays may cause impatient drivers and erratic behavior exiting the site rather than waiting for a suitable and safe gap in traffic.

Proposed Mitigation

March 2021 Proposed Mitigation:

- Shift 5 seconds of green time from the north/south through movements to the east/west movements prior to full build out of the development.
- Stripe the two eastbound lanes on Hencle Boulevard as a left turn lane and a through lane at the site driveway.
- Construct a 425-foot southbound left turn lane on Oswego Road at the site driveway.
- Construct a 350-foot northbound right turn lane on Oswego Road at the site driveway.
- Review the traffic operations at the Oswego Driveway after full build out of the development to determine if a traffic signal may be warranted at this location.

The May 2021 TIS Mitigation had updated mitigation for the full-build condition.

- Construct a 425-foot southbound left turn lane on Oswego Road at the site driveway.
- Construct a 375-foot northbound right turn lane on Oswego Road at the site driveway.
- Construct a 200-foot eastbound left turn lane on Hencle Blvd at the site driveway.
- Install a three-phase traffic signal on Oswego Rd at the site driveway with protected/permitted southbound left turn phase and westbound/northbound right turn overlap phases.
- Construct a 150-foot westbound right lane on the Oswego Road site driveway when the signal is installed.

July 2021 Proposed Mitigation:

- Construct a 425-foot southbound left turn lane on Oswego Road at the site driveway.

Additional Comments

The off-peak 85th percentile speed is approximately 60 mph. Vehicles leaving the signal at I-690@Hencle Blvd will be accelerating and merging to the single NB lane; this traffic will now have to contend with cars and trucks decelerating to enter the site. This creates the potential for rear-end crashes, and sideswipes and head-on crashes of vehicles maneuvering around right-turning vehicles. The previously proposed NB right turn lane on Oswego Rd at the site driveway will still be required to remove the slower vehicles from the through traffic. This will also improve through movement delays to create more available gaps.

Although the previous one-million SF facility is no longer being pursued, the site has potential for future growth, whether it be an expansion to this facility or the construction of a separate development on the parcel.

The MUTCD Signal Warrant #3 (peak hour) is met under the 360,000 SF build. The Peak Hour warrant is intended for cases such as manufacturing plants and industrial complexes that attract or discharge large numbers of vehicles over a short period of time. This warrant paired with the safety concerns, LOS on opening day, and the potential for further site and Route 48 growth justifies the previously proposed traffic signal still being required for the proposed 360,000 SF facility.

Conclusion:

Upon reviewing the revised July 2021 TIS, it is my conclusion the proposed development will not have a significant adverse effect to the highway system when mitigated as required below.

- Construct a southbound left turn lane on Oswego Road at the site driveway. Detailed calculations are needed for review and approval.
- Construct a northbound right turn lane on Oswego Road at the site driveway. Detailed calculations are needed for review and approval.
- Install a three-phase traffic signal on Oswego Rd at the site driveway.
- Construct a westbound right lane on the Oswego Road site driveway.

Any changes in trip generation or distribution, including but not limited to building expansions and access to Hencle Blvd, will require additional analysis and may require further mitigation.

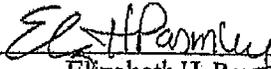
CONCLUSION & RECOMMENDATION: <input checked="" type="checkbox"/> AGREE <input type="checkbox"/> DISAGREE
 Elizabeth H. Pamley, P.E.
7/14/21 Date

Exhibit B

Proposed Warehouse Development, Lysander, NY
Hencle Boulevard (CR 95) @ Oswego Road (NYS Route 48)
OC DOT Comments

07/06/2021
JEF

The following are review notes for an Updated Traffic Impact Study, dated July 2021, & prepared by GTS Consulting and an Overall Layout Plan (Dwg. No. C-100), Site Plans (Dwg. Nos. C-101 & C-102), dated 7/1/2021 & prepared by CHA, for a proposed warehouse at the corner of Oswego Road (NYS Route 48) and Hencle Boulevard (CR 95) in the Town of Lysander.

Traffic Impact Assessment Comments

1. The Updated Traffic Impact Study is acceptable for the portions that pertain to Hencle Boulevard only.

Plan Sheet Comments

1. The Existing Highway Boundary along Hencle Boulevard has been determined to be "Without Access". Therefore, no proposed access locations along Hencle Boulevard will be allowed.

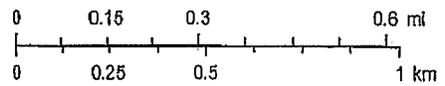
United Auto Warehouse Project Location Map

2021/01/14



June 14, 2021

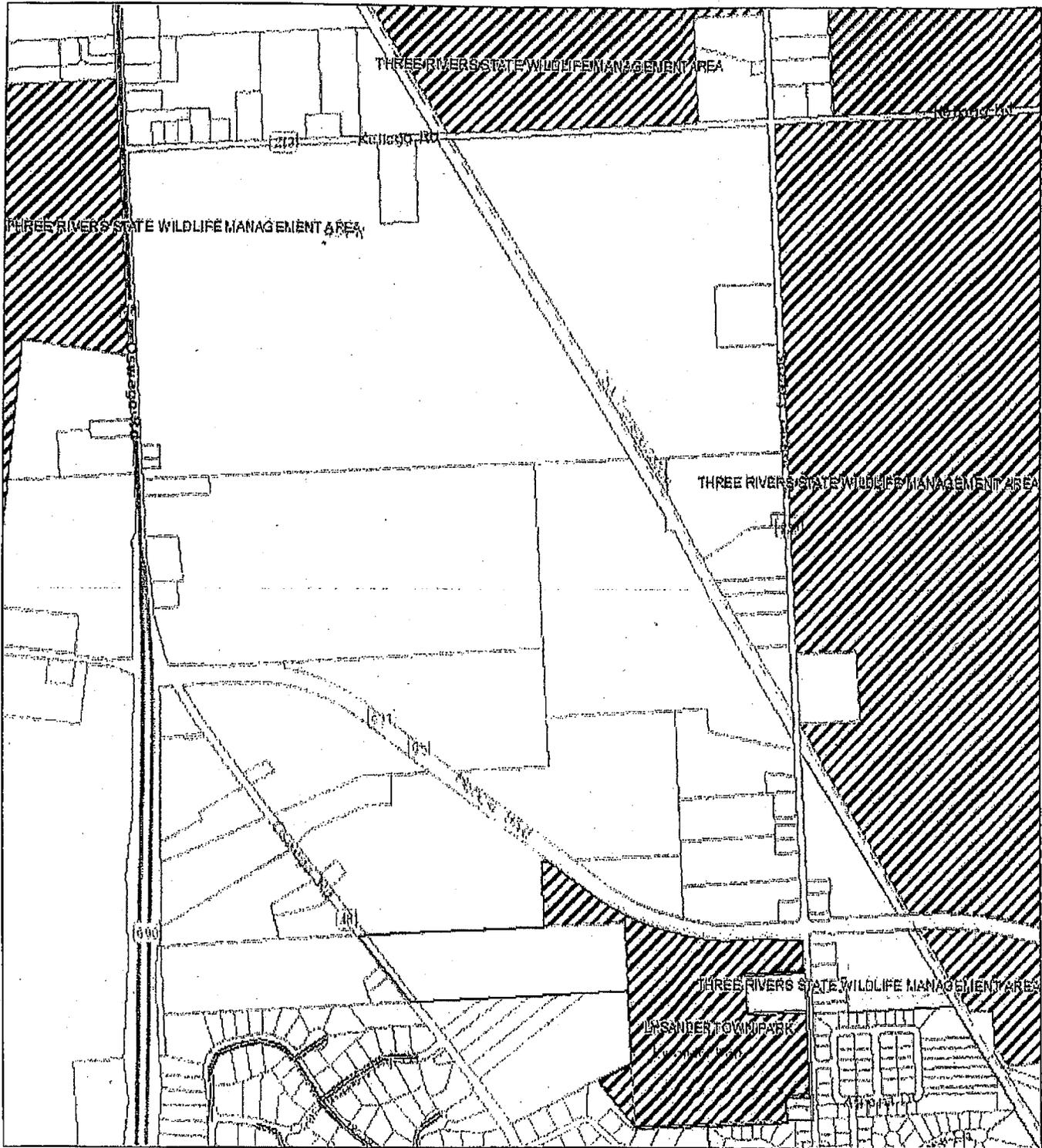
1:18,056



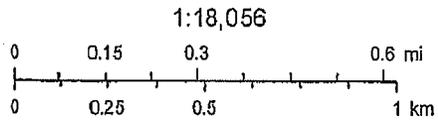
NYS ITS GIS Program Office, Westchester County GIS

United Auto Park Land Proximity

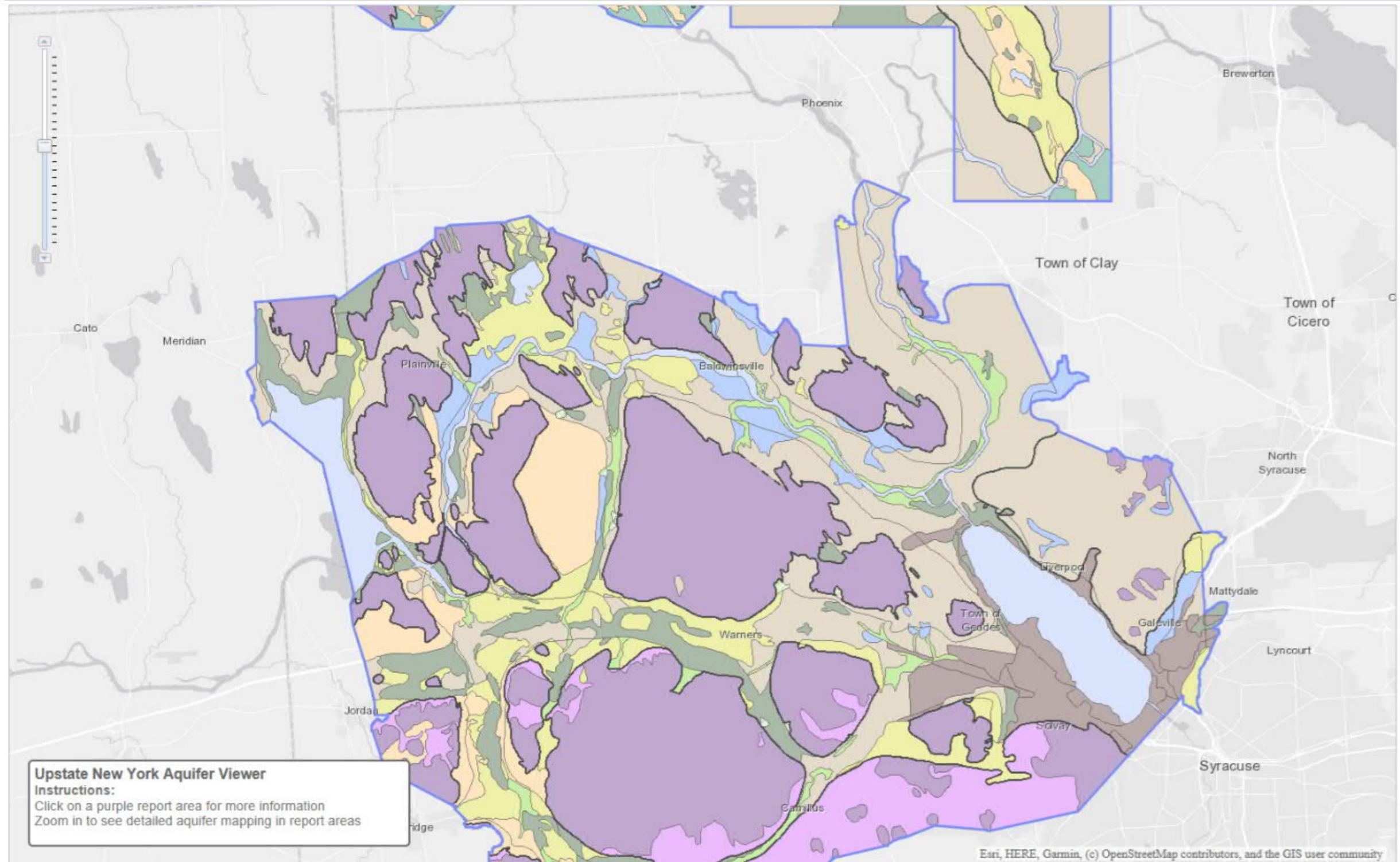
Exhibit D



June 8, 2021



Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Legend

Stratified-drift aquifers mapped at 1:24,000

- Stratified-drift aquifer boundary lines
- Closed Aquifer Boundary
- New Aquifer Boundary
- New Inferred Aquifer Boundary

Surficial Geology

- alluvial fan
- alluvium
- artificial fill
- beach
- bedrock outcrop
- colluvium
- fluvial
- kame
- kame moraine
- lacustrine sand
- lacustrine silt
- outwash
- peat and muck
- sand
- till
- till moraine
- unknown
- urban land
- water

Upstate New York Aquifer Viewer
Instructions:
 Click on a purple report area for more information
 Zoom in to see detailed aquifer mapping in report areas

Onondaga County Industrial Development Agency



Project Summary DRAFT

9/10/2021

1. Project	SSC Cicero, LLC	2. Project Number	3101-21-02B
3. Location	Cicero	4. School District	North Syracuse School District
5. Tax Parcel(s)	099.-01-31.2	6. Project Type	New Construction

7. Total Project Cost	\$	4,500,000	8. Total Jobs	0
Land	\$	3,500	8A. Job Retention	0
Site Work	\$	-	8B: Job Creation	0
Building	\$	300,000	(Next 5 Years)	
Furniture & Fixtures	\$	-		
Equipment	\$	4,153,500		
Equipment Subject to NYS Production Exemption	\$	-		
Engineering/Architecture Fees	\$	17,000		
Financial Charges	\$	16,000		
Legal Fees	\$	10,000		
Other- Solar Installation Labor	\$	-		

Cost Benefit Analysis	SSC Cicero, LLC	
	Fiscal Impact (\$)	
Abatement Cost	\$	33,049
Sales Tax	\$	-
Mortgage Tax	\$	-
Property Tax Relief (PILOT)	\$	33,049
New Investment	\$	5,873,383
PILOT Payments	\$	880,833
Project Wages (10 years)	\$	-
Construction Wages	\$	435,300
Employee Benefits (10 years)	\$	-
Project Capital Investment	\$	4,500,000
Agency Fees	\$	57,250
Agency Legal Fees	\$	11,250
Benefit:Cost Ratio		178 :1

Project Description

SSC Cicero, LLC is proposing to build a 5 mega-watt solar facility at 5827 McKinley Rd., Cicero, NY. The lot is 56.89 acres and the project acreage under the array is 55.5 acres.

SSC Cicero, LLC

2/26/2021

A) PILOTS Estimate Table Worksheet DRAFT

Current Revenue Generated by Parcel	\$	11,828
Expected Revenue from the Parcel if no project occurred	\$	386,429.84
Projected Year 1 Revenue to be generated as a result of the project:		\$27,500
Total Project Cost	\$	4,500,000.00
OCIDA Estimate of Project Value	\$	1,038,375.00
Projected MW to be generated		5

Year	Onondaga County		Cicero		North Syracuse School District		Total PILOT		Full Tax Payment without PILOT		Net Exemption	
	15.3%		15.4%		69.4%		100.0%					
2019-2020	\$	1,807	\$	1,818	\$	8,203	\$	11,828				
1	\$	4,202	\$	4,227	\$	19,072	\$	27,500	\$	12,064	\$	(15,436)
2	\$	4,286	\$	4,311	\$	19,453	\$	28,050	\$	12,306	\$	(15,744)
3	\$	4,371	\$	4,397	\$	19,842	\$	28,611	\$	12,552	\$	(16,059)
4	\$	4,459	\$	4,485	\$	20,239	\$	29,183	\$	12,803	\$	(16,381)
5	\$	4,548	\$	4,575	\$	20,644	\$	29,767	\$	13,059	\$	(16,708)
6	\$	4,639	\$	4,667	\$	21,057	\$	30,362	\$	13,320	\$	(17,042)
7	\$	4,732	\$	4,760	\$	21,478	\$	30,969	\$	13,586	\$	(17,383)
8	\$	4,826	\$	4,855	\$	21,907	\$	31,589	\$	13,858	\$	(17,731)
9	\$	4,923	\$	4,952	\$	22,345	\$	32,221	\$	14,135	\$	(18,085)
10	\$	5,021	\$	5,051	\$	22,792	\$	32,865	\$	14,418	\$	(18,447)
11	\$	5,122	\$	5,152	\$	23,248	\$	33,522	\$	14,706	\$	(18,816)
12	\$	5,224	\$	5,255	\$	23,713	\$	34,193	\$	15,000	\$	(19,192)
13	\$	5,329	\$	5,361	\$	24,187	\$	34,877	\$	15,300	\$	(19,576)
14	\$	5,435	\$	5,468	\$	24,671	\$	35,574	\$	15,606	\$	(19,968)
15	\$	5,544	\$	5,577	\$	25,165	\$	36,286	\$	15,918	\$	(20,367)
16	\$	5,655	\$	5,689	\$	25,668	\$	37,011	\$	16,240	\$	(20,771)
17	\$	5,768	\$	5,802	\$	26,181	\$	37,752	\$	16,566	\$	(21,186)
18	\$	5,883	\$	5,918	\$	26,705	\$	38,507	\$	16,906	\$	(21,601)
19	\$	6,001	\$	6,037	\$	27,239	\$	39,277	\$	17,259	\$	(22,020)
20	\$	6,121	\$	6,158	\$	27,784	\$	40,062	\$	17,626	\$	(22,436)
21	\$	6,243	\$	6,281	\$	28,339	\$	40,864	\$	18,000	\$	(22,854)
22	\$	6,368	\$	6,406	\$	28,906	\$	41,681	\$	18,380	\$	(23,271)
23	\$	6,496	\$	6,534	\$	29,484	\$	42,514	\$	18,766	\$	(23,690)
24	\$	6,626	\$	6,665	\$	30,074	\$	43,365	\$	19,160	\$	(24,115)
25	\$	6,758	\$	6,798	\$	30,676	\$	44,232	\$	19,560	\$	(24,542)
	\$	134,580	\$	135,383	\$	610,870	\$	880,833	\$	913,883	\$	33,049



ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION FOR BENEFITS

1. Fill in all blanks using “none”, “not applicable” or “not available”. If you have any questions about the way to respond, please call the Onondaga County Industrial Development Agency at 315-435-3770.
2. If providing an estimate put “(est.)” after the figure or answer. If more space is needed to answer any specific question, attach a separate sheet.
3. If the OCIDA Board approves benefits, it is the company’s responsibility to obtain and submit all necessary forms and documents. (ST-60, PILOT Agreement)
4. When completed, return this Application by mail or fax to the Agency at the address indicated below. A signed application may also be submitted electronically in PDF format to Nate Stevens at nstevens@ongov.net. **An Application will not be considered by the Agency until the Application fee has been received.**
5. The Agency will not give final approval for this Application until the Agency receives a completed NYS Full Environmental Assessment Form concerning the Project, which is the subject of this Application. The form is available at <http://www.dec.ny.gov/permits/6191.html>.
6. Please note the Public Officers Law declares all records in the possession of the OCIDA (with certain limited exceptions) are open to public inspection and copying. If the Applicant is of the opinion that there are elements of the Project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant’s competitive position, this Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officer’s Law, the OCIDA may also redact personal, private, and/or proprietary information from publicly disseminated documents.
7. The Applicant will be required to pay the Agency Application fee and, if accepted as a project of the agency, all administrative and legal fees as stated in Section VI of the Application.
8. A complete application consists of the following 9 items:
 - This Application
 - Local Access Agreement
 - Employment Plan
 - Conflict of Interest
 - A feasibility statement indicating the need for the requested benefits
 - Description of project, Site Plans/Sketches, and Maps
 - NYS Full Environmental Assessment Form
 - A check payable to the Agency in the amount of \$1,000
 - A check payable to Barclay Damon LLP in the amount of \$2,500
9. This Application was adopted by the OCIDA Board on November 19, 2019.

It is the policy of the Agency that any project receiving benefits from the Onondaga County Industrial Development Agency will utilize 100% local contractors and local labor for the construction period of the project unless a waiver is granted in writing by the Agency.

Return to:

Onondaga County Industrial Development Agency
Attn: Nate Stevens
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770 | Fax: 315-435-3669
nstevens@ongov.net

Section I: Applicant Information

Please answer all questions. Use “None”, “Not Applicable” and “See Attached” where necessary.

A) Applicant information-company receiving benefits:

Applicant Name: SSC Cicero LLC

Applicant Address: 334 Arapahoe Ave., Boulder, CO 80302

Phone: 561.866.8234 Fax: None

Website: www.summitsolarcapital.com E-mail: john@summitsolarcapital.com

Federal ID#: 85-4266422 NAICS: Not Applicable

State and Year of Incorporation/Organization: Florida / 2020

Will a Real Estate Holding Company be utilized to own the Project property/ facility? Yes No

What is the name of the Real Estate Holding Company: Not Applicable

Federal ID#: Not Applicable

State and Year of Incorporation/Organization: Not Applicable

List of stockholders, members, or partners of Real Estate Holding Company:
Not Applicable

B) Individual Completing Application:

Name: John H. Switzer

Title: Managing Member

Address: 334 Arapahoe Ave., Boulder, CO 80302

Phone: 561.866.8234 Fax: None

E-mail: john@summitsolarcapital.com

G) Applicant Business Description:

Please attach a description of your company's background, products, customers, goods and services.

Estimated % of sales within Onondaga County: 3%

Estimated % of sales outside Onondaga County but within New York State: 97%

Estimated % of sales outside New York State but within the U.S.: 0%

Estimated % of sales outside the U.S.: 0%

(*Percentage to equal 100%)

H) What percentage of your total annual supplies, raw materials and vendor services are purchased from firms in Onondaga County. Include list of vendors, raw material suppliers and percentages for each. Provide supporting documentation including estimated percentages of local purchases. Please attach this information.

I) **Applicant History:** If the answer to any of the following is "Yes", please explain below. If necessary, attach additional information.

- 1. Is the company or management of the Company now a plaintiff or defendant in any civil or criminal litigation? Yes No
- 2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes No
- 3. Has any person listed in Section I ever been in receivership or declared bankruptcy? Yes No

Please attach any explanations:

J) Has the Project Beneficiary received assistance from OCIDA, SIDA, New York State or the Onondaga Civic Development Corporation in the past? If yes please attach an explanation and please give year, project name, description of benefits and address of project.

Yes No

Section II: Project Information

- A) Project Location: Location where the investment will take place. If company is moving, the new location should be entered here and the current location should be in Section I.

Address: 5827 McKinley Rd.,

Legal Address (if different): _____

City: _____

Village/Town: Cicero

Zip Code: 13029

School District: North Syracuse

Tax Map Parcel ID(s): 099.-01-31.2

Current Assessed Value: \$350,000

Sq. Footage of Existing Building: None

Census Tract: Cicero Town 15704

- B) Type (Check all that apply):

New construction

Purchase of machinery and/or equipment

Expansion/Addition to current facilities

Brownfield/Remediated Brownfield

Renovation of existing facility

LEED Certification

Acquisition of existing facility/property

Other:

Demolition and Construction

- C) Please attach a summary of how this project will help your business grow. Will it set the company up for revenue growth? Will it mitigate cost? Will it provide more flexibility?

- D) Description of Project: Please provide a detailed narrative of the proposed Project. This narrative should include, but is not limited to:

(i) the size of the Project in square feet and a breakdown of square footage per each intended use;

(ii) the size of the lot upon which the Project sits or is to be constructed;

(iii) the current use of the site and the intended use of the site upon completion of the Project;

(iv) the principal products to be produced and/or the principal activities that will occur on the Project site; and

(v) an indication as to why the Applicant is undertaking the Project and the need for the requested benefits. **Please separately attach the description and any copies of site plans, sketches or maps.**

E) Select Project Type for all end users at Project site (you may check more than one):

**Please check any and all end users as identified below

- | | |
|---|--|
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Bank Office |
| <input type="checkbox"/> Acquisition of Existing Facility | <input type="checkbox"/> Retail |
| <input type="checkbox"/> Housing | <input type="checkbox"/> Mixed Use |
| <input type="checkbox"/> Equipment Purchase | <input type="checkbox"/> Facility for Aging |
| <input type="checkbox"/> Multi-Tenant | <input type="checkbox"/> Civic Facility (not for profit) |
| <input type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Other <u>Ground Mounted Solar Facility</u> |

F) For the Agency to consider this Project, please provide the following information:

1. Does the project consist of new construction or expansion or substantial renovation of an existing facility?
 Yes No
2. Will the project create new employment opportunities or retain existing jobs that may otherwise be lost?
 Yes No
3. Does the project beneficiary serve a customer base primarily outside of Onondaga County?
 Yes No

G) Will the completion of the Project result in the removal of an industrial or manufacturing plant of the company from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the company located within the state? Please explain if you answer "Yes" by attaching a response.

- Yes No

H) Please attach a description of any compelling circumstances the Agency should be aware of while reviewing this application.

I) Environmental Information

1. Please attach the appropriate Environmental Impact Forms to your application. Here is a link to the SEQR forms:
 - a. <http://www.dec.ny.gov/permits/6191.html>
2. Have any environmental issues been identified on the property?
 Yes No
If yes, please attach an explanation.

Section III: Construction

A) Project Costs and Finances

Description of Costs	Total Budget Amount	% of Total Budget to be Procured in Onondaga County	Total Private Expenditure (should be less than or equal to total budget amount)
Land Acquisition	\$3,500 (est)	0% (est)	\$3,500 (est)
Site Work/Demo	None (est)	0% (est)	0% (est)
Building Construction & Renovation	\$300,000 (est.)	10% (est.)	\$30,000 (est.)
Furniture & Fixtures	None (est)		0% (est)
Equipment	\$4,153,500	0% (est)	0% (est)
Equipment Subject to NYS Production Sales Tax	\$0 (Est.)	0% (est.)	0% (est.)
Engineering/Architect	\$17,000 (est)	0% (est)	\$17,000 (est)
Financial Charges	\$16,000 (est)	0% (est)	\$16,000 (est)
Legal	\$10,000 (est)	0% (est)	\$10,000 (est)
Other	0% (est)	0% (est)	0% (est)
Management/Developer Fees	0% (est)	0% (est)	0% (est)
Total Project Cost	4,500,000 (est)	0% (est)	4,500,000 (est.)

Note: Do not include OCIDA fees, OCIDA application fees or OCIDA legal fees as part of the Total Project Cost. You may attach a separate chart if needed.

B) TOTAL Capital Costs \$ 4,500,000 (est.)

Project refinancing: estimated amount
(for refinancing of existing debt only) \$ _____

Sources of Funds for Project Costs:

1. Bank Financing \$ 80% (est.)
2. Equity (excluding equity that is attributed to grants/tax credits) \$ 20% (est.)
3. Tax Exempt Bond Issuance (if applicable) \$ None (est.)
4. Taxable Bond Issuance (if applicable) \$ None (est.)

5. Public Sources (Include sum total of all state and federal grants and tax credits) \$ None (est.)
- Identify each state and federal grant/credit:
- Not Applicable \$ 0 (est.)
- Not Applicable \$ 0 (est.)
- Not Applicable \$ 0 (est.)
6. Total Sources of Funds for Project Costs \$ 4,500,000

C) Employment and Payroll Information

*Full Time Equivalent (FTE) is defined as one employee working no less than 40 hours per week or two or more employees together working a total of 40 hours per week.

1. Are there people currently employed at the project site?
 Yes No If yes, provide number of FTE jobs at the facility: _____
2. Complete the following:

Estimate the number of FTE jobs to be retained as a result of this Project:	0 (est.)
Estimate the number of construction jobs to be created by this Project:	15-20 (est.)
Estimate the average length of construction jobs to be created (months):	6 (est.)
Current annual payroll at facility:	0
Average annual growth rate of wages:	0 (est.)
Please list, if any, benefits that will be available to either full and/or part time employees:	To be determined
Average annual benefit paid by the company (\$ or % salary) per FTE job:	0 (est.)
Average growth rate of benefit cost:	0 (est.)
Amount or percent of wage employees pay for benefits:	To be determined
Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oneida, Oswego, and Cortland Counties) to fill new FTE jobs:	15-20

F) Mortgage Recording Tax Exemption Benefit Calculator: Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ 0 _____

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above, multiplied by .0075): \$ 0 _____

G) Sales and Use Tax Benefit Calculator: Gross amount of costs for goods and services that are subject to State and local Sales and US tax – said amount to benefit from the Agency’s Sales and Use Tax exemption benefit:

\$ _____

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure, above) (This should match the amount in section “E” on this page, this calculation only exists to help you with your estimate):

\$ _____

Section IV: Estimate of Real Property Tax Abatement Benefits

Section IV of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application prior to the completed application being provided to the OCIDA Board.

A) PILOTS Estimate Table Worksheet

OCIDA estimate of current value	
New construction and renovation costs	
OCIDA estimate of increase in value	
OCIDA estimated value of completed project	
OCIDA estimate of taxes that would have been collected if the project did not occur	
Scheduled PILOT payments	

PILOT Year	Exemption %	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	100						
2	90						
3	80						
4	70						
5	60						
6	50						
7	40						
8	30						
9	20						
10	10						
TOTAL							

Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff

Section V: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, sub-contractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

Noncompliance may result in the revocation and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne. Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the Local Access Policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available upon request.

Prior to issuance of any NYS Tax & Finance ST-60 forms, the Applicant must submit a **Contractor Status Report to the Agency.**

In consideration of the extension of financial assistance by the Agency SSC Cicero LLC (the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency's application at the time of the application to the Agency and as part of a request to extend the valid date of the Agency's tax-exempt certificate for the Project. The Company understands that an Agency tax-exempt certificate is typically valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands that any request for a waiver to this policy must be submitted in writing and approved by the Agency.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of 11.11.2020 (date).

Company: SSC Cicero LLC

Representative for Contract: John H Switzer, Esq.

Address: 334 Arapahoe Dr City: Boulder State: CO Zip: 80302

Phone: 516.866.8234 Email: john@summitsolarcapital.com

Project Address: 5827 McKinley Rd City: Cicero State: NY Zip: 13029

General Contractor: Not Available

Contact Person: Not Available

Address: Not Available City: Not Available State: Not Available Zip: Not Available

Phone: Not Available Email: Not Available

Authorized Representative: Not Available Title: Not Available

Signature: _____

Section VI: Agency Fee Schedule

Payment Terms:

Application & Processing Fee (payable at the time of application):	\$1,000
Legal Deposit (payable at the time of application):	\$2,500
Agency Fee for Bond Projects:	Payable at Closing
Agency and Legal Fees for all other projects:	Due and Payable at Inducement

*** A sales tax certificate (ST-60) will not be issued until the Agency Fee is Paid in Full**

Agency Fees: The project cost is the Total Project Cost from section III A

<u>Benefit Sought</u>	<u>Fee Charged</u>
Mortgage Recording Tax and/or Sales Tax exemptions:	0.01 X the project cost
Additional Fee for PILOT Agreement Projects:	0.0025 X the project cost
Fee for bond financing, refinancing & refunding:	0.0025 X the project cost

Note: For Manufacturing Projects under \$10 million the fee is reduced by: 0.0025 X the project cost

Agency Legal Fees: The project cost is the Total Project Cost from section III A

Fee for first \$20 million:	0.0025 of the project cost
Fee for expenses above \$20 million:	0.00125 of the project cost

In addition to the foregoing, Applicants are responsible for payment of all costs and expenses incurred by OCIDA in connection with application or Project including without limitation publication, copying costs, SEQRA compliance and fees and costs to OCIDA’s attorneys, engineers, and consultants. OCIDA reserves the right to require a deposit to cover anticipated costs. Application fees are payable at time application/request is submitted. All fees are non-refundable. Applicants for bond transactions are responsible for payment of a Bond Issuance Charge payable to the State of New York. Applicants are also responsible for payment of post-closing fees and costs associated with the appointment of additional agents.

OCIDA reserves the right to modify this schedule at any time and assess fees and charges in connection with other transactions such as grants of easement or lease or sale of OCIDA-owned property.

Section VII: Recapture of Tax Abatement/Exemptions

Information to be Provided by Companies: Each Company agrees that to receive benefits from the Agency it must, whenever requested by the Agency or required under applicable statutes or project documents, provide and certify or cause to be provided and certified such information concerning the Company, its finances, its employees and other topics which shall, from time to time, be necessary or appropriate, including but not limited to, such information as to enable the Agency to make any reports required by law or governmental regulation.

Recapture of Benefits: It is the policy of the Agency to recapture the value of a PILOT, any sales and use tax exemption, and mortgage recording tax exemption in accordance with the Laws of the State and the provisions contained herein. Before receiving benefits, the Company must attest in writing to its understanding of, and agreement to, the recapture provisions contained in State Law and herein. To the extent permitted by State law, the recapture provisions contained herein may be modified from time to time by the Agency at its sole discretion.

Recapture of a PILOT, Sales Tax and the Mortgage Recording Tax Exemptions: If the number of full time equivalent jobs to be maintained or created in connection with a project falls below 75% of the number projected in the Company's application to the Agency, or if there are material violations of the project agreements, then the value of the property tax, sales and use tax and mortgage recording tax benefits extended to the project by the Agency may be subject to recapture. When deciding whether or not to recapture benefits and the amount of such recapture, the Agency may consider the potential future benefit of the business to the community.

Recapture Payment: The recapture payment paid by the Company to the Agency shall be determined (1) by the difference between any PILOT payments made by the Company and the property taxes that would have been paid by the Company if the property were not under the supervision, jurisdiction or control of the Agency, (2) the value of any mortgage recording tax exemption, if awarded to the Company and (3) the amount of sales and use tax that would have been paid if an exemption was not granted.

Recapture of the PILOT, Sales Tax or Mortgage Recording Tax: The Recapture Schedule for a Payment in Lieu of Tax Agreement, Sales Tax or the Mortgage Recording Tax is as follows:

Time from Project Completion	Tax Savings Recaptured
1 Year	80%
2 Years	60%
3 Years	40%
4 Years	20%
5 Years	10%

Distribution of the Recapture Payment: Any funds recaptured as a result of the recapture payment shall be distributed to the affected taxing jurisdictions in the same proportion as if the payments were paid or owed by the Company on the date of recapture.

Additional Conditions for the Recapture of Sales and Use Tax: As of April 1, 2013, New York State law requires Industrial Development Agencies to recapture sales tax benefits where:

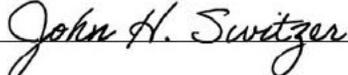
- A project is not entitled to receive the benefits;
 - Exemptions received exceed the amount authorized by the Agency;
 - Exemptions are claimed by the Project for unauthorized property or services; or
 - A project fails to use property in the manner required by its IDA agreements.
1. **Distribution of Sales and Use Tax.** Project operators must cooperate with the Agency in its effort to recapture all sales and use tax benefits received by the Company by promptly paying the recapture amount as determined by the Agency. The amount to be recaptured will be dictated by State Law or this UTEP Policy, whichever ever may be applicable. The Agency shall remit the recaptured sales and use tax benefits to the State within 30 days of receipt.
 2. **Compliance Report.** Annually, the Agency will file an annual compliance report with the State of New York detailing its recapture terms and its activities to recapture benefits, including any attempt to recapture benefits from an Agency project.

A "Full Time Permanent Employee" shall mean

1. A full time, permanent, private sector employee on the Company's payroll, who has worked at the project location for a minimum of thirty hours per week for not less than four consecutive weeks and who is entitled to receive the usual and customary fringe benefits extended by Company to other employees with comparable rank, duties and hours; or
2. Up to three part time, permanent, private-sector employees on Company's payroll, who have worked at the project location for a combined minimum of thirty hours per week for not less than four consecutive weeks and who are entitled to receive the usual and customary fringe benefits extended by Company to other employees with comparable rank, duties and hours.

I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.

Name of Applicant Company SSC Cicero LLC

Signature of Officer or Authorized Representative: 

Name & Title of Officer or Authorized Representative: John H. Switzer, Esq - Managing Member

Date: 11.11.2020

Section VIII: Employment Plan

Jobs Listings: In accordance with §858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Business Services and with the administrative entity of the service delivery area created by the Workforce Innovation and Opportunity Act of 2014 in which the Project is located. In Onondaga County, please contact CNY Works. Additionally, the applicant is encouraged to review the services provided by JOBSPlus! for candidate matching services.

Are the employees of your company currently covered by a collective bargaining agreement?

Yes No

If yes, name and location: _____

Is the labor pool in Onondaga County and/or the CNY Economic Development Region adequate to fill new positions?

Yes No

Enter Company Name in three (3) places below and sign by an authorized company officer:

In consideration of the benefits provided by the Onondaga County Industrial Development Agency (OCIDA), SSC Cicero LLC, project beneficiary, also agrees to report to OCIDA on the number of new employment opportunities created in connection with industrial or commercial projects financed by the proceeds of such benefits to be listed with the New York State Department of Labor Business Services and CNY Works.

SSC Cicero LLC, project beneficiary, also agrees to report to OCIDA on or before March 1 of each year the status of employment opportunities filed with the New York State Department of Labor Business Services, including the number of new employment opportunities created, the number listed, and the number filled for the year ending the prior December 31.

SSC Cicero LLC, project beneficiary, further agrees that, to the extent practicable and feasible, and subject to the requirements of any existing collective bargaining agreement, the project beneficiary shall fill at least 10% of new employment opportunities with persons eligible for service under the Workforce Innovation and Opportunity Act of 2014.

Name of Applicant Company: SSC Cicero LLC

Signature of Officer or Authorized Representative: *John H. Switzer*

Name & Title of Officer or Authorized Representative: John H. Switzer, Esq. - Managing Member

Date: 11.11.2020

NYS Department of Labor:

Roy Jewell

Associate Business Service Representative

450 South Salina Street, Syracuse, NY 13202 315-479-3362

roy.jewell@labor.ny.gov

www.labor.ny.gov

CNY Works

Chris Kennedy

Business Development Specialist

960 James Street, Syracuse, NY 13203

315-477-6974

ckennedy@cnyworks.com

www.cnyworks.com

Section IX: Conflict of Interest

Agency Board Members

1. Patrick Hogan
2. Steve Morgan
3. Victor Ianno
4. Sue Stanczyk
5. Kevin Ryan
6. Janice Herzog
7. Fanny Villarreal

Agency Officers/Staff

1. Robert M. Petrovich
2. Nathaniel Stevens
3. Nancy Lowery
4. Karen Doster
5. Chris Cox

Agency Legal Counsel & Auditor

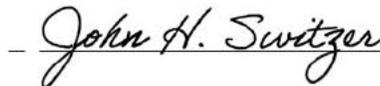
1. Jeffrey Davis, Esq., Barclay Damon LLP
2. Amanda Mirabito, Esq., Barclay Damon LLP
3. Michael G. Lisson, CPA, Grossman St. Amour Certified Public Accountants PLLC

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

Name of Applicant Company

SSC Cicero LLC

Signature of Officer or Authorized Representative:



Name & Title of Officer or Authorized Representative:

John H. Switzer, Esq. - Managing Member

Date: 11.11.2020

Section X: Representations, Certifications, and Indemnification

John H. Switzer, Esq. (Name of CEO or other authorized representative of Applicant) confirms and says that he/she is the Managing Member (title) of SSC Cicero LLC (name of corporation or other entity) named in the attached Application (the “Applicant”), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. First Consideration for Employment:** In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.
- B. Other NYS Facilities:** In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which will result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or is reasonably necessary.
- C. Annual Sales Tax Filings:** In accordance with §874(8) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- D. Outstanding Bonds:** The Applicant understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.
- E. Employment Reports:** The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant agrees to file with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, “Employment Reports”) that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, with said report being an agenda item subject to the open

meetings law.

- F. Absence of Conflicts of Interest:** The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Section X.
- G. Compliance:** The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.
- H.** The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the Agency. (1) No funds of the Agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

- I.** The Applicant confirms and acknowledges that the owner, occupant or operator receiving financial assistance for the proposed Project is in substantial compliance with applicable local, state, and federal tax, worker protection and environmental laws, rules and regulations.
- J.** The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement in the Project.
- K.** The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.
- L.** The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statement contained herein not misleading.

- M. The OCIDA has the right to request and inspect supporting documentation regarding attestations made on this application.
- N. **Hold Harmless Agreement:** Applicant hereby releases Onondaga County Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax-exemptions and other assistance requested therein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the process of the Application, including attorney's fees, if any.

Name of Applicant Company SSC Cicero LLC
Signature of Officer or Authorized Representative: *David Spotts*
Name & Title of Officer or Authorized Representative: David Spotts - Member
Date: 11/18/20

STATE OF Florida)
COUNTY OF Palm Beach)ss.;

David Spotts, being first duly sworn, deposes and says:

1. That I am the Managing Member (Corporate Officer) of SSC Cicero LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read and attached Application, I Know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete

David Spotts
(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this 18th day of November, 2020.

Anne M. Goldman
(Notary Public)

 Anne M. Goldman
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG297058
Expires 3/5/2023



End of Application

Pursuant to Section I – Part H

Applicant plans to abide by the Agency's policy that any project receiving benefits from the Onondaga County Industrial Development Agency will utilize 100% local contractors and local labor for the construction period of the project.

Annual materials and raw supplies will likely be supplied outside of firms in Onondaga County. Applicant intends to secure reasonable vendor services for ongoing maintenance activities within Onondaga County.

Thank you,

John H. Switzer, Esq.

334 Arapahoe Ave

Boulder, CO 80302

Phone: 561.866.8234

Email: John@summitsolarcapital.com

Pursuant to Section I – Part J

Applicant has received assistance from OCIDA in regard to a 3.5 MW PV project located at 8071 River Road, Lysander, NY known as SSC Lysander LLC. Such assistance is taking the form of a PILOT Agreement for \$5,500 / MW with a 2% escalator over twenty years. The PILOT Agreement between OCIDA and SSC Lysander LLC is due to close on or about March 10, 2021.

Thank you,

John H. Switzer, Esq.

334 Arapahoe Ave

Boulder, CO 80302

Phone: 561.866.8234

Email: John@summitsolarcapital.com

Pursuant to Section II – Part D

Project Narrative

This 5.0-MWac solar facility is located at 5827 McKinley Rd., Cicero, NY 13029. Existing lot size is 59.6 acres in total size and the project acreage under the array is 55.5 acres.

This site is currently undeveloped vacant land and is being managed by the landowner. Upon completion of the project the site will become the location of a ground mounted solar array.

- Solar panel height will not exceed 15’.
- Two rows of 5’ tall white spruce and/or norway spruce on a 10’ spacing are included in the project to provide a visual screening from abutting residences.
- Perimeter fencing will enclose the solar panels and electrical equipment.

As a community solar project, local residents, businesses, and municipalities within Onondaga County will have the option of subscribing to purchase discounted energy from this project.

Applicant has extensive experience in the responsible development of utility-scale solar projects and the ability to deliver a turn-key solar power operating facility of the highest quality. Without the benefits requested in this application the project is not feasible.

Thank you,

John H. Switzer, Esq.

334 Arapahoe Ave

Boulder, CO 80302

Phone: 561.866.8234

Email: John@summitsolarcapital.com

Pursuant to Section II – Part C

Benefit to Business

Benefits considered by the Onondaga County Industrial Development Agency as part of our application are critical to the development of community solar distributed generation projects. Notably, without PILOT Agreements, community solar projects, including the subject project, are not financially feasible.

A direct result of the benefits provided will be the creation of construction jobs and clean, cost efficient power to residential ratepayers.

Thank you,

John H. Switzer, Esq.

334 Arapahoe Ave

Boulder, CO 80302

Phone: 561.866.8234

Email: John@summitsolarcapital.com

August 31st, 2021

Via electronic transmission

Nate Stevens
Chair of the Onondaga County Industrial Development Agency
333 W. Washington Street, Suite 130
Syracuse, NY 13202

Re: IDA Application Update for GSPP Sentinel Heights Road, LLC

Dear Mr. Nate Stevens,

On September 15th, 2020, the Onondaga County Industrial Development Agency convened a public session meeting to authorize the development and construction of a solar facility located on a parcel of real property located at 3356 Sentinel Heights Road in the town of Lafayette, County of Onondaga State of New York. We are providing this letter to you for an update to certain project information that have changed since the time of the original IDA application, please see the below bullet points:

1. Project Ownership:

The legal name of the project company or special purpose entity ("SPE") is GSPP Sentinel Heights Road, LLC, a New York limited liability company. The Federal ID # for GSPP Sentinel Heights Road, LLC is 85-0545439. The address is 1 Landmark Square, Suite 320, Stamford, CT 06901. Scott Kerner, Manager, is the Contact Name and Title, his email address is scott@gspp.com and his phone number is (646) 303-5215. The project company was managed by its sole member GSPP Omni Holdco, LLC when the original application was filled out. Since then, 100% of the membership interest has been transferred to GSPP Holdco II, LLC.

2. Project Size:

The total size of the project has decreased from 3,750.00 kW AC to 3,500.00 kW AC.

3. Job Creation:

This project will provide ~10-20 local jobs during the construction period; once the system is fully built, GSPP does not expect the project to need full-time employees and will have a contract in place with an O&M provider to perform maintenance on the system as applicable.

4. Project Timeline:

This project is currently under construction. Racking and module completion is expected by September 15th, 2021. Mechanical Completion is expected by October 10th, 2021, and Permission to Operate is expected back from National Grid by December 15th, 2021

If you have any questions or need any additional information, please let us know.

Sincerely,

GSPP Sentinel Heights Road, LLC
By: GSPP Holdco II, LLC, its Manager



By: Scott Kerner
Title: Manager



DRAFT 8.05.2021

**ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY
APPLICATION FOR BENEFITS**

1. Fill in all blanks using “none”, “not applicable” or “not available”. If you have any questions about the way to respond, please call the Onondaga County Industrial Development Agency (the “Agency” or “OCIDA”) at 315-435-3770.
2. If providing an estimate put “(est.)” after the figure or answer. If more space is needed to answer any specific question, attach a separate sheet.
3. If the OCIDA Board approves benefits, it is the company’s responsibility to obtain and submit all necessary forms and documents.
4. When completed, return this Application by mail or fax to the Agency at the address indicated below. A signed application may also be submitted electronically in PDF format to Nancy Lowery at nancylowery@ongov.net. **An Application will not be considered by the Agency until the Application fee has been received.**
5. The Agency will not give final approval for this Application until the Agency receives a completed NYS Full Environmental Assessment Form concerning the project which is the subject of this Application. The form is available at <http://www.dec.ny.gov/permits/6191.html>.
6. Please note the Public Officers Law declares all records in the possession of the OCIDA (with certain limited exceptions) are open to public inspection and copying. If the Applicant is of the opinion that there are elements of the project which are in the nature of trade secrets which, if disclosed to the public or otherwise widely disseminated, would cause substantial injury to the Applicant’s competitive position, this Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officer’s Law, the OCIDA may also redact personal, private, and/or proprietary information from publicly disseminated documents.
7. The Applicant will be required to pay the Agency Application fee and, if accepted as a project of the agency, all administrative and legal fees as stated in Section VI of the Application.
8. A complete application consists of the following 9 items:
 - This Application
 - Local Access Agreement
 - Employment Plan
 - Conflict of Interest
 - A feasibility statement indicating the need for the requested benefits
 - Description of project, Site Plans/Sketches, and Maps
 - NYS Full Environmental Assessment Form
 - A check payable to the Agency in the amount of \$1,000
 - A check payable to Barclay Damon LLP in the amount of \$2,500
9. This Application was adopted by the OCIDA Board on _____.

It is the policy of the Agency that any project receiving benefits from the Onondaga County Industrial Development Agency will utilize 100% local contractors and local labor for the construction period of the project unless a waiver is granted in writing by the Agency.

Return to:

Onondaga County Industrial Development Agency
Attn: Nancy Lowery
333 W. Washington Street, Suite 130
Syracuse, NY 13202
Phone: 315-435-3770 | Fax: 315-435-3669
nancylowery@ongov.net

Section I: Applicant Information

Please answer all questions. Use “None”, “Not Applicable” and “See Attached” where necessary.

Submittal Date: _____

A) Applicant/Project Operator information (company receiving benefits):

Applicant/Project Operator: _____

Applicant/ Project Operator Address: _____

Phone: _____ Fax: _____

Website: _____ E-mail: _____

Federal ID#: _____ NAICS: _____

State and Year of Incorporation/Organization: _____

Owner (if different from Applicant/Project Owner): _____

Owner Address: _____

Federal ID#: _____

State and Year of Incorporation/Organization: _____

List of stockholders, members, or partners of Owner:

B) Individual Completing Application:

Name: _____

Title: _____

Address: _____

Phone: _____ Fax: _____

E-mail: _____

C) Company Contact (if different from individual completing application):

Name: _____

Title: _____

Address: _____

Phone: _____ Cell Phone: _____

E-mail: _____

D) Company Counsel:

Name of Attorney: _____

Firm Name: _____

Address: _____

Phone: _____ Cell Phone: _____

E-mail: _____

E) Business Organization (check appropriate category):

Corporation

Partnership

Public Corporation

Joint Venture

Sole Proprietorship

Limited Liability Company

Others (please specify): _____

Year Established: _____

State in which Organization is established: _____

F) List all stockholders, members, or partners with % of ownership greater than 5%:

Name

% of ownership

G) Applicant Business Description:

Please attach a description of your company's background, products, customers, goods and services.

Estimated % of sales within Onondaga County: _____

Estimated % of sales outside Onondaga County but within New York State: _____

Estimated % of sales outside New York State but within the U.S.: _____

Estimated % of sales outside the U.S.: _____

(*Percentage to equal 100%)

H) Applicant History: If the answer to any of the following is "Yes", please explain below. If necessary, attach additional information.

1. Is the company or management of the Company now a plaintiff or defendant in any civil or criminal litigation? Yes No

2. Has any person listed above ever been convicted of a criminal offense (other than a minor traffic violation)? Yes No

3. Has any person listed in Section I ever been in receivership or declared bankruptcy? Yes No

Please attach any explanations:

I) Has the Project Beneficiary received assistance from OCIDA, SIDA, New York State or the Onondaga Civic Development Corporation in the past? If yes please attach an explanation and please give year, project name, and description of benefits and address of project.

Yes No

Section II: Project and Site Information

A) Project Location: Location where the investment will take place. If company is moving, the new location should be entered here and the current location should be in Section I.

Address: _____

Legal Address (if different): _____

City: _____ Village/Town: _____

Zip Code: _____ School District: _____

Tax Map Parcel ID(s): _____

Current Assessed Value _____ Footage of Existing Building: _____

Census Tract: _____

B) Type (Check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> New construction | <input type="checkbox"/> Purchase of machinery and/or equipment |
| <input type="checkbox"/> Expansion/Addition to current facilities | <input type="checkbox"/> Brownfield/Remediated Brownfield |
| <input type="checkbox"/> Renovation of existing facility | <input type="checkbox"/> LEED Certification |
| <input type="checkbox"/> Housing Project | <input type="checkbox"/> Demolition and Construction |
| <input type="checkbox"/> Renewable Energy Project | <input type="checkbox"/> Acquisition of existing facility/property |
| <input type="checkbox"/> Retail | <input type="checkbox"/> Other: |

C) Project Narrative: A statement that there is a likelihood that the project would not be undertaken but for the financial assistance provided by the Agency or, if the project could be undertaken without financial assistance provided by the Agency, a statement indicating why the project should be undertaken by the agency.

* For a Retail Project (also see page 14)

* For a Renewable Energy Project (also see page 15)

* For a Housing Project (also see page 17)

D) Description of Project: Please provide a detailed narrative of the proposed Project. Please separately attach the description and any copies of site plans, sketches or maps. This narrative should include, but is not limited to:

- (i) the size of the Project in square feet and a breakdown of square footage per each intended use;
- (ii) the size of the lot upon which the Project sits or is to be constructed;
- (iii) the current use of the site and the intended use of the site upon completion of the Project;

- (iv) the principal products to be produced and/or the principal activities that will occur on the Project site;
- (v) please describe your method for site control (Own, lease, other).

E) Select Project Type for all end users at Project site (you may check more than one):

**Please check any and all end users as identified below

- | | |
|--|--|
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Bank Office |
| <input type="checkbox"/> Acquisition of Existing Facility | <input type="checkbox"/> Retail (see page 14) |
| <input type="checkbox"/> Housing Project (see page 17) | <input type="checkbox"/> Mixed Use |
| <input type="checkbox"/> Equipment Purchase | <input type="checkbox"/> Facility for Aging |
| <input type="checkbox"/> Multi-Use Tenant | <input type="checkbox"/> Civic Facility (not for profit) |
| <input type="checkbox"/> Renewable Energy Project (see page 15) | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Commercial | |

F) If applicant will not occupy 100% of the building in a real estate transaction, provide information on tenant(s) that includes name, present address, and percentage of project to be leased, type of business organization, relationship to applicant, date and term of lease.

G) For the Agency to consider this Project, please provide the following information:

1. Does the project consist of new construction or expansion or substantial renovation of an existing facility?
 - Yes No
2. Will the project create new employment opportunities or retain existing jobs that may otherwise be lost?
 - Yes No
3. Does the project beneficiary serve a customer base primarily outside of Onondaga County?
 - Yes No

H) Will the completion of the Project result in the removal of an industrial or manufacturing plant of the company from one area of the state to another area of the state OR in the abandonment of one or more plants or facilities of the company located within the state? Please explain if you answer “Yes” by attaching a response.

- Yes No

I) Please attach a description of any compelling circumstances the Agency should be aware of while reviewing this application.

J) Local Approvals (Site Plan and Environmental Review)

1. Have site plans been submitted to the appropriate town or local planning department?
 Yes. What is the status? No. When will the plans be submitted?
2. Has the project received site plan approval from the town or local planning board?
 Yes No
3. If no, what is the anticipated approval date? _____
4. If yes, provide the Agency with a copy of the Planning Board's approval resolution along with the related SEQR determination. (NOTE: SEQR Determination is required for final approval and sales tax agency appointment.
5. Environmental Information
 - a. Please attach the appropriate Environmental Impact Forms to your application. Here is a link to the SEQR forms: <http://www.dec.ny.gov/permits/6191.html>
 - b. Have any environmental issues been identified on the property?
 Yes No
If yes, please attach an explanation.

Section III: Construction

A) Project Costs and Finances

Description of Costs	Total Budget Amount	% of Total Budget to be Procured in Onondaga County	Total Private Expenditure (should be less than or equal to total budget amount)
Land Acquisition			
Site Work/Demo			
Building Construction & Renovation			
Furniture & Fixtures			
Equipment			
Engineering/Architect			
Financial Charges			
Legal			
Other			
Management/Developer Fees			
Total Project Cost			

Note: Do not include OCIDA fees, OCIDA application fees or OCIDA legal fees as part of the Total Project Cost. You may attach a separate chart if needed.

B) TOTAL Capital Costs \$ _____

Project refinancing: estimated amount
(for refinancing of existing debt only) \$ _____

Sources of Funds for Project Costs:

1. Bank Financing \$ _____

2. Equity (excluding equity that is attributed to grants/tax credits) \$ _____

3. Tax Exempt Bond Issuance (if applicable) \$ _____

4. Taxable Bond Issuance (if applicable) \$ _____

5. Public Sources (Include sum total of all state and federal grants and tax credits) \$ _____

-Identify each state and federal grant/credit:

_____ \$ _____
 _____ \$ _____
 _____ \$ _____

6. Total Sources of Funds for Project Costs \$ _____

C) Employment and Payroll Information

*Full Time Equivalent (FTE) is defined as one employee working no less than 40 hours per week or two or more employees together working a total of 40 hours per week.

1. Are there people currently employed at the project site?
 Yes No If yes, provide number of FTE jobs at the facility: _____

2. Complete the following:

Estimate the number of FTE jobs to be retained as a result of this Project:	
Estimate the number of construction jobs to be created by this Project:	
Estimate the average length of construction jobs to be created (months):	
Current annual payroll at facility:	
Please list, if any, benefits that will be available to either full and/or part time employees:	
Average annual benefit paid by the company (\$ or % salary) per FTE job:	
Amount or percent of wage employees pay for benefits:	
Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oneida, Oswego, and Cortland Counties) to fill new FTE jobs:	

D) New Employment Benefits

- i. Complete the following chart indicating the number of FTE jobs presently employed at the Project and the number of FTE jobs that will be created at the Project site at the end of the first, second, and third, years after the Project is completed. Jobs should be listed by title of category (see below), including FTE independent contractors or employees of independent contractors that work at the Project location. Do not include construction workers.
- ii. Feel free to include additional information or a substitute chart if you think additional material would add clarity.

Please use this chart to illustrate the current employment:

Job Title/Category	Current Annual Pay	Current Employment (FTE)

Please use this chart to illustrate the projected employment growth:

Job Title/Category	Current Annual Pay	Jobs Created Year 1	Jobs Created Year 2	Jobs Created Year 3

If you prefer, you may attach a job chart of your own that outlines the job growth projections regarding the project.

E) Financial Assistance sought (estimated values):

- Real Property Tax Abatement (PILOT): _____
- Mortgage Recording Tax Exemption (.75% of amount mortgaged): _____
- Sales and Use Tax Exemption (4% Local, 4% State): _____
- Tax Exempt Bond Financing (Amount Requested): _____
- Taxable Bond Financing (Amount Requested): _____

F) Mortgage Recording Tax Exemption Benefit Calculator: Amount of mortgage that would be subject to mortgage recording tax:

Mortgage Amount (include sum total of construction/permanent/bridge financing): \$ _____

Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above, multiplied by .0075): \$ _____

G) Sales and Use Tax Benefit Calculator: Gross amount of costs for goods and services that are subject to State and local Sales and US tax – said amount to benefit from the Agency’s Sales and Use Tax exemption benefit:

\$ _____

Estimated State and local Sales and Use Tax Benefit (product of 8% multiplied by the figure, above) (This should match the amount in section “E” on this page, this calculation only exists to help you with your estimate):

\$ _____

Section IV: Estimate of Real Property Tax Abatement Benefits

Section IV of this Application will be: (i) completed by IDA Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application prior to the completed application being provided to the OCIDA Board.

A) PILOTS Estimate Table Worksheet

OCIDA estimate of current value	
New construction and renovation costs	
OCIDA estimate of increase in value	
OCIDA estimated value of completed project	
OCIDA estimate of taxes that would have been collected if the project did not occur	
Scheduled PILOT payments	

PILOT Year	Exemption %	County PILOT Amount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	100						
2	90						
3	80						
4	70						
5	60						
6	50						
7	40						
8	30						
9	20						
10	10						
TOTAL							

Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff

SECTION: V For Retail Projects Only

1. Will the cost of the retail portion of the project exceed one-third of the total project cost?
Yes No

2. Is the project located in a distressed area? A distressed area is a census tract that has
a) a poverty rate of a least 20% or at least 20% of households receiving public assistance, and (b) an unemployment rate of least 1.25 times the statewide unemployment rate for the year to which the date relates.
Yes No

3. Is the Project likely to attract a significant number of visitors from outside of the economic development region?
Yes No

4. Is the predominate purpose of the project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the Town, City, County or Village of where the Project will be located.
Yes No

SECTION VI: For Solar Projects Only

Please complete the following as an addendum:

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the project would be affected if these benefits were not provided. (see Section II (C))
2. Is the applicant leasing the property?
 - Yes, please provide a copy of the lease
 - No, purchased the property. Please provide documentation.
3. Has the applicant provided written communication to the affected taxing jurisdictions notifying them of its intent to construct a renewable energy project?
 - Yes
 - No
4. Has the applicant received a letter of support for the for the megawatt cost to be used as a basis for the PILOT from the town, city or village where the project is located?
 - Yes. Please provide copy.
 - No
5. Has the applicant received a letter of support for the megawatt cost to be used as a basis for PILOT from the school district?
 - Yes. Please provide copy.
 - No
6. Is the entire parcel being used for the solar project?
 - Yes
 - No, if not, have you reached out to the town assessor to discuss a subdivision or slash parcel? Explain: _____
7. Will the applicant enter into a decommissioning plan with the host community, including financial assurance the plan can be executed?
 - Yes, explain.
 - No

**PLEASE SEE FOLLOWING PAGE FOR OCIDA SOLAR BEST PRACTICES*

OCIDA SOLAR PILOTs GUIDANCE AND BEST PRACTICE

To be placed on the OCIDA meeting agenda, proposed solar projects must provide OCIDA with the following in advance of the project's first OCIDA meeting:

1. Fully completed OCIDA application.
2. Copy of Environmental Assessment Form.
3. A SEQR resolution approved by a local municipality indicating municipality will be lead agency, the type of action (I, II, or unlisted) and, if completed, the SEQR determination made by the municipality.
4. Copies of your zoning applications submitted to the local municipality.
5. Verification of parcel subdivision process with the town (if the entire parcel will not be used for the solar project).
6. A statement clarifying whether the applicant will lease or purchase the real property on which the project is situated. If leased, provide a copy of the proposed or executed lease. If lease parcel is less than entire parcel then see 5 above.
7. A supporting document from the School District and the Town Board outlining the agreed upon cost per megawatt to be used as a basis for the PILOT. OCIDA cannot create the PILOT schedule without this information.

You will receive a draft Cost Benefit Analysis and a Draft PILOT schedule from this office. You may use these documents as your project progresses through the OCIDA approval process. OCIDA staff are available to update these two documents as needed.

SECTION VII: For Housing Projects Only

Please complete the following as an addendum:

1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the project would be impacted if these benefits were not provided. (see Section II (C))
2. Is the project being built in the blighted area? Please describe.
3. Is the project fulfilling an unmet need in the area? Please explain.
4. Please provide a market study documenting a need for such housing.
5. Is there support from local government officials for the project and for the financial assistance being requested from the Agency? Please provide written documentation.
6. Is the project considered infill in a populated area? Please explain.
7. Does the project provide walkability?
8. Is there additional county infrastructure necessary to service the Project? If, yes, please explain.
9. Is the Project part of a larger mixed-use development? Please describe.

Section VIII: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, sub-contractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

Noncompliance may result in the revocation and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne. Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the Local Access Policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available upon request.

Prior to issuance of any NYS Tax & Finance ST-60 forms, the Applicant must submit a **Contractor Status Report to the Agency.**

In consideration of the extension of financial assistance by the Agency _____ (the Company) understands the Local Access Policy and agrees to complete Appendix C of the Agency's application at the time of the application to the Agency and as part of a request to extend the valid date of the Agency's tax-exempt certificate for the Project. The Company understands that an Agency tax-exempt certificate is typically valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands that any request for a waiver to this policy must be submitted in writing and approved by the Agency.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of _____ (date).

Company: _____

Representative for Contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Project Address: _____ City: _____ State: _____ Zip: _____

General Contractor: _____

Contact Person: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Authorized Representative: _____ Title: _____

Signature: _____

Section IX: Agency Fee Schedule

* Minimum Fee to be applied to all project receiving OCIDA benefits is 1% of the total project cost (TPC)

ACTIVITY	FEES	COMMENTS
Non- refundable Application Fee	\$1,000	Due at time of application
Legal Deposit	\$2,500	Due at time of application
Minimum Fee of 1% of TPC		
1. Sales and Use Tax Exemption	.01 X TPC	Due at closing
2. Mortgage Recording Tax		
3. PILOT is additional fee	.0025 X TPC (total .0125)	
Bonds Bond refinancing and refunding	.0025 of TPC	Due at closing
Agency Legal Fees		
Fee for first \$20 million	.0025 X of the project cost or bond amount	Due at closing
Fee for expenses above \$20 million	.00125 X of project cost or bond amount	

OCIDA reserves the right to modify this schedule at any time and assess fees and charges in connection with other transactions such as grants of easement or lease or sale of OCIDA-owned property.

Section X: Recapture of Tax Abatement/Exemptions

Information to be Provided by Companies: Each Company agrees that to receive benefits from the Agency it must, whenever requested by the Agency or required under applicable statutes or project documents, provide and certify or cause to be provided and certified such information concerning the Company, its finances, its employees and other topics which shall, from time to time, be necessary or appropriate, including but not limited to, such information as to enable the Agency to make any reports required by law or governmental regulation.

Please refer to the OCIDA Uniform Tax Exemption Policy. (add hyperlink)

I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.

Name of Applicant Company _____

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: _____

Section XI: Conflict of Interest

Agency Board Members

1. Patrick Hogan, Chairperson
2. Janice Herzog, Vice Chairperson
3. Steve Morgan, Director
4. Victor Ianno, Director
5. Sue Stanczyk, Director
6. Kevin Ryan, Director
7. Fanny Villarreal, Director

Agency Officers/Staff

1. Robert M. Petrovich, Executive Director
2. Nathaniel Stevens, Treasurer
3. Nancy Lowery, Secretary
4. Karen Doster, Recording Secretary
5. Christopher Cox, Assistant Treasurer

Agency Legal Counsel & Auditor

1. Jeffrey Davis, Esq., Barclay Damon LLP
2. Amanda Fitzgerald, Esq., Barclay Damon LLP
3. Michael G. Lisson, CPA, Grossman St. Amour Certified Public Accountants PLLC

The Applicant has received from the Agency a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

Name of Applicant Company _____

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: _____

Section XII: Representations, Certifications, and Indemnification

_____ (Name of CEO or other authorized representative of Applicant) confirms and says that he/she is the _____ (title) of _____ (name of corporation or other entity) named in the attached Application (the “Applicant”), that he/she has read the foregoing Application and knows the contents thereof, and hereby represents, understands, and otherwise agrees with the Agency and as follows:

- A. First Consideration for Employment:** In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.
- B. Other NYS Facilities:** In accordance with §862 (1) of the New York General Municipal Law, the Applicant understands and agrees that projects which will result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant within the state is ineligible for Agency Financial Assistance, unless otherwise approved by the Agency as reasonably necessary to preserve the competitive position of the project in its respective industry or is reasonably necessary.
- C. Annual Sales Tax Filings:** In accordance with §874(8) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- D. Outstanding Bonds:** The Applicant understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.
- E. Employment Reports:** The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant agrees to file with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, “Employment Reports”) that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an Event of Default under the PILOT Agreement between the Agency and Applicant and, if applicable, an Event of Default under the Agent Agreement between the Agency and Applicant. In addition, a Notice of Failure to provide the Agency with an Employment Report may be reported to Agency board members, with said report being an agenda item subject to the open meetings law.

F. Absence of Conflicts of Interest: The Applicant has received from the Agency a list of the members, officers and employees of the Agency. No member, officer or employee of the Agency has an interest, whether direct or indirect in any transaction contemplated by this Application, except as hereinafter described in Section X.

G. Compliance: The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations.

H. The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed Project:

§ 862. Restrictions on funds of the Agency. (1) No funds of the Agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.

I. The Applicant confirms and acknowledges that the owner, occupant or operator receiving financial assistance for the proposed Project is in substantial compliance with applicable local, state, and federal tax, worker protection and environmental laws, rules and regulations.

J. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement in the Project.

K. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

L. The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statement contained herein not misleading.

- M. The OCIDA has the right to request and inspect supporting documentation regarding attestations made on this application.
- N. **Hold Harmless Agreement:** Applicant hereby releases Onondaga County Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax-exemptions and other assistance requested therein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the process of the Application, including attorney's fees, if any.

Name of Applicant Company _____

Signature of Officer or Authorized Representative: _____

Name & Title of Officer or Authorized Representative: _____

Date: _____

STATE OF NEW YORK)

COUNTY OF ONONDAGA) ss.;

_____, being first duly sworn, deposes and says:

1. That I am the _____ (Corporate Officer) of _____ (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.
2. That I have read and attached Application, I Know the contents thereof, and that to the best of my knowledge and belief, this Application and the contents of this Application are true, accurate and complete

(Signature of Officer)

Subscribed and affirmed to me under penalties of perjury this _____ day of __, 20_____.

(Notary Public)

End of Application