

CRYOMECH, INC.

**SEQRA RESOLUTION
(3101-22-08A)**

A regular meeting of the Onondaga County Industrial Development Agency (the "Agency") was convened in public session on December 20, 2022, at 8:00 a.m., local time, at 335 Montgomery Street, 2nd Floor, Syracuse, New York.

The meeting was called to order by the (Vice) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT: Patrick Hogan
Janice Herzog
Steve Morgan
Susan Stanczyk
Fanny Villarreal

ABSENT: Kevin Ryan
Victor Ianno

ALSO PRESENT: Robert M. Petrovich, Executive Director
Jeffrey W. Davis, Esq., Agency Counsel

The following resolution was offered by Janice Herzog, seconded by Susan Stanczyk, to wit:

RESOLUTION OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY DETERMINING THAT A CERTAIN PROJECT FOR CRYOMECH, INC. WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ENVIRONMENT PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, Onondaga County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), Chapter 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975 of the State of New York, as amended, constituting Section 895 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, pursuant to a resolution adopted by the members of the Agency on June 19, 2019, the Agency undertook a project (the “2019 Project”) on behalf of Quantum Cool, LLC (the “Initial Real Estate Holding Company”) and Cryomech, Inc. (the “Company”) consisting of the following: (A) (1) the acquisition of an interest in an approximately 14-acre portion of land located at 6682 Moore Road (formerly part of tax map no. 022.-05-03.1, now tax map no. 022.-05-19.0) in the Town of DeWitt, Onondaga County, New York (the “2019 Land”); (2) the construction on the Land of an approximately 76,000 square foot building (collectively, the “2019 Facility”); (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “2019 Facility Equipment”) (the 2019 Land, the 2019 Facility and the 2019 Facility Equipment being collectively referred to as the “2019 Company Project Facility”); and (4) the acquisition and installation of certain equipment and personal property (the “2019 Equipment”, and together with the 2019 Company Project Facility, the “2019 Project Facility”) by the Initial Real Estate Holding Company, such Project Facility to be used by the Company as a manufacturing plant for high-performance cryogenic equipment and related office space; (B) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes and transfer and mortgage recording taxes (subject to certain statutory limitations) (collectively, the “2019 Financial Assistance”); and (C) (1) the lease (with an obligation to purchase) or sale of the 2019 Company Project Facility to the Initial Real Estate Holding Company or such other person as may be designated by the Initial Real Estate Holding Company and agreed upon by the Agency; and (2) and the lease (with an obligation to purchase) or sale of the 2019 Equipment to the Company or such other person as may be designated by the Company and agreed upon by the Agency

WHEREAS, in connection with the 2019 Project, the Agency and the Initial Real Estate Holding Company entered into (A) an underlying lease (and a memorandum thereof) dated as of September 1, 2019 by and between the Agency and the Initial Real Estate Holding Company (the “2019 Underlying Lease”); (B) a lease agreement (and a memorandum thereof) dated as of September 1, 2019 by and between the Agency and the Initial Real Estate Holding Company (the “2019 Lease Agreement”); (C) a payment in lieu of tax agreement dated as of September 1, 2019 by and between the Agency and the Initial Real Estate Holding Company (the “2019 PILOT Agreement”); (D) a company project agreement dated as of September 1, 2019 by and between the Agency and the Initial Real Estate Holding Company, as amended by an Amendment to the Company Project Agreement dated as of August 1, 2020 by and between the Agency and the Initial Real Estate Holding Company (collectively, the “2019 Project Agreement”); and (E) various certificates relating to the Project (the “2019 Certificates” and collectively with the 2019 Underlying Lease, the 2019 Lease Agreement, the 2019 PILOT Agreement, and the 2019 Project Agreement, the “2019 Documents”); and

WHEREAS, Section 9.3 of the 2019 Lease Agreement permitted the sale of the 2019 Company Project Facility to the Company subject to satisfaction of the conditions set forth therein; and

WHEREAS, on or about March 24, 2022, the Initial Real Estate Holding sold all of its right, title and interest in and to the 2019 Company Project Facility to the Company and in connection therewith the Initial Real Estate Holding Company assigned to the Company and the Company assumed from the Initial Real Estate Holding Company the obligations of the Initial Real Estate Holding Company under the 2019 Documents pursuant to an Omnibus Assignment and Assumption Agreement made as of March 24, 2022 by and between the Initial Real Estate Holding Company and the Company, as consented to by the Agency; and

WHEREAS, the Company has submitted an application to the Agency (the "Application") on behalf of itself and entities formed or to be formed on its behalf, a copy of which Application is on file at the office of the Agency, which Application requests that the Agency consider undertaking a new project (the "Project") for the benefit of the Company and/or entities formed or to be formed on its behalf, said Project consisting of the following: (A)(1) the retention of the Agency's interest in the 2019 Land and the acquisition of an interest in approximately 12.5 acres of land located at 6655 Old Thompson Road and 6684 Moore Road (parts of tax map nos. 022.-05-03.1 and 022.-05-02.3), all in the Town of Dewitt, Onondaga County, New York (all of the foregoing collectively, the "Land") and the retention of the Agency's interest in the 2019 Project Facility; (2) the construction on the Land of approximately 34,000 square feet of additions to the 2019 Facility and related exterior improvements, including but not limited to additional parking and stormwater improvements (the "2022 Improvements" and together with the 2019 Facility, the "Facility"); and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the "Equipment") (the Land, the Facility, the 2019 Facility Equipment, the 2019 Equipment and the Equipment being collectively referred to as the "Project Facility"), which Project Facility will be used by the Company as a manufacturing plant for high-performance cryogenic equipment and related office space; (B) the granting of certain "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (subject to certain statutory limitations) (the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, the Company requested that the Agency enter into a revision to the 2019 PILOT Agreement (the "Proposed PILOT Agreement") with respect to the Project Facility; and

WHEREAS, pursuant to SEQRA, the Agency is required to make a determination with respect to the environmental impact of any "action" (as defined by SEQRA) to be taken by the Agency and the approval of the Project and grant of Financial Assistance constitute such an action; and

WHEREAS, to aid the Agency in determining whether the Project may have a significant effect upon the environment, the Company prepared and submitted to the Agency an Environmental Assessment Form (the "EAF"), a copy of which is on file in the office of the Agency and is readily accessible to the public; and

WHEREAS, the Planning Board of the Town of Dewitt (the "Planning Board") reviewed a Site Plan for the 2019 Project in 2019; and

WHEREAS, the Planning Board deemed the 2019 Project a Type I action and declared its intent to act as lead agency for the purpose of conducting a coordinated environmental review; and

WHEREAS, after conducting a thorough review of its potential effects, the Planning Board determined that the 2019 Project would not result in any significant adverse environmental impacts and issued a negative declaration on June 13, 2019; and

WHEREAS, on October 27, 2022, after conducting a thorough environmental review in a continuation of its lead agency role, the Planning Board determined that the modification of the Site Plan for the 2019 Project to include the Project did not substantially impact its prior SEQRA findings and issued a negative declaration for the Project; and

WHEREAS, the Agency's involvement in the Project was not contemplated when the Planning Board performed the coordinated SEQRA review and issued the negative declaration for the Project; and

WHEREAS, had the Agency's involvement been known at the time the Planning Board declared its intent to act as lead agency for the coordinated review of the Project, the Agency would have, as an involved agency, consented to the lead agency designation by the Planning Board and been bound by the negative declaration that was issued for the Project.

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

Section 1. Based upon an examination of the EAF prepared by the Company, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Agency's knowledge of the area surrounding the Project Facility, all the representations made by the Company in connection with the Project, and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(a) The Project consists of the components described above in the seventh WHEREAS clause of this resolution;

(b) The Project constitutes a modification of the 2019 Project, which was a Type I action (as said quoted term is defined in SEQRA);

(c) The Agency, in recognition of the fact that it would have been an involved agency and consented to the Planning Board's lead agency status, hereby reaffirms, accepts, and adopts the negative declaration that was issued by the Planning Board for the Project, attached hereto as Exhibit "A", which shall be filed in the office of the Agency in a file that is readily accessible to the public;

Section 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.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

| | <u>AYE</u> | <u>NAY</u> | <u>ABSENT</u> |
|------------------|------------|------------|---------------|
| Patrick Hogan | X | | |
| Janice Herzog | X | | |
| Victor Ianno | | | X |
| Steve Morgan | X | | |
| Susan Stanczyk | X | | |
| Kevin Ryan | | | X |
| Fanny Villarreal | X | | |

The foregoing resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) ss.:
COUNTY OF ONONDAGA)

I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on December 20, 2022, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matter therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting, (B) said meeting was in all respects duly held, (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law, and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed, or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand this 21 day of December, 2022.

(SEAL)

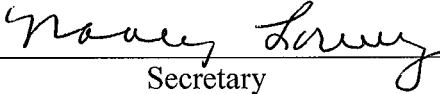

Secretary

Exhibit A

MINUTES OF A REGULAR MEETING
OF
THE PLANNING BOARD OF THE TOWN OF DEWITT

June 13, 2019

A regular meeting of the Planning Board of the Town of DeWitt, New York was held at the Town Offices, 5400 Butternut Drive, DeWitt, New York, on June 13, 2019 at 7:00 p.m.

There were present:

Kathy Kotz
Nathan Brown, Acting Chairperson
Steve Schroeder
Joe Mueller
Doug Arena
Leif Kallquist

There was a quorum of the members of the Planning Board present. Also present were Jamie L. Sutphen, Attorney and Samuel Gordon, Director of Planning and Zoning; Stephanie Guereschi, Town Environmental Planner. Nathan Brown was Chairperson of the meeting and Jamie L. Sutphen acted as Secretary.

Mr. Schroeder made a motion seconded by Mr. Mueller to approve the minutes of the May 23, 2019 meeting. The motion carried with all members voting in favor.

There were 2 work sessions on June 11th for Bull and Bear and Dunkin. There is a potential work session scheduled for June 25th for Cryomech.

B&C Storage – PB-515-19
Subdivision RE: Combine Two Parcels in an Industrial District
4032 & 4036 New Court Ave
Tax Map # 031.-10-09.0 and 031.-10-10
(5 minutes)

Bruce Pollock was present for the applicant. The plan was reviewed. Ms. Kotz made a motion seconded by Mr. Schroeder as follows:

Motion to approve the subdivision plan dated May 11, 2019 as presented with the following findings and conditions:

1. This is a Simple Division of land under the Code as no new lots are created; this involves movement of a lot line. The lots are both owned by the same owner. The changes per the simple subdivision will allow construction of a project (related application) that is an allowed use in the district and will not be a detriment to the neighborhood.

2. This board waives public hearing requirement for subdivision as permitted by the Code where there are no new lots created. There should be no public interest in this combining of lots.

3. The Board has reviewed the SOCPA referral of June 5, 2019 which determined there will be no adverse inter-community or county-wide implications;

4. This Board has reviewed the EAF submitted by the applicant and issues a negative SEQRA declaration for the project.

5. Applicant must file the subdivision map in the Onondaga County Clerk's Office in accordance with the rules of Onondaga County and provide a copy of the stamped filed map with the Town of DeWitt Department of Planning and Zoning.

The motion carried unanimously.

**Brooklawn – PB-501-19 - SEQRA
Subdivision RE: Division of (1) 14-Acre Lot From an
Existing 60-Acre Industrial Park in a High-Tech District
6655 Old Thompson Road
Tax Map # 022.-05-03.1**

**Cryomech – PB-500-19 - SEQRA
SPR RE: 76.5K SF Building and Associated Parking in a High-Tech District
6655 Old Thompson Road
Tax Map # 022.-05-03.1
(10 minutes)**

Scott Freeman presented for the applicant. The issue of SEQRA will be addressed first and the potential approvals of site plan and subdivision are adjourned to the end of the meeting for further discussion. The Planning Board discussed the SEQRA issues and finding with respect to the two projects: Cryomech and Brooklawn Subdivision. Mr. Arena made a motion seconded by Ms. Kotz to accept the following SEQRA resolution which was carried unanimously:

Decision of Planning Board of the Town of Dewitt issued pursuant to 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 for Actions known as Brooklawn Subdivision and Cryomech Site Plan a/k/a Quantum Cool Development.

The Town of DeWitt Planning Board declared these related actions TYPE 1 pursuant to SEQRA at its March 28, 2019 regularly held Planning Board meeting and declared its intent to act as Lead Agency for these actions. The Full EAFs which are applicable to the Action and all other information presented by the Applicant is on file with the Town of DeWitt. Interested Agencies were served notice and given 30 days within which to respond to this declaration of Lead Agency status. No comments have been received. A public hearing was held pursuant to SEQRA and the subdivision rules of the Town of DeWitt on April 25, 2019.

The Brooklawn Subdivision is an action for one 14-acre lot to be subdivided from an existing 60 acre site.; The Cryomech Site Plan a/k/a Quantum Cool Development is for new construction of a 76,500 sf building on a 14 acre subdivided lot from the 60 acre site. Proposed usage is for corporate office and high-tech manufacturing facility for expected 100 employees. Construction includes a 150+ stall parking lot, loading area, utilities and stormwater control areas.

The Planning Board of the Town DeWitt hereby determines that the Action herein shall be granted a Negative SEQRA declaration, finding that the Action will cause no significant environmental impacts. The Board reviewed the FEAf submitted by the Applicant dated May 13, 2019 relating to the Brooklawn Subdivision and the FEAf dated March 25, 2019 relating to the Cryomech Site Plan. These two projects were considered jointly for this SEQRA determination. The Board's findings are as follows: The Brooklawn Subdivision proposes to subdivide a single 14-acre lot off of the existing 60-acre site. The single lot will front on a Town road, Moore Road. The action of subdividing the one lot, which is a paper transaction, does not create negative environmental impacts as the lot fronts on a maintained Town road*, utilities are reasonably available to the lot for development purposes and other environmental matters for which review is required and as set forth in the Part 2 of FEAf. However, in as much as a specific project is presented with respect to the lot, this Board reviewed the environmental impacts of the proposed Cryomech Site Plan as part and parcel of the entire project, such that the environmental impacts of the Cryomech Site Plan are relevant to the SEQRA determination. Further, the applicant was required to produce a preliminary plan of subdivision for the balance of the larger remaining lot (approximately 46 acres) to demonstrate that the property could be reasonably developed within the confines of the High-Tech Zoning District of the Code of DeWitt. Accordingly, the environmental considerations of such ultimate development were also considered in making the SEQRA declaration herein.

The Applicant and Board identified the following matters which required specific scrutiny in the SEQRA process: Traffic, storm water treatment, lighting, preservation of forested areas and wetlands disturbance. The areas of concern were also generally identified by the Onondaga County Planning Agency in the 239 referrals dated April 3, 2019. The applicant presented a traffic study which shows that the Cryomech Site Plan will not create additional traffic which will be of environmental concern relating to either the Town Road, Moore Road, or the adjacent feeder street. Each of these issues have been addressed by the Planning Board and the applicant in the Site Plan review process. Particular reference is made to the Site Plan Review Comment Letter of Planning Board Engineer, OBG dated April 19, 2019, and June 13, 2019 on file with the Town. The letter provides detail as to the manner in which the applicant has been required to address any potential environmental issues, among others. Additionally, the applicant will be required to coordinate with OCWA regarding appropriate water service to the site. With all such matters being requirements of Site Plan approval, a negative SEQRA declaration is warranted. Additionally, the applicant worked with the Town in providing an access easement to an adjacent conservation area along Ley Creek which will be developed in the future. This further assures preservation of and enjoyment of natural features of the area. The Board further finds that the Preliminary Plan which provides for subdivision of 3 lots, would allow for reasonable environmentally sound development of the entirety of the remaining 46 acres. However, there are matters which will be required to be studied and addressed at the time of any such final subdivision and development of the lots, and mitigation may be required including the following: final

subdivision approval will be required from the Planning Board; traffic study will be required for future development and mitigation may be required; access from the northerly portion of the property to be limited to Fairway Dr. ; access to be provided to Town of DeWitt from Fairway Drive to western side of Ley Creek for access to Conservation Easement along Ley Creek.

** It has been determined that there is a strip of land between the subject parcel and Moore Road approximately 2 feet in width that is owned by the Town of DeWitt. The Town will take action to add this parcel to Moore Road and pending delay of such, shall give the applicant a temporary easement to the Cryomech Site Plan parcel.*

Clifford Fuel – PB-511-19
SPR RE: Construction of New 4,462 SF Convenience Store Building in a Business District
3100 Erie Boulevard East
Tax Map # 044.-06-01.1
(5 minutes)

Jim Hagen was present for the applicant. The plan improvements were shown and discussed and found to be in good order.

Mr. Schroeder made a motion seconded by Mr. Kallquist to approve the plan as presented with the finding that the Planning Board has reviewed the SOCPA referral of May 15, 2019 and the applicant has satisfactorily addressed the comments therein. And with the condition that this approval is for plans and other submitted documents "Site Plan Documents" that have been signed by the Planning Board Chairperson and the applicant and requires that all of the work shown be completed by the applicant in order for a Certificate of Occupancy or Compliance to be issued. Any proposed changes, additions or deletions to the scope of work or materials from the Site Plan documents are NOT approved and are subject to further Site Plan Review pursuant to Town of DeWitt Code Section 192-122.

The motion carried unanimously.

Cornerstone – PB-517-19
Concept Subdivision RE: Approximately 22k SF Lot Line
Adjustment in an Office and Professional District
Woodchuck Hill Road
Tax Map # 076.-06-02.1 and 076.-06-03.1
(3 minutes)

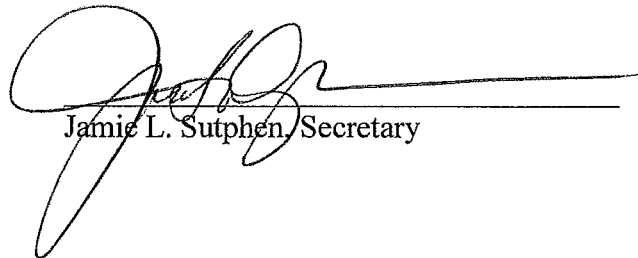
There was discussion by the Board relative to this application. Ms. Sutphen reported that she had spoken to the attorney for the applicant as well as the surveyor and advised that the application would be treated by the Planning Board as incomplete at this time. The plan needs further information which will be addressed with the applicant in order to be complete. The matter was tabled.

Mr. Schroeder suggested that with respect to the Cryomech site plan, that the Planning Board engineer provide the Board with a letter that all responses of the applicant to outstanding engineering issues have been satisfactorily addressed, prior to an approval being given. The Board members agreed. Mr. Kallquist made a motion seconded by Mr. Schroeder to table the Cryomech site plan to the next Planning Board meeting.

The motion carried unanimously.

Ms. Guerreschi will see that the final submissions are uploaded to the website and requests that any comments of the Planning Board be delivered to her prior to the next work session of the Board. The Board agreed with this proposal.

Ms. Kotz made a motion seconded by Mr. Kallquist to adjourn the meeting and the meeting adjourned at 9:00 pm.



Jamie L. Sutphen, Secretary

MINUTES OF A REGULAR MEETING OF
THE PLANNING BOARD OF THE TOWN OF DEWITT

October 27, 2022

A regular meeting of the Planning Board of the Town of DeWitt, New York was held at the Town Offices, 5400 Butternut Drive, DeWitt, New York, on October 27, 2022 at 7:00 p.m. The meeting was also accessed remotely through Zoom technology and in accordance with New York Open Meetings Law.

There were present:

Peter Webber, Chairperson
Nathan Brown
Kathy Kotz
Doug Arena
Kevin Porter
Joe Mueller

There was a quorum of the members of the Planning Board present. Also present were Jamie L. Sutphen, Attorney; Doug Miller, Town Engineer; and Mark Parish, Planning Board Engineer and Terry Brown, Interim Director of Planning and Zoning attended the meeting. Peter Webber was Chairperson of the meeting and Jamie L. Sutphen acted as Secretary.

Ms. Kotz made a motion seconded by Mr. Mueller to approve the minutes of the October 13, 2022. The motion carried with all members voting in favor.

There were no work sessions on October 25th. There are currently no work sessions scheduled for the next agenda meeting; possibly the Chik Fil-A project.

Cryomech – PB-645-22
6682 Moore Road
Facility Expansion in a Hi-Tech District
Tax Map #: 022.-05-19.0
(15 Minutes)

Vince Raymond was present for the applicant, as well as Scott Freeman. The site plan issues have been resolved per Mr. Freeman. The storm water matters were addressed. There was discussion that the charging stations as shown on the plan are not going to be part of this approval. A work session would be in order relative to location and design of the charging stations.

Mr. Webber made a motion, seconded by Mr. Porter for the following motion:

Motion to approve the Site plan last dated October 3, 2022, which modifies the Site Plan as approved June 27, 2019, with the following findings and conditions:

1. This Board has reviewed the EAF submitted by the applicant and notes that a full SEQRA review was done on this property/project in 2019. At that time the project was deemed a Type 1 action and the Board made findings supporting a negative SEQRA declaration for the project. The extent of the review and findings are set forth in the SEQRA findings dated June 13, 2019. This modification does not substantially impact the SEQRA findings of that date. The Planning Board Engineer has reviewed the SWPPP and related issues and finds them all adequately addressed; accordingly, this Board determines that the SEQRA findings and declaration made are valid, and adopts same, including the negative declaration therein for this project.

2. This Board has reviewed the OCPB referral dated September 7, 2022, which offered comments relating to SWPPP requirements, particularly in relation to the NYS Thruway Authority and Onondaga County Department of Transportation. This Board has addressed the SWPPP requirements and adopts the finding of the Planning Board Engineer that the SWPPP standards have been met. To the extent that further coordination may be required with NYS Thruway Authority or Onondaga County Department of Transportation regarding same, this Board accepts the modification of OCPB as part of this resolution.

3. The site plan as approved by this Board and all conditions and findings of the site plan approval for this property date June 27, 2019, except as specifically modified herein, are adopted and remain in full force and effect.

4. The applicant has requested that improvements relating to the storm water, parking and other site improvements required by this plan be located on adjacent property to accommodate temporary legal and financial matters relating to future purchase of the premises. It is a requirement of this approval, that this be a permanent easement, to run with the land, to be established between the Cryomech parcel and the parcel to the east. The written easement, which must contain language that the easement cannot be modified or extinguished without written consent of the Town of Dewitt must be reviewed and approved by Counsel for the Planning Board, with a further condition of this approval being that the easement must be filed in the Office of the Clerk of the County of Onondaga within 30 days of this approval and that a copy of the filed easement be delivered to the Department of Planning and Zoning and the attorney for the Planning Board.

5. This Board notes that a future subdivision of the parcel upon which the easement currently sits (the remainder of the Brooklawn parcel) may be brought to this Board in the future. In the interest appropriate development of land, this Board will require review of a subdivision of the land that will not leave any part of the remainder parcel substantially land-locked or incapable of being developed in a reasonable commercial manner. A mere addition of the "easement" parcel to the existing parcel would likely create such a condition.

6. The Owner of the “easement parcel” on this Site plan must consent in writing to the Site plan application of this applicant or join in the application. Such written consent must be provided to the Department of Planning and Zoning within 30 days of this approval.

7. Electric charging stations shown on this plan are not approved. Applicant will come to a work session to discuss the location and design, as the matter of charging stations is a relatively new concept to all parties.

8. This approval is made with the further condition that this approval is for plans and other submitted documents "Site Plan Documents" that have been signed by the Planning Board Chairperson and the applicant and requires that all of the work shown be completed by the applicant in order for a Certificate of Occupancy or Compliance to be issued. Any proposed changes, additions or deletions to the scope of work or materials from the Site Plan documents are NOT approved and are subject to further Site Plan Review pursuant to Town of DeWitt Code Section 192-122.

The motion carried with all members voting in favor.

Kim’s Tailor Shop – PB-631-22
Change of Use from a Restaurant to a Tailor Shop in a Special Business
Transitional District
3406 Erie Boulevard
Tax Map #: 048.-06-01.1
(15 Minutes)

Joe Piraino and owner of the tailor shop were present for the applicant. The discussion ensued regarding the location of the sidewalk in relation to the crosswalk. The plan in that regard was shown and discussed. Discussion of some other open matters to be included in the resolution.

Mr. Brown made a motion, seconded by Ms. Kotz, as follows:

Motion to approve the Site Plan dated October 21, 2022, with the following findings and conditions:

This Board commends this applicant for working within the Design Guidelines of the Town in presenting a plan for a building and site that is reasonably compatible with other improvements in this important corridor of the Town. The Board recognizes the challenges of the existing structure that needed significant structural revision.

This Board has reviewed the Administrative Review of OCPB dated 8/8/2022, wherein the Planning Agency took no position.

A condition of this approval is that the applicant provide a roof snow guard system over the entrance (upper roof) of the property for pedestrian safety relating to snow and ice potentially

2. Accordingly, and in light of the above, this Board waives Public Hearing requirement for subdivision as permitted by the Code where there are no new lots created and there is no public interest in this lot line adjustment.

3. The Board has reviewed the EAF submitted by the applicant and issues a negative SEQRA declaration for the project, finding no significant adverse environmental impacts.

4. The applicant has added notes to the subdivision map which indicate that the land that is zoned R-2, although now "connected" to the Industrial parcel may not be used for business or industrial use or expansion. This a specific condition of this subdivision approval.

5. Applicant must file the subdivision map in the Onondaga County Clerk's Office in accordance with the rules of Onondaga County and provide a copy of the stamped filed map with the Town of DeWitt Department of Planning and Zoning.

The motion carried with all members voting in favor.

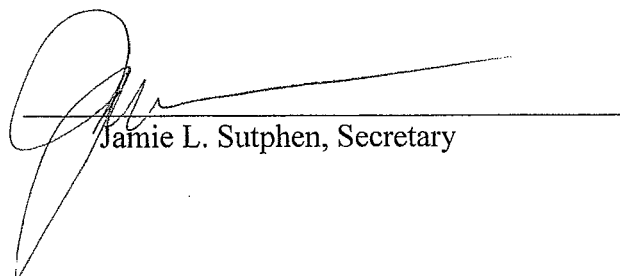
Additional matters:

There was discussion about treatment of the back of the Burger King property due to an unforeseen site issue encountered during construction. Suggestions were given regarding fencing and planting treatment; being low maintenance. Mr. Chiarenza set forth some options. Applicant to present a plan administratively for review as soon as possible.

Terry Brown – question regarding people who want "advice" on a lot before buying it. Question of what "use" may be allowed by Code is reasonable discussion but the Department of Planning and Zoning should be careful about specific advice so that there will not be detrimental reliance upon same.

Change of use may be continuing at Genesee near Peter Harris in the old "motel". This needs to be enforced by Codes.

Ms. Kotz made a motion, seconded by Mr. Mueller to adjourn meeting and the meeting adjourned at 7:50 p.m.


Jamie L. Sutphen, Secretary