

FAYETTE MANLIUS, LLC

**SEQRA RESOLUTION
(3101-22-01A)**

A regular meeting of the Onondaga County Industrial Development Agency was convened in public session on March 8, 2022, at 8:00 a.m., local time, at 333 West Washington Street, 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
Victor Ianno
Steve Morgan
Susan Stanczyk
Kevin Ryan
Fanny Villarreal

ABSENT:

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

The following resolution was offered by Janice Herzog, seconded by Victor Ianno, to wit:

**RESOLUTION OF THE ONONDAGA COUNTY
INDUSTRIAL DEVELOPMENT AGENCY DETERMINING
THAT A CERTAIN LEASE/LEASEBACK TRANSACTION
FOR FAYETTE MANLIUS, LLC 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, Fayette Manlius, LLC, a New York limited liability company (the “Company”), has submitted an application (the “Application”), on behalf of itself and/or entities formed or to be formed on its behalf, to the Agency, a copy of which Application is on file at the office of the Agency, which Application requests that the Agency consider undertaking a 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 acquisition of a leasehold interest in all or a portion of an approximately 4.28 acre parcel of land located at 332 Fayette Street (tax map no. 024.-01-08.1), in the Village of Manlius, Onondaga County, New York (the “Land”) and the existing 17,053 square foot building located thereon (the “Existing Building”); (2) the demolition of the Existing Building and the construction of an approximately 37,500 square foot mixed-used building containing retail space on the first floor and approximately twenty apartment units on the second and third floors (the “Mixed Use Building”) and an approximately 3,500 square foot building for an urgent care facility (the “Urgent Care Facility”), together with related site improvements including but not limited to parking space (all of the foregoing, collectively, the “Facility”), such Urgent Care Facility to be leased to a third party tenant; 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 and the Equipment being collectively referred to as the “Project Facility”); (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, 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”), 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 has prepared and submitted to the Agency an Environmental Assessment Form (the “EAF”) dated June 24, 2021, a copy of which is on file in the office of the Agency and is readily accessible to the public; and

WHEREAS, the Village of Manlius Planning Board (“Planning Board”) previously classified the Project as a Type I action under SEQRA and declared its intent to act as lead agency for the purpose of conducting a coordinated environmental review of the Project; and

WHEREAS, after conducting a thorough review of the Project and its potential effects, the Planning Board determined that the Project would not result in any significant adverse environmental impacts and issued a negative declaration for the Project on October 5, 2021; and

WHEREAS, the Agency's involvement in the Project was not identified on the SEQRA EAF when the Planning Board performed the coordinated SEQRA review and issued its 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, 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 third WHEREAS clause of this resolution;

(b) The Project constitutes 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.

Section 3. The Agency hereby authorizes Agency staff or counsel to take all further actions deemed necessary and appropriate to fulfill the Agency's responsibilities under SEQRA.

The question of the adoption of the foregoing Resolution was duly put to a vote on 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 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 March 8, 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 9 day of March, 2022.

(SEAL)


Secretary

EXHIBIT A

THE VILLAGE OF MANLIUS
FAYETTE STREET PLANNED UNIT DEVELOPMENT

ONONDAGA COUNTY, NEW YORK 13104

STATE ENVIRONMENTAL QUALITY REVIEW
(SEQR)
FULL ENVIRONMENTAL ASSESSMENT FORM (EAF)
SUPPORTING INFORMATION

OCTOBER 2021

Prepared by

MRB | *group*
Engineering, Architecture & Surveying, D.P.C.

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Note: All potential impacts that have been identified in the Full EAF Part 2 as No or Small Impacts have been described in this document. Numbering is consistent as outlined in Full EAF Part 2.

1. **IMPACT OF LAND** – The proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)
 - d. *The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.*
 - TBD - The proposed actions may remove greater than 1,000 tons of materials, such as debris from demolition, rock, soils associated with site preparation and earth work activities. All materials to be excavated from the site may be used for general earthwork and grading, with all other materials not used will be properly removed and disposed of. Approved erosion and sediment control measures as outlined in the design plans will be implemented during construction. Erosion and sediment control measures will be inspected to ensure proper installation and function throughout the construction project.
 - e. *The proposed action may involve construction that continues for more than one year or in multiple phases.*
 - There are multiple components to the overall scope, which will require the project to be constructed in three (3) different phases with an anticipated completion date of Phase 3 in December 2024.
 - f. *The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides)*
 - Portions of the project will be stripped of vegetation and bare soils will be exposed for periods of time during construction. The site will be susceptible to potential erosion with the potential of discharge of sediment into the existing waterways. Approved erosion and sediment control measures as outlined in the design plans will be implemented during construction. Erosion and sediment control measures will be implemented in accordance with NYSDEC's Standards and Specifications for Erosion and Sediment Control (Blue Book). Erosion and sediment control measures will be inspected to ensure proper installation and function throughout the construction project.
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)
 - 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.*
 - The proposed project is located within the village center district, consisting primarily of mixed-use developments; however, available mapping demonstrates that Perry Springs Brook traverses (Class: C(TS) the northern portion of the site, however, the stream and stream banks will be protected during construction and remain as a natural resource area after construction.

- 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.*
- Portions of the project will be stripped of vegetation and bare soils will be exposed for periods of time during construction. The site will be susceptible to potential erosion with the potential of discharge of sediment into the existing waterways. Approved erosion and sediment control measures as outlined in the design plans and Storm Water Pollution Prevention Plan (SWPPP) will be implemented during construction. Erosion and sediment control measures will be inspected to ensure proper installation and function throughout the construction project.
- 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)
- h. Other Impacts: Public Water Supply*
- The subject property will require the extension of the municipal water supply to the proposed commercial and residential structures. Future expansion of the Water and Sewer District is not anticipated. The total anticipated water usage from the proposed development is approximately 8,260 gallons per day. The existing public water supply system has the capacity to service the proposed development.
- 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)
- 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.*
- 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.*
- The NYSDEC EAF Mapper, identified the Northern Long-eared Bat as an Endangered or Threatened species within the project area. The Mapper did not identify the presence of rare plants or animals, or critical environmental areas for the different locations within the Study Area. Further investigations utilizing the U.S. Fish & Wildlife Service (USFWS) IPaC online software system identified the Indiana Bat as an Endangered species, the Northern Long-eared Bat as a Threatened species, the Eastern Massasauga (rattlesnake) as a Threatened species, and the Monarch Butterfly as a Candidate to be listed under USFWS. USFWS did not identify the presence of critical habitats within the project area. Construction for the proposed action will occur primarily within previously disturbed areas and along the stream bank, with minimal removal of habitat anticipated. If tree removal, impacts to vegetation or natural water features are anticipated within the project area, further coordination with NYSDEC and USFWS will occur.

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.)

- 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.*
- 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.*
 - According to the NYSDEC Environmental Assessment Form (EAF) Mapper and the NYS Office of Parks, Recreation and Historical Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) website no portions of the of the of the project area are identified as being located within or adjacent to an historic, archaeological or sensitive resource areas. *Coordination with SHPO (Project Number 20PR05673) was completed on behalf of the applicant and SHPO issued an Effect Finding letter, which indicates that there will be no impacts on archeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.*

13. IMPACT ON TRANSPORTATION - The proposed action may result in a change to existing transportation systems. (See Part 1.D.2.j)

- a. *Projected traffic increase may exceed capacity of existing road network.*
 - *A traffic study was prepared for the prior PUD and further coordination with NYSDOT confirmed that an updated traffic study was not warranted for the newly proposed PUD. On-going coordination with NYSDOT will be required for the proposed curb-cuts and construction activities within the existing right-of-way.*
- f. *Other impacts: During construction activities.*
 - *During construction some detours may need to be implemented; however, these impacts will be small to moderate and would be temporary in nature. Proper signage to help direct traffic and pedestrians safely around the construction zones will be provided.*

15. IMPACT ON NOISE, ODOR, AND LIGHT - The proposed action may result in an increase in noise, odors, or outdoor lighting. (Part 1. D.2.m., n. and o.)

- f. *Other Impacts: During construction it is anticipated that elevated noise levels will occur.*
 - *Construction and excavation equipment during site clearing and grubbing and construction of the new facilities may exceed the existing ambient noise levels. Vegetative buffering and landscaping will remain between adjacent land uses to mitigate noise levels during standard operation hours. All proposed lighting improvements will be in accordance with the Village of Manlius lighting requirements and be dark sky compliant.*

Project : Fayette Street PUD

Date : October 5, 2021

**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.

The proposed Action is consistent with the character of the community and surrounding neighborhood. The proposed Fayette Street Planned Unit Development WILL NOT have a significant impact on traffic, energy use, aesthetic resources, natural resources, flooding or drainage, or human health.

The Village of Manlius Planning Board, as the designated lead agency for this Action, under the provisions of Part 617 of the State Environmental Quality Review Regulations, has given a thorough and comprehensive evaluation of the impacts likely to result from the proposed Action. Based upon this evaluation, the Planning Board, in a separate resolution adopted on October 5, 2021 has determined the proposed Action will not likely result in a significant adverse impact upon the environment and that a Negative Declaration is issued.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 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
Environmental Assessment Form (EAF) Part 3: the supporting documentation to the EAF and Mapping.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Village of Manlius 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: Fayette Street Planned Unit Development

Name of Lead Agency: Village of Manlius Planning Board

Name of Responsible Officer in Lead Agency: John Urciuoli

Title of Responsible Officer: Planning Board Chairman

Signature of Responsible Officer in Lead Agency: John A. Urciuoli Date: October 5, 2021

Signature of Preparer (if different from Responsible Officer) Shaun Logue - MRB Group Date: October 5, 2021

For Further Information:

Contact Person: John Urciuoli, Planning Board Chairman

Address: Village of Manlius, One Arkie Albanese Avenue, Manlius, New York 13104

Telephone Number: (315) 682-9171

E-mail: mdyger@manliusvillage.org

For Type I 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>