

**WALLACE SUPPLY, LLC D/B/A JSWG SUPPLY, LLC &  
6808 CROSSBOW DRIVE, LLC**

**SEQRA RESOLUTION  
(3101-23-04A)**

A regular meeting of the Onondaga County Industrial Development Agency was convened in public session on June 8, 2023, at 8:30 a.m., local time, at 335 Montgomery Street, 2<sup>nd</sup> 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  
Susan Stanczyk  
Kevin Ryan  
Fanny Villarreal  
Cydney Johnson  
Elizabeth Dreyfuss

**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 Kevin Ryan, seconded by Fanny Villarreal, to wit:

**RESOLUTION OF THE ONONDAGA COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY DETERMINING  
THAT A CERTAIN LEASE/LEASEBACK TRANSACTION  
FOR WALLACE SUPPLY, LLC D/B/A JSWG SUPPLY, LLC  
& 6808 CROSSBOW DRIVE, 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") and Chapter 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975, 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 (the "State"), 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 an application (the "Application") submitted to the Agency by Wallace Supply, LLC d/b/a JSWG Supply, LLC (the "Operating Company") and 6808 Crossbow Drive, LLC (the "Real Estate Holding Company") on behalf of themselves and/or entities formed or to be formed on behalf of the foregoing, the Operating Company and the Real Estate Holding Company requested that the Agency undertake a project (the "Project") for the benefit of the Operating Company, the Real Estate Holding Company and/or entities formed or to be formed on behalf of the foregoing consisting of the following: (A)(1) the acquisition of a leasehold interest in all or a portion of parcels of land totaling approximately 4.44 acres located at 6808 Crossbow Drive and 6822 Crossbow Drive (tax map nos. 018.-01-05.2 and 018.-01-03.1) and all or a portion of an adjacent approximately .16 acre parcel previously owned by the Town of Dewitt and known as Lot 10, all in the Town of Dewitt, Onondaga County, New York (collectively, the "Land"); (2) the construction on the Land of an approximately 30,000 square foot building consisting of approximately 5,000 square feet of office and showroom space and approximately 25,000 square feet of distribution warehouse space and other ancillary interior and exterior amenities and sitework (collectively, the "Company Facility"); (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the "Facility Equipment") (the Land, the Company Facility and the Facility Equipment being collectively referred to as the "Company Project Facility"), such Company Project Facility to be leased and subleased by the Agency to the Real Estate Holding Company and further subleased by the Real Estate Holding Company to the Operating Company; and (4) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the "Equipment" and, together with the Company Project Facility, the "Project Facility"), which Project Facility will be used by the Operating Company for its business of providing contractors with HVAC parts, equipment and services; (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 Company Project Facility to the Real Estate Holding Company or such other person as may be designated by the Real Estate Holding Company and agreed upon by the Agency and the lease (with an obligation to purchase) or sale of the Equipment to the Operating Company or such other person as may be designated by the Operating Company and agreed upon by the Agency; 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 in the determination of whether the Project may have a significant effect upon the environment, the Operating Company and Real Estate Holding Company prepared an Environmental Assessment Form (the "EAF"); and

WHEREAS, the Operating Company and Real Estate Holding Company filed a site plan application with the Town of Dewitt Planning Board (the "Planning Board"), prompting the Planning Board to assume SEQRA Lead Agency status and conduct a coordinated SEQRA review of the Project; and

WHEREAS, after conducting a thorough review of the Project and its potential effects, the Planning Board by Resolution dated March 23, 2023 issued a negative declaration finding that no significant environmental impacts would result from the Project's construction and operation; and

WHEREAS, the Agency was not identified as a potential involved agency in the Operating Application materials 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; and

WHEREAS, the Project has not changed since the issuance of the Negative Declaration.

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 Operating Company and Real Estate Holding 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 Operating Company and Real Estate Holding 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 an "Unlisted 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		
Cydney Johnson	X		
Elizabeth Dreyfuss	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                )

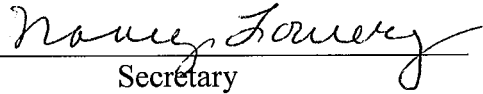
I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on June 8, 2023, with the original thereof on file 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 8 day of June, 2023.

(SEAL)

  
Secretary