

**SYRACUSE HAULERS WASTE REMOVAL, INC.
AND HAULER'S FACILITY LLC**

**SEQRA RESOLUTION
(3101-22-05A)**

A regular meeting of the Onondaga County Industrial Development Agency (the "Agency") was convened in public session on January 19, 2023, at 8:30 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
Fanny Villarreal
Kevin Ryan

ABSENT: Victor Ianno
Steve Morgan
Susan Stanczyk

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

The following resolution was offered by Janice Herzog, seconded by Fanny Villarreal, to wit:

**RESOLUTION OF THE ONONDAGA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY DETERMINING THAT A CERTAIN
PROJECT FOR SYRACUSE HAULERS WASTE REMOVAL,
INC. AND HAULER'S FACILITY 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, Syracuse Haulers Waste Removal, Inc., a New York corporation (the “Operating Company”), and Hauler’s Facility LLC, a New York limited liability company (the “Real Estate Holding Company”), have submitted an application (the “Application”), on behalf of themselves and/or entities formed or to be formed on behalf of the foregoing, 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 Operating Company, the Real Estate Holding Company and/or entities formed or to be formed on their behalf, said Project consisting of the following: (A)(1) the acquisition of a leasehold interest in all or a portion of parcels of land totaling approximately 14.03 acres located at 6223 Thompson Road and 6259 Thompson Road (tax map nos. 033.-04-10.1, 033.-04-10.3 and 033.-04-13.1), all in the Town of Dewitt, Onondaga County, New York (collectively, the “Land”) and the existing improvements (including approximately 112,670 square feet of building(s)) located thereon (the “Existing Improvements”); (2) the construction, including related site work, of an approximately 24,624 square foot transfer station on the Land (the “Facility”); and (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 Existing Improvements, the 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 hauling and processing waste and recyclable materials and related operations; (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, the Real Estate Holding Company and the Operating Company requested that the Agency enter into a payment in lieu of tax 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 Applicant 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 Agency reviewed the EAF and determined that the Project will physically disturb approximately 1.93 acres by subtracting the existing development of 6.05 acres from the total combined disturbance of 7.98 acres when the Project is built; and

WHEREAS, the Town of Dewitt Planning Board (the "Planning Board") previously acted as lead agency for the purpose of conducting a coordinated environmental review of the Project under SEQRA; 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 December 1, 2022; and

WHEREAS, the Agency's involvement in the Project was not contemplated when the Planning Board performed its 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 conducted its 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 Applicant, 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 Real Estate Holding Company and the Operating 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.

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 January 19, 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 20 day of January, 2023.

(SEAL)


Secretary

Exhibit A

See Attached

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

December 1, 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 December 1, 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
Kathy Kotz
Kevin Porter
Joe Mueller
Doug Arena
Leif Kallquist
Nathan Brown

There was a quorum of the members of the Planning Board present. Also present were Jamie L. Sutphen, Attorney; Doug Miller, Town 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 November 10, 2022. The motion carried with all members voting in favor. Subject to not just Architectural review – architects were not

There was 1 work session on November 29th: Ethan Allen project. There are currently no work sessions scheduled for the next agenda meeting.

Ethan Allen – PB-614-21
3409 Erie Boulevard
Change of Use
Tax Map #: 053.-05-03.1
(10 Minutes)

Representative for applicant was present in person, and Ray Trotta was present, online. The Chief of the Fire Department and Highway supervisor had comments on Road closure, and they have been addressed in general in this proposed plan. There will be final comments. There will likely be a two-part approval. Likely an Easement in favor of the Town on the turnaround and approve the site plan and then the road later, but the approval will have a “ready” plan so that the road closure can happen should that be a decision of the Town Board.

Question regarding Talbots right of way is also something that will be on the table in the future. There was discussion about procedure and notification of neighbors. A list of neighbors beyond the usual notice provision has been compiled and reviewed by Doug Miller and the Town Clerk will send the Notice; or applicant – that will be confirmed.

Mr. Brown made a motion, seconded by Mr. Porter, to call for an informational Public Hearing on December 15, 2022 at 7:05 pm for the purposes of obtaining continued public feedback on a recommendation to the Town Board for the potential closure of part of Dewey Ave., in connection with this proposed project.

The motion carried with all members voting in favor.

Syracuse Haulers – PB-644-22
Subdivision Review
6223 Thompson Road
Tax Map #: 033.-04-13.1
(10 Minutes)

The applicant was present at the meeting. The subdivision was shown and discussed. Mr. Webber made a motion, seconded by Mr. Brown to approve the subdivision plan entitled Thompson Corners, LLC by Ianuzi and Romans dated March 15, 2022, 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 the removal of a lot line to create a single lot.
2. The creation of single lot cleans up the project so that the entirety of the Syracuse Haulers improvements, a single project, is located on a single lot as required by the Code.
3. 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.
4. This Board has reviewed the EAF submitted by the applicant and issues a negative SEQRA declaration for this subdivision and site plan approved same date.
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.

Syracuse Haulers – PB-644-22
Amended Site Plan Review
6223 Thompson Road
Tax Map #: 033.-04-13.1
(5 Minutes)

The plan was shown and reviewed. The process was explained. The elevations were shown and discussed.

Mr. Webber made a motion, seconded by Mr. Kallquist to approve the site plan last dated March 15, 2022 plus amended additional plans as a site plan amendment with the following findings and conditions:

This Board has reviewed the OCPB referral dated November 30, 2022 which contains a modification relating to traffic. This Board accepts the modification to the extent that any reasonable requirements of the DOT relating to this project must be complied with. This Board issues a negative SEQRA.

The subdivision approved by this Board this date must be completed and filed in accordance with the approval.

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.

6290 Jamesville Toll Road
Subdivision/Lot Line Adjustment in a Residential-2 District
Tax Map #: 079.-03-02.0
(5 Minutes)

Plan by Cottrell dated 9/22/2022 shown. This is a simple division. Mr. Webber made a motion, seconded by Mr. Mueller to approve the subdivision plan as presented by owner Vakil Abdullayev with the following findings and conditions:

1. This is a Simple Division of land under the Code as this involves movement of a lot lines between two properties.
2. The lots line adjustment does not create any new/separate lots but allows Lot 1 to be of a configuration more suitable for residential development, for the convenience of the owner.

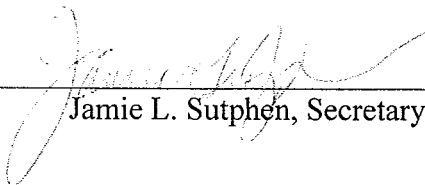
3. Accordingly, and in light of the above, this Board waives public hearing requirement for subdivision as permitted by the Code where there are no new lots created and there is no public interest in this lot line adjustment.

4. This Board has reviewed the EAF submitted by the applicant and issues a negative SEQRA declaration for the project, finding no significant adverse environmental impacts from the lot line adjustment.

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.

Mr. Brown made a motion, seconded by Mr. Porter to adjourn meeting and the meeting adjourned at 7:30 p.m.



Jamie L. Sutphen, Secretary

Project: Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: _____
 Date: _____

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

TOWN OF DEWITT, NY	JANUARY 11 2023
Name of Lead Agency	Date
Peter Webber	TOWN OF DEWITT PLANNING BOARD CHAIRMAN
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM