

TREYJAY LOSO, LLC

**SEQRA RESOLUTION
(3101-21-06A)**

A regular meeting of the Onondaga County Industrial Development Agency was convened in public session on October 19, 2021, 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
Victor Ianno
Steve Morgan
Susan Stanczyk
Kevin Ryan
Fanny Villarreal

ABSENT: Janice Herzog

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

The following resolution was offered by Susan Stanczyk, seconded by Fanny Villarreal, to wit:

RESOLUTION OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY DETERMINING THAT A CERTAIN PROJECT FOR TREYJAY LOSO, 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, TreyJay LOSO, LLC, a New York limited liability company (the “Company” or “Applicant”), 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 24.04 acre parcel of land located at 6477 Lakeshore Road (tax map no. 086.-02-25.1) in the Town of Cicero, Onondaga County, New York (the “Land”); (2) the construction on the Land of an approximately 334,000 square foot apartment complex, consisting of approximately 13 buildings and 248 residential units, together with the related interior and exterior amenities and improvements, 377 parking spaces, including 44 covered spaces, and the construction of approximately 100 boat slips at the existing marina (collectively, 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 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, upon information and belief, on or about October 12, 2017, the Applicant filed materials with the Town of Cicero Planning Board (“Planning Board”) seeking site plan approval for the physical construction of the Facility pursuant to the provisions of the Town of Cicero Zoning Law (“Site Plan Application”); and

WHEREAS, the Planning Board reviewed the Applicant’s Site Plan Application and determined that it would assume Lead Agency status in connection with a coordinated agency review of same as required by the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Town of Cicero held a meeting of all Involved and Interested Agencies under SEQRA on December 6, 2017, at which all attendees received a presentation regarding the Facility, including traffic matters; and

WHEREAS, upon information and belief, the New York State Department of Transportation (“NYSDOT”) declined attendance and participation in the December 6, 2017 meeting; and

WHEREAS, the Planning Board conducted a public hearing on the Site Plan Application on December 11, 2017, receiving written and verbal comments related thereto; and

WHEREAS, the Planning Board was cognizant of the scope of the proposed project and its undertaking of a review of the environmental impacts of development of the project as a multi-unit apartment complex on 24+ acres of land, which would include lands zoned General Commercial (such use being allowed use subject to site plan approval); and

WHEREAS, the Planning Board engaged the services of its consulting engineer, O'Brien & Gere, to assist in an evaluation of the Site Plan Application's potential environmental impacts, as identified by the Planning Board following its meetings and public hearing held regarding same; and

WHEREAS, the Planning Board undertook review of: the Site Plan Application; the completed environmental assessment; all submitted information presented by the Applicant and its consulting engineer RZ Engineering and consulting Landscape Architect Keplinger Freeman Associates, including the November 1, 2017 traffic impact assessment study prepared by G.T.S. Consulting, the March 20, 2018 updated and supplemental traffic impact assessment study from G.T.S. Consulting, the February 4, 2018 Phase IA and IB Archaeological Reports prepared by Alliance Archaeological Services, the Stormwater Pollution Prevention Plan prepared by RZ Engineering, PLLC, (dated December 18, 2018, as last revised February 16, 2018); the information contained in the Planning Board's consulting engineer's review letter; the information contained in the Onondaga County Planning Board's referral recommendations under General Municipal Law Section 239; the Planning Board's personal knowledge of the site; and all other information presented and proceedings had herein; and

WHEREAS, on or about May 14, 2018, the Planning Board as Lead Agency: (a) undertook a discussion of each of the various areas of environmental concern, as identified pursuant to the regulations and the submitted Environmental Assessment Form; (b) considered, analyzed, and discussed said areas of concern, including proposed site plan modifications and mitigations, with the assistance of its consulting engineers; and (c) determined that the Site Plan Application as modified would not have a significant negative effect on the environment; and

WHEREAS, on May 14, 2018, the Planning Board adopted a resolution issuing a SEQRA Negative Declaration for the Project, thereby concluding the SEQRA review of the Site Plan Application; and

WHEREAS, on May 14, 2018, the Planning Board thereafter adopted a resolution approving the Site Plan Application as modified ("Site Plan Approval"); and

WHEREAS, upon information and belief, no legal challenges were commenced with respect to either the Planning Board's SEQRA resolution of May 14, 2018 or its Site Plan Approval resolution of May 14, 2018; and

WHEREAS, the Town of Cicero issued a building permit for the Project on May 4, 2021, and the Onondaga County Department of Transportation issued a highway access permit on February 23, 2021; and

WHEREAS, the Company submitted the current Application on March 3, 2021 seeking certain Agency benefits for its development, which Application is incorporated herein by reference as if fully set forth herein, and a public hearing for which was held on June 2, 2021; 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 Agency’s approval of the Project and grant of Financial Assistance as limited by the definition in the third WHEREAS clause above constitutes such an action; and

WHEREAS, a prior SEQRA review covering the physical construction of the Applicant’s development was already concluded by the Planning Board’s issuance of the May 14, 2018 Negative Declaration; and

WHEREAS, in the course of its review, the Agency received a letter from NYSDOT dated June 29, 2021 expressing “...concerns relative to the potential additional traffic that may impact NYS Route 31...” and requesting a Traffic Impact Study to be conducted for the Applicant’s development subject to NYSDOT’s review and comment; and

WHEREAS, upon information and belief the NYSDOT did not participate in the Planning Board’s December 6, 2017, SEQRA Coordinated Review Hearing or its Public Hearing for site plan review on December 11, 2021; and

WHEREAS, G.T.S Consulting has provided a response to NYSDOT on behalf of the Applicant, dated October 18, 2021;

WHEREAS, upon information and belief: (i) the Project’s scope has not changed in any material way since the Planning Board’s 2018 Negative Declaration that would affect the Agency’s current SEQRA review; (ii) a traffic study was prepared for the Project and relied upon in the Planning Board’s 2018 Negative Declaration; (iii) the SEQRA review of the Site Plan Application was concluded by the Town of Cicero Planning Board in 2018 following an extensive period of review, analysis and imposed environmental impact mitigation (including traffic impacts from the development); (iv) all discretionary approvals and ministerial permits required pursuant to the Site Plan Approval and the physical construction of Applicant’s development have already been issued; and (v) the action currently contemplated by the Agency does not involve or require Agency approval of any physical construction and is limited to the Agency’s approval of the Project and grant of Financial Assistance as defined in the third WHEREAS clause above:

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 contents of the Application (including the EAF dated October 23, 2017), 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 Applicant 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’s involvement in the Project was not identified on the SEQRA EAF when the Planning Board performed its coordinated SEQRA review and issued the Negative Declaration for the Project in 2018, and 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 Planning Board’s Lead Agency designation and been bound by the Negative Declaration that was issued for the Project;

(d) in recognition of the fact that it would have been an Involved Agency and consented to the Planning Board’s Lead Agency status, the Agency hereby reaffirms, accepts, and adopts the Planning Board’s May 14, 2018 Negative Declaration issued 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>	ABSTAIN	<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 October 19, 2021, 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 26 day of October, 2021.

(SEAL)


Secretary

Exhibit A