

SEQRA RESOLUTION

A regular meeting of the County of Oswego Industrial Development Agency was convened in public session on October 15, 2010, at 9:00 a.m., at 44 West Bridge Street, Oswego, New York.

The meeting was called to order by the Chair and, upon the roll being duly called, the following members were:

PRESENT: Jonathan Daniels, Donald H. Kunzwiler, Arthur W. Ospelt,
Carolyn A. Rush, Morris Sorbello and Gary T. Toth

ABSENT: H. Leonard Schick

ALSO PRESENT: L. Michael Treadwell, David S. Dano and Kevin C.
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The following resolution was duly offered and seconded:

RESOLUTION CLASSIFYING THE ACQUISITION, RENOVATION AND EQUIPPING OF A CERTAIN PROJECT AT THE REQUEST OF WIRE ROAD, LLC AS AN UNLISTED ACTION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND DETERMINING THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT

WHEREAS, the County of Oswego Industrial Development Agency (the “*Agency*”) is authorized and empowered by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the “*State*”), as amended, together with Chapter 234 of the Laws of 1973 of the State of New York, as amended from time to time (collectively, the “*Act*”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, including industrial pollution control facilities, railroad facilities and certain horse racing facilities, for the purpose of promoting, attracting, encouraging and developing recreation and economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State, to improve their recreation opportunities, prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, Wire Road, LLC, a New York limited liability company (the “*Company*”), submitted an application to the Agency on or about July 9, 2010 (“*Application*”), a copy of which is on file at the office of the Agency, requesting that the Agency consider undertaking a project (the “*Project*”) consisting of: (A) (i) the acquisition of a leasehold interest in two commercial parcels the first consisting of approximately 34 acres of improved land located at 42

Wire Road in the Town of Scriba, New York, Oswego County ("**Parcel 1**") and the second consisting of approximately 2.1 acres of improved land located at 305 ½ E. Seneca Street in the City of Oswego, New York, Oswego County ("**Parcel 2**") and together with Parcel 1 the "**Land**"; (ii) the acquisition and renovation of an approximate 100,000 square foot building for use as a warehouse and trucking base facility located on Parcel 1; and the acquisition and renovation of an approximate 32,000 square foot building for use as receiving facility and warehouse located on Parcel 2 (collectively the "**Facility**"), all located on the Land; (iii) the acquisition of and installation in the Facility of various machinery, equipment and furnishings, (collectively the "**Equipment**") (the Land, Facility and Equipment are hereinafter collectively referred to as the "**Project Facility**"); (B) the granting of certain financial assistance in the form of exemption from real property tax, mortgage recording tax, sales and use taxation and loans from the Agency's Economic Development Fund in a principal amount not to exceed \$350,000 (collectively, the "**Financial Assistance**"); and (C) the lease of the Project Facility by the Agency pursuant to a lease agreement and the lease of the Project Facility back to the Company pursuant to a sublease agreement; 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 acquisition, construction, and equipping of 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**"), a copy of which is attached hereto as **Exhibit "A"**, and copies of said EAF are on file in the office of the Agency and are readily accessible to the public; and

WHEREAS, the Agency has examined and reviewed the EAF in order to classify the Project and make a determination as to the potential significance of the Project pursuant to SEQRA; and

NOW, THEREFORE, be it resolved by the members of the County of Oswego Industrial Development Agency, as follows:

(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 second WHEREAS clause of this resolution;

(b) The Project constitutes an "Unlisted Action" (as said quoted term is defined in SEQRA);

(c) The Project will not have a significant effect on the environment, and the Agency hereby issues a negative declaration for the Project pursuant to SEQRA, which shall be filed in the office of the Agency in a file that is readily accessible to the public.

(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.

(3) The Secretary of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

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>Abstain</u>	<u>Absent</u>
Jonathan Daniels	X			
Donald H. Kunzwiler	X			
Arthur W. Ospelt	X			
Carolyn A. Rush	X			
H. Leonard Schick				X
Morris Sorbello	X			
Gary T. Toth	X			

The foregoing resolution was thereupon declared duly adopted.

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Development Agency, **Do Hereby Certify** that (i) I have compared the annexed extract of the minutes of the meeting of the County of Oswego Industrial Development Agency (the “**Agency**”) held on October 15, 2010, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of the whole of such original insofar as the same relates to the subject matters referred to therein.

I Further Certify that (i) all members of the Agency had due notice of such meeting, (ii) pursuant to Section 104 of the Public Officers Law (Open Meetings Law), such meeting was open to the general public and public notice of the time and place of such meeting was duly given in accordance with such Section 104, (iii) the meeting was in all respects duly held, and (iv) there was a quorum present throughout.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Agency on October 15, 2010.

L. Michael Treadwell
Chief Executive Officer

(SEAL)

EXHIBIT “A”

SHORT ENVIRONMENTAL ASSESSMENT FORM

**State Environmental Quality Review
For UNLISTED ACTIONS Only**

PART I Project information (To be completed by Applicant or Project sponsor)

1. Applicant/sponsor <div style="font-family: cursive; font-size: 1.2em;">East View LLC</div>	2. Project Name <div style="font-family: cursive; font-size: 1.2em;">42. Wire Rd</div>
3. Project Location. Municipality: <div style="font-family: cursive; font-size: 1.2em;">Sri ba - Town</div> County: <div style="font-family: cursive; font-size: 1.2em;">Oswego</div>	
4. Is proposed action Modification/alteration <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/>	
5. Describe project briefly: <div style="font-family: cursive; font-size: 1.5em; text-align: center;">Warehouse + Trucking Hub</div>	
6. Precise location (road intersections, prominent landmarks, etc. or provide map) <div style="font-family: cursive; font-size: 1.2em; text-align: center;">42 Wire Rd</div>	
7. Amount of land affected Initially <div style="font-family: cursive; font-size: 1.2em;">5</div> acres Ultimately _____ acres	
8. Will proposed action comply with existing zoning or other existing land use restrictions? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly:	
9. What is present land use in vicinity of project? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park land/open space <input type="checkbox"/> Other	
10. Does action involve a permit/approval or funding now or ultimately from any other governmental agency (Federal, state or local)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. Does any aspect of the action have a currently valid permit or approval? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency and permit/approval type:	
12. As result of proposed action, will existing permit/approval require modification? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <div style="font-family: cursive; font-size: 1.2em;">Ronald L Shuster, Member</div> Date: <div style="font-family: cursive; font-size: 1.2em;">9 July 2010.</div></p> <p>Signature: <div style="font-family: cursive; font-size: 1.5em;">Ronald L Shuster</div></p>	

**State Environmental Quality Review
For UNLISTED ACTIONS Only**

PART I Project information (To be completed by Applicant or Project sponsor)

1. Applicant/sponsor <u>East View LLC</u>		2. Project Name <u>305 1/2 E. Seneca St</u>	
3. Project Location.		Municipality: <u>City of Oswego</u>	County: <u>Oswego</u>
4. Is proposed action Modification/alteration		<input checked="" type="checkbox"/> New	<input type="checkbox"/> Expansion <input type="checkbox"/>
5. Describe project briefly: <u>Warehouse - receipt of rail cars</u>			
6. Precise location (road intersections, prominent landmarks, etc. or provide map) <u>305 1/2 East Seneca St Oswego</u>			
7. Amount of land affected Initially <u>2.10</u> acres Ultimately _____ acres			
8. Will proposed action comply with existing zoning or other existing land use restrictions? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, describe briefly:			
9. What is present land use in vicinity of project? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park land/open space <input type="checkbox"/> Other			
10. Does action involve a permit/approval or funding now or ultimately from any other governmental agency (Federal, state or local)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals			
11. Does any aspect of the action have a currently valid permit or approval? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency and permit/approval type:			
12. As result of proposed action, will existing permit/approval require modification? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <u>East View LLC</u>		Date: <u>9 July 2010</u>	
Signature: <u>Ronald L. Shuster</u>			