

PROJECT AUTHORIZING RESOLUTION
(Upstate Pathology Lab Ownership, LLC Project)

A regular meeting of the Onondaga County Industrial Development Agency was convened on Thursday, April 10, 2025, at 8:30 a.m.

The following Resolution was duly offered by Janice Herzog and seconded by Susan Stanczyk, to wit:

Resolution No. 2025 – 3101-24-07A

RESOLUTION OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY (1) APPOINTING UPSTATE PATHOLOGY LAB OWNERSHIP, LLC (THE "COMPANY") AS ITS AGENT TO UNDERTAKE A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW); (2) AUTHORIZING THE EXECUTION AND DELIVERY OF A PROJECT AGREEMENT, LEASE AGREEMENT, LEASEBACK AGREEMENT, AND RELATED DOCUMENTS WITH THE COMPANY WITH RESPECT TO THE PROJECT; (3) AUTHORIZING FINANCIAL ASSISTANCE TO THE COMPANY IN THE FORM OF (A) A SALES AND USE TAX EXEMPTION FOR PURCHASES AND RENTALS RELATED TO THE PROJECT, (B) A PARTIAL REAL PROPERTY TAX ABATEMENT; AND (C) AND EXEMPTION FROM MORTGAGE RECORDING TAXES AS PERMITTED BY NEW YORK LAW; AND (4) AUTHORIZING THE EXECUTION OF A MORTGAGE AND RELATED DOCUMENTS

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 435 of the Laws of 1970 of the State of New York, as amended (hereinafter collectively called the "Act"), the **ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called the "Agency") was created with the authority and power 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, educational or cultural facilities, railroad facilities and horse racing facilities, among others, as authorized by the Act; and

WHEREAS, the Act authorizes the Agency (1) to promote the economic welfare, recreational opportunities and prosperity of the inhabitants of Onondaga County (the "County"), and (2) to promote, attract, encourage, and develop recreation and economically sound commerce and industry through governmental action for the purpose of preventing unemployment and economic deterioration; and

WHEREAS, **UPSTATE PATHOLOGY LAB OWNERSHIP, LLC** (the "Company"), a limited liability company, organized under the laws of the state of Florida and authorized to do business in New York, has submitted an application to the Agency, dated November 14, 2024, (the "Application") requesting Financial Assistance, through a straight-lease

transaction (as each such term is defined in the Act) for a proposed project in Onondaga County, New York (the "Project") consisting of: (i) the Agency taking title to or a leasehold (or other) interest in an approximately 23.263 ± acre parcel of land located at 6624 Fly Road, Town of Dewitt, Onondaga County, New York (being more particularly identified as tax map number 029.-02-27.23) (the "Land"); (ii) the construction on the Land of (a) an approximately 109,000 square foot, three story pathology lab building; (b) state of the art lab testing equipment, drone technology; and (c) other site improvement consisting of surface parking, signage, landscaping, and sidewalks (collectively, the "Improvements"); and (iii) the acquisition and installation by the Company in and around the Land and the Improvements of items of equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility"); and

WHEREAS, pursuant to a resolution adopted by the Agency on December 5, 2024 (the "Resolution") the Agency (i) accepted the Application of the Company, (ii) authorized a public hearing (the "Public Hearing") to be held in connection with the Project and the Financial Assistance (as defined in the Resolution) being contemplated by the Agency with respect to the Project (the "Financial Assistance"), and (iii) described the forms of Financial Assistance being contemplated for the benefit of the Company by the Agency; and

WHEREAS, pursuant to Section 859-a of the Act, on January 3, 2025, at 2:30 p.m., local time, at Dewitt Town Hall, 5400 Butternut Drive, East Syracuse, New York 13057, the Agency held the Public Hearing with respect to the Project and the proposed Financial Assistance being contemplated by the Agency, whereat interested parties were provided a reasonable opportunity, both orally and in writing, to present their views. A copy of the Notice of Public Hearing, Notice Letter, Affidavit of Publication of *The Post-Standard* and Minutes of Public Hearing are attached hereto as **Exhibit A**; and

WHEREAS, the Agency desires to provide Financial Assistance to the Company in the form of (i) an exemption from sales and use taxes otherwise payable upon the purchase or lease of materials, furnishings, fixtures and equipment, and other taxable personal property, (ii) a partial real property tax abatement, and (iii) an exemption from mortgage recording taxes in connection with the acquisition financing, construction financing and/or permanent financing or any subsequent refinancing of the costs of the acquisition, construction, renovation, reconstruction, refurbishing and equipping of the Facility as permitted by New York State law, as set forth in the Application; and

WHEREAS, the Town of DeWitt Planning Board (the "Planning Board") declared its intent to serve as Lead Agency for purposes of a review of the proposed Project pursuant to the State Environmental Quality Review Act, as codified under Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto at 6 N.Y.C.R.R. Part 617, as amended (collectively "SEQRA") and found the Project, being the Proposed Action as defined under SEQRA, is a Type 1 Action at its meeting of August 22, 2024; and

WHEREAS the Planning Board notified all Interested and Involved Agencies of its intent to serve as Lead Agency and no other agency contested the Lead Agency status of the Planning Board; and

WHEREAS on February 13, 2025, the Planning Board conducted a review pursuant to SEQRA of the Proposed Action and, by resolution, determined that the Project will not have a significant effect on the environment and issued a negative declaration (the "Negative Declaration"), a copy of which, along with the EAF are attached hereto as **Exhibit B**: and

WHEREAS, pursuant to SEQRA, the Agency constitutes a "State Agency"; and

WHEREAS, the Agency is an "Involved Agency" as that term is defined under SEQRA; and

WHEREAS, the Agency must satisfy the applicable requirements set forth in SEQRA, as necessary, prior to making a final determination whether to authorize Financial Assistance in relation to the Project; and

WHEREAS, a Project Agreement, Lease Agreement, Leaseback Agreement, PILOT Agreement and PILOT Mortgage, each dated as of April 1, 2025 (or such other date acceptable to Chair or the Executive Director of the Agency) and related documents (collectively, the "Agency Documents") have been or will be negotiated and the Agency desires to authorize the undertaking of the Project; and

NOW, THEREFORE, BE IT RESOLVED by the Agency (a majority of the members thereof affirmatively concurring) as follows:

Section 1. Based upon the representations made by the Company to the Agency in the Application, the Agency hereby finds and determines that;

(A) By virtue of the Act, the Agency has been vested with all powers necessary and convenient to carry out and effectuate the purposes and provisions of the Act and to exercise all powers granted to it under the Act; and

(B) It is desirable and in the public interest for the Agency to provide Financial Assistance in the form of: (1) a sales and use tax exemption for purchases and rentals related to the Project, (2) a partial real property tax abatement structured under a PILOT Agreement; and (3) exemptions from mortgage recording taxes to the extent permitted by applicable law in connection with any mortgage necessary to undertake the Project and/or finance or re-finance acquisition and Project costs, equipment and other personal property and related transactional costs; and

(C) The action to be taken the by Agency will induce the Company to undertake the Project, thereby increasing employment opportunities in the Town of DeWitt, which is located within Onondaga County, New York, and otherwise furthering the purposes of the Agency as set forth in the Act; and

(D) Based on a review of the Application, the EAF, and the Negative Declaration issued by the Planning Board and submitted to the Agency, the Agency hereby:

(i) consents to and affirms the status of the Planning Board as Lead Agency for review of the Project, within the meaning of, and for all purposes of complying with SEQRA;

(ii) ratifies the proceedings undertaken by the Planning Board as Lead Agency under SEQRA; and

(iii) finds that the Project involves a "Type 1" Action (as such quoted term is defined under SEQRA) for which the Town of DeWitt Planning Board served as Lead Agency. Based upon the review by the Agency of the EAF and related documents delivered by the Company to the Agency and other representations made by the Company to the Agency in connection with the Project, the Agency hereby finds that (i) the Project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (ii) the Project will not have a "significant effect on the environment" (as such quoted term is defined under SEQRA); and (iii) no "environmental impact statement" (as such quoted term is defined under SEQRA) need to be prepared for this action. This determination constitutes a "negative declaration" (as such quoted terms are defined under SEQRA) for purposes of SEQRA.

Section 2. The Agency is hereby authorized to provide the Company with the Financial Assistance.

Section 3. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes and approves: (i) the Company, as its agent, to make purchases of goods and services relating to the Project, that would otherwise be subject to New York State and local sales and use tax in an amount up to **\$40,000,000.00**, which result in New York State and local sales and use tax exemption benefits ("Sales and Use Tax Exemption Benefits") in an amount not to exceed **\$3,200,000.00**, the Agency agrees to consider any requests by the Company for increase to the amount of sales and use tax exemption benefits authorized by the Agency upon being provided with appropriate documentation detailing the additional purchases of property or services; (ii) a mortgage (or mortgages), in connection with the financing of the Facility or portions thereof and including any refinancing thereof, securing an aggregate principal amount not to exceed **\$73,000,000.00**, resulting in a mortgage tax exemption not to exceed **\$547,500.00**; and (iii) a partial real property tax abatement.

Section 4. Pursuant to Section 875(3) of the Act, the Agency may recover or recapture from the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, any Sales and Use Tax Exemption Benefits taken or purported to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, if it is determined that: (i) the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, is not entitled to the Sales and Use Tax Exemption Benefits; (ii) the Sales and Use Tax Exemption Benefits are in excess of the amounts authorized to be taken by the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project; (iii) the Sales and Use Tax Exemption Benefits

are for property or services not authorized by the Agency as part of the Project; or (iv) the Sales and Use Tax Exemption Benefits are taken in cases where the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, fails to comply with a material term or condition to use property or services in the manner approved by the Agency in connection with the Project.

As a condition precedent to receiving Sales and Use Tax Exemption Benefits, the Company, its agents, consultants, subcontractors, or any other party authorized to make purchases for the benefit of the Project, shall (i) cooperate with the Agency in its efforts to recover or recapture any Sales and Use Tax Exemption Benefits, and (ii) promptly pay over any such amounts to the Agency that the Agency demands.

Section 5. Subject to the Company executing the Project Agreement and the delivery to the Agency of a binder, certificate or other evidence of a liability insurance policy for the Facility satisfactory to the Agency, the Agency hereby authorizes the Company to proceed with the undertaking of the Facility and hereby appoints the Company as the true and lawful agent of the Agency, pursuant to the provisions of the Project Agreement: (i) to construct, reconstruct, renovate, refurbish and equip the Facility; (ii) to make, execute, acknowledge and deliver any contracts, orders, receipts, writings and instructions as the stated agent for the Agency with the authority to delegate such agency, in whole or in part, to agents, subagents, contractors, and subcontractors of such agents and subagents and to such other parties as the Company chooses; and (iii) in general, to do all things which may be requisite or proper for completing the Facility, all with the same powers and the same validity that the Agency could do if acting in its own behalf; provided, however, the Company's status as agent of the Agency and related sales tax exemption letter shall expire on **December 31, 2026** (unless extended for good cause by the Executive Director or other authorized representative of the Agency).

Section 6. Based upon representations and warranties made by the Company in the Application, the Agency hereby authorizes the grant of Financial Assistance in the form of: (1) a sales and use tax exemption for purchases and rentals related to the Project, (2) a partial real property tax abatement structured under a PILOT Agreement; and (3) exemptions from mortgage recording taxes to the extent permitted by applicable law in connection with any mortgage necessary to undertake the Facility and/or finance or re-finance acquisition and Project costs, equipment and other personal property and related transactional costs.

Section 7. (a) The Chair or the Executive Director of the Agency are hereby authorized, on behalf of the Agency, to execute and deliver the Agency Documents (consistent with the schedule of PILOT payments and corresponding real property tax abatements presented to and hereby approved by the Agency and attached to and made a part of these Resolutions as **(Exhibit C)**), in the forms acceptable to the Chair or Executive Director of the Agency. The execution of the Agency Documents by the Agency shall constitute conclusive evidence of such approval.

(b) The Chair or the Executive Director are further hereby authorized, on behalf of the Agency, to designate any additional authorized representatives of the Agency.

Section 8. The Chair and the Executive Director of the Agency are hereby further authorized, on behalf of the Agency, to execute and deliver any mortgage, assignment of leases and rents, security agreement, UCC-1 Financing Statements and all documents reasonably contemplated by these resolutions or required by any lender identified by the Company (the "Lender") up to a maximum principal amount necessary to undertake the Project and/or finance or re-finance acquisition and Project costs, equipment and other personal property and related transactional costs (the "Lender Documents"; and together, with the Agency Documents, the "Project Documents") and, where appropriate, the Secretary or Assistant Secretary of the Agency is hereby authorized to affix the seal of the Agency to the Project Documents and to attest the same, all with such changes, variations, omissions and insertions as the Chair or the Executive Director of the Agency shall approve, the execution thereof by the Chair or the Executive Director of the Agency to constitute conclusive evidence of such approval; provided, in all events, recourse against the Agency is limited to the Agency's interest in the Project.

Section 9. The officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver the Project Documents and all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the Project Documents executed for and on behalf of the Agency.

Section 10. Due to the complex nature of this transaction, the Agency hereby authorizes its Chair or Executive Director to approve, execute and deliver such further agreements, documents and certificates as the Agency may be advised by counsel to the Agency to be necessary or desirable to effectuate the foregoing, such approval to be conclusively evidenced by the execution of any such agreements, documents or certificates by the Chair or the Executive Director of the Agency.

Section 11. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u><i>Yea</i></u>	<u><i>Nay</i></u>	<u><i>Absent</i></u>	<u><i>Abstain</i></u>
Patrick Hogan, Chair	X			
Janice Herzog, Vice Chair	X			
Susan Stanczyk	X			
Garard Grannell			X	
Fanny Villarreal	X			
Cydney Johnson	X			
Elizabeth Dreyfuss	X			

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CERTIFICATION

(Upstate Pathology Lab Ownership, LLC Project)

STATE OF NEW YORK)

: SS.:

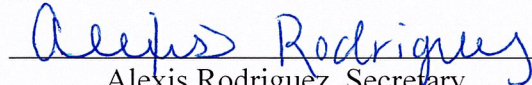
COUNTY OF ONONDAGA)

I, the undersigned Secretary of the Onondaga County Industrial Development Agency,
DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Onondaga County Industrial Development Agency (the "Agency"), including the resolutions contained therein, held on April 10, 2025, 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 such resolutions set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY that public notice of the time and place of said meeting was duly given to the public and the news media in accordance with the New York Open Meetings Law, constituting Chapter 511 of the Laws of 1976 of the State of New York, that all members of said Agency had due notice of said meeting and that the meeting was in all respects duly held.

IN WITNESS WHEREOF, I have hereunto set my hand as of the 16th day of April, 2025.



Alexis Rodriguez, Secretary

EXHIBIT A

[Notice Documents Related to Agency's Public Hearing Held on January 3, 2025]

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing pursuant to Article 18-A of the New York State General Municipal Law will be held by the Onondaga County Industrial Development Agency (the "Agency") on Friday, January 3, 2025, at 2:30 p.m., local time, at DeWitt Town Hall, 5400 Butternut Drive, East Syracuse, New York 13057, in connection with the following matter:

UPSTATE PATHOLOGY LAB OWNERSHIP, LLC, a Florida limited liability company, having an office for the transaction of business located at 5112 West Taft Road, Suite M, Liverpool, New York 13088, for itself or on behalf of an entity formed or to be formed by it or on its behalf (collectively, the "Company") has submitted an application (the "Application") to the Agency requesting that the Agency undertake a certain project (the "Project") for the benefit of the Company (or entity to be formed by it or on its behalf) consisting of: (i) the Agency taking title to or a leasehold (or other) interest in an approximately 23.263 \pm acre parcel of land located at 6624 Fly Road, Town of Dewitt, Onondaga County, New York (being more particularly identified as tax map number 029.-02-27.23) (the "Land"); (ii) the construction on the Land of (a) an approximately 109,000 square foot, three story pathology lab building, (b) state of the art lab testing equipment, drone technology and (c) other site improvement consisting of surface parking, signage, landscaping, and sidewalks (collectively, the "Improvements"); and (iii) the acquisition and installation by the Company in and around the Land and the Improvements of items of equipment and other tangible personal property (the "Equipment"; and, together with the Land and the Improvements, the "Facility").

The Agency will retain or acquire title to, or a leasehold interest in, the Facility and lease the Facility back to the Company. The Company will operate the Facility during the term of the lease. At the end of the lease term, the Company will purchase the Facility from the Agency, or if the Agency holds a leasehold interest, the leasehold interest will be terminated. The Agency contemplates that it will provide financial assistance (the "Financial Assistance") to the Company in the form of (i) exemptions from sales and use taxes otherwise payable upon the purchase or lease of materials, furnishings, fixtures and equipment, and other taxable personal property, (ii) a partial real property tax abatement structured through a payment-in-lieu-of-tax agreement, and (iii) exemptions from mortgage recording taxes in connection with the acquisition financing, construction financing and/or permanent financing or any subsequent refinancing of the costs of the acquisition, construction, renovation, reconstruction, refurbishing and equipping of the Facility as permitted by New York State law.

A representative of the Agency will be at the above-stated time and place to present a copy of the Company's project Application and hear and accept written and oral comments from all persons with views in favor of or opposed to or otherwise relevant to the proposed Financial Assistance.

The Agency will provide additional access to the public hearing by broadcasting the public hearing in real time online at: <https://us02web.zoom.us/j/81545828454>

Furthermore, the public is encouraged to offer its comments in writing to the Agency by e-mail at economicdevelopment@ongov.net or via USPS mail sent to: Onondaga County Industrial Development Agency (Attn: Alexis Rodriguez), 335 Montgomery Street, Floor 2M, Syracuse, New York 13202, no later than Thursday, January 2, 2025.

Dated: December 12, 2024

ONONDAGA COUNTY INDUSTRIAL
DEVELOPMENT AGENCY

EXHIBIT B

[Negative Declaration of Planning Board dated February 13, 2025]

compatible with the existing community, as well as appropriate landscaping, all aimed at not impairing the character or quality of the existing community. Accordingly, these actions result in this question being answered, “No or small impact may occur.”

2. Part 2, Item 9: Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora and fauna)?

The applicant provided wetland delineations according to NYSDEC wetland mapping as well as wetlands delineated by National Grid’s environmental consultant, together with the associated 100’buffer. The NYSDEC wetland mapping identifies wetlands on the site that appear to have a connection to mapped NYSDEC wetlands through a linear drainage feature along the driveway that leads to the PIG Receiver Station. As such the applicant is seeking a wetland permit from NYSDEC and its application is pending with NYSDEC. However, in light of the new (2025) DEC regulations, there has not been a final jurisdictional determination from DEC with respect to additional jurisdictional wetlands or buffer area on the site. Should further wetlands be identified, applicant will be required to follow appropriate DEC directives. Upon review of the available information and delineations and further consultation with the Town Engineer and Planning Board Engineer, and further representations of the applicant, all of which are part of the public documents which are part of this record, the mitigation measures proposed by the applicant appear to be adequately addressed at this time, with the understanding that should the wetlands delineations ultimately be determined to be greater than is currently presented, the plans for development can be, and will be required to be reasonably reconfigured to mitigate any potential negative impacts on wetlands. It being further understood that there is a 100-foot adjacent area surrounding the wetland where impacts also are not allowed, and that the applicant would be enjoined from development in the wetland area and no stormwater systems are allowed in state wetlands or their adjacent area. Ultimately, a DEC Permit will be required to complete the development of the project. Because any impacts to wetlands can, and will be required to be mitigated, this Board finds any potential impact to wetland can be adequately addressed. Accordingly, for this SEQRA determination, the Impacts on Surface water are determined to be “No or small impact”.

Conclusion:

The Planning Board of the Town DeWitt has taken a hard look at all environmental issues as required by SEQRA and hereby determines that the Actions herein shall be granted a Negative SEQRA declaration, finding that the Actions will cause no significant environmental impacts.

The motion carried unanimously.

**Pathology Lab – PB-667-23
Proposed Pathology Laboratory
6620 Fly Road
Tax Map #: 029.-02-27.1
(15 Minutes)**

John Murphy and Kurt Charland were present for the applicant. There was a discussion regarding the open matter with DEC in light of the new regulations. Mr. Charland explained the process that has been followed and is intended to be followed with DEC. Engineer Mark Parrish noted that he had no outstanding comments with respect to the project. After discussion thereon. Mr. Porter made a motion seconded by Ms. Kotz for approval of the following resolution:

**SEQRA Site Plan Upstate Medical University Pathology Lab
Dated: February 13, 2025**

Decision of Planning Board of the Town of Dewitt issued pursuant to Part 617 of the Implementing Regulations pertaining to Article 8 (State Environmental Quality Review Act “SEQRA”) of the Environmental Conservation Law of the State of New York for Action known as Upstate Medical University Pathology Lab Site Plan.

Background:

The Upstate Medical University Pathology Lab Site Plan is a request for construction of a new 3 story (38,000 +/- footprint) 108,928 sq. ft. of medical Pathology Lab, parking, EV charging stations, utilities, stormwater mitigation, landscaping, lighting and associated site appurtenances. Project access will be through the existing main entrance of 6620 Fly Road associated with the existing Upstate Bone and Joint Center.

The Town of DeWitt Planning Board (“Planning Board”) declared this Action TYPE 1 pursuant to SEQRA at its August 22, 2024 regularly held Planning Board meeting and also declared its intent to act as Lead Agency for these actions. The Full EAF which is applicable to the Action and all other information presented by the Applicant is on file with the Town of DeWitt. After the declaration of lead agency, all Interested and Involved Agencies were served Notice and given 30 days within which to respond to this declaration of Lead Agency status. With the exception of the NY DEC, as further set forth herein, all agencies notified did not respond within the 30 days of Notice, which last date for response was January 10, 2025. The NYS Department of Environmental Conservation (DEC) is the only agency which delivered comments, dated January 16, 2025, with their consent for the Planning Board to act as Lead Agency and those comments are further addressed below.

The Board reviewed the FEAF submitted by the Applicant dated 2/14/2024, all Site plans as well as supplement information supplied by the applicant including the following:

1. Cover Sheet dated April 15, 2024 last revised January 7, 2025
2. Existing Conditions Plan dated April 15, 2024 last revised November 19, 2024
3. Demolition Plan dated April 15, 2024 last revised January 7, 2025
4. Overall Site Plan dated April 15, 2024 last revised January 7, 2025
5. Site Plan dated April 15, 2024 last revised January 7, 2025
6. Site Plan – Upper Lot dated April 15, 2024 last revised January 7, 2025

7. Utility Plan dated April 15, 2024 last revised January 7, 2025
8. Utility Plan - Upper Lot dated April 15, 2024 last revised January 7, 2025
9. Utility Profiles (3 sheets) dated April 15, 2024 last revised January 7, 2025
10. Grading Plan dated April 15, 2024 last revised January 7, 2025
11. Detail Grading Plan (2 sheets) dated April 15, 2024 last revised January 7, 2025
12. Grading Plan – Upper Lot dated April 15, 2024 last revised January 7, 2025
13. Phase I ESC Plan dated April 15, 2024 last revised January 7, 2025
14. Phase II ESC Plan dated April 15, 2024 last revised January 7, 2025
15. Phase I ESC Plan – Upper Lot dated April 15, 2024 last revised January 7, 2025
16. Phase II ESC Plan – Upper Lot dated April 15, 2024 last revised January 7, 2025
17. Pavement Details dated April 15, 2024 last revised January 7, 2025
18. Site Details dated April 15, 2024 last revised January 7, 2025
19. Storm Details (3 sheets) dated April 15, 2024 last revised January 7, 2025
20. ES&C Details dated April 15, 2024 last revised January 7, 2025
21. Water and Sanitary Details dated April 15, 2024 last revised January 7, 2025
22. Site Planting Plan dated April 15, 2024 last revised January 6, 2025
23. Planting Material List dated April 15, 2024 last revised January 6, 2025
24. Planting Details dated April 15, 2024 last revised January 6, 2025
25. Electrical Site Plan – Lighting Calculation dated January 6, 2025
26. Truck Turn Plan (2 sheets) dated January 7, 2025
27. Stormwater Pollution Prevention Plan (SWPPP) dated December 2024
28. Traffic Impact Assessment (TIA) dated September 17, 2024.

Bergmann Associates prepared Items 1 to 24 and 27, SLAM Architects, Landscape Architects & Engineers, P.C. prepared Item 25 and GTS Consulting prepared Item 28.

Findings:

The Planning Board **SEQRA Findings** are as follows:

The Planning Board examined and addressed each of the 18 potential environmental impacts as set forth in the Full Environmental Assessment Form (FEAF) Part 2. The conclusions in the FEAF Part 2 were determined after full review of the site plan, and all supporting documents, consultation with the Full EAF Workbook, consultation and advice of the Planning Board Engineer, and further review of the DEC comments of January 16, 2025. This Board has further reviewed the detailed site plans of the applicant. While full site plan approval has not yet been granted by this Board, the Applicant and Planning Board have engaged in months long process of review of matters of storm water, grading, drainage site layout which are reflected in the written comments of the Planning Board and the responses and site plans of the Applicant. all which are part of this record, and which mitigate any potential environmental impacts of the Actions. Accordingly, the Planning Board answers each of the Impacts in the Part 2 FEAF as “No small impact may occur”. The executed full Part 2 SEQRA is attached hereto and made a part hereof.

The Board did identify two specific matters that required specific scrutiny under the SEQRA process:

1. Part 2 Item 3.d.: Impacts on Surface Water – The proposed action may involve construction within or adjoining a freshwater or tidal wetland or water body.

The applicant has provided wetland delineations according to the best available information, at this time, and information as to the non-jurisdictional nature of the wetlands including a) the US Army Corps of Engineers having issued a determination dated December 1 2023 indicating there are no jurisdictional wetlands on the property, and b) the NYS Wetland map showing there are no state regulated freshwater wetland west of Route 481 or in the vicinity of the project. However, in light of the new (2025) DEC regulations, there can be no final and absolute determination from DEC of the existence of other potential wetlands on the site for several months' time, notwithstanding that this project has been before this Board in excess of 18 months and is nearing final approval status. The comments of DEC in their correspondence of January 16, 2025 indicates the procedure to be followed and the potential procedure and requirements should further wetlands be determined under the new regulations. The applicant should follow such directives, as applicable. However, this Board has reviewed the available information and delineations and further consulted with the Town Engineer and Planning Board engineer, and further reliable representations of the applicant, all of which are part of the public documents which are part of this record. This Board is well aware that State wetlands have a 100-foot adjacent area surrounding the wetland where impacts also are not allowed, and that the applicant would be enjoined from development in the wetland area and no stormwater systems are allowed in state wetlands or their adjacent area. Currently, there is no indication that such an impact will occur. This Board is assured that should the wetlands delineations ultimately be determined to be greater than is currently presented, the plans for development can be and will be required to be reasonably reconfigured to mitigate any potential negative impacts on wetlands. Because any impacts to wetlands can be mitigated, this Board finds any potential impact to wetland can be adequately addressed. Accordingly, for this SEQRA determination, the Impacts on Surface water are determined to be "No or small impact".

2. 16. F. Impact on Human Health: The proposed action has adequate control measures in place to ensure that the site remains protective of the environment and human health

The ultimate use of this project is proposed to be a pathology lab, which necessarily deals in all manner of hazardous medical waste. This Board has been provided with information and been assured that any such medical waste will be handled and managed in accordance with acceptable legal protocols, none of which will involve contact of said waste with the general public. Accordingly, the Impact on Human Health is "No or small impact".

Conclusion:

The Planning Board of the Town DeWitt has taken a hard look at all environmental issues as required by SEQRA, and hereby determines that the Actions herein shall be

granted a Negative SEQRA declaration, finding that the Actions will cause no significant environmental impacts.

The motion carried unanimously.

**Tesla EV Charges (Wegmans) – PB-781-25
Installation of 3 Tesla Supercharger EV Units
6789-6791 & 6761 East Genesee Street
Tax Map Nos.: 063.-02-10.1 and 063.-02-14.0
(15 Minutes)**

Tim Neis was on Zoom for the applicant. He explained the adaptable? nature of the chargers will also allow them to be utilized by newer EV vehicles using standardized charging adapters. . There was discussion about the pre-assembled nature of the chargers and charging bases and how they would be installed. The applicant is requested to look at the re-using of the granite curb; screening of electrical packs and light emissions. An issue to be resolved is how the power feed and installation may interfere with the existing easement. That will need to be resolved in the event the installation needs to change location. The proposal would reduce the parking count by one space. The applicant advised that trash receptacles near the installation are not preferred by Wegmans. The applicant will review all matters.

The matter was tabled.

**AT&T Wireless Facility – PB-782-25
20 Ft. Extension to Existing 40 Ft. Monopole
Replacement and Addition of Mounts, Antenna, Cabinets and Electrical
7000 East Genesee Street
Tax Map #: 077.-06-06.2
(10 Minutes)**

Brenda Lewis was present for the applicant. The applicant advised that they were looking at this project as approvable without going through usual site Plan approval as available under FCC regulations. There was discussion that the Board is interpreting the regulations that the change is “substantial” and will need appropriate site plan review, including consideration of a mono-tree as this installation is near a neighborhood and there is such an installation nearby. Additional scaled drawings were requested to illustrate and clarify the existing and proposed heights. The applicant is to provide information to support why the change is not substantial so the Board and applicant may be guided accordingly.

The matter was tabled.

EXHIBIT C

[PILOT Terms]

PILOT YEAR	Exemption %	County PILOT Amount	Town	School District	Village	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	100%	\$ 3,714	\$ 4,660	\$ 19,462	\$ -	\$ 27,836	\$ 468,540	\$ 440,705
2	90%	\$ 9,785	\$ 12,280	\$ 51,280	\$ -	\$ 73,344	\$ 477,911	\$ 404,567
3	80%	\$ 16,097	\$ 20,202	\$ 84,363	\$ -	\$ 120,662	\$ 487,470	\$ 366,807
4	70%	\$ 22,658	\$ 28,436	\$ 118,749	\$ -	\$ 169,843	\$ 497,219	\$ 327,375
5	60%	\$ 29,476	\$ 36,991	\$ 154,477	\$ -	\$ 220,944	\$ 507,163	\$ 286,220
6	50%	\$ 36,556	\$ 45,877	\$ 191,586	\$ -	\$ 274,020	\$ 517,307	\$ 243,287
7	40%	\$ 43,908	\$ 55,104	\$ 230,118	\$ -	\$ 329,131	\$ 527,653	\$ 198,522
8	30%	\$ 51,540	\$ 64,682	\$ 270,114	\$ -	\$ 386,336	\$ 538,206	\$ 151,869
9	20%	\$ 59,460	\$ 74,620	\$ 311,619	\$ -	\$ 445,699	\$ 548,970	\$ 103,271
10	10%	\$ 67,675	\$ 84,931	\$ 354,675	\$ -	\$ 507,281	\$ 559,949	\$ 52,668
TOTAL		\$ 340,869	\$ 427,783	\$ 1,786,444	\$ -	\$ 2,555,096	\$ 5,130,387	\$ 2,575,291