

6/10/2025

Project: Location:	Upstate Pathol DeWitt	ogy Lab Ownership, LLC	Project Number: School District:	3101-24-07A East Syracuse Minoa
Tax Parcel(s):	02902-27.3		Project Type: Village: 0	New Construction
Total Project Cost:	Ś	89,520,000	8. Total Jobs	223
Land Acquisition	\$	5,000,000	8A. Job Retention	178
Site Work/Demo	\$	5,000,000	8B: Job Creation	45
Building Construction & Renovation	\$	63,000,000	(Next 5 Years)	
Furniture & Fixtures	\$	2,500,000		
Equipment	\$	3,000,000		
Project Soft Cost	\$	11,020,000		

Community Investment /Abatement	<u>:</u>	Project Description	
Fisc	al Impact (\$)		
Abatement Summary	\$6,344,541		
Sales Tax Abatement	\$3,200,000		
Mortgage Tax Abatement	\$569,250		
Property Tax Relief (PILOT)	\$2,575,291		
Community Investment	\$151,989,595		The applicant is proposing construction of an approximately 109,000 square foot,
PILOT Payments (-)	\$2,555,096		three story pathology lab building.
Project Salaries and Benefits Estimated (10 yrs)	\$49,757,499		
Construction Benefit Estimate	\$10,157,000		
Total Project Cost	\$89,520,000		
Investment:Abatement Ratio	23.96	:1	
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Upstate Pathology Lab Ownership, LLC A) PILOTS Estimate Table Worksheet

A)TILOTO	Estimate rabi					
	for 10 years					
OCIDA estimate of current market value					\$	1,000,000
	.					
Projected investment					\$	63,000,000
OCIDA estimate of increase in value					\$	15,832,250
OCIDA estimated value after project is completed					\$	16,832,250
	T	1	1	1		
Taxes that would have been collected if the project did not occur					\$	304,795
Out and all DILOT assessments		T	T	ī	Φ.	0.555.000
Scheduled PILOT payments					\$	2,555,096

PILOT YEAR	Exemption %	С	ounty PILOT Amount	Town	School District	Village	Т	otal PILOT	Full Tax yment 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

	Year								
	0	1	2	3	4	5			
Jobs									
Current/Actuals	178								
Creation Goals	45	25	10	10					
Total									
Employment									
Goals	223	203	213	223	223	223			

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BARCLAY DAMONIO

Kevin R. McAuliffe Partner

November 14, 2024

Onondaga County Industrial Development Agency Attention: Nate Stevens 335 Montgomery Street, Floor 2M Syracuse, New York 13202

Re: Upstate Pathology Lab Ownership, LLC

Dear Nate:

Enclosed herewith please find:

- 1. Application of Upstate Pathology Lab Ownership, LLC
- 2. Three-page supplement to the application
- 3. Copy of the survey
- 4. Minutes from the Town of Dewitt Planning Board meeting of August 22, 2024 at which the Planning Board declared itself to be Lead Agency for SEQRA purposes.
- 5. Renderings of the proposed structure
- 6. Checks payable to the Agency in the amount of \$1,000 and to Harris Beach in the amount of \$2,500.

Note that this is not a proposal to construct a medical office building at which patients will be seen or receive treatment. As is set forth in more detail in the supplement to the application, the building will be occupied only by employees of the Upstate Pathology Department to perform their services on samples that are gathered from patients at other facilities and sent to this facility for review and analysis.

The Town of Dewitt Planning Board is close to completing its review of the proposed construction and finalizing the SEQRA process.

Please let us know what additional information you may need.

Very truly yours,

Kevin R. McAuliffe



ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY APPLICATION FOR FINANCIAL ASSISTANCE

- 1. Fill in all blanks using "none", "not applicable" or "not available". If you have any questions about the way to respond, please call the Onondaga County Industrial Development Agency (the "Agency" or "OCIDA") at 315-435-3770.
- 2. In accordance with Section 224-a(8)(d) of Article 8 of the New York Labor Law, the Agency has identified that any "financial assistance" (within the meaning of Section 858 of the General Municipal Law) granted by the Agency to the Applicant consisting of sales and use tax exemption benefits, mortgage recording tax exemption benefits and real property tax exemption benefits, constitutes "public funds" within the meaning of Section 224-a(2)(b) of Article 8 of the New York Labor Law and such funds are not excluded under Section 224-a(3) of Article 8 of the New York Labor Law. The Agency hereby notifies the Applicant of the Applicant's obligations under Section 224-a (8)(a) of Article 8 of the New York Labor Law.
- 3. If the OCIDA Board approves benefits, it is the company's responsibility to obtain and submit all necessary forms and documents.
- 4. All projects approved for benefits by the OCIDA Board will close with the Agency within 6-months of the OCIDA Board approval date. If this schedule cannot be met, the Applicant will need to submit a closing schedule modification written request to the Executive Director that will be presented to OCIDA Board for consideration.
- 5. The Agency will not give final approval for this Application until the Agency receives a completed NYS Full Environmental Assessment Form concerning the project which is the subject of this Application. The form is available at http://www.dec.ny.gov/permits/6191.html.
- 6. Public Officers Law stipulates all records in the possession of the Agency (with certain limited exceptions) are open to public inspection and reproduction. Should the Applicant believe there are project elements which are trade secrets if publicly disclosed or otherwise widely disseminated, would cause substantial injury to the Applicant's competitive position, the Applicant must identify such elements in writing and request that such elements be kept confidential. In accordance with Article 6 of the Public Officer's Law, the Agency may also redact personal, private, and/or proprietary information from publicly disseminated documents.
- 7. The completed Application and associated fees MUST be received 10 business days prior to the upcoming OCIDA Board meeting in order to be placed on the agenda. A signed application may be submitted by mail, fax or electronically in PDF format to Nancy Lowery at nancylowery@ongov.net
 - A check payable to the Agency in the amount of \$1,000
 - A check payable to Barclay Damon LLP in the amount of \$2,500

This Application was adopted by the OCIDA Board on June 8, 2023.

Return completed application to:

Onondaga County Industrial Development Agency Attn: Nancy Lowery 335 Montgomery Street, Floor 2M Syracuse, NY 13202 Phone: 315-435-3770 | Fax: 315-435-3669

nancylowery@ongov.net

Section I: Applicant Information

Submittal Date: November 14, 2024

A) Applicant/Project Operator information (company receiving benefits):

9	Estimated % of sales within Onondaga County: 100% Estimated % of sales outside Onondaga County but within New York State: Estimated % of sales outside New York State but within the U.S.: Estimated % of sales outside the U.S.: (*Percentage to equal 100%)						
,	Applicant /Owner History: 1. Is the Owner and/or Applicant or any manager or owner of the Owner and/or Applicant now a plaintiff or defendant in any civil or criminal litigation? No □ Yes, explain						
	2. Has any owner of manager of the Owner and/or Applicant listed above ever been convicted of a criminal offense (other than a minor traffic violation)? ■ No □ Yes, explain						
	B. Has any person listed in Section I ever been No Yes, explain						
D)	**	te from Onondaga County Industrial Development					
		pment Agency (SIDA), New York State or the					
	Onondaga Civic Development Corporation (OCDC) in the past? No Yes, explain (Provide year, project name, benefit description, amounts, address)						
E)	Individual Completing Application:						
	Name: John D. Murphy Jr.	Title: Manager					
	Address: 5112 West Taft Rd. Liverpool, NY 13088	Phone: _ 315 452-2003					
	Cell Phone: 315 447-5266	E-mail:jmurphy@hallmarkre.com					
F)	Company Contact (if different from individ	dual completing application):					
	Name:	Title:					
	Address:	Phone:					
	Cell Phone:	Email:					

C) Applicant Business Description:

G) Company Counsel:

Name of Attorney: Kevin R. McAuliff, Esq.

Firm Name: Barclay Damon LLP

Address: 125 E Jefferson Street, Syracuse, New York 13202

Phone: 315 425-2875

Cell Phone: 315 382-8703

Email: Kmcauliffe@barclaydamon.com

Section II: Project and Site Information

A) Project Location is where the investment will take place. If Applicant is moving, the new location should be entered here and the current location should be in Section I. Address: 6624 Fly Road, East Syracuse, NY 13057 Legal Address (if different): City:____ Town: Dewitt Village: School District: East Syracuse Minoa Zip Code: 13057 Tax Map Parcel ID(s): 029.-02-27.3 Full Market Value: 2024 1,000,000 Square Footage of Existing Building(s):0 B) Project Activity (Check all that apply): Acquisition of existing facility New construction Expansion to current facilities ☐ Brownfield/Remediated Brownfield Renovation of existing facility ☐ Demolition and construction ☐ Purchase of machinery/equipment C) Select Project Type or Project End Use at site (you may check more than one): Mixed Use Facility of Aging Retail (see Section V) ☐ Housing Project (see Section VII) ☐ Distribution/Wholesale ☐ Civic Facility (not for profit) Commercial Renewable Energy Project (see Section VI) Industrial Other, explain D) Project Narrative: Please check one of the two boxes below and attach statement. • A statement that the Project described in this application would not be undertaken but for the financial assistance provided by the Agency. If the Project is going to advance regardless of any financial assistance from the Agency, please provide a statement indicating why the project should be considered by the Agency for any financial assistance.

E)		ription of Project: Please attach a detailed narrative of the proposed Project. Please ned copies of site plans, sketches or maps. This narrative should include, but is not ed to:
	pr	a description of your Company's background, customers, goods and services and the incipal products to be produced and/or the principal activities that will occur on the oject site;
) the size of the Project in square feet and a breakdown of square footage per each ended use;
	• (ii	i) the size of the lot upon which the Project sits or is to be constructed;
		the current use of the site and the intended use of the site upon completion of the oject;
	• (v)	describe your method for site control (Own, lease, other).
F)	the cor	ne completion of the Project result in the removal of an industrial or manufacturing plant of impany from one area of the state to another area of the state OR in the abandonment of one re plants or facilities of the company located within the state? Yes
G)		describe any compelling circumstances the Agency should be aware of while reviewing plication.
H)	Local	Approvals (Site Plan and Environmental Review)
	☐ No Has th • No If yes, related	when will the plans be submitted? Yes, what is the status? Pending e project received site plan approval from the town or local planning board? anticipated approval date Yes, date provide the Agency with a copy of the Planning Board's approval resolution along with the SEQR determination. (NOTE: SEQR determination is required for final approval and ax agency appointment.)
	a. b.	vironmental Review Information Please attach the appropriate Environmental Impact Forms to your application. Here is a link to the SEQR forms: http://www.dec.ny.gov/permits/6191.html Has Lead Agency been established? No Yes, name of Lead Agency Town of Dewitt
	c.	Have any environmental issues been identified on the property? ■ No ☐ Yes, explain

Section III: FINANCIAL AND EMPLOYMENT INFORMATION

A) Project Costs and Finances

Description of Costs	Total Budget Amount
Land Acquisition	5,000,000
Site Work/Demo	5,000,000
Building Construction & Renovation	63,000,000
Furniture & Fixtures	2,500,000
Equipment	3,000,000
Project Soft Cost	11,020,000
Total Project Cost	89,520,000

Please have documentation available upon request. Do not include OCIDA fees, OCIDA application fees or OCIDA legal fees as part of the Total Project Cost.

Sources of Funds for Project Costs:

1.	Bank Financing	\$ 75,900,000
2.	Equity	\$ <u>13,620,000</u>
3.	Tax Exempt Bond Issuance (if applicable)	\$
4.	Taxable Bond Issuance (if applicable)	\$
5.	Total Sources of Funds for Project Costs	\$_89,520,000
6.	Public Sources (Include sum total of all state and federal grants and tax credits) -Identify each state and federal grant/credit:	\$
		\$
		\$
		\$

C) Employment and Payroll Information

Full Time Equivalent (FTE) is defined as one employee working no less than 35 hours per week or two or more employees together working a total of 35 hours per week.

1.	Are there people currently employed at the project site?	
	No Yes, provide number of FTE jobs at the project site	
	If you are relocating, are all employees moving to new site? No, explain	Yes

2. Complete the following:

Estimate the number of FTE jobs to be retained as a result of this Project:	178
Estimate the number of construction jobs to be created by this Project:	200
Estimate the average length of construction jobs to be created (months):	12-14 months
Current annual payroll including the benefit cost:	23,000,000.00
Average salary amount that is an employee benefit (%):	43%
Average annual growth salary/wage rate (%)	3%
Provide an estimate of the number of residents in the Economic Development Region (Onondaga, Madison, Cayuga, Oneida, Oswego, and Cortland Counties) to fill new FTE jobs:	100%

D) New Employment Benefits

Complete the following chart indicating the number of FTE jobs currently employed by the Applicant, FTE jobs currently employed at the Project and the number of FTE jobs that will be created at the Project site at the end of the first, second, and third, years after the Project is completed. Jobs should be listed by title of category (see below), including FTE independent contractors or employees of independent contractors that work at the Project location. Do not include construction workers.

Please use this chart to illustrate the current employment:

Job Title/Category	Current Annual Pay	Current Employment (FTE)
Pathologist	\$303,881.00	18
Technologist	\$87,717.00	91
Laboratory Specialist	\$61,020.00	69
	TOTAL	178*

^{*} The above breakout is the applicant's estimate based upn Upstate's current employment census reduced to reflect those jobs not moving to the new facility.

Please use this chart to illustrate the projected employment growth:

Job Title/Category	Projected Annual Pay	FTE Jobs Created Year 1	FTE Jobs Created Year 2	FTE Jobs Created Year 3	FTE Jobs Created Year 4	FTE Jobs Created Year 5
Pathologist	\$312,997.00	3	1	1		
Technologist	\$90,349.00	12	5	5		
Laboratory Specialist	\$62,850.00	10	4	4		
TOTAL		25	10	10		

D) Fin	ancial Assistance sought:
	☐ Real Property Tax Abatement (PILOT): Agency Staff will provide draft and final PILOT schedule:
	☐ Mortgage Recording Tax Exemption (.75% of mortgage): <u>569,250.00</u>
	☐ Sales and Use Tax Exemption (4% Local, 4% State): 3,200,000
	☐ Tax Exempt Bond Financing (Amount Requested):
	☐ Taxable Bond Financing (Amount Requested):

E) Mortgage Recording Tax Exemption Benefit Calculator: Amount of mosubject to mortgage recording tax:	rtgage that would be
Mortgage Amount (include sum total of construction/permanent/bridge financing):	\$ _75,900,000.00
Estimated Mortgage Recording Tax Exemption Benefit (product of mortgage amount as indicated above, multiplied by .0075):	\$ 569,250.00
F) Sales and Use Tax Benefit Calculator: Gross amount of costs for goods subject to State and local Sales and Use Tax:	s and services that are \$_40,000,000
Estimated State and local Sales and Use Tax Benefit (product of 8% mu above):	stiplied by the figure, \$3,200,000

Section IV: Estimate of Real Property Tax Abatement Benefits

This section of the Application will be: (i) completed by Agency Staff based upon information contained within the Application, and (ii) provided to the Applicant for ultimate inclusion as part of this completed Application prior to the completed application being provided to the OCIDA Board.

A) PILOTS Estimate Table Worksheet

OCIDA estimate of current value	
New construction and renovation costs	
OCIDA estimate of increase in value	
OCIDA estimated value of completed project	
OCIDA estimate of taxes that would have been collected if the project did not occur	
Scheduled PILOT payments	

PILOT Year	Exemption %	County PILOT mount	Local PILOT Amount	School PILOT Amount	Total PILOT	Full Tax Payment w/o PILOT	Net Exemption
1	100						
2	90						
3	80						
4	70						
5	60						
6	50						
7	40						
8	30						
9	20						
10	10						
TOTAL							

Estimates provided are based on current property tax rates and assessment value (current as of date of application submission) and have been calculated by IDA staff.

SECTION: V For Retail Projects Only

1.	Will the cost of the retail portion of the Project exceed one-third of the total project cost? Yes No
	If yes, please answer, questions 2, 3 and/or 4 below. If yes, please explain how much the project will exceed one-third of the total project cost.
2.	Is the Project located in a distressed area? A distressed area is a census tract that has a) A poverty rate of at least 20% or at least 20% of households receiving public assistance, and (b) an unemployment rate of least 1.25 times the statewide unemployment rate for the year to which the date relates. Yes No If yes, please provide the data and explain.
3.	Is the Project likely to attract a significant number of visitors from outside of the economic development region? Yes No
	If yes, please provide a third party market study.
4.	Is the predominate purpose of the Project to make available goods or services which would not, but for the Project, be reasonably accessible to the residents of the Town, City, County or Village of where the Project will be located. Yes No
	If yes, please provide data and explain.

SECTION VI: For Solar Projects Only

Please answer all the questions as an addendum to this application:

1.	Describe the reasons why the Agency's financial assistance is necessary. Describe how the Project would be affected if these benefits were not provided. [see Section II (C)]
2.	Is the Applicant leasing the property? Yes, please provide a copy of the lease No, purchased the property. Please provide documentation.
3.	Has the Applicant provided written communication to the affected taxing jurisdictions notifying them of its intent to construct a renewable energy project? Yes No
4.	Has the Applicant received a letter of support for the megawatt cost to be used as a basis for the PILOT from the town, city, and village where the Project is located?
	Yes, please provide copy of the letter.
	□ No
5.	Has the Applicant received a letter of support for the megawatt cost to be used as a basis for PILOT from the school district?
	Yes, please provide copy of the letter.
	□ No
6.	Is the entire parcel being used for the solar project?
	Yes
	☐ No, have you reached out to the town assessor to discuss a subdivision or slash parcel? Explain:
7.	Will the Applicant enter into a decommissioning plan with the host community, including financial assurance the plan can be executed?
	Yes, explain.
	□ No

*PLEASE SEE FOLLOWING PAGE FOR OCIDA SOLAR GUIDANCE & BEST PRACTICE

OCIDA Solar PILOTs Guidance and Best Practice

OCIDA SOLAR PILOTS GUIDANCE AND BEST PRACTICE

To be placed on the Agency meeting agenda, proposed solar projects must provide the Agency with the following in advance of the Project's first OCIDA Board meeting:

- 1. Fully completed OCIDA application.
- 2. Copy of Environmental Assessment Form.
- 3. A SEQR resolution approved by a local municipality indicating the municipality that is lead agency, the type of action (I, II, or unlisted) and, if completed, the SEQR determination made by the municipality.
- 4. Copies of your zoning applications submitted to the local municipality.
- 5. Verification of parcel subdivision process with the town (if the entire parcel will not be used for the solar project).
- 6. A statement clarifying whether the applicant will lease or purchase the real property on which the Project is situated. If leased, provide a copy of the proposed or executed lease. If lease parcel is less than entire parcel then see 5 above.
- 7. A supporting document from the local town, village, city, and/or school district outlining the agreed upon cost per megawatt to be used as a basis for the PILOT. The Agency cannot create the PILOT schedule without this information.
- 8. Absent a showing otherwise by the Company, deemed acceptable by the Agency in the sole and absolute discretion, the Company must close with the Agency on a project prior to consideration of any requested organizational structure or project entity ownership changes.

You will receive a draft Cost Benefit Analysis and a Draft PILOT schedule from this office. You may use these documents as your Project progresses through the Agency approval process. Agency staff are available to update these two documents as needed.

SECTION VII: For Housing Projects Only

Please answer all the questions as an addendum to this application:

- 1. Describe the reasons why the Agency's financial assistance is necessary. Describe how the project would be impacted if these benefits were not provided. [see Section II (C)]
- 2. Is the Project being built in a blighted area? If yes, please describe.
- 3. Is the Project fulfilling an unmet need in the area? If yes, please explain.
- 4. Please provide a market study documenting a need for such housing.
- 5. Is there support from local government officials for the Project and for the financial assistance being requested from the Agency? If yes, please provide written documentation.
- 6. Is the Project considered infill in a populated area? If yes, please explain.
- 7. Does the Project provide walkability? If yes, please explain.
- 8. Is there additional county infrastructure necessary to service the Project? If, yes, please explain.
- 9. Is the Project part of a larger mixed-use development? If yes, please describe.

Section VIII: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, subcontractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

Noncompliance may result in the revocation and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne. Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the Local Access Policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available upon request.

In consideration of the extension of financial assistance by the Agency Upstate Pathology Lab Ownership, LLC (the Company understands the Local Access Policy and agrees to abide by it. The Company understands that an Agency tax-exempt certificate is typically valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands that any request for a waiver to this policy must be submitted in writing and approved by the Agency.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of 10/17/24 (date).

If there are two applicants (Real Estate Holding and Operating Company) both need to complete this page.

Applicant(s) Company: Opsiate Pathology La	to Ownership, LLC				
Representative for Contract: John D. Murphy	Jr.				
Address: 5112 West Taft Rd. Suite M	City: Liverpool	State: NY	Zip: 13088		
Phone: 315 452-2003	Email: Jmurphy@hallm	Email: Jmurphy@hallmarkre.com			
Project Address: 6624 Fly Road	City: East Syracuse	State: NY	Zip: 13057		
Signature: Abrily of					
General Contractor: LeChase Construction Ser	rvices, LLC				
Contact Person: Kevin Hoffman					
Address: 609 Erie Boulevard W	City:_Syracuse	State: NY	Zip:_13204		
Phone: 315 423-0015	Email: khoffman@lecha	ase.com			
Authorized Representative: Kevin Hoffman		_Title: Vice Pres	ident		
Signature:					

Section VIII: Local Access Policy Agreement

In absence of a waiver permitting otherwise, every project seeking the assistance of the Onondaga County Industrial Development Agency (Agency) must use local general contractors, subcontractors, and labor for one-hundred percent (100%) of the construction of new, expanded, or renovated facilities. The project's construction or project manager need not be a local company.

Noncompliance may result in the revocation and/or recapture of all benefits extended to the project by the Agency. Local Labor is defined as laborers permanently residing in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins, and Wayne. Local (General/Sub) Contractor is defined as a contractor operating a permanent office in the State of New York counties of Cayuga, Cortland, Herkimer, Jefferson, Madison, Oneida, Onondaga, Oswego, Tompkins and Wayne. The Agency may determine on a case-by-case basis to waive the Local Access Policy for a project or for a portion of a project where consideration of warranty issues, necessity of specialized skills, significant cost differentials between local and non-local services or other compelling circumstances exist. The procedure to address a local labor waiver can be found in the OCIDA handbook, which is available upon request.

In consideration of the extension of financial assistance by the Agency Upstate Pathology Lab Ownership. LLC (the Company understands the Local Access Policy and agrees to abide by it. The Company understands that an Agency tax-exempt certificate is typically valid for 12 months from the effective date of the project inducement and extended thereafter upon request by the Company. The Company further understands that any request for a waiver to this policy must be submitted in writing and approved by the Agency.

I agree to the conditions of this agreement and certify all information provided regarding the construction and employment activities for the project as of $\frac{9/2.3/24}{}$ (date).

If there are two applicants (Real Estate Holding and Operating Company) both need to complete this page.

Applicant(s) Company: Upstate Pathology Lat	o Ownership, LLC		
Representative for Contract: John D. Murphy			
Address: 5112 West Taft Rd. Suite M	City: Liverpool	State: NY	Zip: 13088
Phone: 315 452-2003	Email: Jmurphy@hallm	arkre.com	
Project Address: 6624 Fly Road	City: East Syracuse	State: NY	Zip: 13057
Signature:			
General Contractor: LeChase Construction Ser Contact Person: Kevin Hoffman	vices, LLC		
Address: 609 Erie Boulevard W	City: Syracuse	State: NY	_Zip: 13204
Phone: 315 423-0015	Email: khoffman@lecha	ise.com	
Authorized Representative: Kevin Hoffman		Title: Vice Presid	dent
Signature:			

Section IX: Agency Fee Schedule

Minimum Fee to be applied to all project receiving OCIDA benefits is 1% of the Total Project Cost (TPC)

ACTIVITY	FEES	COMMENTS
Non- refundable Application Fee (All projects except Solar Projects)	\$1,000	Due at time of application
Non-refundable Application Fee (Solar Projects Only)	\$10,000	app.comen
Legal Deposit (All projects except Solar Projects)	\$2,500	Due at time of application
Legal Deposit (Solar Projects Only)	\$5,000	
Minimum Fee of 1% of TPC		
1. Sales and Use Tax Exemption	.01 X TPC	Due at closing
2. Mortgage Recording Tax		
3. PILOT is an additional fee	.0025 X TPC (total X .0125)	
4. Bond refinancing	.0025 X TPC (total X .015)	
Projects that exceed \$250,000,000 in Total Project Cost and/or create in excess of 500 new jobs, may be eligible to negotiate a non-standard Agency fee with the Executive Director.	TBD based on Executive Director determination	Due at closing
Agency Legal Fees		
Fee for first \$20 million	.0025 X of the project cost or bond amount	Due at closing
Fee for expenses above \$20 million	.00125 X of project cost or bond amount	
Amendment or Modification of IDA documents, including but not limited to name or organization change, refinancing, etc. Consent to the amendment or modification of IDA documents prior to closing on the project shall be given at OCIDA's sole and absolute discretion.	Up to but not to exceed 5% of Agency Fee as noted on the Cost Benefit Analysis at time of project approval. Attorney fees determined by OCIDA Legal Representative.	Due at time of Request

OCIDA reserves the right to modify this schedule at any time and assess fees and charges in connection with other transactions such as grants of easement or lease or sale of OCIDA-owned property.

Section X: Recapture of Tax Abatement/Exemptions

<u>Information to be Provided the Company:</u> Each Company agrees that to receive benefits from the Agency it must, whenever requested by the Agency or required under applicable statutes or project documents, provide and certify or cause to be provided and certified such information concerning the Company, its finances, its employees and other topics which shall, from time to time, be necessary or appropriate, including but not limited to, such information as to enable the Agency to make any reports required by law or governmental regulation.

Please refer to the OCIDA Uniform Tax Exemption Policy (<u>UTEP</u>).

I have read the foregoing and agree to comply with all the terms and conditions contained therein as well as policies of the Onondaga County Industrial Agency.

If there are two applicants (Real Estate Holding and Operating Company) both need to complete this page.

Name of Applicant(s) Company	Upstate Pathology Lab Ownership. LLC
Signature of Officer or Authorized Representative:	Long Ge
Name & Title of Officer or Authorized Representative:	John D. Murphy Jr. Manager
Date: /0/17/24	

Section XI: Conflict of Interest

Agency Board Members

- 1. Patrick Hogan, Chairperson
- 2. Janice Herzog, Vice Chairperson
- 3. Sue Stanczyk, Director
- 4. Kevin Ryan, Director
- 5. Fanny Villarreal, Director
- 6. Cydney Johnson, Director
- 7. Elizabeth Dreyfuss, Director

Agency Officers/Staff

- 1. Robert M. Petrovich, Executive Director
- 2. Nathaniel Stevens, Treasurer
- 3. Nancy Lowery, Secretary
- 4. Karen Doster, Recording Secretary
- 5. Alexis Rodriguez, Assistant Treasurer
- 6. Svetlana Dyer, Assistant Secretary

Agency Legal Counsel & Auditor

- 1. Jeffrey Davis, Esq., Barclay Damon LLP
- 2. Amanda Fitzgerald, Esq., Barclay Damon LLP
- 3. Michael G. Lisson, CPA. Grossman St. Amour Certified Public Accountants PLLC

The Applicant(s) has received a list of members, officers and staff of the Agency. To the best of my knowledge, no member, officer or employee of the Agency has an interest, whether direct or indirect, in any transaction contemplated by this Application, except as hereinafter described:

If there are two applicants (Real Estate Holding and Operating Company) both need to complete this page.

Name of Applicant(s) Company	Upstate Partiology Lab Ownership, LLC
Signature of Officer or Authorized Representative:	Longly!
Name & Title of Officer or Authorized Representative:	John D. Murphy Jr. Manager
Date: /0/17/24	

Section XII: Representations, Certifications, and Indemnification

pa	ge.						
	John D Murphy Jr	(Name of	CEO or	other	authorized	representative	of
	$\begin{array}{c} Applicant)(s) \ \ confirms \ and \ says \\ \text{Upstate Pathology Lab Ownership, LLC} \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \$	that he/she	is the ration or	Managing Mer other en	ntity) name	title)	of hed
	Application (the "Applicant"), the contents thereof, and hereby repress as follows:	at he/she has	read the	foregoing	g Application	on and knows	the

If there are two applicants (Real Estate Holding and Operating Company) both need to complete this

- A. First Consideration for Employment: In accordance with §858-b (2) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any Financial Assistance from the Agency, except as otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in WIA programs who shall be referred by the CNY Works for new employment opportunities created as a result of the Project.
- **B.** Annual Sales Tax Filings: In accordance with §874(8) of the New York General Municipal Law, the Applicant understands and agrees that if the Project receives any sales tax exemptions as part of the Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant. For additional information on NYS sales and use tax see here.
- **C. Outstanding Bonds:** The Applicant understands and agrees to provide on an annual basis any information regarding bonds, if any, issued by the Agency for the project that is requested by the Comptroller of the State of New York.
- **D. Employment Reports:** The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant agrees to file with the Agency, at least annually or as otherwise required by the Agency, reports regarding the number of people employed at the project site, salary levels, contractor utilization and such other information (collectively, "Employment Reports") that may be required from time to time on such appropriate forms as designated by the Agency. Failure to provide Employment Reports within 30 days of an Agency request shall be an event of default under the Project closing documents. Please see this page for <u>ST-340</u> form required in the above referenced employment report.

- **E. Prevailing Wage:** The Applicant understands and agrees that, if the Project receives any financial assistance from the Agency, the Applicant shall determine whether the Project is a "covered project" pursuant to Section 224-a of Article 8 of the New York Labor Law and, if applicable, the Applicant shall comply with Section 224-a of Article 8 of the New York Labor Law; and the Applicant further covenants that the Applicant shall provide such evidence of the foregoing as requested by the Agency.
- **F.** Compliance: The Applicant understands and agrees that it is in substantial compliance with applicable local, state, and federal tax, worker protection, and environmental laws, rules, and regulations. The Applicant confirms and acknowledges that the owner, occupant or operator receiving financial assistance for the proposed Project is in substantial compliance with applicable local, state, and federal tax, worker protection and environmental laws, rules and regulations.
- **G.** The Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if financial assistance is provided for the proposed Project:
 - § 862. Restrictions on funds of the Agency. (1) No funds of the Agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- H. The Applicant understands and agrees that it is in substantial compliance with applicable local, state and federal tax, worker protection, and environmental laws, rules and regulations. The Applicant confirms and acknowledges that the owner, occupant or operator receiving financial assistance for the proposed Project is in substantial compliance with applicable local, state, and federal tax, worker protection and environmental laws, rules and regulations.
- I. The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement in the Project.
- J. The Applicant confirms and hereby acknowledges that as of the date of this Application, the Applicant is in substantial compliance with all provisions of Article 18-A of the New York General Municipal Law, including, but not limited to, the provision of Section 859-a and Section 862(1) of the New York General Municipal Law.

The Applicant and the individual executing this Application on behalf of Applicant acknowledge that the Agency and its counsel will rely on the representations and covenants made in this Application when acting hereon and hereby represents that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statement contained herein not misleading.

- **K.** The Agency has the right to request and inspect supporting documentation regarding attestations made on this application.
- L. Hold Harmless Agreement: Applicant hereby releases Onondaga County Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, agrees that the Agency shall not be liable for, and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by: (A) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the Application or the Project described therein or the tax-exemptions and other assistance requested therein are favorably acted upon by the Agency; (B) the Agency's acquisition, construction, reconstruction, equipping and/or installation of the Project described therein and (C) any further action taken by the Agency with respect to the Project, including without limiting the generality of the foregoing, all cause of action and attorney's fees and any other expenses incurred in defending any suits or action which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to reach final agreement with respect to the Project, then, and in the event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the process of the Application, including attorney's fees, if any.

Name of Applicant Company:	Upstate Pathology Lab Ownership LLC					
Signature of Officer or Authorized Representative:	Buthe					
Name & Title of Officer or Authorized Representative:	John D. Murphy Jr. Manager					
Date:						
STATE OF NEW YORK)						
COUNTY OF ONONDAGA) s:	s.;					
John D. Murphy, Jr. , being first duly sworn, deposes and says:						
	That I am the Manager (Corporate Officer) of Upstate Pathology Lab Ownership LLC (Applicant) and that I am duly authorized on behalf of the Applicant to bind the Applicant.					
**	best of my knowledge and belief, this Application and the contents of this Application					
	. Buthyf					
	(Signature of Officer)					
Subscribed and affirmed to me under penalty perjury this day of 0,2024						
(Notary Public) NOTAE	HAILLEY HIRVELA RY PUBLIC STATE OF NEW YORK CAYUGA COUNTY LIC. #01HI6431050 COMM. EXP. 03/28/2026					

End of Application

APPLICATION OF UPSTATE PATHOLOGY LAB OWNERSHIP, LLC

PROJECT ADDRESS: 6624 FLY ROAD, EAST SYRACUSE, NY 13057 (TOWN OF DEWITT)

SECTION II: PROJECT AND SITE INFORMATION – SUPPLEMENTAL INFORMATION

C) Project Type/End Use: Other

The project consists of the construction of an approximately 109,000 square foot, three story pathology lab building, fully furnished and ready to operate. The building will be occupied by Upstate Medical University's Pathology Department. Currently, Upstate's Pathology Department occupies 55,000 square feet on five floors in three different buildings on the Upstate Medical (downtown Syracuse) campus. The building will contain the following disciplines: Core Laboratory, Microbiology Lab, Histology Laboratory, IHC, Cytology Laboratory, Electron Microscope, Bone Marrow, HEM path, Cytogenetics, Flow Cytometry, Molecular laboratory, Bioinformatics & Digital Pathology, Courier and Drone service area, teaching, conference, and employee support areas. This state-of-the-art facility will accommodate new efficient processing equipment and additional volume, and facilitate employee retention and attract new pathology physicians, technicians, and support personnel. The existing downtown Syracuse Upstate's medical campus spaces that the Pathology Department will be vacating have already been allocated to hospital departments that need additional space. In fact, over half of the existing Pathology space is in the Upstate Cancer Center which requires additional space.

Currently, the Upstate Pathology Department employs approximately 228 people in offices that are on five different floors in three different buildings.

When Upstate Medical moves into its new pathology laboratory, overall employment will initially grow by 25 new jobs to 253, an 11% increase. A small laboratory will remain on Upstate's main downtown Syracuse campus to meet the surgical and critical care needs of its hospital. Of the 228 existing employees, 50 will continue to work in the Downtown Campus, and the remaining 178 employees will move to the new location at Fly Road.

With the additional space and capacity in its new pathology lab facility, Upstate expects volume of work to grow substantially. Upstate also expects that employment will increase in year two by 10 additional jobs, a further increase of 4%, and in year three by 10 additional jobs, a further increase of 4%, resulting in a net increase of 45 jobs over the existing employment number of 228 people.

To further clarify, the new location will experience growth according to the following over three years:

- Fifty (50) of the existing 228 employees will remain at the downtown location. **178 employees** will move to the new location.
- In Year 1, the new location will add 25 jobs;
 178 existing + 25 new = 203 TOTAL
- In Year 2, the new location will add 10 jobs; 203 + 10 new = 213 TOTAL
- In Year 3, the new location will add 10 jobs; 213 + 10 new= 223 GRAND TOTAL at the new location

This new modern facility will be outfitted with state of the art and more efficient lab testing equipment, which will increase the capacity/volume of analysis and employee productivity. In addition, the

Pathology Department will be able to expand its customer base with the additional capacity, and utilize drone technology to more efficiently transport specimens. Likewise, Upstate Medical will benefit from the building's location next to the intersection of Route 90 and soon to be Route 81, which will greatly enhance delivery efficiency. The Pathology Department currently provides professional analysis for specimens, over 50% of which are from requests outside of Onondaga County. The new facility will not only increase the Department's footprint, but will likely increase the capability to provide services to a broader geographic region.

Note that contrary to the normal interpretation of a "medical office building", this facility is a testing and analysis laboratory, not a patient facility. The new facility will be a professional laboratory staffed by medical service employees where specimens are received by Upstate Medical couriers, tested, and the results returned to the requesting physician, hospital or health care system. The new Fly Road facility will not be a public building. Patients will not visit nor frequent the building. Specimens will be delivered to the facility by various couriers, Upstate, other hospitals, labs, physicians, medical practices, and other medical entities. Lab results are then reported back to the prescribing entity.

SECTION II:

D) PROJECT NARRATIVE:

The Project described in this application would not be undertaken but for the financial assistance provided by the Agency. Since the early planning stages for the Project, there have been numerous changes in the financial markets, construction cost and supply chain markets. Construction costs, including both materials and labor have been tracking significantly higher in recent years. Long term interest rates and credit spreads have increased significantly, and supply chain issues continue to be challenging for construction projects. Inflation has also had a significant impact on all cost aspects of the Project, with no predictable end in sight.

During the planning stages for the Project, the prime rate of interest increased from 3.25% in January 2023, to 8.0% today (as of October, 2024). Construction financing for the Project is tied to the prime rate of interest and has added significantly to the project cost and has therefore adversely affected the total cost of the Project.

While the above factors make the Project challenging from a financial predictability perspective, the financial assistance offered by the Agency will significantly and positively impact the project's financial viability.

SECTION II

E) DESCRIPTION OF PROJECT:

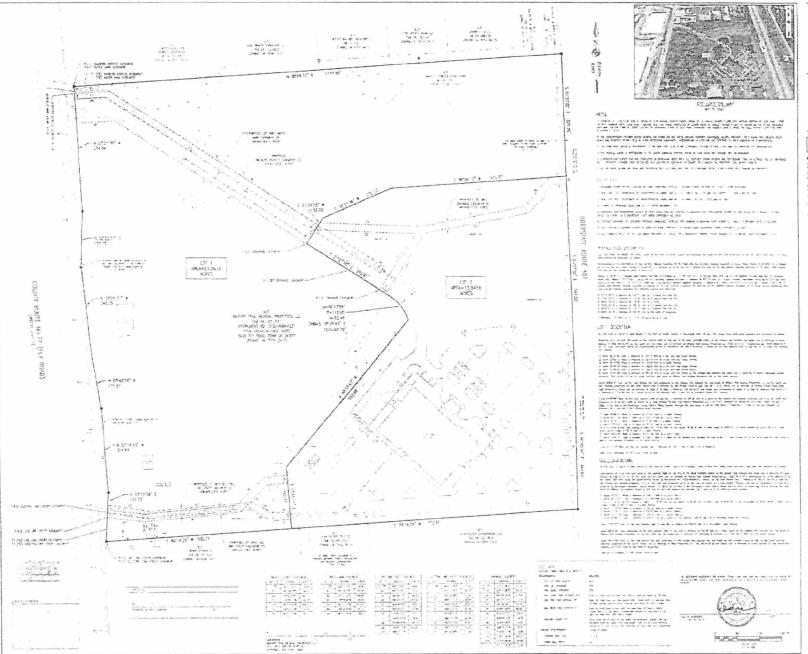
(i) The principals of Upstate Pathology Lab Ownership, LLC have designed, constructed, owned, and managed medical office buildings in Central New York for over 50 years. In particular, the principals developed and managed the North Medical Center, a 400,000 square foot 33-acre medical campus in the Town of Clay, and the 200,000 square foot Northeast Medical Center in Fayetteville, New York. The Project site was acquired in the fall of 2022 and includes the adjacent Upstate Bone & Joint Center- a 100,000 square foot medical office building including an Ambulatory Surgery Center.

- (ii) The Project will be a newly constructed three-story medical laboratory building containing approximately 109,000 square feet. The Project consolidates existing facilities located in three buildings at Upstate Medical University's downtown Syracuse campus. Those facilities will be vacated and backfilled as reported to Applicant by Upstate Medical University as follows: (i) expand existing pharmacy services, (ii) expand existing cancer center, (iii) expand interventional radiology program facility, (iv) expand existing Stat Lab, and (v) increase surgery efficiency with additional space gained. The new building expands the Pathology Department for Upstate Medical University by providing a new state-of-the-art facility. The new building will have one tenant, Upstate Medical University's Pathology Laboratory. Contained in Section 2c is a listing of the various disciplines that will occupy space in the new building.
- (iii) The Project will be situated on a portion of the remaining vacant 23.263 acres on the Upstate Bone & Joint Center site on 6624 Fly Road.
- (iv) The current use of the site is vacant land. The intended use of the land is the proposed Pathology Laboratory and other medical office and related uses.
- (v) The principals own the property, having had it subdivided from the larger parcel at 6620 Fly Road.

SECTION III: FINANCIAL AND EMPLOYMENT INFORMATION

C (2): "If you are relocating, are all employees moving to the new site? • No, explain"

Explanation: An upgraded Stat Lab and necessary medical staff (50) will remain at Upstate Medical University's main campus in downtown Syracuse to meet the immediate needs of Upstate Medical's hospital.



Military Trail Medical Properties LLC

8620 Fly Road East Syracuse, NY 13057

Merola Murphy Properties, LLC

5112 Wast Taft Road Liverpool, NY 13088



Beginner Familians har blue 5 spread ; settings Annexes 5 Summars C P E res this bring board NAP, 278 Epillesia NY 1904

Podemie Vr. 1984 phys. MILPETTS or Section and

W-5-4

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New Addition of the Control of the C

FIRAL PLAN
LANDS IN THE
TOWN OF DENTITY
SECTION MAP 29
BLOCK 2
MILITARY LOT 22

SUB-1

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

August 22, 2024

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 August 22, 2024 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: Nathan Brown, Chairperson

Doug Arena Joe Mueller Kathy Kotz Jenny Ragan

There was a quorum of the members of the Planning Board present. Also present were Lea Baker for the Office of Planning and Zoning, Ilana Cantrell, Director of Planning and Zoning, by Zoom; Doug Miller, Town Engineer by Zoom; Jamie L. Sutphen, Attorney; Nathan Brown 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 August 8, 2024 meeting. The motion was carried with all members voting in favor.

There were two work sessions on August 20th; Upstate Pathology, Fly Rd. and Solvay Bank. There are currently no work sessions scheduled for September 10th.

> Alpha Omega - Phase 2 - PB-752-24 Continuation of a Multi-Phased Project 4751 Ogle Road Tax Map #: 083.-01-07.0 (10 Minutes)

Ed Keplinger, Mike Fogel, Esq. and Rich Ricelli, present for the applicant and made a brief presentation for reapproval. Phase 1 addressed grading and steep slopes and storm water facility. Phase 2 is northwest corner that addresses Steep slopes - Phase 3 is s/w corner steep slopes; Phase 4 is the grading and filling operations. In Phase 1 the grading and filling expected to be completed in 2028; it is approximately 70% completed. Phase 2 grading and filling is 30% complete and expected to extend beyond 2028. There is potential for Route 81 fill; but it will only be "clean" fill. The condition regarding the type of fill per DEC and the 2020 approval will stay in effect.

Mr. Brown made the following motion seconded by Mr. Mueller as follows: By resolution dated August 13, 2020, this Board approved certain grading and filling operations on this site, which included various findings and conditions, including the following condition:

"A Grading and Filling permit shall be issued for period not to exceed four years from the date of issuance, if the project has not been completed with the allowable four years a new permit must be applied for under the same conditions of the Planning Board Approval dated 8/13/2020 except however, any subsequent permit will be issued annually". This Board now approves the continued grading and filling operations on the site as set forth in the August 13, 2020 approval, and as further supported by the Site Plans dated 7/18/2024 and the Site Plan Application dated 7/11/2024, with the following additional modifications:

This is a Type 2 action for SEQRA with the finding that there were no changes since the last permit was issued, and the determination of significance has not changed. The site plan submitted is the same one from 2020 and is a continuation of the same project; no further environmental review is required.

This Board has reviewed the OCPB referral dated August 21, 2024 which offered a modification, which this Board accepts as a condition of this approval.

The grading and filling may continue under all conditions as set forth in the August 13, 2020 approval with the following additional / modified conditions:

- 1. The applicant must reach out to OCDOT to satisfy the modification as set forth in the OCPB referral dated August 21, 2024 as follows: "The applicant must contact the Onondaga County Department of Transportation to discuss anticipated heavy truck traffic, which may have impacts to Jamesville Toll Road and Rock Cut Road and require temporary signage". Trucks are not permitted to travel on Rock Cut Road from the intersection of Ogle Road where there is a posting with an axel weight limit of 5 tons on Rock Cut Road.
- 2. The applicant must return to the Planning Board four (4) years from the date hereof to provide an update of the project and receive approval for an additional four-year period, if all conditions are found to be fulfilled and the site work is progressing satisfactorily. It being the intent that the applicant shall return to the Planning Board every four years for an update report and re-approval.
- 3. A further condition is that the applicant must receive an annual Building Permit from the Department of Planning and Zoning for the grading and filling operations. The Building Permit shall be issued upon administrative review of the Department to assure compliance with the conditions herein and further administrative conditions as may be necessary.
- 4. The time frame for Phase 1 completion is modified from the prior approval to note that Phase 1 is to be completed by 2028, and Phase 2 which has been permitted to commence prior to the completion of Phase 1, will be completed after 2028, at a date to be later determined.
- 5. Except as specifically modified herein, all findings and conditions of the August 13, 2020 approval remain in full force and effect and unmodified.

The motion carried unanimously.

U-Haul- PB-711-23 New Facade Structures 6341 Thompson Road Tax Map #: 033.-04-04.2 (20 Minutes)

Brett Lindsay was present for the applicant. Mr. Brown noted that this has been a long process and the site plan has been reviewed. No one having any comments on the last presented plans, Mr. Mueller made a motion seconded by Ms. Ragan as follows:

Motion to approve the Site Plan last dated 8/2/2024 and the Site Plan Elevations last dated 8/2/2024, with the following findings and conditions:

This is an unlisted action under SEQRA; this Board has reviewed the EAF dated 11/22/2023 and issues a negative SEQRA declaration for the project finding no adverse environmental impacts from the action.

This Board recommended variances with respect to signage for this site by motion dated August 8, 2024. The variances were granted by the Zoning Board Appeals on August 19, 2024. This final site plan, elevations, signage and site circulation have all been carefully considered over a significant period of time with multiple meetings between the applicant and Board and with consideration of the long-standing use as permitted on this Industrial Site, the high visibility of the site on Thompson Road, the nature of the Thompson Road corridor, and the significant public use of this site.

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 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 unanimously.

Mr. Mueller, Mr. Arena and Ms. Ragan joined in the comment that the applicant may do better and obtain faster approvals if they review the regulations and get requirements to this Board before undertaking any further improvements to this site.

Pathology Lab 6620 Fly Road Tax Map # 029.-02-27.1 PB-667-23 (3 minutes)

The matter is before the Board for the purpose of SEQRA lead agency determination. Mr. Brown made a motion, seconded by Ms. Kotz, to declare this a Type 1 Action under SEQRA and to declare the Planning Board of the Town of DeWitt-lead agency for coordinated review.

The motion carried unanimously.

CopperTop Tavern
Improvements to existing restaurant
3220 Eric Blvd.
Tax Map # 045.-05-01.2
PB 754-24
(25 minutes)

Dave Schlosser, Architect, present for the applicant. He presented the concept application. The architecture was shown and discussed. There was a question as to the easement for parking; that has been provided to the Department and will be reviewed. The Site plan was shown. There are 90 spaces now on the site there will still be 90 when done. There are some minor modifications from the previously approved plan for the steak house. The new trash holding area was discussed. Approximately 80 % of existing landscaping to be removed and will be replaced as shown.

There was discussion regarding whether granite or concrete is required in the front/integral sidewalk at the pedestrian building access. Parking lot landscaping was discussed as well as the building finishes. The canopy discussed, as well as photometrics. Height of building discussed; this will be further reviewed. The overall height is 26 feet; but with the one-to-one ratio - this would need a height variance of 8 feet. Parking in the ROW would need permission of State DOT. The Department will reach out to DOT regarding this matter; the drive aisles are existing, although only 19 feet.

Traffic circulation in the front is a concern as appears to be two way, which may not be ideal; options for one will be presented.

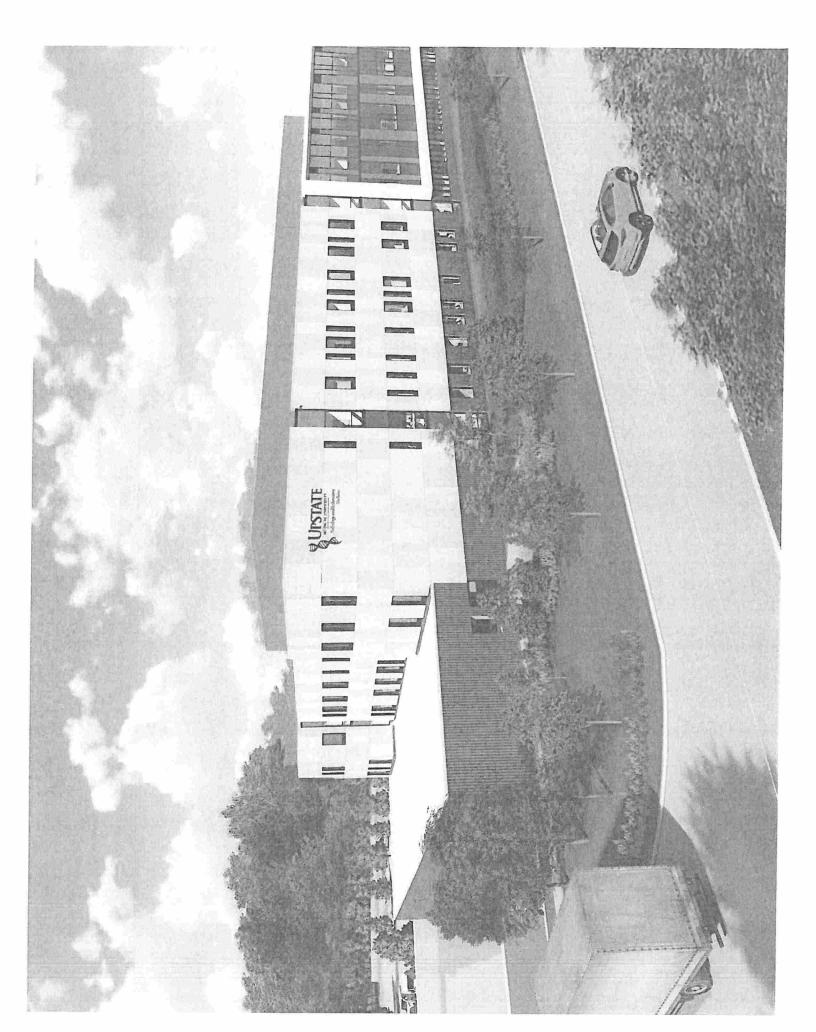
Comments will be delivered to the applicant and a possible work session scheduled. The applicant will look into time frames for the ZBA. The matter was tabled.

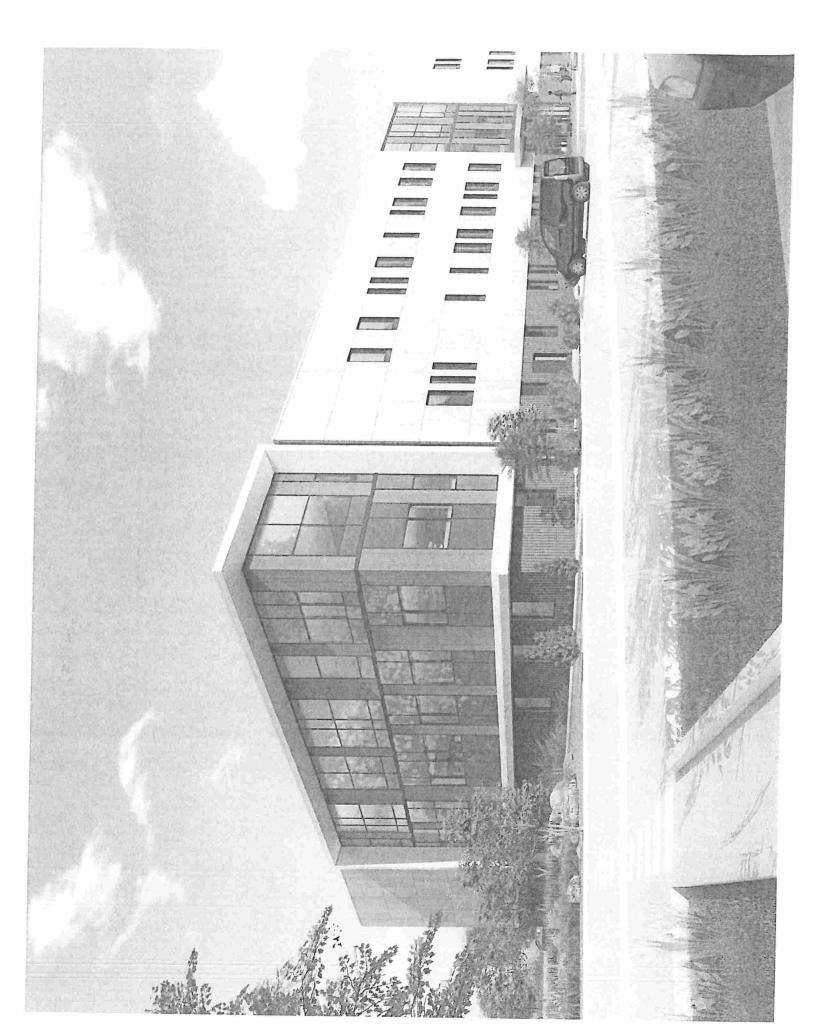
Neivel Plumbing – PB-755-24
Paving Existing Gravel Parking Lot
5841 Butternut Drive
Tax Map #: 053.-03-08.1
(12 Minutes)

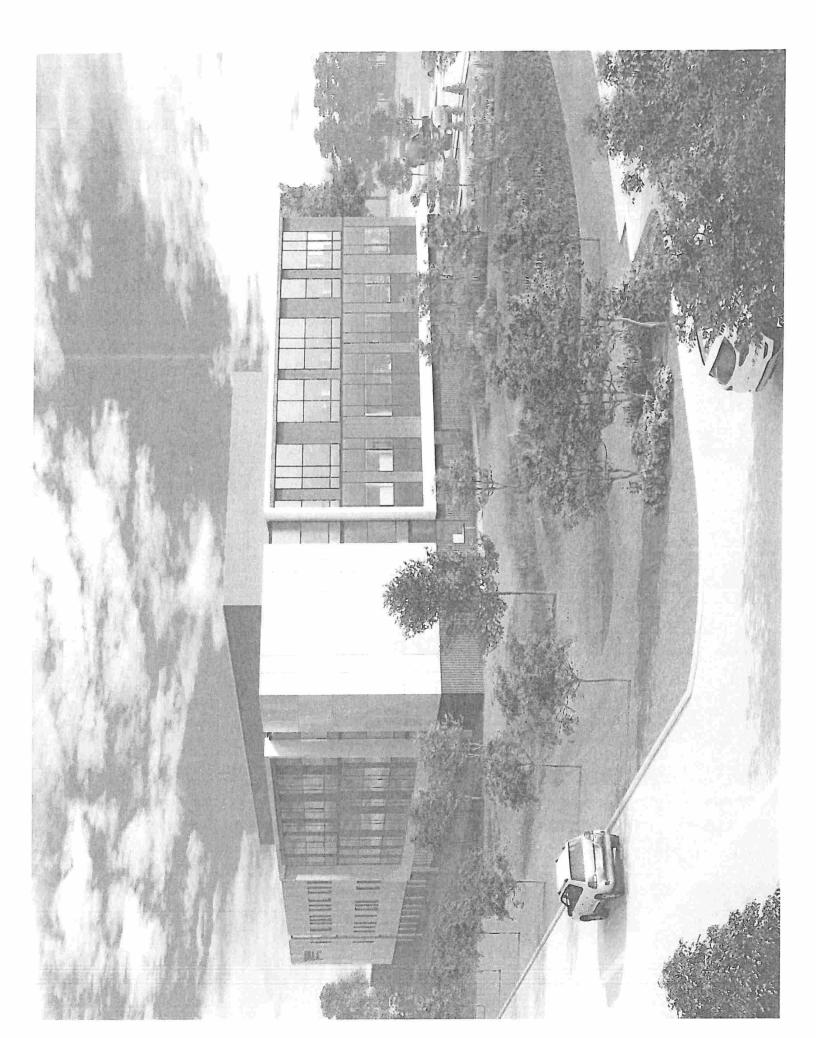
Rod Ives, Napariella Construction, was present for the applicant. Applicant is looking into paving; but does not intend to make modifications to any other part of the site. Looking to pave the gravel. Discussion ensued regarding pervious vs. impervious parts of the site. Parking counts and striping were discussed, as well as the use of the building. Question regarding whether the use is warehouse; the Board would prefer to reduce parking to pull out some of the gravel and return to pervious surface. Other landscaping and buffer matters discussed. Traffic and site circulation discussed. The applicant will take all matters under advisement and the matter was tabled.

Ms. Ragan made a motion seconded by Ms. Kotz to adjourn the meeting and the meeting adjourned at 8:30 pm.

Jamie L. Sutphen, Secretary







Merola Murphy Properties LLC 5112 W Taft Road Suite M

Liverpool, NY 13088 315-452-2003

M&T Bank

1013

Date: 10/17/2024

Memo: Upstate Pathology Project

Pay To The Order Of Onondaga County Industrial Development Agency ***One Thousand Dollars***

\$**1,000.00**

Onondaga County Industrial Development Agency 335 Montgomery St 2nd Floor Syracuse, NY 13202 United States



"001013" 1:0220000461

9877438557#

Merola Murphy Properties LLC V0000447--Onondaga County Industrial Develop Print As: Onondaga County Industrial Development Agency 335 Montgomery St 2nd Floor Syracuse, NY 13202

1013 M&T Bank MMP-7971 8557 Date: 10/17/2024 ount Paid/Applied \$1,000.00 \$1,000.00

Date 10/17/2024 Net Amount:

Amount Due \$1,000.00

Page 1 of 1

Merola Murphy Properties LLC V0000447--Onondaga County Industrial Develop Print As: Onondaga County Industrial Development Agency Date 10/17/2024 Bill # 101724

Reference Number

335 Montgomery St 2nd Floor Syracuse, NY 13202

1013 M&T Bank MMP-7971 8557 Date: 10/17/2024 Amount Paid/Applied \$1,000.00 \$1,000.00 Amount Due \$1,000.00

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 13 SECURITY FEATUR

Merola Murphy Properties LLC 5112 W Taft Road

Suite M Liverpool, NY 13088 315-452-2003

M&T Bank

1012

Date: 10/17/2024

Memo: Upstate Pathology Project

Pay To The Order Of Harris Beach PLLC

Two Thousand Five Hundred Dollars

\$**2,500.00**

Harris Beach PLLC 33 W Washington St Syracuse, NY 13202 United States



"*OO1012" ":022000046"

987743855711

Merola Murphy Properties LLC V0000446--Harris Beach PLLC Print As: Harris Beach PLLC Date 10/17/2024 Net Amount:

Bill # 101724

33 W Washington St Syracuse, NY 13202

Reference Number 1012

1012 M&T Bank MMP-7971 8557 Date: 10/17/2024 Amount Due \$2,500.00

Amount Paid/Applied \$2,500.00 \$2,500.00

Page 1 of 1

Merola Murphy Properties LLC V0000446--Harris Beach PLLC Print As: Harris Beach PLLC

Date 10/17/2024 Bill # 101724 Net Amount:

33 W Washington St Syracuse, NY 13202

Amount Due \$2,500.00

1012 M&T Bank MMP-7971 8557 Date: 10/17/2024 Amount Paid/Applied \$2,500.00 \$2,500.00