

SEQRA RESOLUTION

A regular meeting of the County of Oswego Industrial Development Agency was convened in public session on May 17, 2012, at 9:30 a.m., at 44 West Bridge Street, Oswego, New York.

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

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

ABSENT: None

ALSO PRESENT: Kevin C. Caraccioli, David S. Dano, and L. Michael
Treadwell

The following resolution was duly offered and seconded:

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

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

economic deterioration; and

WHEREAS, Whitewater Commons, Inc., a New York business corporation, or an entity to be formed (the “**Company**”) has requested that the Agency undertake a project (the “**Project**”) consisting of: (A) (i) the acquisition of a leasehold interest in approximately 2.19 acres of real property improved by two buildings commonly known as the Whitewater Building and the Berkley Building, all located at 7 Bridie Square, Oswego, New York, Oswego County (the “**Land**”); (ii) the construction of an approximately 6,270 square foot addition to the Whitewater Building for use as five (5) apartment units and the construction of a 6,264 square foot addition to the Berkley Building for use as three (3) apartment units and office space, each located on the Land (collectively, the “**Facilities**”); and (iii) the acquisition of and installation in the Facilities of various machinery, equipment and furnishings (collectively the “**Equipment**”) (the Land, Facilities and Equipment are hereinafter collectively referred to as the “**Project Facility**”); (B) granting certain financial assistance in the form of exemptions from real property tax, mortgage recording tax, sales and use taxation and a loan from the Agency’s Economic Development Fund in an amount not to exceed \$125,000 (collectively the “**Financial Assistance**”); (C) the appointment of the Company or its designee as an agent of the Agency in connection with the acquisition, construction and equipping of the Project Facility; and (D) the lease of the Project Facility by the Agency pursuant to a lease agreement and the sublease of the Project Facility back to the Company pursuant to a sublease agreement; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“**SEQRA**”), the Agency is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Agency and the approval of the Project and grant of Financial Assistance constitute such an action; and

WHEREAS, to aid the Agency in determining whether the acquisition, construction, and equipping of the Project may have a significant effect upon the environment, the Company has prepared and submitted to the Agency an Environmental Assessment Form (the “**EAF**”), a copy of which is on file in the office of the Agency and is readily accessible to the public; and

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

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

(1) Based upon an examination of the EAF prepared by the Company, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Agency’s knowledge of the area surrounding the Project Facility, all the representations made by the Company in connection with the Project, and such further investigation of the Project and its environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(a) The Project consists of the components described above in the second

WHEREAS clause of this resolution;

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

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

(2) A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

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

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

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

The foregoing resolution was thereupon declared duly adopted.

EXHIBIT “A”

State Environmental Quality Review

SEQR

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Project Number: _____

Date: May 17, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The County of Oswego Industrial Development Agency, as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action: Whitewater Commons, Inc.

SEQR Status: Type 1 ☐
Unlisted ☒

Conditioned Negative Declaration: ☐ Yes
☒ No

Description of Action: The project includes the construction of an approximately 6,270 square foot addition to the Whitewater Building for use as five (5) apartment units and the construction of a 6,264 square foot addition to the Berkley Building for use as three (3) apartment units and office space. The project also involves the issuance of financial assistance in the form of exemptions from real property tax, mortgage recording tax, sales and use taxation and a loan from the Agency's Economic Development Fund in an amount not to exceed \$125,000.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

7 Bridie Square, City of Oswego, County of Oswego, New York

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration)

This determination is based upon an examination of the EAF prepared by the applicant, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Agency's knowledge of the area surrounding the project site, all the representations made by the applicant in connection with the project, and such further investigation of the project and its environmental effects as the Agency has deemed appropriate.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: L. Michael Treadwell, Chief Executive Officer

Address: County of Oswego Industrial Development Agency
44 West Bridge St.
Oswego , New York 13126

Telephone Number: (518) 343-1545

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-1750

Chief Executive Officer

Any person requesting a copy

All involved agencies

Applicant (if any)

Environmental Notice Bulletin, 625 Broadway, Albany, NY 12233-1750