

APPENDIX B

Concept Development Scenarios



DEVELOPMENT SCENARIO - A 50,000 SF LIGHT INDUSTRIAL BUILDING

LAKE ONTARIO INDUSTRIAL PARK
CITY OF OSWEGO, NEW YORK

SITE DATA

Lot Size: 5+/- Acres
Building Size: 50,000 sf
Building Coverage: Approx. 23%
Front Setbacks: 50'
Side Yard Setbacks: 25'
Rear Yard Setbacks: 25'

GRID
NORTH





DEVELOPMENT SCENARIO - B

20,000 SF LIGHT INDUSTRIAL BUILDING

LAKE ONTARIO INDUSTRIAL PARK
CITY OF OSWEGO, NEW YORK

SITE DATA

Lot Size: 5+/- Acres
Building Size: 20,000 sf
Building Coverage: Approx. 10%
Front Setbacks: 50'
Side Yard Setbacks: 25'
Rear Yard Setbacks: 25'



APPENDIX C


Boring Test Data

Client <u>BARTON AND LOGIUDICE</u> <hr/> Project <u>ONTARIO INDUSTRIAL PARK</u> <u>SITE ASSESSMENT</u> Location <u>OSWEGO NY</u> <hr/>	 LYON DRILLING CO. BORING LOG	Boring No. <u>B2</u> Project No. _____ Sheet <u>1</u> of <u>1</u> Date Started <u>09/05/12</u> Date Completed <u>09/05/12</u> Driller <u>HARRY</u>
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Drill Rig <u>TRUCK MOUNTED CME 55</u> Casing <u>3.25" ID HOLLOW STEM AUGERS</u> Casing Hammer: Wt. _____ lb. Fall _____ in. Soil Sampler <u>2" SPLIT SPOON</u> Sample Hammer: Wt. <u>140</u> lb. Fall <u>30</u> in. Rock Sampler: _____ Other: _____ Weather Conditions: _____	Boring Location <u>AS STAKED, BY CLIENT</u> <hr/> Surface Elevation _____ <div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black;">Ground Water Observations</div> <table style="width:100%; border-collapse: collapse;"> <tr> <th style="width:15%;">Date</th> <th style="width:15%;">Time</th> <th style="width:15%;">Casing at</th> <th style="width:15%;">Hole at</th> <th style="width:15%;">Water at</th> </tr> <tr> <td>09/05/12</td> <td>10:55 AM</td> <td>28.5</td> <td>25.4</td> <td>DRY</td> </tr> <tr> <td>09/05/12</td> <td>11:10 AM</td> <td>OUT</td> <td>18.6</td> <td>DRY</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>	Date	Time	Casing at	Hole at	Water at	09/05/12	10:55 AM	28.5	25.4	DRY	09/05/12	11:10 AM	OUT	18.6	DRY															
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09/05/12	10:55 AM	28.5	25.4	DRY																											
09/05/12	11:10 AM	OUT	18.6	DRY																											

Depth	Sample Number	Sample Depth		Sample Type	SOIL					RQD	Sample Recovery	MATERIAL DESCRIPTION	Depth of Change	REMARKS	
		From (Ft)	To (Ft)		Blows on Sampler				Rock Recovery						
					0/0.5'	0.5/1.0'	1.0/1.5'	1.5/2.0'	Ft.						%
	1	0.0	2.0	S	2	5	7	12	12		1.3	TOPSOIL	5'	AUGERS ADVANCED TO 25.0'	
	2	2.0	4.0	S	11	14	14	18	28		1.2	MOIST BROWN FIRM FINE SAND, LITTLE MEDIUM TO COURSE SAND, TRACE FINE GRAVEL	1.5'		
5	3	4.0	6.0	S	10	21	31	44	52		1.7	MOIST BROWN COMPACT LAMINATED FINE SAND, SOME MEDIUM TO COURSE SAND AND FINE GRAVEL	2.4'		
	4	6.0	7.3	S	21	42	50/3				1.0	MOIST BROWN FINE SAND, LITTLE MEDIUM TO COURSE SAND, , TRACE FINE GRAVEL WITH OCCASIONAL COBBLES	4.6'		
10	5	8.0	9.7	S	18	49	50/2				1.0	MOIST BROWN HIGHLY COMPACT FINE SAND, LITTLE EMBEDDED MEDIUM TO COURSE SAND AND FINE GRAVEL WITH OCCASIONAL COBBLES	10.2'		
	6	10.0	10.8	S	37	50/3					0.5	MOIST GREY LAMINATED HIGHLY COMPACT FINE SAND, LITTLE EMBEDDED MEDIUM TO COURSE SAND AND FINE GRAVEL, TRACE EMBEDDED SUB ANGULAR SHALE FRAGMENTS (TILL LIKE MATERIAL)			
15	7	12.0	12.9	S	25	50/4					0.4				
	8	14.0	14.9	S	31	50/4					0.6				
	9	16.0	16.9	S	25	50/4					NR				
20	10	18.0	18.2	S	50/2						NR				
	11	20.0	21.3	S	28	33	50/3				.7'				
	12	22.0	22.4	S	50/4						.4'				
25	13	24.0	25.4	S	28	36	50/4				.2'	WET GREY FINE SAND	24.5'		
												BORING TERMINATED AT 25.0'			
30															
35															
40															
45															
50															

7426 SHACKHAM ROAD TULLY, N.Y.
PHONE (607)842-6580

Client <u>BARTON AND LOGUIDICE</u>		 <div style="text-align: center;"> LYON DRILLING CO. BORING LOG </div>	Boring No. <u>B3</u>
Project <u>ONTARIO INDUSTRIAL PARK</u>			Project No. _____
SITE ASSESSMENT			Sheet <u>1</u> of <u>1</u>
Location <u>OSWEGO NY</u>			Date Started <u>09/05/12</u>
			Date Completed <u>09/05/12</u>
			Driller <u>HARRY</u>

Drill Rig <u>CME 55</u>		Boring Location <u>AS STAKED, BY CLIENT</u>	
Casing <u>3.25" ID HOLLOW STEM AUGERS</u>		Surface Elevation _____	
Casing Hammer: Wt. _____ lb. Fall _____ in.		Ground Water Observations	
Soil Sampler <u>2" SPLIT SPOON</u>		Date	Time
Sample Hammer: Wt. <u>140</u> lb. Fall <u>30</u> in.		<u>09/05/12</u>	<u>4:15 PM</u>
Rock Sampler: _____		<u>09/05/12</u>	<u>5:45 PM</u>
Other: _____			
Weather Conditions: _____			

Depth	Sample Number	Sample Depth		Sample Type	SOIL				N	Sample Recovery	MATERIAL DESCRIPTION	REMARKS
		From (Ft)	To (Ft)		Blows on Sampler							
					0/0.5'	0.5/1.0'	1.0/1.5'	1.5/2.0'				
		Ft.	%			RQD						
	1	0.0	2.0	S	7	10	7	3	17	1.2	MOIST BROWN FINE TO COURSE SAND AND FINE GRAVEL	1.6'
	2	2.0	4.0	S	4	5	5	7	10	1.1	MOIST BROWN FINE SAND, LITTLE SILT, TRACE MEDIUM TO COURSE SAND	2.7'
5	3	4.0	6.0	S	1	3	13	16	16	1..3	WET BROWN SILT AND FINE SAND, LITTLE MEDIUM TO COURSE SAND AND FINE GRAVEL	5.0'
	4	6.0	8.0	S	17	19	20	29	39	1.7	WET BROWN FINE SAND, LITTLE MEDIUM TO COUF SAND, TRACE FINE GRAVEL	8.2'
	5	8.0	10.0	S	18	25	22	20	47	1.7	MOIST GREY LAMINATED FINE SAND, LITTLE MEDIL SAND TO FINE GRAVEL	9.0'
10	6	10.0	12.0	S	14	16	16	29	32	1.4	WET BROWN COMPACT FINE SAND, LITTLE MEDIU TO COURSE SAND AND FINE GRAVEL	10.4'
	7	12.0	14.0	S	10	21	25	26	46	1.5	SATURATED BROWN FINE TO COURSE SAND, SOM FINE GRAVEL	14.0'
15	8	14.0	14.8	S	36	50/3				0.5	MOIST BROWN LAMINATED HIGHLY COMPACT FINE SAND, LITTLE MEDIUM TO COURSE SAND, TRACE FINE GRAVEL	15.2'
	9	16.0	16.3	S	50/3					0.6	GRADES TO MOIST GREY HIGHLY COMPACT FINE SAND, LITTLE EMBEDDED MEDIUM TO COURSE SAN	
20	10	18.0	18.7	S	40	50/2				0.2	TRACE FINE GRAVEL AND SUB ANGULAR SHALE FRAGMENTS	
	11	20.0	20.2	S	50/2					0.3		
	12	22.0	22.3	S	50/3							
25											WET GREY FINE SAND, LITTLE MEDIUM TO COURS SAND, TRACE FINE GRAVEL	23.0'
											BORING TERMINATED AT 25.0'	
30												
35												
40												
45												
50												

Client <u>BARTON AND LOGIUDICE</u>		 LYON DRILLING CO. BORING LOG	Boring No. <u>B4</u>	
Project <u>ONTARIO INDUSTRIAL PARK</u> SITE ASSESMENT			Project No. _____ Sheet <u>1</u> of <u>1</u>	
Location <u>OSWEGO NY</u>			Date Started <u>09/05/12</u> Date Completed <u>09/05/12</u>	
			Driller <u>HARRY</u>	

Drill Rig <u>CME 55</u> Casing <u>3.25" ID HOLLOW STEM AUGERS</u> Casing Hammer: Wt. _____ lb. Fall _____ in. Soil Sampler <u>2" SPLIT SPOON</u> Sample Hammer: Wt. <u>140</u> lb. Fall <u>30</u> in. Rock Sampler: _____ Other: _____ Weather Conditions: _____		Boring Location <u>AS STAKED, BY CLIENT</u> Surface Elevation _____ <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="5">Ground Water Observations</th> </tr> <tr> <th>Date</th> <th>Time</th> <th>Casing at</th> <th>Hole at</th> <th>Water at</th> </tr> <tr> <td>09/05/12</td> <td>8:50 PM</td> <td>22.5</td> <td>24.7</td> <td>12.8</td> </tr> <tr> <td>09/05/12</td> <td>9:20 PM</td> <td>OUT</td> <td>20.5</td> <td>13.3</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>		Ground Water Observations					Date	Time	Casing at	Hole at	Water at	09/05/12	8:50 PM	22.5	24.7	12.8	09/05/12	9:20 PM	OUT	20.5	13.3															
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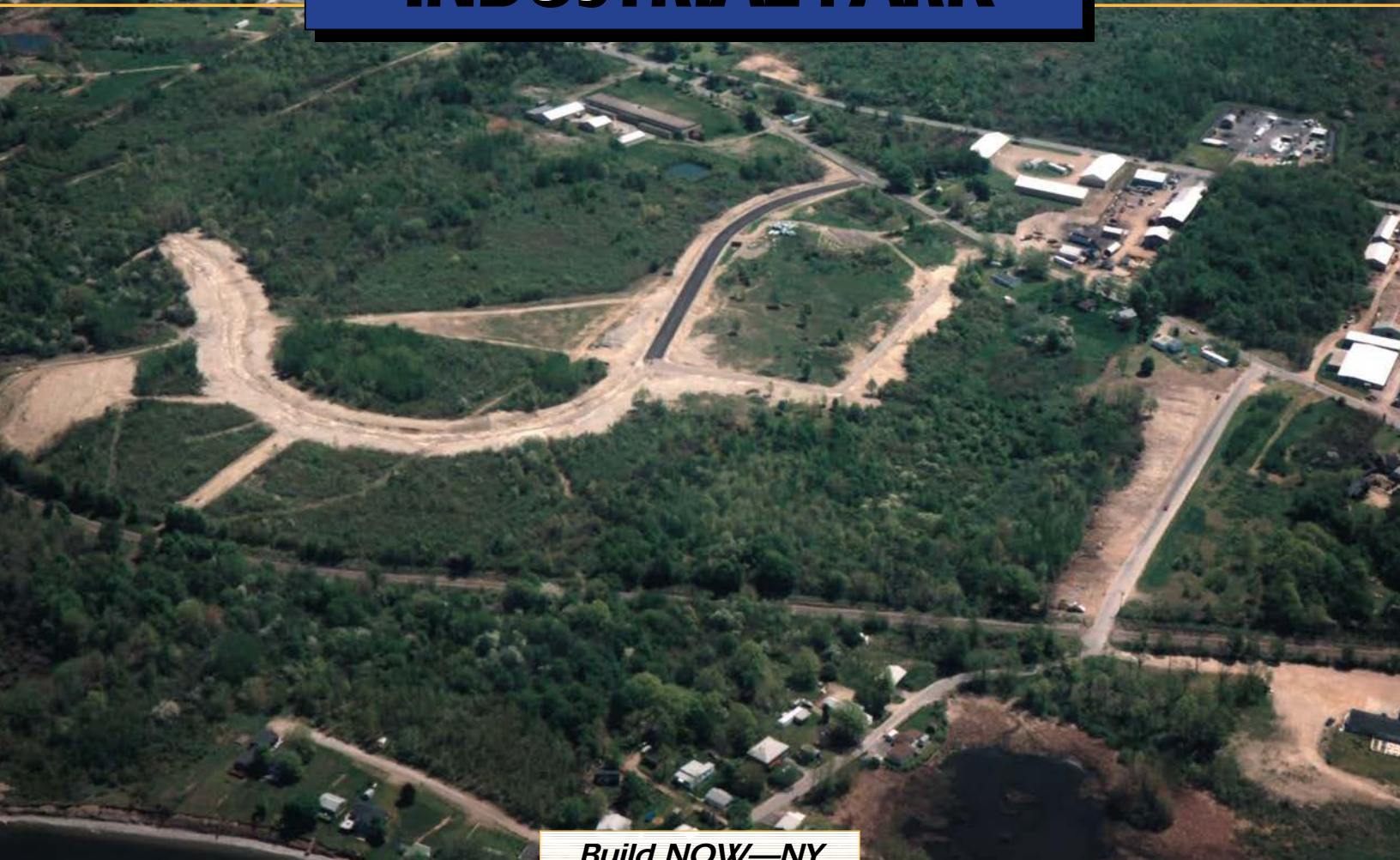
Depth	Sample Number	Sample Depth		Sample Type	SOIL				RQD	Sample Recovery	MATERIAL DESCRIPTION	REMARKS
		From (Ft)	To (Ft)		Blows on Sampler							
					0/0.5'	0.5/1.0'	1.0/1.5'	1.5/2.0'				
				Ft.		%						
	1	0.0	2.0	S	7	16	9	9	25	0.4	MOIST BROWN FINE TO COURSE SAND AND FINE GRAVEL WITH COBBLES, TRACE HAIRLIKE ROOT	1ST ATTEMPT AUGER REFUSAL AT 7.9', RELOCATED 5' SOUTH
	2	2.0	4.0	S	3	5	3	4	8	1.5	FIBERS	
5	3	4.0	6.0	S	9	15	22	25	37	1.6	MOIST BROWN FINE SAND, TRACE MEDIUM SAND WITH COBBLES	
	4	6.0	8.0	S	20	23	33	35	56	0.9	MOIST BROWN FINE SAND, LITTLE MEDIUM TO COURSE SAND, TRACE FINE GRAVEL WITH COBBLES	2ND ATTEMPT: AUGER REFUSAL AT 7.2' RELOCATED 10' NORTH
	5	8.0	9.2	S	18	27	50/2			0.7		
10	6	10.0	10.7	S	47	50/2				0.5		
	7	12.0	12.8	S	35	50/3				0.4	SATURATED BROWN FINE TO COURSE SAND, SOM FINE GRAVEL	AUGERS ADVANCED TO 25.0'
15	8	14.0	14.4	S	50/4					0.2	GRADES TO MOIST BROWN LAMINATED HIGHLY COMPACT FINE SAND, LITTLE EMBEDDED MEDIUM TO COURSE SAND, TRACE FINE GRAVEL	
	9	16.0	16.8	S	42	50/3				0.5	GRADES TO MOIST GREY LAMINATED HIGHLY COMPACT FINE FINE SAND, LITTLE EMBEDDED	
	10	18.0	18.7	S	48	50/2				0.4	MEDIUM TO COURSE SAND TRACE FINE GRAVEL AND SUB ANGULAR SHALE FRAGMENTS	
20	11	20.0	20.7	S	37	50/2				0.5		
	12	22.0	22.4	S	50/4					0.3		
25	13	24.0	24.7	S	38	50/2				0.5	WET GREY HIGHLY COMPACT FINE SAND, LITTLE MEDIUM TO COURSE SAND, TRACE FINE GRAVEL	BORING TERMINATED AT 25.0'
30												
35												
40												
45												
50												

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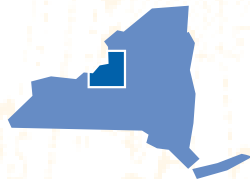
APPENDIX D

Supporting Documentation

LAKE ONTARIO INDUSTRIAL PARK



***Build NOW—NY
& Empire Zone Sites***
Oswego, New York



Operation Oswego County

*An Economic and Job Development Corporation
Serving Oswego County, NY*

Site Specifications

This is Oswego County's newest full service industrial park. It is located within the City of Oswego, has 2,500 feet of park road and is fully-equipped with municipal water, sewer and storm sewer. Lots are available from 1.5 acres up. This park is located near Lake Ontario in the Oswego Empire Zone. A Wetland Preserve separates the Industrial Park from the shoreline.

Lot prices between \$15,000 & \$25,000/acre

Location

- Northeast corner of the City of Oswego
- Located on Mitchell Street at intersection with County Route 1

Land

- 57 acres gently sloping toward Lake Ontario; gravelly, fine sandy loam soil

Zoning

- Industrial

Highways

- NYS 104 - 1 mile
- I-81 - 19 miles
- NYS 481 - 2 miles
- I-90 - 38 miles

Airport

- 12 miles to Oswego County Airport
- 35 miles to Syracuse International Airport

Port

- 1 mile to Port of Oswego

Rail

- CSX
- 1200 feet through the site

Water

- 8" main (City of Oswego)
- Over 20 million gallons/day capacity

Fiber Optics

- Available

Sewer

- 12" main
- Over 2 million gallons/day of excess sewage treatment capacity (City of Oswego)

Gas

- 8" main (Niagara Mohawk Power Corporation)

Electricity

- 13.2 KV (Niagara Mohawk Power Corp.)

Corporate Neighbors

Alcan Aluminum Corp.

Eagle Beverage Co.

Great Lakes Veneer

Indeck Energy

Industrial Precision

International Paper

Lagoes Oswego Corporation

Lakeshore Transportation

Entergy Nuclear Northeast

Metal Transportation Systems, Inc.

NRG Oswego Generating Station

Niagara Mohawk Power Corporation

Oswego State University

Oswego Warehousing Inc.

Oswego Wire

Sithe Energies

Wiltsie Construction

EZ Benefits

Empire Zone Benefits

Once your business is certified and located in the *Oswego Empire Zone*, you'll be eligible for a host of benefits designed to create the best climate possible for your company's profitability and growth.

Low-Cost Water

- Free City Water for Three Years
- Very low water rates for business

Electrical Discounts

New and expanding customers in an EZ can receive up to 10 years of significant electrical discounts from Niagara Mohawk.

Gas Discounts

Available from Niagara Mohawk, gas discounts for new and existing customers who increase their usage by a specific amount depending on their Service Classification.

Investment Tax Credits (ITC)

Available to manufacturers investing in production property, industrial waste treatment facilities, air pollution control facilities, or research and development property.

10% ITC for corporations
8% ITC for individuals

Employment Incentive Credit (EIC)

Available to businesses who have received the EZ ITC and have increased employment (must be 101% of the average number of employees in the year before the ITC was claimed).

30% of the EZ ITC for up to 3 consecutive years

Wage Tax Credit (WTC)

Available to businesses which hire new employees. Credit is for a five-year term, beginning with the first tax year in which EZ wages are paid.

\$3,000 for targeted employees
\$1,500 for all other employees

WTC and ITC Refunds

Available to new businesses in New York State and eligible for WTC and/or ITC.

50% Cash Refund of Eligible WTC and/or ITC

Expanded Empire Zone Benefits

Effective January 1, 2001, New York State placed into effect three new incentives available to EZ businesses. In order to be eligible for these additional benefits, a company must satisfy, on an annual basis, an "Employment Test" demonstrating that the company has maintained or gained employment. The "Employment Test" must be met for all the company's locations within New York State designated EZs as well as at all the company's locations in the State located outside EZs.

Tax Reduction Tax Credit

This credit is applied against New York State business corporate taxes, personal income taxes, banking corporation taxes or insurance corporation taxes. The credit is computed by a formula based on the number of jobs created, the company's assets and wages and compensation in the EZ and in the state, and the income taxes owed. This credit is available for a 14-year period on a sliding scale formula.

The Tax Reduction Tax Credit may reduce the company's tax liability to zero.

Real Property Tax Credit

The credit is applied against New York State business corporate taxes, personal income taxes, banking corporation taxes or insurance corporation taxes. The credit is computed by a formula based on the number of jobs created and the real property taxes paid on business property in the EZ. This credit is available for a 14-year period on a sliding scale formula. Unused credits may be obtained as a cash refund for the year in which they were earned.

Sales Tax Exemption

An eligible business can receive an exemption from the 4% New York State sales and use taxes for tangible personal property and services sold to a qualified business. The exemption is available for a 10-year period as long as the business meets or exceeds its "Employment Test."

EZ Benefits

Local Financing Benefits

Includes assistance in accessing attractive, competitive-cost financing from:

- **County of Oswego Industrial Development Agency (IDA)**
Tax Exempt and Taxable Bond Financing, Incentive Packages, and Direct Revolving Loan Financing
- **City of Oswego Community Development Office Financing Programs**
- **SBA 504 Fixed-Asset Financing Available through Operation Oswego County, Inc.**
- **Conventional Bank Financing from Business-Friendly Area Banks**
- **Empire State Development Financing Programs**
- **COMCO/Central New York Enterprise Development Corp. Loans**
- **Federal (HUD) and Other Governmental Assistance Programs**

Other EZ Benefits

Preferential treatment for NYS-sponsored programs

Preferential treatment for local lending programs

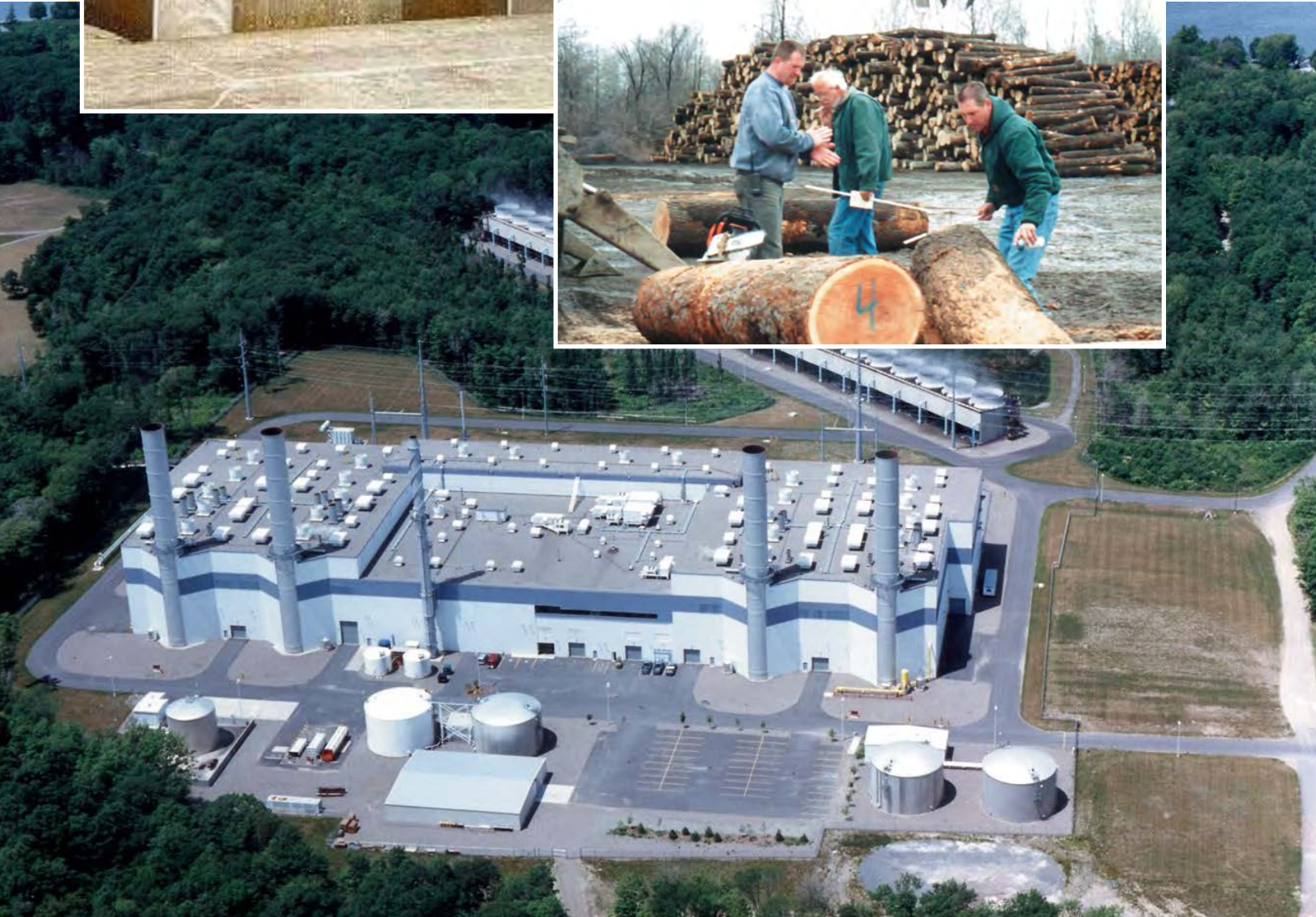
Priority status for both licensing and coordinating with all NYS regulatory agencies

Special employee training assistance programs

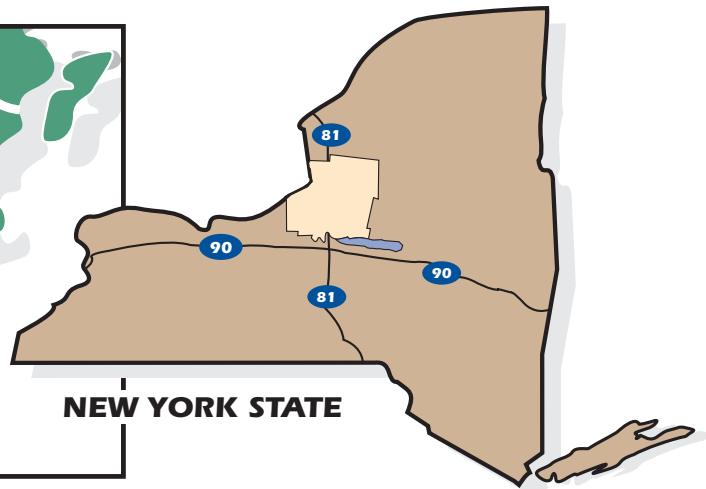
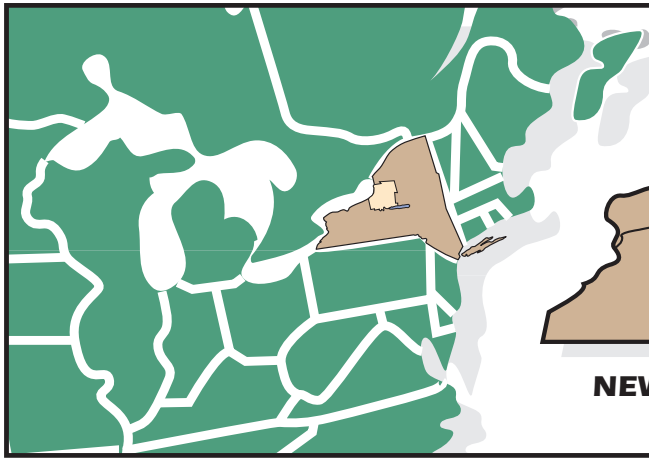
Build Now—NY “Shovel-Ready” Sites

Lots from 1.5 acres in the Lake Ontario Industrial Park have been designated by the State of New York as **Build Now—NY** development sites. This new program by the state, developed locally in the Oswego Empire Zone with the cooperation of the County and City of Oswego, is part of the inventory of high-potential locations within New York. These sites in the Lake Ontario Industrial Park have been cleared and developed for fast-track company projects. These “shovel-ready” sites are prepermitted for building and expansion. Operation Oswego County, the City of Oswego Community Development Office and Empire State Development experts work as a team ready to assist you in exploring the many options available at these new shovel-ready sites, saving you valuable time and money.

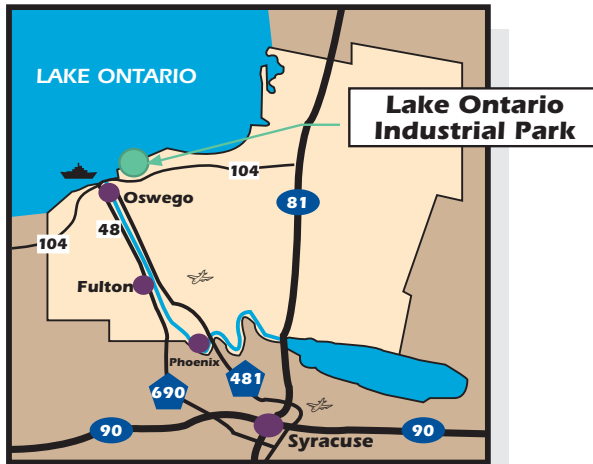




NORTHEAST U.S.



NEW YORK STATE



OSWEGO COUNTY



Lake Ontario Industrial Park



Operation Oswego County

*An Economic and Job Development Corporation
Serving Oswego County, NY*

L. Michael Treadwell, CEcD
Executive Director

OPERATION OSWEGO COUNTY, INC.

44 West Bridge Street
Oswego, NY 13126

Ph: 315-343-1545
Fax: 315-343-1546

email: oon@oswegocounty.org
www.oswegocounty.org



David R. Turner, Director

CITY OF OSWEGO
Community Development Office

Conway Municipal Center
Oswego, NY 13126

Ph: 315-343-3452
Fax: 315-343-8231

www.shovelready.com/oswego
dturner@oswegony.org

Build Now-NY



**ARTICLE XI
IN Industrial District**

§ 280-38. Permitted uses.

The following uses are permitted in the IN Industrial District:

- A. Enclosed manufacturing industries.
- B. Enclosed warehouse or wholesale use.
- C. Public utility facilities.
- D. Enclosed service and repair.
- E. Enclosed industrial processes and services.
- F. Machinery and transportation equipment; sales, service and repair.
- G. Freight or trucking terminals.
- H. Gasoline stations and car washes.
- I. Animal hospitals.
- J. Garages.
- K. Parking.
- L. Accessory uses.
- M. Certain nonconforming residential uses pursuant to § 280-31. [Amended 7-10-1995]
- N. Permitted adult businesses as set forth in §280-80.3D and fully in compliance with §280-80.3D and §280-40 (Bulk requirements; supplementary regulations, for IN Industrial District) shall be allowed only in the AO-IN Adult Overlay of the Industrial District. [Added 10-22-2001]

§ 280-39. Special permit uses.

The following uses are permitted in the IN Industrial District after issuance of a special permit:

- A. Open storage yards.
- B. Outdoor drive-in theaters.
- C. Retail stores.
- D. Quarries, excavation and earthmoving.
- E. Other industrial and commercial uses upon the finding that such use is compatible with those permitted and which will not be detrimental to other uses within the district or to adjoining land uses.

F. Commercial marinas, mooring slips and private marina yacht clubs. [Added 4-14-1986]

§ 280-40. Bulk requirements; supplementary regulations.

A. Area, yard, coverage and height. In any IN Industrial District, area, yard, coverage and height requirements shall be as follows: [Amended 9-8-1980]

Minimum district area	25 acres
Minimum lot area	10,000 square feet
Minimum lot width	100 feet
Minimum yards:	
Front	25 feet
Rear	12 feet; 50 feet when abutting residential districts
Side	12 feet, 50 feet when abutting residential districts
Maximum coverage	35%

B. Supplementary regulations shall be as set forth in Article XVII hereof.

C. Site plan approval shall be required.

ARTICLE XIA
AO-IN Adult Overlay of the Industrial District
[Added 10-22-2001]

§ 280-40.1. Purpose.

A. The AO-IN Adult Overlay of the Industrial District is intended to address the purpose and findings set forth in § 280-80.3 of this chapter.

B. The AO-IN Adult Overlay of the Industrial District may be overlaid upon any part or all of any Industrial District established pursuant to this chapter which is found to be appropriate for such treatment, pursuant to the procedure for amendment of the Zoning Map in accordance with Article XXI, Amendments, of this chapter.

§ 280-40.2. Overlay district.

The AO-IN Adult Overlay of the Industrial District shall be mapped upon the Zoning Map only in conjunction with the underlying IN Industrial District. Any lot in the AO-IN Adult Overlay of the Industrial District may continue to be used in accordance with the regulations applicable in the underlying district in the same manner as though the AO-IN Adult Overlay of the Industrial District did not exist.

LIBER 1110
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COVENANTS AND RESTRICTIONS

FOR THE

OSWEGO COUNTY LAKE ONTARIO INDUSTRIAL PARK

Located in the City of Oswego,

County of Oswego, State of New York.

This declaration, made this 16th day of January 1990, by the County of Oswego Industrial Development Agency, hereinafter called "The Owner",

WITNESSETH:

WHEREAS, the owner is the owner of real property described in Clause I of this declaration; and

WHEREAS, the owner is desirous of subjecting the real property described in Clause I to the conditions, covenants, easements, restrictions and reservations hereinafter set forth, each and all of which is and are for the benefit of said property, and for each owner thereof, for the benefit of all other properties which may be included in the Oswego County Lake Ontario Industrial Park as hereinafter described, and for each owner thereof, as is more particularly set forth in Clause II;

NOW, THEREFORE, the owner hereby declares that the real property described and referred to in Clause I hereof is and shall be held, transferred, sold, conveyed, leased, subleased and occupied subject to the conditions, covenants, easements, restrictions and reservations hereinafter set forth, which shall be binding upon the purchaser or purchasers of any of said lots,

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blocks, parcels or lands, and his or their heirs, assigns, successors, devisees, executors and administrators.

CLAUSE I

PROPERTY SUBJECT TO THIS DECLARATION

The real property being developed and known as The Oswego County Lake Ontario Industrial Park, which is now and shall be held, transferred, leased, subleased and occupied subject to the conditions, covenants, easements, restrictions and reservations set forth herein is wholly located in the City of Oswego, County of Oswego, State of New York, and is more particularly described as follows, to wit:

ALL THAT TRACT OR PARCEL OF LAND, SITUATE IN THE second Ward of the City of Oswego, County of Oswego, State of New York, beginning at an iron pin in the North street line of Mitchell Street at the Southeast corner of David and Judy Longley as recorded in the Oswego County Clerk's Office in Book 712 of Deeds at Page 294; which point is N. 37 degrees 35' West 28.79 feet from a point in the centerline of Mitchell Street; which point in turn is Westerly 1478.76 feet along the centerline of Mitchell Street from the intersection of the centerline of East Seneca Street and running thence North 37 degrees 35' West 171.21 feet along the East line of said Longley to a point being Longley's Northeast corner; thence South 78 degrees 56' 54" West 100.0 feet along the North line of said Longley to a point in the East line of Maxwell B. and Mildred Hull as recorded in Book 505 of Deeds at Page 269; thence North 37 degrees 35' West 1,240.82 feet to a point on the South line of the Penn Central Railroad; thence North 31 degrees 22' 6" East along the South line of the Penn Central Railroad, a distance of 554.35 feet to a point; thence continuing along the Southerly line of the Penn Central Railroad Company as it curves to the right, said curvature having a radius of 1,392.69 feet a distance of 789.98 feet to a point; thence North 63 degrees 52' 06" East along the Southerly line of the Penn Central Railroad right-of-way 380.44 feet to a point marked by an iron pipe; thence South 37 degrees 42' 38" East along the East line of Lot 35, a distance of 1,240.85 feet to a point marked by an iron pipe; thence South 52

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CLAUSE III
LAND TO BUILDING RATIOS, MINIMUM LOT SIZE, FRONTAGE, BUILDING
SETBACKS, HEIGHT LIMITATIONS, AND MINIMUM YARD DIMENSIONS

To provide adequate land area for offstreet parking, loading, other service areas, outside storage and potential expansion facilities, the following standards shall apply to all lots and parcels in the Industrial Park:

- (1) Minimum lot size - 65,340 square feet, 1.5 acres.
- (2) Minimum land to building ratio - 2 to 1.* (33% coverage)
- (3) Maximum land to building ratio - 9 to 1.* (10% coverage)
- (4) Maximum height of building - 40 feet
- (5) Minimum frontage - 100 feet
- (6) Minimum front setback - 50 feet**
- (7) Minimum side setback - 25 feet**
- (8) Minimum rear setback - 25 feet**

*The area for the ration of lot coverage will be computed from the out-to-out dimensions of the foundations. Porches, platforms, balconies, etc., would be excluded. Enclosed areas and accessory buildings such as pump houses, sheds and garages would be included. These enclosed areas will be computed from the out-to-out dimensions of the walls or fences or the center line of screen planting.

**The minimum setback dimensions are from property lines to building lines. The building line is defined as the outer face of wall enclosing the building or supporting the roof. Gutters, cornices, roof overhangs, steps, platforms, open porches and balconies projecting not more than 16 feet are permissible.

CLAUSE IV
LANDSCAPING AND OUTSIDE STORAGE

All ground within the setback areas, with the exception of walks and driveways, shall be appropriately landscaped and scrubbed.

All storage of bulk materials such as coal, wood, pulp, etc., shall be completely within a building or other space completely enclosed with a solid wall at least 12 feet in height. Other outside storage of materials (either raw or manufactured), equipment, drums, transformers, etc., shall be adequately screened from public view.

Any fences, walls or plantings used for screening purposes shall be located not less than 50 feet from any property line

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degrees 17' 22" West a distance of 1,000 feet to an iron pipe; thence South 37 degrees 42' 38" East, a distance of 777 feet to the centerline of Mitchell Street; thence South 83 degrees 08' 13" West along the centerline of Mitchell Street, a distance of 676.94 feet to a point; thence North 37 degrees 35' West a distance of 28.79 feet to the point of beginning on the North street line of Mitchell Street.

INTENDING TO DESCRIBE AND CONVEY, the same properties as shown on a survey by Russell L. Getman, Licensed Land Surveyor No. LS49298, survey completed the 27th day of February, 1989 and signed by Russell L. Getman the 28th day of February, 1989, said survey to be recorded in the Oswego County Clerk's Office of even date herewith and attached hereto as Schedule "A".

CLAUSE II

GENERAL PURPOSES OF CONDITIONS

The real property described in Clause I hereof is subject to the conditions, covenants, easements, restrictions and reservations hereby declared to insure proper use and appropriate development and improvement of the said premises; to encourage the erection of attractive improvements thereon with appropriate locations thereof on building sites; to secure and maintain off-street vehicle storage and circulation such as the building site and use thereon shall generate; to secure and maintain proper setbacks from rights-of-way and contiguous property, and in general, to provide adequately for a high-type and quality of industrial and commercial improvement and use of said property. Provided, however, that no portion of the said real property shall be used for retail sales unless such sales are purely incidental to an industrial or commercial development of the property.

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facing any street and not less than five feet from abutting property.

CLAUSE V

PARKING, LOADING AND OTHER SERVICE AREAS

All roads, drives, parking areas and outdoor storage areas shall be paved with asphalt or concrete.

Where only the minimum setback has been used between the road and the building, all parking shall be located at the sides or rear of the building. Where more than 50 feet has been allowed, neat development of executive-visitor parking is permissible.

Parking areas shall be adequately screened by appropriate planting, landscaping, solid wall or appropriate fence.

CLAUSE VI

BUILDING MATERIALS

Building design, materials and workmanship shall be appropriate to the building function. Buildings shall be as simple and restrained as feasible and shall have a pleasing visual contribution to the surrounding environment.

(a) INTERIORS. Building interiors shall be constructed of metal framing used in combination with either masonry, stone, cement and other non-combustible materials. If wood is used for non-framing components, it should meet the most recently issued codes, rules and regulations of the State of New York, using fire proof/retardant wood where necessary. Non-required sprinklers should be looked upon as desirable, especially if the manufacturing process used presents a medium to high hazard of fire.

(b) EXTERIORS. Exterior materials shall be of permanent type and good quality. The following wall materials are acceptable:

- (1) Finished concrete
- (2) Finished masonry or masonry units such as stone veneer, face brick, structural facing tile and ceramic tile.
- (3) Factory assembled metal panel units with painted surfaces
- (4) Suitable glass or plastic materials

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- (5) Factory painted, preformed metal siding and panel systems
- (6) Wood, when used for trim.

CLAUSE VII
SIGN STANDARDS

To minimize detractive effects on building appearance and landscaping resulting from erection of signs, the following standards have been established:

- (1) Signs and lettering shall be simple and dignified in appearance, of size and number appropriate to size and layout of building, and of neat, durable materials and construction.
- (2) Signs may be attached to the face of the building or other freestanding wall or supports, or mounted on porch roof, but shall not project above adjacent cornice of main roof.
- (3) Signs may contain identifying name, business and products of building tenant. No further advertising is permitted.
- (4) No moving parts are permissible
- (5) Illumination, if any, may be internal or external and shall be non-intermittent and of single color.
- (6) Miscellaneous directional and information signs of uniform style not exceeding three (3) square feet will be permitted. Such signs may be mounted on supports of suitable height.

CLAUSE VIII
OBJECTIONABLE USES OF PROPERTY

Any uses or operations which are considered objectionable by the administering agency hereinafter referred to by reason of fire, explosion, radioactivity, electric disturbance, glare, noise, odor, vibration, smoke, liquid or solid wastes or other hazardous nature or cause are prohibited.

CLAUSE IX
MINING, ETC. OPERATIONS

No mining operations of any kind, quarrying or extraction processes shall be permitted upon, or in, any of the building sites

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subject to these covenants.

CLAUSE X
EASEMENTS

Easements for installation and maintenance of utilities, sewerage and drainage facilities may be reserved on any plot plan subdividing the above described premises. Within such easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or sewer lines, or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easement. The easement area of each lot shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

CLAUSE XI
PLAN APPROVAL

In order to achieve an overall compatibility and conformity with all of the provisions of these covenants, all plans pertaining to interior and exterior building design, construction, lot layout, landscaping, signs and the projected use of the premises are to be submitted to the administering agency within a reasonable time prior to implementation. No such implementation shall commence without the prior approval of the administering agency. Plans for any subsequent additions or changes to any of the above shall also be so submitted to the administering agency for its approval which shall be required for implementation of such subsequent additions and alterations.

CLAUSE XII
VARIANCES

Future adjustments and variances may be permitted on

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application to the administering agency if in the judgment of the administering agency such changes are not detrimental to the Industrial Park. Minor adjustments and variances may be initiated by the administering agency if they are deemed beneficial to the park development and are not detrimental to occupants of the park.

CLAUSE XIII

ADMINISTERING AGENCY AND ENFORCEMENT OF COVENANTS

(1) County of Oswego Industrial Development Agency shall be the administering agency provided for in these covenants, and shall have all of the powers and authority granted to such agency.

(2) These conditions, covenants, easements, restrictions and reservations shall become effective on the date when this Instrument is recorded in the Oswego County Clerk's Office.

(3) These conditions, covenants, easements, restrictions and reservations are to run with the land, and shall be binding upon all parties and all persons claiming under them until January 1, 2010, at which time such conditions, covenants, easements, restrictions and reservations shall be automatically extended for successive periods of ten years each unless a majority of the persons and corporations owning property in the Oswego County Lake Ontario Industrial Park shall have agreed to change the conditions, covenants, easements, restrictions and reservations in whole or in part. For the purpose of voting on the questions of such changes, each owner shall have one vote for each acre owned by him.

If any person or persons, (including corporations or other legal entities) shall violate or attempt to violate any of the conditions, covenants, easements, restrictions or reservations herein, it shall be lawful for any other person or persons (including corporations or other legal entities) owning any real property situated in the Oswego County Lake Ontario Industrial Park and/or County of Oswego Industrial Development Agency to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such restriction herein, and either to prevent him or them from so doing or to recover damages

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or other dues for such violation.

The invalidation of any one of these conditions, covenants, easements, restrictions or reservations or any part thereof by judgments or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the owner has hereunto set its hand and seal the day and year first above written.

COUNTY OF OSWEGO INDUSTRIAL DEVELOPMENT AGENCY

Hollis J. Iselin
BY: HOLLIS J. ISELIN, CHAIRMAN

STATE OF NEW YORK)
COUNTY OF OSWEGO) ss.:

On this 16 day of January, 1989, before me personally came Hollis J. Iselin, to me personally known, who, being by me duly sworn did depose and say that he resides in the Town of Phoenix, County of Oswego, New York; that he is the Chairman and which executed the above Instrument; that he knows the seal of said corporation; that the seal affixed to said Instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.

Norman W. Seifer, Jr.
NOTARY PUBLIC

NORMAN W. SEIFER, JR.
Notary Public, State of New York
Qualified in Oswego Co., No. 4512006
Commission Expires April 30, 1992

Oswego Co. Clerks Office
Received
Deed Bk 1110 pg 148
Feb 7 11 59 AM 1990
George J. Williams
Clerk

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NORTH

RAILROAD.

COMPANY

CONRAIL

TOWN	OF	SCRIBA
CITY	OF	OSWEGO

MITCHELL

STREET

EAST SENECA

STREET

11	CHANGED PLANNED SMALL GROVE AND BERRY HIGHLIGHTED 4.4 AC.	OSWEGO INDUSTRIAL PARK ECONOMIC DEVELOPMENT ZONE PLANNED SMALL GROVE HIGHLIGHTED 4.4 AC. 1000 A. A. LEVITT
12	DEDICATED WATER RIGHT TO STATE OF MICHIGAN. 10000 YD. DRAINAGE, 4 ROAD ROLLOVERS TRAIL.	CITY ENGINEERS OFFICE CITY HALL - OSWEGO, N.Y. 1000 A. A. LEVITT
13		CITY ENGINEERS 5 OF 8

