Brighton Mews Storage Project

This project has been heard on CPC meeting on 8/19/2024. The CPC approved this project and made a recommendation to refer this project to the Common Council for final decision.

The Common Council reviewed and remanded the special use permit application due to the applicant's violation of a granted easement agreement between the applicant and the owner of property located at 679 E Seneca Tpke. The applicant has submitted revised plans to address the violation.

The applicant will present the updated plans for Special Use Permit application and the Major Site Plan Review Application.

The Planning Commission has deliberated on the SEQR review for this project on 8/19/2024. No new deliberation on SEQR review is needed.

The Planning Commission will deliberate on the decision for this project based on the revised plans.

SP-24-15 - Special Use Permit

MaSPR-24-28 - Major Site Plan Review



CITY OF SYRACUSE, MAYOR BEN WALSH 300 South State Street, Suite 700 Syracuse, NY 13202

Department of Neighborhood and Business Development
Jake Dishaw, Zoning Administrator
Office of Zoning Administration – P: (315)448-8640 E: Zoning@syr.gov

SP-24-15	Staff Report – November 12, 2024
Application Type:	Special Use Permit
Project Address:	1001 Brighton Ave E (Tax Map ID: 06202-11.0) New address: 639 Seneca Tpke E (Tax Map ID: to be assigned)
Summary of Proposed Action:	The applicant is applying for a Special Use Permit to establish a "Mini-Storage" use on a vacant property.
Owner/Applicant	Joe Hucko, Brighton Mews, LLC. (Owner) Michael Charles, Benchmark Development (Applicant)
Existing Zone District:	Commercial, CM Zone District
Surrounding Zone Districts:	The neighboring properties to the north and west are located in the Commercial, CM Zone District, to the south in the Medium Density Residential, R4 Zone District, and to the east the property is on the boundary between the City of Syracuse and Town of Onondaga.
Companion Application(s)	MaSPR-24-28 (Major Site Plan Review): to change the use of the property into a "Mini-storage" use in the CM Zone District and construct a 3-story storage facility.
Scope of Work:	The scope of work includes: (1) removing part of the existing vegetations and grading the land for construction; (2) installing new pavement to the site; (3) constructing a 3-story, 105,000 SF storage facility; (4) constructing 25 parking spaces (includes 2 ADA parking spaces); (5) installing retaining walls and chain-link fences and implementing landscaping plans.
Summary of Changes:	This project was approved by CPC on 8/19/2024 and was referred to Common Council for final decision. The Common Council remanded the special use permit application because the project plans were found to violate a granted easement agreement between the applicant and the owner of property located at 679 E Seneca Tpke. The applicant has submitted revised plans to address the violation.
Staff Analysis:	 Factors: Per revised plans, the proposed scope of work has been moved out of the exclusive easement. The proposed use is consistent with the purpose of CM Zone District which is to provide appropriate areas that permit the development and continued use of land for commercial and service uses characterized by frequent visits of customers and clients in high volumes. The proposed use is close to nearby residential uses and structures and would provide storage services to nearby residences. Per Sheet L6.1, the height of the proposed building is lower than the adjacent Greenwich Manor Apartment. Landscape buffer will be implemented between the proposed use and nearby residential use. Recommended conditions if approved: The applicant shall comply with the general conditions for approval on Special Use Permit application. (See the attached sheet "General Conditions for Site

	Plan Review, Special Use Permit and Project Plan Review Approval). - The landscaping features along the southernly property line shall be adequately maintained to buffer the facility and parking lot from the adjacent residential Zone District.
Zoning Procedural History:	 06/26/2023 R-23-31 Resubdivision to divide 1 lot into 2 new lots Approved 12/11/2023 R-23-31M1 New map submitted for Resubdivision Approved with Conditions
Summary of Zoning History:	No zoning history except for a resubdivision that divided one lot into two new lots, approved 12/11/2023.
Code Enforcement History:	See attached code enforcement history.
Property Characteristics:	The lot is irregularly shaped with 40 feet of frontage along East Seneca Turnpike, 841.46 feet of frontage along Lafayette Road, 193 feet of frontage on the easterly property line, and 560.42 feet of frontage on the northernly most property line. The total area of the lot is 2.93 acres (127,630.8 square feet), and the proposed building is 105,000 SF.
SEQR Determination:	Pursuant to the 6 NYCRR §617.2(al), the proposal is an Unlisted Action.
Onondaga County Planning Board Referral:	 Pursuant to GML §239-l, m and n, the proposal meets the referral criteria for Onondaga County Planning Board to review. The Onondaga County Planning Board has comments below: 1. The applicant must ensure legal access to East Seneca Turnpike. An access easement along the private road is required to be filed with the deed and reflected on the subdivision plan. 2. Given that the applicant will be clearing trees and site may contain the federally and state endangered Indiana Bat and Northern Long-eared bat or their associated habitat, the applicant is required to consult with the US Fish and Wildlife Service and New York Natural Heritage Program to minimize the impact to the species. 3. Given loss of trees and wooded area on site, the Board encourages the applicant to increase plantings and landscaping surrounding the building area.

Application Submittals: The application submitted the following in support of the proposed project:

- Special use permit application
- Short Environmental Assessment Form Part 1
- Brighton Subdivision. Part of Farm Lot 121, City Of Syracuse, County Of Onondaga, State of New York;
 Licensed Land Surveyor: Paul J. Olszewski; Paul James Olszewski, P.L.S., PLLC; Dated: 05/11/2023; Scale: 1"= 30"
- Site Preparation Plan (Sheets L1.1, L2.1). Prepared by Keplinger Freeman Associates LLC; Dated: 02/26/2024; Scale as noted.
- Site Drainage and Utility Plan (Sheet L2.2). Prepared by Keplinger Freeman Associates LLC; Dated: 02/26/2024; Scale as noted.
- Site Plan (Sheet L3.1). Prepared by Keplinger Freeman Associates LLC; Dated: 02/26/2024; Scale as noted.
- Planting Plan and Erosion Control Plan (Sheets L4.1, L5.1). Prepared by Keplinger Freeman Associates LLC; Dated: 02/26/2024; Scale as noted.
- Site Detail Plan (Sheet L6.1). Prepared by Keplinger Freeman Associates LLC; Dated: 02/26/2024; Scale as noted.
- Proposed Floor Plan (Sheets A-101, A-102, A103). Prepared by SAA Architects; dated: 06/19/2024; Scale: 3/32"=1'
- Elevation Plan (Sheet A-201). Prepared by SAA Architects; dated: 06/06/2024; Scale: 3/32"=1"



CITY OF SYRACUSE, MAYOR BEN WALSH 300 South State Street, Suite 700 Syracuse, NY 13202

Department of Neighborhood and Business Development
Jake Dishaw, Zoning Administrator
Office of Zoning Administration – P: (315)448-8640 E: Zoning@syr.gov

MaSPR-24-28	Staff Report – November 12, 2024
Application Type:	Major Site Plan Review
Project Address:	1001 Brighton Ave E (Tax Map ID: 06202-11.0) New address: 639 Seneca Tpke E (Tax Map ID: to be assigned)
Summary of Proposed Action:	The applicant is applying for a Major Site Plan Review to change the land use from a vacant property to a "Mini-Storage" land use and to construct a 3-story, 105,000 SF storage facility.
Owner/Applicant	Joe Hucko, Brighton Mews, LLC. (Owner) Michael Charles, Benchmark Development (Applicant)
Existing Zone District:	Commercial, CM Zone District
Surrounding Zone Districts:	The neighboring properties to the north and west are located in the Commercial, CM Zone District, to the south in the Medium Density Residential, R4 Zone District, and to the east of the property is the boundary between the City of Syracuse and Town of Onondaga.
Companion Application(s)	SP-24-15 (Special Use Permit): to establish a "Mini-Storage" use in the CM Zone District.
Scope of Work:	The scope of work includes: (1) removing part of the existing vegetations and grading the land for construction; (2) installing new pavement to the site; (3) constructing a 3-story, 105,000 SF storage facility; (4) constructing 25 parking spaces (includes 2 ADA parking spaces); (5) installing retaining walls and chain-link fences and implementing landscaping plans.
Summary of Changes:	This project was approved by CPC on 8/19/2024 and the companion application SP-24-15 was referred to Common Council for final decision. The Common Council remanded the special use permit application because the project plans were found to violate a granted easement agreement between the applicant and the owner of property located at 679 E Seneca Tpke. The applicant has submitted revised plans to address the violation.
Staff Analysis:	 Factors: Per revised plans, the proposed scope of work has been moved out of the easement. The property owner has obtained an easement agreement with the neighboring property to have the site entrance located on Lafayette Rd. The proposed storage facility is abutting on adjacent residential Zone District. Landscaping buffers will be installed to reduce the visibility of the facility and parking areas to the nearby residential Zone District. Based on the site detail plan (Sheet L6.1), the roof of storage facility will be lower than the nearby existing residential apartments. The subject site has never been anything but a woodland and may serve as habitat for the Indiana Bat and the Northern Long Eared Bat. The applicant has consulted with NYS DEC and U.S. Fish and Wildlife who gave the developer guidance to only remove trees that were necessary and only during the hibernation period for the bats between November 1 to March 1st. Due to the topography of the subject property, this site has never been developed.

	Recommended conditions if approved:
	 The landscaping features along the southernly property line shall be adequately maintained to buffer the facility and parking lot from the adjacent residential Zone District. Any tree removal must occur between November 1 and March 1st.
	- Any tree removar must occur between November 1 and water 1.
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Application Submittals: The application submitted the following in support of the proposed project:

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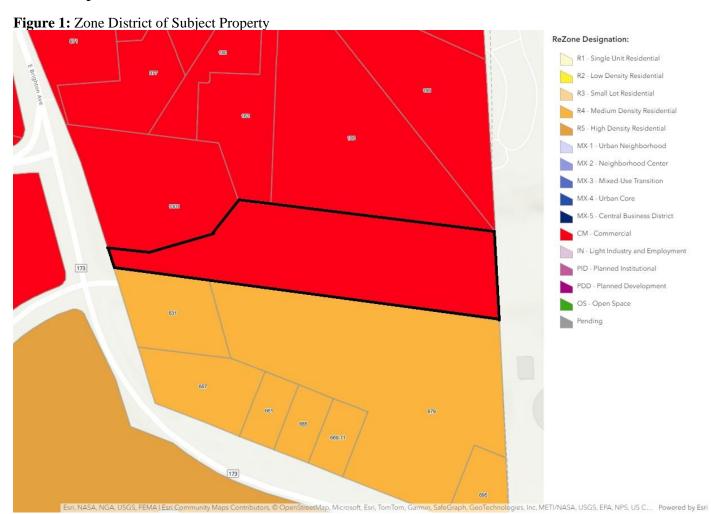
MaSPR-24-28

- Proposed Floor Plan (Sheets A-101, A-102, A103). Prepared by SAA Architects; dated: 06/19/2024; Scale: 3/32"=1'
- Elevation Plan (Sheet A-201). Prepared by SAA Architects; dated: 06/06/2024; Scale: 3/32"=1'

Attachments:

Major Site Plan Review Application Short Environmental Assessment Form Part 2 & Part 3 Easement Agreement Code Enforcement History IPS Comments from City Departments

Context Maps:

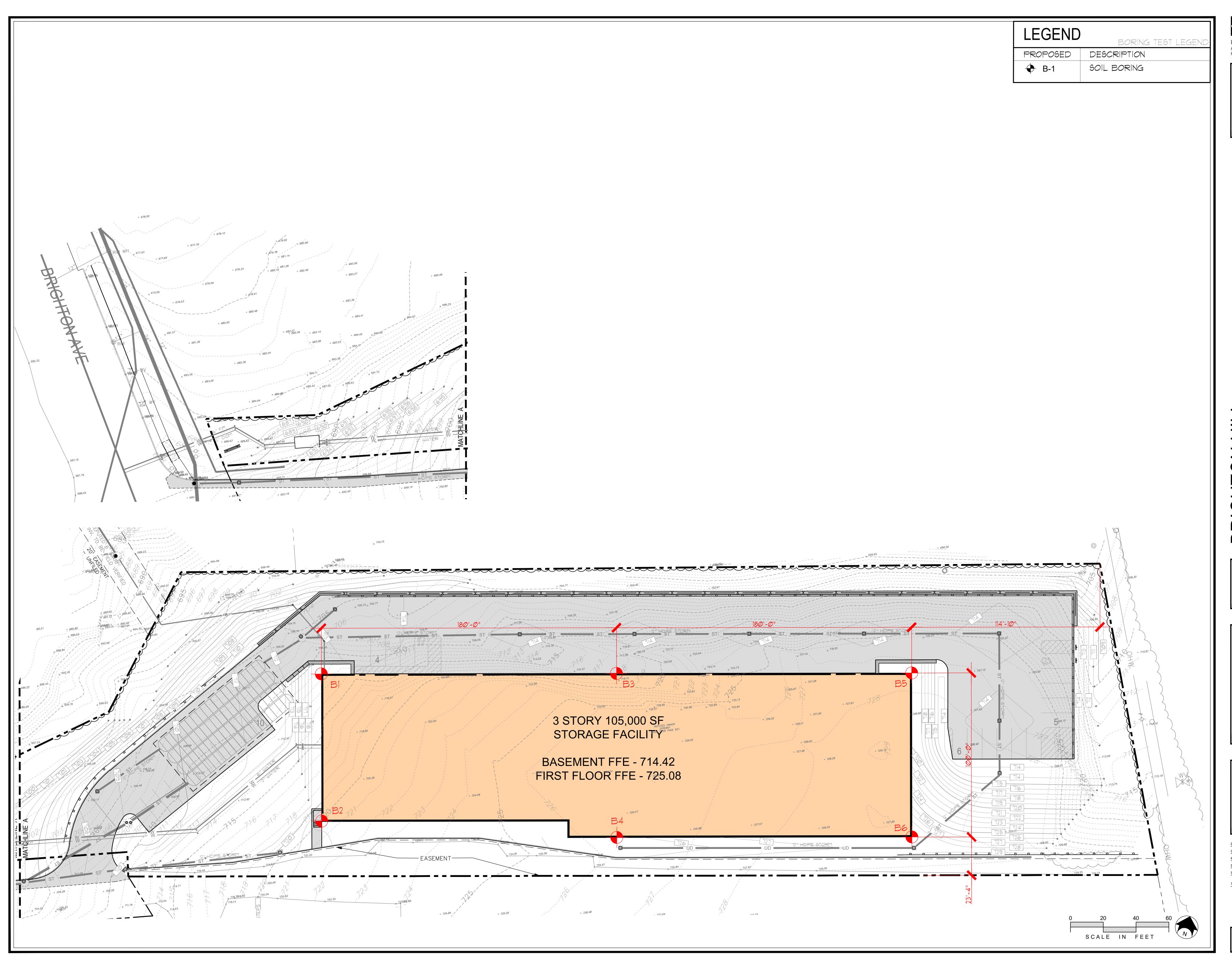


Description: Figure 1 shows the current Zone District of the subject property.

Image Source: City of Syracuse Neighborhood and Business Development, ReZone Syracuse Zoning Map



Description: Figure 2 shows satellite imagery of the subject property. Image Source: ConnectExplorerTM, Eagle View Technology Corporation

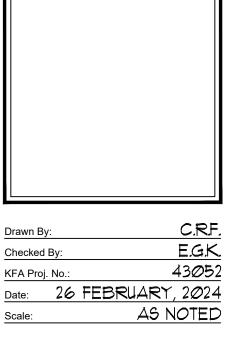


6320 FLY ROAD SUITE 201, EAST SYRACUSE, NEW YORK 13057 PHONE: (315) 445-7980 FAX: (315) 445-7981

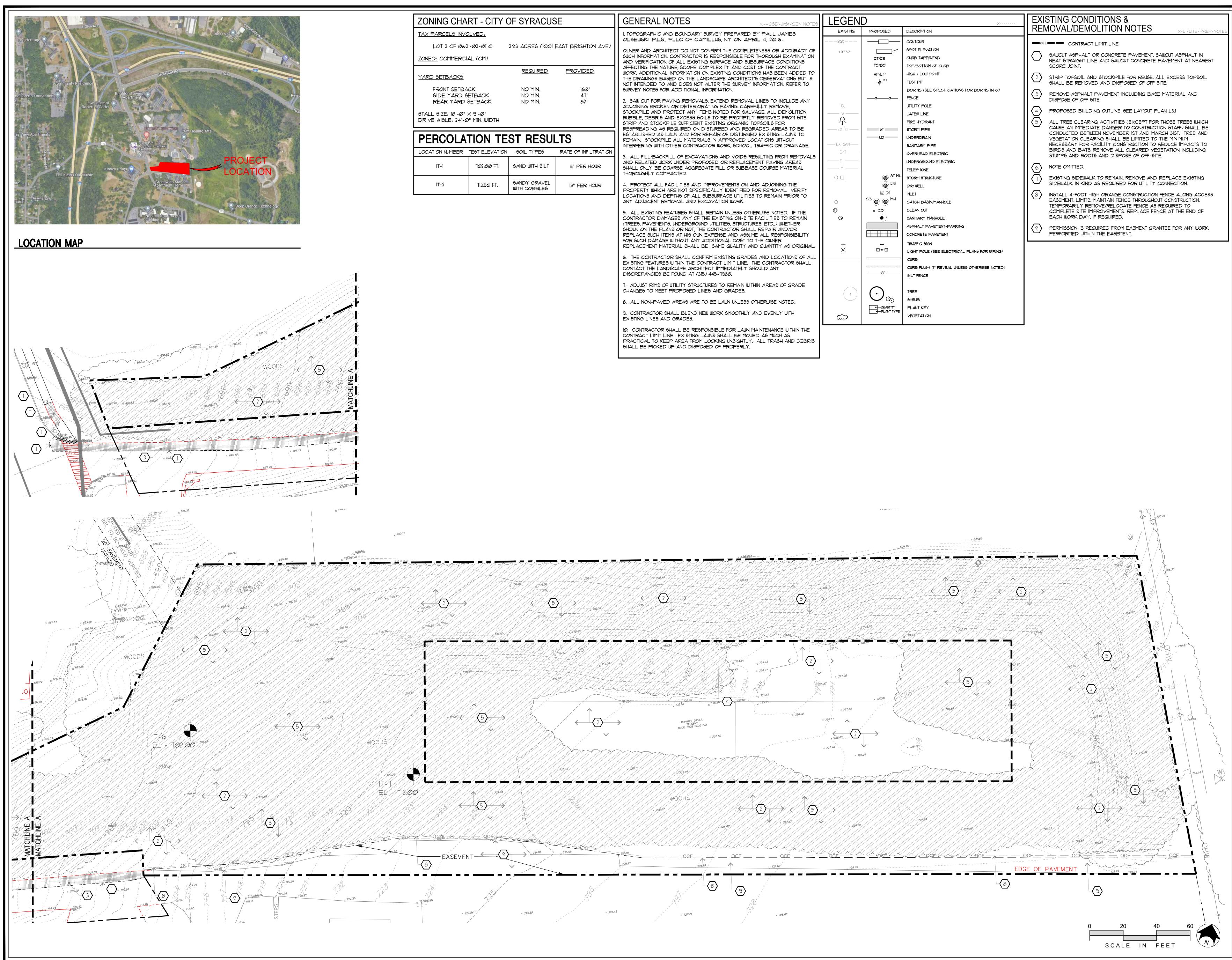
RZ Engineering, PLLC
STORMANIER SANITARY WATER ENVIRONMENTAL TRANSPORTATION
6320 FLY ROAD SUITE 109
EAST SYRACUSE, NY 13057
PH: 315.432.1089

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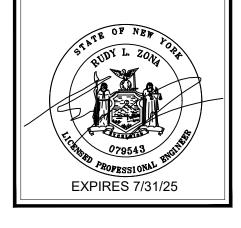




SITE BORING PLAN



K E P L I N G E R F R E E M A N A S S O C I A T E S LANDSCAPE ARCHITECTURE & LAND PLANNING 6320 FLY ROAD SUITE 201, EAST SYRACUSE, NEW YORK 13057 PHONE: (315) 445-7980 FAX: (315) 445-7981



RZ Engineering, PLLC

STORMMATER SANTARY WATER ENVIRONMENTAL TRANSPORTATION
6320 FLY ROAD SUITE 109
EAST SYRACUSE, NY 13057
PH: 315.432.1089

SYRACUSE

1001 EAST BRIGHTON AVE., SY



GEN. REVISION UPDATE 6/7/24

REV. LAYOUT W/ SUP 6/19/24

CPC RESUBMISSION 8/5/24

CPC COMMENTS 8/12/24

CPC PESI IRMISSION 10/15/24



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 C.R.F.

 Checked By:
 E.G.K.

 KFA Proj. No.:
 43.052

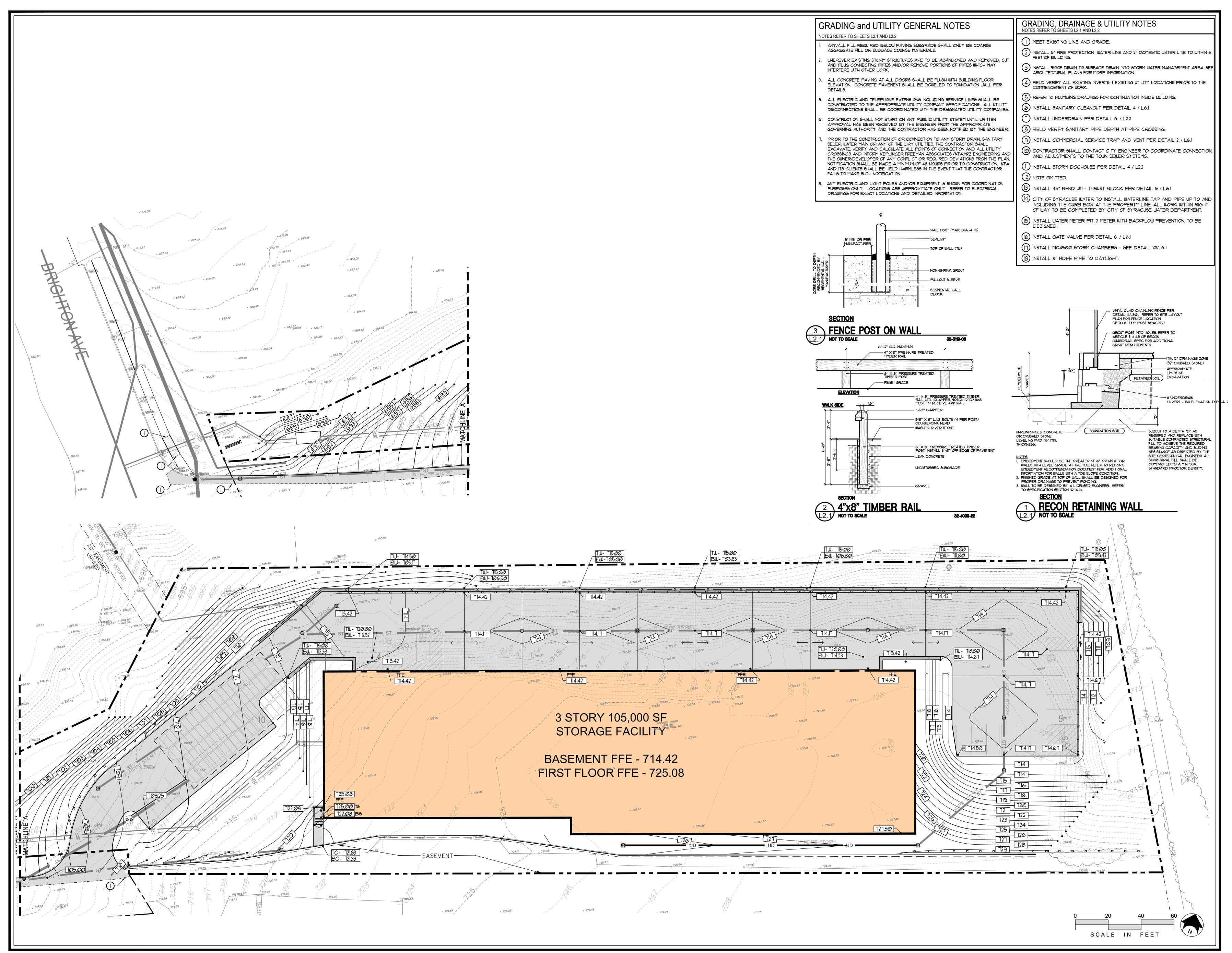
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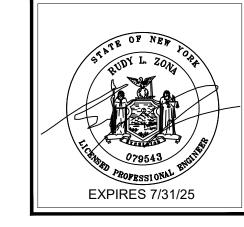
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SITE PREPARATION PLAN

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K E P L I N G E R F R E E M A N A S S O C I A T E S LANDSCAPE ARCHITECTURE & LAND PLANNING 6320 FLY ROAD SUITE 201, EAST SYRACUSE, NEW YORK 13057 PHONE: (315) 445-7980 FAX: (315) 445-7981



RZ Engineering, PLLC
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6320 FLY ROAD SUITE 109
EAST SYRACUSE, NY 13057
PH: 315.432.1089

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DATE 6/7/24

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No. Rev.

2 JPR GEN. REVISION UPDATE 6/3

3 JPR WATER REVISIONS 6/7

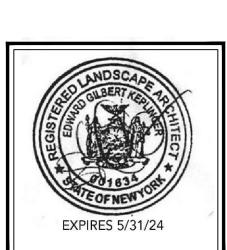
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5 CRF CPC RESUBMISSION 8/7

6 CRF DEC COMMENTS 8/7

8 EGK EASEMENT COMMENTS 10/7

9 CPF CPC DEC LEMISSION 10/7



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 C.R.F.

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 E.G.K.

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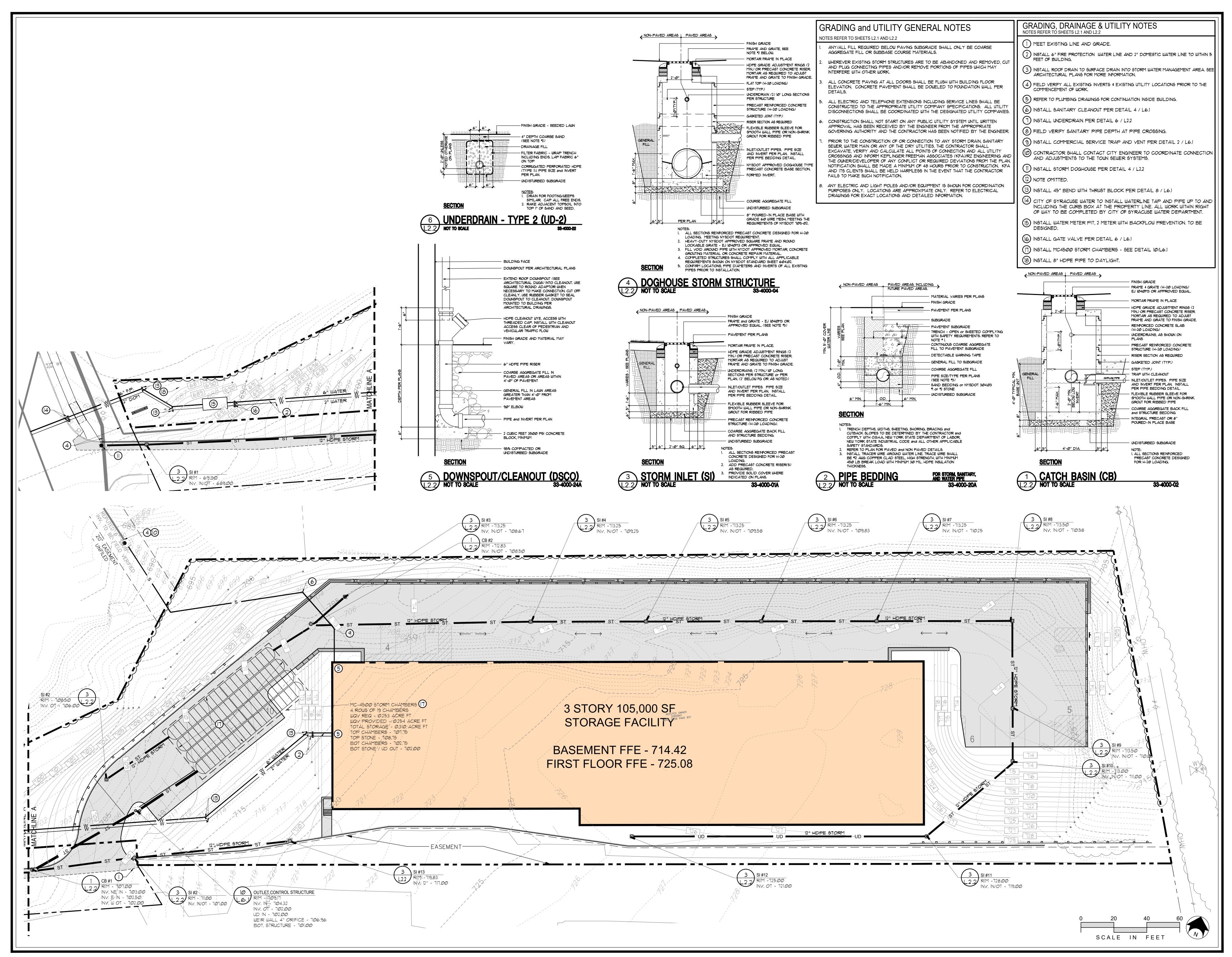
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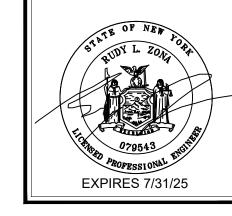
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SITE GRADING PLAN

2.1



6320 FLY ROAD SUITE 201, EAST SYRACUSE, NEW YORK 13057 PHONE: (315) 445-7980 FAX: (315) 445-7981



RZ Engineering, PLLC

6320 FLY ROAD SUITE 109 EAST SYRACUSE, NY 13057 PH: 315.432.1089

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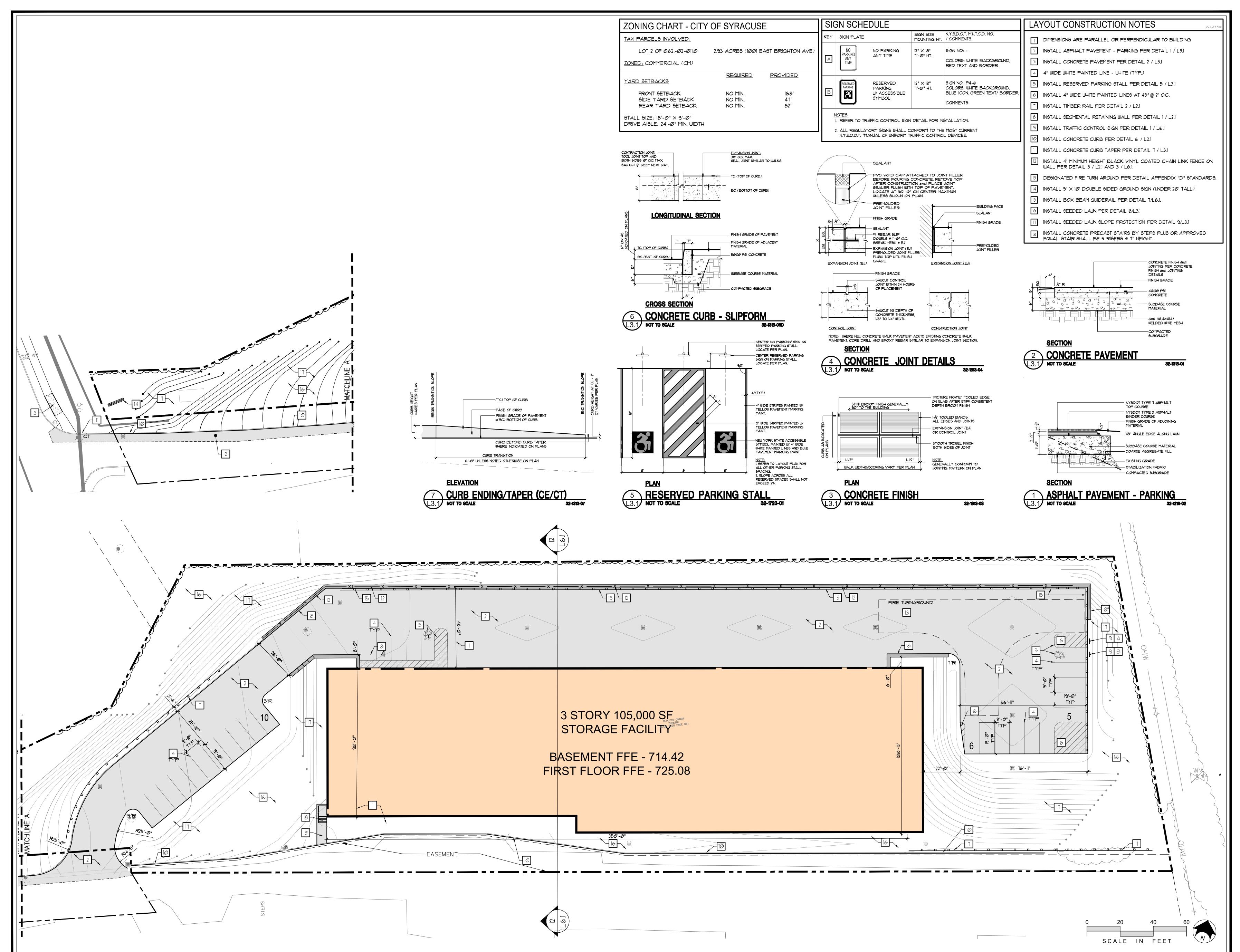
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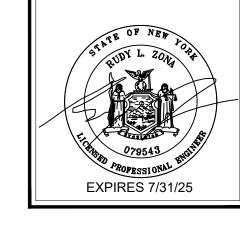


E.G.K. 43Ø52 KFA Proj. No.: Date: 26 FEBRUARY, 2024

SITE DRAINAGE AND UTILITIES PLAN





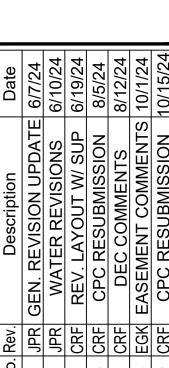


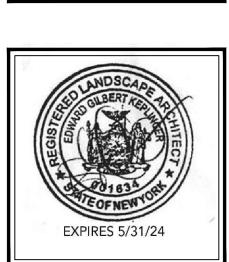
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STORMMATER SANITARY WATER ENVIRONMENTAL TRANSPORTATION 6320 FLY ROAD SUITE 109 EAST SYRACUSE, NY 13057 PH: 315.432.1089

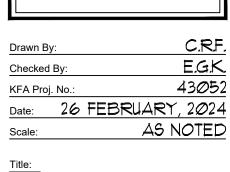




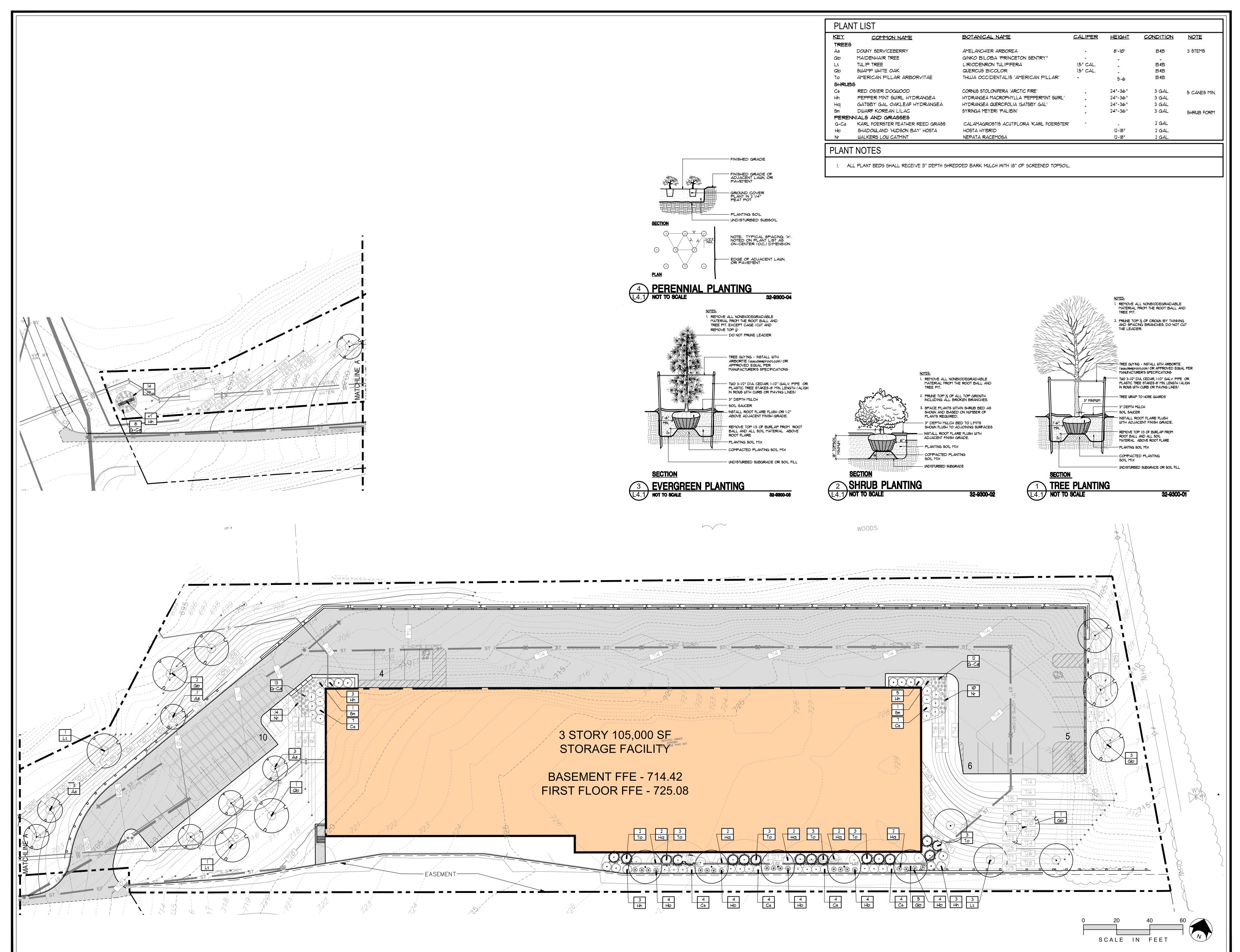
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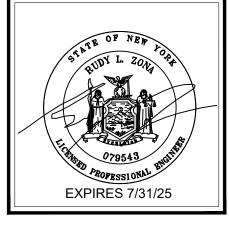




SITE LAYOUT PLAN





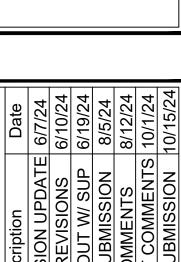


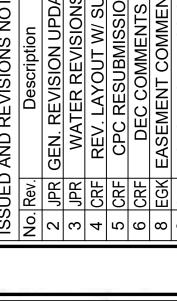
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STORMATER SANTARY WATER ENVIRONMENTAL TRANSPORTATION
6320 FLY ROAD SUITE 109
EAST SYRACUSE, NY 13057

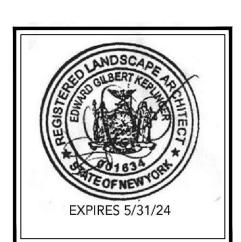
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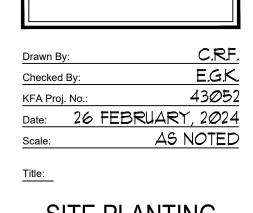
BRIGHTON HILL 1001 EAST BRIGHTON AVE., SYRACUS





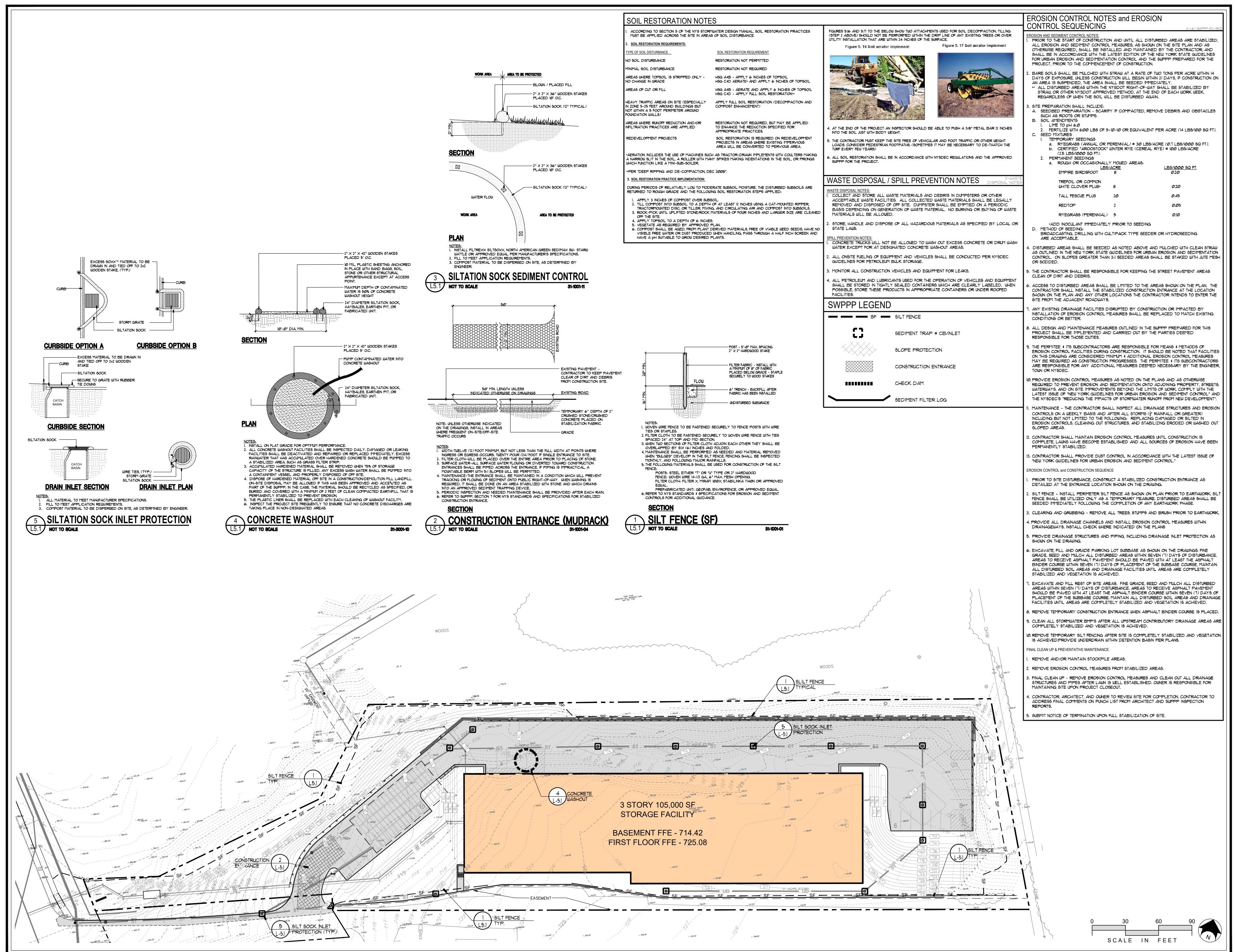






SITE PLANTING PLAN

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6320 FLY ROAD SUITE 201, EAST SYRACUSE, NEW YORK 13057 PHONE: (315) 445-7980 FAX: (315) 445-7981

EXPIRES 7/31/25

6320 FLY ROAD SUITE 109 EAST SYRACUSE, NY 13057 PH: 315.432.1089

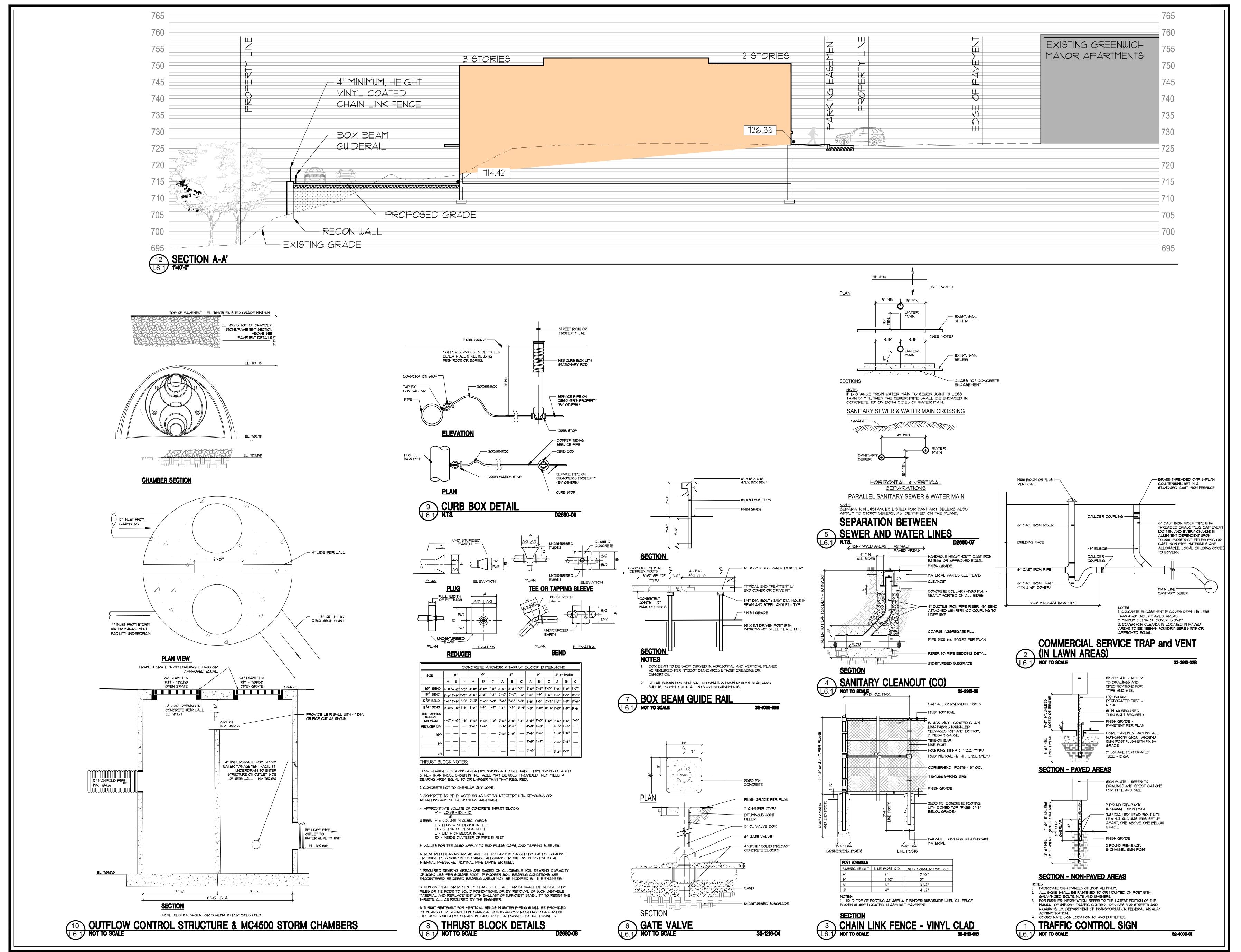
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DEVELOPMENT

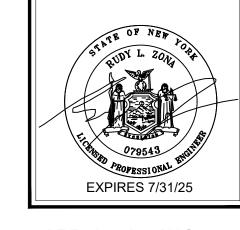
EXPIRES 5/31/24

Date: 26 FEBRUARY, 2024

EROSION CONTROL PLAN

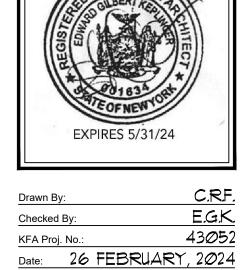


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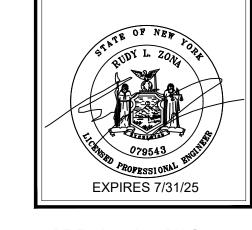


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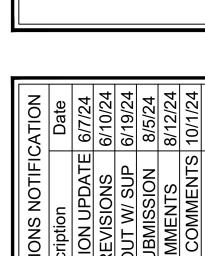
SITE DETAILS

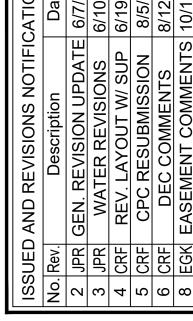


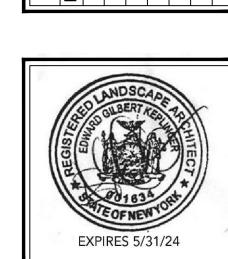
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PH: 315.432.1089

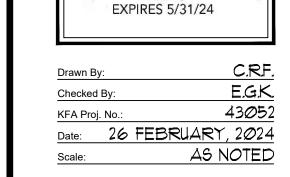
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PHOTOBOARD









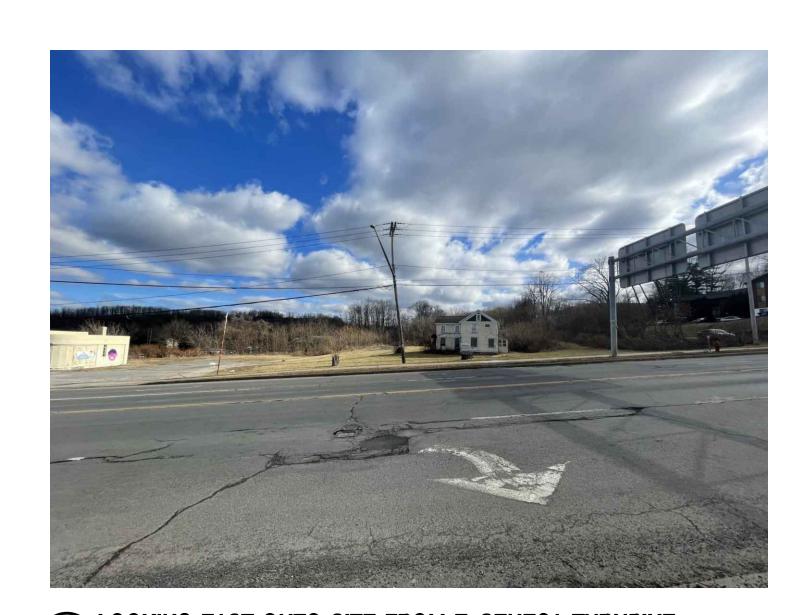
LOOKING WEST AT THE INTERSECTION OF LAFAYETTE ROAD AND E. SENECA TURNPIKE





4 LOOKING EAST ONTO SITE FROM E. SENECA TURNPIKE





6 LOOKING EAST ONTO SITE FROM E. SENECA TURNPIKE

EASEMENT AGREEMENT

RECITALS

- A. Grantor is the holder of the fee simple title to certain real property located in the City of Syracuse, County of Onondaga, State of New York, having acquired same by virtue of a deed (the "Grantor's Deed") dated March 8, 2023 and recorded in the Onondaga County Clerk's Office on March 13, 2023 at Instrument No. 2023-00008031 ("Grantor's Property").
- B. Grantee is the holder of the fee simple title to certain real property adjacent to, and southerly of, Grantor's Property in the City of Syracuse, County of Onondaga, State of New York, by virtue of a deed dated June 28, 2001 and recorded in the Onondaga County Clerk's Office on July 6, 2001 at Book of Deeds number 4571, page 309 and following ("Grantee's Property").
- C. A dispute has arisen in connection with the common boundary line separating the respective properties owned by Grantor and Grantee. The legal description in Grantor's Deed contains an alternate, more modern description which depicts the northerly boundary of Grantee's Property and the southerly boundary of Grantor's Property, south of where Grantee maintains it should be. The effect of this particular placement of such common boundary line takes a portion of the parking area in what Grantee claims is Grantee's Property and otherwise places it in what Grantor claims is Grantor's Property.
 - D. The parties are desirous of resolving the dispute.

NOW THEREFORE, for and in consideration of One Dollar (\$1.00) lawful money of the United States and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

- 1. Recitals. The above Recitals are true and correct, and are hereby incorporated into this Agreement.
- 2. <u>Easement</u>. Grantor hereby grants and conveys to Grantee, its employees, agents, invitees and contractors an exclusive easement (the "Easement") over, across, under, and through the area as described and depicted on the attached <u>Schedule A and A-1</u> (the "Easement Area") together with the exclusive right to use, occupy, possess, cross in, on, over, across and through the Easement Area in connection therewith. In addition, Grantee shall have the right to improve the Easement Area in any way it deems necessary or desirable. Grantee shall have the right to configure and reconfigure the improvements within the Easement Area in any way it deems necessary or desirable. Grantee, its successors and assigns in interest, shall maintain the Easement Area. Grantor will not alter the Easement Area in any way (including the dumping of any materials thereon) nor will Grantor interfere with Grantee's use of and activities within the Easement Area.

- 3. Compliance with Laws. Grantee shall comply with all applicable laws, ordinances, rules and regulations with respect to its use of the Easement Area and shall be responsible for any and all costs associated with damage to the Easement Area.
- 4. Obligations to Run with the Land. The rights and obligations of Grantor and Grantee under the terms and conditions hereof and the terms, rights, conditions, restrictions and limitations contained with respect thereto shall (i) burden and run with Grantor's Property, (ii) burden and run with the Grantee's Property, and (iii) inure to the benefit and use of Grantee and any successor owner or owners of Grantee's Property and its and their successors and assigns, as well as any employees, agents, invitees, lessees and contractors thereof.
- 5. No Waiver. Failure by any party to enforce any covenant, restriction or other provision of this Agreement or to seek redress for the breach of or default in performance under any such covenant, restriction or other provision of this Agreement shall in no way constitute a waiver of the right to enforce such covenant, restriction or provision of this Agreement or seek redress for the breach thereof. The waiver by any party hereto of a breach of any provision of this Agreement shall not be deemed a continuing waiver or a waiver of any subsequent breach of the same or any other provision hereof.
- 6. Entire Agreement. This Agreement contains the entire agreement between the parties relating to the rights granted and the obligations assumed and has been duly authorized by the parties hereto. Any oral representations or modifications concerning this Agreement shall be of no force and effect. This Agreement may be modified or amended only in writing. Grantor and Grantee expressly agree and acknowledge that no other rights other than as set forth in this Agreement are granted to either party hereunder.
- 7. <u>Binding Effect</u>. This Agreement shall bind and inure to the benefit of the respective successors and assigns of the parties to this Agreement.
- 8. <u>Severability</u>. In the event that any one or more of the provisions of this Agreement shall be determined to be void or unenforceable by a court of competent jurisdiction or by law, such determination will not render this Agreement invalid or unenforceable, and the remaining provisions hereof shall remain in full force and effect.
- 9. <u>Miscellaneous</u>. This Agreement (i) may be executed in any number of counterparts, each of which when taken together shall be deemed one in the same instrument; (ii) shall be construed and enforced under the laws of the State of New York; (iii) shall be recorded in the office of the Onondaga County Clerk; and (iv) has been duly authorized by each party hereto.

IN WITNESS WHEREOF, Grantor and Grantee have caused their signatures to be affixed hereto on the date above first written.

GRANTOR:

BRIGHTON MEWS LLC

By: Name:

Title:

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GRANTE

GREENWICH MANOR, LLC

Tina Maric Knapp-Nelson as co-trustee of the Wayne Knapp Trust for the Benefit of Tina Marie Knapp-Nelson under Agreement dated November 6, 2015, Member

T. Andrew Devorsetz as co-Trustee of the Wayne Knapp Trust for the Benefit of Tina Marie Knapp-Nelson under Agreement dated November 6, 2015,

Member

(NYVC)

STATE OF NEW YORK COUNTY OF ONONDAGA) SS:

On the Whay of Decade, in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH H. HUCKO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

STATE OF NEW YORK COUNTY OF ONONDAGA) SS: CLAIRISA A MOORE Qualified in Onondage County

On the Il day of December in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared TINA MARIE KNAPP-NELSON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

SHANE M BUZZARD Public - State of New York NO. 01806258069 Qualified in Onondaga County My Commission Expires Mar 19, 2024

STate of Florida (DF)

Notary Public

Notary Public

No. 0186675896

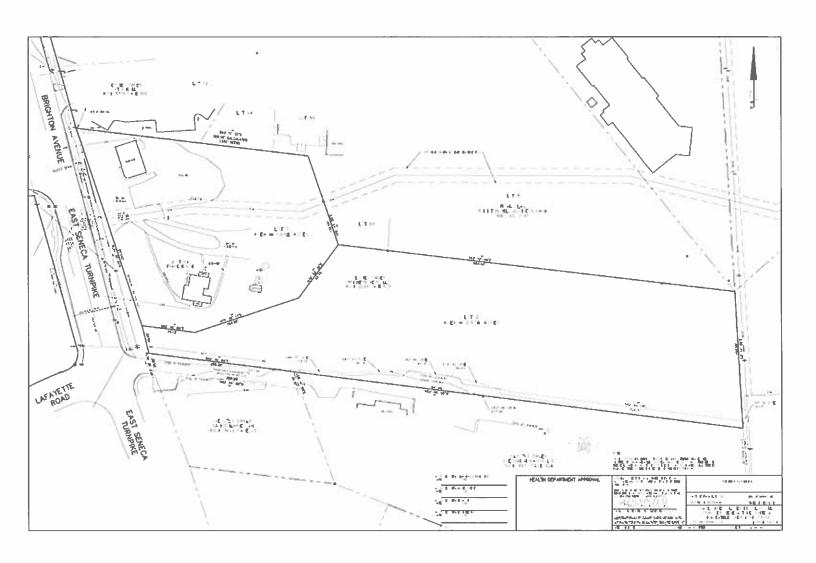
Qualified in Onencaga
My Commission Expires Ma

On the Eday of Pecem Behinthe year 2023, before me, the undersigned, it Notary Public in and for said State, personally appeared T. ANDREW DEVORSETZ, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Record and Return to: Michael J. Sarofeen 110 W. Fayette St., Ste 1110 Syracuse, NY 132020

DOUGLAS M. FEE **Notary Public** State of Florida Comm# HH400515 Expires 6/11/2027

SCHEDULE A



SCHEDULE A-1

PROPOSED NARRATIVE LEGAL DESCRIPTION BRIGHTON SUBDIVISION EASEMENT TO GREENWICH MANOR LLC

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Syracuse, County of Onondaga and State of New York, being part of Farm Lot 121 and Commencing at a point on the easterly boundary of East Seneca Turnpike at its intersection with the northwesterly corner of lands belonging to Sarkodie-Mensah as filed in the Onondaga County Clerk's Office in book 3625 of deeds at page 25; thence S82°46'08"E along said Sarkodie-Mensah's northerly boundary for a distance of 163.5 feet to a point and place of beginning; thence S86°31'10"E for a distance of 114.04 feet to a point; thence N87°57'10"E for a distance of 90.18 feet to a point; thence S82°46'08"E for a distance of 61.36 feet to a point; thence S74°35'54"E for a distance of 84.44 feet to a point; thence \$82°46'08"E for a distance of 328.37 feet to a point on the easterly boundary of Brighton Mews LLC as filed in the Onondaga County Clerk's Office in book of deeds 2023 page 8031; thence S03°12'07"E for a distance of 10.17 feet to a point northeasterly corner of lands belonging to Greenwich Manor LLC as filed in the Onondaga County Clerk's Office in book 4571 of deeds at page 308; thence N82°46'08"W, along said northerly boundary of Greenwich Manor LLC, for a distance of 677.96 feet to a point and place of beginning. The above described legal description is as shown on a map prepared by Paul James Olszewski, PLS, PLLC. Map being the Brighton Subdivision Easement to Greenwich Manor LLC and dated December 7, 2023.

Subject to all covenants, easements, and restrictions of record.