

Onondaga County Industrial Development Agency
Special Meeting Minutes
December 3, 2007

The special meeting of the Onondaga County Industrial Development Agency was held on Monday, December 3, 2007 at the Greater Syracuse Business Center, 1201 E. Fayette Street, Syracuse, New York.

Chairperson Robert Baldwin called the meeting to order at 8:08 a.m. with the following:

PRESENT:

Robert Baldwin
Russell Andrews
Dan Healy
John Rizzo
Gregg Kidd
William Towsley

ABSENT:

Joseph Scuderi

ALSO PRESENT:

William Marquardt, Special Agency Counsel, Trespasz and Marquardt
Donald Western, Executive Director, Agency
Kim Hall, Management Analyst, Office of Economic Development
Karen Doster, Recording Secretary, Agency
David Aitken, Destiny USA Research & Development Park, LLC
John Kluscik, Gilberti Law Firm
Tim Follett, Brannock Devic
Bob Palladine, C & S Engineers
Charles McDermott, C & S Engineers

DESTINY USA RESEARCH & DEVELOPMENT PARK, LLC (AMENDED) – SEQRA DETERMINATION

Robert Baldwin stated that a proposed resolution has been prepared including with an appendix that was submitted to the Agency.

William Marquardt stated that the resolution is in two parts. He stated that one part is the main body and the other is an attached Appendix A. He stated that there is a resolution being considered that consists of a findings statement for purposes of SEQRA. He stated that the SEQRA regulations state that the Agency cannot simply accept the findings statement but that the rationale for the decision is needed. He stated that Appendix A is the supporting material for the findings statement. He stated that the heart of the findings statement is identifying what

mitigation is appropriate given the final EIS that was accepted as complete on November 20. He stated that Section 1 of the attachment is where the detailed discussion of what mitigation is appropriate. He stated that his law firm has prepared the resolution along with the applicant but with respect to the technical components of the resolution it is appropriate to have C & S Engineers talk through the mitigation and answer any questions.

Robert Palladine stated that in anticipation of the resolution, they have gone through the FEIS and made a checklist of all the impacts that were listed and the mitigation that was identified in another part of the document. He stated that Appendix A is a good summary of the FEIS.

Robert Palladine stated that there are ten mitigation items and he reviewed each one.

Charles McDermott stated that there will be 6 mitigation measures for traffic as it relates to the project. He reviewed each issue.

Robert Palladine stated that all improvements can be done in the existing right of way. He stated that the C & S Engineers traffic department has reviewed and agrees with the recommendations.

Robert Palladine stated that the methods are a summary and should not be interpreted to exclude other elements described throughout the EIS or project designs. He stated that there are other elements in the EIS that are not as significant such as noise, hours of construction and visual aesthetics.

Robert Baldwin stated that a considerable amount of time has been spent by C & S Engineers reviewing the EIS. He asked what the process was to complete the EIS. Robert Palladine stated that although the window of time was somewhat short, it was addressed in Albany in a way similar to what was done in 2005. He stated that they had a team of six people, three environmental planners and three specialized engineers. He stated that the engineers were in general environmental compliance, one in traffic and one in air emissions. He stated that he reviewed the entire document with the environmental planners. He stated that three of the four reviewing the

document took part in the review in 2005 and much of the information was the same, just updated and the scope of the project is smaller. He stated that all the air modeling and air discussion was reviewed by their chemical engineer and traffic was reviewed by the engineer in the traffic group. He stated that over 240 hours was spent reviewing the EIS between the six people. He stated that each person that did the review kept a checklist of issues. He stated that they met together, compiled a list of issues and dealt with the applicant to make sure all were addressed.

William Marquardt stated that Section 2 and 3 of the resolution essentially points out the mitigation measures that will be contractually tied into the project documents. He stated that if the mitigation measures considered today is approved, the Agency will have the right to enforce and make sure that the mitigation is undertaken.

Dan Healy asked if there will be any hardship on the existing businesses off Seventh North with the increased traffic. Charles McDermott stated that there will be no hardship on the existing businesses. He stated that it only came down to turning lanes and no proposed medians.

Robert Baldwin asked if Seventh North Street in the Town of Salina is a County road. Charles McDermott stated that it is a County road.

Robert Baldwin stated that the job of the Agency is to anticipate those things that can be reasonably expected from the project and leave it up to the individual entities to do the fine-tuning.

Robert Baldwin stated that a letter was received from Clough Harbor stated that the Town of Salina feels that the EIS that the Agency has determined to be final, is not final. He stated that he believes that the letter indicates a misunderstanding of the role of the Agency. He stated that the Agency role is to take a look at the proposed project and the environmental impacts that can be reasonably expected from the project as we see it. He stated that we do not have the final designs. He stated that C & S has done a great job reviewing the EIS anticipating those areas of concern. He stated that the EIS can serve as a guide for the permitting agencies that will be

dealing with the site application in its more detailed version. He stated that the Town of Salina has the zoning issues, site plan issues, regulations and implementation of regulations. He stated that the Town of Salina will be making their own finding relative to the applications that come before them as to specific site plan issues. He stated that the Agency is to determine the anticipated environmental impacts. He stated that he believes the Town of Salina will have ample opportunity to using our findings and EIS as a guide to fine-tune the determinations that they make.

William Marquardt stated that the Clough Harbor letter does not add any new facts or circumstances. He stated that they reserve the right to do their own findings statement.

Robert Baldwin stated that the system envisions that the Agency makes generic findings relative to the site as well as DOT, DEC and the County will make their own specific findings. He stated that there will be more detailed findings as the project progresses.

Gregg Kidd asked if they feel that they are losing the ability to make their own EIS recommendations. Robert Baldwin stated that they are not losing the ability to make any recommendations. He stated that the Agency's EIS will be a valuable guideline for them but it does not micro manage the issues. He stated that the micro management will be done by the permitting authorities.

William Towsley asked if there is a representative from Clough Harbor at the meeting. Don Western stated that there is no representative here today.

William Towsley asked if there had been any discussion with Clough Harbor. Don Western stated that there was discussion with the Chair of the Town Planning Board who said the letter was being mailed but he has not talked with anyone from Clough Harbor. He stated that the Chair of the Planning Board stated that the letter was being sent and they had some concerns but he did not specify what the concerns were. He stated that the letter states that they think the DEIS is not adequate but doesn't state why.

Robert Baldwin stated that it does not present the Board with any sets of facts because certain facts are not known yet. He stated that he believes the Board's job is to note that the letter has been received. He stated that the Town will be dealing with the specifics of the project.

William Towsley stated that they specifically state that they do not believe that the potential impact on the local traffic and sewer infrastructure were adequately addressed. He stated that C & S believes that the traffic issue has been addressed. Robert Baldwin stated that while the details are not currently known, their concern is that the Agency's adoption of findings will somehow compromise the Town's future ability to make determinations relative to these issues. He stated that he respectfully disagrees because they have their own permitting process that they go through. He stated that the Agency is not compromising their ability to review the project as they see it. He stated that our engineers have spent a considerable amount of review time and discussions with the County about the Ley Creek sewer pumping station and he does not believe any different findings would be made.

Robert Baldwin stated that the models done for traffic were very conservative and assumed that OCRRA was going to stay and the mitigation measures address that. He stated that given the description of the project, the size of the project and the traffic implications, the predictions are adequate and represent what would happen.

Dan Healy stated that the reason for bringing up traffic concern was to have a record that the businesses in the area are protected because he has seen where traffic patterns are changed and put companies out of business as a result.

William Towsley asked if there has been any discussions with Clough Harbour about the concerns. Don Western stated that they have only submitted comments regarding the DEIS.

Robert Baldwin stated that he views this is a basic reservation of their rights to review the more specific plans as they are submitted and make additional findings as necessary. He stated that if we were to ask them what specifically they have a concern with, they would not know yet.

William Towsley asked what the problem would be in waiting to talk with Clough Harbour. He stated that he does not believe there are any issues that have been raised. He stated that the worse case scenario would be that the Agency should not approve the findings statement until the entire project comes before the Town for building permits but he believes that is inappropriate.

William Marquardt stated that the Agency is not necessarily closing the opportunity to consider acquiring a supplemental EIS in the future. He stated that Clough Harbour submitted numerous comments and questions on the project during the DEIS review. He stated that if there were any new facts or circumstances presented in the letter that would cause another look at the findings but there were no facts or circumstances in it. He stated that he feels comfortable recommending that the resolution be approved. He stated that if new facts or circumstances came to the Board in the future, SEQRA gives the Agency an opportunity to require a supplemental analysis in the future.

Robert Baldwin stated that our action is providing economic benefits, which will allow the project to move forward. He stated that the Agency is not allowing buildings to be built and roads to be built, sewers dug or infrastructure to be put in. He stated that the Agency has a job to do and the review of the EIS is adequate subject to the detailed review that the permitting authorities will review. He stated that he has no reservations about adopting the resolution in its present form.

Upon a motion by Russell Andrews, seconded by Dan Healy the OCIDA Board approved a resolution adopting the findings statement pursuant to the New York State Environmental Quality Review Act for the Destiny USA Research and Development Park Project with Robert Baldwin, William Towsley, John Rizzo and Gregg Kidd voting yes. Motion was carried.

Upon a motion by Gregg Kidd, seconded by Dan Healy, the OCIDA Board adjourned the regular Agency meeting at 8:48 am with Robert Baldwin, John Rizzo, William Towsley and Russell Andrews voting yes. Motion was carried.

Donald J. Western