HARRIS BEACH PLLC
ATTORNEYS AT LAW

99 GARNSEY ROAD
PITTSFORD, NEW YORK 14534
585.419.8800

FRANK C. PAVIA
MEMBER
DIRECT: 585.419.8709
FAX: 585.419.8801
FPAVIA@HARRISBEACH.COM

October 17, 2019

Town of Clay Town Board
Town of Clay Planning Board
4401 Route 31
Clay, New York 13041

Re: Zone Change Petition for 7211 and 7219 Morgan Road, Town of Clay
Responsiveness Summary to Public Comments

Dear Members of the Town Board and Planning Board:

We represent TC Syracuse Development Associates, LLC ("TC Syracuse Development"), and submit this letter on behalf of our client and its project team as a responsiveness summary to the public comments that were made at the September 30, 2019 public hearing regarding the proposed zone change for property located at 7211 and 7219 Morgan Road in the Town of Clay. This response also addresses public comments made in individual letters and e-mails received by the Town, as well as the September 25, 2019 letter GTS Consulting submitted to the Town Engineers regarding the project's August 2019 Traffic Impact Study.

The responsiveness summary groups questions and comments by common category in order to avoid duplicative responses. Comments which are substantially similar and/or identical are addressed in a single response. The GTS Consulting letter is addressed separately at the end of the responsiveness summary.

TC Syracuse Development believes it is important to acknowledge that a majority of the public comments, emails, and letters submitted to the Town enthusiastically support the requested zone change, as well as the proposed warehouse distribution facility. These comments primarily focus on the significant economic growth the project will bring to the community through the creation of approximately 1,000 jobs, the re-zoning's compatibility with existing uses along Morgan Road, and the project's consistency with regional economic growth plans. The responsiveness summary below does not address these particular comments since they do not require further responses.

The following is the responsiveness summary of the additional public comments provided to the Town:

1. Overall Project

Public Comment (Vince Messina): All of the information and studies presented at the public hearing were prepared by the developer and independent studies should be conducted.

Response: In order to present the re-zoning petition to the Town of Clay Town Board, TC Syracuse Development and its project team completed a variety of studies and a

substantial amount of design work consistent with state and local requirements. These efforts utilized existing information provided from a variety of federal, state and local agencies, including but not limited to, the Town of Clay, the New York State and Onondaga County Departments of Transportation, the NYS Department of Environmental Conservation ("NYSDEC"), the NYS Office of Parks, Recreation and Historic Preservation, and the US Army Corp of Engineers. The studies, reports and design efforts have been completed in compliance with widely-recognized and accepted professional, engineering and scientific standards.

Public Comment (Clare Corcoran, Carrie Frank): Given the ages of the Board members and speakers at the hearing, they do not represent the attitudes and values of the younger generation.

Response: We respectfully submit that the comment constitutes a conclusory assertion not related to the re-zoning petition, and therefore does not require a response. TC Syracuse Development is confident that the Town Board and Planning Board members will carry out their review of the re-zoning petition consistent with their public obligations.

Public Comment (Clare Corcoran): It will be aesthetically ugly to see the new facility and the Raymour and Flannigan facility in the same space.

Response: The proposed warehouse distribution facility will be a state-of-the art building with a precast concrete panel façade for the first and second levels, and insulated smooth and corrugated metal panels (gray and blue) for the upper levels. The building will have a five-story main volume that is surrounded by one and two story volumes that house a variety of spaces including office space, break rooms, truck docks and support spaces. The variety of volumes and materials on the exterior of the building will create a visually appealing look with a mixture of texture and color to give a human scale to the building. In addition to the aesthetically pleasing appearance of the proposed facility, a landscaping plan will be implemented at the property to incorporate natural elements to the maximum extent practicable within the footprint of the development.

2. <u>Noise</u>

Public Comments (Cheryl Spuches, MaryEllen Johnson): How much noise pollution will the facility produce? Will the trucks be allowed to idle at all times? If so, how will the noise barriers be sufficient to prevent the noise from traveling to nearby residential neighborhoods?

Response: The project's sound study concludes that no potential adverse acoustical impacts will result from site operations. In addition, sound fences and berms are proposed to further avoid the potential for off-site sound emissions, as well as to ensure that the Town's local noise requirements are met. These proposed features will also block the line-of-sight of on-site operations to off-site vantage points. Lastly, no truck idling will be allowed on the site consistent with NYSDEC regulations which prohibit heavy duty trucks

from idling for more than five consecutive minutes when not on the road. Signs will be posted on-site and yard rules enforced to prevent idling.

Public Comment (Kelley O'Neill): The current green space absorbs sound. This project will increase the amount of noise in the residential neighborhoods.

Response: The sound study concludes that site sound emissions will be in the same range or lower than existing ambient sound levels. No potential adverse acoustical impacts will therefore result from the project. The proposed building, sound fences, and earth berms provide significant shielding of site generated sounds toward off-site receptors which will be substantially more effective at reducing sound than green space alone.

3. Environmental

Public Comments (John Eallonardo, Candace Kranitz, Chris Stringer, Carrie Frank, Eric (no last name provided)): What are the impacts of the loss of green space? How much of the project will remain green and/or landscaped?

Response: The site totals approximately 110 acres. Approximately 76 acres are to be disturbed. The remainder of the site, including the more fully-forested northern portion of the property, will remain undisturbed. Approximately 26 acres of the disturbed portion of the property will be utilized as landscaped areas.

Public Comments (Linda Hall, George Ball): Are any measures being taken to improve green spaces off-site? This project will remove many trees, which absorb carbon. Can new trees be planted off-site on Town-owned land to replace the trees removed as part of this project?

Response: TC Syracuse Development plans on keeping approximately 34 acres of the property undisturbed with the many existing trees and plants not impacted. In addition, the project includes a landscaping plan that requires the planting of additional trees and the installation of landscaping berms at other areas around the property in addition to the balance of planned landscaping improvements.

Public Comment (Elizabeth Messina): Can the plans be modified to increase landscaping in front of the facility?

Response: To the largest extent practical, the existing landscape along the Morgan Road frontage will remain, and additional trees will be planted along Morgan Road to improve the landscape buffer along the frontage of the property.

Public Comments (Elizabeth Messina, Vince Messina, Carrie Frank, Minnie Crooke, Mark Spadafore): What type of heating and cooling systems will be used at the facility? Why will it not use solar or geothermal energy?

Response: The building is being cooled through high efficiency packaged rooftop units using DX (direct expansion) coils and heated through natural gas furnaces built within the same rooftop units. Building ventilation is also provided through these units which meet and exceed the latest energy code requirements. These systems were chosen for their speed and ease of installation, reliability, availability and lack of impact on useable indoor space. Solar thermal systems would have a minimal impact on the building. Domestic hot water is scattered around the building and is primarily limited to sinks. The sinks are all served by instantaneous water heaters. Given the limited number of sunny days in the area during the heating season, the offset of a solar heating system is minimal. Solar electric systems (photovoltaic) may be evaluated and installed later; it would be the decision of the tenant. The building is designed to accept a solar PV array and use of one would offset the power used in the building. "Geothermal" or ground-exchange heat-pump systems for a building of this size would have a significant impact. Over 1,300 five hundred-foot deep wells would need to be drilled. The typical spacing for each bore would require over 40 acres of well fields and hundreds of miles of plastic pipe and huge pumps to circulate the water over that distance. The logistics of such a system are staggering. Direct geothermal heating is not readily available in this area; ground exchange is the only ground-based option. The majority of the building space is a warehouse which is only cooled to 85 degrees in the summer and heated to just 60 degrees in the winter. With these set points, the systems are only running at full capacity during the hottest or coldest days of the year.

Public Comment (Vince Messina): Will the facility be LEED certified?

Response: Although no formal LEED certification is being pursued, the building is generally designed as "LEED-like" having an environmentally-friendly design.

Public Comment (Elizabeth Messina): The Boards should work with the developer to ensure quality materials are used to construct the facility.

Response: The project will entail the construction of a state-of-the-art warehouse distribution facility, and quality materials will be used to construct the facility. TC Syracuse Development welcomes further input from the Town Board and Planning Board regarding the materials to be used for the project.

Public Comments (Clare Corcoran, Mary Ellen Johnson, letter to editor by Greg Anderson): How will air pollution from the trucks affect nearby residential neighborhoods and the community as a whole? Community members have health concerns regarding air pollution from trucks.

Response: Surrounding area roadways include truck traffic servicing the numerous industrial facilities located in the region. As a result, trucks introduced through the project will have a minimal impact on existing air levels. In accordance with 6 N.Y.C.R.R. Part 218, NYSDEC prohibits heavy duty trucks from idling for more than five consecutive minutes when not on the road. This regulation is enforced by NYSDEC. The project will comply with all applicable federal and state mobile source air emission standards relating to the use of heavy duty trucks.

Public Comments (Candace Kranitz, Vince Messina, Kelley O'Neill): What is the plan for the wastewater on site? Where will runoff go? Will it eventually go into the Seneca River? How and where will it be treated? Will any improvements to existing systems?

Response: Wastewater will be conveyed through an underground system to the existing sewer line in Morgan Road, which has been verified by the Town Engineer to have adequate capacity for the project. From there, wastewater will travel north in Morgan Road until it reaches the county-owned sewer line that runs west along the electric transmission lines just north of the site. We have received confirmation from the Onondaga County Department of Water Environment Protection that this sewer system also has adequate capacity. It will eventually reach the Wetzel Road Wastewater Treatment Plant (WWTP), which was recently upgraded and has more than enough capacity to handle any additional flows from the proposed development. According to the fact sheet for the Wetzel Road WWTP, the wastewater undergoes a multi-step treatment process, including screening and grit removal, a biological aerated filter system as advanced secondary treatment, cloth media disk filters as tertiary treatment, ultraviolet light disinfection systems, and a post aeration tank for additional aeration prior to discharge through a Parshall flume and finally into the Seneca River. Phosphorus is removed year round with the addition of aluminum sulfate into the primary clarifier influent. No additional upgrades to the systems will be required, as they all have sufficient capacity.

Public Comments (Spencer Baum, Eric (no last name provided)): There are migratory birds and other forms of wildlife in the area. What will happen to the displaced wildlife?

Response: The property area totals approximately 110 acres, but only 76 acres are to be disturbed. The majority of the area slated for the project is currently comprised of and maintained as an active golf course. As a result, it is likely that the property is only utilized by transient wildlife for resting, feeding or other temporary activities. Any wildlife displaced as a result of the project is expected to relocate to other, more valuable areas in the vicinity of the property. Moreover, the 34 acres of the property that will remain

undisturbed includes the more fully-forested northern portion of the property, which will be available to provide a habitat for wildlife.

Public Comment (Vince Messina): The Onondaga County Save-The-Rain program does not recommend the use of impervious surfaces. Why are they incorporated into this project?

Response: Any surface that is covered by manmade impermeable materials, such as concrete and asphalt, is considered an impervious surface. The roof of a building is also an impervious surface. Impervious surfaces are necessary for development, as cars and trucks cannot safely travel over pervious surfaces, such as grass. We have considered the use of porous pavement on portions of the property; however, porous pavement would not hold up against the volume of cars and trucks that are projected on the site. Also, over time, porous pavement tends to become clogged with sediment and ends up functioning as an impervious surface. TC Syracuse Development has reduced the impervious surface of the building footprint by designing a multi-story warehouse as opposed to a more standard one-story facility. With this design, we are able to develop over 3.7 million square feet of floor area into a footprint that is less than a quarter of that size.

TC Syracuse Development understands and supports the initiatives of the Onondaga County Save-The-Rain program. Since Onondaga Lake is an impaired waterbody with higher concentrations of ammonia and phosphorus, TC Syracuse Development has designed the site in accordance with the more stringent requirements associated with phosphorus-limited watersheds that are implemented by NYSDEC. While the property is too large to practically implement small-scale green practices such as rain gardens, green roofs, or rain barrels, TC Syracuse Development is proposing bioretention basins, wet extended detention ponds, and dry detention basins to treat and detain stormwater runoff.

Public Comments (Sue Hammond, Jan Quitzau, Mark Spadafore): Why is OCIDA the lead agency? They are appointed, not elected.

Response: Pursuant to the NY State Environmental Quality Review Act ("SEQRA"), because OCIDA has state statutory authority to review and approve the financial assistance application submitted by TC Syracuse Development, OCIDA is properly considered a "lead agency" for the purpose of conducting a coordinated SEQRA review of the project.

Public Comment (Carrie Frank): The project will create a lot of litter.

Response: Handling of solid waste and recyclables shall be managed by a private contractor. Trash compactors will be located on the property in order to reduce the amount of solid waste and litter.

Public Comment (Sue Hammond): Will the Town Board and the Town Planning Board have input into the SEQRA review process? When can the public be heard?

Response: The Clay Town Board and Planning Board are acting as "involved agencies" participating in the coordinated SEQRA review of the project. In addition to the September 30, 2019 public hearing conducted by the Town Board, the Planning Board will conduct a public hearing on TC Syracuse Development's site plan application.

Public Comment (Minnie Crooke): The public is not getting enough answers about the environmental impact of the project.

Response: As required by SEQRA, the Full Environmental Assessment Form ("FEAF") which contains specific environmental information concerning the project was provided to all of the involved agencies, including the Town of Clay Town Board and Planning Board. The FEAF is also posted on the homepage of the Town of Clay's website for public viewing.

4. Tenant

Public Comments (Tony Malavenda, Denise Baker, Edward Ott, Sue Hammond, Chris Stringer, Michelle Hart): Why has the tenant not been disclosed? There is a lack of transparency.

Response: The disclosure of prospective tenants is not a requirement or condition of TC Syracuse Development's re-zoning petition. It is a commonplace practice that speculative development projects are reviewed and approved by municipal boards without knowledge of the ultimate tenant or end user. TC Syracuse Development has consistently maintained that the project is being developed as a warehouse distribution facility that will serve a logistics, "bricks and mortar" retailer or an e commerce retailer, and that no retail business will occur at the property.

Public Comment (Tony Malavenda, Candace Kranitz): How is it possible to build a structure on spec and know when shift changes are for the traffic studies? How can the traffic study be accurate? How can they know how many jobs will be created?

Response: While TC Syracuse Development is working with several potential tenants within the logistics and e commerce retail industries, many of the fundamental requirements are the same. Each tenant profile has verified their ability to hire approximately 1,000 employees and set standard work shifts with two (2) shift operations and a 3rd shit as a small maintenance crew. With preferred and next day options, many companies have the same operational goals, with similar trailer return and pick up procedures. Using these tenant profiles, the project team has been able to compile appropriate traffic and job creation data relating to the project.

Public Comment (John Kowalski, Gary Piontkowski, John Eallonardo): Amazon does not treat workers well.

Response: We respectfully submit that this comment constitutes a conclusory assertion not related to the re-zoning petition, and therefore does not require a response.

5. Traffic

Public Comment (Cheryl Spuches): Will Route 57 or Morgan Road be the main routes trucks use to reach Interstate 481?

Response: Trucks accessing the property will use Thruway Exit 38 at Old Route 57 to the Liverpool Bypass and Morgan Road. Trucks traveling to and from I-481 will use the Thruway and will access I-481 at Exit 34-A.

Public Comments (Clare Corcoran, Kelley O'Neill): Do the traffic studies factor in the new apartments being built south of Commercial Street?

Response: Yes. Both Morgan Meadow and Meyer Manor were included in the Traffic Impact Study.

Public Comments (Clare Corcoran, Joseph Ostuni, Teresa Crooke, Jan Quitzau, Elizabeth Messina, Mike Ryan): How will the facility impact traffic in the Village of Liverpool. How will the site affect traffic on 2nd Street when trucks choose not to use the Thruway? Trucks cannot drive under the bridge on Onondaga Lake Parkway.

Response: The facility will increase the daily traffic volumes in the Village by approximately 2.5%-3%. This increase falls within typical daily fluctuations. The Village intersections have been analyzed for peak hour traffic impacts and intersection improvements have been recommended and will be constructed by TC Syracuse Development with NYSDOT approval. Truck traffic will be required to use only the Thruway and not travel through the Village.

Public Comments (Clare Corcoran, Joseph Ostuni, Linda): How will pedestrian traffic be affected, both near the site and in the Village of Liverpool?

Response: One of the new traffic signals on Morgan Road will provide a new signalized pedestrian crossing. All existing pedestrian crossings will be maintained. The property will provide appropriate internal pedestrian connections to Morgan Road.

Public Comments (Clare, Corcoran, Minnie Crooke): The Traffic Impact Study is not representative of the traffic in the area. It was conducted in August when there was no school bus traffic and no student commuters. Also, families take vacations in August resulting in less traffic.

Response: The original Traffic Impact Study was dated August 2019, while the updated Traffic Impact Study is dated October 2019. These are publication dates. The traffic data was collected in early June 2019 on typical weekdays while local schools were in session.

Public Comment (Clare Corcoran): There are other commercial lots for sale in the vicinity of the site. When these are developed, traffic will increase even more.

Response: The Traffic Impact Study accounts for all approved developments within the study area in accordance with accepted local and national guidelines. It is impossible to speculate as to potential future development of vacant parcels and, more importantly, how such speculative and unknown developments could impact traffic patterns.

Public Comment (Clare Corcoran): What consideration has been given to commuters into and from areas north of Clay?

Response: The study area of the Traffic Impact Study included 21 intersections and driveways surrounding the property. Consideration has been given to both existing and future traffic projections, and appropriate roadway improvements have been recommended to avoid the potential impacts on traffic.

Public Comment (Clare Corcoran): Any extra traffic is too much because it increases daily commute time, increases fuel consumption, damages the environment, and decreases family/life balance.

Response: The area roadways are designed to accommodate growth in traffic. TC Syracuse Development is proposing to improve intersections and roadways within the project study area to better accommodate future traffic volumes and to minimize potential traffic-related impacts.

Public Comment (John Volz): There is already too much truck traffic in the area.

Response: Truck traffic will use County highways and the NYS Thruway. These roadways are designed and intended to carry truck traffic. Improvements constructed by TC Syracuse Development will also avoid and/or minimize potential impacts associated with the truck traffic.

Public Comment (Joyce Cirrito): How will response time for ambulances and fire trucks be impacted by the increased traffic?

Response: Emergency response vehicles use lights and sirens to maneuver through and around traffic. In general, motorists stop and move over to let emergency vehicles pass. No potential significant additional delay will therefore result from the project.

Public Comment (Joyce Cirrito): A traffic study should be completed by someone who knows the area.

Response: SRF Associates completed the Traffic Impact Study on behalf of TC Syracuse Development. Engineers at SRF Associates have been involved in a number of traffic studies concerning the area; are very familiar with the area; and have worked closely with the local and regional reviewing agencies in completing the Traffic Impact Study. GTS Consulting was also hired by the Town to review the Traffic Impact Study, and has agreed with the methodology and results presented therein.

Public Comment (Vince Messina): The employee traffic will create too much traffic by itself and the additional truck traffic will destroy the community. The employee traffic will add 300 cars to the roads per shift change.

Response: TC Syracuse Development is providing roadway improvements to avoid potential traffic impacts, and the Traffic Impact Study demonstrates that the roadways and intersections with the recommended improvements can adequately handle the additional car and truck traffic associated with the project.

Public Comment (Leo Navarra): Can trucks be forced to only use the Thruway?

Response: A mandated designated truck route to and from the Thruway will be provided to truckers accessing the facility.

Public Comment (Tony Malavenda): How can the traffic study be accurate when the facility is being built on spec and shift times are not known?

Response: There is sufficient information from similar types of facilities to anticipate accurately shift times and traffic volumes generated.

Public Comment (John Volz): The traffic pattern does not make sense. There should not be trucks on Morgan Road.

Response: Morgan Road is an Onondaga County Highway that is functionally classified as an Urban Minor Arterial Highway. The Federal Highway Administration (FHWA) defines minor arterials as follows: "Minor Arterials provide service for trips of moderate length, serve geographic areas that are smaller than their higher Arterial counterparts and offer connectivity to the higher Arterial system. In an urban context, they

interconnect and augment the higher Arterial system, provide intra-community continuity and may carry local bus routes." In other words, Morgan Road is designed to provide a major connecting route for cars, buses, and trucks to access higher functioning roadways such as the NYS Thruway.

Public Comment (Vita DeMarchi): Where are the trucks going after they reach the Thruway? Will they be going to or coming from the CSX rail yard in DeWitt and Manlius? Will they go back and forth?

Response: There is no anticipated truck traffic route specifically between the property and the CSX rail yard. With a facility of this type, TC Syracuse Development expects that the truck traffic will be between the eventual tenant's suppliers and other distribution points in their supply chain utilizing the NYS Thruway and interstate network.

Public Comment (Chuck Lincoln): Are there plans to expand the Exit 38 Thruway toll booth area? Has the project been discussed with the New York State Thruway Authority?

Response: The New York State Thruway Authority has reviewed the Traffic Impact Study and provided relevant comments. The New York State Thruway Authority plans to migrate to a cashless tolling system over the next couple of years, and will subsequently remove the toll booths at this location.

Public Comment (Chuck Lincoln, Mark Falso): How will the Community Grid plan for Interstate 81 affect this project? How will truck traffic from the south reach the site?

Response: Truck traffic to and from the south will use I-481 to circumvent the Community Grid once I-81 no longer traverses the City of Syracuse.

Public Comment (Jim Nichols): How will the trucks turn onto the Liverpool Bypass? It already takes one truck some time to make the turn.

Response: Trucks will make right turns onto the Liverpool Bypass. Signals are designed to accommodate these movements.

Public Comment (Jan Quitzau): Will there be policing to enforce truck patterns and make sure the trucks do not drive through the Village of Liverpool?

Response: The tenant will have rules and policies for all drivers in place at the facility that will include the requirement to use the Thruway for all trips.

Public Comment (Jan Quitzau): The 2014 New York State Department of Transportation traffic study concluded there were 170 commercial vehicles of three axles or more on Tulip Street between the Thruway bridge and Oswego Street. This project adds to those numbers.

Response: This project will not add any commercial vehicles to this section of Tulip Street.

Public Comment (Joyce Cirrito): The traffic engineer did not address truck traffic con Buckley Road, traffic coming out of Commerce Boulevard, or traffic on the Liverpool Bypass.

Response: All existing data collected includes existing truck traffic.

Public Comment (Mike Ryan): The facility should be constructed somewhere with direct on/off access to Interstate 81 or 481, or to the Thruway.

Response: We respectfully submit that this comment constitutes a conclusory assertion not requiring a response.

Public Comment (John Volz): Did the developer consider bringing trucks on-site directly off the Liverpool Bypass?

Response: Yes, this was considered. However, truck access on Morgan Road will avoid offsite queuing impacts and is therefore the preferred access point.

Public Comment (Linda Hall): Traffic, including pedestrian and bus traffic, from the BOCES school across the street from the site needs to be considered.

Response: Existing traffic counts include pedestrian and bus traffic.

Public Comment (Spencer Baum): The truck traffic during the peak morning time will make it difficult for nearby residents to use bus transportation and for school buses to pick children up for school.

Response: Truck traffic during the peak morning time will be very low and will not significantly impact bus transportation or school buses. Truck traffic is limited to the Liverpool Bypass and the section of Morgan Road between the Liverpool Bypass and the northerly site driveway.

6. **Facility**

Public Comment (Vince Messina, Clare Corcoran): There is worry that the facility will become obsolete and decay like the Great Northern Mall and Crucible Steel. People in support of the project do not live near the proposed facility and will not have to see it decay.

Response: The project involves a state-of-the-art warehouse distribution facility representing an approximately $280 million investment into the property. The proposed facility will be built to serve a logistics, "bricks and mortar" retailer, and/or e commerce retailer. These factors, as well as the fact that no retail business will operate at the property, significantly counter concerns of decay more typically associated with regional and/or local shopping centers, as well as older manufacturing facilities.

Public Comment (Vince Messina): What will become of the facility when the tenant leaves? Will the developer create an escrow account for future demolition and removal of the facility?

Response: With proper maintenance, these types of facilities will last through many generations of tenant leases. Tenants are required to hire maintenance contractors for the maintenance of all systems and provide records to landlords on an annual basis. On-site engineering and support staff will handle the daily operations at the facility. The landlord will routinely perform inspections at the facility to ensure its maintenance and appearance.

7. **Taxes**

Public Comment (Lee B. Savidge): Is the potential buyer a Native American tribe who will lease the property to a big company like Amazon but pay no real estate tax?

Response: The potential buyer is not a Native American tribe.

Public Comment (Vince Messina): Why should Amazon receive a tax break when it does not need one?

Response: We respectfully submit that this comment constitutes a conclusory assertion not requiring a response.

Public Comment (John Eallonardo, Bernie Burt, Ron Verwig): How would the PILOT money be distributed? Can a portion of the tax revenue to toward open space and parkland acquisition and development? Will the money pay off bonds?

Response: TC Syracuse Development understands that PILOT payments will be allocated among the affected tax jurisdictions in proportion to the amount of real property tax and other taxes which would have been received by each affected tax jurisdiction had the project not been tax exempt due to the status of the Onondaga County Industrial Development Agency. Each affected tax jurisdiction can make its own determination as to how to use such PILOT revenue.

Public Comment (Bernie Burt): Will this lower residential taxes?

Response: TC Syracuse Development has no control over local real estate taxes.

Public Comment (Ron Verwig): The newspaper indicated the facility will generate $65 million in tax revenue, but the area will only get $28 million. What happens to the rest?

Response: Based upon public estimates provided by the Onondaga County Industrial Development Agency, PILOT revenue generated by the project will be approximately $28,708,364 over the anticipated 15-year PILOT Agreement benefit period.

Public Comment (Denise Baker, Edward Ott, Chris Stringer): This project is like Destiny USA, which was a failure.

Response: We respectfully submit that this comment constitutes a conclusory assertion not requiring a response.

8. Jobs

Public Comment (John Kowlaski): What will the 1,000 jobs look like? Pay, benefits, hours, type of work, etc.

Response: TC Syracuse Development anticipates that the facility will provide full time equivalent and part time equivalent jobs, the vast majority of which will be for associates and lead associates with the remainder being for area managers and operations managers having starting wages between $30,000 and $60,000 in addition to a comprehensive benefits package.

Public Comment (Gary Piontkowski): There is no demand for non-skilled warehouse workers in Onondaga County. The facility should be placed in a depressed area.

Response: We respectfully submit that this comment constitutes a conclusory assertion not related to the re-zoning application, and therefore does not require a response.

Public Comment (Vince Messina): Onondaga County has a 3.8% unemployment rate, which is basically full employment. The County does not need the jobs from this facility.

Response: We respectfully submit that this comment constitutes a conclusory assertion not related to the re-zoning petition, and therefore does not require a response. However, the commentator's conclusion that Onondaga County has a 3.8% unemployment rate does not appear to be based on the area's must current employment data. According to the October 7, 2019 issue of the Central New York Business Journal, the current unemployment rate in the Syracuse area is 4.2%, with the unemployment rate of New York State at 4% and the unemployment rate for the United States at 3.7%.

Public Comment (Vince Messina): This project would bring in low-wage workers who would shift from other low-paying jobs.

Response: Once operational, the project may offer typical, low-wage workers with new part-time and full-time work opportunities that may provide increased pay and benefits packages thus reducing poverty and income inequality in Onondaga County.

Public Comment (Darlene Sorendo): Jobs that pay $30,000 per year will not help the community.

Response: It is anticipated that the project will offer a significant number of part-time and full-time employment opportunities for community residents that include a comprehensive benefits package for people with no prior work experience seeking an entry level job, and often for those who do not have any particular skill set, or for others seeking a second stream of income. The project will allow those new to the work force to learn new skills and will provide on-the-job experience that is transferable to advancement positions or other industries. The project will also enable employees to obtain valuable networking and reference resources for future advancement and other opportunities.

Public Comment (Candace Kranitz): The City of Syracuse needs this type of business and these jobs, not the Town of Clay.

Response: As identified in various regional studies, the warehousing and logistics sector is targeted as a growth sector that can take advantage of the already existing roadways and traffic system infrastructure and assets that exist within Onondaga County benefiting both the City of Syracuse and the Town of Clay.

Public Comment (Edward Ott): These are non-union jobs that pay less than similar jobs at FedEx, UPS, and the United States Postal Service.

Response: We respectfully submit that this comment constitutes a conclusory assertion not related to the re-zoning application, and therefore does not require a response.

Public Comment (Edward Ott, Carrie Frank): An annual income of $30,000 is considered poor and is below the poverty line for a family of four.

Response: It is anticipated that the project will offer a significant number of part-time and full-time employment opportunities for community residents that include a comprehensive benefits package for people with no prior work experience seeking an entry level job and often for those who do not have any particular skill set, or for others seeking a second stream of income. The project will allow those new to the work force to learn new skills and will provide on-the-job experience that is transferable to advancement positions or other industries. The project will also enable employees to obtain valuable networking and reference resources for future advancement and other opportunities.

Public Comment (Carrie Frank): This project will attract low-class workers to the area. There is a school next door to the facility. There will be more cursing.

Response: We respectfully submit that this comment constitutes a conclusory assertion not related to the re-zoning petition, and therefore does not require a response.

Public Comment (Al Marzullo): Will the construction jobs necessary to build the facility be filled with local workers?

Response: TC Syracuse Development will release a construction bid allowing local workers to present their formal response in an effort to secure construction jobs.

Public Comment (Mark Spadafore): Is there a guarantee that the project will create 1,000 jobs? Is there a clawback?

Response: It is understood by TC Syracuse Development that financial assistance to be provided by the Onondaga County Industrial Development Agency will be subject to recapture of real property tax, sales and use tax, and mortgage recording tax exemption benefits if the number of full time employment jobs to be created in the connection with the Project falls below certain mandated criteria.

9. Roads

Public Comment (Nodesia Hernandez): How will road deterioration be addressed? The heavy truck use will cause additional deterioration. Who will pay for upkeep?

Response: Morgan Road will be improved in front of the property by TC Syracuse Development prior to opening the facility. Ongoing maintenance will remain the responsibility of the OCDOT.

Public Comment (Mike Banks): Will there be a fund to maintain the developer's road improvements?

Response: Maintenance will be the responsibility of the agency that owns the roadway/intersection (i.e. either OCDOT or NYSDOT). However, the future tax revenues generated by the project will greatly assist in funding road maintenance efforts undertaken by the County and/or State.

Public Comment (Joseph Ostuni): What will the impact be to the Village of Liverpool from widening Tulip Street, Oswego Street, 2nd Street, and Vine Street?

Response: The only widening proposed is adding a lane on the Tulip Street approach to Oswego Street. The area where widening is proposed is currently gravel, and its widening will improve traffic flow and decrease queuing on Tulip Street.

10. Miscellaneous

Public Comment (Cheryl Young): How will the facility hire?

Response: The manner in which the facility will hire employees will be ultimately determined by the prospective tenant and/or end user that will locate at the property.

Public Comment (Vita DeMarchi): Will trucks be returning to the Thruway with empty containers?

Response: Yes, trucks will be returning to the NYS Thruway with empty containers and will be directed to use only the Thruway for all trips.

Public Comment (Vince Messina): Other businesses will be hurt when employees leave to work at the new facility.

Response: We respectfully submit that this comment constitutes a conclusory assertion not related to the re-zoning petition, and therefore does not require a response.

Public Comment (Darlene Sorendo): The project will affect the quality of life in the Town of Clay. People moved to the suburb for a reason and do not want projects like this nearby.

Response: We respectfully submit that this comment constitutes a conclusory assertion not related to the re-zoning petition, and therefore does not require a response. Nevertheless, TC Syracuse Development respectfully submits that the project is compatible and consistent with the existing commercial and industrial facilities located in the vicinity of the property.

Public Comment (Linda Hall): The facility will be operational 24 hours a day, but CENTRO buses only run until 11:30 pm.

Response: There is/will be CENTRO bus service during the times of shift changes between 6:30-7:30AM and 5:30-6:30PM.

Public Comment (Jim Nichols): What consideration has been made for the golfers who have been there since 1958?

Response: TC Syracuse Development understands that the golf course has been marketed for sale for many years. TC Syracuse Development has not been involved in any discussions regarding golf course operations.

Public Comment (Minnie Crooke): Will residential homes be torn down to complete the project?

Response: No residential homes will be torn down as part of the project.

Public Comment (Bernie Burt): What will happen to nearby property values?

Response: TC Syracuse Development respectfully submits that there is no evidence to suggest that property values are adversely impacted as a result of a state-of-the art warehouse distribution facility being constructed on property located in the vicinity of compatible and similar uses. To the contrary, with the influx of approximately 1,000 jobs to the community, we submit that the project will have a positive impact to property values.

Public Comment (Dawn Sherwood): This zone change is forever and in the future something even worse could be constructed on the site.

Response: We respectfully submit that this comment constitutes a conclusory assertion not requiring a response. Nevertheless, the Town Board retains its legislative discretion to further re-zone the property at a late date to accommodate a future use.

Public Comment (Richard Kyle): Can the fire department handle the size of the facility?

Response: The design team is working with Moyers Corners Fire Department to ensure that this project will not have an adverse impact on response times in the area.

Public Comment (Richard Kyle): What will the five story building look like? Will it look like the Rite Aid on Henry Clay Boulevard?

Response: The building will not look like the Rite Aid on Henry Clay Boulevard which is a single-story nondescript warehouse that makes no effort to address the street frontage. This building will have a five-story main volume that is surrounded by one and two-story volumes that house a variety of spaces including office space, break rooms, truck docks and support spaces. The main office block will face on to the main road creating a welcoming appearance to the building. The building materials will be a combination of prefinished concrete panels on the lower levels with metal panels on the upper levels. The variety of volumes and materials on the exterior of the building will create a visually appealing look with a mixture of texture and color to give a human scale to the building.

Public Comment (Joyce Cirrito): The Bayberry residential neighborhood will be "boxed in" by commercial and industrial uses.

Response: We respectfully submit that this comment constitutes a conclusory assertion not requiring a response.

Public Comment (Mark Falso, Craig Thayer, Candace Kranitz): The facility should be constructed elsewhere.

Response: We respectfully submit that this comment constitutes a conclusory assertion not requiring a response. TC Syracuse Development nevertheless submits that the property is a good location for the construction of a warehouse distribution facility since it

is compatible to existing industrial and commercial uses, and located near the NYS Thruway and I-81 Interstate.

Public Comment (Mike Ryan): The new facility will not be similar to the Raymour and Flannigan facility.

Response: We respectfully submit that this comment constitutes a conclusory assertion not requiring response.

Public Comment (Chris Stringer): The project is moving forward very quickly and caution should be taken.

Response: The review of the re-zoning petition and the project is being completed in compliance with the applicable SEQRA and Town of Clay requirements and mandated timeframes.

11. Environmental Assessment Form

In addition to the above-listed questions and comments, we received a letter containing in-depth questions regarding the Environmental Assessment Form ("EAF"). Detailed responses to these concerns are provided below.

Public Comment (Vince Messina): How did the EAF conclude that there was "no significant impact" when the project will remove hundreds of trees and further exacerbate an already overwhelmed waste water system?

Response: There are multiple factors that are evaluated when considering impact, and the quantity of trees removed is not the only factor in determining whether a potential significant adverse impact is presented. Additionally, wastewater from the site is discharging to the Wetzel Road Wastewater Treatment Plant (WWTP), which was recently upgraded and has more than sufficient capacity to serve this proposed development.

Public Comment (Vince Messina): Section C.2 of the EAF states that there are comprehensive plans for the site and that the comprehensive plans do not include specific recommendations. How are the plans comprehensive?

Response: A comprehensive plan is prepared to determine strategic goals and visions for the future in terms of community development. Not every specific site in a community is analyzed in a comprehensive plan, as the plans are generally prepared on a higher level. A comprehensive plan focuses on neighborhoods or communities as opposed to each individual site. The Town of Clay has not adopted a comprehensive plan; Onondaga County prepared a comprehensive plan in 2010. Even though a comprehensive plan does not review and discuss this site or every individual site in the entire county, the Onondaga County Plan is still considered a comprehensive plan.

Public Comment (Vince Messina): Section D.1 of the EAF indicates no ponds or reservoirs will be constructed onsite. Section D.2 states that storm water run-off will be directed to on-site bio-retention basins. Is one of these sections incorrect?

Response: Stormwater management practices include four bioretention basins, one wet extended detention pond, and one dry detention basin. Of the six stormwater management practices proposed on site, only the wet extended detention pond will have a permanent storage of water.

Public Comment (Vince Messina): Section D.2 of the EAF states that "no negative acoustical impact is anticipated." How can this statement be true?

Response: The project's sound study concludes no potential adverse acoustical impacts will result from site operations. In addition, sound fences and berms are proposed to avoid off-site sound emissions and ensure compliance with the Town's noise code requirements. These proposed features also block line-of-sight of on-site operations to off-site vantage points.

Public Comment (Vince Messina): Section E.1 indicates the site is not used for public recreation. The site is a public golf course, how is this not public recreation?

Response: This site is a privately-owned golf course where people must pay a fee in order to play. Therefore, it is not considered public recreation.

Public Comment (Vince Messina): Section E.1 also states that there are no endangered species. There are endangered bats within two miles of the site. Were these bats considered?

Response: Although there is no evidence suggesting that the Indiana Bat and/or any habitats associated with this species have been found at the site, the Indiana bat, which is an endangered species, was assessed as part of the project design and proposed construction. NYSDEC and U.S. Fish & Wildlife Service (USFWS) only permit the clearing of certain trees from October 1st to March 31st, while the bats are hibernating offsite. An Indiana Bat Habitat Assessment was prepared by a certified wildlife biologist to determine which trees located on the property may provide a suitable habitat and need to be removed during the winter months. The assessment concludes that a loss of potential roost tees onsite during the winter months is a minor impact, and is not likely to result in potential adverse impacts to the local Indiana bat population. As a result, TC Syracuse Development shall undertake any potential tree cuttings only during the required winter months.

Public Comment (Vince Messina): Why is the project considered "re-development" and not "new development?"

Response: For design purposes, this project is considered new development and not redevelopment. From a stormwater management perspective, this is a more conservative approach to ensure that no downstream impacts will occur as part of this development.

12. <u>GTS Consulting Letter dated September 25, 2019</u>

GTS Consulting reviewed the August 2019 Traffic Impact Study completed by SRF Associates for the proposed project. Detailed responses to the questions raised by GTS Consulting are outlined below.

A. Text Comments

1. Oswego St/Tulip St: The first sentence states that the mitigation is to "restripe the westbound Tulip St approach to provide an exclusive left turn lane and a shared left/through/right lane. The third sentence states that the mitigation is to "widen and restripe the westbound Tulip Street approach to provide two exclusive left turn lanes and a shared left/through/right lane." The first sentence is consistent with the mitigation analyzed in the study. The Third sentence should be removed.

Response: The Traffic Impact Study (TIS) has been updated to clarify both the text and the improvements that are recommended. Tulip Street will be widened to provide two exclusive left turn lanes and a shared through/right turn lane. The updated analysis also reflects this improvement and the necessary signal changes. It is noted that there is already some pavement and gravel in this area, however it is in poor condition and will require improvement.

2. Morgan Road/Buckley Road: It is noted that the "signal phasing/timing modification" statement should include modification of the traffic signal installation to add a northbound right turn overlap phase as included in the analysis.

Response: The TIS has been modified to reflect direction provided by the Onondaga County DOT (OCDOT). OCDOT has determined that widening is not required at this time. Instead, OCDOT will modify signal timings and provide right turn arrows overlapping with left turn phasing where appropriate to better accommodate projected traffic volumes. These improvements will sufficiently offset the additional traffic volumes at this intersection resulting from the project.

3. Morgan Road/Proposed Site Driveways: While the study notes that "queuing will be accommodated within the proposed left turn lanes on Morgan Road," the study does not specifically list the widening of Morgan Road to include left turn lanes northbound and southbound at the four site driveways as part of the mitigation. This should be noted in the recommendations.

Response: The TIS has been updated to better identify the recommended improvements including widening Morgan Road between Commerce Boulevard and the northerly site driveway to provide a 5-lane section on Morgan Road.

B. Technical Comments

1. Time Periods

a. How much lower are the traffic volumes during the time periods studied versus the adjacent street peaks?

Response: In general, existing traffic volumes are approximately 20-30% lower during the peak time periods studied versus the street peak time periods.

b. What assurance does the Town have that shift times will not coincide with the adjacent street peaks?

Response: It is a benefit to the eventual tenant of the building to adhere to these shift times since the employees will experience delays in traveling to and from work if the shift times were to coincide with the road peak times.

c. Will the proposed development have full shifts operating on Saturdays and Sundays? A sensitivity review should be completed to confirm that the weekend traffic volumes are equal to or lower than the peak periods studied, especially since the study did not evaluate the actual highest weekday hours.

Response: The shift times on Saturdays and Sundays will be the same as the weekday shift times. Saturday traffic volumes on Morgan Road were reviewed. The proposed distribution facility will operate the same shifts on Saturday that are used on weekdays. Facility peak hours for trip generation will occur between 6:30-7:30 AM and 5:30-6:30PM. Saturday peak hours occur during the middle of the day when there are no shift changes at the site. During the shift change time periods (AM and PM peak hours), Saturday traffic volumes on Morgan Road are 74% lower than the weekday AM peak hour and 28% lower than the weekday PM peak hour traffic volumes. Therefore, improvements proposed by the project are based upon analysis of the weekday peak hours and no Saturday analyses are necessary.

d. Background Growth and Approved Development – While the 1% annual growth rate seems reasonable, the study should provide the calculations based on the historical data to document the validity.

Response: Historical data and calculations are provided in the updated TIS Appendix and more detailed discussion is provided in the updated TIS. Historical traffic volumes on Morgan Road indicate a growth rate of approximately 0.5% per year while traffic volumes in the Village of Liverpool on Oswego Street have decreased by approximately 0.6% per year of the last 20± years.

e. Trip Generation Estimate – The study uses an estimate 1,289 trips generated during the morning peak hour and 1,268 trips generated during the evening peak hour based on data provided for the proposed tenant. The use of site specific data is reasonable.

i. What are the trip generation estimates on the weekends? As noted above, a sensitivity analysis should be provided to ensure that there is not a significant impact potential on a Saturday or Sunday.

Response: The proposed distribution facility will operate the same shifts on weekends that are used on weekdays resulting in the same peak hours and trip generation that was used for the weekday analyses. Saturday traffic volumes on Morgan Road are 74% lower than the weekday AM peak hour and 28% lower than the weekday PM peak hour traffic volumes. Therefore, improvements proposed by the project are based upon analysis of the weekday peak hours and no Saturday analyses are necessary.

ii. The data used notes that the trip generation rates are for off-peak season. What is the trip generation potential during peak seasonal operations? What is it the duration of the peak season?

Response: Peak season operations may last for approximately 3-4 weeks of the entire year. During this time period, trip generation may increase to 60% depending on market factors and the timing of seasonal demands. This is comparable to the Christmas season at a shopping mall in that the peak shopping season is not used for design purposes due to its relatively short duration when compared to the rest of the year.

2. Arrival/Departure Trip Distribution

a. It is noted that the total trips generated (cars and trucks) were used in the "car trips" column during the morning peak hour in the volume spreadsheets in the Appendix. This is a minor error that results in a more conservative analysis by double counting the trucks during the morning peak hour.

Response: Comment acknowledged.

b. There needs to be more explanation on how the overall trip distribution was developed. Demographics such as population by zip code, or household income data versus targeted employment should be reviewed to support or modify the distribution assumptions. Given the magnitude of the overall traffic generated by the proposed development, a 5-10% shift in distribution could have a notable impact on the results of the study and recommended mitigation.

Response: U.S. Census data for the Syracuse area and Onondaga County was used to determine likely origin and destination areas for the potential employees. In addition, existing traffic patterns were reviewed in detail to determine likely travel routes. This information has been added to the updated TIS. While it is possible that more employees may reside north and west of the site, the distribution analyzed in the TIS provides a conservative analysis of the most critical intersections. The TIS overestimates the traffic impacts associated with the employee traffic and recommends network improvements that will more than accommodate the potential project-related traffic.

c. It is noted that there is no assumed use of the Thruway (I-90) for employee traffic. Consideration should be given to provide incentives to use the Thruway to reduce demands on local streets.

Response: The NYS Thruway is in the process of assessing a new cashless tolling system. We do not anticipate any changes to the current fee structure in the immediate future. The Thruway already provides incentives (i.e. the commuter pass system and EZ-Pass discounts). Given the roadway network in the Syracuse area and the residential areas from which employees may travel to/from the site, Thruway use by employee traffic will be minimal at best. Therefore, it was assumed that no employee traffic would use the Thruway to provide a more conservative analysis of the roadway network. If a small percentage of employees do choose to use the Thruway, the Thruway exit can more than handle the small increase in traffic and the impacts to the roadway network will be reduced.

3. Capacity Analysis

a. The northbound approach of Oswego Street to Tulip Street is modeled as a shared left/through lane and a right turn lane during the morning peak hour. It is actually a shared left/through lane and a shared through/right lane, as correctly modeled during the evening peak hour.

Response: This intersection is modeled this way due to the observed operating conditions and the peak hour left turn restrictions at this intersection which vary by direction (NB vs SB) and peak hour (AM vs PM).

b. The eastbound approach of the Thruway Exit 38 to Oswego Street is modeled with a single left turn lane during the morning peak hour. There are two left turn lanes, as correctly modeled during the evening peak hour.

Response: This has been addressed in the updated TIS.

4. Mitigation/Recommendations

a. The study should show the revised driveway traffic volumes that are anticipated with the mitigation/traffic signal.

Response: Figure 8B has been included in the updated TIS and shows the redistributed driveway volumes resulting from signalization of driveways 2 and 3.

b. It is recommended that the southernmost driveway on Morgan Road (#4) be limited to right in/right out movements to minimize turning conflicts with Morgan Place.

Response: Agreed. This change is reflected in the updated TIS.

c. It is anticipated that most northbound traffic will try to use the first available driveway to turn left into the site. Consideration should be given to signalizing driveway #3 as opposed to driveway #2. This would also maximize storage space for the northbound left turn movement at the signal.

Response: Through discussions with reviewing agencies, two signals will be installed by TC Syracuse Development at driveways 2 and 3 across from the existing driveways serving the Raymour & Flanagan property.

d. Given the high opposing southbound traffic volumes during the morning peak hour, the proposed traffic signal should include a protected/permitted northbound left turn phase.

Response: Both traffic signals will provide a protected/permitted northbound left turn phase.

e. Morgan Road @ Sheridan Road – It is noted that failing operations exiting the residential area will continue to degrade with the additional traffic generated by the development. Would it be feasible to provide a secondary exit from this residential area to Liverpool Bypass via Marietta Place to provide access to the traffic signal on Morgan Road?

Response: Through discussions with OCDOT, this intersection is now modeled using SimTraffic. SimTraffic is a microscopic, dynamic traffic simulation model that considers the traffic flow and gap conditions at intersections and can more accurately

reflect actual operating conditions at un-signalized intersections that are in close proximity to signalized intersections. The updated analysis results indicate signal modifications at the Liverpool Bypass intersection will provide gaps in through traffic on Morgan Road at Sheridan Drive. With the proposed improvements in place, Sheridan Drive is expected to operate at LOS "C" or better. For a number of reasons, providing a secondary exit from the neighborhood to the Liverpool Bypass is not feasible.

TC Syracuse Development and its project team are pleased to provide the foregoing responses, and look forward to working further with the Town Board and Planning Board on this project.

Very truly yours,

Frank C. Pavia

cc:
Town of Clay Planning Commissioner Mark Territo
TC Syracuse Development Associates, LLC
Onondaga County Industrial Development Agency
Langan
GTS Consulting