

CLAY TOWN BOARD
FINDINGS AND DECISIONS

In the Matter Of:

The Application of TC Syracuse Development Associates, LLC (“TC Syracuse Development”), Ronald H. Ajemian, Richard Ajemian, Roberta Schmitt and Ajemian Properties, LLC petitioned for a Zone Change from REC-1 Recreational District to I-1 Industrial District for land located at 7211 and 7219 Morgan Road, Tax Map No. 114.-01-02.3 in the Town of Clay (the “Property”). A copy of the Application was reviewed by this Board, was posted on the Town website and is attached hereto and labeled “Exhibit A.”

The threshold issue for the Town Board’s decision is whether or not the proposed change of zone to I-1 Industrial zoning represents an appropriate and acceptable classification and use of the Property and is compatible with the neighboring properties located within the Town of Clay.

General Issue Summary

The Property consists of approximately 110 acres (4,772,936 sq. feet.) of land fronting on Morgan Road and the Liverpool By-Pass in the Town of Clay, commonly known as the Liverpool Golf Course property. The Property has been owned by the Ajemian family since at least the 1950s, and it has been operated as a public golf course and banquet facility. Prior to that time, the Property was zoned as an industrial district. The Property is currently zoned Recreation (Rec-1) District, and the proper designation sought for the Property is the Industrial (I-1) District classification as set forth in Section 230-17(c) of the Town of Clay Zoning Code (the “Zoning Code”). The Property has been marketed for sale for many years.

TC Syracuse Development, an affiliate of Trammell Crow, seeks to develop a portion of the Property into a state-of-the-art warehouse distribution facility, as well as provide for accompanying improvements as shown on the proposed Site Plan application pending before the Town of Clay Planning Board. The proposal is to build a 3,783,000 square foot distribution facility with a footprint of 823,522 square feet and approximately 85 feet in height, with 60-75± loading docks, 208± trailer parking stalls, and 1,804± parking spaces.; Approximately fifty (50) of the 110

acres will be comprised of impervious surface. Approximately 34 acres of the Property will remain undisturbed. The building façade will be precast concrete panels for the first and second levels and insulated smooth and corrugated metal panels (gray and blue) for the upper levels, with the main entrance along Morgan Road (collectively referred to as the “Project”).

As noted above, TC Syracuse Development has also applied for Site Plan approval before the Town of Clay Planning Board, as well as for area variances to accommodate sound fencing and the revised location of the front perimeter landscape strip along Morgan Road before the Town of Clay Zoning Board of Appeals. The Town Board has been provided with copies of the proposed Site Plan and Variance applications for its review.

Public Hearing Conducted

On September 30, 2019 the Town of Clay conducted a joint public hearing before the Town Board and the Town of Clay Planning Board at the Liverpool High School Auditorium. The purpose of the hearing was to adhere to the obligations imposed by the New York General Municipal Law and to obtain public questions, comments and input regarding the requested rezoning of the Property. A copy of the certified transcript of the public hearing is attached hereto and labeled “Exhibit B.”

TC Syracuse Development’s project team presented an overview of the Project to the public and provided additional information regarding site design and traffic engineering data. A stenographic transcript of the meeting was made and later supplied to both the Town Board and Planning Board for consideration and inclusion into their respective records. The transcript of comments was also supplied to the Onondaga County Industrial Development Agency (“OCIDA”) for inclusion in the SEQRA record.

An evaluation of the transcript of the September 30th hearing revealed the following common points raised by the public:

1. A potential increase in traffic and road congestion with potential impact to County-owned and maintained roadways and intersections that will service the Project.
2. Reduction of "green space" from the loss of the golf course with possible disappearance of local plants, trees, scenery and animal habitat.
3. Greater demands upon emergency service and public utilities.
4. Possible pollution of air and water associated with the Project.
5. TC Syracuse Development's refusal/inability to name its final user or tenant for the Property once the Project is completed, and the potential level of usages associated with the end user.

In response to the issues raised by the public input, TC Syracuse Development provided comprehensive responses to the comments that were provided, and analyzed how the Project's improvements and components will avoid and/or minimize traffic and other concerns to the maximum extent practicable. A copy of the official response/reply of the developer is attached hereto for reference and labeled "Exhibit C."

We also note the trucking aspects of the Project involve only single tractor trailers that are anticipated to travel primarily on and off the New York State Thruway and I-81. Proposed improvements include, but are not limited to, signalization of two new intersections on Morgan Road along the Raymour & Flanigan property located on the east side of Morgan Road; the addition of turning lanes, intersection improvements, striping in the Village of Liverpool, and better timing of lights in the Village of Liverpool and the Town of Clay to help alleviate stacking.

Sound issues raised will be avoided by the installation of sound fences and berms at specific locations along the boundary of the Property. Approximately 30% of the existing land will not be developed, leaving a significant portion of the Property untouched and "green space." The Project can be adequately served by existing emergency services and public utilities. We also note the fact that the Town has lost many large employers in the commercial corridor in the last ten years alone and we anticipate the loss of that traffic will be off-set somewhat by the Project.

We find TC Syracuse Development's refusal and/or inability to name a user or tenant for the Property once the improvements are constructed to be of no consequence to the Town. The applicant has consistently maintained that the warehouse distribution facility will serve either a logistics, big box retailer or e-commerce retailer; that no retail business will occur at the Property; and that a lease has not yet been signed. We recognize some project agreements do not allow for disclosure of the tenant until an agreement is executed. Throughout the process, the Developer supplied the Town with very specific parameters for a warehouse and transportation facility on the Property. We know, and were able to evaluate the size, proposed configuration and potential impacts of a distribution terminal and warehouse for the Property, regardless of what name is attached to the Project as a final user. TC Syracuse Development has consistently maintained that the building will be constructed upon speculation of attracting such a tenant.

Similarly, we do not find the speakers objecting to the proposed wage level a persuasive argument against the re-zoning request. The often reported and quoted \$30,000.00 base wage was cited by both Project supporters and detractors, and arguments were made on both sides. We note the wages for all positions will range from \$30,000 (the majority) to \$60,000 and also include a comprehensive benefits package. At the public hearing, we heard convincing evidence from the CenterState CEO (Rob Simpson), the region's business and economic development organization, who commented that the region's Upstate Revitalization Initiative Plan calls for efforts to attract warehousing distribution logistics operations to the area, and noted that the Project is in keeping with that plan. Various business owners, and labor practitioners also spoke at the public hearing, noting there is in fact a sufficient work force to staff the project in Onondaga County, and economic data revealed the need for the nature of employment the Project will bring to the community.

SEQRA

A coordinated and extensive assessment of the Project's potential significant adverse environmental impacts was evaluated as required by the NY State Environmental Quality Review Act ("SEQRA"). As permitted by SEQRA, OCIDA declared itself Lead Agency of the SEQRA process, with the Town of Clay Town Board, Planning Board and the Zoning Board of Appeals all identified as Involved Agencies which participated in the SEQRA process. The Town was

provided with copies of the Full Environmental Assessment Form (“FEAF”) for review and comment.

We find that OCIDA was properly designated as Lead Agency for SEQRA compliance purposes for reasons including, but not limited to, the fact OCIDA has significant resources for the evaluation of potential significant adverse environmental impacts including the retention of an independent traffic engineer; the fact the roads servicing the Project are mostly all owned or controlled by Onondaga County and the Onondaga County Department of Transportation maintains the background data regarding same; and that the Onondaga County Department of Transportation was heavily involved in the design and approval process for the proposed traffic improvements located at and around the Property. The Town agencies received the SEQRA Lead Agency Resolution.

OCIDA held several work sessions and held a public hearing regarding SEQRA at the Clay Town Hall on October 22nd, 2019. A copy of the transcript of the SEQRA public hearing was posted on the IDA website and is incorporated herein for reference. We also note other agencies and individuals wrote to the IDA in opposition to and in support of the project, and that the Developer issued a written response to the issues raised by letter from counsel dated October 21st, 2019. A copy of the Developer’s response was posted on the IDA website and we incorporate same here for reference.

In addition to attendance and participation at the OCIDA work sessions and hearing, the Town also supplied OCIDA as Lead Agency with the following documents:

1. A copy of the transcript of the September 30th Public Hearing for review of the public comments.
2. A copy of TC Syracuse Development’s responses to the public comments.
3. The Town’s traffic engineering consultant’s review of the traffic information submitted including, but not limited to the County Department of Transportation information, the report of the independent expert analysis for OCIDA, and the Town’s review of the traffic data performed by Gordon Stansbury.

4. TC Syracuse Development's response to traffic issues raised by the public and independent experts.
5. Copies of letters and correspondence received by the Town after the close of the public hearings.

On October 31, 2019, after a lengthy comprehensive review of the FEAF and the materials submitted by the Town, OCIDA voted unanimous to issue a Negative Declaration pursuant to SEQRA finding that the Project, including the re-zoning of the Property, did not present a potential significant adverse environmental impact. On the same date and meeting, OCIDA also approved a Payment if Lieu of Tax agreement and other agreements for the project. OCIDA issued negative declarations to the involved agencies at the Town (Town Board, Planning Board and ZBA) by letter dated October 31st, 2019. A copy of the notice of SEQRA decision is attached hereto and labeled "Exhibit D."

We also note all relevant documents related to SEQRA were supplied to the Town for review and posted on the OCIDA website. The public postings on the OCIDA site include, but were not limited to, the Applications with Project Summary, Public Hearing Resolutions, Lead Agency Resolutions, Public Services, Wetland with JD Impact Plan, Traffic Impact Studies, SHPO Letter, Visual Impact Narrative, Utility Report, SWPP Full Reports, Energy Conservation Report, Architectural Plans and Elevations, Site Plans, Notices regarding SEQRA materials, Developer statements and Responses, updated Traffic Impact Study with Appendices, and a Sound Study.

Findings

Based upon the large amount of information, data, studies and the record produced to date, we hereby affirm, approve and adopt the following Findings:

1. The Town, as an Involved Agency that has participated in the coordinated SEQRA review of the Project, hereby ratifies and affirms the Negative Declaration issued by OCIDA on October 31, 2019.

2. The Town has been supplied with a metes and bounds surveyor's legal description of the Property prepared by Langan Engineering dated August 30, 2019. The certified legal description indicates the Property contains approximately 4,772,936 square feet and totals 109.57153 acres of land.

3. The Town is aware of two comprehensive studies (LWRP and Northern Land Use 2011) that are used as planning tools. Neither study is applicable or persuasive here. The land in the areas near to and surrounding the site were and are mostly considered commercial or industrial in nature, and there is a very large warehouse and distribution center located across the street from the subject property known as Raymour and Flannigan.

4. The Project description shows it to be a warehouse and distribution facility which will consist of four upper levels of sorting fields with a perimeter of workstations and conveyor systems to deliver product to the ground level for sorting, packing, labeling and distribution; the facility would operate 24 hours per day, 7 days per week with approximately 4 shifts.

5. The Site Plan shows five new driveways, one on Liverpool Bypass and four onto Morgan Road, each of which must meet commercial driveway standards of the Onondaga County Department of Transportation; the unsignalized northernmost driveway will serve as a main entry and exit point primarily for the truck traffic on site, leading to parking areas for 208± trailers and access to 60-75 loading docks at the rear of the building; the three additional driveways along Morgan Road serve the 1,804± car parking lot with two signal lights proposed to be located opposite to the existing Raymour & Flanagan driveways on Morgan Road; a driveway onto the Liverpool Bypass connects to the employee parking lots and is intended to be used as a secondary truck exit during peak season only.

6. The proposed Site Plan shows a bus stop/drop-off location along the front of the building intended for pull-in Centro bus service to the site; TC Syracuse Development is coordinating with Centro on service, circulation and logistics of the potential on-premises bus stop; local bus routes exist along Morgan Road and Route 57 (including service to Oswego); the traffic study submitted

estimates 10% of employee trips would occur by means other than a single-occupant vehicle (*e.g.*, transit, carpool, walk, bicycle) Based on feedback received from the Onondaga County Department of Transportation, there are no current or proposed sidewalks or pedestrian pathways located along either road frontage connecting to Route 57, nearby apartment complexes or the Village of Liverpool nor are there proposed bicycle facilities other than road shoulders on nearby roadways and no bicycle racks or bicycle parking facilities.

7. An updated Traffic Impact Study (the "TIS") was included in the FEAF which utilizing 2,142 total employees (per Table III), anticipates that the Project will generate approximately 1,250± new AM/PM peak hour trips. Traffic improvements designed to avoid and/or minimize potential significant adverse traffic impacts resulting from the Project include the widening of Morgan Road between the northernmost driveway and Commerce Boulevard, two new signalized intersections at the Raymour and Flanigan driveways, turn lanes for all driveways, and new turn lanes/intersection widening at nearby intersections. Off-site traffic improvements include widening and modifications to the Oswego Street (Route 57)/Tulip Street intersection in the Village of Liverpool, Morgan Road and the Liverpool Bypass, and modification to Commerce Boulevard and Tulip Street. New signals and intersection and signal changes at Morgan Road and Liverpool Bypass will provide sufficient gaps to allow traffic to safely enter and exit Sheridan Road. While delays may occur at the intersection of Morgan Road and Sheridan Road, traffic levels are indicated as low and therefore no modifications are proposed in the TIS. The Onondaga County and New York State Departments of Transportation have also reviewed the TIS and the applicant's responses to public comment and the recommendations of the Town's independent traffic engineer, GTS Consulting. The Town Board has been provided with copies of all of the studies and reports, as well as TC Syracuse Development's responses to the NYSDOT's recommendations and the advice of our consulting engineer GTS Consulting.

8. Drinking water for the Project is to be supplied by the Town of Clay water system. Two (2) water tanks are shown at the rear corner of the proposed facility connecting to the public water service lines; a fire loop and hydrants are also shown to surround the facility. Wastewater estimated at 45,000 gpd would flow north from the Property via Town of Clay sewer lines to the

County-owned Longbranch Trunk Sewer, Sawmill Creek Pump Station and Wetzel Road Wastewater Treatment Plant. We find there are adequate public services available to supply the Project at full potential build-out.

9. A landscape plan shows landscape screening of residential edges and the rear parking lot, tree pits within parking lots, and bioretention and front yard plantings. No landscaping, grading or clearing is indicated for any of the remaining golf course lands at the northern end of the Property which will remain unaltered. The submitted Threatened and Endangered Species Assessment considered the potential presence of Indiana Bat, Northern Long-Eared Bat and Eastern Massasauga habitats and, as a result of input received from the NYS Department of Environmental Conservation, applicable trees will be cleared during prescribed months, and no other potential adverse impacts are noted.

10. An evaluation of potential Project sound emissions was submitted to the Town, which shows a worst case decibel range of 45-60 dB(A) at nearby residences, and further notes that worst case sound emissions will not result in a potential adverse acoustical impact. Nevertheless, to ensure that the Project meets the Zoning Code's applicable I-1 Industrial District noise avoidance requirements, TC Syracuse Development has implemented strategies designed to avoid and or minimize noise impacts including the placement of landscaping berms and sound fences at certain locations along the Property's boundaries vis a' vis specific sensitive receptors. The berms will also provide visual benefits to the adjoining properties. An Overall Lighting Plan was further included in the FEAF designed to provide only minimal spillover of light from the Property onto neighboring parcels. We find the installation of proposed landscape berms and sound fences as contained in the amended site plan application and the request for area variances for portions of the proposed sound fencing from the Zoning Board of Appeals as acceptable strategies and site improvements designed to avoid potential significant adverse noise impacts at the Property.

11. A wetland/waters impact assessment indicates wetland delineation was performed in July 2019, with 1.1 acres of onsite federal wetlands consisting of small, fragmented areas of emergent wetlands in the golf course and mainly comprised of turf grass and poorly draining soils; Sawmill Creek, a Class B tributary to Onondaga Lake, and listed as a NYS water-quality impaired

waterbody, runs 2,000 feet through the site to the rear of the proposed building. The report notes the proposed stream crossings and small amount of wetland disturbance are accommodated by the Nationwide Permit to be issued by the US Army Corps of Engineers.

12. A Stormwater Pollution Prevention Assessment was included with the FEAF, which indicates stormwater transmission lines leading from the building and parking areas to multiple bioretention basins, a wet extended detention pond, and a dry detention basin to the sides and rear of the building. Any project that cumulatively disturbs one acre or more of land must be covered under the NYS Pollutant Discharge Elimination System (SPDES) II General Permit for Stormwater Discharges from Construction Activity. For projects within a designated municipal storm sewer system (MS4) municipality, the applicant must prepare a Stormwater Pollution Prevention Plan (SWPPP) and consult with the municipal engineer to ensure conformance with the municipality's Storm Water Management Plan (SWMP).

13. There are no nonconforming uses or structures on the Property and have been none during the last six (6) months preceding this Petition.

14. The Property is located within 500 feet of the town line of the Town of Clay with the Town of Salina. The Property is not located within 500 feet of the boundary of the Village of North Syracuse. The Property is not located within 500 feet of any existing or proposed County or State park or other recreation area. The Property is located within 500 feet of any right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway.

15. The Property is not located within 500 feet of any existing or proposed right-of-way of any stream or drainage channel owned by the County or for which the County has established channel rights. The Property is not located within 500 feet from the existing or proposed boundary of any County or State-owned land on which a public building or institution is situated.

16. The proposed zone change does not affect property within the protectively zoned area of a housing project authorized under the Public Housing Law.

17. The application for a zone change was properly classified as a Type I Action for the purpose of SEQRA compliance pursuant to Part 617 of the SEQRA regulations.

18. We evaluated public concerns raised in the public hearing and reflected in the transcript. We obtained satisfactory answers from TC Syracuse Development and the applicable regulatory agencies to open issues and questions posed. We find the above enumerated concerns do not rise to the level of potential impermissible negative impacts upon the Town or our residents. We find the concerns related to traffic are satisfactorily addressed by the proposed project improvements. The concerns regarding noise will be satisfactorily avoided by the installation of berms and sound fences located around the Property as proposed. The Project further calls for the retention of significant “green space” and animal habitat.

19. We do not believe the public will suffer from additional litter, pollution and decreased property values. In fact, there has been no required showing of an evidentiary nature that these concerns are any different or greater than that of the overall population or that this Project will “harm” any residents.

20. We acknowledge receipt of the GML Recommendation Report of the Onondaga County Planning Board dated September 18, 2019 (OCPB Case # Z-19-270) which resolved that the County Planning Board approves the proposed zone change in the interest of economic growth and job creation within an urbanized area of Onondaga County, with access to infrastructure, transit, and the regional transportation system-approval of the Project. The County Planning Board further notes the Project will not have a potential significant adverse inter-county or countywide implications. A copy of the latest referral and resolution has been supplied to the Town Board. Similarly, the Onondaga County Planning Board issued a referral issued October 30th, 2019 resolving the project presented no inter county issues and stated no objections or modifications. A copy of the Onondaga County Planning Board resolutions are attached hereto and labeled “Exhibit E.”

21. The Town of Clay Planning Board also offered recommendations that were duly considered by this Town Board. By unanimous resolution dated October 9, 2019, the Town Planning Board voted to recommend a rezoning of the Property to the I-1 Industrial District. A copy of the October 9th resolution has also been supplied to the Town Board.