



MEMORANDUM

TO: Onondaga County Industrial Development Agency (OCIDA)
DATE: November 27, 2023
FROM: JMT of New York, Inc.
PROJECT: OCIDA Environmental and Engineering Services Support
JMT JOB NO.: 22-02972-001
RE: Response to November 13, 2023 Opposition Letters for District East

Response to November 13, 2023 Opposition Letters for District East

JMT of New York, Inc. (JMT) has reviewed the opposition letters from Whiteman Osterman & Hanna LLP and E. Steward Jones Hacker Murphy LLP, both dated November 13, 2023 with regard to District East, a proposed development project in the Town of DeWitt. The letters were received by JMT on November 15, 2023.

For ease of review, the comments contained within each letter are repeated below in italics, followed by JMT's responses.

E. Steward Jones Hacker Murphy LLP Letter, dated November 13, 2023

PAGE 2: 3. Reconciled SEQR Findings Concerning Impacts on Traffic and Transportation

“The record contains a January 2023 Updated Traffic Impact Study by GTS Consulting, which estimated more than 7,600 vehicular trips per day to or from the property. Even these estimates are based on optimistic assumptions that the trips generated will be less than those forecasted in the ITE Trip Generation (11th Edition) resource. For example, GTS cut the trip estimates for the movie theater uses by 20% because of the increased tendency toward “streaming” movies at home (as though the authors of the ITE were unaware of this phenomenon). Likewise, GTS cut trips by 15% based on speculation that some of them will be “internal capture trips” (without any explanation of how they arrived at the 15% rate in particular), and heavily diluted the estimates for departure and return trips for residents of the property based on the unquantified assumption that they will “stagger” their departures and arrivals over time.”

RESPONSE: The “7,600 vehicular trips per day to or from” are shown in the GTS traffic study as peak hour, and not per day. The analysis approach uses the highest volume peak traffic condition during a single hour as shown on page 7 of that document. Further explanation of the traffic study movie theatre % on page 9 identifies the authors of ITE Trip Generation are using statistical data based on years 1980-2010 and would thus not reflect changes in technology, COVID or other since then. The study appendices describe using the latest ITE Trip Generation 11th edition, which is dated September 2021.

Whiteman Osterman & Hanna LLP Letter, dated November 13, 2023

PAGE 5: 1. OCIDA Has Failed To Comply With The “Hard Look” Standard of SEQRA.

“Some potential impacts did receive at least passing review from OCIDA. For example, OHB submitted a traffic analysis indicating that the project will generate between 1,658 and 3,257 total trips per day depending on the time of day and day of the week. But this estimate appears inconsistent with other submissions made by OHB (specifically, the Visitor Impact Study) which estimated 4,545,000 visitors to the site annually, which would translate to approximately



12,452 visitors per day. The failure to notice and account for this discrepancy demonstrates that while OCIDA looked at traffic impacts it did not take the statutorily-required "hard look" at them"

RESPONSE: The "1,658 & 3,257 total trips per day" mentioned are shown in the traffic study as peak hour, and not per day. The analysis approach uses the highest volume peak traffic condition during a single hour as shown on page 7 of that document.

"Other potential impacts were left wholly unconsidered by OCIDA...surface water quality...noise...and lighting."

RESPONSE: The noted resource areas of surface water quality, noise, and lighting for District East were closely examined. Written comments from JMT on these topics were provided to Barclay Damon LLP on November 8, 2022 and February 28, 2023 and subsequently to the Applicant. These and other comments were also noted and discussed during the workshop sessions of December 16, 2023, January 17, 2023, February 7, 2023, March 16, 2023, and August 8, 2023, in which members of OCIDA, the Town of DeWitt, the Applicant and its representatives, Barclay Damon LLP, and JMT attended. The intent of the workshop sessions were in part to discuss project details, impacts, and potential mitigation, including those for these specific resource areas. Following each workshop session, the Applicant revised their application materials to satisfactorily address the comments (both written and verbal.)

To further address the specific assertions on these topics contained within the November 13, 2023 Whiteman Osterman & Hanna LLP letter, JMT offers the following:

Surface Water Quality. Initial comments on the Applicant's Preliminary SWPPP were provided in JMT's November 8, 2022 comments letter referenced above. The Preliminary SWPPP and Stormwater Utility Assessment, which includes a stormwater quantity and quality analysis for pre- and post-construction conditions were revised to adequately address JMT's written comments and those of the subsequent workshop.

Noise. Comments on the Applicant's Construction Noise Assessment were provided in JMT's written comments of November 8, 2022 and February 28, 2023. Responses from the Applicant were received via email on December 2, 2022 and were discussed during the workshop sessions held in January, February, and March. A separate meeting between JMT and RSG, the preparer of the noise analysis, was held on March 9, 2023 to further discuss the study and to ensure comments would be adequately addressed. The result of all these efforts is the finalized Construction Noise Assessment, dated April 26, 2023.

Modeling noise levels during operation would not accurately portray the finished phases of the project, as the required operating equipment and its technology is expected to change by the time of the design phase for the project. Therefore, operational sound level modeling was not practicable to assess impacts. Instead, potential noise impacts during operation were discussed with the Applicant during the workshop sessions, including how noise impacts will be assessed and incorporated into the final design and the approval process. As the anticipated primary sound source types are mechanical equipment (e.g., roof-mounted HVAC units) and vehicular traffic and sound levels will comply with the established local regulations of the Town of DeWitt, it is similar to the current use and not considered a significant impact.

Notwithstanding, although the sufficiency of the information regarding operational noise levels and mitigation was discussed during the workshop sessions based upon information available at the time,



the Agency could elect to request that the Applicant provide in writing additional technical information on operational noise and mitigation measures.

Lighting. Request for a Lighting Plan was included in JMT's November 8, 2022 above-referenced comments letter. It was subsequently discussed during the workshop session held on January 17, 2023. The Applicant provided sufficient detail on the plan for lighting and included such a discussion in the EAF Narrative.