

OHB REDEV, LLC – DISTRICT EAST

**EMINENT DOMAIN PROCEDURE LAW 204 RESOLUTION
(3101-22-06A)**

A special meeting of the Onondaga County Industrial Development Agency (the “Agency”) was convened in public session on February 15, 2024 at 8:30 a.m., local time, at 335 Montgomery Street, 2nd Floor, Syracuse, New York.

The meeting was called to order by the (Vice) Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT: Patrick Hogan
Janice Herzog
Susan Stanczyk
Kevin Ryan
Fanny Villarreal
Cydney Johnson

ABSENT: Elizabeth Dreyfuss

ALSO PRESENT: Robert M. Petrovich, Executive Director
Jeffrey W. Davis, Esq., Agency Counsel
Mark R. McNamara, Esq., Agency Counsel

The following resolution was offered by Susan Stanczyk, seconded by Janice Herzog, to wit:

**RESOLUTION OF THE ONONDAGA COUNTY
INDUSTRIAL DEVELOPMENT AGENCY ADOPTING THE
NEW YORK EMINENT DOMAIN PROCEDURE LAW 204
DETERMINATION AND FINDINGS REGARDING
POTENTIAL ACQUISITION OF PROPERTY INTERESTS
BY PURCHASE OR EMINENT DOMAIN AND RELATED
ACTIONS FOR THE OHB REDEV, LLC – DISTRICT EAST
PROJECT**

WHEREAS, the Agency is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”), Chapter 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975 of the State of New York, as amended, constituting Section 895 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and

economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire (by eminent domain pursuant to the New York Eminent Domain Procedure Law (“EDPL”) or other means), construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, the Agency has received an application from OHB Redev, LLC (the “Applicant”) seeking benefits in connection with the redevelopment of the former Shoppingtown Mall site located in the Town of DeWitt (the “Site”); and

WHEREAS, the Site was previously used as an open-air shopping center until 1975, then used as an enclosed mall until it closed in or about 2020; and

WHEREAS, at its peak, the Site included building improvements containing five anchor department stores, 125 in-line stores, shops and other services totaling approximately 1,184,426 square feet of retail space, but in its current condition the buildings are vacant and the Site is a blighted and deteriorating eyesore; and

WHEREAS, the Site consists of six parcels encompassing approximately 69± acres of land and various land and building improvements; and

WHEREAS, pursuant to certain tax foreclosure and bankruptcy proceedings the County previously acquired title to the parcels identified by: SBL #s 063.-01-02.1 (53.48 acres); 063.-01-02.2 (10.32 acres); and 063.-01-10.0 (.66 acres) (hereafter referred to collectively as the “County Parcels”); and

WHEREAS, the Applicant has entered into a contract with the County to obtain title to the County Parcels; and

WHEREAS, the Applicant is requesting that the Agency utilize its authority to acquire title by purchase or the exercise of its power of eminent domain to the remaining three parcels that make up the Site, namely: 063.-01-02.3 (the former Macy’s store - 1.67 acres), 063.-01-02.4 (the former Sears Dept. Store - 1.85 acres), and 063.-01-02.5 (the former Sears Auto Center - .69 acres) and all related property interests (hereafter referred to collectively as the “Property”); and

WHEREAS, the respective owners of the Property and the County Parcels are bound by a Reciprocal Easement Agreement (the “REA”) that prevents, for all practical purposes, the redevelopment of the Site without first consolidating ownership; and

WHEREAS, the taking of the Property by the Agency and the conveyance of title to those parcels to the Applicant would terminate the REA by merger, thus allowing for the redevelopment of the Site; and

WHEREAS, the Applicant intends, with the necessary acquisition of the Property, to redevelop the Site by creating five distinct but blended districts that will be used for residential housing, entertainment, restaurants and hospitality, retail, and office/institutional uses; and this mixed-use approach will create natural and complementary synergies throughout the Site that will promote walkability, multiple levels of consumer and lifestyle engagement, beautiful park/landscaped areas and an overall positive guest and resident experience (the “Project”); and

WHEREAS, the potential public benefits created by the Project will be significant in the form of new sidewalks, streets and parks, updated utilities, hundreds of construction jobs and permanent full-time positions (once the build-out is complete), estimated sales tax revenue in excess of \$12 million per year, new housing stock and the orderly development of a mixed-use hub, or village center, for the Town of DeWitt, which has been desired by the Town of DeWitt government for some time, as is stated clearly in their planning documents and the elimination of a blighted, moribund, long-vacant shopping center through such redevelopment; and

WHEREAS, the Applicant entered into a Cost Reimbursement Agreement and Memorandum of Understanding dated as of August 26, 2022 (the “Cost Reimbursement Agreement”) by which the Applicant agreed, among other provisions, to be responsible i) for the full cost of acquiring the Property and to pay and/or reimburse the Agency the funds necessary to acquire the Property by negotiated purchase or eminent domain, in the event the Agency determines to exercise its power of eminent domain to acquire the Property pursuant to the EDPL and ii) to provide the funds to post a bond or undertaking prior to vesting of title in any EDPL Article 4 proceedings to acquire the Property so as to provide a certain and adequate source and manner of payment as may be required by the Court; and

WHEREAS, pursuant to State Environmental Quality Review Act (“SEQRA”), the Agency is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Agency; and

WHEREAS, the Agency issued an initial Negative Declaration with respect to the Project and the acquisition of the Property necessary for the Project by Resolution dated October 12, 2023 (the “Negative Declaration”) based on a full environmental review under SEQRA including the Full Environmental Assessment Form Parts 1, 2, and 3 (the “EAF”) and supporting studies and reports (collectively, with the EAF, the “SEQRA Materials”); and

WHEREAS, pursuant to the authorization contained in a resolution adopted by the members of the Agency on December 20, 2022, the Agency published notices in The Post Standard on October 22, 24, 26, 29, 31 and November 2, 2023 of a public hearing to be conducted by the Agency pursuant to EDPL Article 2 (the “Public Hearing”) and. copies of the notice of the Public Hearing were timely served on each of the assessment record billing owners of the Property and their respective legal counsel by certified mail, return receipt requested pursuant to EDPL 202; and

WHEREAS, the Agency held the Public Hearing in the DeWitt Town Court, DeWitt, New York on November 13, 2023 in person and by Teams video and teleconference internet platform, which hearing was left open to accept additional written submissions until November 20, 2023,

and at which time the Agency outlined the purpose, proposed location, and any other information it considered pertinent, including maps and descriptions of the property to be acquired and adjacent parcels and provided any person in attendance a reasonable opportunity to present oral or written statements and to submit any other documents concerning the Project; and

WHEREAS, representatives of the record billing owners of the respective Property appeared on November 13, 2023 in person and presented statements at the Public Hearing in addition to making written submissions as did various other members of the public who appeared in person and by video platform; and

WHEREAS, following the Public Hearing the Agency caused a transcript of the Public Hearing to be made, and a copy of the Record of the Public Hearing, including all written materials submitted, was made available for public inspection without cost at the Agency's office and on its website and at the County Clerk's Office; and

WHEREAS, subsequent to the Public Hearing, the Applicant submitted to the Agency a certain Construction and Operational Noise Analysis which was incorporated into the SEQRA Materials (collectively the "Supplemented SEQRA Materials") which materials the Agency has reviewed in full and on February 15, 2024 issued an Amended Negative Declaration in connection with the Project and the acquisition of the Property; and

WHEREAS, the Agency, pursuant to EDPL Article 2, desires to adopt the determination and findings and brief synopsis attached hereto as Exhibits A and B in connection with the acquisition of the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based on the entire record of proceedings, including, but not limited to, the Applicant's Application and all materials submitted in support of the Application, SEQRA Materials, Initial Negative Declaration, Supplemented SEQRA Materials, Amended Negative Declaration, the record of the Public Hearing, the Agency's knowledge of the Project and Site, and pursuant to the EDPL, the Agency makes the following findings with respect to the Project and acquisition of the Property:

- A. Pursuant to EDPL Article 2, the form and substance of the determination and findings attached hereto as Exhibit A is hereby adopted and incorporated herein by reference.
- B. Pursuant to EDPL Article 2, the form and substance of the Synopsis of the determination and findings attached hereto as Exhibit B is hereby adopted and incorporated herein by reference.

Section 2. The Agency's Executive Director and staff, and the Agency's legal counsel, Barclay Damon LLP, are hereby authorized and directed:

- a. To do such things or perform such acts and execute such documents as are necessary and/or appropriate to acquire the Property under the EDPL, including, but not limited to, retaining any professionals, consultants and contractors necessary to provide materials required under the EDPL in connection with the negotiation of the purchase of the Property and/or the commencement of legal proceedings under the EDPL to acquire the Property by eminent domain.
- b. To offer to post a bond or undertaking prior to vesting of title in any EDPL Article 4 proceedings to acquire the Property so as to provide a certain and adequate source and manner of payment as required by the Court;

Section 3. A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Patrick Hogan	X		
Janice Herzog	X		
Elizabeth Dreyfuss			X
Cydney Johnson	X		
Susan Stanczyk	X		
Kevin Ryan	X		
Fanny Villarreal	X		

The Resolution was thereupon declared duly adopted.

STATE OF NEW YORK)
) ss.:
COUNTY OF ONONDAGA)

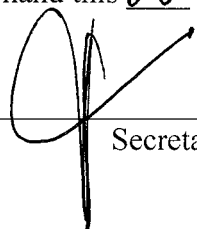
I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 15, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matter therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting, (B) said meeting was in all respects duly held, (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law") , said meeting was open to the general public and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law, and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed, or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand this 20 day of February, 2024.

(SEAL)



Secretary

EXHIBIT A

EXHIBIT A

DETERMINATION AND FINDINGS PURSUANT TO EMINENT DOMAIN PROCEDURE LAW SECTION 204

The Onondaga County Industrial Development Agency (“**OCIDA**” or the “**Agency**”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law (“**GML**”), Chapter 24 of the Consolidated Laws of New York, as amended (the “**Enabling Act**”), Chapter 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975 of the State of New York, as amended, constituting Section 895 of the GML (said Chapter and the Enabling Act being hereinafter collectively referred to as the “**Act**”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York (the “**State**”), to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration.

To accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase.

To accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire by eminent domain pursuant to the New York Eminent Domain Procedure Law (“**EDPL**”) or other means those real property interests necessary and/or appropriate to further its stated purposes.

By resolution dated December 20, 2022 the Agency duly authorized the initiation of procedures to acquire certain real property and improvements by negotiated purchase or by eminent domain pursuant to the EDPL necessary for the proposed Project (as defined herein) which is the subject of an application for financial assistance (the “**Application**”) to the Agency by the developer OHB Redev, LLC (“**OHB**”). Specifically, such real property and improvements are within the former Shoppingtown Mall located at 3649 Erie Boulevard East, in the Town of DeWitt, New York (“**Town**”) and more particularly identified as the i) former Sears sites located at tax map lots 063.-01-2.4 and 063.-01-2.5 totaling 2.54± acres and ii) the former Macy’s site located at tax map lot 063.-01-02.3 totaling 1.67± acres (collectively, the “**Property**”).

The proposed project (the “**Project**”) consists of the proposed demolition of the bulk of the existing former and vacant Shoppingtown Mall located on 69± acres at 3649 Erie Boulevard East, DeWitt, New York (“**Project Site**”), and its redevelopment into a walkable, mixed-use town center development, inclusive of retail, entertainment, office, residential, and open space at the Project Site. The Project is anticipated to include 1.96 million± square feet of leasable space inclusive of 912 dwelling units in 33 structures of up to six stories in height, office, grocery, retail and hospitality, hotels, entertainment including, but not limited to, movie theatres, restaurants, bars, and

bowling, and mixed-use buildings across the site. In addition, a new street grid that will incorporate primary, secondary and shared/festival streets, sidewalks, bicycle infrastructure, pedestrian scale lighting, street trees, sewers, parks and green spaces and on-street parking will be constructed. The Project will also include surface parking areas and will utilize the existing parking garage in order to provide up to 4,105 parking spaces. 64.46± acres of the Project Site is owned by Onondaga County (“County”) and subject to a July 5, 2022 Purchase Agreement between the County and OHB. Acquisition of the Property and related reciprocal easement interests are necessary for the development of the Project as a unified and comprehensive redevelopment of the overall 69± acre Project Site. The Project will be built out over a period of approximately 12 years in various development phases.

Pursuant to EDPL Article 2, the Agency held a public hearing in the DeWitt Town Court, DeWitt, New York on November 13, 2023 in person and by video and teleconference internet platform, which hearing was left open to accept additional written submissions until November 20, 2023 (“Public Hearing”). The Agency published notices of the Public Hearing in The Post Standard on October 22, 24, 26, 29, 31 and November 2 and copies of the notice of the Public Hearing were timely served on each of the assessment record billing owners of the Property and their respective legal counsel by certified mail, return receipt requested, pursuant to EDPL 202. Representatives of the record billing owners of the respective Property appeared and presented statements at the Public Hearing in addition to making written submissions. A copy of the Record of the Public Hearing, including all written materials submitted, was made available for public inspection without cost at OCIDA’s office, on the Agency’s website and at the Onondaga County Clerk’s Office.

Based upon the Public Hearing, the Agency’s investigations, the Application and related documents, the environmental review and information in the record before the Agency, the Agency hereby makes its Determination and Findings regarding the proposed Project.

I. THE PUBLIC USES, BENEFITS OR PURPOSES TO BE SERVED.

Shoppingtown Mall, including the former Sears and Macy’s facilities on the Property, was the sole occupant of the Project Site and has been closed and vacant for approximately 4 years. It was originally constructed in 1954 as an open air shopping center and then converted into an enclosed mall from 1973 to 1975. Shoppingtown Mall remained a major regional shopping center with, at its peak, five anchor department stores, 125 in-line stores, shops and other services. The mall finally closed entirely in March 2020.

As a result of the former mall owners’ failure to pay real property taxes for a number of years, tax foreclosure proceedings brought by the County in Onondaga County Supreme Court, and the former owner’s subsequent bankruptcy proceedings, on December 29, 2020 the County acquired title to 64.46± acres of the Project Site. The remaining 4.21± acres of the Project Site are the three parcels making up the Property. The Project Site, including the Property, remains vacant, derelict, and blighted.

As owner of the significant majority of the Project Site, the County is responsible for the carrying costs such as utilities, guard services, snow removal and ground care, special district charges, and repairs and services which costs have totaled over \$3.6 million since 2020.

A portion of the Project Site is located in an Empire Zone which qualifies as a “highly distressed area,” as such term is defined in GML Section 862.

The acquisition of the Property for the Project will serve a public use, benefit, or purpose in that it will promote the economic welfare and prosperity of the inhabitants of the State and the County and provide needed housing in Onondaga County and the Town and attract and develop economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State, to improve their prosperity and standard of living, eliminate blight, and prevent unemployment and economic deterioration consistent with the Act.

The real property interests to be acquired by the Agency as set forth herein are necessary and in furtherance of the Project and therefore such acquisition is supported by the same public purposes or benefits the Agency has determined support the Project.

The Agency has exercised its sole discretion in adopting this Determination and Findings and will continue to exercise its sole discretion in filing EDPL Article 4 Petitions to acquire the Property, subject to the Act, EDPL, State Environmental Quality Review Act (“**SEQRA**”) and all applicable laws. The Agency has not, in any respect, delegated to anyone the power to compel the condemnation against the Agency’s own judgment or legal obligations. On the contrary, the Project, and the proposed acquisition of the Property is consistent with the Agency’s purposes to:

“promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping, and furnishing industrial, manufacturing, warehousing, commercial, research, renewable energy and recreation facilities ... facilities ... and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York ...”

as set forth in GML 858.

The Agency finds that the acquisition of the Property is necessary to achieve the public uses, benefits or purposes expected to be derived from the Project. The Agency hereby determines that these public uses, benefits or purposes, supporting the acquisition of the Property in furtherance of the Project include:

- Promoting purposes of the Act;
- Advancing the job opportunities, general prosperity and economic welfare of the people of the State and County in furtherance of the purposes of the Act;

- Eliminate the blighted conditions created at the Project Site by the vacant, physically deteriorating land and building improvements of the derelict former Shoppingtown Mall which has been empty for 4± years with no progress to rehabilitate or redevelop the Project Site. The fact that title to the majority of the Project Site was acquired by the County as a result of tax foreclosure proceedings for failure of the prior owners to pay real property taxes on such property (64.46± acres) and bankruptcy proceedings involving the prior owners and passage of 4 years underscores both the deteriorating conditions and lack of redevelopment activity at the Project Site;
- Redevelopment of a blighted section of the Town into a walkable, mixed-use town center development, inclusive of retail, entertainment, office, residential, and open space, including 1.96 million square feet of leasable space including 912 dwelling units in 33 structures of up to six stories in height, office, grocery, retail and hospitality, hotels, entertainment including, but not limited to, movie theatres, restaurants, bars, and bowling, and mixed-use buildings across the site. Such development is consistent with the Town's vision and its planning documents including, but not limited to, the Town of DeWitt Sustainability Plan (2014), Comprehensive Plan (2017), and Zoning Code;
- Provide affordable housing in the County through the development of apartments, senior housing, condos, and single family townhomes which will address the growing need for housing in the Town and County resulting from the decrease in housing inventory, growth in the number of renters and smaller households, and growth in senior households. Development of such housing will promote employment opportunities, prevent economic deterioration, and further economic growth by addressing the need for multi-family housing in the County and creating a healthy residential environment that will draw workers and businesses to the area;
- Development of a new street grid at the Project Site that will incorporate primary, secondary and shared/festival streets, sidewalks, bicycle infrastructure, pedestrian scale lighting, street trees, sewers, parks and green spaces;
- Development of both on-street parking and surface parking areas as well as utilizing the existing parking garage in order to provide up to 4,105 parking spaces;
- Expansion of employment opportunities for residents of the County and the State in the form of a substantial number of both temporary construction and permanent private sector jobs in connection with the ongoing construction and development of the Project;
- Promoting tourism and enhancing the status of Central New York and the Finger Lakes region as a regional tourism destination by attracting visitors from outside the economic development region in which the Project is located by complementing the attractions which already draw visitors to this region including the Empire State Trail, Finger Lakes Wine Country and New York State Fair, sporting events at Syracuse University, arts and cultural venues such as the Everson Museum of Art and Landmark Theatre, shopping destinations such as DestinyUSA, and special events such as Discover NYS Blues Festival and Syracuse JazzFest;

- Generating additional sources of revenue for the Town and County including property taxes, permitting and inspection fees, and sales tax revenues;
- High caliber land uses planned and executed in a coordinated manner in an area that is economically under-utilized and blighted at present;
- An eventual increase in the tax base for the Town, County, the Jamesville-DeWitt Central School District, and Town and County special districts.
- Increased sales tax revenues for the Town, County and the State estimated to be \$12,000,000.
- Substantially increase private investment in areas surrounding the Project which will thus serve to expand the property tax base
- Free municipal dollars for other necessary public projects.

The Agency recognizes there will be a benefit to the developer OHB as a result of the Project. However, the Agency determines that such benefit is incidental to the dominant public purposes described above. Specifically, the elimination and redevelopment of a prominent 69± acre blighted derelict property at the center of the Town into the Project's proposed walkable, mixed-use town center development, inclusive of retail, entertainment, office, residential, and open space will predominantly benefit the residents of the Town and County. Additionally, the Project benefits of 950± construction jobs and 1,450± new permanent jobs in the facilities developed at the Project Site, \$12,000,000± annual increased sales tax revenues to the County and the State, the increased tax base, and hundreds of millions of dollars spent in the Central New York region by visitors attracted to the Project will be to the overwhelming benefit of the public.

II. THE APPROXIMATE LOCATION FOR THE PROPOSED PROJECT AND THE REASONS FOR THE SELECTION OF THIS LOCATION

The Project Site is the 69± acre former Shoppingtown Mall located at 3649 Erie Boulevard East in the Town. The Property to be acquired and necessary for the development of the Project is more particularly identified as the i) former Sears sites located at tax map lots 063.-01-2.4 and 063.-01-2.5 totaling 2.54± acres and ii) the former Macy's site located at tax map lot 063.-01-02.3 totaling 1.67± acres. The approximate location of the Property and Project Site are shown on Exhibit 1 attached hereto and made a part hereof. No other location for the Project was considered since the site itself is the Project.

III. THE GENERAL EFFECT OF THE PROPOSED PROJECT ON THE ENVIRONMENT AND RESIDENTS OF THE LOCALITY

The Agency issued an initial Negative Declaration with respect to the Project and the acquisition of the Property necessary for the Project by Resolution dated October 12, 2023 (“**Negative Declaration**”) based on a full environmental review under SEQRA including the Full Environmental Assessment Form Parts 1, 2, and 3 (the “**EAF**”) and supporting studies and reports (collectively, with the EAF, referred to as the “**SEQRA Materials**”). In issuing its Negative Declaration the Agency determined the Project and acquisition of the Property (i) are a “Type I Action” pursuant to the statewide regulations under SEQRA (6 NYCRR Part 617) and therefore coordinated review and notification was required with respect to said Action; (ii) that the Agency has appropriately engaged in a coordinated environmental review of the Action; (iii) that upon due consideration, the Agency has concluded that said Action will result in no major impacts and therefore will not have a significant adverse effect on the environment; and (iv) therefore that an environmental impact statement is not required to be prepared with respect to said Action. A copy of the Negative Declaration is attached hereto and made a part hereof as Exhibit 2.

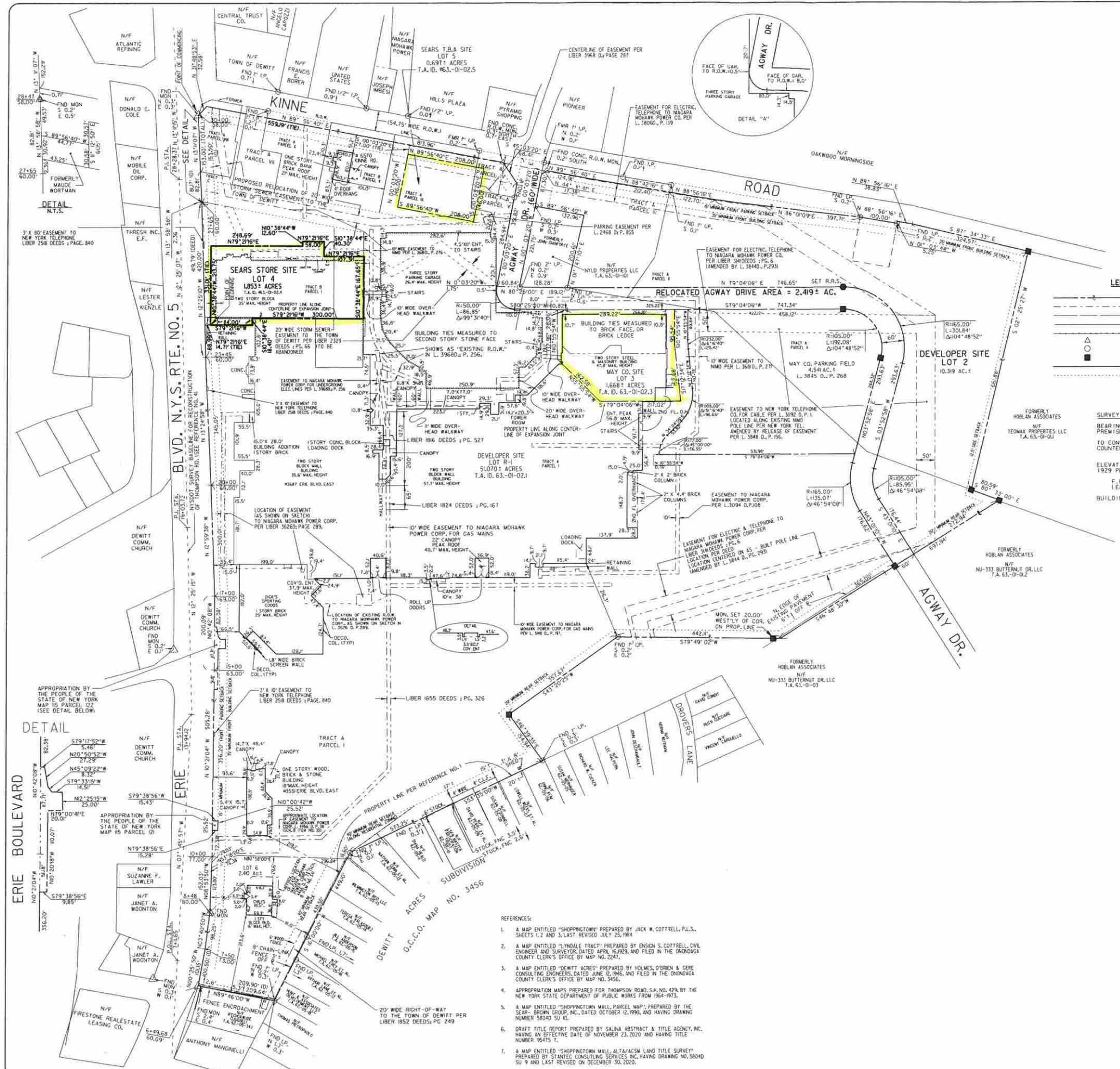
In response to comments made at the Public Hearing challenging the sufficiency of the Agency’s review of the Project under SEQRA, the Agency requested OHB, to the extent feasible, to provide additional technical information regarding the Project’s construction noise and operational noise mitigation. OHB subsequently submitted to the Agency an updated Construction and Operational Noise Analysis for District East Redevelopment based on the current Project design and available information (“**Supplemental Information**”). On February 15, 2024, after review of the Supplemental Information which is hereby incorporated into the SEQRA Materials (collectively “**Supplemented SEQRA Materials**”), the Agency issued an Amended Negative Declaration in connection with the Project and the acquisition of the Property. Based on its review and examination of the Supplemented SEQRA Materials and prior review and examination of the Project, the Agency determined it had more than adequate information to evaluate all of the relevant benefits and potential impacts of the Project and that (i) the Project constitutes a “Type I Action” pursuant to the regulations under SEQRA and required coordinated review and notification; (ii) the Agency has appropriately engaged in a coordinated environmental review of the Project; (iii) a thorough review of all potential environmental impacts has been conducted; (iv) upon due consideration the Project will not result in any significant adverse impact on the environment; (v) therefore an Environmental Impact Statement for the Project is not required to be prepared for the Project; (vi) the SEQRA review is concluded with the exception of construction and operational noise which the Agency has determined has been fully studied based upon current information and reasonable projections, cannot be further studied at this time but will be evaluated as part of the Town’s site plan approval process and attendant SEQRA review, such that it is permissible to segment the review of construction and operational noise as it will be no less protective of the environment. A copy of the Amended Negative Declaration is attached hereto and made a part hereof as Exhibit 3.

DATED: February 15, 2024

ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Exhibit 1

Project No. 192800276
Drawing No. V-1
Scale: 1" = 100'



LEGEND

- MAIL PROPERTY LINE
- - - EXISTING EASEMENT LINE
- - - EXISTING RIGHT OF WAY LINE
- - - EXISTING LOT LINE
- - - EXISTING FENCE
- MONUMENT FOUND
- CONCRETE MONUMENT SET PREVIOUSLY
- FACE OF BLDG.
- SETBACK LINE

SURVEY NOTES

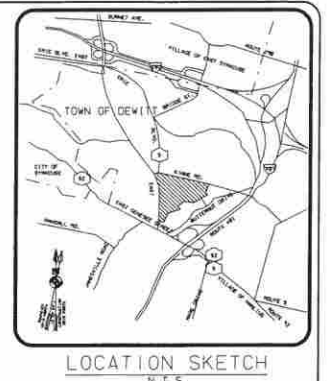
BEARINGS SHOWN HEREON ARE REFERENCED TO PREVIOUS MAPPING PREPARED FOR THE PREMISES BY JACK W. COTTELL, P.L.S.

TO CONVERT BEARINGS SHOWN HEREON TO CONSTRUCTION GRID BEARINGS ROTATE COUNTERCLOCKWISE 10° 55' 54".

ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NATIONAL VERTICAL DATUM OF 1929 PER REFERENCE DRAWINGS BY SARGENT-WEBSTER.

F.F. CHAPPEL'S ELEVATION = 479.10 (EAST SIDE BLDG.)

BUILDINGS ONLY SHOWN HEREON.



REVISIONS	
NO.	DATE
1	7/28/2023
2	7/28/2023
3	7/28/2023
4	7/28/2023
5	7/28/2023

Stantec

PROJECT: SHOPPINGTOWN MALL
COUNTY OF ONTARIO
SURVEY OF SEARS STORE SITE - LOT 4

PROJECT NO. 192800276
DRAWING NO. V-1

- REFERENCES:**
- A MAP ENTITLED "SHOPPINGTOWN" PREPARED BY JACK W. COTTELL, P.L.S., SHEETS 1, 2 AND 3, LAST REVISED JULY 25, 1984.
 - A MAP ENTITLED "THOMAS TRACT" PREPARED BY ENOSH S. COTTELL, CIVIL ENGINEER AND SURVEYOR, DATED APRIL 16, 1929, AND FILED IN THE ONTARIO COUNTY CLERK'S OFFICE BY MAP NO. 2247.
 - A MAP ENTITLED "DEWITT ACRES" PREPARED BY HOLMES, O'BRIEN & CERE CONSULTING ENGINEERS, DATED JUNE 10, 1946, AND FILED IN THE ONTARIO COUNTY CLERK'S OFFICE BY MAP NO. 3456.
 - APPROPRIATION MAPS PREPARED FOR THOMPSON ROAD, S.H. NO. 424, BY THE NEW YORK STATE DEPARTMENT OF PUBLIC WORKS FROM 1964-1973.
 - A MAP ENTITLED "SHOPPINGTOWN MALL, PARCEL MAP" PREPARED BY THE SEAR- BROWN GROUP, INC., DATED OCTOBER 12, 1990, AND HAVING DRAWING NUMBER 58040 SU 10.
 - DRAFT TITLE REPORT PREPARED BY SALINA ABSTRACT & TITLE AGENCY, INC. HAVING AN EFFECTIVE DATE OF NOVEMBER 23, 2009, AND HAVING TITLE NUMBER 95475 T.
 - A MAP ENTITLED "SHOPPINGTOWN MALL, ALTA/ACSM LAND TITLE SURVEY" PREPARED BY STANTEC CONSULTING SERVICES INC. HAVING DRAWING NO. 58040 SU 9 AND LAST REVISED ON DECEMBER 30, 2020.

CERTIFICATION:

WE, STANTEC CONSULTING SERVICES INC., CERTIFY THAT THIS MAP WAS PREPARED JULY 28, 2023 FROM THE NOTES OF AN INSTRUMENT SURVEY COMPLETED BY US ON JULY 21, 2023 AND THE REFERENCES LISTED HEREON.

BY: *Jerome D. Means* DATE: 7/28/2023
JEROME D. MEANS, N.T.S., P.L.S. NO. 4999

Exhibit 2
Negative Declaration

OHB REDEV, LLC

**SEQRA RESOLUTION
(3101-22-06A)**

A regular meeting of the Onondaga County Industrial Development Agency convened in public session on October 12, 2023, at 8:30 a.m., local time, at 335 Montgomery Street, 2nd Floor, Syracuse, New York.

The meeting was called to order by the (Vice) Chairman of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT: Patrick Hogan
Janice Herzog
Susan Stanczyk
Kevin Ryan
Fanny Villarreal
Cydney Johnson
Elizabeth Dreyfuss

ABSENT:

ALSO PRESENT: Robert M. Petrovich, Executive Director
Jeffrey W. Davis, Esq., Agency Counsel
Amanda M. Fitzgerald, Esq., Agency Counsel

The following resolution was offered by Janice Herzog, seconded by Susan Stanczyk:

**RESOLUTION DETERMINING THAT A CERTAIN
PROJECT PROPOSED BY OHB REDEV, LLC WILL NOT
HAVE A SIGNIFICANT ADVERSE EFFECT ON THE
ENVIRONMENT**

WHEREAS, Onondaga County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), Chapter 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975 of the State of New York, as amended, constituting Section 895 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York (the "State"), to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, OHB Redev, LLC on behalf of itself and/or entities formed or to be formed on its behalf (the “Company”), has submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, which Application requests that the Agency consider undertaking a project (the “Project”) for the benefit of the Company and/or entities formed or to be formed on its behalf, said Project consisting of the following: (A) the acquisition a fee or leasehold interest in five (5) contiguous parcels (tax map nos. 063.-01-02.1, 063.01-02.2, 063.-01-10.0, 063.-01-02.3, 063.-01-2.4 and 063.-01-02.5) in the Town of Dewitt, Onondaga County, New York (the “Land”); (B)(1) the demolition of selected existing structures on the Land; (2) the renovation of existing structures for, and new construction of, residential, commercial, and mixed use buildings (collectively, the “Facility”); (3) improvement of primary, secondary and shared/festival streets, sidewalks, sewers, parks and green spaces, and lighting, with a total project area of approximately 69 acres (collectively the “Improvements”); (C) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment” and, together with the Land, the Facility and the Improvements, the “Project Facility”); (D) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (subject to certain statutory limitations) (the “Financial Assistance”); and (E) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and; and

WHEREAS, the Project is anticipated to include 1.96 million square feet of leasable space inclusive of 912 dwelling units in 33 structures of up to six stories in height; a new street grid that will incorporate sidewalks, bicycle infrastructure, pedestrian scale lighting, street trees, and on-street parking, surface parking areas and utilization of the existing parking garage in order to provide up to 4,105 parking spaces.

WHEREAS, the Application requests the Agency consider the following (collectively, the “District East Redevelopment”): (A) the acquisition of three parcels of the Land by eminent domain totaling 4.21 acres (tax map nos. 063.-01-02.3 (the former Macy’s – 1.67 acres); 063.-01-02.4 (the former Sears Dept. Store – 1.85 acres); 063.-01-02.5 (the former Sears Auto Center – 0.69 acres)) in the Town of Dewitt, Onondaga County, New York (the “Eminent Domain Acquisition”); (B) undertaking the Project on behalf of the Company; and

WHEREAS, the demolition, construction and operation of the Project requires permits and/or approvals from several agencies, including zoning approvals from the Town of DeWitt; and

WHEREAS, the Land is entirely developed within the former Shoppingtown Mall which is now derelict, vacant and underutilized; and

WHEREAS, pursuant to State Environmental Quality Review Act (“SEQRA”), the Agency is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Agency, and the approval of the District East Redevelopment constitutes such an action; and

WHEREAS, to aid the Agency in determining whether the District East Redevelopment may have a potential significant adverse effect upon the environment, the Company has prepared and submitted to the Agency a Full Environmental Assessment Form (the “EAF”) and supporting studies and reports (the EAF and supporting studies and reports collectively referred to as the “SEQRA Materials”), and copies of said SEQRA Materials are on file in the office of the Agency, posted on the Agency’s website, and readily accessible to the public; and

WHEREAS, by resolution adopted August 18, 2022 (the “Lead Agency Intent Resolution”), the Agency declared its intent to act as “Lead Agency” for the purpose of conducting a coordinated environmental review of the District East Redevelopment pursuant to SEQRA; and

WHEREAS, on August 18, 2022, the Agency distributed notice of its intent to act as lead agency (“Notice of Intent”) along with materials related to the District East Redevelopment to all identified involved and interested agencies; and

WHEREAS, the Notice of Intent instructed all recipients to direct any comments or questions concerning the District East Redevelopment to the Agency; and

WHEREAS, none of the involved agencies objected to the Agency’s designation as Lead Agency within the statutory 30-day period under SEQRA; and

WHEREAS, the Agency engaged its legal counsel, Barclay Damon LLP (“BD”), to support the Agency in the review and analysis of the Application and SEQRA Materials; and

WHEREAS, the Agency retained a consultant, JMT of New York, Inc. (“JMT”) to support the Agency in its review and analysis of the Application and SEQRA Materials; and

WHEREAS, on September 18, 2022, the Agency circulated amended application materials to all involved and interested agencies.

WHEREAS, the Agency held workshop sessions to review, analyze and discuss the SEQRA materials on January 17, 2023, March 16, 2023 and August 8, 2023 with a three person committee of the Agency, Agency staff, the Company, JMT, BD, and representatives of Town of DeWitt; and

WHEREAS, the Company periodically responded to comments and questions directed to the Company by Agency Staff, BD, JMT and the Town of DeWitt and submitted supplemental SEQRA Materials and Project submittals to the Agency; and

WHEREAS, as a result of its careful review and examination of the Application and correspondence from other involved agencies, the Agency finds that, on balance, and after careful

consideration of all relevant District East Redevelopment documentation, it has more than adequate information to evaluate all of the relevant benefits and potential impacts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based upon an examination of the EAF prepared by the Company, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Agency's knowledge of the area surrounding the Project Facility, all the representations made by the Company in connection with the District East Redevelopment, including all correspondence, reports and other Project related information, and such further investigation of the District East Redevelopment and its potential environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(a) The Project consists of the components described above in the third, fourth and fifth WHEREAS clauses of this Resolution and constitutes an "Action" as such term is defined in the Act;

(b) The Agency declares itself "Lead Agency" (as said quoted term is defined in SEQRA) with respect to a coordinated review of the District East Redevelopment pursuant to SEQRA;

(c) The District East Redevelopment constitutes a "Type I Action" (as said quoted term is defined in SEQRA);

(d) The District East Redevelopment will not have a significant adverse effect on the environment, and the Agency will not require the preparation of an Environmental Impact Statement with respect to the District East Redevelopment; and

(e) As a consequence of the foregoing, the Agency has prepared a Negative Declaration with respect to the District East Redevelopment, a copy of which is attached hereto as Exhibit "A".

Section 2. A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

Section 3. The Secretary of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on a roll call, which resulted as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Patrick Hogan	X		
Janice Herzog	X		
Susan Stanczyk	X		
Kevin Ryan	X		
Fanny Villarreal	X		
Cydney Johnson	X		
Elizabeth Dreyfuss	X		

The Resolution was thereupon declared duly adopted.

EXHIBIT A
NEGATIVE DECLARATION

STATE OF NEW YORK)
) ss.:
COUNTY OF ONONDAGA)

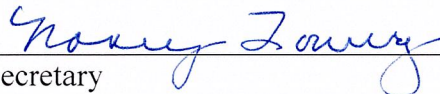
I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on October 12, 2023, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matter therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting, (B) said meeting was in all respects duly held, (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law, and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed, or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand this 16 day of October, 2023

(SEAL)


Secretary

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See the attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status:

☒ Type 1

☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1

☒ Part 2

☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Onondaga County Industrial Development Agency _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

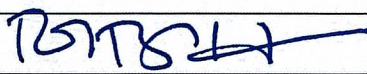
☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: OHB Redev, LLC - District East

Name of Lead Agency: Onondaga County Industrial Development Agency (OCIDA)

Name of Responsible Officer in Lead Agency: Robert M. Petrovich

Title of Responsible Officer: Executive Director

Signature of Responsible Officer in Lead Agency: 

Date: 10/12/23

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Onondaga County Industrial Development Agency (OCIDA)

Address: 335 Montgomery Street, 2nd Floor, Syracuse, New York, 13202

Telephone Number: 315-435-3770

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON SIGNIFICANCE

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

In accordance with Article 8 (State Environmental Quality Review a/k/a "SEQRA") of the Environmental Conservation Law (the "Act"), and the statewide regulations under the Act (6 NYCRR Part 617) (the "Regulations"), the Onondaga County Industrial Development Agency (the "Agency") has considered the proposed redevelopment of the former Shoppingtown Mall to a mixed-use town center development also known as "District East" inclusive of retail, entertainment, office, residential, and open space, located on Erie Boulevard in the Town of DeWitt, Onondaga County, New York and the acquisition of certain real property by negotiated purchase or acquisition pursuant to the New York Eminent Domain Procedure Act (EDPL") (the "Action"), as described more fully in the summary attached hereto as Exhibit "A." The Agency has determined: (i) that said proposed Action is a "Type I Action" pursuant to the Regulations, and therefore coordinated review and notification is required with respect to said Action; (ii) that the Agency has appropriately engaged in a coordinated environmental review of the Action; (iii) that a thorough review of all potential environmental impacts has been conducted; (iv) that upon due consideration, the Agency has concluded that said Action will not result in any significant adverse impact on the environment; (v) therefore that an environmental impact statement is not required to be prepared with respect to said Action; and (vi) that the SEQRA review is hereby concluded. THIS NOTICE IS A NEGATIVE DECLARATION FOR THE PURPOSES OF THE ACT.

1. Agency:

The Agency is the Onondaga County Industrial Development Agency.

2. Contact for Further Information:

Robert Petrovich, Executive Director
Onondaga County Industrial Development Agency
333 West Washington St., Suite 130
Syracuse, New York 13202
Email: economicdevelopment@ongov.net
Phone: (315) 435-3770
Fax: (315) 435-3669

3. Action Identification:

The Action includes the redevelopment of the former Shoppingtown Mall to a mixed-use town center development also known as “District East” inclusive of retail, entertainment, office, residential, and open space, located on Erie Boulevard in the Town of DeWitt, Onondaga County, New York.

The Project site is located at the northwest corner of the intersection of Erie Boulevard and Kinne Road and is comprised of five separate parcels which together total approximately 69 acres in size. The proposed site currently consists of a vacant retail mall.

4. Action Description:

OHB Redev, LLC (“the Applicant”) proposes to demolish the bulk of the existing former Shoppingtown Mall to facilitate its redevelopment into a walkable, mixed-use town center development, inclusive of retail, entertainment, office, residential, and open space, in the Town of Dewitt, Onondaga County, New York. The Project is anticipated to include 1.96 million square feet of leasable space inclusive of 912 dwelling units in 33 structures of up to six stories in height. In addition, a new street grid that will incorporate sidewalks, bicycle infrastructure, pedestrian scale lighting, street trees, and on-street parking will be constructed. The Project will also include surface parking areas and will utilize the existing parking garage in order to provide up to 4,105 parking spaces. As part of its application to OCIDA, in addition to potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (subject to certain statutory limitations), the Applicant is requesting that OCIDA exercise its authority to acquire certain lands and real property rights by negotiated purchase or through the exercise of its power of eminent domain for the former Sears sites (tax map lots 063.-01-2.4 and 063.-01-2.5) totaling 2.54 acres and Macy’s site (tax lot 063.-01-02.3) totaling 1.67 acres pursuant to and consistent with the EDPL for the purposes of acquiring all needed rights for a unified and comprehensive redevelopment of the overall 69± acre site.

5. Action Location:

The Action will be located in the Town of DeWitt, Onondaga County, New York.

6. Lead and Involved Agencies:

Lead Agency: Onondaga County Industrial Development Agency

Involved and Interested Agencies: Town of DeWitt Town Board, Town of DeWitt Planning Board, Town of DeWitt Department of Planning and Zoning, New York State Department of Transportation (“NYSDOT”); New York State Department of Environmental Conservation (“NYSDEC”); New York State Historic Preservation Office (“SHPO”); Onondaga County Planning Board; Onondaga

County Department of Transportation (“OCDOT”); New York State Department of State, Building Standards and Codes – Division of Code Enforcement and Administration (“NYSDOS”); and Onondaga County Department of Health (“OCDOH”).

7. Reasons for Determination of Non-Significance:

See Exhibit “A” attached hereto.

DATED:

Onondaga County Industrial Development Agency

By: _____

Title: _____

Exhibit A

Criteria for Determining Significance

As proposed, the reasonably anticipated environmental effects of the proposed redevelopment of a former shopping mall to a mixed-use town center development, inclusive of retail, entertainment, office, residential, and open space, along Erie Boulevard in the Town of DeWitt (the “Action” or “Project”) will not be significant. This conclusion results from the Onondaga County Industrial Development Agency’s (the “Agency”) thorough evaluation of the proposed Action’s attributes and their environmental effects against the criteria provided in NYSDEC regulations at 6 NYCRR §617 et. seq. A summary of this evaluation follows.

External Project Information Review

The Agency’s review of potential environmental impacts of the Action included analysis of the following documents and information, incorporated by reference herein:

1. OHB Redev, LLC’s original and amended application regarding the proposed Project.
2. Full Environmental Assessment Form (“FEAF”) and Environmental Assessment Form Narrative, including the following supporting appendices:

Appendix A: Master Plan;
Appendix B: Evaluation of Surface Waters and Wetlands ;
Appendix C: Preliminary SWPPP;
Appendix D: Sanitary Sewer Capacity Assessment;
Appendix E: Water Distribution Assessment;
Appendix F: Stormwater Utility Assessment;
Appendix G: Threatened and Endangered Species Assessment;
Appendix H: Existing Conditions Photo Log;
Appendix I: Visibility Assessment Appendix J: OPRHP Consultation;
Appendix K: Traffic Impact Assessment; I-481 Interchange Impact Review;
Appendix L: NYSDOT Consultation;
Appendix M: Energy Impact Assessment;
Appendix N: Construction Noise Analysis;
Appendix O: Public Services Impact Assessment.

3. Supplemental documents submitted in support of the FEAF and Application, including but not limited to:
 - A. Visitor Impact Assessment;
 - B. Correspondence providing additional information about the Project including traffic improvements;

- C. Correspondence from the Agency concerning questions and comments related to the Project and the Applicant's responses thereto;
- D. Letters received from the NYSDOT concerning potential traffic impacts and proposed traffic improvements; and
- E. Letter from Terry Mannion (Town of Dewitt), dated September 4, 2023, stating that the Town of Dewitt participated in SEQRA workshop sessions with the IDA.
- F. Correspondence received from involved and interested agencies.

The Project has been on the agenda of publicly advertised and open Agency meetings.

The Agency identified all involved and interested agencies and provided such agencies with original and amended application materials, as necessary, including supplemental Project submittals, concerning the Project. The Agency provided ample opportunity for those agencies to provide comments concerning the Project, and representatives of the Company met separately with various involved and interested agency representatives regarding the Project.

Determination of Environmental Significance

To determine whether the Action may have a significant adverse effect on the environment, the impacts that may reasonably be expected to result from the proposed action must be compared to criteria specified in NYSDEC regulations (6 NYCRR 617.7). These criteria are considered indicators of significant adverse effects on the environment.

Criterion 1

A substantial adverse change in existing a) air quality; b) ground or surface water quality or quantity; c) traffic levels; d) noise levels; e) a substantial increase in solid waste production; f) a substantial increase in potential for erosion, flooding, leaching or drainage problems.

A. Air quality: The Action is not expected to substantially impact existing air quality.

1. *Construction*: Some temporary adverse impacts may occur in the immediate vicinity of the Project due to fugitive dust and exhaust fumes caused by the normal operation of heavy equipment during Project construction. Dust control is part of the erosion control process and will be controlled through best management practices. Construction vehicle entrances will be stabilized with geotechnical fabrics and stone ballast or comparable. The Action will be conducted in phases, which will limit the potential for fugitive dust and erosion impacts by ensuring that disturbed areas are stabilized (reseeded, paved landscaped, etc.) before new areas are cleared for construction. Further, emissions will be limited to construction vehicles, a portable crusher, and temporary generators

estimated at 6kw. The applicant will be required to meet federal, state, and local air emission requirements designed to meet the NAAQS and, if required, depending on the maximum potential output of the mobile or stationary generators used during construction, the Applicant will obtain a NY State Air Registration, an Air Facility Permit, and/or a Federal Clean Air Act Title IV or Title V Permit to comply with all applicable regulations.

Any adverse impacts to air quality from construction will be short-term, localized and minor in nature, and are not expected to cause a deterioration of ambient air quality.

2. *Operation:* The Project is not anticipated to include a stationary, state regulated air emission source. The Project will not generate or emit methane. The facility will use natural gas for heating and cooling. During operation, emissions typical of multi-use developments are anticipated, such as those associated with delivery vehicles and public transportation to/from the site. While it is estimated the Project could introduce over 12,000 visitors per day to the site, we note that the Project is redevelopment of a former mall which, itself, introduced visitors to the site. Many of these visitors are anticipated to use an electrical vehicle ("EV"), with the anticipated number growing annually, and the Project plans to incorporate EV charging to encourage the use of EVs. The existing air quality also will be preserved as a result of the following: (i) coordinated visiting schedules to offset vehicular traffic patterns; (ii) trucks will not be permitted to idle in violation of New York State regulations; (iii) traffic controls (*i.e.*, dedicated turning lanes and related road improvements, as discussed below) will be employed to minimize vehicle queuing in the area surrounding the Project; and (iv) the incorporation of sidewalks, bicycle infrastructure, public transportation, and pedestrian scale lighting to discourage on-site vehicular use.

Any adverse impacts to air quality during operation will be localized and minor in nature, and are not expected to cause a deterioration of ambient air quality.

Given the foregoing, any short- and long-term impacts to ambient air quality associated with operation and construction that may arise are not considered to be significant.

- B. Groundwater quality: The Project will use public sewer provided by the Onondaga County Department of Water Environment Protection and water services provided by the Town of DeWitt, so no wells will be drilled and no septic systems will be installed. The application includes letters from the Town of DeWitt, dated April 27, 2022, and June 24, 2022, respectively confirming the Town's ability to provide continued water service to the Project. Additionally, the Project will not result in any new or additional use of

groundwater, or have the potential to introduce contaminants to groundwater. Consequently, no significant impacts to groundwater quality or quantity are expected.

- C. Surface water quality: The construction of the Project will require a Notice of Intent (NOI) filing under the NYSDEC General Permit for Stormwater Discharges from Construction Activities, and the Applicant will be required to indicate that it will comply with all applicable terms of such General Permit. The Applicant's consultant, Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. ("EDR"), has prepared a Stormwater Utility Assessment (Appendix F to the FEAF) and a preliminary SWPPP (Appendix C to the FEAF), which will be updated and maintained to address stormwater and prevent impacts to surface water from parking areas and internal drives (which are not appreciably different in type from the existing use). The Preliminary SWPPP discusses erosion and sediment control measures that protect surface waters during construction. The finalized SWPPP, which will include final erosion and sediment control details, will undergo review and approval by the Town of DeWitt and the NYSDEC (upon request), and the final design will comply with the requirements of each agency's engineers. The SWPPP requires local jurisdiction review and approval because the Project is located in a Municipal Separate Storm Sewer System.

The Project includes the removal of a portion of the existing impervious area and the installation of new impervious area. The redevelopment criteria in Chapter 9 (redevelopment activity) of the New York State Stormwater Management Design Manual dated January, 2015, applies to this development. Additionally, the site is located within the Onondaga Lake Watershed and stormwater management practices are anticipated to be designed in accordance with Enhanced Phosphorus Removal Standards per the New York State Stormwater Design Manual. Since the existing condition is nearly 100% developed, post-development stormwater flows will not increase over existing conditions.

An Evaluation of Surface Waters and Wetlands was prepared by EDR on behalf of the Applicant. This evaluation included a desktop review of relevant databases followed by a field investigation. Specifically, a review of the U.S. Fish & Wildlife Services (USFWS) National Wetland Inventory (NWI) mapping identified the nearest mapped wetlands as approximately 600 feet southeast of the site. Similarly, a review of NYSDEC wetland data identified the nearest mapped wetland also located approximately 600 feet southeast of the site. Subsequent to the desktop analysis, EDR personnel conducted a site investigation on January 10, 2023, to confirm the lack of surface waters and wetlands at the site. Based on site-specific review, it was confirmed that no streams or wetlands are located on-site. Furthermore, erosion and sediment control practices will be implemented, prior to any disturbance, to prevent sediment transport offsite.

The Project is not anticipated to result in any significant adverse impacts to surface water quality.

- D. Traffic levels: The proposed mixed-use development is expected to generate a maximum of approximately 1658 [2717] (3257) total trips entering and exiting during the AM

[PM] (SAT) study peak hours, respectively, inclusive of both passenger vehicles and trucks.

The application includes a document entitled “Traffic Impact Study”, last updated January 2023, supplemented with Traffic Overview Timeline Letter, provided in Appendix L, prepared by GTS Consulting (Exhibit I and Appendix K to the FEAF) (“Traffic Impact Assessment”).

The Traffic Impact Assessment establishes existing traffic conditions, predicts background traffic flow and area growth, and forecasts changes in traffic flow as a result of the proposed Project. Access to the Project site goes from six entrances to nine with entrances located along Erie Boulevard and Kinne Road. Project construction is expected to last more than one year. The applicant contacted the Town of DeWitt to identify projects within the study area that are approved and/or under construction. As a result of its proximity to the Project site, and no specific approved developments are in the area at this time.

Based upon historical traffic growth from NYSDOT traffic volume data for the area for the construction period, anticipated normal increases in background traffic growth, unexpected developments in the Project study area and maintaining a conservative analysis, were addressed by applying a +0.5% growth rate to the existing traffic volumes. Historical traffic volumes on Erie Boulevard indicate a rate of approximately -1.3% per year, traffic volumes on Kinne Road indicate a rate of approximately -0.8% per year, while traffic volumes on Genesee Street have increased by approximately 1.8% per year between 2002 and 2019.

A crash analysis was performed for Erie Boulevard, Kinne Road and Butternut Drive for a three-year period from January 2019 to December 2021. There were 147 total crashes at the three study area segments. The proposed recommendations detailed in the TIS include mitigation measures at locations based on a review of capacity analysis, crash type and comparison to statewide accident rates.

Arterial travel speeds by direction were assessed for Erie Boulevard, Kinne Road and Butternut Drive for the AM, PM & SAT peak hour times and the four analysis scenarios of existing, background, build and build with mitigation. Overall, travel speeds are maintained or slightly reduced when compared to existing.

Additionally, potential impacts were assessed with I-481 Interchange with Genesee Street associated with the NYS DOT I-81 Community Grid project. It is anticipated to add minor overall traffic volumes to the study area, less than 70 vehicles westbound and 150-250 vehicles eastbound on Genesee Street during each peak hour.

The Traffic Impact Assessment identifies existing and future operating characteristics of the site access intersections and impacts to the adjacent roadway network resulting from full operation of the Project. It also evaluated prior mitigation measures that had been implemented to support the site when it was a fully operating regional shopping mall and identified a suite of additional mitigation measures to support additional Project related

traffic. The Traffic Impact Assessment determined that traffic associated with the Project can be accommodated on the existing roadways subject to these measures, which have been incorporated into the Project.

NYSDOT and the Agency's engineering consultant reviewed the Traffic Impact Assessment, including its recommendations and proposed mitigation measures, and the Applicant was provided with questions and comments relative to traffic and proposed improvements. Traffic concerns and the Applicant's proposed mitigation measures and improvements were also discussed during Project workshop sessions held on January 17, 2023, March 16, 2023 and August 8, 2023 to review, analyze and discuss the SEQRA materials. During these Project workshop sessions, the Town of DeWitt provided the Applicant with comments relative to traffic impacts and proposed mitigation measures and improvements.

The NYSDOT's comments and proposed refinements to suite of mitigation measures proposed in the Traffic Impact Assessment were set forth in a letter dated June 1, 2023 (Appendix L to the FEAF). The Applicant responded to all issues by providing appropriate responses and/or additional information for review.

By letter, dated September 4, 2023, the Town of DeWitt acknowledged their involvement in the SEQRA review process, including their participation in these workshop meetings, and notified the Agency that its concerns regarding traffic had been addressed in the workshop sessions.

Consistent with the Applicant's Traffic Impact Assessment, as well as the comments and recommendations of the NYSDOT, including the additional information the Applicant provided in response to NYSDOT's comments, and as further refined and developed during the workshop meetings,, the Project includes the following traffic modifications and improvements:

Route 5 (Erie Blvd) / Kinne Road

- Extend the existing northbound left turn lane from 185 feet to 300 feet of storage.
- Reducing the signal cycle length to 100 seconds during all three peak hours, in addition to a large increase in trips is not advisable.
- Change signal phasing to run northbound and southbound concurrent lefts. Turning templates must be checked to verify movements. Intersection modification, i.e., pavement marking changes and lane realignment, may be required.
- Install "elephant tracks" for northbound and southbound left turns.

Route 5 (Erie Blvd) / Grenfell Road / North Access

- Modify the site access to provide a westbound left/through lane and a 150-foot westbound right turn lane.
- Modify the existing traffic signal to accommodate the proposed revised access. However, the proposed modification to the site access will require changes to the signal, requiring a structural analysis per current T3SAP

standards. If it is determined the existing signal cannot accommodate the additional signal heads, the signal must be replaced.

- Implement timing adjustments and NYSDOT will optimize the signal timing based on field conditions at the time of completion.
- Reallocate existing southbound through lane to create a dual left into the site. Install appropriate signage and pavement markings as needed. Turning templates must be checked to verify movements for access design and possible intersection modification.

Route 5 (Erie Blvd) / South Access

- The signal has exceeded its life expectancy and must be fully replaced, and a new permit signal agreement put into place. Some of the recently installed pedestrian signals and video detection equipment can likely be saved and reused.

Route 5 (Erie Blvd) / Route 92 (Genesee Street)

- Construct a 2nd eastbound left turn lane on Genesee Street with 175 feet of storage. Considering the roadway geometry, the construction feasibility is questionable. Preliminary design plans must be submitted for review to determine if the mitigation is practical. If it is determined the eastbound dual left is unfeasible as a mitigation alternative, preliminary study shows that a roundabout is a viable option at this intersection. The proposed mitigation requires modification to the signal, requiring a structural analysis per current T3SAP standards, to determine if the existing signal can accommodate the additional signal heads. If it can't, the signal must be replaced.
- Modify Erie Blvd northbound to include two lanes receiving the dual eastbound left turn movement. Restripe to align the westbound right turn slip ramp to the outside travel lane. All traffic not destined to the development would need to change lanes to continue northbound, creating some concern for merging and side swipes. The design should take notice of providing adequate distance to change lanes and include appropriate signage.
- Implement timing adjustments and NYSDOT will optimize the signal timing based on field conditions and the time of completion.
- Preliminary study shows that a multilane roundabout is a more viable option at this intersection than constructing a 2nd eastbound left turn lane and is NYSDOT's preferred mitigation alternative. Additional analysis is underway and may stem supplemental requirements, such as a queue cutter for the adjacent signal.
- A Rectangular Rapid Flashing Beacon must be installed to increase pedestrian safety at the channelized westbound right turn crossing.

Route 92 (E. Genesee St) / Jamesville Rd

- Implement timing adjustments and NYSDOT will optimize the signal timing based on field conditions and the time of completion.

Erie Boulevard /Right In / Right Out Access

- Construct a 150 foot north right turn lane

Route 5 (Erie Boulevard)

- Sidewalk along the east side of Route 5 from E. Genesee St to Kinne Rd is required.

With these traffic modifications and improvements, the NYSDOT has concluded that the Project will not have any significant impact on traffic operations on the state's highway network when combined with the mitigation outlined in its June 1, 2023 letter. In addition, the Applicant has agreed to continue to consult with NYSDOT to ensure that all necessary and appropriate traffic modifications and improvements are implemented.

The submitted and vetted Traffic Impact Assessment demonstrates that the existing transportation network can adequately accommodate the projected traffic volumes and resulting impacts to intersections anticipated to serve the Project. Resulting impacts are expected to be fully addressed through the traffic mitigation measures the Applicant has agreed to implement as part of the Project. Therefore, the Project will not result in any significant adverse impacts associated with traffic.

- E. Noise: The Project includes site infrastructure (roof mounted HVAC units) and vehicular activity that have the potential to alter sound levels at the property line and/or adjacent receptors. On behalf of the Applicant, RSG prepared a Construction Noise Analysis for District East Redevelopment (Appendix N to the FEAF). As indicated in the RSG analysis, the Town of DeWitt has a daytime property line limit of 70 dBA, and based on the sound propagation modeling there will be times when construction equipment may cause exceedances of the 70 dBA limit, depending on where the equipment is operated at the Project site.

However, to ensure the Project does not produce unwanted sound emissions in excess of established requirements and guidelines during construction activities, mitigation will be implemented (i.e., mobile noise barriers; construction site fencing with noise barrier material attached to the fencing; earthen or aggregate berms; lower noise construction methods or equipment; relocating equipment further from receptors, if feasible; and/or limiting the duration of the construction within those distances to the property line.). A noise mitigation plan that includes the potential noise mitigation options, along with when they should be implemented will be developed and provided to any contractors and will be approved prior to implementation by the Town of DeWitt. Noise management procedures will also be required of all construction contractors and

the Applicant has also identified that it intends to be proactive about the management of issues associated with noise during construction. A project manual will be developed with potential noise mitigation measures that will be required to be kept onsite throughout the course of construction. In addition, no blasting will take place during the demolition or construction of the project and the Project will comply with the Town of DeWitt Code.

For the reasons noted above, the Project will not have a potential significant adverse impact on noise levels in the area and will comply with applicable noise regulations and guidelines.

- F. Solid waste production: During construction, the Project will produce approximately 5-10 tons of solid waste per week and approximately 77 tons per week under full operation. Solid waste transport and disposal will be handled under contract by private haulers, and disposal will occur in accordance with applicable local and state regulations. During operation, the operator will provide information and equipment to facilitate recycling with residential and commercial spaces.
- G. Erosion, flooding, leaching and drainage: The Project plans and other supporting application materials indicate that there will be approximately 69+/- acres of land disturbance. The Project site is not located in a designated flood zone. The Erosion and Sediment Control Plan will identify the existing and proposed topography, temporary controls, and construction phases associated with the proposed development. Erosion concerns will be addressed by incorporating specified erosion and sediment controls for the construction phase of the Project in accordance with a State Pollution Discharge Elimination System ("SPDES") General Permit Associated with Construction Activities to be obtained from NYSDEC. The General Permit requires the preparation and implementation of the SWPPP that is designed to comply with technical standards for erosion control.

The control measures included in the finalized SWPPP, and other supporting application materials will be sufficient to control potential erosion, drainage, flooding, or other impacts, which have the potential to occur as a result of construction activities. The measures proposed to minimize or eliminate any such impacts include the implementation of Best Management Practices (i.e., Construction Management Techniques) as well as erosion and sediment control measures and pollution prevention controls. The phased construction of the Project will minimize or eliminate any impacts associated with soil erosion by requiring previously disturbed areas to be reestablished before construction commences in another part of the Project site. Once construction is completed, erosion concerns are expected to diminish altogether with the implementation and continuation of the stormwater management and landscaping plans, as approved by appropriate agencies (i.e., NYSDEC, Town of DeWitt). As a result, the Project is not anticipated to result in a significant adverse impact relative to erosion, flooding, leaching or drainage.

- H. Other: In addition to the factors addressed in this Criterion, the Agency evaluated the potential for Project impacts related to odors and light.

With respect to odors, the Project will adhere to all applicable regulations set forth in Part 14 of the New York State Sanitary Code. Subpart 14-1 (Food Service Establishments) addresses garbage and refuse at Section 14-1.150, which requires garbage and refuse containers stored outside a given establishment, and dumpster, compactors and compactor systems, to be easily cleanable, provided with tight-fitting lids, doors or

covers, and kept covered when not in use. These regulations also require a sufficient number of containers to be provided to hold all garbage and refuse that accumulates between periods of pickup and removal. Additionally, the Project will comply with the Town of DeWitt code § 158-23 *Accumulation/storage of solid waste on private property*, including, receptacle specifications, the set forth time limitation for placement of refuse out for collection and extended storage in hauler vehicles. Furthermore, the odors associated with vehicular activity will not differ from the conditions on the adjacent roadways, and therefore the Project will not have a significant adverse impact relative to odors.

To minimize potential nighttime impacts associated with exterior lighting, the minimum acceptable lighting to ensure security and safety will be used. In addition, all lighting fixtures associated with pedestrian pathways, interior roads, parking areas, and building exterior areas will be fitted with opaque hoods, shields, louvers, shades, and/or other devices such that all light generated by the light source is directed downward and not outward horizontally. The lighting fixtures will be consistent with the Town of DeWitt Lighting Ordinances and the intent of various “Dark Sky” initiatives. The final lighting plan will be approved by the Town of DeWitt Planning Board, which has final approval authority. The lighting as currently described by the Applicant does not currently constitute a significant adverse impact.

The Agency also confirmed that the Project site is not located in a Potential Environmental Justice Area.

Criterion 2

The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse effects on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse effects to natural resources.

The Project site consists of previously disturbed land which serves a vacant shopping mall. The redevelopment of the site will require the physical disturbance of approximately 69 acres, which will include the removal of some existing impervious areas to allow for various site improvements, including green spaces, resulting in a net gain of approximately 6 acres of vegetated areas.

A Threatened and Endangered Species Assessment (Appendix G to the FEAF) was prepared to identify any state or federally listed threatened or endangered species and address any potential impacts. The results of this analysis indicated the potential for Indiana Bat (*Myotis sodalis*) and Northern Long-eared Bat (*Myotis septentrionalis*), both of which are state and federally listed as endangered. The desktop assessment also indicated that Eastern Massasauga Rattlesnake (*Sistrurus catenatus*; federally listed as threatened) may be present in close proximity to the site.

EDR personnel visited the site on January 10, 2023, to assess the potential for suitable habitat. No wetlands, wet areas, or surface waters were observed that would provide adequate habitat for Eastern Massasauga Rattlesnakes. Therefore, Project impacts on this species are not anticipated. With respect to suitable habitat for the listed bat species, EDR personnel observed a few (less than 10) trees at the edge of the site and in the site's interior (associated with formerly maintained landscaping) with cavities and tree bark that could potentially provide summer roost habitat for both the Indiana Bat and Northern Long-eared Bat. As such, in accordance with the USFWS *Range-wide Indiana Bat & Northern Long-eared Bat Survey Guidelines* the conservation measure to minimize potential impacts include limiting tree removal from October 31 to March 31. Based on the findings and conclusions in the Threatened and Endangered Species Assessment, the removal of roost trees in connection with the Project in accordance with USFWS and NYSDEC requirements is not anticipated to result in a significant adverse impact to the Indiana Bat or Northern Long-eared Bat populations in the area.

For the reasons noted above, the Project will not have a potential significant adverse impact on natural resources, including threatened or endangered species.

Criterion 3

The impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of SEQRA.

The Project site neither adjoins nor is located in a designated critical environmental area. As such, the Project will have no impact in this regard.

Criterion 4

The creation of a material conflict with a community's current plans or goals as officially approved or adopted.

The Project is consistent with the adopted land use plans: The Town of DeWitt Sustainability Plan (2014) and The Town of DeWitt Comprehensive Plan Update (2017), which both include the Project site. The goals and actions set forth in these plans include having a “mixed-use town center”, to “Foster land use patterns that enhance livability and support civic life.” and to “Explore potential areas where mixed-use development should be incorporated.” -all of which are consistent with the Project. Further, the Project site is not located within a Local Waterfront Revitalization Plan or any special planning districts.

The Project is also in compliance with the Town of DeWitt Zoning Code and is consistent with Section 192-64.4 – Mixed-Use Village Floating Overlay District (“MUV-4”) which encourages “Village Center” type developments which encourages the redevelopment and/or the adaptive reuse of aging commercial strip development and malls and achieving compact patterns of development promoting people walking, riding bicycles or using public transit. Further, the

applicant intends to comply with the applicable bulk requirements of the Town, and it is not anticipated any variances will be required as part of the Project, however the Applicant will coordinate with the Town of DeWitt during the approval process to confirm, and will apply for the necessary approvals.

As a result, the Project will not result in a significant adverse impact relative to officially approved or adopted plans or goals.

Criterion 5

The impairment of the character or quality of important historical, archaeological, architectural or aesthetic resources or of existing community or neighborhood character.

The Project site is a vacant, former shopping mall. It does not include any unusual or unique land forms, and it neither contains nor is located adjacent to any officially designated scenic or aesthetic resources. The closest aesthetic resource is the Old Erie Canal State Historic Park, which is located approximately 0.5 miles east of the Project, separated by an interstate highway and other infrastructure. Additionally, there are no important historic properties in close proximity to the Project site. NY SHPO advised EDR in a letter, dated May 23, 2022 (Appendix J to the FEAF) that the Project will have no impact on archaeological and/or historic resources.

The Project site's current appearance will change with the development of the Project, but the change will be consistent with surrounding land use patterns and improvements. Further, the applicant has submitted a variety of materials depicting the Project and site in order to give the Agency sufficient information to evaluate the post-construction size and appearance of the Project facility which is an improvement aesthetically to current site conditions.

The application includes a series of visual renderings and a Visibility Assessment Technical Memorandum (Visual Assessment) prepared by EDR (Appendix I to the FEAF). The conclusions of the Visibility Assessment assert that there is a limited increase in visibility within the Visual Study Area (VSA) and it can be attributable to the increase in height of the proposed Project in comparison to the existing mall. The study further asserts the additional visibility in most areas will likely be limited to the upper portions of the proposed buildings, especially from areas that are located further from the Project Site.

Although the Visual Assessment indicates visibility from Old Erie Canal Historic State Park, a state historic park, located approximately 0.5 miles from the Project Site, will increase as a result of the Project, it should be noted that there is existing visibility of the current mall as well as other commercial sites in and around the Project site. Furthermore, views are likely to be limited to the upper portions of the tallest proposed structures due to the heavily developed nature of the surrounding area.

Through its local planning and regulatory framework, the Town of DeWitt has identified the area containing the Project Site as appropriate for the denser mixed-use development that is proposed. From this perspective, the Town has already determined that visual change resulting from development projects that implement this mixed-use vision will be appropriate for the area(s) in

which they occur. The Applicant understands that the proposed Project will require site plan review by the Town of DeWitt Planning Board and that the Planning Board may require additional visual representations of the Project as its design advances and will be responsible for determining appropriate mitigation measures for any adverse visual impacts that could be anticipated. The Applicant also recognizes that the project is located within Class C airspace and approaches for Syracuse Hancock International Airport and will consult with the FAA, if necessary to determine any needs for lighting or markings. To this regard, the Project will not have a significant adverse impact on aesthetic resources or the existing neighborhood or community character.

As a result, the Project will not result in a significant adverse impact relative to historical, archaeological, architectural or aesthetic resources or of existing community or neighborhood character.

Criterion 6

A major change in the use of either the quantity or type of energy.

The annual electricity consumption for the Project is projected to be 18,976,514 kWh, and 51,126,272 CF in annual natural gas consumption. Despite the increase in energy usage over current conditions, the Project will not trigger the need to create or extend an energy transmission supply system as electricity and natural gas are readily available at the site due to its historical use including significant demand of electricity and natural gas. Further, and as noted in the Energy Impact Assessment (Appendix M to the FEAF), National Grid has confirmed in writing its ability to provide necessary electric and natural gas service to the site as noted in the Energy Assessment. Accordingly, while the Project will result in a change in the quantity of energy used, the change will not constitute a significant adverse impact.

Criterion 7

The creation of a hazard to human health.

The Agency concludes that the Project will not create any human health hazards. There exists no evidence that contaminants exist on the site or that the Project will expose humans to new sources of contaminants. Further, and as discussed elsewhere in this document and supporting materials, the Applicant has incorporated certain measures into various aspects of the Project to address potential impacts associated with construction, traffic, air quality, erosion, stormwater discharge, noise, and solid waste production.

Criterion 8

A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

The Agency concludes that the Project will not result in a significant adverse impact to the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. Although the site previously housed a former mall, the development of the Project will result in an increase in the intensity of use of the Project site from an existing vacant shopping mall to a multi-use development. The property is not located in an agricultural district, nor does it feature prime soils. The Project site makes up only a small fraction of the overall area of the Town of DeWitt, and this particular type of use (i.e., commercial, residential) is not unique to the general locale or the citizenry, given the close proximity of similar land uses on and around Erie Boulevard. As demonstrated by the Applicant's application and supporting materials, the Project site is capable of supporting the proposed multi-use development and is consistent with the adopted land use plans. Furthermore, as previously stated, the Project is also in compliance with the Town of DeWitt Zoning Code and is consistent with Section 192-64.4 – Mixed-Use Village Floating Overlay District ("MUV-4") which encourages "Village Center" type developments which encourages the redevelopment and/or the adaptive reuse of aging commercial strip development and malls.

There are no designated open space or recreational resources displaced by this Project. Open space is considered under SEQRA to be land that is left in a natural, undeveloped state for conservation, recreation, scenic, or even agricultural purposes devoted to preserving unique sites. Additionally, recreational resources are those that provide opportunities for hunting, fishing, hiking, bird watching, and similar nature themed activities. Open space and recreational resources are typically publicly owned or operated. The former shopping mall is not publicly owned or operated, is currently vacant, and is not being utilized for any purpose. Additionally, the property is not undeveloped land and is not used for conservation, scenic or other similar purposes and therefore does not qualify as a recreational resource or open space as contemplated under SEQRA.

Furthermore, the redevelopment Project will decrease the impervious acreage of the site by approximately 6 acres.

Criterion 9

The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The Action will trigger an increase in the number of people visiting the Project site both during and after construction of the proposed Project (The Visitor Impact Assessment estimates 4,545,000 visitors annually to the site.). Specifically, the proposed Project is anticipated to include:

- 252,894 SF of retail space
- 404,433 SF of medical/office space
- 1,129,574 SF of residential
- 61,773 SF of hotel/hospitality
- 46,750 SF of grocery

- 70,525 SF of entertainment

As the Project is consistent with the Town of DeWitt adopted land use plans and zoning restrictions will be applied, the Project will be consistent with the surrounding area and community character.

As stated above, in the discussion for Criterion 1, it is expected that the traffic associated with the Project will not adversely impact traffic patterns along Erie Boulevard, Kinne Road, and surrounding roads. The Project is located along heavily traveled roads in one of the principal transportation and commercial corridors in the Town of DeWitt, and the attraction of persons to this area is an expected and desired outcome for purposes of Town of DeWitt land use planning. Over the long term, this attraction may spur further economic growth in the surrounding area, but forecasting the impacts of such growth without knowing the precise identities or scope of proposed uses is too speculative to allow analysis at this time.

Criterion 10

The creation of material demand for other actions which would result in one of the above consequences.

The Project is not expected to create any demand for other actions or need for additional public services that would result in consequences described by the above criteria. The public water and sewer services to be provided by the Town of DeWitt and Onondaga County will have adequate capacity to handle the Project, and the proposed ingress and egress points and internal drives are expected to satisfactorily facilitate vehicle movement.

According to the "Public Service Impact Assessment" prepared for the Project (Appendix O to the FEAF), the Chief of the Town of DeWitt Police Department affirmed he had no concerns serving the Project. As a result, the Project is not anticipated to negatively impact the Town of DeWitt Police Department to serve the Project site.

The Project site will have the sprinkler and standpipe connections labeled and located on the exterior of the buildings, and the interior of the buildings will be equipped with fire sprinkler systems meeting all applicable fire code standards. Onsite hydrants will also be provided and properly located, and the proposed access driveways will be designed to accommodate fire and emergency apparatus access. Emergency vehicle access shall be provided around the buildings; fire lanes will be provided at appropriate locations in accordance with the Town of DeWitt requirements.

As a result of the enhanced and state-of-the art fire protection measures that shall be implemented at the project site, any potential impacts will not be significant and will be appropriately addressed within the existing resources of the DeWitt Fire Department and mutual aid agencies from Fayetteville, Manlius, East Syracuse, Jamesville, and Minoa. As such, the Project will not result in a significant adverse impact on the ability of the DeWitt Fire Department to provide fire protection services to the site.

With respect to emergency medical services, the Project will provide sufficient emergency access, both outside and inside of the proposed buildings. Hallways and access points will be constructed in accordance with the Building Code of New York State and be clearly marked. In addition, all access points will be of sufficient size to accommodate safe stretcher transit. Accordingly, the Project will not result in a significant adverse impact to the ability of local emergency medical services (i.e., DeWitt Fire Department, American Medical Response, or mutual aid agencies) to carry out their duties at the site.

Finally, the Project is not expected to create a substantial increase in the population of the area or in municipal budgets. The reports, studies and other information provided by the Applicant demonstrates that the Project will result in the County receiving \$8,000,000 from the sale to the Applicant; the Site generating real property taxes as a result of being transferred from the County to a private party and PILOT revenues; increased Mean and Median Real Property Tax Assessments (Mean Assessments of \$76 per Sq Ft for retail, \$117 for medical, \$51 for office, \$51 for hotel, and \$45 for apartment; and Median Assessments of \$81 per Sq Ft for retail, \$117 for medical; \$63 for office, \$54 for hotel, and \$36 for apartment); an increase of 1.16 million in annual visitors from outside the Central New York Region traveling to the District East development (and they are estimated to support total expenditures of \$568 million annually throughout these trips to the Central New York region); and an increase of annual retail sales of about \$152,484,400 at full build-out and associated sales tax payments to the municipality. The Project will therefore generate substantial property and/or sales tax revenue to the Town of DeWitt, Jamesville-DeWitt Central School District, and Onondaga County.

Criterion 11

Changes in two or more elements of the environment, no one of which has a significant effect on the environment, but when considered together result in a substantial adverse impact on the environment.

For the reasons set forth above and as supported by the record before the Agency, the Project will not result in multiple changes to the environment which, when considered together, result in a substantial adverse impact on the environment.

Criterion 12

Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant effect on the environment, but when considered cumulatively would meet one or more of the criteria in this section.

The Project consists of a single project – the redevelopment of a vacant shopping mall to a mixed-use town development. The Project is not dependent upon any other actions, nor is it related or connected to any other actions which would create the potential for a cumulative significant environmental impact meeting any of the criteria in this section.

Exhibit 3
Amended Negative Declaration

OHB REDEV, LLC

**SEQRA RESOLUTION
(3101-22-06A)**

A special meeting of the Onondaga County Industrial Development Agency (the “Agency”) convened in public session on February 15, 2024, at 8:30 a.m., local time, at 335 Montgomery Street, 2nd Floor, Syracuse, New York.

The meeting was called to order by the (Vice) Chairperson of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT: Patrick Hogan
Janice Herzog
Susan Stanczyk
Kevin Ryan
Fanny Villarreal
Cydney Johnson

ABSENT: Elizabeth Dreyfuss

ALSO PRESENT: Robert M. Petrovich, Executive Director
Jeffrey W. Davis, Esq., Agency Counsel
Amanda M. Fitzgerald, Esq., Agency Counsel

The following resolution was offered by Susan Stanczyk, seconded by Janice Herzog to wit:

**RESOLUTION CONFIRMING A DETERMINATION THAT
A CERTAIN PROJECT PROPOSED BY OHB REDEV, LLC
WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON
THE ENVIRONMENT**

WHEREAS, the Agency is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”), Chapter 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975 of the State of New York, as amended, constituting Section 895 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act), or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, OHB Redev, LLC on behalf of itself and/or entities formed or to be formed on its behalf (the “Company”), has submitted an application (the “Application”) to the Agency, a copy of which Application is on file at the office of the Agency, which Application requests that the Agency consider undertaking a project (the “Project”) for the benefit of the Company and/or entities formed or to be formed on its behalf, said Project consisting of the following: (A) the acquisition a fee or leasehold interest in six (6) contiguous parcels (tax map nos. 063.-01-02.1, 063.01-02.2, 063.-01-10.0, 063.-01-02.3, 063.-01-2.4 and 063.-01-02.5) in the Town of DeWitt, Onondaga County, New York (the “Land”); (B)(1) the demolition of selected existing structures on the Land; (2) the renovation of existing structures for, and new construction of, residential, commercial, and mixed use buildings (collectively, the “Facility”); (3) improvement of primary, secondary and shared/festival streets, sidewalks, sewers, parks and green spaces, and lighting, with a total project area of approximately 69 acres (collectively the “Improvements”); (C) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment” and, together with the Land, the Facility and the Improvements, the “Project Facility”); (D) the granting of certain “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (subject to certain statutory limitations) (the “Financial Assistance”); and (E) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS; the Project will be built out over a period of approximately 12 years and is anticipated to proceed in various phases of development that will each require local site plan approval to comply with the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Project is anticipated to include 1.96 million square feet of leasable space inclusive of 912 dwelling units in 33 structures of up to six stories in height; a new street grid that will incorporate sidewalks, bicycle infrastructure, pedestrian scale lighting, street trees, and on-street parking, surface parking areas and utilization of the existing parking garage in order to provide up to 4,105 parking spaces; and

WHEREAS, the Application requested the Agency consider the following (collectively, the “District East Redevelopment”): (A) the acquisition of three parcels of the Land by eminent domain totaling 4.21 acres (tax map nos. 063.-01-02.3 (the former Macy’s – 1.67 acres); 063.-01-02.4 (the former Sears Dept. Store – 1.85 acres); 063.-01-02.5 (the former Sears Auto Center – 0.69 acres)) in the Town of Dewitt, Onondaga County, New York (the “Eminent Domain Acquisition”); (B) undertaking the Project on behalf of the Company; and

WHEREAS, the demolition, construction and operation of the Project requires permits and/or approvals from several agencies, including zoning approvals from the Town of DeWitt; and

WHEREAS, the Land is entirely developed within the former Shoppingtown Mall which is now derelict, vacant and underutilized; and

WHEREAS, pursuant to SEQRA, the Agency is required to make a determination with respect to the environmental impact of any “action” (as defined by SEQRA) to be taken by the Agency, and the approval of the District East Redevelopment constitutes such an action; and

WHEREAS, to aid the Agency in determining whether the District East Redevelopment may have a potential significant adverse effect upon the environment, the Company prepared and submitted to the Agency a Full Environmental Assessment Form (the “EAF”) and supporting studies and reports (the EAF and supporting studies and reports collectively referred to as the “SEQRA Materials”), and copies of said SEQRA Materials are on file in the office of the Agency, posted on the Agency’s website, and readily accessible to the public; and

WHEREAS, by resolution adopted August 18, 2022 (the “Lead Agency Intent Resolution”), the Agency declared its intent to act as “Lead Agency” for the purpose of conducting a coordinated environmental review of the District East Redevelopment pursuant to SEQRA; and

WHEREAS, on August 18, 2022, the Agency distributed notice of its intent to act as lead agency (the “Notice of Intent”) along with materials related to the District East Redevelopment to all identified involved and interested agencies; and

WHEREAS, the Notice of Intent instructed all recipients to direct any comments or questions concerning the District East Redevelopment to the Agency; and

WHEREAS, none of the involved agencies objected to the Agency’s designation as Lead Agency within the statutory 30-day period under SEQRA; and

WHEREAS, the Agency engaged its legal counsel, Barclay Damon LLP (“BD”), to support the Agency in the review and analysis of the Application and SEQRA Materials; and

WHEREAS, the Agency retained a consultant, JMT of New York, Inc. (“JMT”) to support the Agency in its review and analysis of the Application and SEQRA Materials; and

WHEREAS, on September 18, 2022, the Agency circulated amended application materials to all involved and interested agencies; and

WHEREAS, the Agency held workshop sessions to review, analyze and discuss the SEQRA Materials on January 17, 2023, March 16, 2023 and August 8, 2023 with a three person committee of the Agency, Agency staff, the Company, JMT, BD, and representatives of Town of DeWitt; and

WHEREAS, the Company periodically responded to comments and questions directed to the Company by Agency Staff, BD, JMT and the Town of DeWitt and submitted supplemental

SEQRA Materials and Project submittals to the Agency based on the current project design and available information; and

WHEREAS, on October 12, 2023, the Agency declared itself Lead Agency (with respect to a coordinated review of the District East Redevelopment pursuant to SEQRA and found that the District East Redevelopment constitutes a “Type I Action” (as said quoted term is defined in SEQRA); and

WHEREAS, also on October 12, 2023, based on its careful review and examination of the Application correspondence from other involved agencies and workshop sessions, the Agency found that, on balance, and after careful consideration of all relevant District East Redevelopment documentation, it had more than adequate information to evaluate the relevant benefits and potential impacts, found that the District East Redevelopment would not have a significant adverse effect on the environment, and issued a Negative Declaration with respect to the District East Redevelopment; and

WHEREAS, following the Agency’s issuance of a Negative Declaration, the Agency received comments challenging the sufficiency of the Agency’s review of the District East Redevelopment under SEQRA; and

WHEREAS, after receiving these comments, the Agency requested that JMT review the comments and advise as to whether any additional environmental information or review was warranted; and

WHEREAS, JMT reviewed the comments and advised the Agency by memorandum that the only comment that warranted additional consideration was noise and that, although potential noise impacts had been previously evaluated during the workshop sessions based upon information available at the time, including conceptual mitigation, the Agency could elect to request that the Company provide in writing additional technical information on operational noise and mitigation measures;

WHEREAS, based on JMT’s review, the Agency therefore requested that the Company, to the extent feasible, provide additional technical information regarding the District East Redevelopment’s projected operational noise and construction noise mitigation; and

WHEREAS, on February 12, 2024, the Company submitted to the Agency an updated Construction and Operational Noise Analysis based upon the current project design and available information (“Supplemental Information”); and

WHEREAS, the Company has also further confirmed that the District East Redevelopment, which is to be built out over a period of approximately 12 years, is still in the design phase and will continue to refine design elements and construction scenarios leading up to and as part of the site plan approval process before the Town of DeWitt for each phase of development; and

WHEREAS, the Agency has analyzed the impacts of the District East Redevelopment, based on current information and reasonable projections; and

WHEREAS, based on its careful review and examination of the Supplemental Information, and prior review and examination of the District East Redevelopment, the Agency finds that relative to construction noise that:

- (1) without mitigation, sound levels from construction will exceed ambient sound levels in the area;
- (2) the exceedances over ambient are anticipated to be 6 dB or lower at all residential receptors; and
- (3) due to the preliminary nature of the current project design and available information, the specific mitigation for construction noise cannot be finally determined at this time; however, construction noise can be mitigated to 6 dB or less and less than the Town of DeWitt noise limits through various mitigation measures, including by way of example the use of best practices, placement of equipment, setbacks, lower noise equipment, earthen berms and avoidance of construction activities during nighttime hours; and

WHEREAS, based on its careful review and examination of the Supplemental Information, and prior review and examination of the District East Redevelopment, the Agency finds that relative to operational noise that:

- (1) sound from typical project operations is not anticipated to exceed the daytime ambient sound levels;
- (2) without mitigation, sound from typical project operations is anticipated to exceed the nighttime ambient sound levels by 2dB, which should have no appreciable effect on receptors, but may result in exceedances of the Town code in certain locations along Kinne Road;
- (3) due to current project design and available information, the specific mitigation for operational noise cannot be finally determined until project design elements are further developed; however, operational noise can be mitigated to comply with the Town of DeWitt Town Code through various mitigation and avoidance measures such as the use of quieter equipment, modification of equipment placement and positioning on the site and noise barriers; and

WHEREAS, as part of the site plan approval process before the Town of DeWitt, the Company will specify the project design elements as well as the final construction scenario and identify the specific mitigation measures or combination thereof that it will use to mitigate noise as analyzed and generally described in the Supplemental Information, the Town of DeWitt approval process will include compliance with SEQRA, and the analysis and choice of mitigation measures based upon the specific project design known at that time will be more protective of the environment; and

WHEREAS, as a result of its careful review and examination of the Application correspondence from other involved agencies and workshop sessions, including the Supplemental Information, the Agency finds that, on balance, and after careful consideration of all relevant District East Redevelopment documentation, it has more than adequate information to evaluate the relevant benefits and potential impacts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based upon an examination of the EAF prepared by the Company and the Application correspondence from other involved agencies and workshop sessions, including the Supplemental Information, the criteria contained in 6 NYCRR §617.7(c), and based further upon the Agency's knowledge of the area surrounding the Project Facility, all the representations made by the Company in connection with the District East Redevelopment, including all correspondence, reports and other Project related information, and such further investigation of the District East Redevelopment and its potential environmental effects as the Agency has deemed appropriate, the Agency makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(a) The Project consists of the components described above in the third, fourth and fifth WHEREAS clauses of this Resolution and constitutes an "Action" as such term is defined in the Act;

(b) The Agency declares itself "Lead Agency" (as said quoted term is defined in SEQRA) with respect to a coordinated review of the District East Redevelopment pursuant to SEQRA;

(c) The District East Redevelopment constitutes a "Type I Action" (as said quoted term is defined in SEQRA);

(d) The District East Redevelopment will not have a significant adverse effect on the environment, and the Agency will not require the preparation of an Environmental Impact Statement with respect to the District East Redevelopment;

(e) Potential impacts associated with noise have been fully studied based upon current information and reasonable projections;

(f) Further analysis of potential impacts associated with noise cannot be further studied at this time but will be evaluated as part of the Town of DeWitt's site plan approval process and attendant SEQRA review;

(g) Because the District East Development project cannot proceed without site plan approval, it is permissible to segment the review of noise as it will be no less protective of the environment; and

(h) As a consequence of the foregoing, the Agency has prepared an Amended Negative Declaration with respect to the District East Redevelopment, a copy of which is attached hereto as Exhibit "A".

Section 2. A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the Agency where the same shall be available for public inspection during business hours.

Section 3. The Secretary of the Agency is hereby authorized and directed to distribute copies of this Resolution to the Company and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on a roll call, which resulted as follows:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Patrick Hogan	X		
Janice Herzog	X		
Elizabeth Dreyfuss			X
Cydney Johnson	X		
Kevin Ryan	X		
Susan Stanczyk	X		
Fanny Villarreal	X		

The Resolution was thereupon declared duly adopted.

EXHIBIT A

AMENDED NEGATIVE DECLARATION

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See the attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Onondaga County Industrial Development Agency _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: OHB Redev, LLC - District East

Name of Lead Agency: Onondaga County Industrial Development Agency (OCIDA)

Name of Responsible Officer in Lead Agency: Robert M. Petrovich

Title of Responsible Officer: Executive Director

Signature of Responsible Officer in Lead Agency:



Date: 2/20/2024

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Onondaga County Industrial Development Agency (OCIDA)

Address: 335 Montgomery Street, 2nd Floor, Syracuse, New York, 13202

Telephone Number: 315-435-3770

E-mail: economicdevelopment@ongov.net

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

AMENDED NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON SIGNIFICANCE

TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:

In accordance with Article 8 (State Environmental Quality Review a/k/a “SEQRA”) of the Environmental Conservation Law (the “Act”), and the statewide regulations under the Act (6 NYCRR Part 617) (the “Regulations”), the Onondaga County Industrial Development Agency (the “Agency”) has considered the proposed redevelopment of the former Shoppingtown Mall to a mixed-use town center development also known as “District East” inclusive of retail, entertainment, office, residential, and open space, located on Erie Boulevard in the Town of DeWitt, Onondaga County, New York and the acquisition of certain real property by negotiated purchase or acquisition pursuant to the New York Eminent Domain Procedure Act (EDPL”) (the “Action”), as described more fully in the summary attached hereto as Exhibit “A.” The Agency has determined: (i) that said proposed Action is a “Type I Action” pursuant to the Regulations, and therefore coordinated review and notification is required with respect to said Action; (ii) that the Agency has appropriately engaged in a coordinated environmental review of the Action; (iii) that a thorough review of all potential environmental impacts has been conducted; (iv) that upon due consideration, the Agency has concluded that said Action will not result in any significant adverse impact on the environment; (v) therefore that an environmental impact statement is not required to be prepared with respect to said Action; and (vi) that the SEQRA review is hereby concluded with the exception of noise for which the agency has determined has been fully studied based upon current information and reasonable projections, cannot be further studied at this time but will be evaluated as part of the Town of DeWitt’s site plan approval process and attendant SEQRA review, such that it is permissible to segment the review of noise as it will no less protective of the environment.

THIS NOTICE IS AN AMENDED NEGATIVE DECLARATION FOR THE PURPOSES OF THE ACT. The Agency previously issued a Negative Declaration on October 12, 2023 and, in response to comments, requested additional technical information from OHB Redev, LLC (“the Applicant”). On February 12, 2024, the Applicant submitted to the Agency an updated Construction and Operational Noise Analysis based upon the current project design and available information (“Supplemental Information”). The Agency has reviewed the Supplemental Information and confirmed that the Action will not result in any significant impacts to the environment.

1. Agency:

The Agency is the Onondaga County Industrial Development Agency.

2. Contact for Further Information:

Robert Petrovich, Executive Director

Onondaga County Industrial Development Agency
333 West Washington St., Suite 130
Syracuse, New York 13202
Email: economicdevelopment@ongov.net
Phone: (315) 435-3770
Fax: (315) 435-3669

3. Action Identification:

The Action includes the redevelopment of the former Shoppingtown Mall to a mixed-use town center development also known as “District East” inclusive of retail, entertainment, office, residential, and open space, located on Erie Boulevard in the Town of DeWitt, Onondaga County, New York.

The Project site is located at the northwest corner of the intersection of Erie Boulevard and Kinne Road and is comprised of five separate parcels which together total approximately 69 acres in size. The proposed site currently consists of a vacant retail mall.

4. Action Description:

The Applicant proposes to demolish the bulk of the existing former Shoppingtown Mall to facilitate its redevelopment into a walkable, mixed-use town center development, inclusive of retail, entertainment, office, residential, and open space, in the Town of Dewitt, Onondaga County, New York. The Project is anticipated to include 1.96 million square feet of leasable space inclusive of 912 dwelling units in 33 structures of up to six stories in height. In addition, a new street grid that will incorporate sidewalks, bicycle infrastructure, pedestrian scale lighting, street trees, and on-street parking will be constructed. The Project will also include surface parking areas and will utilize the existing parking garage in order to provide up to 4,105 parking spaces. As part of its application to OCIDA, in addition to potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (subject to certain statutory limitations), the Applicant is requesting that OCIDA exercise its authority to acquire certain lands and real property rights by negotiated purchase or through the exercise of its power of eminent domain for the former Sears sites (tax map lots 063.-01-2.4 and 063.-01-2.5) totaling 2.54 acres and Macy’s site (tax lot 063.-01-02.3) totaling 1.67 acres pursuant to and consistent with the EDPL for the purposes of acquiring all needed rights for a unified and comprehensive redevelopment of the overall 69± acre site.

The District East Redevelopment will be built out over a period of approximately 12 years, is still in the design phase and will continue to refine design elements and construction scenarios leading up to and as part of the site plan approval process before the Town of Dewitt for each phase of development. The site plan approval process before the Town of Dewitt will include environmental review of each specific phase pursuant to SEQRA and will require the Applicant to submit a noise mitigation plan.

5. Action Location:

The Action will be located in the Town of DeWitt, Onondaga County, New York.

6. Lead and Involved Agencies:

Lead Agency: Onondaga County Industrial Development Agency

Involved and Interested Agencies: Town of DeWitt Town Board, Town of DeWitt Planning Board, Town of DeWitt Department of Planning and Zoning, New York State Department of Transportation (“NYSDOT”); New York State Department of Environmental Conservation (“NYSDEC”); New York State Historic Preservation Office (“SHPO”); Onondaga County Planning Board; Onondaga County Department of Transportation (“OCDOT”); New York State Department of State, Building Standards and Codes – Division of Code Enforcement and Administration (“NYSDOS”); and Onondaga County Department of Health (“OCDOH”).

7. Reasons for Determination of Non-Significance:

See Exhibit “A” attached hereto.

DATED: February 16, 2024

Onondaga County Industrial Development Agency

By: _____

Title: _____

Exhibit A

Criteria for Determining Significance

As proposed, the reasonably anticipated environmental effects of the proposed redevelopment of a former shopping mall to a mixed-use town center development, inclusive of retail, entertainment, office, residential, and open space, along Erie Boulevard in the Town of DeWitt (the “Action” or “Project”) will not be significant. This conclusion results from the Onondaga County Industrial Development Agency’s (the “Agency”) thorough evaluation of the proposed Action’s attributes and their environmental effects against the criteria provided in NYSDEC regulations at 6 NYCRR §617 et. seq. A summary of this evaluation follows.

External Project Information Review

The Agency’s review of potential environmental impacts of the Action included analysis of the following documents and information, incorporated by reference herein:

1. OHB Redev, LLC’s original and amended application regarding the proposed Project.
2. Full Environmental Assessment Form (“FEAF”) and Environmental Assessment Form Narrative, including the following supporting appendices:

Appendix A: Master Plan;
Appendix B: Evaluation of Surface Waters and Wetlands ;
Appendix C: Preliminary SWPPP;
Appendix D: Sanitary Sewer Capacity Assessment;
Appendix E: Water Distribution Assessment;
Appendix F: Stormwater Utility Assessment;
Appendix G: Threatened and Endangered Species Assessment;
Appendix H: Existing Conditions Photo Log;
Appendix I: Visibility Assessment Appendix J: OPRHP Consultation;
Appendix K: Traffic Impact Assessment; I-481 Interchange Impact Review;
Appendix L: NYSDOT Consultation;
Appendix M: Energy Impact Assessment;
Appendix N: Construction Noise Analysis;
Appendix O: Public Services Impact Assessment.

3. Supplemental documents submitted in support of the FEAF and Application, including but not limited to:
 - A. Visitor Impact Assessment;
 - B. Correspondence providing additional information about the Project including traffic improvements;

- C. Correspondence from the Agency concerning questions and comments related to the Project and the Applicant's responses thereto;
- D. Letters received from the NYSDOT concerning potential traffic impacts and proposed traffic improvements; and
- E. Letter from Terry Mannion (Town of Dewitt), dated September 4, 2023, stating that the Town of Dewitt participated in SEQRA workshop sessions with the IDA.
- F. Correspondence received from involved and interested agencies.
- G. An updated Construction and Operational Noise Analysis, including Construction Mitigation Plan

The Project has been on the agenda of publicly advertised and open Agency meetings.

The Agency identified all involved and interested agencies and provided such agencies with original and amended application materials, as necessary, including supplemental Project submittals, concerning the Project. The Agency provided ample opportunity for those agencies to provide comments concerning the Project, and representatives of the Company met separately with various involved and interested agency representatives regarding the Project.

Determination of Environmental Significance

To determine whether the Action may have a significant adverse effect on the environment, the impacts that may reasonably be expected to result from the proposed action must be compared to criteria specified in NYSDEC regulations (6 NYCRR 617.7). These criteria are considered indicators of significant adverse effects on the environment.

Criterion 1

A substantial adverse change in existing a) air quality; b) ground or surface water quality or quantity; c) traffic levels; d) noise levels; e) a substantial increase in solid waste production; f) a substantial increase in potential for erosion, flooding, leaching or drainage problems.

A. Air quality: The Action is not expected to substantially impact existing air quality.

1. *Construction*: Some temporary adverse impacts may occur in the immediate vicinity of the Project due to fugitive dust and exhaust fumes caused by the normal operation of heavy equipment during Project construction. Dust control is part of the erosion control process and will be controlled through best management practices. Construction vehicle entrances will be stabilized with geotechnical fabrics and stone ballast or comparable. The Action will be conducted in phases, which will limit the potential for fugitive dust and erosion impacts by ensuring that disturbed

areas are stabilized (reseeded, paved landscaped, etc.) before new areas are cleared for construction. Further, emissions will be limited to construction vehicles, a portable crusher, and temporary generators estimated at 6kw. The applicant will be required to meet federal, state, and local air emission requirements designed to meet the NAAQS and, if required, depending on the maximum potential output of the mobile or stationary generators used during construction, the Applicant will obtain a NY State Air Registration, an Air Facility Permit, and/or a Federal Clean Air Act Title IV or Title V Permit to comply with all applicable regulations.

Any adverse impacts to air quality from construction will be short-term, localized and minor in nature, and are not expected to cause a deterioration of ambient air quality.

2. *Operation:* The Project is not anticipated to include a stationary, state regulated air emission source. The Project will not generate or emit methane. The facility will use natural gas for heating and cooling. During operation, emissions typical of multi-use developments are anticipated, such as those associated with delivery vehicles and public transportation to/from the site. While it is estimated the Project could introduce over 12,000 visitors per day to the site, we note that the Project is redevelopment of a former mall which, itself, introduced visitors to the site. Many of these visitors are anticipated to use an electrical vehicle ("EV"), with the anticipated number growing annually, and the Project plans to incorporate EV charging to encourage the use of EVs. The existing air quality also will be preserved as a result of the following: (i) coordinated visiting schedules to offset vehicular traffic patterns; (ii) trucks will not be permitted to idle in violation of New York State regulations; (iii) traffic controls (*i.e.*, dedicated turning lanes and related road improvements, as discussed below) will be employed to minimize vehicle queuing in the area surrounding the Project; and (iv) the incorporation of sidewalks, bicycle infrastructure, public transportation, and pedestrian scale lighting to discourage on-site vehicular use.

Any adverse impacts to air quality during operation will be localized and minor in nature, and are not expected to cause a deterioration of ambient air quality.

Given the foregoing, any short- and long-term impacts to ambient air quality associated with operation and construction that may arise are not considered to be significant.

- B. Groundwater quality: The Project will use public sewer provided by the Onondaga County Department of Water Environment Protection and water services provided by the Town of DeWitt, so no wells will be drilled and no septic systems will be installed. The application includes letters from the Town of DeWitt, dated April 27, 2022, and June 24, 2022, respectively confirming the Town's ability to provide continued water service to

the Project. Additionally, the Project will not result in any new or additional use of groundwater, or have the potential to introduce contaminants to groundwater. Consequently, no significant impacts to groundwater quality or quantity are expected.

- C. Surface water quality: The construction of the Project will require a Notice of Intent (NOI) filing under the NYSDEC General Permit for Stormwater Discharges from Construction Activities, and the Applicant will be required to indicate that it will comply with all applicable terms of such General Permit. The Applicant's consultant, Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C. ("EDR"), has prepared a Stormwater Utility Assessment (Appendix F to the FEAF) and a preliminary SWPPP (Appendix C to the FEAF), which will be updated and maintained to address stormwater and prevent impacts to surface water from parking areas and internal drives (which are not appreciably different in type from the existing use). The Preliminary SWPPP discusses erosion and sediment control measures that protect surface waters during construction. The finalized SWPPP, which will include final erosion and sediment control details, will undergo review and approval by the Town of DeWitt and the NYSDEC (upon request), and the final design will comply with the requirements of each agency's engineers. The SWPPP requires local jurisdiction review and approval because the Project is located in a Municipal Separate Storm Sewer System.

The Project includes the removal of a portion of the existing impervious area and the installation of new impervious area. The redevelopment criteria in Chapter 9 (redevelopment activity) of the New York State Stormwater Management Design Manual dated January, 2015, applies to this development. Additionally, the site is located within the Onondaga Lake Watershed and stormwater management practices are anticipated to be designed in accordance with Enhanced Phosphorus Removal Standards per the New York State Stormwater Design Manual. Since the existing condition is nearly 100% developed, post-development stormwater flows will not increase over existing conditions.

An Evaluation of Surface Waters and Wetlands was prepared by EDR on behalf of the Applicant. This evaluation included a desktop review of relevant databases followed by a field investigation. Specifically, a review of the U.S. Fish & Wildlife Services (USFWS) National Wetland Inventory (NWI) mapping identified the nearest mapped wetlands as approximately 600 feet southeast of the site. Similarly, a review of NYSDEC wetland data identified the nearest mapped wetland also located approximately 600 feet southeast of the site. Subsequent to the desktop analysis, EDR personnel conducted a site investigation on January 10, 2023, to confirm the lack of surface waters and wetlands at the site. Based on site-specific review, it was confirmed that no streams or wetlands are located on-site. Furthermore, erosion and sediment control practices will be implemented, prior to any disturbance, to prevent sediment transport offsite.

The Project is not anticipated to result in any significant adverse impacts to surface water quality.

- D. Traffic levels: The proposed mixed-use development is expected to generate a maximum of approximately 1658 [2717] (3257) total trips entering and exiting during the AM

[PM] (SAT) study peak hours, respectively, inclusive of both passenger vehicles and trucks.

The application includes a document entitled “Traffic Impact Study”, last updated January 2023, supplemented with Traffic Overview Timeline Letter, provided in Appendix L, prepared by GTS Consulting (Exhibit I and Appendix K to the FEAF) (“Traffic Impact Assessment”).

The Traffic Impact Assessment establishes existing traffic conditions, predicts background traffic flow and area growth, and forecasts changes in traffic flow as a result of the proposed Project. Access to the Project site goes from six entrances to nine with entrances located along Erie Boulevard and Kinne Road. Project construction is expected to last more than one year. The applicant contacted the Town of DeWitt to identify projects within the study area that are approved and/or under construction. As a result of its proximity to the Project site, and no specific approved developments are in the area at this time.

Based upon historical traffic growth from NYSDOT traffic volume data for the area for the construction period, anticipated normal increases in background traffic growth, unexpected developments in the Project study area and maintaining a conservative analysis, were addressed by applying a +0.5% growth rate to the existing traffic volumes. Historical traffic volumes on Erie Boulevard indicate a rate of approximately -1.3% per year, traffic volumes on Kinne Road indicate a rate of approximately -0.8% per year, while traffic volumes on Genesee Street have increased by approximately 1.8% per year between 2002 and 2019.

A crash analysis was performed for Erie Boulevard, Kinne Road and Butternut Drive for a three-year period from January 2019 to December 2021. There were 147 total crashes at the three study area segments. The proposed recommendations detailed in the TIS include mitigation measures at locations based on a review of capacity analysis, crash type and comparison to statewide accident rates.

Arterial travel speeds by direction were assessed for Erie Boulevard, Kinne Road and Butternut Drive for the AM, PM & SAT peak hour times and the four analysis scenarios of existing, background, build and build with mitigation. Overall, travel speeds are maintained or slightly reduced when compared to existing.

Additionally, potential impacts were assessed with I-481 Interchange with Genesee Street associated with the NYS DOT I-81 Community Grid project. It is anticipated to add minor overall traffic volumes to the study area, less than 70 vehicles westbound and 150-250 vehicles eastbound on Genesee Street during each peak hour.

The Traffic Impact Assessment identifies existing and future operating characteristics of the site access intersections and impacts to the adjacent roadway network resulting from full operation of the Project. It also evaluated prior mitigation measures that had been implemented to support the site when it was a fully operating regional shopping mall and identified a suite of additional mitigation measures to support additional Project related

traffic. The Traffic Impact Assessment determined that traffic associated with the Project can be accommodated on the existing roadways subject to these measures, which have been incorporated into the Project.

NYSDOT and the Agency's engineering consultant reviewed the Traffic Impact Assessment, including its recommendations and proposed mitigation measures, and the Applicant was provided with questions and comments relative to traffic and proposed improvements. Traffic concerns and the Applicant's proposed mitigation measures and improvements were also discussed during Project workshop sessions held on January 17, 2023, March 16, 2023 and August 8, 2023 to review, analyze and discuss the SEQRA materials. During these Project workshop sessions, the Town of DeWitt provided the Applicant with comments relative to traffic impacts and proposed mitigation measures and improvements.

The NYSDOT's comments and proposed refinements to suite of mitigation measures proposed in the Traffic Impact Assessment were set forth in a letter dated June 1, 2023 (Appendix L to the FEAF). The Applicant responded to all issues by providing appropriate responses and/or additional information for review.

By letter, dated September 4, 2023, the Town of DeWitt acknowledged their involvement in the SEQRA review process, including their participation in these workshop meetings, and notified the Agency that its concerns regarding traffic had been addressed in the workshop sessions.

Consistent with the Applicant's Traffic Impact Assessment, as well as the comments and recommendations of the NYSDOT, including the additional information the Applicant provided in response to NYSDOT's comments, and as further refined and developed during the workshop meetings,, the Project includes the following traffic modifications and improvements:

Route 5 (Erie Blvd) / Kinne Road

- Extend the existing northbound left turn lane from 185 feet to 300 feet of storage.
- Reducing the signal cycle length to 100 seconds during all three peak hours, in addition to a large increase in trips is not advisable.
- Change signal phasing to run northbound and southbound concurrent lefts. Turning templates must be checked to verify movements. Intersection modification, i.e., pavement marking changes and lane realignment, may be required.
- Install "elephant tracks" for northbound and southbound left turns.

Route 5 (Erie Blvd) / Grenfell Road / North Access

- Modify the site access to provide a westbound left/through lane and a 150-foot westbound right turn lane.
- Modify the existing traffic signal to accommodate the proposed revised access. However, the proposed modification to the site access will require changes to the signal, requiring a structural analysis per current T3SAP

standards. If it is determined the existing signal cannot accommodate the additional signal heads, the signal must be replaced.

- Implement timing adjustments and NYSDOT will optimize the signal timing based on field conditions at the time of completion.
- Reallocate existing southbound through lane to create a dual left into the site. Install appropriate signage and pavement markings as needed. Turning templates must be checked to verify movements for access design and possible intersection modification.

Route 5 (Erie Blvd) / South Access

- The signal has exceeded its life expectancy and must be fully replaced, and a new permit signal agreement put into place. Some of the recently installed pedestrian signals and video detection equipment can likely be saved and reused.

Route 5 (Erie Blvd) / Route 92 (Genesee Street)

- Construct a 2nd eastbound left turn lane on Genesee Street with 175 feet of storage. Considering the roadway geometry, the construction feasibility is questionable. Preliminary design plans must be submitted for review to determine if the mitigation is practical. If it is determined the eastbound dual left is unfeasible as a mitigation alternative, preliminary study shows that a roundabout is a viable option at this intersection. The proposed mitigation requires modification to the signal, requiring a structural analysis per current T3SAP standards, to determine if the existing signal can accommodate the additional signal heads. If it can't, the signal must be replaced.
- Modify Erie Blvd northbound to include two lanes receiving the dual eastbound left turn movement. Restripe to align the westbound right turn slip ramp to the outside travel lane. All traffic not destined to the development would need to change lanes to continue northbound, creating some concern for merging and side swipes. The design should take notice of providing adequate distance to change lanes and include appropriate signage.
- Implement timing adjustments and NYSDOT will optimize the signal timing based on field conditions and the time of completion.
- Preliminary study shows that a multilane roundabout is a more viable option at this intersection than constructing a 2nd eastbound left turn lane and is NYSDOT's preferred mitigation alternative. Additional analysis is underway and may stem supplemental requirements, such as a queue cutter for the adjacent signal.
- A Rectangular Rapid Flashing Beacon must be installed to increase pedestrian safety at the channelized westbound right turn crossing.

Route 92 (E. Genesee St) / Jamesville Rd

- Implement timing adjustments and NYSDOT will optimize the signal timing based on field conditions and the time of completion.

Erie Boulevard /Right In / Right Out Access

- Construct a 150 foot north right turn lane

Route 5 (Erie Boulevard)

- Sidewalk along the east side of Route 5 from E. Genesee St to Kinne Rd is required.

With these traffic modifications and improvements, the NYSDOT has concluded that the Project will not have any significant impact on traffic operations on the state's highway network when combined with the mitigation outlined in its June 1, 2023 letter. In addition, the Applicant has agreed to continue to consult with NYSDOT to ensure that all necessary and appropriate traffic modifications and improvements are implemented.

The submitted and vetted Traffic Impact Assessment demonstrates that the existing transportation network can adequately accommodate the projected traffic volumes and resulting impacts to intersections anticipated to serve the Project. Resulting impacts are expected to be fully addressed through the traffic mitigation measures the Applicant has agreed to implement as part of the Project. Therefore, the Project will not result in any significant adverse impacts associated with traffic.

- E. Noise: The Project includes site infrastructure (roof mounted HVAC units) and vehicular activity that have the potential to alter sound levels at the property line and/or adjacent receptors. On behalf of the Applicant, RSG prepared a Construction and Operational Noise Analysis for District East Redevelopment, dated February 9, 2024.

As indicated in the RSG analysis, ambient sound levels average 54 dBA during the daytime and 48 dBA at night. In addition, the Town of DeWitt has a daytime property line limit of 70 dBA.

Based on the sound propagation modeling, sound from typical project operations is not anticipated to exceed the daytime ambient sound levels but, without mitigation, would exceed the nighttime ambient sound levels by 2dB. Such an increase should have no appreciable effect on receptors, but may result in exceedances of the Town code in certain locations along Kinne Road. Due to the preliminary nature of the current project design and available information, the specific mitigation for operational noise cannot be finally determined until project design elements are further developed. However, as a condition of municipal approvals, operational noise will be mitigated to comply with the Town Code through various mitigation and avoidance measures such as the use of quieter equipment, modification of equipment placement and positioning on the site and noise barriers.

Based on the sound propagation modeling, without mitigation, there will be times when construction equipment may exceed ambient by more than 6 dB or cause exceedances of the 70 dBA limit, depending on where the equipment is operated at the Project site. At all residential receptors, exceedances over ambient are anticipated to be 6 dB or lower

Due to the preliminary nature of current project design and available information, the specific mitigation for construction noise cannot be finally determined at this time; however, construction noise can be mitigated to 6 dB or less and less than the Town noise limits through various mitigation measures that can and will be implemented (i.e., mobile noise barriers; construction site fencing with noise barrier material attached to the fencing; earthen or aggregate berms; lower noise construction methods or equipment; relocating equipment further from receptors, if feasible; and/or limiting the duration of the construction within those distances to the property line.). A noise mitigation plan that includes the potential noise mitigation options, along with when they should be implemented, was prepared which will be further refined and provided to any contractors and will be approved prior to implementation by the Town of DeWitt. Noise management procedures will also be required of all construction contractors.

The Applicant has also identified that it intends to be proactive about the management of issues associated with noise during construction. A project manual will be developed with potential noise mitigation measures that will be required to be kept onsite throughout the course of construction. In addition, no blasting will take place during the demolition or construction of the project and the Project will comply with the Town of DeWitt Code.

For the reasons noted above, the Project will not have a potential significant adverse impact on noise levels in the area and will comply with applicable noise regulations and guidelines. Further analysis of potential impacts associated with noise cannot be further studied at this time but will be evaluated as part of the Town of DeWitt's site plan approval process and attendant SEQRA review. Notwithstanding, because the District East Development project cannot proceed without site plan approval, it is permissible to segment the review of noise as it will be no less protective of the environment.

- F. Solid waste production: During construction, the Project will produce approximately 5-10 tons of solid waste per week and approximately 77 tons per week under full operation. Solid waste transport and disposal will be handled under contract by private haulers, and disposal will occur in accordance with applicable local and state regulations. During operation, the operator will provide information and equipment to facilitate recycling with residential and commercial spaces.
- G. Erosion, flooding, leaching and drainage: The Project plans and other supporting application materials indicate that there will be approximately 69+/- acres of land disturbance. The Project site is not located in a designated flood zone. The Erosion and Sediment Control Plan will identify the existing and proposed topography, temporary controls, and construction phases associated with the proposed development. Erosion concerns will be addressed by incorporating specified erosion and sediment controls for the construction phase of the Project in accordance with a State Pollution Discharge Elimination System ("SPDES") General Permit Associated with Construction Activities to be obtained from NYSDEC. The General Permit requires the preparation and implementation of the SWPPP that is designed to comply with technical standards for erosion control.

The control measures included in the finalized SWPPP, and other supporting application materials will be sufficient to control potential erosion, drainage, flooding, or other impacts, which have the potential to occur as a result of construction activities. The measures proposed to minimize or eliminate any such impacts include the implementation of Best Management Practices (i.e., Construction Management Techniques) as well as erosion and sediment control measures and pollution prevention controls. The phased construction of the Project will minimize or eliminate any impacts associated with soil erosion by requiring previously disturbed areas to be reestablished before construction commences in another part of the Project site. Once construction is completed, erosion concerns are expected to diminish altogether with the implementation and continuation of the stormwater management and landscaping plans, as approved by appropriate agencies (i.e., NYSDEC, Town of DeWitt). As a result, the Project is not anticipated to result in a significant adverse impact relative to erosion, flooding, leaching or drainage.

- H. Other: In addition to the factors addressed in this Criterion, the Agency evaluated the potential for Project impacts related to odors and light.

With respect to odors, the Project will adhere to all applicable regulations set forth in Part 14 of the New York State Sanitary Code. Subpart 14-1 (Food Service Establishments) addresses garbage and refuse at Section 14-1.150, which requires garbage and refuse containers stored outside a given establishment, and dumpster, compactors and compactor systems, to be easily cleanable, provided with tight-fitting lids, doors or covers, and kept covered when not in use. These regulations also require a sufficient number of containers to be provided to hold all garbage and refuse that accumulates between periods of pickup and removal. Additionally, the Project will comply with the Town of DeWitt code § 158-23 *Accumulation/storage of solid waste on private property*, including, receptacle specifications, the set forth time limitation for placement of refuse out for collection and extended storage in hauler vehicles. Furthermore, the odors associated with vehicular activity will not differ from the conditions on the adjacent roadways, and therefore the Project will not have a significant adverse impact relative to odors.

To minimize potential nighttime impacts associated with exterior lighting, the minimum acceptable lighting to ensure security and safety will be used. In addition, all lighting fixtures associated with pedestrian pathways, interior roads, parking areas, and building exterior areas will be fitted with opaque hoods, shields, louvers, shades, and/or other devices such that all light generated by the light source is directed downward and not outward horizontally. The lighting fixtures will be consistent with the Town of DeWitt Lighting Ordinances and the intent of various “Dark Sky” initiatives. The final lighting plan will be approved by the Town of DeWitt Planning Board, which has final approval authority. The lighting as currently described by the Applicant does not currently constitute a significant adverse impact.

The Agency also confirmed that the Project site is not located in a Potential Environmental Justice Area.

Criterion 2

The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse effects on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse effects to natural resources.

The Project site consists of previously disturbed land which serves a vacant shopping mall. The redevelopment of the site will require the physical disturbance of approximately 69 acres, which will include the removal of some existing impervious areas to allow for various site improvements, including green spaces, resulting in a net gain of approximately 6 acres of vegetated areas.

A Threatened and Endangered Species Assessment (Appendix G to the FEAF) was prepared to identify any state or federally listed threatened or endangered species and address any potential impacts. The results of this analysis indicated the potential for Indiana Bat (*Myotis sodalis*) and Northern Long-eared Bat (*Myotis septentrionalis*), both of which are state and federally listed as endangered. The desktop assessment also indicated that Eastern Massasauga Rattlesnake (*Sistrurus catenatus*; federally listed as threatened) may be present in close proximity to the site.

EDR personnel visited the site on January 10, 2023, to assess the potential for suitable habitat. No wetlands, wet areas, or surface waters were observed that would provide adequate habitat for Eastern Massasauga Rattlesnakes. Therefore, Project impacts on this species are not anticipated. With respect to suitable habitat for the listed bat species, EDR personnel observed a few (less than 10) trees at the edge of the site and in the site's interior (associated with formerly maintained landscaping) with cavities and tree bark that could potentially provide summer roost habitat for both the Indiana Bat and Northern Long-eared Bat. As such, in accordance with the USFWS *Range-wide Indiana Bat & Northern Long-eared Bat Survey Guidelines* the conservation measure to minimize potential impacts include limiting tree removal from October 31 to March 31. Based on the findings and conclusions in the Threatened and Endangered Species Assessment, the removal of roost trees in connection with the Project in accordance with USFWS and NYSDEC requirements is not anticipated to result in a significant adverse impact to the Indiana Bat or Northern Long-eared Bat populations in the area.

For the reasons noted above, the Project will not have a potential significant adverse impact on natural resources, including threatened or endangered species.

Criterion 3

The impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of SEQRA.

The Project site neither adjoins nor is located in a designated critical environmental area. As such, the Project will have no impact in this regard.

Criterion 4

The creation of a material conflict with a community's current plans or goals as officially approved or adopted.

The Project is consistent with the adopted land use plans: The Town of DeWitt Sustainability Plan (2014) and The Town of DeWitt Comprehensive Plan Update (2017), which both include the Project site. The goals and actions set forth in these plans include having a “mixed-use town center”, to “Foster land use patterns that enhance livability and support civic life.” and to “Explore potential areas where mixed-use development should be incorporated.” -all of which are consistent with the Project. Further, the Project site is not located within a Local Waterfront Revitalization Plan or any special planning districts.

The Project is also in compliance with the Town of DeWitt Zoning Code and is consistent with Section 192-64.4 – Mixed-Use Village Floating Overlay District (“MUV-4”) which encourages “Village Center” type developments which encourages the redevelopment and/or the adaptive reuse of aging commercial strip development and malls and achieving compact patterns of development promoting people walking, riding bicycles or using public transit. Further, the applicant intends to comply with the applicable bulk requirements of the Town, and it is not anticipated any variances will be required as part of the Project, however the Applicant will coordinate with the Town of DeWitt during the approval process to confirm, and will apply for the necessary approvals.

As a result, the Project will not result in a significant adverse impact relative to officially approved or adopted plans or goals.

Criterion 5

The impairment of the character or quality of important historical, archaeological, architectural or aesthetic resources or of existing community or neighborhood character.

The Project site is a vacant, former shopping mall. It does not include any unusual or unique land forms, and it neither contains nor is located adjacent to any officially designated scenic or aesthetic resources. The closest aesthetic resource is the Old Erie Canal State Historic Park, which is located approximately 0.5 miles east of the Project, separated by an interstate highway and other infrastructure. Additionally, there are no important historic properties in close proximity to the Project site. NY SHPO advised EDR in a letter, dated May 23, 2022 (Appendix J to the FEAF) that the Project will have no impact on archaeological and/or historic resources.

The Project site's current appearance will change with the development of the Project, but the change will be consistent with surrounding land use patterns and improvements. Further, the applicant has submitted a variety of materials depicting the Project and site in order to give the Agency sufficient information to evaluate the post-construction size and appearance of the Project facility which is an improvement aesthetically to current site conditions.

The application includes a series of visual renderings and a Visibility Assessment Technical Memorandum (Visual Assessment) prepared by EDR (Appendix I to the FEAF). The conclusions of the Visibility Assessment assert that there is a limited increase in visibility within the Visual Study Area (VSA) and it can be attributable to the increase in height of the proposed Project in comparison to the existing mall. The study further asserts the additional visibility in most areas will likely be limited to the upper portions of the proposed buildings, especially from areas that are located further from the Project Site.

Although the Visual Assessment indicates visibility from Old Erie Canal Historic State Park, a state historic park, located approximately 0.5 miles from the Project Site, will increase as a result of the Project, it should be noted that there is existing visibility of the current mall as well as other commercial sites in and around the Project site. Furthermore, views are likely to be limited to the upper portions of the tallest proposed structures due to the heavily developed nature of the surrounding area.

Through its local planning and regulatory framework, the Town of DeWitt has identified the area containing the Project Site as appropriate for the denser mixed-use development that is proposed. From this perspective, the Town has already determined that visual change resulting from development projects that implement this mixed-use vision will be appropriate for the area(s) in which they occur. The Applicant understands that the proposed Project will require site plan review by the Town of DeWitt Planning Board and that the Planning Board may require additional visual representations of the Project as its design advances and will be responsible for determining appropriate mitigation measures for any adverse visual impacts that could be anticipated. The Applicant also recognizes that the project is located within Class C airspace and approaches for Syracuse Hancock International Airport and will consult with the FAA, if necessary to determine any needs for lighting or markings. To this regard, the Project will not have a significant adverse impact on aesthetic resources or the existing neighborhood or community character.

As a result, the Project will not result in a significant adverse impact relative to historical, archaeological, architectural or aesthetic resources or of existing community or neighborhood character.

Criterion 6

A major change in the use of either the quantity or type of energy.

The annual electricity consumption for the Project is projected to be 18,976,514 kWh, and 51,126,272 CF in annual natural gas consumption. Despite the increase in energy usage over current conditions, the Project will not trigger the need to create or extend an energy transmission supply system as electricity and natural gas are readily available at the site due to its

historical use including significant demand of electricity and natural gas. Further, and as noted in the Energy Impact Assessment (Appendix M to the FEAF), National Grid has confirmed in writing its ability to provide necessary electric and natural gas service to the site as noted in the Energy Assessment. Accordingly, while the Project will result in a change in the quantity of energy used, the change will not constitute a significant adverse impact.

Criterion 7

The creation of a hazard to human health.

The Agency concludes that the Project will not create any human health hazards. There exists no evidence that contaminants exist on the site or that the Project will expose humans to new sources of contaminants. Further, and as discussed elsewhere in this document and supporting materials, the Applicant has incorporated certain measures into various aspects of the Project to address potential impacts associated with construction, traffic, air quality, erosion, stormwater discharge, noise, and solid waste production.

Criterion 8

A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

The Agency concludes that the Project will not result in a significant adverse impact to the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. Although the site previously housed a former mall, the development of the Project will result in an increase in the intensity of use of the Project site from an existing vacant shopping mall to a multi-use development. The property is not located in an agricultural district, nor does it feature prime soils. The Project site makes up only a small fraction of the overall area of the Town of DeWitt, and this particular type of use (i.e., commercial, residential) is not unique to the general locale or the citizenry, given the close proximity of similar land uses on and around Erie Boulevard. As demonstrated by the Applicant's application and supporting materials, the Project site is capable of supporting the proposed multi-use development and is consistent with the adopted land use plans. Furthermore, as previously stated, the Project is also in compliance with the Town of DeWitt Zoning Code and is consistent with Section 192-64.4 – Mixed-Use Village Floating Overlay District ("MUV-4") which encourages "Village Center" type developments which encourages the redevelopment and/or the adaptive reuse of aging commercial strip development and malls.

There are no designated open space or recreational resources displaced by this Project. Open space is considered under SEQRA to be land that is left in a natural, undeveloped state for conservation, recreation, scenic, or even agricultural purposes devoted to preserving unique sites. Additionally, recreational resources are those that provide opportunities for hunting, fishing, hiking, bird watching, and similar nature themed activities. Open space and recreational resources are typically publicly owned or operated. The former shopping mall is not publicly

owned or operated, is currently vacant, and is not being utilized for any purpose. Additionally, the property is not undeveloped land and is not used for conservation, scenic or other similar purposes and therefore does not qualify as a recreational resource or open space as contemplated under SEQRA.

Furthermore, the redevelopment Project will decrease the impervious acreage of the site by approximately 6 acres.

Criterion 9

The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.

The Action will trigger an increase in the number of people visiting the Project site both during and after construction of the proposed Project (The Visitor Impact Assessment estimates 4,545,000 visitors annually to the site.). Specifically, the proposed Project is anticipated to include:

- 252,894 SF of retail space
- 404,433 SF of medical/office space
- 1,129,574 SF of residential
- 61,773 SF of hotel/hospitality
- 46,750 SF of grocery
- 70,525 SF of entertainment

As the Project is consistent with the Town of DeWitt adopted land use plans and zoning restrictions will be applied, the Project will be consistent with the surrounding area and community character.

As stated above, in the discussion for Criterion 1, it is expected that the traffic associated with the Project will not adversely impact traffic patterns along Erie Boulevard, Kinne Road, and surrounding roads. The Project is located along heavily traveled roads in one of the principal transportation and commercial corridors in the Town of DeWitt, and the attraction of persons to this area is an expected and desired outcome for purposes of Town of DeWitt land use planning. Over the long term, this attraction may spur further economic growth in the surrounding area, but forecasting the impacts of such growth without knowing the precise identities or scope of proposed uses is too speculative to allow analysis at this time.

Criterion 10

The creation of material demand for other actions which would result in one of the above consequences.

The Project is not expected to create any demand for other actions or need for additional public services that would result in consequences described by the above criteria. The public water and sewer services to be provided by the Town of DeWitt and Onondaga County will have adequate

capacity to handle the Project, and the proposed ingress and egress points and internal drives are expected to satisfactorily facilitate vehicle movement.

According to the “Public Service Impact Assessment” prepared for the Project (Appendix O to the FEAF), the Chief of the Town of DeWitt Police Department affirmed he had no concerns serving the Project. As a result, the Project is not anticipated to negatively impact the Town of DeWitt Police Department to serve the Project site.

The Project site will have the sprinkler and standpipe connections labeled and located on the exterior of the buildings, and the interior of the buildings will be equipped with fire sprinkler systems meeting all applicable fire code standards. Onsite hydrants will also be provided and properly located, and the proposed access driveways will be designed to accommodate fire and emergency apparatus access. Emergency vehicle access shall be provided around the buildings; fire lanes will be provided at appropriate locations in accordance with the Town of DeWitt requirements.

As a result of the enhanced and state-of-the art fire protection measures that shall be implemented at the project site, any potential impacts will not be significant and will be appropriately addressed within the existing resources of the DeWitt Fire Department and mutual aid agencies from Fayetteville, Manlius, East Syracuse, Jamesville, and Minoa. As such, the Project will not result in a significant adverse impact on the ability of the DeWitt Fire Department to provide fire protection services to the site.

With respect to emergency medical services, the Project will provide sufficient emergency access, both outside and inside of the proposed buildings. Hallways and access points will be constructed in accordance with the Building Code of New York State and be clearly marked. In addition, all access points will be of sufficient size to accommodate safe stretcher transit. Accordingly, the Project will not result in a significant adverse impact to the ability of local emergency medical services (i.e., DeWitt Fire Department, American Medical Response, or mutual aid agencies) to carry out their duties at the site.

Finally, the Project is not expected to create a substantial increase in the population of the area or in municipal budgets. The reports, studies and other information provided by the Applicant demonstrates that the Project will result in the County receiving \$8,000,000 from the sale to the Applicant; the Site generating real property taxes as a result of being transferred from the County to a private party and PILOT revenues; increased Mean and Median Real Property Tax Assessments (Mean Assessments of \$76 per Sq Ft for retail, \$117 for medical, \$51 for office, 51 for hotel, and \$45 for apartment; and Median Assessments of \$81 per Sq Ft for retail, \$117 for medical; \$63 for office, \$54 for hotel, and \$36 for apartment); an increase of 1.16 million in annual visitors from outside the Central New York Region traveling to the District East development (and they are estimated to support total expenditures of \$568 million annually throughout these trips to the Central New York region); and an increase of annual retail sales of about \$152,484,400 at full build-out and associated sales tax payments to the municipality. The Project will therefore generate substantial property and/or sales tax revenue to the Town of DeWitt, Jamesville-DeWitt Central School District, and Onondaga County.

Criterion 11

Changes in two or more elements of the environment, no one of which has a significant effect on the environment, but when considered together result in a substantial adverse impact on the environment.

For the reasons set forth above and as supported by the record before the Agency, the Project will not result in multiple changes to the environment which, when considered together, result in a substantial adverse impact on the environment.

Criterion 12

Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant effect on the environment, but when considered cumulatively would meet one or more of the criteria in this section.

The Project consists of a single project – the redevelopment of a vacant shopping mall to a mixed-use town development. The Project is not dependent upon any other actions, nor is it related or connected to any other actions which would create the potential for a cumulative significant environmental impact meeting any of the criteria in this section.

STATE OF NEW YORK)
) ss.:
COUNTY OF ONONDAGA)

I, the undersigned Secretary of the Onondaga County Industrial Development Agency, DO HEREBY CERTIFY that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on February 15, 2024, with the original thereof on file in my office, and that the same is a true and correct copy of such proceedings of the Agency and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matter therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting, (B) said meeting was in all respects duly held, (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law, and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed, or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand this ²⁰ day of February , 2024

(SEAL)

Secretary

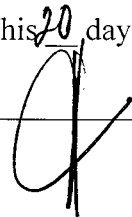


EXHIBIT B

BRIEF SYNOPSIS OF THE DETERMINATION AND FINDINGS OF THE ONONDAGA COUNTY INDUSTRIAL DEVELOPMENT AGENCY ADOPTED PURSUANT TO SECTION 204 OF THE NEW YORK EMINENT DOMAIN PROCEDURE LAW

The following is a brief synopsis (the “Synopsis”) of the Eminent Domain Procedure Law (the “EDPL”) Section 204 Determination and Findings adopted by the Onondaga County Industrial Development Agency (“OCIDA” or the “Agency”) on February 15, 2024 with respect to its proposed acquisition by negotiated purchase or eminent domain of certain real property and improvements (specifically identified below) located within the former Shoppingtown Mall in the Town of DeWitt, New York (the “Determination & Findings”). The Synopsis should not be considered a full restatement of the Determination & Findings. Reference is made to the Determination & Findings for complete details thereof, which are incorporated herein by reference and made a part hereof. Copies of the Determination & Findings will be forwarded, without charge, upon written request to OCIDA, c/o Robert M. Petrovich, 335 Montgomery Street, Floor 2M, Syracuse, NY 13202.

By resolution dated December 20, 2022 the Agency duly authorized the initiation of procedures to acquire certain real property and improvements by negotiated purchase or by eminent domain pursuant to the EDPL necessary for the proposed Project (as defined below) which is the subject of an application to the Agency by the developer OHB Redev, LLC (“OHB”). Specifically, such real property and improvements are within the former Shoppingtown Mall located at 3649 Erie Boulevard East, in the Town of DeWitt, New York (the “Town”) and more particularly identified as the (i) former Sears sites located at tax map lots 063.-01-2.4 and 063.-01-2.5 totaling 2.54± acres and (ii) the former Macy’s site located at tax map lot 063.-01-02.3 totaling 1.67± acres (collectively, the “Property”).

The proposed project (the “Project”) consists of the proposed demolition of the bulk of the existing former and vacant Shoppingtown Mall located on 69± acres at 3649 Erie Boulevard East, DeWitt, New York (the “Project Site”), and its redevelopment into a walkable, mixed-use town center development, inclusive of retail, entertainment, office, residential, and open space at the Project Site. The Project is anticipated to include 1.96 million± square feet of leasable space inclusive of 912 dwelling units in 33 structures of up to six stories in height, office, grocery, retail and hospitality, hotels, entertainment including, but not limited to, movie theatres, restaurants, bars, and bowling, and mixed-use buildings across the site. In addition, a new street grid that will incorporate primary, secondary and shared/festival streets, sidewalks, bicycle infrastructure, pedestrian scale lighting, street trees, sewers, parks and green spaces and on-street parking will be constructed. The Project will also include surface parking areas and will utilize the existing parking garage in order to provide up to 4,105 parking spaces. 64.46± acres of the Project Site is owned by Onondaga County (the “County”) and subject to a July 5, 2022 Purchase Agreement between the County and OHB. Acquisition of the Property and related reciprocal easement interests are necessary for the development of the Project as a unified and comprehensive redevelopment of the overall 69± acre Project Site. The Project will be built out over a period of approximately 12 years in various development phases.

Pursuant to EDPL Article 2, the Agency held a public hearing in the DeWitt Town Court, DeWitt, New York on November 13, 2023 in person and by video and teleconference internet platform,

which hearing was left open to accept additional written submissions until November 20, 2023 (the “Public Hearing”). The Agency published notice of the Public Hearing in the Syracuse Post Standard on October 22, 24, 26, 29, 31 and November 2 and copies of the notice of the Public Hearing were timely served on each of the assessment record billing owners of the Property and their respective legal counsel by certified mail, return receipt requested, pursuant to EDPL 202. Representatives of the record billing owners of the respective Property appeared and presented statements at the Public Hearing in addition to making written submissions. A copy of the Record of the Public Hearing, including all written materials submitted, was made available for public inspection without cost at OCIDA’s office, on the Agency’s website and at the County Clerk’s Office.

Based upon the Public Hearing, the Agency’s investigations, OHB application documents, the environmental review and information in the record before the Agency, the Agency adopted the Determination & Findings on February 15, 2024 pursuant to EDPL 204.

PUBLIC USES, BENEFITS OR PURPOSES TO BE SERVED: Shoppingtown Mall, including the former Sears and Macy’s facilities on the Property, was the sole occupant of the Project Site and has been closed and vacant for approximately 4 years. It was originally constructed in 1954 as an open air shopping center and then converted into an enclosed mall from 1973 to 1975. Shoppingtown Mall remained a major regional shopping center with, at its peak, five anchor department stores, 125 in-line stores, shops and other services. The mall finally closed entirely in March 2020. As a result of the former mall owners’ failure to pay real property taxes for a number of years, tax foreclosure proceedings brought by the County in Onondaga County Supreme Court, and the former owner’s subsequent bankruptcy proceedings, on December 29, 2020 the County acquired title to 64.46± acres of the Project Site. The remaining 4.21± acres of the Project Site are the three parcels making up the Property. The Project Site, including the Property, remains vacant, derelict, and blighted.

As owner of the significant majority of the Project Site, the County is responsible for the carrying costs such as utilities, guard services, snow removal and ground care, special district charges, and repairs and services which costs have totaled over \$3.6 million since 2020. A portion of the Project Site is located in an Empire Zone which qualifies as a “highly distressed area,” as such term is defined in New York General Municipal Law (“GML”) Section 862.

The Agency finds that the acquisition of the Property is necessary to achieve the public uses, benefits or purposes expected to be derived from the Project. The Agency hereby determines that these public uses, benefits or purposes, supporting the acquisition of the Property in furtherance of the Project include: (i) Promoting purposes of Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”), Chapter 435 of the Laws of 1970 of the State of New York and Chapter 676 of the Laws of 1975 of the State of New York, as amended, constituting Section 895 of the GML (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”); (ii) Advancing the job opportunities, general prosperity and economic welfare of the people of the State and County in furtherance of the purposes of the Act; (iii) Eliminate the blighted conditions created at the Project Site by the vacant, physically deteriorating land and building improvements of the derelict former Shoppingtown Mall which has been empty for approximately 4 years with no progress to rehabilitate or redevelop the Project Site. The fact that title to the

majority of the Project Site was acquired by the County as a result of tax foreclosure proceedings for failure of the prior owners to pay real property taxes on such property (64.46± acres) and bankruptcy proceedings involving the prior owners and passage of approximately 4 years underscores both the deteriorating conditions and lack of redevelopment activity at the Project Site; (iv) Redevelopment of a blighted section of the Town into a walkable, mixed-use town center development, inclusive of retail, entertainment, office, residential, and open space, including 1.96 million square feet of leasable space including 912 dwelling units in 33 structures of up to six stories in height, office, grocery, retail and hospitality, hotels, entertainment including, but not limited to, movie theatres, restaurants, bars, and bowling, and mixed-use buildings across the site (such development is consistent with the Town's vision and its planning documents including, but not limited to, the Town of DeWitt Sustainability Plan (2014), Comprehensive Plan (2017), and Zoning Code); (v) Provide affordable housing in the County through the development of apartments, senior housing, condos, and single family townhomes which will address the growing need for housing in the Town and County resulting from the decrease in housing inventory, growth in the number of renters and smaller households, and growth in senior households. Development of such housing will promote employment opportunities, prevent economic deterioration, and further economic growth by addressing the need for multi-family housing in the County and creating a healthy residential environment that will draw workers and businesses to the area; (vi) Development of a new street grid at the Project Site that will incorporate primary, secondary and shared/festival streets, sidewalks, bicycle infrastructure, pedestrian scale lighting, street trees, sewers, parks and green spaces; (vii) Development of both on-street parking and surface parking areas as well as utilizing the existing parking garage in order to provide up to 4,105 parking spaces; (viii) Expansion of employment opportunities for residents of the County and the State in the form of a substantial number of both temporary construction and permanent private sector jobs in connection with the ongoing construction and development of the Project; (ix) Promoting tourism and enhancing the status of Central New York and the Finger Lakes region as a regional tourism destination by attracting visitors from outside the economic development region in which the Project is located by complementing the attractions which already draw visitors to this region including the Empire State Trail, Finger Lakes Wine Country and New York State Fair, sporting events at Syracuse University, arts and cultural venues such as the Everson Museum of Art and Landmark Theatre, shopping destinations such as DestinyUSA, and special events such as Discover NYS Blues Festival and Syracuse JazzFest; (x) Generating additional sources of revenue for the Town and County including property taxes, permitting and inspection fees, and sales tax revenues; (xi) High caliber land uses planned and executed in a coordinated manner in an area that is economically under-utilized and blighted at present; (xii) An eventual increase in the tax base for the Town, County, the Jamesville-DeWitt Central School District, and Town and County special districts; (xiii) Increased sales tax revenues for the Town, County and the State of New York estimated to be \$12,000,000; (xiv) Substantially increase private investment in areas surrounding the Project which will thus serve to expand the property tax base; and (xv) Free municipal dollars for other necessary public projects.

The Agency recognizes there will be a benefit to the developer OHB as a result of the Project. However, the Agency determines that such benefit is incidental to the dominant public purposes described above. Specifically, the elimination and redevelopment of a prominent 69± acre blighted derelict property at the center of the Town into the Project's proposed walkable, mixed-use town center development, inclusive of retail, entertainment, office, residential, and open space will

predominantly benefit the residents of the Town and County. Additionally, the Project benefits of 950± construction jobs and 1,450± new permanent jobs in the facilities developed at the Project Site, \$12,000,000± annual increased sales tax revenues to the County and New York State, the increased tax base, and hundreds of millions of dollars spent in the Central New York region by visitors attracted to the Project will be to the overwhelming benefit of the public.

APPROXIMATE LOCATION FOR THE PROPOSED PROJECT AND THE REASONS FOR THE SELECTION OF THIS LOCATION: The Project Site is the 69± acre former Shoppingtown Mall located at 3649 Erie Boulevard East in the Town. The Property to be acquired and necessary for the development of the Project is more particularly identified as the i) former Sears sites located at tax map lots 063.-01-2.4 and 063.-01-2.5 totaling 2.54± acres and ii) the former Macy's site located at tax map lot 063.-01-02.3 totaling 1.67± acres. The approximate location of the Property and Project Site are shown on Exhibit 1 to the Determination & Findings. No other location for the Project was considered since the site itself is the Project.

GENERAL EFFECT OF THE PROPOSED PROJECT ON THE ENVIRONMENT AND RESIDENTS OF THE LOCALITY: The Agency issued an initial Negative Declaration with respect to the Project and the acquisition of the Property necessary for the Project by Resolution dated October 12, 2023 (the "Negative Declaration") based on a full environmental review under the State Environmental Review Act ("SEQRA") including the Full Environmental Assessment Form Parts 1, 2, and 3 (the "EAF") and supporting studies and reports (collectively, with the EAF, referred to as the "SEQRA Materials"). In response to comments made at the Public Hearing, the Agency requested and received from OHB supplemental information and analysis regarding the Project's anticipated construction noise and operational noise mitigation ("Supplemental Information"). On February 15, 2024, after review of the Supplemental Information which is hereby incorporated into the SEQRA Materials (collectively "Supplemented SEQRA Materials"), the Agency issued an Amended Negative Declaration in connection with the Project and the acquisition of the Property. Based on its review and examination of the Supplemented SEQRA Materials and prior review and examination of the Project, the Agency determined it had more than adequate information to evaluate all of the relevant benefits and potential impacts of the Project and that (i) the Project constitutes a "Type I Action" pursuant to the regulations under SEQRA and required coordinated review and notification; (ii) the Agency has appropriately engaged in a coordinated environmental review of the Project; (iii) a thorough review of all potential environmental impacts has been conducted; (iv) upon due consideration the Project will not result in any significant adverse impact on the environment; (v) therefore an Environmental Impact Statement for the Project is not required to be prepared for the Project; (vi) the SEQRA review is concluded with the exception of construction and operational noise which the Agency has determined has been fully studied based upon current information and reasonable projections, cannot be further studied at this time but will be evaluated as part of the Town's site plan approval process and attendant SEQRA review, such that it is permissible to segment the review of construction and operational noise as it will be no less protective of the environment. Copies of the Negative Declaration and Amended Negative Declaration are attached as Exhibits 2 and 3 to the Determination & Findings.