

# Environmental Assessment Form Narrative

## District East Redevelopment Project

Town of Dewitt  
Onondaga County, New York

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July 2023

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## A INTRODUCTION AND PROJECT DESCRIPTION

The proposed project is located on approximately 69 acres of land at the site of the former Shoppingtown Mall, located in the Town of DeWitt, Onondaga County, New York (Figure 1). First operated as an open-air shopping center in 1954, Shoppingtown Mall was converted to an enclosed mall in the mid-1970's. At its peak, the mall was a major regional shopping center that contained five anchor department stores, 125 in-line stores, shops and other services totaling approximately 1,184,426 square feet (SF) of retail space. Shoppingtown Mall experienced rapid decline in the 2010's and closed entirely in March 2020.

OHB Redev, LLC (the Applicant) is a locally-based Joint Venture Development team that was assembled to redevelop the site of the former Shoppingtown Mall. Specifically, the Applicant responded to a Request for Proposals (RFP) issued by Onondaga County, was successfully awarded redevelopment rights on the site, and has developed a proposal that would transform Shoppingtown into "District East". The proposed District East development is anticipated to include the following:

- 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

Construction is expected to begin in late 2023, and the Project is anticipated to be constructed in up to nine phases, beginning with Phase Zero which will include demolishing the bulk of the existing shopping center (leaving selected areas across the site which are flexible for adaptive reuse) and initial infrastructure construction, which is anticipated to include streets, sidewalks, sewers, parks and green spaces, and lighting (e.g., site lighting and street lights). Subsequently, the early phases (Phases 1 through 3) will focus on a mix of market-rate residential units in the central (west to east) spine of the Project as well as retail and grocery on the west side of the Project facing Erie Boulevard. The middle phases (Phases 4 through 6) will focus on the balance of the residential units that will include a mix of market-rate and affordable-rate units as well as medical/office space. The latter phases (Phases 7 and 8) will focus on the infill of retail and hospitality in the northern portion of the Project along Kinne Road. To achieve the overall vision, the Applicant anticipates completing construction in 2035.

Details associated with the proposed development are depicted on the District East Master Plan, which is provided as Appendix A, and includes the following three sheets:

- Master Site Plan (Sheet Number A101, dated 09 January 2023)
- Yield Analysis (Sheet Number A102, dated 09 January 2023)
- Development Yield (Sheet Number A104, dated 09 January 2023)

As part of its application to OCIDA, in addition to a Payment in Lieu of Tax Agreement, sales tax exemption, and mortgage tax exemptions, the Applicant is requesting that OCIDA exercise its authority to acquire certain lands and real property rights through the exercise of its power of eminent domain pursuant to and consistent with the New York Eminent Domain Procedure Law for the purposes of acquiring all parcels and rights needed for a unified and comprehensive redevelopment of the overall 69± acre site ("Site").

The Applicant signed a contract to purchase a large portion of the Site with Onondaga County for purposes of moving forward with the Applicant's proposed redevelopment project. The contract is contingent on the County and/or OCIDA acquiring and conveying title to 4.21 acres inclusive of 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 lots 063.-01-02.3) totaling 1.67 acres, as well as the rights under a certain Amended and Restated Construction, Operation and Reciprocal Easement Agreement dated September 13, 1995 ("REA"), which encumbers a meaningful partition of the Site. The REA limits the ability to redevelop the Site or otherwise use it for anything other than an enclosed mall. The acquisition of the Sears and Macy's sites and property rights is necessary to allow for the development of the full 69 acres with a unified and comprehensive plan for redevelopment of the Site for the public purpose of addressing ongoing blight and economic underutilization of the lands at issue and creating a vibrant, walkable, mixed-use town center development.

Pursuant to NYS General Municipal Law Article 18-A, including specifically sections 858 and 895, OCIDA was created in part to promote the economic welfare and prosperity of its inhabitants and to actively promote, attract, encourage and develop economically sound commerce and industry in Onondaga County, including by and through acquisition of land under the provisions of the eminent domain procedure law.

Here, the Applicant has proposed and submitted plans for a unified and comprehensive redevelopment project for the public purpose of addressing existing blight and ongoing economic underdevelopment and stagnation through construction of a mixed-use project including retail uses, medical, offices, hotel and apartment buildings to create an integrated, vibrant and walkable community. In furtherance of that public purpose project, the Applicant had the following reports/studies prepared that document the existing and ongoing blight and overall economic underutilization at the site and support the proposed economic benefits of the proposed redevelopment project: A Market Study of Proposed OHB Redev, LLC Project 3649-3691 Erie Boulevard East, Kinne Road and Agway Drive, Town of Dewitt, Onondaga County, New York dated September 27, 2022 by CNY Pomeroy Appraisers, Inc., which provides a review and analysis of the potential increased real property assessments if the Site is developed according to the Applicant's proposed retail, medical, office, hotel and apartment mixed-use town center; a Visitor Impact Assessment District East Development Kinne Road and Erie Boulevard DeWitt, New York dated July 2023 by Canyon Research Southwest, Inc., which evaluated the potential of the District East project as a tourism destination attracting visitors from outside of the 5-county Central New York Region and associated beneficial economic impacts to the area (the study identifies the Site as highly distressed and outlines the proposed project's ability to provide goods and services not currently readily available in the area); and other materials included with the Applicant's SEQRA submission to OCIDA, including an Existing Conditions Photolog documenting the ongoing blighted conditions and overall economic underutilization of the abandoned site. As to blight and ongoing economic underutilization at the Site, there have been numerous reports by local news outlets

about the ongoing blight and economic stagnation at the Site (CNY Central News, "Has progress been made at Shoppingtown Mall? McMahon explains lack of visible changes," 3/16/22; CNY Central News, "County owned vacant Shoppingtown Mall landscaping unmowed and filled with weeds," dated 6/1/21; CNY Central News, "You paid for it: What does the new ShoppingTown deal mean for Onondaga County taxpayers," 11/19/20)

As to economic benefits related to the proposed economic redevelopment project, 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 Applicant has made multiple attempts to negotiate a voluntary transfer of title to the Sears and Macy's sites and REA, but they have not been successful. OCIDA's assistance with acquisition of the lands and rights at issue by use of Eminent Domain is therefore necessary to promote OCIDA and the Applicant's shared purpose and goal of economic development and growth within the County of Onondaga to achieve the above public purpose.

## **B ENVIRONMENTAL ASSESSMENT**

The following assessment is organized by subsection (B.1 through B.18), which correlates directly to each of the 18 questions set forth in Part 2 of the Full Environmental Assessment Form (FEAF).

### **B.1 Impact on Land**

The site currently contains abandoned buildings (the former Shoppingtown Mall and associated structures), parking lots, interior access/service roads, and limited pockets of landscaping (see Figure 2). According to the classification codes of the New York State Office of Real Property Services, the site is classified as 400-Commercial. Therefore, natural landforms will not be impacted by this project.

The site is gently sloping, ranging from a maximum elevation of approximately 490 feet in the southwestern portion of the site to approximately 450 feet in the northern portion of the site (Figure 3). Depth to water table is greater 6 feet within the majority of the site, and ranges from 3 to 5 feet in depth in a small portion of the eastern extent of the site (Figure 4) while depth to bedrock is greater than 6 feet across the site (Figure 5). To the extent groundwater is encountered during construction, standard construction dewatering techniques will be employed. To the extent that bedrock is encountered during construction, it is expected to be rippable with an excavator or broken with a pneumatic hammer (or similar).

## **B.2 Impact on Geological Features**

The site does not include any unique or unusual landforms or geologic features (e.g., cliffs, dunes, caves, National Natural Landmark) and therefore will not impact such features.

## **B.3 Impacts on Surface Waters**

An Evaluation of Surface Waters and Wetlands was prepared by EDR on behalf of the Applicant, which is provided in Appendix B. Initially, this evaluation included a desktop review of relevant databases. Specifically, a review of the U.S. Fish & Wildlife Services (USFWS) National Wetland Inventory (NWI) mapping indicates the nearest mapped wetlands are located approximately 600 feet southeast of the site. Similarly, a review of New York State Department of Environmental Conservation (NYSDEC) wetland data indicates the nearest mapped wetland is also located approximately 600 feet southeast of the site. Subsequent to the desktop analysis, EDR personnel conducted a site investigation 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. Therefore, the project will not result in any temporary or permanent impacts to surface waters or wetlands.

To address erosion and sediment control during construction, a Preliminary Stormwater Pollution Prevention Plan (SWPPP) has been prepared (Appendix C). The SWPPP was prepared with no deviations from the 2016 New York State Standards and Specifications for Erosion and Sediment Control. As required in Section C of the State Pollution Discharge Elimination System (SPDES) General Permit (GP-0-20-001), the post-construction stormwater management practices included in this SWPPP were selected and designed to meet the performance criteria in the 2015 New York State Stormwater Management Design Manual. Erosion and sediment control practices shall be installed downstream of the project, prior to any disturbance, to prevent sediment transport offsite (see Appendix C for additional detail on construction sequencing). Additionally, during construction a Qualified Inspector will inspect erosion and sediment control practices, post-construction stormwater management practices that are under construction, disturbed areas, and all points of discharge from the construction site. Specifically, the Qualified Inspector shall:

- Inspect all erosion and sediment control practices to ensure integrity and effectiveness.
- Verify that erosion and sediment control practices required by the SWPPP and the General Permit have been installed as appropriate for the phase of work and conditions at the site.
- Ensure that post-construction stormwater management practices are installed in accordance with the SWPPP.
- Inspect all areas of disturbance that have not achieved final stabilization.
- Observe all points of discharge from the site, including natural surface waterbodies located within or immediately adjacent to the construction site, conveyance systems, and overland flow.
- Provide the certifications required for the Notice of Termination (NOT).

The Qualified Inspector shall also take digital photographs, with date-stamp, that clearly show the conditions of erosion and sediment control practices and stormwater management practices that have been

identified as needing corrective actions and of practices that have had corrective actions since the last inspection. These photographs shall be attached to the inspection form within 7 calendar days of the inspection. Please see Appendix C for additional details on erosion and sediment control.

With respect to wastewater treatment, a Sanitary Sewer Capacity Assessment was prepared by EDR on behalf of the Applicant (Appendix D). The existing site is located in two drainage areas within the Onondaga County Department of Water Environment Protection (OCDWEP) sanitary sewer service area. The northwest portion of the property wastewater is discharged to a 36-inch combined storm and sanitary sewer adjacent to the intersection of Erie Boulevard East and Kinne Road that discharges to the County's Metro Wastewater Treatment Plant. The southeast portion of the property wastewater is discharged to the County's 36-inch combined storm and sanitary sewer located along Butternut Drive that discharges to the County's Meadowbrook/Limestone Wastewater Treatment Plant.

The existing Shoppingtown Mall has approximately 1,184,426 SF of developed space and at its peak discharged an average wastewater flow of approximately 15,000 gallons per day. A preliminary evaluation of wastewater flow associated with the proposed redevelopment was conducted for each proposed use based on the square-foot of building area and typical wastewater values. Based on the proposed development, an additional daily average flow of 45,000 gallons per day of wastewater is anticipated to be generated upon full project build out. Based on discussions with OCDWEP, it was determined that it would be beneficial to discharge all the future wastewater flow to the Metro Wastewater Treatment Plant (MWWTP) drainage area. A request for capacity assurance was submitted to OCWEP on January 9, 2023 and a response will be provided upon receipt, the future redevelopment is anticipated to discharge the entire site into the Metro WWTP facility. To connect the entire site to the Metro WWTP drainage basin, a pump station and a new 10-inch high-density polyethylene (HDPE) forcemain will need to be constructed. Based on existing collection system data and local knowledge it is anticipated that the site will discharge to the 36-inch combined sewer located at the intersection of Erie Boulevard East and Kinne Road, which ultimately discharges to the MWWTP.

#### **B.4 Impact on Groundwater**

District East is not anticipated to result in new or additional use of groundwater, or the introduction of contaminants to groundwater or an aquifer. On behalf of the Applicant, EDR prepared a Water Distribution Assessment, which evaluates water distribution from the perspective of existing conditions compared to proposed conditions. Currently, water service to the site is provided by two water mains, one of Kinne Road (8-inch main) and one of Erie Boulevard (10-inch main), both of which are owned and operated by the Town of DeWitt. District East is anticipated to connect to both water mains, and the Town of DeWitt has committed to continue to provide domestic water service to the proposed redevelopment. See Appendix E for additional information.



## **B.5 Impact on Flooding**

The proposed redevelopment will not occur on lands subject to flooding. Figure 6 depicts the locations of FEMA-mapped 100-year and 500-year flood zones, neither of which fall within the site. The nearest mapped flood zone is approximately 600 feet east of the site, associated with Butternut Creek.

On behalf of the Applicant, EDR prepared a Stormwater Utility Assessment (Appendix F). Stormwater management is to be provided for the project site in accordance with Town of DeWitt stormwater requirements and the SPDES General Permit for Stormwater Discharges from Construction Activities, Permit No. GP-0-20-001. The proposed 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. The redevelopment site will be designed using the Design Manual's Green Infrastructure "Five Step" Process for the site planning, which includes the following:

- Site Planning – Conserve natural areas and reduce impervious cover
- Determine Water Quality Volume (WQv)
- Meet Runoff Reduction Volume (RRv) requirements – Apply green infrastructure techniques and standard SMPs with RRv Capacity
- Apply standard SMPs to address remaining WQv
- Meet rate reduction requirements – Apply volume control practices as necessary to meet preconstruction discharge rates

Please see Appendix F for additional detail.

## **B.6 Impacts on Air**

The proposed redevelopment will comply with all Stationary Reciprocating Internal Combustion Engines (RICE) and Maximum Achievable Control Technology (MACT) rules. If necessary, 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. Additionally, the project will not generate or emit methane. During demolition, if abatement is required contractors will maintain air monitoring and testing in accordance with NYS and OSHA protocol. During construction activities, dust control measures will be employed to limit dust migration beyond the site. Additionally, typical emissions will result from the operation of heavy machinery, natural gas generators, and rooftop HVAC equipment. During operation, emissions typical of multi-use developments are anticipated, such as those associated with delivery vehicles and public transportation to/from the project.

## **B.7 Impacts on Plants and Animals**

As previously indicated, District East is proposed to be located on a site that contains abandoned buildings (the former Shoppingtown mall and associated structures), parking lots, interior access/service roads, and limited pockets of landscaping. From an ecological perspective, this area is considered disturbed/developed land, which consists of a combination of several "cultural communities" as defined in the *Ecological Communities of New York State* (Edinger et al., 2014). Vegetation on-site is primarily lacking and provides little to no wildlife value. Over time, volunteer vegetation is expected to be generally sparse, and comprised of non-native, herbaceous species. While wildlife species adapted to human disturbance and activity may be occasionally observed on-site (e.g., squirrels, woodchucks, skunks, robins, crows, gulls, etc.), the Project will not result in any impacts to important wildlife behavior such as interference with migration, wintering, foraging, or breeding.

With respect to state or federally listed threatened or endangered species, a Threatened and Endangered Species Assessment was prepared (Appendix G). A preliminary desktop review of publicly available data was conducted to identify potential threatened or endangered species. The results of this analysis indicate that habitat for Indiana bat (*Myotis sodalis*) and northern long-eared bat (*Myotis septentrionalis*), both of which are state and federally listed as endangered, is located near the site. The desktop assessment also indicated that eastern massasauga rattlesnake (*Sistrurus catenatus*; federally listed as threatened) may be present in 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, suitable massasauga habitat is not present on-site and impacts to this species are not anticipated. With respect to suitable habitat for 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 Indiana bat and northern long-eared bat. However, according to *Range-wide Indiana Bat & Northern Long-eared Bat Survey Guidelines* for initial project screening, "if the project may result in adverse effect to Indiana bats and/or northern long-eared bats, but impacts can be adequately assessed and conservation measures can be designed to minimize those effects without additional presence/absence information...then no further surveys are recommended" (USFWS, 2022). Based on the presence of potential summer bat habitat, the conservation measure recommended to minimize potential effects, would be to clear potential roost trees only from October 1 to March 31. If a site is found to be less than 10 miles from a hibernaculum, tree clearing should occur only from October 31 to March 31. Specific to this Project, the nearest hibernaculum is in Jamesville, approximately 3 miles from the site. Therefore, tree clearing will be restricted to occur only from October 31 to March 31. Please see Appendix G for additional information.

## **B.8 Impact on Agricultural Resources**

As previously indicated, District East is proposed to be located on the site of the former Shoppingtown Mall. Agricultural activities do not occur within or proximate to the site.

## **B.9 Impact on Aesthetic Resources**

As previously indicated, Shoppingtown Mall experienced rapid decline in the 2010's and closed entirely in March 2020. Over this timeframe the mall gradually fell into disrepair and can now be considered a blight on the landscape (Appendix H provides a photo log depicting the current state of the site). Therefore, successful redevelopment of this site will eliminate an existing visual impact. However, to further evaluate the potential impact on aesthetic resources, a Visibility Assessment was prepared (Appendix I).

## **B.10 Impact on Historic and Archeological Resources**

On May 19, 2022 EDR, on behalf of the Applicant, uploaded information specific to the proposed redevelopment to the New York State Cultural Resources Information System (CRIS). On May 23, 2022 the Office of Parks, Recreation, and Historic Preservation (OPRHP) concluded that no properties, including archaeological and/or historic resources, listed or eligible for the New York State Registers of Historic Places will be impacted by the proposed project. Please see Appendix J for copies of OPRHP correspondence.

## **B.11 Impact on Open Space and Recreation**

As previously indicated, District East is proposed to be located on a site that contains abandoned buildings (the former Shoppingtown mall and associated structures), parking lots, interior access/service roads, and limited pockets of landscaping. Open space and recreational opportunities are not currently available to the public.

## **B.12 Impact on Critical Environmental Areas**

There are no Critical Environmental Areas located within or proximate to the proposed redevelopment project.

## **B.13 Impact on Transportation**

On behalf of the Applicant, GTS Consulting (GTS) conducted a Traffic Impact Study (Appendix K), which was prepared in accordance with Chapter 5 of the Highway Design Manual. As indicated in the Traffic Impact Study, a capacity analysis was performed in a manner consistent with the most recent version of the Highway Capacity Manual (HCM), using Synchro11 software. The HCM quantifies the quality of traffic flow in terms of levels of services (LOS), with a total of six LOSs (LOS A indicates a very low level of delay and LOS F indicates a high level of delay associated with congestion). Annual average daily traffic (AADT) volumes on Erie Boulevard, Kinne Road, and Genesee Street (2019) were obtained from the NYSDOT Traffic Data Viewer. New traffic counts were collected at 10 study area intersections in March and April 2022 during various traffic periods (e.g., weekend morning peak, weekday evening peak, Saturday midday peak). Additional traffic counts were collected in January 2023. The comparison of the 2022 volumes to the 2016 volumes showed an increase in current traffic volume (see Appendix K for additional detail). For the purposes of estimating future growth rates, 2027 was used as the design year for the traffic study. In addition to estimating future traffic growth, the Town of DeWitt was contacted and indicated that there are no specific approved developments at this time in that area that should be included in the projections.

Projected trip generation and distribution was then calculated. Trips generated by the proposed redevelopment were estimated utilizing industry accepted standard methodology. The results of this analysis are provided in the "Trip Generation Summary" Table on Page 10 of Appendix K. The associated capacity analysis indicates a reduction in LOS at intersections near the Project site. However, mitigation measures are also proposed, and the Traffic Impact Study indicates that the proposed mitigation/modifications will result in all traffic movements operating within acceptable LOS. See Appendix K for additional information, including a detailed level of survey and queue summary, and capacity analysis printouts. The Traffic Impact Study was provided to NYSDOT on January 11, 2023 for review and comment and a response was received dated June 1, 2023. NYSDOT has concluded that the project will not have any significant impacts on traffic operations on the state's highway network when combined with the mitigation outlined in the June 1, 2023 letter (Appendix L). In addition, the applicant was requested to assess the potential impacts of the proposed development on the I-481 Interchange with Genesee Street in DeWitt associated with the NYS DOT I-81 Community Grid project. The applicant provided a memorandum to OCIDA provided by GTS Consulting and dated January 27, 2023 that provides an overview of the District East project in relation to the I-81/I-481 interchange related to the I-81 Community Grid project (Appendix L). The Community Grid project is anticipated to add minor overall traffic volumes traveling between the I-81/I-481 interchange and the District East project study area, less than 70 vehicles westbound and 150-250 vehicles eastbound on Genesee Street during each peak hour. There is no overlap in planned improvements between the two projects and NYSDOT has not requested any additional analysis associated with the Community Grid project.

#### **B.14 Impact on Energy**

Argus Engineering prepared an energy impact assessment, which estimated the annual electric and natural gas consumption by utilizing current data published by the U.S. Energy Information Administration (Appendix M). Copies of the usage projections were forwarded to National Grid and the electric and natural gas departments at National Grid issued will serve letters for their respective utilities (Appendix M).

#### **B.15 Impact on Noise, Odor, and Light**

The Applicant has reviewed the Town of DeWitt Code Chapter on Noise 126-6 A. 5. and intends to comply with the hours of operation for "construction work" which are 7:00 am and 7:30 pm. On behalf of the Applicant, RSG prepared a Construction Noise Analysis for District East Redevelopment (Appendix N). This technical memorandum prepared by RSG reports the findings of an assessment of potential construction noise and includes a discussion of relevant noise standards and policy, background sound level measurement methodology and results, sound propagation modeling methodology and results of potential construction noise, and a discussion of the monitoring and modeling results in the context of the identified noise standards and policy. 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. The Applicant has 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, the Applicant has identified that no blasting will take place during the demolition or construction of the project.

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 intent of various "Dark Sky" initiatives.

With respect to odor, 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.

## **B.16 Impact on Human Health**

The project is not anticipated to have an impact on human health from exposure to new or existing sources of contamination. The site is not associated with any known hazardous material and is not proximate to a facility used for the disposal of solid or hazardous waste. Additionally, the site is not undergoing remediation and is not known to have been associated with past remediation activities.

With respect to proximity to schools, hospitals, licensed day care centers, group homes, nursing homes, or retirement communities, DeWitt Community Church is located at 3600 Erie Boulevard, on the west side of Erie Boulevard across the street from the southern portion of the Project site. DeWitt Community Church provides a nursery for young children during Sunday morning services and provides childcare during many of their adult education classes. However, the proposed redevelopment Project will not result in any impact to DeWitt Community Church.

## **B.17 Consistency with Community Plans**

The proposed project is consistent with adopted land use plans. The Applicant has reviewed several plans that relate to the proposed project. The Town of DeWitt Sustainability Plan (2014) presents a case study of the Shoppingtown site. The case study identifies that the "Town of DeWitt lacks a dense town center or "Main Street"....The Town's vision is that Shoppingtown Mall will be redeveloped as a vibrant mixed-use town center that could provide a cluster of economic activity and a focal point for the civic life of the town." The plan also presents a "Sustainability Concept" map which identifies the Shoppingtown site within a "Mixed-Use Development Zone."

The Town of DeWitt Comprehensive Plan Update (2017) provides an updated land-use vision in the "Land Use Character Areas" section. The District East development site is identified in Map 5 as "H" which is Commercial: Retail, Office, Service/Mixed Use Residential where due to "excessive strip commercial development..." the plan identifies that "These areas could incorporate mixed-use development over time as determined appropriate." Within the "Neighborhood Character" Goals and Actions, the plan identifies a goal to "Foster land use patterns that enhance livability and support civic life." In addition, this section identifies the following action:

3. Explore potential areas where mixed-use development should be incorporated as related to the Town of DeWitt land use vision and develop appropriate updates to the Town of DeWitt zoning code. Review and update mixed use development guidelines in the existing code to establish preferred development densities as well as to optimize allowed uses based on existing zoning districts.

Subsequent to the adoption of the Comprehensive Plan, the town adopted §192-64.4 Mixed-Use Floating Overlay District to:

- (1) Encourage "Village Center" type development;
- (2) Achieve a compact pattern of development that encourages people to walk, ride a bicycle or use public transit;
- (3) Allow for a mix of uses, inclusive of residential, designed to attract pedestrians;
- (4) To discourage singular use buildings developed as isolated islands within an expansive parking lot;
- (5) To encourage the adaptive reuse of aging commercial strip developments;
- (6) Provide a high level of amenities that creates a comfortable environment for pedestrians, bicyclists, and other users;
- (7) Provide sufficient density of employees, residents and recreational users to support public transit, while generating a relatively high percentage of trips serviceable by public transit

This code section identifies three levels of mixed-use development zones within the town: MUV1, MUV2, and MUV3 which are tied to a map identifying locations within the town where these development patterns might be permitted. The Shoppingtown site is identified as MUV-3. The Applicant recognizes that while MUV-3 is applicable to the site, the proposed development is not in full compliance with the existing code and as such an amendment to the town code will be required to facilitate the development as proposed. The Applicant has been coordinating with the Town of DeWitt with respect to amendments to §192-64.4. Outside of the necessary code amendments, the applicant intends to comply with the applicable bulk

requirements of the Town and does not anticipate that the project will require any variances. If the need for a variance did arise through the site plan review process the Applicant would work with the town to eliminate the need for a variance or make an application to the Town of DeWitt Zoning Board of Appeals as required to obtain any variances.

### **B.18 Consistency with Community Character**

As previously indicated, the site of the proposed project began operation as an open-air shopping center in 1954, and was converted to an enclosed mall in the mid-1970's. Redevelopment of the Shoppingtown Mall site into District East will recreate a hub of connectivity and vibrancy that improves pedestrian, bicycle, and transit connectivity between it and surrounding neighborhoods and districts consistent with the vision that has been established for this area by the Town of DeWitt in its planning documents.

With respect to creating a demand for additional community services, a Public Services Impact Assessment was conducted (Appendix O). This assessment evaluates the existing conditions and potential impacts to police, fire, and emergency medical services (EMS). As indicated in Appendix O, no impacts to public services are anticipated.

## REFERENCES

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