



**Town of DeWitt Planning Board  
Atten: Peter Webber, Chairperson  
5400 Butternut Dr  
East Syracuse, NY 13057**



November 5, 2015

*By regular mail and e-mail: [zkirincich@portoswego.com](mailto:zkirincich@portoswego.com)*

Port of Oswego Authority  
1 East 2<sup>nd</sup> Street  
Oswego, NY 13126  
Atten: Zelko Kirincich

RE: SEQRA Comment Period - CenterState NY Inland Port

Ladies and Gentlemen:

The enclosed letter and its contents are delivered to your attention by resolution of the Planning Board of the Town of DeWitt made at a regular meeting of the Planning Board on November 5, 2015.

The Planning Board has reviewed the FEAF made by the Project Sponsor dated September 4, 2015 and makes the following comments:

The Planning Board of the Town of DeWitt ("Planning Board") is charged with assuring the orderly development of the Town as same is dictated by The Comprehensive Plan of the Town of DeWitt and through its authority in the Site Plan Review and Subdivision process of the Town as set forth in Town of DeWitt Code Chapters 164 and 192. As stated in the FEIS, this project is entirely located in the Town of DeWitt. There is no other agency/town/municipality more acutely impacted by this project than the Town of DeWitt. The negative impacts to the Town are significantly disproportionate with respect to any benefit received. Rather, other towns, municipalities, agencies appear to be receiving substantial economic benefit with no negative environmental impact. Accordingly, it is the position of the Planning Board that it is uniquely positioned as an entity to address the issues herein.

The Planning Board questions the jurisdictional authority of the Port Authority of Oswego to act as Lead Agency in the SEQRA process. The Town of DeWitt Planning Board is an entity separate from the Town of DeWitt Board, and The Planning Board did not receive notice of intended Lead Agency status per SEQRA requirements. The threshold issue that must be addressed is to whether the Town of DeWitt Planning Board should be lead agency for SEQRA. Certainly, the Planning Board minimally,

must be listed in all SEQRA documents as an “Involved Agency” and it must receive all Notices and Documents related to the SEQRA process; which has not occurred to date.

The FEAF lacks sufficient information for the Planning Board to adequately react to the impacts upon the Town, its neighborhoods, residents, businesses, roads, services and infrastructure. The Planning Board specifically requests that studies be undertaken in the SEQRA process with respect to:

- Impact of additional truck traffic on Route 481 through the Town and on the County, State and Local Roads which run through the Town;
- Impact of a potential closing of Route 81 to a re-routing over Route 481 in light of this Project;
- Impact of the Project on storm water management, ground water, water usage;
- Impact of “rail-road” uses;
- Impact of the uses planned for the Town of Onondaga and City of Syracuse which have been stated will likely “support” or be foreseeable consequences of the construction of the Project in this location.
- Impact of lighting, dust, dirt, debris and noise on the Town and specifically the neighboring properties of the Project and the residential and recreational areas of the Town.

The area in which this proposed project is proposed to be located is not zoned for the use proposed by the Project. The High Tech zoning designation was affirmed in a Comprehensive re-zoning of the Town in 2007, and in accordance with the Comprehensive Plan of the Town.

The Town of DeWitt has a long record of fairly applying its zoning ordinances in a consistent, appropriate and forward looking manner to benefit the many interests of Town, its fine residential neighborhoods, superior school system, robust business atmosphere and green initiatives all within the interests of the Comprehensive Plan of the Town. The Town of DeWitt has taken great steps to preserve its neighborhoods, business and way of life, and is a “Town of Choice” in the region.

The Project cannot be adequately reviewed without the submission to the Planning Board of a full Site Plan which follows the criterion as set forth in the various sections of Chapter 192 of the Code of the Town of DeWitt and related Town of DeWitt Code provisions.

The Planning Board disagrees with the designation on Section B (b) of the FEIS that no approval is needed from the Town of DeWitt Planning Board for this project.

Upon review of the FEIS as currently presented, the Board has balanced those factors which are legally required to determine whether the Port of Oswego, and therefore this project, should be exempt from the zoning ordinances of the Town and makes the following additional findings:

1. The Port of Oswego, although a State Agency, appears to intend to carry on a private function as an intermodal transportation facility for private goods. It appears to be acting in

the interest of a private developer, not named, as opposed to performing a function of State Government.

2. There is evidence that there are other locations more suitable for this regional facility in areas that are property zoned for this use in the region and will have less impact on residential and business and transportation concerns; specifically, an intermodal project which had previously and recently garnered State support in the Town of Manlius.
3. It appears at this juncture that the negative impacts to the Town are disproportionate with respect to any benefit received. Rather, other towns, municipalities, and agencies appear to be receiving substantial economic benefit with negligible negative environmental impact.
4. While there are regional and state public interests to be served by this transportation facility, on balance, there are potentially inequitably severe consequences to this single Town and its residents, business and transportation facilities.
5. Without submission to the Site Plan processes and Zoning regulations of the Town of DeWitt as Planning Board, participation of the Town in this review process will be under represented.

Given the findings above and all other factors discussed herein, until such time as the applicant presents further evidence and Town of DeWitt makes findings to the contrary, based upon evidence currently in the hands of this Board, it is the position of this Board, the Town of Dewitt Planning Board, that the Project and its Sponsor are not exempt from the zoning requirements of the Town; the Planning Board must be involved in the development process in accordance with the properly promulgated regulations of the Town; a Site Plan application must be filed with the Town of Dewitt Planning Board; The SEQRA regulation with respect to Lead Agency status must be revisited and the applicant must reasonably comply with the Town of DeWitt zoning rules and regulations.

Thank you for your attention to the within.

Very truly yours,



Peter Webber

Chairperson, Town of DeWitt Planning Board