Appendix D Public Hearing Transcripts
STATE OF NEW YORK
COUNTY OF TIOGA

TIoga County IDA Public Meeting:
Route 434 Mixed
Use Office Park Project

Held on: 19th day of October, 2005
Held at: 59 Main Street, Owego, New York

Before: Matthew Rogers
Saratoga Associates
Nicole M. Rockwell
Hearing Reporter
MR. ROGERS: Thank you all for coming, my name is Matt Rogers, I'm an environmental planner with Saratoga Associates. Most of you know me, I met you before. My partner Dan Barton couldn't make it, he's still recovering from surgery, but he hopes to be back -- he is back at the office. He said he's working part time and the time sheet said 40 hours, so that's an example of what he considers to be part time as the president of the firm. So he hopes to be back soon, but in the meantime I'm here to provide a quick overview of the findings of the generic EIS draft for the Route 434 Project.

This is a public hearing, we're looking for public comment, we are in the middle of a 30 day public comment period. The purpose of the hearing, of course, is to review the generic EIS draft. We are
anticipating comments from both the public and state agencies and local agencies as well. Tonight we're going to review the proposed project quickly, given the attendance tonight I think most of you are pretty familiar with the project, but for the sake of the public hearing we'll go through the post-project and the current findings of the EIS. We'll discuss the SEQR process, why we're doing a generic EIS, discuss what a working committee is made up of and the involved agencies of the process. What the next steps are and of course we'll open it up to public comments and questions.

The proposed product, as most of you are aware is located south of Route 434, in between Route 434 and Strong Road and south of the Susquehanna River. It is located in both the town and the village,
divided just about evenly. There is approximately 26 acres of recently abandoned agricultural fields, I believe the IDA is interested in kick starting that again depending upon development schedules, but it's always good to keep that in the agricultural use if possible. I think that's what the plan is for this spring. 21 acres forested, 34 acres characterized as open fields, that is the area, the southern portion of the project site where the proposed single-family dwellings are located and approximately four acres of wetlands. Those are prominently displayed on that map to your right.

Now the project components, several subsections, the first section is two Class A office buildings, a total of 90,000 gross square feet. Three flex-tech light industrial buildings, total of 110
gross square feet and then a neighborhood commercial center, the intent that this commercial area is not to attract residents from elsewhere in the county, per se, mostly that would serve the tenants of these offices and industrial buildings as well as the single-family dwellings and multi-unit dwellings on this project site and possibly the neighborhood to the west. It is not intended to compete with the downtown of the village.

The second area is in the middle of the project site, that’s where 30 unit apartments, 30 unit townhouses are proposed. Senior housing which would include approximately 70 concrete care units and 50 assisted living units and a satellite health care facility to provide health services for these residents as well as the residents throughout the town and village in the county.
And the last area of the project site is where we identify 26 single-family dwellings parcels. Also within this there would be about 11 acres of open space between the residential development and the light industrial and the health care facility. This area is predominately a very steeply sloping area where development is obviously precluded. A park note would be recommended which would provide a connection for trails throughout the project site.

Now the build-out schedule, for the purposes of SEQR we identified a build-out schedule. The first phase, one to three years would include the office, light industrial flex-tech and supportive retail. Also within that one to three years, would be the single-family dwelling residential, that's based upon the ability to bring sewer and water
into that area, we'll discuss why that's necessary in a little bit. Phase 3, three to five years is the senior housing and apartments and townhouses. For the purposes of GEIS and also what was is identified in the market feasibility study, approximately 642 jobs would be created -- directly created as part of this particular project. 212 for the flex-tech light industrial, 338 for the office complex, 47 for the retail, 30 at the senior housing facility and 15 for the satellite health care facility.

There is an estimated population increase of 429 to be associated with the residential components, 70 for senior housing independent living and 50 for the assisted living, 216 for the multi-family and 93 for the single-family dwellings. Again these numbers were identified to help model potential impacts of
this particular project in the EIS and I’ll explain why that’s important in just a few minutes.

As most of you are aware in 2003 a market feasibility analysis was conducted which assisted in establishing development objectives for this site, the site community context, the expectations of the area for this particular site, the real estate development opportunities and the financial return expectation for mixed-use development. Out of that analysis which is a pretty hefty document, I think most of you are quite familiar with it and a preferred alternative was identified and that’s what we’re looking at here today.

The State Environmental Quality Review Act requires the project of this size to go through some kind of review and the county, the IDA decided that a generic EIS would be
the vehicle in which all of the potential impacts would be reviewed. Why GEIS, well it's a flexible document that allows an analysis of a conceptual project as well as multiple projects there together. Where you have an idea of what you want to do, generally what development is going to look like, the size of the development, the number of people you intend to employ and population you intend to generate. But it's a little different than a specific site, this specific GEIS where construction is imminent and you have a specific project in hand and a specific development. This allows you to look at all the issues and at the end of the today through the establishment of findings identify threshold in which future development will need to go through additional review. So, for example
at the office complex, if somebody comes in next year, once the EIS is adapted and the findings are issued and they propose a square footage large than what we analyzed today and the number of employees are significantly higher than what we discussed today, then that might trigger the need for a supplemental traffic analysis as well as the need to possibly adjust the storm water pollution prevention plan that's -- a preliminary one that's been prepared for this EIS.

So what that means is that the developer comes in, the community reviews the project, that's one last step that the community has to be concerned about through the EIS process. All the work has been done to comply with the SEQR process, you have an idea of what additional analysis is required, you don't have to do a full EIS again, that's
certainly been done for this site. So, that's obviously a benefit for anybody that would like to develop this site.

Again the SEQR will include baseline data, data for future reviews and decision making, will have evaluated the maturity of the issues and again projects will likely require site specific inventory because we really don't even know what's going to happen. So, there might be specific issues that might have to be addressed, including local approvals, but all the documents that have been prepared through this process will be extremely helpful to a future developer for any one of these projects.

For the SEQR process a lead agency was identified and that's Tioga County IDA. Involved agencies, those agencies which have
development -- excuse me regulatory approvals anticipated they have jurisdiction over this project in one way or another and that would be the Town and Village of Owego, both their planning boards and zoning boards, as well as their legislative boards, all have been invited to comment in this process. They've all received documents. United Water of Owego, obviously they're an important component of this project. Lenny Watkins has been attended our meetings and has been very helpful in providing information as we developed the GEIS. The Tioga Department of Economic Development and Planning and the DOT as well as Tioga County Department of Health have all been involved and have been invited to comment on this process.

Now, I'll quickly move in to the potential impacts that have been identified before with this proposed
project. Obviously with any
development you're going to have an
increase in pervious area. With the
project we identified today, 19.4
acres of pervious land will be
either paved or covered with a
building.

PUBLIC: 25 percent?

MR. ROGERS: Pardon me?

PUBLIC: Roughly 25 percent?

MR. ROGERS: Roughly. So that
is a significant increase over what
was there, but the storm water
pollution prevention plan, a
preliminary one was done obviously
to comply with DEC regulations. As
a developer comes in he'll take what
we prepared and revise it and design
their storm water plan specifically
to that project. The intent though
is to ensure that if somebody
develops on the north side of the
property their storm water system
will accommodate future development
of the slope as obviously most of that what is going to be heading down towards the river, we have to contain all of that on site, per DEC regulations.

There is obviously a chance of increased dust during construction and typically the use of best management practices is and dust pallet is to keep that dust down and re-vegetation of exposed soils immediately or as soon as possible is always recommended. There is potential for encountering bedrocks specifically with the road coming through the site. When you hit those steeper areas you are more likely to hit that bedrock. That's a specific issue that will when the road is actually proposed, a geotechnical analysis will have to go out there, identify the depth of the bedrock and the chances in which that would be contacted during
construction. The GEIS provided specific recommendations in how to deal with the noise impact associated with bedrock removal, whether that’s through blasting or through an Amita camera. There are specific regulations that DEC has in which you need to comply with in that type of removal. So that’s a potential impact as well.

Environmental contaminants of Phase 1, environmental site assessment was conducted as part of this EIS and based upon the results there’s no known releases on the project site or near the project site that would impose a potential problem during construction. So, no contaminants are anticipated to be encountered during construction.

Water resources and wetlands, obviously construction activity would result in a sedimentation to the river and obviously impacts to
the wetlands as well as the groundwater. Again the storm water pollution prevention plan needs the best manager, it's quite standard nowadays. Whether it's silk fencing and staked hay bails would be strategically placed throughout the property to keep, contain any of the runoff. And the contaminants in the runoff meaning whether that's through the construction vehicles or that's through the use of the site by automobiles, obviously not every automobile is air tight so there's always hydrocarbons and other pollutants that may come out as well as the fertilizer. That's always an issue when you're proposing a residential development. The storm water pollution plan will have techniques to reduce the load before it goes back into the groundwater system. But we have to identify that -- just to mention that
potential impact is there.

Now, the wetlands, we actually had to redesign the site once the wetlands were flagged. It had to -- I'll actually show you, the healthcare facility was located kind of east to west and we had to turn that so it would be north to south to avoid the wetlands. We still would have to construct a road through it and possibly a waterline if and when a water tower is constructed which would be part of the water services. At this point only .287 acres are imposed to be disturbed and the Army Corps of Engineers will hopefully get out to the site this fall. I was actually in contact with them today and we are not quite at the top of the pile, they have quite a workload up in Buffalo. There is a date, sometime in November when they can't actually flag wetlands and they have to wait until spring. We
don't feel it's a big issue, we at the very least -- at the most these wetlands will be jurisdictional. There's a good chance that they might be considered isolated. That's not to mean that we're going to go out there and pave over them, but they may be less of an issue in concerns of complying with specific regulations in the mitigating measures. But to put a road through it and to put a utility line, that would be covered under what's called a nationwide permit system. Prior to which you would submit information to Army Corps just to demonstrate that you will be instructing the project in accordance with their recognitions. It's usually a rubber stamp and you're good to go. Once you exceed half of an acre that's when an individual corps permit would be required, obviously you want to
avoid that if possible, it's a lengthy process and that would require some kind of mitigation where you would actually have to create some type of wetland elsewhere or clean up an existing wetland that's been disturbed.

The road currently would impact about 7,578 square feet and the water tank just under 5,000. The water tank line actually would be buried to the wetland and the corps permit would require that wetland to be reestablished. So you're actually not even losing all that wetland and it could actually be board depending on the soil. So you're looking at only a permanent loss of about 7,500 square feet of wetlands with this particular project design. Again it would be nationwide permits 12 and 14 that allow these types of disturbances.

Obviously, there is a potential
for permanent loss of habitat. We do not anticipate any significant issues, there are no protected species known to be on the site that would be of importance. But obviously as much vegetation would be preserved on site as possible. There would be some displacement of current terrestrial species, but it's been studied that they usually kind of come back in or there's a slight change in the habitat from an open field to a suburban style type of terrestrial environment. Where, in some cases they actually increase your habitat sometimes that you don't want like deer. So, that is a potential.

PUBLIC: That's a good field for deer already.

MR. ROGERS: Yes. So, sometimes when you plant certain trees it attracts even more deer.

PUBLIC: Even an occasional
bear.

MR. ROGERS: Actually, I was up in Old Forge the other day and I've never seen a place where there is more deer in a developed area. We were standing on the main street and deer were just walking down the road. It was just unbelievable.

Air quality is also going to be an issue during construction as well is associated with automobile traffic. Construction related impacts, the only thing we can do with that is ensure that all the equipment is properly maintained and meets all the state and federal standards for pollution discharge. The short-term impacts would be related to the construction, dust powders, best management practices, gravel paths and exit points that shake off the debris off of the vehicles so they wouldn't be tracking that through the
neighborhoods. Re-vegetation and of course the preservation of vegetation buffer around the site as well as as much vegetation on the site conserving that is obviously very important.

Traffic impacts, the traffic engineers SRF and Associates looked at four specific intersections: Hallstead Avenue and Southside Drive, Southside Drive and Court Street, the three-way intersection of Court Street, Front and Park and Montrose Turnpike and Strong Road. Based upon the projected employment and a projected population increase there are no issues anticipated at any of these intersections. Obviously the level of service or the time in which you have to wait at each intersection will increase slightly, but based upon state and federal standards it’s not going to rise to the level to where a traffic
light is going to be required or
some other form of traffic
mitigation at any of these
particular intersections. Again 371
trips was currently proposed during
the peak evening hours.

PUBLIC: That's not increase of
371, that's the total?

MR. ROGERS: Estimated increase
is 371.

PUBLIC: Increase?

MR. ROGERS: Yes, that's coming
and going for that particular site.
And again the current existing
transportation network is sized
accordingly to support that future
development around the area to make
accumulative require mitigations.
So if the project site doesn't
develop out of 10 years and
something happens to the west in the
vacant area where residential could
happen or elsewhere in the town or
the village, it might be necessary
for a secondary or supplemental traffic assessment to ensure that based upon previous growth there's no issues associated with this particular project. So that needs to be kept in mind and the findings statement will actually outline when that might be necessary to do that supplemental traffic study.

Sight distance evaluation, both the north and south ingress and egress points of the project sites are fine from sight distance perspective. The Montrose Road and Strong Road if you're familiar with that there is a slight climb and turn. If you're turning right onto Montrose from Strong Road and oncoming traffic from the south is difficult to see. So, obviously that bump in the road would be -- taking that out would be the preferably action, obviously that would be expensive, but the EIS does
recommend that vegetation be cut back and be maintained on a regular basis. If it gets to the point where traffic on this road increases significantly with any other associated residential development, the town may need to consider strongly considering taking that rise out so the oncoming traffic is not going to be an issue. Again that’s the Montrose, Strong Road site.

The only other recommended action would be the installation of a right and left turn lane on 434. The right lane would be a deceleration lane, the left lane would be a center lane to allow people to turn left into the project site and not slow down traffic that is heading east and west. It’s recommended that happens immediately with the first project proposed up front. We’re assuming that either the light industrial or the office
will come along first and in order to size it properly and to ensure that the entrance which is planned to be enhanced by landscaping and other signage, would not like to have that done a second time. So the plan is to have the highway sized accordingly and the entrance sized accordingly with the first project and size so it would accept all the traffic which would be ultimately seen on the site. So that's an important component.

Land use and zoning, obviously there's going to be a permanent change use from vacant former agriculture to developed or commercial, residential, office and light industrial. Currently the village zoning does not allow for light industrial offices so that would have to be amended. I know the county has been helping the village with that and that is known
and that will continue. And there
will be a loss of property within
the agricultural district which
makes up a pretty small portion of
the site, it's this triangular piece
right here. Most of that is
forested and not in use for farming,
so obviously there's not going to be
a loss of ag. land in the district.
But prior to any development in this
area the applicant will have to file
an agricultural data statement just
letting the county know that is
going to be coming out of the
district holding.

Sewer services, Hunt Engineers
provided a preliminary sewer and
water study and the findings
obviously there's going to be an
increase in demand which is going to
be unavoidable and come with the
project. There would have to be a
sewer line constructed along Strong
Road and then heading north up.
Montrose to the existing sewer line. And it would be broken up into two sections, the south side of the site would serve the residential and the north side would serve the rest of the project. We did look at the soils in the residential area and they cannot be used for on-site septic, so in order for that to be developed out as residential at that intensity we would need to provide that sewer service. Also the Lackawanna pump station may need to be upgraded and Hunt is actually discussing that with the village and others to determine and make sure that is in fact an issue. There was question about that, so that's been addressed.

Water facilities, there will be an increase in demand. As most of you know there's one crossing of the river and if that line is compromised water service to
Hallstead Development, Southside
would be lost, so in order for this
site to develop you really need to
have an alternative system. Meaning
that one a water storage facility
would be required to meet your
specific pressure needs and then an
addition ground water supply would
have to be located in the site.
Now, the tower wouldn't necessarily
have to be on the site, it could be
elsewhere. The siting of that was
not specifically located in this
analysis, but one particular site
was identified and that's the orange
circle right here. However, if you
do that you're likely to lose one
residential lot, but as the site
builds out there might be other
areas in the immediate vicinity
where a water tower is more
appealing. Obviously that water
tower could result an additional
impact and that would have to be
addressed as that water tower is constructed.

Now, economic development, with the current project and the current components, 642 jobs are anticipated with a total impact of the county of 773. 290 construction jobs resulting in a total of 359 for the construction industry in this area which in all would result in a little less than $58 million in construction investment for this preferred alternative. A total economic impact of the county of about $69 million which is an increase of about $11.4 in earnings for the county resulting from this particular construction project.

Cultural resources of Phase 1A was prepared about a year and a half ago which identified the potential for the archeological census for the site, therefore, the county, the IDA has chosen to go ahead and do Phase
1B which is an actual site
assessment and I believe Harkins was out there a couple weeks ago digging up the place, looking for artifacts. And I anticipate their report within a few weeks and should they find something then they determine whether it's eligible for the national register whether it's a -- for example an old camp and if it's eligible then we need to consult with SHPO which is the State Historic Preservation Office to determine that, okay it's eligible, it needs to be studied, if it does get that done so the artifacts can be removed, so they can do that. Or if the project site under its term in a development scenario can avoid it then with SHPO sign off they would say fine as long as you're not going to find it, fence it off during construction, we'll note that in all the permits and you'll be
fine. I haven't had a project yet where they held it up for a significant period of time, usually they are avoided so the process isn't dragged out.

The visual resources, again the water tower at this point would be the only significant impact. Obviously there would be a change in the view from the river to the village. The proposed project itself is not anticipated to create any significant adverse impact. However, going vacant to developed there certainly would be a change in how that area is characterized. So color schemes, certain development guidelines whether it's in roof profiles and proper building placements, all that would need to be addressed through the local reviews. The findings will identify that this is an issue that needs to be addressed, specifically in the
size of the buildings would need to be taken into consideration and the local governments will have to adjust that according to their regulations does that constitute an impact that needs to be mitigated further.

That rounds out the specific issues that we've identified so far in the process. The comment period ends November 4th, the locations for the EIS is on the Tioga County website and they're also located in town and village halls here at the county office building. There is the EIS and then there's a very thick book of appendices which includes the sewer and water report, the traffic report, archeological report, strong water report as well as the wetlands report. All that was condensed into this one document. Any other comments, whether it's agency comments or
public comments can be directed
towards LeeAnn. She'll collect them
and send them to us. And the final
EIS is a document which incorporates
all the comments, the specific
issues that are raised, they are
addressed and they require
additional analysis. The final EIS
is submitted to the lead agency.
They determine if it's complete, if
it is that is sent out to all the
involved agencies, DC, the town and
the village, DOT. They have 10 days
to comment. The final EIS aren't
released for public comment, they
are a public document. If the
public wants to comment they can,
under the SEQR regulations we're not
required to address them as you are
adjusting them in this comment
period for the GEIS. So once 10
days go by the IDA, if they didn't
receive any comments from any of the
other agencies, they are ready to
submit their findings. And the statement of findings as I mentioned before will identify whether or not you're approving this project or you're denying the project. I'm assuming it's going to move forward as approveable, we haven't found any significant adverse impacts. If that's the case then you need to outline why it was approved and identify each resource, make sure that any impact is mitigated properly and that no significant adverse impacts are going to result in -- for this project that may result in a denial.

The findings will also establish those thresholds that I mentioned. Where future sites specifically used are going to be necessary. Whether it's a traffic study, whether it's a visual assessment study for the water tower, whether it's an additional archeological studies.
Say they come back and they found 20
sites and obviously the IDA is not
going to consider paying for 20
specific assessments by an
archeologist which could be pretty
expensive. So we have identified
those that are going to be avoided
and those that may need further
studies depending upon what project
phase they are in.

We'll also look at identifying
other issues in terms of square
footage of the buildings. If
somebody comes in with a much larger
building then that's going to
trigger the need for a supplemental
EIS or sometimes a full blown EIS.
If they have to get onto the site
and the Phase 1 environmental
assessment didn't pick up a
particular contaminant that wasn't
listed on the DEC's list. Now
that's going to require a clean up
and that's the worst case scenario,
but that's just an example, and possibly a full EIS would be required to address that and a change of the project design that would come along with that.

So the findings, obviously Saratoga with assistance from the county and with all the other assistance would prepare those findings as well, provide them to your review and comment. Once you're satisfied with those, those findings would be issued. All of the other agencies can issue their own findings right away or they can wait until a specific project comes to them, like for example DOT, then when the application comes to them to widen the road and to put in curb cuts, they'll have to pick up the document and issue their own findings for this particular project. But once you issue your findings then the IDA can move
forward with additional analyses. I think -- it's our understanding that the front half of the site -- the north part of the site will be developed first. So any other potential reviews and marketing of the site can move forward. The completed SEQR process is a good document to have when marketing or pursuing a shovel ready site.

So with that I'm obviously here to take any comments or questions if there are any. We have a transcriptionist here, any comment will be added to the public record and addressed in the final EIS. If there are none I would like to thank you all for coming and we'll close the public hearing. And again November 4th is the deadline for public comments, so if you or somebody you know would like to get a comment to us that's the deadline. And we look forward to taking this
to the next step of the project,

thank you.

CERTIFICATION

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the above cause and that this is a correct transcript of the same to the best of my ability.

NICOLE M. ROCKWELL