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October 15, 2018

Douglas H. Zamelis, Esq.
7629A State Highway 80
Cooperstown, NY 13326

Re: Objection to Adoption of Final Scoping Document for
Redevelopment of the Rail Yard

Dear Mr. Zamelis:

The City of Oneonta hereby acknowledges receipt of your letter dated October 3, 2018 which was submitted by your office on behalf of Otsego 2000, Inc. (Otsego 2000) and the Otsego County Conservation Association, Inc. (OCCA) with respect to the Scoping Document for the Generic Environmental Impact Statement (GEIS) for the Redevelopment of the Oneonta Railyards. The County of Otsego Industrial Development Agency (COIDA) is the Applicant and the Common Council of the City of Oneonta (City) is the Lead Agency for the purposes of the conduct of the State Environmental Quality Review Act (SEQRA), with this role established under a coordinated review for the Type 1 Action.

As you are aware, the City as Lead Agency implemented a robust Public Scoping process with ample opportunity for public engagement and comment. The comment period was open for a total of 52 days from March 7, 2018 – April 27, 2018 and two public scoping sessions were conducted, with one on April 4, 2018, 6:30 PM, Riverside Elementary School, 39 House Street Oneonta, NY and the other on April 5, 2018; 6:30 PM, Greater Plains Elementary School, 60 West End Avenue, Oneonta, NY. The Final Scoping Document was adopted on May 14, 2018. Otsego 2000 and the OCCA as well as the public and numerous interested and involved agencies were provided with expansive opportunity for comment on the Scoping document. The City properly executed the role of Lead Agency under SEQRA regarding Scoping, which incidentally is an optional process (6 NYCRR Part 617.8(a)).

Your letter references an application to the State's Consolidated Funding Application (CFA) process, which was submitted by the COIDA to the State in late July 2018, several months after the adoption of the Final Scoping Document for the Railyards Redevelopment GEIS. The City as Lead Agency for the SEQRA review of the Redevelopment of the Railyards was not involved in and entirely unaware of the CFA application by the COIDA, which is a separate action.

Part 617.8(g) and (h) describe the procedure for incorporation of issues after the Final Scoping document has been adopted. Part 617.8(g) provides that agencies or persons raising issues after a Final Scoping document has been adopted must provide written details as to the nature and

importance of the matter as well as the reasons why the topic was not identified during scoping and why it should be included at this stage of the review.

Your letter dated October 3, 2018 meets these criteria; however, it is noted that the Final Scoping document includes a section regarding the topic raised by Otsego 2000 and OCCA, to wit:

3.4 Impacts on Energy

The expected short- and long-term uses of energy resources and the anticipated levels of consumption will be discussed. The project may require high energy demands that may necessitate upgraded utility infrastructure. The project may utilize more than 2,500 MWh per year and involve the heating and cooling of over 1 million square feet of building area which may demand power system improvements, therefore, the capacity of supply must be explored. The following will be discussed relative to the proposed action:

3.4.1 Existing Conditions

3.4.2 Potential Impacts

3.4.3 Mitigation Measures

Part 617.8(h) provides that the project sponsor may incorporate information submitted consistent with subdivision 617.8(g) of this section into the draft EIS at its discretion and furthermore states that any information not incorporated in the draft EIS must be considered as public comment on the draft EIS. This section of the Scoping Document clearly recognizes that a significant energy demand may be presented through redevelopment of the Railyards and indicates that an analysis of existing conditions, potential impacts and mitigation measures will be identified.

Nevertheless, Part 617.9(b)(8) provides that a copy or a summary of the substantive comments received and their source (whether or not the comments were received in the context of a hearing); and the Lead Agency's responses to all the substantive comments must be included in a final EIS.

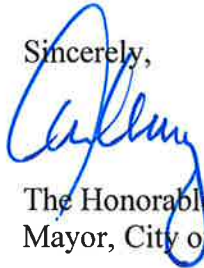
As a matter of law and record, the SEQRA statute does not provide for amendment to the Final Scoping Document as requested in your letter, nor is such an action necessary to ensure that the topic of energy demand and supply is addressed. The Final Scoping document recognizes energy demand and supply as a substantive topic to be covered in the draft GEIS. In addition, as provided in Part 617.8(h) and (g) and Part 617.9(b)(8), your comments shall be entered in the record and either incorporated in the draft EIS or, if appropriate, considered comments in the DEIS which shall be addressed by the Lead Agency.

Secondarily, your request for preparation of a Supplemental GEIS is premature; Part 617.9(a)(7) describes Supplemental EIS' as an instrument that may be required by a Lead Agency, limited to a specific significant adverse environmental impact not addressed or adequately addressed in an EIS, that arises from changes proposed to a project, newly discovered information or a change in circumstances related to a project. A Supplemental EIS is prepared after an EIS Findings Statement is prepared under conditions when additional SEQRA review is required. The

Railyards Redevelopment project is currently the subject of review under SEQRA; therefore, the request for a Supplemental EIS is premature.

It is also noteworthy that the City as Lead Agency intends to conduct a robust public comment period including a public hearing upon receipt of a complete draft GEIS. The participation of the public in review of the Draft GEIS as well as involved and interested agencies such as Otsego 2000 and OCCA is strongly encouraged. At this time, it is the City's understanding that submission of a draft GEIS by the COIDA is anticipated in the next several weeks. Upon submission of a draft GEIS, the City shall conduct its duties under SEQRA to determine if the draft GEIS is complete and suitable for public circulation and comment. At the time this determination is made, the City will circulate and post the draft GEIS for public comment.

Sincerely,



The Honorable Gary Herzig
Mayor, City of Oneonta

C: Common Council of the City of Oneonta
David Merzig, Esq., City Attorney, City of Oneonta
Board of Directors, Otsego NOW
Jody Zakrevsky, Executive Director, Otsego NOW
Mary Beth Bianconi, Partner, Delaware Engineering, DPC
Nicole Dillingham, President, Otsego 2000, Inc.
Leslie Orzetti, Executive Director, Otsego County Conservation Association, Inc.