

**PORT OF OSWEGO AUTHORITY**  
**Special Meeting for Dome 4 SEQR Review**  
**Monday, September 5, 2023**

**CALL TO ORDER:** Mr. Enwright called the meeting to order at 4:05 PM.

**PRESENT:** Francis Enwright - Chairperson, Constance Cosemento - Vice Chairperson, Dr. John Kares Smith, Tom Schneider, Diane Zeller, and William Scriber - Executive Director.

**ALSO PRESENT:** Pat McMahon - Supervisor of Development & Maintenance, Kim Natoli - Port Employee, Carl Rode and Bryan Bayer - C&S Engineers, Allison Phillips, Esq. - Young/Sommer LLC on Zoom, and Lawrence Ordway - Port Counsel with Bousquet Holstein PLLC on Zoom.

**ABSENT:** Stan Delia and Kathleen Macey.

**DISCUSSION**

State Environmental Quality Review Act (SEQR), Part 2 for Dome 4 Redesign Project.

The meeting began with Ms. Allison Phillips, Esq. with Young/Sommer LLC explaining that the Port of Oswego Authority Board members have had Part 1 of the full Environmental Assessment Form (EAF), which includes the technical information about the project, goes through each of the different resource impact areas, information about potential impacts to land, potential impacts to surface water resources, and potential impacts to transportation. As the lead agency under SEQR, the Board is expected to take a hard look at each of the resource impact areas, and make a determination if an impact could be considered small, moderate, or large.

In addition to the full EAF Form, the Board's consultant prepared an addendum to the EAF to provide additional information or explanation regarding each to the various resource areas. That information has been part of the record, posted on the website, also provided to a list of involved and interested agencies that received the SEQR coordination notice. That notice was circulated on August 4, 2023, it has been over 30 days since the agencies received the information, and responses were received from the NYSDOT and the Oswego County Department of Economic Planning, with indication of no objection of the Board acting as Lead Agency under SEQR.

**Environmental Assessment Form (EAF) Part 2 – Identification of Potential Project Impacts**

Part 2 of the EAF form is made to correspond with different sections of Part 1; purpose is to allow the Board to determine if there is an impact and to quantify the scale or scope of the impact.

**#1. Impact on Land**

*Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as **YES**.

There is an impact on land, there is a physical change, there is construction of a new structure, it has been planned for some time, as it was part of the original Agriculture Expansion Project. This will have an impact on land, there is a structure constructed on the property, there will be a

physical disturbance or alteration. For sub-questions a. – h. the Board agreed there are no or small impacts occurring. Carl Rode with C&S Engineers, agreed with the Board and Counsel on discussion of impacts to land.

**#2. Impact on Geological Features**

*The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves).*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as NO.

There is no impact on geological features. There are no unique or unusual land forms.

**#3. Impacts on Surface Water**

*The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds, or lakes).*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as YES.

There is an impact due to the Port's close proximity to the Oswego River and Lake Ontario, the impact is the construction on the shoreline of the waterbodies. The shoreline is considered part of the ground surface water resource. However, because the structure will be located within an existing industrial complex that is already located on the shoreline, it has been located on the shoreline due to the nature of the use. The Board agreed this can be recorded as YES. However, for questions a. – l. there are no or small impacts occurring; i.e. there is no new water body being created, no dredging in the lake, no construction of an outflow or discharge of wastewater in to the lake, no usage of pesticides or herbicides. Carl Rode with C&S Engineers, agreed with the Board and Counsel on discussion of impacts on surface water.

**#4. Impact on Groundwater**

*The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as NO.

The Port is not proposing to use any groundwater resource, not proposing to discharge any wastewater or other materials to ground water resources. Carl Rode with C&S Engineers, agreed with the Board and Counsel on the discussion involving impacts to groundwater. Carl Rode explained that this is a covered structure that will shield water away from the product and protects not only the product but the environment.

**#5. Impact on Flooding**

*The proposed action may result in development on lands subject to flooding.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as YES.

Part 1 of the FEAF indicates the project site is located in the 100-year floodplain, within the 500-year floodplain, however, it is not located in a designated floodway, and it is not located over a principle or sole source aquifer. For questions a. – g. there are no or small impacts occurring. Carl Rode with C&S Engineers, agreed with the Board and Counsel on discussion involving impacts on flooding, indicating the areas of the site are located in the 100 and 500-year floodplain, however the wharf itself that the project will be constructed on is located outside of the floodplains.

**#6. Impacts on Air**

*The proposed action may include a state regulated air emission source.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as **NO**.

The Dome 4 Redesign project does not involve the construction or installation of a new state-regulated air emissions source.

**#7. Impact on Plants and Animals**

*The proposed action may result in a loss of flora or fauna.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as **NO**.

The area where the redesigned Dome 4 structure is to be located is already a disturbed area within the existing industrial complex currently being used for industrial activities, resulting in no loss of flora or fauna.

**#8. Impact on Agricultural Resources**

*The proposed action may impact agricultural resources.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as **NO**.

There are no agricultural resources within the project site, there are no farmlands or soils of state-wide importance or prime soils for agricultural purposes. It may have a beneficial impact as it is part of the overall expansion project that the Port was developing in order to help facilitate commerce and specifically for agricultural products. Carl Rode with C&S Engineers agreed with the Board and Counsel on the discussion of impacts to agricultural resources.

**#9. Impact on Aesthetic Resources**

*The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as **YES**.

There will be a visual impact. The redesigned Dome 4 structure is different than what is presently located at the site now or what was there before construction started. There was no structure at the location to begin with; as part of the Agricultural Expansion Project there was the dome design approved for this storage facility. The action being presently considered is the

redesign of the structure to a more square structure being proposed. The structure can be seen from some identified scenic or aesthetic resources reinforcing that there is an impact that needs to be quantified as small, moderate, or large. Board Chairperson Enwright commented that the proposed structure is in line with the other structures on the site, such as the Barrel Building and other structures. It did change shape, however the purpose did not change. Executive Director Scriber commented that at the original Port, in approximately the same area, there were a number of transit sheds, which were taken down in the 1980's and replaced by the three dome structures. The structure proposed now is different from the dome-structures in the existing facility but those dome features were actually replacements of an earlier design that is more in keeping with what is being proposed right now.

The Board determined to review each of the sub-questions under Question #9 on EAF:

- a. *Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.*

Per the Board, after consideration with counsel and C&S Engineers, this answer is YES.

The project site is located within five miles of the following identified resources: Lakeside Park, Fort Ontario, Breitbeck Park, and Great Lakes Seaway Trail. When looking at the Visual Assessment Report, it looks at where the project would be visible from any of the identified resources. For example, one of the visual simulations provided was from the Fort Ontario (identified visual resource) pathway. There will be portions of the redesign Dome 4 visible from the Fort Ontario complex, however it is very limited visibility and it is obscured to a large extent by mature trees, effectively absorbing the structure into the landscape. Board Chairperson Enwright commented that public access to Fort Ontario is seasonal; the park is closed when there is no foliage on the trees. That obstruction is minimal during the operating season. Per Board, this would be recorded as no or small impact on the visual resource. Carl Rode with C&S Engineers, indicated several identified local scenic resources such as Lakeside Park to the east, Fitzgibbons, Fort Ontario, Breitbeck Park to the west, and the Great Lake Seaway Trail in the State Route 104/Bridge Street areas.

Another identified resource was the Great Lakes Seaway Trail which is discussed in the Visual Resource Assessment. The visual simulation included a viewpoint from East 1<sup>st</sup> Street at East Bridge Street, which was identified as a potential location the structure would be most impactful. The Visual Assessment report does provide a visual simulation from that vantage point, it discusses the visual characteristics of what the Dome 4 redesign would look like from that location. It does show that the structure would be highly visible from that location, but partially screened by some vegetation and smaller buildings. Counsel noted the Port has already gone through a SEQR Review and approved a structure at that location, it was going to be constructed there, it was already going to provide this backdrop if one was looking at the water from this location, the structure would be seen. Visual simulations now show a different kind of structure, a structure that may appear larger in scale from that vantage point. With no structure at this location, the view one would have been looking at before with nothing there, is through an industrial complex with lake beyond it; the Port had already gone through a SEQR Review, and determined that construction of the original design of the Dome 4 structure at the location would provide a backdrop at that location and obstruct some views of the lake,

however, that would not result in an adverse impact. With the redesign, there will still be some of the view of the lake that will be obstructed, however it is a view of the lake through an existing operating industrial complex.

Board members discussed the complaints about the potential view changes of the lighthouse. The Board members agreed, this is not the only location that the lighthouse can be viewed. The lighthouse can be viewed from several other vantage points in the area. Per Board Vice-Chairperson Cosemento, East 1<sup>st</sup> Street is not a destination to enjoy the lighthouse, it would be somewhere else. There is an impact, a structure will be constructed, it will obscure views from that location, but this is not a significant impact from an environmental standpoint. Carl Rode and Bryan Bayer with C&S Engineers, commented on sections of the visual analysis and discussed where the potential visibility of the structure, one mile radius around the structure, there is limited visibility from a lot of the locations that were described in the discussions. A person would need to be on the river or lake to really fully see the structure.

For clarification, per counsel, a moderate to large impact on an EAF doesn't necessarily mean that it has the potential to create a significant adverse impact under SEQR. However, it needs to be explained in Part 3 why that impact, although moderate to large, because of either mitigation that has been incorporated in project design, or the nature of project, or the use, that the impact doesn't rise to the level of significant adverse impact under SEQR.

- b. *Proposed action may result in the obstruction, elimination, or significant screening of one or more officially designated scenic views.* See discussion above.
- c. *The proposed action may be visible from publically accessible vantage points:*
  - i. *Seasonally (e.g. screened by summer foliage, but visible during other seasons)*
  - ii. *Year round*

Per the Board, this may be a moderate impact. The redesigned Dome 4 will be visible from many public vantage points. The visual assessment says that it will be visible from East 1<sup>st</sup> Street. It will have a significantly different appearance from the approved Dome 4 design and the structures that are there now, which could be considered a moderate impact.

- d. *The situation or activity in which viewers are engaged while viewing the proposed action is:*
  - i. *Routine travel by residents, including travel to and from work*
  - ii. *Recreational or tourism based activities*
- e. *The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.*

Board member Schneider discussed this question (#9.e.) and the possible moderate to large impact. The discussion involved acknowledging and recognizing that there is some impact under this question, however it is not significant and doesn't outweigh the benefits of the project. Board member Schneider also acknowledged that the redesign project is not the only contribution of the diminishment of the view of the lighthouse, and that the introduction of the foliage along East 1<sup>st</sup> Street and expansion of the convention center are also factors. He commented that that the original dome structure was not going to improve the visibility to the lighthouse, and for the Port to move forward with its economic progress which has significant economic impact in the regional economy a new structure is needed,

and this doesn't rise to significant enough to impede the project. The Board discussed that this could be a small to moderate impact, but not large impact. Executive Director Scriber commented that the areas in question, this is a designated commercial truck route, not similar to the other recreational areas described. Board member Schneider wanted to acknowledge good diligence with the process, to recognize it could be considered a moderate impact, however it is not significant.

Counsel recognized that the EAF form does not identify the lighthouse itself as an identified aesthetic resource, but other locations to enjoy the view of the lighthouse.

The Board agreed it will not cause a diminishment of public enjoyment and appreciation of the lighthouse or designated aesthetic resources. Per the Board this can be recorded as **small impact**.

- f. *There are similar projects visible within the following distance of the proposed project:*  
0 – ½ mile  
½ – 3 miles  
3 – 5 miles  
5+ miles
- g. *Other impacts:* \_\_\_\_\_  
\_\_\_\_\_

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

*The proposed action may occur in or adjacent to a historic or archaeological resource.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as **YES**.

The Port is adjacent to Fort Ontario State Historic Site, and the impact can be quantified as small due to the very limited view from the Fort. The foliage largely obscures the building when visitors would be in the Fort. When there is no foliage, in the off-season, the Fort is not publically-accessible. It would not have the same impact because there is not people there in the same way. Per Counsel, they did initiate consultation with the NYS Office of Parks, Recreation and Historic Preservation Office through the state's Cultural Resource Information System (CRIS) System, which is an online database. Information was submitted about the project, and requested a response. Per counsel and Carl Rode with C&S Engineers, this request was submitted in early August, however no response has been received yet.

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

*The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as **NO**.

Building will be completed within the existing Port.

**#12. Impact on Critical Environment Areas**

*The proposed action may be located within or adjacent to a critical environmental area (CEA).*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as NO.

There are no critical environmental areas on site.

**#13. Impact on Transportation**

*The proposed action may result in a change to existing transportation systems.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as NO.

There will be no adverse impact on existing traffic patterns or a change to existing transportation systems.

**#14. Impact on Energy**

*The proposed action may cause an increase in the use of any form of energy.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as NO.

No new special demands on energy will be created.

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

*The proposed action may result in an increase in noise, odors, or outdoor lighting.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as YES, due to sub-questions d and e on the EAF.

Per Carl Rode with C&S Engineers, the project will include directional lighting mounted to the perimeter of the structure and may occasionally require portable lighting on an as needed basis when loading or unloading vessels, railcars or trucks. Lighting is not planned to shine onto adjoining properties or contribute to a brighter sky-glow in the area. However, for questions a. – c. there are no or small impacts occurring; i.e. the action is not expected to produce increased levels of noise, introduce routine odors and will not involve blasting. The proposed action renders no impact on noise, odor and light. The Board determined that there are no moderate impacts for this section.

**#16. Impact on Human Health**

*The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this would be recorded as YES, due to sub-question a. on the EAF.

Per Carl Rode with C&S Engineers, the project is located within 1,500 feet of an urgent care or health facility (Oswego Health Lakeview Primary Care Medical Center at 29 East Cayuga Street and Headstart at 45 East Schuyler Street). However, the rest of the questions on the EAF of Question #16 are no or small impact; the proposed action renders no impact on those

surrounding health care facilities. The Board determined that there are no moderate impacts for this section.

**#17. Consistency with Community Plans**

*The proposed action is not consistent with adopted land use plans.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as **NO**.

The Port is consistent with community plans. There are plans that demonstrate the importance of having a port, and the Port being able to expand, and the Port being able to support vital economic functions within the existing footprint of the facility.

**#18. Consistency with Community Character**

*The proposed project is inconsistent with the existing community character.*

Per the Board, after consideration and discussion with counsel and C&S Engineers, this can be recorded as **YES**.

A new structure to the facility is being introduced, however, all of the sub-questions are no or small impacts. The Board referred to its prior discussion on visual impacts. Chairperson Enwright commented that Oswego is "The Port City", that this is what Oswego was built on, this is what people expect, and that everything that the Port is doing is in line with who and what Oswego and what the Port is.

**Motion 09-05-2301:** A motion was made by Board Vice-Chairperson Cosemento at 5:14 PM that upon completion of the review of SEQR Part 2, have Ms. Allison Phillips with Young/Sommer LLC and C&S Engineers proceed with preparing a draft SEQR Part 3 for the Board to review and consider at its September 18, 2023 Board Meeting. Motion was seconded by Board member Zeller.

	<u>AYE</u>	<u>NAY</u>
Ms. Cosemento	Yes	
Dr. Kares Smith	Yes	
Mr. Enwright	Yes	
Mr. Schneider	Yes	
Ms. Zeller	Yes	

Motion passed. 5-Aye, 0-Nay.

Mr. Schneider left the meeting at 5:21 PM.

**ADJOURNMENT**

**Motion 09-05-2302:** A motion was made by Board member Zeller and seconded by Board member Dr. Kares Smith to adjourn the Special Meeting for Dome 4 SEQR Review at 5:31 PM. Motion passed