

Jeffery W. Davis  
Partner

March 24, 2023

**VIA HAND DELIVERY**  
**VIA ELECTRONIC MAIL**

Town of Clay  
Town Board  
c/o Mark Territo, Commissioner of Planning & Development  
4401 Route 31  
Clay, NY 13041

Re: White Pine Commerce Park  
Zoning Amendment – Zone Change Petition

Dear Supervisor Ulatowski and Honorable Members of the Town Board:

Barclay Damon LLP represents the Onondaga County Industrial Development Agency (“OCIDA”). OCIDA owns multiple properties in the White Pine Commerce Park (the “Park”) within the Town of Clay. The Park was created to support a mix of industrial and/or commercial uses with related office space, advanced state-of-the-art research, large-scale or small-scale manufacturing or assembly, warehousing, data management, material processing, and distribution facilities, all in a campus-like setting. To enhance the viability of large-scale developments, OCIDA has expanded the Park’s footprint, and to ensure the Park achieves its purpose, the underlying zoning of OCIDA’s properties within the Park must be changed.

Please let this letter of intent and attached exhibits serve as OCIDA’s Zone Change Petition (“Petition”) with respect to multiple parcels within the Park. Currently, OCIDA owns over 1,200 acres and 64 parcels within the Park. Please note that any parcel not owned by OCIDA is not part of this Petition request.

Of the 64 properties owned by OCIDA, 9 parcels are already zoned Industrial 2 (“I-2”) under the Town of Clay Zoning Code (“Zoning Code”). The I-2 zoned parcels make up 339.41 acres, or over one-quarter (28.7%) of the Park. The remaining parcels, approximately 861.58 acres, are zoned Residential Agricultural District (“RA-100”) (53 parcels) and One Family Residential R-15 (“R-15”) (2 parcels).

The RA-100 and R-15 zones cannot support the goals and uses desired in the Park. The RA-100 and R-15 zones permit or specially permit, for example, single-family housing, schools, religious institutions, community centers, cemeteries, commercial greenhouses or nurseries, farms, veterinary facilities, and outdoor recreational facilities.

Meanwhile, the I-2 zone, permits: wholesale, warehouses, trucking terminals, manufacturing, utility substations, public self-storage, building products sale and storage, by Planning Board Site Plan Approval. By Town Board special permit, the I-2 zone permits: heavy equipment sales, service, storage, and display; contractor’s service yard; motor vehicle storage; and motor vehicle rental. The I-2 zone also has no minimum with respect to area, width, or depth. The I-2 zone is situated to catalyze development of the Park, bringing the vision to reality and creating numerous benefits for the Town in the form of capstone developments that are regional destinations, increased tax revenue, and additional economic growth. In light of the importance of the I-2 zoning to the Park, OCIDA respectfully petitions for the rezoning of the 53 parcels zoned RA-100 and 2 parcels zoned R-15 within the Park to the I-2 zoning classification.

The table below lists the parcels owned by OCIDA and their respective zoning classifications. The Map ID column relates to the identification number in the image that follows. The table below is also attached as Exhibit 3, and a copy of it in excel format accompanies the electronic submission of this Petition.

<b>Map ID</b>	<b>Tax Parcel #</b>	<b>Address</b>	<b>Acreage</b>	<b>Zoning</b>
1	046.-02-01.0	8700 Caughdenoy Road	25.62	I-2
2	046.-02-02.1	Caughdenoy Road	21.63	I-2
3	046.-02-02.2	8676 Caughdenoy Road	3.17	I-2
4	046.-02-03.1	8632 Caughdenoy Road	49.44	I-2
5	046.-02-04.0	State Route 31	18.06	I-2
6	046.-02-05.1	5181 State Route 31	3.70	I-2
7	046.-02-05.2	5171 State Route 31	37.27	I-2
8	048.-01-01.0	8720 Caughdenoy Road	99.24	I-2
9	048.-01-02.2	Caughdenoy Road	88.15	I-2
12	048.-01-21.0	Burnet Road	35.65	RA-100
13	048.-01-22.0	Burnet Road	26.24	RA-100
14	048.-01-23.1	8739 Burnet Road	198.33	RA-100
16	048.-01-23.3	8751 Burnet Road	0.93	RA-100
19	049.-01-03.0	Burnet Road	33.36	RA-100
20	049.-01-04.0	8722 Burnet Road	0.77	RA-100
21	049.-01-05.0	8718 Burnet Road	1.04	RA-100
22	049.-01-06.0	8710 Burnet Road	0.73	RA-100
23	049.-01-08.1	8694 Burnet Road	5.44	RA-100
24	049.-01-09.1	8688 Burnet Road	17.38	RA-100
25	049.-01-10.1	8668 Burnet Road	7.58	RA-100

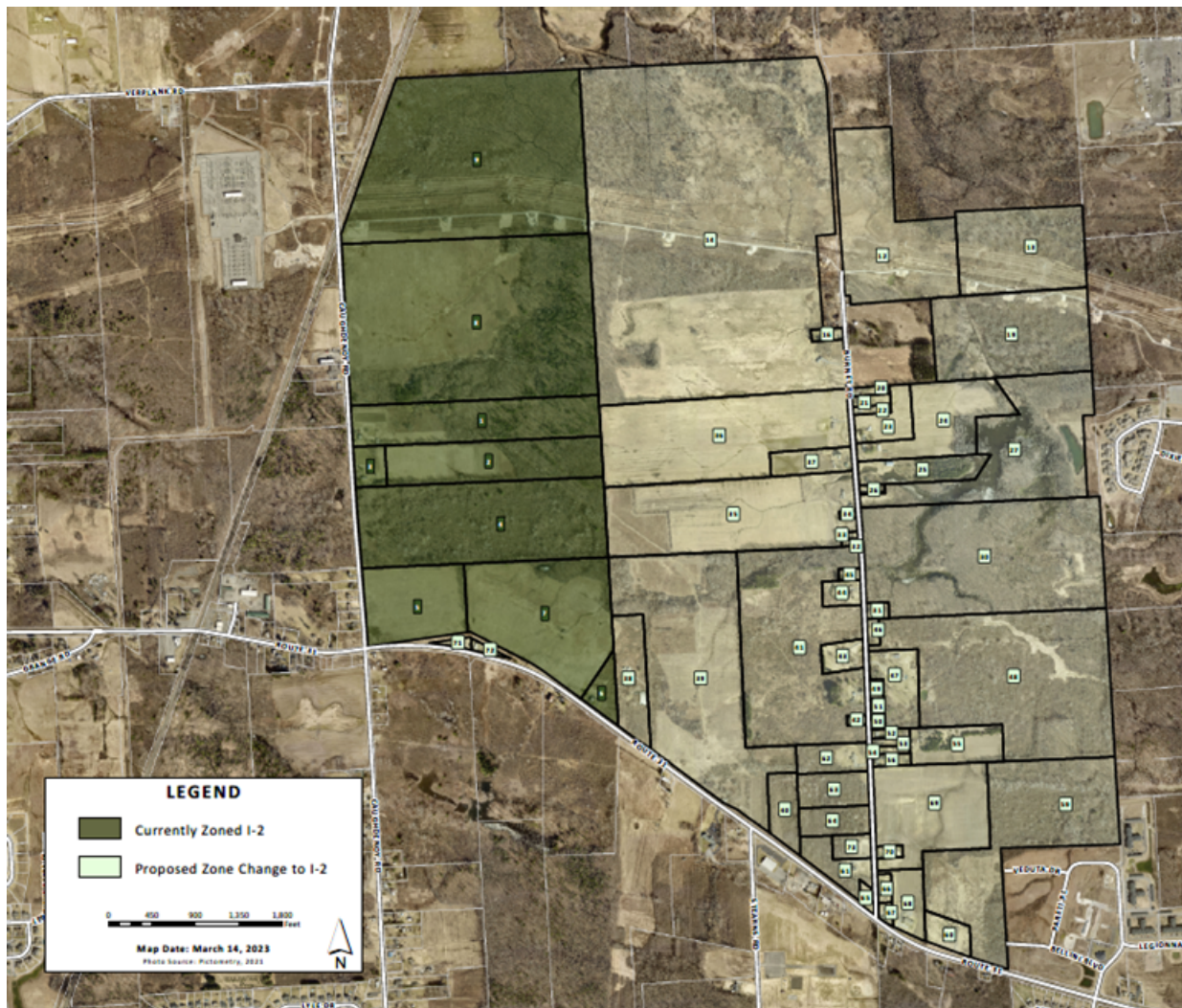
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26	049.-01-11.0	8664 Burnet Road	0.46	RA-100
27	049.-01-12.2	Burnet Road	36.97	RA-100
30	049.-01-13.0	Burnet Road	64.28	RA-100
31	049.-01-14.0	8594 Burnet Road	0.85	RA-100
32	049.-01-15.0	8631 Burnet Road	0.30	RA-100
33	049.-01-16.0	8635 Burnet Road	0.30	RA-100
34	049.-01-17.0	8647 Burnet Road	0.30	RA-100
35	049.-01-18.4	8653 Burnet Road	43.34	RA-100
36	049.-01-19.1	8699 Burnet Road	45.33	RA-100
37	049.-01-19.2	8677 Burnet Road	4.86	RA-100
38	050.-01-01.0	State Route 31	9.95	RA-100
39	050.-01-02.1	5267 State Route 31	64.65	RA-100
40	050.-01-03.1	State Route 31	5.27	RA-100
41	050.-01-04.1	8543 Burnet Road	52.73	RA-100
42	050.-01-04.2	8531 Burnet Road	0.46	RA-100
43	050.-01-04.3	8549 Burnet Road	3.00	RA-100
44	050.-01-04.4	8617 Burnet Road	2.39	RA-100
45	050.-01-05.0	8623 Burnet Road	0.62	RA-100
46	050.-01-06.0	8574 Burnet Road	0.79	RA-100
47	050.-01-07.1	8558 Burnet Road	7.77	RA-100
48	050.-01-07.2	Burnet Road	66.80	RA-100
49	050.-01-08.1	8546 Burnet Road	0.66	RA-100
50	050.-01-08.2	8526 Burnet Road	0.53	RA-100
51	050.-01-09.0	8536 Burnet Road	0.53	RA-100
52	050.-01-10.0	8516 Burnet Road	0.82	RA-100
53	050.-01-11.1	8512 Burnet Road	0.77	RA-100
54	050.-01-12.1	8508 Burnet Road	0.73	RA-100
55	050.-01-13.2	Burnet Road	8.45	RA-100
56	050.-01-13.3	8502 Burnet Road	1.15	RA-100
59	051.-01-05.1	State Route 31	44.27	RA-100
60	051.-01-05.4	5397 Burnet Road	3.43	RA-100
61	051.-01-10.9	8447 Burnet Road	5.50	RA-100
62	051.-01-10.6	8501 Burnet Road	5.05	RA-100
63	051.-01-10.7	Burnet Road	6.00	RA-100
64	051.-01-10.8	Burnet Road	5.00	RA-100
65	051.-01-12.0	8419 Burnet Road	1.14	RA-100

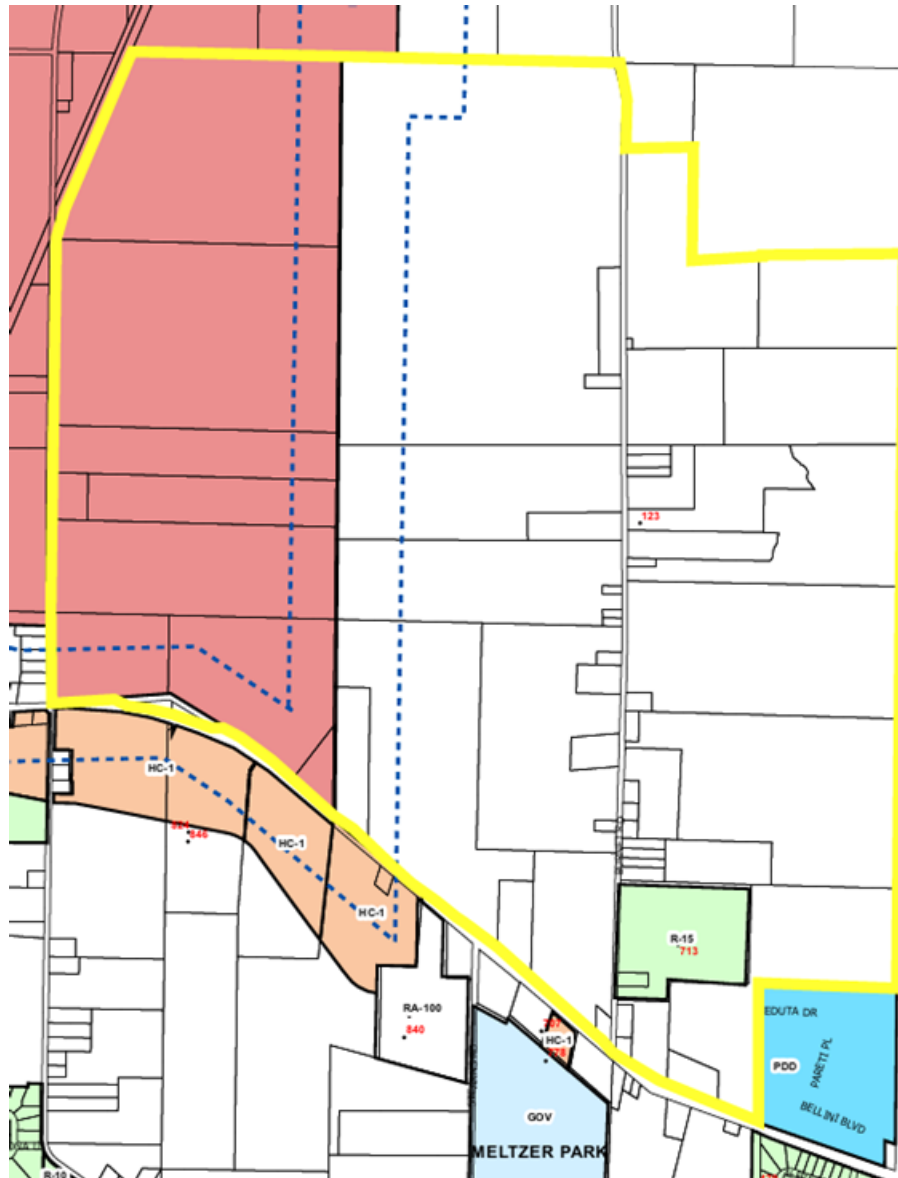
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66	051.-01-13.1	8424 Burnet Road	1.11	RA-100
67	051.-01-13.2	5363 State Route 31	0.97	RA-100
68	051.-01-13.3	5367 State Route 31	5.30	RA-100
69	051.-01-14.1	Burnet Road	25.85	R-15
70	051.-01-14.2	8450 Burnet Road	0.79	R-15
71	064.-01-06.3	Caughdenoy Road	1.32	RA-100
72	064.-01-08.0	5117 State Route 31	1.05	RA-100
73	051.-01-10.1	State Route 31	2.29	RA-100

In the image below, parcels zoned I-2 are shaded in dark green and the parcels zoned RA-100 (that parcels subject to this Petition) are zoned light green. This image is also attached as Exhibit 4.



Below, is a modified excerpt of the Town Zoning Map. The Park is outlined in yellow. The I-2 zoned parcels are red, RA-100 parcels are white, and R-15 parcels are light green.



Enclosed, please find the following Exhibits:

1. Town of Clay Petition for Change of Zone Application Form
2. Zone Change Petition – Standards of Review Analysis
3. List of OCIDA owned parcels
4. Zone Change Petition Aerial

5. Environmental Assessment Form from FSGEIS Completed by OCIDA
6. July 2021 Findings Statement
7. Evidence of Site Ownership – Deeds of OCIDA Owned Parcels
8. OCIDA Resolution Authorizing Zone Change Application
9. Zone Change Petition fee of \$400.00

### **Town Zoning Amendment Procedure and Planning Board Recommendation**

Under Zoning Code § 230-24.B(2), the Town Board shall approve the adoption of all modifications to the Town Zoning Code and corresponding changes to the zoning map. Pursuant to Zoning Code § 230-24.C(3)(d), OCIDA asks that Town Board to refer the Petition to the Town Planning Board for advisory review and comment. In turn, under Zoning Code § 230-159.E, OCIDA requests the Planning Board schedule the required informational hearing on the Petition then submit its written recommendation to the Town Board in a timely manner. For use and consideration by the Town Board and Planning Board in respective duties, OCIDA attaches a Zoning Change Petition – Standards of Review Analysis as Exhibit 2, which analyzes the standards of review for zoning map amendments set forth in Zoning Code § 230-24.C(2)(a)-(c).

### **General Municipal Law**

Pursuant to General Municipal Law (“GML”) §239-m, we ask that a full statement of the proposed action be referred to the Syracuse-Onondaga County Planning Agency, Onondaga County Planning Board. Additionally, pursuant to GML § 239-nn, please provide the Town of Cicero Town Clerk notice of any public hearing in relation to the Petition.

### **State Environmental Quality Review Act**

Article 8 of the New York Environmental Conservation Law and 6 NYCRR Part 617 (“SEQRA”) requires state and local government agencies to consider environmental impacts of proposed actions during discretionary decision-making. In this case, development of the Park is part of a 2013 Final Generic Environmental Impact Statement (“GEIS”) and 2013 Finding Statement conducted by OCIDA as lead agency. The present expansion and development of the Park, inclusive of the Petition request, has been thoroughly evaluated and reviewed by OCIDA as part of its 2021 Final Supplemental GEIS, for which the Town of Clay Town Board, Zoning Board of Appeals, and Planning Department were involved agencies. Following issuance of the 2021 Final Supplemental GEIS, OCIDA issued its Findings Statement. The 2021 Findings Statement is enclosed as Exhibit 6 to this Petition and its conclusions are fully incorporated in this Petition. After taking a hard look and evaluating criteria for determining significance, the Finding Statement concludes that consistent with social, economic, and other essential considerations, the Park expansion and development, and underlying zoning map amendment (and this corresponding Petition request), avoids, minimizes, or mitigates to the maximum extent practicable, all significant adverse environmental impacts.

**Conclusion**

The Petition request is a significant step in bringing the White Pine Commerce Park to life and bringing the positive impacts of such a transformational development to reality, to the Town of Clay, and the region. We look forward to further discussing OCIDA's Petition with the Town. Thank you for your consideration.

Very truly yours,

**/s/ Jeffrey W. Davis**

Jeffrey W. Davis

JWD:amg  
Enclosures

cc: Robert Germain, Town of Clay Town Attorney  
Onondaga County Industrial Development Agency