

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
COMPLIANCE STATEMENT**

**Albany Port District Commission Marmen Welcon LCC Tower
Manufacturing Plant Project**

Lead Agency: Town Bethlehem Planning Board

Date: October 27, 2021

The purpose of this SEQR compliance document is to evaluate mitigation measures identified in the Findings Statement issued by the Planning Board as Lead Agency on June 2, 2020 and to confirm the mitigation identified for this proposed action is compliant with those measures.

1.0 INTRODUCTION

Name of Action: Albany Port District Commission (“APDC”) Port of Albany Expansion Project

Description of Action: The proposed project consists of a 589,000 +/- square foot (s.f.) offshore wind tower manufacturing facility spread out over five (5) separate buildings (“the Project”). The Project also includes a 500 linear foot wharf along the Hudson River to ship completed tower sections, for which dredging will be required, and a gated bridge over the Normans Kill creek to provide trucking transportation in and out of the facility. Tower production will occur within four (4) buildings (buildings A thru D) located on the Port Expansion property located in the Town of Bethlehem. The fifth building (Building E) is located at 700 Smith Boulevard within the existing Port District in the City of Albany, and employee parking with an area of approximately 4.4 acres will be located on the National Grid parcel abutting Beacon Island.

Project Location: 81.62 acres of vacant land at the Beacon Island site (tax map parcels 98.00-2-10.23 and 98.01-2-1.0) east of River Road (NYS Rt. 144), south of Normans Kill and north of PSEG property in the Town of Bethlehem, Albany County, NY (“Project Site”). Approximately 14.7 acres of vacant land at 700 Smith Boulevard in the City of Albany (Tax Map No. 87.10-4-1) and 2.5 acres of on the National Grid property abutting Beacon Island in the Town of Bethlehem (Tax Map No. 98.00-2-10.21).

2.0 DESCRIPTION OF THE PROPOSED ACTION

2.1 Project Description

The Project consists of a 589,000 +/- s.f. (approximate) offshore wind tower manufacturing facility spread out over five (5) separate buildings. The Project also includes a 500 linear foot wharf along the Hudson River to ship completed tower sections, for which dredging will be required, and a gated bridge over the Normans Kill Creek to provide trucking transportation in and out of the facility. Tower production will occur within four (4) buildings (buildings A thru D) located on the Port Expansion property located in the Town of Bethlehem. The fifth building (Building E) is located at 700 Smith Boulevard within the existing Port District in the City of Albany. The following is a breakdown of the function and size of each building:

- | | |
|-------------------------------------------|----------------|
| 1. Building A Plate Preparation & Welding | (289,931 s.f.) |
| 2. Building B Welding Finishing | (99,936 s.f.) |
| 3. Building C Blast Metallization Plant | (121,593 s.f.) |
| 4. Building D Internal Assembly finishing | (57,898 s.f.) |
| 5. Building E Material receiving | (19,600 s.f.) |

The Project (Marmen-Welcon Facility) will employ up to 550 full time workers. As shown on the concept plan, employee parking will be situated on the adjacent lands owned by National Grid with access from River.

Project elements or construction of the proposed development includes:

- Approximately 589,000 s.f. of warehouse buildings
- Approximately 500 linear feet of new wharf and dredging activities along the western bank of the Hudson River
- Bridge over Normans Kill channel
- Employee surface parking to be partially constructed on adjoining land owned by National Grid
- Site utilities (e.g., water, sanitary, power and communications)
- Internal roadway infrastructure and offsite road improvements
- Rail access improvements
- Stormwater management systems, including treated runoff outfalls to the Normans Kill and the Hudson River

The Final Generic Environmental Impact Statement (“FGEIS” or “Final GEIS”) addressed a conceptual project consisting of a 1,130,000 square foot buildout. The Supplemental Draft Environmental Impact Statement (“SDEIS” or “Supplemental EIS”) under separate cover, addresses only the components of the Project that were not contemplated as part of the original conceptual project in the FGEIS (May 2020) accepted by the Town of Bethlehem. Project components or supplemental Project Area subject to the SDEIS include the locations of 700 Smith Boulevard, the employee parking on the National Grid parcel, impacts to submerged aquatic vegetation (SAV) and an increase in building height. Therefore, this compliance statement addresses how the implementation of the specific Marmen Welcon Manufacturing Facility complies with the Findings statement issued in June 2020.

2.2 Purpose and Need

The Port of Albany is a significant contributor to the economic activity and trades for the region, playing a key role in the multi-modal transportation and supporting production, distribution, and consumption of goods and services.

APDC has the need to expand their current land holdings in order to accommodate demand and support the New York State in achieving its renewable energy goals by providing additional port infrastructure, building space, cargo and wharf capacity necessary for the manufacturing and distribution of wind turbines.

The Project is essential for port dependent users and will address immediate and future needs, with the ability to provide and locally support renewable energy developments proposed by New York State and other regions in the U.S. The Project Site is owned by the APDC, with the exception of the 4.4 acre parcel owned by National Grid. The acquisition of the Project Site by APDC was a strategic and critical investment for the successful implementation of providing additional port terminal capacity for New York State.

The Project will be the first OSW tower manufacturing facility in the United States and is forecasted to create upwards of 500 construction jobs and approximately 350 full time new jobs. Additionally, the Project is expected to help in reducing U.S. reliance on imported OSW components.

3.0 COMPLIANCE WITH ENVIRONMENTAL MITIGATION

3.1 Soils, Geology and Topography

- A. The Project will be designed to balance earthwork, and therefore it is anticipated that on-site soil or other fill material will be kept at the Project Site and off-site disposal of cut material is avoided to the maximum extent possible; therefore, no off-site disposal is being proposed.
- B. The soils at the Beacon Island parcel were addressed in the FGEIS. Since completion of the FGEIS, a Soil Management Plan (SMP) (dated August 13, 2021) has been developed by Atlantic Testing Laboratories and reviewed by NYSDEC. Also, SMP (dated March 2020) was developed by CHA Consulting inc., for the 700 Smith Boulevard parcel. The SMP outlines procedures to implement for planned excavation activities in areas with and without impacts from ash, installation of a soil cover system in areas of ash material or other potential impacted fill, and management of waste soil and/or groundwater. The SMP also addresses protocol for monitoring and sampling and analysis during excavation and site work, and recommendations for installation of vapor barrier systems beneath proposed buildings.
- C. Subsurface soil and groundwater sampling was performed by ATL in accordance with NYSDEC DER-10: Technical Guidance for Site Investigation and Remediation prior to site development to assess the potential for contaminants in exceedance of 6NYCRR Part 375-6 and/or NYSDEC CP-51: Soil Cleanup Guidance Policy recommended soil cleanup levels. The subsurface investigations will be developed under the review and approval of the NYSDEC Coordination with the NYSDEC will occur as part of future surface, subsurface investigations and remedial actions.
- D. Construction activities will abide by the Town of Bethlehem's Town Code §81-5 regarding construction noise and hours of operation. Construction related impacts, including soil erosion and sedimentation will be mitigated through appropriate Erosion and Sediment Control as designed and enforced in accordance with the NYSDEC New York State Standards and Specifications for Erosion and Sediment Control.
- E. During civil site work, construction particle velocities will be monitored, and techniques modified as required to achieve the desired densification and maintain particle velocities below the residential threshold at the Proposed Project's property limits or sensitive facilities within the Project Site. While impacts on noise or vibration are anticipated to be negligible or non-existent, noise would be monitored as needed.
- F. Construction activities will comply with the Town of Bethlehem's Local Law No. 5- 2009 (Town Code Chapter 81) noise requirements.
- G. Rock removal for the construction of driveways and utilities is expected. Blasting as a method of removing rock is not anticipated; however, if conditions are such that the contractor determines that blasting is a more efficient method of removal, a blasting plan will be prepared and provided to the Planning Board for review and approval at the time of site plan application. The blasting plan will include such items as: notification of neighbors; the duration of blasting operations, the use of protective mats; and monitoring of particle velocity with instrumentation.
- H. A Stormwater Pollution Prevention Plan (SWPPP) (dated October 2021) has been prepared by

McFarland Johnson, Inc., (MJ), and involves Erosion and Sediment Control measures and bioretention ponds to be constructed to address stormwater run-off. The SWPPP is subject to the Town of Bethlehem's review (including the Town's TDE) with the Town issuing a MS4 SWPPP Acceptance Form once deemed acceptable. The applicant will also gain coverage under General Permit GP-0-20-001 prior to any site disturbances.

- I. Dredging is under the jurisdiction of the NYSDEC and the U.S. Army Corps of Engineers (USACE), as such a Sediment Sampling and Analysis Plan (SSAP), dated September 24, 2020, has been prepared in accordance with TOGS 5.1.9 guidelines and will follow other site-specific requirements under a NYSDEC 401 Water Quality Certification and Article 15-Protections of Waters Permit.
- J. Following the NYSDEC requirements, SMP has been prepared that will require implementation of engineering controls.
- K. Prior the beginning of the dredging phase, a Dredge Material Management Plan will be developed and subject to NYSDEC review. This plan will stipulates using a closed clamshell environmental bucket, or similar method for sediment removal. All in-water work areas for both dredging and wharf construction will be completed within the confines of a weighted turbidity curtain, which will isolate work areas from other areas of the river. Also a Dewatering Plan will be prepared.
- L. Due to the presence of coal fly ash and bottom ash, subsurface investigations were required to adequately assess the potential for contaminants across the Project Site. The implementation of the SMP and engineering controls will mitigate any potential effects to the environment and human health.

3.2 Vegetation and Wildlife

- A. An application to NYSDEC to comply with Article 15- Protection of Waters, USACE Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act has been prepared and submitted to the USACE for review and approval (case numbers AN-2021-00948-UDA) .
- B. Coastal Consistency review by the NYSDOS will be performed to determine consistency with the New York State Coastal Management Program (NYCMP).

A SWPPP has been prepared, dated August 17, 2021, that outlines the erosion and sediment control measures to be implemented to mitigate water quality impacts and to maintain river and Normans Kill bank cover, soil stabilization, and providing adequate riparian buffer areas for significant coastal fish and wildlife habitat. The installation of a protective silt fence and floating turbidity barriers will serve as mitigation measure for potential impact.

- C. The wharf and associated caissons (Piles) will be recessed back approximately 40 feet from the existing shoreline to provide an earthen barrier during construction to mitigate underwater noise impacts to Atlantic sturgeon and Shortnose sturgeon. The permanent steel casing for the drilled shaft foundations and the sheet pile wall components would be vibrated in, rather than utilizing an impact hammer. An impact hammer would be used only to seat the steel casing within the first few inches in the top of rock. Other BMPs considered include:

- Use of pre-drilling prior to vibratory hammering
 - Implement soft start (i.e., pile tapping) prior to full energy impact hammering
 - If necessary, cushion blocks, air bubbles curtain or other noise attenuating tools would be implemented when impact hammering to avoid reaching noise levels that could cause injury or behavioral disturbance to these species
 - Use of nets, tarps, and/or pans during construction of the bridge deck over the Normans Kill and removal of any debris that falls into the water
 - A SWPPP will be implemented and maintained during the construction phase to be implemented and address potential water quality impacts
- D. Dredging activities will be conducted as per 2020 FGEIS (September 1 and November 30) and use of a turbidity curtain will mitigate Atlantic Sturgeon and Shortnose sturgeon impacts.
- E. The Project will result in approximately 0.21 acre of impacts to SAV. Based on correspondence from NYSDEC dated August 29, 2020, SAV (*Vallisneria americana*) is recommended to be transplanted and added to the other adjacent SAV bed to remain. Additionally, eight (8) individuals of *Leptodea fragilis* (freshwater mussel) were detected within the dredging limits and recommended for relocation as per NYDEC. If needed, alternate mitigation strategy will be developed in coordination with USACE and NYSDEC.
- F. Removal of trees will only be performed between November 1 and March 31 to mitigate potential impacts to the Northern Long-eared Bat.
- G. The mitigation measures implemented to avoid and minimize potential impacts to water quality, SAVs and freshwater mussels will equally serve as mitigation to avoid and minimize potential impacts to Shortnose sturgeon. The Project is committed to maintaining a collaborative approach with NYSDEC to offset foreseeable impacts.

3.3 Regulated Wetlands and Surface Waters

- A. Surface waters – All required NYSDEC and USACE permits applications will be submitted that will outline foreseeable impacts, mitigation measures and BMPs to be implemented, including preservation of existing vegetation in natural state along the Project Site shoreline of the Hudson River. Permits include NYSDEC 401 Water Quality Certification and Article 15 Protection of Waters Permit, and USACE Section 404/Section 10 Individual Permit. Permit applications have been submitted to these agencies and are under review under USACE case numbers AN-2021-00948-UDA, and NYSDEC case number 4-0122-00322/00002.
- B. Wetlands – USACE Section 404/ Section 10 Individual Permit will be obtained. Construction associated with the waterline connection will avoid impacts to wetlands. Temporary wetland impacts will be restored to preconstruction conditions. Compensatory wetland mitigation for permanent impacts would be satisfied, in coordination with the USACE, by purchasing credit from mitigation bank (e.g., The Wetland Trust) depending on the final specific details of the Project.

3.4 Floodplains and Floodways

- A. All building structures will be constructed at a finished floor of at least elevation 21.0 feet (NAVD 88). This elevation places the buildings 3.0 feet above the current FEMA 100-year Base Flood Elevation (BFE), and 2.0 feet above the FEMA 100-year BFE modified and above the projected sea level rise (19 inches).
- B. Given the definitions in the Draft NYS Flood Risk Management Guidance for Implementation of the CRRRA, the Project is considered to be a non-critical facility; it is located within a tidal area of the Hudson River; and the Project's anticipated useful life is 50 years. This would make the medium projection of sea level rise 25 inches, or 2.1 feet over the life of the Project. Assuming a BFE of 18, the resulting Finished Floor Elevation (FFE) of the building would be 22.1 feet (18 feet + medium sea level rise of the Project life + 2 feet). The Project's current FFE is 21.0 feet, which was established to keep the Project safely above the BFE, account for sea level rise, and balance the earthwork of the Project Site to the greatest extent practicable.
- C. The proposed package treatment plant (described in FGEIS Section 3.10) will be designed and installed to exceed the NYSDEC DRAFT New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act (CCRA). The package treatment plant will be designed and constructed to be resilient and operable at flood elevation of 22.1 feet (BFE of 18 feet, plus the 50 year-medium projection sea level rise of 2.1 feet, plus 2 feet of freeboard).
- D. A mobilization plan will be prepared to identify any outdoor storage of potential pollutants, and describe the actions to move any mobile equipment to higher ground within the existing Port District storage areas prior to a flood event.
- E. A Floodplain Development Permit application pursuant to Bethlehem Town Code Chapter 69- Flood Damage Prevention will be submitted to the Town of Bethlehem Building Division to comply with floodplain design standards that meet or exceed floodplain development requirements and building codes.

3.5 Groundwater

- A. A SWPPP will be prepared per NYSDEC regulations that will outline appropriate erosion and sediment controls, and stormwater management.
- B. The applicant will be required to obtain any required discharge permits with either coverage under a general permit or an individual SPDES permit.
- C. Fuel/chemical storage will be stored in compliance with NYSDEC State Pollutant Discharge Elimination System (SPDES), NYS Petroleum and Chemical Bulk Storage Programs and USEPA Spill Prevention, Control, and Countermeasure (SPCC) regulations as required.

3.6 Climate and Air Quality

- A. The APD will encourage tenant to adopt the following practices, as applicable, to reduce GHG emissions including but not limited to: implement Leadership in Energy and Environmental Design (LEED) certified practices, green vehicle purchases, not allow truck idling, high efficiency heating, a

ventilation, and an air-conditioning (HVAC) systems, utilize local building materials, recycling program, insulation to minimize heat loss, window glazing, use of public transportation, including rail and river access, and conservation of natural areas, including shoreline and wetlands, water metering, optimizing energy performance, and renewable energy production (solar energy).

- B. Construction impacts will be mitigated with dust suppression and air monitoring by the NYSDEC at the perimeter of the property. A Community Air Monitoring Plan (CAMP) will be completed during construction to protect off-site receptors from potential air toxins as a result of construction activities on-site.
- C. Any air emissions from potential future manufacturing activities will be regulated by the NYSDEC and the USEPA. The NYSDEC requires that entities operating within New York obtain air permits prior to constructing or operating a source of air emissions, unless the activity or source of emissions has been specifically exempted. The facility qualifies to be approved under the NYSDEC Air State Facility Permit as a minor facility of regulated air pollutants..
- D. A hydrogen sulfide odor threshold will be in accordance with NYSDEC DAR-1.
- E. The Project is committed to minimize its environmental footprint on neighboring communities, especially nearby disadvantaged communities. The Project will institute as needed mitigation strategies and procedures, and utilizes high precision, state-of-the-art manufacturing equipment and technologies at its facilities. During the operational phase, the employees will receive on the job, site specific training, with emphasis on worker safety, pollution prevention and environmental compliance.
- F. Air emissions for Ezra Prentice community will also be mitigated by the establishment and enforcement of required truck routes through existing City of Albany streets through the Port District and State Routes and use of enforcement measures to avoid traffic related to the Proposed Action from seeking alternate routes so as to eliminate new trucks traveling on South Pearl Street. Final GEIS Section 3.7 details the required truck route and additional mitigation. Section 3.7 below also describes traffic and transportation mitigation.
- G. Additional Environmental Justice review and public outreach process will be followed at time of site plan application by implementing the NYSDEC Commissioner's Policy 29 (CP-29) at time of NYSDEC permit application concurrently with the Town of Bethlehem Site Plan application.

3.7 Traffic and Transportation

- A. All truck traffic associated with the Proposed Action will be directed to utilize required truck routes (as shown on Figure 3.7-2) and will be restricted from making right turns onto South Pearl Street (NYS Route 144) at the South Port Road intersection to eliminate any additional trucks passing through the Ezra Prentice and other residential communities. This route will also be implemented for all anticipated temporary truck traffic associated with construction activities.
- B. All tenant leases for the Project Site will include clause(s) that require strict adherence to the required truck route as a tenant obligation. APDC will enforce the negotiated lease clause(s) through progressive actions such as judicial injunction and may void the lease of any tenant that breaches such obligation or fails to cure within the timeframes set forth in such leases. A copy of the tenant lease clause shall be provided to the Bethlehem Planning Board as a condition of any site plan approval.

- C. A video surveillance camera will be installed by the APDC near the intersection of South Port Road and Normanskill Street to monitor and ensure truck traffic follows the required truck route. This surveillance camera will be added to the Port's extensive security system that is monitored by the City of Albany Police Department as well as the Port's security team.
- The camera installation will occur as a condition of the future site plan approval.
- D. Additional signage will be installed on the roadways within the Port District to indicate the required truck route.
- E. A traffic impact analysis was completed so that the specific trip generation and trip distribution of tenants can be applied to the 12 intersections analyzed, reflecting potential change in intersection operations, significant impacts and additional mitigation necessary. Summary of the tenant specific traffic impact analysis findings are below:
- a. The 12 intersections were reviewed to determine which intersections we see altered proposed development related traffic volumes in comparison to the GEIS traffic study. Nine of the intersections are projected to have equal or lesser traffic volumes than originally projected. The three intersections noted below with altered traffic volumes were analyzed to determine the appropriate mitigation if any required for the proposed development:
- NYS Route 32 (River Road) at South Port Road
 - NYS Route 144 (River Road) at NYS Route 32 (Corning Hill Road)
 - NYS Route 144 (River Road) at Proposed Southern Driveway
- b. The existing intersection of NYS Route 32 at South Port Road is operating at an acceptable LOS for the 2029 Background scenario and will continue to operate with an overall LOS 'A' during the morning peak hour and LOS 'B' during the evening peak hour. All approaches will maintain background LOS with only minor increases in delay. Due to the low volume of vehicles generated by the site performing turning movements at this intersection, the mitigation recommended in the 2019 traffic study is not warranted for the proposed development.
- c. NYS Route 144 (River Road) at NYS Route 32: This intersection is projected to operate at an overall LOS 'B' during the morning peak hour and LOS 'A' during the evening peak hour for the 2029 Background scenario. During the background scenario, the eastbound left turn approach is at a LOS 'F' during both peak hours. To mitigate the delay for this movement and to improve traffic operations at this intersection, it is recommended that a signal be considered which would be coordinated with the NYS Route 32/South Port Road intersection. Signalizing the intersection will decrease the delay the eastbound approach experiences from LOS 'F' to LOS 'B' during both peak hours. Follow up coordination with NYSDOT is recommended during the highway work permit process to determine if a traffic signal installation is approved.
- d. NYS Route 144 (River Road) at Proposed site Driveway: The driveway will be restricted to passenger vehicle traffic only as all truck traffic will be directed to South Port Road and Church Street as all deliveries will be received at the 700 Smith Blvd site. As outlined in the 2019 traffic study, this will be accomplished by including signage prohibiting trucks from using this entrance as well as enforcement by the Port, the Port's tenants, and local law enforcement.

- e. Due to sight distance restrictions, vehicles exiting the proposed site (via the driveway on NYS Route 144) will be limited to right turn movements only. It is recommended that NYS Route 144 (River Road) be widened to accommodate a left turn lane into the proposed site to increase safety by separating through traffic on NYS Route 144 (River Road) from vehicles slowing to turn into the site. As noted in the Draft SEIS traffic analysis mitigation, advanced guidance signage, intersection lighting and driveway warning advisory signage will be proposed as part of the NYSDOT highway work permit plans to increase visibility of the proposed driveway.
 - f. Along NYS Route 144 in the vicinity of the southern access driveway advanced notice signage to be installed to aid in notifying drivers in advance of the site driveway being visible.
 - g. Vegetation removal along both sides of NYS Route 144 (River Road) will be proposed in the NYSDOT highway work permit in order to maximize sight distance for vehicles turning right out of the proposed driveway.
 - h. A pre-post development speed study completed by NYSDOT is recommended at the proposed site driveways on NYS Route 144 to determine if the regulatory speed limits of 55-mph should be reduced to match the advisory speed limit of 45-mph.
- F. Site ingress and egress during construction and for emergency response would be via the southern access driveway, connecting the Project Site to River Road, and via South Port Road. Prior to construction, the APDC or applicant will need to apply for a permit from the NYSDOT to allow the southern driveway to operate as a full access ingress/egress driveway to be used for construction and emergency access. The construction access permit will include a detailed Maintenance and Protection of Traffic Plan (MP&T) that will include work zone speed limit (reduction) signage (to address limited sight distance resulting from existing regulatory 55 MPH posted speed limit), truck entrance signage, traffic calming barriers (cones, barrels), and advance traffic control warning features (signage with beacons, etc.).
- G. At the time of the initial site plan approval, the Port of Albany will contribute their fair share monetary portion of the funding to the Town necessary to conduct a Town initiated corridor study of NYS Route 144 (River Road).
- H. Port of Albany will include as part of their tenant lease, a condition that will require that each tenant have their shipments and contract deliveries enter and exit along the required truck routes and avoid South Pearl Street. This condition will also be made part of the trucking service contract that each tenant will execute with their trucking service provider. The trucking service carrier will then communicate the required truck route to be followed including turn by turn direction which will be printed on the Bill of Lading which is provided to every truck driver prior to delivery. Violators will be penalized through progressive actions such as judicial injunction with the possibility of termination of the trucking service contract and/or lease. It is expected that any deliveries from carriers such as the USPS, FedEx or UPS, to the Project Site would be handled by adding such deliveries to the delivery vehicle routes already in place on the transportation network.
- I. The APDC will implement a quarterly audit of their tenants trucking service contracts to ensure the identified truck routes are being followed. The APDC shall require tenants to maintain weekly monitoring logs reflecting daily reports of routes taken by drivers based on GPS data or

other measures to be determined at time of site plan review. The weekly logs shall be provided to APDC during the quarterly audit. It is commonplace and industry standard to have GPS units on all trucks. Some asset companies also require drivers to use handheld GPS units. These GPS units allow trucking companies and brokers to monitor the routes taken and driving behavior for all shipments and contract deliveries. The Town shall have the right to request and the APDC or tenant shall provide monitoring logs upon request.

- J. The APDC shall complete the design phase reflecting roadway upgrades to Smith Boulevard from Boat Street to Raft Street, including a portion of Raft Street, and complete the improvements reflected in the design, as these roadway infrastructure improvements serve as mitigation to accommodate the required truck route.
 - The Smith Street Rehabilitation project is current in the design phase.
- K. The new north access roadway is required to be improved starting at the new bridge over the Normanskill extending approximately 900 linear feet north connecting to existing South Port Road.
 - The proposed design plans for the Normanskill Rehabilitation are included in the SEQRR submission to the Town from the proposed bridge to (and including) Raft Street.
- L. During the site plan review process, the APDC shall conduct a life cycle analysis to better understand the remaining life of the roadway and assist to outline a schedule of future improvements necessary to ensure the roadway will continue to function as needed to support Project related truck traffic.
 - The internal roads supporting the proposed development's truck traffic are proposed to be rehabilitated at the time of project completion.
- M. Prior to any site plan approval, a roadway use agreement between the APDC and/or applicant, and the local municipality shall be entered into as an additional mitigation measure. The intent of the roadway use agreement is to ensure that the required truck route functions as intended as the primary mitigation measure to prevent Project related truck traffic from impacting the Ezra Prentice neighborhood.

The roadway use agreement shall require the applicant to evaluate the existing condition of the roadway, identify any improvements necessary to support the Project related truck traffic, provide local municipal oversight of the implementation of such identified improvements and ensure the APDC and/or applicant maintains the improved road in a condition as good as the improved condition identified for the life of the Project. Appropriate security shall be provided for repairs of the route due to damage caused by the project related truck traffic, should repairs be necessary, to enable the Town or City of Albany to undertake such repairs if the applicant fails to do so.

3.8 Drainage

- A. A SWPPP was developed in accordance with the permit regulations. The SWPPP will be reviewed and approved by the Town of Bethlehem as an MS4. The SWPPP is prepared in accordance with the NYSDEC Manual and meet the following criteria as the principal objectives contained in an approved SWPPP.
 - a. Reduction or elimination of erosion and sediment loading to waterbodies during construction activities. Controls will be designed in accordance with the NYSDEC's New York

- State Standards and Specifications for Erosion and Sediment Control.
- b. Mitigate the impact of stormwater runoff on the water quality of the receiving waters.
 - c. Mitigate the increased peak runoff rate of runoff during and after construction.
 - d. Maintenance of stormwater controls during and after completion of construction.
- B. All measures will be designed per the NYSDEC requirements and enforced during construction activities.
- C. A NYSDEC approved remedial program will be implemented and may include if needed a Health and Safety Plan (HASP), Community Air Monitoring Plan (CAMP), and Excavation Work Plan (EWP) to mitigate the movement of fly ash.
- D. The dredged material from the Hudson River will be dewatered in accordance to applicable regulation. A dewatering plan will be developed by the Dredging Contractor; this plan is subject to review and approval. Basic requirements of the dewatering plan include the following minimum stipulations:
- Dewatering shall be conducted in a manner that precludes adding substantial suspended solids, turbidity, or sheens of the receiving water body and in accordance with applicable permits.
 - Dewatering operations shall be performed to avoid re-suspending or pumping previously settled sediment.
 - All decant water shall be held in the decant holding scow a minimum of 24 hours after the last addition of water to the decant holding scow. Said water contained in the decant holding scow may only be discharged after this mandatory 24-hour retention time.
 - Should the Contractor wish to reduce the required holding time, the contractor shall demonstrate that the reduced holding time is sufficient to meet a total suspended solids (TSS) background value of 30 mg/L. The total suspended solids shall be determined through gravimetric analysis.
 - No discharge shall be permitted from the decant holding scow until the results of the gravimetric analysis have confirmed that the 30 mg/L background level has been achieved.
 - No additional water shall be added to the decant holding scow between the time of sample acquisition and discharge. Upon successful demonstration that the reduced holding time is sufficient to meet the TSS background level of 30 mg/L, the monitoring of TSS may be suspended and the demonstrated settling time shall replace the 24-hour minimum. A successful demonstration of the reduced holding time efficiency shall be determined once three consecutive TSS analyses have confirmed that the 30 mg/L action level has been achieved by the reduced holding time.
 - During pumping of the decant water from the holding scow, great care shall be taken to avoid resuspending or pumping sediment which has settled in the decant holding scow.
 - Decant water from this Project shall be discharged within the dredge area from where the sediment originated, in proximity to the dredging contract area.
- E. An SPDES permit (General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001) will be required for the Project. In accordance with then SPDES the Project will not be required to provide water quantity controls as it will discharge directly to a tidal water

3.9. Water Service (Potable and Fire Protection)

- A. The new 12" watermain into the site from NYS Route 144 will have adequate water to supply both the potable and fire demand as coordinated with the Town of Bethlehem. An offsite water main connection will link the two existing water mains along NYS Route 144 to aid in the water volume supply and will provide an overall benefit to the Town's water infrastructure. The new watermain design will be completed in accordance with AWWA Standard C600, the Town of Bethlehem Water District No. 1, Albany County Department of Health, and NYSDOH regulations. The Town of Bethlehem will not own or maintain any water distribution infrastructure located on the APDC property. The waterline within the Project Site will be privately constructed, owned, and maintained.
- B. Water during construction would be supplied temporarily by the contractor(s).
- C. All off-site water distribution system improvements within the right-of-way will be completed by the APDC or applicant entirely at their expense and will be offered to the Town of Bethlehem following installation at no cost to the Town of Bethlehem.
- D. The 700 Smith Boulevard development within the existing Albany Port District will connect to the existing 8" main that runs through the site. The facility is estimated to have a water demand of approximately 1,100 gpd. A will serve letter from the City of Albany will be provided prior to site plan approval.

3.10 Sanitary Sewer

- A. To treat the demands of the proposed building, a private onsite package treatment plant (PTP) of including aeration treatment as well as UV treatment is proposed. Due to the location of the project near the Hudson River a tertiary filter is required following the secondary treatment inside the PTP. A certified operator to inspect and monitor the system and send samples to the Environmental Protection Agency is also required. The package treatment system will be designed and permitted per the NYSDEC regulations. A SPDES permit from NYSDEC will be obtained. Specifications for the package treatment system are provided in Appendix G of the FGEIS.
- B. As the Beacon Island portion of the project is not proposed to connect to either the Town of Bethlehem's sanitary sewer system or the County of Albany's South Wastewater Treatment Plan, no upgrades or improvements to either system is necessary. Furthermore, no analysis of either existing system is required and therefore, a will serve letter, a district extension, or an intermunicipal agreement are not necessary.
- C. The 700 Smith Boulevard development within the existing Albany Port District will connect to the existing 12" VCP sanitary sewer main that runs through the site to the Albany County Water Purification District – South Plant system roughly 1,800 linear feet north of the site. The facility is estimated to produce approximately 1,100 gpd. A will serve letter from the City of Albany will be provided prior to site plan approval.

3.11 Historic, Cultural and Archeological Resources

- A. A Phase 1A Cultural Resource Survey was completed to meet the requirements of all federal, state, and local regulations in August 2002. The report content and format followed the standards used by the New York Archaeological Council and recommended by the New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP). A Phase 1B Study was completed in November 2002 to document the presence or absence of archaeological deposits and sites within the Project Site. An Additional Archaeological Evaluation was completed in December 2018.
- B. The NYSOPRHP indicated in a letter, dated March 14, 2019, no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be adversely affected by the Proposed Action as currently designed. All reports and correspondence are found in DGEIS Appendix L. A follow-up letter was submitted on August 6, 2019 regarding the increase in maximum building height to 85 ft. A determination of No Adverse Effect was issued on September 13, 2019.
- C. A supplemental letter and visual simulation were submitted to NYSOPRHP dated July 27, 2021, regarding the increased maximum height of the proposed development from 85 feet to 110 feet. It is not anticipated that the increase in building height will adversely affect properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places.

3.12 Aesthetic and Visual Resources

- A. An area variance from the Zoning Board of Appeals to address the 110-foot building height shall be pursued as needed.
- B. Building architectural design will be in keeping with the aesthetic nature of the surrounding buildings in the area.
- C. Building colors will blend in with existing surroundings.
- D. Lighting will be dark sky compliant.
- E. Proposed mitigation for sensitive receptors:
 - a. Location 1: Location 1 is at the end of South Port Street looking south into the site. The Project can be seen from this location. This viewshed is from the approaching access road through an existing industrial area. The access road is not a heavily trafficked thoroughfare and is only anticipated to be used by people accessing the site; furthermore, it is not practical to screen the Project from the access road. No additional mitigation is recommended at this location.
 - b. Location 2: Location 2 is the at northwest property line of the Project looking east into the site. The Project is partially visible from this location. This viewshed is within the access easement to the northern portion of the property. The Project has chosen not to use this access easement instead leaving the existing vegetation in place to screen the Project from both NYS Route 144 and the residence to the northwest. At this location the Project is viewed through the high voltage transmission lines originating at the PSEG plant and the existing railroad bed. The existing vegetation does screen the majority of the Project

and no further mitigation is recommended at this location.

- c. Location 3: Location 3 is on NYS Route 144 at the proposed southwest entrance to the Project looking east into the Project Area. This viewshed is within the right of way of NYS Route 144. The existing berm, screening the Project from NYS Route 144, has been retained to the greatest extent possible. While the Project can be seen from this location, it is anticipated that a viewer in a moving vehicle would only be able to see the Project for the briefest of moments. No additional mitigation is recommended at this location.
 - d. Location 4: Location 4 is from Glenmont Road at the location of cleared vegetation allowing a view of the Hudson valley looking east toward the Project. This viewshed is from Glenmont Road at a higher elevation and west of the Project. The Project is only slightly visible from this location. The vast majority of the Project is screened by existing vegetation with only the very tops of the buildings visible. No additional mitigation is recommended at this location.
 - e. Location 5: Location 5 is from the Hudson River looking west into the site. The Project is visible from this location. This viewshed is from the Hudson River. The eastern side of the Project is completely visible from this location. Along this stretch of the Hudson, many of the uses with direct river frontage are industrial, and views from the Hudson are already significantly impacted by the presence of these uses, particularly the PSEG to the south. Directly across to the Hudson on the east bank are multiple bulk oil storage facilities. Directly to the north is the existing Port of Albany. No additional mitigation is recommended at this location.
- F. The northern access easement to NYS Route 144 will not be utilized, so as not to create a visual opening in this area.
 - G. The building colors will be chosen to blend into the existing surroundings. All lighting on the Project will be full cut off, dark sky compliant and will not spill onto neighboring properties.

3.13 Land Use and Zoning

- A. An area variance from the Zoning Board of Appeals to address the building height shall be pursued as needed.
- B. The proposed maximum height dimension of 110 feet is in character with the building and structure height of the adjacent properties surrounding the Project Site. The Port of Albany to the north has silos that are approximately 90 feet tall, and the PSE&G property immediately to the south has buildings ranging in height from approximately 85 feet to 145 feet and stacks that are approximately 230 feet tall.
- C. The property has been determined to not be visible from the Ezra Prentice community and as such, no mitigation measures are proposed.
- D. The on-site roadway to accommodate access to the site land uses/buildings will be constructed, owned, and maintained by the APDC.

3.14 Community Character and Compatibility with Comprehensive Plan

- A. Minimal added cost is anticipated to be offset by the taxes or Payments-In-Lieu-Of-Taxes generated by the Project.
- B. Buildings will be constructed according to then-current standards of the NYS Uniform Code for fire prevention.
- C. Roads will be designed and built to meet or exceed Town and/or State building and fire code requirements including ability to accommodate emergency service vehicles.
- D. Should the building be owned by APDC, an agreement to reimburse the Town of actual costs for emergency services would be established at the time of site plan application.
- E. In the event of any emergency at the Project Site or an event that could affect the Project Site, the Town of Bethlehem would follow the procedures within their Comprehensive Emergency Management Plan and FEMA National Incident Management System standards.
- F. The Ezra Prentice community is located in the City of Albany and is serviced through different emergency service districts than the Project Site and therefore would have no significant adverse impacts. No mitigation measures are proposed as it relates to the Ezra Prentice community.

3.15 Emergency Services

- A. There are no impacts to emergency services and therefore no mitigation is required.

3.16 School District

- A. The Bethlehem Central School District is not anticipated to incur any increased costs associated with increased enrollment of students as a direct result of future industrial development on the property. No significant adverse impacts on the School District are found.

3.17 Fiscal and Economic Impact

- A. Minimal added cost is anticipated to be off-set by the taxes or Payments-In-Lieu-Of-Taxes generated by the Proposed Project. The fiscal impacts calculated in the Fiscal Impact Analysis do not assume any potential Payment-in-lieu-of-Taxes (PILOT) agreements that future tenants of the property might receive. If new businesses receive a PILOT, it would decrease the amount of property tax revenue paid by future users of the property.
- B. Should the building be owned by APDC, an agreement to reimburse the Town of actual costs for emergency services would be established at site plan application.
- C. A total of 38 indirect jobs are expected to be created in the Town of Bethlehem and 364 indirect jobs in Albany County.
- D. The Project avoids relocation or acquisition of residential, commercial or industrial properties.

3.18 Recreation and Open Space

- A. The area surrounding the Project Site is mainly characterized as industrial facilities. The Project will not alter current recreation activities access including the bike trail or boat launches, as it will not alter access to these points, add to additional users, or hinder those activities. No mitigation measures are required for the Project.
- B. The Proposed Action will not impact recreation and open space for Ezra Prentice community, including the Ezra Prentice community playground, as such no mitigation measures are required for the project.

3.19 Solid Waste Disposal

- A. No Impact is anticipated as existing facilities have capacity for solid waste during construction and operation.
- B. During construction, individual contractors reserve the right to transport their generated solids wastes directly to commercially available disposal facilities. Since both the Rapp Road and Town of Colonie landfills have adequate capacities to accept the solid waste from this project, there is no impact of this Project, and no mitigation is necessary.
- C. The tenant will be encouraged to comply with Town's of Bethlehem and City of Albany's recycling policy.

3.20 Environmental Justice

- A. The Project Site is located south of a NYSDEC mapped Potential Environmental Justice (EJ) Area. The Project Site is also located approximately 0.4 miles southeast of the Ezra Prentice Homes, located within the mapped potential EJ area, which has been designated an Environmental Justice Community by the NYSDEC.
- B. The Public Participation Plan has been updated.
- C. The Project is located in an industrial zone and has no noise sensitive receptors (e.g., residential land uses) immediately adjacent to the property boundary. The Project Area is bordered by the Hudson River to the east, PSEG Power Plant to the south, National Grid high transmission power lines and railroad tracks to the west, and the Port of Albany to the North. Additionally, the manufacturing process will be performed completely indoors with a state-of-the-art technology and motors covered with insulated material.
- D. Where truck traffic is anticipated, all truck traffic will be routed through the existing Port District, utilizing the Church Street entrance, and as such would not be traveling through the Ezra Prentice Homes community. An additional 5-8 rail cars are projected to be added to the existing trains that currently pass through the rail yard and therefore will not add any additional noise or diesel emissions impact to the Ezra Prentice neighborhood. The Project will not increase the number of trains per week. Noticeable impacts to the Ezra Prentice community from slight increase in rail operations is not anticipated as a result of the proposed development.
- E. The Proposed Project will not have any noticeable impacts to the existing pedestrian and bicycle activities in the Ezra Prentice community.
- F. The mitigation measures related to potential traffic, climate and air impacts include the establishment of a required truck route that will utilize the existing Port roadway system. The

Project will require that truck traffic ingress and egress travel through the existing Port to the Church Street entrance to the Port of Albany or via the South Port Road entrance with the addition of prohibiting exiting (westbound) right hand turns. There will be no added truck traffic to South Pearl Street through Ezra Prentice community as a result of this Project. Therefore, the Project will not adversely impact the Ezra Prentice community via truck traffic. All truck traffic will be routed through the existing Port District and will avoid the Ezra Prentice neighborhood. Specific mitigation measures to address truck traffic are discussed in detail beginning on page 4-103 of the FGEIS and also Section 3.7 herein.

- G. Justice and Permitting provides guidance for incorporating environmental justice concerns into the NYSDEC permit review process. CP-29 is initiated when a permit application is made to the NYSDEC. The Proposed Action will require at a minimum the following NYSDEC permits: SWPPP permit; Article 15 and Water Quality Certification. Once a specific project is identified, the Albany Port District Commission will proactively complete the environmental justice review and public outreach process pursuant to the NYSDEC CP-29 policy at the time of a site plan application to the Town of Bethlehem. An updated Public Participation Plan will be prepared to ensure public participation throughout the permit review process.

Town of Bethlehem Planning Board
Name of Agency



Signature of Responsible Official

John Smolinsky, Planning Board Chair
Name/Title of Responsible Official

Contact Person: Robert Leslie, AICP
Director of Planning
rleslie@townofbethlehem.org

Address of Agency: Town of Bethlehem Planning Board
445 Delaware Avenue
Delmar, NY 12054

- Cc: US Army Corps of Engineers
New York State Department of Environmental Conservation
New York State Department of Transportation
Albany County Health Department
New York State Office of General Services
Town of Bethlehem Department of Public Works
New York State Department of State
Town of Bethlehem Planning Board
Town of Bethlehem Town Board
Town of Bethlehem Zoning Board of Appeals
Board of Commissioners of the Albany County Water Purification District

COMPLIANCE STATEMENT LIST OF ACRONYMS
(IN ALPHABETICAL ORDER)

ACOE	Army Corps of Engineers
AHA	Albany Housing Authority
AMMP	Avoidance, Minimization, and Mitigation Plan
APDC	Albany Port District Commission
AWWA	American Water Works Association
CAMP	Community Air Monitoring Plan
CDTC	Capital District Transportation Committee
DGEIS	Draft Generic Environmental Impact Statement
EJ	Environmental Justice
EMS	Emergency Medical Services
EPA	Environmental Protection Agency
EWP	Excavation Work Plan
FGEIS	Final Generic Environmental Impact Statement
FHWA	Federal Highway Administration
GEIS	Generic Environmental Impact Statement
GHG	Greenhouse gas
GPD	Gallons Per Day
GPM	Gallons Per Minute
GPS	Global Positioning System
HASP	Health and Safety Plan
LEED	Leadership in Energy and Environmental Design
LWRP	Local Waterfront Revitalization Program
MGD	Millions of Gallons Per Day
MPH	Miles Per Hour
MS4	Municipal Separate Storm Sewer System
NYCRR	New York Codes, Rules and Regulations
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
NYSDOT	New York State Department of Transportation
NYSOPRHP	New York State Office of Parks, Recreation, and Historic Preservation
ROW	Right of Way
SEQRA	State Environmental Quality Review Act
SMP	Site Management Plan
SPCC	Spill Prevention, Control, and Countermeasure
SPDES	State Pollution Discharge Elimination System
SSAP	Sediment Sampling and Analysis Program
SWPPP	Stormwater Pollution Prevention Plan
USACE	United States Army Corps of Engineers