

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
FINDINGS STATEMENT**

**Albany Port District Commission Port of Albany Expansion Project
Lead Agency: Town Bethlehem Planning Board
Date: June 2, 2020**

The Town of Bethlehem Planning Board (the “Planning Board”), as Lead Agency pursuant to the State Environmental Quality Review Act (NY ECL Article 8 and its implementing regulations found at 6 NYCRR Part 617, collectively (“SEQRA”) hereby makes the following findings.

1.0 INTRODUCTION

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

Description of Action: The proposed action involves an industrial development on 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) in the Town of Bethlehem, Albany County, New York, (“Project Site”), located at the confluence of the Normans Kill and Hudson River. The APDC, proposes to develop the Project Site with up to a 1.13 million square foot building for uses permitted as of right subject to site plan approval in the Heavy Industrial Zoning District per the Town of Bethlehem Zoning Code. As described by the APDC, the Proposed Action could be constructed in one phase (the entire 1.13 million SF) or up to three phases. The phases of the Proposed Action that were analyzed are as follows, phase 1: 300,000 SF, phase 2: 600,000 SF, and phase 3: full build at 1,130,000 SF.

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”).

Date Final Generic Environmental Impact Statement (FGEIS) Accepted: May 5, 2020

The FGEIS and all project related documents are available on the [Town’s Meeting Portal website](#)¹ for the Planning Board by clicking the May 5, 2020 meeting date.

2.0 DESCRIPTION OF THE PROPOSED ACTION

2.1 Project Description

The APDC proposes to develop the 81.62-acre Project Site (formerly known as Beacon Island) to address its identified need to expand current land holdings to accommodate future growth. The Proposed Action is known as the “*Port of Albany Expansion Project*” and would include the development of the site with uses permitted under the Town’s zoning regulations for the heavy industrial district in which it is located, subject to site plan approval and/or a special use permit.

¹ Due to health and safety concerns related to the COVID-19 pandemic, all public places, including the Bethlehem Town Hall are closed. As a result, a full copy of the FGEIS will be placed at the Town Hall and Bethlehem Public Library when such locations are re-opened to the public.

In accordance with existing zoning, several hypothetical concept plans have been developed for the Project Site. The concept plan analyzed in the DGEIS, Supplemental DGEIS and Final GEIS is hereafter referred to as “Concept A”, which represents the maximum amount of development permitted under current zoning, and therefore will represent the greatest potential for ecological and environmental impacts. Concept A includes the construction of approximately 1.13 million SF two-story industrial use facility, with the associated access roads, employee parking, tractor-trailer parking, refurbished rail track from the north that will extend over Normans Kill with a new bridge. The project also includes extending a private roadway for vehicular traffic to connect the Project Site with a new bridge over the Normans Kill the existing road system within the Port, and a bulkhead/wharf along the Hudson River. The two-level warehouse maximizes the development potential of the site and provides the basis for the SEQRA approval process along with the identified site improvements.

No specific project(s) have been identified and for the purpose of this FGEIS, only the full build out (Concept A) is being evaluated. Any subsequent site-specific project shall be required to obtain site plan approval and/or a special use permit as required under the Town of Bethlehem Zoning Code (“Code”) before any such project can occur.

The Proposed Project will be developed with tenants and uses that are permitted as listed in the Code, which include the following:

- Warehouse
- Manufacturing
- Assembly
- Industrial Park
- Distribution centers
- Packaging facilities
- Business offices
- Commercial storage

Proposed private improvements provided by APDC for the Proposed Project include:

- All structures, buildings and roadways on the Port expansion property
- Watermains within the Port expansion property
- Vehicle and Railway bridge over Normans Kill
- Package wastewater treatment plant
- Wharf
- Parking areas

Proposed public improvements provided by APDC in for the Proposed Project include:

- Off-site traffic improvements on the surrounding transportation system
- Off-site watermain system (within the public ROW)

The Draft Generic Environmental Impact Statement (“DGEIS” or “Draft GEIS”) addresses Concept A and includes a conceptual site plan detailing the layout of all the elements of the Proposed Action, including the access roadways, buildings, parking, stormwater facilities, open space areas, etc.

The potential environmental impacts of the proposed Action were reviewed in the DGEIS, the Supplemental DGEIS and in the Final Generic Environmental Impact Statement by the Planning Board serving as SEQRA Lead Agency. The Planning Board established itself as "Lead Agency" and adopted a Positive Declaration of Environmental Significance requiring that the APDC prepare a DGEIS for the proposed action.

Agencies with jurisdiction over various elements of the Proposed Action include but are not limited to the:

- 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

The local, State and Federal permitting required for the ultimate project to be proposed will call for communication and coordination among the appropriate agencies in order to properly monitor and enforce permit requirements.

2.2 Purpose and Need

APDC has identified the need to expand their current land holdings and port facilities to accommodate future growth and now proposes to develop the Project Site as described herein. The Proposed Action would include the development of the Project Site with uses permitted under the Code for the heavy industrial zoning district subject to site plan approval and/or a special use permit.

The Proposed Action is consistent with Town's adopted Comprehensive Plan and Draft Local Waterfront Revitalization Program ("LWRP") by focusing future industrial and water-related uses to this area.

The Proposed Action is also anticipated to increase tax revenue or provide for Payments-In-Lieu-of-Taxes for the County, Town and school district.

2.3 Project History

The Project appeared on the Town of Bethlehem Planning Board agenda at 18 meetings from late 2018 to early 2020 for discussion and actions. In accordance with the SEQRA Regulations, the following elements of the SEQRA process were undertaken:

- On or about November 20, 2018, the Planning Board received a site plan application from the Albany Port District Commission for the Albany Port District Industrial Park Project to allow the industrial development of 81.57 +/- acres of land at the Project Site.
- On or about January 15, 2019, the Planning Board adopted a resolution establishing itself as "Lead Agency" and adopted a Positive Declaration requiring that the APDC prepare a DGEIS for the proposed action pursuant to the requirements of SEQRA.
- On or about March 5, 2019, the Planning Board received and accepted a Draft GEIS Scope and duly held a public hearing on March 19, 2019 thereon.
- On or about April 2, 2019, the Planning Board adopted the Final Scope for the Draft GEIS.
- On or about August 6, 2019, the Planning Board determined Draft GEIS was complete and established a public comment period on the DGEIS from August 6, 2019 to September 14, 2019 after the draft DGEIS was reviewed by Town' Staff, the Town's Designated Engineer, M.J. Engineering and Consulting, P.C., and members of the Planning Board to confirm the issues identified in the Scope were addressed and recommended that the DGEIS was ready for public review and comment.
- On or about September 3, 2019, the Planning Board held a duly noticed public hearing on the DGEIS.
- During the public comment period, the Planning Board received multiple comments regarding need to include an analysis of the Proposed Action's potential impacts on the Ezra Prentice Homes in the City of Albany, including but not limited to environmental justice issues and consideration of alternatives to mitigate or eliminate impacts on the Ezra Prentice community. Impacts on the Ezra Prentice Community (including environmental justice) were not an environmental topic identified in the DGEIS scope.
- On or about November 19, 2019, the Planning Board issued an amended Positive Declaration requiring a Supplemental Draft GEIS as the proposed Action has potential to create one or more significant adverse environmental impacts related to the Ezra Prentice Homes or community and provided notice of said Amended Positive Declaration.
- On or about December 17, 2019, the Planning Board determined the Supplemental Draft GEIS was complete, established a public comment period from December 17, 2019 to January 17, 2020 and scheduled a public meeting to be held on January 6, 2020 nearby the Ezra Prentice community at the Albany Housing Authority ("AHA") building at 200 South Pearl Street, Albany, a location used by the AHA for community meetings which is familiar to and accessible to the Ezra Prentice community.
- On or about January 6, 2020, the public meeting was held at the AHA building at 200 South Pearl Street in Albany for members of the Ezra Prentice Community and other interested citizens.
- A draft Final GEIS on the Proposed Action was prepared by APDC and submitted to the Planning Board, which contained all substantive comments received during the public hearing, public meeting, and public comment periods on the Draft GEIS and Supplemental Draft GEIS, as well as

responses to those comments, and all additional studies that were undertaken to respond to those comments.

- The draft Final GEIS was reviewed by Town Staff, the Town’s TDE and members of the Planning Board to ensure that all substantive comments were responded to and all technical engineering and impact review issues had been sufficiently addressed and provided comments and revisions for the draft Final GEIS.
- On or about April 30, 2020, the Town’s TDE, having reviewed the draft Final GEIS advised the Planning Board by letter that the draft Final GEIS (as revised) was complete and complied with all the requirements of SEQRA.
- On or about May 5, 2020, the Planning Board accepted the Final Generic Environmental Impact Statement (“FGEIS”) as complete and providing a full and comprehensive evaluation of the Proposed Action and addressing all comments received by the Planning Board on the DGEIS and Supplemental DGEIS. A Notice of Completion of the FGEIS was duly published in the Environmental Notice Bulletin. Copies of the FGEIS and the Notice of Completion were also distributed to all involved/interested agencies. The DGEIS, Supplemental DGEIS and FGEIS and all project related documents are available on the Town’s Meeting Portal website² for the Planning Board by clicking the meeting dates as identified above

3.0 FINDINGS CONCERNING RELEVANT ENVIRONMENTAL IMPACTS

3.1 Soils, Geology and Topography

- A. The environmental setting is set forth in the FGEIS beginning on page 4-41.
- B. A site topographic survey is included in Appendix O of the DGEIS.
- C. Located in Appendix E of the DGEIS is a Preliminary Geotechnical Evaluation and Interpretive Report prepared by CME Associates, Inc. on April 5, 2017 as well as a Supplemental Geotechnical Report prepared by the Dente Group on July 20, 2017.
- D. A Hudson River Dredging Report (Sediment Sampling and Analysis Report) dated July 15, 2019 was prepared by Atlantic Testing Laboratories and is found in Appendix F of the DGEIS.

Potential Impacts

- E. Based on the geotechnical investigation, the existing subsurface conditions are not considered suitable as is, for support of conventional shallow building foundations and slab-on-grade construction, and subsurface improvements will be required. Deep dynamic compaction, rigid inclusions, surcharges, and/or partial undercuts with surface stabilization, will be utilized to improve the fills and sediments in-situ to provide support of lightly loaded structures, pavements, and open areas which are not usually highly sensitive to post construction settlement.

² Due to health and safety concerns related to the COVID-19 pandemic, all public places, including the Bethlehem Town Hall are closed. As a result, a full copy of the FGEIS will be placed at the Town Hall and Bethlehem Public Library when such locations are re-opened to the public.

- F. The fly ash and bottom ash at the Project Site has the potential to contain high levels of metals and other contaminants that may require entering into a NYSDEC remedial program under 6 NYCRR Part 375.
- G. Terrestrial Lands – Proposed Action will change surface coverage, increasing imperviousness. This change will increase the peak discharge rate of stormwater runoff. In addition, the increased imperviousness will create a need for water quality features.
- H. Lands Under Water – Dredging will impact lands under water. Construction activities may cause noise impacts including earthwork, paving, structure construction, land clearing, and blasting related to bedrock and shale.

Mitigation

- I. The Proposed Project will be designed to balance earthwork, and therefore it is anticipated that no on-site soil or other fill material will be removed from the Project Site and no off-site disposal of cut material is being proposed.
- J. A soil management plan approved by NYSDEC will be required. Although not expected, if soil or other fill material is to be removed from the Project Site it will be handled and analyzed according to the NYSDEC remediation guidelines for waste characterization. On-Project Site soil will also be characterized. The need for off-site disposal of materials will be determined by the NYSDEC based on future subsurface investigations and remedial actions. If during this permitting process the need for off-site disposal of contaminated materials is determined by the NYSDEC the material will be disposed at a landfill permitted to accept such material or other properly permitted facility as approved by the NYSDEC. Industry standard construction site preparation and disposal of construction debris will be implemented and are the same for all development scenarios.
- K. Subsurface soil and groundwater sampling will be performed 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.
- L. 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.
- M. Dynamic compaction techniques are expected to be completed to address subsurface improvements as a result of the existing subsurface conditions that are not considered suitable as is, for support of conventional shallow building foundations and slab-on-grade construction. During 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 monitoring during dynamic compaction at the property boundary will occur.

- N. Dynamic compaction operations will comply with the Town of Bethlehem's Local Law No. 5-2009 (Town Code Chapter 81) noise requirements and will only take place between the lesser of 7 am to 7 pm or 7 am to dusk as daylight permits. Dynamic compaction will be performed a minimum of 60 feet away from property line to meet Town noise ordinance at the property line.
- O. 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.
- P. Once a specific tenant and project is identified, noise from the Proposed Project will be addressed and if necessary, a noise barrier along the western property line could be constructed.
- Q. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared that will implement Erosion and Sediment Control measures and bioretention ponds will be constructed to improve the quality of 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.
- R. Dredging is under the jurisdiction of the NYSDEC, as such a Sediment Sampling and Analysis Plan (SSAP) will need to be prepared in accordance with TOGS 5.1.9 guidelines or other site-specific requirements under a NYSDEC remedial program prior to any dredging.
- S. Following the remedial program approved by NYSDEC a Site Management Plan (SMP) will be prepared that will require implementation of engineering controls.
- T. An approved NYSDEC plan will be developed for sediment removal that stipulates using a closed bucket, or similar method for sediment removal. Installing a turbidity curtain will minimize potential downstream impacts associated with suspended solids during dredging, and shoreline disturbances to the Hudson River.
- U. Due to the presence of coal fly ash and bottom ash, subsurface investigations are required to adequately assess the potential for contaminants across the Project Site. Remediation, and engineering and institutional controls developed in coordination with the NYSDEC will mitigate any potential effects to the environment and human health, including the municipal water supply. The site investigation and remediation will be conducted in accordance with NYSDEC Division of Environmental Remediation (DER) Technical Guidance for Site investigation and Remediation (DER-10) and per work plans to be submitted and approved by NYSDEC. As part of the remedial

program process the following primary work plans and reports may be developed, depending on the remedial program the applicant enters. All subsurface work including investigation and remediation will be completed under NYSDEC oversight. All work plans and reports will be submitted to the NYSDEC for approval and may include:

- a. Remedial Investigation Work Plan (RIWP)- This document will detail the process by which the Project Site will be characterized to determine the nature and extent of contamination of the Project Site, as well as the surface and subsurface characteristics of the Project Site, including topography, geology and hydrogeology, including depth to groundwater.
- b. Remedial Investigation Report (RIR)- This report will document the Project Site investigations and define the nature and extent of contamination at the Project Site. This document will also include recommendations for further investigations if deemed warranted in order to fully characterize the Project Site.
- c. Remedial Action Work Plan (RAWP)- This document will detail the actions that will be undertaken, including but not limited to the removal, treatment, containment, transportation, securing, or other engineering or institutional controls, temporarily or permanent, necessary to maintain control or remediate contamination at the Project Site. This document will also include the monitoring requirements during the implementation of the remedial action(s).
- d. Site Management Plan (SMP)- This document will detail the institutional and engineering controls required for the Project Site and any physical components of the remedial action required to be maintained and monitored to meet the site-specific remedial action goals. Engineering controls may include, but are not limited to, pavement, caps, covers, subsurface barriers, vapor barriers, slurry walls, building ventilation systems, fences, and access controls. Institutional controls include any non-physical means of enforcing a restriction on the use of real property that limits human or environmental exposure, including, but are not limited to, environmental easements, deed restrictions, site security (other than fencing), consent order/consent decree, 6 NYCRR Part 360 permit, zoning restrictions, deed notice, and groundwater use restrictions.
- e. Final Engineering Report (FER)- This report will document that the remediation was completed in accordance with the approved RAWP, including any certifications required.
- f. Supplemental reports and plans may be prepared as components of the previously mentioned reports and plans, or as standalone documents based on the results of the remedial investigation and site characterization. These supplemental reports and plans may include, but are not limited, to the following: Remedial Action Monitoring Plan (RAMP), Site Specific Health and Safety Plan (HASP), Community Air Monitoring Plan (CAMP), and Community and Environmental Response Plan (CERP).

The Planning Board finds that the proposed Action will not significantly impact “Soils, Geology and Topography” and that any potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

3.2 Vegetation and Wildlife

- A. The environmental setting is set forth in the FGEIS beginning on page 4-53.
- B. Appendix G of the DGEIS includes endangered species reports from the NYSDEC Natural Heritage Program and the United States Department of the Interior Fish and Wildlife Service. In addition, an Endangered Species Investigation report prepared on June 11, 2019 by Terrestrial Environmental Specialists, Inc is included in Appendix G.

Potential Impacts

- C. A plant survey indicated that there was no suitable violet wood sorrel habitat within the Proposed Project limits. No impacts to this species are expected to occur as a result of this Proposed Action.
- D. One patch of *Polygonum sp.* was observed in the disturbed roadside community immediately adjacent and west of South Port Street at the northern limits of the Proposed Project Area. It is uncertain if this is common doorweed or Small's Knotweed as Small's Knotweed can only be reliably identified when in flower. The proposed project will avoid this area.
- E. Available habitat for Cobra Clubtail is considered abundant in the vicinity of the Project Area and potential impacts to cobra clubtail are considered to be insignificant.
- F. Available habitat for Umber Shadowdragon is considered abundant in the vicinity of the Project Area and potential impacts to this species are considered to be insignificant.
- G. Degradation of water quality, increased turbidity, increased sedimentation, or alteration of flows, temperature, or water depths in Normans Kill, which could impair Significant Coastal Fish and Wildlife Habitat.
- H. Removal of trees that could impact Northern Long-eared Bat roosting habitat.
- I. Dredging could result in direct mortality of Atlantic Sturgeon, Shortnose Sturgeon, and Alewife Floater.

Mitigation

- J. An application to NYSDEC to comply with Article 15- Protection of Waters, USACE Section 404 of the Clean Water Act, USACR Section 10 of the Rivers and Harbors Act will be prepared to outline measures to address impacts to aquatic communities.
- K. Coastal Consistency review by the NYSDOS will be performed to determine consistency with the New York State Coastal Management Program (NYCMP).
- L. A SWPPP will be prepared that will outline 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 will serve as mitigation for potential impact.

- M. 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.
- N. Dredging activities will be conducted between September 1 and November 30 and use of a turbidity curtain will mitigate Atlantic Sturgeon and shortnose sturgeon impacts.
- O. Freshwater mussel survey will be completed to confirm presence or absence of freshwater mussels. An Avoidance, Minimization, and Mitigation Plan (AMMP) will be developed in coordination with NYSDEC if necessary. Avoidance and minimization measures, including any required surveys, relocation, and monitoring to mitigate for potential impacts to rare or protected freshwater mussels, will be addressed during future NYSDEC Article 15 permitting process.
- P. Removal of trees will only be performed between November 1 and March 31 to mitigate impacts to the Northern Long-eared Bat.

The Planning Board finds that the proposed Action will not significantly impact “Vegetation and Wildlife Resources”. Potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

3.3 Regulated Wetlands and Surface Waters

- A. The environmental setting is set forth in the FGEIS beginning on page 4-69.
- B. Appendix H of the DGEIS includes a Wetlands and Surface Waters Delineation Report prepared by McFarland Johnson and dated June 2019.

Potential Impacts

- C. Surface waters – Dredging within Hudson River.
- D. Wetlands – Construction of bridge crossing of the Normans Kill will impact 0.04 acres of emergent freshwater wetland. Construction of waterline through the northern access easement may cause temporary wetland impact.

Proposed Mitigation

- E. Surface waters – All required NYSDEC and ACOE permits applications will be submitted that will outline water quality improvement plantings and enhancement and/or preservation of riparian areas along the Project Site shoreline of the Hudson River and Normans Kill. Permits include NYSDEC Article 15 Protection of Water Permit and USACE Section 404/Section 10 Individual Permit. Mitigation options include water quality improvement projects and

enhancement and/or preservation of riparian areas within the Hudson River and Normans Kill watersheds.

- F. Wetlands –USACE Section 404/ Section 10 Individual Permit or Section 404 Nationwide Permit will be obtained as required. Construction associated with the waterline connection will avoid impacts to wetlands through directional drill/boring. To address temporary impacts wetlands a Nationwide Permit would be obtained from USACE.

The Planning Board finds that the proposed Action will not significantly impact “Regulated Wetlands and Surface Waters.” Potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

3.4 Floodplains and Floodways

- A. The environmental setting is set forth in the FGEIS beginning on page 4-79.

Potential Impacts

- B. The buildings and majority of the site improvements will be within the 100-year floodplain. As a result of climate change, sea levels will rise over time making peak flood elevations higher than they currently are.
- C. Construction of wharf will require work within the floodway, including removal of material from the river.

Proposed Mitigation

- D. Building and bridges lowest floor and roadway elevation respectively will be at elevation 20.3 feet above sea level. This is 2 feet above the 100-year flood elevation and 1.3 feet above the projected sea level rise for year 2100 to comply with the Draft NYS Flood Risk Management Guidance for Implementation of Climate Risk and Resiliency Act (CRRRA).
- E. 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. 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).
- F. 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.
- G. 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.

The Planning Board finds that the proposed Action will not significantly impact “Floodplains and Floodways.” Potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

3.5 Groundwater

- A. The environmental setting is set forth in the FGEIS beginning on page 4-87.

Potential Impacts

- B. Chemicals, toxins, or other pollutants may be released during construction and post construction activities.

Mitigation

- C. A SWPPP will be prepared per NYSDEC regulations that will outline appropriate erosion and sediment controls, and stormwater management.
- D. The applicant will be required to obtain any required discharge permits with either coverage under a general permit or an individual SPDES permit.
- E. 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.

The Planning Board finds that the proposed Action will not significantly impact “Groundwater”. Potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

3.6 Climate and Air Quality

- A. The environmental setting is set forth in the FGEIS beginning on page 4-91.
- B. The NYSDEC New York State Ambient Air Quality Report for 2018 was reviewed and the results are discussed on page 4-91.
- C. The Port of Albany is a Green Marine certified facility since 2016 and is in sync with the Green Marine Environmental Program, which includes environmental performance measurements such as monitoring invasive species, GHG emissions and air pollutants, spill prevention, community impacts, environmental leadership and waste management.
- D. NYSDEC Albany South End Air Quality Initiative reports, presentations and information were reviewed and include:

Albany South End Community Air Quality Screening, August 14, 2014

- https://www.dec.ny.gov/docs/air_pdf/albsouthendrpt.pdf
- Analyzed VOCs, light weight alkanes

Albany South End – Benzene Results webpage

- <https://www.dec.ny.gov/chemical/107858.html>
- Discusses Benzene annual averages 2000-2017

Odors & Hydrogen Sulfide webpage

- <https://www.dec.ny.gov/chemical/108989.html>
- Discusses reviewing sources for odors including hydrogen sulfide with 2015 – 2017 data

DEC’s Air Toxics Monitor – Albany South End webpage

- <https://www.dec.ny.gov/chemical/108991.html>
- Discusses air toxics and risk in perspective of air monitoring from 2015 – 2017

South End Study Progress Update presentation, January 10 and 18, 2018

- https://www.dec.ny.gov/docs/air_pdf/albsouthend011018.pdf
- Update on air monitoring completed to date. Discussion of particulate matter
- from vehicles vs Port and benzene sampling

Albany South End Community Air Quality Study, October 2019

- https://www.dec.ny.gov/docs/air_pdf/albanysouthendreport.pdf
- Discusses results of monitoring including large particulate matter, fine particulate matter, black carbon, ultrafine particles, and gases including nitrogen dioxide and benzene

Potential Impacts

- E. Increased vehicular traffic will increase direct GHG emissions (construction equipment, fleet vehicles, heaters, and other construction machinery during construction) and indirect GHG emissions. Increased traffic also results in an increase in black carbon and Particulate Matter (PM). Indirect GHG emissions during construction will include the manufacture and transport of construction materials, employee vehicle commutes, energy generated for the project work, and waste generation from construction activities. Indirect GHG emissions for deliveries would potentially include rail cars, marine vessels and maritime uses, and vehicular emissions.
- F. The increase is considered to be low and will not result in significant increase in GHG emissions, black carbon or PM. Construction traffic will result in temporary air emissions and odor impacts.
- G. Increased traffic during operations will impact emissions.
- H. Potential spray paint booth could cause Volatile Organic Compound (VOC) emissions and odor impacts.

Mitigation

- I. The APDC will encourage tenant(s) 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).

- J. 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.
- K. Tenant operations that require a spray paint booth must have an air permit or registration in accordance with 6 NYCRR Part 201 and will be permitted and constructed with appropriate filtration and monitoring systems to mitigate odors.
- L. 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. All sources of air emissions are either exempt or regulated under one of three (3) permitting criteria, as follows: Title V Facility Permit; State Facility Permit; and Air Facility Registration.
- M. Vegetative buffers will remain to mitigate potential odors from vehicles or equipment.
- N. A hydrogen sulfide odor threshold will be in accordance with NYSDEC DAR-1.
- O. Air emissions for Ezra Prentice community will 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.
- P. 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.
- Q. For any future application for site plan review, air emissions will be evaluated as part of the environmental review. In the event that different impacts to air emissions are identified beyond what is presented in the FGEIS, those impacts would be evaluated, and mitigation identified at the time of site plan review.

The Planning Board finds that the proposed Action will not significantly impact "Climate and Air Quality". Potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

3.7 Traffic and Transportation

- A. The environmental setting is set forth in the FGEIS beginning on page 4-103.
- B. A detailed traffic impact study was completed by McFarland Johnson, Inc., dated May 14, 2019, with updates dated January 20, 2020, and included in the FGEIS to evaluate the potential traffic impacts associated with the Proposed Action on the surrounding roadway network consistent with the Final Scoping document that was coordinated with the Town of Bethlehem and the Town's engineering consultant as well as the requirement of the Amended Positive Declaration regarding potential impacts (including environmental justice (on the Ezra Prentice Community)).

Potential Impacts

- C. Vehicle – Maximum 465 trips during AM peak hour and 529 trips during PM peak hour. Maximum 151 mid-day peak hour truck trips.
- D. Maritime – No significant impact on existing Hudson River maritime commercial or recreational traffic. No added maritime traffic to Normans Kill, therefore no impact.
- E. Rail –The proposed impacts to the rail operations will have a negligible, if any, impact to the general public.
- F. Public Transportation – No impact.
- G. Pedestrian and Bicycle – No noticeable impacts.

Mitigation

- H. 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.
- I. 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.
- J. 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.

- K. Additional signage will be installed on the roadways within the Port District to indicate the required truck route.

The owner/applicant is responsible for the mitigation recommended in the Final GEIS “Proposed Threshold/Mitigation Table” on page 4-131. Implementation of the recommended mitigation measures would be required during the site plan approval process when a definitive project and tenant is proposed and based on an updated traffic impact analysis. Intersection improvements within each phase of development reflect the following:

- a. *NYS Route 32 at 1st Avenue/I-787 Exit 2 Ramp*: changes to existing traffic signal timings at Phase III site development to be coordinated between the APDC and NYSDOT.
 - b. *NYS Route 32 at Route 9W*: changes to existing traffic signal timings during Phase III site development (601,000 – 1,130,000sqft.) to be coordinated between the APDC and NYSDOT.
 - c. *NYS Route 32 at South Port Road*: Construction of dedicated left turn lane for southbound approach, construction of right turn lane pocket for westbound approach and upgrades to signal system at Phase II site development (301,000 – 600,000sqft).
 - d. *NYS Route 144 and NYS Route 32*: install new traffic signal during Phase I site development (0 – 300,000sqft.) to be coordinated between the APDC and NYSDOT.
 - e. *NYS I-787/I-87 Exist 23 Interchanges at US Route 9*: changes to existing traffic signal timings during Phase III site development (601,000 – 1,130,000sqft.) to be coordinated between the APDC and NYSDOT.
- L. At each site plan application, a traffic impact analysis will be 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.
 - M. The southern access drive to NYS Route 144 will be Stop sign controlled and requires clearing of existing vegetation and signage/lighting installation.
 - N. 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.
 - O. Under existing conditions, access to the Project Site on NYS Route 144 (southern access drive) will be via one new right-in right-out access drive restricted to passenger cars only, due to sight distance limitations. Clearing of existing vegetation that overhangs NYS Route 144 in the vicinity of the southern driveway is necessary to accommodate this limited access design.
 - P. Should the APDC desire a full access driveway (allow all turn movements) at the southern driveway, the APDC shall make a request to NYSDOT to reduce the regulatory speed limit from 55 MPH to 45 MPH along NYS Route 144. If the speed limit is reduced by the NYSDOT, based on sight distance evaluation utilizing a regulatory speed limit of 45 MPH the driveway will allow all

passenger vehicle turning movements under stop sign control and provide a single approach lane onto NYS Route 144 for left and right turn movement as a single entrance lane. Trucks would remain prohibited due to sight distance limitations.

- Q. 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.).
- R. The northern access location will be via a new vehicular bridge that will span Normans Kill at Port Road South, which will provide access to Normanskill Street and the existing intersections of NYS Route 32/South Port Road and Church Street/Broadway.
- S. 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).
- T. Based on allowable uses at the site, there is the potential for a tenant to require a single shipping and receiving route for all truck traffic activities. In this event, the required shipping and receiving route for all truck traffic shall be via Church Street to the North to minimize impacts to the traveling public.
- U. 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.
- V. 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.

- W. 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.
- X. 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.
- Y. 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.
- Z. 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.

The Planning Board finds that the proposed Action will cause significant adverse environmental impacts to “Traffic and Transportation” and that potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

3.8 Drainage

- A. The environmental setting is set forth in the FGEIS beginning on page 4-103.
- B. A drainage design report was prepared by McFarland Johnson in May 2019 and updated in January 2020. The purpose of the report was to assess the stormwater quality, quantity, and erosion and sediment control for the development of the site. The report was developed in accordance with the New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity, GP-0-15-002 (Permit) and the NYSDEC Stormwater Management Design Manual.

Potential Impacts

- C. Proposed Project will change the surface coverage of the site, increasing impervious cover to 49.63 acres.
- D. The material to be dredged from the Hudson River will be dewatered to minimize the potential for runoff.

Mitigation

- E. A SWPPP will be prepared that will implement Erosion and Sediment Control measures and bioretention ponds which will improve the quality of stormwater run-off. The SWPPP is subject to the Town of Bethlehem's review (including its TDE) with the Town issuing an 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.
- F. All measures will be designed per the NYSDEC requirements and enforced during construction activities.
- G. A NYSDEC approved remedial program will be implemented and may include a Health and Safety Plan (HASP), Community Air Monitoring Plan (CAMP), and Excavation Work Plan (EWP) to mitigate the movement of fly ash.
- H. The material to be dredged from the Hudson River will be dewatered to minimize the potential for runoff in one of two ways. One option for dewatering is by use of a cofferdam, where the material would be dewatered in place and excavated once dewatering is complete. A second option is to dredge the material and stockpile on land to dewater. All runoff from the dredged material would be collected, stored, and treated on site as required. The specific dredging and dewatering method will be determined at the time of site plan application and NYSDEC permit application. Dredged material will be disposed of in accordance with NYSDEC approval and at an approved licensed disposal facility.

The Planning Board finds that the proposed Action will not cause significant adverse environmental impacts to "Drainage," and that any potential impacts will be minimized and mitigated as set forth above.

3.9. Water Service (Potable and Fire Protection)

- A. The environmental setting is set forth in the FGEIS beginning on page 4-141.
- B. An Evaluation of Water Distribution Hydraulics (Water main Computer Model) dated July 23, 2010 was conducted by the Town of Bethlehem Department of Public Works for this Proposed Action and is included in Appendix K of the DGEIS.
- C. The Town of Bethlehem Drinking Water Quality Report dated 2018 is included in Appendix F of the FGEIS.

Potential Impacts

- D. The Proposed Action is expected to generate 16,950 gallons per day of domestic water demand. This leads to a domestic demand with an average daily demand of 12 gallons per minute (gpm), max daily demand of 22 gpm, and peak hour demand of 47 gpm. The domestic demand would be evenly distributed over a 24-hour period and would consist of typical “domestic” use by employee (no industrial use is anticipated). There is no anticipated seasonal variation in the domestic demand.
- E. The fire flow demand has been estimated to be 2,300 gpm at 20 pounds per square inch (psi) based on a typical fire suppression system for the size and utilization of the building. This demand is associated with an automatic fire sprinkler system.
- F. Based on the water model prepared for this Proposed Action, a combined domestic and fire flow demand could not be met solely from either the Corning Hill Pressure Zone, at 1,000 gpm nor the Glenmont/River Road Pressure Zone, at 1,300 gpm. The model showed that connections to both pressure zones could provide sufficient pressure and flow for both the domestic and fire flows. Based upon these results three alternatives have been considered. The alternatives included:
 - a. Alternative 1: A single connection to the existing 16-inch watermain along River Road in the Glenmont/River Road Pressure Zone into the southwest corner of the Project Site. A private waterline would be extended approximately 1,250 feet through the southwest access easement along the access road through the Site to satisfy the domestic water demand. To meet the project’s fire demand an on-site water storage tank would be installed in the southwest corner of the Project Site.
 - b. Alternative 2: Two connections to address both the domestic water and fire protection demand looped through the Project Site. One connection would be to the existing Corning Hill Pressure Zone in the north and one connection to the Glenmont/River Road Pressure Zone in the south. The two connections would be looped through the Project Site with an approximately 3,550 feet of waterline. The new waterline loop would be owned and maintained by the Town of Bethlehem within a dedicated easement. Where the internal loop passes through the existing northern access easement (connecting the site to River Road /NYS Route 144) to the Corning Hill Pressure Zone, it would pass through existing wetlands.
 - c. Alternative 3: (preferred by Town of Bethlehem) Extension of the Glenmont/River Road Pressure Zone with approximately 1,200 feet of waterline to the north within the Old River Road right-of-way up to the existing Corning Hill Pressure Zone. This waterline would be owned and maintained by the Town of Bethlehem. A private site connection would tap into both pressure zones and extend into the Project Site through the northern access easement. This connection would service both the building’s domestic feed as well as a fire protection loop. Where the Project Site’s connection passes through the northern access easement, it would pass through existing wetlands.

Mitigation

- G. The new watermain (location/alternative to be determined at time of site plan application in coordination with the Town Department of Public Works) will have adequate water to supply both the potable and fire demand. 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.
- H. In both Alternatives 2 and 3, where waterlines enter the Project Site a hot box with required metering and backflow will be installed.
- I. In both Alternatives 2 and 3, construction of the watermain would occur within existing wetlands. To avoid impacts to wetlands construction activity will consist of directional drill/boring. To address temporary impacts to wetlands a Nationwide Permit would be obtained from USACE.
- J. Water during construction would be supplied temporarily by the contractor(s).
- K. 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.

The Planning Board finds that the proposed project will not cause significant adverse environmental impacts to “Water Service” and that the potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

3.10 Sanitary Sewer

- A. The environmental setting is set forth in the FGEIS beginning on page 4-147.
- B. Specifications for the package treatment system are provided in Appendix G of the FGEIS.

Potential Impacts

- C. The project is anticipated to have a 16,950 GPD sanitary demand.
- D. Several alternatives to accommodate sanitary sewer needs were evaluated including the following:
 - a. The South Wastewater Treatment Plan which is owned and operated by the Albany County Water Purification District is located at the Port of Albany approximately 9,500 linear feet north of the Project Site. However, the Site is outside the jurisdiction of the Albany County Sewer District and Albany County Legislature authorization is required to treat waste from the Proposed Action.
 - b. The Town of Bethlehem sanitary sewer system is located on Route 144, approximately 6,000 feet south of the southern access point of the Project Site. This point is the farthest of the potential tie-in points from the Project Site and would require installation through rock.

- c. Treatment of wastewater onsite through a septic system or package wastewater treatment plant.

Mitigation

- E. To treat the demands of the proposed building, a private onsite package treatment plant (PTP) of approximately 70,000 SF is required. 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.
- F. As 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.

The Planning Board finds that the proposed Action will not cause significant adverse environmental impacts to "Sanitary Sewer" and that any potential impacts will be minimized and mitigated as set forth above.

3.11 Historic, Cultural and Archeological Resources

- A. The environmental setting is set forth in the FGEIS beginning on page 4-151.
- B. 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.
- C. 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.
- D. No impacts are anticipated.

The Planning Board finds that there are no significant adverse environmental impacts on Historic, Cultural and Archeological Resources from the proposed Action.

3.12 Aesthetic and Visual Resources

- A. The environmental setting is set forth in the FGEIS beginning on page 4-155.
- B. A Visual Impact Assessment Report prepared in June 2019 by McFarland Johnson is located in Appendix M of the DGEIS
- C. Photo simulations of a 60-foot building and 85-foot high building are located in Appendix H of the FGEIS. Photo-simulations of the project from the locations defined as the area of visual affect were created. The area of visual affect analysis included both a static and dynamic viewshed analysis, as well an analysis of sensitive receptors. No sensitive receptors were included within the area of visual affect.

Potential Impacts

- D. The rendered project includes an 85-foot high 1.13 million SF warehouse/industrial use building, associated truck and employee parking, and a wharf as represented in Concept A within FGEIS. The 85-foot high building will exceed the allowable 60-foot height permissible by local zoning within the Heavy Industrial district. The 85-foot height is the minimum necessary for the anticipated use.
- E. Potential visual impacts on locations included in the visual simulations:
 - a. Location 1: Location 1 is at the end of South Port Street looking south into the Project Site. The project can be seen from this location. The northern portion of the project is visible from the road as one approaches the project. The existing viewshed from this location is through an existing industrial park at a dead-end road with scrub brush vegetation.
 - b. Location 2: Location 2 is at the northwest property line of the project looking east into the Project Site. The project is partially visible from this location. The upper portion of the building can be seen above the existing vegetation. The existing viewshed from this location is of high voltage transmission lines above low level grass and reed vegetation in front of small caliper deciduous trees.
 - c. Location 3: Location 3 is on NYS Route 144 at the proposed southwest entrance to the project looking east into the Project Site. The project can be seen from this location through the cut in the berm for the entrance to the Project Site. The existing viewshed from this location is of a roadside berm with scrub brush vegetation on it.
 - 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. The project is somewhat visible from this location. The very top of the building can be seen above the existing vegetation. The existing viewshed from this location is from an elevated point above NYS Route 144 on Glenmont Road. Route 144 is visible below an open field with existing deciduous trees extending through the Hudson valley to the hills east of the river. The existing trees obstruct any view of the river.
 - e. Location 5: Location 5 is from the Hudson River looking west into the Project Site. The project is visible from this location. There is no visual barrier between the Hudson River and the

project. The existing viewshed from this location is of the eastern shoreline of the project with scrub brush and deciduous trees beyond.

Mitigation

- F. An area variance from the Zoning Board of Appeals to address the 85-foot building height shall be pursued as needed.
- G. Building architectural design will be in keeping with the aesthetic nature of the surrounding buildings in the area.
- H. A buffer of on-site existing vegetation will be maintained along western edge of Project Site. Building colors will blend in with existing surroundings.
- I. Lighting will be dark sky compliant.
- J. Proposed mitigation for sensitive receptors:
 - a. Location 1: Location 1 is at the end of South Port Street looking south into the Project Site. The proposed viewshed in this location includes the north face of the building. The building is in keeping with those around the Project Site and will be colored and textured to blend with the surroundings as much possible.
 - b. Location 2: Location 2 is the at northwest property line of the project looking east into the Project Site. The proposed viewshed maintains transmission lines, and grass and reeds vegetation, but replaces most of the deciduous trees with the top of the building. The building is in keeping with those around the Project Site and will be colored and textured to blend with the surroundings as much possible.
 - c. Location 3: Location 3 is on NYS Route 144 at the proposed southwest entrance to the project looking east into the Project Site. The proposed viewshed removes the existing natural berm at the entrance location to show the southern portion of the project, mainly the truck staging location. This location is a dynamic viewshed that is barely visible to those passing the Project Site in an automobile.
 - 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. The proposed viewshed retains the existing elements with the addition of the top of the building partly through the deciduous trees. The building is in keeping with those around the Project Site and will be colored and textured to blend with the surroundings as much possible.
 - e. Location 5: Location 5 is from the Hudson River looking west into the Project Site. The proposed viewshed is of the project with minimal screening. The Hudson riverfront in this area has multiple facilities immediately adjacent to this project with similar industrial uses with old rundown buildings, silos, and material conveyor systems. The proposed project building will be colored and textured to blend into the surrounds and will be an improvement to the existing Industrial buildings view shed.

The Planning Board finds that the proposed Action will not cause significant adverse environmental impact to “Aesthetic and Visual Resources” and that any potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

3.13 Land Use and Zoning

Existing Conditions

- A. The environmental setting is set forth in the FGEIS beginning on page 4-159.

Potential Impacts

- B. A potential building height of 85-feet exceeds the 60-foot maximum allowed per town code.
- C. All area, yard, and bulk requirements will be met except the maximum building height and highway frontage. The parcel reflects a pre-existing nonconforming lot per the zoning law. Highway frontage is not met since land along Port Road South does not meet lot depth requirements. Nonconforming lots are permitted for development as long as there are no changes in the lot dimensions that would increase in the nonconformity. This project does not include a proposed change in the lot dimensions that would increase nonconformity.

Mitigation

- D. An area variance from the Zoning Board of Appeals to address the building height shall be pursued as needed.
- E. The proposed maximum height dimension of 85 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.
- F. The property has been determined to not be visible from the Ezra Prentice community and as such, no mitigation measures are proposed.
- G. The on-site roadway to accommodate access to the site land uses/buildings will be constructed, owned, and maintained by the APDC.
- H. If the Project Site were to be subdivided, compliance with NYS Town Law Section 280-a “Permits for Buildings Not on Improved Mapped Streets” may apply to address buildings not fronting on mapped streets by establishing an open development area.

The Planning Board finds that the proposed Action will not cause any significant adverse environmental impact to “Land Use and Zoning” and that any potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

3.14 Community Character and Compatibility with Comprehensive Plan

Existing Conditions

- A. The environmental setting is set forth in the FGEIS beginning on page 4-173.
- B. The Project Site will be developed in accordance with the Town's Code regulating uses in the Heavy Industrial District, comprehensive plan and the Draft LWRP, and therefore will not require any mitigation measures.

The Planning Board finds that the proposed Action will not cause significant adverse environmental impact to "Community Character and Compatibility with Comprehensive Plan".

3.15 Emergency Services

Existing Conditions

- A. The environmental setting is set forth in the FGEIS beginning on page 4-175.
- B. Correspondence from the Selkirk Fire District indicating the district will serve the proposed Action is included in FGEIS Appendix I.

Potential Impacts

- C. The potential impacts of a 1,130,000-sqft. building classified under industrial use at the Project Site will have a potential impact on police, fire, and emergency services.
- D. Minimal added cost expected for Bethlehem Police Department and Delmar-Bethlehem EMS.

Mitigation

- E. Minimal added cost is anticipated to be offset by the taxes or Payments-In-Lieu-Of-Taxes generated by the Proposed Project.
- F. Buildings will be constructed according to then-current standards of the NYS Uniform Code for fire prevention.
- G. 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.
- H. 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.
- I. 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.

- J. 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.

The Planning Board finds that the proposed Action will not cause significant adverse environmental impact to “Emergency Services” and that any potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

3.16 School District

Existing Conditions

- A. The environmental setting is set forth in the FGEIS beginning on page 4-181.
- B. The project is anticipated to generate new taxable valuation subject to the Bethlehem Central School District property tax. Estimated school district tax revenues are included in an Economic and Fiscal Impact Analysis prepared by Camoin Associates and found in FGEIS Appendix J.

Potential Impacts

- C. 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.

The Planning Board finds that the proposed Action will not have any significant adverse environmental impacts on the “School District”.

3.17 Fiscal and Economic Impact

Existing Conditions

- A. The environmental setting is set forth in the FGEIS beginning on page 4-183.
- B. An Economic and Fiscal Impact Analysis was prepared by Camoin Associates and is found in FGEIS Appendix J.

Potential Impacts

- C. Minimal added cost expected for Bethlehem Police Department and Delmar-Bethlehem EMS.
- D. The development of the property through private entities will result in new taxable value to the Town of Bethlehem taxing jurisdictions (Town, County, and Bethlehem Central School District). The estimated fiscal benefit to these taxing jurisdictions (including Albany County property tax revenue generated within the Town) is approximately \$2.5 million to \$8.1 million annually depending on the potential 5 concepts.

- E. In the case where the APDC owns the buildings, the buildings would not generate property tax revenue.
- F. The Project has the potential to generate approximately 1,670 new permanent (ongoing) jobs in Albany County with \$102 million in new annual (ongoing) wages (earnings) for workers in the county from future operations (tenants) on the property. The total annual (ongoing) potential impact of the Project to Albany County is approximately \$295 million in sales based on the maximum build out of the property of a 1.13 million square-foot industrial facility. The total economic impact includes “spinoff” economic activity that occurs in the County. Approximately one-out-of-three permanent (ongoing) jobs generated in the County as a result of annual (ongoing) operations will exist off-site at other businesses in Albany County.
- G. The Project will also have a significant one-time construction impact, with the potential to generate a one-time boost of between \$48.1 million and \$113 million to the local economy. The total job impact from construction of the project is estimated to range from approximately 470 up to 1,100, including construction jobs and others generated in the local economy during the construction phase.

Mitigation

- H. 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.
- I. 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.

The Planning Board finds that the proposed Action will not cause any significant adverse environmental impact to “Fiscal and Economic Resources” and that any potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

3.18 Recreation and Open Space

Existing Conditions

- A. The environmental setting is set forth in the FGEIS beginning on page 4-197.
- B. 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.
- C. 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.

The Planning Board finds that the proposed Action will not cause any significant adverse environmental

impacts to “Recreation and Open Space”.

3.19 Solid Waste Disposal

Existing Conditions

- A. The environmental setting is set forth in the FGEIS beginning on page 4-203.
- B. The generation of substantial additional solid wastes above existing generation rates during construction and operation of a project has the potential to exceed capacities of local existing disposal facilities. However, based on the capacities and estimated life spans of the Rapp Road Landfill and the Town of Colonie Landfill, adequate space for the disposal of solid waste attributable to during construction and operation of the project is available at this time and into the near future. Should waste go to another facility, such as the Dunn C&D site, no waste would be sent there without prior approval and with all required permits and practices.

Potential Impacts

- C. No Impact is anticipated as existing facilities have capacity for solid waste during construction and operation.

Mitigation

- D. 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.
- E. Future tenants will be encouraged to comply with Town’s recycling policy.

The Planning Board finds that the proposed Action will not cause significant adverse environmental impact on “Solid Waste Disposal”.

3.20 Environmental Justice

Existing Conditions

- A. The environmental setting is set forth in the FGEIS beginning on page 4-205.
- B. The Project Site is located south of a NYSDEC mapped Potential Environmental Justice (EJ) Area. The Project Site is also located approximately 1.7 miles south east of the Ezra Prentice Homes, located within the mapped potential EJ area, which has been designated an Environmental Justice Community by the NYSDEC.
- C. To evaluate potential impacts on the Ezra Prentice community, a Supplemental DGEIS was prepared by McFarland Johnson and deemed complete by the Planning Board as Lead Agency on December 17, 2019. The Supplemental Draft Generic Environmental Impact Statement (SDGEIS) was prepared to augment the DGEIS for the specific purposes of addressing any potential environmental impact the Proposed Project may have on the Ezra Prentice community. This SDGEIS includes the DGEIS by reference, including all verbal and written comments received

during the public hearing held on January 6, 2020 and throughout the written comment period (extended through January 17, 2020). The main purpose of this SDGEIS is to implement the public participation plan for the Ezra Prentice community and to respond to all substantive comments.

- D. A Public Participation Plan has been prepared and is included in Appendix E of the Supplemental DGEIS.

Potential Impacts

- E. Ezra Prentice community is a nearby community occupied by low-income predominately minority public housing. Some residents of Ezra Prentice community have expressed concerns over air quality, public health, and quality-of-life impacts from existing local commercial operations and traffic related to the trucks that pass through the neighborhood along South Pearl Street and trains in the adjacent CXS railroad yard to the east.
- F. Increased truck and rail traffic near the Ezra Prentice neighborhood and potential air toxin increases from truck and rail traffic.
- G. An additional 4-5 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 additional 1-2 trains per month is a slight increase to the roughly 30- 35 trains that already pass through the area. Noticeable impacts to the Ezra Prentice community from slight increase in rail operations is not anticipated as a result of the proposed development.
- H. The Proposed Project will not have any noticeable impacts to the existing pedestrian and bicycle activities in the Ezra Prentice community.

Mitigation

- I. 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.
- J. At the time of each site plan application, an additional environmental justice review and public outreach process will be followed by implementing the NYSDEC Commissioner Policy 29 (CP-29) at the time of the NYSDEC permit application concurrently with the Town of Bethlehem Site Plan application. At the time of permit application to NYSDEC, the agency has responsibility to administer an environmental justice process that is meant to allow for the fair treatment of all people regardless of race, income, national origin, or color with development, implementation, and enforcement of environmental laws, regulations, and policies. Under CP-29, Environmental

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 DEC 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. A draft Public Participation Plan has been prepared and is included in Appendix E of the Supplemental DGEIS to ensure public participation throughout the permit review process.

The Planning Board finds that the proposed Action will not cause any significant adverse environmental impact for “Environmental Justice” and that any potential impacts will be minimized and mitigated to the maximum extent practicable as set forth above.

4.0 REASONABLE ALTERNATIVES TO BE CONSIDERED

SEQRA requires that an EIS evaluate reasonable project alternatives. In determining the scope of alternatives to be considered, the emphasis is on what is "reasonable". As described in 6 NYCRR §617.9(b)(5)(v), an EIS must contain a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of Project Sponsor.

The project sponsor is not proposing development of the Project Site in a manner that does not conform to existing zoning. It should be noted that no specific project has been identified and for the purpose of these findings, only the full build out and corresponding phases of Concept A is being evaluated. Concept A represents the maximum amount of development permitted under current zoning, and therefore represents the concept plan that has the greatest potential for ecological and environmental impacts.

Impacts associated with each alternative listed below are anticipated to be less than the impacts associated with Concept A and therefore, Concept A represents the maximum level of mitigation. Alternatives evaluated included:

- Concept Plan A – Largest, Two-level Warehouse
- Concept Plan B – One Large Single Level Warehouse
- Concept Plan C – Multiple Warehouses
- Concept Plan D and D-1 – Offshore Wind

The project could also be built in phases with various building layouts and site configurations. For the purposes of these findings, the phases may include:

- Phase 1: all site, utility, rail, bridge and roadway infrastructure along with up to 300,000 square feet of building space. Phase 1 includes all site, utility and roadway infrastructure and wharf construction.
- Phase 2: an additional 300,000 square feet of building space for a total of 600,000 square feet.
- Phase 3: an additional 530,000 square feet of building space for a total full buildout of 1,130,000 square feet of Industrial space.

The Planning Board finds that the proposed Action evaluation of Concept A is the most appropriate for the purposes of this SEQRA Review. With the minimization and mitigation measures set forth above, the Proposed Action has minimized and mitigated environmental impacts to the greatest extent practicable and the nature and economic benefits of the Project outweigh any remaining environmental impacts.

5.0 ADVERSE ENVIRONMENTAL IMPACTS WHICH CANNOT BE AVOIDED

The proposed Action has been outlined such that adverse temporary and permanent environmental impacts will be minimized, avoided or mitigated to greatest degree possible in accordance with local, state and federal guidelines and regulations. Temporary, normal, unavoidable short-term impacts from construction will be mitigated using common industry practices. Dust will be mitigated utilizing methods such as spraying water. Noise will be mitigated by confining construction to work periods permitted by the Town and that all equipment has operational exhaust and muffler systems. All truck traffic will be routed through internal Port Roads in the Town of Bethlehem to existing City of Albany streets through the Port District to avoid traveling on South Pearl Street through the Ezra Prentice community. Construction truck traffic will utilize the southern access driveway (NYS Route 144/River Road) until the bridge over the Normanskill has been completed at which point the construction truck traffic will be routed through existing Port roads.

In addition, 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. There is a possibility, however, depending on the volume of such deliveries, for increased delivery vehicle trips on such existing delivery routes (which include South Pearl Street) to support new tenants at the Project Site. As a result, the Proposed Action may result in an increase of single-unit delivery vehicle trips along South Pearl Street.

Adverse environmental impacts that have been identified that cannot be minimized, avoided or mitigated include the following:

- Removal of existing vegetation within the project limits; and
- Reduction of vacant land available for future development.

Additional minimization, avoidance and mitigation measures will likely be implemented based on the final project design and in coordination with local, state and federal regulatory agencies.

The Proposed Action will result in certain unavoidable impacts, mostly temporary, short-term and reversible, all of which are summarized in Table 1.3-1 of the FGEIS. These potential impacts have proposed mitigation measures that would reduce or eliminate the impacts. These impacts include:

- Change in surface coverage such as increasing imperviousness and increasing peak discharge rates for stormwater runoff;
- Changes in landscape including removal of trees;
- Dredging of the Hudson River;
- Small wetland impacts;
- Temporary air and GHG impacts due to construction activities;

- Increased in vehicle and truck trips;
- Increased water demand
- Potential increased sewer demand; and
- Impact on adjacent communities.

If the identified mitigation measures are implemented, the Proposed Action is expected to result in a positive, long term impact that will offset the adverse effects that cannot be avoided. Overall, the use of a previously heavily disturbed vacant site, with existing infrastructure (roads and rail) and utilities (water, sewer, natural gas, and electric) already in place nearby, is considered to be far more less likely to result in adverse environmental impacts as compared to the development of potentially less disturbed, more natural lands along the Hudson River.

The Planning Board finds that with the implementation of these mitigation measures, the Proposed Action is expected to result in positive, long-term overall impacts that will offset the identified adverse effects that cannot otherwise be avoided.

6.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The Proposed Action will result in the development of currently vacant, and partially previously disturbed lands for industrial use. Once constructed, the lands would be unavailable for other potential uses for as far in the future as can be determined, based on what is currently known.

During construction natural and human resources will be consumed, converted, or made unavailable for future use. This would include building materials, fossil fuels, natural gas, and manpower. At this time, such resources are considered to be readily available and should not present a burden upon scarce materials or resources. Future manpower commitments would include required emergency personnel services (police, fire, and medical services) in the event of an emergency. Any health and safety requirements related to the COVID-19 pandemic would be followed. The project sponsor has received notice from the police, fire, and ambulance service that they have the resources to serve the project though with some additional cost. However, significant additional revenue from real property taxes or Payments-In-Lieu-Of-Taxes would go to the Town of Bethlehem, the Bethlehem Central School District and Albany County during the life of the Proposed Action.

The Proposed Project will not cause any irreversible and irretrievable commitment of resources as it relates to the Ezra Prentice community.

The Planning Board finds that with the implementation of the identified mitigation measures, the Proposed Action is expected to result in positive, long-term overall impacts that will offset the identified irreversible and irretrievable commitment of resources.

7.0 GROWTH INDUCING ASPECTS

The Proposed Action is not anticipated to create a significant increase in the populations of local communities such that additional private or public services are required. There will be an extension of 1,200 linear feet of the Town waterline along River Road. The Proposed Action will connect to existing utilities (natural gas and electric) already in place.

The waterline extension provides an opportunity for adjacent properties to connect to public water that otherwise do not currently have access. Additional growth that might occur would be consistent with existing zoning and the Town's Comprehensive Plan.

The Proposed Action will provide significant additional revenue to the Town of Bethlehem, Bethlehem Central School District and Albany County from real property taxes or Payments-In-Lieu-of-Taxes upon completion of the Proposed Project. This additional revenue provided to these governmental agencies could be utilized to provide new, or improve, or expand on existing public services.

8.0 CUMULATIVE IMPACTS

To determine potential cumulative impacts of the Proposed Action and current or planned development activity within the vicinity of the Project Area, potential cumulative traffic impacts and the potential for growth related to the proposed waterline extension were evaluated.

The APDC Port of Albany Expansion Project will extend 1,200 linear feet of Town-owned waterline along River road. The Proposed Action will connect to existing utilities (natural gas and electric) already in place. The waterline extension provides an opportunity for adjacent properties to connect to public water that otherwise do not currently have access. Additional growth that might occur would be consistent with existing zoning and the Town's Comprehensive Plan. In addition, the Proposed Action will not alter adjacent lands or accessibility from its current setting.

The development projects described below along with the proposed Action may have cumulative impacts on traffic within the Town, including a degradation in the level of service at various intersections along Route 144 and others identified in Section 3.10 of the FGEIS. While each project individually will be required to address impacts associated with that project, the Town, through its Local Waterfront Revitalization Program (LWRP) and update to the Comprehensive Plan currently being undertaken, has recognized that addressing cumulative impacts from various individual Projects is a broader challenge and has recommended a comprehensive NYS Route 144/River Road corridor study to determine key issues and potential steps to alleviate those issues and ensure all developments contributing to such impacts, including the Proposed Action, contribute to reasonable solutions.

Projects in the vicinity evaluated for potential cumulative traffic impacts include a warehouse development; an assisted living facility; convenience store; and single-family homes and condominium subdivisions. A description of these projects follows:

- Gateway Commerce Center (application received) – 169,050 SF of space within three buildings for light industrial use
- Beacon Heights Senior Community (conceptual) – construction includes a two-story 89,000 SF, 72 unit assisted living facility with parking. The project also includes a 20,000 SF two-story building for commercial use.
- 194 River Road Convenience Store/Gas Station (application received) – 2,358 sf convenience store on first floor and 2,212 SF office on second floor. 4 gas pumps (8 dispensers)

- Wiggand/Grady Conservation Subdivision (application received) – 99 units including 79 single family homes and 20 condominium units

The Planning Board finds that the Port of Albany Expansion Project, when taking into consideration of past, present, and reasonably foreseeable future actions in the vicinity of the Project Site, should not result in significant adverse cumulative impacts to the same resource(s).

9.0 CERTIFICATION

Certification to Approve/Fund/Undertake:

Having considered the Draft, Supplemental and Final Generic Environmental Impact Statements and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable.

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
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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

FINDINGS 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