

**SEQR RESOLUTION**  
**ALBANY PORT DISTRICT COMMISSION PROJECT**

A regular meeting of Town of Bethlehem Industrial Development Agency (the “Agency”) was convened in public session at the offices of the Agency located at the Town of Bethlehem Town Hall located at 445 Delaware Avenue in the Town of Bethlehem, Albany County, New York on March 25, 2022, at 8:00 o’clock, a.m., local time.

The meeting was called to order by the Chair and, upon roll being called, the following members of the Agency were:

**PRESENT:**

Victoria Storrs	Chair
Tim Maniccia	Secretary
Richard Kotlow	Treasurer
David Kidera	Member
Chris Bub	Member

**ABSENT:**

Jared Finke	Member
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**AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:**

Catherine Hedgeman, Esq.	Executive Director, Assistant Secretary and Agency Counsel
Allen F. Maikels	Treasurer, Chief Financial Officer and Contracting Officer
Robin Nagengast	Assistant Executive Director
Robert Leslie	Director, Department of Economic Development & Planning

The following resolution was offered by Tim Maniccia, seconded by Richard Kotlow, to wit:

Resolution No. 0322-\_\_

**RESOLUTION AUTHORIZING THE ISSUANCE OF A FINDINGS STATEMENT  
RELATIVE TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE  
ALBANY PORT DISTRICT COMMISSION PROJECT**

WHEREAS, Town of Bethlehem Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”) and Chapter 582 of the 1973 Laws of New York, as amended, constituting Section 909-b of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and recreation facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more “projects” (as defined in the Act) or to cause said projects to be acquired, constructed, reconstructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, in September, 2021, the Albany Port District Commission, a New York State public benefit corporation (the “APDC”), submitted an application (the “Application”) to the Agency, which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of APDC, said Project consisting of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 81 acres located on Port Road South (tax map number 98.01-2-1) and East of River Road (NYS Rt. 144) south of Normans Kill and north of PSEG property (tax map number 98.00-2-10.23) in the Town of Bethlehem, Albany County, New York (collectively, the “Land”), (2) the construction on the Land of four (4) buildings containing in the aggregate approximately 560,000 square feet of space, a bridge, related parking and various infrastructure improvements (collectively, the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) (the Land, the Facility, and the Equipment being collectively hereinafter referred to as the “Project Facility”), all of the foregoing to constitute an industrial/manufacturing facility to be owned by the APDC and operated by a joint venture third party operator as a wind tower manufacturing and shipping facility and any other directly and indirectly related activities; (B) the granting of certain potential “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes (the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the APDC or such other person as may be designated by the APDC and agreed upon by the Agency; and

WHEREAS, pursuant to the authorization contained in a resolution adopted by the members of the Agency on September 24, 2021 (the “Public Hearing Resolution”), the Executive Director of the Agency (A) caused notice of a public hearing of the Agency (the “Public Hearing”) pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on September 30, 2021 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is to be located, (B) caused notice of the Public Hearing to be posted on September 28, 2021 at the Town Hall Auditorium located at 445 Delaware Avenue in the Town of Bethlehem, Albany County, New York, (C) caused notice of the Public Hearing to be published on October 1, 2021 in the Albany Times Union, a newspaper of general circulation available to the residents of Town of Bethlehem, New York, (D) conducted the Public Hearing on October 13, 2021 at 4:30 p.m., local time at the Town Hall Auditorium located at 445 Delaware Avenue in the Town of Bethlehem, Albany County, New York 12054, and (E) prepared a report of the Public Hearing (the “Public Hearing Report”) fairly summarizing the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on December 17, 2021 (the “Preliminary Term Sheet Resolution”), the Agency approved an IDA Term Sheet (the “IDA Term Sheet”) outlining the Financial Assistance the Agency would provide, which assistance was contingent upon (A) the completion of the SEQRA (as hereinafter defined) review by the Town of Bethlehem Planning Board (the “Planning Board”), (B) the preparation, review and finalization of the documents providing for an IDA straight lease transaction (the “APDC Documents”) outlined below, such documents to be subject to review and approval by the Agency Counsel, and (C) adoption by the Agency of an “approving resolution” which approves the APDC Documents; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the “SEQR Act”) and the regulations (the “Regulations”) adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6NYCRR Part 617, as amended (collectively with the SEQR Act, “SEQRA”), the Executive Director of the Agency has reported to the members of the Agency, as follows: (A) that all state and local governmental agencies identified as “involved agencies” with respect to the Project have agreed that the Town of Bethlehem Planning Board should act as the “lead agency” (the “Lead Agency”) pursuant to SEQRA with respect to the Project; (B) the Lead Agency on May 5, 2020, accepted a final generic environmental impact statement (the “FGEIS”) prepared with respect to the Project, which analyzed and evaluated potential environmental impacts equally with social and economic factors associated with the conceptual development of the Project; (C) on June 2, 2020, the Lead Agency adopted the FGEIS Findings Statement, which established thresholds pursuant to SEQRA to be followed during the design, construction and operations phase of a future specific Project; (D) a supplemental draft environmental impact statement (the “SDEIS”) was submitted to the Lead Agency on November 16, 2021; (E) the Lead Agency accepted the supplemental final environmental impact statement (the “SFEIS”) on March 1, 2022; (F) the staff of the Agency have received a copy of the FGEIS, the SDEIS and the SFEIS; (G) the staff of the Agency have reviewed the FGEIS, the SDEIS and the SFEIS; (H) the staff of the Agency have also received a copy of a Planning Board’s Findings Statement relative to the FGEIS, the SDEIS and the SFEIS (the “Findings Statement”), which Findings Statement was adopted by the Lead Agency on March 15, 2022; and (I) the staff of the Agency have reviewed the Findings Statement; and

WHEREAS, at this meeting, (A) the staff of the Agency have discussed with the members of the Agency the results of their review of the FGEIS, the SDEIS and the SFEIS conducted by the staff of the Agency; (B) a copy of the Findings Statement was presented to the members of the Agency; (C) the staff of the Agency have discussed the Findings Statement with the members of the Agency; and (D) the members of the Agency have reviewed and considered the Findings Statement; and

WHEREAS, the Agency now desires to adopt the Findings Statement as the Agency’s written findings statement relative to the Project, as required by Section 617.11(c) of the Regulations;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF TOWN OF BETHLEHEM INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. Based upon (A) the discussions held by the members of the Agency at this meeting respecting the FGEIS, the SDEIS, the SFEIS and the Findings Statement (collectively, the “SEQR Documents”) and (B) the review of the Findings Statement conducted by the members of the Agency at this meeting, the Agency hereby (i) ratifies and concurs in the designation of the Planning Board as the “lead agency” with respect to the Project (as such quoted term is defined in SEQRA), (ii) makes the findings and provides the rationale for such findings as set forth in the Findings Statement, which Findings Statement is hereby incorporated into and made a part of this Resolution, and (iii) adopts the Findings Statement as the Agency’s written findings statement relative to the Project, as required by Section 617.11(c) of the Regulations.

Section 2. Based upon the foregoing, the Agency hereby finds and determines that:

A. The Agency has reviewed the FGEIS, the SDEIS and the SFEIS and has considered the relevant environmental impacts, facts and conclusions disclosed in the FGEIS, the SDEIS and the SFEIS;

B. The Agency has weighed and balanced the relevant environmental impacts identified in the FGEIS, the SDEIS and the SFEIS with social, economic and other considerations;

C. The Agency has reviewed the Act, the FGEIS, the SDEIS, the SFEIS and the Findings Statement, and based on said materials, the Agency finds no compelling reason not to proceed with the Project;

D. The requirements of SEQRA have been met with respect to the Project; and

E. As set forth in the Findings Statement, consistent with social, economic and other essential considerations, from among the reasonable alternatives available, (1) the Project minimizes adverse environmental impacts to the maximum extent practicable and (2) adverse environmental effects revealed in the FGEIS, the SDEIS and the SFEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable in the FGEIS, the SDEIS and the SFEIS.

Section 3. In consequence of the foregoing, the Agency hereby makes a determination to proceed with the Project.

Section 4. The Executive Director of the Agency is hereby directed to (A) send a copy of this Resolution to the chief executive officer of the Town of Bethlehem, New York; (B) send a copy of this Resolution to the Lead Agency; (C) send a copy of this Resolution to each entity identified by the Agency as an “involved agency” with respect to the Project (as such quoted term is used in SEQRA), (D) send a copy of this Resolution to APDC; (E) send a copy of this Resolution to each other person who has requested a copy of same, and (F) place a copy of this Resolution in the files of the Agency that are readily accessible to the public and made available on request.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Victoria Storrs	VOTING	YES
Tim Maniccia	VOTING	YES
Richard Kotlow	VOTING	YES
David Kidera	VOTING	YES
Jared Finke	VOTING	ABSENT
Chris Bub	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK                    )  
  ) SS.:  
COUNTY OF ALBANY                    )

I, the undersigned Secretary of Town of Bethlehem Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on March 25, 2022 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

25<sup>th</sup> IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this day of March, 2022.

  
Secretary

(SEAL)

## EXHIBIT A

### FINDINGS STATEMENT

In accordance with Article 8 (State Environmental Quality Review) of the Environmental Conservation Law (the “Act”), and the statewide regulations under the Act (6 NYCRR Part 617) (the “Regulations”), Town of Bethlehem Industrial Development Agency (the “Agency”) has received an application (the “Application”) from Albany Port District Commission (the “APDC”), which Application requested that the Agency consider undertaking a project (the “Project”) for the benefit of APDC, said Project consisting of the following: (A) (1) the acquisition of an interest in two (2) parcels of land containing in the aggregate approximately 81 acres located on Port Road South (tax map number 98.01-2-1) and East of River Road (NYS Rt. 144) south of Normans Kill and north of PSEG property (tax map number 98.00-2-10.23) in the Town of Bethlehem, Albany County, New York (collectively, the “Land”), (2) the construction on the Land of four (4) buildings containing in the aggregate approximately 560,000 square feet of space, a bridge, related parking and various infrastructure improvements (collectively, the “Facility”) and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (collectively, the “Equipment”) (the Land, the Facility, and the Equipment being collectively hereinafter referred to as the “Project Facility”), all of the foregoing to constitute an industrial/manufacturing facility to be owned by the APDC and operated by a joint venture third party operator as a wind tower manufacturing and shipping facility and any other directly and indirectly related activities; (B) the granting of certain potential “financial assistance” (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes (the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the APDC or such other person as may be designated by the APDC and agreed upon by the Agency.

The Executive Director has informed the Agency that all state and local governmental agencies which were identified as “involved agencies” with respect to the Project have agreed that the Town of Bethlehem Planning Board should act as lead agency (the “Lead Agency”) pursuant to SEQRA with respect to the Project, and, further, that the Agency has ratified and concurred in the such designation.

On March 15, 2022, the Lead Agency adopted the attached findings statement (the “Findings Statement”) as the findings of the Lead Agency pursuant to 6 NYCRR 617.11(a).

On March 25, 2022, by resolution adopted by the members of the Agency, the Agency adopted the Findings Statement as the Agency’s written findings statement relative to the Project, as required by 6 NYCRR 617.11(c). This written findings statement has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Additional information may be obtained from the following: Catherine Hedgeman, Esq., Executive Director, Town of Bethlehem Industrial Development Agency, 445 Delaware Avenue, Town Hall, Delmar, New York 12054; Telephone No. (518) 439-4955 ext. 1189.

**STATE ENVIRONMENTAL QUALITY REVIEW ACT  
FINDINGS STATEMENT  
Albany Port District Commission  
Marmen – Welcon Offshore Wind Tower Manufacturing Plant  
Supplement Environmental Impact Statement  
Lead Agency: Town Bethlehem Planning Board  
Date: March 15, 2022**

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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 Marmen-Welcon Offshore Tower Manufacturing Plant Project.

The Albany Port District Commission (APDC) has identified the need to expand their current land holdings to continue to accommodate future growth and help New York State in achieving its renewable energy goals by providing additional port infrastructure, manufacturing space for the offshore wind industry, cargo and wharf capacity necessary for the manufacturing and distribution of offshore wind components. In order to continue fulfilling their mission to generate economic development for the region and to accommodate future growth, the APDC proposed the development of an 81.6-acre industrial site, to expand and provide additional port infrastructure, manufacturing space, cargo and wharf capacity (“the Expansion Project”).

A Final Generic Environmental Impact Statement (GEIS) was prepared by the APDC and accepted by the Town of Bethlehem Planning Board (Lead Agency) on May 5, 2020, which analyzed and evaluated potential environmental impacts equally with social and economic factors associated with the conceptual development of the Expansion Project. The Project evaluated in the 2020 Final GEIS (FGEIS) included the following elements:

- +/- 1.13 million square feet of industrial space located on the APDC 81.6-acre expansion property, located in the Town of Bethlehem, with maximum building height of 85 feet
- Site infrastructure and utilities associated with the proposed development (e.g., stormwater, electric, sanitary, communications, etc.)
- +/- 1,200 linear foot (LF) wharf and associated dredging
- bridge over the Normans Kill
- offsite road improvements for site access

The FGEIS Findings Statement, adopted on June 2, 2020, established thresholds pursuant to SEQRA to be followed during the design, construction and operations phase of a future specific Project. However, if the Project exceeds the established thresholds or includes additional elements that were not contemplated as part of the FGEIS, a Supplemental EIS is necessary to update or evaluate additional potential environmental impacts not previously evaluated. Now that a specific Project has been defined, it was determined that the following Project components either exceed the thresholds established in the FGEIS or were not previously contemplated:

Project elements that exceed thresholds in the FGEIS:

- Increased maximum building height from 85 feet to approximately 110 feet

Project elements that were not contemplated during the preparation of the 2020 FGEIS; therefore, are now included as part of the proposed action and identified as “Supplemental Project Area”:

- Development of 19,600 SF at 700 Smith Boulevard (14.7 acres) in the City of Albany.
- Disturbance of 4.4 acres on National Grid Parcel for 2.5 acre employee parking lot adjacent to the 81.6 acre site.
- Impacts to submerged aquatic vegetation (SAV).

As a result, a Supplemental Draft Environmental Impact Statement (SDEIS) was prepared by the APDC to identify, evaluate or update foreseeable potential environmental impacts, of the specific project components that were not previously contemplated, as applicable.

Furthermore, the SDEIS provided an update to wetland impacts previous discussed in the 2020 FGEIS.

As such, the Final Generic Environmental Impact Statement (FGEIS) and corresponding Findings Statement adopted on June 2, 2020 shall be incorporated into and made part of this Findings Statement.

**Description of Action:** The Action consists of building a 626,014 +/- square foot Offshore Wind (OSW) Tower manufacturing plant owned by the APDC and operated by the Marmen-Welcon joint venture. The manufacturing facility is spread out over five (5) separate buildings. The following is a breakdown of the function and size of each building:

1. Building A Plate Preparation & Welding (299,414 SF)
2. Building B Welding Finishing (111,189 SF)
3. Building C Blast Metallization Plant (132,014 SF)
4. Building D Internal Assembly finishing (61,647 SF)
5. Building E Material receiving (21,748 SF)

Tower production will occur within four (4) buildings (Buildings A thru D) located on the Port Expansion property located in the Town of Bethlehem. The fifth building (Building E) is located at 700 Smith Boulevard within the existing Port District in the City of Albany. The project includes building a new gated bridge over the Normans Kill to provide secure access for Marmen-Welcon owned delivery vehicles to and from the main production facility, where Buildings A thru D are located. This bridge will connect the production facilities with the 14.7-acre parcel at 700 Smith Boulevard where Building E (material receiving) is planned. Employee parking will be situated on the adjoining land owned by National Grid with access from existing River Road (NYS Rt. 144). The project includes a 500 linear foot by 93 feet wide wharf and associated dredging along the western bank of the Hudson River. The wharf will be used to ship completed tower component sections to the Offshore Wind Farm Developments in the Atlantic Ocean.

The Project facility is expected to employ up to 550 full time workers.

**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”). Disturbance of 4.4 acres on the adjacent National Grid Parcel (tax parcel 98.00-2-10.21) and the 14.3 acres located at 700 Smith Boulevard, City of Albany (tax parcel 87.10-4-1).

**Date Supplemental Final Environmental Impact Statement (FGEIS) Accepted:** March 1, 2022



The SEIS and all project related documents are available on the [Town's Meeting Portal website](#) for the Planning Board by selecting the March 1, 2022 meeting date.

## **2.0 DESCRIPTION OF THE PROPOSED ACTION**

### **2.1 Project Description**

The APDC proposes to develop the 100.32-acres that comprises the Project Site for the 626,014 +/- square foot Offshore Wind (OSW) Tower Manufacturing Plant owned by the APDC and operated by the Marmen-Welcon joint venture.

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

- All structures, buildings, parking lots on the Project properties
- Site Lighting and watermain within the Port Project properties
- Vehicle bridge over Normans Kill
- Wastewater package treatment plant, on-site
- Wharf

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

- Roadway improvements to Port Road South/Normanskill Street (Town of Bethlehem & City of Albany)
- Roadway improvements to Raft Street (City of Albany)
- Off-site traffic signal at NYS Route 144 (River Road) and NYS Route 32 (Corning Hill Road)
- Off-site left turn lane on NYS Route 144 (River Road) at the project driveway

The potential environmental impacts of the proposed Action were reviewed by the Planning Board serving as SEQRA Lead Agency in the following documents and associated engineering plans and reports:

- 2020 Draft Generic Environmental Impact Statement
- 2020 Supplemental Draft Generic Environmental Impact Statement
- May 5, 2020 Final Generic Environmental Impact Statement
- June 2, 2020 GEIS Findings Statement
- November 16, 2021 Supplemental Draft Environmental Impact Statement
- March 1, 2022 Supplemental Final Environmental Impact Statement

The Planning Board established itself as "Lead Agency" and adopted a Positive Declaration of Environmental Significance requiring the APDC prepare a Supplemental DEIS 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
- US Maritime Administration Department
- New York State Department of Environmental Conservation
- New York State Office of General Services
- New York State Historic Preservation Office
- New York State Department of State
- New York State Department of Transportation

- New York State Energy and Research Development Authority
- Albany County Health Department
- Albany County Planning Board
- Town of Bethlehem Planning Board
- Town of Bethlehem Town Board
- Town of Bethlehem Zoning Board of Appeals
- Town of Bethlehem Department of Public Works
- City of Albany Planning Board
- City of Albany Department of General Services
- City of Albany Water Department

## **2.2 Purpose and Need**

In 2018, the APDC identified the need to expand its current land holdings and port facilities to accommodate future growth. The APDC's Marmen-Welcon Manufacturing Plant Project as described herein meets that purpose and need.

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

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

The Project will be the first OSW tower manufacturing facility in the United States and is forecasted to create upwards of approximately 500 construction jobs and approximately 550 full time new jobs. Additionally, the Project is expected to help in reducing U.S. reliance on imported OSW components as well as contribute to the Green Economy.

## **2.3 Project History**

**The Project appeared on the Town of Bethlehem Planning Board agenda at meetings from June 15, 2021 to March 1, 2022 for discussion and actions.** In accordance with the SEQRA Regulations, the following elements of the SEQRA process were undertaken:

- On or about May 25, 2021, the Planning Board received a site plan application from the APDC 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 July 6, 2021, the Planning Board adopted a resolution to continue as "Lead Agency" and adopted a Positive Declaration requiring that the APDC prepare a SDEIS for the proposed action pursuant to the requirements of SEQRA.
- The Planning Board adopted the Final Scope for the SEIS (dated July 1, 2021).
- On or about November 16, 2021, the Planning Board determined the SDEIS was complete and established a public comment period on the SDEIS from November 16, 2021 to December 17, 2021 after the draft SDEIS 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 SDEIS was ready for public review and comment.

- On or about December 7, 2021, the Planning Board held a duly noticed Public Hearing on the SDEIS.
- On or about December 21, 2021, a Public Information Meeting was held pursuant to NYSDEC Commissioner Policy 29, at the Salvation Army, Campus of Hope, 20 Ferry Street, Albany for all members of the public, with a targeted focus towards residents of the South End of Albany, including residents of the Ezra Prentice Homes in addition to presentation at the South End Neighborhood Association meetings on or about August 24, 2021 and February 22, 2022.
- A draft Supplemental Final EIS (SFEIS) on the Proposed Action was prepared by the APDC and submitted to the Planning Board, which contained all substantive comments received during the Planning Board's Public Hearing, public meetings and public comment period on the SDEIS as well as responses to those comments, and all additional studies that were undertaken to respond to those comments.
- The draft SFEIS was reviewed by Town Staff, the Town's TDE and members of the Planning Board to ensure responses were provided for all substantive comments and all technical engineering and impact review issues had been sufficiently addressed and provided comments and revisions for the draft SFEIS.
- On or about February 24, 2022, the Town's TDE, having reviewed the draft SFEIS advised the Planning Board by letter that the draft SFEIS (as revised) was complete and complied with all the requirements of SEQRA.
- On or about March 1, 2022, the Planning Board accepted the Supplemental Final Environmental Impact Statement ("SFEIS") as complete and providing a full and comprehensive evaluation of the Proposed Action and addressing all comments received by the Planning Board on the SDEIS and Supplemental FEIS. A Notice of Completion of the SFEIS was duly published in the Environmental Notice Bulletin. Copies of the SFEIS and the Notice of Completion were also distributed to all involved/interested agencies. The SDEIS and SFEIS and all project related documents are available on the Town's Meeting Portal website for the Planning Board by clicking the meeting dates as identified above.

### **3.0 FINDINGS CONCERNING RELEVANT ENVIRONMENTAL IMPACTS**

*All references to page numbers refer to the Supplemental FEIS section 4 subsection 3 "Environmental Impacts and Mitigation Measures".*

#### **3.1 Soils, Geology and Topography**

##### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-2.
- B. The topographic survey is included in the referenced site plan package of drawings.
- C. The 14.7 acres at 700 Smith Boulevard, City of Albany is completely covered by the Recycled Asphalt Concrete (RAC) cap due as a requirement of the Soil Management Plan approved by the NYSDEC.

##### ***Potential Impacts***

- D. The Project will change the surface coverage of the Project Area by increasing the amount of 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. The construction of the Project requires Erosion and Sediment Control measures to mitigate potential short-term water quality impacts including the exposure of bare soil and the mobilization of sediment.
- E. At 700 Smith Boulevard, should the RAC cap be penetrated the soils shall be managed pursuant to the SMP.
- F. Construction activities may cause noise impacts including earthwork, paving, structure construction, land clearing, and blasting related to bedrock and shale. Construction activities will abide by the Town of Bethlehem's Town Code § 81-5 regarding construction noise and hours of operation.
- G. Papscaanee Island, a significant cultural resource for the Stockbridge-Munsee Band of the Mohican Nation, is located directly across the river. Upon request by SMC THPO, a noise assessment was conducted by Proactive Environmental Solutions and results concluded that there is no impact.

#### **Mitigation**

- H. There are no natural or unique geographical features located at the Project Area, and therefore no mitigation is required. However, BMPs will be implemented to avoid or minimize impacts outside the Project Area as follows:
  - I. The Project will be designed to balance earthwork, and therefore it is anticipated that on-site soil or other fill material will be kept at the Project Site and off-site disposal of cut material is avoided to the maximum extent possible; therefore, no off-site disposal is being proposed.
  - J. A Soil Management Plan (SMP), dated March 2020, was developed by CHA Consulting Inc., for the 700 Smith Boulevard parcel. The SMP also addresses protocol for monitoring, sampling and analysis during excavation and site work, and recommendations for the installation of vapor barrier systems beneath the proposed building.
  - K. Construction activities will abide by the City of Albany and 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.
  - L. During civil site work, construction particle velocities will be monitored, and techniques modified as required to achieve the desired densification and maintain particle velocities below the residential threshold at the Proposed Project's property limits or sensitive facilities within the Project Site. While impacts on noise or vibration are anticipated to be negligible or non-existent, noise would be monitored as needed.
  - M. Construction activities will comply with the Town of Bethlehem's Local Law No. 5-2009 (Town Code Chapter 81) noise requirements.
  - N. A Stormwater Pollution Prevention Plan (SWPPP) (dated October 2021) has been prepared by McFarland Johnson, Inc., (MJ), and involves Erosion and Sediment Control measures and bioretention ponds to be constructed to address stormwater run-off. The SWPPP is subject to

the City of Albany and Town of Bethlehem's review (including the Town's TDE) with the Town and City 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.

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**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on Section 3 page 4-7.
- B. A subaquatic vegetation (SAV) survey was performed by Biodrawiversity in June 2020 and identified three (3) patches of SAV along the western riverbank of Hudson River and within the boundaries of the original Project Area. A copy of the SAV report is included in **Appendix B of the SFEIS**.
- C. A Freshwater Mussel Survey was completed by Biodrawiversity in June 2020 in the Hudson River and Normans Kill creek, specifically within the boundaries of the original Project Area. According to the survey, live mussels of only two (2) native species were found in the Hudson (*E. complanata* and *Leptodea fragilis*). *L. fragilis* has a state-rank of S3 and has rarely been observed in the tidal Hudson River where it is not native. In addition to these two (2) species, several old relic shells of *Anodonta implicata* (alewife floater) were found, and one (1) shell of *Lampsilis radiata* (eastern lampmussel) was found. No mussel shells were found on the shoreline, and few were found in the intertidal zone. No live mussels were found in the Normans Kill. Zebra mussels were present in both waterbodies. A copy of the survey report is included in **Appendix D of the SFEIS**.
- D. There will be approximately 4.4 acres of impacts to the National Grid property. A field investigation was completed by McFarland Johnson, Inc., on April 28 and 29, 2021, to survey the additional acres of land west of the initial study area for the potential presence of three (3) state-listed plant species: side-oats grama (*Bouteloua curtipendula* var. *curtipendula*) and violet wood sorrel (*Oxalis violacea*), and the NYS threatened Small's knotweed (*Polygonum buxiforme*). Based on the investigation, there was no potential for violet wood sorrel or side-oats grama on the site due to lack of habitat as the site was largely dominated by emergent wetland and invasive weed species. No polygonum species were identified within the supplemental review area. A copy of the technical memo has been included as **Appendix C of the SFEIS**.
- E. The 14.7 acre property at 700 Smith Boulevard has completed remediation efforts due to previous use for metal recycling; and therefore, as a disturbed area contains no rare plant species.

#### ***Potential Impacts***

##### ***Ecological Communities***

- F. All upland ecological communities within the supplemental Project Area consist of previously disturbed lands that are common and demonstrably secure within the region and New York State. Impacts to freshwater wetlands and surface waters are regulated by the USACE

under Section 404 of the CWA, Section 10 of the RHA and the NYSDEC under Article 15-Protection of Waters. Further descriptions of these potential impacts and mitigation are detailed in Section 3.3 SFEIS.

#### ***Significant Coastal Fish and Wildlife Habitat***

- G. Based on the SAV survey performed there were three (3) patches of SAV located along the shore of the Hudson River along Beacon Island. As shown in the preliminary site plans, only one (1) patch of approximately 0.21 acre in size, is located within the footprint of the proposed dredging for the wharf. Also, eight (8) *Leptodea fragilis* were detected within the proposed dredging area.

#### ***Threatened and Endangered Species***

##### **Atlantic sturgeon and Shortnose sturgeon**

- H. The dredging and wharf construction will take place in the Hudson River, which is listed as spawning and foraging grounds for Atlantic sturgeon and Shortnose sturgeon.

##### **Northern Long-eared Bat**

- I. The Project will result in the removal of trees that could provide potential suitable roosting habitat. All trees within the Project Area will be cut between November 1 to March 31 in accordance with NYSDEC and USFWS recommended conservation measures designed to minimize the likelihood of significant adverse impacts to northern long-eared bats.

##### **Bald Eagle**

- J. Based on correspondence with NYSDEC, there was one (1) nest within the original Project Area; however, the nest fell in 2017. Although the nest is no longer present, the tree the nest was constructed in is no longer standing as documented in the SFEIS. There are multiple Bald Eagle nests in the vicinity of the Project Area, at a distance greater than 0.25 miles. NYSDEC staff, as discussed during the SFEIS process, do not believe the project will result in impacts to these nests given the boundary. A copy of the email correspondence has been included in **Appendix C of the FSEIS**.

##### **Side-oats Grama**

- K. The Supplemental Rare Plant Survey conducted in April 2021 by McFarland Johnson, Inc., indicated that the area of railroad ballast adjacent to the site was unsuitable for this species due to lack of soils.

##### **Violet Wood Sorrel**

- L. The Supplemental Rare Plant Survey conducted by McFarland Johnson, Inc. in April 2021 indicated that there was no suitable habitat within the supplemental Project Area, therefore the project is not expected to result in impacts to violet wood sorrel.

##### **Small's Knotweed**

- M. McFarland-Johnson, Inc., revisited the area where Terrestrial Environmental Services previously observed *Polygonum sp.* And verified the presence of a polygonum species in

an active growth state but was unable to confirm species level identification. Based on the site conditions, McFarland-Johnson, Inc. concurs with TES's opinion that this species is the more common and widespread common doorweed (*Polygonum aviculare*).

### **Mitigation**

- N. An application to NYSDEC to comply with Article 15-Protection of Waters, USACE Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act has been prepared and submitted to the USACE for review and approval (case numbers AN-2021-00948-UDA).
- O. Coastal Consistency review by the NYSDOS will be performed to determine consistency with the New York State Coastal Management Program (NYCMP).
- P. The wharf and associated caissons (piles) will be recessed back approximately 40 feet from the existing shoreline to provide an earthen barrier during construction to mitigate underwater noise impacts to Atlantic sturgeon and shortnose sturgeon. The permanent steel casing for the drilled shaft foundations and the sheet pile wall components would be vibrated in, rather than utilizing an impact hammer. An impact hammer would be used only to seat the steel casing within the first few inches in the top of rock. Other BMPs considered include:
  - Use of pre-drilling prior to vibratory hammering
  - Implement soft start (i.e., pile tapping) prior to full energy impact hammering
  - If necessary, cushion blocks, air bubbles curtain or other noise attenuating tools would be implemented when impact hammering to avoid reaching noise levels that could cause injury or behavioral disturbance to these species
  - Use of nets, tarps and/or pans during construction of the bridge deck over the Normans Kill and removal of any debris that falls into the water
  - A SWPPP will be implemented and maintained during the construction phase to be implemented and address potential water quality impacts
- Q. Dredging activities will be conducted as per 2020 FGEIS (September 1 through November 30) and use of a turbidity curtain will mitigate Atlantic sturgeon and shortnose sturgeon impacts.
- R. In consultation with the NYSDEC, the following mitigation measures have been agreed to which result in the project having a net conservation benefit:
  - a) The total impact to the sturgeon, SAVs and mussels have been determined by the NYSDEC to be 1.0 acres.
  - b) The mitigation strategy identified by NYSDEC consists of an in-lieu fee where the APDC would fund their prorated share of the design and construction of a restoration project at Schodack Island State Park as identified in the Hudson River Comprehensive Restoration Plan. The restoration project is anticipated to cover more than 1 acre within Schodack Island and therefore, the APDC contribution would offset the foreseeable permanent and temporary impacts to the sturgeon species, SAVs and freshwater mussels.
- S. An implementation agreement will be prepared by the NYSDEC as part of the Joint Application Permit and Part 182 application approval process that will outline the total payment and payment schedule. The applicant shall provide documentation to the Town of the execution of this agreement prior to construction within or disturbance of the impacted area.

- T. Removal of trees will only be performed between November 1 and March 31 in accordance with NYSDEC and USFWS recommended conservation measures designed to minimize the likelihood of significant adverse impacts to northern long-eared bats, unless an extension is granted pursuant to USFW rule 4d.

**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**

#### ***Environment Setting***

- A. The environmental setting is set forth in the SFEIS on page 4-21.
- B. A Supplemental Wetland Delineation was performed by McFarland-Johnson, Inc., in April 2021 for the lands on the National Grid parcel. A copy of the Supplemental Wetland Delineation Report is included in Appendix F1 of the SFEIS.
- C. The New York State Freshwater Wetland and Tidal Wetlands mapping indicates there are no NYSDEC jurisdictional wetlands within or adjacent to the supplemental Project Area of the National Grid Property and 700 Smith Boulevard.
- D. The 14.7 acres in the City of Albany is completely covered by the RAC cap due to the SMP prepared for the NYSDEC.

#### ***Potential Impacts***

- E. The Project will result in direct impacts to 0.81 acres over Wetland 1 located in Beacon Island (original Project Area) and 0.01 acres of direct impact to Wetland 1 on National Grid property for the construction of a retaining wall, and 0.02 impacts to Wetland 7 for roadway improvements. There will be approximately 0.33 acres of temporary impacts to wetlands during construction. Total permanent wetland impacts are estimated in approximately 0.86 acre.

#### ***Mitigation***

- F. The required Joint Permit Applications (JAP) has been submitted and is under USACE review, case numbers AN-2021-00948-UDA, and NYSDEC case number 4-0122-00322/00002. See Appendix F2 of the SFEIS for Agency Correspondence. The JAP describes the compensatory wetland mitigation via the accepted USACE In-Lieu Fee Mitigation Program for off-site mitigation will be implemented. The Wetland Trust Mitigation Bank in accordance with USACE rules and regulations will ensure no net loss of wetlands.

The required Joint Permit Applications (JAP) has been submitted and is under USACE review, case numbers AN-2021-00948-UDA, and NYSDEC case number 4-0122-00322/00002. See Appendix F2 of the SFEIS for Agency Correspondence. The JAP describes the compensatory wetland mitigation via the accepted USACE In-Lieu Fee Mitigation Program for off-site mitigation will be implemented. The Wetland Trust Mitigation Bank in accordance with USACE rules and regulations will ensure no net loss of wetlands. The JAP also includes the NYSDEC 401 Water Quality Certification and Article 15 Protection of Waters Permit, and USACE Section 404/Section 10 Individual Permit.



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**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-27.

#### ***Potential Impacts***

- B. The majority of the Supplemental Project Area is located within the 100-year floodplain, mapped as "Zone AE", meaning the area inundated by 1% annual chance flooding, for which base flood elevations (BFEs) have been determined.

#### ***Mitigation***

- C. 700 Smith Boulevard Building E will be designed so the finished floor elevation is above the floodplain and projected sea level rise. 700 Smith Boulevard Building E is considered to be a non-critical facility, this makes the "low" projection of sea level rise 10 inches, or .83 feet over the life of the Project. Based on the FEMA reported BFE of 18, the resulting Finished Floor Elevation (FFE) of the building E would be 20.83 feet (18 feet + medium sea level rise of the Project life + 2 feet). Building E FFE is 21.0 feet, which was established to keep the Project safely above the BFE, account for sea level rise, and balance the earthwork of the Project Site to the greatest extent practicable. A Floodplain Development Permit application will be provided to the City of Albany.
- D. Associated with the National Grid property, a Floodplain Development Permit application pursuant to the 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**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-30

#### ***Potential Impacts***

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

#### ***Mitigation***

- C. A SWPPP has been prepared per NYSDEC regulations that outlines appropriate erosion and sediment controls and stormwater management practices to be implemented.
- 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**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SEIS beginning on page 4-33
- B. Air Emission Analysis conducted by Proactive Environmental Solutions in October 2021 is included in Appendix E2 of the SDEIS. The Project does not meet the definition of a major facility since potential emissions will remain below the major facility thresholds as per 6 NYCRR 231-13.1.

#### ***Potential Impacts***

- C. Facility-wide uncontrolled potential emissions from the project.
- D. A detailed air analysis was conducted that identified applicable air quality regulations and associated air pollution control requirements, modeled sitewide air quality impact per NYSDEC guidance, assessed Project with respect to Climate Leadership & Community Protection Act (CLCPA), and assessed air quality impact on environmental justice (Ezra Prentice) area. The analysis concluded that the project's impact on air quality in the surrounding community will be below standards and guidelines established by EPA and DEC.

#### ***Mitigation***

- E. The project will institute state-of-the-art VOC control on its paint booths using recuperative thermal oxidizers. The project will utilize state-of-the-art dust suppression (particulate control) on its abrasive blast equipment and its paint booths, particulate (PM<sub>2.5</sub>).
- F. A NYSDEC Air State Facility Permit will be needed as a minor facility of regulated air pollutants after taking federally enforceable restrictions (e.g., limiting VOC emissions to less than 50 tons per year, limiting HAP emissions to less than 25 tons per year, limiting particulate (PM<sub>10</sub>, PM<sub>2.5</sub>) emissions to less than 100 tons per, etc.).
- G. The APDC will encourage the operator 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, ventilation and 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).

- H. 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.
- I. A hydrogen sulfide odor threshold will be in accordance with NYSDEC DAR-1.
- J. Air emissions for Ezra Prentice community will also be mitigated by the establishment and enforcement of required truck routes through existing Port District roadways 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 SEIS Section 3.6 details the required truck route and additional mitigation.

**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**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-37.
- B. An updated Traffic Impact Study prepared by McFarland Johnson, Inc. last revised February 2022 has been provided in Appendix CC1 of the FSEIS. The traffic impact analysis was updated to study the specific trip generation and trip distribution of the Marmen-Welcon Manufacturing Facility as a result of changes to traffic operations analyzed in the GEIS.

#### ***Potential Impacts***

- C. Vehicle – Both the AM and PM peak hour trips generated by this project are less than the maximum studied in the Generic DEIS TIS (324 vs 465 and 529 respectively). The project will generate 4 mid-day peak hour truck trips vs the maximum studied in the DGEIS.
- D. Maritime – The project will not generate any additional maritime traffic than the studies in the DGEIS. Therefore, 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 project will not generate any additional rail traffic than what was studied in the DGEIS, and therefore the project 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 32) at the South Port Road intersection to eliminate any additional trucks passing through the Ezra Prentice Homes and other residential communities. This route will also be implemented for all anticipated temporary truck traffic associated with construction activities.
- I. The operational agreement between the APDC and Marmen-Welcon joint venture 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 operational agreement 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.
  - The camera installation will occur as a condition of the future site plan approval.
- K. The traffic impact analysis was updated from the DGEIS so that the specific trip generation and trip distribution of the Marmen-Welcon Manufacturing Facility can be applied to the 12 intersections analyzed, reflecting potential change in intersection operations, significant impacts and additional mitigation necessary. Summary of the Marmen-Welcon Manufacturing project specific traffic impact analysis findings and mitigation measures are below:
  - a. The NYSDOT issued their approval of the updated Traffic Impact Study on January 28, 2022. The mitigation measure that the DOT agreed to are noted below.
  - b. The existing intersection of **NYS Route 32 at South Port Road** is operating at an acceptable LOS for the 2029 Background scenario and will continue to operate with an overall LOS 'A' during the morning peak hour and LOS 'B' during the evening peak hour. All approaches will maintain background LOS with only minor increases in delay. Due to the low volume of vehicles generated by the site performing turning movements at this intersection, the mitigation recommended in the 2019 traffic study is not warranted for the proposed development.
  - c. **NYS Route 144 (River Road) at NYS Route 32:** This intersection is projected to operate at an overall LOS 'B' during the morning peak hour and LOS 'A' during the evening peak hour for the 2029 Background scenario. During the background scenario, the eastbound left turn approach is at a LOS 'F' during both peak hours. To mitigate the delay for this movement and to improve traffic operations at this intersection, a traffic signal shall be installed which would be coordinated with the NYS Route 32/South Port Road intersection. Signalizing the intersection will decrease the delay the eastbound approach experiences from LOS 'F' to LOS 'B' during both peak hours. Prior to the issuance of a Certificate of Occupancy by the Town of Bethlehem the traffic signal shall be installed.
  - d. **NYS Route 144 (River Road) at Proposed site Driveway:** The driveway will be restricted to passenger vehicle traffic only as all truck traffic will be directed to South Port Road and Church Street as all deliveries will be received at the 700 Smith Blvd. site. As outlined in

the 2019 traffic study, this will be accomplished by including signage prohibiting trucks from using this entrance as well as enforcement by the Port, the Port's tenants and local law enforcement.

- e. Due to sight distance restrictions, vehicles exiting the proposed site (via the driveway on NYS Route 144) will be limited to right turn movements only. It is recommended that NYS Route 144 (River Road) be widened to accommodate a left turn lane into the proposed site to increase safety by separating through traffic on NYS Route 144 (River Road) from vehicles slowing to turn into the site. As noted in the Draft SEIS traffic analysis mitigation, advanced guidance signage, intersection lighting and driveway warning advisory signage will be proposed as part of the NYSDOT highway work permit plans to increase visibility of the proposed driveway and installation shall occur prior to the issuance of a Certificate of Occupancy by Town of Bethlehem.
- f. Along NYS Route 144 in the vicinity of the southern access driveway advanced notice signage to be installed prior to the issuance of a Certificate of Occupancy by Town of Bethlehem to aid in notifying drivers in advance of the site driveway being visible.
- g. Vegetation removal along both sides of NYS Route 144 (River Road) shall be included in the NYSDOT highway work permit in order to maximize sight distance for vehicles turning right out of the proposed driveway and completed prior to the issuance of a Certificate of Occupancy by Town of Bethlehem.
- h. Within one year of the issuance of a Certificate of Occupancy by the Town of Bethlehem, a pre-post development speed study shall be completed by the APDC at the proposed site driveways on NYS Route 144 to determine if the regulatory speed limits of 55-mph should be reduced to match the advisory speed limit of 45-mph. This study shall be coordinated with and approved by NYSDOT.
- L. 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 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.).
- M. Prior to issuance of a Building Permit by the Town of Bethlehem, the APDC will deposit a total of \$72,120 into a Town escrow (hold on deposit) account to be set aside for the Town to use for APDC proportional share of the future installation cost of a new traffic signal improvement at the Glenmont Road/NYS Route 144 (River Road) intersection.
- N. Port of Albany will include as part of their operational agreement with Marmen-Welcon, a condition that will require that their 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 Marmen-Welcon 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.

- O. The APDC will implement a quarterly audit of Marmen-Welcon trucking service contracts to ensure the identified truck routes are being followed. The APDC shall require Marmen-Welcon to maintain monitoring logs reflecting 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.
- P. 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 to Smith Boulevard and Raft Street reflected in the design prior to the issuance of a Certificate of Occupancy by the Town of Bethlehem, as these roadway infrastructure improvements serve as mitigation to accommodate the required truck route.
- Q. The new north access roadway (Normanskill/Port Road South) is required to be improved starting at the new bridge over the Normans Kill extending approximately the entire length to Raft Street, and completed prior to the issuance of a Certificate of Occupancy by the Town of Bethlehem. Design of these improvements will be finalized prior to site plan approval.

**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**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the FSEIS beginning on page 4-49
- B. A drainage design report was prepared by McFarland Johnson updated in October 2021 located in SDEIS appendix A-3. 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 National Grid site, increasing impervious by 2.2 acres.
- D. 700 Smith Boulevard is currently capped with a recycled asphalt material and therefore no increase in runoff will occur and no impact.

#### ***Mitigation***

- E. A SWPPP was developed in accordance with the permit regulations. The SWPPP will be reviewed and approved by the Town of Bethlehem as the MS4. The SWPPP is prepared in accordance with the NYSDEC Manual and will meet the following criteria as the principal objectives contained in an approved SWPPP.
  - a. Reduction or elimination of erosion and sediment loading to waterbodies during construction activities. Controls will be designed in accordance with the NYSDEC's New York State Standards and Specifications for Erosion and Sediment Control.
  - b. Mitigate the impact of stormwater runoff on the water quality of the receiving waters.
  - c. Mitigate the increased peak runoff rate of runoff during and after construction.
  - d. Maintenance of stormwater controls during and after completion of construction.
- 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 if needed a Health and Safety Plan (HASP), Community Air Monitoring Plan (CAMP) and Excavation Work Plan (EWP) to mitigate the movement of any subsurface material that may be exposed at 700 Smith Boulevard.
- H. An SPDES permit (General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001) will be required for the Project. Pursuant to NYSDEC Stormwater Management regulations, the Project will not be required to provide water quantity controls as it will discharge directly to a tidal water (Hudson River and Normans Kill).

**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)**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-51
- B. Building E located at 700 Smith Blvd will connect to the existing water infrastructure owned by the City of Albany along Smith Boulevard.
- C. Associated with the increase in height of the buildings located in the Town of Bethlehem, McFarland Johnson, Inc. determined the Marmen Welcon manufacturing plant domestic and the fire protection demand. Based upon these demands, an updated evaluation of the Town of Bethlehem water distribution hydraulics was conducted by the Town of Bethlehem Department of Public Works.

#### ***Potential Impacts***

- D. Building E will be served by the City of Albany water distribution system. The City water department has determined that their system can provide the required domestic and fire protection demands.
- E. McFarland Johnson, Inc. determined that the Marmen Welcon manufacturing plant domestic demand for Buildings A – D is 20.5 gpm and the fire protection demand is 2,000 gpm.

- F. Based upon an updated evaluation of the Town Water Distribution hydraulics conducted by the Town Department of Public Works, the Town water distribution system can provide the domestic demand; however, the system cannot provide the fire protection demand without significant Town wide improvements.

***Mitigation***

- G. A new watermain, constructed by the APCD, will be brought into the site from NYS Route 144 and will have adequate water to supply potable (domestic) only water as coordinated with the Town of Bethlehem. The water service size is to be determined during the site plan review process and approved by the Town.
- H. As a result of several meetings with the Town Department of Public Works and Engineering Department, Town Code Enforcement Officer, Selkirk Fire District, MJ Engineering and the Town Planning Department, the following has been agreed to:
- I. The total demand needed for potable/domestic and fire protection is 2,000 gpm. The Town system does not have the capacity to provide such demand without significant improvements, therefore all fire protection (building sprinklers and hydrants) will be served by two vertical shaft turbine pumps over a wet well pit that will draw water from the Hudson River. Each pump will have a capacity to draw 2,500 gpm. The second pump is for redundancy in the event one pump needs to be shut down for maintenance, repair or replacement.
- J. All Domestic and Fire protection waterlines within the Project Site will be privately constructed, owned and maintained.
- K. Water during construction would be supplied temporarily by the contractor(s).
- L. The 700 Smith Boulevard development within the existing Albany Port District will connect to the existing 12" main that runs adjacent to the site. The building is estimated to have a demand of approximately 1,100 gpd. The City water department has indicated that their system has adequate capacity to serve this project.

**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**

***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-51.
- B. Building E located at 700 Smith Boulevard will connect to the existing sewer infrastructure owned and maintained by the Albany County Water Purification District.

***Potential Impacts***

- C. Building E is calculated to generate approximately 1,100 gpd of sanitary waste. This site was previously developed with buildings and the proposed development will connect to the same City sewer main.



### ***Mitigation***

- D. Building E located at 700 Smith Boulevard is within the existing Albany Port District will connect to the existing 12" VCP sanitary sewer main and discharges to the Albany County Water Purification Plant. The City water department has indicated that their system has adequate capacity to serve this project.

**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**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the FSEIS beginning on page 4-52.

#### ***Potential Impacts***

- B. The parcel at 700 Smith Boulevard was previously used as a rail yard then a metal recycling facility, and the National Grid property has been developed with buried gas lines and overhead electrical lines. Given the previous disturbance and industrial and commercial uses of the National Grid lands and 700 Smith Boulevard, it is not anticipated that there will be impacts to archaeological resources.
- C. The Project now include buildings that exceed the previously evaluated 85 feet height. The Marmen Welcon Manufacturing facility consists of Building A with a maximum height of 100 feet, Building C will have a roof height of 83 feet with exhaust stacks extending to a height of 110 feet, and Building D with a height of 93 feet.
- D. Letters were received from Stockbridge-Munsee Tribal Historic Preservation office (SMC THPO) and NYSOPRHP on December 6, 2021 and December 9, 2021 respectively. SMC THPO found that the plant as currently proposed would have an Adverse Effect on the visual and scenic attributes of the landscape as a result of the visual contrasts of the building structures and yellow color scheme of the temporarily stored transition pieces. Additionally, SMC THPO requested an acoustic noise assessment to evaluate potential noise impacts the project may have on Papscaanee Island Historic District.
- E. An executive summary along with updated visual simulations were provided to SMC THPO and NYSOPRHP as requested to show winter scenarios and greater context of the surrounding development, including the PSEG properties. A copy of the executive summary memo has been included in FSEIS Appendix DD. As the simulation demonstrated, the Project has a lower vertical profile from what is existing to the south (PSEG Power Plant) and north (Albany Port District).
- F. A supplemental letter and visual simulation were submitted to NYSOPRHP dated July 27, 2021, and January 25, 2022 regarding the increased maximum height of the proposed development from 85 feet to 110 feet. As demonstrated by the applicant's documentation the increase in building height will not adversely affect properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places.
- G. The executive summary included the results of the noise assessment conducted by proactive

environmental solutions. The analysis concluded that no perceptible change is expected in sound levels observed at locations represented by MS-1, MS-2 and MS-3, when compared to current peak and average continuous equivalent sound levels as a result of this Marmen-Welcon Manufacturing Plant. Therefore, the project will not have an adverse effect on noise.

- H. The full noise assessment is available in FSEIS Appendix DD.
- I. All exterior site lighting will be building mounted except for the parking lot. A photometric lighting plan has been provided, Drawings LT-01 and LT-02, which demonstrate that the light levels at the property line of the project will be zero and the shoreline along the Hudson will be dark. Marmen-Welcon has indicated that there is no intent to load or unload barges at night and therefore the lighting associated with the Wharf, which is required by Federal Maritime Commission standards, will be off and only be used for emergency situations.

#### ***Mitigation***

- J. The project retains a 2,000 linear foot vegetative buffer to help screen the project. The limits of this vegetative buffer shall be clearly shown on the site plan. During construction, orange construction fencing shall be installed to delineate the boundaries in the field to alert contractors the buffer is to remain. Long-term measures will be taken to ensure that the wooded buffer along the shoreline is maintained. The protective measures could include either a deed restriction or an easement with language describing how the buffer shall be maintained, or permanent fencing with signage. Additionally, new plantings of native species should be installed should existing trees die or fail to survive. Final measures to be determined during site plan review with the Bethlehem Planning Board.
- K. The transition pieces will be stored behind the vegetative buffer to serve as a screen to offset any visual impacts. The buffer varies from 55 feet to 115 feet wide. Within this buffer area the proposed vegetation to remain will have a bandwidth that ranges from 30 feet to 70 feet wide.
- L. THPO issued their letter of No Adverse Effect on March 2, 2022.

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

#### **3.12 Aesthetic and Visual Resources**

##### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-54.
- B. McFarland Johnson, Inc., completed a Visual Impact Assessment in June of 2021 to assess potential impacts to the Area of Visual Effect (AVE) based upon the Marmen Welcon building heights and is included in SDEIS appendix H.

##### ***Potential Impacts***

- C. The Project includes buildings as well as exhaust stacks estimated to be between 72 feet to 100 feet with exhaust stacks up to 110 feet high, which will exceed the allowable 60-foot height permissible by local zoning.

### ***Mitigation***

- D. An area variance from the Zoning Board of Appeals to address the building heights shall be pursued as needed.
- E. Building architectural design will be in keeping with the aesthetic nature of the surrounding buildings in the area.
- F. Proposed mitigation for sensitive receptors:
  - a. Location 1: Location 1 is at the end of South Port Street looking south into the site. The Project can be seen from this location. This viewshed is from the approaching access road through an existing industrial area. The access road is not a heavily trafficked thoroughfare and is only anticipated to be used by people accessing the site; furthermore, it is not practical to screen the Project from the access road. No additional mitigation is recommended at this location.
  - b. Location 2: Location 2 is at northwest property line of the Project looking east into the site. The Project is partially visible from this location. This viewshed is within the access easement to the northern portion of the property. The Project has chosen not to use this access easement instead leaving the existing vegetation in place to screen the Project from both NYS Route 144 and the residence to the northwest. At this location the Project is viewed through the high voltage transmission lines originating at the PSEG plant and the existing railroad bed. The existing vegetation does screen the majority of the Project and no further mitigation is recommended at this location.
  - c. Location 3: Location 3 is on NYS Route 144 at the proposed southwest entrance to the Project looking east into the Project Area. This viewshed is within the right of way of NYS Route 144. The existing berm, screening the Project from NYS Route 144, has been retained to the greatest extent possible. While the Project can be seen from this location, it is anticipated that a viewer in a moving vehicle would only be able to see the Project for the briefest of moments. No additional mitigation is recommended at this location.
  - d. Location 4: Location 4 is from Glenmont Road at the location of cleared vegetation allowing a view of the Hudson Valley looking east toward the Project. This viewshed is from Glenmont Road at a higher elevation and west of the Project. The Project is only slightly visible from this location. The vast majority of the Project is screened by existing vegetation with only the very tops of the buildings visible. No additional mitigation is recommended at this location.
  - e. Location 5: Location 5 is from the Hudson River looking west into the site. The Project is visible from this location. Along this stretch of the Hudson, many of the uses with direct river frontage are industrial, and views from the Hudson are already significantly impacted by the presence of these uses, particularly the PSEG plant to the south. Directly across the Hudson on the east bank are multiple bulk oil storage facilities. Directly to the north is the existing Port of Albany. The following mitigation will be implemented:
- G. Preserve approximately 2,000 linear feet of existing vegetation buffer along the Hudson shoreline to partially screen the project from the Hudson River. This buffer will be approximately 55 feet to 115 feet wide. Within this buffer area the proposed vegetation to remain will have a bandwidth that ranges from 30 feet to 70 feet wide.
- H. Transition pieces, once produced at the proposed facility, will be stored behind the vegetation

buffer to partially screen the temporarily stored product.

- I. The building colors have been chosen to blend into the existing surroundings. All lighting on the Project will be full cut off, dark sky compliant and will not spill onto neighboring properties.

**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**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-57.

#### ***Potential Impacts***

- B. Building heights ranging from 73 feet to 100 feet with exhaust stacks extending 110 feet, exceeds the 60-foot maximum allowed per town code.
- C. The following area variances will be needed; Front yard setback; landscaping area in parking lots, and development in the floodplain along the Normans Kill.

#### ***Mitigation***

- D. All area variances from the Zoning Board of Appeals shall be pursued as needed.
- E. The proposed maximum height dimension of 110 feet is in character with the building and structure height of the adjacent properties surrounding the Project Site. The Port of Albany to the north has silos that are approximately 90 feet tall, and the PSEG 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 or from Papskanne Island Nature Preserve and as such, no additional mitigation measures are proposed.

**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**

#### ***Environmental Setting***

- A. The environmental setting is set forth in FSEIS beginning on page 4-60.

#### ***Potential Impacts***

- B. The Project Site will be developed in accordance with the Town of Bethlehem Code regulating uses in the Heavy Industrial District, Comprehensive Plan and the Local Waterfront Revitalization Program (LWRP), and therefore will not require any mitigation measures.
- C. The Project will help achieve the goals in the City of Albany's Comprehensive plan by creating jobs and help New York State in achieving its renewable energy goals by providing additional Port infrastructure, warehouse space, cargo and wharf capacity necessary for the manufacturing and distribution of wind tower components.

***Mitigation***

- D. The project site is zoned Heavy Industrial and the Marmen-Welcon project is a heavy industrial manufacturing use. The project is surrounded by existing heavy industrial businesses within the industrial corridor.
- E. The project is compatible with both the Town and City LWRP and Comprehensive Plans as both plans identified this property to be developed as industrial and generate economic development opportunities with the need for maritime components. The Marmen-Welcon manufacturing facility is a heavy industrial manufacturing plant that will generate 550 permanent jobs and ship tower sections to be installed in the Atlantic Ocean.

**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**

***Environmental Setting***

- A. The environmental setting is set forth in the FSEIS beginning on page 4-62.
- B. The City of Albany fire department has indicated that they can serve the Building E at 700 Smith Boulevard.

***Potential impacts***

- C. The 21,000 square foot Building E located at 700 Smith Boulevard, Albany could have a potential impact on police, fire, and emergency services.
- D. Minimal added cost expected for City of Albany Police Department and EMS.
- E. The additional height of the buildings located within the Town of Bethlehem could have potential impacts for fire emergency services of the Selkirk Fire District.

***Mitigation***

- F. Building E will be constructed according to current standards of the NYS Uniform Code for fire prevention and will be fully sprinklered.
- G. Roads and internal site circulation will be designed and built to meet or exceed City building and fire code requirements including ability to accommodate emergency service vehicles.
- H. Regarding the buildings located in the Town of Bethlehem, internal site circulation and roads

will be designed and built to meet the NYS Fire Code and firefighting procedures of the Selkirk Fire District. The APDC has agreed to provide Selkirk Fire District a payment for services as follows: \$4,500 per year during construction and \$27,500 per year until 2026, at which time a new agreement will be negotiated.

- I. The GEIS Findings Statement provides mitigation of impacts to Bethlehem police and Delmar-Bethlehem EMS service through an annual contribution of funds. The amount and terms of an agreement to effectuate the contribution shall be determined at site plan review.

**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**

#### ***Environmental Setting***

- A. The environmental setting is set forth in FSEIS beginning on page 4-62.
- B. No residential development will occur. Therefore, the City of Albany Central School District is not anticipated to incur any increased enrollment of students as a direct result of Marmen Welcon Building E.

#### ***Potential Impacts***

- C. 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**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the FSEIS beginning on page 4-62.
- B. An updated economic impact analysis conducted by Camion Associates Economic Development (located in SDEIS Appendix J) based on the Marmen Welcon Manufacturing plant indicates that 52% of the Countywide economic impact of the project will occur in the Town of Bethlehem based on jobs. Assuming 320 on-site jobs, the total job impact to the Town of Bethlehem would be 358 jobs compared to 684 jobs to Albany County. A total of 38 indirect jobs will be created in the Town of Bethlehem compared to 364 indirect jobs created in Albany County.

#### ***Potential Impacts***

- C. Minimal added cost expected for City of Albany Police Department and City of Albany EMS.

#### ***Mitigation***

- D. Minimal added cost associated with 700 Smith Boulevard is anticipated to be off-set by the Payments-In-Lieu-Of-Taxes that APDC currently pays to the City of Albany.

**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**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the SFEIS beginning on page 4-63.
- B. Building E is located approximately 0.4 miles from the Ezra Prentice community. The Ezra Prentice community has a playground within the community, meaning the playground is also approximately 0.4 miles from the supplemental Project Area.

#### ***Potential Impacts***

- C. Based on Building E at 700 Smith Blvd., the volume of site generated traffic on Island Creek Park was compared to the volumes outlined in the FGEIS, and the proposed tenant will generate less car and truck traffic passing Island Creek Park.
- D. The area surrounding the Project Site is 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.
- E. The Proposed Action will not impact recreation and open space for the Ezra Prentice Homes, 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**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the FSEIS beginning on page 4-64.
- B. Commercial solid waste, including municipal solid waste (MSW) and construction and demolition debris (C&D), handling services in the City of Albany are provided by permitted private sector waste haulers.

#### ***Potential Impacts***

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

- F. The City of Albany has a mandatory residential and commercial recycling policy in place

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

### **3.20 Environmental Justice**

#### ***Environmental Setting***

- A. The environmental setting is set forth in the FSEIS beginning on page 4-66
- B. 700 Smith Boulevard is located within a NYSDEC mapped Potential Environmental Justice (EJ) Area and is located approximately 0.4 miles southeast of the Ezra Prentice Homes, which has been designated an Environmental Justice Community by the NYSDEC.
- C. To evaluate potential impacts on the Ezra Prentice community, the FSEIS conducted detailed analysis on climate, air quality and traffic and Transportation as outlined in FSEIS Section 3.6 Climate and Air Quality and Section 3.7 Traffic and Transportation.

#### **Potential Impacts**

- D. 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.
- E. Increased truck and rail traffic near the Ezra Prentice neighborhood and potential air toxin increases from truck and rail traffic.
- F. 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.
- G. The Proposed Project will not have any noticeable impacts to the existing pedestrian and bicycle activities in the Ezra Prentice community.

#### **Mitigation**

- H. The Project Site is located south of a NYSDEC mapped Potential Environmental Justice (EJ) Area. The Project Site is also located approximately 0.4 miles southeast of the Ezra Prentice Homes, located within the mapped potential EJ area, which has been designated an Environmental Justice Community by the NYSDEC.
- I. The APDC shall implement a Public Participation Plan pursuant to NYSDEC CP-29 policy.
- J. The Project is located in an industrial zone and has no noise sensitive receptors (e.g.,



residential land uses) immediately adjacent to the property boundary. The Project Area is bordered by the Hudson River to the east, PSEG Power Plant to the south, National Grid high transmission power lines and railroad tracks to the west and the Port of Albany to the North. Additionally, the manufacturing process will be performed completely indoors with a state-of-the-art technology and motors covered with insulated material.

- K. Where truck traffic is anticipated, all truck traffic will be routed through the existing Port District, utilizing the Church Street entrance, and as such would not be traveling through the Ezra Prentice Homes community. An additional 5-8 rail cars are projected to be added to the existing trains that currently pass through the rail yard and therefore will not add any additional noise or diesel emissions impact to the Ezra Prentice neighborhood. The Project will not increase the number of trains per week. Noticeable impacts to the Ezra Prentice community from slight increase in rail operations is not anticipated as a result of the proposed development.
- L. The Proposed Project will not have any noticeable impacts to the existing pedestrian and bicycle activities in the Ezra Prentice community.
- M. 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 via 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 the 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.
- N. NYSDEC Commissioner Policy CP-29 provides guidance for incorporating environmental justice concerns into the NYSDEC permit review process. NYSDEC Commissioner Policy 29 is initiated when a permit application is made to the NYSDEC. The Proposed Action will require at a minimum the following NYSDEC permits: SWPPP permit, Article 15 and Water Quality Certification. The Albany Port District Commission shall proactively complete the environmental justice review and public outreach process pursuant to the NYSDEC CP-29 policy.

**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**

##### **700 Smith Boulevard**

For the receiving building (Building E), the APDC considered expanding onto the adjacent National Grid property, however, existing infrastructure, wetlands, and topography prohibited using this land for the receiving yard. No other property along Normanskill Street / South Port Road or nearby on River Road is available and therefore, the 14 acres at 700 Smith Boulevard is the closest property to the manufacturing facility that is available and controlled / owned by the APDC.

#### Parking on National Grid Property

The amount of land area needed for employee parking is not available on the original 80-acre expansion property where the towers will be manufactured. As shown on the site plan the manufacturing plant occupies 4 buildings with the balance of the property being used for storage, circulation and the wharf. Therefore, an off-site solution is necessary. Due to the need that the employee parking is located as close to the buildings as possible, the alternative considered included the surrounding adjacent parcels. Properties along Normanskill Street /South Port Road were considered but none were available, and the property to the south owned by PS&G was also not available. The parking on the adjoining National Grid property is situated to minimize impacts to wetlands.

#### Building Heights

Building C will have a building height of approximately 80 feet with 30-foot exhaust stacks. A height of 100 feet is needed for Building A because that is the minimum height required to allow for the manufacturing of the 10 meter (32-ft.) diameter x 50 meter (164-ft.) long tower sections. The height of the overhead cranes within the building and the building roof structure are at the minimum height required for safety, operations and building code requirements. The project eliminated the 70-meter (230-ft.) tower production line which would have required taller buildings.

#### SAV Impacts

Various wharf lengths were considered for the Project ranging from an 800 - 1,300 linear foot wharf. Additionally, a recessed wharf was considered, which would have required increased dredging in the Hudson River. The original location of the wharf was further south, however, an SAV survey was completed by Biodiversity in 2020 identified three (3) SAV beds within the wharf location, which would have impacted more SAV's. Therefore, the proposed wharf location and size (500 linear feet by 93-ft. wide) was selected to meet the minimum needs of the Project while reducing impacts to the Hudson River and SAV.

**The Planning Board finds that the proposed Action 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 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The Project 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. The project sponsor has received notice from the police, fire, and ambulance service that they have the resources to serve the Project.

The Project will not cause any irreversible and irretreivable 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.**

#### **6.0 GROWTH INDUCING ASPECTS**

The project is not anticipated to create a significant increase in the populations of local communities such that additional private or public services are required, as discussed in 2020 FGEIS.

#### **7.0 CUMULATIVE IMPACTS**

The overall Project is approximately 626,014 SF of new buildings within approximately 82 acres of development area and will provide approximately 550 full time jobs. The number of proposed employees and the overall building area are slightly less than that projected in the 2020 FGEIS; therefore, taking into consideration of past, present, and reasonably foreseeable future actions in the vicinity of the Project Area, should not result in significant cumulative impacts to the same resource(s).

#### **8.0 ADVERSE ENVIRONMENTAL IMPACTS WHICH CANNOT BE AVOIDED**

The Project has been outlined such that adverse temporary and permanent environmental impacts will be minimized, avoided or mitigated to 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 City and that all equipment is has operational exhaust and muffler systems. All truck traffic, including construction vehicles, will be routed through the existing City Streets through the Port District to avoid traveling on South Pearl Street through the Ezra Prentice community.

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

1. Removal of existing vegetation (low quality) and habitat modification within the project limits

The Project will result in unavoidable impacts that can be mitigated, all of which are summarized in FSEIS Table 1.3-1: Potential Impacts and Proposed Mitigation Measures.

All impacts have proposed mitigation measures that would reduce or eliminate the impacts within each discussion area. If the identified mitigation measures are implemented, the Project 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, 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.**

#### **9.0 CERTIFICATION**

**Certification to Approve/Fund/Undertake:**

Having considered the Supplemental Draft and Supplemental Final Environmental Impact Statements as well as the Final Generic Environmental Impact Statement and Findings Statement, 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**

**Brian Gyory, Planning Board Chair**

**Name/Title of Responsible Official**

**Contact Person:** Robert Leslie, AICP  
**Director of Planning** [rleslie@townofbethlehem.org](mailto:rleslie@townofbethlehem.org)

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

Cc: US Army Corps of Engineers  
New York State Department of Environmental Conservation  
New York State Department of Transportation  
New York State Office of General Services  
New York State Department of State  
New York State Energy and Research Development Authority  
Albany County Health Department  
Town of Bethlehem Town Board  
Town of Bethlehem Planning Board  
Town of Bethlehem Zoning Board of Appeals  
Town of Bethlehem Department of Public Works  
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
FWHA	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