

**SEQR RESOLUTION
555-TWO, LLC**

A regular meeting of Rensselaer County Industrial Development Agency (the "Agency") was convened in public session, remotely by conference call or similar service pursuant to the New York State Executive Order 202.1 (as amended and extended), on April 8, at 4:00 o'clock p.m., local time.

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

PRESENT:

Cynthia A. Henninger	Chairperson
Michael Della Rocco	Vice Chairperson
Ronald Bounds	Secretary/Treasurer
John H. Clinton, Jr.	Member

ABSENT:

Douglas Baldrey	Member
Renee Powell	Member

AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Robert L. Pasinella, Jr.	Executive Director
Robin LaBrake	Assistant to the Director
John E. Sweeney, Esq.	Agency Counsel
Peter R. Kehoe, Esq.	Special Agency Counsel
Melissa C. Bennett, Esq.	Special Counsel

The following resolution was offered by Ronald Bounds, seconded by Michael Della Rocco, to wit:

Resolution No. 0421-7

**RESOLUTION DETERMINING A PROJECT FOR 555-TWO, LLC (THE
"COMPANY") COMPLIES WITH SEQR ENVIRONMENTAL FINDINGS.**

WHEREAS, Rensselaer County 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 128 of the 1974 Laws of New York, as amended, constituting Section 903-d 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,

maintaining, equipping and furnishing of manufacturing, warehousing, research, commercial and industrial 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, 555-Two, LLC, a New York limited liability company (the “Company”), submitted an application (the “Application”) to the Agency, requesting that the Agency consider undertaking a project (the “Project”) for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in approximately 5.3 acres of land located on New Broadway (which land will be tax map no. 143.52-1-1.13 following a lot line adjustment) in the City of Rensselaer, Rensselaer County, New York (the “Land”), (2) the construction on the Land of an approximately 103,000 square foot, four-story building consisting of approximately 84 market rate apartments, together with related interior and exterior amenities and improvements and the construction of approximately 140 to 160 parking spaces for tenants (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 referred to as the “Project Facility”), all of the foregoing to constitute a residential facility and associated uses and other directly and indirectly related activities; (B) the granting of certain “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, mortgage recording taxes (subject to statutory limitations), real property taxes and real estate transfer taxes (collectively, the “Financial Assistance”); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, the Agency’s Uniform Tax Exemption Policy (the “Policy”) provides a standardized method for the determination of payments in lieu of taxes for a facility similar to the Project Facility; and

WHEREAS, in connection with the Application, the Company made a request to the Agency (the “PILOT Request”) that the Agency deviate from its Policy with respect to real property tax payments; 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 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the “Regulations”, and collectively with the SEQR Act, “SEQRA”), the Agency must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, the Project is part of a larger approximately 25 acre development that was previously the subject of a thorough environmental review conducted pursuant to SEQRA, with the City of Rensselaer Planning Commission (“Planning Commission”) acting as lead agency; and

WHEREAS, the Planning Commission undertook a coordinated review of the larger development project in 2009, which review culminated in the preparation and issuance by the Planning Commission of a Final Generic Environmental Impact Statement (“FGEIS”) dated July 28, 2009 and a Findings Statement (“Findings Statement”) dated August 26, 2009; and

WHEREAS, on March 17, 2016, the Agency, in connection with an application concerning phase 1 of the development of the larger 25 acre project area, approved a resolution acknowledging the Agency’s receipt and review of the FGEIS and Findings Statement and adopting the Findings Statement; and

WHEREAS, the Project before the Agency represents the next phase of development proposed for the approximately 25 acre area that was the subject of the FGEIS and Findings Statement; and

WHEREAS, the Agency has reviewed and analyzed the Findings Statement; and

WHEREAS, the Agency desires to make its own findings concerning the Project;

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

Section 1. The Agency hereby determines that the Findings Statement (attached hereto as Exhibit A) previously accepted and adopted by the Agency on March 17, 2016 remains relevant to the Project currently before the Agency.

Section 2. Based upon a review of the Project and all associated application and related materials, as well as the Findings Statement, the Agency hereby concurs with the Findings Statement and reaffirms its adoption of the Findings Statement in support of the Agency’s review of the Project pursuant to SEQRA.

Section 3. The Agency hereby further finds and determines as follows:

(A) The Agency has reviewed the Findings Statement and has considered the relevant environmental impacts, issues, considerations, and conclusions contained therein;

(B) The Agency has weighed and balanced the relevant environmental impacts discussed in the Findings Statement with social, economic, and other considerations.

(C) The Project is consistent with social, economic, and other essential considerations, and any adverse impacts that may be associated with the Project will be minimized or avoided to the maximum extent practicable by incorporating the various mitigation measures identified in the Findings Statement.

(D) The Project is consistent with the scope of development analyzed in the Findings Statement.

(E) The Project will be required to obtain all necessary permits and approvals, including from the City of Rensselaer, and will be required to comply in all respects with such permits and approvals.

(F) The Project as proposed will be carried out in conformance with the conditions and thresholds established previously by the Planning Commission and as set forth in the Findings Statement.

(G) The requirements of SEQRA have been met for the Project.

Section 4. As a consequence of the foregoing, the Agency hereby determines that Project as proposed complies with the Findings Statement, and therefore no further SEQRA compliance or action is required by the Agency pursuant to Section 617.10(d)(1) of the Regulations.

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:

Cynthia A. Henninger	VOTING	AYE
Michael Della Rocco	VOTING	AYE
Ronald Bounds	VOTING	AYE
Douglas Baldrey	VOTING	ABSENT
John H. Clinton, Jr.	VOTING	AYE
Renee Powell	VOTING	ABSENT

The foregoing Resolution was thereupon declared duly adopted.


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

I, the undersigned Secretary of Rensselaer County 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 April 8, 2021 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"), as modified by New York State Executive Order 202.1 (as amended and extended), 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 8th day of April, 2021.


Secretary

(SEAL)

EXHIBIT A
Findings Statement

**FINDINGS STATEMENT
RENSSELAER WATERFRONT REDEVELOPMENT PROJECT**

**State Environmental Quality Review
FINDINGS STATEMENT**

Pursuant to Article 8 (State Environmental Quality Review Act-SEQRA) of the Environmental Conservation Law and 6 NYCRR Part 617, the Rensselaer City Planning Commission as lead agency, makes the following findings.

Name of Action: Rensselaer Waterfront Redevelopment Project

Applicant: Marx Properties, Inc.

Description of Action: The project will involve a rezoning of the affected area under the City of Rensselaer Planned Development District law to permit a proposal for a mixed use development along the City of Rensselaer waterfront with reconfigured bulkhead shorelines. The development will include approximately 515 residential units; 165,000 square feet of retail space; 250,000 square feet of office space; a 300 room hotel; 1,830 parking spaces; a harbor with a pier; dockage; a public car – top boat launch; and a public promenade along the Hudson River and harbor. Inasmuch as the Applicant has indicated that it wishes the flexibility to vary the extent of each type of proposed use by up to 30%, the EIS, for each type of impact, evaluates that relative apportionment of uses that would result in the greatest impact. The maximum potential development thus identified for the project is the basis for all data, impacts and mitigations identified in the EIS. The 30% variation will occur within the building footprints illustrated in Figure 2. The Applicant has stated its intention to attract other developers to execute all or part of the proposed action. Therefore, all responsibilities of the Applicant identified in the FGEIS and this Findings Statement are also responsibilities of successors and assigns of the Applicant. Full build-out of the proposed action is estimated to have a duration of between ten and 15 years. Street rights-of-way and public sanitary, water and storm water management facilities will be dedicated in fee to the City of Rensselaer. Sanitary, water and storm water services to adjacent buildings will be public utilities within street rights-of-way, and privately owned outside street rights-of-way. A right-of-way for public access from the end of New Broadway to and along the Hudson River and harbor shores will be dedicated in fee to the City of Rensselaer.

Location: 555-575 Broadway, Rensselaer, New York

Agency Jurisdictions: Rensselaer City Planning Commission – SEQRA Lead Agency, subdivision and site plan approvals
City of Rensselaer Common Council – Planned Development District (PDD) Zoning Amendment
City of Rensselaer Public Works Department – Water line extension approval, sewer line extension approval, curb cut permit for Broadway
NYS Department of Environmental Conservation (NYSDEC) – General SPDES Stormwater Permit for construction activities, Section 401 Water Quality Certification, Article 15 Protection of Waters / Coastal Erosion Control Permit, sewer extension approval
Rensselaer County Health Department – Water and sewer line approvals
Rensselaer County Sewer District No. 1 – Approvals for infrastructure modifications and connection to Manhole J9D

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NYS Department of State – Coastal Zone Management

NYS Office of General Services (OGS) – easement for construction on river bed, and use of other lands of the People of the State of New York

NYS Office of Parks, Recreation and Historic Preservation (OPRHP) – Permits for floating objects in navigable water, and sign-off on cultural resources

NYS Department of Transportation – Permits related to traffic impact mitigation measures along Broadway

United States Army Corps of Engineers (USACE) – Section 404 Permit for dredge / fill within navigable waters and impact to Special Aquatic Sites and Section 10 of the 1899 Rivers and Harbors Act for work in navigable waters

Date Final EIS Filed: July 28, 2009

Facts and Conclusions In the EIS Relied Upon to Support the Decision: See attached report.

**FINDINGS STATEMENT
RENSELAER WATERFRONT REDEVELOPMENT PROJECT**

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FINDINGS STATEMENT RENSSELAER WATERFRONT REDEVELOPMENT PROJECT

I. Introduction

- A. This document constitutes the Findings made by the Rensselaer City Planning Commission (P.C.) in the matter of the application by Marx Properties, Inc. to develop the Rensselaer Waterfront Redevelopment Project.
- B. These Findings are made pursuant to the New York State Environmental Quality Review Act.
- C. These Findings are based on the Final Generic Environmental Impact Statement prepared for the project, the public comment record, and application materials and plans submitted by the Applicant.

II. Standards Used For Review

- A. The State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law of the State of New York and 6 NYCRR Part 617, collectively hereinafter SEQR) requires the P.C. to consider the relevant environmental impacts of an action, and facts and conclusions disclosed in the Final GEIS (see Part II of this Findings Statement); to weigh and balance relevant environmental impacts with social, economic and other considerations (see Part III of this Findings Statement); and to certify that the requirements of SEQR have been met (see Part IV of this Findings Statement).

The SEQR standards require that the P.C. certify that, 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 practical by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

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III. Project Description

The project will involve a rezoning of the affected area under the City of Rensselaer Planned Development District law to permit a proposal for a mixed use development along the City of Rensselaer waterfront with reconfigured bulkhead shorelines. The development will include approximately 515 residential units; 165,000 square feet of retail space; 250,000 square feet of office space; a 300 room hotel; 1,830 parking spaces; a harbor with a pier; dockage; a public car – top boat launch; and a public promenade along the Hudson River and harbor. Inasmuch as the Applicant has indicated that it wishes the flexibility to vary the extent of each type of proposed use by up to 30%, the EIS, for each type of impact, evaluates that relative apportionment of uses that would result in the greatest impact. The maximum potential development thus identified for the project is the basis for all data, impacts and mitigations identified in the EIS. The 30% variation will occur within the building footprints illustrated in Figure 2. The Applicant has stated its intention to attract other developers to execute all or part of the proposed action. Therefore, all responsibilities of the Applicant identified in the FGEIS and this Findings Statement are also responsibilities of successors and assigns of the Applicant. Full build-out of the proposed action is estimated to have a duration of between ten and 15 years. Street rights-of-way and public sanitary, water and storm water management facilities will be dedicated in fee to the City of Rensselaer. Sanitary, water and storm water services to adjacent buildings will be public utilities within street rights-of-way, and privately owned outside street rights-of-way. A right-of-way for public access from the end of New Broadway to and along the Hudson River and harbor shores will be dedicated in fee to the City of Rensselaer.

IV. Procedures

1. An application for this project was received on November 13, 2007.
2. A positive declaration was made and filed with DEC on February 13, 2008.
3. A formal scoping session was held May 15, 2008.
4. The Draft Generic Environmental Impact Statement was submitted on November 28, 2008.
5. The Rensselaer Planning Commission voted to file a Notice of Completion of Draft Generic EIS and Notice of Public Hearing on January 12, 2009.
6. A public hearing on the Draft Generic Environmental Impact Statement was held on February 24, 2009.
7. A public comment period was opened from January 21, 2009 to March 16, 2009.

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8. The Final GEIS was prepared and the Rensselaer Planning Commission voted to file a Notice of Completion of Final Generic EIS with NYS DEC on July 28, 2009.
9. A Notice of Completion of Final Generic Environmental Impact Statement was filed on August 5, 2009.
10. Each involved agency was provided copies (either printed or electronic) of Final GEIS and Final GEIS was made available to the public on August 5, 2009.
11. A public and agency comment period was opened from August 5, 2009 through August 15, 2009 to receive comments on the Final GEIS.
12. The Findings Statement was completed on August 26, 2009, and filed with the entities identified in Section XI on August 31, 2009. The P.C. files contain all SEQR documents and notices including the positive declaration, minutes from the scoping session, notices of completion of the Draft and Final GEIS, notices of hearings and these findings. These documents will be maintained and will be readily accessible to the public and made available on request.
13. Copies of all correspondence, minutes, public hearing and public comment notices, positive declaration, scoping minutes, notices of completion, the Draft and Final Generic Environmental Impact Statement, and this Findings statement are filed at the City of Rensselaer Planning & Development Agency office.
14. The P.C. finds that the Project is a normal part of the orderly growth of the City of Rensselaer as identified in its Local Waterfront Revitalization Program and Comprehensive Plan. The P.C. further finds that related actions have been discussed to the fullest extent possible and that any additional improvements which may be proposed in the future must be made subject to environmental and municipal laws and regulations which will be in force at the time and that the process described herein and the resulting decision-making do not constitute "segmentation" and are adequately protective of the environment. The requirements for future SEQR actions in Part VIII of this Findings Statement provide that comprehensive environmental review will be given to all future improvements which are subject to municipal approvals and/or regulatory permits.
15. The P.C. finds that the use of the generic EIS, rather than a site-specific EIS, is appropriate for the Project. The Project conforms to 6 NYCRR § 617.10 as

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follows:

- “(a) Generic EISs may be broader, and more general than site or project specific EISs and should discuss the logic and rationale for the choices advanced. They may also include an assessment of specific impacts if such details are available. They may be based on conceptual information in some cases. They may identify the important elements of the natural resource base as well as the existing and projected cultural features, patterns and character. They may discuss in general terms the constraints and consequences of any narrowing of future options. They may present and analyze in general terms a few hypothetical scenarios that could and are likely to occur. A generic EIS may be used to assess the environmental impacts of:**
- (1) a number of separate actions in a given geographic area which, if considered singly, may have minor impacts, but if considered together may have significant impacts; or**
 - (2) a sequence of actions, contemplated by a single agency or individual; or**
 - (3) separate actions having generic or common impacts; or**
 - (4) an entire program or plan having wide application or restricting the range of future alternative policies or projects, including new or significant changes to existing land use plans, development plans, zoning regulations or agency comprehensive resource management plans.”**

The P.C. further finds that the generic EIS for the proposed action and this Findings Statement set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for any subsequent SEQR compliance which include thresholds and criteria for supplemental EISs to reflect specific significant impacts, such as site specific impacts, that were not adequately addressed or analyzed in the generic EIS, in satisfaction of the requirements of 6 NYCRR § 617.10 (c).

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V. Project Impacts

Numerous potential significant environmental impacts have been identified. The P.C. finds them to be fully described in the EIS and summarized in the following:

1. Impacts on Topography, Soils and Geology:

Construction impacts include disturbance and loss of soils during construction; potential for erosion; and potential large quantity and unknown constituents of dredge soils can be considered large, important, significant, and potentially adverse.

Post-construction impacts include reduction in permeable surface area resulting in a reduction in infiltration and an increase in surface water flow volumes and velocity. These effects could result in soil erosion and the carrying of pollutants to the receiving waters. Seismic impacts to manmade lands, especially with respect to potential for liquefaction, are discussed in the EIS.

2. Impacts to Hydrogeology: Project will substantially increase the percentage of impervious surface covering the site and will negatively impact infiltration of surface water.
3. Impacts to Surface Water Resources and Stormwater Management: Site is adjacent to the Hudson River and the Quackenderry Creek, both designated Class C water bodies by DEC. The proposed action proposes reshaping and engineering the Hudson River shoreline. Due to the scale and expected duration of construction there is potential for siltation into both the Hudson River and Quackenderry Creek. Due to the reconfiguration of the existing shoreline, ecologically significant wetlands and submerged aquatic vegetation beds will be impacted or lost. There is potential for disturbance of contaminants due to the dredging of river sediment. The proposed action is located in a flood fringe area along the Hudson River. Site is partially within the 100-year flood zone. Most of the site has a base flood elevation of 21 feet. About half the site is located within Zone A12 and half within Zone B of the National Flood Insurance Program maps. The proposed action will cover a significantly larger portion of the site with structures than currently exist.
4. Impacts to Flora and Fauna: The proposed action proposes reshaping and engineering of Hudson River shoreline adjacent to the project site. Habitat areas for sturgeon, mussels and other aquatic species have been indicated in the Albany waterfront area. Additionally, there are submerged aquatic vegetation beds with potential ecological significance that would be negatively impacted by reconfiguration and engineering the shoreline. DEC Environmental Resource maps indicated that the project is located within the vicinity of one or more rare animals. A site-specific habitat study, however, confirmed that no rare or endangered animal species were present.
5. Impacts to Cultural Resources: The State Historic Preservation Office indicated during the Lead Agency Coordination period that the site has potential to contain significant archeological resources despite the historic use of river dredge spoils to

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create buildable land in this section of Rensselaer and has requested further study. Potential impacts on archaeological resources are unknown.

6. **Impacts to Visual Character:** The proposed action proposes significant mixed use development with substantially greater building heights (tallest is 25 stories), higher residential and structural density than currently found on the site, adjacent properties and throughout the rest of Rensselaer. A significant portion of the shoreline will be converted from a natural appearance to a more landscaped and engineered state that may impact current views of the Hudson River and Albany skyline from sites and properties within the City of Rensselaer. View of the Rensselaer shoreline from the Albany riverfront will be significantly changed with a new mass of large buildings as well as a change from a non-managed, natural shoreline to a clearly man-made design and landscape. The proposed action will produce visual impacts as viewed from Albany, the Hudson River and from within the City of Rensselaer.
7. **Noise Impacts:** The proposed action's scale will require significant work by heavy construction equipment over an extended period, including the driving of piles for high-rise buildings. Extensive use of powered hand tools and small generators will continue over the years of the project's phases.
8. **Air Quality, Traffic and Public Transportation Impacts:** All program elements of the proposed action are estimated to generate a traffic level of roughly 13,500 additional trips per day. There is potential for occasional peaks of 1,000 vehicle trips. The project will permanently amend and extend the local street network and create a large number of new trip generators. The scale of the project will significantly affect local traffic patterns both during construction and upon completion. The potential for adverse air quality impacts related to construction activities and increased traffic exists. Additional public transportation ridership will be generated by the proposed action. As impacts will grow incrementally as development progresses, those impacts will be experienced incrementally as project phases are completed.
9. **Water Supply Impacts:** Project will increase the number of households in the community by about 15% and increase the amount of commercial and retail ground floor area by a similarly significant percentage, all of which will require municipal water in excess of previous site uses. Impacts will grow incrementally as development progresses. All water mains, hydrants, and laterals to the "curb stop" at street rights-of-way will be dedicated to the City of Rensselaer.
10. **Wastewater Disposal Impacts:** Project will increase the number of households in the community by about 15% and increase the amount of commercial and retail ground floor area by a similarly significant percentage, all of which will increase the volume of sanitary sewage in excess of previous site uses. Impacts will grow incrementally as development progresses. The City of Rensselaer has several Combined Sewer Overflows (CSOs), one of which runs to the Hudson River through the site of the proposed action. Potential impacts on this CSO resulting from the proposed action are identified. Uses that would require pre-treatment under the requirements of Rensselaer County Sewer District No. 1 will not be located within the proposed action. All sanitary sewers, manholes, appurtenances and building laterals to street rights-of-way will be dedicated to the City of Rensselaer.

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11. **Community Services, Community Character, and Fiscal Impacts:** Project will increase the number of households in the community by about 15 percent and increase the amount of commercial and retail ground floor area by a similarly significant percentage. It is reasonable to expect that this will affect the demand for municipal services as well as wear and tear of public infrastructure. The site would contain a mixed-use neighborhood and district closer in density and building height to portions of downtown Albany than with existing neighborhoods anywhere in Rensselaer. This is considered desirable by the community as a means to create a critical mass of higher-income residents, retail traffic and office workers such that it will draw further investment into local sites and create more jobs. Though the greatest market for potential residents would be among single professionals or active adults, there would be some increased demand for school services from the residential units. It is reasonable to expect significant increased demand on police, fire and waste services from the programmed residential, retail, office and hotel uses. Public safety may be impacted due to a constrained point of access from Broadway. Consultation with police, fire and EMS agencies was documented. Tax revenues for the proposed action at full build-out are estimated to be: City of Rensselaer, \$3,000,000; Rensselaer County, \$1,500,000; City Schools, \$4,000,000 (estimates do not anticipate abatements).
12. **Effects on the Use and Conservation of Energy, Sustainable Development:** The project will increase the number of households in the community by about 15 percent and increase the amount of commercial and retail ground floor areas by a similarly significant percentage, all of which will increase the energy consumption at the site of the proposed action in excess of previous site uses. It is reasonable to expect that this will affect the use of energy in the City of Rensselaer.
13. **Solid Waste Management Impacts:** Impacts of solid waste generated during construction and during the on-going use of the proposed action will occur.

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VI. Consideration of Environmental Impacts

The proposed action will produce large impacts, some of which will be potentially adverse and some of which will be beneficial. Large impacts were evaluated to determine their significance according to 6 NYCRR 617.7 (c), in which significant impacts produce adverse effects on the environment and involve:

1. A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
2. The removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
3. The impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of Part 617;
4. The creation of a material conflict with a community's current plans or goals as officially approved or adopted;
5. The impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
6. A major change in the use of either the quantity or type of energy;
7. The creation of a hazard to human health;
8. A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
9. The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
10. The creation of a material demand for other actions that would result in one of

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the above consequences;

11. Changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
12. Two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the preceding criteria.

The P.C. finds that the proposed action will not involve numbers 3, 4, 7, 8, 10, 11 and 12. Those potentially adverse impacts relative to numbers 1, 2, 5, 6, and 9 must be mitigated as described in Part VII of this Findings Statement.

Specific Considerations

1. The P.C. finds that no adverse impacts related to **Topography, Soils and Geology** will be produced, since disturbance of soils and potential erosion will be mitigated and seismic impacts such as liquefaction have been demonstrated as not being likely. The P.C. finds that dredge "spoils" will be used as fill on the site and must first receive a Beneficial Use Determination from DEC prior to receiving P.C. approval of the phase involving dredging. The P.C. finds that if dredging is required at the north end of the project in connection with proposed docks, a Beneficial Use Determination must also be obtained from DEC. The P.C. finds that dry land cuts and dredge spoils generated during construction of the harbor are sufficient to provide fill for the remainder of the project and that large amounts of general fill needed to raise on-site grades will not need to be imported to the site.
2. The P.C. finds that no adverse **hydrologic** impacts will be produced, as potential adverse impacts will be mitigated by implementation of Storm Water Pollution Prevention Plans for construction phases and for operational phases of completed construction. The P.C. also finds that the City of Rensselaer Local Law 4-2007 (codified as Erosion and Sediment Control Ordinance, §145 and following; and in the Zoning Ordinance, under Stormwater Control, §179-24 and following) has been interpreted by the Zoning Board of Appeals to allow a SWPPP to be prepared for each phase of development as opposed to a full SWPPP for the entire project. This finding is conditioned on the Applicant and its successors and assigns demonstrating in each SWPPP that its measures are not dependant on measures to be implemented in later phases, and will be effective in light of site conditions. Treatment measures will be built to established standards for permanent practices. The applicant has agreed to install the water quality filter practice proposed in FGEIS Section 3.3.3.2 before the initiation of any waterfront phase or before transferring their ownership interest. Should permitting or approvals not be in place for

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construction of the harbor then the water quality filter practice proposed in Section 3.3.3.2 will be installed. FGEIS Section 1.2.3 provides the anticipated project phasing which indicates construction of New Broadway with utilities to the proposed roundabout (Phase I), and construction of town homes along New Broadway (Phase II), prior to construction of the marina (Phase III). According to FGEIS Section 1.2.3, the major permitting activity associated with the dredging of the River and construction of the harbor, pier and waterfront treatments is anticipated to be concluded in 2010 while construction of Phase I is anticipated to begin in 2009. The SPDES permit typically requires that all necessary DEC permits subject to the Uniform Procedures Act (UPA) have been obtained before coverage can begin, unless otherwise notified by DEC pursuant to 6 NYCRR Part 621.3(a)4. This section of law states that if a project requires more than one DEC permit, the Applicant, its successors and assigns must simultaneously submit all necessary applications, or demonstrate to the satisfaction of DEC that there is good cause not to do so. In order to demonstrate good cause to allow construction of Phases I and II to proceed prior to obtaining the permit for dredging the river, the Applicant, its successors and assigns must show that the construction of Phase I and II is entirely independent of the harbor, and compliance with the SPDES General permit for Stormwater Associated with Construction Activities can be achieved within the limits of disturbance of Phase I and II. Upon showing good cause, the Applicant, its successors and assigns may obtain SPDES permit coverage as a phased project and begin construction of Phases I and II prior to issuance of the UPA permits for the harbor. The NOI should identify that this is a phased project and that other permits are needed for the other phases and subsequent NOIs will be submitted for the harbor. If subsequent phases propose displacement of a practice from an earlier phase then a phasing plan in the SWPPP will indicate how continuous treatment will be provided.

3. The P.C. finds no adverse impacts on **surface water resources** as project runoff will not adversely affect the levels of the Hudson River and Quackenderry Creek, and built elements that project into the Hudson River will be piers, through which water may flow.
4. The P.C. finds that **loss of some submerged aquatic vegetation** will occur, resulting from reshaping the Hudson River shoreline, especially related to the construction of the harbor. The P.C. finds that no such impacts are expected to result from the construction of the docks at the north end of the project shoreline, as these docks are to be cantilevered over SAV beds and will not require dredging.
5. The P.C. finds that no adverse impacts to the Hudson River and Quackenderry Creek will result from **siltation** during both construction and operational phases of the proposed action due to implementation of mitigating measures.

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6. The P.C. finds no adverse impacts from **flooding** will result due to implementation of mitigating measures.
7. The P.C. finds potential adverse impacts to **aquatic fauna** may occur, resulting from reshaping the Hudson River shoreline, especially related to the construction of the harbor and also potentially related to construction of the docks at the north end of the project shoreline if dredging is required. The P.C. finds that additional studies of aquatic fauna are needed to determine impacts and mitigations and that such studies should be designed and implemented with the advice and approval of DEC during the permitting process.
8. The P.C. finds potential adverse impacts on **cultural resources** may result from the proposed action and that additional studies are needed to determine impacts and mitigations. These studies must be conducted according to standards and methodologies approved by the Lead Agency in consultation and partnership with the NYS Office of Parks, Recreation and Historic Preservation (OPRHP), and final results must be accepted by the Lead Agency, in consultation with OPRHP prior to issuance of building permits.
9. The P.C. finds that no adverse **visual impacts** will be produced by the proposed action as the proposed plan is consistent with the City of Rensselaer Local Waterfront Revitalization Program and Comprehensive Plan, and compatible with the densely urbanized environment of Albany, directly across the Hudson River from the proposed action. The P.C. further finds that implementation of design guidelines for the entire proposed action is desirable to ensure ongoing positive visual impacts.
10. The P.C. finds no adverse **noise** impacts will result from either the construction or operation of the proposed action, as all project-generated noise will be below existing ambient noise levels.
11. The P.C. finds no adverse impacts resulting from **pile driving** will affect neighboring residences, as the distance between those residences and the high rise buildings at which piles will be driven is sufficient to reduce impacts to an insignificant level.
12. The P.C. finds that vehicle trips generated by the proposed action will increase over existing conditions but that no adverse **traffic or traffic-related air quality** impacts are projected from construction and most operational activities, with three potential exceptions. First, is the projection identified in the FGEIS, Appendix H, Traffic Impact Study, Table IV, "Queuing Analysis." This analysis demonstrates that four intersection legs will experience traffic queues which exceed the available queuing lengths, thus causing traffic to "back up" across the adjacent intersections as follows.

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Intersection Leg	AM Peak Hour Affected?	PM Peak Hour Affected?	"Downstream" Intersection Affected
Broadway Northbound @ Columbia	No	Yes	Riverside Avenue / Alken Avenue
Broadway Southbound @ Columbia	Yes	Yes	Broadway / Second Avenue
Broadway Southbound @ 9 & 20 Off Ramp	Yes	Yes	Broadway / Herrick Street
Broadway Northbound @ Herrick Street	No	Yes	Broadway / 9 & 20 Off Ramp

Although the P.C. finds this projection to be consistent with an urban environment, there are concerns related to impacts on emergency services and air quality during these events. Second is the projected degradation in levels of service to substandard values at key intersections. The P.C. further finds that the public interest will be served by providing for future public road rights-of-way to adjacent lands to the north and south of the proposed action, and the applicant agrees to provide irrevocable offers of cession to the city for the city to exercise in the future at its discretion should it choose to construct such roads.

13. The P.C. finds no adverse impacts on **public transportation** and finds that beneficial impacts will result from the Applicant and its successors and assigns encouraging the use of public transportation to project residents and businesses.
14. The P.C. finds that no adverse impacts to **public water supply** will result, as the City infrastructure is adequate to provide most project needs. The P.C. also finds that booster pumps will be required to provide adequate pressure for fire protection of high rise buildings and that booster pumps should be equipped with emergency generators to ensure operation during power outages.
15. The P.C. finds that a **second connection to the City water system** will provide assurance of a continued supply of water that would be absent if a single supply became inoperable. The P.C. finds that such a second connection should be provided at the earliest practicable opportunity. The logical point of a second connection at the northeast quadrant of the proposed action is located on adjacent property. Should the City of Rensselaer obtain rights to make such a connection on the adjacent property during the project construction phase, the Applicant and its successors and assigns has agreed to install tees on the water mains within the proposed action illustrated in Figure 26, to extend mains to the boundaries of the project site, and to provide a survey for water line connection off site. Easements for these extensions on the project site will be dedicated to the City of Rensselaer unless extensions are to be located with "paper street" rights-of-way extending to north and south property lines. Construction of water main extensions from such tees will be the responsibility of the owners of adjacent lands.

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16. The P.C. finds that no adverse impacts to **waste water systems** will result from the proposed action, as existing conveyance and treatment facilities are adequate to provide for the proposed action.
17. The P.C. finds that **Combined Sewer Overflow (CSO) 006** will be adversely impacted by construction of a project building in the northeast corner of the site, whose footprint requires relocation of this CSO. The Applicant and its successors and assigns should provide plans for this relocation at the time it seeks approval of the relevant phase of development. The costs of this relocation will be borne by the Applicant, its successors and assigns.
18. The P.C. finds that no adverse impacts related to **Combined Sewer Overflow** will result because the proposed action will separate storm water and sanitary effluent. Project storm water will be discharged to the Hudson River. Project sanitary sewage will be conveyed via sewer connecting to an existing 18-inch stub at manhole J9D that was provided by Rensselaer County Sewer District No. 1 so that effluent may enter the County system downstream of the CSO control structure J9R, thus not exacerbating conditions at CSO 006.
19. The P.C. finds that this existing 18-inch stub at manhole J9D was provided to encourage future growth in Rensselaer and that the proposed action should make provision for future connection to this facility through the proposed development.
20. The P.C. finds that no adverse **community services, community character or fiscal impacts** will result from the proposed action. The P.C. finds that while the proposed action will require increased municipal services, the tax revenues to be generated by the proposed action will exceed the cost of those additional services. The P.C. also finds that the proposed action will affect community character in a positive manner, as it will be consistent with the City of Rensselaer Local Waterfront Revitalization Program and Comprehensive Plan. The Applicant will create a not-for-profit organization for the purpose of executing specified operation and maintenance of certain parts of the proposed action that are not dedicated to the City of Rensselaer. Road rights-of-way, utility easements, and the promenade along the Hudson River and harbor will be dedicated to the City of Rensselaer as public lands.
21. The P.C. finds that no adverse impacts on the **use and conservation of energy** will result from the proposed action. The P.C. also finds that the proposed action should utilize the principles of sustainable growth embodied in the Leadership in Energy and Environmental Design (LEED) rating system.
22. The P.C. finds that no adverse **solid waste management impacts** will result from the proposed action, as adequate collection services and disposal facilities are available in the region.

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23. The P.C. finds that there may be other Hudson riverfront developments proposed along the Albany / Rensselaer County shorelines and that such developments are consistent with the historic use of the Hudson River for commerce, recreation and development, especially in this densely used part of the Hudson Valley. The P.C. finds that this historic perspective is reinforced by the current use of the NYS Barge Canal System, which depends on the Hudson River for connection to the Atlantic Ocean, and extends to the St. Lawrence River to bring local through international travelers and commerce to the region. Location of the proposed action on the shore opposite the City of Albany, therefore, is found to be a logical, acceptable use of the site and river.

The P.C. finds that the GEIS examined suitable alternatives to each component of the proposed action including no action, alternate sizes, etc. and that the proposed action, with the mitigations specified in Part VII of this Findings Statement, will limit adverse impacts to the greatest extent practicable.

The P.C. finds that none of the identified impacts of the proposed action, with the mitigations specified in Part VII of this Findings Statement, will be significant, nor will those impacts permanently curtail the range of beneficial uses of the area.

The P.C. finds that the proposed action will result in the irreversible and irretrievable commitment of natural, manufactured, energy and financial resources.

The P.C. finds that the proposed action will bring large numbers of additional people to the site who would not be there absent the proposed action. The P.C. finds that additional residents and business employees and patrons will enliven the City and improve its general quality of life, and that adequate facilities are, or will be, available to accommodate these additional people.

The P.C. finds that a number of public benefit improvements must be completed by the Applicant and its successors and assigns as follows: provide a publicly accessible promenade along the Hudson River and harbor shore, and provide a public car-top boat launch in the phase containing the harbor, or its alternate plan (Figure 29).

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VII. Project Mitigation

The proposed action has the potential to produce adverse impacts if mitigations are not implemented. Mitigations must be incorporated into the proposed action so that impacts will be reduced to the "not significant" level identified in 6 NYCRR 617.7(c). The P.C. finds that the following mitigations will reduce potentially adverse impacts to that "not significant" level.

1. Applicant and its successors and assigns will obtain a Beneficial Use Determination for use of dredge "spoils" and any other potentially contaminated soil as on-site fill as a precedent to receiving City approval of the phase in which such action is proposed.
2. Applicant and its successors and assigns will prepare a Storm Water Pollution Prevention Plan (SWPPP) for each phase of development that will comply with both the City Local Law 4-2007 and NYS DEC Storm Water Management Design Manual and DEC Uniform Procedures Act requirements for phased projects. Each SWPPP will demonstrate that the measures proposed for the instant phase are not dependant on a future phase, or will not be displaced or replaced by another future phase. Each SWPPP will further demonstrate the efficacy of the measures proposed therein.
3. Since project runoff will not affect elevations of the Hudson River and Quackenderry Creek, mitigation is not required. Built elements that project into the Hudson River will either be cantilevered from the shore or be piers through which river flow may pass.
4. Disturbance of submerged aquatic vegetation (SAV) and aquatic fauna (AF) will require permits from the NYS Department of Environmental Conservation (DEC) and the US Army Corps of Engineers (ACOE) as well as concurrent from the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP). As part of these efforts, the Applicant has agreed to perform additional studies of SAV and AF as such may be approved by NYS DEC and ACOE to be initiated prior to P.C. review of plans for Phase II, and no waterfront elements will be considered for approval prior to the conclusion of such studies. The Applicant shall keep the P.C. apprised of the progress of these activities. If permits / approvals for disturbance of SAV and AF are not issued, the plan generally illustrated in Figure 29 of the FGEIS will be implemented. This alternative plan will be reviewed to ensure its consistency with the LWRP's and Comprehensive Plan's goals of promoting public access to the Hudson River with attractive water-related features as well as with SEQR, prior to final site plan approval.
5. Mitigations identified in No. 2 above will also address potential siltation impacts.

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6. The Applicant and its successors and assigns will follow all requirements of the City of Rensselaer Flood Damage Control Law. First floor elevations of all habitable building spaces will be set no lower than 23.5 feet above mean sea level. The Applicant and its successors and assigns must inform residents and businesses located in the 100-year floodplain within the proposed action that vehicles and other real property stored below this elevation will be subject to a 1% chance of flooding each year.
7. Mitigations identified in No. 4 above pertain to aquatic fauna.
8. Cultural resource investigations must be conducted to the satisfaction of OPRHP and OPRHP must accept the conclusions of the final phase of these investigations. Documentation of this acceptance must be provided by the Applicant and its successors and assigns as a precedent to receiving City approval of the first phase of development.
9. As a precedent to the P.C.'s final site plan approval of the each phase of development, the Applicant and its successors and assigns will submit acceptable design guidelines for buildings or site elements, as applicable to be incorporated into the proposed action. These guidelines must be specific and measurable so that future City officials can understand their intent and administer that intent objectively. The P.C. finds that the proposed action, located on the world class Hudson River across that river from the capital of the Empire State, will be a highly desirable place which should attract quality developers who recognize its uniqueness and value. In order to assure the Applicant and other developers that their investments are justified as being consistent with that uniqueness and value, minimum design standards are required. Applicable to the proposed action is the principle that even "franchise architecture" is modified to be compatible with local design guidelines when the location is desirable enough. As this location is highly desirable, developers with an individual, standard architectural approach to a certain building type are required to modify that standard in order that the result is compatible with design guidelines established for this unique and highly valuable proposed action.
10. As noise from construction and operation of the proposed action will produce no adverse impacts, mitigation is not required.
11. As pile driving will produce no adverse impacts, mitigation is not required.
12. a. The NYS Department of Transportation (DOT) should provide comments related to excessive queuing lengths at four (4) intersection legs (Broadway northbound at Columbia, Broadway southbound at Columbia, Broadway southbound at Herrick Street, and Broadway northbound at Herrick Street) and level of service projections for the below intersections, and provide recommendations to alleviate projected

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conditions for possible implementation in the Broadway Improvement Project and by Applicant and its successors and assigns. Also, the recommendation of the FGEIS, Appendix H, Traffic Impact Study, for mitigating measures to address projected traffic volumes must be implemented as follows. The Applicant and its successors and assigns will provide such data to the P.C. prior to completion of built-out of 40% of the project's proposed square footage of buildings.

Columbia Street / Broadway Intersection: Signal timing adjustments / optimization to maintain level of service (LOS) to background conditions on all approaches.

Third Avenue / Broadway Intersection: Adjust signal timing and phasing to effect a LOS "C" for the southbound leg, especially targeted at left turning movements.

Route 9 & 20 Off-Ramp / Broadway Intersection: Signal timing optimization for all legs.

Herrick Street / Broadway Intersection: Install a traffic signal.

Partition Street / Broadway Intersection: Signal timing adjustments / optimization to maintain LOS "B" or better on all approaches.

Broadway / New Broadway Intersection: Add a 250-foot long right turn lane for southbound traffic to enter the site of the proposed action. Incorporate a 200-foot long left turn lane with 50-foot taper for eastbound traffic on New Broadway. The Applicant and its successors and assigns will upgrade and utilize the existing access drive to the former Junior / Senior High School campus as the principal vehicular access to the site of the proposed action until completion of the Broadway

Improvement Project. This improved driveway may be used for construction access following completion of the Broadway Improvement Project.

Connections to Adjacent Sites: Provisions have been made for potential future connections to the north and south at locations illustrated in Figure 2 of the FGEIS.

Those mitigating measures cited above which are not implemented as part of the Broadway Improvement Project will be implemented by the Applicant, its successors and assigns.

12. b. Applicant has affirmed that the project will not require importation of bulk fill to the site and therefore no additional traffic impacts will result.
13. As no adverse impacts to public transportation will result from the proposed action, mitigation is not required.

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14. Booster pumps with emergency generators will be provided for all habitable buildings exceeding four (4) stories. Demonstration that these facilities are to be provided or are not required, as demonstrated by a hydraulic analysis, will be precedent to receiving City approval of phases containing buildings in excess of four (4) stories.
15. The applicant will provide a second point of connection to the existing City water main adjacent to the proposed action at the northern end of its property should the City of Rensselaer obtain the right to make this connection from the adjoining property owner. The cost of this connection, to the project boundary would be borne by the Applicant, its successors and assigns.
16. As existing conveyance and treatment facilities are adequate for the sanitary sewerage needs of the proposed action, mitigation is not required.
17. The Applicant and its successors and assigns will submit a plan for relocation of CSO 006 in the northern part of the site with its request to the City for approval of the phase in which such relocation is required. Demonstration of approval of this relocation by all authorities with jurisdiction will be precedent to City approval of that phase.
18. No adverse impacts from combined sewer overflow will result from on-site separation of storm water and sanitary effluent. Connection of sanitary effluent from the proposed action downstream of the CSO control structure J9R to the 18-inch stub at Manhole J9D is required.
19. All sanitary sewage will be conveyed via on-site sewerage to the 18-inch stub at Manhole J9D. As this stub was provided by Rensselaer County to promote future growth in Rensselaer, and as the proposed action will contribute effluent to it that will reduce its capacity to receive effluent from sources outside the proposed action, the Applicant and its successors and assigns will construct a sanitary sewer with a diameter no less than 8 inches to the southern quadrant of the Broadway/New Broadway intersection and terminate that sewer at a manhole in order to facilitate future contributions by other developments.
20. a. Given that emergency service providers in Rensselaer are equipped and trained to protect existing buildings in the City, which do not exceed four (4) stories, it is reasonable to conclude that equipment and training currently not at the disposal of these providers will be needed relative to buildings in excess of four (4) stories. Therefore, the Planning Commission will notify fire, police and EMS providers when development phases proposing buildings in excess of four (4) stories are presented for approval and request consideration of what additional equipment and training will be appropriate. It is noted that projected tax revenues are adequate to cover the

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cost of such equipment and / or training. The Applicant, its successors and assigns will make buildings exceeding four (4) stories available to emergency service providers for training once a year at times mutually agreeable to all parties.

20. b. To assist the City in its responsibilities for operation and maintenance of roads and infrastructure dedicated to the City within the proposed action, the Applicant and its successors and assigns will agree with the City that the City will provide its normal level of maintenance of public lands and infrastructure (water mains, water services within street rights-of-way, hydrants, other appurtenances required for operation of water distribution system, sanitary and storm sewerage, sanitary and storm laterals within street rights-of-way, storm water pollution prevention measures, street pavements and curbs, traffic control devices in public streets) and that the Applicant, its successors and assigns, will be permitted to provide increased levels of maintenance that are either desirable to the Applicant, its successors and assigns, or required by system maintenance complexity that is beyond the abilities of the City. The Applicant, on behalf of itself, its successors and assigns, will enter a written agreement with the City of Rensselaer Common Council to record this agreement.
20. c. As a precedent to the City's approval of the first phase of the proposed action that includes building construction, the Applicant, its successors and assigns will submit to the P.C. for its approval documents setting forth the organizational type, source of revenue, governance, assurances of organization's permanence, and responsibilities of the not-for-profit organization to be established for operation and maintenance of portions of that phase that will not be dedicated as public lands to the City of Rensselaer. This requirement does not apply if a phase does not involve building construction, i.e., a phase including only site preparation work, utility installations, road construction, etc.
21. As a precedent for approval of each phase of the proposed action, the Applicant and its successors and assigns will utilize the principles of sustainable growth embodied in the Leadership in Energy and Environmental Design (LEED), Neighborhood Development (ND) and LEED New Construction 2009 (or later) rating systems and that Energy Star rated products and fixtures will be utilized. It is noted that the Applicant and its successors and assigns need not apply for LEED certification but that the LEED criteria are to be implemented in construction and operation of facilities in the proposed action. The Applicant and its successors and assigns will also submit, as precedent to P.C. approval, documentation that available electric and gas facilities are adequate to supply the needs of the instant phase.
22. As no adverse impacts relative to solid waste management are projected, mitigations are not required. However, as a precedent to receiving approval of each phase of the proposed action that proposes multi-residential and commercial buildings, the Applicant and its successors and assigns will submit demonstration of the means by

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which source separation will be accomplished in those buildings.

23. As no adverse impacts from other Hudson riverfront developments will result from the proposed action, mitigations are not required.

VIII. Future SEQR Actions:

1. No further SEQR compliance is required if a subsequent proposed action will be carried out in conformance with the conditions, thresholds and mitigations established for such actions in the Final Generic EIS or this Findings Statement, § 617.10 (d)(1);
2. An amended Findings Statement must be prepared if the subsequent proposed action was adequately addressed in the generic EIS but was not addressed or was not adequately addressed in this Findings Statement for the generic EIS , § 617.10(d)(2);
3. A Negative Declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental impacts, § 617.10(d)(3);
4. A supplement to the generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts, § 617.10(d)(4). Site-specific analysis of potential significant adverse environmental impact(s) is needed for actions following a generic EIS. The P.C., as lead agency, will require that the applicant submit materials identified in Part IX, 3.a to help the P.C. evaluate the need for a Supplemental EIS. The project applicant can voluntarily submit a draft supplement with project application materials and avoid the whole decision making process of whether or not to require one. A Supplemental EIS should be prepared by the project sponsor, and is subject to the same acceptance and review procedures as other EISs.
 - a. When a supplemental EIS is required the procedures for preparation and review of EISs established in § 617 shall be followed.

A supplemental EIS should:

1. only be required for environmentally significant adverse impacts and mitigation not adequately addressed in the generic EIS,

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2. reference the generic EIS, summarize its relevant sections and state where a copy of the generic EIS is available,
 3. incorporate mitigation and alternatives recommended in the generic EIS as requirements for the supplemental action, in addition to any new mitigation measures or alternatives developed within the supplemental EIS,
 4. be cognizant of, and consistent with conditions, and thresholds established in the generic EIS and this Findings Statement.
5. Specifically, supplemental EIS will be necessary under the following circumstances:
- a. If mitigating measures are not executed as established in the generic EIS and this Findings Statement,
 - b. If additional expansion is proposed by the Applicant, its successors and assigns, which is directly interrelated to the proposed action and was not addressed in the generic EIS and if that expansion will result in any significant adverse impacts. Direct interrelationship is defined as physical improvements near or adjacent to the elements of the proposed action which would cause a significant adverse change in cumulative impact(s).

IX. Future Permitting Procedures:

1. The Applicant, its successors and assigns, are required to apply for building permits and site plan approvals for each individual phase proposed for the proposed action. The P.C. will continue to be the lead agency for the proposed action, and will be responsible for reviewing site-specific materials, future compliance with all mitigation measures and additional mitigation requirements expressed herein and ensuring that all procedures outlined below are carried out. Issuance of future site plan approvals and building permits for elements of the proposed action will be conditioned upon the Applicant's, its successors' and assigns' follow-through and compliance with conditions of this Findings Statement. Additionally, no Building Permit will be issued for any building element of the proposed action until building and site-specific, as well as other identified and required mitigation measures, have been completed in accordance with the generic EIS and this Findings Statement.
2. a. The Applicant, its successors and assigns are required to show proof that all applicable approvals, including the following have been obtained prior to issuance of a Building Permit for the relevant elements of the proposed action.

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NYS Department of Environmental Conservation:

SPDES Stormwater Permit for construction activities
Section 401 Water Quality Certification
Article 15 Protection of Waters / Coastal Erosion Control Permit
Sanitary sewer extension approval

NYS Department of State:

Coastal Zone Management

NYS Office of General Services :

Permission for use of the lands of the People of the State of New York

NYS Office of Parks, Recreation and Historic Preservation:

Permits for floating objects in navigable water
Sign-off on cultural resources impacts and mitigations

U.S. Army Corps of Engineers:

Section 404 Permit for dredge / fill within navigable waters and impact to Special Aquatic Sites
Section 10 of the 1899 Rivers and Harbors Act for work in navigable Waters
Permits for floating objects in navigable water

2. b. The Applicant, its successors and assigns are required to show proof that the following permits have been applied for prior to any further P.C. approval of applicable elements of the proposed action.

City of Rensselaer Public Works Department:

Water line extension approval
Sewer line extension approval
Curb-cut permit for Broadway

Rensselaer County Health Department:

Approval of public water distribution and sanitary collection systems

Rensselaer County Sewer District No. 1 :

Approvals of infrastructure modifications and connection to MH J9D

NYS Department of Transportation :

Acceptance of traffic impact mitigation measures along Broadway

3. The Applicant, its successors and assigns, and P.C. are required to comply with the following procedures for each new building component of the proposed action.

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- a. The Applicant will apply to the P.C. for Site Plan Approval and submit:
 - all materials identified in the City Zoning Ordinance,
 - a full environmental assessment form,
 - a report containing a comparison between the instant project and its description in the EIS, which highlights the areas in which the instant project differs from the parameters established in the EIS or a statement documenting that there are no differences.
 - a status report regarding mitigating measures relative to the instant project, as identified in the generic EIS and this Findings Statement.

- b. The P.C. will review the application materials and determine whether or not a supplemental generic EIS is required. The P.C. will use the generic EIS, and this Findings Statement as bases for this determination.

- c. No further SEQR action will be required if the instant project meets the standards contained in Part VIII, 1 or 3 of this Findings Statement, in which case the P.C. will adopt and file a Negative Declaration.

- d. In the event the P.C. determines that the instant application either does not meet the standards contained in Part VIII, 1 or 3 or if the instant application does meet the standards contained in Part VIII, 5, a supplemental generic EIS is required. The P.C. will adopt and file a Positive Declaration which identifies in detail how the instant project does not meet the standard contained in Part VIII, 1 or does meet the standards of Part VIII, 5 of this Findings Statement.

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X. Consistency with Local Waterfront Revitalization Program

Revitalization of the waterfront of the City of Rensselaer is vital to the City's overall strategy for community and economic development. This statement sets the tone for the LWRP accepted by the NYS Department of State and U.S. Office of Ocean and Coastal Resource Management in 1987. During the intervening 22 years since this acceptance, this imperative has driven other planning documents and has led to the proposed action that is the subject of this consistency determination, the Rensselaer Waterfront Redevelopment Project. Much in Rensselaer has changed since 1987. While the Junior/Senior High School campus was considered immutable in 1987, it has vacated its riverfront location and now operates on an inland site. While the Zappala property was identified in 1987 as a target area for development, that concept has now expanded to the former school campus. A city-wide comprehensive plan has been adopted as a guide to City decision making. Rensselaer has adopted local laws, consistent with LWRP policies, to address flood damage control and storm water management. Although much in Rensselaer has changed since 1987, the imperative to utilize the waterfront as an "engine" for community and economic development has not changed. With this imperative intact, the City of Rensselaer intends to update the LWRP to more accurately reflect the realities of the twenty-first century.

Policy 1. Restore, revitalize and re-develop deteriorated and underutilized waterfront areas for commercial and industrial, cultural, recreational and other compatible uses.

The proposed action seeks to revitalize an underutilized waterfront site. The commercial, recreational and residential uses proposed for it are found to be compatible with its surroundings and with the City's Comprehensive Plan. The proposed action, therefore, is consistent with Policy 1.

Policy 1A. Redevelop the Albany Port District property and related vacant and tank farm land. . .

The proposed action will not affect the land of the Albany Port District and, therefore, this policy is not applicable.

Policy 1B. Redevelop the City's Central Riverfront (generally defined as that area including Zappala Block, Huyck Felt, City Hall, and Amtrak properties) as a focus for commercial expansion within the City's LWRP.

The proposed action is located within the target area of Policy 1B and, therefore, is

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consistent with it.

Policy 1C. Redevelop the City's northern riverfront as a uniquely situated site for new residential and recreational / open space development.

As the proposed action is not located in the City's northern riverfront area, this policy is not applicable.

Policy 1D. Stabilize and revitalize the historic Fort Crailo and Bath neighborhoods for residential and compatible limited commercial uses.

As the proposed action is not located in the historic Fort Crailo and Bath neighborhoods, this policy is not applicable.

Policy 1E. Stabilize and revitalize the Rensselaer downtown; i.e., the central business district and shopping center area, for major retail, office and related activities.

The proposed action will site major retail, office, other commercial, recreational, residential, and public uses in the central business district, and is, therefore, consistent with Policy 1E.

Policy 1F. Integrate the various waterfront area land uses, provide recreation and public access opportunities, and preserve waterfront lands through the development of an open space / trail system extending fully from a Port area overlook in the City's highly industrial southern end to an extensive open space / park area on the lands owned by RPI in the vicinity of the Patroon Island (I-90) Bridge.

The proposed action will include a link in the trail mentioned in Policy 1F and, therefore, is consistent with it.

Policy 1G. Allow the extension of proposed office park development supportive of the Rensselaer Technology Park southward from the North Greenbush coastal area into the RPI-owned northern extremes of the Rensselaer Riverfront, provided environmental and access problems can be solved.

As the proposed action is not located in the area addressed in Policy 1G, Policy 1G is not applicable.

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Policy 2. Facilitate the siting of water dependant uses and facilities on or adjacent to coastal waters.

The proposed action includes water dependant uses such as harbor, docking, a car top boat launch, a public waterfront promenade, and a public trail adjacent to coastal waters and, therefore, is consistent with Policy 2.

Policy 2A. Maintain all suitable industrial land within and contiguous to the Port lands, to provide a critical land mass for marine-dependant industrial development.

Policy 2A is not applicable to the proposed action, as the proposed action is neither within nor contiguous to Port lands.

Policy 3. Further develop the state's major ports of Albany, Buffalo, New York, Ogdensburg and Oswego as centers of commerce and industry and encourage the siting, in these port areas, including those under the jurisdiction of state public authorities, of land use and development which is essential to or in support of, the water borne transportation of cargo and people.

Policy 3 is not applicable to the proposed action as it is not within the port areas mentioned.

Policy 4. This LWRP notes Policy 4 as "not applicable".

Policy 5. Encourage the location of development in areas where public services and facilities essential to such development are adequate.

The proposed action is located in a part of the City in which essential public services and utilities are available and adequate and, therefore, the proposed action is consistent with Policy 5.

Policy 6. The LWRP notes under Policy 6, "not included in the local program."

Policy 7. The LWRP notes Policy 7 as "not applicable."

Policy 8. Protect fish and wildlife resources in the coastal area from the introduction of hazardous waste and other pollutants which bioaccumulate in the food chain or which cause significant

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sublethal or lethal effect on those resources.

The proposed action will not introduce hazardous wastes and other pollutants which bioaccumulate in the food chain. Handling and disposal of hazardous wastes will not be a part of the proposed action and potential pollutants will be treated on site prior to being discharged into the Hudson River according to requirements of the State Pollutant Discharge Elimination System regulations. The proposed action, therefore, is consistent with Policy 8.

Policy 9. Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and redeveloping new resources. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependant on them.

The proposed action will expand access to existing fish and wildlife resources by making shoreline improvements available to the public. It is further found that mitigating measures cited in the Final Generic Environmental Impact Statement and the Statement of Findings for the proposed action will include studies of the biology of involved species, carrying capacity of the resource, and mitigations sufficient to ensure the protection of these renewable resources. These documents indicate that federal and state agencies will determine whether the proposed action will impede existing or future utilization of fish and wildlife resources. The proposed action, therefore, is consistent with Policy 9.

Policy 10. The LWRP notes Policy 10 as "not applicable."

Policy 11. Buildings and other structures will be cited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

The proposed action will comply with the City of Rensselaer Flood Damage Control Law by constructing the habitable portions of buildings 2.5 feet above the base flood elevation. The proposed action will comply with Local Law 4-2007 to control erosion. Therefore, the proposed action is consistent with Policy 11.

Policy 12. The LWRP notes Policy 12 as "not applicable."

Policy 13A. The construction of erosion control bulkheading, rip rapping, sea wall construction or reconstruction or piling installation including that necessary to maintain the navigable channel of the Hudson

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River and the Port turning basin, shall meet sound construction practices and procedures and be undertaken only if they have a reasonable probability of functioning as demonstrated in design and construction standards and / or assured maintenance or replacement programs.

Construction of bulkheading, rip rapping, sea wall, piling, etc. in connection with the proposed action will meet current standards of care in construction practices and procedures. These facilities will be designed by registered professionals, approved by authorities with jurisdiction and also approved by the City of Rensselaer prior to approval. The proposed action proposes no work in the navigable channel of the Hudson River or the Port turning basin. The proposed action, therefore, is consistent with Policy 13A.

Policy 14. Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development or at other locations impacted by such activities or development.

See responses under Policy 11 and Policy 13A.

Policy 15. The LWRP notes Policy 15 as "not applicable."

Policy 16. Public funds shall only be used for erosion protective measures where necessary to protect human life or existing development, and for new development which requires a location within or adjacent to an erosion hazard area to be able to function; but only where the public benefits outweigh the long term monetary and other costs, including the potential for increasing erosion and adverse effect on the natural protective features.

The site of the proposed action is not noted as an erosion hazard area, and will not produce adverse effects on natural protective features. This policy, therefore, is not applicable to the proposed action.

Policy 17. Whenever possible, use nonstructural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include the following: (A) The setback of buildings and structures; (B) The planting of vegetation and the installation of sand fencing and drainage; (C) The reshaping

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of bluffs; and (D) The flood-proofing of buildings or their elevation above the base flood level.

The proposed action will implement nonstructural measures wherever practical to minimize damage to natural resources from flooding and erosion, see responses under Policy 11 and Policy 13A. Buildings will be located such that the lowest habitable floor elevations will be elevated above the base flood level. Plantings will be included along the Quackenderry Creek. Bluffs are not located on the project site. The proposed action, therefore, is consistent with Policy 17.

Policy 18. To safeguard the vital economic, social, and environmental interest of the state and its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to those safeguards which the state has established to protect valuable coastal resource areas.

In the context of the City of Rensselaer, the proposed action is considered to be a major one. The Final Generic Environmental Impact Statement demonstrates that the proposed action will produce beneficial effects in the economic and social interests of the City of Rensselaer, and its citizens. That document further demonstrates that, through the permitting process, measures to be imposed by state and federal agencies with respect to permits for work in and adjacent to the waters of the United States that will safeguard and protect valuable coastal resources. That document further demonstrates that sufficient mitigations will be available with respect to alternative plans in the event that permits will not be granted. The proposed action has been thoroughly reviewed according to the State Environmental Quality Review procedure, which considered consistency with LWRP policies, and is documented in the Final Generic Environmental Impact Statement and Findings Statement. The proposed action, therefore, is found to be consistent with Policy 18.

Policy 19. Protect, maintain and increase the levels of types of access to public water-related recreational resources and facilities so that these resources and facilities may be fully utilized by all the public in accordance with the reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priorities shall be given to public beaches, boating facilities, fishing areas, and waterfront parks.

The proposed action will provide access for all the public via public street rights-of-way and public rights-of-way between those streets and along a publicly-owned waterfront shoreline. Activities available in this publicly accessible area will include a car top boat

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launch, fishing, and boating. The proposed action, therefore, is considered to be compatible with Policy 19.

Policy 19A. Develop a Port Area Overlook...

The proposed action is not located in the Port Area and, therefore, Policy 19A is not applicable.

Policy 19B. Develop a Class 2 bikeway linking the Port Area Overlook through the Fort Crailo neighborhood and Central Business District to Riverfront Park at its proposed downtown entrance.

While the bikeway extension cited in Policy 19B does not affect the site of the proposed action, the proposed action will include a bikeway link along the shoreline as a part of a Hudson Riverfront trail system. The proposed action, therefore, is considered to be consistent with the spirit of Policy 19B.

Policy 19C. Extend development of Riverfront Park to include proposed downtown entrance and expanded parking and recreational facilities.

This Policy is not applicable to the proposed action.

Policy 19D. Provide public access for continuation of the riverfront open space trail system through the central riverfront, the School District property and the Amtrak property to its immediate north.

Provisions are included in the proposed action to accommodate the riverfront trail across the former School District property. Therefore, the proposed action is consistent with Policy 19D.

Policy 19E. Acquire an interest in Amtrak's River-most property to permit development of overlooks and open unstructured recreational areas with direct access to the beach-like shoreline at the location.

This policy is not applicable to the proposed action as it refers to the property north of the proposed action.

Policy 19F. Extend the riverfront trail through a redeveloped northern riverfront area...

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This policy is not applicable to the proposed action.

Policy 19G. Provide a northern focus for the City's Riverfront open space trail system by developing picnic area and active recreational facilities, such as ballfields and tennis courts, on the RPI lands north of the Bamet Mills and extending to and beyond the Patroon Island Bridge.

This policy is not applicable to the proposed action.

Policy 19H. Link the City's Riverfront open space system with further recreational amenities and development proposed in the Town of North Greenbush under its Local Waterfront revitalization Program.

This policy is not applicable to the proposed action.

Policy 20. Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided in a manner compatible with the adjoining uses. Such lands shall be retained in public ownership.

The proposed action will provide access for all the public via public street rights-of-way and public rights-of-way between those streets and along a publicly-owned waterfront shoreline. Activities available in this publicly accessible area will include a car top boat launch, fishing, and boating. This policy calls for a Riverfront trail with key access points at, among several other places, the Rensselaer Junior / Senior High School, which is now the site of the proposed action. The proposed action involves obtaining the right to use underwater lands from the NYS Office of General Services. The Applicant controls all other lands between the Hudson River and Broadway, and will provide public access from Broadway to and along the Hudson shore. The proposed action, therefore, is considered to be compatible with Policy 20.

Policy 21. Water-dependant and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over non-water related uses along the coast, provided such recreation is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to these areas where the use of the shore is severely restricted by existing development.

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The proposed action will provide both water-dependant and water-enhanced recreational opportunities that will be available to the public. Non-water related uses will be located in areas that are not along the coast. The measures indicated under Policy 9 will protect coastal resources. The public access to be provided to the coast as described under Policy 19 will be a major public improvement over the current condition in which no public access to this part of the shore is available. The proposed action will provide linkage to public transportation services. The proposed action, therefore, is consistent with Policy 21.

Policy 22. Development, when located adjacent to the shore, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.

Water-related recreational activities, such as fishing and boating, will be made available to the public by the proposed action within the context of a multi-use environment consistent with Policy 22: large residential, retail, and offices. The City of Rensselaer, in its comprehensive plan, has recognized there is a demand for such activities. The NYS Office of Parks, Recreation and Historic Preservation has been an involved agency during the SEQR process and has reviewed all SEQR documentation. OPRHP has registered no negative comments relative to the water-related recreational aspects of the proposed action. Therefore, the proposed action is consistent with Policy 22.

Policy 23. Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology, or culture of the state, its communities, or the nation.

Both the Final Generic Environmental Impact Statement and the Findings Statement for the proposed action outline procedures under which the proposed action must be approved by the State Historic Preservation Office so that it will enhance the understanding of the history and archaeology of the site of the proposed action which, therefore, will make the proposed action consistent with Policy 23.

Policy 24. The LWRP notes Policy 24 as "not applicable."

Policy 25. Protect, restore and enhance natural and man-made resources which are not identified as being of statewide significance but which contribute to the scenic quality of the coastal area.

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The Final Generic Environmental Impact Statement for the proposed action demonstrates that the stretch of Hudson river to be occupied by the proposed action had formerly been occupied by a junior / senior high school campus and is bracketed on the west side of the river by downtown Albany, imparting to it an urban quality rather than a scenic quality. Proposed buildings will be sited in a manner compatible with buildings on the opposite river shore and will be subject to consistent design guidelines. The documentation provided in the Final Generic Environmental Impact Statement demonstrates that building massing and placement will be compatible with that of the western shore of the Hudson River and will provide a suitable punctuation to this location along the river at the gateway to the capital of the Empire State. The Final Generic Environmental Impact Statement demonstrates critical views to and from the proposed action from a number of vantage points will comply with guidance published by the New York State Department of Environmental Conservation. While certain portions of the City of Rensselaer coastal zone have considerable vegetation along the shoreline, the site of the proposed action, as the former location for the junior/ senior high school campus is not heavily vegetated. The proposed action will not adversely affect views of the water, as these views are not available for upland viewpoints, nor will the proposed action adversely affect views from the River, from the Albany shoreline, and from sensitive viewpoints within a five-mile radius. The proposed action will significantly increase the economic base of Rensselaer and will provide a significant multi-use development. The City of Rensselaer Planning Commission, as lead agency for the purposes of the State Environmental Quality Review process, has determined from the visual impact assessment contained in the Final Generic Environmental Impact Statement (FGEIS) that the proposed action does not provide a significant contrast from what currently exists on the west side of the Hudson River, i.e., the City of Albany, (see Key View 1 (in final FGEIS) and Key View 1-Contextual View (in draft FGEIS) and that the scale of the buildings to be built in the proposed action will be compatible with buildings in downtown Albany on the western shore. While the actual limits of Albany's downtown opposite the proposed action are separated from the Hudson River by I-787 and the Corning Preserve north of the proposed action, the perception of people on the Hudson River is that downtown Albany extends to the shore. Furthermore, an urban promenade along I-787, between the Snow Dock and Corning Preserve, was implemented specifically to extend the urban fabric (along with pedestrian access) to the shore. The proposed action, therefore, is consistent with Policy 25.

Policies 26 and 27. The LWRP notes Policies 26 and 27 as "not applicable."

Policies 28, 29, and 30. Policies 28, 29, and 30 are noted in the LWRP as "not included in the local program."

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Policy 31. State coastal area policies and purposes of approved Local Waterfront Revitalization Programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.

As the proposed action does not seek to modify water quality standards, Policy 31 is not applicable.

Policy 32. The LWRP notes Policy 32 as "not applicable."

Policy 33. Best management practices will be used to insure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

The proposed action will implement the requirements of the State Pollutant Discharge Elimination System and Local Law 4-2007 with respect to construction period erosion and siltation, and pollutant removal relative to occupational phases. The Final Generic Environment Impact Statement and Findings Statement for the proposed action demonstrate that combined sewer overflow impacts will be nil related to the proposed action as it will separate storm runoff and sanitary effluent, discharge them to acceptable receiving facilities and not impact a current CSO in its vicinity. The proposed action, therefore, is consistent with Policy 33.

Policy 34. Discharge of waste materials from vessels into coastal waters will be limited so as to protect significant fish and wildlife habitats, recreational areas, and water supply areas.

The proposed action will not discharge waste materials from vessels into coastal waters, and, therefore, Policy 34 is not applicable.

Policy 35. Dredging and dredge spoil disposal in coastal waters will be undertaken in a manner that meets existing state dredging permit requirements and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Dredging and dredge spoil placement connected to the proposed action will be conducted under the permit requirements of federal and state authorities and, therefore, will protect significant fish and wildlife habitats, while scenic resources, natural protective features, important agricultural lands, and wetlands will not be affected. As stipulated in

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the Final Generic Environment Impact Statement and Findings Statement for the proposed action, a dredging permit should only be granted if it is demonstrated during the permitting process that anticipated adverse effects have been sufficiently reduced, or eliminated, to satisfy permit standards. The proposed action, therefore, is consistent with Policy 35.

Policy 36. Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent, or at least minimize, spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges and restitution for damages will be required when these spills occur.

The proposed action will not involve shipment and storage of petroleum and other hazardous materials and Policy 36, therefore, is not applicable.

Policy 37. Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics, and eroded soils into coastal waters.

The proposed action will implement the requirements of the State Pollutant Discharge Elimination System and Local Law 4-2007 with respect to construction period erosion and siltation, and pollutant removal relative to occupational phases. Therefore, the proposed action is consistent with Policy 37.

Policy 38. The LWRP notes that Policy 38 is "not included in the local program."

Policy 39. The transport, storage, treatment and disposal of solid waste, particularly hazard waste, within coastal areas will be conducted in such a manner so as to protect ground water and surface water supplies, significant fish and wildlife habitats, recreation areas, important land and scenic resources.

Since the proposed action will not involve the transport, storage, treatment and disposal of solid and hazardous wastes, Policy 39 is not applicable.

Policies 40 through 43. The LWRP notes these policies as "not included in the local program."

Policy 44. Preserve and protect tidal and fresh water wetlands and preserve

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XII. Distribution of Findings Statement

The Findings Statement is distributed to the following agencies and other entities.

William Petronis, Project Engineer US Army Corps of Engineers Upstate New York Field Office 1 Buffington Street, Watervliet Arsenal Watervliet, NY 12189-4000	Christine Delorier US Army Corps of Engineers Upstate New York Field Office 1 Buffington Street, Watervliet Arsenal Watervliet, NY 12189-4000	U.S. Coast Guard Fort Wadsworth Command Center 212 Coast Guard Drive Staten Island, NY 10306
U.S. Fish & Wildlife Service NY Field Office 3817 Luker Road Cortland, NY 13045	U.S. EPA Region 2 280 Broadway New York, NY 10007-1866	NOAA National Marine Fisheries Service Northeast Regional Office 55 Great Republic Drive Gloucester, MA 01930
Pete Grannis, Commissioner NYS DEC 625 Broadway Albany, NY 12233-1011	Sarah H. Evans NYS DEC - Region 4 Div. of Env. Permits 1130 North Westcott Road Schenectady, NY 12306-2014	Mr. Jeffrey Sama Director - Div. of Env. Permits NYS DEC 625 Broadway Albany, NY 12233-1750
Bonnie Devine Division of Coastal Resources NYS Dept. of State 1 Commerce Plaza 99 Washington Ave. Albany, NY 12231-0001	Cynthia Blakemore, Analyst Historic Preservation Program NYS OPRHP Peebles Island, P.O. Box 189 Waterford, NY 12188-0189	NYS Office of General Services Division of Land Utilization, Bureau of Land Management Corning Tower Empire State Plaza Albany, NY 12242
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John Nesel 1576 Broadway Rensselaer, NY 12144	Rensselaer Improvement Committee P.O. Box 529 Rensselaer, New York 12144	Sherry White, Tribal Historic Preservation Officer Stockbridge-Munsee Tribal Historic Preservation Office W13447 Camp 14 Road P.O. Box 70 Bowler, WI 54416