

New York State Environmental Quality Review Act
FINDINGS STATEMENT
New York State Department of Transportation
Albany Port District Commission (APDC)
Marmen – Welcon Offshore Wind Tower Manufacturing Plant
Lead Agency: Town Bethlehem Planning Board
Town of Bethlehem, Albany County, New York

This State Environmental Quality Review Act (SEQRA) Findings Statement ("Findings Statement") documents the New York State Department of Transportation's (NYSDOT) findings regarding the proposed action as described in the Final Generic Environmental Impact Statement (FGEIS) and the Supplemental Final Environmental Impact Statement (SFEIS) for the Albany Port District Commission ("APDC") Port of Albany Marmen-Welcon Offshore Tower Manufacturing Plant Project ("the Project") prepared in accordance with Part 617 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of New York State (6 NYCRR Part 617). The Town of Bethlehem (Town) Planning Board is the SEQRA lead agency. NYSDOT is an Involved Agency for the Project as the action will require the issuance of Highway Work Permit(s), Use and Occupancy Permit(s), and Utility Permit(s) for New York State (NYS) Routes 144 and 32.

This Findings Statement is prepared in accordance with the NYSDOT's Procedures for the Implementation of SEQRA (17 NYCRR Part 15). NYSDOT, as an Involved Agency, has considered the facts and conclusions relied upon in the FGEIS and SFEIS and determined that the requirements of Article 8, Section 8-0109 of the New York State Environmental Conservation Law (ECL) and implementing regulations have been met.

Project Description

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

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

- All structures, buildings, parking lots on the Project properties
- Site Lighting and watermains within the Port Project properties
- A new bridge over the Normans Kill
- Wastewater package treatment plant, on-site
- Development of wharf facilities

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

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

Final Generic Environmental Impact Statement (FGEIS)

A Final Generic Environmental Impact Statement (FGEIS) was prepared by the APDC for the full build out of the and accepted by the Town of Bethlehem Planning Board (Lead Agency) on May 5, 2020. The proposed project evaluated in the 2020 Final GEIS (FGEIS) included the following elements:

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

The FGEIS Findings Statement, adopted on June 2, 2020 by the Town of Bethlehem Planning Board, established thresholds pursuant to SEQRA to be followed during the design, construction and operations phase of a future specific project.

Supplemental Final Environmental Impact Statement (SFEIS)

After the 2020 FGEIS was approved, APDC and the Town of Bethlehem Planning Board determined that the proposed project would proceed differently and without a full build out. The proposed project would exceed the established thresholds and include additional elements that were not contemplated as part of the FGEIS. Therefore, a Supplemental EIS would be necessary to update or evaluate additional potential environmental impacts not previously evaluated. Once the specific APDC Project was defined, it was determined certain Project components either exceed the thresholds established in the FGEIS or were not previously contemplated.

Project elements with potential transportation impacts that were not contemplated during the preparation of the 2020 FGEIS:

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

In order to account for these elements, a Supplemental Final Environmental Impact Statement (SFEIS) was prepared by the APDC in February of 2022 to identify, evaluate or update foreseeable potential impacts, of the specific project components that were not previously contemplated, as applicable. As such, the SFEIS, the FGEIS, and corresponding Findings Statement (adopted on March 15, 2022 by the Town of Bethlehem Planning Board) were incorporated into this Findings Statement.

Summary of Impacts

The FGEIS (2020), the SFEIS (February 2022) and the corresponding Findings Statement (March 2022) describe the results of the environmental analysis and reviews. The following is a summary of the project impacts and environmental commitments (in the form of mitigation measures and best management practices) as described in those documents. Additional project activities are expected to have occurred since the Finding Statement was adopted in March 2022. For the purpose of this finding

determination, it is assumed that any completed preliminary activity is being accomplished in line with these commitments. A more robust discussion of traffic impacts and mitigation is discussed last.

Soils, Geology and Topography (includes Noise)

- Existing Conditions and Impact assessment:
 - o Project site soils have potential to contain high levels of contaminants. Investigation to assess contaminants and any necessary remediation will be in accordance with NYSDEC Guidance and requirements.
 - o There is potential for penetration of the Recycled Asphalt Concrete (RAC) cap covering the 700 Smith Boulevard site. A Soil Management Plan (SMP), dated March 2020, was developed for the parcel.
 - o Stabilization of subsurface conditions and other construction activities may cause vibration and noise impacts.
- Commitments:
 - o Dredging operations will follow NYSDEC guidelines and will include use of a turbidity curtain and closed bucket (or similar method) for soil removal.
 - o Vibration and noise monitoring will be performed, and construction activities will abide by code restrictions regarding construction noise and hours of operation.

Vegetation and Wildlife

- Existing Conditions and Impact assessment:
 - o NYSDEC waters and wetlands and NYSDOS Significant Coastal Fish and Wildlife Habitat occur on site
 - o Threatened and endangered species potentially impacted are Atlantic Sturgeon, Shortnose Sturgeon, and Northern Long-eared Bat.
 - o Surveys found submerged aquatic vegetation (SAV) and state ranked S3 (rare) freshwater mussels in the impact area. NYSDEC determined the total impact to the sturgeon, SAVs, and mussels to be 1.0 acres,
- Commitments:
 - o Application to NYSDEC for waters and wetlands permits will outline measures to address impacts to aquatic communities, and Coastal Consistency review will be requested from the NYSDOS.
 - o In Normans Kill, the erosion and sediment controls to minimize and avoid impacts to the Significant Coastal Fish and Wildlife Habitat will be included in the Soil and Water Pollution Prevention Plans.
 - o To mitigate impacts to the bats and sturgeon, dredging and tree removal work will adhere to timing restrictions. Dredging work will use a turbidity curtain, and construction of the wharf will be recessed from the bank to reduce noise.
 - o Mitigation associated with SAV and freshwater mussels will include in-lieu fee payments to fund part of a restoration project identified in the Hudson River Comprehensive Restoration Plan.

Regulated Wetlands and Surface Waters

- Existing Conditions and Impact assessment:
 - o The Project will result in direct wetland impacts for the construction of a retaining wall and roadway improvements. There will be approximately 0.33 acres of temporary impacts to wetlands during construction. Total permanent wetland impacts are

estimated in approximately 0.86 acre. Construction associated with waterline connection will avoid impacts to wetlands through directional drill/boring

- The Project will include dredging within the Hudson River.
- Commitments:
 - The required Joint Permit Applications (JAP) has been submitted and is under USACE review and includes the NYSDEC 401 Water Quality Certification, Article 15 Protection of Waters Permit, and USACE Section 404/Section 10 Individual Permit. It describes the compensatory off-site wetland mitigation to be implemented.
 - Dredging within Hudson River will comply with all permit requirements.
 - To address temporary impacts to wetlands, a Nationwide Permit would be obtained from USACE.

Floodplains and Floodways

- Existing Conditions and Impact assessment:
 - Construction of wharf will require work within the floodway, including removal of material from the river.
 - The majority of planned facilities are within the 100-year floodplain. As a result of climate change, sea levels will rise over time making peak flood elevations higher than they currently are.
- Commitments:
 - Facilities will be designed and installed in accordance with New York State Flood Risk Management Guidance, considering the current base flood elevation of 18 feet, the appropriate projection of sea level rise over the Project life for each facility, and 2 feet of freeboard. A mobilization plan will be prepared to identify any protective actions needed on site prior to a flood event.
 - Floodplain Development Permit applications will be submitted to the Town of Bethlehem and City of Albany to ensure design standards that meet or exceed floodplain development requirements and building codes.

Climate and Air Quality

- Existing Conditions and Impact assessment:
 - The increase in direct and indirect emissions from increased vehicular traffic during construction is considered to be low and will not result in significant increase in GHG emissions, black carbon or PM. A detailed air analysis concluded that the project's impact on air quality in the surrounding community will be below standards and guidelines established by EPA and DEC.
- Commitments:
 - Air emissions for the Ezra Prentice community will be mitigated by the establishment and enforcement of required truck routes, as discussed in the Traffic and Transportation mitigation measures.
 - The project will mitigate odor, dust, and VOC control measures and air monitoring at the perimeter of the property and off-site receptors.

Drainage (Stormwater) and Groundwater

- Proposed Project will increase impervious coverage of the original project site and National Grid site. 700 Smith Boulevard is already capped with an impervious recycled asphalt material.

- Chemicals, toxins, or other pollutants may be released during construction and post construction activities.
- Commitments:
 - A Stormwater Pollution Prevention Plan (SWPPP) has been prepared subject to the Town of Bethlehem's and City of Albany's review and issuance of MS4 SWPPP Acceptance Forms. The applicant will also gain coverage under SPDES General Permit GP-0-20-001 prior to any site disturbances.
 - The material to be dredged from the Hudson River will be dewatered to minimize the potential for runoff.
 - A NYSDEC approved remedial program will be implemented to mitigate the movement of fly ash or any subsurface material that may be exposed at 700 Smith Boulevard.

Historic, Cultural and Archeological Resources

- Existing Conditions and Impact assessment:
 - Tribal concerns about potential noise impacts and the adverse effect of the visual contrasts of the building structures and yellow color scheme of the temporarily stored transition pieces on the visual and scenic attributes of the landscape
 - Impacts to archaeological resources are not anticipated due to the previous disturbance and uses of the Project sites.
- Commitments:
 - Tribal concerns were addressed with updated visual simulations showing a lower vertical profile than existing facilities, a noise analysis concluding no perceptible change is expected in sound levels at the locations of concern, and mitigation of the visual contrast (see measures discussed for Location 5 under Aesthetic and Visual Resources).
 - Supplemental documents were submitted to NYSOPRHP documenting that the increase in building height will not adversely affect properties listed in or eligible for the New York State and National Registers of Historic Places.

Aesthetic and Visual Resources/Land Use and Zoning

- Existing Conditions and Impact assessment:
 - The Project includes buildings and exhaust stacks estimated to be between 72 feet to 100 feet with exhaust stacks up to 110 feet high, which will exceed the allowable 60-foot height permissible by local zoning.
 - Potential visual impacts were assessed from five (5) locations, of which Location 5 (from the Hudson River looking west into the Project Site) was the only view found to warrant mitigation.
- Commitments:
 - Zoning area variances will be needed for building heights, front yard setback, landscaping area in parking lots, and development in the floodplain along the Normans Kill.
 - The mitigation measures at Location 5 to be taken include:
 - Preserve existing vegetation buffer along the Hudson shoreline for visual screening.
 - Building colors chosen to blend into surroundings.
 - All lighting on the Project will be full cut off, dark sky compliant and will not spill onto neighboring properties.
 - Transition pieces produced at the proposed facility will be temporarily stored behind the vegetation buffer for partial screening.

Emergency Services

- Commitments:
 - o Buildings and roads will be designed and built to meet or exceed Town and/or State building and fire code requirements including ability to accommodate emergency service vehicles.
 - o Minimal added cost to police and EMS is anticipated to be offset by the taxes or Payments-In-Lieu-Of-Taxes generated by the Proposed Project. The amount and terms of the agreements governing these payments will be negotiated at appropriate project stages.

Environmental Justice

- Existing Conditions and Impact assessment:
 - o The Project Site is located south of a NYSDEC mapped Potential Environmental Justice (EJ) Area, near the Ezra Prentice Homes, a NYSDEC Environmental Justice Community. The Project could result in increased truck and rail traffic near the Ezra Prentice neighborhood and potential air toxin increases from truck and rail traffic.
- Commitments:
 - o Mitigation measures related to potential traffic, climate and air impacts include the establishment of a required truck route that will utilize the existing Port roadway system. All truck traffic will be routed through the existing Port District and will avoid the Ezra Prentice neighborhood. Freight rail cars will be added to existing trains to minimize additional rail emissions.
 - o Environmental justice review will be incorporated into future permit applications in accordance with NYSDEC Commissioner Policy CP-29, and the APDC shall implement a Public Participation Plan as required.

Other topics covered

- Recreation and Open Space: The Proposed Action will not impact recreation and open space, including the Ezra Prentice community playground.
- Solid Waste Disposal: No Impact is anticipated as existing facilities have capacity for solid waste during construction and operation.
- Community Character and Compatibility with Comprehensive Plan: The Project is consistent with the zoning for the site, will help achieve renewable energy goals, and will be developed in accordance with the Town of Bethlehem's and City of Albany's Comprehensive Plans.

Traffic Recommendations and Mitigation Measures

NYS DOT's primary concern related to its action to approve permits identified above is to address traffic impacts to the state system. An updated Traffic Impact Study was completed for the Project in conjunction with the SFEIS. NYS DOT issued approval of the updated Traffic Impact Study on January 28, 2022. Based on the study and other parts of the GEIS and SFEIS, traffic impacts were identified including: potential capacity issues, sight distance issues and potential to increase truck traffic through an Environmental Justice Community were identified. However, existing roadway infrastructure within the study area was found to have adequate capacity to accommodate projected traffic with the following recommendations and mitigation measures:

- All truck traffic associated with the proposed Project will be directed to utilize required truck routes and will be restricted from making right turns onto South Pearl Street (NYS Route 32) at the South Port Road intersection to eliminate any additional trucks passing through the Ezra Prentice Homes (an identified Environmental Justice Community) and other residential communities. This route is also supposed to be utilized for all anticipated temporary truck traffic associated with construction activities.
- The SFEIS states that the operational agreement between the APDC and Marmen-Welcon joint venture will include clause(s) that require strict adherence to the required truck route as a tenant obligation. APDC will enforce the negotiated lease clause(s) through progressive actions and may void the lease of any tenant that breaches such obligation or fails to cure within the timeframes set forth in such leases. Inclusion of this clause in the operational agreement is a condition of the Bethlehem Planning Board's site plan approval.
- The SFEIS states that a video surveillance camera will be installed by the APDC near the intersection of South Port Road and Normanskill Street to monitor and ensure truck traffic follows the required truck route. This surveillance camera was installed adding to the Port's extensive security system that is monitored by the City of Albany Police Department as well as the Port's security team. Subsequent verification of camera installation was provided during review of the site plan approved on May 17, 2022.
- The existing intersection of NYS Route 32 at South Port Road is operating at an acceptable LOS for the 2029 Background scenario and will continue to operate with an overall LOS 'A' during the morning peak hour and LOS 'B' during the evening peak hour. All approaches will maintain background LOS with only minor increases in delay. Due to the low volume of vehicles generated by the smaller site proposed in the SFEIS, the movements at this intersection do not warrant the mitigation recommended in the 2019 traffic study associated with the GEIS full build out.
- NYS Route 144 (River Road) at NYS Route 32: This intersection is projected to operate at an overall LOS 'B' during the morning peak hour and LOS 'A' during the evening peak hour for the 2029 Background scenario. During the background scenario, the eastbound left turn approach is at a LOS 'F' during both peak hours. To mitigate the delay for this movement and to improve traffic operations at this intersection, a traffic signal shall be installed which would be coordinated with the NYS Route 32/South Port Road intersection. Signalizing the intersection will decrease the delay the eastbound approach experiences from LOS 'F' to LOS 'B' during both peak hours. As stated in the SFEIS, a traffic signal shall be installed prior to the issuance of a Certificate of Occupancy by the Town of Bethlehem.
- NYS Route 144 (River Road) at Proposed Site Driveway: As stated in the SFEIS, the driveway will be restricted to passenger vehicle traffic only as all truck traffic will be directed to South Port Road and Church Street as all deliveries will be received at the 700 Smith Boulevard site. As outlined in the 2019 traffic study, this will be accomplished by including signage prohibiting trucks from using this entrance as well as enforcement by the Port, the Port's tenants, and local law enforcement.

- Due to sight distance restrictions, vehicles exiting the proposed site (via the driveway on NYS Route 144) will be limited to right turn movements only. It is recommended that NYS Route 144 (River Road) be widened to accommodate a left turn lane into the proposed site to increase safety by separating through traffic on NYS Route 144 (River Road) from vehicles slowing to turn into the site. As noted in the Draft SEIS traffic analysis mitigation, advanced guidance signage, intersection lighting and driveway warning advisory signage is as part of the NYSDOT highway work permit plans to increase visibility of the proposed driveway and installation shall occur prior to the issuance of a Certificate of Occupancy by Town of Bethlehem.
- Along NYS Route 144 in the vicinity of the southern access driveway advanced notice signage to be installed prior to the issuance of a Certificate of Occupancy by Town of Bethlehem to aid in notifying drivers in advance of the site driveway being visible.
- Vegetation removal along both sides of NYS Route 144 (River Road) has been included in the NYSDOT highway work permit in order to maximize sight distance for vehicles turning right out of the proposed driveway and completed prior to the issuance of a Certificate of Occupancy by Town of Bethlehem.
- As stated in the SFEIS, within one year of the issuance of a Certificate of Occupancy by the Town of Bethlehem, a pre/post development speed study shall be completed by the APDC at the proposed site driveways on NYS Route 144 to determine if the regulatory speed limits of 55-mph should be reduced to match the advisory speed limit of 45-mph. This study shall be coordinated with and approved by NYSDOT.
- Site ingress and egress during construction and for emergency response would be via the southern access driveway, connecting the Project Site to River Road, and via South Port Road.
- As stated in the SFEIS, the Port of Albany will include as part of their operational agreement with Marmen-Welcon, a condition that will require that their deliveries enter and exit along the required truck routes and avoid South Pearl Street. This condition will also be made part of the trucking service contract that Marmen-Welcon will execute with their trucking service provider. The trucking service carrier will then communicate the required truck route to be followed including turn by turn direction which will be printed on the Bill of Lading which is provided to every truck driver prior to delivery. Violators will be penalized through progressive actions such as judicial injunction with the possibility of termination of the trucking service contract and/or lease. It is expected that any deliveries from carriers such as the USPS, FedEx or UPS to the Project Site would be handled by adding such deliveries to the delivery vehicle routes already in place on the transportation network.
- As stated in the SFEIS, the APDC will implement a quarterly audit of Marmen-Welcon trucking service contracts to ensure the identified truck routes are being followed. The APDC shall require Marmen-Welcon to maintain monitoring logs reflecting routes taken by drivers based on GPS data or other measures to be determined at time of site plan review. The weekly logs shall be provided

to APDC during the quarterly audit. The Town shall have the right to request and the APDC or tenant shall provide monitoring logs upon request.

- As stated in the SFEIS, the new north access roadway (Normanskill/Port Road South) is required to be improved starting at the new bridge over the Normans Kill extending approximately the entire length to Raft Street and completed prior to the issuance of a Certificate of Occupancy by the Town of Bethlehem. Design of these improvements will be finalized prior to site plan approval.
- As stated in the SFEIS, the applicant will contribute to the Town a proportional share of the intersection improvement costs at the Glenmont Road/NYS Route 144 (River Road) intersection for future intersection improvements.

SEQRA Findings

Pursuant to 17 NYCRR Part 15, the NYSDOT, as an Involved Agency, having considered the SFEIS and FGEIS, public comments made during the public hearing and the public comment period on the SFEIS and FGEIS, and having considered the preceding written facts and conclusions and specific findings relied upon as they relate to the NYSDOT as an Involved Agency, the NYSDOT certifies that:

The requirements of ECL Section 8-0109 have been met;

- Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be directly undertaken, funded or permitted by the NYSDOT is an alternative which minimizes or avoids adverse transportation impacts to the maximum extent practicable, including the effects disclosed in the SFEIS and FGEIS; and
- Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse transportation impacts revealed in the SFEIS and FGEIS process will be minimized or avoided.

New York State Department of Transportation



11/02/2023

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Date

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Albany County Health Department
Town of Bethlehem Town Board
Town of Bethlehem Planning Board
Town of Bethlehem Zoning Board of Appeals
Town of Bethlehem Department of Public Works
Board of Commissioners of the Albany County Water Purification District