TOWN OF BETHLEHEM – TOWN BOARD

APPLICATION OF VISTA DEVELOPMENT GROUP, LLC,
A SUBSIDIARY OF BBL DEVELOPMENT GROUP
VISTA TECHNOLOGY CAMPUS

SEQRA RESOLUTION AND FINDINGS STATEMENT

MAY 29, 2007

WHEREAS, An application was submitted December 21, 2005 pursuant to Chapter 128, Article V of the Town of Bethlehem Municipal Code for review of a project located in a Mixed Economic Development District under the State Environmental Quality Review Act: and,

WHEREAS, a Final Environmental Impact Statement (FEIS) has been prepared on an application for Development Master Plan Approval in a Mixed Economic Development District: and,

WHEREAS, the Town Board has received an application for Development Master Plan Approval from the Vista Development Group for development of the proposed Vista Technology Campus a mixed use commercial development of approximately 1.4 million square feet of building space (the "Project") on a parcel that consists of approximately 330 acres of land within the Town of Bethlehem currently zoned MEDD, and approximately 128 acres of land within the Town of New Scotland currently zoned Residential-2 (R-2), for a total project acreage of roughly 458 acres ; and,

WHEREAS, Approximately 82+/- acres will be retained by Dr. William Jones and the remaining 369+/- acres will comprise the Vista Technology Campus; and,

WHEREAS, the Town Board acting as SEQRA lead agency accepted a Draft Environmental Impact Statement (DEIS) on the project as its meeting of December 27, 2006 and determined that the DEIS was complete and adequate with respect to its scope and content for the purpose of commencing public review; and,

WHEREAS, a Public Hearing was held on the DEIS by the Town Board at its meeting of January 24, 2007, at which time public comment on the DEIS was accepted by the Town Board; and,

WHEREAS, a public comment period was also provided by the Town Board during which written comments on the DEIS were accepted, and said comment period ran between December 27, 2006, and February 5, 2007; and,

WHEREAS, a draft FEIS on the project has been prepared by the applicant and submitted to the Town Board and said draft FEIS contains the comments that were received during both the public hearing and public comment period on the DEIS, as well as responses to those comments; and,

WHEREAS, prior to its final submission to the Town Board, the draft FEIS has been reviewed by the Town's consultants for the project, Barton and Loguidice, P.C., the Town Department of Economic Development and Planning and other Town Departments; and,

WHEREAS, on May 9, 2007, the Final EIS was declared complete by the Town Board, including responses to all comments received at the public hearing and during the public comment period; and,

WHEREAS, more than ten days have passed since the acceptance and filing of the FEIS, as required by SEQR;

NOW, THEREFORE, BE IT RESOLVED,

The Town of Bethlehem Town Board, acting as SEQRA Lead Agency for the above referenced action, makes the following findings and determinations and imposes the following conditions as outlined in the hereto attached Findings Statement, based on the record before it, including the Draft EIS, Final EIS, the analysis and recommendations of various agencies, including the Planning Board, the comments of the Town consultant, various Town Departments and the Applicant's consultants and members of the public, and the knowledge of the Town Board of the site and the community:

1. The requirements of the regulations promulgated under SEQRA at 6 NYCRR 617.12 (b) have been met;

2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the construction and operation of the Project avoids or minimizes adverse environmental impacts to the maximum extent practicable, including those impacts identified in the Draft EIS and Final EIS (and addendum); and,

3. Adverse environmental impacts will be avoided or minimized to the maximum extent practicable through compliance with conditions and mitigation measures identified herein as practicable.

On a motion by Sam Messina , seconded by Kyle Kotary, and a vote of 4 for,

0 against, 0 abstention and 1 absent, this RESOLUTION was adopted on May 29, 2007.
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State Environmental Quality Review Act

Findings Statement

Lead Agency: Town Board
Town of Bethlehem

Date: May 29, 2007

Address: 445 Delaware Avenue
Delmar, NY 12054

Pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Town Board of the Town of Bethlehem as the Lead Agency makes the following findings:

Name of Action: Vista Technology Campus
Captain Timothy J. Moshier Memorial Highway (NY Rt 140) and New Scotland Road (NY Route 85)
MEDD Application – MEDD No.1

1.0 DESCRIPTION OF PROPOSED ACTION

1. Vista Development Group, LLC, a subsidiary of BBL Development Group (the "Applicant") of Albany, New York proposes to construct the Vista Technology Campus (the "Project").

2. The Project site consists of four parcels of property covering approximately 458 acres. Of these, approximately 330 acres are situated within the Town of Bethlehem and approximately 128 acres within the Town of New Scotland.

3. The Applicant seeks to rezone portions of the parcel located in the Town of New Scotland for uses equivalent to those uses permitted on the parcels within the Town of Bethlehem. Portions of the property not subject to the rezoning request will remain zoned as R-2 and no development is proposed for those areas.

4. Development will occur on approximately 150 acres of the site in the Town of Bethlehem's Mixed Economic Development District (MEDD) zone.

5. The Project includes the development of approximately 1.4 million square feet of building space. The bulk of building space will consist of research and technology office/development space. Secondary uses will include a hotel, general office buildings, a bank, and a mix of retail uses and restaurants.

6. The proposed Project involves the development of mixed office and commercial uses. Tenants for office space will primarily be high technology businesses, research firms and professional offices. Other proposed uses on the site include a hotel, restaurants, a bank, and

other retail uses. Most buildings will range in size from 1 to 3 stories in height. The hotel will be the tallest structure, tentatively proposed at 65 feet (four stories).

7. The onsite residence of William Jones will be subdivided from the Project Site and retained by the present owner.

8. The historic Christian LaGrange House and a small cemetery located in the center of the Project Site will be protected and incorporated into the project as an adaptive re-use opportunity.

9. The home occupied by William Jones will be subdivided from the project area as a 82-acre parcel.

10. Areas undeveloped in the Vista Technology Campus and left in their natural state will be set aside for conservation.

11. An extensive network of sidewalks and crosswalks will be designed and constructed throughout the site. The main Campus road will consist of two 14 ft. dual use travel lanes that will allow for shared bicycle use. Bicycle racks will also be provided in appropriate locations. Non-motorized recreational/interpretive trails at the wetland mitigation area will be provided for the use and enjoyment of Campus tenants and visitors. A nature trail will also be developed in connection with the Town of Bethlehem's proposed regional trail system recommended by and referred to as the "Bethlehem Greenways Concept" in the Town of Bethlehem August 2005 Comprehensive Plan.

12. Access to the site is proposed via two entrances. One is a limited right-in/right-out access road on the Slingerlands Bypass. Another is a full-access roundabout also on the Slingerlands Bypass. The Slingerlands Bypass will be a State-maintained roadway to be classified as an urban principal arterial that will provide east-west access from NYS Route 85 around the western side of the Price Chopper Plaza to NYS Route 140. In the vicinity of the project site, the Slingerlands Bypass will consist of two 12-foot wide travel lanes in each direction with 5-foot wide paved shoulders.

13. Approximately 9,800 linear feet (LF) of new roads are proposed for circulation within the Site. These roads will be dedicated at specified times.

14. It is anticipated that full build-out of the Project will occur over a period of approximately twelve (12) years. Phase I entails the construction of approximately 8 buildings (approx. 240,000+/- square feet) for use as restaurants, retail, banking, and professional office space. These will be located in the southern portion of the site. Phase II structures will be built in the course of the remaining 12-year build-out period. As new structures are constructed, lots will be subdivided, which will be necessary for financing and tenant ownership.

15. Additional land will be dedicated to the State for the proposed roundabout as designed. The breaks in access for LaGrange Road and Vista Boulevard will need to be relocated to

accommodate the full-width of the Vista access roadways. Additional ROW will also be dedicated east of the Bypass from the Vista parcel.

16. Sufficient land will be set aside so as not to foreclose the potential future alignment of a road right-of-way connection to the Town of New Scotland through the Project site.

17. A multiple looped water system will be constructed by the applicant. The project will be served by a new water main that will be connected to the existing 12-inch main at the intersection of New Scotland Avenue and the Future Bypass (New Scotland/Cherry Avenue roundabout). The applicant will use well water for lawn and landscaping maintenance.

18. The project will provide two centralized bus stops to be coordinated with the Capital District Transportation Authority.

19. The disturbance of 2.58 acres of federal wetlands will be necessary in order to construct the project. The Project proposes permanent disturbances to wetlands under the jurisdiction of the ACOE related to the construction of the proposed roundabout, buildings, parking lots, roads and utilities. These impacts will require an Individual Permit from the ACOE and a Water Quality Certification from NYSDEC.

20. Sanitary sewer infrastructure will be installed throughout the Project Site. The Project will be served by municipal sewer services provided by the Town of Bethlehem. The nearest feasible connection to this system is on NYS Rt. 140 between New Scotland Road and McCormack Road. The proposed sanitary sewer system for the Project will consist of an on-site network of gravity sewers and secondary pump stations with force mains to convey the effluent to the municipal sewer system. Up to three pumping stations of various sizes may be required for the Project. The project will necessitate upgrades to existing offsite public sewer infrastructure.

Mitigation Measures

1. Some vegetation will be permanently lost as part of the Project and converted to impervious surfaces; the remainder of the site will remain pervious in one form or another. All disturbed areas will be revegetated. The mitigation measures to be included in the SWPPP, combined with proper construction techniques and BMP's, will all work to mitigate potential adverse impacts related to slope disturbances.

2. Impacts on the existing federal wetlands will be mitigated with proper construction techniques, BMP's, and compliance with the required permits, approvals, and the SWPPP. The potential for permanent losses to these resources on the site will be mitigated to the maximum extent practicable and the amount of wetland on the Project site will be increased.

3. The Applicant will be responsible for a fair share financial contribution for upgrades to the offsite public sanitary sewer system infrastructure improvements related to the Vista project.

2.0 PHYSICAL ENVIRONMENT

2.1 TOPOGRAPHY

1.0 The site is relatively level except for a network of creeks and ravines on the outer portions of the Project site. The portion of the site where development is proposed is relatively flat at an elevation of approximately 200 feet above sea level. Elevations drop away along the northern, southern, and western edges of the site to an elevation of about 140 feet in surrounding ravines. The majority of the Project site has slopes ranging between 0 – 15 percent, with approximately 45 percent of the property exhibiting slopes greater than 15 percent.

2.0 Comparison of the current USGS Topographic Map of the site with those dating back to 1893, indicates that this site has undergone little grade changes over the past 100+ years. The adjacent ravine slopes and stream courses appear to have undergone only slight changes over this time frame. Indications of slope instability are not evident from the maps.

3.0 The site is a mostly open farm field with woodland patches. Activity on the site has historically been rural residential and agricultural. A few residential structures and barns are located along LaGrange Road. A small cemetery is located in the center of the Project site. A portion of the site was the location of the Tri-City Airport for several years. The field was a grassy runway, and some associated outbuildings, including the former hangar/barn referred to as Building 3, are collapsed on site.

4.0 The "Preliminary Geotechnical Study", dated September 20, 2004 and prepared by Dente Engineering, indicates there may be locations where existing soil (overburden) may need to be removed in order to provide suitable support for building foundations, floor slabs, and pavements. The site is mantled with topsoil and, in many areas, tilled soil. As such, it should be expected that the surficial one to three feet of overburden are likely wet, loose or soft and contain organics which have been tilled into the soils. The depth of soil to be removed will be dependent on the organic content and seasonal wetness and will need to be evaluated on a case-by-case basis. The excavated soil material will be graded into the Project site. This may adversely impact stormwater, erosion, and siltation.

<u>Conditions</u>:

1.0 An appropriate area of the Project site will be designated as necessary for the placement and grading of excavated overburden that is not exported from the site. Wetlands, steep slopes, and other potentially sensitive ecological and cultural sites will be avoided. Stormwater management practices and other erosion control practices will be identified in a Stormwater Pollution Prevention Plan (SWPPP) that will be prepared prior to the start of construction. These techniques will be implemented to reduce to the maximum extent practicable any impacts arising from

stormwater pollution, erosion, and siltation. Graded overburden will be compacted and contoured to blend into the existing topography.

2.0 The September 2004 Preliminary Geotechnical Study prepared by Dente Engineering provides additional recommendations for the performance of site grading activities and the placement of fill that shall be adhered to as the site is developed.

2.2 GEOLOGY

1.0 Dente Engineering conducted a Preliminary Geotechnical Study of the site during July 2004. A subsurface investigation consisting of four exploratory test borings revealed the presence of a surface layer of nearly eighteen inches of topsoil and organic litter, such as leaves and branches. Alternatively, on-site gravel roadway areas were found to contain six inches of sand and gravel exposed at the surface. Beneath the surface layer extending to the final exploration depth of 51.5 feet, the encountered soils were observed to consist of moist, brown, mottled silt and clay with trace fine sand and organics, grading to brown, varved silt and clay with occasional fine sand and silt seams and layers. The lacustrine soils become gray and saturated at depths between about 10 and 15 feet below grade. According to Dente Engineering, the cohesive soils were judged to be of a medium grading to very soft comparative consistency. No bedrock was encountered during the subsurface investigation.

2.0 Seismic Cone Penetrometer Testing was performed on September 28, 2004 to determine the site classification per the New York State Building Code, Seismic Design category. The soil stratigraphy at the project site was identified based on the results of Seismic Cone Penetrometer Testing to a depth of approximately 116 feet. If the project site has been defined as a Seismic Use Group I or II, it is required to have a Seismic Design Category of “B”. This status of Category “B” has been confirmed by the Seismic Cone Penetrometer Testing.

3.0 According to the June 1992 Albany County Soil Survey prepared by the US Department of Agriculture, the following soils are present within the Project site: Colonie loamy fine sands, Hudson silt loams, Rhinebeck silty clay loam, Scio silt loams, Udipsamments and Unadilla silt loam.

4.0 The slopes that exist in the project area are usually found to be stable. Based on encountered subsurface conditions, safe set back limits were established by Dente Engineering for site planning purposes. As stipulated in the Preliminary Geotechnical Study prepared by Dente Engineering, the safe setback limits were established by Dente Engineering based on the site grading plan available in July 2004, and do not take into account any filling that may be planned. Accordingly, additional geotechnical studies will be required to further evaluate the stability of the ravine slopes once a final grading plan is developed.

5.0 The safe setback limits may be adjusted for individual buildings contingent upon a detailed geotechnical investigation and analysis. Such adjustments, if necessary, will be reviewed during the site plan review process, and will be subject to approval by the Town Engineering Department and Town consultant.

6.0 Parking areas, driveways, and other similar improvements should be located outside of a zone defined by a line extending up from the toe of adjacent slopes at an inclination of 1V:4H for slopes less than 50 feet in height. The inclination should be no greater than 1V:5H for slopes greater than 50 feet in height. The parking setback line encroaches into parking areas behind Buildings 'V', 'O', 'D', 'H', and 'I', and the roadway in front of Building 'P'. These encroachments will be mitigated by placement of controlled fill and site grading design. Furthermore, an individual geotechnical evaluation of each condition will be performed during the site plan review process.

7.0 Building structures should be located outside a zone defined by a line extending up from the toe of the adjacent slope at an inclination of 1V:4V for slopes less than 40 feet in height. The inclination should be no greater than 1V:5V for slopes greater than 40 feet in height. As depicted on the final site grading plan, a small portion of Building 'Y' exists in the slope setback area. However, the actual slope setback line will ultimately occur beyond the footprint of the building, as the existing grade will be lowered to coincide with the first floor elevation of the building.

8.0 Stormwater detention basins will be evaluated on an individual basis during the site plan review process to determine if a liner is required in the basin due to slope stability issues. All basins are currently depicted within the safe slope setback area. The purpose of the liner is to prevent seepage of stormwater, temporarily held in the basins during storm events, into the soil stratum between the basin and the slope. The liners will be constructed of a natural clay material or man-made synthetic product that meets the specification of the Geotechnical Engineer.

<u>Conditions:</u>

1.0 Fill material shall not be placed down slope of the above noted setback zones.

2.0 The areas down slope of the setback lines shall not be physically disturbed, including the removal of vegetation, unless specifically reviewed and approved by a Geotechnical Engineer licensed in New York State.

3.0 The site grading plan shall be developed and constructed such that groundwater levels are not increased at the site, and surface runoff is diverted away from the slope areas.

4.0 Unless specifically reviewed and approved by a NYS licensed Geotechnical Engineer, the thickness of fill material to be placed up slope of an established

setback line shall not exceed five feet. Furthermore, the fill material shall be placed at a maximum slope of one vertical to four horizontal (1V:4H).

5.0 Cuts may be performed at the top of slopes located within the setback limits, provided that appropriate permanent erosion control is installed. The cut slopes shall be a maximum of 1 vertical to 3.5 horizontal (1V:3.5 H) for slopes less than 15 feet in height, and 1 vertical to 4 horizontal (1V:4H) for slopes greater than 15 feet in height. In addition, the top of the cut slopes shall be located a minimum distance of five (5) feet from the nearest property line.

6.0 During the various phases of construction, monitoring of the ravine slopes shall be performed by a Licensed Surveyor and Geotechnical Engineer on a regular basis as indicated by conditions. Post-construction inspections of the ravine slopes shall be performed by a Licensed Surveyor and the Geotechnical Engineer on at least an annual basis for the first three years. After three years, if no significant erosion or instability is noted, these inspections can be performed biannually. Biannual inspections shall be performed until such time as the Town deems that the inspections are no longer required. Similar inspections may be required as a condition of permits issued by New York State Department of Environmental Conservation (NYSDEC) or U.S. Army Corps of Engineers (ACOE).

7.0 The Geotechnical Engineer of Record shall review and approve all site and grading plans and as-built grading plans prior to the release of any construction or occupancy permits to assure the design and construction is as intended. Two copies of all such plans shall be delivered to the Town Building Department.

2.3 GROUNDWATER

1.0 Due to the methods employed for subsurface exploration, groundwater depths could not be precisely measured. However, depth to groundwater measurements recorded on the soil boring logs included in the September 20, 2004 report by Dente Engineering indicate that that groundwater levels exist at depths between ten and fifteen feet at the investigated locations. Additional information addressing groundwater and aquifers was provided in a letter from Dente Engineering dated December 11, 2006. Specifically, multiple perched saturated zones reportedly exist on the site above the elevation of the true groundwater table. Seasonal water table elevation fluctuations in these perched saturated zones, which occur in the surficial or shallow soil layers, are considered likely, while the occurrence of seasonal water table fluctuations in the deeper cohesive soil layers are considered unlikely.

2.0 The Wetland Mitigation Report includes data from several observation wells that were installed in the proposed wetland mitigation area to evaluate water table elevations. The groundwater data information contained in the Wetland Mitigation Report generally supports the statements presented in the above referenced Dente Engineering Geotechnical Report. The Applicant has not been provided with any information from other sources on the depth to groundwater at the project site.

3.0 The above referenced geotechnical study concluded that groundwater exists at the site as an unconfined aquifer. The surface of the unconfined aquifer will mirror the surface topography and thus groundwater flows radially out from the center of the site towards the surrounding ravines. The lateral and vertical transmission of groundwater through the aquifer is very slow due to the presence of silt and clay soil types. As a result, the aquifer is a poor source for a public water supply and is utilized only for private individual wells. The unconfined aquifer is replenished by infiltration and precipitation. Groundwater depth is expected to vary by several feet throughout the year depending on precipitation levels and infiltration conditions on the site. Periods of extended drought could depress the groundwater elevation by ten feet or more.

4.0 Modern water supply wells in the project area would have to tap the deep shale bedrock generally greater than one hundred feet below the surface grade on the site. The quality of water in the shale is usually poor due to high mineral content and the presence of hydrogen sulfide. The quantity of water supplied is dependent upon the bedrock fracture pattern within the bedrock intercepted by the well.

5.0 Two water wells are located on the site. One is located near the McCutcheon House. The other is located near the residence identified as Locus 6. Through an analysis of the land use data for properties within ½ mile of the proposed area of disturbance on the Project Site, 21 properties were identified as likely to contain private water wells. Due to the fact that no mapping currently exists depicting the current municipal water lines in either the Towns of Bethlehem or New Scotland, these sites were selected based upon their size relative to nearby smaller lots requiring municipal water.

6.0 No impacts on the quality and/or amount of groundwater associated with the private wells are anticipated due to the following:

- No hazardous materials are anticipated to be used and/or stored on the site by future tenants;
- The site will be served by the municipal water system; and
- Well water will only be used for lawn maintenance on the Vista Campus.

Mitigation Measures:

1.0 A Stormwater Pollution Prevention Plan (SWPPP) will be prepared for each phase of the Project as part of subdivision and site plan review by the Planning Board, Zoning Board and Town Board. Specifically, the SWPPP will be developed in accordance with the standards and requirements of the NYSDEC SPDES General Permit for Phase 1 of the project, and this SWPPP will also address the Best Management Practices (BMPs) for the entire 1.4 million square feet of development. The plan will be in compliance with the most recent NYSDEC regulations regarding stormwater management. The Applicant's Engineers will

take a holistic approach to the design of the SWPPP. In addition to the SWPPP covering Phase 1 of development and all of the infrastructure for the entire project (to be reviewed during site plan review for the initial phase of construction), specific SWPPP's will also be developed for each building and associated parking and drainage facilities. All SWPPP's will be subject to review by the Town Engineering Department, Town consultant, the Town Planning Board, and the NYSDEC. In addition, the U.S. Army Corps of Engineers will also review the drainage.

2.0 The SWPPP shall be fully implemented prior to the implementation of construction activities. The SWPPP will describe in detail the steps that will be taken to limit to the maximum extent practicable stormwater pollution and erosion from construction activity. The Applicant is required to perform weekly inspections during construction, as well as after the occurrence of significant precipitation events, to ensure that the erosion and sediment control measures are properly implemented and functioning. In addition, construction activities may be reviewed by NYSDEC inspectors if public concerns are raised.

3.0 The use of stormwater detention and infiltration systems will capture additional stormwater runoff from impervious cover. This will ensure that rainwater is detained and allowed to infiltrate onsite.

4.0 The SWPPP developed for the site will incorporate the use of NYSDEC-approved techniques to reduce the pollutant load in stormwater runoff from developed areas, including petroleum products from automobiles. Therefore, no significant impacts related to the use of salt on roads or parking lots are anticipated. In the event the NYSDEC updates its Stormwater Manual to further address chloride removal, then such measures will be included in the SWPPP submitted for site plan review.

5.0 Permanent erosion and sediment control measures to be implemented may include the establishment of a ground cover in areas not scheduled to be paved, storm sewers, catch basins, and the water quality treatment units. Construction details and locations of these practices will be provided in the Project Site Plans. Low impact lawn care practices will be used instead of conventional practices where feasible.

2.4 SURFACE WATER

1.0 The surface water resources on the Project site include intermittent streams that feed two tributaries of the Normans Kill. All three features are designated by the New York State DEC as a "Class C, Standard C", and are not protected under 6 NYCRR Part 608.

2.0 According to the Flood Insurance Rate Maps (FIRM) published by the Federal Emergency Management Agency (FEMA), two areas of the Project site occur within the limits of the 100-year flood zone. Specifically, the northwestern portion of the Project site includes an oxbow of the Normans Kill that is located within the

100-year flood zone, while a section in the western portion of the site is also located within the 100-year flood zone. No development is planned in these areas.

3.0 With the exception of one small pond, no streams or other permanent water bodies occur in the project development area. As a result, no impact will occur to these resources. However, the upper reaches of several intermittent drains will be affected by the proposed development. The potential for indirect impacts to the drainage ways will be limited by the use of proper erosion and sediment controls and stormwater runoff controls during construction, as well as the use of vegetation stabilization and stormwater controls during construction. No construction is planned for areas within the 100-year floodplain of the Normans Kill Creek. While no disturbance to the 100-year floodplain is proposed, the potential does exist for indirect adverse impacts related to erosion and increased stormwater runoff rates during and after construction.

Mitigation Measures:

1.0 As previously stated, a formal SWPPP will be developed in accordance with the standards and requirements of the NYSDEC SPDES General Permit for Phases 1 and 2 of the project, and this SWPPP will also address the Best Management Practices (BMPs) for the planned 1.4 million square feet of building space at full project build out. The stormwater management and erosion and sediment control devices specified in the SWPPP will be implemented for mitigation purposes during and after construction. All stormwater runoff from developed areas will be directed away from the steep slopes and ravines and into stormwater management facilities. Since runoff from the developed areas will be collected and directed to stormwater management facilities, surface water runoff to the toe of steep slopes will be significantly reduced. Peak rates of stormwater discharges to the ravines will be controlled to be equal to or less than existing rates.

2.0 Discharges from the stormwater management facilities will be in a controlled manner, with outlets designed to minimize erosion. All detention basins will be located within the slope setback limits. Basins located near the top of steep slopes will be evaluated on an individual basis for stability. Control measures and devices will be implemented to prevent the seepage of detained water toward steep slopes, such as the construction of natural or synthetic basin liners. Water quality pools designed for basins with liners will dissipate by evaporation.

2.5 WETLANDS

1.0 The NYSDEC Freshwater Wetlands map indicates that no state regulated wetlands occur within the Project site. Additionally, no state regulated wetlands have been identified onsite and which are listed on The National Wetland Inventory Map. According to the Wetland Delineation Report prepared by Clough, Harbour & Associates, 19 wetlands and 18 ravines were found within the United States Army

Corp of Engineers (USACOE) jurisdictional area. An additional wetland analysis conducted by Terrestrial Environmental Specialists (TES) provided modifications to the wetlands delineation. These modifications were field approved by the USACOE.

2.0 The Project proposed in this study will directly impact approximately 2.37 acres of wetlands within the jurisdictional boundary of the USACOE. These impacts are related to the Project's proposed roads, driveways and building construction, and will impact the following wetlands: C, F, G, H, I, L, M, N, O, Q, T, U, Y, BB, HH, MM, and NN. The proposed impacts will require an individual Section 404 Clean Water Act Permit from the ACOE, a Section 401 Water Quality Certification Permit from the NYSDEC, and compensatory mitigation.

3.0 As identified in the Design Feasibility Study by Creighton Manning Engineering, the construction of the roundabout on the Bypass will have additional wetland impacts within the NYSDOT Right-of-way. Construction of the roundabout will result in the disturbance of 0.177 acres of wetland.

Conditions:

1.0 The developer shall monitor the created wetlands for five (5) years after construction is completed to ensure that the created wetlands are viable.

Mitigation Measures:

1.0 To compensate for direct wetland impacts on the project site, two methods of mitigation are proposed. These are:

1. The establishment (creation) of 3.2 acres of wetland, which will replace the loss of approximately 1.58 acres of wet meadow and scrub-shrub wetland habitat, and 0.83 acres of deciduous forest wetland at a 1:1 ratio for the wet meadow/scrub-shrub wetland, and a 2:1 ratio for the forested wetland. Approximately 2 acres of trees will be planted in the upland area around the creation site to maintain the created wetlands.

2. A deed restriction to retain land in its natural state. Approximately 155 acres of land will be deed restricted to remain in its natural state. This deed-restricted area consists of upland deciduous forest, emergent wetlands, floodplain forest, and a portion of the Normans Kill. The deed-restricted areas could be donated to the Towns or a land trust entity.

2.0 To compensate for the 0.177 acres of wetland to be disturbed by the round-about, 0.4 acres of forested wetland will be created.

3.0 The proposed direct impacts to the wetlands will be minimized, and the chance for indirect impacts will be mitigated through the use of proper construction techniques

employed during construction in accordance with industry standards and BMPs. Furthermore, silt fences will be installed below the disturbed areas for the duration of the construction to collect disturbed sediments. These filters will be inspected and cleaned out in accordance with NYSDEC requirements.

4.0 To mitigate indirect impacts related to construction and post-construction activities, the SWPPP will be strictly implemented in accordance with NYSDEC requirements. To further mitigate indirect impacts, deed covenants and restrictions on future Campus tenants will serve to preserve and protect the remaining wetlands.

2.6 CLIMATE AND AIR RESOURCES

1.0 An analysis was conducted to ensure that the additional traffic generated by the Project will not result in a violation of the New York State or National Ambient Air Quality standards.

2.0 A wind rose analysis was then conducted for the Project Site. The Wind Rose diagram represents the direction of the wind along with its frequency and energy. Based upon the analysis, the strongest wind moves through the Project Site from the west-northwest to the east-southeast approximately 35% of the time. The next strongest wind direction is from the south-southeast to the north-northwest, which occurs approximately 20% of the time.

3.0 The air quality within the project area may experience short-term impacts due to project construction. This can include dust and other airborne particulates kicked up by construction activity. This increase is expected to be sporadic and short-term in nature and will be most noticeable in the area immediately adjacent to the construction.

4.0 There will be no long term impact on air quality from the project, therefore mitigation is not required as a result of the above described air analysis screenings conducted for the Project.

Conditions

1.0 Since the applicant was not able to anticipate the long-term impacts on air resources from future tenants, long-term air quality impacts should be analyzed for each future proposed future land use on the VISTA project during the site plan review process.

Mitigation Measures

1.0 The short-term air quality impacts should be minimized by the use of dust inhibitors, such as calcium chloride, wetting soils, covering of trucks and other dust-control provisions found in the NYSDOT Standard Specifications for construction.

2.7 TERRESTRIAL AND AQUATIC ECOLOGY

1.0 Of the approximately 35 acres of forest cover on the site, approximately 35 will be removed for construction and transportation improvements. Of the approximately 101 acres of open meadow and agricultural fields, approximately 63 acres will be developed or altered in order to complete the project.

2.0 According to a letter dated May 12, 2004 from the NYSDEC, there are "no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site."

3.0 It is anticipated that the Project will alter the home range of some deer. However, since most of the development is setback from woodland habitats, and large areas of woodlands will remain undeveloped on the site, the existing deer population would be able to continue to live in on-site habitat contiguous with the project site.

4.0 A letter dated May 13, 2004 from the United States Department of Interior, Fish and Wildlife Service stated that "no federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area."

5.0 There will be no impacts to any rare or state- or federally-listed plants, significant natural communities, or other significant habitats.

6.0 The suitability of the site as roosting habitat for Indiana bats was assessed. The potential for Indiana bats to roost on the site in the spring and summer months is highly unlikely due to a lack of suitable roost trees.

7.0 The site is located in Wildlife Management Unit 4J, a management unit that has special hunting regulations designed to reduce deer numbers by allowing bow hunting to kill either an antlered or non-antlered deer with both a general big game license and an archery license.

Conditions:

1.0 In the event that the proposed action results in an increase in complaints from the surrounding residential areas, the developer shall propose a mitigation option to reduce the number of deer by means of sport hunting. Under the special regulations of Wildlife Management Unit 4J, nuisance permits could be requested from the NYSDEC.

Mitigation Measures

1.0 To limit the loss of vegetation, the following mitigation measures will be implemented. All disturbed areas that are open will be re-vegetated and disturbed

areas along the edges of roads will be seeded immediately after construction is complete. The entrances to the site will be landscaped with decorative plantings and an entrance sign. Significant portions of the site will remain as open space as indicated by the approximately 219+/- acres of managed and unmanaged lawn and open fields.

2.8 STORMWATER

1. The existing site is essentially undeveloped forest, inactive agricultural fields in various stages of regrowth and active cultivated fields.

2. There are approximately 8.5 acres of impervious surface on the site that includes an access drive, three residences and several barn structures.

3. While the site has widely varying topography, the stormwater runoff that does not infiltrate onsite ultimately drains into the Normans Kill.

4. The topography of the Project site consists of ten (10) smaller drainage areas to be used in the existing conditions runoff calculations.

5. Each of the sub-drainage basins flows to a design point where the runoff leaves the drainage basin. Sub drainage basin areas 1.1S through 1.5S drain to the stream on the south side of the Site, exiting the site at Design Point-1 (DP-1).

6. All other drainage areas flow to the north and northeast from the existing ravine areas exiting the site at Design Points DP-2 through DP-10.

7. Existing runoff calculations were performed for each of the areas utilizing Soil Conservation Service TR- 55 methodology and the HydroCAD 7.0 computer program.

8. The calculated runoff for the 10 year and 100 year storms for the existing site conditions and is included in a table in the DEIS.

9. The proposed disturbance on the Project site will exceed one acre in size, therefore construction activities on the site are regulated by the NYSDEC (SPDES General Permit for Stormwater Discharges from Construction Activity, Permit NO. GP-02-01). This regulation requires that a Stormwater Pollution Prevention Plan (SWPPP) be developed for the Project in accordance with the technical standards published by the NYSDEC.

10. The SWPPP shall address the design, implementation and maintenance of both the erosion and sediment control measures to be used during construction and the post-construction stormwater management facilities.

11. The Project will result in the addition of commercial and industrial structures, roads, parking areas, walkways, landscaping, and areas devoted to stormwater management facilities.

12. These site improvements will result in an increase in impervious area of approximately 60 acres which will impact existing stormwater runoff rates and stormwater quality on the site.

13. On-site stormwater management must ensure that post-construction peak runoff rates are limited to preconstruction rates. NYSDEC requires that stormwater calculations are determined for the 10 and 100 year, 24 hour storm events.

14. Preliminary stormwater runoff calculations have been developed for the Project and were provided. The purpose of these calculations is to determine the appropriate location and design of stormwater treatment facilities.

15. These runoff calculations were performed for each drainage area for both pre- and post-construction conditions utilizing Soil Conservation Service TR-55 methodology and the HydroCAD 7.0 computer program. In addition, Water Quality and Channel Protection Volumes are calculated for each of the subareas and these volumes must also be treated and detained on-site, in accordance with the NYSDEC Requirements (80% removal of Total Suspended Solids, 40% removal of Total Phosphorus).

16. The proposed drainage areas have been designed to maintain, approximately the same amount of area as the existing drainage areas. DEIS Appendix F contains all of the calculated peak runoff rates, required storage volumes to limit runoff to pre-development rates and calculation methodology for each of the areas.

17. These volumes dictate the use of surface treatment/detention basins from both construction feasibility and financial standpoints.

18. Proposed locations for the basins are shown on Figures 7.a and 7.b, Pre- and Post-Development Drainage Maps. Runoff will be conveyed to these basins both as overland flow, in open channels and through newly constructed storm sewer systems. Once treated and detained as required, the runoff will be discharged to the stream or ravine area at equal to or less than existing flow rates.

<u>Conditions:</u>

1. The SWPPP must be completed and submitted NYSDEC and the Town of Bethlehem for review prior to the start of construction in accordance with the notification requirements detailed in the General Permit.

2. The Applicant will be required to perform inspections weekly and after significant rain events during construction to ensure that the erosion and sediment control measures are implemented and functioning properly.

3. The long-term post-construction operation and maintenance of stormwater facilities, such as detention ponds and stormwater catch basins, will be defined in the SWPPP developed for each site, subdivision or significant revision of the Conceptual Development Plan.

Mitigation:

1. The Applicant shall fully implement the SWPPP(s) for the site in accordance with the applicable state and federal guidelines, which define a long-term operations and maintenance program.

2. Temporary sedimentation basins will be designed in accordance with recommendations contained in the publication "NYS Guidelines of Urban Erosion and Sediment Control Manual".

3. The Applicant is responsible for cleaning and maintaining the privately owned stormwater management system on a regular basis per Town requirements.

4. Degradable erosion control blankets will be used on all regraded areas forming the embankment slopes to the rear and center of the site.

5. The Applicant shall adhere to any stormwater management/treatment methodologies required by ACOE, the Town of Bethlehem and/or NYSDEC.

6. Site inspections during construction will be required to ensure compliance with plans and specifications. These inspections shall be performed by the Town or a Town Designated Engineer, the cost of which will be reimbursed to the Town by the Applicant.

7. Post-construction monitoring of outfall areas will be conducted by the Town DPW or Highway Department on a periodic basis to identify any problems associated with sedimentation and erosion or the apparent operation of the stormwater treatment facilities.

8. Once the stormwater facilities are constructed, the applicant shall implement inspection and review procedures to ensure continued safe maintenance of these facilities in accordance with the Town of Bethlehem's Phase II regulated stormwater management plan (SWMP). The applicant shall enter into legally binding maintenance agreements with the Town for the periodic inspection and long term maintenance of these stormwater facilities during the site plan review process for the project.

3.0 TRANSPORTATION

1.0 Access to the site is proposed via two entrances. One is use of LaGrange Road as a limited right-in/right-out access road on the Slingerlands Bypass. Another is a full-access roundabout also on the Slingerlands Bypass. The bypass will be a state-maintained roadway that will provide east-west access from NYS Route 85 around the western side of the Price Chopper Plaza to the Captain Timothy J. Moshier Memorial Highway (NYS Route 140). In the vicinity of the project site, the Slingerlands Bypass will consist of two 12-foot wide travel lanes in each direction with 5-foot wide paved shoulders.

2.0 A capacity constraint with the Full Buildout may develop on the Bypass north of Blessing Road if the NYSDOT does not widen the Bypass as is currently planned. Widening the Bypass is currently envisioned as Phase II of the NYSDOT's Slingerlands Bypass Extension project and is also on the CDTC's Transportation Improvement Program (TIP) for construction after the current 5-year plan. Upon completion of VISTA Stage I, it is indicated within the traffic impact study (TIS) that hourly volumes on this stretch of the existing Bypass will be at the maximum hourly threshold for a two-lane undivided expressway.

3.0 Accident data was requested from NYSDOT to determine accident trends along the study area roadways and intersections. Accident summaries and details were provided by the NYSDOT Safety and Information Management System on NY Route 85 and NY Route 140 for the latest three years of available data from the period between June 1, 1999 and May 31, 2002.

4.0 The construction of the Slingerlands Bypass will significantly reduce congestion within the project area and redistribute local traffic. Since the primary accident type is a rear-end collision, which will be reduced by a reduction in area congestion and conversion of existing intersections to modern roundabouts, there is no proposed accident related mitigation.

5.0 Through coordination with the Capital District Transportation Authority (CDTA), the Project will provide a centralized bus stop to serve Phase 1 of the development. The stop would be centrally located near the retail portion of the Project Site. A second additional stop for Phase II will be based upon ridership demand and coordination with CDTA.

6.0 Link Capacity of the following existing two-lane undivided roadways was also evaluated: New Scotland Road (west of Captain Timothy J. Moshier Memorial Highway), Blessing Road, Cherry Avenue, and Kenwood Avenue. The proposed project will not add a significant amount of traffic on any of these roadways, as site traffic will be dispersed in various directions. With the exception of Blessing Road, this distribution of site traffic results in projected traffic increases under 10% of existing volumes on each respective local road. Increases caused by the Project are

well within the existing capacity of these roadways and will not alter the existing character, which are operating as local collector or minor arterial roadways.

7.0 The majority of vehicle trips are anticipated to arrive from and depart toward the City of Albany and nearby interstate connections— I-787, I-87, I-90. Interstate access nearest to the site is I-90, via NYS Route 85 and approximately 3 miles away. Approximately 9,800 linear feet (LF) of new roads are proposed for circulation within the Site. These roads will be dedicated at specified times.

8.0 An extensive network of sidewalks and crosswalks will be designed and constructed throughout the site. The main Campus road will consist of two 14 ft. shared use travel lanes that will allow for shared bicycle use. Bicycle racks will also be provided in appropriate locations.

9.0 The pedestrian trail, sidewalk and bicycle network will link the onsite buildings with each other. Careful consideration will be given to integrating the Campus sidewalks and the bike lanes with adjacent pedestrian and bicycle networks to allow non-motorized access to and from the Campus and to enhance connections with the neighboring hamlet centers.

10.0 Existing access to the site is via LaGrange Road, an unimproved road intersecting Captain Timothy J. Moshier Memorial Highway and Route 85 near the Price Chopper Plaza. Use of LaGrange Road is limited to access to the three residences on the site. This road will be significantly improved from existing conditions to accommodate projected traffic usage.

11.0 Traffic counts for NYS Route 85 east of the Site and for Captain Timothy J. Moshier Memorial Highway (NYS Route 140) south of the Site were conducted on December 8 and 15, 2004. These counts were increased by an average annual growth rate of 2.5 percent per year based on information provided by the Capital District Transportation Committee (CDTC) to reflect existing 2005 traffic volumes. The morning peak hour of adjacent street traffic was generally between 7:45 to 8:45 a.m., while the afternoon peak hour was generally between 4:45 to 5:45 p.m.

12.0 As per the New York State Department of Transportation (NYSDOT) Highway Design Manual (HDM), Driveway Design Policy (Section 5A) “The Department, through the Highway Work Permitting and SEQR processes, identifies impacts on State highways that would occur from proposed developments. As a condition of the Highway Work Permit, the Department requires developers to mitigate significant adverse traffic impacts on State highways caused by the permitted development.” In addition, “Developers of commercial property and large subdivisions may, as a condition of their permit, be required to mitigate the impacts of their development to maintain the same level of service, safety, operation, and/or other measure of traffic conditions as the affected highway(s) would experience without the development.” Further, “Where strict application of this policy to new or improved driveways may create a severe economic hardship for the property owner, the Department may, at its

discretion after an engineering review, grant exceptions to this policy where such exceptions are not likely to interfere with efficient and safe flow of traffic on the highway." Since the Project driveways will connect to the Slingerlands Bypass (NYS Route 85), the NYSDOT will need to issue a HWP to construct the driveways within the State right-of-way or incorporate construction of the driveways as a municipal betterment.

13.0 The Traffic Impact Study for the proposed Vista Tech Campus indicates that with the recommendations presented in the DEIS, the study area will be able to accommodate the Project. Transportation effects on roads and intersections near the project site were analyzed for: A. Level of Service impacts (both Stage I and full build-out); B. Link Capacity: and C. Accidents. The potential traffic impact of the proposed project was determined by documenting the existing traffic conditions in the area, projecting future traffic volumes, including the peak hour trip generation of the site, and determining the operating condition of the study intersections after development of the proposed project. The study area for the engineering analysis includes the following intersections:

- NY Route 85/Blessing Road
- NY Route 85/New Scotland Road
- NY Route 85 (New Scotland Road)/Price Chopper Plaza Driveway
- NY Route 85 (New Scotland Road)/NY Route 140 (Captain Timothy J. Moshier Memorial Highway)/Price Chopper Plaza Driveway
- NY Route 85/Kenwood Avenue
- NY Route 140 (Captain Timothy J. Moshier Memorial Highway)/McCormick Road North
- NY Route 140 (Captain Timothy J. Moshier Memorial Highway)/Kenwood Avenue/Cherry Avenue

The ability of the following existing two-lane undivided roadways to accommodate the additional site traffic was also evaluated:

- New Scotland Road (west of NYS Rt. 140)
- Blessing Road
- Cherry Avenue
- Kenwood Avenue

Although poor existing levels of service have existed within the project area for many years, the improvements anticipated with the completion of the current Slingerlands Bypass project will provide ample reserve capacity on the highway system and very good Levels of Service as a baseline condition from which Vista has been analyzed. As identified in the DEIS and FEIS, several LOS drops beyond the Bypass baseline were identified as impacts according to DOT policy:

Levels of Service – Stage I (2010)

- New Scotland Road (Rt.85)/Kenwood Avenue(AM Peak Hour): Rt. 85 EB Thru/Right and overall intersection degrades from LOS B to C.
- Captain Timothy J. Moshier Memorial Highway (Rt. 140)/Kenwood Avenue (Rt. 443)/Cherry Avenue(AM Peak Hour): Cherry Avenue Extension WB Left/Thru and Cherry Avenue NB Left Turn lane degrades from LOS C to D.

Levels of Service – Full Build-out ((2015)

- Maher Road/New Scotland Road (AM Peak Hour): New Scotland Road EB Left Turn lane drops from LOS A to LOS B (this is accompanied by an improvement to the Maher Road Left Turn movement, which improves from LOS E to LOS C).
- New Scotland Road/Captain Timothy J. Moshier Memorial Highway/Bypass (PM Peak Hour): Overall intersection drops from a LOS A to a LOS B.
- Captain Timothy J. Moshier Memorial Highway (Rt. 140)/McCormack Road North (PM Peak Hour): Captain Timothy J. Moshier Memorial Highway SB left drops from a LOS A to a LOS B.
- Captain Timothy J. Moshier Memorial Highway (Rt. 140)/Kenwood Avenue (Rt. 443)/Cherry Avenue (AM Peak Hour): Kenwood Avenue EB drops from a LOS E to a LOS F; Kenwood Avenue WB Left/Thru drops from a LOS C to a LOS D; and Cherry Avenue NB Left Turn drops from a LOS C to a LOS D.

In addition to the impacts identified above, the following intersections will experience significant impacts for the Full Build-out according to DOT policy:

- New Scotland Road/ Captain Timothy J. Moshier Memorial Highway (Rt. 140)/Bypass (PM Peak Hour): Bypass SB traffic drops from LOS A to LOS C.
- Captain Timothy J. Moshier Memorial Highway (Rt. 140)/Kenwood Avenue (Rt. 443/Cherry Avenue (PM Peak Hour): Captain Timothy J. Moshier Memorial Highway (Rt. 140) SB Left drops from a LOS E to a LOS F while the SB Thru/Right drops from a LOS D to a LOS E.

<u>Mitigation Measures:</u>

1.0 Since the traffic projections are based on numerous assumptions and judgments (effects of the Bypass opening, accuracy of future growth projections, accuracy of entire project build-out and trip distribution), the Applicant shall perform a follow-up traffic impact study. A baseline condition will be established by the applicant at the affected intersections after completion of the Slingerlands Bypass and prior to the opening of any building within the Vista Tech Campus. The applicant will

undertake an after traffic study to document the effects of the Bypass opening and the addition of Stage I traffic, prior to progressing Stage II. This study will assist the Town and NYSDOT to determine the appropriate mitigation and responsible parties for such mitigation, if required. This study will specifically analyze: (1) the Captain Timothy J. Moshier Memorial Highway (Rt. 140)/Kenwood Avenue/Cherry Avenue intersection, (2) the New Scotland Road/Captain Timothy J. Moshier Memorial Highway /Bypass roundabout, (3) the Bypass north of Blessing Road and (4) the Cherry Avenue/Orchard Street intersection.

Conditions:

1.0 The Applicant shall either obtain a Highway Work Permit from the NYSDOT, or facilitate the incorporation of the highway improvements as a Municipal Betterment into the Slingerlands Bypass project before any construction is undertaken within the State ROW for this action.

2.0 The Applicant shall be responsible for performing the baseline condition and after traffic study.

3.0 The traffic counts obtained for the after traffic study shall count the existing traffic volumes on the roadway system prior to occupancy of the Phase I development, as well as the resulting volumes due to the occupancy of the Phase I development.

4.0 The Applicant shall be required to submit the after traffic study to the Town of Bethlehem and the NYSDOT for review of pre- versus post-build traffic volumes, traffic impacts associated with Vista, and appropriate mitigation and responsible parties for such mitigation, if required.

5.0 Based on the documentation of the after traffic study, the Applicant shall be responsible for any mitigation measures deemed necessary by the Town and/or the NYSDOT that is directly attributed to the additional traffic generated by Vista.

4.0 LAND USE AND ZONING

1.0 The developed areas of the Project will result in an unavoidable change from agricultural and vacant land to mixed economic development uses.

2.0 The Project property is within 500 feet of an Agricultural District (in the Town of New Scotland). However, proposed buildings and other site improvements will be located on portions of the site outside of the 500-foot limit.

3.0 The proposed Project is consistent with the Town of Bethlehem Comprehensive Plan, which established that the site is suitable for mixed economic development uses because of the site's location in the Albany region, its proximity to transportation links, and the need for a diversified tax base in the Town of Bethlehem.

4.0 The Applicant seeks approval for the Project developed in conformance with the requirements established by the Town of Bethlehem for the MED District.

5.0 The Applicant seeks to rezone portions of the parcel located in the Town of New Scotland for uses equivalent to those uses permitted in the Town of Bethlehem's MEDD.

6.0 A formal application was submitted on September 13, 2006 to the Town Board of the Town of New Scotland pursuant to the Town's Zoning Law, Chapter 190, Section 53, Planned Unit Development (PUD).

7.0 Portions of the parcel within the Town of New Scotland not subject to the rezoning request will remain zoned as R-2 and no development is proposed for these areas.

8.0 Undeveloped R-2 zoned areas and large topographical differences will buffer between neighboring areas and uses.

9.0 The Project will realize several goals in the Town of New Scotland Comprehensive Plan. The existing comprehensive plan recognizes a "general desire to promote commercial and industrial developments in Town, with a preference for "office park development over heavy manufacturing". In order to improve the tax base, the plan also sets the goal of developing a plan to encourage offices, light industry and manufacturing and that utilities and infrastructure should be developed to support such development. The comprehensive plan also recommends that "light industrial, warehouse and office uses should be sited together on select, environmentally suitable land under a multi-use industrial park category", and the "desired forms of Light industry and Manufacturing sought by the Town are essentially clean land uses with large buffer areas surrounding development zones."

10.0 The Applicant has petitioned to rezone portions of the parcel in the Town of New Scotland to MEDD. The new zoning will be buffered by existing R-2 zoned areas on

the parcel which will remain undeveloped. This configuration of zones and proposed uses seeks to ensure that growth is consistent with the Town of New Scotland's comprehensive land use plan and compatible with the surrounding land uses.

Mitigation

1.0 The clustering of uses, and setbacks from certain wetlands, steep slopes, and forested areas will result in significant portions of the site remaining in an undisturbed state.

2.0 The Project will incorporate an internal walking trail at the wetland mitigation area and a nature trail expected to connect with the future town-wide greenway system. These amenities will allow Campus tenants and visitors significant recreational opportunities and will contribute to the Town's proposed greenway system.

5.0 WATER SUPPLY

1.0 There will be an increased demand for water, however, the existing water supply system has adequate capacity to provide water to the Project for commercial, industrial and firefighting purposes based on an assessment of water flow to the Site.

2.0 The current water district boundary will need to be extended to encompass the Project site in the Towns of Bethlehem and New Scotland in order to provide service to all developed portions of the site. Petitions will be submitted to the Town Boards of Bethlehem and New Scotland for the purposes of extending the existing Water District. An intermunicipal agreement between Bethlehem and New Scotland will also be needed.

3.0 The project will be served by a new water main. This will connect to the existing 12-inch main at the intersection of New Scotland Avenue and the Future Bypass. The Town is planning to reconstruct the portion of the 12-inch main located under the proposed NYS Route 140/New Scotland Avenue roundabout. This will increase the reliability of the water main under the new roadway and at the connection point to the Vista Site. The new main will follow the south side of the bypass right-of-way from the NYS Rout 140 roundabout to the south driveway into the Site, an approximate distance of 1500 ft. Installation of the water main will be coordinated with NYSDOT to avoid disruption of the completed Bypass.

4.0 A water main located within the rights-of-way for the internal access roads will be dedicated to the Town upon completion. A looped system will be formed by the extension of the water main from the intersection of Maher Road and New Scotland Road. The looped system will stabilize the flow and pressure within the system on Site and will permit the maintenance on the system with minimal interruption of water service.

5.0 The average domestic daily demand is estimated to be 36,626 gpd for Phase One and 102,530 gpd for Phase Two, for a total estimated maximum domestic daily demand of 139,156 gpd (194 gpm).

6.0 Based on hydrant flow information, there is sufficient flow to provide the minimum 1500 gpm at the base of the sprinkler riser at the highest first floor elevation plus the maximum daily demand of 194 gpm with a minimum of 20 psi at the main.

<u>Mitigation</u>

1.0 Water conservation practices will be implemented over conventional practices when feasible, as suggested in the table defining the consumption of each proposed building.

2.0 Where feasible, landscape irrigation will be provided by an on-site private well system (or series of systems), in lieu of using Town water, to further mitigate demand on the municipal water system.

6.0 SEWERAGE COLLECTION AND TREATMENT

1.0 Sewage from the Project will be conveyed to the Bethlehem Sewage Treatment Plant (STP). Bethlehem Town officials have stated that there is sufficient capacity at the STP for the Project. Water intensive uses wanting to locate on the site would have to be considered on a case-by-case basis. The NYSDEC Permitted Capacity of the STP is 5.9 MGD and current average flow is 4.5 MGD according to Town officials. The anticipated flow from the site will be 139,156 gpd (0.1392MGD) meaning that adequate capacity currently exists in the system.

2.0 The entire site area within the Town of Bethlehem is designated part of Sewer District Extension 14, Area 1. The west portion of the site located in the Town of New Scotland will require extension of the Bethlehem Sewer District into New Scotland or an intermunicipal agreement with the Town of New Scotland. A petition will be submitted to the Town Boards of Bethlehem and New Scotland as needed for the purposes of extending the Sewer District or establishing an intermunicipal agreement.

3.0 The sewer main will be constructed within the Town of Bethlehem right-of-way and the onsite roadway system. All proposed buildings will connect to these sewer mains via lateral connections. Phase One of the proposed sanitary sewer system will consist of an onsite network of gravity sewers and secondary pump stations with force mains to convey the effluent to the existing gravity main on the northeast corner of the New Scotland Avenue and Captain Timothy J. Moshier Memorial Highway intersection. Phase Two will eventually connect to the existing 10-inch force main near the intersection of Captain Timothy J. Moshier Memorial Highway and McCormack Road.

4.0 The onsite system will consist of approximately 6,175 lineal feet of gravity sewer main and 3,750 lineal feet of sewer force main. Up to three pumping stations of various sizes may be required for the proposed project. The first pump station may be located in the west portion of the developed site. This pump station will convey flow to a gravity manhole located in the proposed roadway. A second pump station may be located in the north portion of the Site and will also convey flow to the gravity main in the roadway. A primary lift station will be constructed at the lowest point near the west entrance to the site that will be designed to pump the design flows for Phase One and the ultimate build-out (Phase Two) of the site to the discharge point for the respective development phase. Constructing the primary pump station off-site at the lowest point in the area may eliminate the need for the third pump station.

<u>Mitigation</u>

1.0 The project will provide upgrades to existing offsite public sewer infrastructure that will provide additional flow capacity to insure that both the average day and peak day flows can be accommodated. If an individual building proposes to discharge

any industrial class of compounds or high BOD waste then pretreatment will be necessary prior to discharge into the public sewer system.

2.0 The applicant will be responsible for a fair share financial contribution, as determined by the Town, for upgrades to the offsite public sanitary sewer infrastructure related to the Vista Technology Campus project.

7.0 GAS, ELECTRIC AND TELECOMMUNICATIONS

1.0 Average demand for the various building uses on the site is estimated at 10-22 watts per square foot of floor area based on the type of tenant. Based on this usage rate, Phase One of the development will require up to 5,720 kilowatts, and Phase Two an additional 25,000 kilowatts of electrical demand.

2.0 National Grid will provide electric service for the Site. Service for Phase One will be by overhead wires from New Scotland Road that will travel through the existing gas easement between the proposed bypass and New Scotland Road. From that point electrical service will be placed below ground, under the proposed Bypass, and underground throughout the Site. The electrical line will be located in a 10-foot wide utility corridor adjacent to the onsite roadway right-of-way and will be constructed in accordance with the Town and National Grid design standards.

3.0 National Grid will provide gas service from the existing 8-inch high pressure main along New Scotland Road. A 6-inch main will be constructed along the south side of the proposed Bypass from the Captain Timothy J. Moshier Memorial Highway roundabout to the south Vista entrance, approximately 1500 lineal feet. The gas line will be installed in an easement with electronic and telecommunication data infrastructure.

4.0 Telephone, cable, and internet services will be provided through a duct bank parallel to the proposed gas main on the south side of the proposed Bypass which may include conventional and fiber optic cables. Local providers such as Verizon or Time Warner Cable will provide telecommunications service from their existing network along New Scotland Road. Service will be delivered to the site entrance through underground conduit from an existing pole near the proposed Captain Timothy J. Moshier Memorial Highway roundabout.

8.0 SOLID WASTE DISPOSAL

1.0 The Project will increase the amount of solid waste generated in Albany County and the rate of solid waste generation will depend upon the type of businesses and the number of employees.

9.0 CULTURAL RESOURCES

1.0 A Phase 1A/1B Cultural Resources Survey was performed by Birchwood Archaeological Services for the 275 acres of the site proposed to be developed and the surrounding lands.

2.0 The Phase 1A and 1B research including field walkovers and test pits which identified several areas of potential prehistoric value and six sites of potential archeological value.

a. The Peter McCutcheon House Site, a mid-18th century brick residence and associated landscape features, including two roads, a pond, and the foundation of a barn or other outbuilding. Because of artifacts recovered from the site, there is the potential that the site is archeologically significant due to some early period artifacts recovered from the site. These include hand wrought nails, fragments of pearlware and a two-piece metal button. Other artifacts recovered from the site include a diverse array of ceramics and other domestic/architectural refuse, including plastic, coal, coal ash, and strap iron fragments.

b. The Christian LaGrange Site a late 18th century wood framed residence and a number of outbuildings, a small cemetery, and other landscape features (garden, cistern and wells).

c. Loci 1 and 2 which are the location of 19th century artifact concentrations.

d. Loci 3, 4, and 5 on which chert flakes interpreted to be prehistoric artifacts were found.

e. Locus 6 on which a late 19th or early 20th century farmhouse with the remains of outbuildings and landscape features were identified.

f. Locus 7 on which the remains of a small wood framed structure occur near the center of the southern boundary of the Project Area to the east of the gas transmission line.

3.0 Phase II cultural resource investigations were conducted by Birchwood Archaeological Services at three historic and three prehistoric archaeological sites initially identified as part of the Phase 1A/1B research conducted for the project.

4.0 As a result of the Phase II investigations, the LaGrange Site would likely be determined eligible for inclusion in the National Register of Historic Places by the NYSOPRHP for its ability to reconstruct past ways-of-life in the rapidly disappearing landscape of rural Albany County.

5.0 Under the current plans for the property, the Christian LaGrange House and the cemetery will be avoided as part of the proposed project by creating a large circular

park that will enclose the house and small cemetery within an attractively landscaped setting in keeping with the historic nature of the property. The barn and the other outbuildings will be removed as necessary.

6.0 Based upon the findings of the Phase II investigations, no additional archaeological work is necessary in the barn vicinity or near the cemetery, which will not be disturbed by the project.

7.0 As a result of the Phase II investigations, the Peter McCutcheon Farm Site appears eligible for inclusion in the National Register of Historic Places under Criterion D.

8.0 A site or subdivision application that is adjacent to or encompasses the Christian LaGrange site shall include a Historic Resources Management Plan prepared by a qualified archaeological consultant if the site is to be retained by the applicant.

Conditions

1.0 Light landscaping such as mowing and brush removal is allowed within the site area, although paved trails, buried utilities or other ground disturbances would likely require additional archaeological investigations.

2.0 A site data recovery plan for Locus 6 and the Peter McCutcheon Farm site shall be implemented as approved by NYSOPRHP.

Mitigation

1.0 A site avoidance plan for the Christian LaGrange House is recommended, including implementation of barrier fencing and erosion control measures. Ground disturbance within the site boundary should be avoided.

2.0 In addition, further research in the form of Phase III data Recovery would appear warranted for the Peter McCutcheon Farm site, which would investigate the age of the house and investigate the cellar, where a number of activities are thought to have taken place, including cooking and laundry duties.

3.0 A data recovery plan for the Peter McCutcheon site should be developed that incorporates the information and artifacts recovered from the previous excavations by the Bethlehem Archaeology Group.

4.0 The Following Archeological Site Avoidance Plan will be implemented by the applicant's archaeological consultant during construction in accordance with the recommendations of the Archaeological Site Avoidance Plan, The Christian LaGrange Farmstead and Cemetery Historic Archaeological Site prepared by Birchwood Archaeological Services, March 2007.

a. All construction related parties will be informed of the archeological sites prior to construction including location, boundaries and extent of sensitive sites.

Construction personnel will be instructed to refrain from disturbing the ground in the archeologically sensitive areas, including equipment movement, construction staging and storage.

b. The site boundary shall be secured using a 36" high visibility orange barricade fence clearly identifying the site as a 'Sensitive Archeological Site' with signage located a minimum of every 100'. Protective fencing shall be maintained and repaired to a contiguous and functional state throughout construction activities and shall be removed only with the written authorization of the Town of Bethlehem.

c. Silt fencing shall be installed in addition to the orange barricade fencing at the site perimeter and will remain in place until surrounding land cover is established to the satisfaction of the Town of Bethlehem.

d. In the event that historic archeological deposits are encountered during construction of the roadways adjacent to the site, construction will stop immediately and a qualified archaeologist shall be contacted before construction resumes in this area.

e. In the event that human remains are encountered during construction activities, all fieldwork will immediately halt until further consultation with NYSOPRHP regarding these finds is acquired. The area of the find shall be secured to protect it from further disturbance until all necessary agencies/concerned groups are contacted.

5.0 Materials recovered during construction activities shall be made available to the Town of Bethlehem Historical Associates and the Historic Albany Foundation.

10.0 ENVIRONMENTAL CONDITIONS

1.0 A Limited Phase 1 Environmental Site Assessment (ESA) was conducted for the Project site in accordance with the American Society for Testing and Materials (ASTM) Standard Practice E 1527-00, by Clough, Harbour & Associates (CHA) in April 2004 (See Appendix N, ESA Report).

2.0 Individual site assessments were conducted for the Clark parcel (74.00-1-29.10) and the Jones Parcels (74.00-1-30 in the Town of Bethlehem, 73-2-27 in the Town of New Scotland).

3.0 None of the parcels appear on any federal or state regulatory databases for hazardous waste sites, hazardous waster generators, registered tanks, spills, leaking tanks, or solid waste landfills. There are a limited number of such facilities located within specified radii of the subject site, however, none of these facilities appear to present a potential off-site concern relative to the subject site.

4.0 Assessments for the presence of petroleum storage tanks or petroleum oil spills that may have occurred during the daily operations of the airport were conducted. No storage tanks were observed.

5.0 Potential contaminants were not detected at levels above background readings in all but one of 10 test locations. Several volatile and semi-volatile organic compounds were detected, but at levels below those recommended for soil clean up.

6.0 Based on this assessment of the Project site, no further investigations are needed and no impacts are anticipated from the Project.

Conditions

1.0 If additional contaminants are discovered in the course of site preparation and construction, the Applicant shall contact the Town of Bethlehem Building Department, the NYSDEC and federal regulatory agencies and ensure that a remediation program is developed and implemented.

11.0 VISUAL RESOURCES

1.0 A Visual Impact Analysis was conducted in accordance with the NYSDEC Program Policy Dep-00-2 Assessing and Mitigating Visual Impacts. Sensitive receptor sites were identified and the visibility of the Project from these sites evaluated.

2.0 Based upon the analysis, it was determined that the majority of the receptor sites identified are at or beyond a distance of five miles from the project site.

3.0 Pursuant to the NYSDEC Program Policy, sites over 5 miles away are received as background by the human eye. Beyond 5 miles, most activities are not a point of interest to the casual observer, and are indistinguishable from their surroundings.

4.0 The major receptor sites identified are as follows along with their visibility:

- The John Boyd Thacher State Park, located approximately 6 miles to the west of the Project area – **limited visibility**.
- State wildlife management area and adjacent NYSDEC lands (near Black Creek Marsh) located approximately 5 miles to the west of the Project Site - **no visibility**.
- The Onesquethaw Valley Historic District, listed on the National Register of Historic Places, located approximately 5 miles southwest of the Project Site - **no visibility**.
- Numerous sites and buildings on the National Register in Albany approximately 4-5 miles from the Project area - **limited visibility**.
- Numerous sites to the east and in Guilderland to the north - **no visibility**.
- NYS Route 5 Scenic Highway - **limited visibility**.

5.0 Due to the significant distance at which the Project Site is located from Thatcher Park, the Project's buildings (if visible above the vegetation) are likely to blend in well with the background.

6.0 Based upon the existing condition of the Thatcher Park viewshed and the distance to the Site; the Project is not anticipated to result in significant adverse visual impacts from Thatcher Park.

7.0 The site may be visible to the west of the Project area.

8.0 The Project will be entirely screened from view when observed from existing state and town parks.

9.0 Intervening topography and tree stands effectively obscure the Project site from nearby residences on Surry Mall.

10.0 The Project's proposed retail and hotel uses are anticipated to be visible from the Slingerlands By-Pass.

11.0 Office, office/technology and manufacturing buildings will be located far off from the By-Pass and are not anticipated to be the dominant visual structures.

Mitigation Measures:

1.0 Service elements such as loading/delivery, coolers, dumpster enclosures, fencing and similar components shall be located in side or rear yards of buildings and shall be located to have minimal visual exposure.

2.0 Service elements such as loading/delivery, coolers, dumpster enclosures, fencing and similar components shall be screened with the appropriate landscape materials to minimize visibility.

3.0 Street trees shall be provided at regular intervals along the project frontage with the Slingerlands Bypass and along all dedicated interior streets.

12.0 NOISE

1.0 To determine if the project will cause a noise impact, existing background noise levels were measured within the surrounding project area at four receptor sites. Predicted noise increases due to the project were then established for the surrounding areas.

2.0 Four receptor sites were chosen for analysis; along Middlesex Drive, south of the Project, and along Maher Road, north of the Project.

3.0 Predicted noise increases from the Project at these sites were compared to the NYSDEC criteria for assessing noise impacts.

4.0 Increases in background sound levels will range from 1 to 3 dBA (Decibel, A weighted).

5.0 These changes are below the 6dBA increase threshold established by the NYSDEC and do not exceed an ambient absolute threshold of 65 dBA established by the NYSDEC.

6.0 For this reason, the proposed project will not create a noise impact.

Mitigation Measures:

1.0 To minimize construction noise impacts, the following measures will be implemented:

a. Construction activities will generally be from 6:00 am to 5:00 pm, 5 days a week (Monday through Friday). Additional work hours will generally be limited to 5:00 pm to 7:00 pm Monday through Friday and 8:00 am to 7:00 pm on Saturday. Note that these time frames will be reviewed by the Planning Board during the site plan review process.

b. Specifications will note that the contractor shall comply with all federal, state and local sound control, and noise level rules, regulations and ordinances which apply to any work performed pursuant to the contract. In addition, each internal combustion engine used for any purpose on the job or related to the jobs, shall be equipped with a properly operating muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without said muffler.

2.0 If deemed necessary at any time during construction, the Town may require the Applicant to monitor noise levels in the vicinity of the Site. In that event, a monitoring program shall be developed and implemented by a professional designated by the Town and paid for by the Applicant.

13.0 LIGHT POLLUTION

1.0 The project will provide outdoor nighttime lighting for safety which will result in unavoidable increases in ambient nighttime light levels.

2.0 The light levels will be established at appropriate levels for safety and use of parking areas, services areas and building entrances.

3.0 A review of existing light levels relative to adjoining neighborhoods will be conducted with the intent on minimizing the emanation of light from the site to adjoining off-site areas.

Mitigation Measures:

1.0 Lighting levels will be provided in accordance with Town and Industry standards.

2.0 The design and location of lighting at the Vista Campus will take into consideration four areas of concern: avoiding excessive and unnecessary lighting; light trespass on to neighboring properties; glare and sky glow.

3.0 The following General Guidelines/Standards shall be applied to exterior lighting at the VISTA project:

- All buildings, roads and parking areas will be illuminated with only enough light to ensure safe use by Campus tenants and visitors.
- All lights will be aimed downward and full-cutoff shielded fixtures or equivalent lighting under opaque canopies will be used when practical to avoid light trespass and glare and avoid unnecessary lighting.
- All fixtures will be installed carefully to maximize their effectiveness on the targeted area and to minimize their impacts elsewhere.
- When practical, energy-efficient low-pressure sodium (LPS) or high-pressure sodium lamps will be utilized.
- Where feasible, lights will be placed on timers to turn them off each night after they are no longer needed. Dimmers and/or sensors may also be used where feasible.
- No light will be allowed to spill off the property.
- Each component of the proposed Campus will require site plan approval from the Planning Board.

4.0 The lighting requirements of §128-52 of the Town of Bethlehem Zoning Ordinance shall be complied with and individual lighting plans shall be submitted for each component of the proposed Campus.

5.0 Coordination among Project components will be strongly encouraged to share lighting requirements and to ensure excessive and unnecessary lighting does not result.

6.0 Lighting on the Campus will generally correlate with the intensity of lighting on the adjacent Price Chopper Plaza.

14.0 COMMUNITY SERVICES

1.0 Generalized demand on community services caused by employees at the site and population growth induced by the development will cause increased use of roads, recreational services, municipal utilities, and other municipal services.

2.0 Camoin Associates has calculated that the Project will result in a net positive contribution to the Bethlehem Central School District (BCSD). The total net benefit to the BCSD will be approximately $50 million over the next 20 years.

3.0 The Bethlehem Police Department is located at 447 Delaware Avenue in the Hamlet of Delmar. The Albany County Sheriff's Department and the New York State Police also service the Project site.

4.0 Fire protection for the VISTA site will be provided by the Slingerlands Fire Department.

5.0 It is anticipated that the Vista Tech Campus will support by year-12 (at full occupancy) approximately 4,390 jobs. Including indirect effects, it is estimated that Vista Tech Campus will support a total of approximately 8,300 new jobs in the Albany County Region.

6.0 Residents from inside and outside the Capital Region will fill the positions created by the Research & Development and Professional Office space on the site. The large demand for labor may induce population growth on a regional level.

7.0 The Vista Tech Campus is expected to have a positive effect on average overall incomes. By year 12, the Project will provide aggregate annual earnings of approximately one-quarter billion dollars (approximately $276,760,000). These earnings will support the local economy on many levels, including items such as entertainment, housing, durable home goods, and sales taxes.

8.0 Full occupancy by year 12 of the Project may potentially result in approximately 8,300 direct and indirect jobs. Existing and new residents in the Capital Region will fill the highly technical and skilled labor market necessary to fill positions in the Research & Development sector and the Office sector jobs potentially creating a demand for new and existing housing.

<u>Mitigation</u>

1.0 Additional costs incurred due to new VISTA employees and associated population growth is expected to be offset by an overall increase in economic activity and tax revenues.

2.0 While the anticipated increase in police protection for the Project is expected to be minor, each tenant locating in Vista Tech Campus shall implement security systems customized to their particular needs.

3.0 Construction materials used on site shall be selected to minimize fire hazards.

4.0 Buildings in Phase II of the Project shall be constructed with fire ratings for research and development facilities.

5.0 Fire suppression systems will be incorporated into all structures. Per Town code, all structures will be inspected for code enforcement and fire safety on a schedule established by the Town.

15.0 ALTERNATIVES

1. Alternatives considered included the following:

    a. *Preferred Alternative*. The proposed Vista Technology Campus,

    b. *No Action*. The site would remain undeveloped, as it currently is.

    c. *Alternative Location*. Mixed Economic Development District zone along NYS Route 9W Corridor. This Alternative includes the development of the Vista Technology Campus at the MEDD located between NYS Route 9W and the NYS Thruway.

    d. *The Compact Alternative*. Under this Alternative, the Project would occupy a smaller area of the site through a compact design that could include taller buildings and a mix of uses throughout. Specifically, retailers and eateries could be located on the ground floor with the technology offices and related uses on the upper levels.

    e. *Smaller Scale Alternative*. Under this Alternative, the Project, while similar in program would be reduced by approximately 30 percent in total square footage.

2. Under the *No Action Alternative*, the Project would not be implemented, and the Site would remain undeveloped until another project is proposed. Specifically, no change in land use would occur, the vegetation would remain, no change in impervious areas would occur. Likewise, the following positive economic impacts would not occur:

    - The Bethlehem Central School District would not see a net benefit of approximately $50 million over the next 20 years, and therefore, an increase in services or a reduction in property tax rates (or a combination of both) would not result.

    - Approximately 4,390 direct jobs and 3,910 indirect jobs would not be created in the Albany County Region.

    - There would be no positive effect on average overall incomes, and the approximate $276,760,000 of aggregate earnings estimated to occur from the Preferred Alternative would not occur. This would translate into a loss of economic benefits to local entertainment business, housing, durable home goods, and sales taxes.

    - Without the Preferred Alternative, the local economy would not see an additional 7500 jobs with the average income of approximately $34,000. In addition, the researchers and other management positions employed at Vista would likely obtain salaries exceeding $70,000. These jobs would not exist under the No Action Alternative.

- Improvement to roadway circulation through the addition of another roundabout and the upgrade in utilities would not occur.

3. Under the *Alternative Location* alternative, the Vista Technology Campus would be developed in one of the MEDD zones located between NYS Route 9W and I-87 in the southeastern portion of the Town. The alternate location is not well suited for the proposed Project due to limited highway accessibility, environmental constraints such as wetlands, soil types, and steep slopes, and the potential for development to be highly visible from surrounding areas. These issues and constraints would render the site less attractive to prospective high-technology tenants.

4. Under *The Compact Alternative*, the Vista Technology Campus would occupy a smaller area of the site through a compact design of taller buildings and mixed uses throughout the site. Retailers and eateries would be located on the ground floor with the technology offices and related uses on upper levels. This multi-story, compact design Alternative presents significant limitations on the type of buildings required by prospective tenants. The target industries and business for Vista Technology Campus require large and open spaces suitable for a variety of uses. Uses may include large machinery, clean rooms, and highly technical equipment that are extremely sensitive to ground vibrations. Even daily operations associated with residential and commercial activities can create vibrations at a level that are detrimental to the mechanical precision required for advanced research and manufacturing. As such, it would be infeasible for high technology research and light manufacturing to locate in a building with mixed uses.

5. Under the *Smaller Scale Alternative*, the Project would consist of 30 percent less square feet of office and commercial space. This Alternative would negate the need for highway improvements and reduce certain impacts such as the loss of pervious areas and impacts to wetlands. Project viability is seriously impacted because the mixed-use approach currently proposed (strongly encouraged by the Town of Bethlehem) would not be as practical. The results would be a reduction or loss of the Project's positive economic impacts including employment opportunities and increases in real property and sales tax revenue. The smaller-scale Project would result in less total ground disturbance and reduced removal of vegetation, however, the impacts on wetlands will not be significantly less than what is currently proposed. Under this alternative there is less need for the construction of the Slingerlands By-Pass. This highway improvement has been proposed for several years and would be required even if the Vista Technology Campus Project were not under consideration. A reduction in overall square feet of the Project would not translate into noteworthy reductions in traffic impacts.

6. Based upon the above analysis, these four alternatives would result in either the loss of important benefits to the Towns of New Scotland and Bethlehem or would create environmental impacts more significant than those anticipated under the Preferred Alternative.

16.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

1. The change in character of the Project site itself may be the most prominent irreversible commitment of resources. While not fundamentally irreversible in terms of physical science, development of this site effectively alters its character permanently. The Project design has been carefully planned to preserve the existing natural character and resources of the Site and surrounding areas to the maximum extent practicable while continuing to meet the needs of the Project's tenants.

2. The Project Site has been zoned MEDD specifically for the type of development being proposed, and therefore, the Project is not in conflict with the uses the Town has determined to be acceptable and compatible through their Comprehensive Plan and Zoning Regulations. All access to the site is achieved through the Town of Bethlehem and a substantial buffer is being maintained between the development portion of the site within New Scotland and adjacent uses.

3. The Project, through the removal of vegetation and alteration of the existing forms of vegetation, including the conversion of wooded areas to lawns and landscaped areas, will result in the permanent alteration of habitat for resident species of deer, birds, and small mammals. Wildlife species that would be impacted are common and abundant in this area. This loss of habitat is minimal and the impact short-term due to the proposed construction of lawns and landscaped areas that will result in an increase in the population of songbirds and small mammals, and not an overall decrease in animal populations.

4. The Project will also result in minimal alterations in the topography at certain areas of the Site. While all efforts will be made to avoid altering slopes to the extent practical, re-grading will be required to implement the Project as designed. The mitigation measures to be included in the SWPPP, combined with proper construction techniques and BMP's, will all work to mitigate potential adverse impacts related to slope disturbances.

5. The Project proposes permanent disturbance to wetlands under the jurisdiction of the ACOE necessary for the construction of the proposed roundabout, buildings, parking lots, roads and utilities. These impacts will require an Individual Permit from the ACOE and a Water Quality Certification Permit from NYSDEC.

6. The Project has been designed so that the wetland impacts have been avoided and minimized and, a compensatory mitigation plan has been developed that will result in the creation of new wetlands. The proposed compensatory mitigation, combined with the use of proper construction techniques, BMP's, and compliance with the required permits, approvals, and the SWPPP, reduces the potential for permanent losses to these resources.

7. The development of the Project will also require a commitment of energy and construction materials. Construction materials include concrete, steel, glass, asphalt, and other related materials and equipment. This commitment of resources will span the proposed twelve-year implementation period.

17.0 GROWTH INDUCING ASPECTS OF THE PROJECT

1. The basis for establishing the possible growth inducing aspects of the Project is the Economic and Fiscal Impact Analysis (the report) prepared by Camoin Associates.

The scope of the analysis was limited to the portion of the site located within the Town of Bethlehem in order to calculate anticipated revenue benefits to the Bethlehem Central School District, which extends to the town line.

2. Some adjustments were made in Conceptual Development Plan to the mix of building uses, which are not reflected in the Report. The current proposal anticipates more 'Research' building space and less 'Office' building space. This means that the square footages used to calculate the job figures would have to be adjusted in order to get a firmer forecast.

3. Job growth was estimated in terms of 'direct' (onsite) and 'indirect' (offsite) jobs. The report forecasts that 4,390 jobs of various kinds would be generated onsite between 2009 and 2019. No jobs will be generated until year three of the project. Job growth will plateau at year 12 when tenant occupancy of the site reaches 90 percent.

4. It also forecasted that 3,941 additional jobs would be generated throughout the Albany area through the multiplier effect. Together, on- and offsite jobs generated by the Vista Technology Campus are estimated to top 8,331 new jobs. These forecasts were based upon industry averages for estimated square feet per employee for certain business sectors. Sectors used in the analysis include Office, Research, Wellness Center, and Restaurant.

5. Between 2009 and 2019, approximately 430 onsite jobs will be added each year. Job growth estimate figures for Vista are commensurate with overall rates of job growth in the Albany area.

6. Many of the jobs created by the 'Research' buildings are highly technical and scientific in nature which requires extensive education, training and experience. As the labor market for these highly skilled positions tightens locally (Luther Forest Tech Park, Harriman Research and Technology Park, the independent nanotechnology research initiatives at SUNY Albany and RPI, and Starfire in Saratoga Springs), it is reasonable to assume that Albany area will begin to attract workers from a national pool of technological expertise to fill the positions. Such workers would move to Albany, increasing its population and creating new demand for housing, schools, and municipal services. The other sectors on the site, such as restaurants, retail stores, the bank, hotel and other services will likely be satisfied by the local labor market and not directly result in in-migration from outside the Albany area.

7. There may also be intra-local shifts in population to meet the demand for labor at the site.

8. Current estimated growth rates using US Census data for the total four county area ranges from 0.3 percent to 0.8 percent. Again, assuming that 100 percent of the jobs will be filled by in-migration, then annual population growth induced by Vista (1,063 people/ year) could adjust annual growth rates upwards to between 0.35 percent and 1.04 percent.

9. To calculate the fiscal impact of the Vista project on the Town of Bethlehem and the Bethlehem Central School District, Camoin Associates collected all the data necessary to conduct a LOCI analysis. LOCI analysis is fiscal and economic impact tool for assessing impacts at the local-government level. The fiscal impact software package uses current revenue and expense data as well as a host of demographic and economic data specific to the taxing jurisdiction and compares it with the profile of a given development project. The program estimates additional governmental income and expenditures associated with the Project.

10. The Project's net contribution in tax revenues over 20 years will be more than $2.4 million to the Town of Bethlehem's overall fiscal resources. This corresponds to an average annual positive contribution of over $124,000.

11. The Bethlehem Central School District will generate an additional $50.8 million in fiscal resources as a result of the project over the same period. This corresponds to $2.5 million average annual contribution to the school district.

12. Impacts from approximately one-quarter billion dollars of additional annual incomes will be felt locally in the Towns of Bethlehem and New Scotland and regionally. The exact share of this impact is indeterminate. A fraction of these earnings may come at the cost of local shifts in the market, where goods and services provided onsite compete with other similar providers in the area. In such cases, economic development can be characterized as a zero-sum game.

13. Economic output is measured as the value of goods and services generated onsite by the Project. As with the employment figures, no economic output is generated until year 3, after which growth occurs until year 12 when tenant occupancy of the site reaches 90 percent. Economic output begins at $74 million dollars in year 3 and grows to $743 million by year twelve. Total economic output over 20 years and in constant dollars is projected to reach approximately $10 billion.

14. Induced development is likely as a result of the Project. Annual salaries, economic output, and population growth will support development for new housing and office space. In addition, specific public and service infrastructure improvements on- and offsite will provide additional capacity to support growth. The creation or extension of sewer districts (as is proposed for the Project) is a typical infrastructure prerequisite for suburban and urban development patterns.

15. VISTA employees and their families from outside the region will create demand for new and existing housing. The 2004 American Community Survey (conducted by the US Census Bureau) identified approximately 11,000 vacant housing units in Albany County

alone. It is reasonable to expect that housing preferences (urban versus suburban, ownership versus renting) will be accommodated at a regional level, such as Albany and nearby counties. Job growth will occur across 12 years, allowing the housing market to adjust over time to accommodate additional demand for housing. New housing demand will be met by the market through a combination of new construction and renovation of existing housing.

16. Camoin Associates has prepared an assessment on the economic and fiscal impact that will occur as result of the VISTA project in the Town of New Scotland.

17. The findings of the study indicate that the project will produce $821.599 over a period of 20 years and an additional $37,102,727 in taxable property value.

18.0 EFFECTS ON THE USE AND CONSERVATION OF ENERGY

1. Energy usage in conjunction with the proposed Project will be related to short-term and long-term development activities.

2. Short-term energy usage is a function of construction activity and will coincide with general site development. Since full build-out of the Project is expected to take approximately twelve-years, the short-term energy uses shall exist on a variable basis during that period. Short-term energy use includes fossil fuels (i.e., gasoline and diesel) for the operation of all types of construction equipment, including generators for temporary on-site power during construction.

3. Long-term energy use is a function the Vista Technology Campus operations including building support functions (lighting, power, mechanical systems). Support functions will generally require low voltage (120 volts) for office, safety lighting, power outlets and mechanical equipment. Additional power requirements will vary among the different tenants that will locate at the Campus.

4. National Grid will provide electric service for the Site. The Phase One service will be delivered to the site from the existing overhead service on New Scotland Road. The electrical service options for the total Vista build-out are currently being evaluated by National Grid and the Developer. National Grid will also provide gas service from the existing main in New Scotland Road. National Grid has stated that sufficient gas capacity exists to serve the project.

5. When the topography and vegetation allows, the Project will take full advantage of southern exposure, to assist in heating and lighting needs. Furthermore, some tenants will have the choice to incorporate solar power and the use of other renewable energy sources as their specific operations, needs and requirements may allow.

6. The average demand for the various building uses on the site is estimated at 10-22 watts per square foot of floor area. Based on this usage rate, Phase One of the development will require up to 5,720 kilowatts, and Phase Two an additional 25,000 kilowatts of electrical demand.

7. Market costs for energy constitute the greatest potential effect on energy consumption patterns. It is difficult to estimate how energy costs will change in relation to each other.

8. As prices shift, industry in general studies the feasibility of incorporating duel fuel systems, cogeneration capabilities and use of off-peak power capacities. In the future, industries should continue to assess energy costs and changes in fuel types. Pollution regulations and future changes will affect the types and amounts of energy used as it relates to emissions.

Conditions:

1.0 The applicant shall make available all information on NYSERDA programs to all prospective tenants to make them aware of options and assistance available.

2.0 The Applicant shall encourage all tenants of the campus to consider attaining LEED certification.

3.0 The applicant is strongly encouraged to design structures that will minimize the use of electric energy through the use of energy efficient equipment for heating, cooling and lighting. A technology based campus should be a leader in demonstrating the use of state of the art design and construction.

Agency Jurisdictions:

Town of Bethlehem, Town Board
- Development Master Plan Approval

Town of Bethlehem, Planning Board
- Development Master Plan Review
- Site Plan Approval
- Subdivision Approval

Town of New Scotland, Town Board
- Zoning Amendments

Town of New Scotland, Planning Board
- Site Plan Approval
- Subdivision Approval

Albany County Planning Board
- County Planning Board §239-m Referral

Albany County Health Department
- Water and Sewer Connections

New York State Department of Environmental Conservation
- NYSDEC General SPDES Permit

New York State Department of Transportation
- **NYSDOT Highway Work Permit**

U.S. Army Corp of Engineers
- **Wetland Disturbance Permit**

NYS Office of Parks, Recreation and Historic Preservation
- **Cultural Resources Mitigation**

Date Final Environmental Impact Statement Filed: May 15, 2007

Certification To Approve:

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

1. The requirements of 6 NYCRR Part 617 have been met; and

2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

[3. Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR Part 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.]

Town of Bethlehem

_____	_John H. Cunningham_____
Signature of Responsible Official	Name of Responsible Official
Supervisor _____	May 29, 2007_____
Title of Responsible Official	Date

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