

FINAL ENVIRONMENTAL IMPACT
STATEMENT
FOR
VISTA DEVELOPMENT GROUP, LLC
VISTA TECHNOLOGY CAMPUS

PROJECT LOCATION:

Towns of Bethlehem and New Scotland, Albany County,
New York

LEAD AGENCY:

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April 27, 2007

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**Vista Technology Campus
Final Environmental Impact Statement**

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Section 1

Section 1 Introduction

1.1. DESCRIPTION OF THE FEIS

This is a Final Environmental Impact Statement (FEIS) prepared on behalf of the Town of Bethlehem Town Board pursuant to and as required by the provisions of the New York State Environmental Quality Review Act (SEQRA). The FEIS provides responses to all substantive public and agency comments received during the public comment period on the Draft Environmental Impact Statement (DEIS) prepared for the proposed Vista Technology Campus in the Towns Bethlehem and New Scotland, a Type 1 Action pursuant to SEQRA. The Town of Bethlehem Town Board directed the preparation of the DEIS. The DEIS is included in the FEIS by reference.

1.2. PROJECT DESCRIPTION

The Project proposes 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, medical office building, general office building, a bank, and a mix of retail uses and restaurants. Most buildings will range in size from 1 to 3 stories in height, with the hotel proposed at 4 stories. The Project site consists of four parcels of property covering approximately 451 acres. Of these, approximately 330 acres are situated within the Town of Bethlehem and approximately 128 acres within the Town of New Scotland. Development of the site is designed pursuant to the Town of Bethlehem's Mixed Economic Develop District (MEDD) zone. Development will occur on approximately 150 acres of the site.

An internal non-motorized recreational/interpretive trail at the wetland mitigation area will be provided for the use and enjoyment of Campus tenants and visitors. A perimeter trail is also being considered that would 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.

NYS DOT completion of the proposed Slingerlands Bypass will provide rapid and easy access to the site. The Bypass will also significantly reduce congestion within the project area and redistribute local traffic. 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 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 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. The Bypass project has already undergone NEPA and SEQRA reviews. Construction of the Bypass is underway at the time of the adoption of this FEIS.

1.3. PROJECT HISTORY

This Final Environmental Impact Statement (FEIS) has been prepared in accordance with the New York State Environmental Quality Review Act (6NYCRR Part 617), the following steps of the process have been undertaken:

- > December 28, 2005: Town of Bethlehem Town Board was designated as Lead Agency for review of the proposed Type 1 Action after circulating the MEDD application and Environmental Assessment Form (EAF) to all involved agencies.
- > February 22, 2006: The Town of Bethlehem Town Board issues a Positive Declaration of Significance for the proposed action, requiring the Applicant to prepare a Draft Environmental Impact Statement (DEIS) and initiated the Public Scoping process.
- > March 22, 2006: The Town Board conducted a Public Scoping Session.
- > April 26, 2006: A Final Scoping Document was adopted by the Town of Bethlehem Town Board
- > October 10, 2006: The Applicant submitted a Draft Environmental Impact Statement (DEIS) to the Town of Bethlehem Town Board.
- > December 22, 2007: The Applicant submitted a revised Draft Environmental Impact Statement (DEIS) to the Town of Bethlehem Town Board.
- > December 27, 2006: The Town of Bethlehem Town Board accepted the DEIS as Complete and adequate for public review.
- > January 17, 2007: The Town held a public informational meeting to provide an overview of the project and the Draft Environmental Impact Statement.
- > January 24, 2007: The Town of Bethlehem Town Board conducted a Public Hearing on the DEIS on at the Town of Bethlehem Town Hall. A transcript of the Public Hearing is included in Appendix A.
- > February 5, 2007: The written public comment period ended. Written comments are provided in Appendix B.
- > February 2007: Applicant submitted Preliminary FEIS to the Lead Agency.
- > March 30, 2007: Applicant submitted a revised FEIS to the Lead Agency.
- > May 9, 2007 The Lead Agency accepted the FEIS as complete.

1.4. PUBLIC AND AGENCY COMMENT OVERVIEW

There were 134 total comments received as a result of the Public Meeting of January 24, 2007 and additional written comments received during the public comment period. The topic that received the most comments was Traffic getting 39 comments. The topics getting the least amount of comments were Walking Trails and Air Quality. A summary of the amount of comments received for each topic is as follows:

Topic	Number of Comments
1. Erosion	15
2. Cultural	4
3. Walking Trails	1
4. Light Pollution	2
5. Noise Pollution	2
6. Traffic	39
7. Property Tax	6
8. Wildlife	3
9. Water Supply	16
10. Sanitary Sewer	7
11. Fire/EMS and Police Protection	11
12. Use and Conservation of Energy	3
13. Air Quality	1
14. General	24
Total Comments	134

Section 2

Section 2 Project Modifications

2.1 PROJECT DESIGN MODIFICATIONS

Refer to FEIS Figure 2.a - Project Concept Plan for reference during the following discussions.

2.1.1 SITE ACCESS MODIFICATION – VISTA ROUNDABOUT RELOCATION

The roundabout at the northerly entrance to the Project Site on the adjacent NYSDOT proposed Slingerlands By-Pass project has been shifted approximately 80 ft. to the north at the request of Dominion Transmission Inc. This shifting of the roundabout reduces the amount of the roadway covering the gas transmission line. As a result of this shift in the roundabout, an additional 0.177 acres of young forested wetland subject to the jurisdiction of the ACOE will be impacted in addition to the impact associated with the bypass itself. As mitigation for this impact, a separate area of 0.40 acres of forested wetland creation is proposed on the Vista site. Refer to FEIS Section 2.2 for a discussion of the revised wetland mitigation plan. Refer to FEIS Figure 8.b and Section 9 of the Revised Wetland Mitigation Plan found in Appendix F for additional information.

2.1.2 ADJUSTMENT TO THE INTERNAL ROAD ALIGNMENT

2.1.2.1 HORSESHOE LOOP ROAD

As depicted on FEIS Figure 2.a, the eastern intersection of the main Project site road at the horseshoe-loop has been adjusted to run parallel to the Dominion gas line and allow the road to cross the gas transmission line at an angle of approximately 60 degrees. This adjustment was required in order to avoid running the road in parallel over the gas line and comply with Dominion crossing requirements. This adjustment will also facilitate through traffic to the buildings located in the northwestern portion of the site. Further, this adjustment will increase the area of the Christian LaGrange Farm Archaeological Site as shown on FEIS Figure 18 and further described in FEIS Section 3.2 below.

The Town of Bethlehem wants to plan for the possibility of a future road connection to the Town of New Scotland through the Project site. In order to accommodate this connection, the road and gas transmission line may need to be realigned in this area as depicted in Figure 2.e Future Road Realignment for New Scotland Connection. As shown in the Figure 2.e, sufficient land will be set aside to accommodate the potential future realignment of the road right-of-way and gas transmission line. This alignment is not being implemented at this point in time due to the uncertainty of the future connection and the high cost of relocating the gas transmission line.

2.1.2.2 BOULEVARD ADJUSTMENT

The main Project site road is proposed to be changed from a boulevard (as proposed in the DEIS) to an undivided two-lane road from the easterly intersection of the main Project site road with the horseshoe loop road (as described above in FEIS Section 2.1.2.1), to the turn-around located at the westerly most portion of the Project Site (refer to FEIS Figure 2.a). This adjustment is justified, as

alternate means of ingress and egress are provided beyond this point via the horseshoe loop road and the site parking lots.

The Project Concept Plan currently shows a boulevard approach for site access and provision of emergency ingress and egress. Alternative designs to accommodate emergency access may be examined during site plan review.

2.1.3 WATER MAIN ADJUSTMENT

In order to create a multiple looped water system at the request of the Town, the water main will be reconfigured as depicted in Figure 13.b Water Distribution. This includes reconfiguration of the water main around the horseshoe loop road; a connection between Site Roads “C” and “D”; and a connection between the dead ends at the far western end of the Project site. The connection between Site Roads “C” and “D” will run in a 30’ wide easement between the Dominion easement and the wetland mitigation area. The connection between the dead ends at the western end of the Project site will run in a 30’ wide easement through the site parking lots. This multiple looped system may allow a reduction in water main pipe size for certain segments.

2.1.4 SNOW STOCKPILE LOCATIONS AND PARKING SPACE

At the request of the ACOE, specific snow stockpile areas have been identified throughout the Project Site as depicted in the Revised Wetland Mitigation Plan located in FEIS Appendix F.

Where feasible, adjustments will be made in the layout of the proposed parking spaces in an effort to minimize the amount of impervious surfaces on the Project site; provide green and/or landscaped areas; and/or deal with specific site design issues. Any adjustments will be made during site plan review and with the concurrence of the Town of Bethlehem Planning Board and Best Management Practices.

2.1.5 ADDITIONAL BUS STOP

In an effort to more efficiently serve the Campus with bus service, the Project is now proposing to provide two centralized bus stops. The first stop would be near the retail portion of the Project Site with the second near the intersection of the main site road with the horseshoe loop road, centrally located to the northern portion of the project site.

2.2 SUMMARY OF REVISED WETLAND MITIGATION PLAN

As discussed above 0.177 acres of wetlands will be impacted as a result of the adjustment to the roundabout requiring additional mitigation beyond what was proposed in the DEIS.

Two mitigation strategies will be implemented in order to replace the total loss of wetlands, which includes 2.41 acres to be disturbed within the project development footprint in addition to the 0.177 acres of wetlands to be disturbed by the roundabout. Refer to FEIS Figure 8.b.

Mitigation for Project Impacts

The first strategy is to create 3.2 acres of forested wetland, wet meadow, and scrub-shrub wetlands to replace the lost acreage during construction of the Project. Approximately 2 acres of trees will be planted upland from the site to maintain the created wetlands. The second strategy is the permanent deed restriction of 155 acres of forested area allowing substantial preservation of the surrounding woodland as well a significant buffer for the on-site streams. This area will contain 4,000 feet of the Normans Kill, 5,600 feet of perennial stream, 13,000 feet of intermittent steam, and 18 acres of land falling in the 100-year floodplain. The mitigation site is proposed to be placed between two existing wetlands and will occupy approximately the same amount of area as the displaced wetland.

Mitigation for Roundabout Impacts

To mitigate the 0.177 acres of wetland to be disturb by the roundabout, 0.4 acre forested wetland will be created.

Because of the level of detail in accomplishing these mitigation strategies significant coordination between contractors, engineers and architects. As a result there will be periodic inspections to confirm that the strategies are being executed properly. After completion an as-built survey will be submitted to the Corps with a post construction report.

Monitoring will occur for five years after construction is complete on the site to ensure that the created wetlands are viable. This will consist of yearly reports that will be submitted to the Corps by the December 31st each year.

2.3 PROJECT PHASING ADJUSTMENTS

As depicted on FEIS Figure 2.c, Phase I of the Project will no longer include the proposed Hotel (Building “E”), which is now proposed to be constructed in Phase II due to the fact that the Hotel is functionally dependent on the build-out of the technology and office uses. In addition, the main Project Site road to be constructed as part of Phase I will end at the entrance drive to Building I. The remainder of the Project road and other infrastructure will be constructed during Phase II, unless funding can accommodate construction in Phase I.

2.4 OFF-SITE SEWER INFRASTRUCTURE

The Town of Bethlehem has commissioned the preparation of the Slingerlands Sewer Study, which is included in Appendix D of this FEIS. The findings of the study indicate that improvements will be required in order to accommodate sewer flows from the Vista project. The study also provides cost estimates for the upgrade of the sewage infrastructure, along with several strategies for funding the proposed improvements. The Applicant will be responsible for a fair share financial contribution for the upgrades to the sewer system infrastructure improvements related to the Vista Project. Refer to Section 3.4 and Appendix D for more detailed information related to the sewer study.

2.5 DR. JONES PARCEL

Any future development proposed by Dr. Jones and on property to be retained by Dr. Jones is not considered part of the proposed Vista Concept Plan and would therefore require separate reviews and approvals.

Section 3

Section 3 Additional Analyses

3.1 TOWN OF NEW SCOTLAND ECONOMIC IMPACT AND FISCAL IMPACT ANALYSIS

Camoin Associates has prepared an assessment on the economic and fiscal impact that will occur as a result of the Vista Technology Campus in the Town of New Scotland. The findings indicate that this development would produce \$821,599 over a period of 20 years and an additional \$37,102,727 in taxable property value. The main variable is the tax rate, which was kept constant at the current rate at 1.63 per \$1,000 taxable value. If the rate were to increase so would the returns and vice versa. As detailed in the original analysis, Camoin Associates estimates that 20% of the total office space at the Project Site would not be eligible for Empire Zone certification in the Albany County Empire Zone. Therefore, businesses located in this office space would not be able to claim an Empire Zone Real Property Tax Credit. Instead, the Industrial Development Agency would most likely provide a Payment In Lieu of Taxes (PILOT) to those companies. Refer to FEIS Appendix G for the complete Property Tax Revenue assessment of New Scotland.

3.2 CULTURAL RESOURCES PHASE II REPORT AND PROPOSED PHASE III DATA RECOVERY PLAN /AVOIDANCE PLAN

The Christian Lagrange Farmstead and Cemetery Historic Architectural Site are located within the Vista Technology Campus. In an effort to preserve these historical sites a traffic loop, which encircles the Farmstead and Cemetery, will be utilized to connect the different buildings of the campus. This will not only highlight the site but cause minimal ground disturbance after completion.

In order to protect the site during the construction process, several steps will be taken to avoid ground disturbance within the site boundaries as described below.

Prior to construction the following measures will be implemented to minimize ground disturbance during and post construction of the campus.

- 1) Awareness – All pertinent parties (contractors, sub-contractors, and construction personnel) will be informed of the site prior to construction. They will be educated in the location, boundaries and the extent of the site and they will be instructed to refrain ground disturbance in the area, which would include the moving of heavy machinery, construction staging, or equipment storage.
- 2) Safety Fencing – The site boundary will be highlighted with a 36 inch, high visibility orange barricade fence. This will ensure that everyone is aware of where the site is.
- 3) Erosion Control – Similar to the safety fencing black silt fencing will be utilized around the site boundary and will remain until all proposed ground disturbance is completed.
- 4) Accidental Discoveries – The standard protocols for unanticipated discovery will be followed with the assistance of the Project Archeologist.

The Peter McCutcheon Farm site will be further documented prior to demolition in accordance with the approved Data Recovery Plan and certain materials will be salvaged from the site.

Refer to FEIS Appendix E “Cultural Resources Phase II Report and Proposed Phase III Data Recovery Plan/Avoidance Plan” for additional information.

3.3 WATER DISTRIBUTION SYSTEM MODEL REPORT

The Town of Bethlehem commissioned the preparation of a Water Distribution System Model Report to assess the performance of the Town’s water distribution and transmission system. A functional, calibrated model was used to evaluate several critical scenarios, including Scenario 1, which analyzed the ability of the water system to provide the estimated water demands and fire flows to the development at a desired pressure. Refer to FEIS Appendix C for more detailed information relative to the Water Distribution System Model Report.

Based on the results of the modeling analyses, a 12-inch main installed at the site would provide sufficient flow. The Applicant has agreed to install a 12-inch main. Note that this study was based on the configuration of the on-site water distribution system as shown in the DEIS. Since the on-site system is now proposed in a multiple looped configuration, the line size may be reduced to be less than 12-inch in certain areas. This will be confirmed by performing additional hydraulic analyses during site plan review and will be subject to approval by the Town of Bethlehem.

3.4 SEWER STUDY

The B & L Report (Refer to Appendix D), dated April 2007, provides an analysis of the sewer system infrastructure in the Slingerlands area in the Town of Bethlehem. The Report addresses the capacity of the existing pump stations, force mains and gravity mains in the area. The four major pump stations in the area are the Blessing Road, New Scotland, Cherryvale and Delaware Avenue pump stations. The Delaware station receives all of the sewage from the other three stations. The Vista Project proposes to connect to the existing 10-inch force main near the intersection of Cherry Avenue and McCormack, downstream of the three pump stations (Blessing, New Scotland and Cherryvale). Table 5 of the Report indicates that the 10-inch force main has a capacity of at least 544 GPM. This capacity may increase depending on the operational times of the three upstream pump stations. The Vista Project proposes an average sewer flow of 194 GPM for the full Site buildout.

The Delaware Pump Station, which receives flow from the three pump stations and future flow from the Vista site, is currently operating at capacity. The Report recommends against adding any additional flow to the Delaware pump station under current conditions. In addition to Vista, there are several other developments planned in the sewer area that would need to utilize the Delaware Station. The Report provides several recommendations for improvement of the existing infrastructure and a phased upgrade to the Delaware Pump Station. Cost estimates for the upgrade of the sewage infrastructure are provided along with several strategies for funding the proposed improvements. The Applicant will be responsible for a fair share financial contribution for the upgrade of the Delaware Avenue Pump Station and other sewer system infrastructure improvements related to the Vista Project. The required contribution will be determined by the Town based on the future development of the sewer district and the recommended funding strategies included in Section 6.0 of the Report.

Section 4

Vista Technology Campus		Key:	Table of Contents:
Public/Agency Comments		PH - Public Hearing Comment W - Written Comment	1 - Erosion 2 - Cultural Resources 3 - Walking Trails 4 - Light Pollution 5 - Noise Pollution 6 - Traffic 7 - Property Tax 8 - Wildlife 9 - Water Supply 10 - Sanitary Sewer 11 - Fire/EMS and Police Protection 12 - Use and Conservation of Energy 13 - Air Quality 14 - General Comments
Person/Affiliation	Comment Code		Response
1. Erosion			
Mr. Ed. Kleinke, 62 Maher Road	PH.1.1	Mr. Kleinke states that because of the limited topographic information on the northerly boundary of the site, the stormwater impacts have been improperly evaluated. He is concerned that stormwater from the site will drain towards a creek on his site and into the Normans Kill Creek. Mr. Kleinke has also expressed concern over the previous removal of trees from the site which he feels has diminished the soils ability to absorb rain and snow melt and consequently, the increased volume of runoff has widened the drainage stream and eroded the banks.	The design of stormwater control facilities and their capacity to retain runoff is based on the extent of contributing drainage areas. The section of the Project Site proposed for development has been surveyed and contours at two-foot intervals have been identified. Drainage calculations and the design of the stormwater control measures were based on the best topographic information available including original survey data collected by Clough Harbour. Additional topographic information for the remainder of the property to be preserved has been provided and has no impact on the findings. Per NYSDEC regulations, post-construction peak runoff leaving the site cannot exceed predevelopment conditions, and the preliminary Stormwater Management Report that has been developed indicates the measures that must be implemented to ensure that peak runoff rates from the site will not increase post-development.

Person/Affiliation	Comment Code		Response
			<p>A Stormwater Pollution Prevention Plan (SWPPP) will also be developed prior to construction pursuant to the requirements of the NYSDEC and the Applicant will coordinate with the Town to establish a stormwater district. Each building and associated parking and drainage facilities with a specific SWPPP will be reviewed by the Town Planning Board and Town Engineering Department during site plan review.</p>
			<p>Regarding the previous removal of trees from the site, the site has a long history of uses including agricultural. Erosion of stream banks, particularly in steep areas, is a common occurrence. As previously stated, the Project will comply with all regulations pertaining to stormwater runoff and development will remain behind the slope setback lines established in the DEIS to further mitigate potential erosion and slope stability issues.</p>
Skip Reilly	W.1.2	<p>Mr. Reilly expressed concern that stormwater from the site would run onto an adjacent property, harming the stream quality on that property. Concern was also expressed that such runoff may also be carrying pollution from existing dump material that has been deposited on the site.</p>	<p>The material identified on the site consists of clean fill (concrete, soils) deposited in a controlled fill area utilized by Callanan Industries (refer to Figure 3 Existing Conditions and Figure 2.c Project Concept/Phasing Plan for location). The material does not contain any contaminants. As discussed above in response to Mr. Kleinke's concern about stormwater impacts, runoff from the Project Site will be retained using stormwater control measures, as required by the NYSDEC, that will manage the quantity and quality of stormwater runoff. Slope stabilization techniques and plantings will be implemented where necessary in this area.</p>
Louis R. Neri, Counsel for Town of New Scotland	W.1.3	<p>The stability of slope should be investigated in a more detailed manner, especially concerning the placement of new development along the Normanskill ravine.</p>	<p>As described on DEIS pages 3.2 and 4.1, safe setback limits were established by a soils engineer through evaluation of subsurface conditions and are depicted on DEIS Figure 6. The slope setback lines have been established under conservative criteria and will be satisfactory to protect against slope failure post-construction. The slope setback line 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 approval process and subsequently subject to approval by the Town Engineering Department. The DEIS has found that impacts on slope stability are not anticipated to be significant using the established safe setback limits. Finally, development is proposed to be located a significant distance from the Normanskill and therefore, adverse impacts on the Normanskill are not expected.</p>

Person/Affiliation	Comment Code		Response
	W.1.4	There is concern that stormwater management facilities will affect downstream property owners and the stability of the adjoining lands and erosion controls.	As noted above in response to comments PH 1.1 and W 1.2, per NYSDEC regulations, post-construction peak runoff rates cannot exceed predevelopment peak runoff rates. A Preliminary Stormwater Management Report has been developed for this Project and a SWPPP will be developed in accordance with the standards and requirements of the NYSDEC General SPDES Permit. Specified stormwater management and erosion and sediment control devices will be implemented for mitigation purposes during and after construction. A SWPPP for each building and associated parking and drainage facilities will be reviewed as part of site plan review before the Town Planning Board and Engineering Department.
Ed. Clark, Town of New Scotland Supervisor	W.1.5	Adherence with the NYSDEC Phase II requirements has been proposed by the Applicant and will be sufficient to satisfy New Scotland.	The Applicant will comply with applicable NYSDEC Phase II requirements.
Rocky Reese	W.1.6	There is concern that the stormwater management plan proposal to reduce stormwater runoff from the site to the 'maximum extent practicable' is inconsistent with the Town of Bethlehem's Comprehensive Plan.	The Town of Bethlehem's Comprehensive Plan is a policy document. The Comprehensive Plan sets direction for the community and recommends specific land use regulations to be considered for adoption by the Town. As stated above, a SWPPP will be developed consistent with NYSDEC and Town standards during Phase 1 site plan review and the Preliminary Stormwater Management Report was reviewed by both communities.
	W.1.7	Concern was expressed that the rainfall rates used for the 10 year and 100 year storm events for the purposes of managing stormwater at the site are unreliable due to changing climate patterns linked to global warming.	The Preliminary Stormwater Management Report was developed consistent with all applicable law and requirements. The rainfall curves are consistent with industry standards. NYS and Town law provides for protections above and beyond the implementation of structural stormwater controls, such that if rainfall curves prove unreliable for any reason, then oversight of stormwater controls can identify future stormwater management needs. During the construction phase of the Project, site inspection of stormwater controls must take place every 7 days or after any rainfall over 0.5 inches in a 24 hour period until disturbed areas are stabilized. After the completion of construction, the Applicant and communities are required to have in place a program that ensures the long-term operation and maintenance of stormwater controls and to provide resources to monitor and penalize violators.

Person/Affiliation	Comment Code		Response
Donald H. Fletcher Senior Managing Engineer Barton & Loguidice, P.C.	W.1.8	Mr. Fletcher expressed concerns about the on-site topography on Figure 3 in the DEIS. In several areas adjacent to the ravines on the project site, the topography is missing and should be added via available mapping.	As mentioned above in response to Comment PH.1.1, the section of the Project Site proposed for development has been surveyed and contours at two-foot intervals have been identified. The data provided is sufficient to calculate the stormwater requirements for the site. No development will be occurring outside of the area mapped. Supplemental topography, at three-foot intervals, has been added to the area outside of detailed topography and the Site property line. The topography is based on the National Elevation Data Set, 1/3 Arc Second.
	W.1.9	Mr. Fletcher states that Section 3.1.1.2 of the DEIS should be clarified to summarize the site-specific geologic information presented in the December 11, 2006 Dente Engineering Report. Specifically, clarify the discussion of the findings of the electronic seismic cone penetrometer testing performed by Dente Engineering in September 2004.	Seismic Cone Penetration Testing was performed on September 28, 2004 to determine the Site classification per the NYS Building Code, Seismic Design Category. The soil stratigraphy was defined through testing to a depth of approximately 116 feet. If the project has been defined as 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 testing.
	W.1.10	Mr. Fletcher would also like clarification on DEIS Section 4.1.1.2 discussion of the unique slope conditions found along the Normanskill Valley, and what, if any, proactive measure will be taken to prevent the potential future occurrence of slope failures.	In the supplemental letter from Dente Engineering dated December 11, 2006, it was recommended that there be annual reviews of the site slope conditions to assess any natural changes. The applicant has agreed to perform these annual reviews. These reviews will offer insight on potential hazards and mitigation measures to be utilized in the future to prevent slope failures to the extent practical. If slope failures were to occur, they would likely be a result of natural erosion outside the setback limit line and would not likely impact the buildings, parking areas, roadways or utility infrastructure, since all features of the proposed Project have been designed to be within the slope setback line established by the Geotechnical Engineer. If failures were to occur, they could be controlled through use of slope stabilization measures as recommended by the Geotechnical Engineer.

Person/Affiliation	Comment Code		Response
	W.1.11	Mr. Fletcher, would like a summary of the conclusions in the DEIS regarding anecdotal reports of subsurface soil and groundwater contamination at the site.	Please refer to DEIS Section 3.2.8 which clarifies that the investigation report concludes that based on the data collected from the subsurface investigation, no further investigation is needed at this time. The two sites have been identified as the former County Airport and the construction fill site. Both of these locations are displayed on Figure 3 Existing Conditions and Figure 2.c Project Concept/Phasing Plan (See DEIS Appendix N, ESA Reports and response to Comment W.1.3).
	W.1.12	Mr. Fletcher is requesting a brief description of what engineering controls will be implemented at the site to divert surface water runoff away from slopes and prevent the increase of groundwater buildup on slopes prone to failure from increased groundwater generated by stormwater pollution control basins.	<p>As noted above in response to comments PH 1.1, W 1.2 and W 1.4, a Preliminary Stormwater Management Report has been developed for this Project. During Phase 1 site plan approval, a formal SWPPP will be developed in accordance with the standards and requirements of the NYSDEC SPDES General Permit for Phase 1 of the project and will also address the BMP's for the 1.4 million s.f. build out. The specified stormwater management and erosion and sediment control devices 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 top 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.</p> <p>Further, 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.</p>

Person/Affiliation	Comment Code		Response
		<p>Mr. Fletcher would like clarification of section 3.1.2.1 of the DEIS to summarize the site-specific hydrological information presented in the December 11, 2006 Dente Engineering letter report. Mr. Fletcher states that it was his understanding that water table elevation data was obtained by Clough, Harbour & Associates (CHA) during prior site investigation activities. This information including a discussion of where and when the water level readings were collected should be clarified in the FEIS.</p>	<p>The permanent ground water depth was determined by the Geotechnical Engineer using the best available reference material for soils types present on the Site, and the information recorded in boring logs included in the September 20, 2004 report by Dente Engineering. Additional information addressing groundwater and aquifers was provided in a letter from Dente Engineering dated December 11, 2006. The Wetland Mitigation Report includes data from several sample wells that were installed in the proposed wetland mitigation area to determine water elevation. The groundwater information data from the Mitigation Report generally supports the statements contained in the referenced Geotechnical Report. According to CHA, CHA has not conducted any site investigation to determine groundwater elevations.</p>
		<p>Mr. Fletcher would like clarification of Section 4.1.2.1, which discusses the proposed measure to prevent the potential occurrence of groundwater contamination due to the use of road salt and potential for other roadway contaminants.</p>	<p>As stated in DEIS Section 4.1.2.1, stormwater detention and infiltration practices designed in accordance with NYSDEC standards will reduce the pollutant load coming from parking lots and other impervious surfaces. Therefore, no significant impacts related to the use of salt on roads or parking lots are anticipated. In the event NYSDEC updates its Stormwater Manual to further address Chloride removal then such measures will be part of the SWPPP review that will occur during site plan review.</p>
	W.1.13	<p>Mr. Fletcher would like clarification of Section 4.1.2.4 of the DEIS in regard to the description of the lined stormwater detention basins to be situated at or near the top of sensitive slopes, in particular those that are to be located in the setback zone.</p>	<p>The one (1) basin that was located in the slope setback has been relocated out of the safe slope setback area. Basins will be evaluated on an individual basis during the site plan approval process to determine if a liner is required in the basin due to 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.</p>

Person/Affiliation	Comment Code		Response
Angelo Marcuccio Environmental Analyst NYSDEC	W.1.14	A preliminary Stormwater Management Report is included in the DEIS and assures that the site can, and will, be developed in accordance with stormwater management regulatory requirements. It further acknowledges that a final Stormwater Pollution Prevention Plan will be developed for each phase of the development of the property.	The Applicant acknowledges this comment and will prepare a Stormwater Pollution Prevention Plan as noted.
Erik T. Deyoe, P.E. Town of Bethlehem Engineer	W.1.15	<p>Given that many details of the stormwater collection and treatment system have not yet been developed, we have only completed a cursory review of the stormwater management report. We are reserving comment on this report until sufficient design details have been developed to perform a comprehensive review.</p> <p>The applicant is cautioned that it is the intent of the Stormwater Pollution and Prevention Plan to address the complete build out potential of the site and address stormwater quantity, quality and pollution prevention strategies in a holistic manner. Accordingly, a comprehensive SWPPP should be prepared and treatment areas sized to accommodate the full build out potential of the site as part of the site master planning process. Refinements and amendments to the SWPPP would then be required with the individual site plan review.</p>	A Stormwater Pollution Prevention Plan will be developed for the Phase 1 site plan submission and will also address the BMP's 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 and the site infrastructure to be reviewed during site plan review for the initial phase of construction, specific SWPPP's will be developed for each building and associated parking and drainage facilities as noted above. All SWPPP's will be subject to review by the Town Engineering Department, the Town Planning Board, and the NYSDEC. The U.S. Army Corps of Engineers will also review the drainage.
2. Cultural Resources			
Parker D. Mathusa, Treasurer, Town of Bethlehem Historical Association	W.2.1	The Town of Bethlehem Historical Association would like to recover some artifacts from The Peter McCutcheon House and that a footnote is added to the plan that the Association will work with the Applicant.	Per the terms of the data recovery plan for the site, the bulk of bricks and other materials at the site will be made available to the Town of Bethlehem Historical Associates and the Historic Albany Foundation. Coordination will be necessary to provide access to the site.

Person/Affiliation	Comment Code		Response
Skip Reilly	W.2.2	Mr. Reilly expressed concern about the alleged identification of possible pre-colonial artifacts found on the site, and that the specific location where said artifact was found should be preserved and left undeveloped for future research.	The Applicant cannot remark on the authenticity of the artifacts found by Mr. Reilly on the Applicant's property as items previously removed from a site and the absence of appropriate location data make conclusive identification virtually impossible. Several detailed investigations covering 275 acres and an analysis of discovered artifacts using methods consistent with accepted archeological standards was performed. Approximately 2000 test pits were excavated at the site. The Cultural Resources Survey was evaluated and accepted by the NYSHPO and a data recovery plan was developed in order to preserve artifacts identified in the investigation. Due to the extensive nature of the investigations and its subsequent review, no additional archeological work will be conducted except as set forth in the Data Recovery Plan. The Data Recovery Plan and subsequent Report is subject to review and approval by NYSOPRHP and the USACOE.
Donald H. Fletcher Senior Managing Engineer Barton & Loguidice, P.C.	W.2.3	Mr. Fletcher would like to see the clarification of section 4.2.5 regarding the future ownership and management of the Christian LaGrange Historic Site, including the use of the existing building. The current discussion is unclear as to whether the building will be preserved or reused and whether the ownership will be maintained by the developer or another entity.	The Christian LaGrange Site is currently proposed to be owned and maintained by the Applicant (Vista Development Group, LLC). The ultimate future use of the buildings are unknown at this point. Due to the sites historical significance and the likelihood that the site will be determined eligible for inclusion in the National Register of Historic Places by NYSOPRHP, an Avoidance Plan has been prepared and included in this FEIS (FEIS Section 3.2 and Appendix E) detailing steps that will be taken to protect the site during construction. The Avoidance Plan and Data Recovery Plan will be undertaken by the Applicant pursuant to a Federal Memorandum of Agreement with NYSOPRHP and the USACOE.
Angelo Marcuccio Environmental Analyst NYSDEC	W.2.4	The DEIS includes a report of the archaeological investigations that were conducted on the site and acknowledges that it will be reviewed by the state Office of Parks, Recreation and Historic Preservation and a final sign-off on the findings of the report is necessary from that office.	The Applicant has met with and submitted all reports to the Office of Parks, Recreation and Historic Preservation. The Phase III Data Recovery Plan will be implemented after NYSOPRHP review and approval.

Person/Affiliation	Comment Code		Response
3. Walking Trails			
Skip Reilly	W.3.1	Mr. Reilly has stated that he has a private rifle range located adjacent to the Project Sites western boundary where the Project's perimeter trail is proposed to be located. Mr. Reilly states that it his legal right to use this rifle range and that the proposed trail should be re-routed for public safety reasons including noise impacts related to rifle range.	While the Applicant cannot speak to the legality of the rifle range, the Applicant acknowledges the existence of the rifle range. This potential hazard will be considered in connection with the establishment of the trail. As an alternative, the trail could follow along the perimeter of the proposed developed area a safe distance from the top of the bank.
4. Light Pollution			
Skip Reilly	W.4.1	Mr. Reilly states that Project lights should be shielded and not visible from his property. Mr. Reilly has recommended that the lights should be placed on 16 foot poles and turned on for minimal hours in the evening and security reasons.	As stated on DEIS pages 4.44 and 4.45, lighting levels will be provided in accordance with the Town standards and the Federal "Dark Sky" standards. Light pollution mitigation measures include the following: down lighting with cutoffs will be used to prevent light pollution offsite and into the night sky. For safety reasons, lighting will be necessary in the evenings. Timers and/or sensors may be used to limit overall energy consumption and unneeded lighting. The DEIS finds that there will be no significant adverse impacts associated with light pollution.
Donald H. Fletcher Senior Managing Engineer Barton & Loguidice, P.C.	W.4.2	Mr. Fletcher would like a summary of the mitigation measures being proposed to reduce the light pollution that will be generated as a result of this project.	See response to Comment W.4.1
5. Noise Pollution			
Skip Reilly	W.5.1	Construction hours should be limited to normal business hours.	Hours for construction will be addressed with the Planning Board during site plan review. Construction will not disturb any adjacent properties due to the distance between the site's proposed development area and the nearest existing dwelling.
Donald H. Fletcher Senior Managing Engineer Barton & Loguidice, P.C.	W.5.2	Mr. Fletcher would like to see clarification of whether or not the blasting of bedrock (re: Appendix P) will be required during construction of the project and, if so, during what hours of the day it would be scheduled to occur.	The need for blasting is currently not anticipated. Should blasting be required, additional coordination with the Towns of New Scotland and Bethlehem will occur.

Person/Affiliation	Comment Code		Response
6. Traffic			
Heather Andrade, 13 Elwood	PH.6.1	Ms. Andrade would like to see the plan state that a mandatory second traffic analysis will be conducted after Phase 1 and prior to Phase 2.	The DEIS recommends conducting a traffic impact study prior to the commencement of Phase 2 of the Project. Specifically, studies will be undertaken for the Cherry Avenue Extension/Kenwood Avenue/Cherry Avenue intersection and for the two-lane segment of Route 85 between Blessing Road and the Albany City municipal boundary. Because Phase 2 of the project is some years out, the scope of these studies will be defined under the direction of NYSDOT and the Town.
	PH.6.2	Ms. Andrade also expressed concern that the anticipated impacts for the Cherry Avenue/Kenwood Intersection will also impact Orchard Street, and that the traffic study should include the Orchard Intersection in the future.	The unsignalized intersections and driveways along Cherry Avenue will see a minor increase in traffic volumes with the development of the project. However, even with full-build out of the project, the largest increase is 95 vehicles in one direction which is below the NYSDOT typical thresholds to analyze operations. In addition, it is typical and acceptable for unsignalized intersections to experience peak-hour delays. Therefore, this intersection was not part of the NYSDOT approved scope for the traffic study in the DEIS. The applicant has agreed to incorporate the intersection in the after traffic study.
Mr. Ed. Kleinke, 62 Maher Road	PH.6.3	Mr. Kleinke states that the Route 85 extension is not a bypass and that it is a mistake to not be considering a bypass that extends from the southwest portion of the site into the Town of New Scotland.	While both the Route 85 Extension and the Vista Technology Campus will commence construction in tandem and the feasibility of the Campus depends upon the completion of the proposed Extension, the two projects are separate and subject to independent reviews. The Route 85 Extension received prior approval through a separate SEQRA and NEPA review process, where members of the public were invited at that time to comment on the route and design of the Route 85 Extension. Connections to the Town of New Scotland from the southwestern portion of the Project Site is currently not feasible due to the steep topography and other environmental conditions. A Right-of-way will be reserved through the area in the unlikely event a Municipal or State entity decides to construct such a road.

Person/Affiliation	Comment Code		Response
Terry Ritz	W.6.4	Mr. Ritz asks if the 14' travel lane mean a 12' driving lane and a 2' bike lane, or an 11' driving lane with a 3' bike lane.	The 14' travel lane is a standard shared-use travel lane used to accommodate both vehicles and bicycles. It does not have a stripe on the right side, but allows the full 14' of width to be shared. Striping a dedicated bike lane would require an additional 1 foot of pavement in each direction which would result in substantial additional high-value wetland impacts which would be viewed unfavorably by the ACOE as they strive to minimize impacts. The speed limit of the roadways will be 30 MPH further reducing any potential conflicts. Shared use travel lanes have been successfully incorporated throughout the Capital District on higher volume, higher speed roadways such as Route 9 in Saratoga Springs and Wolf Road in Colonie.
Renea Pollack	W.6.5	Ms. Pollack expressed concern that commuters would use side streets to avoid traffic on major routes and that the TIS did not appear to address this.	Although a majority of traffic was assumed to utilize the Bypass to access the project, traffic was distributed in percentages approved by NYSDOT onto Blessing Road, New Scotland Road, Kenwood Avenue, and Cherry Avenue. Due to the numerous routes available, these local roads are not projected to receive a significant increase in usage as documented within the DEIS. The exiting areas of concern in North Bethlehem will see the reconstruction of Schoolhouse Road and a section of Krumkill Road, and the Russell Road/Blessing Road intersection is currently under study by the Town of Bethlehem. In addition, the extension and widening of the Slingerlands Bypass along with associated intersection improvements on Route 85 will have the effect of removing existing diverted traffic from these local roads back onto Route 85.
	W.6.6	Ms. Pollack expressed concern that the Town is approving more development than the road infrastructure can handle and accommodate child and bike safety.	As discussed in DEIS Section 4.2.1, and in response to W6.14, the traffic volumes projected on the local roads are within the capacity of those local roads and can be handled safely.
T.R. Laz	W.6.7	Mr. Laz has expressed concern that the traffic circles proposed for the site are too confusing and their radius too small to accommodate realistic driving.	The roundabout designed for access to Vista Boulevard follows the same design standards as those used by the NYSDOT for the other roundabouts on the Bypass.

Person/Affiliation	Comment Code		Response
Ed Clark, Town of New Scotland Supervisor	W.6.8	The DEIS references 1.4 million square feet of office space, however the traffic impact study was conducted to 1.18 million square feet. The Town of New Scotland would like to see this discrepancy resolved.	The project is a 1.4 million square foot mixed-use development. The 1,187,780 square feet of office space noted in the comment is comprised of only three of the items in Table 3.2, namely 473,000 s.f. of Research & Development/Office land use and 47,000 s.f. of General office in Stage I; and 667,780 s.f. of Research & Development/Office land use in Stage II (resulting in 1,187,780 s.f. of office space). The remainder of the project is comprised of retail/mixed-use land uses in Stage I (see Table 3.2) including Medical Office, the Hotel, and Retail uses which comprise an additional 212,220 square feet (assuming 67,400 square feet for the Hotel) which equates to the total project size of 1,400,000 square feet.
	W.6.9	The DEIS does not indicate who would be financially responsible for traffic improvements if, after monitoring, a drop in LOS was identified at the intersection of Kenwood and Cherry Avenues. The Town of New Scotland would like to see a financial mechanism put in place by which all the tenants share the potential cost of the mitigation.	The Applicant would be responsible to provide fair share mitigation for the level of service drops beyond those granted exceptions caused by the project (see W.6.14).
Louis G. Corsi, Chief of Police	W.6.10	The Town of Bethlehem Police Department recommends that additional studies be conducted for the following intersections: Couse Lane at New Scotland Rd, Maple Ave at New Scotland Rd, Bridge St at New Scotland Rd, Surrey Mall at New Scotland Rd, Mullens Road at New Scotland Rd, and traffic entering the US Post Office at Slingerlands.	The unsignalized intersections and driveways along New Scotland Road between Cherry Avenue Extension and Kenwood Road will see a minor increase in traffic volumes with the development of the project. However, even with full-build out of the project, the largest increase is 95 vehicles in a direction which is below the typical thresholds to analyze operations. In addition, it is typical and acceptable for unsignalized intersections to experience peak-hour delays. These driveways are also located within a stretch of road that provides alternate paths from having to make left turn exits and can allow a right turn onto New Scotland Road and a circuitous route back through signalized intersections. Therefore, traffic study standards do not analyze these minor intersections as they typically do not require mitigation.

Person/Affiliation	Comment Code		Response
John P. Poorman, Staff Director; Capital District Transportation Committee (CDTC)	W.6.11	CDTC recommends that a Transportation Management Association be considered for reducing vehicular trips on residential arterials.	Applicant recognizes the benefits of a Transportation Management Association (TMA) and upon the development of a sizeable occupancy, would also be a willing partner in a TMA. In the meantime, the Applicant will encourage future tenants to take advantage of Travel Demand Management strategies. With the projected development of Vista, the KKS Parcel(s), the Hamlet, reoccupancy of the Picotte building, and the existing Price Chopper Plaza and Medical Arts buildings on New Scotland Road; the Town and/or Chamber could give consideration to establishing a TMA for the entire project vicinity. There are currently no known TDM's within the Capital District.
	W.6.12	CDTC recommends that the main campus roadway should include sidewalks and separate striped bike lanes, in contrast to the 14' dual purpose travel lanes currently proposed in the DEIS.	The main campus roadway does incorporate a sidewalk. The 14' travel lane is a standard shared-use travel lane used to accommodate both vehicles and bicycles. It does not have a stripe on the right side, but allows the full 14' of width to be shared. Striping a dedicated bike lane would require an additional 1 foot of pavement in each direction which would result in substantial additional high-value wetland impacts which would be viewed unfavorably by the ACOE as they strive to minimize impacts. The speed limit of the roadways will be 30 MPH further reducing any potential conflicts. Shared use travel lanes have been successfully incorporated throughout the Capital District on higher volume, higher speed roadways such as Route 9 in Saratoga Springs and Wolf Road in Colonie.
	W.6.13	CDTC states that the technology portion of the campus would be difficult and costly to serve by transit as the Project is currently designed.	The Applicant is coordinating with CDTA and has already consolidated the technology portion to one transit stop, with one additional stop to serve the front of the project. Additional stops would only be considered if they are justified by demand.

Person/Affiliation	Comment Code		Response
	W.6.14	CDTC states that the Scoping Document called for an assessment of the quality of life impacts that the traffic generated by the Project would have on the Town's major residential street.	<p>Although it is noted that many of the roads studied for the proposed Vista Tech Campus have access to residential land uses, the character of these local roads do not necessarily fit the definition of residential streets that provide specific access to residential neighborhoods. These roads currently, and for the foreseeable future, function more appropriately as collectors or minor arterial streets that provide access between the area's residential neighborhoods and therefore should be compared to the LOC index scores for "Arterial-Land Access Conflicts", not necessarily compared to the "Residential Use-Traffic Conflict" Level-of-Compatibility (LOC) index scores. It is noted that the LOC review provided by CDTC on the area roadways was expanded to show No-Build and Build conditions.</p> <p>A comparison of the Arterial LOC (or Commercial LOC as stated in the table) shows that there is no change from No-Build to Build conditions after development of the Vista Tech Campus when using the more appropriate thresholds for these existing roadways. This indicates that the development will have a negligible impact on the existing character of the area's local collector and arterial roadways.</p>
Mark J. Kennedy, Regional Transportation Systems Operator, NYSDOT Region 1	W.6.15	NYSDOT states that the DEIS adequately identifies Level of Service impacts to intersections within the study area for both Stage 1 and Stage 2 construction.	The Applicant will request the Town accept the Level of Service drops and as the Lead Agency, request exceptions to the NYSDOT policy to require Developers 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." This request is being made with the knowledge from NYSDOT's Highway Design policy that "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." The FEIS for the Vista Tech Campus has provided this engineering review and documented that the LOS drops "are not likely to interfere with the efficient and safe flow of traffic...".

Person/Affiliation	Comment Code		Response
	W.6.16	<p>NYSDOT, (along with CDTA and CDTC), encourages the implementation of transportation demand management strategies as occupancy in the Vista Tech Park is realized.</p>	<p>The applicant will coordinate with prospective tenants and encourage the use of Travel Demand Management strategies. Refer to Response to Comment W6.11 above.</p>
	W.6.17	<p>NYSDOT accepts the proposal to conduct a TIS at the Cherry Ave Extension/Kenwood Ave/Cherry Ave intersection prior to Phase 2. NYSDOT also accepts the recommendation to monitor traffic volumes on the 2-lane segment of Rt. 85 between Blessing Rd and the City of Albany prior to Phase 2.</p>	<p>In addition to performing the after-study after completion of Stage 1, the applicant will conduct baseline traffic data collection efforts upon opening of the Slingerlands Bypass to document conditions prior to operation of the Vista project.</p>
Erik Deyoe, PE Town of Bethlehem Engineer	W.6.18	<p>The LOS reduction at the Cherry Avenue and Kenwood intersection is significant in our opinion and warrants more careful consideration and mitigation. The applicant should develop a comprehensive mitigation plan that includes additional studies, as deemed necessary, as well as conceptual development and the future implementation of structural improvements to address potential reductions in LOS to the satisfaction of all agencies.</p>	<p>The Project only adds a minor amount of additional traffic to this constrained intersection. The level of service drops caused by traffic from the Project is actually a minor increase in delay. A much larger infrastructure project would be required to upgrade the overall existing and projected capacity constraints due to background traffic which is beyond the responsibility of this Project. A baseline traffic condition will be established by the applicant at the Cherry Avenue/Kenwood Avenue/Cherry Avenue Extension intersection after completion of the Slingerlands Bypass and prior to the opening of any buildings 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.</p>

Person/Affiliation	Comment Code		Response
	W.6.19	The applicant and their engineering team should evaluate the internal road network for emergency situations and consider the incorporation of a redundant emergency circulation path, which may utilize the proposed parking lots, construction of reinforced earth access paths, etc.	Along with the public roadways and associated boulevard design, the interconnected parking lots and service drives provide for a redundant emergency circulation path throughout the project. Prohibitions of parking in designated fire lanes will ensure these redundant routes remain viable.
Kristina Younger, Director of Strategic Planning; Capital District Transportation Committee (CDTA)	W.6.20	The project as presented in the DEIS is consistent with the economic development goals of the Town of Bethlehem as presented in the Comprehensive Plan. CDTA, as part of its Regional Transit Development Plan, has adopted as a set of policy principles that position us to advocate for mobility in the region and build partnerships with municipalities. CDTA weighs its service investment decisions (service hours, routes, shelters) to provide incentives for communities that support transit through the policy, funding, zoning, site design decisions. All CDTA services are subject to performance monitoring and productivity analysis in a formal annual Service Evaluation process, as well as on a daily operation basis. It is in that context that CDTA comments on the DEIS are made.	The Applicant concurs and has taken a proactive coordination approach with CDTA which will not cease with the environmental review of the project, but will continue through the construction and operation of the project.

Person/Affiliation	Comment Code		Response
	W.6.21	<p>Existing CDTA Service: CDTA operates bus service on New Scotland Avenue (Route #13), with a terminus at Price Chopper Plaza. This is a trunk route in the CDTA system. In FY05-06, CDTA provided 33,351 trips on Route #13 with 7-day a week service that carried over 562,000 customers, making it the fifth most popular route in the system. It operates from 5:15 in the morning until after midnight, with 10-minute headways during peak hours and frequent standing loads. CDTA also operates Route #18 Delaware Avenue, which is currently classified as a neighboring route. It carried over 355,000 passengers in FY05-6, providing 20,373 trips with 6-day per week service from 6 AM to 9:30 PM, with a 15-minute frequency in the peak hours.</p>	<p>The applicant recognizes the high level of service currently being provided and welcomes CDTA's willingness to provide service to this project.</p>
	W.6.22	<p>Future CDTA Service: CDTA is considering route modifications to the Route 18 as part of CDTA Transit Development Plan that have the potential to create a link between the two routes in this vicinity. CDTA provision of transit service to the Vista Technology Campus would represent a significant increase in annual operating expense because the routes are both long span, high frequency routes, so this is not a decision that CDTA would enter into lightly or without significant discussion with both municipal officials and the developer over performance objectives and targets.</p>	<p>The applicant recognizes CDTA's concerns, but as a potential significant source of ridership, has initiated early coordination and will participate in ongoing discussions over performance. To minimize effects on CDTA, only one consolidated transit stop has been proposed as part of Phase I. Once ridership demand materializes, the applicant will coordinate with CDTA on additional service to Phase II which is currently proposed as one consolidated stop.</p>

Person/Affiliation	Comment Code	Response	
	W.6.23	For transit service to the Project to be successful, the following elements would need to be in place:	
		1. Travel Demand Management Policies/Transportation Association (TMA)	The applicant will coordinate with prospective tenants and encourage the use of Travel Demand Management strategies. Refer to Response to Comment W6.11 above.
		2. A comprehensive and connected pedestrian network and attractive centrally-located waiting area. Specifically, the Phase 1 main access road should incorporate a centrally located, attractive, and comfortable place to wait for the bus that is accessible by a network of pedestrian paths.	The Applicant proposes one consolidated transit stop and a connected pedestrian network as noted. Once occupancy of the Office Park develops and ridership demand materializes, the Applicant proposes a second consolidated stop in the rear of the Campus. In addition, the projected bus routes will be designed to fully accommodate CDTA's vehicles.
		3. An efficient travel path. Road configurations that leave no choice as to path and add travel time add up to large impacts on CDTA operating expenses when the transit service involved is a trunk line operating at a 10-minute peak frequency. The Vista development is too important in terms of potential economic development for transit to be considered an afterthought. CDTA seeks to work cooperatively with NYSDOT, the Town, and the Project to incorporate transit routing paths into the permitted access via roundabout and driveways to the newly constructed Slingerlands Bypass.	The applicant has proposed a loop roadway around Phase I with a single consolidated transit stop to minimize stops and travel distance for CDTA. Again, the applicant has initiated early coordination with CDTA to avoid transit service being incorporated as 'an after-thought'. Preliminary indications are for a second, centralized stop to be incorporated as part of Phase II when transit demand materializes.

Person/Affiliation	Comment Code	Response	
		<p>4. The Establishment of performance targets. The general rule of thumb that is used in CDTA service design is that the number of additional people attracted to a route deviation must be greater than those inconvenienced by the increased travel time of making a detour. For service to Vista Technology Campus, this would imply some significant passenger generation rates, depending on the route configuration, as the existing Price Chopper stop is a very popular destination, with more than 100 passengers boarding and alighting on an average weekday. Prior to a CDTA commitment of operating resources to transit service, we will work with the Town and the Applicant to establish reasonable performance targets and a schedule for evaluation of performance.</p>	<p>The applicant looks forward to an ongoing coordination with both CDTA and the Town.</p>
		<p>5. The allowance of shared use park and ride. Shared use park and ride arrangements do not increase the amount of parking required on site at a suburban office park and provide support for the retail activities incorporated into the site plan. The allowance of commuter parking in lightly used parking areas provides an additional market for transit and an increased likelihood that the transit service that is provided will be successful. As few as 50 to 100 shared use spaces can make a difference.</p>	<p>The Applicant understands the value of providing a park and ride, but does not have any ability to provide such increased impervious surface in the front of the site due to the need to avoid additional wetland impacts and to provide flexibility in site design, i.e. provision of pedestrian friendly features in a campus-like setting. In addition, the retail uses envisioned at the front of the site are anticipated to be used throughout the day by employees of the Campus and the general public. Use of retail businesses by on campus occupants will also diminish traffic trips off-site.</p>

Person/Affiliation	Comment Code		Response
<p>Donald H. Fletcher Senior Managing Engineer Barton & Loguidice, P.C.</p>	<p>W.6.24</p>	<p>As it relates to the MED Master Plan, clarify the assumptions of the DEIS with regard to square footage, approximate land use break downs, and associated vehicle trips generated, that form the basis for the Phase I and Phase II build out traffic analyses.</p>	<p>As stated in the Traffic Impact Study (TIS), the proposed project is envisioned as a 1,400,000 SF mixed-use development consisting of uses such as research & development space, manufacturing space, office space, medical office space, retail development, a restaurant, bank, and hotel which will be constructed in two phases over 10 years. The following breakdown of land uses for Stage 1 development and Full Build-Out development of the Vista Tech Campus is provided as it relates to the MED Master Plan found in the TIS and dated June 2, 2006.</p> <p>Stage 1 Development</p> <ul style="list-style-type: none"> · General Office Buildings (47,000 SF) – Building C and second floor of Building F · Medical Office Building (90,000 SF) – Building E · Retail Centers (39,820 SF) – Building B and first floor of Building F · Restaurants (12,000 SF) – Building A and Building D · Bank with Drive-Thru Window (3,000 SF) – Building G · Hotel (150-rooms at 67,400 SF) – Building H · Manufacturing/Research & Development/Office Space (473,000 SF) – Buildings I-M and Buildings W-Y
			<p>Full Build Out Development</p> <ul style="list-style-type: none"> · Research & Development/Office Space (667,780 SF) – Buildings N-V <p>It was assumed that Stage 1 of the project would consist of the three clusters of buildings located closest to the Bypass Road as shown on the Master Plan. Construction of the remaining two building clusters would constitute full build-out of the development. The trip generation associated with each land use and its corresponding square-footage is shown on Table 3.2 of the TIS. In addition, a Supplemental Traffic Analysis has been prepared based on comments as a sensitivity analysis for an alternate land use scenario.</p>

Person/Affiliation	Comment Code		Response
	W.6.25	<p>In accordance with the letter from NYSDOT Region 1, dated February 2, 2007, a review of each level of service (LOS) impact will be required. The impact to the LOS due to the proposed action should be identified along with the proposed mitigation measures, requests for exception and justification for the exception. If an exception to the mitigation is proposed, sufficient justification must be included to show that the mitigation measures result in a severe economic hardship to the owner/developer or adverse environmental impacts. The justification should contain adequate information to allow the highway agency (either the NYSDOT or the municipality) to determine if an exception will be allowed.</p>	<p>This mitigation evaluation is based on both the Traffic Impact Study analysis as presented in the DEIS and also a Supplemental Traffic Analysis letter dated March 29, 2007; which has been included as an appendix to the FEIS. The following summarizes the level of service impacts, the required improvements to mitigate the level of service degradations, and the justification for an exception to NYSDOT’s policy to maintain the same levels of service from No-build to Build conditions.</p> <p>Stage 1 Development NY Route 85/Blessing Road –</p> <ul style="list-style-type: none"> a. LOS Impact – Southbound Blessing Road approach degrades from a LOS A to a LOS B during the PM peak hour. b. Improvement – The westbound Bypass approach to the roundabout would need to be signalized to create additional gaps for the southbound Blessing Road approach. c. Reason for Exception – The LOS B is an acceptable peak hour Level of Service and the NYSDOT is not currently signalizing approaches to roundabouts.
			<p>NY Route 85/NY Route 140 (Cherry Avenue Extension)/Slingerlands Bypass –</p> <ul style="list-style-type: none"> a. LOS Impact – Southbound Bypass Road approach degrades from a LOS A to a LOS B during the PM peak hour. b. Improvement – The southbound Bypass Road approach would need to provide a third entry lane into the roundabout for exclusive right turns to Slingerlands. c. Reason for Exception – Construction of a third southbound lane into the proposed roundabout would negatively impact non-vehicular accessibility on this approach by increasing pedestrian crossing distance for all hours of the day. The NYSDOT evaluated the need for this third lane as part of the Bypass development and determined that it was not desired due to the pedestrian concerns and inexperience with a three lane approach. A LOS B is considered an acceptable peak hour Level of Service.

Person/Affiliation	Comment Code		Response
			<p>NY Route 85/Kenwood Avenue –</p> <ul style="list-style-type: none"> a. LOS Impact – Eastbound Route 85 approach and the overall level of service degrades from a LOS B to a LOS C during the AM peak hour. b. Improvement – The eastbound Route 85 approach would need to be widened to provide a separate right-turn lane. c. Reason for Exception – Construction of a separate right-turn lane at this location would necessitate acquisition of additional ROW from the adjacent parcels. Traffic from the proposed tech campus will only increase delay by approximately 7 seconds during the AM peak hour on the eastbound New Scotland Road approach. The LOS C is still an acceptable peak hour Level of Service.
			<p>NY Route 85/McCormack Road North -</p> <ul style="list-style-type: none"> a. LOS Impact - Southbound Cherry Avenue Extension (Rt. 140) Left-turn drops from LOS A to B during the PM Peak Hour. b. Improvement - This is an unsignalized movement, therefore the only improvement for this movement would be if the intersection were to be signalized. c. Reason for Exception - Signalizing this intersection would have the tendency to increase overall intersection delay. It is common and acceptable for minor movements at unsignalized intersections to experience peak-hour delays; however, it is NYSDOT practice to not install traffic signals to improve LOS for minor movements.

Person/Affiliation	Comment Code		Response
			<p>NY Route 140/Kenwood Avenue/Cherry Avenue –</p> <p>a. LOS Impact – Westbound Route 140 left-turn/through lane and northbound Cherry Avenue left-turn lane degrades from a LOS C to a LOS D during the AM peak hour while the eastbound Kenwood Avenue approach degrades from a LOS D to a LOS E during the PM peak hour.</p> <p>b. Improvement – The eastbound Kenwood Avenue approach would need to be widened to provide an exclusive left-turn lane, or have the intersection reconstructed with a modern roundabout.</p>
			<p>c. Reason for Exception – Although adding a left-turn lane on the eastbound Kenwood Avenue approach would mitigate the LOS degradations back to No-Build conditions, this lane would accommodate a peak hour demand of only 40 vehicles during the AM peak hour and 25 vehicles during the PM peak hour; however, thru vehicles would also see a benefit by removal of the left-turn vehicles from the shared lane. Since the improvement would be used by so few vehicles, the cost of this improvement far outweighs the benefits that would be achieved. In addition, the Town of Bethlehem has recognized the projected poor No-Build (i.e. pre Vista) levels of service at this intersection and indicated a desire to pursue mitigating the projected background capacity constraints by converting the signalized intersection into a modern roundabout, utilizing roundabout set-aside funding from CDTC.</p> <p>Another option for funding would be the development of a Transportation Development District where the cost of the improvement would be shared among those future developments who add vehicle trips to the intersection. This improvement would alleviate the projected delays and also integrate well into the neighborhood. As such, we propose to delay completion of the proposed left-turn lane until the results of the after-traffic study are completed in conjunction with an updated status from the Town on the proposed roundabout.</p>

Person/Affiliation	Comment Code		Response
			<p>Full Build-Out Development NY Route 85/Blessing Road – a. LOS Impact – Southbound Blessing Road approach degrades from a LOS B to a LOS C while the westbound Route 85 approach and the overall intersection degrades from a LOS A to a LOS B during the PM peak hour. b. Improvement – The widening of the southbound Blessing Road approach described for Stage 1 development would be necessary in addition to the construction of a third lane on the westbound Bypass Road approach. This third lane would subsequently widen the intersection to a three-lane roundabout. c. Reason for Exception – The NYSDOT does not accept three lane roundabout designs at this time, and if acceptable in the future, would require widening of the bridge over the Normans Kill. LOS B and LOS C are both acceptable peak hour Levels of Service.</p>
			<p>NY Route 85/New Scotland – a. LOS Impact – The signal timing improvement recommended at this intersection was proposed to mitigate the No-Build, AM peak hour LOS E condition on the southbound Route 85 left-turn lane. Although the LOS E will improve to a LOS C, the timing modification will drop the eastbound Route 85 left-turn movement from a LOS A to a LOS B. b. Improvement – Signal timing modifications. c. Reason for Exception – The signal timing at this intersection can be modified so that all movements will operate at the same levels of service as No-Build conditions which would include the LOS E condition during the AM peak hour on the southbound Route 85 left-turn movement. It was determined that the intersection would operate more efficiently during No-Build and Build conditions if vehicle delay was more evenly distributed to each approach even though it drops the eastbound left-turn movement from a LOS A to a LOS B.</p>

Person/Affiliation	Comment Code		Response
			<p>Therefore, it is recommended that the signal timing proposed in the TIS be implemented since it is an overall benefit to intersection operations and since a LOS B is considered an acceptable operating condition.</p>
			<p>NY Route 85/NY Route 140 (Cherry Avenue Extension)/ Slingerlands Bypass –</p> <ul style="list-style-type: none"> a. LOS Impact – Southbound Bypass Road approach degrades from a LOS A to a LOS C while the overall intersection degrades from a LOS A to a LOS B during the PM peak hour. b. Improvement – Same as Stage 1 development. c. Reason for Exception – Same as Stage 1 development. <p>NY Route 140/McCormick Road North –</p> <ul style="list-style-type: none"> a. LOS Impact – Southbound Route 140 left-turn lane degrades from a LOS A to a LOS B during the PM peak hour. b. Improvement – There are no unsignalized improvements that will mitigate this level of service degradation. The installation of a traffic signal or a two lane roundabout would be necessary to improve intersection levels of service. c. Reason for Exception – This LOS degradation is less than 1 second over the LOS A threshold, and a LOS B is still an acceptable LOS. It is noted that traffic volumes on North McCormick Road do not meet the warrants for the installation of a traffic signal.

Person/Affiliation	Comment Code		Response
			<p>NY Route 140/Kenwood Avenue/Cherry Avenue –</p> <p>a. LOS Impact – Westbound Route 140 left-turn/ through lane and northbound Cherry Avenue left-turn lane degrades from a LOS C to a LOS D while the eastbound Kenwood Avenue approach degrades from a LOS E to a LOS F during the AM peak hour. During the PM peak hour, the northbound Cherry Avenue left-turn lane and the southbound Route 140 through/right-turn lane degrade from a LOS D to a LOS E while the southbound Route 140 left-turn lane degrades from a LOS E to a LOS F.</p> <p>b. Improvement – The eastbound and westbound Kenwood Avenue approaches would need to be widened to provide exclusive left-turn lanes, or have the intersection reconstructed with a modern roundabout.</p> <p>c. Reason for Exception – Same as Stage 1 development.</p>
			<p>NY Route 85/Maher Road/Bypass Road –</p> <p>a. LOS Impact – Westbound Route 85 approach degrades from a LOS A to a LOS B while the overall intersection degrades from a LOS A to a LOS B during the PM peak hour.</p> <p>b. Improvement – The construction of a third lane on the westbound Bypass Road approach is necessary which would subsequently widen the intersection to a three-lane roundabout.</p> <p>c. Reason for Exception – The NYSDOT does not currently accept three lane roundabout designs, and a LOS B is an acceptable LOS.</p>

Person/Affiliation	Comment Code		Response
	W.6.26	Review and revise accordingly the last sentence is the subsection 1.4 Link Capacity section as it appears to conflict with the LOS discussions in previous sections. Also, provide clarification in this subsection on the assumptions as to how “site traffic will be dispersed in various directions” for the traffic to New Scotland (west of Cherry Avenue Extension), Blessing Road, Cherry Avenue and Kenwood Avenue.	<p>The sentence should read "Increases caused by the Project are well within the existing capacity of Blessing Road and will not alter the existing character, which is currently operating as a local collector roadway."</p> <p>Traffic distribution assumptions were made based on existing observed traffic patterns and probable destinations based on population centers in the Capital District. It is noted that the NYSDOT and CDTC have reviewed and accepted these distributions. Of the site generated trips, it was assumed that 10% will use New Scotland Road (west of Cherry Avenue Extension), 10% will use Blessing Road, 10% will use Cherry Avenue, and 5% will use Kenwood Avenue. The respective additional trips from the tech campus on these local roads are less than 10% of existing traffic volumes with the exception of Blessing Road.</p>
	W.6.27	The Accident Analysis states that the primary accident type in the project area is rear-end collisions at intersections, and will be lessened by a reduction in area congestion and the conversion of intersections to modern roundabouts. It also states that the installation of roundabouts will effectively reduce overall intersection accidents, particularly right-angle accidents. It is not apparent from the documentation that the likelihood of rear-end accidents will be eliminated or reduced as a direct result of the proposed action, nor is it clear whether the condition will remain the same or be worsened. Review and revise it accordingly.	Accident data presented by FHWA for roundabouts indicates a reduction between 7% and 17% for rear-end accidents over signalized intersections. In addition, information published in the ITE Journal, March 2007, presents a comparison of accident statistics of roundabouts versus traditional intersections. It was found through case studies that rear-end accidents were three times more prevalent at traditional intersections than at roundabouts.

Person/Affiliation	Comment Code		Response
	W.6.28	<p>It is stated in several locations of section 4.2.1 that “the future integration of the proposed pedestrian, bicycle and public transportation amenities will also aid in reducing traffic demands.” This reduction in vehicular traffic demands should be clearly defined and quantified if used as a justification for allowing LOS degradation as a result of the proposed action. It is not apparent that a significant number of employees will choose walking or bicycling as a primary means of commuting, given the fact that the current shoulders and sidewalks on the existing roadway network between the proposed Vista site and outlying residential areas do not promote their widespread use for that purpose. In addition to projections of anticipated pedestrian commuters, a projection of anticipated bus/transit commuters should also be quantified to evaluate the expected reduction in traffic demands.</p>	<p>The TIS presents a worst-case transportation scenario assuming that all patrons and employees of the development drove to the site via car with no credits being taken for other modes of transportation such as pedestrians, bicyclists, or transit users. However, a full pedestrian network is being incorporated including provisions for future connection to the New Scotland Road Hamlet, along with transit stops and shared use travel lanes for bicyclists, indicating that actual travel demands will be lower than that analyzed.</p>

Person/Affiliation	Comment Code		Response
	W.6.29	<p>Mitigation Full Build out Construction Scenario (2005)- Cherry Avenue Extension (Rt 140)/Kenwood Avenue/Cherry Avenue Intersection. It is stated that the intersection may require geometric improvements due to LOS impacts, but a future impact study should instead be conducted to determine if the future traffic projections “materialize”. Mitigation measures for the intersection should be identified and discussed in section 4.2.1 to determine if the improvements are warranted at this time, and to allow proper land use planning efforts for future improvements.</p>	<p>With the exception of Cherry Avenue Extension, all of the approach legs to the intersection are two-lane roadways. Therefore, capacity at the current signalized intersection can only be improved by adding auxiliary turn lanes, of which only the eastbound Kenwood Avenue approach has not already been widened. Although adding a left-turn lane on this approach would mitigate the LOS drop back to No-build conditions, this lane would only accommodate a peak hour demand of 40 vehicles during the AM peak hour and 25 vehicles during the PM peak hour, although there would be inherent improvements to the through vehicles with the removal of left-turns from the shared lane. Since the improvement would be used by so few vehicles, the cost of this improvement far outweighs the benefits that would be achieved. In addition, the Town of Bethlehem has indicated a desire to pursue mitigating the projected background capacity constraints at the intersection by converting the signalized intersection into a modern roundabout, utilizing roundabout set-aside funding from CDTC.</p>

Person/Affiliation	Comment Code		Response
			<p>Another option for funding would be the development of a Transportation Development District where the cost of the improvement would be shared among those future developments who add vehicle trips to the intersection. This improvement would alleviate the projected delays and also integrate well into the neighborhood. As such, we propose to delay completion of the proposed left-turn lane until the results of the after-traffic study are completed in conjunction with an updated status from the Town on the proposed roundabout. In light of this potential comprehensive roundabout solution, an exception to the NYSDOT Policy is requested at this time.</p>
	W.6.30	<p>Mitigation Full Build out Construction Scenario (2005) - Slingerlands Bypass. It is stated that a capacity constraint may develop on the Bypass for the Full Build out condition due to increased traffic volumes from the proposed action, yet no potential mitigation measures are indicated. Mitigation measures for the Bypass should be identified and discussed in section 4.2.1 to determine if the improvements are warranted at this time, and to allow proper land use planning efforts to allow for future improvements.</p>	<p>It is stated in Section 4.0 that the NYSDOT's widening of the bypass (see FEIS for the Slingerlands Bypass) to four lanes in the future will mitigate the capacity constraints on the Slingerlands Bypass.</p>

Person/Affiliation	Comment Code		Response
	W.6.31	<p>Trip Generation- The DEIS states that the full build out will result in approximately 5,000 on-site jobs. Although the ITE’s Trip Generation and study information from the Rensselaer Technology Park was used to develop average trip ends/square area of development, it is unclear how the calculated number of vehicle trips for the peak hours (approximately 1,200 total for each peak hour) in the TIS correlates to the expected number of total commuter trips and other trips stated in the various DEIS sections. Clarify the trip generation assumptions used in the TIS and DEIS and review to ensure they correlate to each other.</p>	<p>The 5,000 jobs were discussed in the DEIS as part of the economic impact analysis, is based upon full build-out of the Project and represents the projected total number of employees at the Campus. The discrepancy between this figure and the approximate 1,200 employees used in the traffic impact study is due to the fact that the traffic study figures cited represents peak-hour traffic and does not take into account second-shift employees and others arriving at off-peak hours or employees using mass transit.</p>
	W.6.31	<p>Trip Generation- The DEIS states that the full build-out will result in approximately 5,000 on-site jobs. Although the ITE’s Trip Generation and study information from the Rensselaer Technology Park was used to develop average trip ends/square area of development, it is unclear how the calculated number of vehicle trips for the peak hours (approximately 1,200 total for each peak hour) in the TIS correlates to the expected number of total commuter trips and other trips stated in the various DEIS sections. Clarify the trip generation assumptions used in the TIS and DEIS and review to ensure they correlate to each other.</p>	<p>The trip generation summary is developed based on standard ITE procedures that evaluates the time period in which the combination of site generated traffic and adjacent street traffic is at its maximum. This focuses on one specific hour and does not account for trips generated outside of that time frame. Additional trips will enter and exit the Vista project outside of the one AM peak hour and one PM peak hour of adjacent street traffic analyzed in the TIS. The ITE trip generation estimates are based on empirical data collection at existing sites throughout the Country.</p> <p>The estimate of 5,000 on-site jobs is based on calculations derived from economic and building square footage estimates, and includes multiple work shifts and weekend employees. This number is unrelated to the number of peak hour trips projected.</p>

Person/Affiliation	Comment Code		Response
	W.6.32	<p>Trip Distribution - While the 70-percent Albany/30-percent Delmar traffic distribution for this project appears to be a fair assumption, it would be prudent to have a sensitivity analysis completed. Examining potential impacts of other distribution ratio that could potentially occur would provide a better understanding of the various levels of potential mitigation that would be required at the various roadways and intersections. We suggest, therefore, that traffic distributions of 80-percent Albany/20-percent Delmar and 60-percent Albany/40-percent Delmar also be examined for the Phase I build out to identify LOS drops compared to the 70/30 split. Also, provide the justification for the 70/30 split in the TIS.</p>	<p>It is noted that the NYSDOT and CDTC have accepted the trip distributions as presented in the TIS (and the Scoping Document did not include the need to present traffic analyses assuming alternative, what-if, trip distribution scenarios); however, a Supplemental Traffic Analysis has been prepared based on comments as a sensitivity analysis for an alternate land use scenario (included as an appendix for reference) and the following qualitative discussion has also been added.</p> <p>Considering that the critical intersections are located to the south and west of the site, it is not anticipated that the 80/20 split will negatively impact intersection operations reported in the TIS since it would only direct traffic away from these locations. The 60/40 split will only increase traffic to and from the south/west by 10%. This is equal to an increase in Stage I traffic of approximately 70 trips and 85 trips during the AM and PM peak hours, respectively, and an increase in Stage II traffic by approximately 110 trips and 120 trips during the AM and PM peak hours, respectively. It is noted that NYSDOT does not require an intersection evaluation to be conducted if a development does not add at least 100 trips to a single approach.</p>

Person/Affiliation	Comment Code		Response
			<p>The impact these additional trips will have on the study area network and intersections will dissipate the farther you travel away from the site. It is not anticipated that a 10% increase of traffic traveling to and from the south and west will alter the recommendations provided in the TIS since the volumes will be split between multiple intersections and multiple directions.</p>
	W.6.33	<p>Capacity/LOS Analysis- NY Route 85/NY Route 140 (Cherry Ave. Extension)/Price Chopper Plaza Driveway (Slingerlands Bypass)- the mitigation measure at this intersection is identified as a right turn lane on the southbound Bypass Road, which was subsequently justified as non-feasible due to negative impacts to non-vehicular access with the added roadway width. The expected number of pedestrians and non-vehicular traffic should be stated to justify the exception to the proposed mitigation measure.</p>	<p>Pedestrian counts were not conducted during field observations so we are unable to quantify actual numbers of pedestrians at this intersection. However, the CDTC is advocating non-vehicular use in the project area for all hours of the day. It is noted that Price Chopper is located in the northeast quadrant of this intersection and that any pedestrian traffic on the north side of New Scotland Road traveling to the supermarket would need to cross a three lane approach on the Bypass Road before reaching the splitter island. Therefore, by not widening the approach to reduce delay during the one applicable peak hour, there is an inherent pedestrian benefit the remaining 23 hours of the day.</p>

Person/Affiliation	Comment Code		Response
	W.6.34	<p>Capacity Analysis- Slingerlands Bypass/West Site Access Road- this driveway operates at a LOS F during the first year of the full build out. It is noted in the TIS that, if approximately 40% of the expected traffic uses the other site entrance as an alternative, this access road will operate at a minimum LOS D. It is apparent that the proposed western access road will be obsolete as soon as the full build out is constructed and will likely result in vehicles being forced to be diverted to an alternate entrance, yet the operations are summarized as being “acceptable”. Clarify why this would be acceptable.</p>	<p>Level of service E or F conditions are common acceptable operating conditions for unsignalized minor street approaches to high volume roadways during peak hours. Further, as stated in the TIS, there is more than adequate capacity at the East Site Access driveway to accommodate an increased use of that driveway versus the West Site Access driveway. Such a use of the East Site Access driveway will decrease the delay experienced at the West Site Access driveway. It is noted that the unsignalized internal site intersection located prior to the East and West Site Access Road intersections will be able to accommodate a shift of approximately 100 through vehicles on the southbound approach (stated in the updated 8/29/06 TIS) to left-turns since they will only oppose approximately 25 vehicles traveling northbound from the Slingerlands Bypass. As per comment W.6.23, the applicant will encourage the use of TDM strategies to help minimize demand.</p>

Person/Affiliation	Comment Code		Response
	W.6.35	<p>Link Capacity Feasibility Evaluation- Phase 1 build out will result in NY Route 85 exceeding the estimated capacity threshold of 1,600 vph. It is recognized that the Slingerlands Bypass FEIS identified the need for eventual widening; however, it should be determined when this need would normally be expected to occur in the No-Build condition, and how quickly the additional volumes resulting from the Phase I development will accelerate the need for the widening.</p>	<p>As per the FEIS for the Slingerlands Bypass, the two-lane section of Route 85 between Blessing Road and the City of Albany line would need to be widened to four-lanes in approximately 10 years without the construction of the proposed Vista Tech Campus. As stated in the TIS, the 1,600 vehicle per hour capacity might be exceeded in approximately 5 years due to the anticipated trip generation of the proposed development.</p>
<p>David P. Jukins Principal Transportation Engineer CDTC</p>	W.6.36	<p>The Transportation assessment prepared for the DEIS is not complete. The scope called for an assessment of the quality of life impacts that traffic generated by the development would have on the town’s major residential streets like New Scotland Road, Kenwood Avenue, Cherry Avenue, and others. Based on our review of the document, it doesn’t look like this was done. One way to do this is to use CDTC’s Level-of-Compatibility measure to determine the extent that traffic affects the livability along a residential arterial. Although mitigating actions may be difficult to identify, the impact should be identified much like level-of-service deficiencies that can’t be fixed are identified. CTTC staff completed a quick LOC review and attached it to our letter.</p>	<p>Please refer to Response for Comment W.6.14.</p>

Person/Affiliation	Comment Code		Response
	W.6.37	CDTA is advocating for a privately-supported transportation management association (TMA) for this area. We think this is a good idea. A well-organized TMA can be very effect in reducing SOV travel. Although not a solution by itself, a TMA is one transportation strategy that can shift 10-20 percent of vehicle travel to transit, ridesharing, walking, and cycling. Among other benefits, reducing vehicle travel can help reduce conflict on the town's residential arterial and collector streets.	Please refer to Response for Comment W.6.11.
	W.6.38	Like NYS DOT, CDTC is supportive of the DEIS' proposal to monitor travel generated by the development and its impact on Route 85 and Cherry Avenue Extension.	Please refer to Response for Comment W.6.16.
Erik T. Deyoe, P.E. Town of Bethlehem Engineer	W.6.39	The traffic impact study projects "unavoidable and minimally significant" impacts as several intersections as a result of the Vista Technology Campus development. While we agree that the level of service drops at most intersections are not significant, the reduction in LOS at the Cherry Avenue and Kenwood intersection is significant in our opinion and warrants more careful consideration and mitigation. The NYS DOT, Albany County, and the Town of Bethlehem all have highways converging at this intersection (although the intersection is under NYS DOT jurisdiction). The applicant should develop a comprehensive mitigation plan that includes additional studies, as deemed necessary, as well as conceptual development and the future implementation structural improvements to address potential reductions in levels of service to the satisfaction of all involved agencies.	The Project only adds a minor amount of additional traffic to this constrained intersection. The level of service drops caused by traffic from the Project is actually a minor increase in delay. A much larger infrastructure project would be required to upgrade the overall existing and projected capacity constraints due to background traffic which is beyond the responsibility of this Project. A baseline traffic condition will be established by the applicant at the Cherry Avenue/Kenwood Avenue/Cherry Avenue Extension intersection after completion of the Slingerlands Bypass and prior to the opening of any buildings 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 NYS DOT to determine the appropriate mitigation and responsible parties for such mitigation, if required.

Person/Affiliation	Comment Code		Response
	W.6.40	Although a boulevard cross section is proposed along the main internal road, the configuration lacks redundancy that may be beneficial for emergency purposes or mass evacuation of the western portion of the site. The applicant and their engineering team should evaluate the internal road network for emergency situations and consider the incorporation of a redundant emergency circulation path, which may utilize the proposed parking lots, construction of reinforced earth access paths, etc.	Along with the public roadways and associated boulevard design, the interconnected parking lots and service drives provide for a redundant emergency circulation path throughout the project. Prohibitions of parking in designated fire lanes will ensure these redundant routes remain viable.
7. Property Tax			
Mr. Bill Cushing, 9 Catherine St.	PH.7.1	Mr. Cushing fully supports this project and has no concerns about it. He believes that many of the commuters who currently find themselves stuck in traffic would benefit by having a shorter commute to Vista Tech Park. He believes the tax dollars that the site will provide will sustain the level of services in the Town.	The Applicant recognizes that the Project will bring sizable tax revenue benefits to the two municipalities. On this basis the increase in revenues will allow the Towns to entertain a number of options regarding taxing rates and level of services.
Renea Pollack	W.7.2	Ms. Pollack expressed concern that the tax revenue generated will disproportionately benefit the Bethlehem School District, while providing little or not tax relief to the residents of the Town of Bethlehem.	Existing taxing jurisdictions are established in law and outside the purview of the Applicant. Subsequent municipal and school district budgeting decisions and taxing rates are subject to the deliberations of the respective Towns and School Boards.

Person/Affiliation	Comment Code		Response
Ed Clark, Town of New Scotland Supervisor	W.7.3	The Town of New Scotland requests that the financial analysis be amended to project the fiscal impact to the Town of New Scotland and the DEIS should distinguish the anticipated build out timeframe within each municipality.	Based upon an analysis of the Project's property tax revenues for the Town of New Scotland (refer to Section 3.1 of the FEIS for additional detailed information), the Vista Technology Campus will generate more than \$800,000 in revenues for the Town of New Scotland over the 20-year period. Upon full build out, the Project will result in over \$37 million of additional taxable property within the Town of New Scotland. The anticipated full build out time for the development will occur over 12 years for both portions of the project Site in the Town of Bethlehem and Town of New Scotland, however, this time frame is speculative because it relies heavily on market factors.
T.R. Laz	W.7.4	Mr. Laz is of the opinion that the municipal fiscal benefits identified in the DEIS are high and not accurate.	The financial forecasts used in the fiscal analysis are based upon the best available data and current market conditions, and therefore, the results are conservative figures. Camoin Associates utilized a reliable financial modeling program for their study as described in their reports.
Donald H. Fletcher Senior Managing Engineer Barton & Loguidice, P.C.	W.7.5	Mr. Fletcher would like a similar fiscal impact analysis for the Town of New Scotland as was completed for the Town of Bethlehem.	A similar fiscal impact analysis has been provided for the Town of New Scotland. (Refer to response to Comment W.7.2 and FEIS Section 3.1).
Erik T. Deyoe, P.E. Town of Bethlehem Engineer	W.7.6	Consider the development of a fiscal impact table similar to Table 4-4 to depict the net fiscal impact on the General Town Government.	See response to Comment W.7.4

Person/Affiliation	Comment Code		Response
8. Wildlife			
Renea Pollack	W.8.1	Ms. Pollack is concerned that unsafe human-animal interactions will increase through displacing wildlife from the Project site.	Displaced deer populations were identified in the DEIS as a potential impact. Since most of the development is setback from woodland habitats and large swaths of woodlands will remain undeveloped on the site, the existing deer would be able to continue to live in on-site habitat areas contiguous with the Project Site and away from direct contact with non-recreational human activity, thereby mitigating this potential impact.
Rocky Reese	W.8.2	Concern was expressed that the adverse conditions on the site, such as steep slopes, wetlands, and wildlife make the site unsuitable for the Project.	The Project was designed in conformance with applicable laws and the need to ensure public safety. Steep slopes will be undeveloped and development will be situated on the topographically level portion of the site, away from the ravines and creeks that surround the site. Stormwater controls are designed to protect water quantity and quality. The project avoids wetland impacts to the extent practicable, and the 2.4 acres of wetland impacts will be offset by the creation, enhancement, and preservation of wetland and upland habitat. New wetlands to be created will total 3.2 acres and will be a mix of forested, scrub-shrub, and wet meadow habitat.
			These created wetlands will be in association with existing on-site wetlands. An additional 1.9 acres of upland buffers around the created wetlands will be enhanced with evergreen tree plantings. In addition, approximately 155 acres of ecologically valuable wetland and upland habitat, including thousands of feet of stream/aquatic resource habitat, will be preserved as part of the project. While common animal species occur in the early successional habitats to be primarily impacted by the project, the wildlife report and documentation from the U.S. Fish and Wildlife Service and the NYSDEC did not indicate the presence of any listed endangered or threatened species or rare habitats on the site.
Donald H. Fletcher Senior Managing Engineer Barton & Loguidice, P.C.	W.8.3	Mr. Fletcher would like clarification on the projects impacts on deer and other wildlife currently residing within the boundaries of the project site, as well as a description of "nuisance wildlife control measures" (i.e. NYSDEC bow hunting permit) that are proposed for implementation.	Please see Response to Comment W.8.1

Person/Affiliation	Comment Code		Response
9. Water Supply			
Donald Hernandez, 53 Maher Rd.	PH.9.1	There is a general concern that stormwater runoff from parking lots and industrial activities on the site will impact groundwater. Will the wells be tested prior to construction in order to identify the existing quality of ground water around the site? Will the wells be monitored after construction?	Adverse impacts to private water supplies are not expected as these private water supplies are hydrologically remote from the Project Site. There is a large ravine between the Project Site and the private wells. The Applicant will conduct a standard residential water test on Mr. Hernandez's private well, if access is granted by Mr. Hernandez, prior to construction. Currently there are no plans to monitor wells due to the significant ravine separating the residences with wells from the Project Site. Each specific SWPPP will address the treatment of run-off to further reduce the potential impact to the private wells.
Chuck Quackenbush	PH.9.2	The proposed development is counting on water from the Town system, and Bethlehem has not acquired any significant new water systems since the last dry period. There is concern that the development will strain the already limited water resources available to the Town during dry periods.	The Town has several agreements with area municipalities for existing water supplies and is currently working with these entities to secure additional access to water supplies for this and other future developments in the Town of Bethlehem.
Ed Clark, Town of New Scotland Supervisor	W.9.3	There is concern that the FEIS needs to indicate that there is sufficient water supply available for the portion of the Project within the Town of New Scotland.	Sufficient water supply will be available for the portion of the Project located within the Town of New Scotland. This is based on designed capacity to be constructed at the site and on discussions with the Town of Bethlehem regarding the availability and provision of water to the entire site. Please refer to the O'Brien and Gere Report (FEIS, Appendix C), which states that water will be provided by the Town of Bethlehem to meet the projected average daily water demand as well as the fire flow demand for that portion of the project. The establishment and extension of water districts as well as Inter-Municipal agreements between the Towns will be necessary.
	W.9.4	The Town would like to see the portions of any public utilities in the Town of New Scotland dedicated to the Town of New Scotland.	The FEIS will indicate that public utilities located in any public rights-of-way on portions of the property located within the Town of New Scotland will be dedicated to the Town of New Scotland. Both the Towns of New Scotland and Bethlehem will enter into an Inter-Municipal agreement for road maintenance. In addition, the Applicant expects that both communities will enter into Inter-Municipal agreements for operation and maintenance of the sewer and water utilities. This Inter-Municipal agreement will also address any other provisions as they relate to water and sewer.

Person/Affiliation	Comment Code		Response
	W.9.5	Exhibits from Appendix K including distribution plans and calculations should be included with an opportunity for review and comment.	The distribution plans and calculations are included in Appendix K in the DEIS.
	W.9.6	The Town would like to see the Applicant specify the use of individual water meters for the four buildings proposed for the portion of the site in the Town of New Scotland.	Each building will be served by municipal water and will be metered.
	W.9.7	Town has requested the opportunity to review the O'Brien & Gere water model study.	A copy of the Water Model Study will be provided to the Town. This report is also included in Appendix C of this FEIS.
Erik T. Deyoe, P.E. Town of Bethlehem Engineer	W.9.8	Based on the first draft of the O'Brien & Gere water model study, it appears that the Town's water distribution system can provide the projected average day demand.	The Applicant has provided the final copy of the O'Brien and Gere report in Appendix C of the FEIS which indicates that the Town's water distribution system can provide the projected average daily demand as well as the fire demand.
	W.9.9	Please provide a revised Figure 13.a depicting property lines and existing structures so we can review the adequacy of the proposed water district extension boundary.	A revised DEIS Figure 13.a has been provided. District boundary lines have been added and roughly extend to the Bethlehem town line in the Town of Bethlehem and to the limits of the proposed MEDD zoning district in the Town of New Scotland.
	W.9.10	As referenced in the DEIS, the Town Engineering Division is developing a water distribution system model in conjunction with O'Brien and Gere (OBG). Based on OBG's first draft of the report, it appears that the Town's water distribution system can provide the projected average day demand (approximately 140,000 gpd) plus a fire flow demand of 1,250 gpm. It also appears that the proposed 12" watermain, paralleling the Route 85 Bypass, is sufficiently sized to support the demand of the project site, assuming it is all constructed under Phase I of the construction.	The Applicant will rely upon the Town's system to provide water for the project.

Person/Affiliation	Comment Code		Response
	W.9.11	<p>The proposed site water distribution system detailed on Figure 13.b appears to provide insufficient redundancy and looping. As depicted, any watermain break, emergency, or maintenance on the watermain beyond the intersection Vista Boulevard and LeGrange Road will result in an outage for as many as 16 buildings - the majority of the gross square footage of the site. Consideration must be given to provide system redundancy.</p> <p>In addition, the drawing indicates that the 12" watermain to the northeast of Vista Boulevard along Route 85 is a future main. O'Brien and Gere has modeled the full build out of the site, not the phased construction of the site and its utilities. Section 2.4.4 indicates that the road and utility construction will all be completed as part of Phase I. That said, if the subject watermain is proposed to be future construction, please indicate how this coordinates with the project phasing so we can confirm the adequacy of the phased installation of water utilities.</p>	<p>The water distribution system layout has been revised to reflect a multiple looped system that will provide system redundancy. In addition, the 12" water main to the northeast of Vista Boulevard along Route 85 will be constructed as part of Phase 1. Refer to FEIS Figure 13.b Water Distribution for the revised layout and FEIS Section 2.1.3 for additional information related to the water distribution system. The phasing of the water distribution construction will be done in a manner that will provide sufficient water supply for domestic and fire fighting purposes. The specific details of the phasing of the on-site water distribution system will be addressed during site plan review. If necessary, additional hydraulic analyses will be performed to ensure that the domestic and fire demands can be met for each given phase.</p>

Person/Affiliation	Comment Code		Response
	W.9.12	The DEIS indicates that the aquifer has very slow vertical and lateral hydraulic conductivity due to the clay and silt soils and would be a very poor source for water supply. The DEIS also indicates that wells will be used to provide landscape irrigation in lieu of municipal water, which is encouraged by DPW for this site. However, can the aquifer support the landscape irrigation needs? If not, consider the use of alternative landscaping materials that demand less irrigation, or recycling stormwater or gray water for irrigation purposes	The aquifer is expected to provide enough water for all landscaping needs. Low maintenance landscaping will be utilized as much as possible to ensure proper irrigation. If needed, measures can be taken to minimize the need for irrigation and adjust the design to accommodate lower well yields (e.g. storage).
Donald H. Fletcher Senior Managing Engineer Barton & Loguidice, P.C.	W.9.13	Mr. Fletcher has two comments in regards to the Water Supply. The first was to clarify whether separate water extensions will be required since the project lies within the Towns of Bethlehem and New Scotland.	See Response to Comment W.9.4
	W.9.14	Mr. Fletcher would also like a summary of the major findings of the O'Brien and Gere water system model and report in FEIS and include the report as an appendix.	Refer to FEIS Section 3.3 and Appendix C for additional information regarding the Water Distribution System Model Report. The findings in Scenario 1 report that a 12-inch main should be installed to supply enough water for meeting both the average daily demand and fire flow. The Applicant has agreed to install a 12-inch main. Note that this study was based on the configuration of the on-site water distribution system as shown in the DEIS. Since the on-site system is now proposed in a multiple looped configuration, the line size may be reduced to be less than 12-inch in certain areas. This will be confirmed by performing additional hydraulic analyses, if needed, during site plan review and will be subject to approval by the Town of Bethlehem.
Angelo Marcuccio Environmental Analyst NYSDEC	W.9.15	The DEIS acknowledges some unavoidable wetlands on the property and this office is currently reviewing a permit application from the developer for a Section 401 Water Quality Certificate related to the required federal permit for those proposed wetland impacts.	The Applicant will continue to provide all necessary materials in support of the pending Water Quality Certificate.

Person/Affiliation	Comment Code		Response
	W.9.16	The DEIS states that there is sufficient water supply in the town's water district to supply this development. It should also be noted that prior to any construction commencing at the site, the towns of New Scotland and Bethlehem will need to reach an accord with regard to distribution of water resources and apply for and obtain a water supply permit from this office to extend water services to the property.	The proposed water main within the road right-of-way within the Town of New Scotland, will be owned and maintained by New Scotland. Water usage assessments placed on the proposed buildings in New Scotland will be determined by an Inter-Municipal agreement between the Towns of Bethlehem and New Scotland.
10. Sanitary Sewer			
Ed Clark, Town of New Scotland Supervisor	W.10.1	The Town of New Scotland requests that specific details be provided regarding the ability of the Town of Bethlehem to treat sanitary sewer.	Pursuant to discussions with the Town of Bethlehem and the Town Engineer, Erik Deyoe, the Applicant is expected to have the ability to make a new force main connection to the existing 10-inch force main near the intersection of Cherry Avenue and McCormack Road. Based on recommendations from the Town Engineer, the proposed force main connection to the Cherry Avenue/McCormack Road location will be constructed during Phase I of the Project to serve all phases of the development. As stated in Sections 3.2.4 and 4.2.4 , the sewage treatment plant has a NYSDEC permitted capacity of 5.9 MGD and current average of flow of 4.5 MGD. Anticipated flow from the Site is 0.139 MGD, therefore, adequate capacity exists in the system to treat sanitary sewage.
	W.10.2	The Town would like to see the portions of any public utilities in the Town of New Scotland dedicated to the Town of New Scotland.	Refer to FEIS Comment W.9.4 It is expected that public utility rights-of-way on portions of the property located within the Town of New Scotland will be dedicated to the Town of New Scotland. The proposed sewer main within the roadway right-of-way in the portion of the Site in the Town of New Scotland, will be owned and maintained by New Scotland. Sewage generation assessments placed on the proposed buildings in New Scotland will be determined by an Inter-Municipal agreement between the Towns of Bethlehem and New Scotland. The two Towns currently have similar sewage usage agreements according to the Town Engineer.

Person/Affiliation	Comment Code		Response
<p>Donald H. Fletcher Senior Managing Engineer Barton & Loguidice, P.C.</p>	<p>W.10.3</p>	<p>Mr. Fletcher would like a summary of major findings from the B&L Slingerlands Sewer Study in the FEIS and include the report and an Appendix</p>	<p>The B & L Report dated April, 2007 provides an analysis of the sewer system infrastructure in the Slingerlands area in the Town of Bethlehem. The Report addresses the capacity of the existing pump stations, force mains and gravity mains in the area. The four major pump stations in the area are the Blessing Road, New Scotland, Cherryvale and Delaware Avenue pump stations. The Delaware station receives all of the sewage from the other three stations. The Vista Project proposes to connect to the existing 10-inch force main near the intersection of Cherry Avenue and McCormack, downstream of the three pump stations (Blessing, New Scotland and Cherryvale). Table 5 of the Report indicates that the 10-inch force main has a capacity of at least 544 GPM. This capacity may increase depending on the operational times of the three upstream pump stations. The Vista Project proposes an average sewer flow of 194 GPM for the full Site build-out.</p> <p>The Delaware Pump Station, which receives flow from the three pump stations and future flow from the Vista Site, is currently operating at capacity. The Report recommends against adding any additional flow to the Delaware pump station under current conditions. In addition to Vista, there are several other developments planned in the sewer area that would need to utilize the Delaware Station. The Report provides several recommendations for improvement of the existing infrastructure and a phased upgrade to the Delaware Pump Station. Cost estimates for the upgrade of the sewage infrastructure are provided along with several strategies for funding the proposed improvements. The Applicant (Vista Development Group) will be responsible for a fair share financial contribution for the upgrade of the Delaware Avenue Pump Station and other sewer system infrastructure improvements related to the Vista Project. The required contribution will be determined by the Town based on the future development of the sewer district and the recommended funding strategies included in Section 6.0 of the Report.</p>

Person/Affiliation	Comment Code		Response
Angelo Marcuccio Environmental Analyst NYSDEC	W.10.4	The DEIS discusses the availability of sewer services and acknowledges that before an extension of sewer services can be made to the site the plans will have to be reviewed and approved by this department, as well as the involved county and state health departments.	Applicant acknowledges that NYSDEC approval will be required before sewer service is extended to the Project Site.
Erik T. Deyoe, P.E. Town of Bethlehem Engineer	W.10.5	<p>As depicted on Figure 14.b, the applicant is proposing the construction of three new sewer pumping stations - located near buildings A, B, and V. The largest pumping station is proposed to be near building A, discharging all sewage from the site. It is our understanding from the DEIS that all three proposed pumping stations would be owned and operated by the Town of Bethlehem.</p> <p>It is our desire to minimize the installation of maintenance intensive and operationally expensive infrastructure proposed for dedication to the Town. Consequently, we wish to minimize the number of new sewer pumping stations to the maximum extent practicable. Based on a cursory review, it appears that the number of pumping stations could be reduced from three to two, where the collection system west of building E would remain as proposed and the remaining buildings could be serviced by gravity connections to the proposed pumping station near building B. A private low-pressure sewer lateral may be needed to service building H.</p>	As an alternative, the projected sewage flow from Buildings B, C, and D could be conveyed to the proposed gravity main at the intersection near Building E by a low pressure force main. Each Building (B,C and D) would each be equipped with a grinder pump that discharges to a common force main within the roadway ROW that would be owned and maintained by the Town. The main would be designed to carry approximately 10,700 GPD generated by the three buildings.

Person/Affiliation	Comment Code		Response
	W.10.6	Be advised that the Town of Bethlehem DPW is in the process of updating the Town Sewer code. The proposed revision will include requirements for pretreatment of industrial wastewater. While the Town Board has not yet promulgated this code revision, it could impact the applicant's proposed sewer collection design. The town DPW will make a copy of the latest draft code revision, including sewer pretreatment requirements, available to the applicant upon request.	The Applicant will adhere to the most current sewer regulations as they are supplied.
	W.10.7	As referenced in the DEIS, the Town Engineering Division, in conjunction with Barton & Logidice, P.C., is performing a comprehensive sewer study to assess the potential impact of the Vista Technology Campus on the Town's sewer collection system. The scope of this study includes an assessment of the impact of the projected sewerage effluent from the Vista Technology Campus on number pump stations, forcemains, and gravity sewers from the project site to the Town's trunk sewer main near Wicklow Terrace.	This report is included in this FEIS in Appendix D. A summary of major findings is provided in FEIS Section 3.4. Please also refer to the response to Comment W.10.3.
11. Fire/EMS and Police Protection			
Mr. John Flanigan; Commissioner of the Slingerlands Fire District	PH.11.1	There is no ladder fire truck within the 2.5 mi. ISO radius. The Slingerlands Fire District would need another ladder fire truck to serve the site and maintain its existing and future obligations to the district.	The four story hotel, which would require the fire fighting capabilities of a ladder truck, has been rescheduled for construction from the earlier Phase 1 to the later Phase 2, since this use depends on the occupancy of the office and technology buildings on the site to support it. At such future point in time, this concern of the Slingerlands Fire District can be revisited, if necessary, during site plan review by the Town Planning Board and Engineering Department for the hotel.

Person/Affiliation	Comment Code		Response
	PH.11.2	There is concern that the 12 inch line will not be able to handle the necessary amounts of water to provide fire protection services for the full build out of the site.	The O'Brien & Gere report entitled Water Distribution System Model provided in FEIS Appendix C indicates that the proposed 12-inch main will provide adequate flow to the Site for fire flow and domestic demands.
	PH.11.3	There is concern that the full build out of the site will result in additional EMS calls, and that the existing service levels may not be able to handle this.	It is expected that the increased tax revenues from the Project will provide sufficient resources to EMS providers to address any potential increase in demand for such services by the Campus.
William Young, Counsel representing the Slingerlands Fire District	W.11.4	There is concern that the new structures will require the purchase of a ladder truck and the expansion of the existing fire station to house this apparatus.	Refer to response to Comment PH.11.1 above.
	W.11.5	The Board of Fire Commissioners is concerned that the ISO requirements for water flow need to be met.	The O'Brien & Gere report entitled Water Distribution System Model dated March 2007 indicates that the proposed 12-inch main will provide adequate flow to the Site for fire flow and domestic demands.
Ed Clark, Town of New Scotland Supervisor	W.11.6	The Town requests that prior to the FEIS adoption, any currently unmet needs of the Slingerlands Fire District should be identified and mitigation methods provided.	The Slingerlands Fire Department was contacted by written notice and by phone in order to address their concerns about their ability to provide emergency services to the Project. Concerns and comments have been identified and are included in this FEIS.
	W.11.7	The Town would like to see supporting calculations justifying the required fire flow rate of 1,500 gpm.	Calculations are included in the Water Distribution System Model report, prepared by O'Brien and Gere, found in Appendix C of the FEIS.
Louis G. Corsi, Chief of Police, Town of Bethlehem Police Department.	W.11.8	No adverse effects are anticipated on the Police Department's capability to provide public safety services to this area should it be developed as proposed.	The Applicant acknowledges that the Bethlehem Police Department has the capacity to provide public safety for the site.
	W.11.9	From the police department perspective, no adverse effects are anticipated regarding the site's location in two jurisdictions.	The Applicant anticipates that the Towns will address public safety services in an Inter-Municipal agreement.
	W.11.10	There are several initiatives that can be put into place to avert larceny at construction sites. The Department would be happy to discuss them with the Applicant.	The Applicant seeks to promote a safe and secure environment during construction at the site and will coordinate with the Police Department on this prior to commencement of construction.

Person/Affiliation	Comment Code		Response
Erik T. Deyoe, P.E. Town of Bethlehem Engineer	W.11.11	There are only 5 fire departments in the Town of Bethlehem.	The appropriate changes were made and the number of fire departments for the Town of Bethlehem is now correct. Please refer to Figure 16, of the FEIS for further clarification.
12. Use and Conservation of Energy			
Oliver Holmes	W.12.1	Building design, energy use, and materials should promote principles of energy sustainability through LEED standards and indoor air quality . He would like to see assistance for developers in understanding and identifying available funding opportunities for sustainable design and construction	The Applicant will consider investment in NYSERDA programs to the extent feasible and to the extent it will allow the properties to remain marketable in relation to other high-technology research and development offices in the area. Specific LEED standards to be incorporated into building design will be addressed by the Town and future tenants/applicants during the site plan review process for each building. The developer will make available all information on NYSERDA programs to all prospective tenants to make sure they are aware of options and assistance available.
Erik T. Deyoe	W.12.2	The town and the developer should aggressively pursue the use of LEED standards to the maximum extent possible rather than simply "where feasible."	Refer to the response to FEIS Comment W.12.1
Kristina Younger, Director of Strategic Planning; Capital District Transportation Committee (CDTA)	W.12.3	Proposed energy sources and alternatives in the Project's analysis in the DEIS does not take into account the high energy consumption of Single Occupant Vehicle uses that is inherent to the proposed site design. The rational nexus for the requirements of the formation of a TMA and a comprehensive Travel Demand Management Plan as a mitigation measure lies in the use of energy demanded by the auto-oriented site design and in the traffic analysis based on trip generation for single occupant vehicles. When rising costs of gasoline is added to the equation, the cost effectiveness of TDM strategies is highlighted.	The Applicant acknowledges the fact that the Project may result in a high volume of single occupant vehicles which is a notable source of energy consumption. The Applicant will coordinate with prospective tenants and encourage the use of Travel Demand Management strategies. Refer to Response to Comment W 6.11 above.

Person/Affiliation	Comment Code		Response
Rocky Reese	W.12.4	The DEIS does not quantify the impacts from energy consumption at the site.	As the individual noted, the site will increase demand for energy relating to heating, lighting, and other activities related to uses at the site. The generation of electrical power and the impacts from such generation are the responsibility of the power generator, which is subject to state and federal regulations pertaining to the impacts from its energy generation. The Applicant will inform prospective tenants of their options regarding the purchase of electrical energy from a renewable energy portfolio.
13. Air Quality			
Rocky Reese	W.13.1	Mr. Reese expressed concern that the Air Quality Analysis does not describe the degree and significance of the impact from activities and uses at the site.	As indicated in DEIS section 4.1.3.2, an Air Quality Analysis was performed for the most sensitive receptors within five miles of the Project Site. According to the DEIS, the air quality within the immediate vicinity of the Project Site may experience short-term impacts due to Project construction. This increase is expected to be very localized, sporadic and short-term in nature and will be most noticeable in the area immediately adjacent to the construction. The impacts will be minimized by the use of dust inhibitors and other dust-control provisions found in the NYSDOT Standard Specifications for construction.
			No impacts on identified sensitive receptor sites as a result of construction are anticipated, as the closest site downwind of the Project Site is the North Bethlehem Town Park at a distance of approximately 1.7 miles. While specific Vista Campus tenants have not been identified, the construction of specific buildings and any related emissions from facilities will be subject to additional environmental review and full compliance with all applicable local, state and federal laws pertaining to the facilities. The projects will also undergo site plan review. It is difficult to forecast the potential air quality impacts that come as a result of the future uses of the buildings because the future building tenants are unknown. Any air emissions must comply with applicable Local, State and Federal standards. As such, no significant impacts are anticipated.

Person/Affiliation	Comment Code		Response
14. General Comments			
Mr. Ed. Kleinke, 62 Maher Road	PH.14.1	Mr. Kleinke feels that the current project does not connect with the current or planned community/hamlet nearby and that the project relies too much on commuters (70% from north) from outside the town. He would like to see the hamlet and Vista Tech Park planned together so that people may work and live in the same community.	The current project is planned and designed in conformance with applicable local land use laws and the Town's comprehensive plan. Furthermore, a project of this size will rely largely on commuters from outside the surrounding neighborhoods, no matter where it is situated. As the vicinity around the Project becomes more attractive to residential development, additional links between this development and surrounding neighborhoods will likely become more feasible.
	PH.14.2	Clarification is requested regarding which office space on the site is primary use and secondary use as defined in the Town zoning code.	Primary use office/manufacturing space includes, Building E, the second floor of Building F and all buildings I-Y. All other structures are considered secondary uses as defined in the local zoning code. No secondary uses are proposed for portions of the site located in the Town of New Scotland. The proposed ratio of secondary uses is consistent with those required in the Town's zoning ordinances.
	PH.14.3	There is concern that the map does not indicate the proposed zoning change for the Town of New Scotland.	The proposed zoning change has been submitted to the Town of New Scotland. The extent of the zoning change is limited to an area of proposed disturbance necessary for the four proposed buildings in the Town of New Scotland. This can be seen in DEIS Appendix L "Petition to Rezone Portions of Site in Town of New Scotland."
	PH.14.4	There is concern about the discrepancy between the Town boundary on several figures. This should be finalized before the plan is finalized.	Refer to the response to FEIS Comment W.9.9.

Person/Affiliation	Comment Code		Response
	PH.14.5	He would like to see the location and extent of an existing demolition landfill on this site.	Debris material identified on the site consists of clean fill (sidewalk rubble and soils) controlled fill area utilized by Callanan Industries. The area will be regraded and seeded for stabilization. Please refer to Figure 3 Existing Conditions and Figure 2.c Project Concept/Phasing Plan which now includes the location of the fill site.
	PH.14.6	He is concerned that all 'contiguous' parts of the site (including the deed restricted and stormwater management parts) are not part of the review as required by Town code.	The DEIS has evaluated the entire Project site. In addition, site plan review procedures will require that the entire parcel be evaluated. It is important to note that large portions of the site will remain undeveloped and, as such, are not subject to the scrutiny given to the developed areas within the Phasing Limit Line identified in DEIS Map Figure 2.c. All planned stormwater management practices are situated within the Phasing Limit Line. The use of most of the areas outside of the Phasing Limit Line will be deed restricted to limit future development.
	PH.14.7	Mr. Kleinke is concerned that a possible exception to zoning rules exists based on the dates of the project, in which case it would be possible to construct up to 50% of the site as secondary uses. He does not feel this would be consistent with the vision of the Town or the intent of the Board.	Please refer to the response to Comment PH.14.2 above.
	PH.14.8	Mr. Kleinke would like to see a market analysis done for the site in light of the many other high tech projects in the Albany area. He is concerned that the project doesn't fit in the Town based on that.	The current project is planned and designed in conformance with applicable local land use laws and each Town's comprehensive plan. The proposed project provides an assemblage of building formats and services that is unique to the area and is targeted to a segment of the market that is underserved.
Chuck Quackenbush	W.14.9	There is concern that existing available commercial buildings indicate a surplus of commercial space and that the current project may not be marketable. In particular, the Blue Cross/Blue Shield building and Saab facility have been vacant for some time.	The Project will provide a clustering of services and building formats that are designed to meet the needs of the specific target market of high-technology research and development, which is underserved in this region. These needs differ significantly from the services and layouts provided by available conventional office space in the region.

Person/Affiliation	Comment Code		Response
	W.14.10	The DEIS did not appropriately factor future development around the site in its analysis.	As with the Vista Tech Campus, future projects in the Town will be officially reviewed by the Town to determine if such projects conform with the Town's Comprehensive Plan and not unduly adversely impact existing infrastructure or utilities without sufficient mitigation.
T.R. Laz	W.14.11	There is concern that the size of the project is too large on the basis that abundant and vacant office buildings exist at many other locations.	The design of the Project is consistent with the requirements put forth in the Town Code and the Town's Comprehensive Plan. As noted elsewhere, the Applicant acknowledges the availability of vacant office space in the region. While a certain amount of slack in the vacancy rates is normal and healthy for the local economy, the Applicant is providing services and building layouts that are targeted to a specific market segment that is underserved in this region.
Ed Clark, Town of New Scotland Supervisor	W.14.12	The Town requests that the municipal boundaries be more clearly defined within the project limits.	A discrepancy was identified on DEIS map figures 4.a and 10. The official Project Concept Map correctly depicts the municipal boundary. Arrangements are being made to clearly mark the boundaries in the field.
	W.14.13	The Town of New Scotland requests that the Applicant clearly show the taxing limit line, including metes and bounds, on a separate map to be included on the FEIS	All new figures are included in the FEIS including FEIS Figure 2.A. Concept Plan depicting the correct location of the municipal boundary. The boundary location is being established by a metes and bounds description and will be provided to the Town upon Applicant's receipt of same.
	W.14.14	There is concern about the large amount of available vacant land near the site which will likely accommodate additional secondary growth from the Project. This will likely require supporting infrastructure, particularly water and sanitary services for which the two municipalities are working together on.	Comment noted. The two municipalities have established a pattern of cooperation regarding the provision of public utilities and services. An Inter-Municipal agreement will be established.
	W.14.15	The Town of New Scotland would like to see the SEQRA Scoping Document included in the FEIS.	The final Scoping Document is included in DEIS Appendix B.

Person/Affiliation	Comment Code		Response
John P. Poorman, Staff Director; Capital District Transportation Committee	W.14.16	The non-technology use buildings should be clustered into few buildings as consistent with emerging designs for the Slingerlands Hamlet effort. This would improve community character of the hamlet area and offer transportation choices.	The current design of the project is in conformance with applicable local land use laws. In addition, significant alterations in the design and layout of the commercial buildings have been made since the original Project concept to address Town of Bethlehem recommendations to cluster these buildings and facilitate pedestrian connections consistent with recommendations in the Town's Comprehensive Plan. The site design took into consideration a number of significant constraints. There is a significant archaeological zone (over 2 acres) in the central portion of the site where disturbance must be avoided. There are significant wetlands located throughout the Project site. Disturbance to the wetlands must be minimized to the extent practical and, as mitigation, significant wetland areas must be created. There is a gas transmission line within a 60' wide easement running directly through the middle of the Project site that has specific criteria in terms of building location and crossings. Due to all of these site constraints, further clustering is not considered feasible.
Mark J. Kennedy, Regional Transportation Systems Operator, NYSDOT Region 1	W.14.17	The clustering of the non-technology uses at the eastern edge can be improved by better building design and by orienting buildings closer to each other and to the new Rt. 85. This may include 6" caliper trees to screen parking lots and the incorporation of pedestrian, bicycle, and transit features.	The current design of the Project conforms with applicable local land use laws. Both the Hamlet and the Vista Tech Campus are specifically identified as preferred land uses for their respective locations in the Town of Bethlehem Comprehensive Plan. Page 4.22 of the Comprehensive Plan states that clustering should allow green space to remain, that parking should be integrated throughout the site, and that landscaping should breakup large parking lots, while allowing efficient snow removal. The design reflects the Applicant's intention to preserve extensive areas of green space (over 200 acres) and to allow activities away from the main thoroughfares in order to evoke a secluded campus or park-like setting where activities relating to advanced research and design are performed.

Person/Affiliation	Comment Code		Response
	W.14.18	The layout of Phase 2 of the Project will be extremely difficult and costly to serve with transit. The main road should be constructed with bicycle lanes, not shared lanes.	In an effort to more efficiently serve the Campus with bus service, the Project is now proposing to provide two centralized bus stops. The first stop would be near the retail portion of the Project Site and the second near the intersection of the main site road with the horseshoe loop road, and would be centrally located to the northern portion of the project site. In addition to the provision of centrally located transit stops, a network of pedestrian paths, and the consideration of a Travel Demand Management Policies/Transportation Association (TMA) for the Project are intended to provide alternatives to single-occupancy commuters, boost potential ridership for transit, and improve the feasibility of service to the site. The 14' travel lane is a standard shared-use travel lane used to accommodate both vehicles and bicycles. It does not have a stripe on the right side, but allows the full 14' of width to be shared.
			Striping a dedicated bike lane would require an additional 1 foot of pavement in each direction that would result in substantial additional high-value wetland impacts, which would be viewed unfavorably by the ACOE as they strive to minimize impacts.

Person/Affiliation	Comment Code		Response
Rocky Reese	W.14.19	The individual is concerned that due to alleged future hazards on the site, that the site is inappropriate due to its proximity to community centers and groundwater resources, and that such alleged future hazards should be addressed at this stage of the SEQR process.	The project is a master planned community, which is a plan for a configuration of uses, activities, and infrastructure on the site as required by local zoning. The future specific uses and activities on the site are contingent eventually on the specific tenants who chose to locate there. Prior to the construction of individual buildings or occupancy of buildings, applications will be submitted that conform with site plan and local design requirements and ensure that uses and activities on the site are in compliance with applicable federal, state, and local laws.
			Depending on the activities proposed by a prospective tenant, a SEQRA review may be triggered. At that future point in time, the reviewing agencies may require an assessment of the classes of chemicals likely to be used at the site, an assessment of the likelihood and potential amount of accidental releases, any description or quantification of impacts arising therefrom to the environment or public health, and the proposed implementation of safety measures and emergency protocols to protect the environment and public health.
Erik T. Deyoe, P.E. Town of Bethlehem Engineer	W.14.20	The DEIS indicates that the LaGrange House and small cemetery will be preserved. Who will retain ownership and maintenance responsibility for these sites.	The Applicant will retain ownership and will be responsible for maintenance of the features.

Person/Affiliation	Comment Code		Response
Donald H. Fletcher Senior Managing Engineer Baton & Loguidice, P.C.	W.14.21	Mr. Fletcher suggested that the "Compact Alternative" discussed should be clarified with regard to the potential to add multi-stories to non-industrial buildings as well as potential environmental impacts (I.e. ability to preserve greater open space, visual impacts) associated with this potential alternative.	The Project does include non-industrial buildings proposed to be more than one story. Currently, the types of retail proposed on the Project site are not of the format that functions appropriately if located above the first floor. As stated in DEIS Section 5, the current Project design has incorporated clustering of the retail and some multi-story buildings as the proposed uses allow. Under the current Project program, adding additional stories would be impractical. The Applicant does note that additional clustering and consolidating buildings to multiple stories would have positive environmental impacts. The Applicant does stress however, that significant Project design modifications have been made from an original design dated May 9, 2005. Specifically, the retail uses have been more efficiently clustered at the front of the Project Site which includes multi-story and mixed use buildings.
			The current design has been developed to ensure clustering and multi-story buildings were incorporated and were practical to achieve positive environmental benefits at the request of the Town of Bethlehem. Please also refer to the response to Comment W.14.16. for additional information.
	W.14.22	Mr. Fletcher suggested that this project may have an impact on housing prices by creating an increased demand for local real estate, and may also result in the need for new residential development. Both of these potential impacts to the housing market should be clarified in the Growth Inducing Aspect of the Project. Identify geographic areas in the Towns of Bethlehem and New Scotland where new housing construction is likely to occur.	As identified in the Town of Bethlehem Comprehensive Plan, several areas throughout the Town could be developed for residential uses with a focus on mixed use residential and higher density in appropriate areas. Actual market conditions and subsequent Town approval processes (site plan and subdivision review) will dictate the extent to which new residential development will occur. The data pertaining to home values would be highly speculative as there is no true way to accurately predict the impacts this project would have on the surrounding housing markets. In addition, future employees at the Campus may be traveling from Schnectady, Rensselaer, and Saratoga Counties. Therefore it would not be productive to focus this evaluation on the Towns of Bethlehem and New Scotland as this project will have regional impacts and communities will regulate the development of new homes pursuant to their zoning authority over residential subdivisions.

Person/Affiliation	Comment Code		Response
<p>Dave P. Jukins, P.E. Principal Transportation Engineer CDTC</p>	<p>W.14.23</p>	<p>We still believe the current design misses an opportunity to address multiple objectives, both for travelers and sound local development. It seems that the proposed site design could benefit from some tweaking to provide a better fit into the community – for a design that fosters greater mobility for a wider range of users while still helping the town in meeting it's objective of building a project that enhances its tax base and community quality of life.</p>	<p>As stated above in the Response to Comment W.14.16, the current design of the project is in conformance with applicable local land use laws. In addition, significant alterations in the design and layout of the commercial buildings have been made since the original Project concept to address Town of Bethlehem recommendations to cluster these buildings and facilitate pedestrian connections consistent with recommendations in the Town's Comprehensive Plan (see Response to Comment W.14.21). The site design took into consideration a number of significant constraints. There is a significant archaeological zone (over 2 acres) in the central portion of the site where disturbance must be avoided. There are significant wetlands located throughout the Project site. Disturbance to the wetlands must be minimized to the extent practical and, as mitigation, significant wetland areas must be created. There is a gas transmission line within a 60' wide easement running directly through the middle of the Project site that has specific criteria in terms of building location and crossings.</p> <p>Therefore, given the identified site constraints and design alterations the Applicant considers the current design consistent with multiple objectives for both travelers and sound location development.</p>
		<p>The clustering of the non-technology uses at the eastern edge of development is a positive aspect of this project. It can be improved, however, by better building design, and by orienting buildings closer to each other and to the new Route 85. At a minimum, a healthy landscaped buffer made up of six inch and larger caliper trees should be constructed to block the view of Vista parking lots. The incorporation of pedestrian, bicycle, and transit features into this portion of the project is a very important aspect of the project given its proximity to nearby neighborhoods and commercial areas.</p>	<p>There will be the ability of further minor site design modifications including adjustments to the landscaping during the Site Plan review period. Regarding the requested incorporation of pedestrian, bicycle, and transit features, the Project currently proposes 2 centralized bus stops, a shared (car/bicycle) travel lane, sidewalks, and internal and perimeter trails. The sidewalks, trails and shared travel lane are intended to provide non-motorized connections to the nearby neighborhoods and commercial areas.</p>

Person/Affiliation	Comment Code		Response
		<p>The layout of Phase 2 of the development, extending more than a half-mile from Route 85, remains a concern. This phase of the project will be extremely difficult and costly to serve with transit. The main road should be constructed with bicycle lanes not shared lanes, and sidewalks.</p>	<p>In an effort to more efficiently serve the Campus with bus service, the Project is now proposing to provide two centralized bus stops. The first stop would be near the retail portion of the Project Site with the second near the intersection of the main site road with the horseshoe loop road, centrally located to the northern portion of the project site. Also, please refer to the Responses to Comments W.6.4 and W.14.18 regarding the provision for a shared lane.</p>
<p>Erik T. Deyoe, P.E. Town of Bethlehem Engineer</p>	<p>W.14.24</p>	<p>Figure 2.a - There is no symbol "M" shown on the drawing.</p>	<p>A revised Figure 2.a is included in the FEIS.</p>

Section 5