

# JOINT STATEMENT OF FINDINGS

TOWN OF COLONIE  
COUNTY OF ALBANY

FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT  
AIRPORT AREA  
ALBANY COUNTY, NEW YORK

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GENERAL

The Town of Colonie, Village of Colonie, and County of Albany authorized the preparation of a Generic Environmental Impact Statement (GEIS) to address both the short- and long-term growth trends within an approximately 8,500-acre area surrounding the Albany County Airport. The Study Area is bounded on the north by the Mohawk River, on the west by New Karner Road (County Route 157) and Denison Road, on the south by the municipal boundaries of the Town and Village of Colonie, Sand Creek Road, I-87, and Central Avenue, and on the east by Wertman Lane, Albany Shaker Road (County Route 155), I-87, and Forts Ferry Road (see Exhibit I-A-1). Existing land use within the Study Area includes institutional, residential, commercial, industrial, and agricultural uses. Wolf Road, British American Boulevard, Northway Lane, and Avis Drive are predominantly developed as commercial, office park, or light industrial uses. Large areas of residential development are located north of NY Route 7, east of Forts Ferry Road, and to a lesser extent on both sides of Vly and Denison Roads.

Albany County institutional facilities include the County Jail, County Nursing Home, and Ann Lee Home. The County also owns and operates the Albany County Airport, and along with the Town of Colonie, jointly operates the Heritage Park Sports Facility. Several large parcels of undeveloped and preserve land proximate to these facilities are also under County ownership.

Immediately west and south of the Airport is the Ann Lee Pond Nature and Historic Preserve. This unique natural and historic resource consisting of 170.2 acres of public land is owned and has been dedicated as a preserve by Albany County. A portion of the preserve lies within the Watervliet Shaker Historic District. The preserve provides important educational and recreational opportunities for people living and/or working in or near this rapidly developing area.

Active agricultural lands, which total approximately 810 acres, exist within the Study Area and include the Wertman, Engel, and Coleman farms located along Albany Shaker Road. Other farms located south of NY Route 7 near Wade Road are in areas that have experienced some development pressure. Additional large agricultural parcels are located north and south of Watervliet Shaker Road at South Family Drive, east and west of Old Niskayuna Road, west of Vly Road, and west of Buhrmaster Road.

The Town of Colonie, Village of Colonie, and County of Albany directed Clough, Harbour and Associates to prepare both the Draft and Final GEIS. After thorough review by representatives from each respective jurisdiction, the Town of Colonie Planning Board, as lead agency under State Environmental Quality Review (SEQR), determined that the Draft Generic Environmental Impact Statement (DGEIS) was complete on September 4, 1990. The involved agencies, interested agencies, and the general public were encouraged to submit written comments during the comment period (September 4 through October 19, 1990) and verbal comments at the Public Informational Meeting (October 2, 1990) on the DGEIS. All substantive comments received, both written and verbal, were addressed in the Final Generic Environmental Impact Statement (FGEIS), which was determined as complete by the Town of Colonie Planning Board on March 5, 1991.

It is the intent of the Town Planning Board as lead agency, and the Town of Colonie Town Board and Albany County Legislature as involved agencies, to issue this joint Statement of Findings pursuant to 6 NYCRR Part 617.9 of SEQR. Specifically, these agencies hereby issue the following findings with respect to the evaluation of impacts and mitigation measures related to projected development in the Study Area as outlined in the FGEIS:

- consistent with social, economic, and other essential considerations from among the reasonable alternatives thereto, the action to be carried out is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the relevant GEIS;
- consistent with social, economic, and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the GEIS process will be minimized or avoided by incorporating as conditions to the decision those mitigative measures which were identified as practicable; and,
- the GEIS is reasonably comprehensive and contains the facts and conclusions relied upon to support the Town and County's findings and indicates the social, economic, and other factors and standards which formed the basis of their findings.

The GEIS was prepared in response to current and projected development pressures in the Study Area, especially in light of existing deficiencies currently being experienced. Additionally, the GEIS reflects the recognition by the Town, Village, and County of the need to develop a comprehensive policy for future growth in the Study Area. The GEIS was developed to analyze future growth trends, associated impacts, and appropriate mitigation for a 15-year planning period. At the time this study was initiated, it was determined by the Town, Village, and County that the aforementioned planning period was a reasonable time frame for addressing the short- and long-term development and associated impacts in the Airport Area. Nevertheless, the Town and County now believe that a 20-year planning period is a more realistic and practical time frame in which to expect the projected level of growth and the magnitude of infrastructure improvements which are required to keep pace with anticipated development in the Study Area.

Pursuant to the regulatory requirements of SEQR for Generic Environmental Impact Statements (6 NYCRR Part 617.15), the Airport Area GEIS assesses both primary and secondary environmental impacts which are likely to result from projected growth within the Study Area. To the extent that certain impacts may require further analysis, it is recognized that the FGEIS may be supplemented pursuant to the governing regulations (6 NYCRR 617.3(k)(2); 617.15(b)).

**A. DEMOGRAPHICS:**

It was projected in the FGEIS that under the Cumulative Growth Scenario, the Study Area population would increase by approximately 51 percent during the planning period; however, as detailed in CDTC's Threshold Analysis for highway improvements in the Study Area (see Appendix A), it may be necessary to limit growth to about half of the Cumulative Growth projections thus yielding a population increase of approximately 25 percent. In either scenario, such increases in Study Area population will result in greater demands on infrastructure and community services which include utilities, municipal services, transportation systems, school systems, fire protection, and emergency rescue services.

Implementation of the short- and long-term planning strategies specified in Section B. Land Use and Zoning of this findings statement will mitigate potential impacts associated with projected growth in the Study Area. In order to support this level of growth, it is anticipated that various levels of government and parties responsible for new development will jointly fund capital improvements related to community services and infrastructure. This will serve to lessen the burden on Town, Village, and County resources while meeting the needs of residents and those employed in, shopping in, or otherwise making use of the Study Area.

## **B. LAND USE AND ZONING:**

Preliminarily, it should be clarified that based on CDTC's Threshold Analysis for highway improvements in the Study Area (see Appendix A), as summarized in Section H. Transportation of this findings statement, future land use characteristics will reflect substantially less development than the forecast level of growth projected in the FGEIS's Cumulative Growth Scenario. It is nonetheless anticipated that projected growth trends in the Study Area will significantly change current land use characteristics. To address these changes in land use adequately, the following findings shall be considered:

- B1. The Town and County recognize that land use in the Study Area must be tailored to a policy of "concurrency" between the funding of infrastructure/transportation improvements and implementation of the 1988 Land Use Management Program Technical Report prepared by the Town's Land Use Management Advisory Council (LUMAC). Assuming this premise, then most of the recommendations regarding land use management alternatives set forth in the LUMAC Technical Report should be formally adopted with the following exceptions:
- a. the proposed down-zoning of lands between River Road and NY Route 7 to large lot residential is unacceptable in the area within the 65 ldn noise contour of Runway 1 of the Albany County Airport and should be rezoned for office, commercial, and/or light industrial uses; and,
  - b. the proposed rezoning of lands in the area of Sand Creek Road from an Undeveloped to Commercial district shall include measures such as buffering to enhance the compatibility of land uses adjacent to the Village and Town boundary.
- B2. The pace of development specified in the FGEIS under the Cumulative Growth Scenario included development of 1,583 dwelling units, 4,836,802 square feet of office space, 726,806 square feet of retail space, 1,094,966 square feet of warehouse space, 600,000 square feet of industrial park development, and 130,100 square feet of manufacturing space. It was subsequently determined, however, that while transportation planning in response to this scenario may be feasible, the necessary roadway improvements are neither desirable nor affordable. Following a detailed analysis performed by CDTC, it was recommended that the traffic generated by approximately 50 percent of the Cumulative Growth Scenario in addition to the Airport could reasonably be accommodated. If at any time proposed development exceeds the capacity of associated infrastructure and other community facilities and services, then regulatory agencies of the Town and County shall and the Village should consider the institution of appropriate growth control measures to limit further development. If infrastructure and/or community facilities cannot be constructed, then the Town and County shall and the Village should consider controlling development densities in appropriate areas.
- B3. It is anticipated that commercial development will continue throughout the Study Area. Residential development will be concentrated in the Study Area north of NY Route 7, east of Wolf Road between Albany Shaker and Sand Creek Roads, and in the Vly Road/Denison Road area; however, residential development and other noise sensitive uses shall be directed by the appropriate local land use controls away from noise impacted areas associated with the Airport.

- B4. If future development in the Study Area is limited to 50 percent of the Cumulative Growth Scenario presented in the FGEIS, then approximately 21 percent of the agricultural lands in the Study Area may be developed by the end of the planning period. These lands are located entirely within the Town outside of the Village boundary. To achieve a balance between development and preservation of agricultural lands, the Town has authorized the voluntary preferential assessment of farmland. This practice should be continued and is adequate to meet the needs of agricultural business which farm lands within the Study Area.
- B5. The Updated Airport Layout Plan and Land Use Study (hereinafter referred to as the "ALP") for the Albany County Airport identifies a phased implementation plan which outlines capital improvements to be undertaken at the Airport over a 20-year period. As a threshold point, it must be recognized that County Airport development is exempt from local zoning mandates as a public benefit project and pursuant to statutory authority (NYS General Municipal Law Section 350). Generally, this exemption extends to airport terminals, parking facilities, air freight facilities, and other uses incidental to airport operations. Despite the exempt status of County Airport improvement projects as delineated in the aforementioned ALP, any and all such projects are nonetheless subject to State and Federal environmental regulatory compliance. While the FGEIS has evaluated the generic ramifications of these proposed improvements, the specific impacts associated with implementation of individual ALP projects were not evaluated. Accordingly, Albany County recognizes the need for further environmental review under SEQR and NEPA.

### C. TOPOGRAPHY, GEOLOGY, AND SOILS:

The Study Area includes a diversity of soil types and geologic conditions. The Town and County shall and the Village should establish guidelines to ensure, to the greatest extent practical, protection of soil from erosion and unnecessary loss of the natural vegetative cover due to anticipated development projected in the Study Area. To mitigate potential impacts related to the aforementioned resources, the following actions shall be implemented:

- C1. Encourage cluster development and passive recreation in areas where the topography and/or soils present severe limitations.
- C2. When blasting of bedrock is necessary, require all developers to adhere to the United States Bureau of Mine Blasting Procedures, as specified in the FGEIS.
- C3. Require the submission of erosion control plans which conform to the requirements in New York State Guidelines for Urban Erosion and Sediment Control during the subdivision and site plan review process.
- C4. Prohibit the installation of individual septic systems in areas with high groundwater and/or severe soil limitations.
- C5. Require slope stability analyses prior to approval of development in areas that have a high potential for slope failure as shown on Exhibit II-C-5 in the FGEIS. A slope stability analysis generally should include test borings and/or test pits as required to define site specific soil conditions, possible additional field inspection, laboratory testing as required to determine the necessary soil parameters, and a calculation of the factor of safety against slope failure. Upon completion of such a slope stability analysis, a summary of recommendations shall be prepared to outline limitations for site development on or near critical slopes.
- C6. Prohibit development on unstable slopes.
- C7. Require that no earth embankments be constructed closer than 25 feet from the top of a slope found to be potentially unstable.
- C8. Minimize clearing of existing vegetation within 10 feet of the top of unstable slopes, and prohibit the removal of existing ground cover below the top of any slope found to be potentially unstable. Care must be taken in the development of lawn areas to prevent conditions at the top of slope which might lead to concentration of drainage and development of erosion rills.
- C9. Require that site grading be accomplished in such a manner to prevent the concentration of site drainage at the top of any potentially unstable slope.
- C10. Require that all collected storm or foundation drainage be directed to the bottom of all slopes in adequately designed structures. In most cases, ditches or swales should be lined with crushed stone and/or rip rap.
- C11. Site grading should be designed such that it promotes positive drainage to prevent the undesirable impoundment or ponding of stormwater runoff. If recharge basins are found to be required for a specific site, then a detailed analysis of groundwater seepage from such structures as well as any impacts on adjacent slopes should be required.

C12.

Earth fills should generally be limited to those for landscaping purposes only. Typically, earth fill should only be permitted to within 10 feet of the top of a slope. Fill grading beyond this point should usually be limited to gently sloping grades away from the top of a slope. Maximum fill heights should be determined based upon additional analysis as previously described.



#### D. VEGETATION, WILDLIFE, AND AQUATIC ECOLOGY:

A mixture of forest, wetlands, pasture, farmland, and stream systems provide a wide diversity of plant and animal habitats. The Cumulative Growth Scenario will have an impact on both vegetation and wildlife. The removal of vegetative cover will reduce the habitat available to support wildlife. To address the aforementioned impacts to the natural habitat in the Study Area adequately, the following mitigation measures are recommended for projects reviewed or undertaken by the Town, Village, or County:

- D1. Significant vegetative communities and significant habitats should be protected directly through actions by the Town, Village, and County as specified in this section of the findings statement. These communities and habitats are found associated with Ann Lee Pond, Stump Pond, and the Mohawk River.
- D2. Development proposals in the vicinity of wild lupine sites (sites 1, 2, and 3 shown on Exhibit II-D-3 of the FGEIS) should be evaluated through on-site investigation relative to potential occupation by the Karner blue butterfly.
- D3. Development proposals in areas of potential significant wildlife habitat, as specified in D1 above, should be required to include an evaluation of potential adverse impacts to those resources based on detailed on-site field investigations.
- D4. The following mitigation measures as identified in Section II.D of the FGEIS shall be considered by the Town and Village for minimizing impacts to wetlands within the Study Area:
  - a. requiring site specific wetland surveys where appropriate;
  - b. adopting a policy of no uncompensated net loss of wetlands; and,
  - c. establishing conservation districts, easements, and greenbelts where appropriate.
- D5. Vegetation and wildlife impacts from potential development may be minimized through the establishment of zoning overlay districts consistent with the greenbelts specified on Exhibit II-D-5 of the FGEIS. Any development proposals in the greenbelt overlay districts shall be required to incorporate the greenbelt into the project design. The Town and Village may adopt specific design guidelines for such an overlay district which should include a minimum (e.g. 50 percent) open space requirement.
- D6. Establishment of greenbelt areas may also be accomplished through selective public acquisition of property. Monies for acquisition may be raised from future subdivisions through the collection of money in lieu of parkland. Without this or a similar funding mechanism to offset acquisition costs, outright acquisition would likely constitute a prohibitive fiscal burden to local government.
- D7. Transfer of Development Rights may also be considered for establishment of greenbelt areas; however, as with outright acquisition, this method of greenbelt establishment would require a significant and potentially unacceptable commitment of municipal resources.

D8.

Conservation Easements represent a viable and comparatively cost-effective means for establishing identified greenbelts. This could be accomplished under the provisions of Section 247 of New York State General Municipal Law whereby a municipality can acquire by grant, the easement to land for the preservation of open space which would "maintain or enhance the conservation of natural or scenic resources."

## **E. GROUNDWATER:**

It is recognized that groundwater is an important resource that must be protected. Groundwater within the Study Area is found in two sources; the shallow deposits of windblown lake sand and the deep, unconsolidated deposits of stratified drift. The Study Area also contains widespread deposits of underlying clay which create seasonally high groundwater conditions. In an effort to reduce impacts to groundwater, the following measures shall be considered for projects proposed in areas which may result in impacts to groundwater supply and/or quality:

- E1. Where foundations may intersect the groundwater table, the following or substantially comparable measures shall be required:
  - a. at a minimum, an exterior 4-inch ADS foundation drain shall be installed for basement foundations and shall be backfilled with #2 stone and connected to the interior perimeter drain and interior sump pump; and,
  - b. waterproofing of foundation walls shall be required.
- E2. Every effort shall be made to extend public sewer systems to all new areas which are developed. Where public sewer is not available or reasonably accessible, all new septic systems in the Study Area shall be required to meet Albany County Department of Health standards.
- E3. Every effort shall be made to extend public water systems to all new areas which are developed. Where public water is not available or reasonably accessible, all new private groundwater supplies in the Study Area shall undergo water quality and quantity testing in accordance with Albany County Department of Health standards.
- E4. Underdrains shall be required for roadway construction in areas of high groundwater.
- E5. Proper containment shall be required for potential contaminants associated with any new development, e.g. containment for above ground tanks and proper design for underground tanks in accordance with NYSDEC standards.
- E6. Floor drains should be prohibited in newly developed buildings unless contained or provided with pre-treatment and connection to public sewer.
- E7. Although emergency Latham Water District wells in the Study Area have been scheduled for abandonment due to treatability and insufficient groundwater sources, the Town should nonetheless implement measures to protect the groundwater underlying the Loudonville esker. These could include an Aquifer Overlay Protection Zone or implementation of NYSDOH model Watershed Rules and Regulations.

**F. HYDROLOGY, DRAINAGE, AND WATER QUALITY:**

It is recognized that future development will have an impact on stormwater drainage characteristics in the Study Area. To minimize impacts to the hydrology, drainage, and water quality, the following actions shall be implemented:

- F1. Peak runoff rates from project sites after development shall not exceed rates prior to development by more than 10 percent or 1 cubic foot per second (cfs), whichever is less, based on a 10-year storm frequency.
- F2. Storage capacity shall be provided on project sites for excess flows resulting from development based on a 25-year storm frequency.
- F3. Provisions for overflow of stormwater for all stormwater management facilities shall be made to prevent loss of life and damage to personal property for storms of up to 100-year frequency.
- F4. Provisions must be made for continued conveyance of drainage entering a project site from upland watershed areas.
- F5. Provisions must be made for positive drainage from project sites to an existing storm sewer system or drainage course.
- F6. The following stormwater management measures shall be implemented to reduce flooding potential in the Shaker Creek watershed:
  - a. limit the 10-year post-development peak flow to the 10-year predevelopment level;
  - b. limit the 25-year post-development discharge to the 25-year predevelopment level;
  - c. limit the 50-year post-development discharge to the 50-year predevelopment level;
  - d. ensure that overflow design capacities of all stormwater retention/detention basins meet NYSDEC Dam Safety Regulations; and,
  - e. incorporate New York Guidelines for Urban Erosion and Sediment Control into existing stormwater management regulations.
- F7. Albany County shall continue efforts to meet stream standards for the discharge of propylene glycol into Shaker Creek and thus reaffirm its commitment to the protection of the Latham Water District's raw water intake located downstream from the Creek in the Mohawk River. Additionally, if future events should warrant, the County will participate in a cooperative effort with the District to identify alternatives to drawing raw water from the Mohawk River.

## G. UTILITIES:

The Town and County recognize that projected development within the Study Area will require the extension and improvement of the infrastructure system. The conditions of County and Village utilization of Town-owned utilities will be established by negotiated contract. The following findings relate to ensuring the provision of adequate service to support proposed private development in the Study Area:

- G1. The Niagara Mohawk Power Corporation has indicated that they are able to provide adequate electric and natural gas service to support projected development in the Study Area; however, improvements to the electric and gas distribution systems will be required. It is understood that developers and Niagara Mohawk Power Corporation will be responsible for all capital improvement costs, including connection costs, associated with the expansion of these utilities.
- G2. New York Telephone has indicated that they are able to meet the communications needs of its customers as required. The cost of any communications improvements undertaken to support projected development, including connection costs, will be the responsibility of developers and New York Telephone.
- G3. The principal public water supply system serving the Study Area is owned and operated by the Latham Water District (LWD). The Village of Colonie purchases water from the LWD and administers its distribution within the Village. For the purposes of the FGEIS, however, the issue of water supply is discussed under one entity, the LWD. The LWD filtration plant currently provides an average of 10.5 MGD and has a design peak capacity of 22.5 MGD. If future development in the Study Area is limited to 50 percent of the Cumulative Growth Scenario, then additional average daily water demand in the Study Area will be approximately 0.6 MGD at the end of the planning period.
- G4. The LWD has identified the need to provide more water to meet future needs. The additional source of supply may include expansion of the Mohawk View Filtration Plant, groundwater sources, and/or purchase of water from other municipal sources. Accordingly, to meet future projected water demands, the LWD may have to secure approval from the NYSDEC to draw additional water from the Mohawk River, undertake improvements at the filtration plant, and/or develop intermunicipal service connections with neighboring water systems.
- G5. The following findings pertain to the water system pumping improvements which must be undertaken by the end of the planning period:
  - a. modify and upgrade the existing Mohawk View Low Lift Pump Station;
  - b. modify and upgrade the existing Mohawk View High Lift Pump Station, including an addition to the existing building, new pumps, electrical improvements, and instrumentation work;
  - c. construct a new High Pressure Zone Pumping Station serving the Denison Road area above the elevation of 410 feet; and,
  - d. construct a new booster station on the existing Vly Road 24-inch main to provide better distribution in the Airport Area, Village of Colonie, and areas to the west of the Study Area.
- G6. As regards water system storage improvements which must be undertaken by the end of the planning period, it will be necessary to construct a new 400,000 to

500,000-gallon storage tank west of Denison Road to provide service to areas over elevation 410.

G7. The following findings pertain to the water system transmission improvements which must be undertaken by the end of the planning period:

- a. concurrent with the planned reconstruction of NY Route 7 by the NYSDOT, construct a new 12-inch main along the north side of NY Route 7 from Wade Road to the Niskayuna Town line;
- b. install 400 LF of new 16-inch main to connect the existing 16-inch main on Forts Ferry Road with the new 12-inch main on NY Route 7 described above;
- c. construct 4,400 LF of new 16-inch main to connect the Denison Road Storage Reservoir with the proposed storage tank to provide service to areas above elevation 410 feet and provide an emergency connection for the west portion of the Town;
- d. construct 2,400 LF of new 12-inch main along Sand Creek Road from Watervliet Shaker Road to the Colonie Village line; and,
- e. install 4,800 LF of new 4-inch transmission main from the Mohawk View Treatment Plant to the distribution system to allow additional finished water to enter the distribution system and avoid high discharge pressures.

G8. The following findings pertain to the water system distribution improvements which must be undertaken by the end of the Planning period:

- a. Vly Road/Denison Road: necessary interconnections with high pressure system (pumping station, storage tank, etc.) primarily to service areas over elevation 410 and provide an emergency back-up supply for the Study Area;
- b. Airport Area/Sicker Road: construct a new 12-inch main to connect with an existing 12-inch main on Albany Shaker Road;
- c. Mill Road: connect an existing 20-inch main at Vandenburg Lane with a new 20-inch main on NY Route 7;
- d. Old Niskayuna Road: replace existing 10-inch main under Old Niskayuna Road with new 16-inch main from NY Route 7 to Watervliet Shaker Road;
- e. Old Wolf Road: replace existing 10-inch main with a new 16-inch main on Old Niskayuna Road from Watervliet Shaker Road to Albany Shaker Road. This line would continue east on Albany Shaker Road to connect with the existing 10-inch main on Wolf Road;
- f. Rensselaer Avenue: construct a new 8-inch main along Rensselaer Avenue to connect existing lines on NY Route 7 to Avis Drive;

- g. South Family Drive: at present no water service is available in this area with the exception of a 2-inch service for existing buildings. Therefore, a new 8-inch water line should be installed to connect existing water lines on Watervliet Shaker and Sand Creek Roads;
- h. Sicker Road: replace the existing 6- and 8-inch mains with a new 8-inch main from Albany Shaker Road to the end of Sicker Road;
- i. Wade Road: replace existing 8-inch main with a new 16-inch main from NY Route 7 to Old Niskayuna Road; and,
- j. Airline Drive: construct a new 12-inch main to interconnect with new or existing water lines on South Family Drive or Sand Creek Road.

G9. The public sewer systems in the Study Area are controlled by three separate sewer agencies: the Albany County Sewer District (ACSD), the Town of Colonie Pure Waters Department, and the Village of Colonie. Sewage collected in the Village of Colonie is conveyed to the ACSD for treatment. Sewage collected from the Sand Creek Road and Wolf Road portion of the Study Area lie within the ACSD. Remaining sewerage facilities within the Study Area are owned and maintained by the Town of Colonie Pure Waters Department.

If future development in the Study Area is limited to 50 percent of the Cumulative Growth Scenario, then additional average daily sewage flows from projected development in the Study Area at the end of the planning period will be 119,025 GPD for the ACSD, 33,000 GPD for the Village of Colonie, and 420,708 GPD for the Town of Colonie Pure Waters Department. Based on projected future flows, no improvements to the sanitary sewer systems owned and maintained by the ACSD or Village of Colonie are required. With respect to the Town of Colonie Pure Waters Department, projected future flows are in keeping with their comprehensive sewer plan and all costs required to construct sanitary sewers to a site shall be borne by the developer.

## H. TRANSPORTATION:

After detailed analysis of projected development under the Cumulative Growth Scenario presented in the FGEIS, it was demonstrated that resulting traffic conditions will exceed the design capacity of State, County, and local roadways in the Study Area without appropriate improvements. Operational deficiencies can also be anticipated to occur at key highway intersections in the Study Area. Following careful consideration, it has been determined that while transportation planning in response to the Cumulative Growth Scenario may be feasible, the necessary roadway improvements are neither desirable nor affordable. It is therefore recommended that an alternative scenario developed by the Capital District Transportation Committee (CDTC) (see Appendix A) and premised on conditions set forth below in finding H7, be adopted for the purpose of this findings statement.

The findings outlined below are related specifically to the transportation scenario proposed by CDTC for the Study Area. It should be emphasized, however, that acceptance and adoption of such a proposal by the Town and County is conditioned upon the provisions set forth in finding H7.

- H1. Mitigation of traffic impacts discussed in the FGEIS for either the Cumulative Growth Scenario or High Growth Scenario through transportation actions alone would inevitably result in an inequitable and unacceptably high cost to developers or property owners; an unacceptably high dedication of limited public resources to this one specific geographic area; premature functional obsolescence of the existing transportation system, including the current \$25 million improvements along NY Route 7; severe traffic congestion and residual air quality problems; difficult and expensive efforts to mitigate the environmental and social impacts of the mitigating highway improvements; and probable significant traffic problems on the Northway and facilities outside the Study Area not examined within the FGEIS.
- H2. Given finding H1 above, then a combination of less intensive land use development and less extensive transportation actions must be considered; these actions should be characterized as being affordable to developers or property owners; requiring a dedication of public resources that is appropriate to the size and importance of the Study Area; making maximum use of existing public investment both within and outside the study area; and minimizing environmental and social impacts caused by transportation actions.
- H3. It is recognized that existing development patterns in the Study Area represent a mix of land uses ranging from single family houses to the Capital District's regional commercial airport; from light industrial activities to major retail shopping areas; from nature and historic preserve land to active recreational and sports facilities. Transportation and land use actions must seek to preserve the quality of life and economic viability of the Study Area, including provision of adequate access to and from the Albany County Airport to support economic development needs of the region. Further development in the Study Area should be accommodated only to the extent that livability and economic viability can be protected.



- H4. It is recognized that the costs of a transportation system failure in the Study Area (i.e. congestion, air quality problems, accident potential, decreased accessibility, and decreased economic vitality) would affect all users of the Study Area's transportation system, including existing developments, new developments, and through traffic. Similarly, benefits of improved facilities and services would accrue to all three user groups. It is therefore reasonable to share transportation improvement costs equitably across all three user groups.
- H5. A transportation action plan consisting of the following elements shall be implemented:
- a. Continued NYSDOT reconstruction of NY Route 7 between Wade Road and St. David's Lane, including provision of flush medians, additional turn lanes, and signal replacements per NYSDOT PIN 1306.36.
  - b. Creation of a Transportation Development District (TDD) through special State legislation, allowing the collection of special assessments from properties in the Study Area to address existing deficiencies and mitigate future problems by supporting a fair share of the cost of implementing additional appropriate transportation improvements. Such assessments shall be based on an equitable distribution formula which shall consider each property's contribution to peak hour traffic demand.
  - c. Development of a comprehensive travel demand management program for the Study Area. Such a program shall be developed by the Town and County and should be considered by the Village in conjunction with Airport Management, CDTC, NYSDOT, and CDTA, and shall have the result of reducing peak hour vehicle trip rates at existing and new commercial (particularly office) developments by 10 to 25 percent from current levels. The program shall encourage or require employer-based actions such as staggered work hours, financial incentives for ridesharing, financial support for supplemental transit services, and site design standards that support transit operations. Documented reduction in trip rates as a result of demand management shall be reflected in comparable reductions in TDD assessments. If such voluntary programs are not successful after a reasonable period of time, then the Town, Village, and County should consider enacting a "trip reduction ordinance", modelled after similar ordinances in many communities across the nation, to ensure an adequate reduction in peak hour vehicular demand on the highway system. If appropriate, the administrative and operating costs of the program may be covered by annual assessments. Travel demand management efforts can be expected to be productive under current conditions and all future development scenarios. They will be essential elements during major construction periods (e.g. construction of I-87 Exit 3/4 improvements). A successful program will also be prerequisite to accommodating any significant development.
  - d. Completion of remedial intersection actions to address existing traffic operational and capacity deficiencies. While this should be undertaken as soon as practicable, it is nonetheless subject to the availability of public resources and generation of resources through TDD assessments. These actions are prerequisite to the accommodation of any new traffic in the Study Area.
  - e. Identification and implementation of necessary capacity improvements along NY Route 7 between Wade Road and I-87 Exit 6 such as the possible extension of Wade Road to intersect with Sparrowbush Road. Equitable cost distribution shall consider the contribution of traffic by major traffic generators located outside, but proximate to the Study Area.

- f. Development of an access management plan for NY Route 7. The current reconstruction project can be expected to provide sufficient mainline capacity to handle a majority of the traffic forecast in the Cumulative Development Scenario if the number, location, and design of driveways and streets along NY Route 7 are carefully controlled. Such a plan is currently under development by the CDTC; the Town and County should work closely with CDTC and NYSDOT and be prepared to require compliance with the plan by any new development that occurs along the highway.
- g. Completion of engineering and environmental analyses of alternative methods of implementing improved capacity between the Northway and major trip destinations in the Study Area. Specifically, the I-87 Exit 3/Airport connector concept shall be examined alongside less environmentally-sensitive alternatives such as a partial Exit 3 and reconstruction of Exit 4. An appropriate location and design alternative of the I-87 Exit 3/4 concept shall be selected through procedures consistent with SEQR and NYSDOT's Environmental Action Plan.
- h. Implementation of the selected I-87 Exit 3/4 alternative as soon as practical. These improvements are prerequisite to accommodating even minimal amounts of continued development and conservative estimates of increases in Airport-related traffic. This action will require securing commitment of State and/or Federal funding for an equitable share of the chosen Exit 3/Airport connector improvements.
- i. Completion of engineering and environmental analyses of alternatives for implementing improved capacity between the Airport area and NY Route 7, and between the Airport area and Karner Road. Specifically, the widening of Albany Shaker Road between the Airport and NY Route 7, and the widening of Watervliet Shaker Road between the Airport and Karner Road should be examined alongside other options (such as alternative alignments) which may cause less significant impact on existing development, historic sites, and environmentally-sensitive areas.
- j. Implementation of the selected improvements along Albany Shaker Road and Watervliet Shaker Road. Improvements in these areas are prerequisite to accommodating even minimal amounts of continued development and conservative estimates of increases in Airport-related traffic.
- k. Implementation of widening of New Karner Road between Watervliet Shaker Road and Consaul Road. (Widening from Consaul to NY Route 5 is included in remedial actions.) This improvement is less critical than those listed above, but will be required to accommodate the planned level of development in the Study Area.

The aforementioned transportation action plan can be expected to accommodate the forecast level of growth in Airport-related traffic and approximately 50 percent of other development included in the Cumulative Growth Scenario. Accommodation of further development would require extensive, disruptive, and inefficient transportation actions such as further widening of NY Route 7 and additional arterials between the Airport and the Northway (provided by tunneling under the main north-south runway or by similar means). These actions are deemed inappropriate and unacceptable.

As a result, the land use actions cited for the Study Area emphasize development of Airport-dependent and noise-compatible land uses in the Study Area, discourage continued residential development in the vicinity of the Airport, and ensure that

overall development levels will remain within the manageable levels accommodated by the transportation action plan.

Further actions shall include continued monitoring of traffic conditions throughout the Study Area and early identification of the need to either refine land use policies to reflect actual traffic growth or revise the transportation action plan.

Details of these actions, including their mobility benefits and costs, are provided in Appendix A.

- H6. The Town and County recognize that impact or mitigation fees alone cannot raise the funds identified in the FGEIS for necessary transportation improvements without placing an unacceptable burden on new development relative to existing development. It is also clear that such improvements are beyond the fiscal means of local government in light of reduced Federal and State appropriations for transportation projects. It is therefore necessary that the following measures and considerations be incorporated into a multifaceted funding approach that is both reasonable and equitable:
- a. Pursue an annualized assessment process instead of a one-time impact fee to provide the flexibility needed to accommodate the fact that specific designs, costs, and schedules of improvements are not known.
  - b. Share the cost of addressing deficiencies and providing new capacity across all user groups (i.e. existing and new through traffic, existing development traffic, and new development traffic).
  - c. Set the public share of costs proportional to the sum of the following components:
    1. existing and new through traffic;
    2. existing traffic to/from residential locations in the Study Area;
    3. existing and new traffic to/from public institutions (Airport, County Nursing Home, County Jail, NYS Division of Military and Naval Affairs, etc.) in the Study Area; and,
    4. the amount of additional reserve capacity created. (Reserve capacity remaining at the end of the planning period can be expected to be minimal, even after implementation of planned improvements.
  - d. Set the private share of costs proportional to the sum of the following components:
    1. existing and new traffic to/from commercial properties in the Study Area; and,
    2. new residential traffic in the Study Area.

In order to represent the fact that it is new development that causes the need for transportation improvements and thus, such development should not be approved without appropriate mitigation, the annual assessment rate per peak hour trip for new development should be set at twice the rate of that for existing development.

- e. Use available land use planning tools to reduce the amount of non-critical development allowable in the Study Area to a level sustainable by the proposed transportation action plan detailed in these findings.
- f. Assume that the public share of costs will be provided as follows:
  - 1. State or Federal funds for the I-87 Exit 3/4 concept;
  - 2. State or Federal funds for improvements on NY Route 7 between Wade Road and I-87 Exit 6 (unless offset by developer contributions generated outside the Study Area);
  - 3. County funds for Albany Shaker Road, Watervliet Shaker Road, and New Karner Road improvements, including intersection improvements with State highways; and,
  - 4. Town and Village funds for completion of the Wolf Road service road system.
- g. If public and private costs are distributed evenly over the entire Study Area, then an approximate sharing may be as follows, assuming that future traffic in the Cumulative Growth Scenario is approximately two and one-half times current traffic levels (an increase of 150 percent):

Public Share (all values are presented as an approximate percentage of total existing traffic):

Existing through traffic	20
Existing residential traffic	5
Existing Airport traffic	6
Existing other public facility traffic	10
Additional through traffic	10
Additional Airport traffic	25
Additional other public facility traffic	5
New reserve capacity	0
<b>Total Public Contribution</b>	<b>81</b>

Private Share (all values are presented as an approximate percentage of total existing traffic):

Existing commercial development traffic	59
Total new development traffic in Cumulative Growth Scenario	110
-50 percent development reduction	-55
<b>Total Private Contribution</b>	<b>114</b>

Public and private contributions would have summed to 250 (76 + 164), representing a 150 percent increase in traffic over base conditions, except for the reduction in development levels.

Assuming a 50 percent reduction in private development and using the sharing procedure cited earlier, the transportation system (with improvements) is assumed to be able to accommodate the remainder, totaling a 95 percent increase over 1990 traffic levels. The public share would equal 81/195 or roughly 42 percent of total costs; the private share would equal 114/195 or roughly 58 percent of total costs.

Using approximate project costs for key elements of the transportation improvement work, cost shares might be as shown in Table A-1 of Appendix A. Total improvement costs of up to \$80 million translate into annual assessments (at eventual build-out of 50 percent of the Cumulative Growth Scenario) of \$5 million annually. New private development would be required to assume a more reasonable burden of the improvement costs than under an impact fee process. Furthermore, spreading the costs to an annual basis would mean that new private development would be charged an annual assessment approximately equal to 5.5 percent of the one-time transportation impact fees suggested in the FGEIS.

The rough annual assessment structure could be expected to be as follows, using an approximate value of \$300 per year per new trip (by the year 2000) for new development and \$150 per year per existing commercial trip in place of a one-time impact fee of \$4,372 per new trip:

	<u>1991</u>	<u>1995</u>	<u>2000</u>
<u>Existing</u>			
Office Bldgs (\$/sq ft)	\$0.08	\$0.18	\$0.28
Retail (\$/sq ft)	0.10	0.22	0.35
Ind/Warehouse/Manuf (\$/sq ft)	0.04	0.08	0.13
<u>New</u>			
Single Fam. Res. (\$/per unit)	46.00	141.00	208.00
Office Bldgs (\$/sq ft)	0.16	0.36	0.56
Retail (\$/sq ft)	0.20	0.45	0.71
Ind/Warehouse/Manuf (\$/sq ft)	0.08	0.17	0.27

These annual fees, at a buildout of 50 percent of the Cumulative Growth Scenario, would raise annual resources sufficient to cover 58 percent of the bond expenses of the transportation improvement program. These rates are based on the mitigation fee schedule presented in the FGEIS and assume successful travel demand management actions. Specific rates could be tailored to each property based on documented peak hour traffic load. These values assume that 1991 funding requirements are for remedial action only; that half of the costs of the long-term improvements are incurred by 1995; and that all the long-term improvement costs are incurred by the year 2000.

H7. As previously stated relative to approval and adoption of the CDTC proposal by the Town and County, acceptance of the above findings is premised on the following conditions:

- a. State and/or Federal funding commitment for I-87 Exit 3/4 improvements as discussed in the FGEIS must be in place or attainable;
- b. State legislative enabling authority for the creation of a Transportation Development District (TDD) must be in place or attainable whereby the County or a separate authority would implement the infrastructure improvement plan;
- c. a policy of "concurrency" must be established whereby planning and funding for infrastructure and transportation improvements keep pace with anticipated levels of development, and conversely, the pace of project approvals and actions to implement LUMAC recommendations are limited to reflect reasonable expectations for infrastructure and highway improvements; and,

- d. the "public share" of infrastructure improvements must be re-defined so as not to be based in terms of jurisdiction, which as originally proposed by CDTC, ignores the unique situation of a major regional airport facility being serviced primarily by County-owned roads, and furthermore, fails to acknowledge that the Airport expansion serves as a regional public benefit project. Thus, a readjustment of the public share of costs as set forth in Table A-1 of Appendix A of the CDTC study is mandatory to ensure an equitable allocation of costs between the participating entities, e.g. the State, County, Town, and Village.
- H8. Currently the intersection at I-87 Exit 6 and NY Route 2 operates at an unacceptable level of service. Improvements to fully resolve operational deficiencies on I-87 and at this interchange will require further analysis.
- H9. It is recognized that I-87, between Exits 6 and 8, is currently approaching capacity during peak hours and, in the future, levels of service on this interstate highway can be expected to decline due to development within the Capital District.
- H10. It is recognized that the Albany County Airport and other commercial and industrial enterprises in the Study Area serve the needs of the residents of Albany, Schenectady, Rensselaer, and Saratoga Counties and beyond. As a result, some of the costs associated with roadway improvements should be borne on a regional basis. Therefore, supplemental study should be undertaken to identify regional sources of funding for identified transportation capital improvements.

## I. AIR QUALITY:

Air quality concerns in the Study Area mainly relate to the emissions generated by increased traffic associated with future development. The following findings relate to air quality within the Study Area:

- I1. Carbon monoxide Hot Spot Verification Model was used to evaluate 11 intersections within the Study Area. Based on traffic conditions projected at the end of the planning period, six of the 11 intersections exceeded acceptable carbon monoxide thresholds. These intersections include:
  - a. NY Route 7/Vly Road/Rosendale Road;
  - b. NY Route 7/Albany Shaker Road;
  - c. Albany Shaker Road/Wolf Road;
  - d. NY Route 7/Wade Road;
  - e. New Karner Road/Central Avenue; and,
  - f. Wolf Road/Central Avenue.

If future traffic levels in the Study Area reflect a 50 percent reduction in development from that projected under the Cumulative Growth Scenario, then reduced carbon monoxide levels can be expected at the aforementioned intersections. Nevertheless, when intersection designs are progressed for individual development proposals, more detailed modeling should be performed to evaluate potential air quality impacts.
- I2. If more detailed air analyses indicate impacts to air quality, various mitigation measures are available as outlined below:
  - a. signalization at intersections should be evaluated and adjusted to promote sufficient traffic flows;
  - b. roadway improvements which will result in more efficient traffic movements should reduce carbon monoxide emissions; and,
  - c. the implementation of Transportation Systems Management techniques will reduce traffic level and thus reduce air quality impacts.
- I3. Projecting future air quality based on increased vehicular traffic is a complicated task which requires the use of a computer model which has been developed by the Federal Highway Administration (FHWA). Unfortunately, generally accepted computer models have not been developed to estimate future air quality beyond projected carbon monoxide levels.
- I4. New York State currently conducts air monitoring for the following pollutants: sulfur dioxide, carbon monoxide, ozone, hydrocarbons, nitrogen dioxide, lead, inhalable particulates, and total suspended particulates. No air monitoring stations are located in the Study Area.
- I5. Based on the future use and intensity of development in the Study Area, it may be necessary to conduct additional computer modeling for other pollutants to evaluate potential air quality impacts.

## J. NOISE:

The Town and County recognize that noise generated by aircraft operations at Albany County Airport may have an impact on existing and future development within the Study Area. In general the assumptions made in the 1981 ANCLUC study appear accurate, and based on present operations at the Airport, the noise contours projected for 1995 can be considered a realistic view of the noise which will be generated at Albany County Airport in the future. To address Study Area impacts related to aircraft noise at the Airport adequately, the following mitigation measures are required:

- J1. The rezoning of those underdeveloped areas which were identified as containing incompatible land uses in the 1981 ANCLUC study (see FGEIS Exhibit II-J-2) shall be progressed to permit the development of more compatible land uses. The creation of special use districts may be the most appropriate mechanism to ensure compatible development in high noise exposure areas. Alternatively, comprehensive overlay zoning could be established for the specific purpose of ensuring compatible development in noise impacted areas.
- J2. Certain modifications to local building and fire codes shall be adopted by the Town and should be considered by the Village to require the installation of additional insulation in new construction to reduce noise impacts on residential and other noise sensitive uses which are located in marginally noise impacted areas (between the 60-65 ldn noise contours). Model regulations are included in the 1981 ANCLUC study.
- J3. The Town shall and the Village should give immediate consideration to the enactment of a municipal ordinance which will require that potential buyers of homes within the 65 ldn noise contour be advised of the potential noise impacts associated with the neighborhood. The ordinance to require disclosure should require the descriptions of noise impacts to be inserted into the deeds to subdivided tracts.
- J4. The County agrees to pursue effective measures to control noise generated by aircraft utilizing the Airport facility.
- J5. Where appropriate and practical, Albany County shall continue to comply with FAA policy and mandate for implementation on acquisition of incompatibly used lands proximate to the Airport.
- J6. Albany County Airport officials shall consider the establishment of capacity limits for the Airport based on aircraft noise. Some of the forms that such restrictions may take include:
  - a. restrictions based on cumulative impact, whereby a maximum cumulative impact (such as the total area within the 75 ldn noise contour) is established and Airport operations are adjusted so as not to exceed that maximum. This is done through capacity limitations, e.g. limiting either aircraft types based on their noise impact or the number and mix of aircraft so as to operate within their established cumulative noise exposure restriction; and,
  - b. restrictions based upon FAA certified noise levels which have been assigned to aircraft which currently operate at Albany County Airport. Such limitations might take the form of threshold noise levels for Albany County Airport or different levels for day and night operations.



- J7. Albany County Airport officials may consider the restructuring of landing fees based on the noise generated by individual aircraft. This strategy encourages airlines to use quieter aircraft, while producing additional revenue for the Airport to offset noise-related expenses. For maximum benefit, noise fees should be used in concert with the other mitigation measures presented herein. Fees which escalate sharply for noisier aircraft will provide an additional disincentive for their continued use. To avoid discrimination, the noise fee for each aircraft should be based upon standard single event noise ratings for the aircraft such as those published by the FAA. The reverse strategy could also be applied. Instead of assessing a fee, officials at Albany County Airport could reward air carriers who go to extra lengths to reduce noise generated by their aircraft by providing discounted landing fees. This could encourage the accelerated replacement of noisier aircraft which is already occurring at the Airport.
- J8. The County shall consider establishing an ongoing noise monitoring program so that the noise levels of increased air traffic operations can be tracked and noise exposure areas can be updated.
- J9. During the initial phases of the current Airport Development Project, the County has programmed an update of the Airport noise contours from those reflected in the 1981 ANCLUC study. Once completed, the County shall promulgate and administer a formal Noise Abatement Policy and Program of Compliance consistent with the updated contours. This program shall be administered by a Noise Abatement Committee which shall meet at least annually to review and make recommendations regarding the Noise Abatement Policy and Program of Compliance.