

**JOINT
STATEMENT OF FINDINGS**

**TOWN OF COLONIE
COUNTY OF ALBANY**

**FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT
AIRPORT AREA**

ALBANY COUNTY, NEW YORK

**ENGINEERING & PLANNING
SERVICES DEPARTMENT
RECEIVED**

JAN 23 1992
AM 7 8 9 10 11 12 1 2 3 4 5 6 **PM**

A

RESOLUTION

WHEREAS, the Planning Board of the Town of Colonie on December 17, 1991 issued a Statement of Findings with respect to the Airport Area Generic Environmental Impact Statement, and

WHEREAS the Planning Board is desirous of amending said Statement of Findings in order to provide for appropriate mitigation of anticipated impacts of projected development within the area,

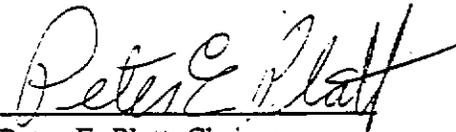
NOW, THEREFORE, be it resolved that said Statement of Findings shall hereby be amended as follows:

1. Item 08. of the Statement of Findings shall be amended to read as follows:

"Development mitigation costs shall be reviewed periodically and revised as necessary to account for changes in the cost factors used to establish the current mitigation cost schedule. The Town Planning and Economic Development Department shall prepare a revised schedule and submit it to the Town Planning Board for review. Upon review and acceptance by the Planning Board, the revised schedule shall be made effective immediately without need for further amendment of these findings, and shall be applied to all mitigation payments for which the first installment has not been received as of the date of acceptance of the revised schedule."

2. The attached Development Mitigation Cost schedule shall hereby be adopted as the current schedule, reflecting the adjustment of all cost factors to 1999-2000 dollars.

Date: February 8, 2000



Peter E. Platt, Chairman

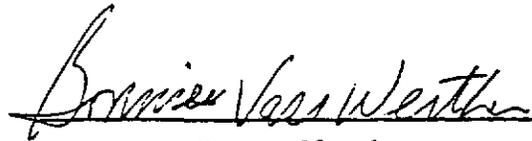
RESOLUTION AMENDING THE AIRPORT AREA GENERIC
ENVIRONMENTAL IMPACT STATEMENT JOINT STATEMENT
OF FINDINGS.

STATE OF NEW YORK)
COUNTY OF ALBANY) SS:
TOWN OF COLONIE)

I, BONNIE VASS WERTHER, Town Clerk of the Town of Colonie, Albany County, New York, DO HEREBY CERTIFY that I have compared the attached with the original resolution adopted by the Town Board of the Town of Colonie at a special meeting of said Board, held on the 9th day of January , 19 97 , and that the attached is a true and correct transcript from said original resolution and the whole thereof, and that the resolution adopted by said Town Board is on file in the Town Clerk's office.

I FURTHER CERTIFY that each member of said Town Board had due notice of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Town of Colonie, this 21st, day of January , 1997.



Town Clerk

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Councilman Zariello offered the following resolution and moved its adoption:

Resolution amending the Airport Area Generic Environmental Impact Statement Joint Statement of Findings.

WHEREAS, on December 26, 1991 the Town of Colonie Town Board issued a Statement of Findings with respect to the Airport Area Generic Environmental Impact Statement; and

WHEREAS, the Town Board is desirous of amending said Statement of Finds in order to provide for appropriate mitigation of anticipated impacts of projected development within the area;

NOW, THEREFORE, BE IT RESOLVED that said Statement of Findings shall hereby be amended as follows:

1. Delete Section H - Transportation and replace with the attached new Section H - Transportation;
2. Delete Table A-1, Cost shares from Appendix A;
3. Section M - Municipal Services, delete subsection M7 and replace with the following:

M7. The following findings relate to solid waste disposal within the Study Area:

- a. If future development in the Study Area is limited to 50 percent of the Cumulative Growth Scenario, then approximately 2,036 additional tons of solid waste are projected to be generated annually from new residential development in the Study Area by the end of the planning period. Non-residential uses in the study Area will generate approximately 8,474 tons of solid waste annually. Therefore, the total projected additional waste generated at the end of the planning period from all sources is approximately 10,510 tons annually.
- b. Based on discussions with the Town Environmental Services Department, it is difficult to estimate the life of the current landfill cell due to the unknown impact of newly instituted waste reduction programs in the Town. While

recycling efforts may extend the closure date of the current landfill cell, the cost savings will be offset by increased recycling costs.

- c. If future development in the Study area is limited to 50 percent of the Cumulative Growth Scenario, then by the end of the planning period, approximately 0.07 and 0.30 acres of additional landfill space for residential and commercial/industrial waste, respectively will be required in the Town. Current landfill construction costs for a state-of-the art facility are approximately \$750,000 per acre. If such an expenditure is deemed warranted, it is assumed that funding could involve a combination of general tax base, user fees and any other mechanisms at the discretion of Town Officials.
4. The attached development mitigation cost schedule shall hereby be adopted as the current schedule, reflecting the adjustment of categories and the adjustment of all cost factors to 1997-1998 dollars.

The resolution was duly seconded by Councilman Mahan and, upon roll call, it was unanimously adopted.

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. 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 mitigation costs. 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," modeled 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 mitigation costs. 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.
- c. 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. These actions are prerequisite to the accommodation of any new traffic in the Study Area
- d. 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.

- e. 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.
- f. 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 SEQRA and NYSDOT's Environmental Action Plan.
- g. 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.
- h. 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.
- i. 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.
- j. 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.

- 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. There are three choices available in pursuing equitable public-private cost sharing in the mitigation of traffic impacts identified in the FGEIS. These are:
 1. Pursue a TDD concept as described in the DGEIS. This would imply challenging the State Comptroller's policies by documenting (a) that new developments *do* benefit more from the improvements than existing developments and (b) that the study area *is* a fair representation of the benefit area for each improvement identified in the FGEIS. A new legal precedent would have to be established.
 2. Accept the State Comptroller's policies and selectively pursue individual districts for certain improvements, with annual assessments based upon traffic load on the affected facilities. The assessments would be set at equal rates for comparable new and existing development. Each district would require separate approval through property owner referendum and acceptance by the Comptroller. District boundaries may extend beyond the FGEIS study area.
 3. Other public/private funding approaches. Developers could be required to contribute a proportionate share of the cost of improvements needed to mitigate the impacts of traffic generated by new development.

While the single TDD cannot be ruled out without further legal and financial investigation, it is believed that a combination of alternatives #2 and #3, combined with consideration of increased public financing, is more practical and equitable.

For the present, and until such time as establishment of a TDD is determined to be warranted, mitigation costs for transportation improvements will be based on the Capital District Transportation Commission's (CDTC) 1989 report *Procedures for Public/Private Financing in the Capital District*. Using a six step process, this approach determines private development's fair share of improvements, resulting in a more equitable distribution of mitigation costs.

The first step in the process is to examine the highway capacity needs, evaluate alternative improvements, and then select a comprehensive set of improvements to advance. Step two is to estimate the costs of the chosen improvements. Step three is to calculate the number of additional vehicle trips to and from each proposed development. The fourth step calculates the increase in traffic volume on each link and at each intersection as a result of the additional vehicle trips generated by each development.

Step five determines the total increase in traffic on each link and at each intersection, and the reserve capacity of each link and intersection with the improvements selected in step one. The final step is to proportion the costs of the improvements between the private share and the public share based on the amount of additional capacity consumed by the development.

It is noted that this procedure is repeated for each link and intersection where there are improvements recommended. The total mitigation cost for a particular development is then calculated by summing the developer's share over all links and intersections that have improvements. Since this funding method apportions cost shares based on the amount of the additional capacity created that is consumed by a particular development, a development that generates many vehicle trips will have a higher total cost share than a development that generates few vehicle trips.

Consideration of Full Public Funding for Some Improvements

Full public funding of certain improvements can be considered in any of the three TDD/mitigation fee approaches.

TDD assessments or traffic mitigation costs are intended to assign costs to properties based on their traffic contribution. Public funding is to be used for costs attributable to non-local traffic and to the creation of reserve capacity. Beyond this level of public sector obligation, it may be appropriate to commit additional public funds, if:

1. the warrant for the improvement is primarily to serve existing and new through traffic and not primarily to serve local development-related traffic; or

2. the warrant is related to addressing high-priority existing or future traffic congestion or access issues; or
3. the improvement serves regional or statewide commerce or economic development interests that would exist with or without local development activity; or
4. the cost of the improvement per unit of capacity created far exceeds reasonable expectations of an annual property assessment or one-time mitigation cost and the development is consistent with regional and community development objectives. (The qualifying statement about consistency is to avoid publicly subsidizing the traffic mitigation costs of incompatible land use.)

These four criteria are a logical basis for identifying appropriate costs to shift from the public/private agenda to a 100% public sector obligation. These criteria may be met by many candidate public-private financed improvements; however, the argument for full public funding is persuasive only if the characteristics are clearly in place. Given these criteria, the Exit 3 or Exit 4 interchange improvements and the airport connector roadway are prime candidates for full public funding.

Recommended Avenues for Exploration

Figure 1 is a schematic that represents transportation improvements listed in this Statement of Findings. It is useful to examine the proposed package of improvements in this fashion, and consider alternatives for funding each improvement. The best approach may be one which fits a fair and equitable funding arrangement to each improvement, rather than finding a single funding arrangement that fits all. Further financial and legal investigation will be required to refine many of these concepts.

The recommendations are listed below. Numbers refer to Figure 1 and represent an approximate sequence or staging of improvements.

1. **Albany-Shaker Road, Airport to NY7:** A strong argument could be made for greater public financing of this facility, due to its importance to the regional airport. This facility should be considered for inclusion in the National Highway System (NHS) which is currently being identified by the state. However, the development pressures and urgency of making these improvements suggests that waiting five or more years for federal aid is not practical. It is recommended that the County work with British American and other developers in the corridor to negotiate the roadway location, design and shared cost arrangement to allow the project to proceed in the early timeframe that the County desires. The county should examine the availability of state infrastructure bond funds for partial funding, due to the industrial activity in the corridor.
2. **Old Wolf and Watervliet Shaker Road Intersection:** Improvements to this intersection have been identified by the town as mitigation actions related to developments in the airport area. This project may be appropriately advanced through mitigation costs or through negotiated agreements in connection with developments in the area.

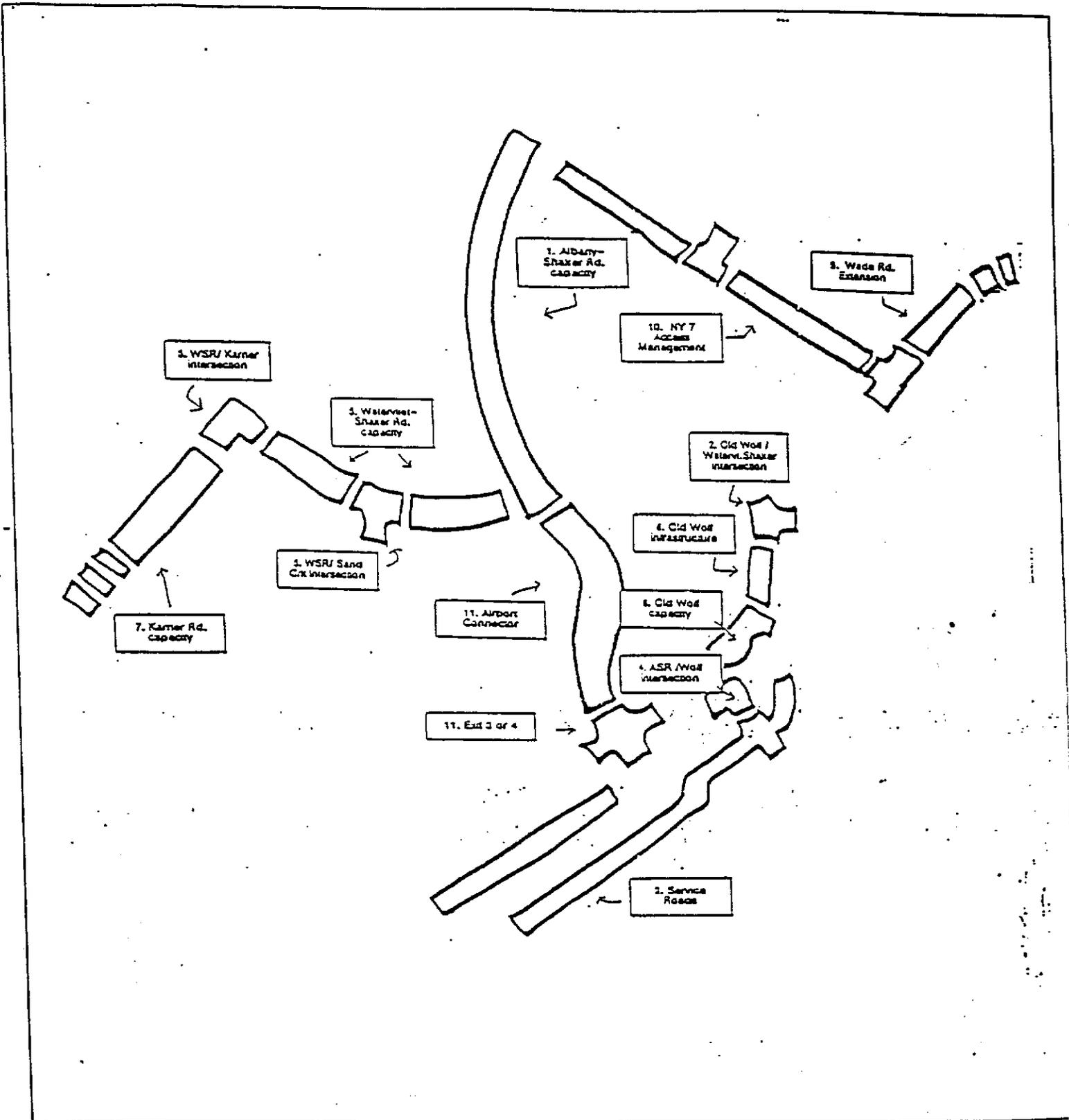


Figure 1.

Highway Improvement Groupings

3. **Wolf Road Service Roads:** Full construction of service roads, connections to Wolf Road and realignment of the Albany-Shaker Road/Maxwell Road intersection with the service road may be an appropriate application of the TDD concept. With a TDD boundary crafted to include properties that would benefit, the base of properties may be large enough to keep individual assessments to modest levels. This TDD, if acceptable to all parties, would logically be administered at the town level and, if possible, include property within the village limits along Wolf Road.
4. **Wolf Road/Albany-Shaker Rd. Intersection:** Limited widening at this intersection is intended as a short-term strategy until an Exit 3 or Exit 4 project is ready. NYSDOT has committed funds for the intersection project, which is listed on CDTC's Transportation Improvement Program. No further private funding is required.
5. **Watervliet-Shaker Rd. widening or relocation:** Intersection improvements are warranted in the short-term as a remedial action. These should be progressed by the county either with county funds or with federal aid (Surface Transportation Program funds) through programming action by CDTC. Pursuing federal aid may delay such projects for several years until the funding is available, unless the county is willing to trade federal funds earmarked for other projects (such as Everett Rd.) for this work. This widening or relocation can be expected to be a difficult and time-consuming project to advance; it may be best considered a long-range project, to be funded by county funds in combination with mitigation costs to be collected from any major developments in the Watervliet Shaker Rd. corridor.
6. **Old Wolf Rd. Infrastructure work:** Planned remedial infrastructure work along Old Wolf Rd. should be progressed by the county without private contributions.
7. **New Karner Rd. capacity work:** Widening this corridor may be an appropriate application of the TDD concept. Owners of both new and existing developments may recognize the benefit of the improvement and accept significant funding responsibility. This TDD may be logically linked with a TDD for improvement of New Karner Rd. south of Central Avenue and may be best administered at the county level. As in the Wolf Rd. area, support of existing property owners is essential.
8. **Old Wolf Rd., Exit 4 off-ramp to Albany-Shaker Rd.:** Limited widening is planned as a near-term improvement until an Exit 3 or Exit 4 project is ready. NYSDOT has committed funds for the intersection project, which is listed on CDTC's Transportation Improvement Program. No further private funding is required.
9. **Wade Rd. Extension:** Extension of Wade Rd. north of NY7 to connect with Sparrowbush Rd. and/or (Alternate) NY7 is cited in the Statement of Findings. This project may be appropriately advanced through a local area TDD, through mitigation costs or through negotiated agreements in connection with developments in the area. Staging is dependent upon the pace of development in the area.

10. **NY7 Access Management:** The current NY7 reconstruction project improves the arterial function of that road. To protect that function, implementation of service road(s) paralleling NY7 should be pursued in conjunction with development fronting NY7. Intersection improvements at NY7 and Wade Rd. and NY7 and Old Niskayuna Rd. are also called for over time, in conjunction with development. These improvements should be tied to development along NY7 and roads feeding NY7 through a local area TDD, through mitigation costs or through negotiated agreements in connection with developments in the area. Staging is dependent upon the pace of development in the area.
11. **Exit 3 or Exit 4 interchange improvements and the airport connector roadway:** This is a long-range improvement. As planned, NYSDOT should immediately advance the analysis of environmental issues and design alternatives. Because of the potential high cost of the project and its importance to regional and statewide economic interests, federal or state funding should be sought for the entire cost of the improvements.

It is further recommended that the town and county proceed with a financial plan to refine the cost structure for the implementation of improvements that involve a private cost or assessment. The goal should be to reduce current costs significantly through recalculation of private contributions based upon the recommendations above. This effort could be funded through federal aid earmarked in CDTC's Transportation Improvement Program or through mitigation costs already collected by the town. The plan should address procedural requirements, legal issues regarding TDD boundaries and consideration of on-going taxes in calculation of costs and assessments.

Because of known historic area and wetlands issues affecting several of the projects, the town, county and state should involve NYSDEC, the US Army Corps of Engineers, the NYS Office of Parks, Recreation and Historic Preservation, the Shaker Heritage Society and others in roadway location and design considerations at the earliest opportunity.

Finally, regional and local efforts that would help promote demand management and ridesharing should be encouraged. These programs are essential, in order to minimize the amount and cost of highway construction required and extend the useful life of any improvements.

- 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. 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,

- c. 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 served 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 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.

AIRPORT AREA
DEVELOPMENT MITIGATION COSTS
(1997-1998 DOLLARS)

Project Name _____ Pl. Bd. # _____ #SD _____

Project Address _____ Date _____

IMPROVEMENT	UNIT MEASURE	COST	UNITS	TOTALS
*Water Commercial	sq. ft. of building space	\$ 1.35		
Water Residential		\$ 3,470.		
Recreation	Dwelling unit	\$ 101.		
GEIS Preparation	Acre	\$ 253.		

Sub Total:

**Transportation (per CDTC analysis)

+

Total:

* Mitigation costs for non-residential water usage impacts are based on an average estimated usage of 0.1 gallons per sq. ft. per day. Excessive water user mitigation costs will be used for those developments that the Latham Water district determines will have an estimated water usage substantially higher than the estimated average.

** Based on project's traffic analysis of proportionate share of mitigating funds for impacts on surrounding highway systems.