CITY OF UTICA HARBOR POINT REDEVELOPMENT STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Quality Review Act, SEQRA) of the Environmental Conservation Law (ECL) and 6 NYCRR Part 617, the City of Utica Common Council, as the Lead Agency, makes the following findings.

NAME OF ACTION:	Harbor Point Redevelopment Project
DESCRIPTION OF ACTION:	The redevelopment project consists of:
	 Infrastructure and road improvements
	 Replacement of harbor walls
	 Public/private buildout of the Harbor Point Redevelopment Plan (see Figure 2)
LOCATION:	City of Utica (see Figure 1)
AGENCY JURISDICTION:	The City of Utica is acting as SEQRA Lead Agency for implementation of the Harbor Point Redevelopment Plan. The City has primary responsibility for reviewing Harbor Point Redevelopment projects.

DATE FINAL GENERIC

ENVIRONMENTAL IMPACT

STATEMENT (FGEIS) FILED: February 17, 2016

FACTS AND CONCLUSIONS RELIED ON TO SUPPORT THE DECISION:

Scope of Review

In accordance with the requirements of SEQRA, the FGEIS contains:

- a concise description of the proposed action, its purpose, public need and benefits, including social and economic considerations;
- a concise description of the environmental setting of the areas to be affected, sufficient to understand the impacts of the proposed action and alternatives;
- a statement and evaluation of the potential significant adverse environmental impacts and the reasonable likelihood of their occurrence including:
 - » reasonably related short-term and long-term impacts, cumulative impacts and other associated environmental impacts;
 - » those adverse environmental impacts that cannot be avoided or adequately mitigated if the proposed action is implemented;
 - » irreversible and irretrievable commitments of environmental resources that would be associated with the proposed action should it be implemented;
 - » growth inducing aspects of the proposed action;

- » impacts of the proposed action on the use and conservation of energy; and
- » impacts of the proposed action on solid waste management.
- a description of mitigation measures;
- a description and evaluation of the range of reasonable alternatives (including the no action alternative) to the action that are feasible, considering the objectives and capabilities of the Project Sponsor; and
- comments received during the public and agency review period and the Lead Agency's responses to substantive comments.

Project Impacts & Mitigation

The FGEIS, including incorporation of the Draft GEIS (DGEIS) by reference, identifies both short-term, construction related activities and long-term impacts associated with the implementation of the Harbor Point Redevelopment Plan. The table below summarizes potential impacts by topic (including impact thresholds), as well as mitigation to reduce or eliminate potential adverse impacts.

Торіс	Potential Impacts	Mitigation	FGEIS Impact Thresholds
 Zoning, Land Use, Public Policy & Community Character 	 Additional City tax revenue Repurposing of former industrial lands Increased public awareness of and access to the harbor Creation of a local and regional destination, which will attract tourism and bolster the economy 	 Adherence to zoning regulations Acquisition of special permits for recreational land uses Consideration of architectural/design standards Coordination with the NYS Canal Corporation, National Grid and other property owners to acquire property rights 	 Uses identified in the Harbor Point Redevelopment Plan The Project would consist of approximately 489,850 square feet of building used for commercial (retail, lodging, office), cultural and residential development¹ Proposed residential development is primarily one and two bedroom apartments marketed to young professionals and retirees
2. Community Services	 Minimal impact on school system Increased need for police, fire and emergency services Minimal impact on existing health care systems Beneficial impacts on recreational opportunities (expanded and enhanced opportunities including softball, baseball, soccer, multi-purpose trails, amphitheater, and reuse of the "Parthenon" building). 	 Expanded police, fire and emergency service coverage including use of Mutual Aid Potential need to increase emergency first responder staff 	
3. Geology, Soils & Topography	 Temporary disruption of soil profiles and exposure of bare soils; potential sediment transport to surface waters Modifications of existing topography Construction of facilities on unstable soils Disturbance and exposure of industrial- impacted soils (including use restrictions associated with on-going remediation or 	 Installation and maintenance of Erosion & Sedimentation Controls (E&SCs) Coverage (for disturbances 1 acre and >) under the NYSDEC's SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) including preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) 	

¹ Numbers are approximate. See Harbor Point Redevelopment Plan (Figure 2).

pic Potential Impacts	Mitigation	FGEIS Impact Thresholds
 pt potential impacts restrictive covenants and/or deed restrictions placed on remediated lands Minor alteration of the bathymetric profile of the harbor due to limited dredging Secondary impacts associated with importation of structural fill and exportation of spoils 	 Weekly SWPPP inspections Management of spoils in accordance with applicable regulations Avoiding steep slope areas to the extent practicable Minimizing the amount of bare soil exposed at one time Using trench plugs and dewatering equipment to direct sediment laden water from dewatering operations to temporar sediment traps or other approved device prior to discharge Restoration of construction sites Preloading (surcharging) of areas requiring importation of structural fill; rest and settlement monitoring in areas that require fills > 2 feet Design of foundations consistent with subsurface conditions; use of deep foundation and structural grade-level sla systems, which utilize driven piles; use of conventional shallow foundations consisting of footings and mats should not be planned for new building and structures Design of structures and associated infrastructure will be planned in conjunction with a geotechnical investigation evaluation tailored to the specific project and in compliance with Building Code requirements Projects should anticipate encountering and the need to manage impacted subsurface materials; means and method to evaluate and manage soil and 	

Торіс	Potential Impacts	Mitigation	FGEIS Impact Thresholds
		 groundwater conditions should be available and alternative fill sources should be considered Compliance with NYSDEC-required use restrictions and institutional controls (<i>i.e.</i>, DSA-1 and Harbor Point) Coordination with NYSDEC to modify commercial use restriction at DSA-1 to facilitate "restricted residential" before mixed use development can proceed Use of a cofferdam to perform work within the Barge Canal in dry conditions (<i>i.e.</i>, rehabilitation or replacement of harbor walls) Use of floating booms and barriers within the canal to contain displaced silt, turbidity, sediment and debris 	
4. Plants & Animals	 Short-term (construction phase), temporary impacts on common species and habitats Long-term habitat modifications due to redevelopment activities Short-term impacts on aquatic species during dredging and/or rehabilitation/replacement of harbor bulkheads 	 Implementation and maintenance of E&SCs Acquisition of applicable permits for work within the Barge Canal Restoration of disturbed areas, which are not converted to buildings and other impervious surfaces Inclusion of landscaping features to provide habitat for common species; landscape design should promote use of non-invasive species Adherence to USFWS tree-cutting restrictions for the Indiana and Northern Long-Eared Bats (cutting allowed from October 1st through March 31st); cutting outside of that time range requires further consultation with USFWS 	

Торіс	Potential Impacts	Mitigation	FGEIS Impact Thresholds
5. Groundwater & Surface Water Resources	 Increased potential for sediment migration via stormwater runoff during construction (grading, excavations) Temporary sedimentation within the Barge Canal related to dredging and repair of the harbor wall bulkheads Need to manage dewatering of DSA-1 Potential to encounter, and need to manage, groundwater during excavations Potential to encounter impacted ground water due to former industrial uses Increase in stormwater runoff due to increase in impervious surfaces after development Generation of additional sanitary flows from development, which require treatment at the local wastewater treatment plant Potential increase in pollutants in the Inner Harbor due to increased use of the harbor by leisure boats Potential encroachment on federal wetlands 	 Contractors will develop and implement a dewatering program, which accounts for potential contaminants; waters will be managed in accordance with State and federal requirements Work within protected waterbodies will require State and federal permits Encroachments on federal wetlands will require authorization from the USACE Implementation and maintenance of E&SCs Coverage (for disturbances 1 acre and >) under the NYSDEC's SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) including preparation and implementation of a SWPPP Design and construction of a stormwater management system to manage water quality and quantity in accordance with the New York State Stormwater Design Manual Stormwater runoff will meet the City and NYSDEC stormwater flows will be discharged to the City's municipal sewer system Stationary fuel tanks and unloading areas will be designed with secondary containment specifications in accordance with federal and State regulations, including the preparation of a Spill Prevention, Control & Countermeasure 	

Τορίς	Potential Impacts	Mitigation	FGEIS Impact Thresholds
		 (SPCC) Plan, if regulatory quantity thresholds are met Solid waste will be stored, handled, and disposed in accordance with applicable federal, State and local regulations to mitigate potential migration of leachate to surface waters Use of pesticides and herbicides will be conducted in accordance with applicable regulations Flagging and signage (and use of temporary fencing, if necessary) to protect sensitive waterbodies (including federal wetlands) 	
6. Flooding	Development plans are within the floodplain fringe portion of the 100-year floodplain	 Acquisition of Floodplain Development Permits from the City for work within the 100-year floodplain Redevelopment of DSA-1 will not include residential uses on the first floor pursuant to floodplain regulations and NYSDEC use restrictions Consideration of flood proofing or the use of fill to raise elevations for development work and utilities located within the 100- year floodplain (in conjunction with the acquisition of floodplain development permits) Potential need (on a developmental hydraulic studies to demonstrate that projects will have no adverse effects on neighboring properties by altering the floodplain Continued use of NYS Canal Corporation's taintor gate dam located at the harbor's 	 No development in the restricted Regulatory Floodway No adverse impacts on adjacent properties by altering the floodplain through the importation and placement of significant amounts of fill along the eastern portion of the Project Area (based on Gomez & Sullivan hydraulic analysis; DGEIS Appendix F) Redevelopment of DSA-1 will not include residential uses on the first floor pursuant to floodplain regulations and NYSDEC use restrictions

Торіс	Potential Impacts	Mitigation	FGEIS Impact Thresholds
		 confluence with the Mohawk River (to control harbor levels) Coordination with Oneida County regarding implementation, if necessary, of procedures outlined in the County's Comprehensive Emergency Management Plan (to facilitate emergency egress during site operations and special events) 	
7. Infrastructure	 Increased demands on infrastructure from new development Increased fire flow demands (water) Temporary, short-term construction related impacts from extension of existing or installation of new service connections 	 Extension of water distribution lines along Lee Street, Wurz Avenue, and Wells Avenue into the redevelopment area to facilitate services connections to proposed land uses Increasing the 6-inch water service line along Wells Avenue to 8-inches and extending into the redevelopment area (to provide for adequate fire flow demands) Use of automatic sprinkler systems and fire rated materials per International Building Code Council and New York State Uniform Fire Prevention & Building Code Installation of a new (replacement) 8-inch sewer line at a depth adequate to allow for extension of service into the redevelopment area Extension of sanitary mains into the site to facilitate service connections to proposed land uses Implementation and maintenance of E&SCs during construction activities 	 Water demand of 0.12± million gallon per day (mgd) at full build- out of Harbor Point Redevelopment Plan (300 gallons per minute [gpm] peak, with additional demands due to redevelopment or repurposing of private-sector lands located along North Genesee Street) Full build-out sewer demand of 0.12 mgd
8. Traffic & Transportation	 Increased traffic accessing and egressing the redevelopment area Changes to traffic signal and patterns 	 Adding signal at the Genesee Street/Wells Avenue/Hess Drive intersection by full build out year (2020) 	 Future full build-out (2020) traffic conditions as identified in the Traffic Impact Study (DGEIS Appendix G)

Торіс	Potential Impacts	Mitigation	FGEIS Impact Thresholds
	 Potential increases in accidents due to increased traffic 	 Widening of Wells Avenue to provide a through/left turn lane and a right turn lane Preparation of a signal warrant study as full build-out of the redevelopment area nears completion Potential accident mitigation includes: minimizing stop-and-go conditions by improving traffic flow and access management strategies to reduce the number of driveways; and speed reductions through enforcement or the introduction of traffic calming measures Promoting transit use including the addition of stops within the redevelopment area 	
9. Air Quality	 Short-term, temporary construction phase dust and exhaust impacts from construction vehicles and equipment Emission from new HVAC systems, sanitary vents and other regulatory-defined exempt and trivial sources associated with new buildings Additional mobile source emissions from increased traffic accessing and egressing the redevelopment area 	 Implementation of dust suppression measures during construction Proper maintenance of construction vehicles and equipment Prohibiting unnecessary idling of construction equipment Construction of stabilized entrances to minimize migration of dirt (and dust) onto local roads Building code reviews of proposed HVAC systems, sanitary vents, and other exempt and trivial emission points for compliance with local and State codes 	
10. Noise, Odor & Light	 Temporary noise impacts during construction activities within the redevelopment area, as well as by increased construction traffic accessing and egressing the site 	 Proper muffling and maintenance of construction vehicles and equipment Adherence to established construction and operational hours Compliance with City code requirements 	

Торіс	Potential Impacts	Mitigation	FGEIS Impact Thresholds
	 Noise from additional traffic accessing and egressing the site during the operations (including watercraft in the harbor) Noise from site operations (including passive and active recreational uses and special events) Use of temporary lighting (for safety and security) during construction 	 Use of landscaped buffers, grading and other design elements to attenuate noise and light Good housekeeping and best management practices including proper storage, transport and off-site management of waste materials (to mitigate potential odor and nuisance sources) Adherence to City glare standards (§ 2-29-526 of the City Code) including review and approval of lighting designs by the City Code's Department Use of dark sky compliant lighting through the use of shielded (reflective cutoffs) light fixtures and wall packs, as well as timers, if applicable 	
11. Socio-economic Issues	 Positive impacts including the creation of jobs and spending (construction & operations), increases in State and county sales tax revenues, and increases in assessed property values and City property tax revenue 		
12. Cultural Resources	 Impacts on contributing elements within the New York State Historic Barge Canal District including transfer of NYS Canal Corporation lands to the Utica Harbor Point Development Corporation (as mandated by State legislation), restoration and subsequent use of the Main Shop (1933 Building), relocation or removal of the Freight House (1917 Building), removal of the Oil House, and rehabilitation or reconstruction of the harbor wall bulkheads 	 Coordination with the State Historic Preservation Office (SHPO) Incorporation of the "historic feel and association of the canal harbor" into the proposed design Completion of an historic structures report (HSR) to support acquisition of a Letter of Resolution (LOR) from SHPO 	

Торіс	Potential Impacts	Mitigation	FGEIS Impact Thresholds
	 Demolition of non-contributing elements and facilities including the 10-bay garage and pole barn Introduction of new structural and 	 Enhancement of redevelopment area 	
13. Visual Resources	landscape features, as well as modification and/or removal of some existing features	entranceways to provide an "inviting gateway to the Harbor"	
14. Hazardous Materials	 Potential to encounter impacted soils and groundwater during construction phase activities (see list of recognized environmental conditions (RECs) identified in the Phase I Environmental Site Assessment (ESA) report (summary provided in Section 2.14 of the DGEIS) Construction and operational constraints pursuant to use restrictions associated with on-going remediation or restrictive covenants and/or deed restrictions placed on remediated lands Impacts from on-going remedial activities by National Grid and other parties on lands within the Harbor Point portion of the redevelopment area On-going remediation may impact the redevelopment efforts initiated on National Grid lands until completion of remediation/restoration efforts in 2018; additional time may also be necessary for dredged spoils to dewater and settle within the former MVO site, prior to use for passive recreational activities Impacts from past land uses on private lands along North Genesee Street, which 	 Compliance with use restrictions associated with on-going remediation or restrictive covenants and/or deed restrictions placed on remediated lands; existing restrictions include: 1) DSA-1 – "there will be a deed restriction placed to ensure that redevelopment is limited to nonresidential uses. Further, deed restrictions on groundwater usage on and in the vicinity of the DSAs will be placed, as well as notices to future developers of the site regarding the need for worker protection and proper handling and disposal of any materials encountered during future development. Groundwater contaminant levels will be monitored. The deed restrictions will also require present and future owners to annually certify to the NYSDEC that the institutional controls have been maintained and that the conditions at the site are fully protective of public health and the environment in accordance with this ROD"; additional mitigation and coordination will be required to support a request to the NYSDEC to modify existing deed restrictions, which limit future redevelopment uses on DSA-1 (based on 	 Private lands were not investigated for past environmental impacts; impacts from existing and past land uses (due diligence assessments) would need to be assessed by private land owners and/or future developers

Торіс	Potential Impacts	Mitigation	FGEIS Impact Thresholds
	would need to be assessed by future land developers	 initial NYSDEC coordination efforts, infilling DSA-1, which will raise the site and associated building finished floor elevations (FFEs), will facilitate mitigation of both the residential deed restriction and requirements for residential development within the 100-year floodplain); 2) Harbor Point (National Grid) Lands – The ROD issued by the NYSDEC requires National Grid to remediate portions of the site to varying depths depending upon the type and quantity of constituents; depths to which remediation occurs could vary from 0 feet to 20 feet across the site; future easements or deed restrictions may impact future redevelopment efforts Coordination with National Grid, NYSDEC and private landowners to identify use and schedule restrictions Phase I and II ESAs performed by future site owners and developers for privately-owned parcels along North Genesee Street 	
15. Solid Waste Management	 Generation of construction and operational phase wastes requiring off- site management 	 Compliance with local and State requirements regarding the handling and disposal of waste streams Implementation of recycling in accordance with local and State requirements Diversion of C&D wastes from landfill disposal (<i>i.e.</i>, potential reuse) 	

CERTIFICATION TO APPROVE/FUND/UNDERTAKE:

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

- 1. The requirements of 6 NYCRR Part 617 have been met; and
- 2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

City of Utica Common Council Name of Agency

Signature of Responsible Official

Common Council President Title of Responsible Official

Michael P. Galime

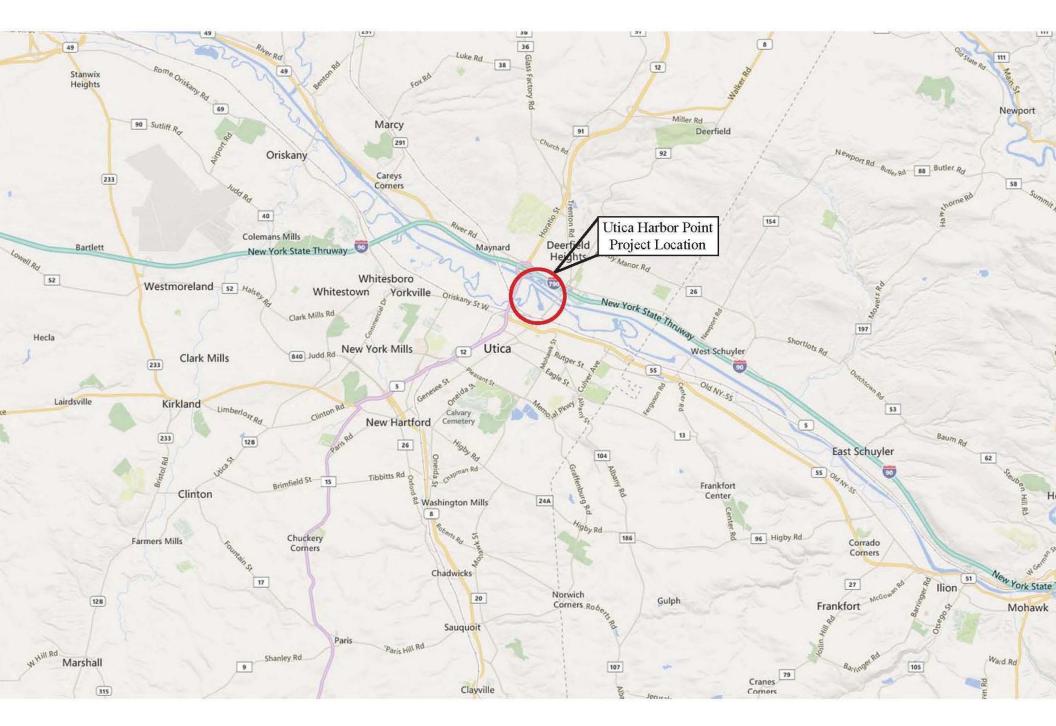
Name of Responsible Official

ADDRESS OF AGENCY:

City of Utica c/o Mr. Brian Thomas, Commissioner Department of Urban & Economic Development 1 Kennedy Plaza Utica, NY 13502

cc: Other Involved Agencies (see Attachment 1) Environmental Notice Bulletin

Site Location Map & Master Plan



DADV	ING EVALUATION KEY:				
TAKK	BUILDING USE		ARE FOOTAGE BUILDING	BUILDING STORIES	PARKING SPACES NEED PER BUILDING
A1	RESIDENTIAL/ BUSINESS	43,2	200 SF	3	83
A2	RESIDENTIAL/ BUSINESS		400 SF	2	54
A3	RESIDENTIAL/ BUSINESS	42,9	900 SF	3	82
A4	RESIDENTIAL/ BUSINESS	36,3	300 SF	3	89
A5	RESIDENTIAL	46,8	300 SF	2	87
A6	RESIDENTIAL	33,6	500 SF	2	36
A7	RESIDENTIAL	32,0)00 SF	2	38
A8	RESIDENTIAL	59,4	400 SF	2	96
A9	RESIDENTIAL	32,2	250 SF	2	42
	•	•			•
В	HARBOR OPERATIONS/	7,00	00 SF	1	23
	INTERPRETIVE CENTER				
С	RETAIL/BUSINESS	104	,000 SF	4	150
	-				
D1	UPSCALE FOOD COURT	14,0	000 SF	1.5	154
D2	RESTAURANT	16,0	000 SF	1	80
	AREA USE		PARKING SPAC		
E	WATERFRONT RECREATION		30		
	PARK/ COFFEE SHOP				
F	PERFORMANCE AMPHITHEATER		261		
G	RECREATION AREA		465	_	

NYS CANAL LANDS ALONG HARBOR

Α

B

NYS CANAL LANDS DREDGE SPOILS AREA





G

CITY OF UTICA, NY HARBOR POINT REDEVELOPMENT GEIS



Ε

Utica Hari









Figure 2 Preferred Master Plan

ATTACHMENT 1



INVOLVED & INTERESTED AGENCY LIST

NEW YORK STATE

Mr. Larry Ambeau, Regional Permit Administrator NYSDEC, Region 6 317 Washington St. Watertown, NY 13601

Mr. Joseph Savoie, Acting Director Canal Design Bureau NYS Canal Corporation Exit 23 and Rt. 9W Albany, NY 12201

Mr. Brian Hoffmann, P.E., Regional Design Engineer NYSDOT Region 2 Utica State Office Building 207 Genesee Street Utica, NY 13501

Ms. Ruth Pierpont, Deputy Commissioner New York State Division for Historic Preservation New York State Office of Parks, Recreation & Historic Preservation Peebles Island State Park P.O. Box 189 Waterford, NY 12188-0189

Mr. John Wimbush New York State Department of State One Commerce Plaza 99 Washington Avenue Albany, NY 12231-0001

Ms. Jane Thelen New York State Empire State Development 625 Broadway Albany, NY 12207

ONEIDA COUNTY

Mr. John R. Kent, Jr., Commissioner Oneida County Department of Planning 321 Main Street Utica, NY 13501

Mr. Richard Goodney, P.E. Mohawk Valley Water Authority 1 Kennedy Plaza Utica, NY 13502 Mr. Steven P. Devan, P.E., Commissioner Oneida County Department of Water Quality & Water Pollution Control Post Office Box 442 Utica, NY 13503-0442

Ms. Phyllis Ellis, Director Oneida County Department of Health 185 Genesee Street Utica, NY 13501

Mr. Kevin L. Lewis, Executive Director Oneida County Soil & Water Conservation District 121 Second Street Oriskany, NY 13424

CITY OF UTICA

Hon. Michael P. Galime, Council President City of Utica Department of Legislation 1 Kennedy Plaza Utica, NY 13502

Mr. J. Michael Mahoney, Deputy City Engineer City of Utica Department of Engineering 1 Kennedy Plaza Utica, NY 13502

Mr. Fred Matrulli, Chairperson City of Utica Planning Board c/o Department of Urban & Economic Development 1 Kennedy Plaza Utica, NY 13502

City of Utica Zoning Board of Appeals c/o Department of Urban & Economic Development 1 Kennedy Plaza Utica, NY 13502

Mr. Dave Farina, Code Enforcement Administrator City of Utica Codes Department 1 Kennedy Plaza Utica, NY 13502