



CITY OF RENSSELAER

CITY HALL, 62 WASHINGTON STREET
RENSSELAER, NEW YORK 12144
(518) 465-1693 (518) 465-5489 (518) 465-2031 Fax

COASTAL ASSESSMENT FORM

Instructions:

1. This form must be completed for Type I or Unlisted Actions under SEQRA (6 NYCRR 617) that are located in or affecting the City of Rensselaer Coastal Area as delineated in the City's Local Waterfront Revitalization Program (LWRP). Completion of this form is not required for NY State Type II Actions under SEQRA (6 NYCRR 617.5 – listed in Appendix I) or adopted by the City of Rensselaer under SEQRA (6 NYCRR 617.5).
2. This Coastal Assessment Form (CAF) must be completed to enable the Planning Commission, which is assigned responsibility by the Common Council under the City Environmental Quality Review Law (City Code Chapter 93), to make a determination as to whether the proposed action is consistent with the City of Rensselaer LWRP. The CAF will be reviewed concurrently with an EAF or DEIS submitted in accord with SEQRA.
3. The CAF shall be completed if required (see 1 above) by:
 - a. All applicants for permits or approvals from the Planning Board, Zoning Board of Appeals or City Board.
 - b. All applicants for funding by a City Agency.
 - c. All City agencies undertaking a direct action or enacting legislation regarding land use policies.
4. Before completing this CAF, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the City Clerk's office or the Planning Department and online at <http://nywaterfronts.com/LWRP/City%20of%20Rensselaer/City%20of%20Rensselaer.pdf>. A proposed action should be evaluated as to its significant beneficial and/or adverse effects upon the coastal area.

Applicant Information:

Project Name:

Rensselaer Plant

Applicant Name(s):

New Castle Asphalt LLC

Applicant Contact (address & phone):

Roderick J. Valente
118 Button Road
Waterford New York 12188

Owner Name & Contact (if not applicant):

Albany-Rensselaer Port District Commission
106 Smith Boulevard
Albany New York 12202

Proposed Activity

Description of Proposed Activity:

Construction and operation of a 400 ton per hour capacity drum mix blacktop plant on an industrial zoned parcel approximately 12.4 acres in size.

Tax Map Number of All Parcels:

154-5-3

Street Address of All Parcels:

Riverside Drive

Size (Acres) of Site:

12.4

Present Use:

Parking/Construction Yard

Zoning District:

Industrial

Gross Floor Area (s.f.):

Permits or Approvals Required:

City of Rensselaer - Special Use Permit – Floodplain Overlay District
City of Rensselaer – Site Plan Approval
City of Rensselaer – Stormwater Pollution Prevention Plan
NYSDEC – Air Registration
NYSDEC – Petroleum Bulk Storage
NYSDEC – Industrial Stormwater Management Plan
Rensselaer County DOH – Septic System Approval

Coastal Assessment

Check either "YES" or "No" for each of the following questions. The numbers following each question refer to the policies and sub-policies described in the LWRP which may be affected by the proposed activity.

A. Will the proposed activity result in any of the following?

- 1. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (1, 1a-g, 2, 2a, 8, 9, 11, 18, 19, 19a-h, 20, 21, 22, 25, 33, 37) Yes No
- 2. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 20, 33, 35, 44) Yes No
- 3. Revitalization / redevelopment of a deteriorated or underutilized waterfront site? (1, 1a-g, 2, 2a, 11, 19, 19a-h, 20, 21, 22, 25) Yes No
- 4. Revitalization / redevelopment of a deteriorated or underutilized downtown business district site with a proposed use occupying over 4000 square feet gross floor area or requiring a Use Variance? (1d-e, 23, 25) Yes No
- 5. Reduction of existing or potential public access to or along coastal waters? (19, 19a-h, 20, 21, 22) Yes No
- 6. Adverse effect upon the commercial or recreational use of coastal fish resources? (8, 9) Yes No
- 7. Siting of a facility essential to the exploration, development and production of resources in coastal waters? (19, 20) Yes No
- 8. Mining, excavation or dredging activities or the placement of dredged or fill material in coastal waters? (35, 36) Yes No
- 9. Draining of stormwater runoff or sewer overflows into coastal waters? (8, 33, 35, 36, 37) Yes No
- 10. Transport, storage, treatment or disposal of solid wastes or hazardous materials? (36, 39) Yes No

B. Will the proposed activity affect or be located in, on or adjacent to any of the following:

- 1. State designated freshwater or tidal wetland? (44) Yes No
- 2. Federally designated flood and/or state designated erosion hazard area? (11, 13, 13a, 14, 17) Yes No
- 3. State, County or local park? (19, 20, 21, 22, 25) Yes No
- 4. Historic resources listed on the National or State Register of Historic Places or local historic district? Yes No
- 5. The Albany-Rensselaer port district (2, 2a, 3, 3a, 19a) Yes No

C. Will the proposed activity require any of the following:

- 1. Waterfront site? (1, 1a-g, 2, 2a, 18, 19, 19a-h, 20, 21, 22) Yes No
- 2. Provision of new public services or infrastructure in underdeveloped or sparsely populated sections of the coastal area? (3a, 5) Yes No

3. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16, 17) Yes No
4. State water quality permit or certification or preparation of a SWPPP? (37, 39) Yes No

Additional Steps:

If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the Local Waterfront Revitalization Program (LWRP) document. The proposed activity must be analyzed in more detail with respect to the applicable local coastal policies and explanations.

As space allows below and/or on a separate page(s), the applicant or agent shall:

- A. Identify, by their policy numbers, which coastal policies are affected by the activity;
- B. Briefly assess the effects of the activity upon the policy; and
- C. State how the activity is consistent with each policy.

See attached responses.

Certification:

As required in NYCRR §6, the Planning Commission must certify that the proposed activity is consistent with the approved Local Waterfront Revitalization Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

The proposed activity has been determined to be consistent with the City of Rensselaer's approved Local Waterfront Revitalization Program because it has been conducted in a manner consistent with the policies and purposes of the LWRP

**City of Rensselaer Planning Commission
City Hall, 62 Washington Street
Rensselaer, NY 12144**

Signature and Title of Authorizing Official:

[Signature and Title of Authorizing Official box]

Date:

[Date box]

SEQRA (6NYCRR 617.5) TYPE II ACTIONS

- (1) maintenance or repair involving no substantial changes in an existing structure or facility;
- (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- (3) agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;
- (4) repaving of existing highways not involving the addition of new travel lanes;
- (5) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
- (6) maintenance of existing landscaping or natural growth;
- (7) construction or expansion of a primary or accessory / appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
- (8) routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;
- (9) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system;
- (10) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;
- (11) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;
- (12) granting of individual setback and lot line variances;
- (13) granting of an area variance(s) for a single-family, two-family or three-family residence;
- (14) public or private best forest management (silvicultural) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;
- (15) minor temporary uses of land having negligible or no permanent impact on the environment;
- (16) installation of traffic control devices on existing streets, roads and highways;
- (17) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
- (18) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
- (19) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);
- (20) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
- (21) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- (22) collective bargaining activities;
- (23) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (24) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (25) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
- (26) license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;
- (27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- (28) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- (29) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- (30) adoption of a moratorium on land development or construction;
- (31) interpreting an existing code, rule or regulation;
- (32) designation of local landmarks or their inclusion within historic districts;
- (33) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;

**NEW CASTLE ASPHALT LLC RENNELAER PLANT
ASSESSMENT OF EFFECTS ON AND CONSISTENCY OF PROJECT WITH
LOCAL WATERFRONT REVITALIZATION PROGRAM POLICY**

The following responses explain the potential impacts and assess the consistency of the proposed New Castle Asphalt LLC project on the Local Waterfront Revitalization Program (LWRP) policies in accordance with the requirements on page 4 of the City of Rensselaer Coastal Assessment Form. Responses have been provided for all policies identified by a "yes" answer in Section C of the Coastal Assessment Form.

The responses below identify the policies that are potentially affected by the proposed project (in italics), briefly assess the potential effects on the policy and assess the consistency of the project with each policy.

Policy #1 (Question C1)

Policy #1 states as a goal deteriorated and underutilized waterfront areas should be restored, revitalized and redeveloped for commercial, industrial, cultural, recreational and other compatible uses. The City of Rensselaer further emphasis within the LWRP, the City of Rensselaer's waterfront area is vital to the City's overall strategy for community and economic development.

Response:

The proposed project is completely compatible with Policy #1 and hits upon the foundation of the City's desires, economic development and community. The project will redevelop an underutilized parcel of historically industrial waterfront property for an industrial use. Use of the site as "industrial" is compatible with the City's current zoning, the City's recently updated comprehensive plan, as well as, the existing land use surrounding the site, which is heavy industrial; with two power generation plants, a scrap metal processing facility and terminal and several petroleum storage and terminal facilities including a liquid asphalt terminal facility. Approval of the project would provide three local businessmen the opportunity to maintain or expand their existing local businesses. The project, if approved, would create local jobs (approximately 30 to 40 direct and indirect jobs), would increase the City's property taxes collected (based upon the increase in property value created by construction of the plant) and would increase commercial sales tax generated within Rensselaer County. The project would not utilize the waterfront, which is an undeveloped, wooded steep slope, and would not prevent recreational use of the waterfront.

Policy #1a (Question C1)

Policy #1a states the Albany Port District property and related vacant land and tank farm lands should be redeveloped as an integral part of a regional marine transportation facility and, thus, the industrial focus of the City's LWRP.

Response:

The proposed project is compatible with the intent of the LWRP, to redevelop the Albany Port District properties and related vacant and tank farm lands, as well as, maintain the "Industrial Focus" of the City's LWRP. The proposed project will re-develop Albany Port District Commission lands to an industrial use. The site is not well suited for use as a regional marine transportation facility because the site's river frontage is on the turning basin for the Port of Albany. The Comprehensive Plan suggests that the extreme southwest part of the property could site a boat launch. This portion of the site is not being used by the project so this mixed use is still possible.

Policy #1b (Question C1)

Policy #1b states the City's Central Riverfront should be redeveloped as a focus for commercial expansion.

Response:

The proposed project is not located in the City's Central Riverfront area and has no impact on the policy.

Policy #1c (Question C1)

Policy #1c states the City's Northern Riverfront should be redeveloped as a uniquely-situated site for new residential and recreational/open space development.

Response:

The proposed project is not located in the City's Northern Riverfront area and has no impact on the policy.

Policy #1d (Question C1)

Policy #1d states the historic Fort Crailo and Bath neighborhoods should be stabilized and revitalized for residential and compatible limited commercial uses".

Response:

The proposed project is not located in the City's Fort Crailo or Bath Historic Neighborhoods and has no impact on the policy.

The proposed project is located approximately 3,800 feet to the south of the Fort Crailo Historic Neighborhood. Except for local deliveries within the Fort Crailo and Bath Historic Neighborhoods, truck traffic from the proposed project will be directed along Erwin Stewart Expressway to NYS Routes 9J and NYS Route 9/US Route 20, avoiding completely the Fort Crailo and Bath neighborhoods.

Policy #1e (Question C1)

Policy #1e states the Rensselaer Downtown should be stabilized and revitalized for retail, office and related activities.

Response:

The proposed project is not located in the City's Downtown area and has no impact on the policy.

Policy #1f (Question C1)

Policy #1f states the various waterfront area land uses should be integrated, provide recreation and public access opportunities and preserve waterfront lands through the development of an open space/trail system extending fully from a Port Area Overlook in the City's highly-industrial southern end to an expansive open space/park area on the lands owned by RPI in the vicinity of the Patroon Island (I-90) Bridge.

Response:

The proposed project is consistent with the intent of the LWRP, to integrate the various waterfront area land uses, provide for recreation and public access opportunities and to preserve waterfront lands. The project will redevelop an underutilized parcel of historically industrial waterfront property for an industrial use. Redevelopment of this parcel will integrate the various industrial uses within the Albany-Rensselaer Port area lands, visually connecting the power plants, the scrap metal recycler and the open nature of the petroleum terminal facilities. The project will be constructed adjacent to the proposed bike trail and scenic Port Overlook area. Development of the project will not reduce potential recreation along the proposed bike trail or at the Port Overlook Area. The applicant will not be using the river frontage so it will be possible for the City to construct a walking trail down to the riverside. However, it should be noted the river bank in this area is steep and there is essentially no flat land at the river level so the river frontage has limited use.

The site is not located within the lands owned by RPI near the Patroon Island bridge and that part of the policy is not applicable to or affected by the project.

Policy #1g (Question C1)

Policy #1g states the City should allow the extension of proposed office park development supportive of the Rensselaer Technology Park southward from the North Greenbush coastal area into the RPI-owned

northern extremes of the Rensselaer Riverfront, provided environmental and access problems can be resolved.

Response:

The proposed project is not located within the North Greenbush coastal area to the RPI-owned northern extremes of the Rensselaer Riverfront area and this policy is not applicable to or affected by the project.

Policy #2 (Question C1)

Policy #2 states:

- 1. The City should facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.*
- 2. Active marine-dependent uses, fuller utilization of petroleum terminals/tank farm areas, and creation of public access opportunities throughout the Rensselaer Riverfront are essential water-dependent uses.*
- 3. Uses which are enhanced by a waterfront location, should be encouraged to locate along the shore, though not at the expense of water-dependent uses. A water-enhanced use has no critical dependence on obtaining a waterfront location but profitability or level of enjoyment would be increased significantly if use was adjacent to or had visual access to waterfront.*
- 4. If there is no immediate demand for a water-dependent use, but a future demand is reasonably foreseeable, temporary non-water-dependent uses should be considered preferable to a non-water-dependent use which involves an irreversible or nearly irreversible commitment of land.*

Response:

Although the current project is not water dependent, the project is consistent with the City's policy for the following reasons:

1. Use of the river frontage for large scale water transportation is prevented by the presence of the Port of Albany turning basin.
2. The site is constrained with very limited useable land surface and steep topographic relief between the riverfront and the useable portion of the property; therefore, there is very limited potential in the future to develop a water-dependent facility at this location.
3. The site has sat vacant for a number of years and no water based project has come forward. Therefore, non-water-dependent uses can be considered. The project results in no permanent buildings so there is no irreversible commitment of land.
4. The site has been approved for a recreational bike path and overlook that will not be impacted by the project.

Policy #2a (Question C1)

Policy #2a states that suitable industrial land within and contiguous to the Port lands should be maintained to provide a critical landmass for marine-dependent industrial development.

Response:

Although the current project is not water dependent, the project is consistent with the City's policy for the following reasons:

1. Use of the river frontage for large scale water transportation is prevented by the presence of the Port of Albany turning basin.
2. The site is constrained with very limited useable land surface and steep topographic relief between the riverfront and the useable portion of the property; therefore, there is very limited potential in the future to develop a water-dependent facility at this location.
3. The site has sat vacant for a number of years and no water based project has come forward. Therefore, non-water-dependent uses can be considered. The project results in no permanent buildings so there is no irreversible commitment of land.
4. The recreational bike path and overlook approved at the site will not be impacted by the project.

5. More than half of the site is remaining undeveloped and could be used to develop a riverside facility in conjunction with adjacent properties.
6. The Albany-Rensselaer Port District Commission lands are zoned Industrial. The City of Rensselaer's 2006 Comprehensive Plan states that Port lands are to be maintained for industrial uses.

Policy #18 (Question C1)

Policy #18 states proposed major activities in the coastal area must give full consideration to safeguarding the vital economic, social, and environmental interests of the state and its citizens and to those safeguards which the state has established to protect valuable coastal resource areas. Proposed actions should take into account overall social, economic and environmental interests of the state and its citizens in matters that would effect natural resources, recreation, navigation, land transportation, and other factors. The City further requires all actions within the Coastal Area to be reviewed under the State Environmental Quality Review Act (SEQRA).

Response:

State and local governments express its economic, social and environmental interests in the form of laws, rules or regulations. The project has been designed and will be constructed in full compliance with all Federal, State and Local laws, rules and regulations. As the project will comply with the established laws, rules and regulations, full consideration has been given to the state's interests in protecting its valuable coastal resource areas. A permit application has been filed with the City of Rensselaer Planning Department and the SEQRA process has been started. Therefore, the project is consistent with Policy #18.

Policy #19 (Question C1)

Policy #19 states:

1. *The City should protect, maintain and increase the levels and types of access to public water-related recreational resources and facilities so that these resources and facilities may be fully utilized by all the public in accordance with the reasonably-anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas, and waterfront parks.*
2. *Existing access from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing the access in the future from adjacent or proximate public lands or facilities to public water-related recreation resources and facilities be eliminated.*
3. *Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed for public need and the capacity of the resource.*
4. *The state will not undertake or fund any project, which increases access to a water-related resource or facility that is not open to all members of the public.*

Response:

The proposed project does not interfere with or reduce the levels or types of access from public lands to public water-related recreational resources or facilities including public: beaches, boating facilities, fishing areas or waterfront parks. The project does not propose to increase public access to public water-related recreational resources and facilities. The proposed project is consistent with Policy #19.

Policy #19a (Question C1)

Policy #19a states a Port Area Overlook, including a small boat launch, as a facility for passive and water-dependent active recreation and a perspective from which Port activities on both shores of the Hudson River might be viewed should be developed.

Response:

The proposed project does not interfere with the development of the planned Port Area Overlook. The project was designed taking into account the location of the planned overlook and bike path, as shown on the submitted Site Plan Map. The project will not impact or interfere with the planned overlook or bike

path which will provides a prospective where Port activities can be viewed along both the eastern and western shores of the Hudson River. The project has no impact on and is consistent with Policy #19a.

Policy #19b (Question C1)

Policy #19b states a Class 2 bikeway linking the Port Area Overlook through the Fort Crailo neighborhood and Central Business District to Riverfront Park at its proposed Downtown entrance should be developed.

Response:

The location of the proposed overlook and bike path was considered when laying out the site. The overlook and bike path, which are located along the perimeter of the site, will not be impacted by the proposed project. Signs will be placed as part of the project to alert truck drives of the bikeway crossings and their responsibility to yield to bikeway travelers. Striping will be placed across the entrance roads to demarcate the bikeway as it crosses the facility access roads warning bike riders of the fact they are crossing an active entranceway. The proposed project has no overall impact on development of the Class 2 bike path and is consistent with Policy #19b.

Policy #19c (Question C1)

Policy #19c states development of Riverfront Park should be extended to include a proposed Downtown entrance and expanded parking and recreational facilities.

Response:

The proposed project is not located near the Downtown entrances, Riverfront Park or the expanded parking and recreational facilities. Policy #19c is not applicable to the project site.

Policy #19d (Question C1)

Policy #19d states public access for continuation of the Riverfront open space trail system through the Central Riverfront, the School District property and the Amtrak property to its immediate north should be provided.

The proposed project is not located near the Central Riverfront, the School District property or the Amtrak property. Policy #19d is not applicable to the project site.

Policy #19e (Question C1)

Policy #19e states an interest in Amtrak's river-most property should be acquired to permit development of overlooks and open unstructured recreational areas with direct access to the beach-like shoreline in that location.

Response:

The proposed project is not located on the Amtrak property. Policy #19e is not applicable to the project site.

Policy #19f (Question C1)

Policy #19f states the Riverfront trail should be extended through a redeveloped Northern Riverfront Area, including clustered housing and a waterfront restaurant with associated boat mooring and fishing pier at Bath.

Response:

The proposed project is not located in the Northern Riverfront Area. Policy #19f is not applicable to the project site.

Policy #19g (Question C1)

Policy #19g states a northern focus for the City's Riverfront open space trail system be provided by developing picnic areas and active recreational facilities, such as ball fields and tennis courts, on the RPI

lands north of the Barnet Mills and extending to and beyond the Patroon Island Bridge.

Response:

The proposed project is not located in the Northern Riverfront Area. Policy #19g is not applicable to the project site.

Policy #19h (Question C1)

Policy #19h states the City's Riverfront open space system should be linked with further recreational amenities and development proposed in the Town of North Greenbush under its LWRP.

Response:

The proposed project is not located in the Northern Riverfront Area. Policy #19h is not applicable to the project site.

Policy #20 (Question C1)

Policy #20 states access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.

Response:

The proposed project does not interfere with or decrease public access to the publicly-owned foreshore, the publicly-owned water's edge or adjacent publicly-owned lands. Therefore, the project is consistent with Policy #20.

Policy #21 (Question C1)

Policy #21 states water-dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over non-water-related uses along the coast, provided such recreation is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development. The City further guides applicants by reference to Policy #19.

Response:

See discussion under Policy #19, above.

The proposed project does not increase or decrease water-dependent or water-enhanced public recreational activities. The project specifically avoids areas where such uses would occur and does not impact or interfere with the proposed bike path and port overlook. The proposed project re-develops a parcel of previously used industrial land within the Albany-Rensselaer Port District as an industrial use, increasing utilization of Port District lands. The project is consistent with Policy #21.

Policy #22 (Question C1)

The key points of Policy #22 are:

- 1. Development, when located adjacent to the shore, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.*
- 2. Developments located adjacent to the shore should, to the fullest extent permitted by existing law, provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen.*
- 3. The community should avoid, where practicable, public development that creates a barrier to recreational use of a major portion of the community's shoreline.*

4. *Provision of adequate boating services to meet future demand is to be encouraged, but such public actions should avoid competition with private boating development.*

Response:

The project site contains a proposed bike path and port overlook and the site layout was developed to facilitate this previously proposed mixed use. The developed portion of the site is not well suited for water related recreation such as a boat launch as it is adjacent to the Port of Albany turning basin; however, the southwest side of the site—which is not being developed—is suitable for a boat launch and a walking path to the river's edge could be developed for fishing access. It is unlikely that a reasonable demand exists for water-related recreational facilities sited within the active Port of Albany-Rensselaer. Such uses were planned prior to 1986 (some 25 years ago) when the LWRP was approved and to date the facilities have not yet been built.

The project will not serve as a barrier to the portion of the shoreline on the site.

Development of a public access boating facility would require extensive infrastructure upgrades due to the lack of public sanitary sewers in the vicinity of the site. Public boating facilities require development of both public restrooms and a public boat pump-out facility neither can be sited without public sanitary sewers.

Utilization of the shoreline land area would be in direct opposition to the previously established goals of the LWRP, in that, preservation or use of the shorefront for passive water-related recreational use will eliminate any future potential to re-develop the site as a marine-dependent industrial use in the future.

The project is compatible with Policy #22.

Policy #37 (Question C4)

Policy #37 states best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters. Best management practices used to reduce non-point sources of pollution could include, but are not limited to, restrictions on the use of pesticides and fertilizers, soil erosion control practices, and effective surface drainage control techniques.

Effective review for erosion control and surface drainage, both during construction periods and during occupancy, must be in effect for commercial, industrial, and multifamily residential developments, and for all other development activities, including fill and excavation, within the designated flood plain area. The review will include, but is not limited to, the scheduling and staging of construction activities; configuration of the proposed final contours; adequacy of storm drainage facilities, retention of existing vegetation. The standard will ensure that drainage is fully accommodated under the conditions of a 20-year storm.

Response:

The proposed project includes the development and implementation of several best management practices to reduce the non-point discharge of nutrients, organics or eroded soils. These best management practices are provided in the Construction Stormwater Pollution Prevention Plan (SWPPP), which was submitted as part of the application. A low berm will be built around the perimeter to prevent uncontrolled runoff from industrial areas. The interior of the site will be graded to direct runoff from industrial areas to a series of stormwater basins that will clarify the runoff prior to discharge to the existing stormwater system.

Once the permits for the project are issued and prior to the beginning operation, a SWPPP for operation of the plant will be prepared and the NYSDEC Petroleum Bulk Storage registration obtained. An EPA Spill Prevention, Countermeasures and Control Plan must be prepared within six months of the start of operations at the site.

The project is consistent with Policy #37.

Policy #39 (Question C4)

Policy #39 states, "The transport, storage, treatment and disposal of solid waste, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important land and scenic resources".

The LWRP further explains that "solid wastes" are defined within the New York State Solid Waste Management Act. "Solid wastes" include: sludge from air and water pollution control facilities, construction and demolition debris, and industrial and commercial wastes. Hazardous wastes are unwanted by-products of the manufacturing process generally characterized as being flammable, corrosive, reactive or toxic. More specifically hazardous waste is defined in NYS Environmental Conservation Law, Section 27-0901.3. Solid waste management facilities include resource recovery facilities, sanitary landfills, and solid waste reduction facilities. Particular attention should be given to the proximity of residential neighborhoods (Fort Crailo) to many of the City's industrial areas where solid and hazardous wastes either are, or have been, transported, stored, treated, and disposed. Careful cleanup of any existing disposal sites that are located within the Coastal Area should be pursued and no new disposal sites created. Solid and hazardous waste dumping is not permitted within the LWRP boundary, nor is the creation of a new disposal site.

Response:

The project does not involve the transport, treatment or disposal of solid waste other than the minimal refuse associated with a small office. No hazardous wastes will be transported, stored, treated or disposed of at the site.

Recycled asphalt pavement ("RAP", milled up from construction projects) will be incorporated into the blacktop produced at the site. RAP is an inert material and the most recycled material in the country.

The project has adopted several best management practices to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreational areas and important land and scenic resources. These practices are described in the application and include, but are not limited to:

- Construction of a low perimeter berm to prevent uncontrolled runoff from industrial areas to the river.
- Grading of the site to direct runoff from industrial areas to a series of stormwater basins for clarification of water prior to discharge.
- Storage of petroleum products in double lined tanks or within impermeable secondary containment structures.
- Fueling of equipment on impermeable pads.
- Keeping spill clean up kits on site
- No activities on the bank of the Hudson River.
- Maintenance of 53% green space on the site.
- Proper signage and site layout to protect any users of the bike path and port overlook.

The project is consistent with Policy #39.