

DANIEL P. MCCOY  
COUNTY EXECUTIVE

DANIEL C. LYNCH  
DEPUTY COUNTY EXECUTIVE

COUNTY OF ALBANY  
DEPARTMENT OF PUBLIC WORKS  
449 NEW SALEM ROAD  
VOORHEESVILLE, NEW YORK 12186-4826  
(518) 765-2055 - FAX (518) 447-7047  
[www.albanycountyny.gov](http://www.albanycountyny.gov)

LISA M. RAMUNDO  
COMMISSIONER

SCOTT D. DUNCAN  
DEPUTY COMMISSIONER

February 24, 2022

Hon. Andrew Joyce, Chairman  
Albany County Legislature  
112 State Street, Rm. 710  
Albany, NY 12207

Dear Chairman Joyce:

The Department of Public Works is requesting the Legislature's approval of a bond resolution which would authorize \$5,193,000.00 for construction of the Watervliet Shaker Road Reconstruction Project. This project is part of the County's 2022 Capital Plan and it is 100% County funded.

The State Environmental Quality Review (SEQR) assessment for this project is included in the backup material.

If there are any questions or further information is needed, please feel free to contact my office.

Sincerely,

Lisa M. Ramundo  
Commissioner

cc: Dennis Feeney, Majority Leader  
Frank Mauriello, Minority Leader  
Rebekah Kennedy, Majority Counsel  
Arnis Zilgme, Minority Counsel



# County of Albany

Harold L. Joyce  
Albany County Office  
Building  
112 State Street - Albany,  
NY 12207

## Legislation Text

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**File #:** TMP-3161, **Version:** 1

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### REQUEST FOR LEGISLATIVE ACTION

**Description (e.g., Contract Authorization for Information Services):**

2022 Bond Request for 2022 Capital Project Watervliet Shaker Road Reconstruction

Date: February 25, 2022  
Submitted By: Lisa M. Ramundo  
Department: Public Works  
Title: Commissioner  
Phone: 518-655-7902  
Department Rep.  
Attending Meeting: Lisa M. Ramundo

**Purpose of Request:**

- ☐ Adopting of Local Law
- ☐ Amendment of Prior Legislation
- ☐ Approval/Adoption of Plan/Procedure
- ☒ Bond Approval
- ☐ Budget Amendment
- ☐ Contract Authorization
- ☐ Countywide Services
- ☐ Environmental Impact/SEQR
- ☐ Home Rule Request
- ☐ Property Conveyance
- ☐ Other: (state if not listed) Click or tap here to enter text.

### CONCERNING BUDGET AMENDMENTS

**Increase/decrease category (choose all that apply):**

- ☐ Contractual
- ☐ Equipment
- ☐ Fringe
- ☐ Personnel
- ☐ Personnel Non-Individual

☐ Revenue

Increase Account/Line No.: Click or tap here to enter text.

Source of Funds: Click or tap here to enter text.

Title Change: Click or tap here to enter text.

### **CONCERNING CONTRACT AUTHORIZATIONS**

#### **Type of Contract:**

☐ Change Order/Contract Amendment

☐ Purchase (Equipment/Supplies)

☐ Lease (Equipment/Supplies)

☐ Requirements

☐ Professional Services

☐ Education/Training

☐ Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

☐ Settlement of a Claim

☐ Release of Liability

☐ Other: (state if not listed) Click or tap here to enter text.

#### **Contract Terms/Conditions:**

Party (Name/address):

Click or tap here to enter text.

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: Click or tap here to enter text.

Scope of Services: Click or tap here to enter text.

Bond Res. No.: Click or tap here to enter text.

Date of Adoption: Click or tap here to enter text.

### **CONCERNING ALL REQUESTS**

Mandated Program/Service: Yes ☐ No ☒

If Mandated Cite Authority: Click or tap here to enter text.

Is there a Fiscal Impact: Yes ☒ No ☐

Anticipated in Current Budget: Yes ☐ No ☒

County Budget Accounts:

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**File #:** TMP-3161, **Version:** 1

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Revenue Account and Line: Click or tap here to enter text.  
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.  
Appropriation Amount: Click or tap here to enter text.

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.  
State: Click or tap here to enter text.  
County: 100%  
Local: Click or tap here to enter text.

Term

Term: (Start and end date) June 2022 through December 2023  
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation Yes ☐ No ☒  
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: Click or tap here to enter text.  
Date of Adoption: Click or tap here to enter text.

**Justification:** (state briefly why legislative action is requested)

The Department of Public Works is requesting the Legislature's approval of a bond resolution which would authorize \$5,193,000.00 for construction of the Watervliet Shaker Road Reconstruction Project. This project is part of the County's 2022 Capital Plan and it is 100% County Funded.

The State Environmental Quality Review (SEQR) for this project is complete.

## DFUND - Public Works

CR 157, SR 155 Watervliet-Shaker Road (New Karner Road to Sand Creek Road) [Airport Area FGEIS]								
This project is Phase 3 of the Watervliet-Shaker Road Realignment Project. The section of Watervliet-Shaker Road (WSR) included in this project extends from New Karner Rd. to Sand Creek Rd. The project includes reconstruction and widening of approximately 0.75 miles of CR157 which could include the addition of a center or two additional lanes (depending on traffic study outcome), a new traffic signal at the intersection of New Karner Rd. and WSR, drainage improvements and new pavement. This last phase will complete the Albany-Shaker Rd/WSR Airport Improvement Project started in 2001.								
New Project:		Existing Projects:			Amended Projects:			1
Project amended for 2022-2026 - The project was amended to reflect an updated construction cost and completed SEQR.								
Project Financing (in millions of dollars)								
Year	Pre 2021	2021	2022	2023	2024	2025	2026	Total
County Debt (Bonds & BANS)		0.433	5.193					5.626
State Reimbursement								-
Federal Reimbursement								-
Total County Cost	-	0.433	5.193	-		-	-	5.626
Management & Budget Recommendation:								

CR 9 (Bradt Hollow Road) Over Fox Creek Bridge Replacement Project								
Replacement of a 156 ft. long x 32ft. wide, 3 span pre stressed concrete box beam bridge over Fox Creek in the Town of Berne. The bridge was built in 1985, and its NYS DOT rating is currently at the minimum acceptable level. The NYS DOT rating is expected to decrease despite continued maintenance and repairs. The bridge is currently been reduced in lane width due to deteriorated fascia beams.								
New Project:			Existing Projects: 1			Amended Projects:		
Project Financing (in millions of dollars)								
Year	Pre 2021	2021	2022	2023	2024	2025	2026	Total
County Debt (Bonds & BANS)	2.342							2.342
State Reimbursement								-
Federal Reimbursement	(1.872)							(1.872)
Total County Cost	0.470	-	-	-	-	-	-	0.470
Management & Budget Recommendation:								

HHRT Phase I Paving Project								
Pave approximately five miles of 10' wide trail using 2" binder course asphalt and 2" top course asphalt. Subbase to be provided and installed by Albany County forces. Also included is installation of three rail wooden fencing, pedestrian fencing and misc. signage. County forces to provide shoulder backup and turf establishment.								
New Project:		Existing Projects:			1			
Project Financing (in millions of dollars)								
Year	Pre 2021	2021	2022	2023	2024	2025	2026	Total
County Debt (Bonds & BANS)	1.500							1.500
State Reimbursement	(1.003)							(1.003)
Federal Reimbursement								-
Total County Cost	0.497	-	-	-	-	-	-	0.497
Management & Budget Recommendation:								

Highway Pavement Recycling Projects								
Rehabilitation of several lane miles of County roadways by recycling pavement, re-establishing sub-base and repaving entire road. This pavement process is a very cost effective method of rehabilitating certain low traffic volume, rural County roadways.								
New Project:			Existing Projects:			Amended Projects: 1		
Project amended in 2022-2026 to add additional year and increase total cost.								
Project Financing (in millions of dollars)								
Year	Pre 2021	2021	2022	2023	2024	2025	2026	Total
County Debt (Bonds & BANS)	3.200	0.950	0.950	0.950	0.950	0.950	0.950	8.900
State Reimbursement								-
Federal Reimbursement								-
Total County Cost	3.200	0.950	0.950	0.950	0.950	0.950	0.950	8.900
Management & Budget Recommendation:								

**Albany County**  
**Department of Economic Development, Conservation and Planning**  
112 State Street, Room 13010  
Albany, NY 12207-2021  
Telephone: (518) 447-5670      Fax: (518) 447-5662  
<http://www.albanycounty.com>

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## **MEMORANDUM**

**TO:** Lisa Ramundo, Commissioner DPW  
**CC:**  
**FROM:** Laura DeGaetano, Sr. Natural Resource Planner  
**DATE:** February 25, 2022  
**RE:** SEQR Compliance - Amended  
**SUBJECT:** Watervliet-Shaker Road Realignment - New Karner Rd. to Sand Creek Rd.

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I have reviewed the documentation provided for the above referenced project as it relates to State Environmental Quality Review (SEQR). This project is Phase 3 of the Watervliet-Shaker Road (WSR) Realignment Project which includes design and construction of WSR between New Karner Rd. and Sand Creek Rd. The project includes reconstruction and widening of approximately 0.75 miles of WSR which will include the addition of a center turn lane and a multi-use bike path as well as traffic signal upgrades throughout the corridor, drainage improvements and new pavement.

As described above, the planning, design, and engineering phase of the project has been determined to be a Type II action under SEQR (c)(24)(27). Accordingly, this action has been determined not to have a significant impact on the environment, and as such, no procedural compliance beyond this determination is required at this time.

The construction phase of the project was classified as a Type I Action and reviewed as part of a phased Albany Shaker Rd.-Watervliet Shaker Rd. project. The findings and negative declaration were adopted by the County Legislature in Resoution 79 of 2001.

Should you have any questions or require additional information, please feel free to call me at your convenience.

## RESOLUTION NO. 79

### MAKING FINDINGS IN ACCORDANCE WITH THE REQUIREMENTS OF SEQR RELATING TO THE ALBANY SHAKER ROAD/WATERVLIET SHAKER ROAD IMPROVEMENT PROJECT

Introduced: 2/12/01

By Public Works Committee:

WHEREAS, For purposes of the State Environmental Quality Review Act the Albany County Legislature is an involved agency with respect to proposed highway improvements to Albany Shaker Road/Watervliet Shaker Road, in the Town of Colonie, Albany County, New York, which improvements are proposed to be undertaken along Albany Shaker Road (County Route 151) from the southern intersection with Dalessandro Boulevard to NYS Route 7, and along Watervliet Shaker Road (County Route 157) from the eastern intersection with Vly Road to Albany Shaker Road, and

WHEREAS, Funding assistance for the highway improvements is to be provided by Federal Marchiselli Funds administered by the NYS Department of Transportation and Albany County funding, and

WHEREAS, The proposed improvement project and attendant funding approvals have been evaluated in a Final Environment Impact Statement (FEIS), a copy of which is filed with the Clerk of the Albany County Legislature, and

WHEREAS, In accordance with the provisions of SEQR the FEIS has been prepared and made available to the public and comments thereon have been solicited, and

WHEREAS, the proposed improvement project is considered a Type I action pursuant to SEQR (6 NYCRR 617), and

WHEREAS, The procedural requirements for SEQR Type I actions allow for a coordinated review but require each involved agency to make its own written statement of findings, and

WHEREAS, Representatives of the Albany County Department of Public Works with the advice of the Albany County Department of Economic Development, Conservation and Planning, have prepared and recommended a Statement of Findings relating to the Albany Shaker Road and Watervliet Road Improvements, a copy of which is on file with the Clerk of the County Legislature, which Statement of Findings certifies that the requirements of SEQR (6 NYCRR 617) have been met and identifies the action set forth in Alternative 4 in the FEIS as the Alternative which consistent with social, economic and other essential considerations from

among the reasonable alternatives available, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable in Alternative 4, and

WHEREAS, The County Legislature has considered the Statement of Findings as filed with the Clerk of the County Legislature relevant to the Albany Shaker Road and Watervliet Shaker Road Improvements, now, therefore be it

RESOLVED, By the Albany County Legislature that the Statement of Findings as filed with the Clerk of the County Legislature relevant to the Albany Shaker Road and Watervliet Shaker Road Improvements be and hereby is adopted and made the findings of the County Legislature relevant to the proposed project and the Legislature specifically finds that the requirements of SEQR (6 NYCRR 617) have been met and that the action set forth in Alternative 4 in the FEIS is the Alternative which consistent with social, economic and other essential considerations from among the reasonable alternatives available, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable in Alternative 4 of the FEIS, and, be it further

RESOLVED, That the County Executive is authorized to sign and file all documents necessary in accordance with the applicable administrative and procedural requirements of SEQR to make the aforementioned Statement of Findings effective, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Adopted by unanimous vote. 2/12/01*





STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
84 HOLLAND AVENUE  
ALBANY, N.Y. 12208-3471

THOMAS C. WERNER, P.E.  
REGIONAL DIRECTOR

ALBANY COUNTY D.P.W.  
RECEIVED

00 SEP 22 AM 8:23

RECEIVED

SEP 22 2000  
JOSEPH H. BOARDMAN  
COMMISSIONER  
ALBANY COUNTY  
EXECUTIVE OFFICE

September 19, 2000

Mr. Michael V. Franchini, Deputy Commissioner  
Albany County Department of Public Works  
449 New Salem Road  
Voorheesville, NY 12186

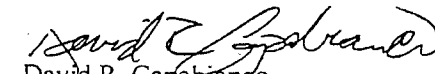
RE: PIN 1753.34  
Albany Shaker Road: WSR to Rte 7  
Watervliet Shaker Road: Rte 155 to ASR  
Town of Colonie, Albany County

Dear Mr. Franchini:

Please find enclosed for your records a copy of the SEQR Record of Decision (with the NEPA ROD attached) for the subject project.

If you have any questions, please call me at 473-6639.

Sincerely,

  
David R. Capobianco  
Project Manager, R-1

enc.



MEMORANDUM  
DEPARTMENT OF TRANSPORTATION

TO: Files

FROM: Thomas C. Werner, Regional Director, Region One  
*T.C. Werner*

SUBJECT: SEQR RECORD OF DECISION  
PIN 1753.34.121  
Albany Shaker Road: WSR to Rte 7  
Watervliet Shaker Road: Rte 155 to ASR  
Town of Colonie, Albany County

DATE: August 22, 2000

This constitutes the Record of Decision by the New York State Department of Transportation to proceed with the proposed action described in the Final Environmental Impact Statement (FEIS) for the improvements to Albany Shaker Road and Watervliet Shaker Road. The Department has decided to design and undertake construction of the alternative identified as Alternative 4 in the Final Design Report/Final Environmental Impact Statement (FDR/FEIS)/ Final Section 4(f) Evaluation dated March 2000.

Acting as the lead agency, the Department has met the requirements of Section 8-0109 of the Environmental Conservation Law and Article 2 of the Eminent Domain Procedure Law. In addition to the Public Hearing held on August 31, 1999, numerous opportunities were provided for public involvement. The FDR/FEIS was distributed for review and comments were addressed as noted in the attached NEPA Record of Decision. A Notice of Availability of the FDR/FEIS was also published in local newspapers and in the Federal Register.

The Department finds that the project is consistent with social, economic, and other essential considerations. To the maximum extent practicable, it minimizes or avoids adverse environmental effects, including the effects disclosed in the FDR/FEIS/ Final Section 4(f) Evaluation dated March 2000.

The Department's decision is based upon analysis of comments received from the public and cooperating agencies from the distribution of the Design Report/ Draft Environmental Impact Statement/ Draft Section 4(f) Statement (DR/DEIS/4(f)) dated July 1999 as well as the social, economic, and environmental factors contained in the FDR/FEIS.

Memo: SEQRA Record of Decision  
August 22, 2000

The Federal Highway Administration prepared a Record of Decision on August 10, 2000. The document includes a discussion of the alternatives considered and the preferred alternative addressed in the DR/DEIS/4(f) and the FDR/FEIS/4(f). A summary of all measures to minimize environmental harm and methods for minimizing the detrimental impacts were also included in the FHWA's Record of Decision. A copy of the FHWA's Record of Decision is attached.

This project will not have a significant effect on: regional and community growth; wildlife/waterfowl; public facilities and services; community cohesion; air quality; and water quality.

The FDR/FEIS has indicated that noise abatement measures for impacted areas would be either ineffective at reducing noise levels, economically unreasonable, or infeasible; consequently, noise abatement measure will not be recommended. The Adverse Effect to the Watervliet Shaker Historic District will be mitigated as detailed in the fully executed Memorandum of Agreement dated February 9, 2000. The impact of 12.0 acres of wetlands will be mitigated by creating 17.4 acres of wetlands. Three families will be displaced from three single unit residential buildings (one of the three is a rental unit). Two businesses (one unoccupied) will also be acquired. Land taking will amount to approximately 21.8 hectares (53.8 acres).

This determination and the FHWA's August 10, 2000 Record of Decision completes the environmental analysis and Public Hearing phase of the project. Accordingly, the Department will proceed with the design and construction based upon the preferred alternative.

**RECORD OF DECISION**  
**U.S. Department of Transportation**  
**Federal Highway Administration**  
**Albany Shaker Road and Watervliet Shaker Road Improvements**  
**Albany County, New York**  
**FHWA-NY-EIS-99-03-F**

**BACKGROUND**

The proposed action contained in this report involves highway improvements to Albany Shaker Road and Watervliet Shaker Road in the Town of Colonie, Albany County, New York. The project is located along Albany Shaker Road (County Route 151) from the southern intersection with Dalessandro Boulevard to NYS Route 7, and along Watervliet Shaker Road (County Route 157) from the eastern intersection with Vly Road to Albany Shaker Road.

There are six objectives of this project:

- Plan and develop improvements needed to provide for future traffic demands in the Albany Shaker Road and Watervliet Shaker Road corridor that are consistent with the goals of the Town of Colonie's Land Use Management Program (Town of Colonie Land Use Management Advisory Council, June, 1988).
- Provide additional capacity to meet the needs of future traffic demands associated with the Albany International Airport.
- Improve the structural and geometric deficiencies of Albany Shaker Road and Watervliet Shaker Road, and reduce their susceptibility to flooding by the Shaker Creek.
- Integrate into any proposed improvement, a technique which enhances the use of historically significant portions of the Watervliet Shaker Historic District.
- Maintain compatibility with the Capital District Transportation Committee's (CDTC) long-range Regional Transportation Plan (New Visions for Capital District Transportation, adopted March 20, 1997) and arterial management strategies.
- Improve mobility and accessibility of pedestrians, bicyclists, and transit users.

A Design Steering Committee (DSC) was formed to oversee the project's development. Represented agencies on the committee include the Town of Colonie, Albany County, New York State Department of Transportation, Capital District Transportation Committee and Albany County Airport Authority.

## PREFERRED ALTERNATIVE DECISION

The proposed project is identified as Alternative 4 in the Final Environmental Impact Statement (FEIS). Chapter III of the FEIS includes a complete discussion regarding this alternative as well as the other alternatives considered. The FEIS was approved on May 12, 2000 by the Federal Highway Administration and the availability notice was published in the June 2, 2000 Federal Register.

## ALTERNATIVES CONSIDERED

Two design alternatives, Alternatives 2 and 4, were considered for this project and are described on pages III-13 to III-25 of the FEIS. Other design alternatives addressed and not progressed are discussed on pages III-3 through III-10. Plans of dismissed alternatives are included in Appendix B of the FEIS.

Alternative 4 would reconstruct/widen existing Watervliet Shaker Road between Vly Road and South Family Drive and construct a new bypass roadway to the west of existing Albany Shaker Road and to the east of the Airport Park commercial development. This alternative would provide congestion relief, provide a separate facility for bicyclists and pedestrians, and remove vehicular traffic from the Runway 10 Safety Area. Alternative 4 would result in an Adverse Effect on the Watervliet Shaker Historic District. Alternative 4 is compatible with the future development plans of the Town of Colonie and is supported by the Design Steering Committee.

Alternative 2 would reconstruct/widen existing Watervliet Shaker Road between Vly Road and South Family Drive and construct a new bypass roadway to the west of existing Albany Shaker Road through the Airport Park commercial development. This alternative would provide congestion relief, provide a separate facility for bicyclists and pedestrians, and remove vehicular traffic from the Runway 10 Safety Area. Alternative 2 would also result in an Adverse Effect on the Watervliet Shaker Historic District. However, Alternative 2 is less compatible, as compared to Alternative 4, with goals of the Town of Colonie and is not supported by the Design Steering Committee.

## FACTORS INFLUENCING THE SELECTION OF ALTERNATIVE 4

Alternative 2 is the environmentally preferred alternative. When compared to Alternative 4, Alternative 2 would result in 1.21 hectares (3.0 acres) less impact to wetlands. However, the preferred wetland mitigation plan for Alternative 4 includes an additional mitigation site of 1.01 hectares (2.5 acres) that would not be available with Alternative 2. Alternative 4 proposes to create 7.06 hectares (17.4 acres) of wetlands to mitigate impacts to 4.86 hectares (12.0 acres) of wetlands. Furthermore, Alternative 4 and Alternative 2 would both result in lower water surface elevations along Shaker Creek. Alternative 4 would also accommodate wildlife passage through the proposed four cell Shaker Creek culvert and include the use of biologists and plantings for streambank stabilization, where feasible. Over-sized concrete box culverts to provide passage for animals will be included where Wetland PP cross the new roadway adjacent to the Salomon

property and at the wetland complex west of the Albany County Correctional Facility. Therefore, while Alternative 2 is the environmentally preferred alternative, the aforementioned measures serve to mitigate the environmental impacts of Alternative 4.

The following lists the additional factors that influenced selection of the Alternative 4 as the preferred alternative. Refer to the FEIS, pages V-1 through V-5, for the Comparison of Alternatives.

1. Compatibility with Future Development

The commercial land west of existing Albany Shaker Road and north of British American Boulevard is an area identified in the Airport Area Generic Environmental Impact Statement, the Town of Colonie's planning document for the project area, as an area to be developed. Plug Power LLC, a new company that provides alternative, clean air energy products, has submitted plans to the Town of Colonie to develop property in this area.

Alternative 2 would require the acquisition of a significant portion of Plug Power's property, thereby reducing the amount of future development that this parcel could support. Selection of Alternative 2 may very well force Plug Power to relocate outside the Town of Colonie, thereby decreasing the Town's commercial tax base. Alternative 4 would require the acquisition of a much smaller amount of property from Plug Power, which would not affect future development plans in this area.

2. Compatibility with Existing Development

Alternative 4 would not alter access within Airport Park and would retain the bucolic nature of Airport Park. Alternative 2 would require the relocation of access driveways to the rear of six existing buildings within Airport Park.

Alternative 4 was developed as a response to earlier public comments concerned with removing through traffic from the commercial area on Albany Shaker Road north of British American Boulevard.

3. Project Support

Alternative 4 meets the project objectives, provides the greatest overall project benefit with the least overall project impact, and has the greater support from the community and local government agencies, when compared to Alternative 2. As a result, the Design Steering Committee unanimously supports Alternative 4.

#### SECTION 4(f)

The New York State Office of Parks, Recreation and Historic Preservation (OPRHP), in accordance with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations, was provided with a preliminary copy of the Draft Environmental Impact Statement for this project for their review and assessment of effects. From their review, OPRHP determined that this project will have an Adverse Effect on the Watervliet Shaker Historic District. Since all prudent and feasible alternatives have been fully explored, OPRHP recommended that a Memorandum of Agreement (MOA) be developed for this project. The MOA was developed and signed by the Federal Highway Administration, the New York State Department of Transportation, Albany County, the Shaker Heritage Society and the New York State Office of Parks, Recreation and Historic Preservation. A signed copy of the Memorandum of Agreement is included in Chapter VIII of the FEIS.

#### MEASURES TO MINIMIZE HARM

All practical measures to minimize environmental harm have been incorporated into the design of the recommended alternative. Specific measures include the following:

- 70,640 m<sup>2</sup> (17.4 acres) of wetland creation is proposed to compensate unavoidable wetland impacts resulting from the proposed project
- clean-up measures will be incorporated into the construction documents to minimize the impact of fuel spills
- construction measures will be developed to minimize impacts to wildlife
- the inner two culverts of the relocated Sicker Road crossing over Shaker Creek will be installed at a lower elevation than the outer two culverts to facilitate the passage of wildlife through the outer two cells
- oversized box-culverts to provide passage for animals will be included at Wetland PP on the Salomon property and the wetland complex west of the Albany County Correctional Facility
- use of biologists to provide streambank stabilization along the Shaker Creek will be investigated during the final design phase
- mass plantings will be provided to minimize impacts to the visual characteristics along the roadway corridors

- noise reduction measures will be incorporated into the construction documents to reduce
- construction noise impacts
- special notes will be added to the contract documents regarding scheduling of construction operations to minimize vibration impacts during construction at the Ernest F. Fullam business
- a vibration analysis will be conducted for the Ernest F. Fullam business; reasonable mitigation measures will be considered if the expected vibration levels exceed the tolerance of the equipment used by the business
- a sidewalk will be provided along Sand Creek Road from Watervliet Shaker Road to Shaker Run
- traffic signals will be installed on Sand Creek Road at Computer Drive South and Hunting Road
- earthen berms or plantings will be constructed in front of the Ernest F. Fullam property, the Juvenile Detention Facility, and on the Clute property to screen views of the roadway
- traffic signal hardware will provide priority to transit buses
- a 16 ft. high chain link fence with vinyl screening and razor wire along the top will be installed between Relocated Albany Shaker Road and the Albany County Correctional Facility
- repairs will be made to the 1822 Church Family Brethren's Workshop and 1848 Shaker Meeting House as stipulated in the Memorandum of Agreement between the Federal Highway Administration, County of Albany, New York State Department of Transportation, Shaker Heritage Society and New York State Historic Preservation Office

#### MONITORING OR ENFORCEMENT PROGRAM

The proposed project will be subject to further review by Federal and State Agencies and local units of government. Permits will have to be obtained from the U.S. Army Corps of Engineers (Section 404 Permit for Wetland Filling) and the NYS Department of Environmental Conservation (Section 401 Water Quality Certification). Additionally, the Section 404 permit will contain details on the wetland monitoring program. A 5-year wetland monitoring program will be developed as a permit condition. This review and permit process will ensure that the mitigation measures related to water quality and wetlands are implemented.



### Environmental Protection Agency

Region 2 of the United States Environmental Protection Agency provided comments to the Final EIS on July 10, 2000, expressing their concerns regarding wetland impacts, the adequacy of wetland mitigation and cumulative impacts.

As noted in the Final EIS, the proposed project will result in 10.9 acres of direct impacts, and 12.0 acres of direct and indirect impacts, to federal wetlands. Indirect impacts consist of wetland areas that would not be filled by the new construction, but areas that may lose their wetland characteristics as a result of the new construction.

The proposed mitigation plan has changed subsequent to the issuance of the FEIS. The owner of the Colónie Mohawk parcel on Sicker Road noted plans to construct warehouses on their property. The owner further noted that there is no interest in selling this land for use as a 3.9 acre wetland creation site. In order to compensate for this loss of 3.9 acres of wetland mitigation area, an alternative plan that utilizes the 7.9 acre mitigation area west of Runway 10 was proposed to the U.S. Army Corps of Engineers. Since this area is within the Runway 10 Safety Area, a wet meadow is the only type of wetland that would not compromise the safety of aircraft using Runway 10. The wet meadow habitat would be maintained by mowing this mitigation area no more than once every two years. The modified mitigation proposal consists of 17.4 acres of wetland creation within the following five areas.

1. Area One consists of a 4.1 acre parcel north of Ann Lee Pond. The existing roadway embankment will be removed to accommodate the construction of a forested wetland. This new wetland will connect the existing forested land north of the existing road with Ann Lee Pond.
2. Area Two consists of a 1.5 acre site west of Ann Lee Pond, where a forested wetland will be constructed on lands owned by Albany County.
3. Area Three is within the Runway 10 Safety Area, where tall trees would compromise the safety of aircraft using Runway 10. As such, a 7.9 acre wet meadow will be constructed. To eliminate the undesirable tree growth, this area will be mowed a maximum of once every two years.
4. Area Four is located on the Salomon property. This parcel of land will be purchased as an uneconomical remainder and will accommodate the construction of 2.5 acres of forested wetlands within an upland area between two existing wetlands.
5. Area Five is the Richards property, near the north end of Sicker Road. This property will be purchased for use as a 1.4 acre wetland creation site. The new wetland will be forested and will provide added floodplain storage for Shaker Creek.

In summary, 9.5 acres of forested wetlands and 7.9 acres of a wet meadow will be created as a result of this project to offset impacts to 12.0 acres of wetlands within the project corridor. The mitigation plan was developed, in consultation with the U.S. Army Corps of Engineers, to provide wetland creation in areas that have a high potential for success. The proposed plan will replace impacted functions with emphasis on creating floodplain storage within the Shaker Creek watershed. Other forms of mitigation, in addition to the creation of wetlands, are proposed, as listed below.

Conservation easements will be established within acquired right-of-way areas that contain wetlands, as well as all proposed mitigation sites. In addition to preventing future development within existing wetlands and wetland mitigation sites, these conservation areas will protect upland areas within the proposed right-of-way against future development. Upland buffers around the mitigation sites will also be included within these easements. The establishment of these easements will protect approximately 9.5 acres of existing wetlands.

Oversized box culverts will be used to provide linkages for wildlife between the Salomon property and Shaker Creek, and the wetland complex west of the Albany County Correctional Facility. Stone terraces will be placed within these box culverts to facilitate wildlife passage during normal stream flow periods.

With respect to cumulative impacts, the area of wetland impacts associated with the proposed Plug Power and British American developments is unknown. However, the U.S. Army Corps of Engineers noted that all future developers within the Shaker Creek watershed will be required to provide mitigation for any impacts that exceed the thresholds established in the new Nationwide Wetland Permits. Therefore, mitigation to all future wetland impacts to the Shaker Creek watershed will be required by COE.

All concerns raised by the U.S. Environmental Protection Agency, including the new, more specific comments received subsequent to the Draft EIS comments, have been considered.

#### Federal Aviation Administration

The New York Airports District of the Federal Aviation Administration (FAA) provided comments to the Final EIS on July 27, 2000, expressing significant concerns regarding the multi-use path along the existing Albany Shaker Road corridor within the Albany International Airport's Runway 10 Runway Safety Area and Object Free Area.

The proposed project will remove Albany Shaker Road and all vehicular traffic from the Runway Safety Area (RSA), Object Free Area (OFA) and Runway Approach Surface. However, the project will maintain access for pedestrians and bicyclists within the RSA and OFA along the existing Albany Shaker Road alignment. The project will not introduce a new facility for pedestrians and bicyclists within the RSA and OFA, but will maintain the existing access while removing the roadway for vehicular traffic.

The decision to maintain pedestrian and bicyclist access within the RSA and OFA was based on a desire to balance impacts due to several factors. These factors include the following:

- The pedestrian and bicyclist access will not introduce a new feature within the RSA and OFA but will maintain an existing condition.
- Removing pedestrian and bicyclist access from the RSA and OFA would move the pedestrian access to within 60 m of the fence for the Albany County Correctional Facility. The Correctional Facility has expressed concerns over safety with a pedestrian facility in close proximity to its fence due to contraband (weapons, drugs, etc.) being thrown over the fence, and violation of civil rights from unauthorized viewing and potential media filming of prisoners in the exercise yard.
- The RSA and OFA will be greatly improved by the project due to the removal of vehicular traffic from within the RSA and OFA.
- Maintaining the pedestrian and bicyclist access within the RSA and OFA upon the conclusion of this project will not preclude the Albany International Airport from moving the access in the future as long as the concerns raised by the Albany County Correctional Facility can be resolved and a lease agreement is developed with Albany County for the additional lands within the RSA and OFA.

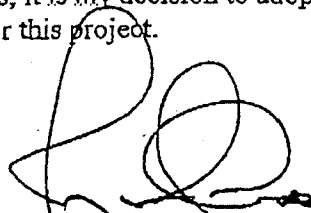
Correspondence from the Albany County Airport Authority to the Albany County Executive dated July 31, 2000 indicates that the Airport is taking steps to bring the RSA and OFA into compliance with FAA regulations. Therefore, although the multi-use path will remain within the RSA and OFA at the completion of this project, indication from the Airport Authority are that the multi-use path will be removed by the Airport Authority subsequent to this project.

## CONCLUSION

Based on the analysis and evaluation in this project's Final Environmental Impact Statement and after careful consideration of all the social, economic, and environmental factors and input from the public involvement process, it is my decision to adopt the recommended Alternative 4 as the proposed action for this project.

August 10, 2000  
Date

For:

  
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Harold J. Brown, Administrator  
New York Division Office  
Federal Highway Administration