

ONEONTA RAIL YARD REDEVELOPMENT

FINDINGS STATEMENT AUGUST 2019

1.0 SEQR PROCESS HISTORY

The City of Oneonta Common Council, as Lead Agency, has conducted an environmental review for the Redevelopment of the Oneonta Railyards in the City of Oneonta, Otsego County, New York, as proposed by the County of Otsego Industrial Development Agency (COIDA). The rail yard site is by far the largest infill development area within the City of Oneonta, and this commercial/industrial zoned land is highly underutilized. Though there is no actual proposed re-development project at this time, through the creation of a Generic Environmental Impact Statement (GEIS) for the site, the County of Otsego Industrial Development Agency (COIDA) hopes to have the background information available that would assist in attracting an investor for a re-development project.

The master plan presented in the GEIS is based upon potential industrial and commercial uses including food processing, brewing/manufacturing, bottling/packaging, warehouse/storage, temperature-controlled distribution, import and export. This is a realistic potential re-development for the site, which also tests the site limitations so that those limitations can be documented. Facilities for the potential plan are generally lacking in the county. The great advantage of the site is access to both highway and rail for bringing local products to outside markets. Redevelopment at the Rail Yard could provide an opportunity to create a new industrial/commercial business park that would provide additional markets for Otsego County, create new jobs, and add to the local tax base.

A coordinated review for Lead Agency status was initiated by the Common Council on September 28, 2017, and on January 16, 2018, the Common Council, having received no objections from involved agencies, declared itself Lead Agency for this project, made a Determination of Significance, and issued a Positive Declaration with its Notice of Intent to Prepare a Draft Generic Environmental Impact Statement (DGEIS). The Scoping process to define the DGEIS included two public meetings. The Final Scope was issued May 15, 2018.

The Draft Generic Environmental Impact Statement (DGEIS) was prepared in accordance with Article 8 of the New York Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA or SEQR) and the implementing regulations incorporated in 6 NYCRR Part 617. The DGEIS was prepared to document the environmental review of the potential redevelopment of the rail yards and to seek comments and input from the public and involved and/or interested agencies. The DGEIS presents analysis

of the potentially significant adverse and beneficial environmental impacts of the proposed potential action. At the time a site-specific project is determined, the potential for significant environmental impacts will have to be reviewed; in addition, applicable local and state permits and approvals will need to be obtained.

The Common Council of the City of Oneonta adopted a resolution on January 15, 2019, accepting the Draft Generic Environmental Impact Statement (GEIS), beginning the public comment period, and establishing the public hearing date for the Oneonta Rail Yards Redevelopment project. The public comment period was extended to March 18, 2019. Public comment meetings were held February 5 and March 5, 2019. The Draft Generic Environmental Impact Statement was available on the City of Oneonta's (Lead Agency) and County of Otsego IDA's (Applicant) websites, as well as on CD at the public library.

Comments received during the extended comment period overwhelmingly addressed a few major issues. Comments were catalogued, and addressed by topic as part of the Final GEIS. A single Final GEIS was prepared that incorporated the DGEIS, public comments and responses by comment, and the 2006 Phase II Environmental Site Assessment report for the site. The Final GEIS was prepared and distributed to the Lead Agency and adopted as complete on June 18, 2019. A Notice of Completion of the Final GEIS was filed as required by 6 NYCRR Part 617 and copies made available by website and on CD at the public library. On July 16, 2019, the Common Council adopted an addendum to the FEIS including some comments that were inadvertently omitted from the FEIS. A Notice of Completion of the Final GEIS Addendum was filed and copies of the Addendum were made available by website and at the public library. The Lead Agency has considered the comments of the public and involved and interested parties in the preparation of this Findings Statement. The adoption of a Findings Statement is the final step in the environmental review of the potential redevelopment plan and will conclude the SEQRA process.

The City Council considers a GEIS as a planning tool to assist in a future development. The GEIS process is a tool that allows for establishing conditions on future development that if followed will be deemed consistent with the mitigation requirements of SEQRA (e.g., if a development is proposed consistent with these conditions, no further SEQRA review would be needed for the specified impacts in the findings statement). In general, a GEIS and the findings statement do not restrict future development to comply with the findings; rather it allows future development that is consistent with the findings to proceed without further or reduce SEQRA review. If a future project is not consistent with the findings, it can still proceed but it will be subject to a full SEQRA review. In this findings statement, the City Council has not established conditions or thresholds that would permit a future project to advance without full SEQRA review; these findings note the environmental limitations of the site as of 2019 and identify the mandatory regulatory requirements to mitigate future environmental impacts. At this time, based upon this record, the City

Council is exerting its discretion to require future project to undergo a full SEQRA review rather than crafting conditions for some unknown project during a very uncertain regulatory environment.

It is critical to note that the majority of the comments focused on energy/greenhouse gas emission impacts. Many of those comments urged the establishment of conditions mandating the use of renewable energy sources. In June, 2019, the New York State Legislature passed its version of the Green New Deal mandating the following: (i) the elimination (limit to 15%) of the use of fossil fuels as an energy source by 2050; (ii) the conversion from gasoline/natural gas powered equipment and natural gas /fuel oil/propane heating systems to almost all electricity by 2050; and (iii) the conversion of 70% of the electric grid to renewables (hydro, wind, wave, geothermal and solar) by 2030. The goal of the legislation is to reduce greenhouse gas emissions now. The law requires that its objectives be factored into future DEC permit decisions. It allows enforcement by an “aggrieved party”. It provides for multiple committees to provide guidance on how to implement these mandates and delegates to DEC the obligation to develop and promulgate regulations that shall achieve the emission mandates set forth above. Given the uncertainty on how these mandates will be achieved, it is premature for the City Council to predict what will or will not be available or feasible as an energy source available in the future.

2.0 REDEVELOPMENT DESCRIPTION

The potential redevelopment of the Oneonta Railyards site, centered on Roundhouse Road and the area south of Chestnut Street in the City of Oneonta, will involve the construction of structures, parking, and access to the site as well as the extension of utility infrastructure and site roadways, for a total potential project area consisting of approximately 50 acres. The re-development option (Option 3) chosen for discussion in the GEIS is the option that is feasible from a financial investment and land use perspective, and at the same time tests the environmental setting. The master plan was prepared around potential industrial and commercial uses including food processing, brewing/manufacturing, bottling/packaging, warehouse/storage, temperature-controlled distribution, import and export. Facilities for these activities are generally lacking in the county. The great advantage of the site is access to both highway and rail for bringing local products to outside markets.

3.0 FUTURE ACTIONS PURSUANT TO THE FGEIS

As stated above, this Findings Statement does not include the criteria under which future actions may be taken without further SEQRA review. These findings address what is known about the potential

environmental impacts from future development. The analysis conducted in preparing the GEIS indicates that the Railyards Site has the potential to be redeveloped without substantial unavoidable adverse impacts. Any future development will be subject to a site specific SEQRA review. In any site specific SEQRA review, the lead agency can rely, in part, on the information contained in FGEIS and require supplementation where necessary or appropriate. For example, the lead agency can use and/or access the information in the FGEIS in making a future determination of significance as part of its obligation to issue a reasoned elaboration for its determination. Based upon the FGEIS, this Council makes the following findings:

Wetlands - The most substantive impacts identified at any scale of redevelopment are those to the on-site wetlands. A preliminary delineation established extensive wetlands with past land use impacts. Existing New York State and United States Army Corps of Engineers wetland protection regulations require any development to avoid and minimize impact to wetlands, and to mitigate wetland impacts. There is potential for some on-site mitigation through restoration of the wetlands on the Study Area outside of redevelopment areas.

Power - Current conditions at the project site do not include sufficient electricity for the types of use proposed in the Master Plan, nor is a substantial source of natural gas currently available. Input from the public utility provided licensed to provide power, NYSEG, will be required to address power needs. No specific thresholds are identified as there is no actual project proposed at this time, a redevelopment project's power needs will vary considerably dependent on the uses proposed. Therefore, any future proposal would determine project-specific power needs, and require coordination with the public utility and local environmental review as to its impact. Redevelopment on the project site should include low impact design construction techniques to properly insulate buildings and include energy efficient heating and cooling. Alternative heating and cooling options such as geothermal heat pumps and solar electricity and/or solar hot water should be considered in order to reduce annual energy usage, reduce operation costs and lower greenhouse gas emissions.

Stormwater - A Stormwater Pollution Prevention Plan will be required for both the construction and post-construction periods of any re-development exceeding one acre of disturbance, in compliance with the New York State Department of Environmental Conservation (NYS DEC) State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) or future similar permit. Under the Permit, the owner or operator must select, design and implement control measures to minimize the discharge of pollutants carried by stormwater from the construction site. The requirements include the minimization of soil erosion and sediment discharge, control of stormwater

discharges to minimize streambank erosion at discharge points, minimization of the disturbance of steep slopes and the provision and maintenance of natural buffer areas to maximize stormwater infiltration to reduce pollutant discharges during construction. Post-construction requirements include the site design, installation and maintenance of stormwater management practices that meet the performance criteria of the New York State Stormwater Management Design Manual. These requirements include minimizing new impervious surfaces so that increases in stormwater flow off the site are minimized, and the construction of stormwater management areas within the development site that reduce site runoff. If requirements for stormwater management in the General Permit cannot be met, an Individual Permit under SPDES program will be required.

Zoning - Re-development will have to comply with local planning and zoning requirements. According to the City of Oneonta, NY, Zoning Ordinance Article II, 300-12, the project site is zoned within the Commercial Industrial district. The purpose of this district is to provide for areas within the City of Oneonta that encourage large- and small-scale commercial development as well as light and heavy industrial uses. Commercial and industrial operations must respect the character of surrounding residential uses by mitigating noise, pollution, and other environmental impacts. Currently, land uses in and near the Oneonta Rail Yard include a mix of industrial, manufacturing, warehouse/storage, lands owned by the Delaware & Hudson Railways, and other commercial land uses. Redevelopment of the Oneonta Rail Yard with the identified land uses will fit well within the character of the land uses in the study area. While this DGEIS will provide some SEQRA information for future end users who are attracted to develop the site, each project will still be required to undergo Site Plan Review and approval at the local level as well as secure a range of permits from state and federal agencies. These future actions will require additional public hearings to address specific community concerns. The re-development Master Plan discussed in the DGEIS fills a need for jobs in sectors for which the Oneonta area is low participation (meaning not as many of those jobs are regionally available currently as in the State overall) and is compatible with local zoning and plans for revitalization of the economy and quality of life.

Traffic - The traffic generated by redevelopment will likely include truck transportation of goods which has the potential to decrease safety on local roads and increase congestion, as well as increased car trips for employee commutes. A traffic impact and access study (TIAS) for the proposed redevelopment plan was conducted. The TIAS is included as Appendix F in the DGEIS and quantifies existing and projected traffic conditions with the redevelopment of the Oneonta Rail Yard. The TIAS did not identify any potentially significant adverse impacts associated with the proposed redevelopment. Recommendations were made on the upgrade and reconfiguration of Roundhouse Road upon re-development of the Rail Yard. Heavy

vehicles currently access the site on Lower River Street and Fonda Avenue. It is recommended that with redevelopment of the area, heavy vehicles be directed to access the Oneonta Rail Yard via Lower River Street to NY Route 205 and Oneida Street (NY Route 7) with truck access restricted from Fonda Avenue. This recommendation should be reinforced with appropriate signing and will reduce the potential for increased heavy vehicle traffic in residential areas located north of the project site. Depending on a future proposal for re-development as compared to the conditions under which this TIAS was carried out for the DGEIS, more traffic studies may be needed.

Past Rail Yard Land Use - A soil evaluation of the former D&H Rail Yard Area was conducted by Malcolm Pirnie, Inc., for the Oneonta River Corporation through the USEPA Brownfields Assessment Program Phase 1 (2005) and Phase II (2006) Environmental Site Assessments. The conclusion of the Phase II Environmental Site Assessment was that although several sediment, surface soil, and subsurface soil samples contained SVOCs and metals at concentrations greater than the respective 6NYCRR Part 375 Commercial soil clean up objectives (SCOs), certain analytes (arsenic and benzo(a)pyrene) were also present in sediment samples collected off-site and may represent typical background concentrations for these analytes in this area. Based on the sampling results, the magnitude and distribution of analytes which exceeded 6NYCRR Part 375 Commercial SCOs or NYSDEC Class GA water quality standards, further investigation or remedial activities did not appear to be warranted. This conclusion does not change when utilizing current SCOs instead of the draft SCOs in use in 2006. The Lead Agency or future investor may determine that further sampling work is necessary in order to avoid an unacceptable exposure from future use. If further sampling identifies soil contamination that will interfere with the redevelopment of any portion of the site, the property owner may avoid these areas or apply to participate in the New York State Brownfield Program and potentially qualify for certain tax credits to offset the cost of remediation and redevelopment.

Water – According to the City of Oneonta Water Map 1975 (revised 1992), there are water mains within the area that supply the project site. Redevelopment of the site will require water for potable purposes for the employees on-site, fire suppression and industrial use. Water will be provided by the City of Oneonta, application for the introduction of new water mains must be made to the City Board of Public Service. Specific determinations for water quantities, access and design of water distribution additions will be developed in consultation with the City of Oneonta. Water distribution and/or storage systems may require approval from the New York State Department of Health (NYSDOH).

Sewer - The City of Oneonta Overall Sewer Plan 2007 indicates sewer main lines at the edges of project area, no branches or connections are shown. Wastewater will be generated by employees and

industrial/commercial activities, with final volumes according to a final development proposal. Specific determinations for wastewater treatment plant connections and any industrial user permits will be developed in consultation with the City of Oneonta, according to available capacity at the WWTP. Any construction of sanitary sewer collection and conveyance system requires approval from NYSDEC.

Transportation by Rail - The existing railroad will provide an option for transportation of materials and goods to the new businesses in the Oneonta Rail Yard, with potential for direct access to some buildings. The former Delaware & Hudson railroad tracks are now owned by Norfolk Southern Railway, providing businesses developed within the project area direct connections to a major railroad network consisting of 21,500 miles of tracks in the eastern United States. Norfolk Southern works with “Specifications for Design and Construction of Privately-Owned Industry Tracks” (May, 2017), and a process for development of agreement and sidetrack design plans. Planning for side railing additions at the rail yard would include Norfolk Southern Railway.

4.0 CERTIFICATION

This Findings Statement provides the rationale for the SEQR determination of the Lead Agency, City of Oneonta Common Council, for the potential re-development of the Oneonta Rail Yards based on the Final Generic Environmental Impact Statement (FGEIS) prepared by the Lead Agency, as well as related documents and public comments received regarding the proposed action, including the Draft Generic Environmental Impact Statement (DGEIS) dated December 28, 2019.

The objective of this GEIS is to document site limitations and background information for a future potential re-development project master plan chosen as an example due to fit for community economic needs.

The Lead Agency certifies:

1. The DGEIS has been prepared to document the environmental review of the potential redevelopment of the rail yards and to seek comments and input from the public and involved and/or interested agencies. The DGEIS presents analysis of the potentially significant adverse and beneficial environmental impacts of the potential redevelopment, as well as some reasonable alternatives and mitigation measures potential. The DGEIS established background information for environmental review and potential impacts within the Study Area for a better understanding of the site’s potential and limitations. At the time a site-specific project is determined, a site-specific environmental review under SEQR will be required; in addition, applicable local and state permits and approvals will need to be obtained.

2. The GEIS, inclusive of the Draft GEIS and the Final GEIS, is comprehensive and contains the factual analysis with respect to the potential re-development project and potential environmental impacts and mitigation measures as well as the conclusions relied upon to support this Findings Statement. Adverse environmental impacts can be avoided or minimized to the maximum extent practicable as described.
3. The City of Oneonta Common Council as Lead Agency has met the applicable requirements of 6 NYCRR Part 617 in conducting the environmental review of the proposed action, including but not limited to:
 - a. Preliminary Classification of the Action
 - b. Establishment of Lead Agency through Coordinated Review
 - c. Preparation and Adoption of a Scoping Document with Public Involvement
 - d. Preparation of a DGEIS
 - e. Receipt of Public and Agency Comment on the DGEIS, including Public Hearing
 - f. Preparation of an FGEIS
 - g. Adoption and filing of Notice of Completion of the DGEIS and FGEIS
 - h. Publication and circulation of all required Notices.
4. Consistent with social, economic and other essential consideration from among the reasonable alternatives available, the action is one that can avoid or minimize adverse environmental impacts to the maximum extent practicable, and that adverse environmental 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.
5. It is recognized that development proposals in the future will require a site/project specific review and may be the subject of a future negative declaration and/or positive declaration. Further review that shall be conducted pursuant to 6 NYCRR Part 617 and may utilize information compiled in the Final GEIS.