## STATE ENVIRONMENTAL QUALITY REVIEW

## FINDINGS STATEMENT

## PORT OF ROCHESTER PUBLIC MARINA AND MIXED USE DEVELOPMENT

Pursuant to Article 8 (State Environmental Quality Review Act – SEQR) of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617, the Mayor of the City of Rochester, as an Involved Agency, makes the following Findings based on the Final Environmental Impact Statement prepared by the Lead Agency and accepted on March 2, 2012.

### NAME OF THE ACTION

Port of Rochester Public Marina and Mixed Use Development Project

### LOCATION

The Project is located within the area bound by Ontario Beach Park, the Genesee River, (and along the riverfront to Latta Road), and by Lake Avenue (and along Lake Avenue at 4576 and 4580 Lake Avenue) in the City of Rochester, Monroe County, NY

### DESCRIPTION OF THE ACTION

The project involves: enactment of a new form based zoning code of the project area; creation of new parkland which will feature a marina basin and perimeter promenade within the Port site; installation of new and realignment of existing streets and infrastructure; demolition and relocation of the Ontario Beach Park Labor Center; relocation of the public boat launch; sale of publicly owned lands for private mixed use development; alienation of parkland; creation of a scenic overlook; and new public access to the Genesee Charlotte Historic Lighthouse.

### AGENCY JURISDICTION and REQUIRED APPROVALS

- Funding Approval, Land Acquisition and Disposition, Official Map Amendment, Zoning Text and Map Amendments, Comprehensive Plan Amendments, Parkland Alienation and Dedications and Inter-municipal Agreements, by the Mayor, City of Rochester and Rochester City Council;
- Special Permits and Subdivision Approval by the City of Rochester Planning Commission;
- Site Plan Approval by the City of Rochester Director of Planning and Zoning;
- Demolition and Site Preparation Permits, Flood Development Permit by the Commissioner of Neighborhood and Business Development;
- ROW Approvals, Signalization and Traffic Changes by the City of Rochester Traffic Control Board;
- Sewer system modifications and extensions by Monroe County Pure Waters;
- Amendment to the City/County Parks Agreement and Parkland Alienation by the County Executive and Monroe County Legislature

- Article 15 Excavation and Fill, Article 15 Docks, Moorings and Platforms, 401 Water Quality Certification, Mined Land Reclamation permit and SPDES by the NYSDEC

- Funding Approvals by NYSDOS, NYSEFC, NYSDOT, NYS OPRHP and NYS Dormitory Authority
- Parkland Alienation by the NYS OPRHP
- Lease Agreement by SUNY College at Brockport

**DATE FINAL EIS FILED**

March 2, 2012.

**SEQRA PROCESS SUMMARY**

The action was designated as a Type I action in accordance with SEQR and Chapter 48 of the City of Rochester Code. A coordinated SEQRA review was initiated and a Positive Declaration was issued on May 3, 2010, stating that the project would be the subject of an Environmental Impact Statement (EIS). Prior to beginning preparation of the EIS, an optional scoping process was conducted, and a draft scope of the anticipated Draft Site Specific and Generic EIS (DEIS) was issued by the Mayor on May 3, 2010. A scoping meeting was held on May 17, 2010 and the final scope was issued on June 10, 2010.

The DEIS was accepted on October 7, 2011, and the Notice of Completion and Public Hearing was issued. The Notice was announced in the Democrat & Chronicle on October 7, 2011 and appeared in the Environmental Notice Bulletin on October 19, 2011. The DEIS was properly filed with all Involved and Interested agencies and made available for public review at the City's website at www.cityofrochester.gov/marina, and at City Hall, Rooms 300A and 300B, the Rochester Public Library-Charlotte Branch, and the Rundel Central Library.

A public hearing for the receipt of public comments on the DEIS was held on November1, 2011. The public comment period was held open until November 18, 2011. A copy of the notice was mailed to all residents in the community of Charlotte, and to neighborhood associations throughout the City.

With respect to the comments to the DEIS, the Rochester Environmental Commission (REC) reviewed the DEIS and the comments relative thereto received during the public comment period. The REC made recommendations regarding responses to be included in the Final EIS and classified each comment.

A Final EIS was accepted by the Lead Agency on March 2, 2012, and a Notice of Completion issued. The notice appeared in the Environmental Notice Bulletin on March 14, 2012. The Final EIS was properly filed with all Involved and Interested agencies and made available for public review at the following locations:

1. City Hall, Rooms 300A and 300B

2. Rochester Public Library- Charlotte Branch

3. Rundel Central Library

4. City of Rochester Website - www.cityofrochester.gov/marina/

The Final EIS was presented to the REC on March 8, 2012, and the Commission unanimously recommended approval of all project actions related to the advancement of the plan.

The issuance of this Statement of Findings by the Lead Agency and those issued by other Involved Agencies completed the environmental review process required by SEQRA. Subsequently, in response to continued concerns related to viewsheds between the Genesee Charlotte Lighthouse and the harbor, the proposed new form based zoning code, known as the Marina District, was amended to eliminate private development Parcel III, which remains in the Harbortown Village District (H-V).

It is anticipated that more specific site and other reviews, including those associated with the required approvals listed in the Final EIS, will follow the conclusion of this environmental review. The need for additional or further environmental review as more specific site reviews and other approvals progress will be determined by compliance with the conditions and thresholds found in the DEIS, the Final EIS and the Findings. No further SEQR compliance will be required where a subsequent proposed site specific action under consideration would be carried out in conformance with the conditions and thresholds established in the generic EIS or statement of findings. Should a subsequently proposed action be found to have not been adequately addressed in the generic EIS or findings further review would be required. Such further review would be expected to culminate in either a negative declaration regarding the absence of any significant environmental impacts or in preparation of a supplemental EIS should one or more significant environmental impacts be identified.

## FACTS AND CONCLUSIONS RELIED UPON TO SUPPORT THE DECISION

The Port site is an underutilized publicly owned area consisting predominantly of parking lots located at the most significant waterfront space in the Greater Rochester area--the confluence of the Genesee River and Lake Ontario--and one of only two access points into Monroe County from Lake Ontario. While this waterfront site is open to the public, there are minimal amenities within the site that provide for public enjoyment.

For more than 20 years, the creation of a marina basin within the Port site has been an element of various planning documents and studies starting with the Monroe County Waterfront Recreation Opportunities Study, January 1990 (MCWRO), which along with parkland and public access improvements recommended creation of 75 boat slips with provisions for transient boaters, for the creation of docking for display ships, and for additional entertainment facilities. The 1990 Local Waterfront Revitalization Program adopted by the City and the State, the 2011 Amendment to the LWRP, Market Analysis performed in 2006 by ZHA, Inc., and the Marina Engineering Report and Feasibility Study completed in 2009 by Edgewater/Abonmarche Consultants and Passero Associates recommend and support public development of marina facilities at the Port site.

The subject EIS concludes that the creation of the marina basin does result in certain unavoidable impacts and irretrievable commitments of resources. These include additional staff and financial resources required to maintain and operate the public infrastructure, public parkland and marina; additional need to perform public works services (e.g., trash collection) to the residents, tenants and users of the private development; removal of 63 linear feet of existing concrete wall and 25 linear feet of steel sheet pile; and, scour protection at the entrance will impact approximately 6000 square feet of river bottomland. These impacts cannot be avoided. All work will be monitored under State and Federal permits. It is also the expectation that, to the extent possible, materials recovered will be salvaged, recycled or reused.

Existing public parking areas as well as restricted parking areas will be removed permanently during excavation of the Phase I marina, another impact which cannot be avoided, or fully mitigated. As part of the project, this loss in parking opportunities will be addressed and solutions implemented to avoid undue hardship on the surrounding neighborhood and nearby commercial establishments during special events. (Reference DEIS – Section IV K.)

Development of the marina will also result in an unavoidable preclusion of the future operation of a vehicular passenger service ferry. The excavation and installations will remove the existing vehicle queuing, loading and inspection areas.

Creation of the Phase I marina basin will require excavation of approximately 5 acres of land and it is highly unlikely that the affected area would ever be converted back to land based development and as such deemed an irreversible and irretrievable commitment of resources. (The Phase II marina expansion is not considered an irreversible and irretrievable commitment until such time as the expansion project is undertaken. Further environmental review will be required prior to implementation of the Phase II marina for compliance with the subject SEQR review.)

Utilities and certain other infrastructure installed between 2000 and 2004, as part of the previous Port development, will be removed and/or relocated prior to expiration of their useful life, another unavoidable impact. (Reference DEIS – Section V B.)

It is understood that the marina operation will compete with private sector marina facilities. This unavoidable impact is not expected to result in hardship as the marina market studies performed in 2009 indicate demand for two to four times the number of slips proposed by the project. Slip lease rates will be set to be comparable to private rates for slips comparable in quality and amenities. The benefits associated with the creation of the marina were found to be sufficiently significant to move forward with the project in light of these impacts .

The proposed state-of-the-art Phase I marina basin and docking facility will accommodate approximately 55 seasonal and approximately 30 transient boat slips and will feature a perimeter promenade, new open space and boater services facilities, and is expected to provide public benefits as follows:

- The marina, in combination with natural and historic features of the area is expected to garner Rochester a reputation as a first class destination on the Great Lakes, and first class venue for regional and national boating events and shows, stimulating local and regional tourism opportunities and promoting boat travel between Rochester and other Great Lakes ports in the United States and Canada;
- The marina is expected to transform the Port area into a more valuable public resource;
- The new deep water marina and surrounding rock revetment will provide new habitat for native fish populations;
- The marina will function to provide a much improved safe public harbor serving local boaters and Great Lake travelers;
- The marina will contribute an estimated $1.85 million in annual direct economic benefits, and over $2 million in annual economic benefits when indirect (secondary) effects are included, based upon anticipated revenues generated by boater purchases and other associated economic activity.
- Public access to Rochester and the region via the waterways will be significantly enhanced;
- Additional waterfront area and parkland will be created and enhanced with public trails, pathways, green-space and landscape amenities.

The associated ROW and trail improvements are expected to provide public benefit as follows:

- North River Street will serve as a secondary north-south public access from Latta Road to the Port site, through parkland to Ontario Beach, the Genesee River and the Terminal Building at 1000 North River Street;
- North River Street will provide vital ROW alternate access for Fire, Police and Homeland Security agencies;

- The extended Genesee Riverway Trail will provide pedestrians and bicyclists with expanded scenic off road access from Lower Falls Park through Maplewood Park and Turning Point Park to Ontario Beach Park and other natural and cultural attractions, including the beaches of Lake Ontario, the Pier into Lake Ontario, and the Ontario Beach Historic Carousel.
- Improvements to the trail will contribute to Rochester gaining a reputation as a first class destination on the Great Lakes.

The Lighthouse Trail and Overlook improvements are expected to enhance access and views of the Charlotte Genesee Historic Lighthouse, built in 1822 and the second oldest lighthouse on the Great Lakes, and which is open to the public year round. While the lighthouse is adjacent to and visible from Lake Avenue, the only public pedestrian access is via Lighthouse Street off Latta Road. The Lighthouse Trail project will create new access to the Lighthouse parcel from the Lake Avenue ROW and will also create a scenic overlook accessible by automobile, bicycle and by foot creating new views of the waterfront, Ontario Beach Park and the newly created marina. This scenic overlook will create dedicated public access and new open space and provides mitigation for the loss of significant vistas of the harbor which result from the private development proposed as part of the project. The new trail will be integrated with existing public resources significantly reinforcing the Port of Rochester as a regional destination and highly desirable place to live.

The development of an Interim Lake Ontario Research Center (LORC) by SUNY College at Brockport within the Terminal Building and the eventual development of a Permanent LORC is expected to contribute to the viability of the Port and the Terminal Building through creation of a center which facilitates research associated with the Great Lakes, promotes community and business partnerships, and that provides unique opportunities for students at all levels in the Greater Rochester area. The public education to be provided here can lead to tangible improvements in local storm water practices, waste management, tributary management, and upland agricultural practices that impact the water quality of Lake Ontario. Transient boaters will be afforded the opportunity to support the research activities of LORC by performing observation and reporting of lake conditions as they transit Lake Ontario.

The Incremental Private Development is expected to commence at Parcel I concurrent with completion of the Phase 1 Public Improvements. Full build out of the project, involving incremental private development on Parcels II and III, will be dependent upon the success of the Phase I Marina, market demands, developer interest, and funding availability to complete the associated public improvements and Council approval of the sale of public lands. The incremental private development on Parcels II and III will require the sale of public waterfront, the relocation of the Ontario Beach Park Labor Operations Center, relocation of the Public Boat Launch, the enactment of associated parkland alienation and replacement legislation, and possibly public financing for installation of new gas mains to the project site.

The private mixed-use development activities associated with this action involve many incidental instances of the irreversible and irretrievable commitments of resources. These include building materials and other similar natural or man-made resources that would be consumed, converted, or otherwise made unavailable for future use as a consequence of the redevelopment and the preceding demolition efforts.

Additionally, the proposed private development will result in an unavoidable impact. Views from Lake Avenue of the harbor, the historic lighthouse and the historic carousel will be removed. The loss will be mitigated through creation of new significant viewsheds from the proposed new open spaces constructed as part of ROW Improvements project, the Lighthouse Trail and Overlook project, the civic square easement that will be reserved at Private Development Parcel I. and the 30 linear foot public waterfront easement to be reserved at Parcel III. Additionally new public access and parkland will be created contributing to an overall improved visual experience. Public benefits associated with the private development include:

- Residential and commercial development that spurs long term economic and financial growth in the area and expands enjoyment of the waterfront, both seasonally and year round, creating a more vibrant and active waterfront for visitors and the Charlotte community;
- Private residential and commercial development that generates new property taxes revenues over 20 years in the range of $6.1M to $18.5M;
- Creation of approximately 2,500 construction jobs and 300 permanent jobs upon completion;
- Economic benefit of approximately $2.17M to $4.34M derived from sale of public lands;
- A stronger economy in the Charlotte community, the City and the region;
- More stable and increased property values in the vicinity;
- On-site mixed-use residential development that contributes to increased activity and the viability of the Port site in the off-season;
- Increased and improved boating industry business and employment, including marine supply and boater services;
- Private development at the site that is in conformance with the newly adopted form based code providing for an attractive visual environment and protected public enjoyment and access to the waterfront; and,
- New structures, that to the extent possible incorporate energy efficient and sustainable design strategies, including dark sky lighting with LED fixtures, LEED Certified structures, passive solar and day-lighting strategies, and the use of existing materials and innovative new materials that reduce rainforest deforestation and minimize use of chemical preservatives.

**IMPACTS AND MITIGATION**

The Lead Agency has determined that the proposed action will not adversely impact the environment and that impacts identified are sufficiently mitigated. The project will be implemented as described herein to avoid and mitigate identified impacts.

1. Geology, Soils and Topography

   It has been determined that there will be no significant adverse impacts on Geology, Soils or Topography based on the following:

   Marina

   a. Construction of the marina requires the excavation of approximately 225,000 cubic yards of material upon full build-out, of which 178,000 cubic yards will be excavated for the Phase I Marina. Upon completion when the body of water is created, there will be no major alteration to the soils around the marina's footprint. To protect the newly exposed soils on the banks of the marina from erosion, the project will install rip rap and stone revetment around the marina's perimeter.
   b. The excavation will proceed to a depth well below the elevation of existing groundwater and likely require the use of dewatering measures, including but not limited to pumping to temporary settling pits followed by discharges to existing stormwater management structures prior to discharge to the river. If groundwater is determined to be impacted by contaminants if will be collected and disposed of properly.
   c. Related to topography, because of the significant drop in elevation across the site from west to east, elements of the project will be constructed to minimize the need for retaining walls. The

North River Street profile will be constructed to maintain drivable intersections with Corrigan Street and Portside Drive, while reducing the elevation drop to the basin edges and promenade. At the north end of the basin, adjacent to Corrigan Street, the grading will be constructed to provide a gentle slope to allow open space for the public and boaters. A grade difference will exist at the intersection of North River Street and Portside Drive between North River Street, the reconfigured boat launch and the top of the marina revetment where a marina overlook will be constructed that incorporates a retention structure. Transitions from the terminal building and proposed drop off loop will be constructed to minimize slopes and provide open space where possible.

Right-of-Way (ROW) Improvements

a. Material that is excavated during construction may contain slag or other contaminated materials. This material will be processed, sorted and disposed of at a NYSDEC regulated facility. Soil testing, classification, handling and disposal will be completed in accordance with the project's Environmental Management Plan (EMP), NYSDEC regulations, and requirements of permitting agencies.
b. Given the relatively high groundwater elevations, pavement sections for the roadway may incorporate geotextile fabric that strengthens the pavement section by preventing the migration of fine stone that causes pumping and potholes to develop. Under-drains will be installed along the roadway edge to remove groundwater from the pavement section if it were to filter up through the soil or absorbed into the ground and pavement section. The removal of water will prevent pavement distress and extend the life of the pavement.

Lighthouse Trail

Excess soils that may need to be disposed of upon completion of the trail would be removed from the site. Soil testing, classification, handling and disposal will be completed in accordance with the project's EMP, NYSDEC regulations, and requirements of permitting agencies.

Lake Ontario Research Center (LORC)

The construction of SUNY College at Brockport's permanent Lake Ontario Research Center (LORC) within or adjacent to the Terminal Building will require consideration of the existing soils and subsurface conditions on-site, including the slag, solid waste, and native materials. Soil testing, classification, handling and disposal will be completed in accordance with the project's EMP, NYSDEC regulations, and requirements of permitting agencies. The soil and subsurface conditions investigation will assist in determining design factors such as foundation systems, foundation sizing, and the necessity of foundation drainage.

Relocation of the Public Boat Launch

This component of the project requires further site specific environmental review at such time as a site has been selected and preliminary design is underway, as will demolition and removal of the existing launch.

Relocation of the Ontario Beach Park Labor Operations Center

This component of the project requires further site specific environmental review at such time as a site has been selected and preliminary design is underway, as will the demolition and removal of the existing facility from the site.

Incremental Private Development

a. Soil and subsurface conditions include widely varying depths to bedrock, loose and potentially compressible natural soil deposits, foundations of former structures, fill with slag, ash, construction and demolition debris and other wastes, and shallow groundwater. Careful

consideration will be undertaken as foundation systems are evaluated and selected. An extensive evaluation of subsurface conditions has been performed for Parcel I. Additional subsurface investigations will be performed prior to development of Parcels II and III. Subsequent reports that include discussion and recommendation on foundation systems, drainage systems and pavement section designs will be prepared.

b. Material that is excavated may contain regulated solid wastes or other contaminated materials. Excavated wastes will be sorted, transported, and disposed of at appropriated permitted disposal facilities. Excavated slag meeting the requirements of a NYSDEC beneficial use determination will be processed and reused appropriately off-site. Soil testing, classification, handling and disposal will be completed in accordance with the project's EMP, NYSDEC regulations, and requirements of permitting agencies.
c. The Monroe County Health Department and the NYSDEC will be incorporated into the review process for private development proposals.
d. Buildings, entrances to buildings and parking areas will accommodate topographic conditions.

2. Water Resources

It has been determined that there will be no significant adverse impacts on Water Resources based on the following:

Marina

a. Possible impacts would be primarily related to dewatering of excavations and stormwater runoff. Impacts on Lake Ontario, if any would result from transmission by the Genesee River, a Class B stream, to the lake. A NYS DEC Article 15 permit is required when disturbing the banks of the River. Section 401 Water Quality Certification, also issued by NYSDEC, will be required to operate the marina. A Section 404 permit will be obtained from the US Army Corps of Engineers (USACE) to allow for the dredging of the marina entrance and the placement of material into the marina. A Section 10 permit of the Rivers and Harbors Act of 1899 will be obtained from USACE to allow the "breaking through" of the river wall to allow water to fill the marina basin.
b. The Environmental Management Plan will set forth procedures for removal of suspect contaminated fill or waste materials at the perimeter of the marina excavation. The construction phase environmental monitor will be responsible for identifying these conditions.
c. The potential for marina water to become stagnant will be mitigated through installation and operation of a water circulation element. The proposed circulation system for the new marina includes a circulation pipe to allow water to move from the north end of the marina to the Genesee River north of the existing Terminal Building. The water circulation system will likely include a large manhole for cleaning out the circulation pipe which can be used in the future to house a paddle wheel device or pump, which could assist in circulating water, if needed.
d. Potential water quality impacts associated with the marina once operational include the could occur as a result of spills or releases of boat fuels, chemical cleaners, paints and other potentially hazardous materials associated with boat use and light maintenance activities. A Final Marina Operations and Management Plan (MOMP) will be completed by the City of Rochester prior to initiating operation of the marina. The plan will include operational restrictions, including use and any application of paints and cleaners on boats within the marina. The MOMP will also include spill response procedures. The City's marina operator will be responsible for observing the conditions of boats and general operations that may impact water quality, such as leaking fluids in the water. Compliance with the MOMP will be continuously monitored by the marina operator.
e. The marina will include a permanent pump out facility, a portable boat pump out facility, or both. The contents of the pump out tank will be discharged into a sanitary manhole. The

operation and equipment associated with the portable boat pump out facility will be in compliance with NYSDEC and Monroe County Pure Waters regulations and permits. As will be required by these regulatory agencies, the pump out facility will be monitored by the City's marina operator and reports will be kept on the volume of sewage that is being discharged into the sewer system.

f. Scheduled maintenance procedures will be put in place to help protect the water quality of the marina and the Genesee River. In addition, a maintenance schedule and procedure will be implemented to remove debris that accumulates within the marina basin as part of the MOMP. Marina best practices will be followed as outlined for New York State on the *NY Marina Environmental Best Practices Website* or in the industry standards. Sediment dredging will be performed under State and federal permit conditions required to protect water quality and marine life.
g. Ground disturbance associated with construction generally increases the amount of sediment in stormwater run-off generated from a site. As such, a State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction will be required by the NYSDEC, pursuant to Section 402 of the Clean Water Act. As part of the granting of the permit, the project will require a Stormwater Pollution Prevention Plan (SWPPP), which includes the design of erosion and sediment controls to be used during all phases of construction as well as permanent site stormwater management practices.
h. Erosion control measures, such as silt fence, stabilized construction entrances, and dust control measures will be installed during construction. Silt fence collects sediment that would otherwise run off the site and discharge into lower lying areas and the Genesee River. Fences are generally placed on the downhill side of disturbed areas and assists with the prevention of wind erosion from the site as well. A stabilized construction entrance allows for sediment and soil to dislodge from vehicles that are exiting the site.
i. Drop inlet protection will be provided around all catch basins that are within and will remain in the disturbed areas. This measure will prevent sediment from entering the storm sewer system and being discharged into the river.
j. While the marina is being excavated and utilities are being relocated, dewatering may need to take place to allow contractors to work in dry conditions. The water that is pumped from the excavation will be treated prior to its final discharge. Methods used to treat this dewatered material will include a silt sock or dirt bag, and/or sump pits within the excavation to filter out some silt and sediment prior to pumping. Alternatively, water will be pumped to a temporary sediment pond at a higher elevation, allowing silt to settle out prior to the water being discharged to the river through existing vortex structures or other appropriate discharge systems.
k. The SWPPP and Notice of Intent (NOI) will be completed and filed with NYSDEC and other regulating agencies for the Phase 1 marina development. The permanent stormwater control measures to be constructed in Phase 1 will be designed to accommodate the Full Build condition. Construction areas associated with the Phase 2 expansion of the marina would be covered under a separate SWPPP and NOI developed at the time due to time limits set by NYSDEC.
l. In addition to the SPDES General Permit for Stormwater Discharges from Construction, other water quality permits will be obtained from NYSDEC for the proposed action.
m. Prior to discharge into the marina, stormwater will be passed through treatment facilities to remove pollutants, sediment, etc. These stormwater treatment facilities may include facilities consisting of underground chambers, infiltration areas and rain gardens to remove pollutants from runoff. These permanent stormwater quality measures will be maintained and inspected by the City's marina operator and Monroe County Pure Waters periodically to ensure that they perform correctly in pollutant and sediment removal. Sediment control devices will be

inspected yearly and cleaned out. Other practices, such as the filter strips, will be mowed to specified lengths as outlined in the operations maintenance plan included in the SWPPP.

n. In order to prevent erosion from the walls of the basin as a result of water currents, agitation, and waves from boats and storms, the basin design will incorporate stone revetment and steel sheet piling along its walls. The stone revetment will essentially serve to provide an armoring to the marina walls, much like armoring is installed along steep highway slopes to prevent soil erosion.
o. During construction, sump pits will be placed at low points within the excavation and water will be pumped to the ground surface. The groundwater will be passed through a sediment control device such as a dirt bag, sediment sack or other method prior to discharge.
p. The Environmental Management Plan (EMP) will include provisions for monitoring and disposing of both groundwater and contaminated soils, and will require water quality testing before discharge to either the existing stormwater system or to the sanitary sewer system. Prior to any discharge of groundwater to the sanitary sewer system, a permit from Monroe County Pure Waters will be obtained. Some groundwater will also be stored and tested in barrels and tanks and then disposed at an approved NYSDEC landfill facility. All fill material within the footprint of the marina will be removed, including any contaminated fill or waste material.

Right-of-Way (ROW) Improvements

a. During the construction of the Right-of-Way Improvements, soil and erosion control measures will be implemented to prevent and limit the transport of sediment and soils from the site. Measures that will be implemented during construction include silt fence, concrete wash stations, stabilized construction entrances and drop inlet protection. These measures will be installed in conformance with the overall project SWPPP.
a. Upon completion of the project, stormwater will be collected and conveyed to an existing stormwater quality unit. Water will be treated prior to discharge into the river. Other permanent stormwater management measures under consideration include porous pavement and bio-retention areas. These permanent stormwater measures will require periodic maintenance to keep them operating at maximum efficiency.

Lighthouse Trail

Construction of the Lighthouse Trail will be undertaken in accord with various "green" construction initiatives and materials. The design goal is not to increase runoff from the site.

Lake Ontario Research Center

a. If a new building is constructed for the Lake Ontario Research Center, stormwater runoff will be collected and treated prior to discharge to the Genesee River. Silt fence, drop inlet protection, and other erosion control measures will be implemented during construction.
b. If a new LORC building is constructed, the design will take into account the groundwater level. Monitoring wells will be constructed to establish the groundwater levels prior to their final design and the design of the building's foundations.

Relocation of the Public Boat Launch

a. This component of the project requires further site specific environmental review at such time as a site has been selected and preliminary design is underway.
b. During removal of the existing launch, stormwater practices will be installed to treat runoff prior to discharge into the Genesee River.

Relocation of the Ontario Beach Park Labor Operations Center

a. This component of the project requires further site specific environmental review at such time as a site has been selected and preliminary design is underway.
b. The demolition of the existing facilities will incorporate stormwater and erosion control practices. Construction items such as silt fence, drop inlet protection and stabilized construction entrances will be included in the design to ensure that soils, sediment and pollutants do not enter the stormwater systems.

Incremental Private Development
This component of the project requires further site specific environmental review.

3. Hydrologic Conditions and Coastal Management

It has been determined that there will be no significant adverse impacts on Hydrologic Conditions and Coastal Management based on the following:

Marina
a. To accommodate potential water level fluctuations, the proposed marina will be designed to accommodate mean low (245.11 feet) and mean high (249.11 feet) water levels in the Genesee River and Lake Ontario. These elevations are shown on the site development plans. Also, as requested by NYSDEC, the corresponding IGLD 1985 elevations (243.30 feet mean low and 247.30 feet mean high) will also be shown. The marina will be excavated to -13 to -15 feet Low Water Datum (LWD), or 232 to 230 feet at the marina entrance. This will allow for approximately 5 feet of siltation to occur before the marina entrance would be unable to accommodate deep-draft sailboats and 8 feet of silt to accommodate large power boats. Marina basin depths will range from -11 feet LWD to -8 feet LWD.
b. In order to minimize the effects of the existing wave surge during the northeast storms on the Genesee River, a 3 to 6 feet surge at the northern end of the Port site, which is reduced to 1 to 3 feet at the southern end of the site, the currently proposed location and angle of the marina entrance was designed to minimize impacts to the marina from waves created in the Genesee River. Appropriate marine and coastal engineering wave attenuation measures will be incorporated into the proposed marina design to reduce these wave energies to an acceptable condition (6 to 12 inch wave heights). A combination of stone revetment materials and an angular entrance with wave attenuation breakwaters will be used. The toe of the marina slope will have larger stone dug into the bottom of the marina to assist in holding up the stone revetment at the marina's side slopes. Steel sheeting lined with stone revetment may be used along the entrance to the marina on the westerly side to assist in the wave dampening. Within the marina, waves will be dampened and attenuated by the stone revetment and also by the dock construction. The "fingers" where boats will tie up will be allowed to float, with a portion of the structure under water to both dissipate waves and prevent them from gaining additional amplitude and speed within the marina basin. At the marina entrance, the existing debris fence (wall), along the southern face of the existing concrete platform may remain. A new baffle wall is proposed adjacent to and along this wall, with alternating horizontal I-beam baffles, to assist in wave energy dissipation. Along the northern face of the existing concrete platform, two new rows of baffle walls are proposed with the same intent. Two rows of walls with the horizontal I-beams of the back wall offset from those of the front wall may be installed to provide a secondary depletion of wave energy after water has passed through the openings of the front wall.
c. Permanent water quality within the marina basin will be maintained by installing a 24-inch diameter passive circulation pipe, sized to allow for an anticipated flow of approximately 18 cubic feet per second (cfs) under its own natural current, mimicking the natural south to north

flow of the adjacent river, thereby minimizing potential water stagnation and the corresponding build-up of algae's and organisms. If additional flow during summertime is needed, a simple marina circulation pump, commonly known as an "ice eater," may be placed in the tube to increase circulation financed from the revenues received from operation of the marina.

d. Related to Coastal Management, Policy 7, the project site is located near a section of the Genesee River which is designated as a Significant Coastal Fish and Wildlife Habitat. Strict erosion and sediment control measures will be put in place to prevent siltation of the river and its habitat areas. In addition, excavated slag and other potentially contaminated materials will be carefully staged to avoid such material from entering the Genesee River. The construction sequence for the excavation of the marina basin and river wall breakthrough will be designed and planned to minimize impacts to the river. Requirements for these actions will be clearly included in plans and specifications, as well as general notes, construction sequencing, and instructions to contractors. The breakthrough of the river wall will be completed last in order minimize disturbance to fish species. Should any dredging be needed, specifically around the marina entrance to the Genesee River, the timing of this operation will be coordinated to avoid the spawning and most active periods of the fish that have been identified in accordance with the NYS DEC permitting requirements.
e. Related to Policy 37, the project will incorporate both temporary and permanent erosion control measures and best management practices. Temporary measures will likely include silt fences, stone check dams, diversion swales, sedimentation basins, and/or drop inlet protection. Permanent measures may include hydrodynamic chambers, swirl concentrators, sand filters and/or rain gardens.
f. The existing boat launch gap in the river wall will be improved to provide access to the marina and will be stabilized and shaped by the installation of tie backs, steel sheet piling, and stone revetments. These materials will provide protection to the shoreline and essentially reshape the existing Genesee River wall to accommodate a new marina entrance. The installation of stone revetment will also provide for wave attenuation and protection of the marina. As part Upon of Phase 2 Marina Expansion (full build), the boat launch will be removed and a new marina basin perimeter wall system will be installed in its place with additional wave attenuation stone revetments. This will be an basin perimeter wall that will have been installed as a result of the completion of the Phase 1 Marina and will close off and fill in the existing boat launch, which will be moved to a new location. The City will ensure that the relocated public boat launch is operational before closing the existing launch.

Relocation of the Public Boat Launch

a. This component of the project requires further environmental review at such time as a site has been selected and preliminary design is underway.
b. The new launch will be designed in with consideration for mean low and high water levels on the river, and will take into account potential future lake and river fluctuations due to changes in IJC Lake Ontario level management strategies and requirements.
c. Consideration of public boat launch sites must take into account the wave dynamics within the Genesee River. It is generally true that the waves in the river dissipate as they move southward. The farther upriver the boat launch is proposed to be, the less of an impact waves will have on its operation. If the proposed launch is south of CSX swing bridge and the O'Rorke bridge, wave dynamics will have a minimal concern as the structures and shoreline features north of the bridge will have mitigated most of the wave energies.
d. The new boat launch facility will likely require disturbance of the bank of the Genesee River. This will require review, approvals, and/or permits by the USACE, NYSDEC, NYSOPRHP, and City of Rochester.
e. Previous USACE dredging studies and results will be reviewed to determine the best management strategy for maintaining a safe and viable pubic boat launch. Hauling and

disposal of any dredged material will be done in accordance with USACE and NYSDEC regulations, and a dredging maintenance plan/schedule will be developed for the new site.

Relocation of the Ontario Beach Park Labor Operations Center
This component of the project requires further environmental review at such time as a site has been selected and preliminary design is underway.

Incremental Private Development

a. This component of the project requires further environmental review at such time as a site has been selected and preliminary design is underway
b. The development of Parcels II and III will encroach on designated parkland. This will require a park alienation process following NYSDOS policies which include a plan to mitigate the loss by providing compensatory park land elsewhere

4. Vegetation and Wildlife

It has been determined that the proposed project will have no significant adverse impact on vegetation or wildlife. The marina will create new additional habitat for fish and wildlife. The Marina and Operations Management Plan will include guidelines to protect the water quality of the marina and of the Genesee River Significant Coastal Fish and Wildlife Habitat to the maximum extent possible. The Marine Structures permit from the USACE will guide construction of the river wall opening. No land base habitat will be adversely impacted by the project as most of the land affected is currently paved parking area with sparse vegetation and no significant habitat value.

5. Air, Odors and Noise

It has been determined that there will be no significant adverse impact on the environment with regard to air, odors or noise as a result of this project. While future relocation of the Labor Operations Center will need to include provisions for dewatering algae and debris removed from the public beach, this dewatering is an existing condition and the project intention is to either eliminate the need for such activity or relocate it in such a way to improve the current condition. Odor issues from the build-up of decomposing algae biomass and other debris along the shoreline of Ontario Beach north of the project site often result in significant odor issues at the Port site during the summer months. Alternatives to the current practice of excavating, transporting and dewatering at the grounds of the Labor Operations Center are being investigated. The City and County will work together to devise a strategy that eliminates the practice via in water removal methods or allows for management of debris/debris at an off -site location. If it is concluded that dewatering will continue within the newly located Operations Center, odors and other issues will be evaluated as part of the required site specific review for relocation of the Labor Operations Center.

6. Aesthetic and Visual Resources

It has been determined that while there is significant impact to visual resources in that certain views and vistas of the harbor, lake and historic lighthouse will be removed or compromised by the private development, these losses will be mitigated through creation of the new water body which will result in the creation of new, significant viewsheds from the proposed new open spaces that will be constructed as part of ROW Improvements project, the Lighthouse Trail and Overlook project, from the civic square easement that will be reserved at Private Development Parcel I, and the 30 linear foot public waterfront easement that will be reserved at Parcel III. Additionally new public access and parkland will be created contributing to an overall improved visual experience.

Right-of-Way (ROW) Improvements
Views to and from the Lighthouse will not be obscured by street trees. Tree plantings and species will be selected and placed in such a way to eliminate impact on views to and from the historic lighthouse.

Private Incremental Development
Views of the harbor and Lake Ontario from Lake Avenue will be blocked by the proposed development. Private development at Parcel I will block views of the Lighthouse from Ontario Beach Park in the vicinity of Lake Avenue to the Lighthouse, and development at Parcel I and II will block views of the Lighthouse from the commercial establishments on the west side of Lake Avenue. Mitigation includes:

- Adoption of the new form-based code for the project site which places limits on the new development to preserve viewsheds and create significant new views at the waterfront and requires active building frontages to create a sense of vitality in the public realm. This sense of vitality will work with the physical environment to create a positive visual experience at the waterfront.
- A public easement or "Civic Space" will be retained by the City on Parcel I to provide an area for visual access of the waterfront along the marina.
- Attractive new views of the Marina, Lake Ontario, and the Genesee River will be opened up to the public along the proposed Lighthouse Trail and from the lighthouse.
- Views of the Marina will be available along the proposed public promenade as well as from Corrigan Street, Portside Drive and River Street. The additional vantage points and the additional aesthetic resources will mitigate the lost viewsheds from Lake Avenue.

7. Historic and Cultural Resources

It has been determined that there will be no significant adverse impact to historic or cultural resources. While the project will eliminate certain views of the Lighthouse from Lake Avenue and the west end of Ontario Beach Park, the project intends for the Lighthouse to become a focal point of the view from the new marina, parkland and open space.

Right-of-Way (ROW) Improvements
The area affected by the ROW project was assigned an overall sensitivity estimate of low with regard to historic and prehistoric archeological resources. where sewer utility work will involve excavation of up to 18 feet in depth, and the water main utility work will involve excavation of up to 5 feet in depth, an Archeological Protocol has been established in the event that resources are identified:

*ARCHEOLOGICAL PROTOCOL*
*The items may include the remains of buildings, such as walls, piers, footings and beams, evidence from human habitation such as pottery, flatware and clothing, or human or animal remains.*

*If in the course of excavation any such items are seen, the following steps will be taken:*

1. *Stop work immediately.*
2. *The on-site supervisor will call the City of Rochester Manager of Environmental quality at 428-5978.*
3. *The Manager will contact an on-call archaeologist.*

4. *The on-site supervisor shall photograph the evidence immediately upon discovery.*
5. *The site is not to be further disturbed, nor is the dirt to be replaced.*
6. *The on-site supervisor shall cover the area with a tarp to protect it from sunlight and weather.*
7. *Move to a different portion of the project and commence construction.*

Lighthouse Trail Project

Due to the sensitivity of the Lighthouse site and evidence of earlier structures on the sites to the north, it is possible that items of archeological and historic significance could be present at the proposed trail site. In order to mitigate potential impacts, the Archeological Protocol presented above will be in place during construction of the Lighthouse Trail project. In addition, the Human Remains Discovery Protocol, prepared by SHPO will be in place during construction.

*SHPO/NYSOPRH*

*Human Remains Discovery Protocol*

*(11/28/08)*

*In the event that human remains are encountered during construction or archaeological investigations, the New York State Historic Preservation Office (SHPO) recommends that the following protocol is implemented:*

- *At all times human remains must be treated with the utmost dignity and respect. Should human remains be encountered work in the general area of the discovery will stop immediately and the location will be immediately secured and protected from damage and disturbance.*
- *Human remains or associated artifacts will be left in place and not disturbed. No skeletal remains or materials associated with the remains will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.*
- *The county coroner/medical examiner, local law enforcement, the SHPO, the appropriate Indian Nations, and the involved agency will be notified immediately. The coroner and local law enforcement will make the official ruling on the nature of the remains, being either forensic or archaeological.*
- *If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred choice of the SHPO and the Indian Nations. The involved agency will consult SHPO and appropriate Indian Nations to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance.*
- *If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred choice of the SHPO. Consultation with the SHPO and other appropriate parties will be required to determine a plan of action.*

Relocation of the Public Boat Launch

As part of site selection and preliminary design, the City will consult with OPRHP regarding potential historic and cultural resource impacts. If necessary, a Phase I Cultural Resources Survey will be undertaken as part of the site specific environmental review of the proposed relocation site.

Relocation of the Ontario Beach Park Labor Operations Center
As part of site selection and preliminary design, the City will consult with OPRHP regarding potential historic and cultural resource impacts. If necessary, a Phase I Cultural Resources Survey will be undertaken as part of the site specific environmental review for the proposed relocation site.

Private Incremental Development

a. The City will consult with OPRHP regarding potential historic and cultural resource impacts and undertake a Phase I Cultural Resources Investigation if deemed necessary by OPRHP, as part of the site-specific environmental review for each parcel.
b. The possibility exists that some deep excavation may be needed for building footers or parking facilities. The Archeological Protocol presented above will be in place during construction to mitigate potential impacts.
c. The development of residential and commercial buildings on the private development parcels will impact views to and from the project site and the historic resources in the area (Charlotte Genesee Lighthouse and Ontario Beach Carousel).

8. Parks Recreation and Open Space

Parks, recreation and open space resources will be enhanced and expanded by the project.

a. The development of the Port involves creation of parkland, as well as alienation of parkland. Whenever parkland is created, in the natural progression of this comprehensive project, it is the City's assumption that it may be used as mitigation for parkland alienation elsewhere in the project, even if that alienation occurs in a later phase than the parkland creation.
b. The construction of full build-out of the Port development will result in a net increase of parkland of about 5.5 acres. In terms of a recreational value, all of the acreage, on either side of the equation, has waterfront or park frontage with no active recreational amenities (i.e., sports facilities), and therefore, the functional comparison is at least equal in value. The new parkland (i.e., Marina, promenade, trails, overlook) will have a higher recreational value than the existing parkland (e.g., parking lots, Labor Operations Center parcel) that is proposed to be alienated. The higher value results from increased visual and physical access to water and waterfront activities.

9. Land Use, Zoning and Conformance with Officially Adopted Plans

The project intent is to create a more valuable year-round pubic waterfront replete with vibrant commercial activities and enhanced amenities. The Port is a regional destination and an important asset to the City of Rochester and the Greater Rochester community. The existing Terminal Building is an important building at the Port featuring retail and other commercial uses and serves as a port building, available to accommodate marine transportation facilities such as servicing visiting cruise ships or private ferry operations. The intent of this project is to develop the Port site as a lively waterfront community that contributes to the existing mixed use community of Charlotte. Changes in Land Use resulting from the project are intentional and found to have no adverse impact on the environment.

Zoning

A new form based zoning code, the Marina District, will be adopted for a portion of the Port site to ensure development proceeds in a manner that is consistent with the vision and intention of this project and does not create impacts adverse to the environment.

Conformance with Officially Adopted Plans and Policies
It was found that the proposed actions are in conformance. (Reference DEIS-Section IV I.)

10. Transportation and Parking

It has been determined that while there are significant impacts to transportation and parking resources, the project design and new Marina District zoning code in addition to the measures noted below will substantially mitigate the identified impacts.

a. Mitigation of transportation and parking impacts of the new development on daily life and during Level 1 events (up to 4000 people and 1700 vehicles) have been incorporated into the project design, and will be constructed accordingly (Reference DEIS –Section IV K). Intelligent Transportation Systems Tools and Technologies will be employed to manage traffic flow and parking at peak times and for Level I events.
b. Measures to mitigate impacts during Level 2 events will include implementing shuttle service to remote parking facilities, increasing transit bus trips operating on established routes, utilizing Intelligent Transportation Systems Tools and Technologies, use of County owned and operated closed circuit television cameras and though coordination of forces from police agencies, Port management staff, City special event staff, County Transportation and Parks department staff, and NYSDOT for the planning and management of such events.

11. Utilities

Permits and approvals required for the installation of the utilities from local and state regulatory agencies including Monroe County Pure Waters, New York State Department of Environmental Conservation (NYSDEC), and Monroe County Health Department (MCHD).

12. Growth Inducing Impacts

The potential growth anticipated as a result of this project will occur over a relatively long time frame, ten or more years, so that changes to the community will be measured over time, at a slow phased pace, and it is therefore concluded the growth will be absorbed without the creation of short term insufficiencies or significant impact to the environment.

13. Use and Conservation of Energy

It has been determined that while there will be an increase in energy use as a result of this project, there will be no significant adverse impact on the environment. Power saving strategies will be incorporated into the design of all public improvements, energy management practices will be included in the Marina Operations and Maintenance Plan, and developers shall be encouraged to incorporate energy efficient systems, designs and materials to minimize potential energy consumption.

14. Solid Waste Management

The excavation of fills containing solid waste require significant solid waste management activities and will be accomplished under a Beneficial Use Determination and Solid Waste Management

action and under the Environmental Management Plan requirements. (Reference DEIS – Section IV O. Solid Waste Management)

15. Public Health and Safety

It has been determined that will be no significant adverse impact on the environment related to public health and safety.

Marina
Safe and functional infrastructure for the mooring of recreational vessels and the safety of pedestrians using the adjacent promenade and open space will be accomplished through project design which will incorporate and comply with the requirements of Americans with Disabilities Act (ADA) 2010 for recreational boating facilities, American Society of Civil Engineers (ASCE) Manual 50, Planning and Design Guidelines for Small Craft Harbors, and the Harbor Development Standards Guidance Manual by the Michigan Department of Natural Resources (MDNR), Parks & Recreation Bureau. While not a national guideline, the MDNR manual provides guidance directly applicable to northern Great Lakes marinas and is relevant to the conditions anticipated here in Rochester. (Reference DEIS – Section IV P)

Right-of-Way (ROW) Improvements
The ROW project will improve public safety by providing alternate public access for the management of traffic flow within the Port site, and by providing fire, police and national security agencies and ambulance services a secondary access for response in emergency situations. .

16. Economic/Fiscal Resources

Public investment for all improvements is estimated to be $29M; economic benefits associated with full build-out of the project are as follows:

- Increased property tax revenues over a 20 year period ranging from $6.1M to 18.5M;
- Creation of approximately 2500 construction jobs and 300 permanent;
- $2.17M to $4.34M from the sale of public lands;
- $1.85M in annual direct economic benefit from operation of the marina and over $2M in indirect effects based upon revenues generated by boater purchases and other associated economic activity.
- $89 to $133 million increased property value as a result of private investment.

(Reference DEIS – Section IV Q.)

17. Environmental Justice

The planning process for the project has utilized "enhanced" public participation and notification mechanisms as described in Commissioner Policy 29. Policy 29 does not define the Charlotte neighborhood as an environmental justice area. The project has undergone a preliminary review by NYSDEC, and no potential adverse environmental impacts were identified. Uses proposed at the Port site will not generate negative/adverse environmental impacts that would disproportionately impact the Charlotte community.

The project will result in improved public access to the waterfront; transformation of approximately four acres of restricted and public parking area to public marina and promenade, a portion of which will be dedicated as a public parkland; extension of the Genesee Riverway Trail; and the creation of new public access overlooks with enhanced views of the harbor and the Charlotte Genesee Lighthouse property. These amenities will be available to any member of the public. Additionally, new boating and recreation facilities will be created and will be available for lease to the public.

18. Construction Activities

Construction impacts and mitigation are described in Items No. 1-17 above. Additional potential temporary impacts related to construction activities were identified and are described below: (Reference DEIS Section IV S. for complete details related to impacts and mitigation measures)

a. Schedule
The Phase 1 Marina and Right-of-Way Improvements are proposed to be constructed in a single coordinated effort. Components of these improvements include the construction of the initial phase of the marina, the realignment of North River Street to the west, the extension of River Street from Portside Drive southward to connect with River Street, the relocation and extension of utilities to meet the new demands of the site, and the reconfiguration of the Public Boat Launch necessitated by the extension of River Street. Construction will begin with the relocation and extension of utilities in and around the marina site and along the ROW's. Roadway construction will follow and will restrict access to the Terminal and Ontario Beach Park to Corrigan Street, as North River Street between Portside Drive and Corrigan Street will be closed until construction of the marina is complete. Construction of the Phase 1 Marina will commence shortly after the relocation of critical utilities and is expected to run concurrent with continued utility work and roadway construction. The construction manager will be responsible for providing advanced notice to the County Parks Department, the Ontario Beach Park Program Committee, and users and occupants of the Terminal of any detours or parking interruptions related to construction.
b. Water Resources.
All construction work will be completed in accordance with Rochester Pure Waters guidelines/approvals, and the City of Rochester Plumbing Codes. Temporary erosion and sediment controls will be utilized during construction in accordance with New York State Standards for Erosion and Sediment Control. Given the potential reduction in runoff, the availability of stormwater utilities of adequate capacity and the anticipated reliance on temporary erosion and sediment controls, no significant adverse impacts related to stormwater runoff are anticipated. Dewatering of mass excavations and trenches related to the marina and utility construction will be achieved using mechanical pumping methods. Groundwater entering excavations will be pumped to locations elsewhere within the project site developed to promote percolation through soils before reentering the local groundwater aquifer. Direct discharge to Waters of the United States, e.g. Genesee River, Lake Ontario, etc, will not be permitted
c. Air
Dust and other airborne contaminants and particulates will be generated by the demolition and excavation activities. The potential for any releases of any airborne contaminants, including those associates with hydrogen sulfide that may be released during slag excavation, will be assessed by the on-scene environmental project monitor. Mitigation measures will be implemented to minimize the amount and dispersal of contaminants, dust and particulate matter from the site to adjacent buildings, the Genesee River and Ontario Beach Park areas, and pedestrian streetscape/sidewalk areas.
d. Aesthetic/Visual Resources
Temporary impacts resulting from construction will include those commonly associated with construction in an urban environment, including highly visible warning signage, staging areas,

barriers and fencing, visibility of on-site construction activities, equipment, etc. Large areas of bare soil may be temporarily exposed or covered with erosion control fabric. Stockpiled materials, including dirt, roadbed materials, landscaping materials, would likely be visible to road users. Lighted signage and devices for maintenance and protection of traffic will be visible at night. All of these visual construction impacts would be temporary and removed upon completion of a given phase of construction.

e. Transportation: Traffic and Parking

Temporary impacts to traffic and parking will be directly related to the construction schedule and sequencing of project activities The schedule for Phase 1 was established to begin after the busy summer season to minimize impacts on vehicular traffic and access to the existing Terminal Building, as this phase will impact existing traffic flow on portions of Corrigan Street, Portside Drive, River Street, and North River Street. The City of Rochester Traffic Control Board will conduct careful review of the proposed sequence of construction and will have a high level of oversight on the project before any lane closures or detours are put in place. Members of the Traffic Control Board include employees of several City departments plus the Monroe County Department of Transportation. (Reference DEIS-Section IV S. for proposed impacts and mitigation measures planned to be undertaken.)

f. Public Transit

Detours and lane closures will be reviewed by the City Traffic Control Board, and if possible, road closures would be limited to off-peak hours. If lane closures conflict with RTS bus stops, the RGRTA would be notified and alternate bus routes would be planned. The entire demolition and future construction operations would be inspected by various engineers and reviewing agencies, and traffic along adjacent roadways would be closely monitored.

g. Pedestrian

Any full road closures throughout the Phase 1 Public Improvements will have a clearly posted detour route along existing routes, and will be scheduled in advance. It is anticipated that sidewalk closures would be clearly posted to direct pedestrians to the opposite side of the roadway or other routes and that pedestrian access to the Terminal Building will continue.

h. Utilities

Temporary impacts to utilities will be limited to connections between newly constructed facilities and those to remain. Minor disruptions in service, if necessary, will be short-term, and will be limited to the period of time need to make physical connections between the facilities. Affected customers will be notified in advance of any temporary disruptions in service.

i. Noise/Odor

The most significant sounds contributed to the environment by the project would result from excavation, construction or demolition activities and therefore temporary and common place (due to building and infrastructure maintenance) in an urban environment. (Reference DEIS-Section IV S for Noise Reduction Measures)

j. Odor Reduction Measures

During construction, open dumpsters, severed sewer lines, and onsite portable restrooms may contribute to odors within the vicinity. Odors associates with hydrogen sulfide that may be released during slag excavation and processing, are expected to be localized to the project site, short-term, and minor. No significant impacts are anticipated and any potential odor impacts will be avoided or mitigated.

k. Public Health and Safety

Demolition and new construction activities of the project can pose some threat to public health and safety. Hazards to the public during demolition and construction could include falling debris, possible proximity to dangerous or heavy equipment, large construction vehicles with limited visibility, and explosive hazards if used for demolition or rock removal. There are also risks to construction workers from equipment, falls, and handling of hazardous materials. These potential construction risks and hazards to the public will be mitigated as follows:

- Development and adherence to a demolition plan;
- Publication of advance notices to the public regarding construction and related road closures;
- Securing the site with perimeter fencing, installing protective scaffolding over pedestrian walkways, and appropriate signage (traffic detour and warning, sidewalk closings, etc);
- Cautious demolition procedures and use of appropriate equipment by qualified operators;
- Use and maintenance of backup buzzers or strobes on construction equipment;
- Maintenance of equipment in good, safe working order;
- Development and strict adherence to a blasting plan if explosives are to be used for any reason (not anticipated);
- Maintenance of MSDS information for all hazardous materials on site during construction and adherence to the prescribed handling and storage requirements; and,
- Regular safety meeting requirements for contractors, and strict adherence to Occupational Safety and Health Administration (OSHA) regulations (such as wearing hardhats, visibility vests, and fall protection harnesses).

## CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the Draft and Final Environmental Impact Statements, including the comments received, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, the Mayor of the City of Rochester finds and certifies in this Statement of Findings that:

1. The requirements of Article 8 of the New York State Conservation Law and the implementing regulations of the New York State Department of Environmental Conservation, 6 NYCRR Part 617, have been met;

2. The requirements of the City Environmental Review Ordinance, Chapter 48 of the City Code, have been met;

3. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action is one which would avoid or minimize, to the maximum extent practicable, adverse environmental effects including the effects disclosed in the EIS and set forth in this Findings Statement; and,

4. Consistent with the social, economic and other essential considerations described above, the incorporation of the mitigation measures described in the EIS and in this Findings Statement, would minimize or avoid the action which were identified in the EIS and in this Findings Statement;

**Name of Agency:** **Mayor**

**Name of Responsible Officer:** **Thomas S. Richards**

**Signature of Responsible Officer:**

**Date:** 5/22/2012