CITY OF UTICA PLANNING BOARD
MOHAWK VALLEY HEALTH SYSTEM (MVHS) – INTEGRATED HEALTH CAMPUS (IHC)
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
FINDINGS STATEMENT

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

NAME OF ACTION: Mohawk Valley Health System ("MVHS") Integrated Health Campus

DESCRIPTION OF ACTION:

The project consists of the construction and operation of an Integrated Health Campus ("IHC") in downtown Utica sponsored by MVHS. According to the information in the Final Environmental Impact Statement ("FEIS"), which incorporates the Draft Environmental Impact Statement ("DEIS"), the IHC will replace the hospital facilities St. Luke and St. Elizabeth campuses, reduce the number of beds in the community, and consolidate patient services to one campus. The project includes: a 670,000± sf hospital, central utility plant ("CUP"), parking facilities (one municipal parking garage and multiple surface lots), medical office building (by private developer), campus grounds, utility/pedestrian bridge (over Columbia Street) and helipad. The project also involves acquisition of properties and modifications to existing public/private utility infrastructure and the adaptive reuse of vacated facilities at the St Luke and St. Elizabeth campuses.

PURPOSE AND NEED:

MVHS states that its mission is to provide excellence in healthcare for its communities. In recent years, MVHS indicates that it has made substantial efforts focused on consolidating existing resources, eliminating redundancies, expanding the depth and breadth of services, improving access and elevating the quality of healthcare services in the region. MVHS believes that it has been successful in its efforts thus far, but notes that it has been constrained by the age and physical limitations of existing facilities. To support its identified goals to deliver higher quality and more effective care with better community outcomes at a lower cost, the proposed IHC will combine services from both the St. Luke and St. Elizabeth campuses, adaptively reuse the hospital facilities St. Luke's and St. Elizabeth campuses, reduce the number of beds in the community, and consolidate patient services at the IHC campus. The Planning Board understands that project funding has been provided, in part, by New York State via the Oneida County Health Care Facility Transformation Program, which by its own terms provides capital funding "in support of projects located in the largest population center in Oneida County that consolidate multiple licensed health care facilities into an integrated system of care."

While MVHS is a private entity, the IHC is a public facility that will serve public needs and receive public funding. MVHS' decision to consolidate the St. Luke and St. Elizabeth campuses into a single facility was motivated by several key factors and public need considerations:

- The desire and need to build a facility with the newest technology, services and advancements in patient safety and quality so that the community can receive the most up-to-date healthcare services that rivals those found in large cities.

- The growing demand for healthcare due to the rapidly increasing and aging population in this region.
- The increasing need to improve accessibility and availability by attracting specialists and providing services that otherwise would not be available to the community.
- The opportunity to gain greater operational efficiencies through the elimination of duplicative and redundant functions will help to reduce the rate of increase in healthcare spending and to achieve improved financial stability.
- Revitalize a blighted area of downtown Utica that will also act as a catalyst for economic development.

The project also includes a proposed collaborative affiliation between MVHS and the Masonic Medical Research Laboratory. Research space is proposed within the new IHC that will allow Masonic laboratory researchers working behind the lab bench and MVHS clinicians working at patients' bedsides to collaborate and create new and innovative research and clinical benefits for the Mohawk Valley and beyond.

In accordance with Article 28 of the Public Health Law, MVHS has applied for a Certificate of Need ("CON") from the New York State Department of Health ("NYSDOH") pursuant to which it would be the sole operator of the IHC. The CON (Appendix A to the DEIS, which has been incorporated by reference into the FEIS) contains additional information regarding the public need for the Project.

LOCATION: City of Utica (see Figure 1)

AGENCY JURISDICTION: The City of Utica Planning Board is acting as SEQRA Lead Agency. The City Planning Board has primary responsibility for reviewing and approving the project site plan.

DATE FINAL ENVIRONMENTAL IMPACT STATEMENT FILED: MARCH 22, 2019

SEQRA REVIEW PROCESS:

MVHS submitted an application to the Oneida County Local Development Corporation ("OCLDC") requesting certain financial assistance related to the proposed construction and operation of the IHC in downtown Utica (the "Project"). The MVHS application to OCLDC included Part 1 of the full Environmental Assessment Form ("EAF"), pursuant to SEQRA. Based on its review of the EAF, the OCLDC determined the Project to be a Type I action under SEQRA, thereby requiring establishment of a Lead Agency that would conduct a coordinated review; however, the OCLDC felt that it had limited jurisdiction over the Project and opted not to act as Lead Agency. Given the professional planning staff at its disposal and the knowledge base required to properly conduct a coordinated review for the Project, OCLDC expressed a desire for the City of Utica Planning Board (the "Planning Board") to act as Lead Agency.

The full EAF submitted by MVHS to OCLDC identified the Planning Board, which must issue site plan approval for the Project, as an Involved Agency making it eligible to act as the Lead Agency. At the February 22, 2018 meeting, the Planning Board declared its intent to serve as Lead Agency and sent notice of that intention to all other Involved Agencies. After providing additional time for objections and having received none, on May 7, 2018, the Planning Board declared itself Lead Agency, identified the Project as a Type I action, and issued a Positive Declaration requiring the preparation of an

environmental impact statement to assess potential significant adverse environmental impacts and to identify possible mitigation and/or alternatives to avoid or minimize those potential impacts.

On May 17, 2018, MVHS submitted a draft scoping document to focus the DEIS on the potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or nonsignificant. The Planning Board held a duly noticed public scoping hearing on June 7, 2018 and accepted written comments on the draft scoping document until June 20, 2018. The Planning Board adopted a final scoping document on July 19, 2018. This document, like all other SEQRA documents, was filed and noticed in accordance with the Regulations.

MVHS submitted a DEIS to the Planning Board on October 26, 2018. At a regular meeting of the Planning Board held on November 15, 2018, the City of Utica Economic and Urban Development staff and the Planning Board members discussed the scope and content of the DEIS, a copy of which Board members received prior to the November 15 meeting. During its November 15, 2018 meeting, the Planning Board used the final scoping document and the standards contained in Section 617.9 of the SEQRA Regulations to pass a resolution accepting the DEIS, dated October 2018, as adequate with respect to its scope and content for the purpose of commencing public review. The Planning Board held a public hearing on the DEIS, pursuant to 6 NYCRR 617.8(f), on December 6, 2018, at 5:00 p.m. at the New York State Office Building, 207 Genesee St., Utica, NY and accepted written public comments until December 27, 2018.

Based on the comments received from the public, at the request of the Planning Board, MVHS's environmental and engineering consultants prepared a FEIS, dated February 2019, for review by the Planning Board. Pursuant to Section 617.9(b)(8) of the Regulations, the Planning Board reviewed the FEIS prepared by the Applicant and determined that the FEIS was complete on March 21, 2019. The FEIS was subsequently provided to all Involved Agencies and to the public at various repositories and on the City of Utica's website. The FEIS addresses specific substantive comments raised during the public comment period and discusses mitigation measures which should be used to minimize potential negative impacts from the Project to the maximum extent practicable.

BENEFITS OF THE PROPOSED ACTION

The following benefits will occur as a result of the IHC project:

Improved Healthcare for the Entire Region – According to the CON, the MVHS IHC will consolidate two existing acute care hospitals into one integrated location, thereby providing greater access for the City of Utica, Oneida County and the Region, and improve operational efficiency, patient satisfaction and safety for both patients and caregivers. Based on information in the CON, one site will centralize limited physician resources. The following example appears in the CON: of the current 550 physicians at MVHS only 220 practice at both St. Luke's and St. Elizabeth's. As such, the consolidation of services into one campus will reduce the need for patients to make several trips to various locations or be transferred between facilities for specialized care. The integration will also create more collaborative care versus the individual silos of care currently caused by two separate facilities.

Further, as noted in the CON, the MVHS ambulatory network plan of primary care clinics and sites will provide the high level of care which will be integrated in the acute care environment while providing convenient access to patients for their primary needs. The placement of ambulatory care services adjacent to the in-patient care areas will provide for timely and efficient care and will maximize the care givers operational processes while providing a work environment centered around the patient. The CON identifies the key indicators that will be measured and focused around the patient experience including: reduction of patient transfers; reduction in length of stay due to improved discharge planning; better

communication and integration between patient, family and care team; minimization of noise; improved patient satisfaction; increased direct patient care time with clinical staff; improved patient safety and reduction of hospital-acquired infection rates; reduction in patient falls; a reduction in unnecessary Emergency Department ("ED") visits and inpatient utilization; and a reduction in medical errors. According to MVHS's grant application, the integration and efficiency opportunities presented by the new hospital Project support MVHS' further development of primary care by improving access/capacity, care planning and management, reducing gaps in care, and promoting more collaboration and integration across the continuum of care. The IHC Project can enhance primary care access and capacity as the new hospital will be a desirable feature to primary care providers being recruited to serve the Oneida County community.

The Planning Board agrees that the new IHC will provide structural longevity that the current facilities cannot offer, and it will become a community center for healthcare that will continue long into the future. From a facilities perspective, the consolidation of two aging facilities (100 and 60 years, respectively) will provide a more energy-efficient environment which meets or exceeds current best practices and building codes. MVHS states that patients will have greater control of room temperature, lighting (both natural and artificial), sound, access to nutrition and private toilet facilities due to the use of 100% private rooms. Finally, the IHC plans reveal that the project will result in a number of environmental benefits: specifically (A) reduction of greenhouse gases, (B) water conservation, (C) walkability, and (D) other sustainable measures that would improve the patient experience, as well as help the environment (such as energy saving and green building measures as discussed elsewhere in this document).

Revitalization of a Blighted Area – The Project site has been underused and blighted for almost 30 years. The Project site is located in a Federal "Historically Underutilized Business" ("HUB") zone; is in a former Empire Zone; is designated as a potential Environmental Justice ("EJ") area; and is in the Urban Renewal Plan Utica Downtown Development Project Area. The IHC will implement the goals and objectives of the Urban Renewal Plan Utica Downtown Development Project Area that was established to eliminate slums, blight and obsolete buildings and to create sites for new buildings to revitalize this area of downtown. In fact, the Urban Renewal Plan envisions the acquisition of property through eminent domain and the demolition of certain structures. The City's Master Plan notes that the urban landscape is characterized by vacant or significantly underutilized buildings and many of its neighborhoods are declining. As demonstrated by the photos in the FEIS, the Master Plan description aligns with the Project area which includes approximately 20 properties that are vacant or dilapidated and 8 properties that are owned by the City's Urban Renewal Agency ("URA"). The Project area is not a vibrant, historically and culturally significant neighborhood and despite revitalization of surrounding areas, there has been little development in this area.

The Planning Board believes that the IHC facility will have a positive impact on the character of the community because it ties into the revitalization efforts occurring at the AUD, proposed NEXUS Center, Harbor Point, Bagg's Square, and the Brewery District to name a few. Proposed improvements include utilities, sidewalks, signage and a pedestrian walkway. According to the FEIS, the IHC will facilitate a safe and walkable connection between the AUD and NEXUS Center (buildings discussed in further detail in Section O herein), the Brewery District and the City's urban core. MVHS designed the IHC campus itself to include an urban park with enhanced lighting, trees, pedestrian walkways and seating areas. The orientation of the hospital, aligned west to east along the long block of Columbia Street, respects the former Lafayette Street as a pedestrian corridor with access to the downtown Utica urban street network, incorporates walkability elements and green space through the campus, and maintains Pine Street as a pedestrian connection to the Rayhill trail. This walkway will extend from the

main entrance to the west, terminating at State Street. An additional segment of the walkway will provide access to the ED entrance. Outdoor areas will include gardens and other design considerations to create a healing, walkable environment. In addition, the Project area will be remediated and old utility infrastructure will be upgraded and replaced, which is also beneficial for any secondary growth and development. Finally, the Project will facilitate an improved transportation network, including easy access from multiple directions, and parking co-utilization for the health campus, the AUD, central business district and adjacent businesses.

Secondary Economic Development – The FEIS discusses the importance of a hospital on economic development. For example, the FEIS notes that hospitals employ nearly 5.9 million people; are one of the top sources of private-sector jobs; and purchase $903 billion in goods and services from other businesses. The goods and services hospitals purchase from other businesses create additional economic value for the community. With these "ripple effects" included, each hospital job supports about two additional jobs, and every dollar spent by a hospital supports roughly $2.30 of additional business activity. Overall, hospitals support 16.5 million total jobs, or one of 9 jobs, in the U.S. and support almost $3.0 trillion in economic activity.

According to the FEIS, the IHC will bring 3,500 MVHS employees into the City each day. The FEIS demonstrates that the location of the facility is within a 5-minute walk of the urban center (see FEIS, Response 86), and, as a result, the influx of these employees will result in additional business for many restaurants and retail shops and will create a demand for new restaurant and retail uses. In addition, MVHS has indicated that the IHC will significantly enhance medical staff recruitment efforts because working for a large, state of the art healthcare system holds great appeal for physicians and mid-level providers as they will have access to the best facilities and equipment. The Planning Board agrees that it is quite likely that some of these individuals will choose to reside in the City near the facility thereby strengthening the demand for residential living, new restaurants and other retail/commercial developments.

Increase in Tax Revenue Generated - Based on the City's assessment rolls, the properties to be acquired for the IHC would at most pay a little over $115,000 to the City in real property taxes annually. Some of the properties are already exempt or in arrears on their tax payments. Others are vacant or dilapidated resulting in low assessments for the entire area. Moreover, there has been no new construction or significant expansions in the Project footprint for some time. The Project area has been depressed for years and has not been redeveloped despite programs such as the Urban Renewal Plan, the Gateway Canal Overlay District, the 2011 Master Plan, and redevelopment in nearby areas of Bagg's Square, Harbor Point, and Varick Street. According to the Urban Renewal Plan, the "economic and physical revitalization of the project area is a critical public purpose for the community because of the area's location." In fact, the City of Utica URA is authorized to acquire property in the Project footprint through eminent domain for the purposes of economic redevelopment.

According to the FEIS, although the hospital and the parking garage would be tax exempt, the medical office building would be fully taxable. Medical office space near hospital centers typically sells for $100 to $150 per square foot. Assuming that the Project adds 80,000 square feet of taxable medical office space (as proposed), the Project is projected to add $8,000,000 to $12,000,000 in assessed value to the tax rolls. The City's 2019 property tax rate was 27.091643 per $1,000 in assessed value. As a result, the FEIS projects that the IHC would likely result in the payment of $216,733 to $325,099 annually in real property taxes by the medical office building, approximately $106,500 in additional annual sales tax revenues during construction and approximately $191,500 in additional annual sales tax revenues following construction. This amounts to approximately $100,000 to $200,000 more annually in real

property taxes and between $106,667 and $191,625 more annually in sales taxes following construction and operation of the IHC.

FACTS AND CONCLUSIONS RELIED ON TO SUPPORT THE DECISION:

As Lead Agency, the Planning Board must consider in its Findings Statement the relevant environmental impacts, facts and conclusions disclosed in the FEIS (which includes by incorporation the DEIS together with the attachments to both), and then certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes 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. In developing this SEQRA Findings Statement, the Planning Board has reviewed and considered the FEIS (which incorporates the DEIS) together with its appendices, as well as the following documents:

- Letter from New York State Department of Transportation ("NYSDOT") dated March 8, 2019
- Letter of Resolution with the New York State Office of Parks, Recreation & Historic Preservation ("OPRHP") dated January 2019
- The City of Utica Master Plan
- The City of Utica Urban Renewal Plan
- The City of Utica Zoning Ordinance
- The City of Utica Gateway Canal Overlay District Regulations

As Lead Agency, the Planning Board finds that consistent with social, economic and other essential considerations from among the reasonable alternatives available the, Project avoids, minimizes or mitigates to the maximum extent practicable all significant adverse environmental impacts. All significant adverse environmental impacts have been satisfactorily addressed as set forth in this Findings Statement and as summarized by topic[1] in the table attached hereto as Exhibit 1.

PROJECT IMPACTS & MITIGATION

The FEIS, including incorporation of the DEIS by reference, identifies both short-term, construction-related activities and long-term impacts associated with the Project. Below is a discussion of the potential impacts of the Project by topic (including impact thresholds), as well as mitigation to reduce or eliminate potential adverse impacts and the Planning Board's analysis of each.

A. LAND (GEOLOGY, SOILS, & TOPOGRAPHY)

The major soil component within the project footprint consists of "Urban Land," which is defined as areas where at least 50% of the land surface is covered with impervious materials or buildings, including parking lots, shopping centers, industrial parks, highways, and institutional sites (Soil Survey of Oneida County 2008). Depth to bedrock is greater than 5 feet and slopes range from 0 to 5 percent north across the site toward the Mohawk River. The depth to the water table is variable.

Impacts to land will occur during construction of the Project.

[1] As identified in the SEQRA Scoping process, DEIS, and FEIS.

- Temporary disruption of soil profiles and exposure of bare soils; potential sediment transport to surface waters as a result of erosion could reduce water quality.
- Modifications of existing topography.
- Construction of facilities on unstable soils.
- Due to the existing urban setting, the Project may result in the disturbance and exposure of impacted soils from prior or existing land uses during the construction phase. Unmitigated, impacted soils can contribute to secondary impacts such as air quality issues, human health consequences to both the construction workers and the public, degradation of surface water and groundwater, and impacts associated with the transport and disposal of unsuitable fill or other such wastes.
- Due to the existing urban setting, the Project may result in the disturbance and exposure of impacted building materials from prior or existing land uses during the demolition phase. Given the age and condition of the buildings within the Project footprint, buildings proposed for demolition may contain Asbestos Containing Material ("ACM") and/or Lead Based Paint ("LBP"). Unmitigated, impacted buildings can contribute to secondary impacts such as air quality issues, human health consequences to both the construction workers and the public, degradation of surface water and groundwater, and impacts associated with the transport and disposal of impacted building materials.
- Secondary impacts associated with importation of structural fill and exportation of spoils including use of heavy equipment, stockpiles of soils, and disposal of unsuitable materials.
- Potential air and noise impacts associated with construction are addressed later in this findings statement.

MVHS has taken significant steps to mitigate these potential impacts to land from the construction of the IHC. These measures are described below and constitute appropriate mitigation of potential impacts identified by the Planning Board and the public.

- Soil erosion, topographic modifications and secondary impacts associated with stockpiling soils will be addressed in connection with coverage under the State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) issued by the New York State Department of Environmental Conservation ("NYSDEC"). The SPDES Permit requires implementation and maintenance of a Stormwater Pollution Prevention Plan ("SWPPP") that will provide for installation of temporary and permanent structural and vegetative measures that will be used to control erosion and sedimentation for each stage of the Project from land clearing to the finished stage. Some of these measures include:
    - Physically marking limits of land disturbances on the site with tape, signs, or fencing, so that workers can see the areas to be protected;
    - Diversion of off-site runoff from erodible soils and steep slopes to stable areas;

- Sequencing construction activities to avoid mass clearings and gradings, and clearing only what is required for immediate construction activity;
- Restabilizing disturbed areas as soon as possible after construction is completed;
- Utilization of perimeter sediment control systems (silt fencing, hay bales, *etc.*) around stockpile areas, roadway improvements, and areas within 50 feet of buildings under construction;
- Use of plastic or geotextile fabric to prevent soil loss in highly exposed disturbed areas, such as construction entrances/exits;
- Appropriate management of chemicals (*e.g.*, herbicides) and petroleum products with spill potential (*i.e.*, secondary containment or storage indoors in sealed, non-leaking containers which have appropriate secondary containment);
- Cleaning and/or sweeping of affected roadways daily, or more frequently if otherwise required based on periodic inspections;
- Weekly inspections of Erosion and Sediment Controls ("E&SC") to ensure Contractor's adherence to SWPPP requirements;
- Subsoil will be properly graded and scarified before topsoil is added (loosening the soil surface where heavy equipment has been used by contour furrowing, imprinting with dozer, or scarification to facilitate subsequent vegetative growth or plantings);
- Seeding and mulching (site restoration will occur earlier in areas where no further disturbance is anticipated); and
- Temporary erosion control devices will be removed from the site upon final site stabilization.

- Potential impacts from the disturbance of impacted soils and secondary impacts from the exportation of soils and impacted soils will be minimized by the following measures:
    - Surface and subsurface soils will be sampled and analyzed prior to site disturbance activities. The resulting data will be utilized to prepare soil (and groundwater) management and construction health and safety plans.
    - The Construction Health and Safety Plan ("CHASP") will incorporate measures to protect construction workers and the community from exposure to potential impacted materials.
    - If impacted materials are encountered, they will be removed, transported and disposed at an approved off-site facility in accordance with applicable local, state and federal regulations.
    - Removal of any encountered aboveground storage tanks ("ASTs") and underground storage tanks ("USTs") will be conducted in accordance with

NYSDEC-regulated Petroleum Bulk Storage ("PBS") and/or Chemical Bulk Storage ("CBS") closure requirements, as applicable.

- E&SCs outlined above will be maintained throughout the construction phase (start-up through site restoration).
- Spoils generated during the project will be managed in accordance with the hierarchy of avoidance, minimization, reuse, recycling and, lastly, disposal.
- Material, which can be re-used on-site but cannot be directly re-placed, will be stored in designated stockpile areas. Where space is restricted, material may require temporary storage off-site prior to re-use.

▪ Potential impacts from the demolition of buildings containing impacted building materials be will be minimized by the following measures:

- Building materials will be sampled and analyzed prior to site disturbance activities. The resulting data will be utilized to prepare abatement, demolition management and construction health and safety plans.
- The CHASP will incorporate measures to protect construction workers and the community from exposure to potential impacted materials.
- If impacted materials are encountered, they will be abated, removed, transported and disposed at an approved off-site facility in accordance with applicable local, state and federal regulations.

The Planning Board finds that the proposed mitigation measures will minimize the potential impacts to land during construction of the Project to the maximum extent practicable.

B. SURFACE WATER

The proposed Project area is located wholly in an urban area, but is in the vicinity of several water bodies including the Mohawk River and the NYS Barge Canal System. Based on a review of NYSDEC's Final 2016 Clean Water Act ("CWA") Section 303(d) List of Impaired/Total Maximum Daily Load ("TMDL") Waters, the Mohawk River Segment H-240 (portion 12), the NYS Barge Canal (portion 12a), and Utica Harbor (portion 12b), located downgradient from the proposed Project area, are all listed as impaired water bodies for specific pollutants. A review of the NYS Wetland Maps and the National Wetlands Inventory maps revealed no state or federal wetlands on the Property. A physical inspection of the Project area to be disturbed did not reveal the presence of any state or federal wetlands. The Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Map ("FIRM") for the Project area (Community Panel No. 36065C0751F effective September 27, 2013, Panel 751 of 926, Suffix F) shows the project area is located near, but not within or contiguous to, the 100-year flood hazard area associated with the Mohawk River and Barge Canal.

Due to the existing urban nature of the proposed site, the majority of the land is already covered with impervious materials with few exceptions. The Project proposes to increase the amount of pervious area in comparison to existing conditions (i.e., an increase in greenspace). Consequently, the amount of stormwater runoff is expected to decrease under the proposed buildout.

The Project may have the following impacts to surface water during construction and operation of the IHC:

- Potential temporary impacts (sediment-laden runoff) to surface waters from demolition/construction activities including ground disturbances (e.g., excavation or installation of utilities), construction of facilities, grading, and landscaping.

- Potential to encounter impacted surface/groundwater due to past land use(s).

- Potential impacts on stormwater runoff including existing combined sewer overflows ("CSOs").

- Potential impacts from outdoor storage of materials (if any) and runoff from impervious areas (including rooftops and parking lots).

- Potential increases in stormwater runoff at full buildout could exacerbate flood potential to downgradient areas during storm events.

- Due to the existing urban setting, the Project may result in the disturbance and exposure of impacted building materials from prior or existing land uses during the demolition phase. Given the age and condition of the buildings within the Project footprint, buildings proposed for demolition may contain ACM and/or LBP. Unmitigated, impacted buildings can contribute to secondary impacts such as air quality issues, human health consequences to both the construction workers and the public, degradation of surface water and groundwater, and impacts associated with the transport and disposal of unsuitable fill or other such wastes.

The potential impacts will be minimized by the implementation of the following mitigation measures:

- The potential impacts to surface waters will be addressed in connection with coverage under NYSDEC's SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) and the corresponding development of a SWPPP.

- Impacted materials, if encountered, will be promptly removed and disposed of at an approved off-site facility in accordance with applicable local, state and federal regulations. If it is not possible to remove all contaminated soils at one time, the Best Management Practices ("BMP") identified in the site-specific SWPPP will be utilized to prevent the materials from being exposed to stormwater.

- To mitigate impacts on the rate and quality of stormwater runoff from the site during operations, the following practices, designed in accordance with the NYS Stormwater Design Manual for redevelopment projects, will be implemented:

    - Treatment of 75% (at minimum) of stormwater from disturbed areas with proposed impervious surfaces; and

    - The water will be treated by Vortech Treatment Units that will be placed at each connection point to the City's existing stormwater system. The proposed Vortech Treatment Units provide treatment by a swirl concentrator that separates trash, sediment, and hydrocarbons from the stormwater runoff. The units provide a sump

for cleanout, which becomes part of the site-specific Operations and Management ("O&M") plan. The units are placed inline on the outlet of each stormwater conveyance system prior to connection with the City of Utica's stormwater system. The unit is installed below grade and provides access for inspection and cleanout.

- Potential impacts from the demolition of buildings containing impacted building materials will be minimized by the following measures:
    - Building materials will be sampled and analyzed prior to site disturbance activities. The resulting data will be utilized to prepare abatement, demolition management and construction health and safety plans.
    - The CHASP will incorporate measures to protect construction workers and the community from exposure to potential impacted materials.
    - If impacted materials are encountered, they will be abated, removed, transported and disposed at an approved off-site facility in accordance with applicable local, state and federal regulations.

The Planning Board finds that the proposed mitigation measures will minimize the potential impacts to surface water from the Project to the maximum extent practicable.

C. GROUNDWATER

Groundwater elevations within the Project area were obtained from both the Soil Survey of Oneida County (NRCS et al., 2007), and the Creighton Manning Engineering ("CME") 2017 screening level geotechnical investigation. Data from both resources indicated that the water table varies throughout the Project area ranging from the surface to greater than 6 feet, depending on the soil type. Results of the geotechnical screening investigation show a hydraulic gradient oriented northerly at approximately 10 feet to 20 feet below existing grade. The groundwater table may be a confined aquifer in areas, and if the upper confining layer is removed or penetrated, artesian conditions may be exposed. For example, prior construction at the City Courthouse and at City Hall, both near the Property, encountered vertical intrusion of groundwater and required dewatering.

With respect to groundwater quality, the Project is located in an existing urban environment with a history of prior commercial and light industrial use. Although the existing quality of the groundwater within the Project area is uncertain, it is anticipated, based upon information obtained in CME's screening level geotechnical investigation, as well as records of past industrial land uses, storage tanks, and spills, that soils and/or groundwater adversely impacted from past land uses will be encountered during the construction phase.

The following potential impacts to groundwater could occur as a result of the Project:

- Potential impacts to groundwater associated with dewatering during construction activities.
- Potential to encounter aboveground and/or underground storage tanks (ASTs and USTS, respectively) during demolition/excavation activities, as well as, impacted soil/groundwater from past land use(s).
- Potential impacts relating to the bulk storage of oil/fuel and/or chemicals.

- Potential impacts associated with the discovery of existing wells.

The following mitigation measures proposed by MVHS should be implemented to minimize the potential impacts:

- Prior to commencing the work, a geotechnical investigation will be completed to assess and identify the most significant potential groundwater impacts that could result from the proposed dewatering. The geotechnical investigation will address the following:
    - The types of groundwater aquifers and potential vulnerability to groundwater impacts.
    - The depth and extent of excavation, and proposed method(s) of groundwater control.
    - The presence of any nearby sensitive groundwater receptors (e.g., third party wells, etc.).
    - The geotechnical properties at the site (existing fills, compressibility of the strata, etc.).
    - The presence of any groundwater contamination in the vicinity of the site.
- If groundwater is encountered, it will be characterized to identify the appropriate method of management. If determined to be impacted by contamination, it will be managed and disposed of off-site in accordance with applicable local, state, and federal requirements. If otherwise in accordance with NYSDEC standards, the groundwater will be managed in accordance with NYSDEC standards as well as standard dewatering practices identified in the SPDES General Permit and SWPPP. Means and methods developed by the contractor may include the use of trench plugs and dewatering equipment (i.e., pumps and hoses) to direct sediment laden water from dewatering operations to temporary sediment traps or other approved devices prior to discharge.
- The following site-specific engineering measures would be applied as needed to minimize the impacts associated with dewatering:
    - Artificial Recharge – Groundwater from the pumped discharge can be re-injected back into the ground either to prevent lowering of groundwater levels and corresponding ground settlement, or to prevent depletion of groundwater resources. This will prevent the possibility of depleting groundwater resources and will avoid any geotechnical issues associated with lowering the groundwater table.
    - Temporary or Permanent Barriers – Sheet steel piles or grout curtains can temporarily or permanently be installed to prevent groundwater from entering construction areas.
- Any existing wells that are present will be properly filled and closed in accordance with applicable regulations.
- Installation and operation of tanks will be conducted in accordance with applicable NYSDEC regulations, including design requirements. Stationary fuel tanks and associated unloading areas will be designed with secondary containment specifications in

accordance with federal and state regulations to minimize the potential for release, including the preparation of a Spill Prevention, Control & Countermeasure ("SPCC") Plan, and PBS registrations, if regulatory quantity thresholds are met or exceeded.

- If the contractor determines that temporary tanks (i.e., for fuel storage) are necessary during construction, those tanks also will be designed, installed and used in accordance with federal and State regulations.

The Planning Board finds that the proposed mitigation measures will minimize the potential impacts on ground water from the Project to the maximum extent practicable.

D. AIR

Data from regional air quality control monitoring stations reveals that air quality in the region is not impaired for monitored constituents. IHC operations will result in air emissions from boilers, emergency generators, and additional minor sources. However, under New York State regulations, the proposed emission sources are exempt from permitting (i.e., exempt and trivial activities). In addition, their annual potential to emit ("PTE") is below the Title V major source thresholds. Therefore, based on the expected air emission sources, it is likely that the proposed hospital will not require an air permit or registration from NYSDEC.

Several sensitive receptors are located within the project footprint, but those uses will be relocated as part of the IHC project. Facilities to be relocated consist of: Turning Point Church (438 Columbia Street), and John Bosco House (closed; 425 Lafayette Street). A few residents within the project footprint will also be relocated. The following sensitive receptors (i.e., churches/synagogues/mosques, schools, senior homes, public access areas, etc.) were identified proximal to the project area:

- Westminster Moriah Olivet Presbyterian Church (730 Broadway)
- Bosnian Islamic Association of Utica (306 Court Street)
- Beit Shalom (49 Franklin Square)
- Mohawk Valley Montessori, LLC (714 Washington Street)
- Marlon's Daycare (Kennedy Plaza)
- The Children's Center (415 Court Street)

Potential impacts to air quality from the construction and operation of the IHC could include:

- Dust generation during construction (including demolition activities).
- Short-term emissions from construction equipment.
- Excavation and management of impacted soils/groundwater (during construction).
- Due to the age of existing buildings within the project footprint, it is likely that building materials will contain hazardous materials such as ACMs and LBP, which would need to be identified and managed prior to initiation of demolition activities.
- Operation phase emissions including combustion sources (e.g., boilers, emergency back-up generators) and process sources (e.g., sterilizers, refrigeration equipment).

- Potential increase in operation phase mobile source emissions due to project-related increases in traffic and road closures.

MVHS will implement the following mitigation measures during construction and operation, thereby minimizing or eliminating potential adverse impacts:

- Implementation and maintenance of E&SCs.
- Implementation of dust suppression measures throughout the construction phase. Means and methods by the Contractor may include:
    - Water truck(s);
    - Cleaning and/or sweeping of affected roadways; and/or
    - Stabilized construction entrances, tracking pads and/or tire wash systems.
- Preparation and implementation of a maintenance and protection of traffic plan in accordance with the Manual on Uniform Traffic Control Devices ("MUTCD") for Streets and Highways to minimize traffic delays and queued vehicle exhaust emissions during construction.
- Proper maintenance of vehicles and equipment including mufflers and other required emissions control devices.
- Use of low sulfur diesel fuel.
- Best available technology to achieve the greatest reduction in particulate emissions.
- Adherence to the New York State Environmental Conservation Law, which prohibits heavy duty vehicles, including diesel trucks, from idling for more than five minutes at a time.
- Performance of a hazardous building materials survey prior to demolition and construction to identify the potential presence of hazardous materials such as ACM and LBP in buildings to be demolished. For ACM abatement projects, the New York State Department of Labor's Code Rule 56 requires that all work that disturbs ACM be done by trained workers following special procedures and engineering controls (including air monitoring) to prevent the spread of asbestos into the air and ensure ACM has been properly removed. In addition, an environmental subsurface investigation will be conducted (including soil and groundwater sampling) to evaluate potential impacts from past or existing land use, if any, that would require special handling and disposal during construction activities and/or waste management protocols (including reporting and manifesting).
- The need for emission controls, if any, will be identified through continued consultation with the NYSDEC.
- Implementation of project-specific traffic mitigation to minimize delays and excessive queuing of vehicles during operations (see specific traffic mitigation below).
- The locations of heating, ventilation and air conditioning ("HVAC") systems, as well as the direction of prevailing winds, will be identified. Helipad operations will be located

sufficiently away from ventilation systems to prevent impacts from helicopter engine exhaust fumes and rotor-wash.

- The helipad and adjacent area will be kept free of debris to prevent flying objects and significant dust from the high winds created by rotor-wash. Landscape mulch will not be utilized in the area surrounding the helipad.

The Planning Board finds that the proposed mitigation measures will minimize the Project's potential impacts on air to the maximum extent practicable.

E. AESTHETIC RESOURCES

The proposed IHC will be constructed in the northwest corner of the City's Central Business District ("CBD"), which has also been designated as a Federal HUB Zone. Land uses within this district are subject to the applicable standards codified in the City of Utica's Zoning Code (§ 2-29-193). The Project footprint contains approximately 79± tax parcels and a diversity of property types including mixed use, commercial, offices/warehouses and parking; some properties are vacant/abandoned. The existing building scale within the CBD and the surrounding area is a diverse mixture of building heights, consisting of mostly low rise (1-4 stories) and mid-rise (5-10 stories) buildings, with a few high-rises (11+ stories) buildings located to the east of Genesee Street. The area is gently sloping (~5%). While the Project area is characterized by buildings greater than 50 years in age, many of them have undergone 20th and 21st century modifications as demonstrated in photographs submitted as part of the FEIS. (DEIS, Appendix E). Exterior lighting within and adjacent to the Project area is currently used for safety and security along streets, parking areas and buildings. The City has enacted a municipal glare standard (§ 2-29-526 of the City Code).

The proposed action will replace the predominant 19th and 20th century architectural building styles, which currently characterize the Project footprint. While the IHC will replace these existing styles, the current design of the IHC is consistent with recent City-approved and completed modifications to the Utica Memorial Auditorium (AUD) and Landmarc buildings, as well as styles proposed for the Utica Inner Harbor Redevelopment and NEXUS projects. Architectural renderings provided in the FEIS demonstrate consistency with these other developments and illustrate the proposed viewshed from various adjacent vantage points.

Potential impacts to aesthetic resources from the construction and operation of the IHC could include:

- Temporary construction-related lighting impacts from mobile sources (e.g., trucks, heavy machinery);
- Visible signs of construction;
- Outdoor lighting will include signage, lamp posts and building-mounted fixtures in exterior parking areas, walkways and entrances to the hospital, hospital helipad operations, and other project-related facilities, as applicable, which may result in light shining onto adjoining properties and creating sky-glow brighter than existing area conditions; or
- Potential impacts on viewshed due to the proposed height of the building.

The following mitigation measures should be implemented to minimize or eliminate potential adverse impacts:

- Construction would occur primarily during daylight hours, and construction lighting would only be used if construction were to occur during evening hours, including, but not limited to any continuous concrete pours. Construction-related illumination would be used for safety and security purposes only, and would be shielded and/or aimed so that no direct beam illumination is provided outside of the project site boundary.

- To mitigate the visual effects of construction and provide for site safety, contractor(s) may implement means and methods to shield direct views of, and to minimize potential pedestrian and vehicular distractions from, on-going construction activities. Following the completion of construction activities, disturbed pervious areas will be graded, seeded and landscaped.

- To mitigate light migration and glare, the Project will be designed to conform with City Code requirements (City Code § 2-29-387), which require the following:

    - The illumination of off-street parking facilities shall be designed so that the light from lighting fixtures in such facilities does not reflect direct rays or spill over into adjacent residential districts. Lighting arrangements for all off-street parking facilities shall be approved by the City as part of the site plan review process to ensure that this condition is satisfied.

    - Lighting fixtures shall not be placed higher than 12 feet above the finished grade, except that in business districts the Planning Board may approve lighting fixtures of a greater height, but not exceeding 25 feet above the finished grade.

    - Fixtures shall be of the non-spill type, hooded/shielded with reflective cut-offs to reduce glare.

    - Candle power per fixture shall not exceed 3 foot-candles measured at grade level directly under the fixture.

- Outdoor site lighting for the proposed IHC will consist of a combination of pole-mounted, bollard-mounted, or wall-mounted LED lighting; the fixtures will be hooded to reduce glare, and direct light downward to the parking lot surface.

- To further minimize light or glare impacts, the following additional measures will be considered:

    - Building design would use low-reflective glass and other materials, window recesses and overhangs, and façade modulation.

    - The amount of reflective surfaces may be limited.

    - Landscaping, screens, and “green walls” may obstruct light from shining to off-site locations.

    - Nighttime illumination of the site and selected buildings may be restricted and provided only when function or safety requires it.

- Interior lighting, if appropriate, would be equipped with automatic shut-off times. Automatic shades may be installed where lighting is required for emergency egress.
- Parking lots and structures may include screens or landscaping to obstruct glare caused by vehicle headlights.

- Adherence to New York Building Code requirements for outdoor lighting, as well as the use of the mitigation measures described above.
- Specific information relative to stationary building fixtures and signage would be provided as part of the site plan review process.
- To minimize viewshed impacts, the Project, which will also be reviewed by the City Planning Board during the site plan review process, will be designed as a campus-like setting, which is consistent with, and provides connectivity to, existing, adjacent land uses. The design also considers:
  - Scale-reducing elements, particularly at areas exposed to people activity (e.g., building entrances, adjacent to walkways, places of high visibility);
  - Pedestrian amenities such as wayfinding, benches, historic markers, and bike racks;
  - A landscape design, which promotes pedestrian interest, scale, partial building screening and building contrast; and
  - The long-term maintenance of landscaped areas.

The Planning Board finds that the proposed mitigation measures will minimize the Project's potential impacts on aesthetic resources to the maximum extent practicable.

F. HISTORIC AND ARCHAEOLOGICAL RESOURCES

According to the FEIS, the Project area includes several historic properties that are listed in the New York State and National Registers of Historic Places or appear to be eligible for inclusion in those Registers. In addition, the Project area is sensitive for both precontact archaeological sites and for a variety of historic archaeological resources associated with, but not exclusive to, urban centers. A complete list of the historic and archeological resources is found in the FEIS.

Potential significant adverse impacts to historic and archeological resources from the construction and operation of the IHC could include:

- Potential impacts to archaeological resources due to ground disturbances.
- Potential impacts to historic properties located within or substantially contiguous to the project area including:
  - Parcels listed or eligible for listing on the State or National Registers of Historic Places; and
  - Parcels located in the Upper Genesee Street Historic District.

- The proposed action will result in the destruction or alteration of all or part of the site or property.
- The proposed action may result in the introduction of visual elements, which are out of character with the site or property, or may alter its setting.

To mitigate these impacts, in accordance with The New York State Historic Preservation Act ("SHPA"), MVHS signed a Letter of Resolution ("LOR") with the OPRHP, which serves as the state historic preservation officer, and the Dormitory Authority of the State of New York ("DASNY"). OPRHP and DASNY have indicated that compliance with the LOR will minimize the significant adverse impacts on historic and archeological resources to the maximum extent practicable in accordance with both the SHPA and SEQRA. A copy of the LOR is included in the FEIS.

Mitigation of Potential Impacts to Archeological Resources

To mitigate impacts to archeological resources, the LOR establishes archeological protocols to follow prior to site disturbance and during site disturbance in the event that unanticipated discoveries are identified.

- Pursuant to the LOR, MVHS will commence archaeological testing prior to site disturbance and file reports associated with the testing with OPRHP. However, MVHS may perform certain environmental testing and engineering surveys (borings) as needed prior to satisfying this condition.
- Where unanticipated discoveries, excluding the discovery of human remains, occur during construction, MVHS will suspend activities in the vicinity of the discovery, protect it from any further disturbance, notify OPRHP and DASNY regarding the discovery, transmit digital photographs to OPRHP and DASNY, and OPRHP will then make a determination whether the discovery warrants additional examination and, if so, will recommend what should be done next.
- In the event that human remains are discovered, the following protocol established in the LOR would be followed to minimize adverse impacts.
    - 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, OPRHP, DASNY, and the appropriate Indian Nations 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

OPRHP and the Indian Nations. The involved agency will consult OPRHP 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 OPRHP.

- Consultation with OPRHP and other appropriate parties will be required to determine a plan of action.

Mitigation of Potential Impacts to Historic Resources

The LOR also establishes a protocol to minimize impacts associated with the demolition of buildings identified as listed or as eligible for listing on a historic register.

- Specifically, the LOR requires MVHS assess the general condition of the buildings and include photographs of exterior and interior conditions to provide OPRHP with a general understanding of the state of the resource.

- In addition, prior to demolition, MVHS must provide further documentation of the resource including a historic narrative together with additional photographs.

- If appropriate, salvageable, architecturally significant features of the removed buildings (i.e., building name panels, significant intact architectural elements, etc.) will be incorporated into the new structure or hospital site or made available to others interested in acquiring them.

The Planning Board has reviewed the LOR and concurs that the mitigation proposed in the LOR will minimize the potential impacts to historical and archeological resources to the maximum extent practicable when weighed and balanced with social, economic and other considerations.

The Planning Board disagrees with commenters who opined that the Columbia-Lafayette neighborhood is not a vibrant, historically and culturally significant neighborhood. Instead, the neighborhood is a documented blighted area, located in a HUB zone; in a former Empire Zone; designated as a potential EJ area; and in the Urban Renewal Plan Utica Downtown Development Project Area. Despite revitalization of surrounding areas over the years, there has been little development in this area for almost 30 years.

MVHS provides a well-funded project that can address the features that have blighted this portion of the City for decades while providing important public benefits in accordance with the Urban Renewal Plan and the City's Master Plan. MVHS has indicated, and the Planning Board agrees that reuse of these existing buildings for medical, or any other purpose, is not feasible, which is further evidenced by the fact that there has been no redevelopment or revitalization of this urban area for decades despite the availability of many programs to incentivize such revitalization. Accordingly, to allow for transformative economic revitalization in an area that has been blighted and underutilized for decades as envisioned by the Urban Renewal Plan and the City Master Plan and consistent with other revitalization efforts, demolition of these buildings is necessary and the social and economic benefits of the Project outweigh the long term adverse impact associated with demolition of these buildings.

Finally, while the IHC will replace existing architectural styles, the current design is consistent with recent City-approved and completed modifications to the AUD and Landmarc buildings, as well as styles proposed for the Utica Inner Harbor Redevelopment and NEXUS projects. Nevertheless, as mitigation, MVHS will incorporate several design and construction themes into the IHC design, which are elements of existing buildings within the downtown area. These include:

- Romanesque Revival Style design (reflected in the Harberer Building and Jones Building)
- (German) Romanesque Style design (reflected in the Utica Turn Hall / Turnverein Building)
- Corner Pallisters with corbelled brick cornice (Utica & Mohawk Valley Railway Car Barn)
- Brick Cornices (Child Building)

The architectural design, as an acknowledgement to the city's building history, incorporates brick construction in the first two floors of the new hospital. All the identified historically meaningful buildings were also of brick construction. MVHS has indicated that this meaningful design element will be part of the new hospital's design and it provides an opportunity for the new hospital to pull from the history of downtown Utica into present day.

The Planning Board finds that the proposed mitigation measures will minimize the Project's potential impacts on historical and archeological resources to the maximum extent practicable when weighed and balanced with social, economic and other considerations.

G. TRANSPORTATION

A traffic impact study ("TIS") was prepared by C&S Engineers, Inc. ("C&S") to evaluate the existing traffic conditions within and adjacent to the Project area, and to assess the potential transportation impacts to the highway system from implementation of the IHC. The methodology used to determine the impacts of traffic generated by the Project was discussed with and accepted by the NYSDOT prior to preparation of the TIS.

According to the FEIS, existing traffic and pedestrian data was collected during peak commuter travel periods at key intersections within the study area on July 18th and 19th, 2018. While peak hours for individual intersections varied, the overall study peak morning and evening hours were determined to be from 7:45 am – 8:45 am and 4 pm – 5 pm, respectively. The highest pedestrian volumes were noted along the Genesee Street intersections, as well as along Columbia Street at Cornelia Street and State Street. There were very few bicyclists observed during the peak hours.

In further consultation with NYSDOT during the SEQRA process, additional traffic counts were conducted at three study area intersections along NYS Route 5S on January 15, 2019 when schools were in session. On that day, there were no weather events and no construction in the area impeding traffic flow. The volumes were comparable to the counts taken in July 2018. Nevertheless, NYSDOT required additional analysis to take a conservative look at recommended mitigation measures on NYS Route 5S, specifically with volumes from their analysis conducted as part of the design report (dated June 2017) for the Route 5 project.

The TIS considered existing, future no-build, future build and future mitigated traffic conditions during the typical AM and PM peak commute periods. Traffic impacts were evaluated based on levels of service ("LOS"), which is defined in terms of delay and anticipated queue lengths.

Levels range from LOS A to F for both signalized and unsignalized intersections. An overall intersection LOS D or better is generally considered acceptable at a signalized intersection. An overall intersection LOS E or better is generally considered acceptable at an unsignalized intersection. An Accident Analysis was also performed which demonstrated that the majority of accidents that occurred within the study area were due to poor weather and/or visibility conditions. Specific mitigation measures are set forth below.

Traffic Impacts

Potential impacts to traffic that could occur during construction and operation of the IHC include:

- Temporary road and/or sidewalk closures
- Temporary increase in traffic volumes during construction
- Construction vehicle & equipment/material staging
- Impacts to bus service (routes, stops, capacity)
- Increased traffic flow and changes in traffic distribution during operation of the Project
- Alterations to the present pattern of movement of people or goods (including road closures)

Traffic Mitigation

As noted in the FEIS, the TIS and the TIS Addendum, MVHS consulted with NYSDOT throughout the SEQRA process to ensure that the potential adverse impacts to traffic have been mitigated to the maximum extent practicable. Agreed upon mitigation measures include the following:

- Ensure adequate pedestrian facilities are available in the vicinity of the Project site including locations that are expected to have increased pedestrian activity as a result of the proposed Project as shown on the mitigation plan (Figure 31 of the FEIS)
- Upgrade or replace traffic signals to add detection, actuation, coordination, and pedestrian accommodations at the following locations:
    - 2-State Street & NYS Routes 5/8/12 off/on-ramp
    - 3-State Street & Lafayette Street
    - 4-State Street & Columbia Street
    - 6-Cornelia Street & NYS Route 5S/Oriskany Street
    - 8-Cornelia Street & Columbia Street
    - 10-NYS Route 5S/Oriskany Street & Broadway
    - 11-Broadway & Lafayette Street
    - 12-Broadway & Columbia Street
    - 20/21-NYS Route 5S/Oriskany Street & Genesee Street

- Optimize signal timings at the following intersections (upgrade/update equipment as needed):
    - The coordinated system which includes intersections 2 – State Street & On/Off-Ramps, 3 – State Street & Lafayette Street/Emergency Department Access (PM), and 4 – State Street & Columbia Street
    - The coordinated system which includes the intersections of 6 - NYS Route 5S (Oriskany Street) & Cornelia Street, 10 – NYS Route 5S (Oriskany Street) & Broadway, and 20/21 – NYS Route 5S (Oriskany Street) & Genesee Street
- Construct a dedicated right turn lane on the eastbound approach to intersection 2 – State Street & On/Off-Ramps
- Provide a center two-way left-turn lane on State Street from intersection 2 – State Street & On/Off-Ramps to just south of intersection 4 – State Street & Columbia Street
- Construct a dedicated left turn lane on the northbound approach to intersection 6 – NYS Route 5S (Oriskany Street) & Cornelia Street
- While the proposed Project does close two sections of two different roadways, this is a very small percentage of the entire City street grid. There are available alternative routes on the remaining street grid. The TIS (DEIS Appendix F) and TIS Addendum (Appendix D to the FEIS) does address the redistribution of typical peak hour traffic to other roadways/intersections and there will be no significant impact on traffic operations in the study area after implementation of the mitigation measures.

MVHS will continue to collaborate with NYSDOT, City of Utica, and Oneida County during the design and permitting phase to ensure that the planned mitigation is successfully implemented, with the objective of providing safe and efficient operation of intersections on the State highway system within the MVHS footprint.

By letter dated March 8, 2019, NYSDOT stated that MVHS satisfactorily resolved its comments relating to traffic mitigation in connection with SEQRA process. The Planning Board has independently considered traffic impacts as discussed in the FEIS, the TIS and the TIS Addendum and agrees that the proposed mitigation will minimize traffic impacts to the maximum extent practicable.

Parking Impacts

The Project will create an increased demand for parking resulting in the construction of parking areas for 500 or more vehicles.

Parking Mitigation

This potential impact will be minimized by the construction of one municipal parking garage and multiple surface lots. The TIS included a parking supply demand analysis based on similar facilities in urban settings. The two current facilities provide approximately 2,800 spaces. The Project will provide approximately 2,330 spaces broken down as follows: 1,455 spaces for the hospital component, 375 spaces for the Medical Office Building ("MOB") and 500 spaces for the City/public.

In response to public comments, MVHS reduced the number of surface parking spaces from 1,100± spaces (DEIS) to 780± spaces. The reduction includes the elimination of a proposed surface parking lot originally proposed at the site of the existing Police Maintenance Facility. The surface parking facilities will be available for use by patients, visitors, staff, and volunteers, with the garage spaces being available for hospital-related parking, as well as to the community for non-hospital related events. Therefore, the new facility is reducing the number of spaces per employee, while accommodating the anticipated demand without providing a surplus of unnecessary spaces.

Pedestrian Impacts (Walkability)

- Temporary road and/or sidewalk closures
- Impacts to bus service (routes, stops, capacity)
- Impacts to pedestrian facilities (sidewalk, crosswalks)
- Alterations to the present pattern of movement of people or goods (including road closures)

Pedestrian Mitigation (Walkability)

The Columbia-Lafayette neighborhood is not a vibrant, historically and culturally significant neighborhood with a lot of pedestrian traffic. It is a documented blighted and underutilized area with second or third-generation, lower quality uses. However, the Project area is also located within a 5-minute walk of the City's urban center and other points of interest.

The Project itself is designed to mitigate pedestrian impacts and improve walkability. The campus itself will be designed as an urban park with enhanced lighting, trees, pedestrian walkways and seating areas. The orientation of the hospital, aligned west to east along the long block of Columbia Street, respects the former Lafayette Street as a pedestrian corridor with access to the downtown Utica urban street network, incorporates walkability elements and green space through the campus, and maintains Pine Street as a pedestrian connection to the Rayhill trail. This walkway will extend from the main entrance to the west, terminating at State Street. An additional segment of the walkway will provide access to the Emergency Department entrance. Outdoor areas will include gardens and other design considerations to create a healing, walkable environment. As designed the IHC will facilitate a safe and walkable connection between the AUD, NEXUS Center, Brewery District and the City's urban core.

Specific improvements include:

- Sidewalks, signage and a pedestrian walkway.
- Pedestrian safety to and from parking garages into the hospital has been considered by the design team. The connection from the new garage to the hospital will be within the campus and in a pedestrian-only area. Crossing from the Kennedy Garage (and the Washington Street garage and perimeter surface lots) will require crossing the street at the nearest intersection. A pedestrian bridge will also be constructed over Columbia Street from the hospital's 2nd floor to the CUP's 2nd floor in the Kennedy Garage.
- Pedestrian facilities at intersections will be improved, as needed, as part of this Project. Any signal equipment upgrades or replacements found to be necessary to mitigate

impacts by the Project shall be advanced in design and be paid for by MVHS. This work may include pedestrian indications and other accommodations such as crosswalk striping at the intersections, as well.

- In addition, NYSDOT is requiring the following mitigation.
    - Ensure adequate pedestrian facilities are available in the vicinity of the Project site including locations that are expected to have increased pedestrian activity as a result of the proposed Project as shown on the mitigation plan (Figure 31 of the FEIS).
    - Upgrade or replace traffic signals to add pedestrian accommodations at the following locations:
        - 2-State Street & NYS Routes 5/8/12 off/on-ramp
        - 3-State Street & Lafayette Street
        - 4-State Street & Columbia Street
        - 6-Cornelia Street & NYS Route 5S/Oriskany Street
        - 8-Cornelia Street & Columbia Street
        - 10-NYS Route 5S/Oriskany Street & Broadway
        - 11-Broadway & Lafayette Street
        - 12-Broadway & Columbia Street
        - 20/21-NYS Route 5S/Oriskany Street & Genesee Street
- MVHS will keep sidewalks within the IHC free from obstruction by snow or ice in accordance with City of Utica Code 2-22-1.
- Lighting and emergency phones will also be provided throughout the site.

The Planning Board finds that the proposed mitigation measures will minimize the Project's potential impacts on transportation (traffic, parking, pedestrians) to the maximum extent practicable.

H. ENERGY

Electric and natural gas utilities exist extensively within and adjacent to the project area and are operated and maintained by National Grid. The gas mains and underground electric conductors are owned by National Grid. The underground conduits and vaults are owned by the City of Utica, and leased to National Grid for use.

Based on preliminary calculations (SSR 2018), the peak electrical demand load for the proposed IHC is estimated at 4,304.27 kilowatts (kW). National Grid has indicated that existing infrastructure proximal to the project site (e.g., substation, transformers, and feeders) is adequate to support the IHC's proposed electrical demand, and will have no adverse impact to current capacity or service levels to others in the network.

Although the existing infrastructure and electrical capacity of the grid will be sufficient to operate the IHC and supporting elements, the potential exists that the hospital will receive dedicated feeders, which would require upgrades to the existing National Grid substation and approximately 1.5 miles of new feeders; however, this option is solely based on MVHS' discretion and is not necessary for service. If new feeders are installed they would be placed within existing rights-of-way in an urban area.

The peak natural gas load and annual natural gas usage for the proposed IHC is estimated at 50 mcf/hour and 90,000 mcf/year, respectively (SSR 2018). To meet demand and minimize disturbances to existing customers, an 80 psi, 6-inch diameter gas main will be installed and extended approximately 2,500 lf to the site from National Grid's existing 80 psi supply main. This line would be placed within existing rights-of-way in an urbanized area. No significant adverse impacts to the capacity or service levels to others in the network are anticipated.

Potential impacts on energy as a result of the Project include:

- The proposed action will involve heating and/or cooling of more than 100,000 sf of building area when completed.
- Diesel-fueled emergency generators will also be used at the proposed MVHS IHC.
- Existing electric and natural gas infrastructure will be relocated out of the IHC footprint, into public rights-of-way. Locations will be identified through on-going coordination between MVHS, National Grid and the City. Impacts will be short-term; extending through a portion of the construction phase.

Mitigation

No significant adverse impacts on energy are anticipated as a result of construction of the IHC or project-related operations. Energy requirements will be consistent with energy policy recommendations established in the New York State Energy Conservation Construction Code.

While no significant adverse impacts on existing energy resources/capacities are anticipated from either construction or operation of the IHC, there are alternative options and methodologies to further reduce/minimize energy use. Measures include:

Construction Phase

- Implementation of a maintenance and protection of traffic plan including the scheduling of activities (including utility work in public rights-of-way) to reduce traffic delays and associated fuel consumption
- Installation of new utilities within existing rights-of-way in an urbanized area
- Use of alternative fuels or energy-saving equipment
- Evaluation of material selection for interior and exterior building materials for recycled content and local material
- Evaluation of interior material selection for indoor air quality impacts
- Diversion of construction and land clearing debris from landfill disposal
- Redirecting recyclable-recovered resources back to the manufacturing process

- Redirecting reusable materials to appropriate sites (other projects)
- Buying and hiring locally to avoid or minimize delivery and travel costs

Operations Phase

- Energy requirements will be consistent with energy policy recommendations established in the New York State Energy Conservation Construction Code.

Additional feasible BMPs include:

- Promotion of "green" product purchases including the use of recycled and reusable materials
- Building design and efficiency:
    - Facilities include energy-efficient lighting (including spacing) and other equipment
    - Purchase of equipment based on life-cycle costs rather than initial costs of equipment
- Proposed facility designs which promote sustainable building practices using the United States Green Building Council's "Leadership in Energy and Environmental Design" ("LEED") program or a similar system; elements currently proposed include:
    - Heat recovery chiller that puts "waste" heat to use year-around (in CUP)
    - Low temperature hot water heating system with high efficiency (condensing) hot water boilers (in CUP)
    - Green islands within the parking areas
    - Use of energy efficient mechanical, electrical and plumbing systems
- Urban forestry
    - Promote tree planting to increase shading and to absorb CO2 (i.e., creation of Greenhouse Gas ("GHG") emission offsets at facilities)
- Energy conservation measures (construction and operation phases)
    - Purchase of electricity generated from renewable resources
    - Implementation of "plug-load" audit recommendations to identify operation-phase power management strategies (i.e., automatic turn-off of computers during non-business hours or into "sleep" mode when not in use for a certain period of time during normal work hours)
    - Energy conservation employee training
    - Optimization of vehicle usage (i.e., promotion of carpooling, access to and use of mass/public transit, encouragement of efficient driving techniques, use of active modes of transportation including walking, bicycling, etc.)

I. UTILITIES

Sanitary sewer, storm sewer, and water utilities will be replaced and relocated, as needed, to remove them from the footprint of the hospital campus. Potential impacts from these activities, including mitigation to reduce or eliminate impacts were evaluated in the FEIS. Upgrades to those utilities, owned by the City of Utica and the Mohawk Valley Water Authority, will be undertaken and funded by the Project Sponsor (MVHS) as part of the overall IHC Project. Electric and natural gas infrastructure will also be replaced and rerouted in support of the Project as discussed above. Those upgrades will also be funded by MVHS. These infrastructure improvements will also support future economic revitalization efforts, including the NEXUS Center. Similar to other infrastructure upgrade or replacement projects, this work will likely have temporary impacts to residents, pedestrians, and motorists. Those temporary impacts will be mitigated by notifications, temporary services, and/or detours as needed.

The planned improvements to the water, storm sewer and sanitary sewer infrastructure will replace the existing, antiquated arrangement with new infrastructure that is better designed and constructed to more efficiently serve development at the Project Site. The planned infrastructure improvements will result in a positive impact to the environment, because newly constructed infrastructure will result in less potable water loss due to leaks, less infiltration of ground water into sanitary sewers, and less exfiltration of sewage that can find its way into storm sewers, and ultimately the Mohawk River. The improved infrastructure will also be better able to serve the surrounding development.

Potential Impacts

- No significant adverse impacts on existing utility capacity were identified
- Temporary impacts due to the abandonment/removal and installation of utilities (e.g., sanitary and storm sewer, water, electric and natural gas). Specific construction-related impacts are identified elsewhere in this scoping document

Mitigation

Construction Phase

- If groundwater is encountered during utility removal or installation, it will be characterized to identify the appropriate method of management. If determined to be impacted, it will be managed and disposed of off-site in accordance with applicable local, state, and federal requirements. If deemed clean, the groundwater will be managed in accordance with standard dewatering practices identified in the SPDES General Permit and site-specific SWPPP.
- If impacted soils are encountered they will be removed and disposed of at an approved off-site facility in accordance with applicable local, state and federal regulations.
- Measures will be put in place to prevent temporary impacts to soil erosion and downgradient water bodies (sediment laden runoff) due to excavation and trenching operations associated with utility installations or removals. E&SC measures and BMPs identified in the SPDES General Permit and site-specific SWPPP will be employed.
- Relocation of utility lines within existing rights-of-way in an urbanized area.

J. NOISE & ODOR

Existing noise sources in the proposed Project area include traffic, businesses, residences and humans. Based on information from the U.S. Environmental Protection Agency, existing ambient day-night sound levels may be expected to range from 70 (urban row housing on major avenue) to 80 dBA (downtown with some construction activity). In addition, a significant portion of the Project is located near Oriskany Street and the North-South Arterial Highway, which are influenced by noise generated from vehicular traffic and local businesses. Sensitive receptors within or proximal to the Project area (i.e., residences, churches/synagogues/mosques, schools, senior homes, schools, etc.) were identified. The City of Utica has enacted a municipal noise ordinance (§ 2-15-63 of the City Code, Permissible Noise Levels in Zoning Districts) that regulates noise levels.

No significant or long-term sources of odor currently exist within the Project area.

Potential Impacts from noise include the following:

- Temporary construction-related noise impacts from the following:
    - Equipment necessary to prepare the project area (including demolition) and construct the proposed MVHS IHC
    - Vehicles and equipment accessing and egressing the site including trucks hauling C&D debris for off-site management
    - Temporary power generators
- Sporadic noise in excess of existing ambient levels during operation may be generated by incoming ambulances and helicopter flights

No odor impacts are expected during construction or operation of the IHC.

Mitigation of noise during construction and operation will minimize any impacts.

Construction Phase

- Contractors will be responsible for using appropriate mufflers on machinery to mitigate potential construction-related noise impacts.
- Limiting workday construction activities to normal hours (the NYSDEC program policy suggests that limiting activity to normal workday hours is an effective mitigation [NYSDEC 2001]).
- Compliance with the requirements identified in Chapter 2-15 of the City of Utica's Municipal Code and Ordinances.

Operations Phase

- Use of noise attenuation devices/building materials, as necessary (acoustic panels and fully grouted concrete masonry units to attenuate sound transmission through facility walls).

- The housing of roof-top or externally located HVAC system elements in noise attenuating enclosures, as necessary; sound attenuating elbows will be located at strategic locations in the ductwork.
- Sound attenuation will be provided at the emergency generator discharge louvers.
- Utilization of engineering controls that minimize noise generation and allow employees to work in designated areas without hearing protection (designed to an occupational exposure limit <85 dBA).
- Maintaining day and night time operation phase sound levels at the nearest sensitive receptor (i.e., the property line) in accordance with local code.
- MHVS will coordinate with helicopter companies to identify optimum arrival and departure flight procedures and paths to minimize episodic noise impacts.
- The Project will adhere to the City's zoning code, which indicates that "no emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the zone lot from which they are emitted" (§ 2-29-529 of the Utica City Code).

K. HUMAN HEALTH

This area has been a mix of commercial, retail, residential, and light industrial. The EIS summarized and appended information and data (see DEIS Appendix H), which was relied upon to assess the potential impacts from prior and existing land uses. This information included a preliminary due diligence report that provided data relative to properties within and proximal to the Project footprint. This data revealed historical spills, tanks and dry cleaning operations within the Project area. In addition, prior Phase I ESAs were summarized and appended to the FEIS for 401-407, and 409 Columbia Street.

Based on the urban setting, age of existing structures, prior land uses and review of the DEIS data, which identified known "Recognized Environmental Conditions" ("RECs"), the Project Sponsor, MVHS, concluded that construction of the Project (including demolition and site disturbance activities) will likely encounter ACM, LBP, and other regulated substances (in soils and/or groundwater), which will require management in conformance with applicable state and federal regulations. The Project Sponsor, MVHS, indicated in the FEIS that it will mitigate/minimize potential impacts by undertaking further due diligence assessments for existing facilities to be acquired for the IHC Project and performing the required abatement and remediation in accordance with regulatory requirements.

The presence of Historic Fill Material ("HFM") is anticipated and existing soils will be removed from 0 to 2-foot depths in all areas that will remain green (i.e., grass or landscaped areas) and replaced with clean, imported material. Demolition and removal of older buildings/structures and impacted soils will improve the quality of surface water runoff under future build conditions (see discussion under land and surface water above).

Potential impacts identified in the FEIS include:

- Vehicles and equipment accessing and egressing the Project site.

- Disturbance of hazardous building materials during demolition activities (e.g., asbestos, lead, etc.).
- Potential to encounter impacted soils/groundwater (from past or existing land use).
- Impacts on sensitive receptors (i.e., proximity to three licensed daycare centers and religious centers).
- Proximity to existing impacted sites (i.e., completed or on-going remediation or spill response).
- Increase in the rate of disposal or processing of solid and other types of waste.
- Use of pesticides or herbicides.
- Potential impacts on the Project due to the proximity of the existing railroad were determined to be negligible, but mitigation inherent to hospital and regional emergency planning were identified.

MVHS has indicated in the FEIS that mitigation of these impacts will include:

Construction Phase

- Performance of due diligence evaluations to identify the potential presence of ACM, LBP and other regulated materials, which could be encountered during construction phase activities.
- Preparation, implementation, and maintenance of a "Maintenance and Protection of Traffic Plan" including provisions and measures to accommodate pedestrians and adjacent vehicular traffic surrounding the work zone.
- Compliance with state and federal regulations regarding the handling, transportation and disposal of ACM, LBP, and other regulated materials encountered during construction phase activities.
- Adherence to construction schedule restrictions (days and hours).
- Proper maintenance of vehicles and equipment including mufflers and other required emissions control devices (including adherence to state-mandated vehicle idling restrictions).
- Proper storage and handling of petroleum and chemical products.
- Implementation of a site security plan (i.e., fencing, lighting, use of secure material storage containers, monitoring of site during off-hours).
- Preparation and implementation of a CHASP to protect construction workers and the community from exposure to potentially impacted materials.
- Spill response measures, training and reporting.
- Compliance with City Code requirements.

Operations Phase

- Provision of safe access/egress (vehicles and pedestrians) to and from the IHC and other Project elements.
- Compliance with the City's noise ordinance.
- Proper storage, handling, transportation and disposal of wastes generated from Project operations.
- Storage, application (including proper licensing) and disposal of pesticides/herbicides in accordance with applicable local, state and federal requirements.
- Proper storage and use of chemicals, medicines, and other regulated materials and substances including conformance with applicable state and federal requirements.
- Compliance with PBS and other bulk storage requirements including the preparation and implementation, as necessary, of a SPCC Plan.

The Planning Board disagrees with those commenters who believe that building within the "red zone" area around the existing railroad tracks is not recommended. As recognized by the Director of Emergency Services for Oneida County, the likelihood of a railroad-related impact is negligible. However, Mr. Revere noted that due diligence and preparedness are prudent and necessary. According to Mr. Revere, consistent with the USDOT's ERG and New York States' EO 125, the IHC will be identified as a special receptor within the site-specific Geographic Response Plan ("GRP"). As explained in the FEIS, GRPs are planning documents and spill response tools, prepared by the NYSDEC, in consultation with the New York State Division of Homeland Security and Emergency Services, NYSDOH, and local, regional and federal stakeholders, that are used to guide initial emergency response efforts associated with a major oil spill. The GRP for railroad mile-mark "QC 238" represents the area surrounding the existing railroad inclusive of the Project area. To facilitate planning and training, the proximity of IHC operations will be accounted for in future training, preparedness and asset management activities guided by the County's Emergency Management Plan ("CEMP").

MVHS also indicated that it will coordinate with Oneida County to update and implement appropriate sections of the MVHS' Emergency Operating Plan ("EOP") and the County's CEMP, respectively. As noted in the FEIS, federal regulations established national emergency preparedness requirements for Medicare- and Medicaid-participating providers and suppliers, including MVHS facilities, to plan adequately for both natural and man-made disasters, and coordinate with federal, state, tribal, regional, and local emergency preparedness systems. Further, facilities, including those operated by MVHS, are required to perform a risk assessment that uses an ''all hazards'' approach prior to establishing an emergency plan. The plans are updated annually, and include elements for training, testing and drills. According to MVHS, both St. Luke's and St. Elizabeth's operate under these federally-required emergency plans. An example plan table of contents was provided as an appendix to the FEIS and a similar emergency plan that meets the federal requirements will be prepared for the Project. As noted in the FEIS, an emergency preparedness plan, together with staff and provider training and education, is also required to be submitted to NYSDOH in connection with the CON process.

The Planning Board finds the proposed mitigation measures will minimize the Project's potential impacts on human health to the maximum extent practicable.

L. COMMUNITY CHARACTER

The MVHS IHC will encompass approximately 25-acres within the City's CBD. Land uses within this district are subject to the applicable standards codified in the City of Utica's Zoning Code (§ 2-29-193). The proposed healthcare related land use is consistent with allowable uses designated for the CBD. The existing building scale within the CBD and the surrounding area is a diverse mixture of building heights, consisting of mostly low rise (1-4 stories) and mid-rise (5-10 stories) buildings, with a few high-rise (11+ stories) buildings located to the east of Genesee Street. While the Project area is characterized by buildings greater than 50 years in age, many of them have undergone 20th and 21st century modifications as evidenced by photographs appended to the FEIS. The proposed location is proximal to the City's urban core, as well as the City's proposed "U" District, existing Brewery District, Bagg's Square and Utica Harbor Point. In addition, the design character of the project is consistent with other community projects under development in the area (i.e., "U" District, NEXUS and Utica Harbor Point redevelopment).

Although the Project site has been used to some extent for nearly 200 years, it has been chronically underused and blighted for almost 30 years. The Project site is located in a HUB zone; is in a former Empire Zone; is designated as a potential EJ area; and is in the Urban Renewal Plan Utica Downtown Development Project Area. A HUB is a qualified census tract designated by the US Department of Housing and Urban Development ("HUD") with either: (1) a poverty rate of at least 25%; or (2) 50% or more of its householders must have incomes below 60% of the area median household income. An EJ area is a U.S. Census block group of 250 to 500 households each that, in the Census, had populations that met or exceeded at least one of the following statistical thresholds: (1) at least 51.1% of the population in an urban area reported themselves to be members of minority groups; or (2) at least 23.59% of the population in an urban or rural area had household incomes below the federal poverty level. An Empire Zone was an area of up to two non-contiguous miles, in which tax incentives were offered by the State of New York to bring new businesses and jobs to the State.

Despite these numerous designations intended to foster economic redevelopment and revitalization, the Project area remains underutilized and blighted. The Project footprint contains approximately 79± tax parcels owned by 37± different owners and a diversity of property types including mixed use, commercial, offices/warehouses, vacant/abandoned buildings, and parking. Approximately 20 properties are vacant or dilapidated and 8 of the properties are owned by the City's URA. Most or all the properties at issue were not specifically constructed for the current use, but instead have been modified for second or third-generation, lower quality uses, most of which could be easily relocated to other similarly situated areas.

This area has been targeted by the City of Utica for economic redevelopment for years making it an appropriate location for consideration by MVHS. The Urban Renewal Plan Utica Downtown Development Project Area was established to eliminate slums, blight and obsolete buildings and create sites for new buildings to revitalize this area of downtown. For the area encompassing the Project Site, the Urban Renewal Plan states that its purpose is "to revitalize this area of downtown." According to the Urban Renewal Plan, the "economic and physical revitalization of the project area is a critical public purpose for the community because of the area's location."

MVHS provides a well-funded project that can address the features that have blighted this portion of the City for decades while providing important public benefits in accordance with the Urban Renewal Plan and the City's Master Plan. In fact, to support transformative projects that will result in economic and physical revitalization of a blighted area, such as the one proposed

by MVHS, the City of Utica URA is authorized to acquire property in the Project footprint through eminent domain and then convey that property to the project sponsor. Although MVHS has indicated that it actively negotiated with many of the property owners in the Project footprint and holds many options to purchase those properties, not all owners agreed to sell and MVHS will require the assistance of the URA to complete site acquisition through the use of eminent domain. These environmental findings are consistent with those required by the Eminent Domain Procedure Law ("EDPL").

Potential Impacts

- Acquisition of property (via voluntary negotiation and eminent domain).
- Demolition or alteration of properties in the proposed project area.
- Land-use components will be different from current surrounding land use pattern(s); impact on City-owned and privately-owned lands within the project footprint.
- Potential to result in secondary economic development impacts (e.g., residential or commercial development).
- Potential to replace or eliminate existing facilities, structures, or areas of historic importance to the community.
- Potential to displace affordable or low-income housing.
- Potential secondary impacts resulting from the relocation and/or displacement of existing businesses/services (at proposed downtown and existing St. Luke and St. Elizabeth locations).
- The proposed action may be inconsistent with the predominant architectural style and character of the area.

Mitigation

- MVHS, with the assistance of Mohawk Valley EDGE ("EDGE"), obtained appraisal reports for each of the properties that would need to be acquired for the Project. These appraisal reports provided the basis for MVHS to make offers to acquire the needed properties that were based on fair market value. Offers were sent to property owners between December 2017 and February 2018. Each property owner was afforded the opportunity to discuss their individual needs and concerns with MVHS or its representatives. In addition, representatives from the City of Utica, Oneida County and EDGE reached out to the property owners to discuss relocation needs and to offer assistance. MVHS, together with the City, the County and EDGE, worked with the Community Foundation of Herkimer and Oneida County to fund a position dedicated to assisting property owners with relocation. This individual immediately began coordinating the efforts between the City, County, EDGE and the property owners including: one on one meetings with owners to determine specific needs and to review potential alternate locations, and creation of a catalog of available properties within the City and County to streamline the assessment of alternate properties. Finally, MVHS committed an additional $1 million to the Project dedicated for relocation assistance and has been negotiating relocation assistance payments with each of the owners. As a result, many of the property owners have agreed to sell their property(ies) to MVHS and

the amount of property that will need to be acquired by eminent domain has been minimized

- As noted above, most of the properties were not specifically constructed for the current uses, but instead have been modified for second or third-generation, lower quality uses. There is sufficient similar type space located within the City and surrounding area so that the impacted businesses have been or should be able to find replacement property in the surrounding area. As such, impacts as a result of acquisition of property through the use of eminent domain are not expected to be significant.

- Potential visual impacts will be mitigated as previously identified. Specifically, the IHC will be another progressive landmark building consistent with other recent and proposed developments including the AUD renovations and NEXUS, while acknowledging the city's building history.

- Potential cultural resource impacts will be mitigated as previously identified.

- Growth-inducing aspects of the project will be managed as discussed below.

The Planning Board finds the proposed mitigation measures will minimize the Project's potential impacts on community character to the maximum extent practicable.

M. SOLID WASTE MANAGEMENT

Solid waste management within the City of Utica is controlled by the Oneida-Herkimer Solid Waste Authority ("OHSWA"). There are eight (8) disposal facilities in the region. Oneida and Herkimer County's Local Law No. 1 of 1990 establishes regulations for the collection and disposition of solid waste and recyclables within the two-county region. The law mandates the separation of residential and commercial/industrial recyclable material from the waste stream, and requires all entities engaged in waste and/or recyclables collection to obtain a permit from OHSWA. The law also has flow control provisions requiring waste generated within the County to be disposed of within the County.

OHSWA projections indicate a continued decrease in solid waste generation through 2020. Estimates are based on census data, which indicates decreases in the region's population; as well as success through OHSWA's waste reduction and recycling programs. These programs have also decreased the rate at which landfill capacity is consumed at the Ava Landfill. Current and future projections through 2020 from the Solid Waste Management Plan were provided. In summary, municipal solid waste, construction and demolition waste, and sewage sludge are projected to slightly decrease by approximately 0.2% per year, as a result of the population decreasing, waste reduction efforts, and recyclables/organics recovery. OHSWA does not expect development or lack thereof to have a major impact in solid waste planning efforts.

New York State has provided regulatory oversight of Regulated Medical Waste ("RMW"). The NYSDOH is responsible for on-site waste management procedures for hospitals, free-standing diagnostic and treatment centers, residential health care facilities and clinical laboratories. In addition, the NYSDOH is responsible for developing treatment standards and approving alternate treatment technologies. The NYSDEC is responsible for overseeing storage, treatment and destruction processes for facilities not covered under NYSDOH jurisdiction, as well as off-site transport of RMW for all generators, tracking, responding to illegal disposal incidents, and for all off-site storage, transfer, treatment and disposal facilities.

MVHS currently operates a RMW autoclave at its St. Luke's facility. RMW generated at St. Luke's and St. Elizabeth's is currently shredded and autoclaved at the St. Luke facility, making it inert prior to being hauled off-site for disposal at a municipal solid waste management facility. Other wastes generated at these facilities are also stored on-site prior to transportation off-site by permitted vendors to regulated/permitted disposal facilities.

Potential Impacts

- Temporary increase in the rate of disposal or processing of solid waste from construction/demolition activities.
- The need to manage impacted soils/groundwater and/or hazardous building materials.
- Waste generation, handling, transportation, and disposal (solid waste, hazardous waste and RMW).

Mitigation

Construction Phase

- Contractors will be required to comply with local and state requirements regarding the handling, disposal and/or management of waste streams and recyclables including on-site storage and transportation of materials to facilities permitted to handle the specific waste or recyclable stream.
- CHASP will be developed, implemented and maintained to protect worker safety.
- Contractor(s) will be responsible for appropriately separating, handling, transporting, and disposing waste streams in accordance with applicable regulations; all waste streams will be disposed off-site at facilities permitted to receive such wastes. In addition, contractors may implement the following additional waste reduction measures:
    - An evaluation of material selection for interior and exterior building materials for recycled content and local material;
    - Diversion of construction and land clearing debris from landfill disposal;
    - Redirecting recyclable-recovered resources back to the manufacturing process; and
    - Redirecting reusable materials to beneficial applications.

Operation Phase

- Solid waste and recyclables will be managed in accordance with applicable local, state, and federal requirements, including consistency with the County's Solid Waste Management Plan. RMW (including specialty wastes) and solid waste management practices will incorporate good housekeeping and best management practices including proper storage.
- Solid waste will be stored in covered receptacles, bins, and dumpsters, as appropriate, until it is transported by permitted haulers to an off-site, permitted facility for final disposal.

- RWM and other specialty wastes will also be hauled by NYSDEC-permitted waste transporters to facilities permitted to receive such wastes.

The Planning Board finds the proposed mitigation measures will minimize the Project's potential impacts on solid waste management to the maximum extent practicable.

N. GROWTH INDUCING ASPECTS

While growth-inducing effects (economic and social) of the IHC Project may be beneficial to the region, induced growth may also be the source or cause of secondary environmental impacts.

MVHS stated that it has coordinated with local and regional economic development organizations, including the City, County, Mohawk Valley EDGE, and the Community Foundation to promote the potential secondary economic development opportunities afforded by the downtown siting of the IHC. For example, in August 2017, MVHS (with assistance from EDGE) performed a qualitative and quantitative analysis of the potential economic/growth-inducing impacts (MVHS 2017), which could result from implementation of the downtown IHC Project. In their analysis, MVHS identified several growth-inducing aspects of the Project, including:

- The downtown campus creates future opportunities for medical education, research and for future growth and innovation.
- Integration of the medical campus into the downtown fabric will help to build a vibrant community through spatial efficiency, creative placemaking, historic preservation, and pedestrian-focused infrastructure.
- The site's proximity to Bagg's Square, Harbor Point, Varick Street, and the proposed U District, will strengthen demand for residential living and new commercial establishments.

According to the American Hospital Association ("AHA"), the importance of hospitals to their communities extends far beyond health care. The AHA reports that the health care sector has traditionally been an economic mainstay, providing stability and job growth in communities. According to the American Hospital Association and the Bureau of Labor Statistics, Current Employment Statistics Highlights (December 2017), health care added more than 35,000 jobs per month in 2016; hospitals employ nearly 5.9 million people; are one of the top sources of private-sector jobs; and purchase $903 billion in goods and services from other businesses.

The AHA reports that goods and services hospitals purchase from other businesses create additional economic value for the community. With these "ripple effects" included, each hospital job supports about two additional jobs, and every dollar spent by a hospital supports roughly $2.30 of additional business activity. Overall, the AHA concludes that hospitals support 16.5 million total jobs, or one of 9 jobs, in the U.S. and support almost $3.0 trillion in economic activity.

The Planning Board notes the statement in the FEIS that the IHC will create a safer environment for people to live and enjoy recreational activities; linking existing and planned bike and pedestrian routes throughout downtown and the Harbor Point District via the health campus. The Project will also facilitate an improved transportation network, including easy access from multiple directions, and parking co-utilization for the health campus, the AUD, central business district and adjacent businesses. The IHC will bring 3,500 MVHS employees into the City each day. Given the location of the facility within a 5-minute walk of the urban center (see FEIS

Response 86), the influx of these employees will result in additional business for many restaurants and retail shops and will create a demand for new restaurant and retail uses. In addition, MVHS believes that the IHC will significantly enhance medical staff recruitment efforts because working for a large, state-of-the-art healthcare system holds a great appeal for physicians and mid-level providers as they will have access to the best facilities and equipment. The Planning Board agrees that it is likely that some of these individuals will choose to reside in the City near the facility thereby strengthening the demand for residential living, new restaurants and other retail/commercial developments.

The Planning Board agrees that the Project will have beneficial impacts in this blighted and underutilized area of the City. Potential beneficial impacts are summarized below:

- Downtown residential living & downtown revitalization opportunities – MVHS concluded that the downtown location could be a catalyst for an increased demand for downtown residential housing and mixed-use development. EDGE estimated that the Project could potentially result in the need for 600+ units of downtown loft style apartments and townhouse development, which could be fulfilled by targeted development in and facilitated connectivity to Bagg's Square, Harbor Point, the Brewery District (Varick Street) and other key downtown properties. MVHS also concluded that the downtown IHC would enhance opportunities for retail, hotel, and other commercial development.

- Improved & enhanced infrastructure improvements – MVHS indicated that the Project will facilitate support for infrastructure upgrades, as well as the abandonment of City streets, and the potential reduction in City operation/maintenance obligations.

- Expanded downtown parking – The Project will result in a net increase in downtown parking capacity, including the construction/operation of a new public parking structure (with reserved public parking spaces for non-IHC needs).

- Tax revenues & jobs – The MVHS analysis indicated that the project would generate tax revenues and create jobs, as well as creating higher economic values for adjacent properties that are fully depreciated and underutilized. Estimated revenues included:

    - The City will receive approximately $100,000 to $200,000 more annually in real property taxes and following construction and operation of the Integrated Healthcare Campus. Specifically, the proposed MOB will be taxable and at 80,000± Gross Square Foot ("GSF") it will likely have an assessed value of $8M to $12M. The City tax rate is $27.091643/$1,000, which will result in tax payments to the City of $216,733 to $325,099.

    - Taxable sales for downtown project (during 3-year construction period) – $15 million to $17 million; a mid-point estimate of $16 million in sales would generate approximately $320,000 in sales tax revenue for the City over 3 years ($106,667/year).

    - Taxable sales from 3,500 employees (downtown operations) – $19,162,500 (3,500 employees X $15/day in taxable spending X 365 days = $19,162,500); 50% assumed to be net increase in taxable sales within City ($9,581,250). $9,581,250 in annualized new spending within City X 2% generates $191,625 in sales tax for the City.

- Taxable sales from IHC cafeteria/gift shops – $42,000/year (estimated based on migration of existing FSLH sales [$24,000/year] to City and City retaining SEMC sales [$18,000/year]).
- Parking garage revenues (from IHC dedicated spaces).

Potential Impacts

- Adaptive reuse of FSLH and SEMC campuses

Mitigation

- MVHS is coordinating with the Community Foundation to evaluate options related to the repurposing and/or development of the FSLH and SEMC campuses.

In regard to the St. Luke's and SEMC campuses, MVHS understands that it is in their best interest to maintain buildings/properties that remain under their ownership. Moreover, certain uses will remain on both campuses as detailed in the FEIS. Accordingly, it is MVHS's intention to facilitate the adaptive reuse of vacated facilities. The FEIS identified the process by which MVHS, in conjunction with the Community Foundation, has solicited expertise to support the redevelopment of each campus. Since the publication of the DEIS, MVHS has retained the services of CHA to provide the required support. CHA has proposed the following services:

- Define adaptive reuses
- Assess market feasibility of such uses
- Complete feasibility analysis
- Complete zoning analysis and schematic plan preparation
- Perform Phase I Environmental Site Assessments ("ESAs")
- Provide Preliminary conditions assessment
- Develop conceptual cost estimating

MVHS will also work with the Community Foundation and CHA to establish the process in which MVHS will work with the neighborhood to re-develop the MVHS-owned campuses. MVHS believes that full scale demolition of the existing campuses is financially unfeasible, and that given the different building ages and types, adaptive reuse would be a better alternative.

These steps will minimize the impacts from vacating the St. Luke's and SEMC facilities until an appropriate reuse is identified. Once a redevelopment alternative is selected, it will likely be subject to its own environmental process which will be no less protective of the environment.

O. CUMULATIVE IMPACTS

The Upper Mohawk Valley Memorial Auditorium Authority ("Aud Authority") is proposing additional development adjacent to the AUD, which is a multi-purpose arena and home to the Utica Comets of the American Hockey League. If constructed, the proposed NEXUS would consist of an 170,000± sf tournament-based recreation play facility which would be utilized for ice hockey, box lacrosse, soccer, and other field sports that can be performed on a 200-foot by 85-foot playing surface. NEXUS would include three playing surfaces, 25± locker rooms,

commercial office space, college classroom space, retail space, food and beverage services, and other multi-purpose training spaces.

NEXUS would be developed in the block between Charles Street on the west and Broadway on the east, and Oriskany Street on the south and Whitesboro Street on the north. Charles Street would be abandoned, and NEXUS would be connected to the existing AUD No site plan applications in support of NEXUS have been submitted to the City and a construction schedule has not been identified. Nevertheless, potential cumulative impacts have been analyzed.

Aesthetics/Community Character

The current design of the IHC is consistent with recent City-approved and completed modifications to the AUD and Landmarc buildings, as well as styles proposed for the Utica Inner Harbor Redevelopment and NEXUS projects. Architectural renderings provided in the EIS demonstrate consistency with these other developments and illustrate the proposed viewshed from various adjacent vantage points. The IHC will also facilitate a safe and walkable connection between the AUD, NEXUS Center, Brewery District and the City's urban core.

Water

The design of water usage estimates at the IHC has advanced further since the submission of the DEIS. Water demand, which is based on the maximum flow anticipated to be required by the IHC during the busiest times, do not occur consistently over the full 24-hours in a single day, and consist of both domestic uses and cooling tower uses. Peak (maximum) water demand is anticipated to be approximately 484 gpm for domestic uses and 168 gpm for cooling tower uses, totaling 652 gpm. Daily water usage is anticipated to be in the range of 243,360 gallons for domestic uses, and seasonally an additional 146,880 gallons per day are anticipated to be used for cooling tower use, for a total of 390,240 gallons per day.

In addition to the IHC, cumulative impacts of the proposed NEXUS center have been estimated. To date, no design information is available for NEXUS, so the water usage at the existing AUD was analyzed for comparison. Peak hour water usage (metered) from the AUD during a Comets hockey game in February of 2017 was used as the basis of NEXUS estimates. AUD peak hour volume was converted to an average rate of 77 gpm. This peak hour average rate was reduced by a factor equal to AUD capacity (3,800 fans) compared to estimated NEXUS tournament maximum occupancy (500 fans), or 10.1 gpm. A peaking factor of 2.5 was applied to this average rate to account for peaks during the peak hour, which results in a peak rate of approximately 25 gpm. This estimated peak hour rate was then inflated by a factor of 4 to account for ice chillers, and to give an overly conservative peak demand of 100 gpm. For daily water use, AUD water usage patterns based on a 12-hour usage period and peaking factor of 6.5 were simulated, resulting in a daily use of approximately 11,000 gallons per day. The cumulative capacity needs (IHC and NEXUS) were reviewed with the MVHWA, which confirmed that the existing system capacity can serve both the anticipated IHC, and estimated NEXUS peak demands and daily totals, as identified above (R. Goodney, MVWA email dated 1/22/19).

Sewer

Wastewater from the IHC Project will discharge to an improved existing 24" diameter sewer in Columbia Street that flows west to State Street, where it discharges to the existing 4-foot x 4-foot State Street Trunk Sewer. From there, it flows approximately 1,300 feet north to its discharge at the Railroad Interceptor Sewer. The existing 4-foot x 4-foot State Street Trunk

Sewer has been modeled, and the results of the hydraulic model indicate there is capacity for the additional flow from the IHC and other projects. In addition, the City has undertaken multiple CSO Control projects (A1 through A4, A8.1 and A9.2, as described in the City's Long Term Control Plan) over the last 6 years that have resulted in excess capacity in the Railroad Interceptor Sewer, which is where wastewater from the NEXUS project will be conveyed.

Electric & Natural Gas

National Grid has confirmed that they can provide electric and gas services to both the MVHS IHC and the NEXUS Center projects with certain improvements, which will be paid for by MVHS and the Upper Mohawk Valley Memorial Auditorium Authority, respectively (see response 118).

Stormwater

Results of hydraulic modeling indicated excess capacity in the State Street Trunk Sewer. In addition, the City has undertaken multiple CSO Control Projects over the last 6 years that have all resulted in excess capacity in the Railroad Interceptor Sewer, which is where wastewater from the Adirondack Bank Center expansion (NEXUS Center or NEXUS) will be conveyed.

Based on a review of internet-based aerial photographs, the former Tartan Textile site consisted of 100% impervious surfaces, covered completely by buildings or pavement. It is not possible to construct a project at the Tartan site that will result in more stormwater runoff than previously existed, therefore no significant adverse stormwater impacts are anticipated from the future NEXUS project. Sponsors of the IHC, as well as the NEXUS project, will be required to implement stormwater management in accordance with New York State requirements, which control the rate and quality of runoff leaving the site.

Traffic

Based on conversations with the NYSDOT and the Upper Mohawk Valley Memorial Auditorium Authority (August 2018), current and future events at the AUD/NEXUS Center typically do not impact commuter peak periods. Therefore, traffic generated during AUD events or potential traffic generated by the AUD expansion and NEXUS Center during off-peak periods are not included in this study. This study does include additional traffic anticipated to be generated by the AUD expansion/NEXUS Center during typical peak periods, specifically the PM peak period, for ice/field practice time and employees as part of the future no-build analysis since it is expected to be complete and operational by 2020.

Based on the information provided in the FEIS, including specific mitigation measures to be implemented with respect to each of these impacts, none of the potential cumulative impacts identified in this section are considered significant.

P. UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS

Certain potential adverse impacts cannot be fully avoided. These potential adverse environmental effects are identified below. However, based on the information provided in the FEIS, including mitigation to be implemented to reduce the significance of the impact, none of the unavoidable adverse environmental effects identified in this section are considered significant.

Short-Term Effects

The Project will result in the following short-term effects that cannot be avoided:

- Short-term (construction phase) disruption to, and exposure of, soils
- Short-term and localized increases in construction-related dust and vehicle/equipment emissions
- Short-term disruptions to traffic due to construction activities, road closures and work within public rights-of-way
- Temporary construction-related noise
- Increased energy expenditures associated with construction activities.

Long-Term Effects

The Project will result in the following long-term effects that, while mitigated to the maximum extent possible, cannot be avoided:

- Demolition of existing buildings within the project footprint
- Demolition of buildings identified as contributing to a historic district or as eligible for inclusion on the National or State Registry of Historic Places
- Relocation of existing businesses
- New traffic patterns due to permanent closure of existing roads
- Periodic noise events from emergency helicopter access/egress
- Modified viewshed

Q. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The natural and human resources that will be consumed, converted, or made unavailable for future use by implementation of the Project are summarized below. However, based on the information provided in the FEIS, including mitigation to be implemented to reduce the significance of the impact, none of the unavoidable adverse environmental effects identified in this section are considered significant.

Land

Implementation of the Project will require the long-term commitment of resources from the land. Raw materials such as soil, sediment and other land resources will be utilized. These same land resources are currently utilized by the existing land uses, which will be removed to facilitate implementation of the Project.

Materials

Natural and anthropogenic materials will be consumed during the construction and operation of the Project. Materials will be utilized directly during the on-site construction and operation of proposed facilities and activities, as well as indirectly in the transportation of other materials, services, and people to and from the Project site. Construction-related materials include lumber, petroleum products, metal, and synthetics. Implementation of the Project will require the irretrievable commitment of these resources.

The Project involves the demolition of existing facilities. As noted in Section 3.13, contractor(s) will develop waste management plans with incentives to reuse and/or recycle C&D debris, as appropriate. Contractors will have the option to select and implement alternative options and methodologies to lessen the commitment of natural resources.

Infrastructure and Services

Implementation of the Project will require the commitment of infrastructure and services such as water, sewer, electricity, natural gas, telecommunications, highway, solid waste and police and fire protection services. The following infrastructure and services would be committed to the Project; many of these same resources are currently committed to existing land uses within the Project footprint:

- Water for potable, sanitary, and fire protection needs
- Sanitary sewer conveyance and treatment capacity for wastewater discharges
- Electricity and natural gas use
- Fiber optic/telecommunication capacity
- Solid and regulated medical waste management facility capacities
- Police and fire protection services (no anticipated increase)

R. ALTERNATIVES

The SEQRA Regulations (6 NYCRR Part 617) require the consolidation and evaluation of "a range of reasonable alternatives, which are feasible considering the objectives and capabilities of the Project Sponsor." The objectives and capabilities of the project sponsor (MVHS) are as follows:

- Consolidation of multiple, existing, licensed health care facilities into an integrated system of care, within the largest population center in Oneida County (as stated in MVHS' CON application; see Appendix A). Within its CON application submitted to the NYSDOH, MVHS indicated that the consolidation will result in the following public benefits:
    - Provision of one integrated location for acute care with greater access to residents of the City of Utica, Oneida County and the region;
    - Improvements to operational efficiency, patient satisfaction, and safety for both patients and caregivers;
    - Creation of a structured delivery system, ending current service fragmentation, and increasing service integration and coordination of work of the hospitals and other community-based organizations; and
    - Reduction of gaps/inefficiencies in care coordination, alignment with payment reform and rebalance healthcare delivery through the reduction in the number of hospital beds as care is shifted from an inpatient care model to an outpatient care model focused on population health.
- Compliance with the Oneida County Health Care Facility Transformation Program, a law enacted by the New York State Legislature in 2015, which provides capital funding ($300

million) “in support of projects located in the largest population center in Oneida County that consolidate multiple licensed health care facilities into an integrated system of care.” (https://www.nysenate.gov/legislation/laws/PBH/2825-B) The location and centralization of the Project within the central business district of Utica can become a catalyst for ongoing and future development of the region.

The FEIS identified and addressed the potential impacts that would result from the following alternatives:

- No Action
- Alternative Sites
- Alternative Magnitude
- Alternative Design
- Alternative Timing

No Action Alternative

Consideration of the No Action Alternative is mandated by SEQRA and is intended to provide an assessment of the expected environmental impacts if no action on the proposed Project is taken. Thus, the No Action Alternative assumes that the Proposed Action would not be implemented (i.e., none of the discretionary approvals proposed as part of the proposed Project would be adopted). Under the “no action” alternative, potential development scenarios range from a continuation of the status quo conditions (i.e., continued operation of existing businesses under a no growth scenario and continued deterioration of already vacated and dilapidated buildings and properties) to a maximum build-out scenario consistent with the City’s existing zoning designation (Central Business District, CBD30).

Many of the significant adverse impacts anticipated for the Proposed Actions would not occur with the No Action Alternative. However, over time, the No Action Alternative would likely result in potentially significant adverse socio-economic impacts due to the need for funding to demolish uninhabitable, vacated and/or abandoned buildings; repair neglected infrastructure; and/or remediate impacted sites/buildings.

The No Action Alternative would not meet the goals and objectives of the Project Sponsor. Under the “No Action” alternative, the existing MVHS facilities would not be consolidated to an integrated health campus and would continue to operate and be maintained as they are at present. Under this scenario, the greatest potential adverse impact would be to the community, which would not benefit from the transformative, positive impacts on regional healthcare and revitalize a blighted area.

Alternative Sites

MVHS is a private project sponsor. Discussion of alternative sites is appropriate for private project sponsors when they have already evaluated alternative sites in developing the proposal for a private action, and desires to include that analysis in the DEIS. MVHS evaluated a reasonable range of alternative locations to determine which would be feasible considering its own objectives and capabilities.

MVHS's decision, to locate the new healthcare campus in downtown Utica was made after extensive research and studies were performed. Criteria analyzed in these studies included access to the site by the populations served, environmental impacts and infrastructure requirements. Specifically, an initial study was performed by Elan Planning, Design, & Landscape Architecture, PLLC (Elan) and O'Brien & Gere Engineers, Inc., which prepared a comprehensive site evaluation of 10+ sites within Oneida County that could support a replacement facility. Those 10+ sites were narrowed to three sites that were studied more closely. That report, issued on June 12, 2015 and included as part of the FEIS, recommended the downtown Utica location. Subsequently, Hammes Company, retained by MVHS, provided a second opinion on the site recommendation of the initial study, ultimately confirming the recommendation of the downtown site as the best option for MVHS to pursue.

Some of the reasons for downtown site advantage included:

- To act as a catalyst for urban redevelopment in a blighted area. MVHS provides a well-funded project that can address this portion of the City and the features that have blighted this area of the City for decades while providing important public benefits.
- Water pressure and capacity are very good. Water capacity is sufficient to accommodate fire flows without onsite storage of water.
- The Downtown site is relatively close to National Grid's Terminal Substation located to the north at Harbor Point. The Terminal station has two transformers and distribution buses. Dedicated underground cables can be provided to the new hospital. This would provide a high level of reliability.
- The City street grid is an asset. Multiple routes can be used to arrive at the hospital.
- The site is less than two miles from the Thruway, less than 0.5 miles from the North-South Arterial (NYS Routes 5, 8 and 12), and located along Oriskany Street (NYS Routes 5A and 5S).
- The Downtown location has the benefit of being planned in conjunction with the NYSDOT's Oriskany Street/5S project allowing the access needs of the hospital to be addressed as part of the original re-design of the roadway.
- The site is readily available to public transit.
- The site has high visibility.
- Sustainability/smart growth – Re-purposing urban parcels is considered a sustainable initiative as higher density in the urban environment minimizes the need for energy, allows for non-motorized types of transportation, and increases the efficiency for the delivery utilities and services.
- The site will not encroach on an existing residential neighborhood.
- The site is part of a broader downtown revitalization vision.

Many commenters indicated that the IHC should be undertaken on the existing St. Luke's campus. According to MVHS, undertaking the IHC as an expansion to St. Luke's would be costly and difficult to achieve. For example, room sizes, door sizes and configuration create potential for falls, transfer difficulties and general movement of patients. In addition, patients are

exposed to public areas and there is no clear separation of public and patient support. Furthermore, HVAC, communication, and pressurization systems are not optimal and upgrading existing space can be difficult and costly. The age of St. Luke's does not provide for long term sustainability and would eliminate certain energy-efficiencies.

MVHS has stated, and the Planning Board agrees that the downtown site is the one that best meets the goals and objectives of the applicant. The downtown Utica location was and still is the best location to satisfy all the goals and objectives of the Applicant, which include providing one integrated location for acute care with greater access to residents of the City of Utica, Oneida County and the region, particularly those populations of refugees and low-income individuals; to improve operational efficiency, patient satisfaction, and safety for both patients and caregivers; attracting new and younger providers; and to act as a catalyst for economic growth in downtown Utica in compliance with the Oneida County Health Care Facility Transformation Program Law that requires the facility to be constructed in the largest population center in Oneida County.

Alternative Magnitude

Based on information provided in the NYSDEC's SEQRA Handbook, consideration of alternative scales or magnitudes may be reasonable under the following circumstances:

- Some or all potential impacts of the action can be avoided or reduced by a change in project size;
- The change in project size does not reduce the project to the point where it will no longer serve its intended function. For example, a communication tower may require a minimum height for effective operation; or
- The reduction in project size may decrease potential profit, but does not make the project infeasible.

As indicated in the CON application, multiple facility options were analyzed, including:

- Maintaining both hospital sites (FSLH and SEMC);
- Consolidating one facility into the other facility based upon available land, feasibility with phasing and logistics; and
- Consolidating both facilities to a new campus.

The IHC will consolidate operations, resulting in a reduction in square footage and the number of beds, while meeting the community's future healthcare needs. In addition, the vertical build (tower) of the hospital and sharing of the parking garage further reduces the IHC footprint.

Based upon its analysis, MVHS decided that the option of consolidating both facilities to a new campus would be the most effective option. First, it would give MVHS the opportunity to improve patient access to serve the County's largest population center, which includes the 4th largest refugee program in the United States. Secondly, consolidating services to a single site would improve operational efficiency and maximize resources (including physicians and employees). Thirdly, a new, consolidated site will enable MVHS to reduce infrastructure and energy cost/consumption for decades to come. The existing SEMC and FSLH facilities were

constructed in 1917 and 1957, respectively. A single campus would reduce the overall building square footage from 928,000± sf to approximately 670,000± sf (a 28% decrease).

Alternate Design

The Project Sponsor continues to review and refine the Project design, which, to date, has resulted in a minimization of the Project footprint, modifications to access locations to facilitate access and traffic flow, an increase in greenspace, and addition of architectural elements to increase consistency with the surroundings. These types of design reviews and value-added vetting activities, which would occur regardless of the Project site, will continue as part of the site plan review process that will be undertaken by the Planning Board. No significant modifications, which would substantially change potential impact types and magnitudes, are anticipated.

Alternative Timing

Based on information provided in the NYSDEC's SEQRA Handbook, consideration of timing or phasing alternatives may be reasonable in the following circumstances:

- The timing or phasing are necessary to avoid impacts to seasonal or temporary aspects of environmental resources, such as spawning or nesting seasons for certain fish and wildlife; or
- The timing or phasing alternative would not delay the start or extend the overall schedule of a proposed action to the point that project feasibility would be threatened.

Neither of those considerations are relevant to the proposed Project. If the Project is extended beyond the projected 40-month build-out, it is anticipated that the type and magnitude of impacts will not change. However, in an extended schedule scenario, the type and magnitude of impacts assessed within this EIS would be extended over a longer period.

Conclusion

The IHC in the downtown location as proposed by MVHS is the alternative that best minimizes impacts to the environment while providing significant beneficial impacts in terms of revitalizing a blighted area, secondary economic growth, and better serving the populations most in need of healthcare, as well a meeting MVHS's goals and objectives for the Project.

CERTIFICATION TO APPROVE/FUND/UNDERTAKE:

Having considered the Draft Environmental Impact Statement and the Final Environmental Impact Statement, and having considered the preceding written facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, the Planning Board certifies through this Statement of Findings that:

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

City of Utica Planning Board

Name of Agency

Signature of Responsible Official	Name of Responsible Official
Title of Responsible Official	Date

ADDRESS OF LEAD AGENCY: City of Utica Planning Board
Attention: Mr. Brian Thomas, Commissioner
Department of Urban & Economic Development
1 Kennedy Plaza
Utica, NY 13502
Tel. (315) 792-0181

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