

**STATE ENVIRONMENTAL QUALITY REVIEW**  
**RESOLUTION ADOPTING INVOLVED AGENCY**  
**FINDINGS STATEMENT**  
**MAY 3, 2023**



**COSTCO PROJECT**

The Town of Guilderland Zoning Board of Appeals (“ZBA”) hereby resolves as follows:

WHEREAS, in November 2019 an application by Crossgates Releasco, LLC for a Special Use Permit was filed with the ZBA for a ±163,000 square foot Costco facility, as described in the annexed SEQRA Findings Statement (the “Project”); and

WHEREAS, thereafter the Town of Guilderland Planning Board, acting as SEQRA Lead Agency, undertook the environmental review of the Project, resulting in completion of Draft and Final Environmental Impact Statements and the issuance of a Lead Agency Findings Statement dated August 28, 2020; and

WHEREAS, on March 22, 2023, the Planning Board filed a Site Plan Review Report with the ZBA that: 1) recommends that the ZBA, as a SEQRA Involved Agency, ratify and affirm the Planning Board’s August 28, 2020 SEQRA Lead Agency Findings Statement; 2) confirms that the recommendations of the Planning Board in the Site Plan Review Report are within the scope of the prior SEQRA review and 3) confirms that the Project meets all Site Plan approval factors set forth in the Town Zoning Law; and

WHEREAS, the ZBA is an Involved Agency in the Project’s SEQRA proceedings and the SEQRA Regulations require that all Involved Agencies make a written Findings Statement in all actions that have been the subject of a final EIS. 6 NYCRR617.6(b)(3)(iii), and

WHEREAS, in furtherance of this requirement the ZBA has evaluated the record of the SEQRA proceedings for the Project in light of its jurisdiction with respect to the application for the Special Use Permit, and has duly considered the annexed SEQRA Involved Agency Findings Statement for the Project,

NOW, THEREFORE, BE IT RESOLVED that, after due deliberation, the ZBA hereby adopts and incorporates in this Resolution the annexed Involved Agency Findings Statement.

This Resolution was adopted by a 4 - 0 vote (0 absent; 2 recused) of the Zoning Board of Appeals.

BY ORDER OF THE ZONING BOARD OF APPEALS

Dated: May 3, 2023

E. Lott   
Chairperson

**STATE ENVIRONMENTAL QUALITY REVIEW**

**INVOLVED AGENCY  
FINDINGS STATEMENT**

**MAY 3, 2023**

Pursuant to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law and 6 New York Codes, Rules and Regulations (NYCRR) Part 617 (collectively, "SEQRA"), the Zoning Board of Appeals of the Town of Guilderland, New York (the "ZBA"), as a SEQRA Involved Agency, hereby makes the following findings:

***NAME OF ACTION:***

**COSTCO PROJECT**

***INVOLVED AGENCY:***

Town of Guilderland Zoning Board of Appeals  
Guilderland Town Hall  
5209 Western Turnpike  
Guilderland, New York 12084  
Elizabeth Lott, Chairperson

***CONTACT PERSON:***

Jacqueline Coons, Chief Building and Zoning Inspector

***DATE DEIS FILED:***

February 19, 2020

***DATE FEIS FILED:***

July 31, 2020

**DATE LEAD AGENCY  
FINDINGS STATEMENT FILED:**

August 28, 2020

The Town of Guilderland Zoning Board of Appeals (ZBA) is a SEQRA Involved Agency in the Costco Project SEQRA proceedings. The SEQRA Regulations require that all Involved Agencies make a written Findings Statement in actions that have been the subject of a final EIS. 6 NYCRR617.6(b)(3)(iii). In making this Findings Statement, the ZBA has considered the relevant environmental impacts, information, and conclusions disclosed in the Draft and Final Environmental Impact Statements, the Lead Agency Town of Guilderland Planning Board's (Planning Board) SEQRA Findings Statement, the Project Sponsor's Application to the ZBA for a Special Use Permit pursuant to the Town of Guilderland Zoning Law, the Planning Board's Site Plan Review Report, and the complete record of proceedings in all of the above. (collectively, the "Record of Proceedings").

## **I. BACKGROUND**

**Name of Action:** Costco Project

**Location:** Northeast corner of the intersection of Western Avenue/Crossgates Mall Road/Johnston Road, Town of Guilderland, Albany County, NY

**Project Sponsor:** Crossgates Releaseco, LLC, and/or its affiliates, assignees

**Lead Agency for the Draft Environmental Impact Statement (DEIS):** Town of Guilderland Planning Board

**Lead Agency for the Final Environmental Impact Statement (FEIS):** Town of Guilderland Planning Board

**Description of Action:** Crossgates Releaseco, LLC is proposing a ±163,000 square foot Costco facility, including an 18 pump fuel facility, liquor sales and tire sales/installation on 16.46 acres +/- located in the Transit Oriented Development (TOD) District. Access to the site will be provided via three driveways, which includes a full access driveway from Gabriel Terrace; full access driveway from Crossgates Mall Road and right-in only driveway from Crossgates Mall Road. The applicant is proposing 770 parking spaces (which complies with the minimum and is less than the maximum parking spaces permitted), which includes 16 accessible parking spaces and electric vehicle charging parking spaces (collectively, the "Project").

## **II. State Environmental Quality Review (SEQRA) Process Chronology:**

July 2019	Determination to Act as Lead Agency by the Planning Board
August 2019	Positive Declaration Identifying Three Project Sites (including the Costco Site)
August 2019 – October 2019	Public Scoping Session Conducted

November 2019	Special Use Permit Application for Costco Filed
February 2020	DEIS Accepted as Complete
May 2020	Public Hearing Conducted and Comment Period Closed
July 2020	FEIS Accepted as Complete
August 2020	Lead Agency Findings Statement Issued
September 2020 – May 2022	Two lawsuits pursuant to CPLR Article 78 challenging the SEQRA proceedings and a related site plan approval by the Lead Agency Planning Board were commenced. The NYS Supreme Court, Appellate Division, Third Department decided both cases in favor of the Planning Board, dismissing all procedural and substantive SEQRA claims and affirming the comprehensive environmental review conducted by the Planning Board as SEQRA Lead Agency.  In Proceeding 1 (Hart), the Court held that, “In sum, examining the project as a whole, a comparison between what was proposed at the start of the two-year SEQRA process and the Planning Board's mandates in the August 2020 findings statement demonstrates that the Planning Board's review was proper and thorough and that the mitigation measures that [the Developer] was required to implement were appropriate... Accordingly, [the Court found] that the Planning Board “took the requisite hard look at the project's anticipated adverse environmental impacts ... and provided a reasoned elaboration of its basis for approving the project, including the remedial measures to be employed to mitigate adverse impacts.”  In Proceeding 2 (Save the Pine Bush), the Court held that “It is, in sum, apparent that the Planning Board took the requisite hard look at the potential environmental impacts of concern to petitioner and offered thorough explanations for its determination... Thus, we perceive no reason to depart from our prior decision upholding the Planning Board's SEQRA determination.”
March 2023	Planning Board Site Plan Review Report and Recommendation to ZBA regarding SUP Issued

**III. Facts and Conclusions in the DEIS, FEIS, Lead Agency Findings, and Supporting Documents Relied Upon to Support the Decision:**

In preparing this Involved Agency Findings Statement, the ZBA has considered the Record of Proceedings described In Section II, and hereby incorporates that Record herein by reference.

This Involved Agency Findings Statement focuses on matters in the Record of Proceedings related to the ZBA's jurisdiction concerning the Special Use Permit.

Environmental impacts that have been satisfactorily addressed in the Record of Proceedings and the review and consideration by the ZBA include the following:

#### **A. Land Use and Zoning**

1. As noted above, the Project proposes an approximate 163,000 square feet Costco retail facility, including an 18 pump fuel facility, liquor sales and tire sales/installation on 16.46 acres +/- located in the Town's Transit Oriented Development (TOD) District. As evaluated in the Final Environmental Impact Statement ("FEIS"), the Costco Project on Site 2 is a permitted use within the TOD, subject to issuance of a Special Use Permit ("SUP") by the ZBA as an involved agency. Permitted uses subject to issuance of a SUP include "regional shopping centers" and "General Retail" and "automobile service centers, including gas service stations.
2. In Proceeding 1 (Hart), the Court found that New York statutes define a special use permit as the authorization of a particular land use that is permitted in a zoning law subject to specific requirements that are imposed to assure that the proposed use is in harmony with the immediate neighborhood and will not adversely affect the surrounding properties. It is well established law in New York that the inclusion of special use permit uses in a zoning code is tantamount to a legislative Town Board finding that the permitted use is in harmony with and compatible to existing adjacent land uses, and will not adversely affect those uses.
3. The Court in Proceeding 1 (Hart) also found: "In essence, although the Costco store may, to some, not be the most compatible use, the Planning Board properly viewed it in the context of the entire project. As such, the Planning Board considered not only the fact that the Costco store is a permitted use that complied with all of the design standards contained in Local Law No. 4, but also the other tangible benefits of the project, which directly aligned with the purpose of the Local Law. These factors included pedestrian and bicycle accommodations and improvements. Also, the Planning Board considered access management and transit improvements in design and layout, including the reduction of lanes on Crossgates Mall Road, the construction of a new roundabout to process traffic more efficiently, the reconfiguration of a major intersection to reduce vehicular speed and a new CDTA bus stop, which CDTA confirmed would ease congestion, improve safety and result in a "marked improvement for customers" in the area. The Planning Board proposed the construction of a new connector road to Crossgates Mall Road, and numerous project design features to prevent noise and visual and other impacts. All told, the Planning Board discharged its duty and took the requisite hard look as to compatibility and satisfied its obligations under SEQRA (case omitted)."
4. The Project was evaluated for its consistency with the Westmere Corridor Study (WCS) and provisions of the TOD in the DEIS, FEIS and Findings Statement, which found

consistency and permissibility of the use, which was confirmed by the Court, and a more recent memorandum dated March 23, 2023 to the ZBA from the Town Planner following a unanimous (6-0) recommendation from the Planning Board. Having considered these materials, the ZBA specifically adopts, ratifies and re-affirms and incorporates by reference such reasoning into this Findings Statement.

5. Regarding site design, the elevation of the Costco building will be lower than the elevation of Crossgates Mall Road, ranging from 7' to 14' lower depending on the location within the site.
6. The elevation of the Costco building at the entrance is 282'. The elevation of the top of the retaining wall (highest point) on the west side of the site, adjacent to Crossgates Mall Road, is 297'.
7. Noise produced from the site will have lesser impacts on surrounding uses, particularly the residential uses located west of the site, due in part to the building be lower in elevation as it relates to the elevation of Crossgates Mall Road.
8. The applicant is proposing 16' tall poles with LED's for parking lot lighting. The height of the poles complies with the maximum height allowed in the TOD District.
9. The lighting plan indicates all proposed lighting is in compliance with the lighting code, with the maximum illumination level at the property line not exceeding 0.2 footcandles.
10. Parking facilities are consistent with the requirement of the TOD and Zoning Law.

Based on the facts above, the ZBA finds that potential land use and zoning impacts have been minimized to the maximum extent practicable through the design of the Project.

## **B. Traffic and Transportation**

1. Considerable attention has been given to potential traffic related impacts. The Lead Agency Findings Statement contained significant analysis of traffic and transportation impact and imposed numerous traffic mitigation measures to be completed in connection with the Costco project.
2. Following the adoption of the Lead Agency Findings Statement, during the course of the Planning Board's Site Plan Review conducted as part of this SUP proceeding, the Site access, on-Site circulation and off-Site road improvements were further evaluated in detail by the Planning Board and its expert traffic consultant, GPI Engineering. Consistent with this thorough review, the Site Plan was updated with more detailed plans for on and off-Site traffic improvements, including the following:
  - A plan showing the reorientation of the building to face Western Avenue and associated additional parking, circulation, pedestrian, landscaping, and access site improvements submitted to the Town on March 10, 2023

- A plan showing the relocation and reconfiguration of the western access drive to Crossgates Mall Road and a signalized Gabriel Terrace intersection with Crossgates Mall Road
  - A traffic analysis, including traffic signal warrants, site distance evaluation and queueing length requirements at the western access drive to Crossgates Mall Road and the Gabriel Terrace/Crossgates Mall Road intersection
  - A traffic signal analysis on Crossgates Mall Road for synchronization and road sensor requirements
  - A review of and revisions to the “road diet” for Crossgates Mall Road, including center lane gore striping, mountable curbs, potential planting areas, and implementation of the Westmere Fire Department recommendations
  - A review of and revisions to on-site circulation to meet the requirements of the Westmere Fire Department, and completion of the items listed on the attached April 16, 2023 letter from the Westmere Fire Department prior to issuance of a building permit.
3. The Town’s traffic TDE and the Applicant’s traffic engineer reviewed these updates in detail, and any potential associated impacts therewith were properly addressed
  4. As a result of this analysis, the Town’s and the Applicant’s experts concluded that no significant adverse traffic impacts would occur, provided the improvements required in the Planning Board’s SEQRA Findings Statement and additional measures were incorporated into the Project, as follows:
    - Installation of a roundabout at the intersection of the I87 exit/entrance ramps and Crossgates Mall Road. Construction of the roundabout is expected to commence on or about April 3, 2023. The roundabout was required by the NYS Department of Transportation as part of the Environmental Impact Statement (EIS) adopted by the Planning Board in August 2020, which included the Costco site and two other sites adjacent to Crossgates Mall. The roundabout was required to address an existing high rate of accidents at this intersection (20x the national average). A condition of the EIS requires the roundabout to be operational prior to Costco opening for business. The roundabout is also a critical roadway infrastructure improvement for CDTA's new bus rapid transit 'Purple Line', providing improved access between Broadway in downtown Albany and Crossgates Mall. Construction of the Purple Line commenced in 2022.

- Road diet on Crossgates Mall Road, which includes decreasing the existing 4-lane roadway to two lanes and installing dedicated turning lanes at major intersections.
- Installation of landscaped medians on Crossgates Mall Road, which act as traffic calming.
- Gabriel Terrace is currently accessed from Western Avenue and terminates as a dead-end street. Gabriel Terrace will be improved and extended to intersect with Crossgates Mall Road, creating a 4-leg, signalized intersection with crosswalks. A new sidewalk will be installed on the north side of this intersection providing improved pedestrian connectivity from Crossgates Mall Road to the area of Dick's Sporting Goods.
- A new 10' wide multi-use trail will be installed around the perimeter of the Costco site, on Crossgates Mall Road and Gabriel Terrace, improving pedestrian connectivity to the Costco site and surrounding sites. The multi-use trail will also extend to the Homewood Suites/Tru by Hilton located east of the Costco site.
- Removal of the existing exit ramp on the west side of intersection of Crossgates Mall Road. Vehicles can currently use the ramp at high rates of speed. Removal of the ramp will require all vehicles to travel through a signalized intersection, which will slow vehicle speeds and increase pedestrian safety.

Based on the facts above, the ZBA finds that potential traffic and transportation impacts have been minimized to the greatest extent practicable through the design of the Project and that impacts on traffic will be mitigated by the Project's adherence to the approved plans and mitigation measures.

### **C. Threatened and Endangered Species.**

1. The ZBA has examined the reclassification of the Northern Long Eared Bat (NLEB) effective on March 31, 2023 from a threatened species to an endangered species, and the potential loss of summer habitat at the site through tree cutting activities to construct the Project.
2. Any potential impacts on the NLEB were originally identified, analyzed and elaborated upon in the Record of Proceedings, which the ZBA has adopted and incorporated by reference.
3. The recent change in classification of the NLEB was evaluated by B. Laing Associates in their letter reports dated January 9, 2023 and March 21, 2023. The letter reports found:

A. January 9, 2023 B. Laing Associates Report

Even though the listing of northern long-eared bats as endangered is new, this species was analyzed during all of B. Laing Associates' reviews of development in the vicinity of Crossgates Mall including the proposed Costco site along Crossgates Mall Road and Western Avenue. As such, this office has considerable data on this species at this location. To date, B. Laing Associates has not observed or recorded northern long-eared bat on any of the Crossgates Mall sites during the summer breeding season. In addition, the winter hibernacula that northern long-eared bats use are well studied and monitored for white-nose syndrome, and the locations are well mapped. The closest northern long-eared bat winter hibernaculum to the Crossgates Mall is approximately 7.9 miles to the east.

Based on our review of the SEQRA record for the Costco/Western Ave. Redevelopment Projects, our extensive and long-term work at and in the vicinity of Crossgates Mall, and considering that the primary threat to northern long-eared bats continues to be the white-nose fungus and not tree removal, it is of the opinion of this office that the recent reclassification of the northern long-eared bat does not require further environmental review and the Town of Guilderland should be able to rely on previous findings under the State Environmental Quality Review Act.

B. March 21, 2023 B. Laing Associates Report

The trees on site were surveyed as a part of the original SEQR work for this project. The majority of the trees standing along the long-abandoned section of "Old Rapp Road," are largely cottonwood (*Populus deltoides*) in addition to black locust (*Robinia pseudoacacia*), among others. Shagbark hickory (*Carya ovata*), or other common NLEB habitat trees were not observed anywhere on the proposed Costco site. The remaining trees which exist throughout the unoccupied residential lots are mostly white pine (*Pinus strobus*) and ornamental trees which also not considered suitable NLEB habitat.

The seasonal tree cutting restriction is not required by the NYSDEC at this site. Paul Novak, Wildlife Diversity Biologist at the NYSDEC, wrote that the "project site is beyond the distance to the nearest Northern long-eared bat hibernaculum that would require that all tree cutting be done within the November 1-March 31 window." See enclosed documentation. Regardless of the species of trees that exist, the project can clear most of the trees during the unrestricted winter time frame (i.e., when bats are in underground winter hibernaculum)....

In summary, it is of the opinion of this office that the recent reclassification of this species does not require further environmental review (including additional field efforts) and the Town of Guilderland should be able to rely on previous findings under the State Environmental Quality Review Act. If I can be of any assistance in this matter, please do not hesitate to contact me as provided in our letterhead, above.

4. Therefore, development of the Costco project will have no potential significant adverse environment impact in the NLEB or its change in classification from threatened to endangered species.

Based on the facts above, the ZBA finds that there are no potential significant adverse environmental impacts on the NLEB even considering its change in classification from threatened to endangered species.

#### **D. Greenhouse Gas and Climate Change**

1. The ZBA has examined and finds that the potential impact of the Project on greenhouse gas and climate change were identified, analyzed and elaborated upon in the Record of Proceedings, which the ZBA adopts and incorporates by reference. In addition, this issue was previously addressed by the Appellate Division in Save the Pine Bush v. Town of Guilderland, 205 AD3d 1120, where the Court found:

[A] report prepared during the SEQRA review process thoroughly assessed the potential air quality impacts of the project and development on the other two sites and anticipated that “[n]o significant air quality impacts” would result. The Planning Board embraced those findings, also pointing out that any air quality impacts would be mitigated via the construction of a roundabout that would slow traffic and reduce vehicle emissions. The Planning Board further found that any potential development was too limited in scope to have a significant impact on global climate change and that, because all three sites were accessible by public transit and existing roadways, it was consistent with land use planning aimed at reducing greenhouse gas emissions. Indeed, in response to concerns about those emissions, it was observed that a net reduction in emissions was possible in view of the fact that apartment dwellers at the project could walk or rely more upon public transit given the project's location, and that Costco patrons, who presently travel 87 miles to the nearest Costco, would drive less if a local Costco were built.

It is, in sum, apparent that the Planning Board took the requisite hard look at the potential environmental impacts of concern to petitioner and offered thorough explanations for its determination. Although petitioner continues to argue that the studies upon which the Planning Board based its findings were incomplete and inaccurate, we cannot conclude that its decision to rely upon them “was irrational, nor may we substitute our judgment as to the accuracy of the data presented” (Case omitted).

No new information or change in circumstances that have been reviewed by the ZBA warrants further evaluation.

Based on the facts above, the ZBA finds that potential greenhouse gas and climate change impacts have been minimized to the greatest extent practicable through the design of the Project, and array of road improvements, and that such impacts will be mitigated by the Project's adherence to the approved plans and mitigation measures.

#### **IV. Scope of Environmental Impact Analysis in the Record of Proceedings**

1. The Planning Board, as Lead Agency, examined the potential environmental impacts of the overall proposed action, including Site 2 – Costco. In other words, the FEIS examined the whole action and identified, examined, and evaluated relevant areas of environmental concern on the following topics:
  - Biological, Terrestrial, and Ecology
  - Historic, Cultural, and Archeological Resources
  - Traffic and Transportation
  - Land Use and Zoning
  - Character of the Community and Neighborhood
  - Schools, Community Facilities, and Municipal Services
  - Air Quality and Noise
  - Municipal Revenues and Finances
  - Alternatives
  - Water Resources
2. The Planning Board’s procedural and substantive environmental review was judicially sustained in two separate lawsuits. The Planning Board examined the updated site plans and found “the Site Plan updates recommended in this site plan review report have been fully analyzed by Planning Board and are within the scope of the previous SEQRA review conducted by the Planning Board as SEQRA Lead Agency. These recommendations do not raise any new issues or significant adverse impacts requiring additional SEQRA proceedings.”
3. As an Involved Agency, the ZBA has examined the Costco SUP application and updated site plans, which are consistent with the site plans evaluated by the Planning Board as SEQRA lead agency during the environmental impact statement process, except as noted herein.
4. The changes to the site plan identified were reviewed and analyzed by the ZBA, the Town’s expert consultants and Town staff, and are consistent with the site plans that were evaluated in the FEIS and do not result in the identification of any potential significant adverse environmental impacts.
5. A Supplemental EIS may be required to address "specific significant adverse environmental impacts not addressed or inadequately addressed in the EIS," arising from, inter alia, changes in the project (6 NYCRR 617.9 [a] [7] [i]). A decision to require a SEIS "must be based upon . . . the importance and relevance of the information; and . . . the present state of the information in the EIS" (6 NYCRR 617.9 [a] [7] [ii]). "A lead agency's determination whether to require a SEIS is discretionary" and will be upheld unless such determination "only if it is arbitrary, capricious, or unsupported by the evidence". The FEIS identified all relevant environmental impacts which are likely to result from the Project. A supplemental environmental impact statement is neither warranted nor required.

A supplemental environmental impact statement would not aid the ZBA in its review of the updated changes which result in no potential significant adverse environmental impacts.

6. In this Findings Statement, the ZBA has considered the relevant environmental impacts, facts and conclusions disclosed in the FEIS and evaluated the updated site plans, and the March 22, 2023 recommendation from the Lead Agency, Planning Board, that also evaluated the updated Site Plans and suggested additional revisions thereto.
7. In this Findings Statement, the ZBA has weighed and balanced relevant environmental impacts with social, economic and other considerations.
8. The ZBA hereby concurs with, adopts, reaffirms, and incorporates by reference the SEQRA Lead Agency DEIS, FEIS and Findings Statement adopted by the Planning Board.

## **V. Conditions/Mitigation Measures**

### **A. Off-Site Improvements**

- Installation of a roundabout at the intersection of the I87 exit/entrance ramps and Crossgates Mall Road. A condition of the EIS requires the roundabout to be operational prior to Costco opening for business.
- Road diet on Crossgates Mall Road, which includes decreasing the existing 4-lane roadway to two lanes and installing dedicated turning lanes at major intersections.
- Installation of landscaped medians on Crossgates Mall Road, which acts as traffic calming.
- Gabriel Terrace will be improved and extended to intersect with Crossgates Mall Road, creating a 4-leg, signalized intersection with crosswalks. A new sidewalk will be installed on the north side of this intersection providing improved pedestrian connectivity from Crossgates Mall Road to the area of Dick's Sporting Goods.
- A new 10' wide multi-use trail will be installed around the perimeter of the Costco site, on Crossgates Mall Road and Gabriel Terrace, improving pedestrian connectivity to the Costco site and surrounding sites. The multi-use trail will also extend to the Homewood Suites/Tru by Hilton located east of the Costco site.
- Removal of the existing exit ramp on the west side of the intersection of Crossgates Mall Road. Removal of the ramp will require all vehicles to travel through a signalized intersection, which will slow vehicle speeds and increase pedestrian safety.

## B. On-Site Improvements

- The Coscto site plans have been updated, as more set forth in Applicant's letter dated April 11, 2023, by incorporating many of the suggestions contained in the Planning Board's site plan review report. The ZBA includes the following as conditions:
  - The Applicant shall convey the ±1.5 acre off-site greenspace area identified on the site plan to the Town of Guilderland, or the property shall be deed restricted.
  - All pedestrian improvements, signalized and unsignalized intersection design, traffic control device improvements shall meet ADA/PROWAG/NYS DOT/MUTCD guidelines.

## C. Completion of any open items on the following letters/memorandum and applicant responses prior to issuance of a building permit:

- Attached April 16, 2023 letter from the Westmere Fire Department.
- April 19, 2023 memorandum from the Town Engineer and April 26, 2023 response from Colliers Engineering.
- April 19, 2023 letter from GPI, April 25, 2023 response from JMT, and April 25, 2023 email communication from GPI.

The ZBA has concluded that the Project has been designed, and where necessary, revised to avoid, minimize, or mitigate to the maximum extent practicable, adverse environmental impacts potentially associated with the Project.

## **VI. CERTIFICATION TO APPROVE/FUND/UNDERTAKE:**

Having considered the complete EIS record, including the DEIS and FEIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.11, this Findings Statement certifies 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.

3. This action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

TOWN OF GUILDERLAND  
ZONING BOARD OF APPEALS

\_\_\_\_\_  
Signature of Responsible Official

\_\_\_\_\_  
Name of Responsible Official

\_\_\_\_\_  
Title of Responsible Official

\_\_\_\_\_  
Date

**Copies of the DEIS and FEIS were made available at:**

- Town of Guilderland Town Hall
- Online via a link on the Town of Guilderland

website: <https://www.townofguilderland.org/planning-board/pages/environmental-impact-statement-rapp-road-residentialwestern-avenue-mixed-use>

**Copies of this Findings Statement will be filed with:**

- Town of Guilderland Town Clerk
- Town of Guilderland Supervisor
- Involved Agencies
- The applicant
- Posted Online via a link on the Town of Guilderland

website: <https://www.townofguilderland.org/planning-board/pages/environmental-impact-statement-rapp-road-residentialwestern-avenue-mixed-use>