

The EIS must be rejected as inadequate, and the process reopened for a new Lead Agency to produce a revised Draft EIS that addresses all the open issues identified herein.

**Response 39:**

This comment demonstrates a basic misunderstanding of the SEQRA process. In fact, SEQRA specifically identifies information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies as a Type II action, not requiring further review. Likewise, conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action is also a Type II action under SEQRA. Although the County and the City may have agreed to assist with preliminary planning efforts, none of these actions committed either agency to approve the final action. In fact, such public/private interaction during the planning process is consistent with the very spirit of SEQRA.

The comment takes issue with the fact that nothing was done about SEQRA until an application was submitted that triggered its review. Yet, this is the precise process provided by the regulations. Neither MVHS nor any of the Involved Agencies was required to do more.

While this comment disagrees with the conclusions reached by MVHS in connection with its site selection decision, this opinion is based on the goals and objectives of the commenter and not on the goals and objectives of MVHS. See Responses 26, 28, 29, 32 and 35.

**Comment 40: Michael Galime, City of Utica Council President, Letter, 12/27/18:**

The site study did not include any financial implications for Utica, NY as a municipality, or the municipal energy and water delivery entities.

The site study did not include the current businesses and property owners in the Utica locations.

The site study treated all locations and pre-prepared assembled sites. Although there is a claimed need to build the hospital in the proposed location to garner the 300-million-dollar grant, this cannot be used as an [sic] to ignore that the site study did not include a clear state of the City of Utica.

The only guarantee that the site parcels may be assembled is via Eminent Domain. Under SEQRA, Eminent Domain is not guaranteed to remediate the impact to the affected businesses and property owners or the City of Utica. Eminent Domain will only remediate the issue of assembling the site for MVHS, who is not part of the current environment of the proposed site, and only a benefactor of the process.

The site study point system may have arrived at an inadequate conclusion due to the exclusion of key environment factors, which could render the proposed budget for the compilation of this project inadequate. This must be studied, and MVHS must respond with adequate remediation for the above-mentioned issues, and any new issues that may be found.

This should not rule out the current site, but the planning board (lead agency) must insure the real cost and impact of the current site use is stated, and insure that MVHS can complete, prior to approval.

**Response 40:**

These comments relate to the site study relied on by MVHS in connection with its decision to select the downtown Utica site for the new IHC. MVHS is a private entity, albeit one that serves the public health, with a specific set of goals and objectives. Accordingly, the criteria relied on in the site study were based on the capacity of the sites under review to serve the hospital operations. Nothing more was required. See Responses 26, 32 and 35 for more detail.

Once the Project Site was selected and the environmental review process commenced, the DEIS was prepared to consider the potential environmental impacts associated with the Project and ways to minimize or avoid those impacts. Although economic impacts are not required to be analyzed as part of the DEIS, economic considerations are important in the overall balancing required by SEQRA as part of each agencies' Findings Statement.

Here, the DEIS did evaluate the environmental impacts associated with the proposed water and energy usage and determined that there was adequate capacity in both areas to serve the IHC. Should any improvements be required, those improvements will be covered by MVHS as part of the Project. Likewise, the DEIS did consider the potential for hazardous substances to be uncovered and the Project budget includes money to address any remediation required.

With respect to the state of the City of Utica and the potential need for *eminent domain*, please refer to Responses 28 and 32.

Finally, a Lead Agency is not required to take a hard look at the economic feasibility of a project, particularly when public funding is involved. See *Kirquel Dev., Ltd. v. Planning Bd. of Town of Cortlandt*, 96 A.D.3d 754, 755 (2d Dept. 2012); *Tudor City Ass'n v. City of New York*, 225 A.D.2d 367 (1st Dept. 1996).

**Comment 41: Stephen N. Keblish, Jr., Resident (Utica), Email, 12/27/18:**

Rationales for selecting finalist sites. The site selection process, flawed as it was, determined that the Psych Center and Downtown were the best two sites. But no rationale is given for why the Psych Center was eliminated from final consideration. Additionally, it is not made clear why the Downtown site was selected over the St. Luke s site given that between those two options, St. Luke s offered fewer adverse environmental impacts and was already heal [sic] by MVHS.

**Response 41:**

MVHS is a private entity with its own goals and objectives and is free to make site selection decisions with those goals and objectives in mind. See Comment 25 and Responses 26, 28, 29, 32 33, 35 and 37.

**Comment 42: Stephen N. Keblish, Jr., Resident (Utica), Email, 12/27/18:**

Financial feasibility study. In September 2015, MVHS announced it chose Downtown, but retained St. Luke s as an alternative if Downtown proved financial infeasible (<https://www.uticaod.com/news/20160403/decision-made-new-hospital-to-be-built-in-downtown-utica>). However the study that determined feasibility is not included in the site selection analysis.

**Response 42:**

See Comment 25 and Responses 28 and 40.

**Comment 43: Stephen N. Keblish, Jr., Resident (Utica), Email, 12/27/18:**

The Site Selection Matrix.

- Mathematical Errors – The matrix using weighing to balance the results. However the wrong denominator was used in some cases. Additionally, scores were added after being rounded. By adding and then rounded, the results are more accurate. (See the revised matrix below.)
- Observational Errors – In several cases, points were awarded contrary to reality. Adjustments are made to reflect observational truth. (See revised matrix below<sup>29</sup>.)

<sup>29</sup> Included in Appendix B to this FEIS Responsiveness Summary.

- Omissions – Evaluations should have been conducted on a wide range of issues, especially as related to healthcare, public finances, Smart Growth, community plans, and project objectives. However, as stated in emails since, the project was guided from the beginning toward the outcome of steering the hospital toward the downtown location.
- Despite not having public support (see attached polling results<sup>30</sup>), there is an expectation that condemning authorities will be successful in executing eminent domain action to fully assemble the downtown site. Proving that the downtown site is in the public interest will require a full analysis.
- A Smart Growth analysis of the sites is added below to show how poorly the downtown site stands up outside the narrow set of parameter measured by EDGE.<sup>31</sup>

#### **Response 43:**

While the Commenter has a different opinion with respect to the site selection process, that opinion is based solely on his own personal goals and objectives. The Applicant's preferred site for a new integrated healthcare campus was, and still is, in downtown Utica. This is because the downtown Utica location was and still is the best location to satisfy all the goals and objectives of the Applicant, which include delivering higher quality, more effective care with better community outcomes at a lower cost; serving the largest, most diverse population in Oneida County; attracting new and younger providers; and spurring economic development and revitalizing downtown in compliance with the Oneida County Health Care Facility Transformation Program Law. See also Responses 1, 26, 28, 32, 33, 35, 37 and 38.

Public support is not required prior to the exercise of *eminent domain*. Considering the blighted nature of the site, 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, the Project will improve the entire area. In fact, the City's Urban Renewal Plan specifically authorizes the URA to condemn property in this area for economic development.

Finally, Development of IHC in Downtown Utica is the antithesis of sprawl and instead represents smart growth, by focusing on urban infill and concentrating growth in compact walkable urban centers. See Response 234.

#### **Comment 44: Thomas S. West, West Law Firm (on behalf of Brett Truett & NoHospitalDowntown). Letter, 12/27/18:**

The DEIS is incomplete for failure to append the entire site selection study. See DEIS, Appendix D (containing only the executive summary). This omission, in conjunction with the brief public comment period (with the comment deadline two days after Christmas), appears to be a calculated measure to preclude meaningful public review.

As fully detailed in the comments submitted by Frank Montecalvo, Esq., dated December 26, 2018 (Part I.K), selection of the Downtown Site for the IHC long preceded the commencement of any type of SEQRA review, rendering the site selection process described in the DEIS a total sham. As reflected in Mr. Montecalvo's comments, the site selection process was designed to have a pre-determined outcome; that is, (1) the Downtown Site was selected and promoted prior to any site study, (2) the consultants hired later to perform the site study were hired with the expectation and aim of designing the study to result in selection of the Downtown Site, and (3) the Applicant was strong-armed into approving the Downtown Site as its preferred choice. For this reason alone, the DEIS is fatally defective, and further analysis and a supplemental DEIS are required relative to site selection.

<sup>30</sup> Included in Appendix B to this FEIS Responsiveness Summary.

<sup>31</sup> The Commenter provided their own site selection matrix, which has been omitted from the comment narrative, but provided in its entirety for review within Appendix B to this FEIS Responsiveness Summary.

**Response 44:**

The full site selection study was appended as Appendix D to the DEIS. See Responses 26, 28, 32, 33, 35, 36, 37 and 38.

**Comment 45: Thomas S. West, West Law Firm (on behalf of Brett Truett & NoHospitalDowntown), Letter, 12/27/18:**

As for the substance of the executive summary, this, too, shows that the site selection process was anything but objective and impartial, as criteria were highly subjective and of questionable validity, and scoring of sites and the ultimate selection of the Downtown Site are suspect at best. In this regard, we adopt and incorporate herein by reference the comments of Mr. Montecalvo.

**Response 45:**

The criteria established here, the scoring of those criteria, and the ultimate site selection were all carefully considered in light of the Project Sponsor's objectives and capabilities and relevant environmental factors. See Comment 25 and Responses 26, 28, 32, 33, 35, 37 and 38.

**Comment 46: Thomas S. West, West Law Firm (on behalf of Brett Truett & NoHospitalDowntown), Letter, 12/27/18:**

The DEIS is fatally defective for failing to identify the St. Luke Campus as a practicable avoidance/mitigation measure relative to a host of significant adverse impacts associated with the Downtown Site, hence making the St. Luke Campus the alternative that avoids or mitigates adverse impacts to the maximum extent practicable.

**Response 46:**

See Responses 26, 28, 33, 35 and 37.

**Comment 47: Thomas S. West, West Law Firm (on behalf of Brett Truett & NoHospitalDowntown), Letter, 12/27/18:**

These impacts include, but are not limited to, the following:

- Impacts from contaminated soils due to prior industrial use of the Downtown Site (land, air [fugitive dust], surface water, ground water) would be avoided by developing the IHC on the St. Luke Campus.
- Massive impacts to community character, aesthetic resources and historic/archaeological resources would be avoided by developing the IHC on the St. Luke Campus.
- Material conflicts with community plans/goals would be avoided by developing the IHC on the St. Luke Campus, as the proposed uses are fully consistent with New Hartford zoning and plans, and the St. Luke Campus is currently being used for medical/health-related purposes.
- Impacts to human health from potentially catastrophic events related to the CSX rail line, and impacts to human health potentially resulting from excavation of contaminated soils on the Downtown Site, would be avoided by developing the IHC on the St. Luke Campus.
- Impacts to transportation/traffic (due to street closures/destruction of a portion of the Street Grid) would be avoided by developing the IHC on the St. Luke Campus.
- Impacts relative to environmental justice – *i.e.*, the displacement of this entire neighborhood and the charitable services located there – would be avoided by moving the IHC to the St. Luke Campus, as this site is already being used for an institutional use and would not require the displacement of any environmental justice area.

- The need to develop information on cumulative impacts relative to the Nexus Project would be avoided by developing the IHC on the St. Luke Campus.
- Were the IHC developed at the St. Luke Campus, it would result in a negligible increase of approximately 27 beds. Therefore, no new or significant increase in impacts should be expected at this site. That is, the nature and intensity of operational environmental impacts (*e.g.*, surface water, groundwater, air, aesthetic resources, transportation, utilities, energy, noise, odor, human health and solid waste impacts) would be minimal and certainly far less than at the Downtown Site.
- Last, but not least, issues regarding site access or invoking eminent domain (and the resulting disruption) do not exist at the St. Luke Campus, given that the Applicant owns this property. Relative to the Downtown Site, if the Applicant has the power of eminent domain, invoking that power will adversely impact and be disruptive to affected property owners; of course, any such impacts would be avoided by utilizing the St. Luke Campus for the IHC project. If the Applicant does not have the power of eminent domain, the inability of the Applicant to complete the consultation process required under article 14 of the PRHPL (and adequately identify and explore practicable mitigation measures in the SEQRA process) demonstrates that the Downtown Site is a defective site that should be excluded from analysis.

At the end of the day, the DEIS does not provide an adequate impact evaluation or cogent support for locating the IHC at the Downtown Site. Reduced to its essence, developing the IHC at the Downtown Site will result in massive unavoidable, unmitigable environmental impacts – including the destruction of a vibrant, historically and culturally significant neighborhood, in contravention of the City Master Plan and other officially adopted protections for historic districts. And, all of this havoc will occur, for the net benefit of 27 hospital beds, which readily could be incorporated into the existing medical campus at St. Luke’s and, thereby, avoid the broad-scale destruction of the Columbia-Lafayette neighborhood.

**Response 47:**

See Responses 26, 28, 32, 33, 35, 37, 38, 43 and 134. In addition, the DEIS, as well as many of the responses in this FEIS Responsiveness Summary, consider the impacts associated with contaminated soils due to prior industrial use of the Downtown Site (land, air [fugitive dust], surface water, ground water) (Response 142), impacts to community character, aesthetic resources and historic/archaeological resources (Responses 47, 60 and 63), community plans/goals (Response 144), human health (Response 134), transportation/traffic (Responses 76 and 77), Environmental Justice (Response 230), and cumulative impacts (Response 125) together with ways to mitigate or avoid

those impacts to the maximum extent practicable. Together with DASNY, MVHS has also reached agreement with OPRHP (see Response 63) thereby completing the consultation process required under article 14 of the Parks, Recreation and Historic Preservation Law (PRHPL).



**Figure 16. 335 Columbia Street Facing Southeast**



**Figure 15. 336 Columbia Street Facing South**

As noted in Figure 15 to Figure 23 and in the Phase 1A Architectural Inventory (DEIS Appendix E), the Columbia-Lafayette neighborhood is not a vibrant, historically and culturally significant neighborhood. It 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 20+ years. See also Response 32.



Figure 17. Haberer Building Looking Northwest (336 Columbia Street)



Figure 18. 338 – 358 Columbia Street Looking Northwest



**Figure 19. 406 Columbia Street  
Looking East-Northeast**



**Figure 20. 317 Lafayette Looking  
Northwest**



**Figure 21. 418 Lafayette Street  
Facing North**



Figure 22. 510 – 512 Lafayette Street Looking Northwest



Figure 23. 529 Oriskany Street Looking Northeast

### 3.4 LAND

**Comment 48: Frank Montecalvo, Attorney at Law, Letter, 12/26/18:**

Impact on Land: This topic is addressed in Draft EIS Section 3.1. Exposure to impacted soils due to past urban use is recognized to be a concern. The EIS needs to acknowledge that this concern could be mitigated by Relocation of the Project to the St. Luke’s Campus due to the relative lack of prior development there.

**Response 48:**

The purpose of SEQRA is to evaluate potential impacts compared to the baseline conditions of the selected site. The comment focuses on the St. Luke’s Campus as an alternative for the Project as proposed, and an analysis of that potential site was conducted. However, utilizing the St. Luke’s Campus as the Project Site would not achieve the Project’s goals and would entail significant additional costs to upgrade as detailed above. Even if the St.



Luke's site did satisfy MVHS's objectives, the impacts on land with respect to construction would be similar for either location.

See Responses 26, 28, 32, 35, 37 and 38.

### 3.5 SURFACE WATER

#### **Comment 49: Frank Montecalvo, Attorney at Law, Letter, 12/26/18:**

Impact on Surface Water: This topic is addressed in Draft EIS Sections 3.2 (Surface Water) and 3.9 (Utilities). Section 3.2. acknowledges that segments of the Mohawk River and Barge Canal down gradient from the Downtown site have impaired water quality, that runoff from the site could impact surface water, and that certain measures can be employed to mitigate these impacts. The following issues remain to be addressed, however:

Section 3.9 states that the new facility is expected to generate 187,000 gallons per day (gpd) of waste water; however, it also states that facility average water demand will be 500 gallons per minute (gpm), which equals 720,000 gpd. The 533,000 gpd difference between what is going into and what is coming out of the facility is unaccounted for, suggesting that the facility could potentially generate as much as 720,000 gpd (500 gpm) of waste water. Since that amount would be greater than the 360 gpm design flow that the local Publicly Owned Treatment Works (POTW) indicated it could accept (Draft EIS p3525/3527), there is a potential violation of the Clean Water Act that needs to be resolved.

#### **Response 49:**

Water demand is based on the maximum flow anticipated to be required by the hospital during the busiest times. Maximum flow values 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.

Similar to water demand, sanitary sewer discharge is not steady flow for the entire 24-hour period. The maximum design discharge for sanitary sewage leaving the hospital is estimated at approximately 387 gpm. Daily sewage discharge is anticipated to be 185,760 gallons.

The sanitary waste estimate does not correspond to the domestic water usage because some of the water does not get discharged to the sanitary sewer. Some of the water is used for cooking, cleaning, irrigation, humidification, human consumption, and other processes (cooling towers) which do not make it back into the sanitary sewer system. The estimates provided for water and sewer usage are approximate based on current sizing methodologies and statistics. It should be noted that all potable water entering the new IHC will either evaporate to the atmosphere, be returned to the sanitary sewer, be consumed and transported off-site, or in limited circumstances where appropriate, be discharged to the storm sewer.

#### **Comment 50: Frank Montecalvo, Attorney at Law, Letter, 12/26/18:**

Assuming that the POTW has sufficient capacity to handle the wastewater from the facility, it is not clear from the Draft EIS that all the wastewater will reach the POTW due to the combined sewers and Combined Sewer Overflows (CSOs) that exist in the City of Utica. As noted above, the facility will be a significant new source of waste water in Utica. The route that the waste water will take from the facility to its ultimate disposition in the environment needs to be identified and traced. The illustration of the sanitary sewers proposed to serve the facility (Draft EIS p98/3527) does not show the ultimate disposition point. If the facility's wastewater at any point flows past a CSO, some of it could end up in the River or Canal untreated, further impairing water quality, possibly causing a violation of the Clean Water Act, and/or leading to a reclassification of the CSO as an illegal Sanitary Sewer Overflow (SSO), which would lead to an environmental enforcement action against the City of

Utica. The EIS needs to clarify where the wastewater will wind up and whether it would exacerbate water quality impairment.

**Response 50:**

Wastewater from the hospital 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 Railroad Interceptor Sewer ultimately flows to the Oneida County Water Pollution Control Plant. The City of Utica operates a legally permitted Combined Sewer System (CSS), under the conditions of a SPDES Permit issued by the NYSDEC. The CSS is operated in accordance with the NYSDEC approved Long Term Control Plan (LTCP). The commentary above regarding the City’s permitted Combined Sewer Overflows (CSOs) and the legality of discharging additional flow to the CSS is incorrect.

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 hospital and other projects.

**Comment 51: Frank Montecalvo, Attorney at Law, Letter, 12/26/18:**

Given the recent demolition of the Tartan Textile Building to make way for the Nexus Sports Center, the sports-and-entertainment “U District” envisioned for the area next to the Auditorium and across Oriskany Boulevard from the Project site is no longer speculation. The potential generation of waste water and runoff from the U District needs to be examined with all the above as a Cumulative Impact.

**Response 51:**

As previously stated (see Response 50), results of hydraulic modeling indicated excess capacity in the State Street Trunk Sewer. In addition, the City has undertaken multiple CSO Control Projects (A1 through A4, A8.1 and A9.2, as described in the LTCP and summarized in DEIS Section 3.9) 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.

**Comment 52: Frank Montecalvo, Attorney at Law, Letter, 12/26/18:**

The Draft EIS fails to consider relocation of the Project to the St. Luke’s Campus as mitigation. (a) The number of patient beds will be close to those currently/historically on site, suggesting that the Project environmentally would be the replacement of an existing facility on site with no new impacts other than construction/demolition. (b) The federal wetland on-site naturally buffers surface water impacts. (c) Redirection of all sanitary waste flows through the Sauquoit Creek Pump Station will mean that no untreated waste will reach the River/Canal once current Consent Order work is completed. (d) There are no pending large projects nearby that would cause cumulative impacts.

**Response 52:**

See Responses 28, 48 and 50.

As described in the DEIS, potential surface water impacts at the Downtown Site can, and will be mitigated through Project conformance to the NYSDEC Stormwater Management Design Manual. The Commenter should note that sanitary flow from the majority of the St. Luke’s site flows to the City of Utica’s Combined Sewer

System, not the suburban sanitary sewer systems tributary to the Sauquoit Creek Pumping Station subject to the Consent Order mentioned above by the Commenter. The large-diameter sanitary sewer mains that are available at the Downtown Site are not available in the suburban sanitary systems. In fact, all municipal, non-City sewers within approximately ½-mile radius from St. Luke's do not exceed 8" in diameter, and would not be suitable for wastewater discharge from a new facility without significant upgrades.

**Comment 53: Frank Montecalvo, Attorney at Law, Letter, 12/26/18:**

Impact on Flooding: This topic is inadequately addressed in Draft EIS Section 3.2. On July 1, 2017, significant flooding (causing abandonment of cars, risk to human life, and property damage) occurred on a newly reconstructed and re-opened section of the North-South Arterial and adjacent Lincoln Avenue in an area labeled "area of minimal flood hazard" on the federal map. Per media reports State DOT officials claimed that their drains worked properly but indicated there was insufficient capacity in the storm sewers or receiving stream to prevent the flooding from occurring. This flooding occurred approximately one half-mile from and at a higher elevation than the Project site. The Draft EIS mentions this event (p 57/3527) but fails to elaborate on it in spite of the concern being identified during Scoping. The Project description indicates that some existing storm sewers will be removed, some will be used, and others will be constructed. However, the Draft EIS fails to reveal whether the Project will depend upon any of the systems that were overwhelmed by the 7/1/17 storm. That information should be put in the final EIS.

**Response 53:**

The flooding referenced by the Commenter occurred in a drainage area tributary to Nail Creek, which flows through the City in an enclosed culvert adjacent to the North-South Arterial from approximately Burrstone Road to Sunset Ave, where it turns slightly to the west and continues its northward travel just west of Sunset Ave, under the FX Matt Brewery, under Oriskany Street, eventually daylighting just south of the CSX railroad tracks near Haak Avenue.

The referenced floodwaters appear to have resulted from overland flow from the south and east that collected in a low spot in the newly constructed North/South Arterial, unable to continue downstream/downhill due to the center concrete barrier and the incline that rises to the north towards Court Street. The Project Site, although slightly lower in elevation, is hydraulically separated from the 7/1/2017 flooded area by the high spot in the North/South Arterial at Court Street, which essentially functions as a dam.

The existing and proposed storm sewers for the IHC Project do not rely on the drainage systems that were apparently overwhelmed by the 7/1/2017 storm. There are two separate storm sewer outfalls that may be utilized for the Project; one discharges to an open ditch east of Nail Creek, that then continues to Nail Creek just south of the CSX railroad tracks, and the other discharges directly to the Mohawk River, approximately 2,300-feet north of the Project Site. A third storm sewer outfall, which is currently in the planning phases, would be available to the Project Site, and will discharge directly to a low area connected to the Mohawk River east of the North/South Arterial and north of the CSX railroad tracks.

**Comment 54: Frank Montecalvo, Attorney at Law, Letter, 12/26/18:**

The Draft EIS acknowledges that full build out of the Project has the potential to increase stormwater runoff and exacerbate downgradient flooding during storms (p. 60/3527) but dismisses the issue with a statement that the Project will result in more pervious surfaces than now (implying less runoff). The Project's acres of new, unbroken pavement are expected to have a different water retention characteristic and likely will be less able to retain/slow/infiltrate runoff than the existing patchwork of old/broken pavement, sidewalks, roofs, yards, etc. Whether or not flooding will actually occur cannot be known without calculations using surface characteristics, areas, and design storms. The EIS should use the rainfall pattern of the 7/1/17 storm to produce a hydrograph of the runoff, and use same to determine if the storm sewers and streams serving the Project site have the capacity to carry away the storm water to the Mohawk River/Canal without creating urban flooding.