
Community Outreach & Participation Plan
PERMIT APPLICATION
FIGURES

1. Maps

Figure 1.1 Site Plan



McFarland Johnson

60 RAILROAD PLACE
SUITE 402
SARATOGA SPRINGS, NEW YORK 12866
P: 518-580-9380 F: 518-580-9383
mjinc.com

PROJECT MILESTONE
CONCEPT DESIGN

NO.	DATE	DESCRIPTION

CLIENT:
ALBANY PORT DISTRICT COMMISSION

BETHLEHEM, NEW YORK

PROJECT:
PORT OF ALBANY EXPANSION

DRAWN	NSO
DESIGNED	NSO
CHECKED	TCB
SCALE	NOT TO SCALE
DATE	MAY 2019
PROJECT	18437.00

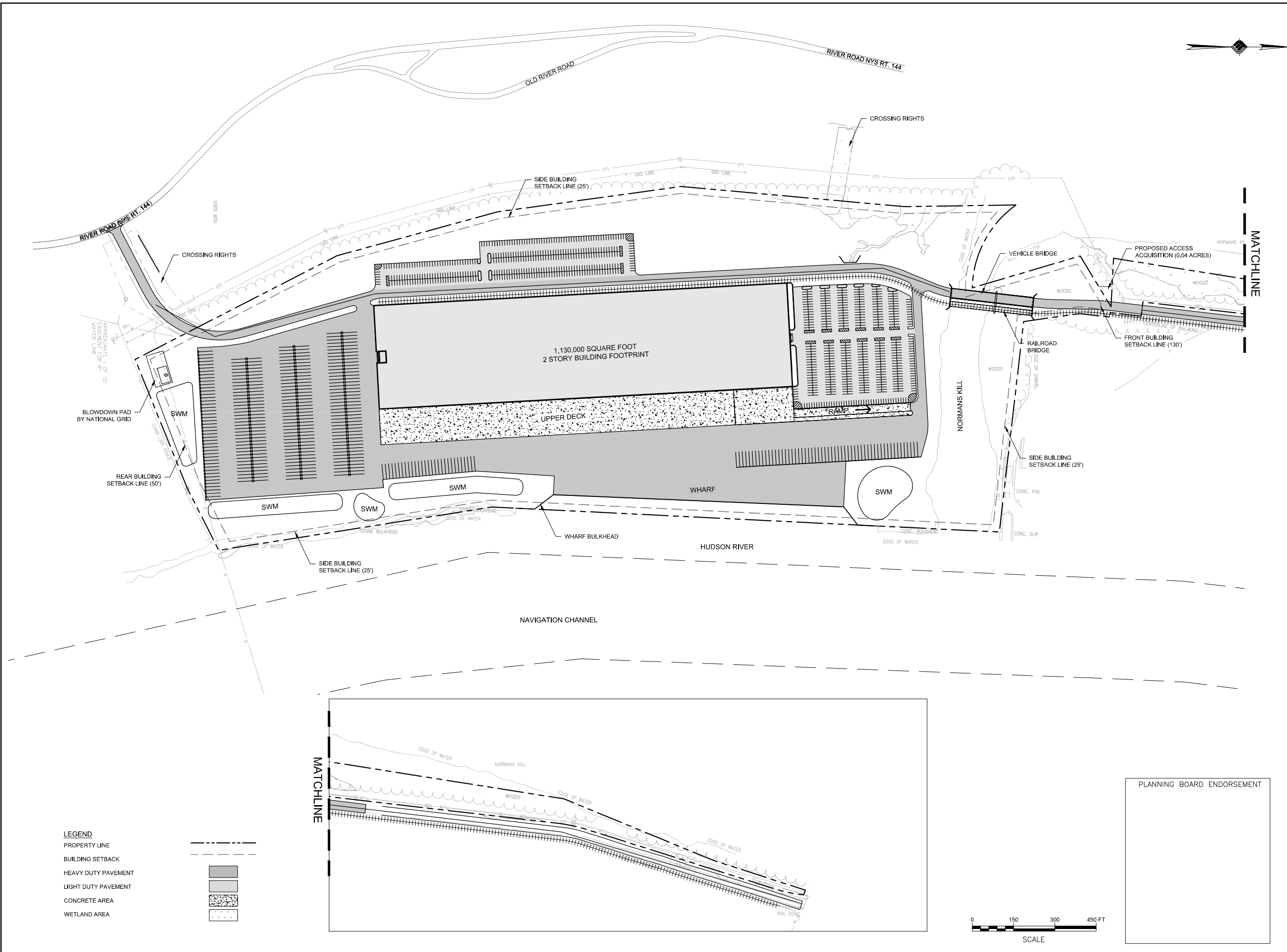
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECT DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

DRAWING TITLE

CONCEPT A

DRAWING NUMBER

**FIGURE 1.1
SITE PLAN**



LEGEND

- PROPERTY LINE
- BUILDING SETBACK
- HEAVY DUTY PAVEMENT
- LIGHT DUTY PAVEMENT
- CONCRETE AREA
- WETLAND AREA



PLANNING BOARD ENDORSEMENT

Figure 1.2 Building Photo Simulation Renderings



Location 1: at the end of South Port Street looking south into the site.



Location 2: at northwest property line of the project looking east into the site.



Location 3: on NYS Route 144 at the proposed southwest entrance to the project looking east into the project site.



Location 4: on Glenmont Road at the location of cleared vegetation allowing a view of the Hudson valley looking east toward the project.



Location 5: on the Hudson River looking west into the site.

Community Outreach & Participation Plan
PERMIT APPLICATION
APPENDICES

**Community Outreach & Participation Plan
PERMIT APPLICATION**

APPENDIX A

A. Contact List

Elected Officials	
Neil D. Breslin New York State Senate District 44	172 State Street, Capitol Building Room 430C Albany, NY 12247 Phone: (518) 455-2225 breslin@nysenate.gov
John T. McDonald III New York State Assembly District 108	Albany Office LOB 417 Albany, NY 12248 Phone: (518) 455-4474 McDonaldJ@nyassembly.gov
Daniel P. McCoy Albany County Executive	Harold L. Joyce Albany County Office Building 112 State Street, Room 1200 Albany, NY 12207 Phone: (518)447-7040 County_Executive@albanycountyny.gov
Lucille M. McKnight Albany County Legislator – District 1	79 Third Avenue Albany, NY 12202 (518)463-9883 Lmknight@mycap.rr.com
Kathy M. Sheehan Mayor, City of Albany	24 Eagle Street, Room 102 Albany, NY 12207 Phone:(518) 434-5100 mayor@albanyny.gov
Hon. Corey Ellis Albany Common Council President	90 State Street, Floor 7 Albany, NY 12207 (518)591-4654 cellis@albanyny.gov
Hon. Dorcey Applies Albany Common Council Member-First Ward	6 South Marshall Street Albany, NY 12209 (518)894-8981 dorceyapplies@gmail.com

Hon. Derek Johnson Albany Common Council Member-Second Ward	69 Trinity Place Apt. 209 Albany, NY 12202 (518) 720-7118 dejohnson@albanyny.gov
Media	
The Times Union	News Plaza, Box 15000 Albany, NY 12212 tucitydesk@timesunion.com
Other	
Steven T. Longo Executive Director Albany Housing Authority	200 South Pearl Street Albany, NY 12202 Phone: (518)641-7518
BeBe White President Ezra Prentice Homes Tenants Association	Phone: (518) 470-3171 No email address
Jessie Alcantara Secretary A Village	Office: 3 Lincoln Square, Albany, NY 12202 Mailing: PO Box 10152, Albany,
Jahkeen Hoke Executive Director A Village	Office: 3 Lincoln Square, Albany, NY 12202 Mailing: PO Box 10152, Albany, NY 12201 Phone: (518) 451-9849
NYSDEC Office of Environmental Justice	625 Broadway, 14th Floor Albany, NY 12233 Phone: (518) 402-9498
Nancy Baker NYSDEC Environmental Permits Administrator	1130 North Westcott Road Schenectady, NY 12306 Phone: (518) 357-2452

Patrick K. Jordan Albany Port District Commission General Counsel	106 Smith Blvd. Albany, NY 12202 (518) 463-8763 pjordan@portofalbany.us
Center for Disability Services	700 South Pearl Street Albany, NY 12202 (518) 427-2310
Stacy Pettigrew Executive Director The Radix Center	153 Grand Street Albany, NY 12202 (518) 605-3256

**Community Outreach & Participation Plan
PERMIT APPLICATION**

APPENDIX B

B. Example Project Summary Brochure

Community Meeting Port of Albany Expansion Project Supplemental DGEIS

Opportunity to provide input into the proposed project Port of Albany Expansion Project Supplemental DGEIS

Hosted by:
ALBANY PORT DISTRICT COMMISSION
106 SMITH BOULEVARD, ALBANY, NY 12202

Location: Albany Housing Authority
200 South Pearl Street, Albany, NY 12202

Date: January 6, 2020

Time: 5:30 pm

The Project will:

Outline project components

What Happens at a Community Meeting?

- The Port will present a short overview of the project.
- You can make oral comments to the Port on the project and ask questions.
- You can discuss the project informally with the Port representatives.
- You can present written comments to the Port at the meeting, January 6, 2020 or any time before the close of the comment period on January 17, 2020.

Information and Contacts:

- Public Information Repositories, including the permit application are located at:
 - Town of Bethlehem Town Hall, 445 Delaware Avenue, Delmar, NY 12054,
 - The Albany Housing Authority, 200 South Pearl Street, Albany, NY 12202
- The APDC contact is:

Albany Port District Commission Contact
Albany Port District Commission
106 Smith Boulevard
Albany, NY 12202
PH: (518) 463-8763
development@Portofalbany.us
- The Town of Bethlehem Contact is:

Robert F. Leslie, AICP
Town of Bethlehem
Department of Planning
445 Delaware Avenue, 2 nd Floor
Delmar, NY 12054
PH: (518) 439-4955; FAX: (518) 439-5808

APPENDIX F

SEQRA CORRESPONDENCE

**PLANNING BOARD
TOWN OF BETHLEHEM
ALBANY COUNTY, NEW YORK**

SEQR RESOLUTION

**DETERMINATION OF SIGNIFICANCE
AMENDED POSITIVE DECLARATION**

**ALBANY PORT DISTRICT COMMISSION INDUSTRIAL PARK PROJECT (PORT OF ALBANY EXPANSION)
SITE PLAN APPLICATION #19-00100001, FORMERLY 18-00100012**

WHEREAS, the Planning Board of the Town of Bethlehem has received a site plan application from the Albany Port District Commission, for the Albany Port District Industrial Park Project for the industrial development of 81.57 +/- acres of land located on the east side of Route 144 (River Road) between the Normans Kill and PSEG with the Hudson River located to the east; and,

WHEREAS, the Planning Board has (1) classified the application as a Type 1 action, (2) established itself as Lead Agency, (3) issued a Positive Declaration, (4) determined a Generic Environmental Impact Statement (GEIS) is appropriate for the project, (5) provided notice of said Positive Declaration, (6) received and accepted a Draft GEIS Scope, (7) adopted the Final Scope for the GEIS; (8) determined Draft GEIS was complete on August 6, 2019, (9) held a public hearing on September 3, 2019, and (10) established a public comment period between August 6, 2019 and September 14, 2019; and

WHEREAS, during the public comment period, the Planning Board received multiple comments regarding the inclusion of an analysis of the project's potential impacts on the Ezra Prentice Homes in the City of Albany, including but not limited to environmental justice issues and consideration of alternatives to mitigate or eliminate impacts on the Ezra Prentice community. Impacts on the Ezra Prentice community including environmental justice was not an environmental topic identified in the GEIS scope; and

WHEREAS, identified areas of environmental impact on the Ezra Prentice Homes may include, but not limited to, environmental justice, climate and air quality, traffic and transportation, water service (potable and fire protection), sanitary sewer, historical, cultural and archeological resources, aesthetic and visual resources, land use and zoning, community character and compatibility with comprehensive plan, emergency services, school district, fiscal and economic impact, recreation and open space; and

WHEREAS, the proposed action has potential to create one or more significant adverse environmental impacts related to the Ezra Prentice community and preparation of a Supplemental Draft Generic Environmental Impact Statement, for which the applicant has consented, will enable the Planning Board as Lead Agency to consider the potential effects on the Ezra Prentice Homes.

NOW, THEREFORE, BE IT RESOLVED, by the Bethlehem Planning Board, as follows:

1. That, based upon its review of the DGEIS and supporting materials, as well as the full EAF Parts 1 and 2, and its own independent analysis and comparison with the Criteria for Determining Significance found at 6 NYCRR 617.7, the site plan application for the Albany Port District Commission Industrial Park constitutes an action which may have a significant adverse effect on the Ezra Prentice Homes and therefore requires ***preparation of a Supplemental Draft Generic***

Environmental Impact Statement to address impacts on the Ezra Prentice community including environmental justice concerns;

2. That the scope of the Supplemental DGEIS shall be as set forth in the attached memorandum from the Director of Economic Development and Planning to the Planning Board dated November 14, 2019;
3. that this Determination of Significance shall be considered a Positive Declaration made pursuant to Article 8 of the Environmental Conservation Law; and,
4. the Department of Economic Development and Planning is hereby authorized and directed to prepare, file and publish notice of this Determination as prescribed at 6 NYCRR 617.12.

On a motion by Brian Gyory, seconded by Scott Lewendon, and a vote of Four (4) for, Zero (0) against, One (1) abstained and Zero (1) absent, this RESOLUTION was adopted on November 19, 2019.

State Environmental Quality Review
POSITIVE DECLARATION
 Notice of Intent to Prepare a Draft EIS
 Determination of Significance

Project Number _____

Date _____

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The _____ as lead agency, has determined that the proposed action described below may have a significant impact on the environment and that a Draft Environmental Impact Statement will be prepared.

Name of Action:

SEQR Status: Type 1
 Unlisted

Scoping: No Yes If yes, indicate how scoping will be conducted:

Description of Action:

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Reasons Supporting This Determination:

For Further Information:

Contact Person:

Address:

Telephone Number:

A copy of this notice must be sent to:

Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-1750

Chief Executive Officer, Town/City/Village of _____

Any person requesting a copy

All Involved agencies

Applicant (If any)

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany, NY 12233-1750

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See Planning staff memo from R. Leslie, dated November 14, 2019, for why the project related environmental features may result in a significant adverse environmental impact and required the development of a Supplemental GEIS.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Albany Port District Commission Industrial Park

Name of Lead Agency: Bethlehem Planning Board

Name of Responsible Officer in Lead Agency: Robert Leslie

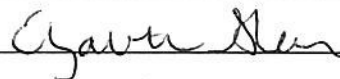
Title of Responsible Officer: Director of Planning

Signature of Responsible Officer in Lead Agency:



Date: 11/20/19

Signature of Preparer (if different from Responsible Officer)



Date: 11/20/19

For Further Information:

Contact Person: Robert Leslie

Address: 445 Delaware Avenue, Delmar NY 12054

Telephone Number: 518-439-4955 x1157

E-mail: rleslie@townofbethlehem.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

APPENDIX G

TRUCK ROUTE SUPPORTING DOCUMENTATION



ALBANY PORT DISTRICT COMMISSION

ALBANY-RENSELAER

106 Smith Blvd.

ALBANY, N.Y. 12202 – (518) 463-8763

FAX NO. (518) 463-8767

GEORGETTE STEFFENS
CHAIR, BOARD OF COMMISSIONERS

RICHARD J. HENDRICK
GENERAL MANAGER

TO: Steve Boisvert, PE, McFarland Johnson

FROM: Patrick K. Jordan, General Counsel

DATE: December 10, 2019

RE: Bethlehem Planning Board

Background

The Albany Port District Commission (APDC or Port) is a public authority governed by a Mayoral nominated and Governor appointed Board of Commissioners. Public authorities are instruments of the State created by the Legislature to further public interests. The APDC's mission is to responsibly and effectively manage the publicly-owned maritime Port of Albany-Rensselaer, driving the economy of the Capital Region and beyond while emphasizing transparency and public stewardship.

The APDC is not an authorized entity to issue legal fines or citations for violations of rules or regulations and therefore relies on the state and federal authorities to issue citations or enforce state laws regarding the traffic laws or the use of the public roadways in the Port District. The roadways within the Port District are owned by the City of Albany. Violations of state or local laws are enforced and prosecuted by those state and municipal agencies and law enforcement bodies that are vested with oversight authority. The APDC has the ability to terminate a lease if a term of the lease is violated or the APDC can move for an injunction through a judicial proceeding to enforce compliance with a lease mandate.

Security

The Port of Albany maintains a full security and threat assessment team which includes video surveillance monitoring. Truck movements will be monitored by Port Security via the Port video surveillance system and a periodic audit of the South Port Road entrance and exit will be conducted for compliance purposes. The City of Albany Police Department also monitors the camera feeds from the Port. Additional cameras will be added to the vicinity of South Port Road and Normanskill Street, in order to better monitor South Port Road where it intersects with South Pearl Street and Normanskill Street. If a tenant is found to have allowed trucks to improperly travel on South Pearl Street six (6) times in a calendar year, the tenant shall be considered in breach of their lease. The penalty for violating the terms of the lease are termination of the lease or a court proceeding to enforce the lease requirements. The APDC does not have statutory authority to levy penalties or fines.

Future Roadway Improvements

The Port of Albany is undergoing a multi-year \$50 million maritime infrastructure improvement plan with the support of state and federal funds that is investing in major construction projects to enhance cargo lifting, handling and transport capabilities. The Port took the initiative to include a portion of Smith Boulevard for reconstruction by assigning the designation of “external maritime transport route” in the funding source, as a possibility for moving heavy lift cargo to and from the maritime terminal. This enabled funding for improvement to the portion of Smith Boulevard that runs adjacent to the maritime terminal. The Port has begun demolition of a large building located at the nexus of a difficult portion of the roadway that makes it challenging for trucks to use it as an alternative transportation route. Removal of this building will enable the road to be straightened out when the roadway improvements begin construction in 2020-2021. This portion of the roadway work is currently in the design phase, with funding assigned, but ultimate cost will not be determined until construction bids are let. Concept roadway improvement plans are attached that illustrates the new alignment. This work is intended to contribute to the comprehensive improvement of the city roads that run through the Port District that could serve as a future alternative truck route as envisioned and articulated in the 2018 CDTC report “City of Albany: S. Pearl St. Heavy Vehicle Travel Pattern Study”.

Draft lease language regarding truck routing:

Pursuant to state law the APDC must negotiate individually with prospective tenants for the best use of the public lands that it maintains. Each lease is unique to the land being leased and the individual tenant. Those lease terms are then authorized by the Governor appointed Board of Commissioners.

Section X – Truck routing.

In deference to the City of Albany and the Town of Bethlehem and concerns regarding potential negative impacts to neighboring communities that include an environmental justice designation, it is the intention of the APDC to minimize truck traffic and its impact on the Ezra Prentice neighborhood adjacent to the Port of Albany. Recognizing that the Port contributes a portion (assessed at approximately 17%) of the local truck activity in this corridor, the port is seeking to act in partnership. To that effect the APDC directs Tenant to utilize the truck route within the Albany Port District (identified in the attached exhibit “x” and made a part hereof). All trucks, classified as Class 6 or higher by the Federal Highway Administration, doing business for, with or on behalf of Tenant will utilize the illustrated truck route. Said trucks will enter and exit the Port of Albany via Church Street when utilizing Interstate 787 in any direction and when utilizing Interstate 87 west. Said trucks traveling to or from points south of the Port of Albany will enter and exit the Port of Albany via Church Street or South Port Road. Said trucks will not traverse South Pearl Street in the City of Albany between its intersection with South Port Road and any points north unless transacting commerce within that local area to minimize local truck traffic impacts.

The Port of Albany maintains a full security and threat assessment team which includes video surveillance monitoring. Truck movements will be monitored by Port Security via the Port video surveillance system and a periodic audit of the South Port Road entrance and exit will be conducted for compliance purposes. The City of Albany Police Department also monitors the Port video surveillance system. Should said trucks (as defined above) be found to have violated these requirements for truck movements six (6) times within a calendar year, Tenant shall be considered in breach of this Lease.

This Lease in no way diminishes the legal requirement of the Tenant to observe all laws, statutes and ordinances of all federal, state or local jurisdictions regarding vehicles and traffic. Roadways within the Albany Port District are public roadways and vehicles traveling upon them are subject to state and local municipal enforcement and prosecution.

These requirements may be superseded by an order of the City of Albany, FHWA or NYSDOT or suspended due to an emergency situation.

Section X – Defaults.

(a) Time is of the essence of this Lease. The occurrence of any one or more of the following events constitutes a default of this Lease by Tenant with or without notice from the Landlord:

- (1) The vacating or abandonment of the Demised Premises by Tenant.
- (2) The failure by Tenant to make any payment of Rent, or any other payment required by this Lease, when due.
- (3) The failure by Tenant to observe or perform any covenant, condition or agreement to be observed or performed by Tenant in this Lease.
- (4) The discovery by the Landlord that any required report, financial statement or background statement provided to the Landlord by Tenant, any successor, grantee or assign was materially false.

Section X – Remedies, Reentry and Damages.

(a) Whenever any default (other than a default under Section X above, upon which termination of this Lease shall, at the Landlord's option, be effective immediately without further notice) continues unremedied in whole or in part for thirty (30) days after written notice is provided by the Landlord to Tenant (or for ten (10) days after written notice in the case of default for failure to pay any Rent, or other required payment when due), this Lease and all of Tenant's rights under it will automatically terminate if the written notice of default so provides. Upon termination, the Landlord may reenter the Demised Premises using such force as may be necessary and remove all persons and property from the Demised Premises. The Landlord will be entitled to recover from Tenant all unpaid Rent or other payments and damages incurred

because of Tenant's default including, but not limited to, the costs of re-letting, including tenant improvements, necessary renovations or repairs, advertising, leasing commissions and attorney's fees and costs ("Termination Damages"), together with interest on all Termination Damages at the Default Rates from the date such Termination Damages are incurred by the Landlord until paid.

(b) In addition to Termination Damages, and notwithstanding termination and reentry, Tenant's liability for all Rent or other charges which, but for termination of the Lease, would have become due over the remainder of the Lease term ("Future Charges") will not be extinguished and Tenant agrees that the Landlord will be entitled, upon termination for default, to collect as additional damages, a Rental Deficiency. "Rental Deficiency" means, at the Landlord's election, either:

- (1) An amount equal to Future Charges, less the amount of actual rent, if any, which the Landlord receives during the remainder of the Lease term from others to whom the Demised Premises may be rented, in which case such Rental Deficiency will be computed and payable at the Landlord's option either:
 - (i) In an accelerated lump-sum payment; or
 - (ii) In monthly installments, in advance, on the first day of each calendar month following termination of the Lease and continuing until the date on which the Lease term would have expired but for such termination, and any suit or action brought to collect any portion of Rental Deficiency attributable to any particular month or months, shall not in any manner prejudice the Landlord's right to collect any portion of Rental Deficiency by a similar proceeding;

(c) If this Lease is terminated for default as provided in this Lease, the Landlord shall use reasonable efforts to re-let the Demised Premises in whole or in part, alone or together with other premises, for such term or terms (which may be greater or less than the period which otherwise would have constituted the balance of the Lease term), for such use or uses and, otherwise on such terms and conditions as the Landlord, in its sole discretion, may determine, but the Landlord will not be liable for, nor will Tenant's obligations under this Lease be diminished by reason for any failure by the Landlord to re-let the Demised Premises or any failures by the Landlord to collect any rent due upon such re-letting.

If upon any reentry permitted under this Lease, there remains any personal property upon the Demised Premises, the Landlord, in its sole discretion, may remove and store the personal property for the account and at the expense of Tenant. In the event the Landlord chooses to remove and store such property, it shall take reasonable steps to notify Tenant of the Landlord's action. All risks associated with removal and storage shall be on Tenant. Tenant shall reimburse the Landlord for all expenses incurred in connection with removal and storage as a condition to regaining possession of the personal property. The Landlord has the right to sell

any property which has been stored for a period of 15 days or more, unless Tenant has tendered reimbursement to the Landlord for all expenses incurred in removal and storage. The proceeds of sale will be applied first to the costs of sale (including reasonable attorney's fees), second to the payment of storage charges, and third to the payment of any other amounts which may then be due and owing from Tenant to the Landlord. The balance of sale proceeds, if any, will then be paid to Tenant.

(d) A suit or suits for the recovery of such damages, or any installments thereof, may be brought by Landlord from time to time at its election, and nothing contained herein shall be deemed to require Landlord to postpone suit until the date when the Term of this Lease would have expired if it had not been so terminated under the provisions of Section X, or under any provision of law, or had Landlord not re-entered the Demised Premises. Nothing herein contained shall be construed to limit or preclude recovery by Landlord against Tenant for any sums or damages to which, in addition to the damages particularly provided above, Landlord may lawfully be entitled by reason of default hereunder on the part of the Tenant. In the event of a breach by Tenant of any of its obligations under this Lease, Landlord shall also have the right of injunction.

(e) Remedies Cumulative. All rights, options and remedies of the Landlord contained in this Lease shall be construed and held to be distinct, separate and cumulative, and no one of them shall be exclusive of the other, and the Landlord shall have the right to pursue any one or all of such remedies or any other remedy or relief which may be provided by law or in equity, whether or not stated in this Lease.



Arts, Entertainment & Exhibits
 Ports, Coastal & Waterfront
 Real Estate Development
 Public Infrastructure
 Transportation
 Government
 Healthcare
 Education
 Industrial
 Energy

December 11, 2019

Albany Port District Commission
 109 Smith Boulevard
 Albany, NY 12202

Attn: Megan Daly
 Director of Economic Development and Procurement

Email: mdaly@portofalbany.us

Re: Basis of Design - Portions of Raft Street and Smith Boulevard;
 Internal to the Port of Albany
 McLaren File No. 190866

Dear Ms. Daly:

In response to the inquiry made by the Town of Bethlehem regarding the ability of Raft Street and Smith Boulevard to accommodate truck traffic, we are pleased to offer the following summary of our basis of design for the planned reconstruction of aforementioned roadways.

1. The planned roadway reconstruction, whether full-depth or partial, will be designed to accommodate heavy truck traffic.
2. McLaren will utilize the ESAL (Equivalent Single-Axle Load) concept to measure the impact of the planned traffic on the proposed pavement. McLaren will coordinate with the Port of Albany to determine quantity, frequency, and types of trucks that are expected to utilize the roadway.
3. The ESAL analysis will include the expected impact of the traffic generated by the expansion into Bethlehem.

As we proceed with the design, McLaren will facilitate a meeting with the Port to review the anticipated traffic.

Very truly yours,

The office of
**M.G. McLaren Engineering
 and Land Surveying, P.C.**

Reuben F. Hull, Jr., P.E.
 Regional Director, Capital Region

RFH/kma

cc: File 190866, DLW, LJC – Internal
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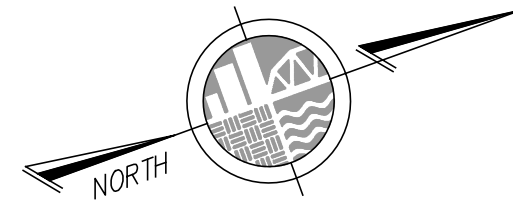
**M.G. McLaren Engineering
 and Land Surveying, P.C.**

The Patrol Building
 5 Clinton Square
 Albany, NY 12207
 Phone (518) 992-4830

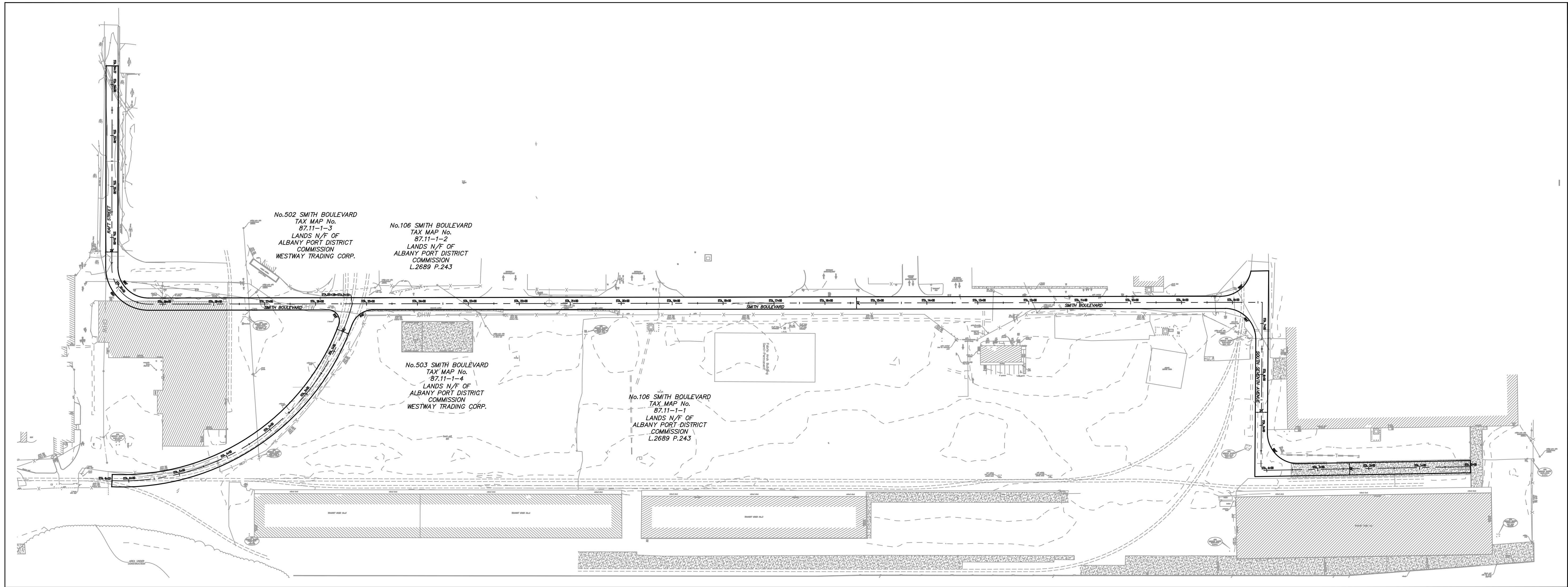
e-mail: mgmclaren@mgmclaren.com
 On the web: www.mgmclaren.com

Offices: New York, New Jersey, Maryland, Florida, Connecticut, California, Georgia, Pennsylvania

Licensed in:
 Alabama•Alaska•Arizona•Arkansas•California•Colorado•Connecticut• Delaware• District of Columbia• Florida• Georgia• Hawaii• Idaho• Illinois
 Indiana•Iowa•Kansas•Kentucky•Louisiana•Maine•Maryland•Massachusetts•Michigan•Minnesota•Mississippi•Missouri•Montana•Nebraska
 Nevada•NewHampshire•New Jersey•New Mexico•New York•North Carolina•Ohio•Oklahoma•Oregon•Pennsylvania•Puerto Rico•Rhode Island
 So.Carolina•So.Dakota•Tennessee•Texas•Trinidad & Tobago•Utah• USVI• Vermont• Virginia• Washington• West Virginia• Wisconsin• Wyoming



0.5
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0
1



OVERALL ROADWAY LAYOUT
SCALE: 1"=100'

100' 0 100' 200'
SCALE: 1" = 100'
FEET

FILE NAME: X:\Proj\190293\10_Dwg\190293\ROAD RESTORATION\Roadway Reconstruction Site Plan.dwg PLOT TIME: Sat, 07 Dec 2019 - 4:11pm LAST SAVE: Sat, 07 Dec 2019 - 4:09pm BY: janderson

WARNING - IT IS A VIOLATION OF NEW YORK STATE EDUCATIONAL LAW, SECTION 7209.2, FOR ANY PERSON, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR, TO ALTER THIS DOCUMENT IN ANY WAY. IF ALTERED, THE ALTERING PERSON SHALL COMPLY WITH THE REQUIREMENTS OF NEW YORK EDUCATIONAL LAW, SECTION 7209.2

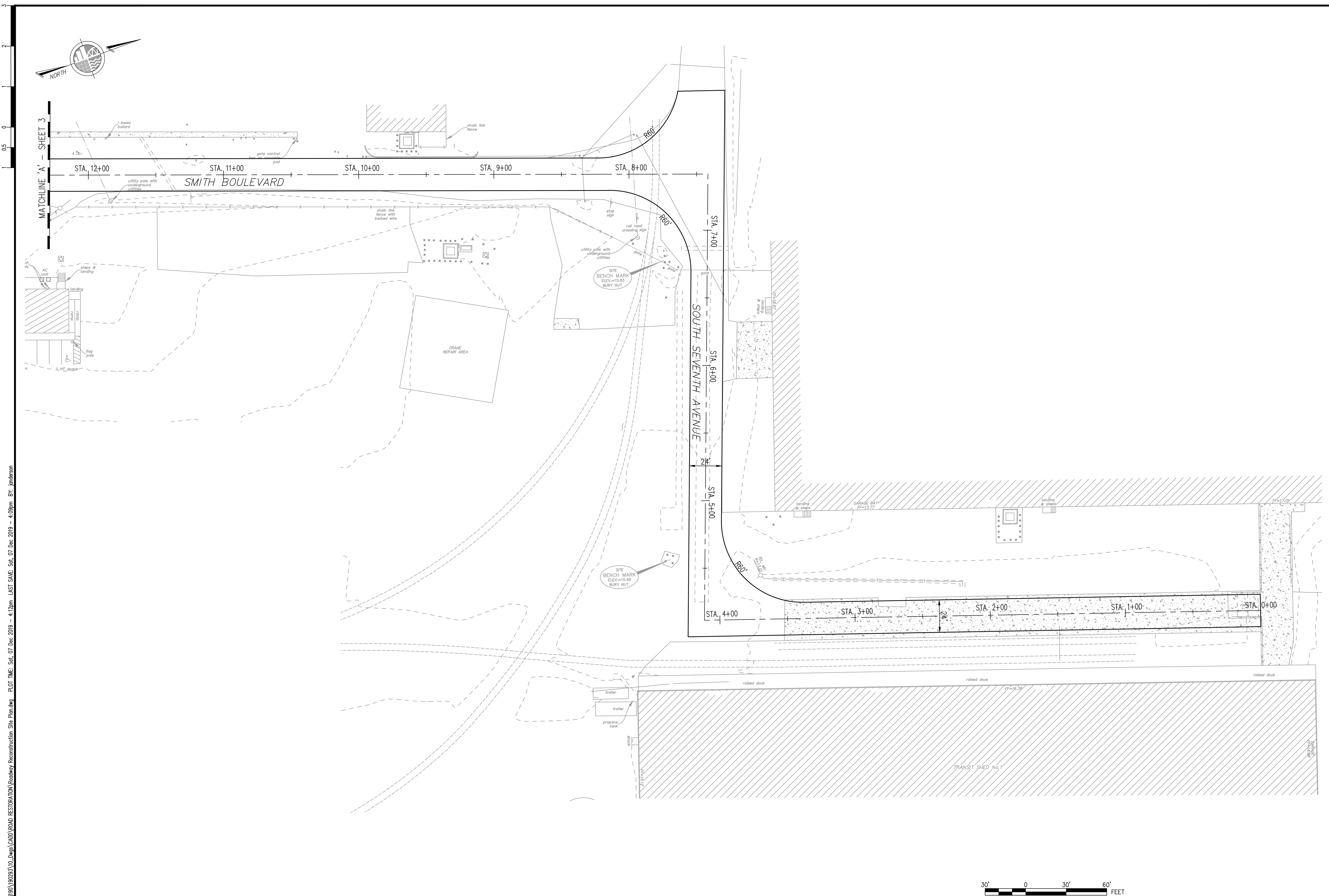


PROJECT
PORT OF ALBANY ROADWAY
MARITIME TERMINAL
RECONSTRUCTION
NEW YORK
ALBANY.

SHEET TITLE
ROADWAY LAYOUT EXHIBIT
SHEET 1

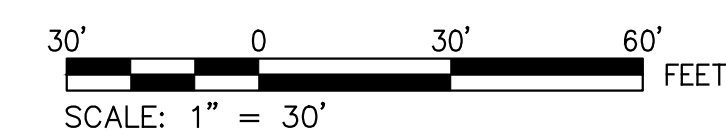
PROJECT NO. 190293
SCALE AS SHOWN
DATE 12-06-2019
DRAWN BY JLA
CHECKED BY RFH

DRAWING NO.
1
1 OF 4 SHTS

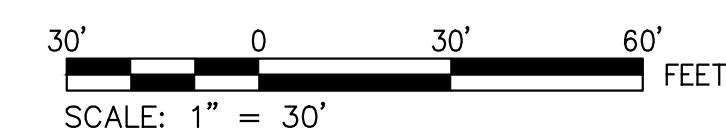
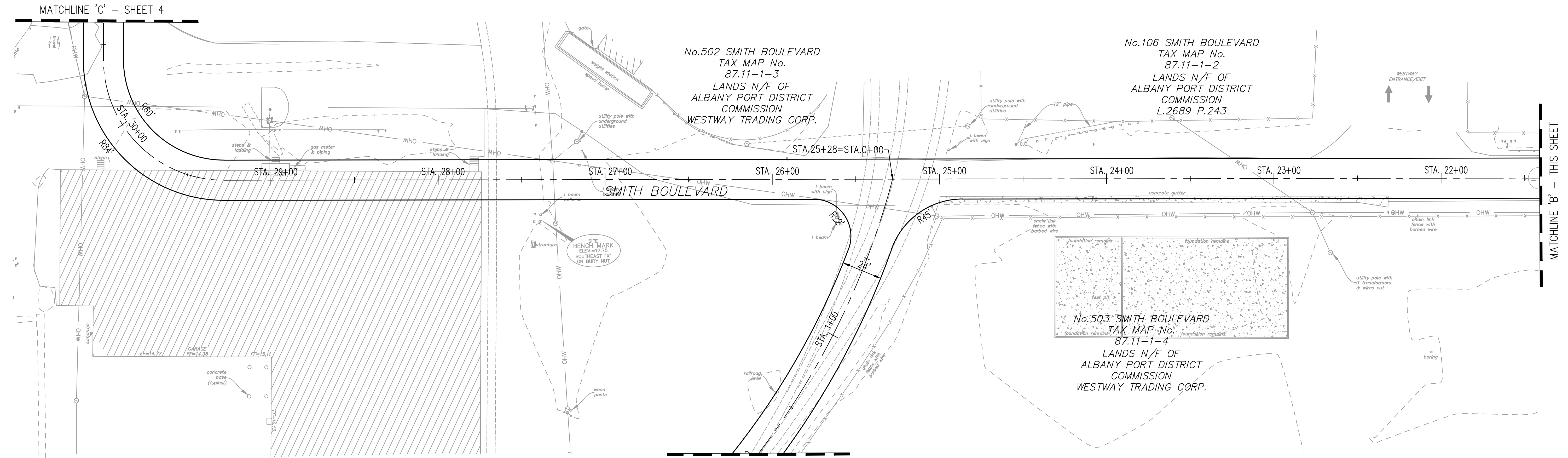
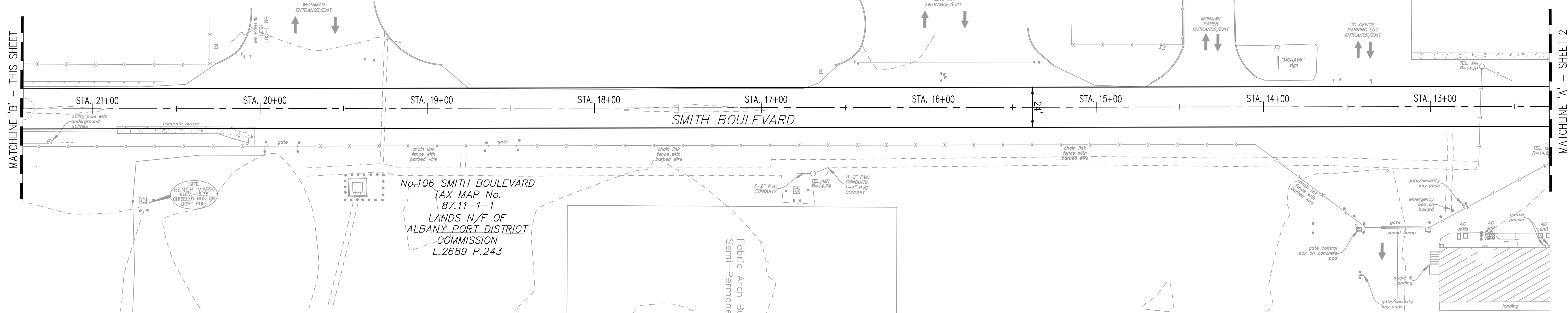
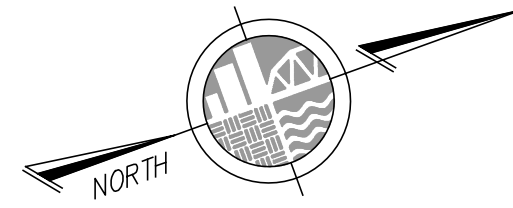


FILE NAME: X:\Proj\190293\10_Dwg\ROAD RESTORATION\Roadway Reconstruction Site Plan.dwg PLOT TIME: Sat, 07 Dec 2019 - 4:12pm LAST SAVE: Sat, 07 Dec 2019 - 4:09pm BY: janderson

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<p>PROJECT</p> <p>PORT OF ALBANY ROADWAY MARITIME TERMINAL RECONSTRUCTION</p> <p>ALBANY, NEW YORK</p>	
<p>SHEET TITLE</p> <p>ROADWAY LAYOUT EXHIBIT SHEET 1</p>	
<p>PROJECT NO. 190293</p> <p>SCALE AS SHOWN</p> <p>DATE 12-06-2019</p> <p>DRAWN BY JLA</p> <p>CHECKED BY RFH</p> <p>DRAWING NO.</p>	
<p style="font-size: 2em; font-weight: bold;">2</p> <p>2 OF 4 SHTS</p>	

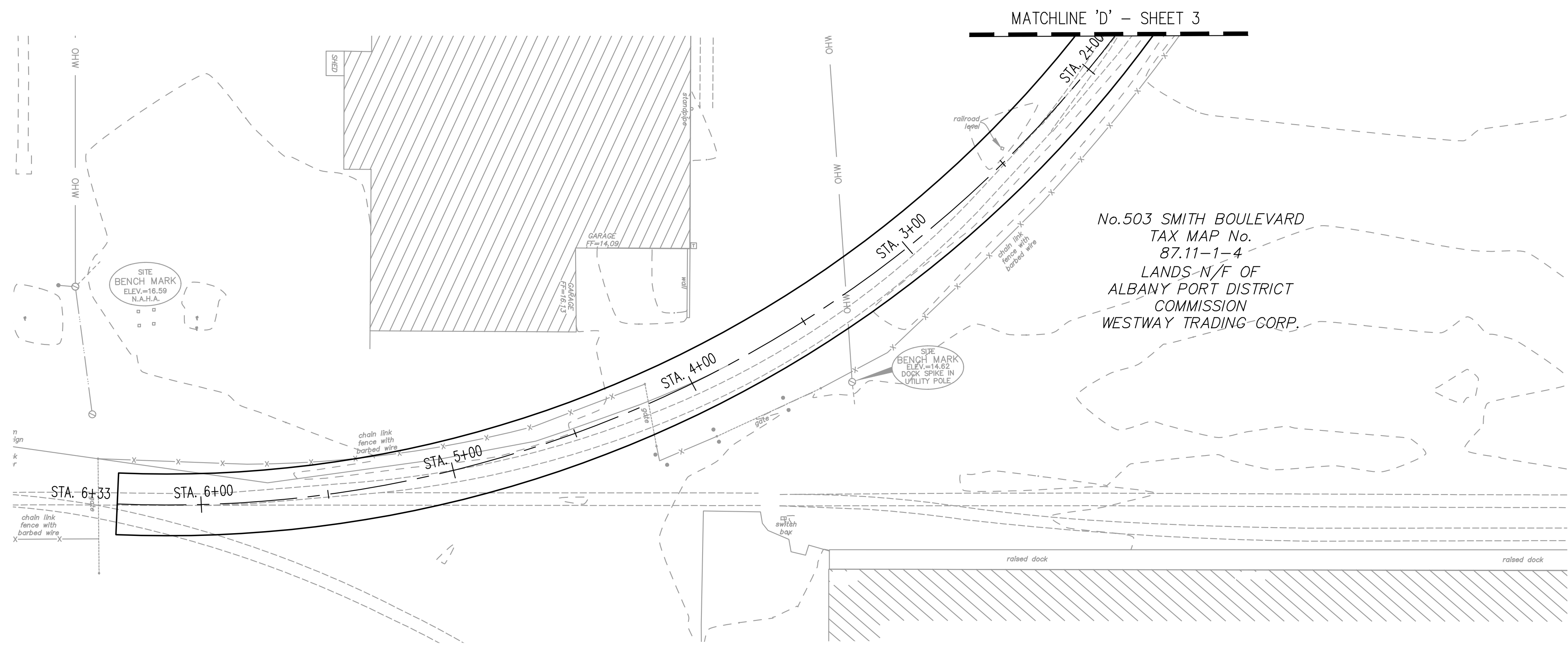
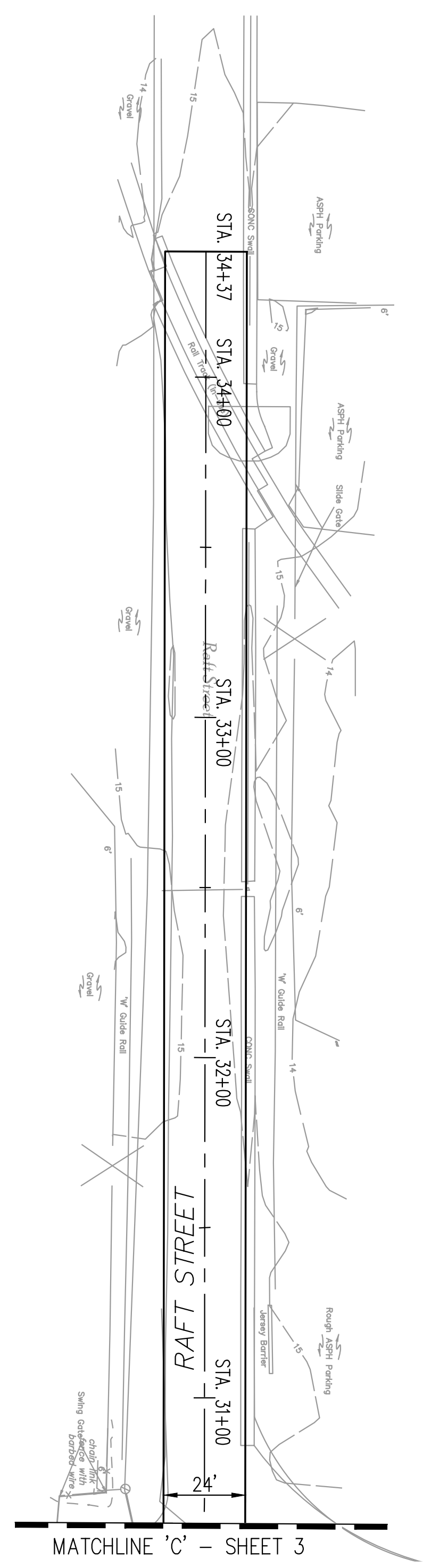
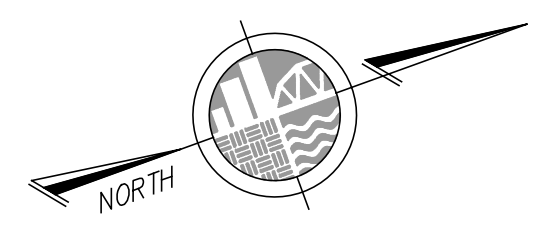


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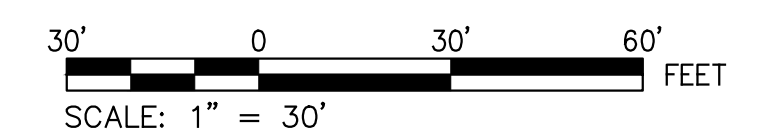
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PORT OF ALBANY ROADWAY MARITIME TERMINAL RECONSTRUCTION ALBANY, NEW YORK	SHEET TITLE ROADWAY LAYOUT EXHIBIT SHEET 2
ROADWAY LAYOUT EXHIBIT SHEET 2	

FILE NAME: X:\Proj\190293\10_Dwg\190293\ROAD RESTORATION\Roadway Reconstruction Site Plan.dwg PLOT TIME: Sat, 07 Dec 2019 - 4:13pm LAST SAVE: Sat, 07 Dec 2019 - 4:09pm BY: janderson



No. 503 SMITH BOULEVARD
TAX MAP No.
87.11-1-4
LANDS-N/F OF
ALBANY PORT DISTRICT
COMMISSION
WESTWAY TRADING-CORP.



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<p>PROJECT: PORT OF ALBANY ROADWAY MARITIME TERMINAL RECONSTRUCTION ALBANY, NEW YORK</p>	
<p>SHEET TITLE: ROADWAY LAYOUT EXHIBIT SHEET 4</p>	
PROJECT NO.	190293
SCALE	AS SHOWN
DATE	12-06-2019
DRAWN BY	JLA
CHECKED BY	RFH
DRAWING NO.	4
<p>4 OF 4 SHTS</p>	