STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Date: September 6, 2022

Lead Agency: Dormitory Authority of the State of New York
515 Broadway
Albany, New York 12207-2964

Applicant: Albany County
112 State Street
Room 1300
Albany, New York 12207
(Albany County)

This notice is issued pursuant to the *State Environmental Quality Review Act ("SEQRA")*, codified at Article 8 of the New York Environmental Conservation Law ("ECL"), and its implementing regulations, promulgated at Part 617 of Title 6 of the *New York Codes, Rules and Regulations ("N.Y.C.R.R.")*, which collectively contain the requirements for the *State Environmental Quality Review ("SEQR")* process.

Dormitory Authority of the State of New York ("DASNY"), as lead agency, has determined that the Proposed Action described below would not have a significant adverse effect on the environment and a Draft Environmental Impact Statement ("DEIS") will not be prepared.

Title of Action: *Expansion and Upgrade of the Existing Capital District Juvenile Secure Detention Facility*
(Raise The Age Program)

SEQR Status: Unlisted Action – 6 *N.Y.C.R.R.* 617.2(al)

Review Type: Coordinated Review

Description of Proposed Action and Proposed Project

The Dormitory Authority of the State of New York ("DASNY") has received a funding request from Albany County and the New York State Office of Children and Family Services ("OCFS") for its 2022 *Expansion and Upgrade of the Existing Capital District Juvenile Secure Detention Facility ("CDJSDF",* the "Proposed Project"). For purposes of *SEQRA*, the Proposed Action would involve DASNY's authorization of the issuance of bonds to fund the expansion and upgrade to the CDJSDF.

More specifically, the Proposed Action would expand and update the existing 30,000 square foot CDJSDF, a multi-county secure youth detention center, currently housing 24 beds, located in 3 separate housing pods. The CDJSDF is a single story building sited on a constrained 4.16-acre site making additional building volume challenging to accommodate. The facility is administered by the Capital District Youth Center, Inc., operated by Berkshire Farm Center for Youth and owned by Albany County. The existing facility includes an 8-bed dormitory, a 3-bed dormitory, and a 13-bed dormitory, for a total existing capacity of 24 beds.

There will be four (4) separate additions totaling approximately 11,000 square feet, housing the following:

- A secured housing wing providing twelve (12) additional beds (two 6-unit areas) and supporting program.
- An exam room to serve a relocated nurse's suite.
- A vehicle sallyport which will expand and provide sufficient space for intake procedures.
- An addition off the main entrance to house additional administrative space including a large conference and break room. This addition will also provide proper space for secured visitation; branching off the main entry sallyport which shall remain in use during construction.

In addition, the Proposed Projects would also include the following Interior Improvements. The existing medical services area would be relocated, the addition of four (4) bedrooms to Dormitory A and the elimination of a bedroom in Dormitory C, bringing the total capacity up to 39 beds. The current medical unit would be converted into a classroom.

Upgrades would also include the installation of a fire suppression system, the replacement of bedroom doors and the addition of additional secure access/egress from housing units, the installation of a full coverage security camera system, and the upgrading of the central control unit to control access and egress throughout the facility. Site Improvements would include the expansion of the existing parking area, the expansion of the usable recreation space, the hardening of the secure perimeter, and additional security monitoring features.

Location of Proposed Project

The *Capital District Juvenile Secure Detention Facility* is located at 838 Albany Shaker Rd, Loudonville, Town of Colonie, Albany County, New York.

Purpose and Need

Raise The Age ("RTA") was enacted by Part WWW of Chapter 59 of the Laws of 2017 and is a major juvenile justice reform initiative that removes 16 and 17-year-old offenders from the adult criminal justice system and places them in age-appropriate settings. The objectives of RTA include ensuring a more fair and equitable justice system, providing proper services and treatment for Adolescent Offenders as well as lowering recidivism rates. The law provides that 16 and 17-year-olds must be housed separately from adults in facilities that are preferably located closer to the offender's home and family with the ability to provide services in smaller, closely supervised groups.

The legislation obligates counties to provide RTA compliant facilities, authorizes DASNY to finance and construct county facilities, provides a methodology for county capital cost reimbursement, and authorizes the State-aid intercept. RTA is being implemented by a team of multiple state agencies, including Office of Children and Family Services ("OCFS"), the Division of Criminal Justice Services, the Commission of Correction, the Department of Corrections and Criminal Services, and the Division of the Budget. OCFS has set guidelines pursuant to which RTA compliant facilities must be built and operated. OCFS reviews each proposal from the counties (or county consortiums) and approves those which meet RTA standards. OCFS will also enter into a Memorandum of Understanding with each Participant County, DASNY, and the Office of the State Comptroller, to establish the State-aid intercept methodology to cover any late or missed financing agreement payments from the Participant Counties.

Reasons Supporting This Determination

Overview. DASNY completed this environmental review in accordance with the procedures set forth in the *SEQRA*, codified at Article 8 of the New York *Environmental Conservation Law ("ECL")*, and its implementing regulations, promulgated at Part 617 of Title 6 of the *New York Codes, Rules and Regulations ("N.Y.C.R.R.")*, which collectively contain the requirements for the *SEQR* process. The Proposed Project was reviewed following the procedures of the *State Environmental Quality Review ("SEQR").*

The Proposed Project was also reviewed in conformance with the *New York State Historic Preservation Act of 1980 ("SHPA")*, especially the implementing regulations of Section 14.09 of the *Parks, Recreation and Historic Preservation Law ("PRHPL"),* as well as with the requirements of the Memorandum of Understanding ("MOU"), dated March 18, 1998, between DASNY and the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP").

Additionally, the Proposed Project was analyzed for consistency with the State of New York *Smart Growth Public Infrastructure Policy Act ("SGPIPA")*, Article 6 of the New York *ECL*, for a variety of policy areas related to land use and sustainable development. The *Smart Growth Impact Statement Assessment Form ("SGISAF")* is included with this determination.

Representatives of DASNY reviewed *Full Environmental Assessment Forms – Part 1 ("FEAF – Part 1")*, dated August 5, 2022 (attached), and determined that the Proposed Project constitutes an Unlisted Action pursuant to 6 *N.Y.C.R.R.* 617.2(al) of the *SEQR* implementing regulations. On August 5, 2022, DASNY circulated a lead agency request letter via electronic mail, including

FEAF – Part 1 as well as a *Distribution List of Involved Agencies and Interested Parties* to whom the lead agency letter was sent. There being no objection to DASNY assuming *SEQR* lead agency status, a coordinated review among the involved agencies was initiated.

DASNY representatives discussed the Proposed Project's environmental effects with representatives of Albany County and the Capital District Regional Planning Commission, as well as representatives of the involved agencies. DASNY subsequently completed an evaluation of the magnitude and importance of project impacts, as detailed in the *FEAF – Parts 2* (attached). **Based on the above, and the additional information set forth below, DASNY as lead agency has analyzed the relevant areas of environmental concern and determined that the Proposed Project would not have a significant adverse effect on the environment.**

General Findings. The expansion of bed space is driven by increased demand resulting from the new Adolescent Offender category of youth who are now remanded to juvenile facilities per the RTA law. In addition, the other improvements would bring the facility up to the standards promulgated by OCFS and the State Commission of Correction's, established after the adoption of the RTA law.

New York State Smart Growth Public Infrastructure Policy Act. DASNY's Smart Growth Advisory Committee reviewed the *SGISAF* that was prepared in accordance with the *SGPIPA* and found that, because of the nature of the facility, and its established use, it was impracticable to develop this project in a manner consistent with the relevant Smart Growth Criteria. The Proposed Project would expand an existing juvenile detention facility to comply with the newly enacted law, removing 16- and 17-year-olds from incarceration with the more adult prison population, while maintaining the secure nature of the facility. For these reasons, the compatibility of the Proposed Project with the criteria of the *SGPIPA*, Article 6 of the *ECL*, is difficult to obtain as the existing location and use of the secure facility will not change.

Cultural Resources. The Proposed Project was also reviewed in conformance with the *New York State Historic Preservation Act of 1980 ("SHPA")*, especially the implementing regulations of section 14.09 of the *Parks, Recreation and Historic Preservation Law ("PRHPL")*, as well as with the requirements of the Memorandum of Understanding ("MOU"), dated March 18, 1998, between the DASNY and the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP"). Consultation was initiated with OPRHP regarding the Proposed Project (OPRHP Project №. 22PR03851) on June 6, 2022. OPRHP, in its letter of June 10, 2022 (attached), determined *"…that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project".* It is the opinion of DASNY that the Proposed Project would have no impact on historical or cultural resources in or eligible for inclusion in the National and State Registers of Historic Places.

Potential Impacts. DASNY, as lead agency, has inventoried all potential resources that could be affected by the Proposed Project or action, and assessed the magnitude, duration, likelihood, scale, and context of the Proposed Project and determined that no impact, or a small impact, may occur to the following resources: Land Use, Zoning and Public Policy, Socioeconomics,

Community Facilities, Open Space and Recreational Facilities, Cultural Resources, Architectural Design and Visual Resources, Neighborhood Character, Hazardous Materials, Infrastructure, Solid Waste and Sanitation Services, Use and Conservation of Energy, Transportation, Air Quality, Noise, and Construction (see *FEAF – Parts 2*). No potential negative long-term or cumulative impacts or significant adverse environmental impacts were identified in connection with the Proposed Project.

Regarding Natural Resources, as part of the planning for the proposed expansion of the existing CDJSDF, a wetlands delineation was undertaken and the presents of wetlands adjacent to the proposed site were found. The work adjacent to the wetlands required the consultation with the United States Army Corps of Engineers ("USACOE") for any potential permitting. The USACOE noted that any discharge of fill material into waters of the United States, including wetlands, occurs, an authorization would be required from the local USACOE office. The submission of a Joint Application and supporting information would be required. The Joint Application is acceptable for both the USACOE and the New York State Department of Environmental Conservation ("NYSDEC") review process'. NYSDEC was contacted regarding the Proposed Project as an involved agency for this review. Any potential impacts to the adjoining wetland will be assessed and reported to the USACOE and NYSDEC for permitting to be initiated as needed. All appropriate measures would be taken during construction to avoid discharges into the wetland areas.

Summary. DASNY has reviewed the Proposed Project using criteria provided in Part 617.7 of *SEQRA* and has determined that:

(i) there will be no substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; no substantial increase in solid waste production; and no substantial increase in potential for erosion, flooding, leaching or drainage problems;
(ii) there will be no removal or destruction of large quantities of vegetation or fauna; no substantial interference with the movement of any resident or migratory fish or wildlife species; no impacts on a significant habitat area; no substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
(iii) there will be no impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;
(iv) there will be no creation of a material conflict with a community's current plans or goals as officially approved or adopted;
(v) there will be no impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
(vi) there will be no major change in the use of either the quantity or type of energy;
(vii) there will be no creation of a hazard to human health;
(viii) there will be no substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

(ix) there will be no encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
(x) there will be no creation of a material demand for other actions that would result in one of the above consequences;
(xi) there will be no changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment;
(xii) there will not be two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision; and
(xiii) there will be no other significant adverse environmental impacts.

Based on the above, and the additional information contained herein, DASNY, as lead agency, analyzed the relevant areas of environmental concern and determined that the Proposed Project would not have a significant adverse impact on the environment and a Draft Environmental Impact Statement will not be prepared.

For Further Information:

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DISTRIBUTION LIST of INVOLVED AGENCIES and INTERESTED PARTIES
for the
Capital District Juvenile Secure Detention Facility
Expansion and Upgrade of the Existing Facilities

A Copy of this Notice Sent to:

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Expansion and Upgrade of the Existing Facilities

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Expansion and Upgrade of the Existing Facilities

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