

**Comments from the City of Troy Planning Commission Meeting of August 25, 2015, with Responses as prepared by: Monument Square, LLC (MS, LLC)
Responses as prepared by We Care About The Square (WCATS)**

Comment 0.1 This document is a compilation of issues and concerns expressed by this commission, the Historic Review Committee, various city departments and the public regarding case PC2015-0007 a multistory mixed-use building structure at One Monument Square. The items are not sorted in any particular order.

Response MS, LLC: Noted.

Response WCATS: Noted

Comment Category 1. Front Street

Comment 1.1 The current roadway configuration makes 2 way traffic impossible. The commission recommends that Front Street remain 2 way, un-gated and open to the public. This will allow public service and smaller emergency vehicles full access to the riverfront.

Response MS, LLC: The parking aisle under the podium has been designed to accept public access, 2-way, throughout the site.

Response WCATS: The parking aisles going South and North both have sharp 90⁰ turns which will make public access through the site impractical for cars if not impossible for larger trucks, vehicles with trailers and emergency vehicles. A plus or minus 24 foot right of way flanked on both sides by perpendicular parking along its length within a structure should not be considered a street. The Fire Department and Police Department should formally approve or disapprove this plan.

Front Street is currently two-way north of the project and one-way south of the project.

Comment 1.2 Please submit information on the disposition of Front Street. By whom is it owned? To whom are any easements required? What municipal approvals are required to establish ownership and easements?

Response MS, LLC: Front Street appears is currently a "mapped" street controlled by the City of Troy. Per the contract between Monument Square, LLC and the City of Troy which was approved 9-0 by the City Council on October 2, 2014, the land area in question is to be transferred to Monument Square, LLC.

Response WCATS: The Land Development Agreement executed November 5, 2014 between Monument Square LLC and the City of Troy states the following with regard to Front Street:

*"The transfer of the Land by the City to the Company shall be subject to (i) reserved rights of access, egress and required utility construction in the form of permanent easements and rights of way (ii) **a reserved right of way for the continued existence and location of Front Street through the Land**, as may be approved by the City (by and through the Mayor); (iii) a reserved leasehold interest in the Project to be held by TIDA in connection with a non-recourse straight lease transaction (the "Straight-Lease Transaction") to be entered into by TIDA and the Company pursuant to Section 1963 of the Public Authorities Law ("PAL"); and (iv) a reserved leasehold or easement interest in the as-completed Parking Improvements (as may be required to secure the City Grant Funding, as defined herein) and Infrastructure Improvements to be memorialized in one*

or more agreements by and between the Company and the City (the "City Reserved Interest"), such City Reserved Interest to be sufficient to qualify the City Grant Funding (collectively; the foregoing being to be "Reserved Rights")."

In addition, the City of Troy "Request for Qualifications with Proposal Monument Square Redevelopment – September 2013" states that:

"Front Street is to remain a through street, accommodating one-way traffic north to south"

Comment 1.3 We understand that the city needs to conceptualize the future of Front Street, the intersection of River and Front Streets, the Uncle Sam Bus Stop, the Front Street parking lot and the vestiges of the old Riverfront Park. 1 Monument Square needs to have a sense of how Front Street will develop in order to provide a realistic site plan.

Response MS, LLC: The City has provided a conceptual restructuring (attached) of how Front Street could function north of the One Monument Square site and the Site Plan submitted has been designed to allow pedestrian, passenger vehicle, and emergency vehicle traffic to traverse or bypass the site as may be appropriate.

Response WCATS: The garage plan is congested and circuitous. It is rational and good practice to insist upon and review a traffic study before any determination on this project is made. A two-way traffic pattern to the south of the garage is not possible. 200 feet south of the southern project boundary, the width of Front Street narrows to between 14' and 13'-3". This issue has been expressed in previous Planning Commission meetings. Since Front Street can only function as a one-way street (State Street, north to 1 Monument), emergency vehicles cannot proceed through the garage and, instead, must travel to State Street to access Front Street. However, Front Street is too narrow at the aforementioned intersection to allow virtually any vehicle to make a right hand turn on to Front Street. As such, emergency vehicles, utility and garbage trucks must proceed all the way to Congress Street before accessing Front Street.

There has been no plan provided on the northern intersection of Front and River Street. The intersection, as it exists, is dangerous, to say the least, and should be redesigned prior to further consideration of this project. To suggest that the requirement to maintain Front Street may be fulfilled by "bypassing the site" fails to fulfill the requirement set forth in the RFP and raises multiple concerns about safety, maintenance, and the design and development of the area adjacent to the seawall for heavy vehicles.

Comment Category 2. Waterline

Comment 2.1 The 20" waterline running through the site needs to be accessible for service and repair. If it needs to be relocated then it will not be at city expense. If the project design is modified to make servicing the line possible, then illustrate the access in plan and section.

Response MS, LLC: As discussed with the City Engineering Department, a 30' easement to service the line was determined to be adequate to allow the Department to service the line as necessary. The easement is offset from the line to allow an excavator, truck, and other equipment to access the line. The easement is shown on the Utility Plan Lower Level, Sheet SP4B. In addition, a section showing the height of the podium above tile line, the depth of the line below-ground, and the ability for an excavator to work under the podium is attached. The podium is approximately 20' above the water line.

Response WCATS: According to the 10/6/15 revised Sheet No. SP4B, the 20" waterline remains beneath the podium and the new podium outcropping structure. Approximately 21-feet

of the line is shown beneath the outcropping which features a grade-to-slab height less of than 10-feet, which precludes the use of large equipment within this area. In fact, the waterline is within 5 feet of a main support column. The waterline is believed to be a high pressure line (exceeding 100psi). Should this line rupture in the future within this general area, the effects to the structure, specifically the building support columns and sub-surface structure, could be devastating. It is ill advised to permit the line to remain beneath the podium and especially the new outcropping.

The 20" water main should be moved. It is a small expense in light of the overall project cost and grant funding involved.

Has this been run by the department of Public Works? The City Engineering Department and Public Works should formally approve or disapprove this plan.

Comment Category 3. Firefighting Access

Comment 3.1 The "path" along the waterfront will be designed to allow access by emergency vehicles and must be approved by TFD before the PC will act on the site plan. Site plan needs to illustrate the path of TFD's largest ladder truck with turning radii. The Site plan also must illustrate outriggers staging areas on structural surface so TFD can visualize a fire fighting and ladder access scenario.

Response MS, LLC: At the request of the TFD, the promenade along the Hudson will be constructed to support the TFD emergency vehicles. Although TFD has stated they will likely not fight a fire in the One Monument Square structure from the river side of the building the promenade has areas for the outriggers to be staged on the widened areas of the promenade as indicated on the site plan. Turning radii at the north and south end of the site for the TFD ladder truck are shown on the attached graphic.

Response WCATS: This point is not simply a matter of "fighting a fire", per se. A ladder truck has the function of spraying water but, perhaps more importantly, rescuing trapped occupants of buildings on upper floors.

According to the Troy Seawall Stabilization Project report of June 26, 2015, the seawall between Stations 26+00 to 29+00 is in "serious" condition, which is defined in the report as "Advanced deterioration, overstressing or breakage may have significantly affected the load-bearing capacity of primary structural components. Local failures are possible and load restrictions may be necessary. Repairs may need to be carried out on a high-priority basis with urgency". The report further categorizes the priority of repairs as "Priority 1" and recommends repairs "within 18 months". A 40-inch, high pressure sewer intercept main lies 15-feet (+/-) inland from the edge of the bulkhead and 6-feet (+/-) below grade. The suggestion that a 65,000 lb. ladder truck should be permitted to travel near the interceptor within proximity to a failing bulkhead is courting disaster. Finally, a large piece of fire apparatus, (be it a pumper, ladder or platform) will have a very hard time turning and, in fact, would be trapped at the south end of the site if Front Street were to become a one-way street from south to north.

Since this emergency vehicle access route will not be a "street" how will it be maintained in the winter to provide access?

Comment 3.2 If firefighting is impractical or impossible to accommodate at the rear of the building then the building must be designed to accommodate fire access on the River Street side only.

Response MS, LLC: During earlier meetings, the TFD indicated they would likely fight fires from the River Street side of the building. Therefore, the fire department connection has been provided on the River Street elevation. Likewise, elevator and stairwell access has been provided onto the River Street side to facilitate firefighter access to upper floors.

Response WCATS: The Troy Fire Department should formally approve or disapprove this issue and the potentially larger issue of the 6 ½ story wood frame building.

Comment Category 4. Public Space

Comment 4.1 This site bears the dual burden of belonging to the public at the street and river levels while providing a unique private residential experience. Illustrate the streetscape elements in other than plan. Submit precedent images and product photographs as necessary. Show us how the space is engaging and *alive* both when the market is outside and when it is not.

Response MS, LLC: Streetscape elements remain under development. Precedent images are attached for review and comment by the Planning Commission.

Response WCATS: The application should be tabled by both the Planning Commission and the Historic Review Committee until the streetscape elements are submitted as requested and in detail.

Comment 4.2 It is very important that this project integrate with the park, not separate it, visually or otherwise.

Response MS, LLC: The design of the waterfront promenade is to continue the work completed in the Park south along the frontage of One Monument Square. In addition, the public access through the staircase from the River Street podium down to the park level has been reoriented to draw people from the park up to the public podium, and vice versa.

Response WCATS: The design, as a result of the proposed vertically extruded massing of the building and horizontal extension of the podium into the park zone, substantially blocks views to the river and park from the upper level. In plan, the proposal narrows the open slot, fills that slot with trees and blocks the view and awareness of the proposed stair (that is around the corner of the building) and continued promenade to the park level.

The horizontal extension of the podium and parking garage into the park blocks oblique (diagonal views) from the upper to the lower park/river level. The staircase is out of view from the upper level and split into two sections that are not generous enough to invite casual use for seating or viewing.

Comment 4.3 Clearly illustrate what is public space and what is private. And where public and private money is being spent. Revisit the proposal for illustrations which helped explain the funding sources for different aspects of the project.

Response MS, LLC: All of the outdoor space is public. Attached is a Sources and Uses graphic which explains the Public Grant money and its uses. As shown, there is a \$1.8 million gap between the public grants received for public access and the cost of the public access amenities. This gap is covered by the other development income.

Response WCATS: The graphic representation of the “public” portion of the project shown in the Sources and Uses is inaccurate. If the only “public” component of the project is now the promenade, then you cannot classify the whole Podium as “public”. It appears that with the exception of the ill-developed passage of Front Street through the garage, everything in the ground, the private parking garage and the roof of the private parking garage which doubles as the support for the promenade are private.

We also question the “public” space on the promenade if the developer is planning a restaurant tenant(s) in the first floor. These proposed tenants will certainly want the promenade space for their use. This issue should be addressed.

Best case, the “public” component is a portion of the promenade, the stairs down to the park and the elevators from the River Street level to the Front Street level. This value of these “public” components are much less than the \$5.6 million represented in the Sources and Uses.

Comment 4.4 Illustrate the treatment of the triangular plaza in front. Infer the historic street which existed here.

Response MS, LLC: The triangular plaza has received a modified treatment with changes to tile paver pattern and tree placement to reflect the earlier extension of Broadway.

Response WCATS: By extending the triangular plaza horizontally, oblique views to the lower level are limited. Filling the plaza with trees further limits views through the remaining undersized gap. The selection of tree species with a high canopy would be essential to maintaining what little gap remains while screening the focus on the firewall of the adjacent building that is created by the proposed scheme.

Comment 4.5 Consider a unique look out space which pulls people past the building into the realm of the river front.

Response MS, LLC: The podium has now been designed as a two-level podium. The upper level remains as originally designed at the River Street level. The westerly section has now been dropped by approximately 10' to provide a more intimate setting with green-roof features and paths.

Response WCATS: The design does not effectively give awareness of the river or visual clues to “pull people past the building into the realm of the waterfront”. Linkage to the lower green roof podium level from the north is restricted by a narrow 90-degree turn that is visually blocked by a 10-foot high wall of the garage. As presented its proportions and lack of furnishing make its use questionable. The effect of this lower green roof and the turn of the stair away from the upper podium at the “back” of the residential block further diminish its perception as being public. The most accessible locations having lookout potential are in movement pathways and do not readily accommodate pause.

Comment 4.6 Consider re-orientation or redesign of the grand stair. If it is an amphitheater, it needs a stage area. We have an amphitheater in the park a short distance away. Instead it can be a unique vantage point to enjoy the river and the view of the park. Revisit the earlier proposal which showed a more engaging and sculptural approach to this area of the project.

Response MS, LLC: The stairway has been reoriented to face the Troy Riverfront Park. Due to utility constraints on the site (water main and sanitary sewer lines) the stairway has been modified.

Response WCATS: While the proposed stair reorients to the park it does not align with or set up a clear visual passageway to Monument Square. Instead its axis visually leads to the back of the proposed residential block. The proposed stair is not grand or sufficiently generous to promote sitting or pause to view the river and park.

Comment 4.7 Consider a public passage through the building from Monument Square through to the podium. When the market is open it would become part of the market layout. When the market is not active people could be allowed to proceed through to the public space beyond.

Response MS, LLC: Public access around both sides of the building will remain to allow people to proceed to the public space.

Response WCATS: Whether the TPC comment implied movement through the enclosure of the building or merely through its massing (e.g. under a cantilevered portion or through an open portal) is not clear however, a variation on the massing of the building would be the best way to achieve the objectives of visually framing and physically connecting the city to the riverfront. Creating a clear and viable connection is critical to the development of this most key site in the City and must be maintained as a primary criteria for the project as called for in the RFP.

The developer response: that the project “allows people to proceed to the public space is literally true”, but instead of making it evident, compelling and inviting, it is hidden, circuitous, and does not meet the spirit or intent of the RFP, or what the city and public deserves.

The issue of public elevator access between River and Front Streets should be better defined. Especially with regard to hours of availability.

Comment Category 5. Architecture

Comment 5.1 Regardless of the finish materials, the architectural detail of the building must give it an appearance of depth, substance and stability. This site requires a "building for the ages" which is also a "building of its time". Do not attempt to replicate a particular architectural style or design of adjacent buildings. But to the greatest extent possible, build with similar materials. Respect the scale, the relationship of the buildings to each other and the level of craft present in our historic structures all around.

Response MS, LLC: The proposed elevations have been modified, and perspectives submitted to the Historic Review Commission and Planning Commission for review and comment.

Response WCATS: The perspectives were not submitted in a timely manner. The two perspectives received after the Historic Committee meeting show the adjacent building massing but do not show their detail or materiality as required, nor do they indicate the materiality proposed. This remains an incomplete submission and should be tabled until the requirements are met.

As presented the perspectives reveal that the proposal does not have an appearance of “depth and substance as required”. The elevations appear to be thin, veneer facades that rely on patterning that is insubstantial and out of character with the surrounding district.

Comment 5.2 At least the first 20' above the River St sidewalk level is expected to be actual masonry or natural stone materials. If the weight of true masonry materials is problematic for the structural capacity of the soils please present engineering recommendations to that effect. If the material weight is too heavy for the proposed construction type, reconsider the construction

system. If need be we can set up an escrow account for the applicant and hire a structural engineer to review their geotechnical report and calculations.

Response MS, LLC: The first 20'+ of the facade will be masonry or natural stone. The remaining facade materials are a function of the architect's proposed design. As noted above, this building is not meant to replicate existing structures, but become an important part of Troy's fabric.

Response WCATS: The developer did not meet this requirement of the TPC and gives no indication that they have considered alternative foundation and/ or construction types that are typical of urban sites and buildings of this size. The notion that a wood frame building (as earlier suggested), with a light veneer or rain-screen material is beyond the scrutiny of the authority granting approvals should not be accepted. The TPC should require a response and /or follow through with "an escrow account for the applicant and hire a structural engineer" to review their conclusions as suggested.

Comment 5.3 PC understands that the architectural design of this building is highly restricted by underground issues and adjacent buildings.

Response MS, LLC. Comment noted.

Response WCATS: The site is not only urban, but in an historic area where adjacent buildings and underground utilities 1) should be expected, 2) were provided in existing conditions drawings, and 3) do not override the obligation to meet the requirements of the RFP. The need to relocate utilities as required at the cost of the project, place a building of this size on piles is commonplace. The TPC comment should not provide permission to design a building around all obstacles at the expense of meeting the expectations of the RFP or the standard of care and quality deserved by the City of Troy in this key location.

Comment 5.4 Emphasize the entrance to the market at street level. It is shown as two doors in two planes bent away from each other. A grander entrance is warranted at this termination of Broadway.

Response MS, LLC: The proposed elevations have been modified, and perspectives submitted to the Historic Review Commission and Planning Commission for review and comment.

Response WCATS: The entrance to the restaurant, market, and which doors along River Street provide retail entry and or openness and to what degree is unclear. Signage zones, the relationship of the first level height to the registration lines of adjacent buildings also remains unclear. Concern regarding the River Street façade and livelihood it will engender remains more than the issue of the entry at the two bent planes of the building.

The fact that the building face is not in alignment with the street wall on either side also needs to be addressed. The keeping of the street wall is compromised both by the gaps on the north and south but also by the set back from the street façade wall. Not only is the proposal failing to connect effectively to the park, it is also not bridging the gap in the urban fabric of the River Street edge. What the two bent planes leaving the street edge serve perceptually or aesthetically is unclear.

Comment 5.5 Provide sections through the building to help explain the relationship between the podium and the riverfront level and to show how the street and river levels are connected. Show how that vertical connection activates and energizes the experience of traversing from city to river and vice versa.

Response MS, LLC: A section through the building, the two podium levels, and the waterfront promenade has been developed and attached.

Response WCATS: No full section of the building with the podium and site was provided. What was provided indicates that the building completely blocks that vertical connection between Monument Square and the Riverfront Park. If considered in the two gaps it between the proposed building and adjacent buildings to the North and South, the oblique (diagonal) view to the park and river is blocked. There are no sections or views that represent how this connection, (one of the key requirements of the RFP) is “activated or energized.”

Comment 5.6 Provide pedestrian level views of the project from vantages of Broadway, River Street, First Street, the river itself, etc. Help us understand how the building feels from the street.

Response MS, LLC: Perspectives have been provided to the Historic Review Commission and Planning Commission as suggested.

Response WCATS: The perspectives provided well after the deadline to receive materials in advance of the 10/28/15 meeting did not include First Street or Riverside views as required, nor did they incorporate the adjacent facades with respect to detail and materiality.

Comment 5.7 Incorporate the facade of adjacent buildings into elevation drawings of the building.

Response MS, LLC: Perspectives have been provided to the Historic Review Commission and Planning Commission as suggested.

Response WCATS: The perspectives provided well after the deadline to receive materials in advance of the 10/28/15 meeting included the massing of the adjacent buildings, but did not “incorporate the facades of the adjacent buildings” as required. No elevation drawings were provided as required. No views whatsoever were provided of the West (river) façade which is in fact the Elevation of the City of Troy as seen from the opposite bank and much underplayed to date in this consideration.

Comment Category 6. Parking

Comment 6.1 Provide clarification on the parking requirements and how the funding is or is not tied to the provision of public parking.

Response MS, LLC: The parking provided on the plan meets the requirements of tile City of Troy's zoning ordinance. To the best of our understanding, the site plan as designed meets the intent of the grant funding from the State of New York. Ultimately, the New York State will determine if the plan meets the intent.

Response WCATS: The private parking proposed does not meet the requirements of the Troy City Hall Grant, the City of Troy “Request for Qualifications with Proposal Monument Square Redevelopment – September 2013” or the developer’s winning submission to this RFP. These state as follows:

TCHG - concealed parking garage, the sub-surface parking area would contain approximately 200 spaces and serve the needs of the privately developed mixed-use building(s), other downtown businesses and Riverfront Park.

RFP – public and private parking, concealed parking garage, screened from view, “vehicular access to and from onsite public and private parking via Front Street”

Monument Square LLC winning proposal – public and private parking, concealed parking garage, screened from view, “vehicular access to and from onsite public and private parking via Front Street”, “175 revenue generating parking spaces”

The public parking requirement was also acknowledged by the developer in the Land Development Agreement:

“The transfer of the Land by the City to the Company shall be subject to (i) reserved rights of access, egress and required utility construction in the form of permanent easements and rights of way (ii) a reserved right of way for the continued existence and location of Front Street through the Land, as may be approved by the City (by and through the Mayor); (iii) a reserved leasehold interest in the Project to be held by TIDA in connection with a non-recourse straight lease transaction (the "Straight-Lease Transaction") to be entered into by TIDA and the Company pursuant to Section 1963 of the Public Authorities Law ("PAL"); and (iv) a reserved leasehold or easement interest in the as-completed Parking Improvements (as may be required to secure the City Grant Funding, as defined herein) and Infrastructure Improvements to be memorialized in one or more agreements by and between the Company and the City (the "City Reserved Interest"), such City Reserved Interest to be sufficient to qualify the City Grant Funding (collectively; the foregoing being to be "Reserved Rights").”

Comment 6.2 The PC believes that parking is important, but it is not alone the highest and best use of this real estate. If sufficient public parking cannot be provided to meet obligations then the developer can contribute toward the maintenance of public parking within a short distance of the site.

Response MS, LLC: We believe the plan as presented meets all the obligations required.

Response WCATS: We also believe that parking alone is not the highest and best use of the site. However it is a condition of the grant funding and has, since 2008, been envisioned as two levels below River Street, concealed and screened from view.

What happened to the Fischer Associates of Buffalo parking study? According to the Times Union, this was commissioned in January and was due in May. It was to cost \$60,000 and was to be funded by Kirchoff Properties (\$25,000) and the Troy Local Development Corporation (\$35,000)

Where is there public parking within a short distance of the site that the developer could contribute to maintaining?

Comment 6.3 Remove several parking spaces from River Street directly in front of the entrance doors. This termination of Broadway should focus on a gracious building entry which draws people into and through the building to the river.

Response MS, LLC: The parking spaces along River Street have been modified as noted.

Response WCATS: The proposed extent of the diagonal parking aligns with the building fronts of the adjacent buildings putting parking in the sidewalk zone of River Street from north to south and causing a westward offset of the sidewalk to the proposed set back building face. In addition diagonal parking into an urban street creates a safety concerns.

Eliminate the angle parking in front of the building and construct the building in line with the adjacent buildings.

Comment Category 7. The Farmers Market

Comment 7.1 Provide clarification on the Market's hours of operation and their impacts on the street facades, the parking and on the site amenities.

Response MS, LLC: The Farmer's Market, just as any other retail use, will house its activities within the building except on Market Days. The number and duration of Market Days is not expected to radically differ from current operations, and on those days vendors are expected to have space along the street and the podium areas. This will be coordinated with the City of Troy. Market hours of operation have not been established, however we are committed to an open retail presence at a minimum of 5 days per week during hours of operation typical for the other retail tenants in downtown Troy.

Response WCATS: There are many problems here:

The Troy Farmers Market Grant is "owned" by the developer, Monument Square LLC. The developer is "committed to an open retail presence at a minimum of 5 days per week." What will this retail presence be if the Troy Farmers Market does not participate in the project?

The developer pitched their grant request CFA 42397 to the State by incorporating the Troy Farmers Market into their proposal.

If the Troy Farmers Market decides not to participate in the project, should the developer still be entitled to receive the grant money for the Troy Farmers Market?

If the Troy Farmers Market had not been part of the developer's winning RFP submittal to the City of Troy would the developer have been selected?

The new Sources and Uses block diagram submitted to Planning for the October meeting shows the "Market/Retail at River Street Level" as costing \$3.50 million. This is to be funded with \$1.50 million of the 2014 Grants (conveniently not referred to as the "Troy Farmers Market Grant") and \$2.00 million of "Market Purchase of Condo Interest" Where is the Troy Farmers Market going to get \$2.00 million?

In Conclusion – We Care About The Square

The developer's problems arise from trying to scale back the cost of the project from their original winning submission proposal.

The current proposed project does not effectively maintain the street edge of this important square or effectively connect it to the Riverfront Park. It is also not is keeping with, or of the quality required for this important site.

If they revise their plans to build closer to or on the adjacent building property lines, develop massing that effectively engenders a compelling connection to the waterfront, build in the plane of the adjacent buildings at River Street and move the 20' water main they will have adequate space to provide 2 levels of concealed parking below River Street and execute the project properly.