

# We Care About The Square



August 16, 2017

Dear Planning Commission Members

As you are aware, WCATS has been paying very close attention to the planning process over the past two years as it relates to the development of One Monument Square. We do this for no other reason than our love for Troy. What has become apparent in our observations is that members of planning are put in a very difficult situation as volunteers with what seems to be little to no formal training as to your responsibilities as members of the Planning Commission.

Your responsibilities go far beyond how a building looks but also requires that you act as a fiduciary in ensuring that any proposed development will not negatively impact the natural and manmade surrounding environment. While attractiveness and appropriateness are essential components, please do not be led down the path to believe that this is your only responsibility for assessing the quality of a proposal and ultimately approving or disapproving. Sections 285-22 and 285-39 from the City Code are attached for your review.

Most importantly, the Planning Board is the lead agency for SEQR review. The short synopsis of your responsibilities listed in 285-22 are explained in detail in the SEQR review process. An excellent overview of the SEQR process can be found here on the NYS site:

[http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/guidfnledits27409.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/guidfnledits27409.pdf)

To be clear, you have the right to issue a negative declaration for the current 1 Monument Square project **but** only if you have completed the due diligence required by the SEQR statute.

Attached is the SEQR Negative Declaration issued for the previous 1 Monument Square Project. Please note the highlighted sections that addressed:

- Proximity to Historic Sites
- Impact on River and park
- Impact on Historic and aesthetic resources
- Impact on Traffic and parking
- Lighting impact and compliance with ordinances

We are concerned that these issues are not being properly addressed with the current project.

Do you plan to issue a Negative Declaration for the current project without fully addressing these issues? If the answer is yes, you risk subjecting the city to possible litigation.

We hope that this letter serves as nothing more than a friendly reminder.

We appreciate your time and your dedication to the City of Troy.

We Care About The Square

**§ 285-22. Planning Commission.**

The Planning Commission shall strive to promote excellence of site design so as to improve community attractiveness, minimize negative influences of discomplementary uses, protect the natural environment, minimize traffic conflicts and congestion and protect the public health, safety and welfare.

**§ 285-39. Site plan review.**

See § 285-25.

**A. Process.**

(1) Step 1. Prior to submission of a formal plan, the applicant may meet in person with a staff person for the Planning Commission or any number of its members in an informal meeting to discuss the proposed site plan so that subsequent steps may be taken with a clear understanding of the Planning Commission's requirements in matters relating to the development of the site.

(2) . Step 1a. The applicant, at his/her option, may request a preliminary hearing by the Planning Commission for purposes of conceptual review only. Such review is intended to provide the applicant with guidance prior to submission of a formal plan. Such review is not binding on the Planning Commission for the purposes of issuance of a building permit.

(3) Step 2. A completed application form (see Appendix AEN (13)), the required fee, and 15 copies of the site plan shall be submitted to the Department of Planning and Community Development, hereafter referred to as the "Planning Department," at least 21 days prior to the Planning Commission meeting at which approval is requested. The Planning Department shall certify on each site plan that all provisions of this chapter have been met or, if not, shall list on the plans those requirements of the chapter that are not met.

(4) Step 3 (distribution).

(a) The Planning Department shall circulate copies of the site plan to the following staff members: Department of Public Utilities (water and sewer); City Engineer; Traffic Engineer; Director of Code Enforcement; Fire Chief; Police Chief; and shall solicit comments therefrom.

(b) The Planning Department shall circulate one copy of the site plan for all proposed residential developments of 10 or more units to the superintendent of schools for the school district within which the residential development lies.

(5) Step 4 (staff meeting). At least 15 days prior to any scheduled meeting of the Planning Commission, the staff members may meet to discuss all proposals in order to identify problems, to outline staff reports and to conduct environmental reviews.

(6) Step 5 (staff reports). By the seventh day before any scheduled meeting of the Planning Commission, a written staff report for each project shall have been received by all Planning Commission members and a public notice shall have been delivered to a newspaper of general circulation to be published five days prior to the meeting. In addition, a copy of the public notice shall be mailed to each applicant 10 days prior to the meeting date, and one copy of the notice shall be mailed to the five most adjacent property owners of record, as per the City Assessor's roll, at least 10 days prior to the meeting date. <sup>EN (14)</sup>

(7) Step 6. Meet in public hearing.

**B. Elements.** Site plans for Planning Commission review shall be deemed incomplete and therefore not reviewable unless they contain all of the required information listed in Appendix B <sup>EN (15)</sup>.

State Environmental Quality Review

**NEGATIVE DECLARATION**

Notice of Determination of Non-Significance

**City of Troy, Rensselaer County, New York**

**Date:** October 28, 2015

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 (“SEQR”).

The City of Troy Planning Commission (“Commission”), as Lead Agency, has determined that the proposed action as described in the application, Full Environmental Assessment Form (“EAF”) and supplementary reports submitted in support of said application and below, consistent with the procedures and criteria set forth in 6 NYCRR 617.7, will not have a significant adverse impact on the environment and a Draft Environmental Impact Statement (“D.E.I.S.”) will not be prepared. Reference is made to a negative declaration previously adopted on July 6, 2010 by the Commission for redevelopment of the former Troy City Hall site, which is hereby incorporated and attached as Exhibit A.

**Name of Action:** One Monument Square - Redevelopment of The Former Troy City Hall Site and the Adjacent Riverfront Park

**Name of Applicant:** Monument Square, LLC  
199 West Road, Suite 101  
Pleasant Valley, NY 12569

**SEQR Status:** Type I

**Conditioned Negative Declaration:** No

**Description of Action:**

The Applicant, Monument Square, LLC (the “Applicant”), is seeking site plan approval and other federal, state and local approvals for a mixed-used residential and commercial development on a 1.2 acre site located at One Monument Square, which was previously improved by the former City Hall and a former parking structure. The subject site is located in the Central Commercial (B-4) Zoning District in the City of Troy’s locally designated Riverfront Local Historic District.

The proposed action as revised through the planning process includes 78 one (1)-bedroom, two (2)-bedroom and three (3) bedroom apartments, approximately 15,271 sq. ft. of space for commercial activity such as the Troy Farmer’s Market and a 3,670 sq. ft. restaurant with capacity for 160 seats (120 inside and 40 outside) (the “Proposed Action”), on the currently vacant site together with public space along the waterfront.

The City of Troy previously conducted a comprehensive community engagement process concerning the redevelopment of the former City Hall site and the Troy Riverfront Park located adjacent to the project site. Subsequently, the City of Troy prepared a Request for Qualifications with Proposals (“RFQ/P”) seeking qualifications from development firms to acquire and construct a mixed use development on the project site. The City of Troy selected the Applicant as its preferred developer to undertake the Proposed Action, pursuant to which the Applicant now seeks approvals from various agencies including the Planning Commission. The proposed mixed use commercial and residential uses are permitted uses in the B-4 district with site plan review and approval, and the Proposed Action complies with the bulk requirements of the City of Troy Zoning Code.

### *Project Review History*

The Proposed Action for site plan approval is the outgrowth of a planning process for the redevelopment of the Troy Riverfront Park and the former City Hall. In October 2009, the City of Troy engaged consultants to assist with the redevelopment of the One Monument Square site to visually and physically enhance public access to the Hudson Riverfront, linking the riverfront and the downtown and build a new structure(s) on part of the site. Concurrently, the City engaged consultants to prepare a plan and designs for the redevelopment of Riverfront Park, including public meetings and information sessions.

By Resolution dated March 11, 2010, the City of Troy Planning Commission established itself as Lead Agency to review the redevelopment of the Riverfront Park and the City Hall site, including the demolition of the 43,000 square foot former City Hall and the adjacent 27,000 square foot parking structure for future development (the “Project”). The City of Troy proposed a public/private partnership to redevelop the Project area to include a public park as part of a mixed use development including a building(s) that would provide space for retail, commercial, governmental and/or residential uses. In 2010, the Commission reviewed the potential environmental impacts associated with the Project. On July 6, 2010, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (“SEQRA”) of the New York State Environmental Conservation Law, the Commission as Lead Agency determined that the development of the former City Hall site and the adjacent Riverfront Park did not have the potential for significant adverse environmental effects and issued a Negative Declaration.

Subsequently, on or about September 23, 2013, the City of Troy issued a RFQ/P soliciting proposals for the acquisition and development of the city lands on the One Monument Square site. On or around November 15, 2013, the Applicant submitted a response to the RFQ/P, pursuant to which the Applicant proposed to acquire portions of the One Monument Square site and undertake a redevelopment project consisting of the planning, design, construction and operation of a mixed-use commercial and residential development. The City of Troy City Council selected the Applicant as its preferred developer to undertake the project and the Applicant entered into a Land Development Agreement (“LDA”) with the City of Troy to redevelop the project site. The City of Troy City Council unanimously approved the LDA for the Proposed Action finding development of the downtown waterfront consistent with the scale of the surrounding buildings and the community’s overall vision for the City Hall site.

*Site Plan Application & SEQRA Lead Agency Status*

On February 17, 2015, the Applicant submitted a proposed site plan for the redevelopment of the One Monument Square site. The Planning Commission has reviewed several iterations of the redevelopment over the past five (5) years. Earlier this year as part of the Applicant's formal site plan application, the Planning Commission circulated its intent to be the Lead Agency in a notice dated February 20, 2015. No objections from involved or interested agencies were noted and the Planning Commission is the Lead Agency for purpose of the Action. During the course of the planning review, the project plans presented by the Applicant were modified in certain aspects, including a reduction in residential density, changes to the configuration of the building and other details of the development known as the One Monument Square Project. On June 21, 2015, the Planning Commission re-circulated updated EAF Parts I and II and the current site plans for the project to involved and interested agencies, initiating a coordinated review and re-classifying the Proposed Action as a Type I Action. These changes are related to the Proposed Action as a whole, and the City of Troy Planning Commission has considered the environmental impacts throughout each of the steps identified herein. No objections to the Planning Commission's continuing as the Lead Agency were noted.

**Location of Action:** The subject site is located at One Monument Square, City of Troy, County of Rensselaer, New York. The subject site is located in the Central Commercial (B-4) Zoning District within the City of Troy's locally designated Riverfront Local Historic District.

**Tax Map Parcels:**

City of Troy Tax Map Parcels:

- SBL 101.45-5-4.1;
- SBL 101.45-5-5;
- SBL 101.53-1-1; and
- SBL 101.60-1-2.

**The following documentation was analyzed in making this negative declaration:**

Full EAF Parts I & II (revised July 20, 2015).

Other (Describe):

- Site Plan Set, Dated January 30, 2015, Last Dated October 6, 2015, Prepared by The Chazen Companies, consisting of fourteen (14) sheets, numbered and titled as follows:
  - SV1 - Map of Existing Conditions;
  - SP1 – Site Removals Plan;
  - SP2A – Site Plan River Street Level;
  - SP2B – Site Plan Lower Level;
  - SP3A – Grading & Drainage and Erosion & Sediment Control River Street Level;

- SP3B – Grading & Drainage and Erosion & Sediment Control Lower Level;
  - SP4A – Utility Plan River Street Level;
  - SP4B – Utility Plan Lower Level;
  - SP5 – Landscape Plan;
  - SD1 – Site Details;
  - SD2 – Site Furnishings, Landscaping Details & Notes;
  - SD3 – Utility Details;
  - SD4 – Utility Details & Notes; and
  - SD5 – Erosion & Sediment Control Details & Notes.
- Architectural Renderings Set, Last Dated July 10, 2015, Prepared by Alexander Gorlin Architects and Humphreys & Partners Architects L.P., consisting of eight (8) sheets, numbered and titled as follows:
    - A-501 – River Street Elevation;
    - A-411 – River Street;
    - A-412 – 2<sup>nd</sup> Level Podium Floor Plan (Based on IBC-2015);
    - A-413 – 2<sup>nd</sup> – 4<sup>th</sup> Floor – Gross Area: 16,152 SF.;
    - A-414 – 5<sup>th</sup> – 6<sup>th</sup> Floor – Gross Area: 16,136 SF.;
    - A-501 – River Street Elevation;
    - A-502 – Rear Elevation; and
    - A-503 – Left Side Elevation / Right Side Elevation.
  - Additional drawings Prepared by Alexander Gorlin Architects, numbered and titled as follows:
    - Three (3) perspective views in-line drawing – including more detailed "trellis" area between existing and proposed One Monument Square building;
    - Two (2) studies of a corner in detail with the panel system revised;
    - Two (2) aerial views of the entire building in context of the project site;
    - Color studies of section of façade;
    - Perspective of the building as viewed from the River; and
    - Close up of "trellis" area in black and white.
  - Comment Letter regarding Historic/Cultural Resources from New York State Parks, Recreation and Historic Preservation Letter, Dated August 5, 2015; and
  - Draft Stormwater Pollution Prevention Plan (SWPPP), Dated July 17, 2015, Prepared by The Chazen Companies.

**Reasons Supporting This Determination:**

The Proposed Action underwent a full review by the Planning Commission and its consultants which resulted in several revisions to the plans as highlighted below. Based upon the plans, as so revised, and the factors set forth herein, the Lead Agency hereby determines that the project will not result in any significant adverse environmental impacts for the reasons set forth below:

**(a) The following environmental questions were identified as relevant to the action and further analysis conducted by the Planning Commission on whether to adopt a negative declaration (and thereby amend the Negative Declaration previously adopted on July 6, 2010) (numbering taken from Full EAF):**

1. Will the Proposed Action involve construction on, or physical alternation of, the land surface of the proposed site?
5. Will the Proposed Action result in development on lands subject to flooding?
9. Is the land use of the Proposed Action obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource?
10. Will the Proposed Action occur in or adjacent to a historic or archaeological resource?

**(b) The Commission's conclusion that there will not be significant adverse environmental effects related to the areas identified in Section (a).**

The Planning Board finds that the Proposed Action will not result in any adverse environmental impacts based on the following:

**1. Will the Proposed Action result in a physical change to the project site?**

The Lead Agency has evaluated potential impacts relating to physical changes to the project site in the following areas:

- a) Construction on land where depth to water table is less than 3 feet;
- b) Construction involving slopes of 15% or greater;
- c) Construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface;
- d) Excavation and removal of more than 1,000 tons of natural material;
- e) Construction of the proposed action for more than one (1) year or in multiple phases;
- f) Whether the proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides); and
- g) Whether the proposed action is, or may be, located within a Coastal Erosion hazard area.

The total acreage to be physically developed by the Proposed Action is 1.2 acres. The site is currently vacant, previously disturbed urban land, as it was the location of the former Troy City Hall, which was demolished.

The Proposed Action will not involve construction on land where depth of the water table is less than 3.0 feet. The average water depth to the water table on the project site is greater than 6.0 feet. The project site does not have steep slopes, and is comprised entirely of slopes between zero and ten percent (0%-10%). The construction methods incorporated in the proposal will assure that there will not be significant adverse impacts relating to slopes. There are no unusual landforms, such as cliffs, caves or other unique geological features located on the project site. The average depth of bedrock on the urban land is 16.0 feet, and the Proposed Action will not involve construction on exposed bedrock or bedrock within 5.0 feet of the existing ground surface.

Further, the Proposed Action does not include any excavation, mining, or dredging during construction or operation of the Proposed Action. The former City Hall was demolished and the site is currently vacant. Following the demolition of the former City Hall, all debris was removed from the site in its entirety, and a crusher run surface was put in to facilitate the use of the site and prevent erosive damage and sedimentation from occurring during rain events. The Proposed Action will not be completed in multiple phases, and the construction period for the proposed redevelopment will be approximately sixteen (16) months from the time site preparation starts to the time of completion. Construction activities will be limited to normal business hours in accordance with all applicable laws. The Applicant will utilize construction equipment that meets all current applicable OSHA and other requirements. Within the single phase, there are different parts of construction, including construction/configuration of parking areas, construction of building addition, installation of utilities, and the like.

The Proposed Action involves the redevelopment of an existing site that included building and parking area impervious surfaces covering the One Monument Square site. A draft Stormwater Pollution Prevention Plan (SWPPP) consistent with the most up to date NYS DEC design manual and best management practices has been prepared and will be reviewed during the site plan process. The site is well-drained, and the stormwater design for the project will include proper on-site detention for water quantity controls connected to adjacent City drainage systems and will employ standard practices and green infrastructure practices for water quality treatment. There would be no significant increase in runoff to any City storm sewer facility and discharge to existing bulkhead penetrations to the Hudson River. Further, the Applicant will implement erosion and sediment control measures to ensure that there are no discharges of sediment into any wetland or watercourse. The Proposed Action will not use pesticides (herbicides or insecticides) during construction or operation.

While the project site is adjacent to the Hudson River, it is not located within a Coastal Erosion Hazard Area. Further, the project site is not located in an approved Local Waterfront Revitalization Program. The City of Troy engaged consultants and went through community outreach and planning processes, including a site specific Riverfront Master Plan for the riverfront park and redevelopment of the former City Hall site. The City of Troy is in the process of updating the existing Comprehensive Plan that was developed in 1962 as part of the "Realize Troy" planning initiative to develop a new Comprehensive Plan (including a Downtown Economic Development

Strategy and Local Waterfront Revitalization Plan). The Proposed Action is consistent with the Site Specific Riverfront Mater Plan for Riverfront Park.

Accordingly, for all the reasons set forth herein, the Lead Agency concludes that the physical changes of the Proposed Action will not have significant adverse environmental impacts.

**5. Will the Proposed Action result in development on lands subject to flooding?**

The Lead Agency has evaluated potential impacts relating to flooding of the project site in the following areas:

- a) Whether the proposed action may result in development in a designated floodway;
- b) Whether the proposed action may result in development within a 100 year floodplain;
- c) Whether the proposed action may result in development within a 500 year floodplain;
- d) Whether the proposed action may result in, or require, modification of existing drainage patterns;
- e) Whether the proposed action may change flood water flows that contribute to flooding; and
- f) If there is a dam located on the site of the proposed action, and whether said dam is in need of repair or upgrade.

According to NYS DEC EAF Mapper and Environmental Resource Mapper, the project site does not contain, nor is it contiguous to a State regulated wetland. According to National Wetland Inventory information available through GIS, the property is located adjacent to the Hudson River which is classified as a riverine federally regulated wetland. Stormwater run-off will be directed to on-site stormwater management structures and the Hudson River is a receiving water body of surface waters. The Hudson River will not be disturbed or otherwise impacted by the Proposed Action. A portion of the site is located in a designated Floodway along the Hudson River and within a Flood Zone A12 as shown on the Floor Insurance Rate Map identified as Community Panel No. 360677 0003 B, Panel 3 of 4.

Due to its proximity to the Hudson River, a portion of the site is located in a designated Floodway, and limited portions of the project site are located in the 100 and 500 year Floodplains. The Proposed Action will utilize parking areas, open space and other non-habitable uses permitted in areas of the project site within these floodplain designations, so that the Proposed Action will not have a significant environmental impact relating to flooding.

The Proposed Action involves the redevelopment of an existing site that included building and parking area impervious surfaces covering the Monument Square site. During the site plan process, the Applicant will prepare a Stormwater Pollution Prevention Plan consistent with the most up to date NYS DEC design manual and best management practices. The site is well-drained, and the stormwater design for the project will include proper on-site detention for water quantity controls connected to adjacent City drainage systems and will employ standard practices and green infrastructure practices for water quality treatment. There would be no significant increase in runoff from roof and deck drainage to any City storm sewer facility and discharge to existing

bulkhead penetrations to the Hudson River. Additionally, the site is current vacant urban land as it was the location of the former Troy City Hall, which was demolished. Following the demolition of the former City Hall all debris was removed from the site in its entirety, and a crusher run surface was put in to facilitate the use of the site and prevent erosive damage and sedimentation from occurring during rain events.

The Proposed Action will not cause or result in any alteration, increase or decrease in of any encroachment into an existing wetland, waterbody, shoreline, beach or adjacent area. Further, the Hudson River will not be disturbed or otherwise impacted by the Proposed Action, and the Proposed Action will not change flood water flows that contribute to flooding. The project site does not include an existing dam, or a dam in need of repair or update.

Accordingly, for all the reasons set forth herein, the Lead Agency concludes that the Proposed Action will not have a significant adverse environmental impact relating to flooding.

**9. Is the land use of the Proposed Action obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource?**

The Lead Agency has evaluated potential impacts relating to impacts on aesthetic resources in the following areas:

- a) Whether the proposed action may be visible from any official designated federal, state, or local scenic or aesthetic resource;
- b) Whether the proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views;
- c) Whether the proposed action may be visible from publicly accessible vantage points:
  - i. Seasonally (e.g., screened by summer foliage, but visible during other seasons);
  - ii. Year round.
- d) Whether the situation or activity in which viewers are engaged while viewing the proposed action is:
  - i. Routine travel by residents, including travel to and from work;
  - ii. Recreational or tourism based activities.
- e) Whether the proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource; and
- f) Whether there are similar projects visible within the following distance of the proposed project:
  - i. 0-1/2 mile / 1/2 -3 mile / 3-5 mile / 5+ mile.

The adaptive redevelopment of the former City Hall site involved in the Proposed Action incorporates public access to the waterfront and passive open space areas. The former City Hall and existing parking structure on the project site were demolished. In an effort to redevelop the former Troy City Hall site, the City of Troy has undertaken economic revitalization efforts, involving comprehensive community engagement processes to solicit feedback and a vision for the former City Hall site. The results of the process amounted to recent major upgrades to the Riverfront Park greenspace pursuant to a Riverfront Park Master Plan, and a Request for Proposals (“RFP/Q”) that encapsulated development guidelines for the former City Hall site. The Proposed Action will link the downtown to the park and the waterfront, maximizing the river as an asset as identified in the Riverfront Park Master Plan. Additionally, the City of Troy is currently updating its Comprehensive Plan. As a part of the Comprehensive Planning process, a Downtown Economic Development Strategy (DEDS) and a Local Waterfront Revitalization Plan (LWRP) will also be developed to ensure that these unique assets can be strengthened to deliver new social, cultural, recreational and economic opportunities to the broad community. The Proposed Action addresses the goals and objectives of the City, including its Riverfront Park Master Plan and RFP/Q for the One Monument Square site.

The Proposed Action is located within 5.0 miles of officially designated scenic or aesthetic resources, including Peebles Island State Park (3.2 miles), and Oakwood Cemetery (1.7 miles), Albany Rural Cemetery (2.5 miles) and St. Agnes Cemetery (2.5 miles), which are listed on the National Register as Listed Cemeteries. The Proposed Action is designed to link the downtown to the Riverfront Park and the waterfront, maximizing the river as an asset as identified in the Riverfront Park Master Plan, and the Proposed Action will not obstruct, eliminate or significantly screen one or more officially designated scenic area.

The Proposed Action is visible year round, including from the Riverfront Park, by routine travel by residents, including travel to and from work, as well as recreational or tourism based. The Hudson River, adjacent to the project site, is frequently used as a fishing location, and the Proposed Action will not have an impact on these activities. The project site is not presently used by members of the community for public recreation. However, the Proposed Action maintains public access to the waterfront, proposing materials, fixtures and design elements consistent with the Riverfront Park design elements.

The Proposed Action is located in the Central Commercial (B-4) Zoning District, within the City’s locally designated Riverfront Local Historic District. The proposed mixed use commercial and residential uses are permitted uses in the B-4 district. Further, the building is proposed to be complementary to the downtown waterfront and downtown setting and compatible with the scale and character of the surrounding architecture, and is consistent with the goals set forth in the City of Troy’s RFP/Q for the One Monument Square site. The Proposed Action is located in proximity urban and commercial development, and the land use is consistent with the uses surrounding the project site. The overall scale and massing of the proposed building is consistent with the general setting of the area, as confirmed by the New York State Parks, Recreation and Historic Preservation.

Accordingly, for all the reasons set forth herein, the Lead Agency concludes that the Proposed Action will not have a significant adverse impact relating to aesthetic resources.

**10. Will the Proposed Action occur in or adjacent to a historic of archeological resource?**

The Lead Agency has evaluated potential impacts relating to impacts on historic and archeological resources in the following areas:

- a) Whether the proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places;
- b) Whether the proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory;
- c) Whether the proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory;
- d) Other impacts; and
- e) Whether the proposed action may:
  - i. Result in the destruction or alteration of all or part of the site or property;
  - ii. Result in the alteration of the property's setting or integrity;
  - iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.

The project site is located within an archaeologically sensitive area and is bounded on the southeast and northwest by the Central Troy Historic District (National Register listed, 1986), and the project site is located immediately adjacent to the boundary of the River Street Historic District (National Register Listed, 1974). The Central Troy Historic District subsumed the earlier River Street Historic District within its boundary when designated. Another predecessor historic district included the Second Street Historic District (1974).

The Proposed Action is located on a previously disturbed urban site, and the proposed building, which fills in the footprint of the former City Hall, was excluded from the historic districts at the time of their listing. However, there are a few listed buildings in proximity to the project site. Generally, the essential elements noted for properties in the Central Troy Historic District can include property associated with events that have made a significant contribution to the broad patterns of our history; property that embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction. The following properties were identified using the New York State Cultural Resource Information System ("CRIS"):

- Cannon Building – National Register Listed 1970. No additional information provided on CRIS.

- McCarthy Building – National Register Listed 1970. No additional information provided on CRIS.
- Troy Savings Bank and Music Hall – At one time, a famous place for concerts and gala affairs for the City. Acoustics in the building reported to be one of the best in the country, with designer taking these into account in erection.

The proposed One Monument Square Project will not disturb any historic, cultural or archeological resources, including the above-referenced sites. In a comment letter dated August 5, 2015, regarding Historic/Cultural Resources (the “NYS OPRHP Letter”) the New York State Parks, Recreation and Historic Preservation (“NYS OPRHP”) opined that “... the proposed new infill construction does not have any additional impact on historic qualities associated with the National Register listed Central Tory Historic District or the earlier River Street Historic District.” The NYS OPRHP Letter further provides that: “[t]he building fills the footprint of the former City Hall, which was excluded from the historic districts at the time of their listing.” As provided in the NYS OPRHP Letter, the Proposed Action is not located within the City’s Historic Districts, and the Proposed Action will not directly impact a historic site or structure, or archaeological site not included on the NY SHPO inventory. No other impacts were identified.

Further, the Proposed Action is located in the Central Commercial (B-4) Zoning District, within the City’s locally designated Riverfront Local Historic District. The proposed mixed use commercial and residential uses are permitted uses in the B-4 district. Further, the building is proposed to be complementary to the downtown waterfront and downtown setting and compatible with the scale and character of the surrounding architecture, and is consistent with the goals set forth in the City of Troy’s RFP/Q for the One Monument Square site. The Proposed Action is located in proximity to urban and commercial development, and the land use is consistent with the uses surrounding the project site. The overall scale and massing of the proposed building is consistent with the general setting of the area and will not alter the setting or integrity or introduce visual elements that are out of character with the site or property. The Applicant continues to work with the Planning Commission and the City of Troy Historic District and Landmark Review Commission to review the building’s façade details, which will be further reviewed during the site plan process.

Accordingly, for all the reasons set forth herein, the Lead Agency concludes that the Proposed Action will not have a significant adverse impact relating to historic and archeological resources.

**(c) Additional analysis of the issues identified and an elaboration of the basis and reason for the Commission’s conclusion that there will not be a significant impact on the areas of environmental concern are identified below (numbering taken from Full EAF):**

- 2. Impact on Geological Features;**
- 3. Impacts on Surface Water;**
- 4. Impact on Groundwater;**
- 6. Impacts on Air;**
- 7. Impact on Plants and Animals;**
- 8. Impact on Agricultural Resources;**

- 11. Impact on Open Space and Recreation;**
- 12. Impact on Critical Environmental Areas;**
- 13. Impact on Transportation;**
- 14. Impact on Energy;**
- 15. Impact on Noise, Odor, and Light;**
- 16. Impact on Human Health;**
- 17. Consistency with Community Plans; and**
- 18. Consistency with Community Character.**

The project is not anticipated to result in any significant adverse environmental impacts, and the Planning Commission makes the following findings related to the environmental impacts, which have been grouped together:

#### *Project Benefits*

The Proposed Action is an adaptive redevelopment of the former City Hall site that will contribute to the vibrancy of the City of Troy downtown. The proposed mixed used commercial and residential development will visually and physically enhance public access to the Hudson Riverfront, linking the riverfront and the downtown and providing housing and commercial development that contribute to the economic development of the City of Troy. The project is anticipated to result in significant economic benefits, including temporary construction jobs.

#### *Land Use and Zoning - Consistency with Local and Regional Planning*

The City of Troy Riverfront Park Master Plan and City Hall redevelopment. The City of Troy has undertaken economic revitalization efforts, involving comprehensive community engagement processes to solicit feedback and a vision for the former City Hall site. The results of the process amounted to recent major upgrades to the Riverfront Park greenspace (open space) pursuant to a Riverfront Park Master Plan, and a RFP/Q that encapsulated development guidelines for the former City Hall site.

#### *Consistency with Zoning*

The Proposed Action is located in the Central Commercial (B-4) Zoning District, within the City's locally designated Riverfront Local Historic District. The proposed mixed use commercial and residential uses are permitted uses in the B-4 district with site plan review and approval, and the Proposed Action complies with the bulk requirements of the City of Troy Zoning Code. **The building will be complementary to the downtown waterfront and downtown setting and compatible with the scale and character of the surrounding architecture,** consistent with the goals set forth in the City of Troy's RFP for the One Monument Square site. The B-4 Zoning District does not require dedicated off-street parking; however, the Proposed Action includes a proposed lower level parking structure that will provide parking for residential units and additional parking along River Street property frontages. The City of Troy Planning Board has reviewed the site plans and the plans for the Proposed Actions have undergone revisions based on suggestions set forth by the City of Troy Planning Board and its consultants.

*Land Disturbance*

See discussion above in Section (b).

*Geology*

See discussion above in Section (b).

*Drainage*

See discussion above in Section (b).

*Wastewater*

The proposed mixed use commercial and residential development is proposed to generate approximately 24,859 gpd of wastewater. According to NYS DEC's draft Design Standards, 2012 draft, an apartment results in 130 gallons per day (gpd) per bedroom. Based on a total number of bedrooms of 131, the residential component will result in 17,030 gpd. Based on the Shopping Center/Grocery Store/Department Store multiplier of 0.1 gpd per SF, the farmers market will result in 2,229 gpd. Restaurants generate 35 gpd per seat. Based on the total number of seats at the restaurant (160), the restaurant will generate 5,600 gpd. Wastewater is proposed to be transmitted to the existing Rensselaer County Wastewater Treatment Plant via an existing connection. The Proposed Action is within the Rensselaer County Sewer District and expansion of the district is not required. No significant adverse environmental impacts are anticipated.

*Surface Water*

According to NYS DEC EAF Mapper and Environmental Resource Mapper, the site does not contain nor is contiguous to a State regulated wetland. According to National Wetland Inventory information available through GIS, the property is located adjacent to the Hudson River which is classified as a riverine federally regulated wetland. Stormwater run-off will be directed to on-site stormwater management structures and the Hudson River is a receiving water body of surface waters. The Hudson River will not be disturbed or otherwise impacted by the Proposed Action. A portion of the site is located in a designated Floodway along the Hudson River and within a Flood Zone A12 as shown on the Flood Insurance Rate Map identified as Community Panel No. 360677 0003 B, Panel 3 of 4. During demolition and subsequent construction, the Applicant will implement erosion and sediment control measures to ensure that there are no discharges of sediment into any wetland or watercourse. No significant adverse environmental impacts to surface waters is anticipated.

*Ground Water*

The NYS DEC EAF Mapper identifies a Principal Aquifer for the project site. No work is proposed within the aquifer area. Onsite ground water will not be utilized as a potable water source, which will be obtained from the City of Troy Water Department. No significant adverse environmental impacts to ground water resources are anticipated.

*Utilities*

The Proposed Action is projected to generate 25,000 +/- gallons per day of sewage effluent to be treated at the Rensselaer County Waste Water Treatment Plant ("WWTP"). Located in the

Rensselaer County Sewer District, the existing WWTP has sufficient available capacity for sewerage generated by the Project.

Further, the Proposed Action will use an estimated 25,000 +/- gallons per day of potable water, which will be supplied by the City of Troy Water Department in an existing water district not requiring expansion. Based on a review of current information, there is sufficient water capacity to service the proposed development.

With respect to solid waste generation, the Proposed Action is anticipated to generate 44+/- tons per month of solid waste. According to Environmental Engineering, 4th Edition, by Joseph A. Salvat, 1992, an apartment building is estimated to generate 4.0 lbs. per day per sleeping room. Based on the total number of beds (131), the residential component of the proposed project is anticipated to generate 7.9 tons per month. According to Environmental Engineering, 4th Edition, by Joseph A. Salvat, 1992, the calculation for solid waste from the restaurant is based on the number of meals. Using a total of 160 seats (120 inside and 40 outside) at the restaurant, and assuming 80 percent occupancy, the result is 128 occupied seats. Given that outside seating will be seasonal and weather dependent, the estimate provided below would be considered during peak restaurant operation. Utilizing assumptions for hours of operation, meal duration, and meals per day per seat, an estimate of 853 meals per day can be reached. Based on this estimate and the multiplier of two lbs. per day per meal the restaurant component is expected to generate 25.6 tons per month.

According to Environmental Engineering, 4th Edition, by Joseph A. Salvat, 1992, the calculation for solid waste from a wholesale/retail facility is 1.2 lbs. per 1,000 SF per day. A wholesale/retail facility most closely represents a farmers market. Based on the programmed space of 22,294 square feet, the farmers market is anticipated to result in 10.4 tons of solid waste per month. Recycling is not considered in these calculations, however it should be noted that on-site recycling systems will be incorporated to reduce the amount of solid waste generated by the project. No significant adverse environmental impacts to utilities are anticipated.

#### *Air Quality*

No significant impacts are anticipated. Given the proposed uses are similar in intensity and traffic volumes to the former City Hall municipal services, the proposed development would generate air quality impacts similar or less than those under the prior development. No significant adverse environmental impacts to air quality are anticipated.

#### *Endangered Species*

According to the NYS DEC EAF Mapper and Environmental Resource Mapper, the site does contain species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered. Within Rensselaer County, the U.S. Fish and Wildlife Service identifies the Indiana bat as an endangered species and identifies the Bald eagle as a delisted species. However, the site is a formerly developed urban site and is comprised of nearly one hundred percent (100%) impervious surface. During the summer months, Indiana bats are known to roost in large trees in the region, preferring large shagbark hickory (*Carya ovata*) and black locust trees (*Robinia pseudoacacia*), or trees with large cracks and/or flaky bark. Given that the project site has

been previously disturbed, it has very few mature trees, except for street trees planted along the roadways. No adverse environmental impacts to any of these species are anticipated.

### *Agriculture*

The Proposed Action will have no negative impacts on agricultural resources. No agriculture occurs on the Project site.

### *Traffic*

The Project is not anticipated to result in a substantial increase in traffic above present levels or generate substantial demand for transportation facilities or services. The Table below is based on the ITE Trip Generation Manual (9th edition) utilizing land use codes for apartments, a restaurant, and a wholesale market as it best represents a farmers market:

Land Use	Multiplier	Unit	New Trips
Apartments (LUC 220)	.62 trips per unit	78 units	48.4
Restaurant (LUC 931)	7.49 trips per 1,000 SF	3,670 SF	16.5 (60% passby reduction)
Wholesale Market (LUC 860)	0.88 trips per 1,000 SF	15,271 SF	8.1 (60% passby reduction)
<b>TOTAL</b>			<b>73 trips</b>

The result is a total of 80.1 new trips resulting from the project. This does not take into account any appropriate offset for the traffic generating characteristics of the former City Hall. The EAF workbook identifies 100 new peak hour trips as the threshold in determining significance. As such, the project is below this threshold and will not result in a substantial traffic increase.

The City retained a traffic engineer to review the Applicant's traffic impacts and to provide additional recommendations where appropriate. The scope and location of these improvements would be refined with the Town and NYS DOT during site plan review.

### *Energy*

Energy will be obtained from the local utility company, National Grid. An existing 13.2 Kv electrical lines feeds the project site, and there is sufficient power in the area and infrastructure is available at the Proposed Action. The building and its systems will incorporate a range of strategies to reduce environmental impacts, and the estimated energy demand will be determined in the site plan review process.

### *Noise, Odors & Lighting*

All equipment will be sized/selected to minimize noise generation. The locations of the equipment will be strategically located to "shield" and "reflect" noise as much as practical. Noise levels will not exceed all applicable City Zoning Code regulations. There have been no previous problems with odors or vibrations, and none are anticipated due to the new construction.

Temporary construction noise will also be generated on a short term basis. Noise resulting from construction will be a temporary impact during the construction period and will be limited to hours consistent with Section 201 of the City's Code or upon separate permit from the Commissioner of Public Works. No significant negative noise impacts are anticipated.

The proposed project lighting will be fully compliant with the City Zoning Code. The structure will be illuminated to the minimum extent required to provide safe ingress and egress to the structure to minimize lighting impacts on adjacent structures and properties. Lighting is anticipated to be limited to street level and will direct light downward. There will be no light spillage onto adjacent properties. The proposed project will not have any adverse environmental impacts through noise, odor or lighting impacts.

#### *Environmental & Human Health*

A review of the State database indicates that the project site is within 2,000 feet of a NYS DEC remediation site, DEC ID number 546031. The project site includes the nearly 200-mile stretch of the Hudson River that extends from Hudson Falls in Washington County to the Battery in New York City. Phase 1 of dredging was completed in 2009. Phase 2 began in 2011 and is anticipated to take 5-7 years.

A review of the NYS DEC Environmental Navigator finds no record of remediation sites near the project site. A review of NYS DEC's Environmental Site Remediation Database identifies a number of sites within the City of Troy, however none are within a distance of 2,000 feet from the project site.

#### *Open Space & Recreation*

The project site is not presently used by members of the community for public recreation. However, the Hudson River, adjacent to the project site, is frequently used as a fishing location, and the Proposed Action will not have an impact on these activities. Further, the Proposed Action maintains public access to the waterfront, proposing materials, fixtures and design elements consistent with the Riverfront Park design elements.

#### *Community Services, Secondary and Cumulative Impacts*

As a result of the Project, visitors are likely to utilize other local businesses having a positive on the City's overall economic vitality. The 15,271 sq. ft. of space in the proposed development for commercial activity such as the Troy Farmer's Market provides space for local growers, bakers, businesses and service providers to participate, contributing to the local economy and the economic base of the community. Employees may chose to move to the City resulting in the construction of additional housing or the reduction of vacant existing housing stock. No negative impacts are anticipated from secondary or cumulative impacts.

Accordingly, for all the reasons set forth herein, the Lead Agency concludes that the Proposed Action will not result in any significant adverse environmental impacts.

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**THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THIS AGENCY HELD ON October 28, 2015**

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**Date**

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**Chairman/Designee**

**For Further Information, Contact:**

Contact Person: Andrew J. Donovan, P.E., Executive Secretary  
Address: City of Troy Planning Commission  
City Hall  
433 River Street, Suite 5001  
Troy, New York 12180  
Telephone Number: (518) 279-7172

**This negative Declaration to be filed with:**

**LEAD AGENCY:**

City of Troy Planning Commission  
City Hall  
433 River Street, Suite 5001  
Troy, New York 12180

**COPIES ALSO BEING FILED WITH:**

Monument Square, LLC  
199 West Road, Suite 101  
Pleasant Valley, NY 12569

Environmental Notice Bulletin (ENB)  
NYS Department of Environmental Conservation  
625 Broadway, 4th floor  
Albany, NY 12233-1750  
e-mail to: enb@gw.dec.state.ny.us

**INVOLVED/ INTERESTED AGENCIES:**

City of Troy Planning Board  
Attn: Barbara Nelson, Chairperson  
433 River Street  
Troy, New York 12180

City Council  
Attn: Mayor Lou Rosemilia  
Troy City Hall  
433 River Street  
Troy, New York 12180

New York State Department of Environmental Conservation  
Region 4  
1130 North Westcott Road  
Schenectady, New York 12306-2014

Historic District and Landmark Review Commission  
C/O City of Troy Planning Board  
433 River Street  
Troy, New York 12180

Rensselaer County Department of Economic Development and Planning  
Rensselaer County IDA  
1600 7th Avenue  
Troy, New York 12180

Troy Industrial Development Authority  
Attention: Bill Dunne  
City Hall  
433 River Street, Suite 5001  
Troy, New York 12180

NYS Office of Parks, Recreation and Historic Preservation  
Counsel's Office, 19th Floor  
The Governor Nelson A. Rockefeller Empire State Plaza Agency Building # 1  
Albany, New York 12238

NYS Department of State  
One Commerce Plaza  
99 Washington Avenue  
Albany, New York 12231-0001

United States Army Corps of Engineers  
1 Bond Street  
Troy, New York 12180-1208

Rensselaer County Sewer District  
Foot of Water Street  
Troy, New York 12180

Troy Water Department  
City of Troy  
25 Water Plant Road  
Troy, New York 12182

U.S. Fish and Wildlife Service  
New York Field Office  
3817 Luker Road  
Cortland, New York 13045

City of Troy Police Department  
55 Main Street,  
Troy, New York 12180

Troy Fire Department  
Central Fire Station  
2175 6th Ave  
Troy, New York

**Applicant**

Monument Square, LLC  
199 West Road, Suite 101  
Pleasant Valley, NY 12569

**Exhibit "A"**

**Previously Adopted Negative Declaration**

Dated: July 6, 2010