

**New York State Department of Environmental Conservation
Division of Environmental Permits, Region 4**

1130 North Westcott Road, Schenectady, New York 12306-2014

Phone: (518) 357-2069 • FAX: (518) 357-2460

Website: www.dec.ny.gov



Joe Martens
Commissioner

*Rec'd
4/1/14*

April 3, 2014

Scott J. Ely, of Counsel
Featherstonhaugh, Wiley & Clyne, LLP
99 Pine Street
Albany, NY 12207

RE: **LEAD AGENCY RESPONSE**
Hudson Valley CC-Student Housing
City of Troy, Rensselaer County

Dear Mr. Ely:

This letter responds to your correspondence of April 1, 2014, regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The New York State Department of Environmental Conservation (“DEC” or “Department”) has the following interest in this project:

Name of Action: Hudson Valley CC-Student Housing
DEC Contact Person: Nancy M. Baker

DEC Position: Based on the information provided:
DEC has no objection to your agency assuming lead agency status for this action.

Possible DEC Permits:

- **Article 15, Protection of Waters Permit** – A Class C(t) protected stream, is located within the project area. Disturbance to the bed or banks of this stream requires an Article 15, Protection of Waters Permit.
- **Section 401 Water Quality Certification** - If this project will impact federally-regulated wetlands or waterbodies, which require a Section 404 Permit (Individual or Nationwide Permit) from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification may be required from the Department.
- **SPDES General Permit for Stormwater Discharges from Construction Activity** – If this project will disturb more than one acre of land, the applicant must comply with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities.

- Article 15, Title 15 - Public Water Supply Permit – If this project will require the extension of a water district or the installation of a new water supply system, a Water Supply Permit may be required.

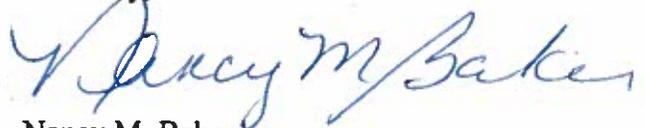
Additional Comments:

The project appears to be located within an area of potential historical or archeological significance. If approvals/permits are ultimately needed from this Department, we may need to consult with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) in order to better evaluate this project's impact on these resources. You may wish to inform the applicant/project sponsor of this potential requirement.

Enclosed is a copy of the Department's jurisdictional map for your reference. Please note that the map is intended to provide an idea as to the approximate size and location of resources; actual field conditions may vary from those depicted on the map.

Please feel free to contact me at 518-357-2452 or by e-mail at nmbaker@gw.dec.state.ny.us if you have any questions.

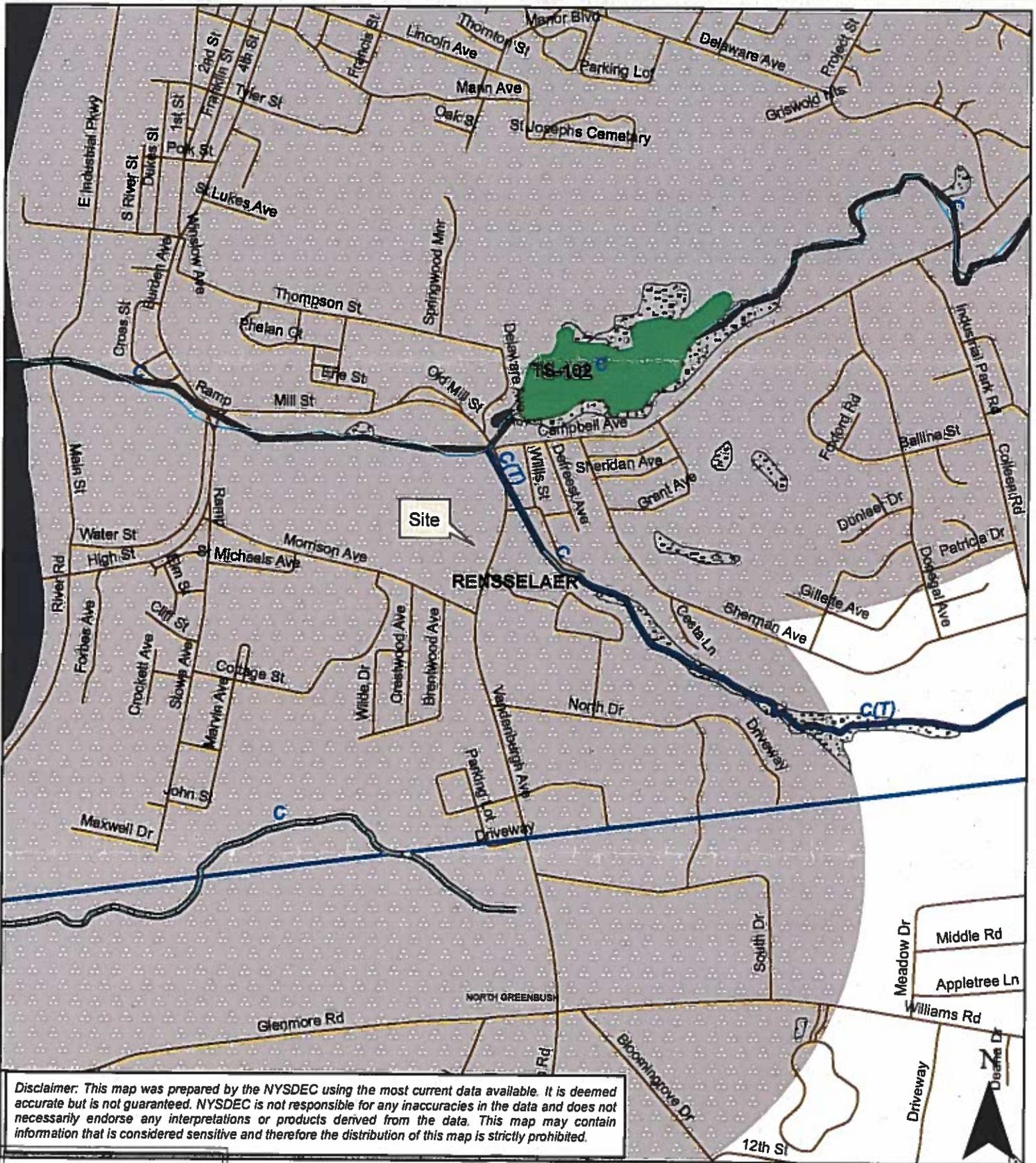
Sincerely,



Nancy M. Baker
Environmental Analyst 2

Attachment (Jurisdictional Map)
cc: file

HVCC Property-Student Housing



Disclaimer: This map was prepared by the NYSDEC using the most current data available. It is deemed accurate but is not guaranteed. NYSDEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data. This map may contain information that is considered sensitive and therefore the distribution of this map is strictly prohibited.

- Legend**
- NYS Freshwater Wetlands
 - Class 1 Freshwater Wetland
 - Class 2 Freshwater Wetland
 - Class 3 Freshwater Wetland
 - Class 4 Freshwater Wetland
 - Shaded Freshwater Wetland
 - Proposed Streams (200 and higher)
 - Non-proposed Streams (200 and higher)
 - Other
 - Water Quality Classification (Pegans)
 - Water Quality
 - Location
 - State
 - County
 - Municipality
 - Neighborhood
 - Parcel
 - Lot
 - Antiquated Sites of Significance
 - State Route 100



Division of
Environmental Permits

City of Troy, Rensselaer County

Prepared by: NMB Date: 04/03/14

1 inch equals 1,000 feet

Department of Planning and Economic Development
433 River Street, Suite 5001
Troy, NY 12180

Fax: 518-268-1690



Fax

To: M. Scott J. Ely, Of counsel	From: Bill Dunne, Commissioner
Phone: (518) 436-0786	Phone: (518) 279-7166
Fax: (518) 427-0452	Pages: 3 (Including cover page)
Re: HVCC Student Housing SEQRA	Date: 05/01/2014

Urgent
 For Review
 Please Comment
 Please Reply
 Please Recycle

• **Comments:**

Louis A. Rosamilia
Mayor



William A. Dunne
Commissioner
Phone: (518) 279-7166
Fax: (518) 270-4642
bill.dunne@troyny.gov

Peter Ryan
Deputy Mayor

Office of Planning and Economic Development
City Hall
433 River Street, Suite 5001
Troy, New York 12180

Monica Kurzejeski
Economic Development Coordinator
Phone: (518) 279-7412
Fax: (518) 270-4642
monica.kurzejeski@troyny.gov

May 1, 2014

Mr. Scott J. Ely, Of Counsel
Featherstonhough, Wiley & Clyne, LLP
99 Pine Street
Albany, New York 12207

RE: Hudson Valley Community College
Student Housing
SEQRA Review

Dear Mr. Ely:

We are in receipt of your letter dated April 1, 2014 requesting Hudson Valley Community College (the college) be allowed to act as "Lead Agency" under SEQRA in connection with the environmental review of the above-referenced project. The Planning Commission of the City of Troy hereby consents to the college serving as lead agency under SEQRA.

In determining the environmental significance of the above-referenced project, the Planning Commission requests that you consider the following potential environmental effects and technical issues that may arise from the referenced project and agrees to the stipulations to follow:

1. Provide detailed plans and construction documents showing all construction work/connections to the City's systems.
2. Provide systems maintenance agreement that provides for all maintenance of the City's gas system, including the flare and gas testing, the responsibility of which shall be transferred to the college for the life of the agreement.
3. Address agreement on the part of the college to provide all construction services, at their expense, during project systems installation, operation and reclamation of City systems at the conclusion of the contract period.

4. Address applications for any and all additional funding for which the City is the primary applicant shall be completed by the college and/or its consultants for review and approval by the City.
5. The college agrees its developer will make all required permit applications to the city and pay all associated fees.
6. The college agrees its developer will provide the city with a comprehensive traffic study and analysis encompassing not just entrance and egress from the site, but inclusive of traffic patterns and movement on Morrison and Vandenburg Avenues, Mill Street and Campbell Avenue and all associated intersections. The study should make recommendations for the best method to handle traffic. Additionally, the college agrees its developer will furnish and install traffic control devices deemed necessary by the city and/or NYS DOT.
7. The college, as lead agency, agrees to share all other concerns from the other Involved/Interested Agencies to the city.
8. The college and its developer will undertake an archaeological assessment to protect historic areas associated with the former Burden Iron Company and will identify and protect any natural habitats on the site.
9. The college agrees its developer will present a full zoning/code review prior to making a submission to the Planning Commission, so that the need for an appearance before the Zoning Board of Appeals can be assessed.

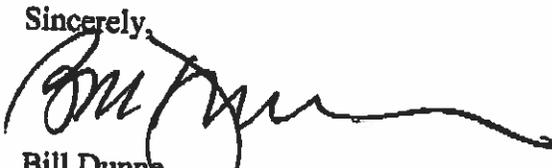
Additionally, the project must be submitted for preliminary and final site plan approval from the Planning Commission.

If you require any additional information from the city, please contact Andrew Peterson of the City Planning Department.

A copy of the draft final EAS with all attachments and documentation should be submitted for review prior to consideration for approval being given.

Thank you for your attention to this matter.

Sincerely,



Bill Dunne
Commissioner
Planning & Economic Development



**New York State Office of Parks,
Recreation and Historic Preservation**

Division for Historic Preservation
P.O. Box 189, Waterford, New York 12188-0189
518-237-8643

*Rec'd
4/14/14*

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

April 14, 2014

Scott J. Ely, Esq.
Featherstonhaugh, Wiley & Clyne, LLC
99 Pine Street
Albany, New York 12207

Re: SEQRA
HVCC Student Housing
"The Ironworks" Demolition
C/Troy, Rensselaer County
14PR01291

Dear Mr. Ely:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) concerning your project's potential impact/effect upon historic and/or prehistoric cultural resources.

Our staff has reviewed the documentation that you provided on your project; preliminary comments and/or requests for additional information are noted on separate enclosures. A determination of project impact/effect will be provided only after ALL documentation requirements noted on any enclosures have been met. Any questions concerning our preliminary comments and/or requests for additional information should be directed to the appropriate staff person identified on each enclosure.

In cases where a state agency or federal agency is involved in this undertaking, further consultation with our office may be required under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law or Section 106 of the National Historic Preservation Act of 1966, as amended.

When responding, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Deputy Commissioner for Historic Preservation

Enclosure(s)



Orin Lehman
Commissioner

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

USN: 08340.0011037

ELIGIBILITY ATTACHMENT

DOT (Agency)
PIN 1089.48.109
US 4 Reconstruction (Project Name)
Troy/C, N. Greenbush/T
Rensselaer County (Location)

Attachment 4 of 4

- I. Property appears NR/SR eligible. PRE SRB
 Property is part of an Historic District POST SRB
that appears NR/SR eligible.

SPECIFIC CRITERIA:

- A. Associated with events that have made a significant contribution to the broad patterns of our history; OR
B. Associated with lives of persons significant in our past; OR
C. Embodies the distinctive characteristics of a type, period, or method of construction; OR represents a significant and distinguishable entity whose components may lack individual distinction; OR
D. Have yielded, or may be likely to yield, information important in pre-history or history.

- II. STATEMENT OF SIGNIFICANCE: INDIVIDUAL PROPERTY
HISTORIC DISTRICT

STRUCTURE I: FORMER IMMACULATE CONCEPTION MONASTERY
Troy: US 4, east side; at Morrison Ave, north side

The former Immaculate Conception Monastery, which today houses the Hudson Valley Community College Administrative Center, is significant as a large and well executed example of early-20th century Mission Revival/Spanish eclectic style architecture. This National Register-eligible property is comprised of several inter-connected buildings of yellow brick and terra-cotta roof tiles, which are set back from the road on a broad lawn. The most prominent structure is the chapel, which faces Morrison Avenue and features a basilica plan; round arched, stained glass windows; an arcade design in the brickwork along the eaves; and a front entrance set within a sandstone-trimmed arched opening with a small rose window above. The chapel is connected by an arcaded porch on the north-east to a large, three and one-half story, hipped-roof structure with evenly-spaced fenestration. On the north-west side of the chapel is a mid-20th century structure which was executed in a yellow brick similar to the earlier buildings. Despite this addition and minor changes to the landscaping, it appears the complex retains much of its historic architectural integrity.

JEA/1-93
93PR 0090

An Equal Opportunity/Affirmative Action Agency

ARCHEOLOGY COMMENTS
14PR01291

Based on reported resources, there is an archeological site in or adjacent to your project area. Therefore the Office of Parks, Recreation and Historic Preservation (OPRHP) recommends that a Phase 1 archeological survey is warranted for all portions of the project to involve ground disturbance, unless substantial prior ground disturbance can be documented. If you consider the project area to be disturbed, documentation of the disturbance will need to be reviewed by OPRHP. Examples of disturbance include mining activities and multiple episodes of building construction and demolition.

A Phase 1 survey is designed to determine the presence or absence of archeological sites or other cultural resources in the project's area of potential effect. The OPRHP can provide standards for conducting cultural resource investigations upon request. Cultural resource surveys and survey reports that meet these standards will be accepted and approved by the OPRHP.

Our office does not conduct cultural resources surveys. A 36 CFR 61 qualified archeologist should be retained to conduct the Phase 1 survey. Many archeological consulting firms advertise their availability in the yellow pages. The services of qualified archeologists can also be obtained by contacting local, regional, or statewide professional archeological organizations. Phase 1 surveys can be expected to vary in cost per mile of right-of-way or by the number of acres impacted. We encourage you to contact a number of consulting firms and compare examples of each firm's work to obtain the best product.

Documentation of ground disturbance should include a description of the disturbance with confirming evidence. Confirmation can include current photographs and/or older photographs of the project area which illustrate the disturbance (approximately keyed to a project area map), past maps or site plans that accurately record previous disturbances, or current soil borings that verify past disruptions to the land. Agricultural activity is not considered to be substantial ground disturbance and many sites have been identified in previously cultivated land.

Please also be aware that a Section 233 permit from the New York State Education Department (SED) may be necessary before any archeological survey activities are conducted on State-owned land. If any portion of the project includes the lands of New York State you should contact the SED before initiating survey activities. The SED contact is Christina B. Rieth and she can be reached at (518) 402-5975. Section 233 permits are not required for projects on private lands.

If you have any questions concerning archeology, please contact Daniel A. Bagrow at 518-237-8643. ext 3254

**BUILDINGS/STRUCTURES/DISTRICTS
EVALUATION COMMENTS**

PROJECT NUMBER 14PR01291

**(HVCC Student Housing, The Ironworks, Demolition/Junction of Morrison Ave &
Vanderburgh Ave/C/TROY)**

-
- There are no properties listed in the State or National Register of Historic Places within or adjacent to your project site.
 - The following properties listed in the State/National Registers of Historic Places are located within or adjacent to your project area:
Burden Iron Upper Works Site [90NR00998]
 - Your project area has not been comprehensively surveyed for historic resources. If you would like the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) to comment regarding properties potentially eligible for inclusion in the State or National Register of Historic Places, please submit original photographs of structures over fifty years old within or adjacent to the project area and key them to a site map.
 - Other: If any state or federal agencies are involved in this project, further review may be required in accordance with section 14.09 of the New York State Parks, Recreation and Historic Preservation Law or Section 106 of the National Historic Preservation Act of 1966.
-

If you have any questions concerning this information, please call Linda Mackey at 518-237-8643. ext 3237

**PLEASE BE SURE TO REFER TO THE PROJECT NUMBER NOTED ABOVE WHEN
RESPONDING TO THIS REQUEST**



Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation
Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

June 11, 2014

Scott J. Ely
Featherstonhaugh, Wiley & Clyne, LLP
99 Pine Street
Albany, NY 12207
(via e-mail only)

Re: SEQRA
HVCC Student Housing Development/
Former Immaculate Conception Monastery
Morrison & Vandenburg Avenues,
Troy, Rensselaer County
14PR01291

Dear Mr. Ely:

Thank you for continuing to submit material to this office on behalf of the Hudson Valley Community College (HVCC) who is acting as Lead Agency for this project under the State Environmental Quality Review Act (SEQRA). I am writing in an effort to clarify the record of review by our office for this action.

As noted in the previously submitted Full Environmental Assessment Form (FEAF), the project site falls within an area sensitive for archaeology. In response to this environmental issue a Phase IA Archaeological Investigation Report titled: *HVCC New Student Housing (May 2014)* was completed and submitted to our office on May 9, 2014.

After reviewing the report we concur with the recommendations of the consultant. Please submit the written short and long term avoidance plans, monitoring plan and unanticipated discover protocols when available. We also recommend that the buffer around the cemetery be expanded to insure protection of potential burials. Additional soil stripping may aid in better defining the margins of this site especially along the western border.

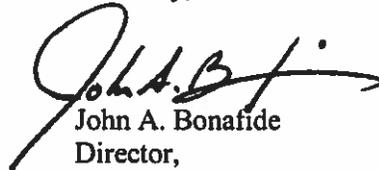
Next, as noted in our letter of May 21, 2014 the former Immaculate Conception Monastery was determined to be eligible for inclusion in the New York State and National Registers of Historic Preservation in 1993. This evaluation was completed as part of a New York State DOT reconstruction project on US Route 4.

As you are aware, under SEQR the evaluation of above ground historic resources is focused largely on those that have been recommended for listing or that are listed in the National Register (6 NYCRR §617(4)(9)). However, we believe that it is important for a Lead Agency to take a *hard look* at all potential impacts that could negatively affect a historic resource. The proposed demolition of the National Register *eligible* former monastery, which holds a commanding and prominent visual presence at this highly trafficked location, should be specifically considered by the Lead Agency in their environmental assessment.

The demolition of this visual landmark would be considered an Adverse Impact under the State and National Historic Preservation Acts and would require a thorough alternatives analysis. As such, we once again remind the Lead Agency that if state or federal licensing, permitting or funding is provided for this undertaking in whole or in part the entire action may be subject to either of these statutes. Undertaking demolition prior to completing the requirements of Section 14.09 of New York State Parks, Preservation and Historic Preservation law or Section 106 of the National Historic Preservation Act may be viewed as anticipatory in nature and could considerably lengthen any future state or federal review periods.

If I can be of any further assistance do not hesitate to contact me at (518) 237-8643, ext. 3263.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Bonafide", with a long horizontal flourish extending to the right.

John A. Bonafide
Director,
Technical Preservation Services Bureau

cc: Duncan Barrett, Omni (via e-mail)