

State Environmental Quality Review
Findings Statement

Pursuant to Article 8 (State Environmental Quality Review Act-SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617, the Troy City Council as Lead or an Involved Agency makes the following findings:

Name of Action:

Congress Street and Ferry Street Corridor Master Plan with Zoning Amendments.

Description of Action:

The goal of the Congress Street and Ferry Street Corridor Master Plan with Zoning amendments is to outline a development strategy for 16 acres of vacant land on the Corridor. The Plan as proposed provides for a reasonable economic return for the City and the developer, and increases the quality of life for existing Troy residents.

To accomplish this goal the Plan includes three major components, private development, transportation improvements, and a zoning change. The Action will result in a direct positive impact, as the City of Troy will now have a clear plan and the regulatory tools in place to guide appropriate urban mixed-use development within the Congress Street and Ferry Street Corridor.

The private development will be in the form of up to 500 residential units, up to 400 additional residential units for student housing, approximately 30,000 square feet of retail space, an entertainment venue, accommodations for public open space, restaurants, a structured parking facility, and a mix of public and private office space. The transportation improvements that are proposed will include improvements to Eighth Street and Sixth Avenue where they intersect with the Corridor. The zoning will change from a B-4 Central Commercial District to a Formed Base Model of zoning.

Standard zoning models such as the current B-4 Central Commercial, focus on separating uses; places where people live are separate from where they work or where they shop. This is exactly the opposite of a vibrant downtown. Form-based code achieves this goal. Ordinances written this way stress the built environment – the way that the private buildings shape the public realm. The code uses graphics and example pictures to illustrate the community’s vision and to make sure that developers, elected/appointed officials, staff and citizens all understand. Uses are not ignored; instead they are just not the primary focus. Also, the goal is to specify broad categories of allowed or prohibited uses.

While no direct adverse impacts will occur, there is the potential for indirect adverse environmental impacts that may occur as a result of future development projects proposed in accordance with the Master Plan and the new zoning regulations.

In combination with the mitigation measures offered in the FEIS, the Master Plan and proposed zoning amendments should be viewed as a mitigation measure against potential indirect impacts associated with future development on environmental resources.

Project History:

The proposal will result in the physical alteration of approximately 16 acres. Pursuant to SEQR, Section 617.4(b) (1), (3), (5) (iii), (6) (i)(iii), (9), (10), this action is classified Type 1. The Planning Board held a Public Hearing and adopted a resolution in support of the project pursuant to Section 285-27 of the Ordinance on May 21st, 2009. Pursuant to Section 285 of the Ordinance, the Troy City Council as lead agency issued a Positive Declaration of Significance on September 3rd, 2009.

Location: Congress Street at the intersection of Ferry Street. (See Map Attached)

Agency Jurisdiction:

- I. Pursuant to §285-49 of the Zoning Ordinance, The City Council shall cause to be delineated on the Zoning Map by the Department of Planning and Community Development all amendments to the district boundaries which are authorized by ordinance, immediately upon the effective date of such ordinance. The title and date of the ordinance are to be stated in the ordinance.
- II. Pursuant to §285-27 of the Zoning Ordinance, modifications include but are not limited to rezoning, amendments, revisions, or adoption of a new Ordinance. Such modifications shall require at least one public hearing conducted at a regular or special meeting of the Planning Board. Requirements of this section shall be minimum requirements and shall not take precedence over any more restrictive requirements.

Date Final Environmental Impact Statement Filed:

November 5th, 2009

*** Facts and Conclusions in the FEIS Relied upon to Support the Decision:**

Impact on Land Use and Zoning

Potential Indirect Positive Impact: The Action will facilitate a change of land use from underutilized to a more efficient mixed-use condition.

The Action will facilitate a land use change within the District from vacant and underutilized to a developed and efficient urban form. The intensity and density of uses allowed would also increase compared to the existing zoning regulations. These changes are considered a positive indirect impact when compared to the current land use patterns and the type of development that existing regulations would allow. As discussed above, the primary zoning district is B-5 Highway Commercial which allows large-scale retail/wholesale uses with large surface parking lots. This development pattern is more suburban and automobile-dependent. The Action will facilitate a change away from this inefficient use of urban land and improve pedestrian connections, which will be positive for Troy's central business district.

Impact on Geology and Topography

Potential Indirect Adverse Impacts: Noise and vibration impacts related to blasting.

Due to the prevalence of bedrock throughout the District, blasting is likely to be required during construction, an indirect impact related to the Action. Adjacent and nearby properties could be impacted. Properties within 500 ft of the development site limits may be more susceptible to experience minor vibrations related to the removal of bedrock. It should be noted that the existing zoning permits development that may also require blasting due to the prevalent bedrock conditions.

Impact on Water Resources

Potential Indirect Adverse Impact: Development within the 100-year floodplain.

According to the published Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for the City of Troy, Rensselaer County, a small section of the District's western area is within the 100-year floodplain. As depicted on Figure 2, the area of the District within the 100-year flood plain contains two existing buildings and a portion of grassed area between Congress and Ferry Streets. The 500-year floodplain occupies additional areas of the western portion of the District.

Floodplain boundaries for the Hudson River were previously determined using detailed hydraulic methods. A summary of the results were published in a Flood Insurance Study (FIS), Community No. 360677, dated 1979. The FIS indicated that the area of the District in the 100-year floodplain is within what is termed the floodway fringe. The floodway fringe is that portion of the flood plain that could be

completely obstructed without increasing the water surface elevation of the 100-year floodplain by more than 1 foot.

In addition, development is currently allowed within the 100-year flood plain under the existing zoning subject to applicable regulations. The Action would continue to allow development in this area and would not be facilitating a major change in the development patterns within the floodplain.

As depicted on Figure 3 there are no streams or other surface water resources or wetlands subject to NYSDEC jurisdiction within or near the District. A field survey of the site confirmed the absence of water resources and the absence of wetlands under the jurisdiction of the ACOE.

The Hudson River, a Class C water body pursuant to the NYSDEC, is located approximately 1/3 of a mile to the west of the District and separated by a built urban environment, primarily impervious.

While the Action could indirectly result in increased impervious surfaces and potentially increase runoff, no adverse impacts on water resources are expected due to the absence of wetlands, streams or other surface water resources.

The District is not located within a Coastal Area as defined by the NYS Department of State Coastal Zone Management regulations, 19 NYCRR Part 600. Therefore, the Action or any development project undertaken in accordance with the FBC will not need to be evaluated with respect to potential impacts to this waterway area and for consistency with the Inland Water Act.

Air Quality Impacts associated With Construction

Potential Indirect Adverse Impact: Temporary air quality impacts during construction

During construction within the District, airborne particulates will increase as construction vehicles in motion raise dust. The increase is expected to be sporadic over several years as the District builds out. The increase is also expected to be short-term in nature and will be most noticeable in the areas immediately adjacent to the construction.

Impact on Transportation Resources

The current transportation resources in the Project Area were evaluated as part of the proposed reconstruction of Congress Street and Ferry Street project and detailed in the July 2008, Creighton Manning Engineering, LLP (CME) completed a Final Design Report – Refer to Appendix A of this GEIS for a copy. As part of that study, CME needed to measure existing traffic volumes, estimate them for the chosen alternative design, and project those volumes out for ten and twenty years. The proposed reconstruction is also discussed in the Master Plan. The Final Design Report evaluated the following intersections:

- Congress Street/5th Avenue
- Congress Street/6th Avenue
- Congress Street/7th Avenue
- Congress Street/8th Street/Ferry Street
- Ferry Street/5th Avenue

The Final Design Report does demonstrate that with an increase in traffic volumes of greater than 20%, the above intersections would operate at a level of service (LOS) of C or higher. This provides a significant buffer to allow for volume increases before adverse impacts on the intersections may occur.

Currently, a locally administered Federal Aid project is underway that includes:

- Full depth reconstruction of Congress and Ferry Streets from 5th Avenue through 11th Avenue
- Improved sidewalk ramps and pedestrian crosswalks
- Construction of 6th Avenue connection between Congress and Ferry Streets
- Separation of storm water and sanitary sewer systems
- Installation of two new traffic signals and the replacement of four other traffic signals
- Preservation of the 6th Avenue railroad tunnel using a combination of flowable fill and light weight fill
- The design and acquisition of ROW were expedited to capitalize on the American Recovery and Reinvestment Act Funding

Future development proposals will need to evaluate the potential impacts on both the intersections within and outside of the Project Area through a traffic impact studies.

Impact on Open Space and Recreation

The project opens new entrances on the downtown side of Prospect Park. This permits access to the active and passive amenities in the park, which is currently only accessible through an automobile gate at its extreme eastern end. Now people can walk from downtown directly into the park. Also, access and activity on this side of the park enhances opportunities for the Friends of Prospect Park to carry out expressed plans to increase the importance of this largely overgrown northern area.

Based upon the above information, the Action will have a positive indirect impact on open space and recreational resources.

Impact on Community Services

The potential municipal and school fiscal impacts associated with the build out of the Project Area were evaluated and the results are documented in the Fiscal Impact Analysis City of Troy Corridor Study dated December 17, 2008. Refer to Appendix 3 of the Master Plan for a copy of the full fiscal impact analysis. The Study evaluated six alternative build out scenarios for the Project Area as outlined below in Table 1 – Development Scenarios.

Potential Positive Indirect Fiscal Impacts for the City of Troy and Host School Districts

For each development scheme, the analysis evaluated municipal costs, conceptual level development costs estimates, estimated real property taxes, municipal revenues associated with the scenarios, net fiscal impact for the city, estimated host school district costs and revenues including property tax and overall net fiscal impact on the school district.

The analysis indicates that at full build out of the District under any of the evaluated development schemes would result in positive fiscal impacts for both the City of Troy and for the Troy and Lansingburgh Central School Districts.

Potential for Indirect Impacts on the Ability to Provide Community Services

While the Action is not projected to result in adverse fiscal impacts, the build out of the Project Area will increase the need to provide sufficient community services, including but not limited to EMS, police and fire protection services over the current need for the area. Under the most aggressive build out scheme, the District could support a population

of approximately 852 persons and approximately 1,037 employees. This increase in residents and workers in the area will increase demand for necessary services. At this point, there is not enough information to conclude that the Action may result in an adverse impact on the ability to provide services. Indeed, it is likely that the increased demand for community services will be offset by the overall fiscal benefit of redeveloping the corridor.

Impact on Aesthetic Resources

While significant adverse aesthetic impacts are not anticipated to result from the build out of the Project Area under the proposed Master Plan, all future development proposals within the Project Area will need to be evaluated to ensure any potential impacts on aesthetic resources are avoided or mitigated to the maximum extent practicable in accordance with the SEQR and the NYSDEC Program Policy on Assessing and Mitigating Visual Impacts (DEP-00-2), the Visual Policy.

Under the Visual Policy, an aesthetic impact occurs when there is a detrimental effect on the perceived beauty of a place or structure, specifically an inventoried aesthetic resource of local, state or federal significance (e.g., a property on or eligible for inclusion in the National or State Register of Historic Place, State and local parks. Refer to the Visual Policy for a complete list). The Visual Policy goes on to state that mere visibility, even startling visibility of a project proposal, should not be a threshold for decision-making. Instead a project, by virtue of its visibility, must clearly interfere with or reduce the public's enjoyment and/or appreciation of the appearance of an inventoried resource (e.g., cooling tower plume blocks a view from a State Park overlook).

The Project Area itself is a large vacant lot. As such it is already incongruous with the surrounding densely built environment. The Action will facilitate redevelopment that is more aesthetically complimentary to the existing urban fabric of Troy.

The Project Area is immediately adjacent to Prospect Park, a city-owned park and an area that would be considered an aesthetic resource of local significance under the Visual Policy. While the proposed zoning regulations permit buildings up to 95 feet in this area adjacent to the Park where the current maximum building height is 35 feet, there are no hiking trails or scenic vista points in the park that would be obstructed by new buildings. This will need to be confirmed for each future project proposal during the environmental review phases. Also, any future improvements to Prospect Park including but not limited to new trail and scenic view points should be

considered in light of the development recommended under the Master Plan and enabled under the proposed zoning amendments.

The Action would actually indirectly increase access to the Park and by facilitating the redevelopment of the Project Area and increasing the resident and workforce population in the area, use of the Park is expected to increase.

Currently, there are no other parks within or near the Project Area that would be adversely impacted by future development under the Master Plan. This will need to be confirmed for each future project proposal during the environmental review phases.

All future buildings adjacent to Prospect Park will not exceed the elevation of the Park. The Park will continue to serve as a scenic backdrop for the Project Area when viewed from northern locations.

There are numerous locations in the City of Troy that are listed on the State and National Registers including the Central Troy Historic District, the Grand Street Historic District, the Second Street Historic District, the Washington Park Historic District, the River Street Historic District, the Old Troy Hospital, the Troy Public Library, the Ilium Building, the Kate Mullany House, the Troy Savings Bank, and the W & L.E. Gurley Building. While future development in the Project Area is not expected to result in significant adverse aesthetic impacts on these designated historic resources.

Impact on Historic and Archeological Resources

Potential indirect impact on historical and archeological resources

The Action will facilitate the construction of buildings, roads, sidewalks, parks and other elements of the built environment. Such construction has the potential to impact any existing historic structures or archeological resources on the site. Given investigations that have taken place on the site, the conclusions under *Section 1.9 Impact on Aesthetic Resources* above and the proposed mitigation for archeological and historical interpretation as discussed in the Master Plan, significant adverse impacts upon historical and archeological resources are not anticipated.

Historical and archeological resources are important because they provide a link to our history and, in an urban environment, offer a foundation for a redevelopment design that makes communities more vibrant, valuable and economically sustainable.

Resources

There are no historical structures on the site. Aside from an abandoned car wash building, there are no above ground structures in the Project Area.

Four different archeological studies examined of various portions of the site. The complete studies can be found in GEIS Appendix B with summaries and relevant results described below.

Hartgen Archeological Associates, Inc. (July 1989). Report for Archeological Potential SEQR Part 1A, Super Shop 'N Save, Hannagord Bros.

This study examined the 9.35 acres on the southern side of the current project site in anticipation of the construction of a supermarket. Historic maps and photos show that the project site was well developed in the 1800s. "In 1840, the residents of Upper Ferry Street included three laborers, 14 craftsman and three merchants, including Samuel "Uncle Sam" Wilson at 144 Ferry Street." That foundation warranted further investigation.

Hartgen Archeological Associates, Inc. (October 1989). "Uncle Sam" Wilson House, Phase II archeological investigation.

This study specifically examined the foundation of the Uncle Sam House at 144 Ferry Street. The foundation of Samuel Wilson's house occupies a small portion of the 9.35-acre site. On this parcel, significant portions of the Wilson House exist including the footprint of the building, its brick paving, the privy and the cistern. All of these features were sample archeologically and show to preserve intact 19th-century remains. The Wilson household is representative of a 19th century working class urban household. As an individual, Sam Wilson is important in the history of Troy and the United States as the source of the Uncle Sam symbol. The report goes on to recommend the site be designated as a park and marked with interpretive signs.

Landmark Archeology, Inc. (November 2006). Phase 1A Archeological Study, Congress and Ferry Streets.

This study considered the approximately 14 acres of the project site. It found, via examination of historic maps, many structures had existed along both the current and

abandoned streets within the project area. It recommended a Phase II investigation as a further step as well as the avoidance and preservation of the Uncle Sam House site.

Hartgen Archeological Associates, (April 2008). Phase 1B Addendum Archeological Field Reconnaissance, Congress and Ferry Street Reconstruction.

The results of this study are based upon four trenches dug on the location of land acquired to realign the roads on the north side of Ferry Street just west of where Ferry and Congress come together. The study found extensive disturbance in the project area from previous demolition episodes. This massive demolition operation razing dozens of dwellings required the use of heavy equipment such as bulldozers to level foundations and other structural features in the 1983 realignment areas. The research found two historic archeological sites, but recommended that no further archeological investigation is recommended in this study area for the Congress and Ferry Street reconstruction project.

Alternatives

There are two feasible alternatives to consider: (1) The adoption of the Master Plan and the proposed zoning amendments; (2) Not to adopt the Master Plan and proposed zoning amendments – the no action alternative.

Alternative 1 – Adoption of the Master Plan and the proposed zoning amendments

The adoption of the Master Plan and proposed zoning amendments would reweave the underutilized Project Area into Troy’s existing urban fabric – the ultimate goal of the Master Plan. The Action would also provide mechanisms and controls to allow for a more appropriate build out of the area, increases in pedestrian connectivity and an overall improvement in the efficiency of land use in this part of the city. In addition, the Action is expected to result in positive fiscal impacts for the City and host school districts and increased investment in the Project Area. Therefore, this action is considered the Preferred Action.

Alternative 2 –Not to adopt the Master Plan or proposed zoning amendments – No Action Alternative.

The no action alternative would not further the City’s goal of reweaving the Project Area into Troy’s existing urban fabric, the Project Area may not build out at the high-density urban development patterns consistent with the urban density found in the adjacent Central Business District and surrounding areas, will not likely improve the

economy or vibrancy of the area and the City of Troy as a whole, and will not result in the same fiscal benefits. The preferred action provides a direction that would allow the city to grow, while still protecting and enhancing community character. The absence of a plan and implementing regulations will place the city in a position of reacting to development instead of being proactive in its efforts. Therefore, the no action alternative is not recommended.

Impact on Growth and Character of Community or Neighborhood

The impact on community character will be positive. The City of Troy has been experiencing a rebirth of residential and commercial growth. Long time residents and new residents are drawn to the city because of its high quality of life, convenient services and walkable urban form. The intent of the master plan and zoning amendments is to facilitate appropriate urban development patterns for this section of the city where the current zoning allows suburban style development, incompatible with surrounding forms. The Action will also facilitate high density mixed use development with a focus on pedestrian amenities and connections within and between the Project Area and surrounding districts. The Action is expected to result in new investment and positive economic benefits for the Project Area and the City of Troy.

***Facts and Conclusions in the FEIS relied upon to support decision were prepared by Saratoga Associates,**

- A Copy of this Notice with attachments to be forwarded to the following:
 - Steve Schassler, Regional Director, DEC, 1130 North Westcott Road, Schenectady, NY 12306
 - Lorraine Cortez-Vazquez, Secretary of State, Department of State, 41 State Street, Albany, NY 12231
 - Robert Pascinella, Director, Economic Development and Planning, 1600 Seventh Avenue, Troy, NY 12180
 - NYS DOT, 50 Wolf Road, Albany, NY 12232
- A Copy of the DEIS, FEIS, and Findings Statement is posted on the City of Troy website www.troyny.gov