

State Environmental Quality Review Act

Findings Statement

Cottage Hill Landings

SEQRA Lead Agency: City of Rensselaer Planning Commission

Dated: March 14, 2011

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1.0 INTRODUCTION

This Findings Statement has been prepared in compliance with the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) and its implementing regulations at 6 NYCRR Part 617 (collectively, “SEQRA”). It has been prepared by the City of Rensselaer Planning Commission, the SEQRA lead agency, for the proposed Cottage Hill Landings residential development located in the City of Rensselaer, Rensselaer County, New York.

2.0 DESCRIPTION AND PROCEDURAL HISTORY OF ACTION

The Action is the proposed development by Forum Industries, Inc. (the “Applicant”) of a residential project on a 29.26±-acre site to be known as Cottage Hill Landings (the “Development”). The project area is located along Cottage Hill Street and Partition Street in the City of Rensselaer and is identified as Parcel No. 144.53-5-1 on the City of Rensselaer Tax Map. The project site is currently undeveloped and contains a portion of a closed former municipal landfill. The Applicant originally proposed a development consisting of 30 owner-occupied townhouse units and 150 condominiums. Subsequently, the Applicant revised its proposal to include 130 two-bedroom and 43 three-bedroom apartments, totaling 173 apartment units, within eight multi-story residential buildings. The City of Rensselaer Common Council has stated that the current zoning, as amended in 2005, allows only owner-occupied units, and that a further zoning amendment would be necessary to accommodate apartments, while the Applicant maintains that apartments are an allowed use. Accordingly, this Findings Statement addresses, where appropriate, the environmental impacts of both the owner-occupied and the alternative apartment development scenarios. The proposed action will have one access point, from Partition Street. The Development will be served by municipal water and wastewater systems. Land uses in the vicinity of the project site can be characterized as urban/suburban residential.

The following is a summary of the procedural history of the Development, including the documentation and information relied upon by the Planning Commission:

October 2004 – The Applicant requested a change of zoning for the project site from Land Conservation (“LC”) to Planned Development District (“PDD”) to allow for the construction of a residential development.

February 9, 2005 – The Planning Commission, upon referral from the Common Council, issued a favorable recommendation for the proposed rezoning from LC to PDD.

March 2, 2005 – The Rensselaer City Common Council held a duly noticed public hearing on the proposed rezoning to PDD, and adopted a resolution that stated that rezoning the property to Multiple Family Residential (R-3) would be in the best interest of City residents “for the purpose of promoting the development of owner-occupied townhouse units which will provide living accommodations for existing and new City-residents and increase the City’s tax base.”

April 15, 2005 – The Planning Commission issued a favorable recommendation for the proposed rezoning to R-3.

May 4, 2005 – The Common Council held a duly noticed public hearing on the proposed rezoning to R-3.

May 18, 2005 – The Common Council passed a resolution approving the rezoning of the project site to R-3, providing that “residential development on all of the lands being rezoned will provide for a maximum of 180 owner-occupied units,” adopting a Negative Declaration pursuant to SEQRA with respect to the rezoning and noting that the Planning Commission would serve as SEQRA Lead Agency for the further review of the project.

August 8, 2005 - The Planning Commission designated itself Lead Agency for review of the project, after circulating the project application and Environmental Assessment Form (“EAF”) to all involved agencies, and issued a Positive Declaration of Significance for the proposed action, requiring the Applicant to prepare a Draft Environmental Impact Statement (“DEIS”).

August 7, 2006 – After receiving and reviewing revised application materials from the Applicant, the Planning Commission again issued a Positive Declaration, requiring submittal of a DEIS.

September 11, 2006 - The Planning Commission initiated the SEQRA review process with a Public Scoping Session.

October 10, 2006 - A Final Scoping Document was adopted by the Planning Commission.

May 15, 2008 - The Applicant submitted a DEIS to the Planning Commission, proposing the development of 150 owner-occupied condominium units in four buildings, with the tallest building being eight stories, and 30 owner-occupied townhouse units along Partition Street. Access to the development was proposed from both Partition Street and Cottage Hill Street.

October 14, 2008 - The Planning Commission accepted the DEIS as complete and adequate for public review.

November 10, 2008 - A duly noticed public hearing on the DEIS was held by the Planning Commission.

November 28, 2008 – The written public comment period on the DEIS ended.

November 16, 2009 – The Applicant submitted a preliminary FEIS to the Planning Commission, describing a revised and reconfigured project of eight three- and four-story buildings containing a total of 173 apartment units, with access only from Partition Street.

December 14, 2009 – In light of the changes to the project, the Planning Commission requested submittal of a Supplemental Draft Environmental Impact Statement (“SDEIS”) discussing the changes and their potential impacts.

March 9, 2010 – An SDEIS was submitted to the Planning Commission.

April 12, 2010 – The Planning Commission accepted the SDEIS as complete and adequate for public review.

June 14, 2010 – A duly noticed public hearing on the SDEIS was held by the Planning Commission.

June 28, 2010 – The written public comment period on the SDEIS ended.

February 14, 2011 – This Final Environmental Impact Statement (“FEIS”) was accepted by the Planning Commission.

February 23, 2011 – A Notice of Completion of the FEIS was published in the Environmental Notice Bulletin. Copies of the FEIS were also distributed to involved/interested agencies.

3.0 FINDINGS CONCERNING RELEVANT ENVIRONMENTAL IMPACTS

3.1 Soils and Geology

3.1.1 Existing Conditions

Soils

The site contains the Hudson silt loam (HuE) soil series, the Hoosic gravelly sandy loam (HoE) soil series, the Pits, gravel (Pg) soil series, and the Fluvaquents-Udifluvents complex (FIA) soil series. The predominant soils series on-site is HuE, which is a deep and moderately well-drained soil. This soil unit can be found in the entire southern half of the site.

Slopes

Slopes are varied over the project site. Approximately thirty-four percent (34%) of the site has slopes that range from 0% to 10%; ten percent (10%) ranging from 10 % - 15%; and fifty-six percent (56%) of the site has slopes greater than 15%. There are no bedrock outcroppings on the site.

Landfill

Twelve acres in the northern portion of the project site consist of a former landfill, which was operated by the City from 1957 to 1976. The landfill at one point was listed on the Inactive Hazardous Waste Site Registry of the New York State Department of Environmental Conservation (“NYSDEC”) (Site No. 442003). Along with residential refuse, according to a 1986 NYSDEC Phase II report, it is believed industrial wastes were also deposited in the landfill. The Phase II investigation was performed to assess the existence of contamination and contaminant migration. Based on the Phase II investigation results, the NYSDEC delisted the site from the Registry. During the Phase II investigation, the landfill cap was found to be inadequate.

3.1.2 Potential Impacts

Soils

The proposed development is located nearly entirely within the southern half of the project site, as the landfill area encompasses most of the northern portion. The southern portion of the site contains the HuE soil series. Limited development will traverse small areas that contain each of the other three soil series present on site.

Landfill

The 1986 NYSDEC investigation concluded that the landfill did not appear to be contaminating the ground water beneath the site and therefore did not present a threat of ongoing impacts likely to further impact site soil or groundwater.

During the Phase II investigation, the landfill cap was found to be inadequate. In addition, a surface seep of leachate from the landfill was found.

An explosive gas survey was conducted at the landfill on January 11, 2007. The results of the gas monitoring survey found that concentrations of methane measured in the perimeter gas monitoring points were not in excess of the lower explosive limit of methane gas.

3.1.3 Mitigation Measures

Soils

Impacts to soils and geology will be minimized through erosion control measures and the establishment of best management practices (“BMPs”), as outlined in the *New York State Stormwater Management Design Manual* (August 2010).

Temporary erosion and sediment control measures will be utilized during construction, and post-construction run-off will also be addressed in accordance with applicable requirements. Specifically, construction will be in accordance with the requirements of a NYSDEC-approved Stormwater Pollution Prevention Plan (“SWPPP”) and the provisions of SPDES General Permit GP-0-10-001.

Slopes

Construction of the proposed project will disturb approximately 15.5 acres of land. This includes approximately 7.72 acres of slopes greater than fifteen percent (15%). Early in the site layout and design process, a geotechnical evaluation was conducted that identified some slope stability concerns. Subsequently, adjustments were made to the proposed building locations and site grading plan to achieve slope stability. The design of the proposed development utilizes the existing topography to the extent practicable. The proposed buildings are terraced up the slope south of the landfill. Several retaining walls are proposed, ranging from two feet (2’) to eight feet (8’) in height. Additional geotechnical investigations will be performed for the design of proposed retaining walls, as well as for the design of each individual building foundation. Furthermore, construction of the retaining walls will be inspected and subsequently certified by a qualified NYS-licensed geotechnical engineer as part of the permitting and construction process.

Soils-Blasting

It is anticipated that blasting will not be necessary for development of the proposed project. If blasting is subsequently determined to be necessary, the Applicant shall submit an application for an amended site plan to the Planning Commission and shall not perform any blasting unless and until the application is approved by the Planning Commission.

Landfill

In correspondence dated January 29, 2004, the NYSDEC requested that the landowner: 1) address surface leachate seepage, 2) perform engineering inspection documenting site conditions, 3) conduct an explosive gas survey, 4) delineate the limit of waste with respect to the planned development, and 5) complete a survey of private domestic wells. In its January 29, 2004, letter, the NYSDEC stated that the results of the aforementioned field investigation activities must be presented to the NYSDEC in the form of a Landfill Remediation Plan. In addition, the Landfill Remediation Plan is to include an extended gas monitoring plan. The Applicant has stated that, to date, the owner has completed items 1 through 4, with the private well survey yet to be completed.

The Planning Commission finds that a survey (location) of residential wells should be submitted to the Planning Commission prior to or concurrently with site plan review.

Regarding leachate management, the landowner had been exploring two (2) options; discharge to the public sewer system, and discharge to a tributary of Quackenderry Creek via a seepage collection pit. The Rensselaer County Sewer District ("RCSD") denied a request to discharge to the RCSD's sanitary sewer system, leaving the alternative of a surface discharge under a SPDES permit. The NYSDEC will determine if on-site treatment is required as part of the permitting process for a SPDES permit. The Planning Commission finds that approval by the NYSDEC of the surface leachate disposal should be obtained prior to Planning Commission site plan approval.

The Planning Commission also finds that written approval by the NYSDEC of the Landfill Remediation Plan should be required prior to site plan approval. A condition of Planning Commission site plan approval should be that certification of satisfactory completion of the Landfill Remediation Plan will be required prior to issuance of any building permits.

In addition, the Planning Commission finds that the City Building Department should be notified prior to excavation for utilities and foundations and provided an opportunity to inspect such excavations.

Regarding the landfill, as requested by the NYSDEC, residents of the Development, whether lessees under the apartment scenario or purchasers under the owner-occupied residence scenario,

should be notified by the Applicant/developer of the existence of the former landfill and the landfill's previous listing on the NYSDEC Inactive Hazardous Waste Site Registry.

In addition, the Planning Commission finds that, to eliminate any risk from potential gases from the landfill, all buildings constructed on the site should have active sub-slab depressurization systems installed as a precaution.

3.2 Water Resources

3.2.1 Existing Conditions

Site Drainage/Stormwater

The site lies within the Hudson River drainage basin. Approximately 33 percent of the property drains toward culverts on Willow Street, while approximately 50 percent of the surface drainage flows toward the west into two 24-inch culverts that cross under Cottage Hill Street and then travels overland and through private property to Quackenderry Creek. Approximately 12 percent of the site on the north drains into a storm sewer on Partition Street. Runoff from the site is relatively rapid, given the soil conditions and the topography.

Wetlands

On-site wetlands were delineated in accordance with the procedures provided in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual. Three wetlands, totaling 0.458 acres, were identified on the site. None of the wetlands is regulated by the NYSDEC, but they are within the jurisdiction of the USACOE.

Streams

Several streams are located within the delineated wetland areas on the project site. The streams on the property carry a NYSDEC classification of "C". The "C" classification indicates that water is best used for fishing, fish propagation and survival, and primary and secondary contact recreation. However, the streams are very small and have minimal value as a freshwater fishery. Given the lower stream classifications, a New York State Stream Protection permit will not be necessary. However, permits will be required from the ACOE for disturbances to the streams.

Groundwater

The 1986 NYSDEC Phase II Landfill Investigation Report identified the presence of a shallow groundwater table within an underlying unit of water-bearing gravel and sands. The groundwater table surface was reported to exist at elevations ranging from 126 feet above MSL on the eastern side of the site to 103 feet above MSL on the western side at Cottage Hill Street.

Floodplains

According to the National Flood Insurance Program Flood Insurance Rate Map (FIRM), City of Rensselaer, New York, Community Panel Number 361032 0002 B, the project site lies within Flood Zone C, an area of minimal flooding.

3.2.2 Potential Impacts

Site Drainage/Stormwater

Construction phase pollutant sources anticipated at the site include disturbed (exposed) soil, vehicle fuels and lubricants, chemicals associated with building construction, and building materials. Without adequate control there is the potential for with each type of pollutant to be transported by stormwater.

To mitigate these potential impacts, the project will maintain existing drainage patterns as much as possible while continuing the conveyance of upland watershed runoff; control increases in the rate of stormwater runoff resulting from the proposed development without adversely altering downstream conditions; and mitigate potential stormwater quality impacts; and prevent soil erosion and sedimentation resulting from stormwater runoff generated both during and after construction.

Wetlands and Streams

A total of approximately 0.458 acres of wetland habitat were delineated on the project site. All of the wetlands appear to be part of the tributary system to the Hudson River and therefore are assumed to be regulated by the Army Corps of Engineers. The total wetland impact from the project is 0.089 acres.

Overall, the wetlands on the site are either degraded or limited in their environmental functions. They are typical of the area and would not be considered important ecological communities due to the invasive plants and limited accessibility to wildlife. The wetlands provide some functions for stormwater retention, water quality purification, but these are minimal give the soil conditions, topography and other conditions at the site.

Floodplains

The project site is located in area of minimal flooding; therefore, development of the proposed project would not affect existing floodplains.

3.2.3 Proposed Mitigation

Site Drainage/Stormwater

The site plan has been designed to have minimal post-development impacts on existing water resources. All stormwater BMPs have been or will be designed in accordance with requirements outlined in the August 2010 *New York State Stormwater Management Design Manual*, as most recently updated effective March 2011. Post-development peak stormwater runoff rates are less than or equal to pre-development conditions. As a result, on-site and off-site receiving waters will not have to assimilate additional runoff over current conditions. Stormwater quality structures will meet or exceed the standards for removal of at least 80 percent of total suspended solids (TSS) and 40 percent total phosphorous (TP).

Erosion control measures will be installed before construction of the proposed development begins. Stabilized construction entrances, silt fences, sediment traps and water quality basins will be constructed to prevent soil erosion, sedimentation in surface water bodies, and tracking of soil onto adjacent roads. All erosion and sediment control structures will be designed in accordance with the 1997 *New York State Guidelines for Urban Erosion and Sediment Control*.

Stormwater control measures during construction

Mitigation measures designed to prevent soil erosion and sedimentation will be implemented. During construction, this will be accomplished by sequencing site disturbance activities to establish erosion controls, minimize disturbed areas, maintain existing vegetation as much as possible, and stabilize newly disturbed areas as soon as possible. Stormwater pollutant controls utilized during construction will include temporary sediment barriers and sediment basins.

In addition, construction housekeeping practices will be implemented to help maintain stormwater quality. These measures include:

- a. Material resulting from the clearing and grubbing operation will be stockpiled up-slope from adequate sedimentation controls.
- b. Areas designated for equipment cleaning, maintenance, and repair will be protected by a temporary perimeter berm.
- c. Detergents will not be used for large scale washing (i.e., vehicles, buildings, pavement surfaces, etc.).
- d. A Spill Prevention and Response Plan will be developed for the site detailing the steps that need to be followed in the event of an accidental spill.
- e. Construction materials shall be stored in a dedicated staging area designed to minimize the impacts of the construction materials on stormwater quality.

The proposed stormwater collection system, consisting of pipes, open drainage ways and on-site stormwater management facilities, will adequately collect, treat, and convey the stormwater. If the stormwater management facilities are properly constructed and maintained in accordance with the requirements outlines in the SWPPP, the proposed development will not adversely impact adjacent or downstream properties.

During construction, preventing soil erosion and sedimentation resulting from stormwater runoff is accomplished by sequencing site disturbance activities to minimize the area and duration of soil disruption and establish erosion controls, maintaining existing vegetation as much as possible, minimizing disturbed areas and stabilizing newly disturbed areas as soon as possible. Erosion control devices designed in accordance with *New York Guidelines for Urban Erosion and Sediment Control* will be used to minimize soil erosion during the construction phase of the proposed project. Stormwater pollutant controls utilized during construction will include temporary sediment barriers and sediment basins.

In addition to sediment, construction phase pollutant sources anticipated at the site include vehicle fuels and lubricants, chemicals associated with building construction, and building materials. These pollutants can be transported by stormwater without adequate preventative measures.

Additional measures to be taken during construction include:

- a. Stabilization of construction entrances to reduce the tracking of sediment onto public roadways and permanent traffic corridors to avoid “routes of convenience” that are potentially more detrimental.
- b. Employment of dust control measures including the use of water trucks to reduce dust generated on site.
- c. Temporary stockpiling of materials, such as topsoil, in areas away from storm drainage, water bodies and/or courses, and encircled by silt fence barriers to prevent sedimentation.
- d. Placement of silt fencing, a geotextile filter fabric, along the perimeter of areas to be disturbed to reduce sediment loss.
- e. Temporary seeding and mulching on all disturbed areas where there will not be construction for longer than 21 days to minimize erosion and sediment loss.
- f. Placement of stone inlet protection barriers consisting of concrete blocks surrounded by wire mesh and crushed stone around catch basins to keep sediment from entering the catch basins and storm sewer system.

- g. Installation of erosion control blankets on all slopes exceeding 3:1 to provide temporary erosion protection, rapid vegetative establishment, and long-term erosion resistance to shear stresses associated with high runoff flow velocities associated with steep slopes.
- h. Installation of stone check dams within drainage ditches to reduce the velocity of stormwater runoff, to promote settling of sediment, and to reduce sediment transport offsite.
- i. Construction of temporary sediment basins to intercept sediment laden runoff and reduce the amount of sediment leaving the disturbed areas and to protect drainage ways, properties, and rights-of-way.

Stormwater control measures post-construction

Peak rates of runoff under pre- and post-development conditions were analyzed, in order to maintain the pre-development rate of runoff so as to minimize impacts to adjacent or downstream properties, and minimize the impact of the quality to runoff exiting the site. These objectives are met by applying Best Management Practices (BMPs) to limit peak runoff rates and treat the water quality. In addition, both temporary and permanent erosion and sediment control measures will be installed prior to and during construction to minimize erosion, and control sediment transport off-site.

The post-development project site is covered predominantly by grass, woods, buildings, concrete sidewalks, pavement, etc. The analysis of post-development conditions considered existing drainage patterns, soil types, ground cover to remain, planned site development, site grading and, stormwater management facilities proposed as part of site improvements. A comparison of pre- and post-development watershed rates of runoff demonstrates that off-site peak flow conditions at the design points will pose no significant adverse impacts to the adjacent or downstream properties or receiving water courses.

A stormwater retention pond will be constructed on-site to receive the bulk of the runoff from the project site. The property owner will be responsible for maintenance of the retention pond, and will convey an easement to the City to allow the City to maintain the pond if the owner fails to do so (and to charge the owner for such maintenance). All stormwater discharged from the stormwater retention pond will pass through pipes and the twin 24-inch culverts under Cottage Hill Street and travel overland through ditches and across private property to the Quackenderry Creek. The Applicant shall clean these culverts at the start of construction. The retention pond has been designed to reduce peak runoff rates from the project site to less than the existing condition. It should be noted that additional stormwater management requirements will take effect on March 1, 2011, for projects that have not obtained general permit coverage prior to that date.

Wetlands and Streams

No disturbance is proposed to the onsite stream. There will be 0.089 acres of wetland impacts. Through proper design, installation and maintenance of stormwater and erosion and sediment control practices, no additional impacts are expected and no additional mitigation measures are proposed.

Floodplains

As no impacts are anticipated to floodplain areas, no mitigation measures are proposed. Mitigation measures will be incorporated into the design and maintenance of the stormwater management system to prevent any significant increases in stormwater flow to on-site streams and waterbodies.

3.3 Vegetation and Wildlife

3.3.1 Existing Conditions

The project site has a long history of disturbance from the construction of a landfill on the northern half of the property and historical agricultural activities in the southern half of the site. According to the NYSDEC Natural Heritage Program, there are no records of known occurrences of endangered, threatened or rare (“ETR”) species, significant natural communities, or other significant habitats on or in the immediate vicinity of the project site. The Federal Endangered Species database for Rensselaer County lists three species of concern for the general area: the endangered Indiana bat (*Myotis sodalist*) and Shortnose sturgeon (*Acipense brevirostrum*), and the threatened Bald eagle (*Haliaeetus leucocephalus*).

3.3.2 Potential Impacts

The proposed development will require grading activities over most of the southern portion of the site; consequently, the existing landscape and vegetation will be altered in these areas. The project will disturb a total of approximately 15.5 acres of land for the construction of buildings, roads, and parking areas.

Based on the review of the property and the habitat requirements for each of the federally listed species that could potentially occur on or near the project site, it appears that the site would not provide suitable habitat to support these species. The property is significantly disturbed from a long history of earth moving activities, waste disposal work and old farming operations. Given this, and the urban character of the surrounding properties, it is not likely that the project would result in any impact to endangered or threatened species or their potential habitats.

3.3.3 Proposed Mitigation

The project site does not support significant natural habitats or habitats that would be suitable for endangered species. Therefore, no significant impacts to habitat or ETR species are expected and no mitigation is necessary.

3.4 Cultural Resources

3.4.1 Existing Conditions

The Applicant commissioned a Phase 1A Archaeological Sensitivity Assessment to determine the potential for archaeological resources within the site. The Phase 1A performed in October 2006 consisted of background research and site reconnaissance. Subsequently, Phase 1B field testing was performed. Although there are a number of archeological within one mile of the project site on both sides of the Hudson River, the project site itself has been subject to significant grading and land disturbance associated with the landfill and agricultural activities. The Phase 1B field testing was conducted in non-disturbed areas with slopes less than 12 percent and included the excavation of 42 shovel test pits. No historic or prehistoric archeological deposits were identified.

3.4.2 Potential Impacts

Most of the original landscape has been disturbed by gravel mining and then used for depositing landfill. No historic or prehistoric archeological deposits were identified during the Phase 1B field testing. In general, the areas tested showed a moderate to severe level of disturbance. Therefore, there are no impacts to archeological resources.

3.4.3 Proposed Mitigation

Based on the results of the Phase 1A Archeological Sensitivity Assessment and Phase 1B Archeological Field Testing, no historic or prehistoric resources are located on the project site, and no mitigation measures are necessary.

3.5 Transportation

3.5.1 Existing Conditions

A traffic impact study was performed by the Applicant's consultant, Creighton Manning Engineering ("CME). The following traffic count data was noted:

- The morning peak hour generally occurred from 7:30 to 8:30 a.m. and the afternoon peak hour occurred from 4:30 to 5:30 p.m.

- The two-way volume of traffic on Partition Street at the proposed site driveway entrance was approximately 37 vehicles and 41 vehicles during the morning and afternoon peak hours, respectively.

3.5.2 Potential Impacts

The potential traffic impact of the proposed project were determined by CME documenting the existing traffic conditions in the area, projecting future traffic volumes, including the peak hour trip generation of the site, and determining the operating condition of the study area intersections after development of the proposed project.

An analysis by CME made the following observations:

Broadway/Partition Street – This intersection currently operates at Level of Service (“LOS”) B during the peak hours and would continue to operate at LOS B after completion of the project.

Partition Street/1st Street/East Street – This intersection currently operates at an overall LOS B during the peak hours. After completion of the project, the intersection would continue to operate at LOS B.

Partition Street/3rd Street – This intersection operates at LOS A/B during the peak hours under existing conditions. All approaches would continue to operate at LOS A/B during the peak hours after completion of the project.

Partition Street/Cottage Hill Street/6th Street – This intersection currently operates at LOS A. It would continue to operate at LOS A after completion of the project.

Partition Street/7th Street – This intersection currently operates at LOS A. It would continue to operate at LOS A after completion of the project.

It should be noted that, while the CME traffic study did not factor in potential impacts from the U.W. Marx waterfront project in the City, the UW Marx application did complete a comprehensive evaluation of the combined projects’ impacts on the transportation system. The EIS prepared for the UW Marx project included this evaluation, prepared by SRF Associates. The traffic study prepared by SRF Associates examined the combined traffic impacts of the two projects on a number of intersections. With respect to the intersection of Partition Street and Broadway, the SRF report stated: “The intersection operates at average LOS “C” or better under existing, background, and future conditions with the exception of the southbound approach which operates at LOS “D” during the PM peak hour under full development conditions. The southbound approach is projected to decline from LOS “B” to “D” during the PM peak hour and the northbound approach is projected to decline from LOS “A” to “B” during the AM peak hour and from LOS “B” to “C” during the PM peak hour between background and full development

conditions. This LOS change can be mitigated via signal timing adjustments/optimization to maintain LOS “B” or better on all approaches.”

The current site plan provides access solely by automobile, and does not include sidewalks along the access road or adjacent to the site.

3.5.3 Proposed Mitigation

The proposed residential development is expected to generate approximately 83 new vehicle trips during the morning peak hour, approximately 97 new vehicle trips during the afternoon peak hour, and approximately 95 new vehicle trips during the Saturday midday peak hour.

The analysis indicates that all intersections currently operate at good levels of service during the weekday morning, afternoon, and Saturday midday peak hours. The intersections will continue to operate at acceptable levels with the signalization optimization noted in the SRF report.

To allow for pedestrian/bicycle access, the site plan should include sidewalks and associated amenities along the on-site access road and, if the Planning Commission determines it to be feasible during the site plan review process, along that portion of Partition Street abutting the site. The site plan should incorporate all applicable American With Disabilities Act (“ADA”) requirements, along with a discussion with respect to the Partition Street sidewalk of any ADA requirements that factors such as topography may make impractical to meet. If the Planning Commission approves an alternative to the Partition Street sidewalk during the site plan review process, such alternative should also be evaluated for ADA compliance and should also have provisions for lighting and year-round maintenance.

3.6 Police, Fire, and Emergency Medical Services

3.6.1 Existing Conditions

Police

The City of Rensselaer Police Department provides service throughout the City of Rensselaer, including to the project site. The Police Department staff includes approximately 26 officers.

Fire

The City Fire Department provides service throughout the City, including to the project site. The Department employs 12 career fire fighters, and no volunteers. The Fire Department protects the city with 4 engine companies, 1 truck company, a fire investigation unit, a chief’s truck, and a utility truck used by the fire-police. The Fire Department has the ability to provide First Responder service, but no ambulatory service.

The project area is served by Ladder 1, Tanker 1, James Hill Hook & Ladder, located at 42 Partition Street as well as Engine 4, Engine 2, G.S. Mink & T. Claxton Hose Co. # 2, located at 959 Broadway.

Emergency Medical Services

Based on correspondence from the Rensselaer Fire Department, the Fire Department provides basic life support (BLS) with emergency medical technicians. The City has advanced life support provided by a private EMS organization. Medical transports are provided by the Rensselaer Volunteer Ambulance Corps with private EMS as back up. Private ALS is dispatched when needed. Private ambulances are used when there are more than two calls at the same time or in cases where there is no volunteer support available. The Rensselaer Volunteer Ambulance Corps serves the project location.

3.6.2 Potential Impacts

The proposed project is similar to surrounding land uses and is unlikely to generate unique or unusual public safety considerations.

Police

The Police Department informed Camoin Associates, which conducted a fiscal impact analysis of the project, that the project would require the addition of two more patrolmen to the police force and that no new special equipment would be needed.

To measure the fiscal impact of the addition of two officers, Camoin Associates examined salary, contractual expenses and equipment costs for the Police Department in the 2009-2010 adopted City budget.

The analysis completed by Camoin included an examination of impacts to the various other City operations including the Fire Department and the Police Department. Comparing the total increased expenses and increased revenues, Camoin found that the project will have an estimated positive net impact of \$2,657 on the City's General Fund.

Fire and Emergency Medical Services

The fiscal impact analysis prepared by Camoin Associates concluded that any increase in expenses to the Fire Department would be offset in increase tax revenue to the City. The estimate assumed that the population increase expressed as a percentage of the city's population (5.35%) will have a corresponding budget impact. The analysis evaluated the overall impacts to the City's General Fund and concludes that there will be a net positive impact of \$2,657 on an annual basis after accounting for the increased expense to all General Fund line items including the Fire Department.

3.6.3 Proposed Mitigation

The proposed project will generate a net tax revenue surplus to the City annually, some of which could be used to support the other community services, such as police and fire protection.

3.7 Utilities – Water Supply and Wastewater Disposal

3.7.1 Existing Conditions

Water

The project site is located within the City of Rensselaer Water District No. 1. The district serves approximately 7,761 people within the City. The City purchases potable water from the City of Troy.

Wastewater

The project site is served by Rensselaer County Sewer District No. 1 (“RCSD”).

The nearest gravity sewer to the project site is a 12-inch diameter cast iron combined sewer located within Wilson Street, which is the intended connection point for the proposed Cottage Hill project. The 12-inch sanitary sewer conveys combined sewer flows via gravity to the existing Forbes Avenue Pump Station. Sewage from the Forbes Avenue Pump Station is piped to the Rensselaer County Wastewater Treatment Plant (“RCWTP”) located in North Greenbush.

The RCWTP was designed to treat average flows of 24 MGD, with a maximum daily flow (instantaneous flow) of 48 MGD. Based on 2005 statistics and conversations with plant staff, the plant is only treating an average daily flow of 14 MGD during dry weather conditions and between 35 and 40 MGD during rainy conditions. This results in an average daily hydraulic reserve treatment capacity of 10 MGD during dry conditions and 8 to 13 MGD during wet conditions. The RCWTP discharges treated effluent to the Hudson River.

3.7.2 Potential Impacts

Water

In 2005, the City purchased 1,087,790,000 gallons of water from the City of Troy. The average daily water demand for the City for 2005 was 2,980,246 gallons (2.9 MG), with a high day demand of 4,825,000 gallons (4.8 MG) and a peak hourly demand of 191,136 gpd or 133 gpm.

The proposed water distribution system will be designed to serve the entire community and will consist of a water main extension for the proposed development to include over 3,300 linear feet of 8-inch water main, located within the roads of the project site. The proposed water mains will be constructed and tested in accordance with the City’s standards for water mains. The proposed 8-inch water main will extend from the development and connect to an existing 8-inch water

main at the intersection of Sixth Street and Partition Street. Fire protection for the development will be provided from new hydrants located at intervals along the proposed road. No part of the system will cross the landfill.

Upon completion, the proposed development will represent a small percentage of the total water demand imposed by existing users within the City, and the water system has adequate reserve capacity to meet the anticipated water demand of the proposed project.

Fire Flows

Hydrant flow testing was conducted along Partition Street on August 2, 2004 in order to determine the efficiency and adequacy of the existing 8-inch water main that would serve the new development. The hydrant located on the corner of Partition and Sixth Street was flow tested while residual pressures were taken from the hydrant at the corner of Fifth and Partition Street.

Based on the results of the hydrant flow test, the theoretical fire flow available was calculated. The calculation indicated the theoretical fire flow available from the existing 8-inch water main adjacent to the project site along Partition Street is approximately 1,719 gpm.

Wastewater

The anticipated average daily sewage generated from the proposed development is estimated to be 44,960 gpd.

The estimated wastewater hydraulic loading average day and peak hourly flows from the project are 0.0444 MGD and 0.1776 MGD, respectively. The existing 12-inch sewer main located under Wilson Street has a theoretical conveyance capacity of 4.0 MGD. The existing 12-inch sewer main under Wilson Street has adequate hydraulic capacity to accommodate the estimated proposed flows, as does the Forbes Avenue Pump Station.

3.7.3 Proposed Mitigation

Water

The Cottage Hill Landings development can be served by the proposed extension from the existing municipal water system and the new connections will not adversely impact the City's existing water system as a result of the demands imposed by the improvements proposed.

Wastewater

The City's collection system from the proposed connection point at Wilson Street has adequate reserve capacity to accommodate the development of the project site. Therefore, no improvements are planned or proposed on the existing sewer network.

The proposed development, upon completion, will represent a small percentage of the total sewage being conveyed to and treated at the RCWTP. The additional flows will not adversely impact the plant's operations while adequate reserve treatment capacity will still remain. Therefore, no improvements are necessary at the RWTP.

3.8 Visual Resources

3.8.1 Existing Conditions

The project site is located along the east side of Cottage Hill Street, at its intersection with Partition Street in the City. The surrounding land use in the vicinity of the site are primarily urban and suburban residential.

The site consists of steep hillsides that are covered with dense shrub growth and open areas that coincide with the landfill portion of the site. Site elevations range from approximately 34 feet above mean sea level (MSL) to 170 feet MSL. The site is essentially divided into two (north and south side) by a ridge that runs from east to west. Views of Albany are visible from the top of the ridge.

3.8.2 Potential Impacts

Based on input from the Planning Commission, four viewpoint receptors were identified for visual analysis:

1. Broadway Viaduct Bridge
2. Dunn Memorial Bridge
3. Partition Street and Third Street
4. Lawrence Street and Wendell Street

These viewpoints were identified to locate areas from which the development might be seen, or might be expected to be seen. Once the viewpoints were selected, each viewpoint was examined in the field to determine representative locations from which to photograph the project site.

Existing conditions photographs were taken on March 28, 2007 during leaf-off conditions in order to estimate the potential impact of the proposed project at its most visible time of the year.

3.8.3 Proposed Mitigation

The proposed project is located on the fringe of an urban residential neighborhood in the City. The site's visibility is limited by the varying topography of the surrounding area, the presence of existing and proposed vegetation, and the presence of residential and other structures in the

vicinity of the site. Mitigation regarding the design of buildings, site vegetation, etc., should be implemented during the site plan review process.

3.9 Fiscal Resources

3.9.1 Existing Conditions

The project site is currently vacant and has an assessed value of \$61,200. In 2006, the existing site contributed a total of approximately \$6,969 in annual tax revenue, which included approximately \$3,600 to the City and County, collectively, and \$3,360 to the Rensselaer City School District. The project site is vacant and therefore has not required municipal services aside from the potential for emergency services needs. No residents or school children reside within the project site; nor is the project site served by public water or sewer.

3.9.2 Potential Impacts

The analysis of fiscal resources contained in the October 2008 DEIS evaluated the potential fiscal impacts of the project as it was then proposed as owner-occupied townhome and condominium units. This analysis found a net estimated positive annual fiscal impact on the City of approximately \$39,100 and a net positive impact on the Rensselaer City School District of approximately \$292,000 under the owner-occupied scenario.

Under the rental apartment scenario, Camoin Associates determined that the proposed project would generate approximately \$380,623 in annual tax revenues to the City of Rensselaer, while providing municipal services to the apartments would result in a total annual cost to the City of approximately \$377,966. Thus, the project would result in a net general fund tax revenue surplus of approximately \$2,657 to the City annually. Although not considered by Camoin Associates, there is also an additional cost to the City, under the apartment scenario, for the City's mandated annual inspection of apartment units. This would further reduce the already marginal net fiscal benefit. Camoin Associates determined that the project would also add a net annual surplus of \$57,028 to the City's water fund. When corrected to take into account water losses (see FEIS, p.31), however, the estimated annual water fund surplus would be \$26,896.

With respect to potential impacts to the School District, Camoin Associates determined that the proposed development would generate approximately \$391,337 in annual property tax revenue to the District. Furthermore, Camoin Associates estimated that, based on current per pupil state aid payments of \$8,306 per pupil, the project would generate an additional \$573,659 annually to the School District. The total cost to the District for the approximately 73 project-generated students was estimated to be \$951,422. Therefore, assuming that the combination of State aid and other revenue sources increased proportionately with the increase in School District enrollment, the proposed project would generate a tax revenue surplus of approximately \$15,575 annually to the District. It should be noted, however, that, as New York State wrestles with balancing its budget, levels of State aid may fall. These fiscal impacts are summarized in the table below.

Projected Net Fiscal Impacts

	<u>Apartments</u>	<u>Owner-Occupied Units</u>
City General Fund	\$2,657	\$39,100
City Water Fund	\$26,896	\$26,896
School District	\$15,575	\$292,000

3.9.3 Proposed Mitigation

The proposed project will result in an annual tax revenue surplus to both the City and the City School District under the owner-occupied scenario and, to a significantly lesser extent, under the apartment scenario. Therefore, impacts to these taxing jurisdictions would not be significant and no mitigation measures are necessary.

4.0 IRREVERSIBLE COMMITMENTS OF RESOURCES AND SIGNIFICANT ADVERSE UNAVOIDABLE IMPACTS

The proposed project will have adverse impacts on the environment, which cannot be avoided if the project is implemented. Some of these are short-term impacts that will occur primarily during construction phases. Most arise from the alteration of existing site conditions. There are, however, other adverse impacts that would have permanent or long-term environmental impacts. Most of these are an unavoidable consequence of the development process.

The following are impacts that cannot be avoided if the project is implemented:

- Replacement or disturbance of on-site soils during the course of development;
- Increase in the amount of impervious surface (4.3 acres) and alteration of stormwater runoff characteristics;
- Generation of traffic. During the construction phase, trucks, machine transport vehicles, supply vehicles, and work crew vehicles would add to the present traffic. Once development of the Cottage Hill Landings community is complete, there will be additional trips generated by residents;
- Increase in dust particles generated at the site during construction;
- Increase in water usage;
- Increase in wastewater generation;
- Increase in solid waste and recyclable material generated at the site;
- Increase in noise and lighting generated at the site; and
- Increase in energy usage, specifically electricity, natural gas (if made available), and heating fuels.

5.0 ALTERNATIVES

SEQRA calls for the evaluation of reasonable alternatives to a proposed action that are feasible, considering the objectives and capabilities of the Applicant. In accordance with the Final Scoping Document, the following alternative to the proposed action was considered:

5.1 “No-Action” Alternative

The “No Action” alternative is the scenario that would occur if no residential development were to take place on the project site. Without development, the northern portion of the site would not be preserved and developed as an open space recreation area, and the site would remain overgrown and unavailable for public use as a recreational space. This alternative is not consistent with the objective of the Applicant, which is to develop a viable residential development.

Under the “No Action” alternative, there would be:

- No impacts to on-site wetlands or steep slopes.
- No change in stormwater volumes or flow rates.
- No increase in vehicular traffic.
- No increase in the number of school children attending the Rensselaer City School District.
- No increase in the amount of solid waste to be disposed of or recyclable materials to be reclaimed.

However, the “No Action” alternative would not involve the anticipated benefits of the proposed project, such as:

- Increase in local economic activity resulting from the additional residents at the project site.
- Reuse of a vacant site within the City.

5.2 Alternative that varies the location of proposed buildings and roads

When the project was originally designed, different layouts were considered. This included an alternative layout that developed the entire site with the exception of the landfill area.

There are two primary landforms on the site—a ridge running east to west providing views of Albany and a wooded ravine running east to west providing drainage for uphill communities and

a landscape buffer between developments. This alternative eliminated both the ridge and the ravine. Removing the ridge and placing the buildings at lower elevations destroys the distant views from the site. This also created a very steep slope and disrupted the natural drainage patterns in this area. For these reason, this alternative was abandoned.

6.0 GROWTH-INDUCING ASPECTS

It is projected that the proposed project will add an estimated 383 new residents to the City of Rensselaer. The proposed project will utilize City water and sewer services.

The proposed project is expected to generate the annualized full-time equivalent of approximately 124 on-site construction labor jobs. Other jobs would be created relative to off-site construction in manufacturing, trades and services, and transportation.

The majority of the construction-related employees at the site are expected to come from Rensselaer and the immediate surrounding area. These workers are expected to have a positive impact on existing local businesses by purchasing food, gasoline, and other goods and services.

It is anticipated that future residents of the development will patronize a variety of local retail and commercial establishments. Local businesses are expected to provide many of the goods and services future residents will require. The additional population from the project will help sustain these local businesses. The increase in resident population at the project site is not expected to generate the need for new services in the City and will not have significant growth-inducing impacts.

7.0 EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

It is anticipated that the regional energy supplier, National Grid, has adequate capacity to supply the proposed development with energy.

During construction, energy will be used to power equipment and various construction vehicles. Once construction is completed and the townhomes and condominiums are occupied, energy will be required for heating, air conditioning, and the use of household appliances.

The design and plans for all energy conservation systems within the development will take into account the New York State Energy Code. It is expected that all systems will be modern, energy efficient units.

8.0 ENUMERATED CONDITIONS

The Planning Commission establishes the following conditions on the Cottage Hill Landings development:

1. Impacts to soils and geology will be minimized through erosion control measures and the establishment of best management practices (“BMPs”), as outlined in the *New York State Stormwater Management Design Manual* (August 2010).
2. Temporary erosion and sediment control measures will be utilized during construction, and post-construction run-off will also be addressed in accordance with applicable requirements. Specifically, construction will be in accordance with the requirements of a NYSDEC-approved Stormwater Pollution Prevention Plan (“SWPPP”) and the provisions of SPDES General Permit GP-0-10-001.
3. It is anticipated that blasting will not be necessary for development of the proposed project. If blasting is subsequently determined to be necessary, the Applicant shall submit an application for an amended site plan to the Planning Commission and shall not perform any blasting unless and until the application is approved by the Planning Commission.
4. Additional geotechnical investigations shall be performed for the design of proposed retaining walls, as well as for the design of each individual building foundation, and construction of the retaining walls shall be inspected and subsequently certified by a qualified NYS-licensed geotechnical engineer as part of the permitting and construction process.
5. A survey (location) of residential wells near the landfill, as set forth in the NYSDECs letter of January 24, 2004, shall be submitted to the Planning Commission prior to or concurrently with site plan review.
6. Regarding landfill leachate management, written approval by the NYSDEC of any surface leachate disposal shall be obtained prior to Planning Commission site plan approval.
7. Written approval by the NYSDEC of the Landfill Remediation Plan shall be required prior to site plan approval. A condition of Planning Commission site plan approval will be that certification of satisfactory completion of the Landfill Remediation Plan shall be required prior to issuance of any building permits.
8. The City Building Department shall be notified prior to excavation for utilities and foundations at the project site, and shall be provided an opportunity to inspect such excavations.

9. Residents of the Development, whether lessees under the apartment scenario or purchasers under the owner-occupied residence scenario, shall be notified by the Applicant/developer of the existence of the former landfill and the landfill's previous listing on the NYSDEC Inactive Hazardous Waste Site Registry, as directed by the NYSDEC.
10. To minimize any risk from potential gases from the landfill, all buildings constructed on the site shall have active sub-slab depressurization systems installed as a precaution.
11. Erosion control measures will be installed before construction of the proposed development begins. Stabilized construction entrances, silt fences, sediment traps and water quality basins will be constructed to prevent soil erosion, sedimentation in surface water bodies, and tracking of soil onto adjacent roads. All erosion and sediment control structures will be designed in accordance with the 1997 *New York State Guidelines for Urban Erosion and Sediment Control*.
12. Mitigation measures designed to prevent soil erosion and sedimentation will be implemented. During construction, this will be accomplished by sequencing site disturbance activities to establish erosion controls, minimize disturbed areas, maintain existing vegetation as much as possible, and stabilize newly disturbed areas as soon as possible. Stormwater pollutant controls utilized during construction will include temporary sediment barriers and sediment basins.
13. Construction housekeeping practices shall be implemented to help maintain stormwater quality. These measures include:
 - a. Material resulting from the clearing and grubbing operation will be stockpiled up-slope from adequate sedimentation controls.
 - b. Areas designated for equipment cleaning, maintenance, and repair will be protected by a temporary perimeter berm.
 - c. Detergents will not be used for large scale washing (i.e., vehicles, buildings, pavement surfaces, etc.).
 - d. A Spill Prevention and Response Plan will be developed for the site, detailing the steps that need to be followed in the event of an accidental spill.
 - e. Construction materials shall be stored in a dedicated staging area designed to minimize the impacts of the construction materials on stormwater quality.
 - f. Stabilization of construction entrances to reduce the tracking of sediment onto public roadways and permanent traffic corridors to avoid "routes of convenience" that are potentially more detrimental.

- g. Employment of dust control measures, including the use of water trucks to reduce dust generated on site.
 - h. Temporary stockpiling of materials, such as topsoil, in areas away from storm drainage, water bodies and/or courses, and encircled by silt fence barriers to prevent sedimentation.
 - i. Placement of silt fencing, a geotextile filter fabric, along the perimeter of areas to be disturbed to reduce sediment loss.
 - j. Temporary seeding and mulching on all disturbed areas where there will not be construction for longer than 21 days to minimize erosion and sediment loss.
 - k. Placement of stone inlet protection barriers consisting of concrete blocks surrounded by wire mesh and crushed stone around catch basins to keep sediment from entering the catch basins and storm sewer system.
 - l. Installation of erosion control blankets on all slopes exceeding 3:1 to provide temporary erosion protection, rapid vegetative establishment, and long-term erosion resistance to shear stresses associated with high runoff flow velocities associated with steep slopes.
 - m. Installation of stone check dams within drainage ditches to reduce the velocity of stormwater runoff, to promote settling of sediment, and to reduce sediment transport offsite.
 - n. Construction of temporary sediment basins to intercept sediment laden runoff and reduce the amount of sediment leaving the disturbed areas and to protect drainage ways, properties, and rights-of-way.
14. To allow for pedestrian/bicycle access, the site plan should include sidewalks and associated amenities along the on-site access road and, if the Planning Commission determines it to be feasible during the site plan review process, along that portion of Partition Street abutting the site. The site plan shall incorporate all applicable American With Disabilities Act (“ADA”) requirements, along with a discussion with respect to the Partition Street sidewalk of any ADA requirements that factors such as topography may make impractical to meet. If the Planning Commission approves an alternative to the Partition Street sidewalk during the site plan review process, such alternative should also be evaluated for ADA compliance and should also have provisions for lighting and year-round maintenance.
15. The Applicant shall also consult with CDTA in an effort to restore bus service to the project area.

9.0 CERTIFICATION

Upon consideration of the foregoing and the Draft and Final Environmental Impact Statements, the Planning Commission of the City of Rensselaer hereby certifies that:

- A. It has considered the relevant environmental impacts, facts and conclusions disclosed in the Draft and Final Environmental Impact Statements prepared in connection with the proposed action.
- B. It has weighed and balanced the relevant environmental impacts with the social, economic and other essential considerations relating to the proposed action.
- C. The requirements of 6 NYCRR Part 617 have been met.
- D. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative conditions that were identified as practicable in the Draft and Final Impact Statements and this Findings Statement.