

## **FINAL SCOPE**

### **Project/Action:**

### **Rapp Road Residential /Western Avenue Mixed Use Redevelopment Projects**

Town of Guilderland, Albany Co., New York

### **Lead Agency:**

Town of Guilderland Planning Board

Guilderland Town Hall

P.O. Box 339

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October 23, 2019

## **INTRODUCTION**

Pursuant to New York State Environmental Conservation Law Article 8, the State Environmental Quality Review Act (SEQRA); and Part 617 of Chapter 6 of the New York Code of Rules and Regulations (NYCRR), the Town of Guilderland Planning Board, acting as Lead Agency, has issued a positive declaration for the above named action and determined that it will require preparation of a Draft Environmental Impact Statement (DEIS). The DEIS will analyze the potential significant cumulative adverse impacts of  $\pm 275,000$  SF of retail space,  $\pm 50,000$  SF of office space, and 360 multi-family apartments certain undeveloped lands in the recently enacted Transit Oriented Development (TOD) District owned by the project sponsor, or affiliated entities. There are three development areas within the TOD, located to the west and southwest of Crossgates Mall, which will be analyzed in the DEIS (See attached concept plan).

As required by SEQRA, the Lead Agency shall conduct Scoping. Pursuant to the SEQRA Regulations (6 NYCRR 617.8(6)), the Project Sponsor submitted a Draft Scope to the Planning Board which was posted on the Town's website at [www.townofguilderland.org/planning-board](http://www.townofguilderland.org/planning-board) on August 15, 2019, and mailed to all involved and interested agencies and made available to the public. As required under SEQRA 617.8 the involved and interested agencies and public were given an opportunity to provide written comments on the Draft Scope through end of business on September 17, 2019, which was extended to October 2, 2019.

## **DESCRIPTION OF PROPOSED ACTION**

Rapp Road Development, LLC proposes construction of 222 one and two bedroom apartments with  $\pm 3,900$  SF of commercial space, on the  $\pm 19$  acre site on Rapp Road (Site 1 on the attached plan). The northern portion of Site 1 also includes a potential future development area. While no plans currently exist for this area, an additional 90 apartment units will be analyzed for purposes of the DEIS. Applications for site plan and subdivision approval were made in November 2018.

The site plan shows two five-story buildings and three two-story buildings with underground and surface parking. The record currently includes expert reports on traffic, environmental conditions/resources, stormwater management and archeological resources.

The second development area (Site 2 on the attached plan) is located on the corner of Crossgates Mall Road and Western Avenue and for purposes of the DEIS will be analyzed for development of a ±160,000 square feet retail building and associated fueling facility on ± 15 acres.

A third development area (Site 3 on the attached plan) is located on the remaining ±11.34 acres of TOD zoned property located between Site 2 and the existing hotel site. There are no current development plans for this area and a zoning-compliant conceptual plan will be developed and analyzed for purposes of the DEIS. This development will include as possible future development ±115,000 SF of retail space, ±50,000 SF of office space, and 48 multi-family apartments.

These development areas were previously evaluated for potential future development as part of the environmental review for the Capital District Transit Authority (CDTA) transit center project at Crossgates. The CDTA analysis of the development potential of these three sites was consistent with the above, and will be detailed in the DEIS.

## **SIGNIFICANT ENVIRONMENTAL CONDITIONS/RESOURCES THAT MAY BE AFFECTED**

The DEIS will analyze at a minimum the following topics with respect to lands in the TOD owned or controlled by the project sponsor and affiliated entities identified as sites 1, 2 and 3 as shown on the attached plan:

- Change in traffic levels;
- Change in ground or surface water quality and quantity and potential drainage problems;
- Change in the intensity of use of land and the capacity of water and sewer facilities to support the uses;
- Affect on endangered, threatened and/or special concern species and impacts to significant habitat areas;
- Affect on the character or quality of important historical resources or existing community/neighborhood character and,
- Affect on air quality and noise levels.

## **PRIOR SEQRA PROCEEDINGS**

The Guilderland Planning Board previously circulated Part 1 of the Full EAF for the Project to all identified involved/interested agencies and indicated its intent to act as lead agency. No other involved agency objected to the Planning Board serving as lead agency and the Planning Board declared itself to be SEQRA lead agency for this Type I action on July 10, 2019 and indicated its intent to issue a positive declaration. The Planning Board is the appropriate entity to serve as lead agency for this action since, based on the current application, it will be considering issuance of final site plan approval for the Rapp Road project.

The Town of Guilderland Planning Board issued a positive declaration for the above named action on August 14, 2019 and determined that it will require preparation of a Draft Environmental Impact Statement (DEIS).

## **PURPOSE OF THE DRAFT SCOPING DOCUMENT IN SEQRA**

This scoping process represents an initial step in the review of potential environmental impacts under SEQRA for the proposed action. The primary goals of scoping are to focus the DEIS on potentially significant impacts and to eliminate consideration of those impacts that are irrelevant or non-significant. The purpose of scoping is to provide an opportunity for involved agencies, interested agencies, and the public to review and comment on the identification of potential significant adverse impacts which may result from the proposed action, and to identify the extent and quality of information necessary to address those issues during the SEQRA process.

As indicated below in the list of Appendices, additional reports will be prepared to examine potential significant adverse impacts, including a traffic impact study, prepared by a licensed traffic engineer using standard protocols, a wetland report prepared in accordance with standard procedures of the United States Army Corps of Engineers, and an archeological investigation prepared using standard protocols, wildlife reports examining endangered and threatened species, among others. Potential mitigation measures will be addressed upon completion of these reports.

This Final Scope incorporates, as necessary, comments made in communications from involved and interested agencies and the public.

## **SCOPING TIME PERIOD**

All written comments on the draft scoping document were directed to the following contact person on or before September 17, 2019, which was extended to October 2, 2019. The Planning Board received thirty-seven written comments.

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The time period for comments on the Draft Scope has expired.

## **PROPOSED CONTENTS OF THE DEIS**

The DEIS will include the elements required by 6 NYCRR 617.9, including:

- i. DEIS Cover Sheet. All draft and final EISs must be preceded by a cover sheet stating whether it is a draft or final EIS; the name or descriptive title of the action; the location (county and town, village or city) and street address, if applicable, of the action; the name and address of the Lead Agency and the name and telephone number of a person at the agency who can provide further information; the names of individuals or organizations that prepared the EIS; the date of its acceptance by the Lead Agency; and in the case of a draft EIS, the date by which comments must be submitted.
- ii. DEIS Table of Contents. The table of contents will include listings of DEIS sections, tables, figures, maps, appendices, attachments and items that may be submitted under separate cover (and identified as such).
- iii. Firms / Organization Involved in the Preparation of the DEIS: Consultants that contributed in the preparation of the DEIS will be listed with each firm's point of contact information provided.

In addition, the DEIS shall include the following sections:

### **1.0 EXECUTIVE SUMMARY**

The executive summary will include a brief description of the proposed action and a listing of potential environmental impacts and proposed mitigation measures. A summary will also be provided of the approvals and permits required, and the alternatives to the proposed action that are evaluated within the DEIS.

Alternatives to the proposed action, including a no action alternative, alternate traffic options and alternate site uses will be presented.

Potential environmental impacts identified based on the selected alternative of constructing the proposed action will be noted in the DEIS.

### **2.0 DESCRIPTION OF THE PROPOSED ACTION**

As described in more detail in the following sections, this chapter of the DEIS will include a comprehensive description of the sites and proposed action and will provide a detailed discussion of the proposed development utilizing currently available information.

#### **2.1 Proposed Action Overview**

This section of the DEIS will provide a brief discussion of the proposed action area and location. Additionally, a general description of the anticipated site improvements that are proposed (e.g. parking lots, sidewalks, utilities) will be provided.

## **2.2 Site Description**

This section of the DEIS will characterize the size, geographic boundaries, and physiographic characteristics of the sites of the proposed action. Additionally, the location in relation to nearby residential areas in the City of Albany and the Town of Guilderland, as well as recognized or protected natural or man-made features will be described. The dominant land use within and adjacent to the site of the proposed action will also be discussed.

## **2.3 Detailed Description of the Proposed Action**

The purpose, size, and layout of the proposed action will be described in this section of the DEIS. A description of the Town's Transit Oriented District (TOD) will be provided, including permitted uses, purpose and goals of the TOD.

Available maps, graphics, renderings, and/or plans will be provided showing the proposed location of the action, including the buildings, site access, parking areas, lawns/landscaping, and associated utilities, etc.

## **2.4 Purpose, Need and Benefit**

A statement describing the purpose and need for the action will be provided, along with background and history of the proposed action. This section will also include a brief overview of the environmental, social and/or economic benefits that are anticipated to result from the proposed action. This will include an estimate of employment opportunities (both temporary construction jobs and permanent staff jobs) that are anticipated to result from the proposed action.

## **2.5 Construction**

This section of the DEIS will describe construction of the proposed action, including construction schedule/duration, construction staging and parking, anticipated construction employment, construction sequencing, and routing of construction traffic along local roads. The construction schedule will be compliant with the State Pollutant Discharge Elimination System (SPDES) General Permit.

## **2.6 Reviews, Approvals and Other Compliance Determinations**

Governmental agencies having approval over the proposed action will be listed in this section, with explanation of the nature of their jurisdiction and the specific approvals required from each listed entity. In addition, the details associated with the SEQRA process for the proposed action will be included, along with a discussion of agency and public review and participation.

## **3.0 EXISTING CONDITIONS, POTENTIAL IMPACTS AND MITIGATION MEASURES**

With respect to each issue (or set of issues) described below in the various resource sections, the corresponding section of the DEIS will identify in sequence: the existing environmental conditions; the potential impacts of the proposed action; and anticipated measures to avoid, minimize, and/or mitigate those impacts, as appropriate. The impacts and mitigation measures presented in these sections will include those related to the proposed operation as well as its construction.

Where one of these sections identifies multiple related issues (e.g., Section 3.5; Transportation), the section will first describe the existing conditions regarding all of these multiple related issues before then describing the related potential impacts. The discussion of impacts related to the multiple issues included within the section will then be followed by a review and discussion of related mitigation measures. The text of these sections will be supplemented with maps, graphics, agency correspondence and agency data/analyses, Geographic Information System (GIS) data and newly prepared support studies, as necessary, to convey the required information.

### **3.1 Topographic, Geology and Soils**

This section will evaluate and describe topography, surface and subsurface soils, and bedrock conditions within the sites of the proposed action based on publicly available data as well as a site-specific soil investigation completed. Potential impacts to soils could result from excavation and grading for construction of the new building, site restoration, and landscaping. Potential topographical issues include changes in slope during or after construction that could alter drainage patterns and potentially increase runoff. This section will also describe mitigation measures that will be used to avoid, minimize, or mitigate potential impacts to geology, soils, and topography, including an approved erosion and sediment control plan, as needed.

### **3.2 Water Resources**

This section of the document will address changes in ground or surface water quality and quantity and potential drainage problems and describe existing conditions of water resources in the vicinity of the site of the proposed action, including, surface waters, groundwater, floodplains and floodways and stormwater. Existing conditions, potential impacts and mitigation measures will be presented for each topic area.

#### Surface Waters

This section of the document will describe surface waters (i.e. wetlands, streams, rivers, lakes and ponds) within and adjacent to the site of the proposed action (if any), based on publicly available data as well as a site-specific wetland assessment. Proposed action-related impacts to surface water resources will be described, along with proposed measures to avoid, minimize and/or mitigate such impacts, as needed.

#### Groundwater

This section of the document will describe existing conditions of groundwater in the vicinity of the proposed action area based on publicly available data as well as a site-specific soil investigation completed. Potential impacts associated with the proposed action will be identified and evaluated

relative to the characterization of existing conditions provided in the sources reviewed and groundwater data collected from field studies.

### Stormwater

The DEIS will describe anticipated construction related impacts to drainage, stormwater runoff, and consequent effects upon water quality in the vicinity of the construction site. This section will summarize a site specific Stormwater Management report that will assess existing and proposed hydrologic and hydraulic conditions of the proposed action and define appropriate stormwater quality and quantity controls that may be utilized during the proposed action's built condition to manage stormwater runoff.

### **3.3 Biological, Terrestrial and Ecology**

The section will address the affect of the proposed action on endangered, threatened and/or special concern species, including, but not limited to potential light, shade and heat impacts and impacts to significant habitat areas and describe the dominant plant species, ecological communities, wildlife species, and available habitat within the site of the proposed action. A habitat assessment of the sites will be completed, focusing on potential threatened and endangered species and species of special concern habitat. Habitat assessment will include habitat requirements and survey methodology used for each species and results of on-site surveying for such species. The habitat assessment will include site photographs, agency correspondence, and record research. Collected background information on local conditions and rare wildlife records from the United States Fish and Wildlife Services (USFWS), New York Natural Heritage Program (NYNHP) database, together with New York State Department of Environmental Conservation ("NYSDEC") and the Albany Pine Bush Preserve Commission ("APBPC") will be provided in the assessment. Considerations related to the Albany Pine Bush, a National Natural Landmark, and long-term resource protection and management of the Pine Bush Preserve will be addressed including the impacts of developing the parcel on the ability to manage the remaining Pine Bush ecosystem.

Potential impacts associated with the proposed action will be identified and evaluated relative to the characterization of existing conditions provided in the assessment noted above. Proposed measures to avoid, minimize or mitigate impacts to ecological resources will also be included, as needed.

### **3.4 Historic, Cultural and Archeological Resources**

The section will address the affect on the character or quality of important historical resources and identify sites, structures, and districts with significant historic and/or archaeological value within or adjacent to the sites, evaluate potential adverse impacts on historic and archaeological resources, and recommend measures to avoid, minimize, or mitigate adverse impacts to cultural resources. Considerations related to the Rapp Road Historic District, located north of the study area, will be addressed, including but not limited to its origins.

There are no significant changes to the existing conditions of cultural resources in the proposed areas to be developed. The site is understood to have been disturbed in the past by prior uses. A site-specific field investigation (i.e., Phase I Archaeological Survey) in accordance with SHPO

requirements will be included; with a summary of the findings and conclusion provided within the DEIS. Comments from SHPO will be included.

### **3.5 Traffic and Transportation**

This section of the DEIS will address changes in traffic levels and describe the anticipated effects of the proposed action on transportation-related use and infrastructure, and recommend measures to avoid, minimize, or mitigate potential adverse impacts, as needed.

A traffic study by a traffic engineer will be presented that will evaluate the potential traffic impacts associated with the proposed action on the surrounding roadway network based on standard engineering practice and input from the Town of Guilderland and their engineering consultants.

Based upon the location, proposed use, estimated number of trips and input from the Town of Guilderland and their consulting engineer, the study area intersections to be assessed include the following:

- Western Avenue and Crossgates Mall Driveway
- Western Avenue and Gabriel Terrace
- Western Avenue and Crossgates Mall Road/Johnston Road
- Rapp Road and Crossgates Mall Road
- Rapp Road and Gipp Road
- Rapp Road and Pine Lane
- Rapp Road and Springsteen Road
- Springsteen Road and S. Frontage Road
- Washington Avenue Extension and Springsteen Road/Crossgates Commons
- Crossgates Mall Road and I-87 On/Off Ramp
- Crossgates Mall Road and Crossgates Mall Entrance #1
- Crossgates Mall Road and Crossgates Mall Entrance #2 / Hotel Access
- Crossgates Mall Road and Crossgates Mall Driveway (from Western Avenue)
- Crossgates Mall Road/Proposed Site Driveways (two right-in/right out only)
- Crossgates Mall Road/proposed Gabriel Terrace Extension
- Westmere Terrace and Western Avenue
- South Frontage Road and Rapp Road

The availability of public transit and pedestrian facilities within proximity of the proposed action will be discussed, including the CDTA transit center. Based on the results of the traffic analysis, improvements to the roadway network, if any, necessitated by the proposed action, including the evaluation of the previously analyzed CDTA roundabout at Crossgates Mall Road/I-87 On/Off Ramp will be identified.

The DEIS will examine potential transportation alternatives to upper Rapp Road within the City of Albany.

### **3.6 Land Use and Zoning**

This section will describe the existing character of the sites and adjacent community and review relevant land use regulations (zoning) and planning documents that have been previously prepared and adopted by the Town of Guilderland, specifically, the Town's Comprehensive Plan, Westmere Corridor Study and Transit Oriented Development District. In addition, this section will evaluate potential impacts regarding the proposed action's compatibility with surrounding land uses and discuss measures to avoid, minimize or mitigate proposed action related impacts. Mitigation will include the identification of design features that will enhance the visual quality of the proposed action and provide the appropriate transition to adjacent land uses, as needed.

### **3.7 Character of the Community/Neighborhood**

This section will address the affect on the character of the existing nearby community/neighborhood – Western Avenue, Westmere Terrace, Paden Circle and Rapp Road Historic District. The DEIS will describe the character of the sites proposed for development and adjacent neighborhoods and identify how the proposed action may impact the character of the community, including potential visual, noise and lighting impacts. Existing commitments of the project sponsor for the Rapp Road residential project will be included in the DEIS concerning adjacent neighborhoods. Measures that can be taken to mitigate any potential impacts will be identified, as needed.

### **3.8 Schools, Community Facilities and Services**

The DEIS will identify the potential number of additional school-age children that may result from the residential development and examine the ability of the existing school district to accommodate the increase. The DEIS will describe existing community services, including local police, fire and emergency service, solid waste management, and infrastructure services including wastewater treatment and potable water. Information will be based on publicly available data, personal communications with service providers, and/or review of pertinent literature. With respect to wastewater treatment and potable water, the DEIS will address the change in the intensity of use of land and the capacity of sewer facilities to support the uses and provide engineering assessments to determine sewage generation and water demands (potable and fire protection), respectively. These assessments will examine the ability of existing infrastructure to service the proposed action. The DEIS, with the inclusion of the assessments mentioned above, will identify how the proposed action may impact these services, and mitigation measures will be identified, as needed. Requests for sewer and water service and correspondence from sewer and water utility providers will also be included in the DEIS.

### **3.9 Air Quality**

The DEIS will examine potential air quality impacts from additional traffic during operation of the proposed action and during construction.

## **4.0 UNAVOIDABLE ADVERSE IMPACTS**

This section of the DEIS will identify impacts that are likely to occur despite mitigation measures and will compare these unavoidable impacts to proposed action-related benefits. This section will also identify general avoidance and mitigation measures (e.g., adherence to applicable regulatory

requirements), and specific mitigation measures (e.g., development of a SWPPP). A summary of the corresponding sections of the DEIS report and reference to that material will be discussed.

## **5.0 REASONABLE ALTERNATIVES ANALYSIS**

The DEIS will include a description and evaluation of the range of reasonable alternatives to the proposed action. Alternatives to be considered will include the “no action” alternative, alternative site layout (including smaller development alteration and location), and alternate site uses. The alternative site layout will consider rearrangement of the proposed uses within the Sites that meet the Project Sponsor’s objectives. Potential traffic alternatives for northern Rapp Road within the Town of Guilderland and the City of Albany will be provided in Section 3.5. The impacts anticipated for each alternative assessed will be summarized within the DEIS.

## **6.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

This section of the DEIS will identify those natural and man-made resources consumed, converted, or otherwise made unavailable for future use as a consequence of the proposed action. The construction of the proposed action will require the commitment of land, materials, and infrastructure and services. The DEIS will discuss the commitment of these resources.

## **7.0 GROWTH INDUCING ASPECTS**

This section of the DEIS will describe potential growth-inducing aspects the proposed action may have with respect to additional development in the vicinity of the proposed action.

## **8.0 EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES**

This section of the DEIS will describe the effects of the proposed action on the use and conservation of energy. Anticipated electric and natural gas demands associated with the proposed action will be presented.

## **9.0 REFERENCES**

This section of the DEIS will list sources of information cited directly within the narrative text.

### **APPENDICES TO ACCOMPANY DEIS**

At a minimum, and as described in more detail in the previous sections, the following materials will be included to supplement the information presented within the narrative:

- Appendix A: Full Environmental Assessment Form (as revised)
- Appendix B: Stormwater Management Report/SWPPP prepared by Chazen
- Appendix C: Traffic Impact Study prepared by Maser Consulting, P.A.
- Appendix D: Traffic Supplement Report prepared by Maser Consulting, P.A.
- Appendix E: Phase I Archeological Investigation; Land West of Rapp Road prepared by Hartgen Archeological Associates, Inc.
- Appendix F: Vegetation Wildlife and Soil Conditions Report prepared by B. Laing Associates
- Appendix G: Wetlands Evaluation, prepared by B. Laing Associates
- Appendix H: Anticipated Real Property Tax Revenue for the Project at Full Build-out

- Appendix I: Phase I Archeological Investigation; Western Avenue Properties, prepared by Hartgen Archeological Associates, Inc.  
Appendix J: Alternative Layouts, Transportation and Use Plans  
Appendix K: Site Plan

The following is a brief description of the prominent issues that were considered in the review of the environmental assessment form or raised during scoping, or both, and determined to be neither relevant nor environmentally significant or that have been adequately addressed in a prior environmental review and why such issues were not included in the Scope:

- EAF Part 2, #8 Impact on agricultural resources. There are no identified potentially significant adverse impacts on agricultural resources.
- EAF Part 2, #12 Impact on critical environmental area. There are no identified potentially significant adverse impacts on a designated critical environmental area pursuant to 6 NYCRR 617.14.
- EAF Part 2, #16 Impact on human health. There are no identified potentially significant adverse impacts on human health based on proposed development of appropriate and zoning compliant retail, offices and apartments, as compared to an industrial development project.