



The proposed project site is bounded on the west by the Hudson River and to the east by Broadway and an Amtrak Rail Line, in Rensselaer, New York. To the north and south, the site is bounded by vacant land and a small stream respectively. The site topography is relatively flat; however the ground surface slopes sharply downward towards the small stream and Hudson River at the south and west boundaries respectively, and slopes slightly upward at the northern boundary. The Project Site is currently vacant.

On-site elevations range from 26.1± feet, near the previously existing building, to 5.0± feet at the edge of the Hudson River. The majority of the project site lies between 16.0± feet and 25.0± feet. The on-site slopes generally range from 2% to 10% within the project area. The mean water elevation of the Hudson River within the Albany area is approximately 2 feet above sea level, with a mean tide level being approximately 2.3 feet. Therefore the mean high water would be approximately 4.3+/- feet (amsl) and the mean low water would be approximately -0.7+/- feet (amsl).

Three terrestrial vegetative community types are located within the project area and described according to Edinger et al. (2002). These include urban vacant lot, successional old field, and successional southern hardwood forests. The terrestrial communities have a global and state rank of G4, G5 and S4, S5 which indicate that they are demonstrably and apparently secure throughout its range and within the State of New York.

Attached as a supplement to this RFA response is the Final Generic Environmental Impact Statement (the "FGEIS") for the site, which was completed in July 2009. Section 3.1 of the FGEIS describes the topography, soils, and geology on the site. In addition, please also reference Appendix B (Geotechnical Engineering Report) and Appendix D (Ecological Assessment).

Attached to this exhibit, please find an SEQR Review Summary from VHB Engineering, Surveying & Landscape Architecture, P.C, which provides an updated summary of site conditions.



**Memorandum**

To: NYS Funding LLC  
c/o Och-Ziff Real Estate  
9 West 57th Street, 39th Floor  
New York, New York 10019

Date: June 20, 2014

Project No.: 29266.00

From: Michael B. Tucker, P.E.  
Director of Land Development

Re: SEQR Review Summary

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**Introduction**

The project site for the proposed Rensselaer Casino project was previously designed and permitted as de Laet's Landing (also known as the Rensselaer Waterfront Redevelopment). The de Laet's Landing development consisted of approximately 515 residential units, 165,000 square feet of retail space, 250,000 square feet of office space, a 300-room hotel and 1,830 parking spaces. The project was permitted with the flexibility of varying each of the proposed uses by 30% to account for changes in the market demands as the project was being built out. Therefore, the analyses in the Final Generic Environmental Impact Statement evaluated the increased uses that would result in the greatest impacts; for example, if the traffic impact would be the greatest with a 30 percent increase in retail space, that component of the program was increased, and the impacts from that increase were analyzed.

The proposed casino project will consist of 1,800 gaming positions (1,500 slot machines and 50 table games with 6 seats each), a 100-room hotel, 2-3 restaurants, a 75-seat Center Bar, a small retail area, meeting space and various support services. There will be approximately 1,500 parking spaces proposed for the site.

The following sections discuss the anticipated impacts of the proposed casino as they relate and compare to the impacts of the previously proposed and permitted de Laet's Landing project. The areas of impacts are outlined below in the order that they are discussed in the Final Generic Environmental Impact Statement (FGEIS) dated July, 2009 and the resulting Findings Statement.

**1. Impacts on Topography, Soils, and Geology**

The de Laet's landing project included a marina along the Hudson River, which is no longer being considered as part of the project, so the impacts from dredging activities in the Hudson River have been eliminated. Overall disturbance of soils and potential erosion will be mitigated in a similar manner as presented as part of the previous project, so there will be no adverse impact related to Topography, Soils or Geology. Stormwater discharges from construction activities are now regulated under an updated SPDES General Permit (GP-0-10-001), which has slightly different and more stringent requirements than the previous General Permit (GP-0-08-001) that was in place at the time of the previous approvals.

## **2. Impacts to Hydrogeology**

The site design will change to reflect the new development program, however, the project will still have to comply with the City of Rensselaer Local Law 4-2007 regarding the Erosion and Sediment Controls and Stormwater Control. In addition, a full Stormwater Pollution Prevention Plans (SWPPP) will be implemented for construction phases and for operational phases of the completed project. The project will now be constructed in a single phase, which will eliminate the need to have separate or phased SWPPP's, which will simplify the stormwater management design and permitting process. All appropriate on-site mitigation measures proposed for the de Laet's Landing project will be implemented for the proposed casino project; therefore, there will be no adverse hydrologic impacts from the project. No off-site stormwater management mitigation will be required for the project.

## **3. Impacts to Surface Water Resources and Stormwater Management**

The change in the project will not result in additional impacts than were previously contemplated for the de Laet's Landing project, especially since the marina has been eliminated from the development program. Project runoff will not adversely affect the levels of the Hudson River or the Quackenderry Creek, as all stormwater management features will be designed and constructed in accordance with NYSDEC regulations and guidelines.

## **4. Impacts to Flora and Fauna**

The impacts to the Flora and Fauna on and around the project site will be less than what was previously contemplated and permitted. Since the marina is no longer part of the project, any potential impacts to the habitat areas for sturgeon, mussels and other aquatic species have been eliminated. The existing submerged aquatic vegetation (SAV) beds and aquatic fauna (AF) within the Hudson River in front of the site will now remain in their current conditions under the build condition.

## **5. Impacts to Cultural Resources**

Since the issuance of the Findings Statement, an additional archeological study has been completed. A Phase 1B archeological report was completed by Hartgen Archeological Associates, under SHPO Project Review Number 08PR00763, which resulted in a recommendation of no further archeological work. Their conclusion stated that "...there are not likely to be any Contact-period or early Colonial-period deposits in the Rensselaer Waterfront Development project area because the surface of the island was re-worked in the 19<sup>th</sup> century for construction of the various railroad complexes." Therefore, the proposed project will not have an adverse impact on cultural resources.

## **6. Impacts to Visual Character**

The visual impacts of the previous project were specifically related to the views from the City of Albany and the Hudson River and the views of the Hudson River and the City of Albany skyline from sites and properties within the City of Rensselaer, as detailed in the FGEIS. The previous impacts were caused by the height of the tallest proposed building (25 stories) and the conversion of the natural shoreline of the Hudson River to the "engineered" state of the proposed marina and docks. By implementing the City of Rensselaer Waterfront Redevelopment

Design Guidelines, the visual impacts were mitigated and the result was a no adverse impact finding.

The proposed project will result in a much smaller building (7 stories total), without the marina and dock area. This means that the views from the Hudson River, City of Albany, and City of Rensselaer will be impacted to a much lesser extent. The City of Rensselaer Waterfront Redevelopment Design Guidelines will be implemented, specifically as they relate to building façade, identity, character and building materials.

## 7. Noise Impacts

The noise impacts from the construction and operation of the project will be at similar or lower levels when compared to the previously proposed project, which were deemed to be below the existing ambient noise levels.

During construction, the following measures will be implemented to mitigate the noise:

- Limit concurrent noise generating activities near residential properties
- Limit work hours for the heavy, noisy construction activities
- Locate the louder equipment as far away from residential properties as possible and utilize any existing natural barriers
- Communicate with the abutting residents to notify them of activities that will result in construction activities that would be considered noisier than typical activities.

## 8. Air Quality, Traffic and Public Transportation Impacts

A separate report has been completed for the traffic and transportation impacts of the proposed project, and is attached hereto. In summary, the peak hour traffic generation from the proposed project will be less than the approved project, and with the implementation of the previously proposed mitigation measures, there will be no adverse traffic impacts.

## 9. Water Supply Impacts

The proposed project will result in an increase in water usage of approximately 105,000 gallons per day over the existing condition. This is a reduction from the increase of 356,500 gallons per day that would have resulted from the approved project. The proposed second connection to the City water system will be provided at the earliest practicable opportunity, as was previously proposed, which will provide a redundant connection. If required, booster pumps will be provided to provide adequate flow and pressure for fire protection in the building.

The reduction in the anticipated demand and the implementation of the requested second connection mitigates any impacts to the water supply system.

#### **10. Wastewater Disposal Impacts**

The proposed project sewer generation is expected to be 95,000 gallons per day, less than the generation of between 250,000 and 300,000 gallons per day approved as part of the previous project. Sufficient capacity exists in both the City of Rensselaer collection system and in the Rensselaer County collection and treatment systems to accommodate the project, so no adverse impacts will result from the project.

#### **11. Community Services, Community Character, and Fiscal Impacts**

The change of the project from the mixed use development previously permitted to a casino project will have a positive fiscal impact on both the City of Rensselaer and Rensselaer County as a whole.

The proposed project will also have similar impacts on Fire Protection Services, Police Protection Services and Emergency Medical Services as analyzed through the FGEIS process, which concluded that there was not an adverse impact.

As currently contemplated, the casino project will continue to be consistent with the City of Rensselaer Local Waterfront Revitalization Program by providing a public connection to the planned waterfront multi-use path along the Hudson River though the site and north through the Amtrak property. This would bring people to the Hudson River waterfront through the dedication of rights-of-way and easements to the City of Rensselaer for public use.

#### **12. Effects on the Use and Conservation of Energy, Sustainable Development**

As with the permitted mixed use development, the casino project will utilize the principals of sustainable growth incorporated in the Leadership in Energy and Environmental Design (LEED) rating system, including the following:

- Smart location and linkage to mass transit
- Neighborhood Pattern and Development – developing a pedestrian friendly environment
- Green construction and technology

#### **13. Solid Waste Management Impacts**

The proposed casino project is not expected to generate more solid waste than was contemplated under the previous development proposal. Given the adequate collection and disposal facilities available in the region, there will be no adverse impact from the project. All solid wastes will be collected and transported by private haulers, and the waste streams from the project will be separated into waste and recyclable materials for proper off-site recycling.