

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, NY 12306-2014

P: (518) 357-2069 | F: (518) 357-2460

www.dec.ny.gov

June 15, 2021

Letter Transmitted Electronically

Steven Strichman, Commissioner
City of Troy Planning and Economic Development
433 River Street
Troy, New York 12180
Steven.Strichman@troyny.gov

RE: LEAD AGENCY COORDINATION RESPONSE
Second Avenue Apartments
2nd Avenue
City of Troy and Town of Schaghticoke
Rensselaer County

Dear Steven Strichman:

This letter responds to your correspondence of June 10, 2021, regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The New York State Department of Environmental Conservation (DEC or Department) has the following interest in this project:

Name of Action: Construction of (3) 4-story multi-family apartment buildings, multi-use trail, driveway and parking areas, 40 slip boat dock, kayak launch, and stormwater infrastructure on an 11-acre parcel.

DEC Contact Person: Patrick Connally, Environmental Analyst I

SEQR Classification: ☒ Type I ☐ Unlisted ☐ Type II

DEC Position: Based on the information provided, DEC has no objection to your agency assuming lead agency status for this action; provided, however, if the scope of the project changes, or the EAF is revised, the proposed changes must be promptly submitted to the Department.

Possible DEC Permits:

- **Article 15 Protection of Waters Permit** – The Hudson River, a Class A protected stream, is located within the project area. Disturbance to the bed or banks of this stream requires an Article 15 Protection of Waters Permit for Stream Disturbance.



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- Section 401 Water Quality Certification – If this project will impact federally-regulated wetlands or waterbodies, which require a Section 404 Permit (Individual or Nationwide Permit) from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification may be required from the Department.
- State Pollutant Discharge Elimination System (SPDES) Wastewater Permit – A SPDES permit is required for any facility which has a surface discharge or discharges more than 1,000 gallons per day of sewage-wastewater into ground waters of the state.
- SPDES General Permit for Stormwater Discharges from Construction Activity – If this project will disturb one acre of land or more, the applicant must comply with the SPDES Phase II regulations for Stormwater Discharges Associated with Construction Activities.

Additional Comments:

- Historic/Archeological Resources
The project site appears to be located within an area of potential historical or archeological significance. If Permits are required from this Department, consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) is required in order to better evaluate this project's impacts on these resources. To initiate consultation with OPRHP, please visit their project submission website at <https://cris.parks.ny.gov/>.
- Environmental Justice (CP-29)
The project site is located within a potential Environmental Justice (EJ) area. If approvals or permits are needed from this Department, a determination may need to be made as to whether the project will result in potential adverse environmental impacts that are likely to affect this potential Environmental Justice area. More information on Environmental Justice can be found on the Department's website at <http://www.dec.ny.gov/public/333.html>.
- Remediation Site Border
The project site is located along a New York State Superfund Program site in the Hudson River. Any disturbance to the riverbed sediment will need to be reviewed by the Department's Division of Environmental Remediation. For more information please contact Richard Mustico in the Department's Central Office Division of Environmental Remediation by telephone at 518-402-9719 or by email at richard.mustico@dec.ny.gov.
- Protected Species and Habitats
This project/site is located within an area that has a known occurrence of imperiled mussel species. Please note that any in-water work may require mussel surveys. The Department has recently released new survey guidelines for protected mussel species: https://www.dec.ny.gov/docs/wildlife_pdf/musselsurveyguide.pdf.
- If an extension of any existing public sanitary sewer service is deemed necessary, the Department may require review/approval before the extension is constructed, particularly if it is intended to convey 2,500 gallons per day or more of residential sewage alone or in



combination with stormwater, as required by 6 NYCRR Part 750. Please submit plans for the Department's review if this situation applies to your project.

Enclosed is a copy of the Department's jurisdictional map for your reference. Please note that the map is intended to provide an idea as to the approximate size and location of resources; actual field conditions may vary from those depicted on the map. The project area is outlined in (Red). Please feel free to contact me by telephone at (518) 357-2455 or by e-mail at patrick.connally@dec.ny.gov if you have any questions or concerns.

Sincerely,

Patrick S. Connally

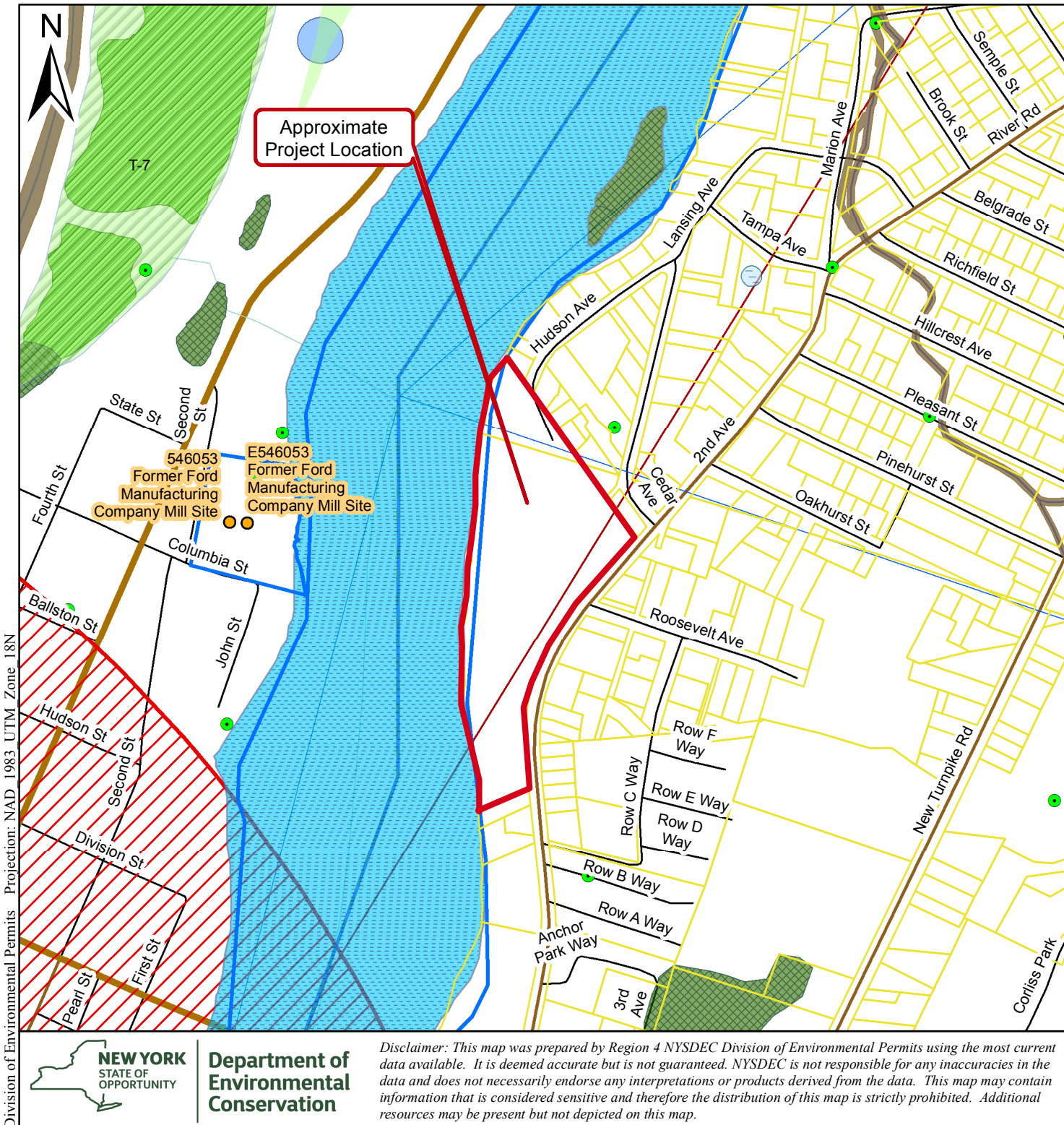
Patrick S. Connally
Environmental Analyst 1

Enclosure: Jurisdictional Maps

cc: C. Mantello, President City Council, City of Troy
J. Gulli, City of Troy Councilperson
T. Luisi, NYSDEC R4 Acting Regional Director
J. Dougherty, NYSDEC R4 OGC
K. Kornak, NYSDEC R4 Regional Permit Administrator



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NYS RESOURCES MAP

Second Avenue Apartments 2nd Avenue City of Troy and Town of Schaghticoke Rensselaer County

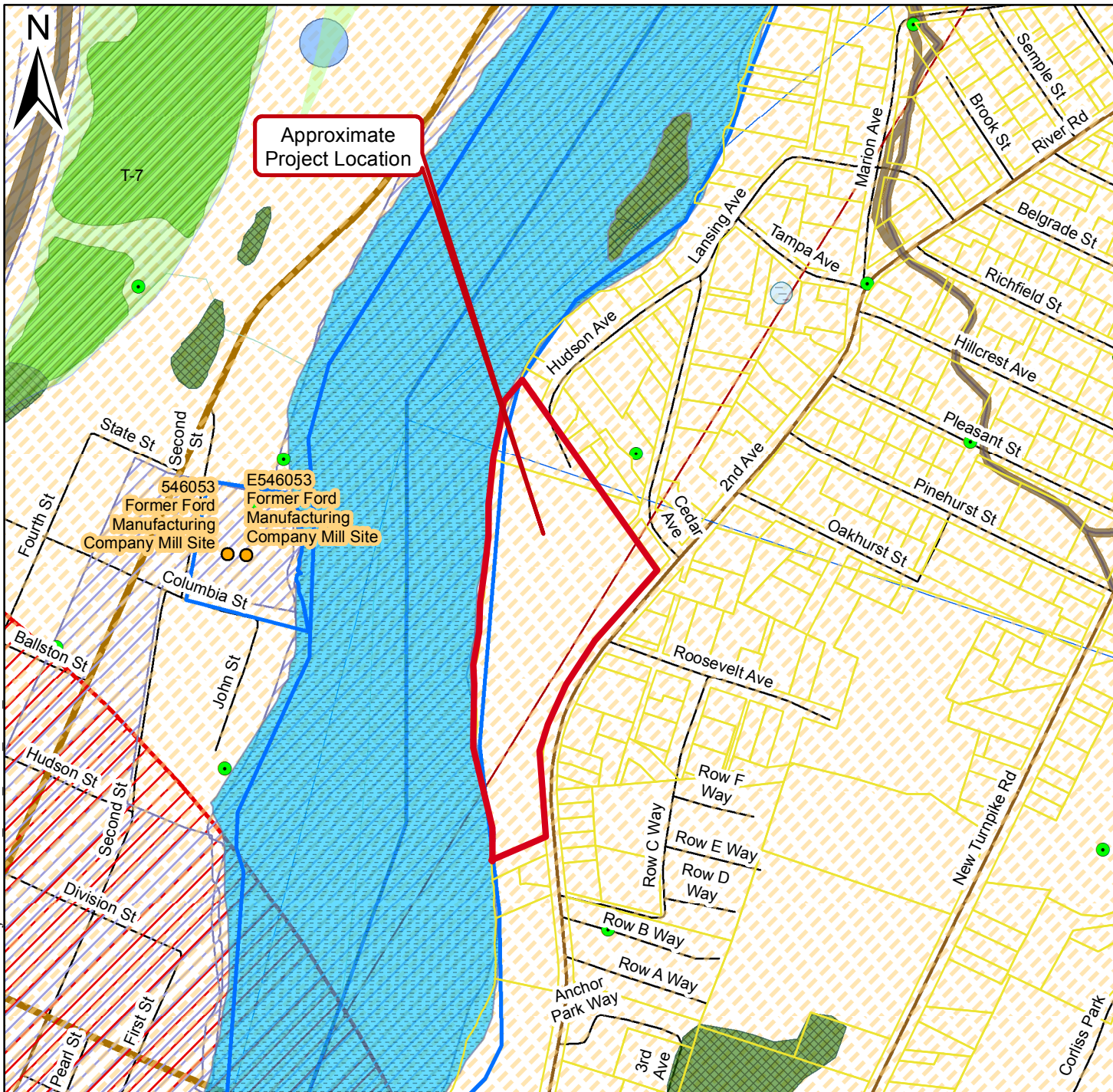
June 11, 2021

0 250 500 750 1,000 Feet

1 inch equals 500 feet

Legend

- Regulated Adjacent Area Boundary
- Freshwater Wetland Class 1
- Freshwater Wetland Class 2
- Freshwater Wetland Class 3
- Freshwater Wetland Class 4
- Freshwater Wetland Separation Line
- Freshwater Wetland (linear)
- Deed Restrictions
- Unprotected Streams
- Protected Streams
- Threatened or Endangered Mussels
- S1 or S2 Freshwater Mussels
- All E&T species, except fish
- E&T Freshwater Mussels
- E&T Fish
- Listed Rare Animal
- Unlisted Rare Animal
- Animal Concentration Area
- BBA_Grassland_Birds_ET
- BBA_Marsh_Birds_ET
- Critical Environmental Areas
- Coastal Management Area Boundaries



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Disclaimer: This map was prepared by Region 4 NYSDEC Division of Environmental Permits using the most current data available. It is deemed accurate but is not guaranteed. NYSDEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data. This map may contain information that is considered sensitive and therefore the distribution of this map is strictly prohibited. Additional resources may be present but not depicted on this map.

NYS RESOURCES MAP

Second Avenue Apartments 2nd Avenue City of Troy and Town of Schaghticoke Rensselaer County

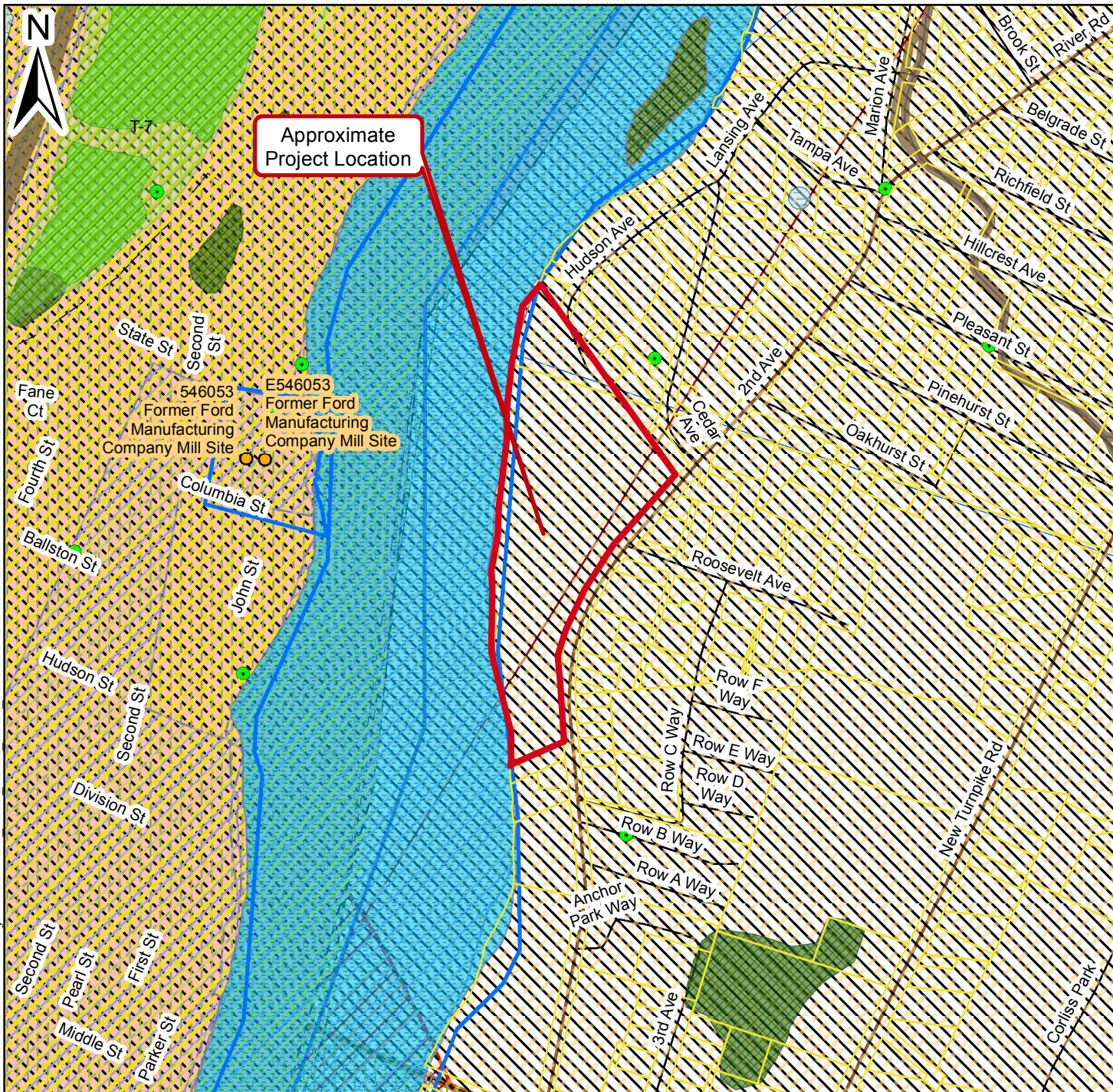
June 11, 2021

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Legend

- Regulated Adjacent Area Boundary
- Freshwater Wetland Class 1
- Freshwater Wetland Class 2
- Freshwater Wetland Class 3
- Freshwater Wetland Class 4
- Freshwater Wetland Separation Line
- Freshwater Wetland (linear)
- Deed Restrictions
- Unprotected Streams
- Protected Streams
- Archeological Sensitivity
- National/State Historic Register Site
- Agricultural Districts
- Threatened or Endangered Mussels
- S1 or S2 Freshwater Mussels
- Agricultural Districts
- All E&T species, except fish
- E&T Freshwater Mussels
- E&T Fish
- Listed Rare Animal
- Unlisted Rare Animal
- Animal Concentration Area
- BBA_Grassland_Birds_ET
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Legend

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- Freshwater Wetland Class 1
- Freshwater Wetland Class 2
- Freshwater Wetland Class 3
- Freshwater Wetland Class 4
- Freshwater Wetland Separation Line
- Freshwater Wetland (linear)
- Deed Restrictions
- Unprotected Streams
- Protected Streams
- Archeological Sensitivity
- National/State Historic Register Site
- Agricultural Districts
- Juvenile Shortnose Sturgeon
- Adult Shortnose Sturgeon
- Juvenile Shortnose Sturgeon
- Adult Shortnose Sturgeon
- Threatened or Endangered Mussels
- S1 or S2 Freshwater Mussels
- Agricultural Districts
- Scenic Areas of Statewide Importance
- All E&T species, except fish
- E&T Freshwater Mussels
- E&T Fish
- BBA_Grassland_Birds_ET
- BBA_Marsh_Birds_ET
- Coastal Management Area Boundaries
- Local Waterfront Revitalization Program
- Hudson River Submerged Aquatic Vegetation Documented Habitat



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