

**RESOLUTION NO. 132**

**RESOLUTION OF THE COUNTY OF ALBANY, NEW YORK,  
DETERMINING THAT THE CONSTRUCTION, RECONSTRUCTION,  
RENOVATION AND IMPROVEMENTS TO THE ALBANY COUNTY  
RESIDENTIAL HEALTH CARE FACILITY WILL NOT HAVE A  
SIGNIFICANT EFFECT ON THE ENVIRONMENT.**

Introduced: 4/12/17

By Audit and Finance Committee:

WHEREAS, the County of Albany, New York (the "County") is considering undertaking the following project (the "Project"): the construction of an approximate 227,390 square foot addition to the existing 151,264 square foot Albany County Residential Health Care Facility ("ACRHCF"), the renovation and further improvements to the existing facility, together with any necessary site work and the acquisition and installation of furnishings, equipment, machinery and apparatus for the foregoing purposes, together with the preparation of planning, engineering and feasibility studies and review, as further described in the 2017 Capital Plan in the County's 2017-2021 Capital Program, as amended and supplemented (hereinafter referred to as the "Capital Program"); and

WHEREAS, the estimated maximum cost of the Project, including preliminary costs and costs incidental thereto and the financing thereof (including the costs relating to the issuance of the obligations), is an amount not to exceed \$40,000,000; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations (the "Regulations") adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively with the SEQR Act, "SEQRA"), the County must satisfy the requirements contained in SEQRA and the Regulations prior to making a final determination whether to undertake the Project; and

WHEREAS, to aid the County in determining whether the Project may have a significant effect upon the environment, Chazen Engineering, Land Surveying, and Landscape Architecture Co., D.P.C. ("Chazen"), on behalf of the County, has prepared and submitted to the County an environmental assessment form (the "EAF") with respect to the Project, a copy of which EAF was presented to and reviewed by the County at this meeting and a copy of which is on file at the office of the County; and

WHEREAS, pursuant to SEQRA, the Project appears to constitute a “Type I Action”; and

WHEREAS, Chazen has reported to the County that all other state and local governmental agencies which constitute “involved agencies” with respect to the Project have either agreed or did not object to the County acting as the “lead agency” with respect to the Project; and

WHEREAS, pursuant to SEQRA, the County now desires to determine whether the Project may have a significant effect on the environment and whether an environmental impact statement (“EIS”) must be prepared with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE ALBANY COUNTY LEGISLATURE AS FOLLOWS:

Section 1. Based upon an examination of the EAF, and based further upon the County's knowledge of the area surrounding the Project and such further investigation of the Project and its environmental effects as the County has deemed appropriate, the County makes the following findings with respect to the Project:

A. The Project (the “Project”) consists of the following: the construction of an approximate 227,390 square foot addition to the existing 151,264 square foot Albany County Residential Health Care Facility, the renovation and further improvements to the existing facility, together with any necessary site work and the acquisition and installation of furnishings, equipment, machinery and apparatus for the foregoing purposes, together with the preparation of planning, engineering and feasibility studies and review, as further described in the 2017 Capital Plan in the County’s 2017-2021 Capital Program, as amended and supplemented (hereinafter referred to as the “Capital Program”).

B. The only potential impacts on the environment noted in the EAF or otherwise known to the County, and the County’s evaluation of the potential significance of same, are summarized as follows and as more fully outlined in the attached negative declaration:

1. The proposed action will not affect air quality or groundwater or surface water quality or quantity.

2. The ACRHCF site does not contain nor is contiguous to any NYSEDC regulated streams, wetlands, or adjacent areas. Although field investigation by a Chazen biologist indicates the presence of a 1.147 acre wetland in the western portion of the project site (Wetland H), which

will be disturbed for the proposed project, the wetland appears to have been created at the time of construction of the ACRHCF. The USACOE has determined that Wetland H is not jurisdictional under Section 404 of the Clean Water Act because it does not have a Significant Nexus to the biological, chemical, physical, or hydrological characteristics of the Mohawk River.

3. The proposed action is not expected to add any additional traffic to the local roadway network, since the project represents a modernization of the existing facility and will not result in any new beds or staff. According to the Institute of Transportation Engineers (ITE) Trafficware software, 2013, the existing facility with 250 beds is expected to generate 43 vehicle trips during the weekday p.m. peak hour of adjacent street traffic and 55 vehicle trips during the weekday p.m. peak hour of adjacent street traffic. Therefore, existing traffic generated by the site is not considered significant.

4. Traffic generated during construction activities includes construction employees and the delivery of equipment and materials. Construction activities will be organized so as not to interfere with the continued operation of the ACRHCF. Since construction activities are temporary in duration, the proposed ACRHCF Renovation project (as defined in the EAF) is not expected to result in any adverse impacts in regard to temporary traffic during construction.

5. The proposed action will not affect solid waste production, since the Project will not result in any new staff or beds.

6. A SWPPP has been prepared in accordance with the “New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity” General Permit Number GP-0-15-002. The SWPPP and accompanying plans identify and detail stormwater management, pollution prevention, and erosion and sediment control measures that are necessary during and following completion of construction. The proposed ACRHCF Renovation project will require 9.943 acres of disturbance and will result in an increase in impervious surface of 1.855 acres. This project is subject to the requirements of the Town of Colonie, a regulated MS4, and the design plans and a stormwater pollution prevention plan will be prepared in conformance with the New York State Stormwater Management Design Manual, dated January 2015 and New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005. Pre- and post-development surface runoff rates were evaluated for the 1-, 10-, and 100-year 24-hour storm events. Comparison of pre- and post-

development watershed conditions demonstrates that the peak rate of runoff from the Project site will be managed.

7. New impervious surfaces will generally be directed to new treatment practices which may include forebays, hydrodynamic devices, bioretention areas, and/or underground infiltration chambers. Existing impervious surfaces will continue to flow through the existing storm sewer network of culverts, drainage manholes, and pipes. All point and non-point source flows will exit the site from the northeast corner via the existing Albany County Stormwater Sewer System drainage structures, which are maintained by the Town of Colonie.

8. The proposed ACRHCF Renovation project will require 9.943 acres of disturbance and will result in an increase in impervious surface of 1.855 acres. The area of disturbance was previously disturbed during construction of the existing nursing home in the 1970's. A USFWS Official Species List indicates the potential presence of the Northern Long-Eared Bat (threatened) in the vicinity of the Project site; however, correspondence from NYSDEC Natural Heritage Program (NHP) dated October 12, 2016, indicates that there are no known occurrences of endangered, threatened, or rare species or significant natural communities in the vicinity of the Project site, including the Northern Long-Eared Bat. The USFWS official species list indicates that no critical habitat exists within the Project site. Therefore, no significant impacts to endangered, threatened or rare species or significant habitat will occur as a result of the proposed Project.

9. There are no designated Critical Environmental Areas in Albany County, according to the NYSDEC website.

10. The current Town of Colonie Comprehensive Plan adopted in 2005 (the "Comprehensive Plan") does not provide specific recommendations for the Project site. The proposed Project includes improvements to bring the facility into compliance with NYS requirements for nursing homes, while improving the quality of life for residents of the facility with the creation of walkable neighborhoods and amenities to improve social and recreational opportunities for residents within the facility. This is consistent with the goals of the Comprehensive Plan (Section 2.2) which include to "provide opportunities and incentives for the development and redevelopment of a variety of housing options in the Town of Colonie to meet the needs of its increasingly diverse population", including the aging population, and to "maintain the Town's high level of public safety services, community services for youth, seniors and the public at large, and public utility infrastructure and services". Section 3 of the Comprehensive Plan

provides recommendations, and recognizes the quality of life as a critical component of a community's economic development strategy. The proposed Project will greatly improve the quality of life for its residents. One of the recommendations regarding neighborhoods is to "provide a mix of housing options, including senior housing" (Section 3.1.2). Section 3.1.3 is the recommendation to "maintain and improve the pedestrian environment within neighborhoods". The proposed Project provides "neighborhoods" within the facility where each neighborhood has its own enclosed courtyard where a resident can experience the outdoors at his/her own leisure. Each residential neighborhood will provide dining, activity space, and lounges for resident use. Therefore, the proposed Project is consistent with the Town's Comprehensive Plan.

11. The County is not subject to the Town of Colonie zoning regulations. However, the facility is located within the Commercial Office (CO) zoning district, and a "nursing home" is a permitted use in this zoning district.

12. The Project site is located within the Watervliet Shaker Historic District (90NR02797), and numerous structures on the parcel across Heritage Lane from the Project site are listed on the National and State Historic Register. The proposed ACRHCF Renovation project will not physically impact these historic sites. The proposed additions are located around the perimeter of the existing buildings on the site, and thus, are expected to be screened from view from the historic area by the existing buildings or will blend in with the existing buildings.

13. A Phase 1A Archeological Investigation dated February 2017 by Hartgen Archeological Associates, Inc., indicates that construction of the existing ACRHCF complex has significantly impacted the proposed disturbance area for the new construction, and that no adverse effects to the Historic District are anticipated. The Archeological Investigation indicates that the Project area is considered as having a low archeological potential for yielding precontact cultural resources or historic resources dating from the 19th century or earlier, and that no further archeological investigation is recommended. Hartgen initiated consultation with NYSOPRHP on February 15, 2017, in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). Correspondence from NYSOPRHP indicates that the Project is expected to result in no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

14. The proposed ACRHCF Renovation project will result in some increase in electric and natural gas usage due to the increase in volume to be heated and cooled as well as new medical equipment. However, with energy-saving features incorporated into the design, the proposed ACRHCF Renovation project is not expected to have any significant adverse impacts regarding energy usage. The proposed action will not result in a major change in the quantity or type of energy used.

15. The proposed Project includes improvements to bring the facility into compliance with NYS requirements for nursing homes, while improving the quality of life for residents of the facility with the creation of walkable neighborhoods and amenities to improve social and recreational opportunities for residents within the facility. The Project will create residential neighborhoods within the facility, each with dining, activity space, and lounges for resident use. The proposed action will not create any hazards to human health, but rather, will result in improved quality of life for ACRHCF residents.

16. The proposed action will not change the current use of the property and will not affect any open space, recreational resources, or agricultural resources.

17. The proposed action will not encourage or attract a large number of people to the site other than a temporary increase in visitors to the site during construction activities.

18. The proposed action will not result in a material demand for other actions.

19. The proposed action will not result in any significant adverse impacts when considering the combination of any of the small impacts resulting from the proposed Project.

20. There are no other actions being undertaken that are related to the proposed action.

C. No other potentially significant impacts on the environment are noted in the EAF, and none are known to the County.

Section 2. Based upon the foregoing investigation of the potential environmental impacts of the Project and considering both the magnitude and importance of each environmental impact therein indicated, the County makes the following findings and determinations with respect to the Project:

(A) The Project appears to constitute a “Type I Action” (as said quoted term is defined in the Regulations), and therefore coordinated review and notification of other involved agencies is required. The County has designated itself as “lead agency” with respect to the Project, and all the “involved agencies” contacted by the County consented to the County being designated as the “lead agency” or did not object to the County acting as “lead agency”;

(B) The Project will result in no major impacts and, therefore, is one which will not cause significant damage to the environment. Therefore, the County hereby determines that the Project will not have a significant effect on the environment, and accordingly the County will not require the preparation of an environmental impact statement with respect to the Project; and

(C) As a consequence of the foregoing, the County has decided to prepare a negative declaration with respect to the Project.

Section 3. Pursuant to the requirements of 6 NYCRR 617.12(b)(1), the County is hereby directed to prepare a negative declaration with respect to the Project, said negative declaration to be substantially in the form and to the effect of the negative declaration attached hereto, and to cause copies of said negative declaration to be circulated and filed as follows:

(A) A copy of said negative declaration shall be filed in the main office of the County.

(B) A copy of said negative declaration shall be mailed to ACRHCF.

(C) A copy of said negative declaration shall be mailed to the chief executive officer of the political subdivision in which the Project is located.

(D) A copy of said negative declaration shall be mailed to all “involved agencies”.

(E) A copy of said negative declaration shall be mailed to the Environmental Notice Bulletin accompanied by a request that same be published.

Section 4. This resolution shall take effect immediately.

*Adopted by unanimous vote. 4/12/17*





**State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

April 12, 2017

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act).

The County of Albany, New York (the “County”), as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Environmental Impact Statement (“DEIS”) will not be prepared.

**Name of Action:** Albany County Residential Health Care Facility Renovation Project  
(the “Project”)

**SEQR Status:** Type 1

**Conditioned Negative Declaration:** No

**Location of Action:** 780 and 786 Albany Shaker Road, Town of Colonie, Albany County, New York

**Description of Action:**

The Albany County Residential Health Care Facility (“ACRHCF”) operates a 250-bed skilled nursing facility located at 789 Shaker Road in the Town of Colonie. The ACRHCF is located on a 27.6 acre site and contains 151,264 square feet (SF) of floor area and employs 325 staff. The facility was originally built in 1970. The existing mechanical and electrical systems have surpassed their useful lives, and the existing resident living spaces do not meet current standards for a residential care facility. The ACRHCF is proposing major renovation/additions to the existing facility that include construction of 227,390 SF of additional space within eight new five-story building that extend around the perimeter of the existing buildings. Existing one-story resident wings will remain and be renovated to convert current double-resident rooms to single units. New additions will be added to each existing wing which include a mix of double and single resident rooms that are fully handicap accessible. The facility is divided into “neighborhoods”, each of which is designed so that a resident can navigate freely in circular fashion. Each neighborhood has its own enclosed courtyard where a resident can experience the outdoors at his/her own leisure. Each residential neighborhood will provide dining, activity space, and

lounges for resident use. No changes to the total bed count or number of staff at the facility are proposed.

**Reasons Supporting this Determination:** (See 617.7(a)-(c) for requirements of this determination)

After considering the criteria for determining significance as set forth in 6 NYCRR § 617.7(c), the County has determined, for the reasons discussed below, that the proposed Project will not have a significant adverse impact on the environment and the issuance of a negative declaration under SEQRA is warranted.

1. The proposed action will not affect air quality or groundwater or surface water quality or quantity.

2. The ACRHCF site does not contain nor is contiguous to any NYSEDC regulated streams, wetlands, or adjacent areas. Although field investigation by a Chazen biologist indicates the presence of a 1.147 acre wetland in the western portion of the project site (Wetland H), which will be disturbed for the proposed project, the wetland appears to have been created at the time of construction of the ACRHCF. The USACOE has determined that Wetland H is not jurisdictional under Section 404 of the Clean Water Act because it does not have a Significant Nexus to the biological, chemical, physical, or hydrological characteristics of the Mohawk River.

3. The proposed action is not expected to add any additional traffic to the local roadway network, since the project represents a modernization of the existing facility and will not result in any new beds or staff. According to the Institute of Transportation Engineers (ITE) Trafficware software, 2013, the existing facility with 250 beds is expected to generate 43 vehicle trips during the weekday p.m. peak hour of adjacent street traffic and 55 vehicle trips during the weekday p.m. peak hour of adjacent street traffic. Therefore, existing traffic generated by the site is not considered significant.

4. Traffic generated during construction activities includes construction employees and the delivery of equipment and materials. Construction activities will be organized so as not to interfere with the continued operation of the ACRHCF. Since construction activities are temporary in duration, the proposed ACRHCF Renovation project is not expected to result in any adverse impacts in regard to temporary traffic during construction.

5. The proposed action will not affect solid waste production, since the Project will not result in any new staff or beds.

6. A SWPPP has been prepared in accordance with the “New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge

Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity” General Permit Number GP-0-15-002. The SWPPP and accompanying plans identify and detail stormwater management, pollution prevention, and erosion and sediment control measures that are necessary during and following completion of construction. The proposed ACRHCF Renovation project will require 9.943 acres of disturbance and will result in an increase in impervious surface of 1.855 acres. This project is subject to the requirements of the Town of Colonie, a regulated MS4, and the design plans and a stormwater pollution prevention plan will be prepared in conformance with the New York State Stormwater Management Design Manual, dated January 2015 and New York State Standards and Specifications for Erosion and Sediment Control, dated August 2005. Pre- and post-development surface runoff rates were evaluated for the 1-, 10-, and 100-year 24-hour storm events. Comparison of pre- and post-development watershed conditions demonstrates that the peak rate of runoff from the Project site will be managed.

7. New impervious surfaces will generally be directed to new treatment practices which may include forebays, hydrodynamic devices, bioretention areas, and/or underground infiltration chambers. Existing impervious surfaces will continue to flow through the existing storm sewer network of culverts, drainage manholes, and pipes. All point and non-point source flows will exit the site from the northeast corner via the existing Albany County Stormwater Sewer System drainage structures, which are maintained by the Town of Colonie.

8. The proposed ACRHCF Renovation project will require 9.943 acres of disturbance and will result in an increase in impervious surface of 1.855 acres. The area of disturbance was previously disturbed during construction of the existing nursing home in the 1970’s. A USFWS Official Species List indicates the potential presence of the Northern Long-Eared Bat (threatened) in the vicinity of the Project site; however, correspondence from NYSDEC Natural Heritage Program (NHP) dated October 12, 2016, indicates that there are no known occurrences of endangered, threatened, or rare species or significant natural communities in the vicinity of the Project site, including the Northern Long-Eared Bat. The USFWS official species list indicates that no critical habitat exists within the Project site. Therefore, no significant impacts to endangered, threatened or rare species or significant habitat will occur as a result of the proposed Project.

9. There are no designated Critical Environmental Areas in Albany County, according to the NYSDEC website.

10. The current Town of Colonie Comprehensive Plan adopted in 2005 (the “Comprehensive Plan”) does not provide specific recommendations for the Project site. The proposed Project includes improvements to bring the facility into compliance with NYS requirements for nursing homes, while improving the quality of life for

residents of the facility with the creation of walkable neighborhoods and amenities to improve social and recreational opportunities for residents within the facility. This is consistent with the goals of the Comprehensive Plan (Section 2.2) which include to “provide opportunities and incentives for the development and redevelopment of a variety of housing options in the Town of Colonie to meet the needs of its increasingly diverse population”, including the aging population, and to “maintain the Town’s high level of public safety services, community services for youth, seniors and the public at large, and public utility infrastructure and services”. Section 3 of the Comprehensive Plan provides recommendations, and recognizes the quality of life as a critical component of a community’s economic development strategy. The proposed Project will greatly improve the quality of life for its residents. One of the recommendations regarding neighborhoods is to “provide a mix of housing options, including senior housing” (Section 3.1.2). Section 3.1.3 is the recommendation to “maintain and improve the pedestrian environment within neighborhoods”. The proposed Project provides “neighborhoods” within the facility where each neighborhood has its own enclosed courtyard where a resident can experience the outdoors at his/her own leisure. Each residential neighborhood will provide dining, activity space, and lounges for resident use. Therefore, the proposed Project is consistent with the Town’s Comprehensive Plan.

11. The County is not subject to the Town of Colonie zoning regulations. However, the facility is located within the Commercial Office (CO) zoning district, and a “nursing home” is a permitted use in this zoning district.

12. The Project site is located within the Watervliet Shaker Historic District (90NR02797), and numerous structures on the parcel across Heritage Lane from the Project site are listed on the National and State Historic Register. The proposed ACRHCF Renovation project will not physically impact these historic sites. The proposed additions are located around the perimeter of the existing buildings on the site, and thus, are expected to be screened from view from the historic area by the existing buildings or will blend in with the existing buildings.

13. A Phase 1A Archeological Investigation dated February 2017 by Hartgen Archeological Associates, Inc., indicates that construction of the existing ACRHCF complex has significantly impacted the proposed disturbance area for the new construction, and that no adverse effects to the Historic District are anticipated. The Archeological Investigation indicates that the Project area is considered as having a low archeological potential for yielding precontact cultural resources or historic resources dating from the 19th century or earlier, and that no further archeological investigation is recommended. Hartgen initiated consultation with NYSOPRHP on February 15, 2017, in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). Correspondence from NYSOPRHP indicates that the

Project is expected to result in no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

14. The proposed ACRHCF Renovation project will result in some increase in electric and natural gas usage due to the increase in volume to be heated and cooled as well as new medical equipment. However, with energy-saving features incorporated into the design, the proposed ACRHCF Renovation project is not expected to have any significant adverse impacts regarding energy usage. The proposed action will not result in a major change in the quantity or type of energy used.

15. The proposed Project includes improvements to bring the facility into compliance with NYS requirements for nursing homes, while improving the quality of life for residents of the facility with the creation of walkable neighborhoods and amenities to improve social and recreational opportunities for residents within the facility. The Project will create residential neighborhoods within the facility, each with dining, activity space, and lounges for resident use. The proposed action will not create any hazards to human health, but rather, will result in improved quality of life for ACRHCF residents.

16. The proposed action will not change the current use of the property and will not affect any open space, recreational resources, or agricultural resources.

17. The proposed action will not encourage or attract a large number of people to the site other than a temporary increase in visitors to the site during construction activities.

18. The proposed action will not result in a material demand for other actions.

19. The proposed action will not result in any significant adverse impacts when considering the combination of any of the small impacts resulting from the proposed Project.

20. There are no other actions being undertaken that are related to the proposed action.

## **DETERMINATION**

Based on the information and analysis above and the supporting documentation, including but not limited to, a Part 1, 2 and 3 Full Environmental Assessment Form circulated by the lead agency on February 14, 2017, assessments of the potential impacts resulting from the proposed action which supported the Environmental Assessment Form findings included a Phase IA Archeological Investigation dated

February 2017 by Hartgen Archeological Associates, Inc., and a Stormwater Pollution Prevention Plan dated March 2017 by The Chazen Companies, the County concludes that the proposed action will not result in any significant adverse environmental impacts and an environmental impact statement will not be prepared.

**FOR FURTHER INFORMATION:**

Contact Person: Sean E. Ward, Chair of Legislature, Albany County

Address: 112 State Street Room 710, Albany, New York 12207

Telephone Number: (518) 447-7168

**FILING:** As required by 6 NYCRR Part 617.12(b)(1), a copy of this determination of non-significance shall be filed with the lead agency and circulated to other involved agencies and the public:

1. Town of Colonie
2. Army Corp of Engineers
3. Albany County Legislature
4. NYS Office of Parks, Recreation, and Historic Preservation
5. NYS Department of Environmental Conservation (Region 4)
6. NYS Department of Transportation (Region 1)
7. Environmental Notice Bulletin accompanied by a request that same be published

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For all the reasons set forth above, it is clear that the proposed Project will not have any significant adverse impact on the environment and the issuance of a negative declaration under SEQRA is warranted.