

**RESOLUTION CONFIRMING SEQR DETERMINATION  
FREEDOM SPRINGS ALBANY, LLC PROJECT**

A regular meeting of City of Albany Industrial Development Agency (the "Agency") was convened in public session at the office of the Agency located at 21 Lodge Street in the City of Albany, Albany County, New York on April 18, 2024 at 12:15 p.m., local time.

The meeting was called to order by the (Vice) Chair of the Agency and, upon roll being called, the following members of the Agency were:

PRESENT:

Elizabeth Staubach	Chair
Lee E. Eck, Jr.	Vice Chair
Darius Shahinfar	Treasurer
Anthony Gaddy	Secretary
Joseph Better	Member
John F. Maxwell, Esq.	Member

ABSENT:

Christopher Betts	Member
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RECUSED:

Joseph Better	Member
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AGENCY STAFF PRESENT INCLUDED THE FOLLOWING:

Ashley Mohl	Interim Chief Executive Officer
Andrew Corcione	Chief Operating Officer
Renee McFarlin	Senior Economic Developer, Capitalize Albany Corporation
Michael Bohne	Communications & Marketing Manager, Capitalize Albany Corporation
Emma Fullem	Economic Development Specialist, Capitalize Albany Corporation
Cassidy Roberts	Program Assistant, Capitalize Albany Corporation
Marisa Franchini, Esq.	Agency Counsel
A. Joseph Scott, III, Esq.	Special Agency Counsel

The following resolution was offered by Darius Shahinfar, seconded by John F. Maxwell, Esq., to wit:

Resolution No. 0424-\_\_\_\_\_

RESOLUTION CONCURRING IN THE DETERMINATION BY THE CITY OF  
ALBANY PLANNING BOARD, AS LEAD AGENCY FOR THE ENVIRONMENTAL  
REVIEW OF THE FREEDOM SPRINGS ALBANY, LLC PROPOSED PROJECT.

WHEREAS, the Agency is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act") and Chapter 325 of the 1974 Laws

of New York, as amended, constituting Section 903-a of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, commercial and industrial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, to accomplish its stated purposes, the Agency is authorized and empowered under the Act to acquire, construct and install one or more "projects" (as defined in the Act) or to cause said projects to be acquired, constructed and installed, and to convey said projects or to lease said projects with the obligation to purchase; and

WHEREAS, Freedom Springs Albany, LLC, a New York State limited liability company (the "Company"), submitted an application (the "Application") to the Agency, a copy of which Application is on file at the office of the Agency, which Application requested that the Agency consider undertaking a project (the "Project") for the benefit of the Company, said Project consisting of the following: (A) (1) the acquisition of an interest in an approximately 3.66 acre parcel of land located at 64 Colvin Avenue (tax map no.:53.74-2-14) in the City of Albany, Albany County, New York (the "Land"), (2) the construction on the Land of two buildings containing in the aggregate approximately 115,812 square feet of space with associated parking (collectively, the "Facility") and (3) the acquisition and installation therein and thereon of related fixtures, machinery, equipment and other tangible personal property (the "Equipment") (the Land, the Facility and the Equipment being collectively referred to as the "Project Facility"), all of the foregoing to be owned and operated by the Company as mixed use facility to be comprised of 120 multifamily affordable housing units and commercial space and other directly and indirectly related activities; (B) the granting of certain other "financial assistance" (within the meaning of Section 854(14) of the Act) with respect to the foregoing, including potential exemptions from certain sales and use taxes, real property taxes, real estate transfer taxes and mortgage recording taxes (collectively, the "Financial Assistance"); and (C) the lease (with an obligation to purchase) or sale of the Project Facility to the Company or such other person as may be designated by the Company and agreed upon by the Agency; and

WHEREAS, by resolution adopted by the members of the Agency on March 21, 2024 (the "Public Hearing Resolution"), the Agency authorized a public hearing to be held pursuant to Section 859-a of the Act with respect to the Project; and

WHEREAS, pursuant to the authorization contained in the Public Hearing Resolution, the Interim Chief Executive Officer of the Agency (A) caused notice of a public hearing of the Agency (the "Public Hearing") pursuant to Section 859-a of the Act, to hear all persons interested in the Project and the financial assistance being contemplated by the Agency with respect to the Project, to be mailed on March 27, 2024 to the chief executive officers of the county and of each city, town, village and school district in which the Project Facility is or is to be located, (B) caused notice of the Public Hearing to be posted on March 28, 2024 on a public bulletin board located at the Albany City Hall located at 24 Eagle Street in the City of Albany, Albany County, New York, as well as on the Agency's website, (C) caused notice of the Public Hearing to be published on March 31, 2024 in the Times Union, a newspaper of general circulation available to the residents of the City of Albany, Albany County, New York, (D) conducted the Public Hearing on April 10, 2024 at 12:00 o'clock p.m., local time at the offices of the Agency located at 21 Lodge Street in the City of Albany, Albany County, New York, (E) prepared a report of the Public Hearing (the "Public Hearing Report") which fairly summarized the views presented at such Public Hearing and caused copies of said Public Hearing Report to be made available to the members of the Agency and (F) caused a copy of the certified Public Hearing Resolution to be sent via certified mail return receipt requested on March 28,

2024 to the chief executive officers of the County and of each city, town, village and school district in which the Project Facility is to be located to comply with the requirements of Section 859-a of the Act; 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 Agency has been informed that (1) the City of Albany Planning Board (the "Planning Board") was designated to act as "lead agency" with respect to the Project, and (2) the Planning Board issued a Determination of Non-Significance on August 2, 2023 (the "Negative Declaration"), attached hereto as Exhibit A, determining that the acquisition, construction and installation of the Project Facility will have "no significant adverse impacts on the environment" and therefore, an environmental impact statement need not be prepared with respect to the Project; and

WHEREAS, the Agency is an "involved agency" with respect to the Project and the Agency now desires to concur in the determination by the Planning Board, as "lead agency" with respect to the Project, to acknowledge receipt of a copy of the Negative Declaration and to indicate whether the Agency has any information to suggest that the Planning Board was incorrect in determining that the Project will have "no significant adverse impacts on the environment" pursuant to SEQRA and, therefore, that no environmental impact statement need be prepared with respect to the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF CITY OF ALBANY INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency has received copies of, and has reviewed, the Application and the Negative Declaration (collectively, the "Reviewed Documents") and, based upon said Reviewed Documents, the Agency hereby ratifies and concurs in the designation of the Planning Board as "lead agency" with respect to the Project under SEQRA (as such quoted term is defined in SEQRA).

Section 2. The Agency hereby determines that the Agency has no information to suggest that the Planning Board was incorrect in determining that the Project will not have a "significant effect on the environment" pursuant to SEQRA and, therefore, that an environmental impact statement need not be prepared with respect to the Project (as such quoted phrase is used in SEQRA).

Section 3. The members of the Agency are hereby directed to notify the Planning Board of the concurrence by the Agency that the Planning Board shall be the "lead agency" with respect to the Project, and to further indicate to the Planning Board that the Agency has no information to suggest that the Planning Board was incorrect in its determinations contained in the Negative Declaration.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Elizabeth Staubach	VOTING	YES
Lee E. Eck, Jr.	VOTING	YES
Darius Shahinfar	VOTING	YES
Anthony Gaddy	VOTING	YES
Joseph Better	VOTING	RECUSED
Christopher Betts	VOTING	ABSENT
John F. Maxwell, Esq.	VOTING	YES

The foregoing Resolution was thereupon declared duly adopted.

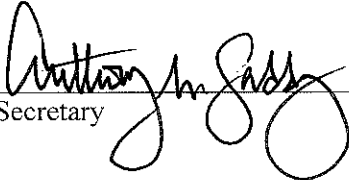
STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF ALBANY )

I, the undersigned Secretary of City of Albany Industrial Development Agency (the "Agency"), DO HEREBY CERTIFY that I have compared the foregoing annexed extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on April 18, 2024 with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution contained therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 18<sup>th</sup> day of April, 2024.

  
Secretary

(SEAL)

EXHIBIT A  
NEGATIVE DECLARATION

- SEE ATTACHED -

Project: \_\_\_\_\_  
 Date: \_\_\_\_\_

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Detailed analysis and findings are attached hereto.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:     Type 1             Unlisted

Identify portions of EAF completed for this Project:     Part 1         Part 2         Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information  
Traffic Impact Evaluation, Water & Sewer Report, SWPPP & SWMR, Engineering Report

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
City of Albany Planning Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

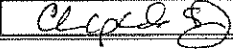
C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Negative Declaration

Name of Lead Agency: City of Albany Planning Board

Name of Responsible Officer in Lead Agency: Christopher Ellis Jr.

Title of Responsible Officer: Planning Board Chairperson

Signature of Responsible Officer in Lead Agency: 

Date: 8/2/23

Signature of Preparer (if different from Responsible Officer) Avi Epstein

Date: 7/31/2023

**For Further Information:**

Contact Person: Avi Epstein, Principal Planner

Address: 200 Henry Johnson Blvd, Albany, NY 12206

Telephone Number: 518-465-6066

E-mail: [dpe@albanyny.gov](mailto:dpe@albanyny.gov)

**For Type I Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

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# CITY OF ALBANY



NEW YORK

DEPARTMENT OF PLANNING AND DEVELOPMENT

Planning Board

MAYOR: KATHY M. SHEEHAN

DIRECTOR: BRAD GLASS

CONTACT: Brad Glass  
planningboard@albanyny.gov

## SEQRA Part 3 – 64 Colvin Avenue & 944 Central Avenue

The proposal under consideration consists of three separate projects: the redevelopment of the former Armory Garage into a self-storage facility; a multi-unit dwelling with retail; and a quick serve restaurant with a drive-thru. The City of Albany Planning Board has evaluated the Full Environmental Assessment Form and supplemental documents submitted by the applicant to determine if any impact under SEQRA is likely to occur, and if so, what the size of that impact will be. The magnitude of impacts are determined based on the facts provided in Part 1 of the Full Environmental Assessment Form, supplemental comments and analysis conducted by City Departments and consultants, and on the scale and context of the proposed development projects. Based on this information no impacts were identified that would be classified as having a moderate to large impact on the environment.

While the proposed development does involve a physical alteration of the land, it does not exceed any of the numeric thresholds established under SEQRA and would result in a net increase of 6% in permeable surfaces based on a maximum buildout scenario. Additionally, the development will not impact any agricultural, aesthetic and or archeological features based on its location.

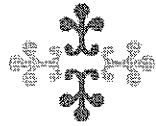
Subsurface storage will be employed utilizing pipe galleries, structures or other available storage systems. This will store stormwater during storms and release at rates not exceeding capacity of receiving pipes to accommodate this flow. On 64 Colvin Avenue utilizing porous pavement and drywells for roof drainage will be explored once site specific infiltration tests are available. The green area abutting Colvin Avenue may be developed as a bioretention basin. Adequate systems are available to accept and handle stormwater from this project.

The Water Services Report estimates an average water use of 21.01 gallons per minute (GPM) for all three project sites combined. Hydrant tests along Colvin Avenue demonstrated enough capacity to sufficiently serve the peak water demands at all three sites. The report does note that fire pumps will likely be required for a five-story apartment building. The Sewer Engineering Report concludes that the peak flow of sewage could be adequately handled by the current collection system. Findings from the SWPPP indicate that proposed storm drainage system will accommodate the drainage from the site for the 1, 10 & 100 year design storm and that damage to site and adjacent properties is unlikely to occur when subjected to such storms as a result of the stormwater management systems proposed.

A comprehensive traffic evaluation was conducted by VHB Engineering and reviewed by a third party, Creighton Manning, for accuracy and completeness. The traffic evaluation identified the critical peak hours for analysis based on a combination of the existing traffic volumes at the Central Avenue at Colvin Avenue intersection and the anticipated trip generation for the project during the potential critical peak hours. The Updated Trip Generation results in 287 new trips during the weekday PM peak hour, and 362 new trips during the Saturday midday peak hour. Due to the reduced pass-by trip percentage used for



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DEPARTMENT OF PLANNING AND DEVELOPMENT

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the quick-serve restaurant land use, the updated traffic evaluation represents a potential worst-case, short-term condition based on a specific potential tenant.

The traffic evaluation provided shows that the study intersections will continue to operate with overall acceptable levels of service with the potential trip generation compared to a “no build” scenario. This evaluation of level of service impacts is demonstrated in Tables 4 through 7 of VHB’s Traffic Evaluation report. The need for a grand opening traffic management plan for the proposed quick-serve restaurant shall be addressed during the Development Plan Review process and required as a condition of any subsequent approvals.

This study area contains relatively good pedestrian and transit connectivity in its current state. Sidewalks are provided on both sides of the roadways (Central Avenue and Colvin Avenue) in the study area, with marked crosswalks, ramps, and pushbuttons/pedestrian signals at major intersections. Pedestrians traveling to or from the site or accessing transit near the site are able to take routes that accommodate pedestrians. Based on the proposed development of new housing, it is recommended that a mid-block pedestrian crossing be considered during the Development Plan Review (site plan) process for that particular project. The 369 parking spaces proposed in a maximum buildout scenario greatly exceeds the anticipated demand and therefore is not anticipated to create a scarcity of parking within the study area.

Based on this information the proposed redevelopment project will have no significant adverse effects or impacts upon the surrounding environment or community.