

TOWN OF GUILDERLAND

Office of the Supervisor
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PETER G. BARBER
SUPERVISOR

NANCY A. LEVIS
SECRETARY

December 19, 2016

Via email: leslie.lombardo@albanycountyny.gov

Leslie Lombardo
Senior Planner
Albany County Department of Public Works - Planning
449 New Salem Road
Voorheesville, NY 12186

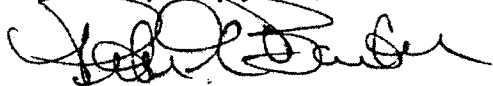
Re: City of Albany, 2-12 Sandidge Way and 263-275 Fuller Road
Proposed Residential Multifamily Village Overlay District

Dear Ms. Lombardo:

Attached please find the Town of Guilderland's comments on the above-referenced referral to the Albany County Planning Board. By copy of this letter, the Town's comments are provided by email to Bradley Glass at the City of Albany's Department of Development and Planning.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Peter G. Barber
Town Supervisor

cc: Bradley Glass (via email: glassb@albanyci.albany.ny.us).

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Albany County Planning Board
449 New Salem Road
Voorheesville, NY 12186

Re: City of Albany, 2-12 Sandidge Way and 263-275 Fuller Road
Proposed Residential Multifamily Village Overlay District

Dear Planning Board Members:

Thank you for asking the Town of Guilderland ("Town") to comment on the inter-community impacts of the proposed action by the City of Albany ("City") to create an overlay district known as Residential Multifamily Village ("RMV"). The proposed action seeks to place the RMV overlay district on 6.4 acres, including single-family residences at 2-12 Sandidge Way (formerly Loughlin Street) and 263-275 Fuller Road.

The Town usually defers to a neighboring municipality's land use proposals regardless of whether sought by the municipality itself or by an applicant appearing before a municipality's reviewing board. But here, because the proposed action would have substantial negative impacts on Town residents, in particular the 138 single family residences (Warren Street (27 homes), Mercer Street (49 homes), Providence Street (48 homes); and Fuller Road (14 homes) to the south of the proposed action, the Town is compelled to urge this Board's disapproval of the proposed action.

In a Recommendation dated July 21, 2016, this Board disapproved a nearly identical proposed action to rezone the same property from Single-Family Low Density Residential (R-1A) to Multifamily High Rise Residential (R-4). That proposed action would have resulted in the demolition of 11 single family residences and allowed for the construction of 173 apartments in four five-story buildings and one four-story building with a clubhouse and parking. This Board's disapproval was based on the impact of the proposed action's higher density on "surrounding land uses and roads" and drainage.

As shown below, inter-community concerns enumerated in GML §239-l(2), and stated in this Board's disapproval, are likely aggravated by the current proposed action.

COMMENTS

A. The Proposed Action's Impacts on Fuller Road (County Route 156).

The July 21st Recommendation correctly recognized the restricted capacity of Fuller Road (County Route 156), an important corridor between Washington Avenue and State Route 20, and stated that Fuller Road's potential expansion, including the Tricentennial roundabout, was "severely limited" by cemeteries (historic Jewish) on both sides of the road. This concern is particularly acute due to nearby large undeveloped parcels owned by SUNY Poly. This Board stated:

With the limited capacity available on Fuller Road the city needs to recognize that the full build out along the road corridor will almost certainly have negative impacts to traffic and quality of life for residents. **These facts should be weighed against any request for rezoning to a significantly higher density in the corridor.**

The proposed RMV overlay district does not address any of this Board's density concerns. In fact, as shown in the chart below showing a comparison of yard requirements, the proposed RMV intensifies the negative impacts by allowing density for "multifamily housing" that is even greater than the density in the disapproved proposed rezone to Multifamily High Rise Residential.

District	Multifamily High Rise Residential District City Code §375-69	Residential Multifamily Village Overlay District Proposed §375-198(G)(2)
Minimum lot size	20,000 square feet	None
Minimum lot width	100 feet	None
Minimum lot depth	200 feet	None
Minimum front yard	20 feet	10 feet
Minimum side yard	15 feet on one side; 40 feet total	15 feet
Minimum rear yard	40 feet	20 feet
Maximum building height	85 feet	5 stories
Maximum impervious coverage	33%	50%

This Board properly warned that the Multifamily High Rise District "is one of the most dense of the residential districts." But as shown in the chart, the proposed RMV overlay district will allow **far greater impervious lot coverage** (50%) than allowed in the disapproved MHR residential district (33%). This increased lot coverage could increase lot development **by 52%** $((50-33)/33 \times 100)$ over what is allowed in the disapproved Multifamily High Rise District.

Equally important, as shown in the chart, the proposed RMV overlay district allows maximum building height of 5 stories which is roughly equal at 15 feet per floor to the high-rise buildings allowed by the Multifamily High Rise District's maximum height of 85 feet. The proposed provision does not provide minimum lot size, width or

depth for “multifamily housing” and does not contain any other restrictions on overdevelopment such as a maximum number of dwelling units per acre or similar density limitations.

Simply put, with the increased densities allowed by greater lot coverage and five story buildings, the proposed action will only aggravate the negative impacts on Fuller Road, see GML §239-1(2)(b), and should be disapproved by this Board.

B. The Proposed Action’s Impacts on Drainage.

The July 21st Recommendation also recognized that the proposed action’s significant change in density could increase surface and groundwater and exceed the capacity of existing stormwater management facilities. This concern is particularly acute given the likely development of other large vacant parcels. And as this Board noted, the combined surface and groundwater from impervious surfaces impacts the physical condition of surrounding land and could compromise the ability of the County’s Fuller Road stormwater system to handle surface water. As shown above, by allowing 50% lot coverage by impervious surfaces, the proposed RMV overlay district’s impact on drainage is even more serious than the 33% lot coverage allowed in the disapproved MHR residential district.

But, more importantly, the negative impacts of future impervious surface on drainage would exacerbate the long-standing crisis of flooded home basements in the immediate area of Fuller Road. As this Board’s disapproval noted, the area “has been impacted by stormwater in the past.” Indeed, the Town’s adjacent McKownville hamlet has experienced severe drainage flooding, resulting in residents’ constant use of sump pumps and regular flooding of State Route 20 near Fuller Road.

To address the impacts on McKownville residents, at substantial expense, the Town prepared the McKownville Drainage Analysis (June 2010) and secured \$3.25 million in State funding to implement its recommendations. As shown on the attached map from the analysis, the immediately adjacent homes on Warren, Mercer and Providence Streets, and other streets off of Fuller Road, are included in the analysis’s area. That work is scheduled to begin in late 2017.

Given the drainage impacts caused by the proposed action’s higher density and increased impervious surfaces, see GML §239-1(2)(e), this Board should disapprove of the proposed action for the same reasons stated in the July 21st Recommendation.

C. The Proposed Action Is Incompatible With Surrounding Land Uses.

GML §239-1(2)(a) requires this Board’s consideration of the proposed action’s compatibility with surrounding land uses. The proposed action will allow five story

buildings and the most dense residential use. As shown in the attached map, the proposed area is bounded on the west by two-story multifamily buildings, on the north and east across Fuller Road by three-story multifamily buildings, and on the south by single-family residences.

Simply stated, the proposed action is an anomaly by allowing five story residential buildings in this setting. As shown on the map, the proposed area would strongly suggest maintaining the existing single family residences or transitioning to two-story residential buildings. As such, under GML §239-1(2)(a), the proposed action's allowance of five story buildings is incompatible with the surrounding low-rise residential buildings.

D. The Proposed Action's Impacts on Community Character.

GML §239-1(2)(d) requires this Board's consideration of the proposed action's impact on community character. This Board noted that the proposed area is located within 300 feet of the municipal boundary with single family residences. As noted above, there are approximately 138 single-family homes in that area, and the property is bounded by low-rise residential buildings.

The proposed code provision's use of the benign word "Village" in its title and evoking of bucolic setting with references to curvilinear streets, open space, street trees, landscaping, lower lighting, rain gardens and similarly progressive site plan elements would suggest compatible low-rise residential buildings and require more green space. In utter contrast, the proposed action would allow for high rise buildings (5 stories) and, with a maximum 50% lot coverage, a substantial reduction in green space from that required in less intense residential districts.

In addition, the proposed RMV overlay district's sharply reduced setback protections is potentially far more damaging to residents than even the disapproved MHR residential district. The proposed RMV overlay district only requires a 20 foot rear yard setback, a 50% reduction from the disapproved rezone to the MHR residential district's 40 foot rear yard setback. The proposed RMV has no minimum lot width or lot depth.

The proposed RMV overlay district allows parking garages at the same height (5 stories) as the principal structures. See Proposed §375-198(I)(1). The proposed action also allows a parking garage "within 50 feet of the boundary with a single family home." See Proposed §375-198(J)(1). This distance is even less than the 70 foot minimum rear yard setback required in the Single Family Low-Density Residential District (R1A). See City Code §375-62(D). In the worst case scenario, a five-story apartment and five-story garage could be placed within 15 and 50 feet of the boundary of single family residences.

Despite its known and substantial impacts, an application for a proposed high-rise

multifamily dwelling is listed as a Principal Permitted Use, along with single family residences, townhouses, playgrounds, police and fire stations and other low intensity uses. See Proposed §375-198(D). It is not considered a Special Use Permit under Proposed §375-198(F) even though City Code §375-27 states that special permit use review is for “those uses that have some special impact or unique form which require a careful case-by-case review of their location, design, configuration and impact to determine, against fixed standards, the desirability of permitting their establishment on any particular site.” Given their known negative impacts, multiple five story buildings and 50% lot coverage should be prohibited at the proposed location and should not be allowed to escape rigorous review.

Under these circumstances, under GML §239-1(2)(d), the proposed action is inconsistent with the low-rise residential character of the community and should be disapproved by this Board.

E. Flawed SEQRA Analysis.

In support of its proposed action, the City submitted a Full Environmental Assessment Form under SEQRA. And while the City states that “[t]his full EAF considers the enactment of the overlay district and the potential impacts of such overlay,” the EAF is silent on mitigating known impacts, including this Board’s concerns about traffic and drainage, and does not describe surrounding lands or other impacts on them arising from the proposed action’s significantly higher density.

Other than a few notes, the bulk of the EAF, which should provide details on potential development and its impacts on surrounding land uses, is incomplete. As such, there is scant recognition of the impacts identified by this Board, no effort to identify other impacts, and no attempt to propose measures to avoid or minimize the significant environmental impacts.

The fact that future development would require SEQRA review as part of the City Planning Commission’s site plan review does not obviate the need for environment review as part of the proposed rezone application. The proposed action is a zoning amendment which is a critical decision that would permit significantly higher density. Such a proposed action requires environmental review that should examine development impacts on a conceptual basis. But little guess work on potential development is required here, given the prior application to construct multiple five-story apartment buildings with 173 dwelling units and this Board’s disapproval of that prior proposed action. The EAF does not examine these known impacts or assess the greater impacts from an even more intense development that would be allowed as a principal permitted use under the proposed action.

CONCLUSION

The Town requests that this Board disapprove of the proposed action under GML §§239-1(2) & 239-m because of its demonstrated negative impacts on traffic, drainage, and community character, and incompatibility with nearby single-family residences.

Respectfully submitted,


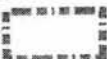




Peter G. Barber
Town Supervisor

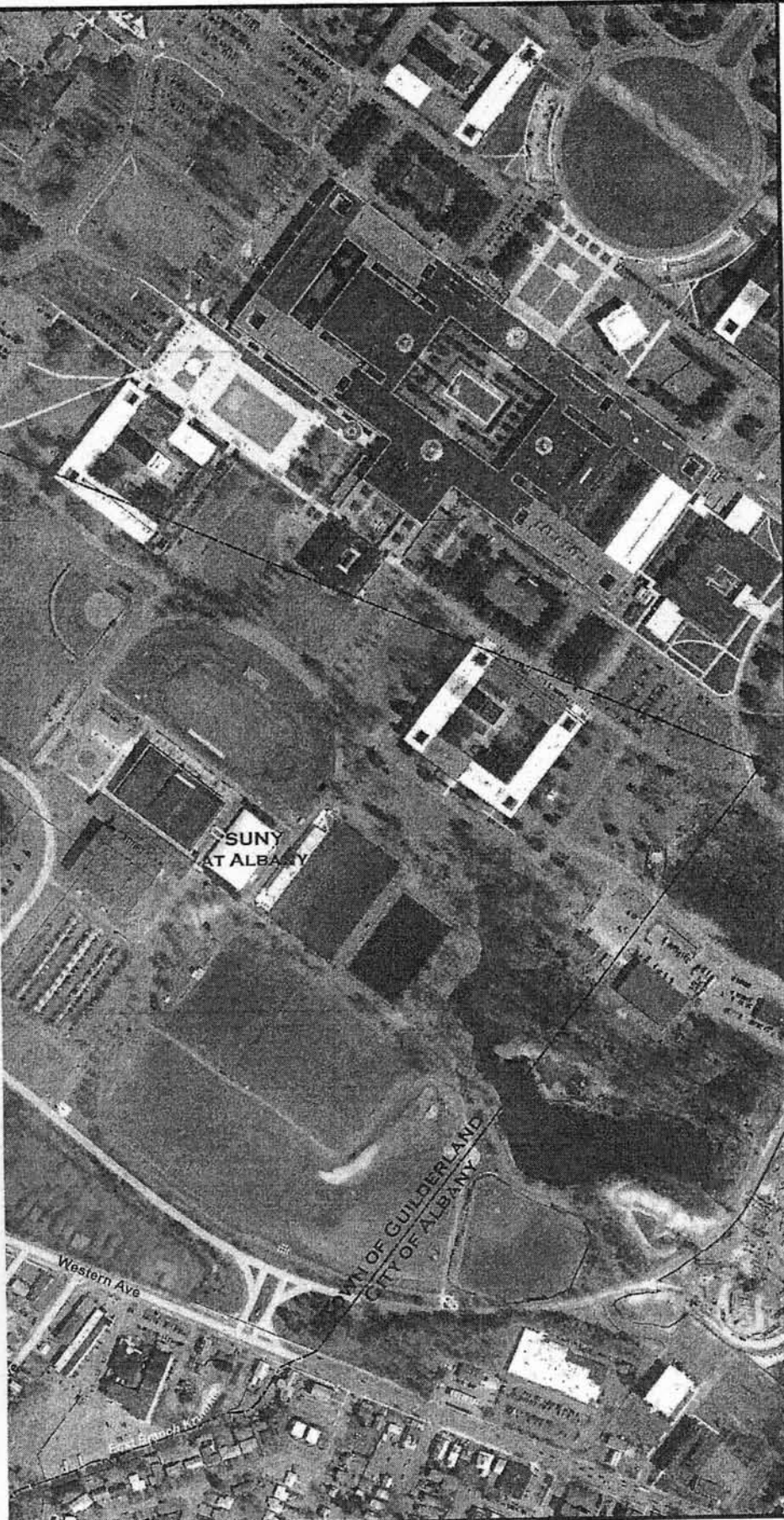
Encs.: McKownville Drainage Analysis Map
Surrounding Lands Map

McKOWNVILLE DRAINAGE AREA

TOWN OF GUILDERLAND, NY

LEGEND

-  Guilderland Town Boundary
-  Proposed Drainage District Boundary
-  Phase 1 DASNY Grant (195 Lots)
-  Phase 2 (27 Lots)
-  Phase 3 (141 Lots)
-  Krum Kill



500 250 0 500
Feet



Prepared by: Delaware Engineering, P.C., January 2013
Sources: NYS Digital Ortho Imagery, Spring 2011
Town of Guilderland Digital Tax Parcels, 2012
McKownville Drainage Analysis, 2010

MCKOWNVILLE DRAINAGE AREA

TOWN OF GUILDERLAND, NY

LEGEND



Guilderland Town Boundary

Proposed Drainage
District Boundary



Phase 1 DASNY Grant
(195 Lots)



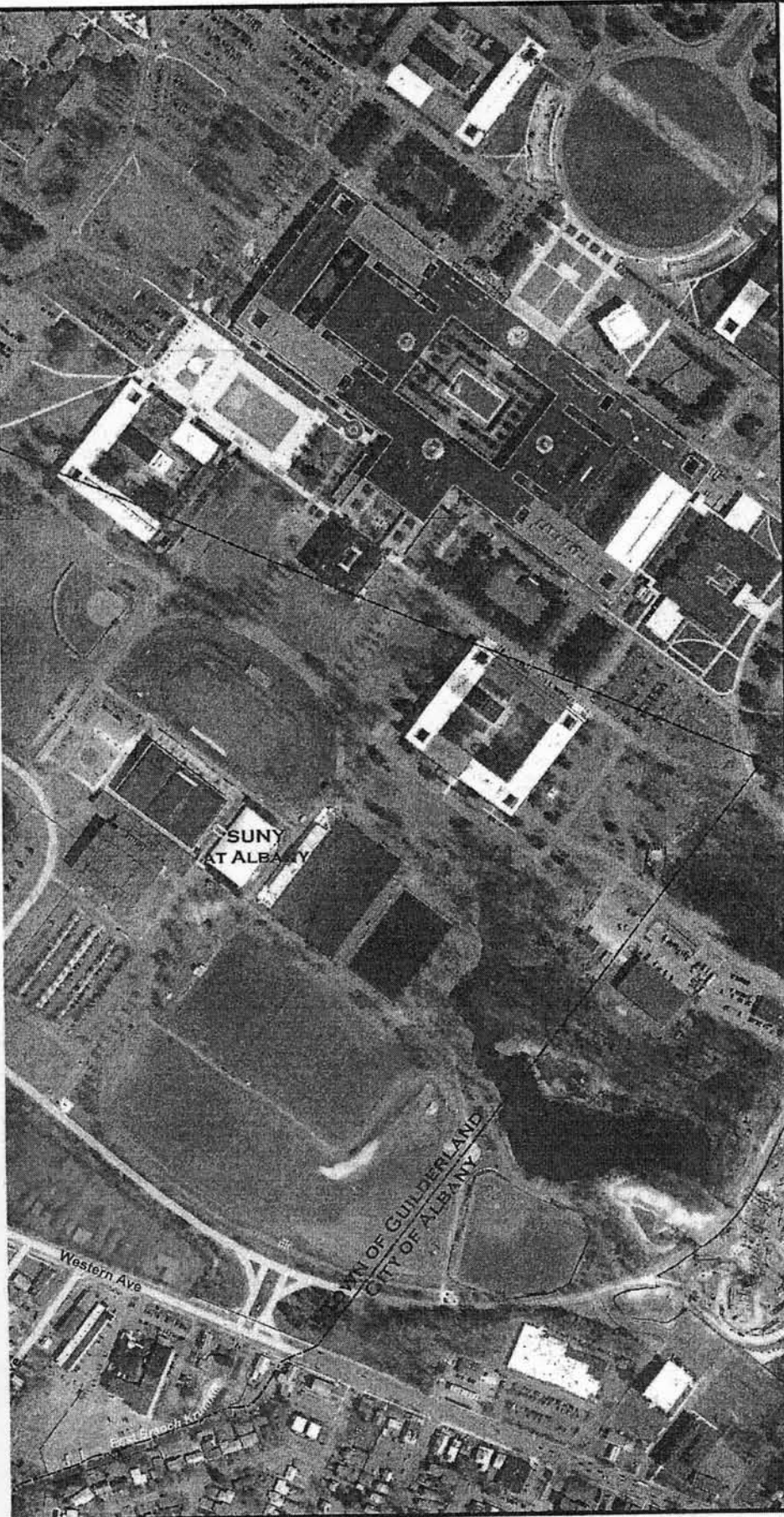
Phase 2 (27 Lots)



Phase 3 (141 Lots)



Krum Kill

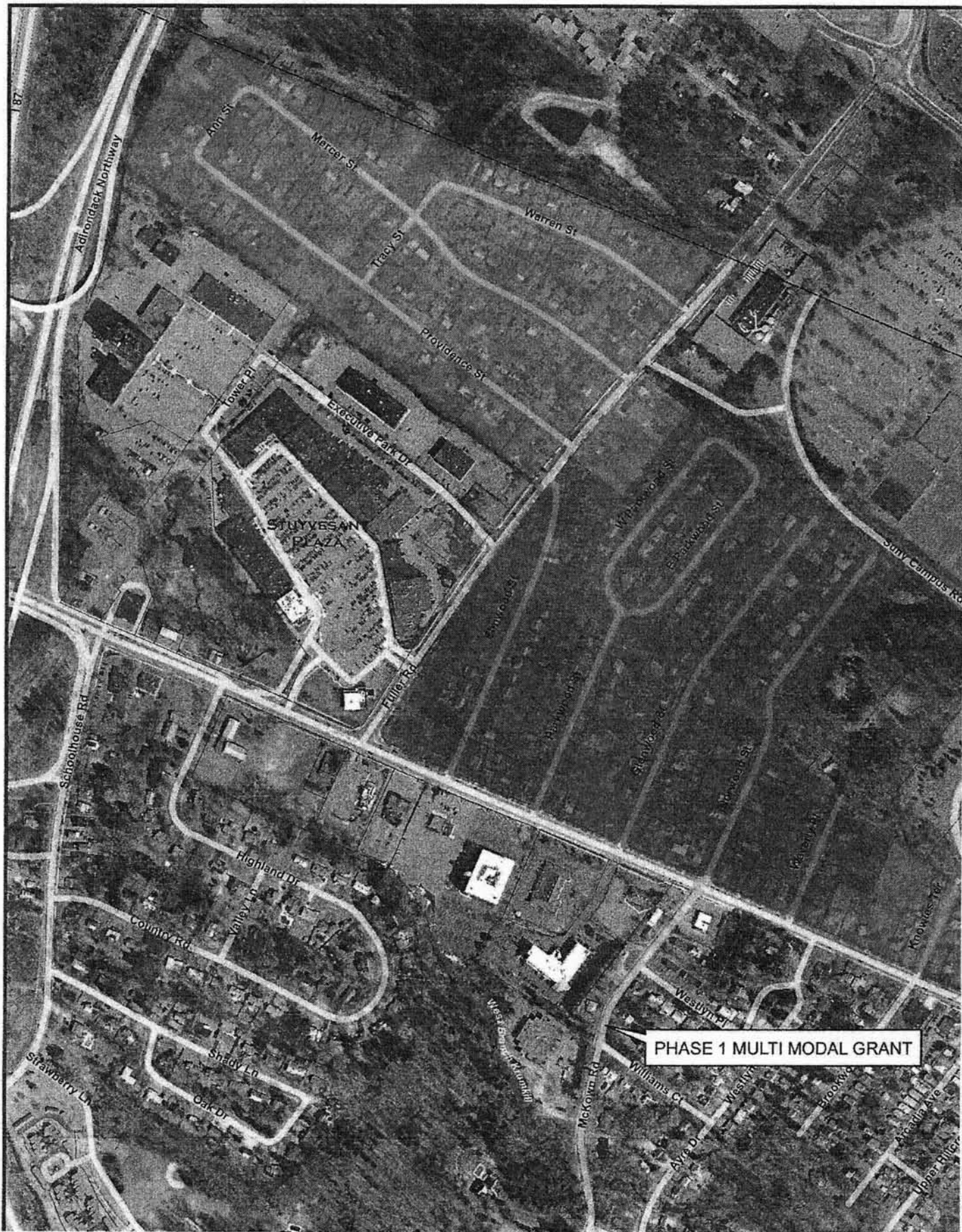


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PHASE 1 MULTI MODAL GRANT