

June 4, 2004

Jan Weston  
Town Planner  
Town of Guilderland  
Rt. 20 P.O. Box 339  
Guilderland, New York 12084-0339

Dear Ms. Weston:

I am writing in response to the Notice of Proposed Subdivision (Dutchmen Acres). I am concerned with many issues associated with this proposed subdivision. My first concern is the short notice provided by the Planning Board for concerned parties to attend the June 9, 2004 meeting. This notice is postmarked June 1<sup>st</sup> and was delivered on June 3<sup>rd</sup>. Like most people I have a rather busy schedule and will be unable to attend a meeting on such short notice. It would seem to benefit all concerned parties if this meeting were rescheduled for a later date, providing ample time for notification of concerned parties. My other concerns are associated with the location and planning for the proposed subdivision.

Since I am unable to attend this meeting because of the short notice I would appreciate if you could provide information to address the following concerns:

- What type of EIS if any has been conducted?
- Are there any issues associated with DEC/ACOE permitting requirements?
- What studies are or have been conducted to assess traffic and noise impacts?
- What are the plans for sewage and drinking water for the subdivision?
- How will the developer address the state and federal storm water discharge standards?
- What is the proposed size of the homes?
- What happened to the plans for athletic fields that were part of the public vote on the school bus garage?
- Most importantly why is a development being planned along Black Creek, which flows directly into our main drinking water supply?
- What will be done to prevent the introduction of contaminants from the subdivision into our water supply? Residential or commercially applied

pesticides and herbicides, runoff from the asphalt driveways and new roads containing residue from automobiles.

- What type of mitigation is proposed for the loss of open space or viable agricultural lands?
- Does this proposed subdivision conflict with the town's master plan for development?

I look forward to your response to these concerns and I hope that you would reconsider the date for conceptual review of this proposed subdivision.

Thank you in advance,



Mark VanDeusen

PO Box 233

Guilderland Center, NY 12085



Box 195  
4 Nielson Road  
Guilderland Center, New York  
12085  
June 7, 2004

Jan Weston, Town Planner  
Town Planning Board  
P.O. Box 339  
Guilderland, New York 12084

Re: Dutchmen Acres

Dear Planning Board Members:

Because I am unable to attend the Planning Board Meeting June 9 I wish to submit the following comments in regard to the proposed development Dutchmen Acres and the accompanying proposals for pedestrian access to the Nielson Road-Van Wormer Drive neighborhood.

1. At certain times of the day it is extremely difficult to exit Van Wormer Drive when the high school is beginning or ending the school day or when there are sporting events or other special activities. To allow the development to exit opposite the high school will add to this traffic nightmare.

2. Many cellars on Nielsen Road and Van Wormer Drive have experienced water rising up through the floor at times when the water table is high. The effect of this development could exacerbate the water problems that occur in this neighborhood.

3. In regards to pedestrian access to the Nielson Road-Van Wormer Drive neighborhood, I am not sure if these proposals relate strictly to this development or will be dealt with at a separate time. However, since these proposed pedestrian access <sup>would</sup> change the quality of life in our neighborhood for the worse, all property owners on these streets should be included in planning meetings, not just those of us within 500 feet of the Wu-Meyer development.

4. With a sidewalk already on School Road (County Route 202) there seems to be no real reason why outsiders should have access to our neighborhood other than through Van Wormer Drive. We have already had problems with high school students congregating along Black Creek or at the end of Nielsen Road in the past.

5. The land along Black Creek provides a nature preserve for much wildlife. There has already been ATV activity on the creek when frozen and this would open it up to more than pedestrians. Since the town already owns a huge amount of parkland, can't some areas remain untouched for wildlife?

Sincerely,

*Mary Ellen Johnson*

Mary Ellen Johnson  
861-8582

Feb.6, 2005

To: Town of Guilderland Planning Board

We would like to go on the record with some of our concerns about the proposed Dutchman Acres Development on School Road in Guilderland Center. We knew it was just a matter of time before this property was destined to be developed, but we feel there are several drawbacks to this proposal. Our concerns are pretty much the standard ones, listed in no particular order.

1. Is the zoning proper for this proposal? I recall hearing that this parcel should actually be zoned R-40. How much of the land is actually build able due to the topography and wetlands? Most of us in the neighborhood know that this land has large areas that stay wet for much of the time. If this parcel is either R-15 or R-40, are duplexes a permitted use? The past history of several duplexes and rental properties locally is not the best.
2. As any local person can tell you, traffic on School Road can be intolerable at times. The traffic generated by 27 new houses will make this even worse. Not only is there a problem with volume, but also the posted speed limit is seldom observed, and rarely enforced. Vehicles leaving Dutchman Acres onto School Road at the proposed road have a limited site distance. Most of the traffic should be directed out onto Depot Road. Pedestrian traffic would have a dangerous time crossing School Road as well.
3. This is a sensitive watershed area, and while rules and regulations may be in place for protection, there is no enforcement and encroachment on wetlands and pollution is inevitable.

In conclusion, while we are not completely opposed to this project, we feel that there are some serious issues that need to be addressed before a final approval is granted.

Sincerely,  
Mike and Jane Falvey  
24 School Road  
Guilderland Center, N.Y.  
12085

Feb. 21, 2005

To: Jan Weston and members of Town of Guilderland Planning Board

We watched with some dismay the latest Planning Board meeting regarding the planned Dutchman Acres development on School Road in Guilderland Center. We were neither for nor against the initial plan but we did have some concerns. After seeing the latest design we are now definitely against it as proposed, because of a few major issues.

1. We reiterate our concerns regarding the traffic situation, both with the increased volume, and with the safety aspects as well. Chairman Feeney believes that extending the proposed road to School Road is a good idea, to let people choose their best route of entering and exiting the development. It is our belief that people will choose the shortest route (School Road), willing to gamble that some kind soul will let them out. It rarely happens. Even when no one is moving ahead, seldom will anyone let you out. Exiting opposite the school driveway would be very difficult. Additionally, traffic from this development would have to cross both lanes to head towards Rt. 146. The line of sight in that direction is very limited, and given the speed most vehicles travel, especially at off peak hours, is a recipe for a major accident. We don't know how Chairman Feeney arrived at the 1% increase in traffic volume figure that he considers inconsequential. A 1% increase on a lightly traveled road would be. Adding even 30 cars on an already heavily traveled road, with many large trucks and frequent speeding, 1% becomes significant. The total number is what matters, not the percentage. Routing traffic to the less heavily traveled Depot Road and then to Rt. 146 would help break up the steady stream of vehicles, rather than concentrating them on a road barely a quarter mile long.
2. We don't understand the "Hamlet zoning" that was being lauded as such a good thing for this development. What exactly is it? Does a Hamlet have to consist of little lots with little houses? Who decided that this setup was so desirable? Are there other areas in Guilderland that will be blessed with such intense density? It doesn't seem that this lends itself to a rural feel that most of us came out here for. What happened to R-15 or R-40? Cramming 27 houses in such a small area, regardless of the actual percentage of available land used, seems like a case of what's best for the developer, not what's best for the surrounding residents, or even for those purchasing those houses. Such condensed housing would certainly help minimize his cost of infrastructure, and help maximize profits. This doesn't present a "hamlet" image to us, more like a shantytown. Does Guilderland Center need more little box houses? How big of a house can be built on a 7200 square foot lot and still give people some sort of yard? Small houses with small yards will probably be lower cost, starter type houses with a more frequent turnover of people. That doesn't lend itself to a stable neighborhood environment. Why not require fewer but larger lots and spread out the development. Reducing the number of houses could also reduce the volume of traffic. Bigger, more expensive houses might also serve to help raise the property values of the surrounding area. We also think the development could be moved further away from School Road more towards the center of the parcel. Doing that could help direct traffic onto Depot Rd.

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Town of Guilderland

3. The Town Board keeps speaking of the desire for open space. Who will use this newfound open space? Except for some snowmobile and ATV riders, this wide open area gets little use now. Will the rest of Guilderland Center suddenly flock to this area for some reason? Perhaps the new residents will to escape their postage stamp yards. Are the Meyers content to leave so much of the land vacant, simply to benefit the neighborhood. It would be nice to think that, but rarely is a developer so generous. Perhaps there is also a plan in the works for another shoebox development on this parcel at a later time.

In conclusion, we feel that this development in its current form is not in the best interests of the current residents of the Hamlet of Guilderland Center. We hope the Town Boards will not be rushed to a quick O.K. of the proposal in sympathy for the developers having to go through a lengthy approval process. We hope you will give serious consideration to the impact on the surrounding neighbors. Thank you.

Sincerely,  
Michael and Jane Falvey  
24 School Road  
Guilderland Center, N.Y.

## **To: The Guilderland Town Planning Board**

October 20, 2009

Dear Sir or Madam:

I am writing to you concerning the town meeting held on Wednesday October 14, 2009. At the meeting it was suggested that Nielsen Rd be connected to the new development of Dutchman Acres. I live at 18 Nielsen Rd, which is the last house on the road, and I am against this notion. One of the best parts of our street is that it is private with no through traffic of any type.

Since this decision directly impacts the people living on this street we should have been made aware of it and should be the ones who have the largest impact on the decision. No one from the town came to us and asked if this is what we wanted. No one even make us aware that this was being proposed. We live on a small quiet street and we just want to keep it that way, especially in light of the large number of homes being built next to us.

I strongly urge the planning board to not consider this notion of connecting Nielsen Rd to the new development. It is not what we want.

Sincerely,

Matthew and Catherine Bamert

05-09-2017

To: Leah Oliver, Stephen Feeney, et al  
CC: Building and Planning Department  
Re: Black Creek Run (Formerly 'Dutchman Acres')

To whom it may concern:

My name is Jim Palumbo and my wife, Roseanne, and I live at 2 Nielsen Road. It is on the corner of Nielsen and VanWormer Roads.

Over the past several years we have been aware of a proposed development that was to be built in the vacant lot across from the high school. There have been many changes to the original plans based on the back and forth between the owners, the builders, and the town.

The reason this is of importance to us, and the reason for this letter, is that there is a 60 foot tract of land (6250 Depot Road) between the houses on the even (west) side of Nielsen Road and the Moak Horse Farm. This tract is currently owned by the person who owns the property where Black Creek Run is to be constructed. Since the tract is unusable as far as the construction of the development a proposal was discussed with us (and I assume all the Nielsen Road residents who border that tract) to deed the tract to the properties on Nielsen, thereby increasing their lot depth by the 60 feet. For most of us that would be approximately one to two tenths of an acre.

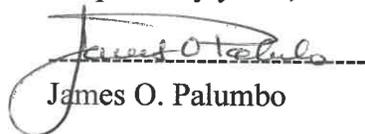
Some time after that a new proposal was brought to our attention that would reduce the 60 foot amount each property would receive to 40 foot and to deed the remaining 20 feet from each property to the Moak Horse Farm.

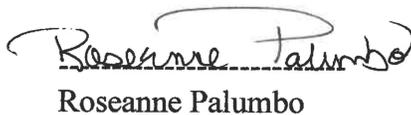
Some time after that a new proposal was suggested to deed the Moak Horse Farm some 14 acres along his southern border. This was, it appears, to allow moving a retaining pond, the associated fence, and an access road away from the Farm's property line. Since this land cannot be used by the development it was proposed to simply deed the land to the Farm.

The question I have is if the Farm is to be given this 14 acres, will the owners/builders/town be revisiting the original plan to deed the entire 60 foot tract to the west of the Nielsen Road properties to those properties?

Also, I am curious about the last section of the tract that borders the Black Creek. It is the section which the Moak driveway runs through. Will this be deeded to the Moak's? It should be since his driveway does run through it.

Respectfully yours,

  
James O. Palumbo

  
Roseanne Palumbo

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**MAY 11 2017**

Town of Guilderland  
Building Dept.

To: Town of Guilderland Planning Board  
Re: Dutchman Acres

Now that the Dutchman Acres proposal has been bounced backed to you for further review, wouldn't it be a good time to reexamine the entire project and confirm that this is best use of this parcel. Back in 2005 this property was re-zoned from R15 to its present RA3. The sole purpose was to limit the density on a troublesome piece of land. Everyone knows of the water and drainage issues, not to mention the traffic concerns on both Depot and School Roads. The RA3 zoning would limit the number of houses to approximately 10. The Meyers purchased the property knowing all this. At some point a zone change to County Hamlet was thrown into the mix. With this zone the density would be drastically increased, a 180 degree turnaround from what the 2005 re-zone intended. The design that the applicant is presenting benefits no one but themselves, in the greater number of houses to sell, and the savings on the lesser amount of site work and infrastructure they will have to do. It offers no benefits to the local community. There was great concern from the Town Board regarding the storm water runoff management and the proximity to the Black Creek. The volume and content of the run off would rise dramatically with the proposed plan. Do the math. 10 vs. 45. The engineers assure us that their system will solve all the problems. Don't they always say that? It wasn't too many years ago that the retention pond at the High School, which was built to handle their needs, overflowed and sent a torrent of water down School Road, flooding several homes. The Guilderland Center Fire Dept had to station a pumper there the entire night to help contain the flooding. Mr. Meyers states that the water exiting the pond will be cleaner than what flows from the vacant land to the creek now. Somehow, that is hard to believe. The pollutants from 45 dwellings and the associated traffic will eventually make their way to the creek. The question of who will maintain the system was also raised, with the best case scenario of the homeowners association filling the bill. But where does the ultimate responsibility fall? To the town, at whose expense? Couple these problems with the traffic concerns, severe enough that Albany County is going to do its own study and possibly major road work, add in the proposed Matt Farms development just down the road, and you've got the makings of a nice mess. The Meyers will protest that they were led astray by the lure of the County Hamlet zone, that they have spent great sums of money and time to this point, and that the whole project would be in jeopardy if they don't get their way. Seems to us that's called putting the cart before the horse. Design your project to fit the existing zoning, or get the zoning change before you get in over your head.

Sincerely,  
Jane and Mike Falvey  
24 School Road  
Guilderland Center N.Y. 12085

To: Town of Guilderland - Planning Board Meeting On 10/14/2009  
@ 7:30 PM.

From: Lisa Long - 20 School Rd & Jean & Marijan Zacharkevics -  
18 School Rd.

Subject: Proposed Subdivision - Dutchman Acres - 17 School Rd.  
Should Not Be Approved with following reasons.

1. Proposed Subdivision will double hamlets area and <sup>population.</sup>
2. 34 Single Family Lots, 4 Duplexes and 12 Unit Building for senior housing totaling  $(34 + 8 + 12 = 54 \text{ Units})$  is a Huge Undertaking for Guilderlan Center Hamlet
3. Black Creek Borders Proposed Subdivision and will be in danger of water pollution that feeds our water supply.
4. Proposed Subdivision is in Flood Zone Area with Existing Wetlands and High Water Table. (Frequent Flooding is common occurrence in this hamlet)
5. Vehicle Traffic on School Road is maxed already: Anymore Vehicles would be catastrophic.
6. Noise Pollution is persistent often excessive on School Rd. (School Buses, Construction Vehicals, Private Cars)
7. High School Football Field (Nite Games) are illuminated and casts bright light over School Rd & surrounding area.

In summary I find this Subdivision is designed for maximum profit. Clustered 34 Single Family Lots should be scaled back ~~on~~ <sup>on</sup> 1 Acre Lots.

Lisa Long  
Jean Zacharkevics &  
Marijan Zacharkevics