



ALBANY COUNTY PLANNING BOARD
NOTIFICATION

RECOMMENDATION DATE: May 13, 2019

Case #: **10-190503221**
Applicant: **Rapp Road Development**
Project Location: Rapp Road and Gipp Road
Tax Map Number: 52.01-3-5.1, 52.01-3-4.1, 52.01-3-4.2, 52.01-3-3,
Referring Agency: Town of Guilderland Planning Board
Considerations: Subdivision site plan review for 222 Units in 2 (five story) buildings. Current proposal includes dead-ending (to automobiles) Rapp Road at the Gipp Road intersection to mitigate traffic concerns. ACPB reviewed this case in March and April 2019

ACPB
Recommendation: Disapprove Without Prejudice

1. The proposed project is in a Transit Oriented District (TOD) zone. A TOD tries to “support and incentivize development that adequately protects nearby residential neighborhoods and utilizes resources within and near the TOD’s (including) direct vehicle access to the interstate highway system and a nearby local business community.” The proposed project fails to comply with the stated goals of TOD in multiple ways:

- a. The proposed obstruction of traffic at Gipp Rd. cuts off access to the highway system and business community and is a deviation of typical TOD traffic calming measures.
- b. The proposed project is not appropriately concentrated near existing mass-transit.
- c. The proposed project does not adequately protect the character of historical and non-historical adjacent neighborhoods.
- d. The proposal does not sufficiently address the preservation of bicycle and pedestrian traffic through a dead end.
- e. The proposed project drastically exceeds the total number of parking spaces required by Town of Guilderland Zoning requirements.

2. The solution to dead-end Rapp Road at Gipp Road is problematic:

- a. An approved emergency access plan for both municipalities should be submitted with the application.
- b. Further traffic studies are needed. It is unclear which percentage of traffic will be diverted to Gipp, and which to the Crossgates Ring Road.
- c. The Albany County Planning Board agrees that traffic deterrent initiatives are vital in preserving The Rapp Road Historical District. However, it remains unclear if dead-ending the Road at Gipp will result in less traffic through the Historic District.

3. New York State General Municipal Law §96-a. Protection of historical places, buildings, and works of art states:

“In addition to any power or authority of a municipal corporation to regulate by planning or zoning laws and regulations or by local laws

and regulations, the governing board or local legislative body of any county, city, town, or village is empowered to provide by regulation special conditions and restrictions for the protection, enhancement, perpetuation, and use of places, districts, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value. Such regulations, special conditions and restrictions may include appropriate and reasonable control of the use or appearance of neighboring private property within public view, or both. “

4. The Rapp Road district was designated to the Nation’s list of properties worthy of preservation in 2002. The Director of New York State’s Technical Preservation Bureau within the State Historic Preservation Office, has advised that the impact of traffic and high density development as having an adverse impact on the historical preservation of the Rapp Road historical community.

5. The origin of the Historical Rapp Road community is an African American community that migrated from Shubuta, Mississippi during the Great Migration. The community is singular in the Albany County in its living presentation of the agrarian lifestyle that remained intact through a community’s chain migration to the north and the subsequent five generations. Multiple decedent families from the original property owners still live on Rapp Road. The Great Migration was the largest migration of United States citizens in American History that culminated in the mass urbanization of most of the migrants. The historical Rapp Road community provides an alternate and unique oral and living history that is increasingly hard to maintain as development and density continues to encroach.

6. Two 5 story buildings, with +/- 4,300 of ground floor commercial space are antithetical to the community character that currently exist along Rapp Road now. The degree of difference in height and density between the proposed development and existing residential development with frontage on Rapp Road is significant.

7. Sections C.2.b., E.2.n., E.2.0, E.2.p., E.3.c, E.3.h, and D.1.b.b. on the Full Environmental Assessment Form is incorrectly filled out and provides inaccurate information.

9. The application should include the results of a coordinated SEQR review, including a DEIS.

Advisory:

Laura Trivison, Senior Planner
Albany County Planning Board

NOTE:

- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of “APPROVE” or “MODIFY LOCAL APPROVAL” should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board’s recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System Permit (MS4) (No. GP-0-10-002) Notice of Intent (NOI) to comply with the NYS DEC permit for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-1-001 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

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In compliance with Article 12-B, Section 239 of New York State General Municipal Law, this serves as official notification to the Albany County Planning Board of the action taken on the application described above.

LOCAL ACTION ON ACPB RECOMMENDATION:

- AGREED WITH COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE
- OVER-RULED COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE

LOCAL DECISION ON PROJECT:

- PROJECT APPROVED
- PROJECT DISAPPROVED

VOTE RECORDED: _____ DATE OF LOCAL ACTION: _____

Set forth the reasons for any action contrary to the ACPB recommendations (use additional sheets if needed):

SIGNED: _____ TITLE: _____