



July 2, 2019

Kenneth Kovalchik, AICP, Town Planner
Town of Guilderland Planning Department
Guilderland Town Hall
5209 Western Turnpike, PO Box 339
Guilderland, New York 12084

RE: SEQRA Coordination Response, Rapp Road Residential Development

Dear Mr. Kovalchik,

Thank you for providing the opportunity for the City of Albany to comment on this project.

The Rapp Road Apartments project proposes construction of 222 residential dwelling units and 4,300 square feet of commercial floor space over 5 buildings on 19.68 acres. The applicant, Rapp Road Development, LLC, has applied subject to the Transit Oriented Development (TOD) Overlay District adopted by the Town as a part of its zoning regulations in 2018.

The TOD zoning application is an outgrowth of the Westmere Corridor Study of 2016. The City of Albany compliments the Town of Guilderland on its encouragement of Transit Oriented Development (TOD) and the integration of an Overlay District into its local zoning code. However, the Rapp Road Apartments project has brought to our attention some issues that the Town may want to consider as an impetus to refine the rules applicable to the district.

We believe that the overlay district's application may be overly broad by nature in its inclusion of approximately 220 acres of land within the overlay district boundaries. This broad application does not seem to effectively target desired mixed-use and high density development in a practical proximity to existing and proposed transit services within the area - where it will have the greatest potential for satisfying the overall goals and intent of the TOD district.

For example, the proposed development site is among the most distant locations within the overlay zone district from the proposed CDTA transit center, which acted as the impetus for the overlay district. Not surprisingly, the proposed development is to be accompanied by 405 additional parking spaces.

Furthermore, despite the fact that approximately 70 of the +/- 220-acres that constitute the Transit Oriented Development Overlay District are currently improved as surface parking areas, the subject development is proposed to occur on one of the only remaining undeveloped green areas within the district.

The project application provides no assessment of how the development fits in to the overall phasing and buildout of the overlay district. The fact that much of the land within the district is under common ownership makes strategic planning all the more appropriate. The City believes that there are better locations within the overlay district boundaries where the applicant can more appropriately apply the scale and density of development that is proposed here in a manner that is more consistent with the goals of transit-oriented development. The Town should consider directing the applicant to consider the same.

It is worth noting that the development does not have the benefit of a Generic Environmental Impact Study (GEIS) having been completed in conjunction with the adoption of the TOD Overlay District. Accordingly, the record is absent any

credible assessment of the cumulative impact of what are likely to be several, large scale mixed-use development projects within the immediate area. This raises the potential for segmentation as further build-out is proposed. A cursory application of the density allowances under the TOD indicates the potential for more than 3,500 residential dwelling units to be constructed over the 220-acre zone, not including associated commercial uses.

As further development is clearly anticipated beyond that currently being evaluated in the Environmental Assessment Form (EAF) supplied within the application, we believe this to be in conflict with the purpose and intent of the SEQRA regulations. Pursuant to 6 CRR-NY 617.2, segmentation is defined as the division of the environmental review of an action so that various activities or stages are addressed as though they were independent, unrelated activities needing individual determinations of significance. Except in special circumstances, considering only a part, or segment, of an overall action is contrary to the intent of SEQR.

This application is of particular interest to the City of Albany because of its potential to impact traffic volumes and quality of life in adjacent City neighborhoods. Among the most directly affected neighborhoods is the Rapp Road Historic District, a rare example of a rural African American chain-migration community that is still intact and flourishing. The nature of the existing roadways and circulation patterns proximate to the project site complicates the resolution of these issues, particularly in light of current and anticipated development proposals.

The Town has been responsive in engaging the City and the applicant in dialogue on these issues, and we believe that all parties recognize the need for mitigation. While several potential mitigation options have been proposed, each presents practical difficulties that have yet to be resolved. Some of the proposals have been discussed only casually with limited analysis of their implications. We are also of the belief that additional options may exist that have not yet been given due consideration. These options may not only present the best balance for all affected stakeholders but may be more effective long term solutions to the cumulative impacts bound to results from the larger buildout of the Transit Oriented Development Overlay District.

The current proposed mitigation alternative as depicted on the most recent site plan drawings includes the closure of a portion of Rapp Road west of Gipp Road within the Town of Guilderland. While this closure would likely result in a favorable correction of traffic volumes in some areas, particularly the Rapp Road Historic District community, ancillary impacts upon quality of life, emergency service provisions, and area commerce have not been sufficiently studied. Additionally, any benefit of this closure could be easily negated by any proposed future connection between the project site and nearby Gipp Road.

In conclusion, we encourage the Town of Guilderland Planning Board to issue a Positive Declaration pursuant to SEQRA and direct the applicant to prepare an Environmental Impact Statement with an emphasis on exploring the anticipated traffic implications and alternative mitigation scenarios which can be identified based upon a discussion with affected stakeholders. We also greatly encourage the Town to require that the applicant present the entirety of its buildout of the area so that the full extent of its consequences and impacts can be viewed in the appropriate context.

Sincerely,



Bradley Glass
Director of Planning