

TOWN OF GUILDERLAND

Peter G. Barber
Supervisor

Kenneth Kovalchik, AICP
Town Planner

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**MEMORANDUM**

TO: Peter G. Barber, Supervisor
& Town Board

FROM: Kenneth Kovalchik, AICP
Town Planner

Date: March 30, 2022

SUBJ: **Project Update - Black Creek Run Country Hamlet (formerly Dutchman Acres) - Depot Road/School Road – Guilderland Center**

After a 7-year hiatus, the applicant is requesting to recommence the review of the proposed Black Creek Run Country Hamlet. The Town Board acts as lead agency on Country Hamlet applications, which are reviewed pursuant to §280-14 of Town Code. The last time the application was scheduled on an agenda was in November 2015. No member of the current Town Board was on the Board in 2015. Additionally, to date, all project reviews for this application were handled by Jan Weston, the previous Town Planner.

No action will be taken by the Town Board at the April 5th meeting. The purpose of the meeting is to allow the applicant an opportunity to share a power point presentation and provide background and updates on the proposed Country Hamlet application.

The parcel under consideration is 34.8 acres in size and is located on the east side of Depot Road and west side of School Road. No changes were made to the proposed density since 2015, and will consist of the following residential unit types:

1. 8 townhome units
2. 24 single-family lots

3. 14 senior apartments

The applicant is also proposing to permanently preserve lands within the Country Hamlet, as follows:

1. 8.42 acres of land will be dedicated to the town.
2. 6.26 acres of land will be preserved via a conservation easement.
3. 12.43 acres of land will be merged with an adjacent property owner.
4. 0.97 acres of land will be dedicated to property owners on Nielson Place.

Pedestrian accommodations are proposed in the form of sidewalks internal to the development. Sidewalks will be constructed adjacent to Heron Way, the subdivision road to be constructed. The sidewalks will link Depot Road to School Road and provide direct access to Guilderland High School. Additionally, a sidewalk will be constructed linking the Nielson Place neighborhood to the Heron Way sidewalks, and also provide a direct connection to the high school.

On the plans, you will notice a 10' to 12' wide gravel access road, within a proposed utility easement, extending from Heron Way to lands that will be conveyed to the town. The gravel road will provide access to stormwater management areas and other town infrastructure (water/sewer). It is unclear whether the public would be able to utilize the gravel roads as a walking trail. The Town Board should clarify whether public access will be allowed on the gravel roads.

Regarding the 12.43 acres of land that are proposed to be merged with an adjacent property owner. The applicant should clarify why the land is being conveyed to the property owner, and not being conveyed to the town as part of the Country Hamlet. If there is an agreement in place with the adjacent property owner to have the lands merged, an effort should be made to place the acreage in a conservation easement or deed restricted to prevent further development.

Neighborhood Master Plan for the Guilderland Center Hamlet

The master plan was completed in March 2010 after a year-long planning process involving a professional consulting firm, study advisory committee and multiple public meetings. A digital copy of the plan can be reviewed on the town website by clicking [here](#). On page 31 of the plan is the Guilderland Center Hamlet Vision Map, which identifies the Black Creek Run site for future development.

Town Planner Comments:

1. Pursuant to §280-14.D.1 of Town Code Black Creek Run can be considered as a Country Hamlet on less than 160 acres considering it is adjacent to a designated hamlet area (Guilderland Center).
2. On November 5, 2015 the Town Board approved the change in zone from RA3 to Country Hamlet. No Local Law was adopted by the Town Board, or filed with the Department of State as part of the change in zone. The Town Board will most likely need to reconsider the change in zone, adopt a Local Law as part of the rezone and file the Local law with the State. This issue needs to be addressed by the Town Board.
3. The Army Corps of Engineer Nationwide Permit expired on March 18, 2022. The applicant should provide an update to the Town Board as to the current status of the permit, did it expire or have they had the permit reissued or extended.
4. Any traffic analysis previously prepared for Black Creek Run should be updated utilizing the Institute of Transportation Engineer (ITE) Manual 10th Edition.
5. Has the applicant considered making the proposed 14 senior apartments affordable units? A recent market study submitted with the Pine Bush Senior Living Planned Unit Development Amendment in 2021 indicated there is a significant need for affordable senior housing in Guilderland. Providing affordable senior housing could be considered a public amenity. The Town Board typically requires public amenities for Planned Unit Developments and County Hamlet projects.
6. The Neighborhood Master Plan for the Guilderland Center Hamlet identified a number of goals, opportunities, issues and concerns expressed by residents regarding pedestrian accommodations and safety in the hamlet, as follows:
 - Lack of pedestrian facilities, especially sidewalks, crosswalks, and other safety measures.
 - Intersection of School Road/Depot Road is difficult for pedestrians to cross.

- Reduce impacts of traffic to improve safety and quality of life in the hamlet.
- Incorporate pedestrian facilities within the hamlet.
- Identify needed streetscape improvements.
- Sidewalks, crosswalks, pedestrian facilities and safety features are needed.
- Improvements are needed at the School Road and Depot Road intersection.
- Reduce traffic speed in the hamlet center (traffic calming).

It appears no pedestrian safety improvements are proposed for the intersection of Depot Road/School Road. This intersection was identified in the hamlet master plan for pedestrian safety improvements due to the proximity to Guilderland High School and students who walk or ride bikes to school. The Town Planner recommends this intersection should be analyzed and recommendations provided for improving pedestrian safety. For instance, should crosswalks and pedestrian signals be installed as a pedestrian safety improvement?

7. The Neighborhood Master Plan for the Guilderland Center Hamlet identified a number of bicycle and trails related recommendations, as follows:

- Develop a proposed footpath along the south side of the Black Creek between School Road and Depot Road, and complete a loop path using the sidewalk on School Road and the sidewalk on Route 146. The Black Creek was identified as an asset to the Hamlet at a May 2009 public meeting.
- Require that new developments near Guilderland Center have safe pedestrian connections to the center of the hamlet.
- Support the bicycle friendliness of Depot Road as a feeder route to the Helderberg Hudson Rail Trail.

With the proposed sidewalks and gravel roads within Black Creek Run, an opportunity exists to complete the footpath envisioned in the hamlet master plan. The recent Town Board acceptance of 1.35 acres of land at the intersection of Route 146/Depot Road further exemplifies this, and is a site that pedestrian facilities should connect. The issue is the current and proposed sidewalks will need to utilize Depot Road for a portion of the

footpath envisioned in the hamlet master plan. We are encouraging pedestrians to use Depot Road as part of this footpath, but it does not appear any pedestrian safety improvements are included as part of the Black Creek Run proposal. For instance, is the existing shoulder wide enough on Depot Road to extend the pavement to allow for a minimum 5' wide dedicated bike/pedestrian lane, which would include pavement markings and share the road signage? The Depot Road bridge spanning the Black Creek poses another pedestrian safety issue due to the narrow shoulder widths on the bridge. Is the bridge structurally sound to allow a cantilevered walkway to be installed on the existing bridge? The Town Planner recommends Depot Road, from the intersection of Route 146 to School Road, should be analyzed and recommendations provided for increasing bicycle and pedestrian safety.

8. Heron Way is the road proposed within Black Creek Run and will be a new intersection with Depot Road. With the issues highlighted and recommendations stated in #5 - #7 above, the Heron Way/Depot Road intersection should be analyzed for pedestrian safety improvements. If the Town Board determines bicycle and pedestrian safety improvements should be implemented on Depot Road as part of the Black Creek Run proposal, should a mid-block crosswalk with pedestrian signals be installed at the Heron Way/Depot Road intersection to increase bicycle and pedestrian safety?

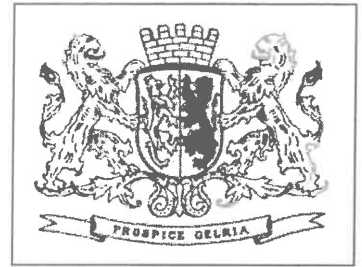
In conclusion, a lot has happened in the hamlet of Guilderland Center since the application was originally submitted in the mid 2000's. The hamlet master plan was completed in 2010 identifying the Black Creek Run site for future development. Residents in the hamlet identified a number of opportunities, issues and concerns during preparation of the hamlet master plan that should be addressed as development continues in the hamlet, and have been discussed in this memo. In 2016, the Town Board adopted significant revisions to the Town Code, which included Planned Unit Developments and Country Hamlets. The Town Board now requires public amenities to be provided with Planned Unit Development and Country Hamlet applications. The items discussed in #5 - #8 above identify a number of public amenities that should be considered by the Town Board as part of the Black Creek Run proposal. Assessing and implementing any if the items discussed in #5 - #8 above will take a cooperative effort between the Town, Albany County Department of Public Works, Town Designated Engineer and applicant.

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MEMORANDUM

TO: Peter G. Barber, Supervisor
& Town Board

FROM: Kenneth Kovalchik, AICP
Town Planner

Date: March 30, 2022

SUBJ: **Black Creek Run Country Hamlet Project File Documentation**

The following documentation is enclosed for the Town Board to review and the public to review, as follows:

1. Rezone Application
2. SEQR Long Form
3. Town Designated Engineer Comments
4. Albany County Planning Board Recommendations
5. Planning Board Minutes
6. Major Subdivision Preliminary Approval
7. Jan Weston, Town Planner Memos
8. November 5, 2015 Town Board minutes and approval of zone change from RA3 to Country Hamlet
9. Letter dated November 1, 2018 from Army Corps of Engineers related to the jurisdictional determination
10. Letter dated May 21, 2018 from State Historic Preservation Office stating no impacts
11. Phase IA and IB Cultural Resources Investigation prepared by Arch Tech prepared February 2018
12. Creighton Manning Engineering Traffic Evaluation dated December 2018

13. Letter dated July 2, 2013 from Albany County DPW with stormwater comments
14. 2012 letter from Albany County DPW with subdivision comments
15. Letter dated December 26, 2008 from Albany County DPW with traffic and stormwater comments
16. Letter dated October 27, 2009 from Creighton Manning Engineering with site plan and access comments
17. Letter dated May 26, 2004 from Guilderland Pathways Committee with subdivision comments
18. Letter dated May 28, 2004 from Conservation Advisory Council with subdivision comments

BLACK CREEK RUN

RESIDENTIAL DEVELOPMENT 6250 DEPOT ROAD & SCHOOL ROAD TOWN OF GUILDERLAND



APPLICANT/DEVELOPER
 Rosetti Acquisitions LLC
 Matthew Falvey
 427 New Kamer Road, Albany NY, 12205
CHRISTOPHER MEYER
 41 BRUFMAN STREET
 ALBANY, NY 12205



Map data ©2022

Overall Site Plan

- 6 TWIN-TOWNHOME UNITS
- 14 SENIOR APARTMENTS
- 24 SINGLE FAMILY HOMES
- LARGE AREAS TO BE PRESERVED
- LANDS TO CONVEYED TO NEIGHBORING PROPERTIES
- PEDESTRIAN CIRCULATION AND CONNECTION TO NIELSEN ROAD & TO GUILDERLAND HIGH SCHOOL



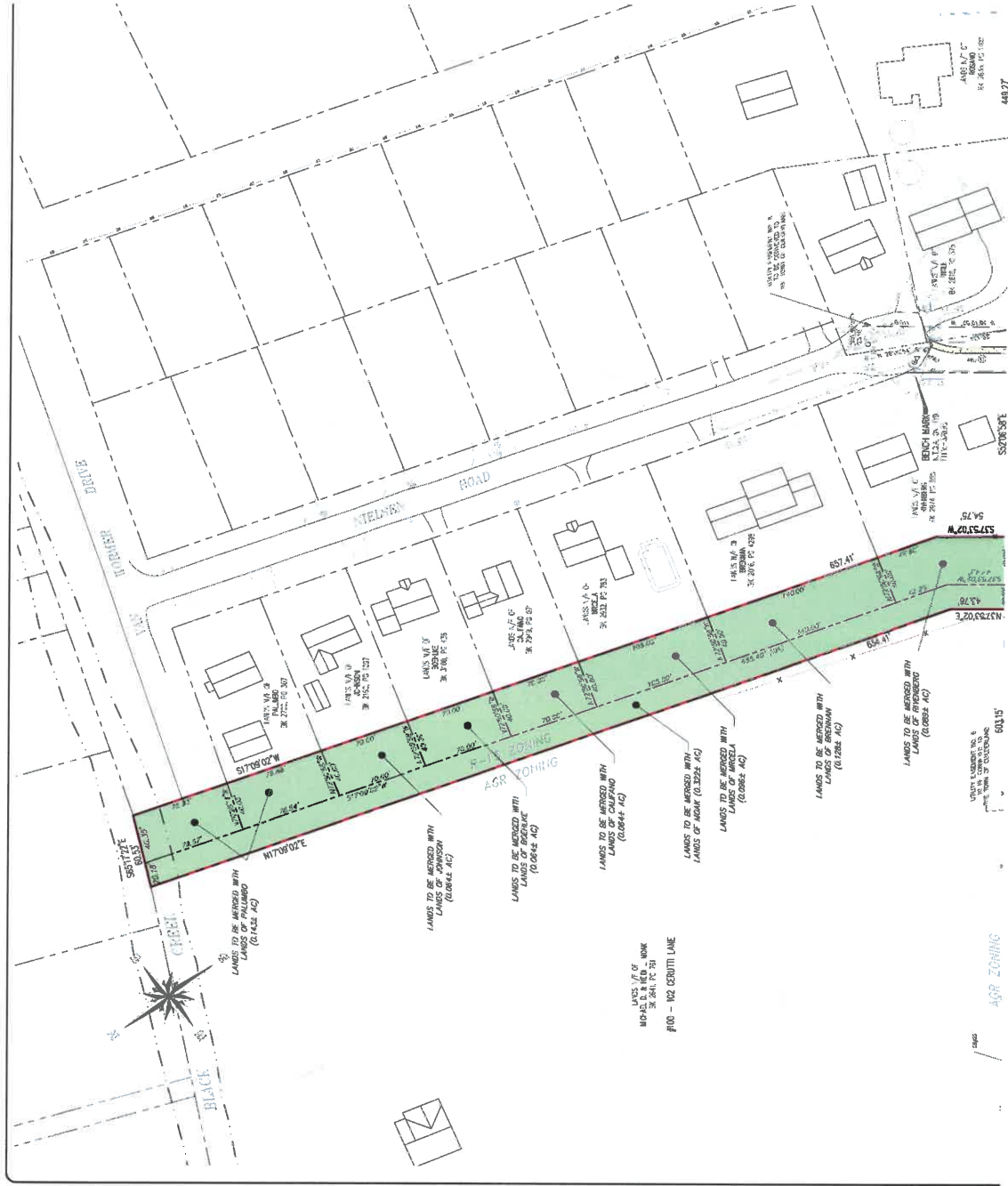
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AREAS TO BE CONVEYED TO PROPERTY OWNERS ON NIELSEN ROAD

- LANDS TO BE MERGED WITH LANDS OF PALUMBO (0.143±AC)
- LANDS TO BE MERGED WITH LANDS OF JOHNSON (0.064±AC)
- LANDS TO BE MERGED WITH LANDS OF BOEHLKE (0.064±AC)
- LANDS TO BE MERGED WITH LANDS OF CALIFANO (0.064±AC)
- LANDS TO BE MERGED WITH LANDS OF MOAK (0.322±AC)
- LANDS TO BE MERGED WITH LANDS OF MRCELA (0.096±AC)
- LANDS TO BE MERGED WITH LANDS OF BRENNAN (0.128±AC)
- LANDS TO BE MERGED WITH LANDS OF RIVENBERG (0.089±AC)

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AREAS TO BE CONVEYED TO GINDER

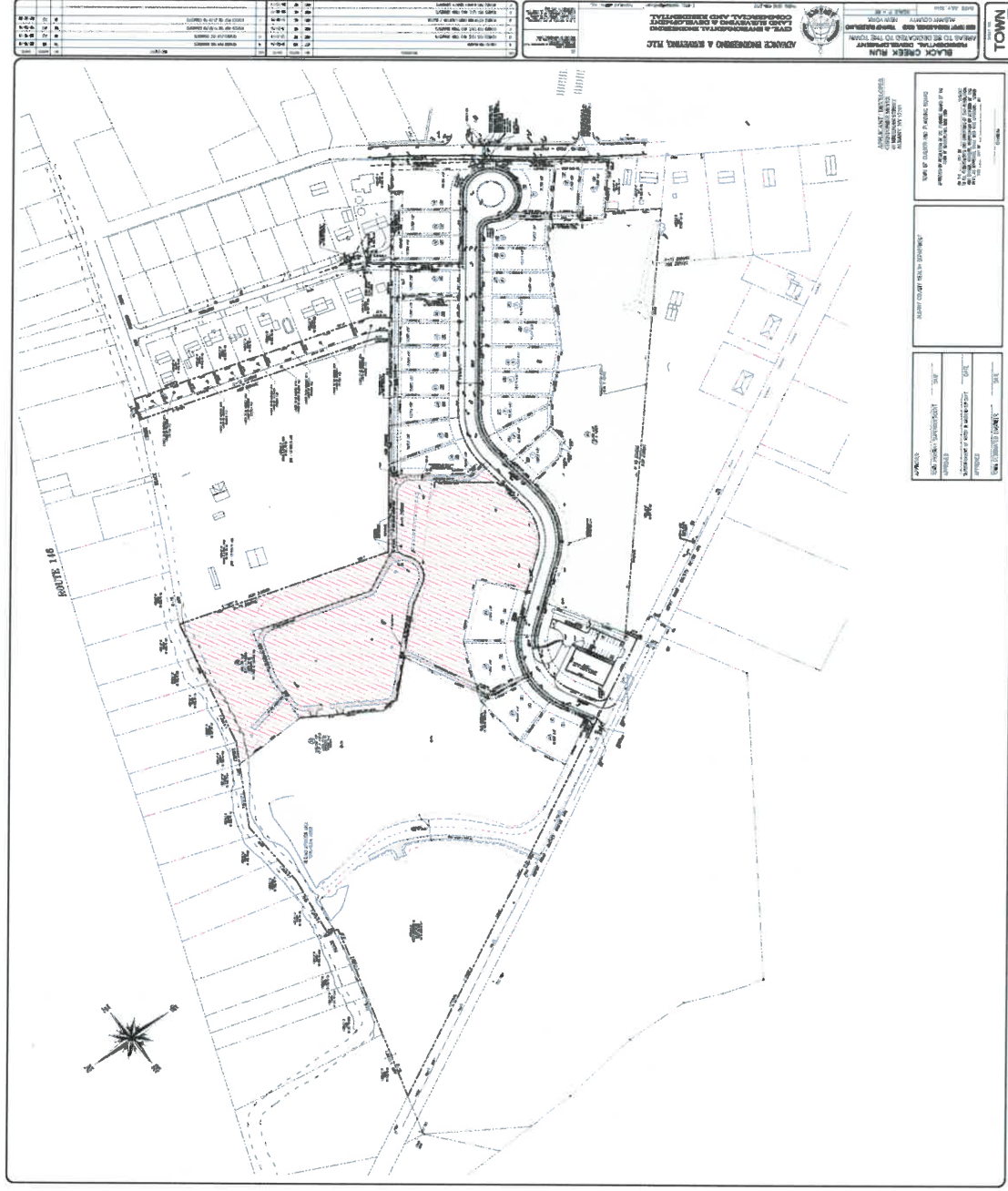
- LANDS TO BE MERGED
WITH LANDS OF
GINDER(12.43± AC)



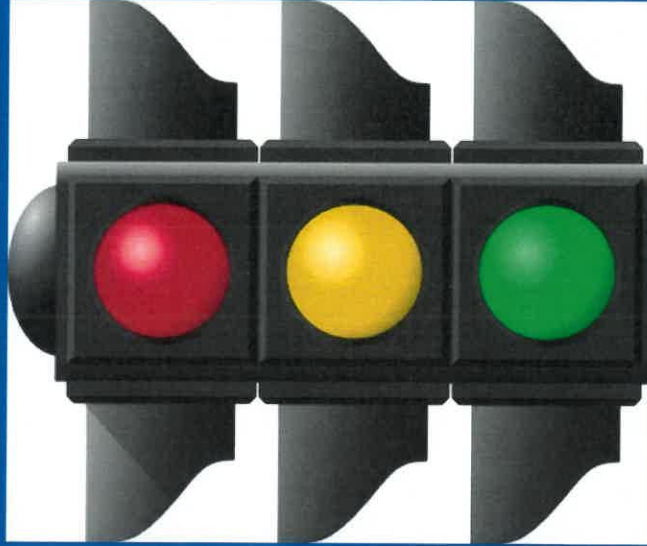
AREAS TO BE CONVEYED TO THE TOWN OF GUILDERLAND AND LANDS TO BE PRESERVED

- LANDS CONVEYED TO THE TOWN
(8.42±AC)(RED HATCH)
- LANDS TO BE PRESERVED (6.26±AC)
(GREEN HATCH)

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TRAFFIC STUDY



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- Traffic Data was collected June 30, 2021 - July 1, 2021

Table 1 – Trip Generation Summary

Data Source	Weekday Morning Peak Hour			Weekday Evening Peak Hour		
	Enter	Exit	Total	Enter	Exit	Total
Single Family Detached Housing – 32 Units	7	21	28	21	13	34
Senior Attached Housing – 14 units	1	2	3	3	3	6
Total Trips	8	23	31	24	16	40
Original Project (ITE 7 th Edition) ¹	--	--	35	--	--	40

CONCLUSIONS:

- The proposed project is expected to generate 31 new vehicle trips during the AM peak hour, and 40 new trips during the PM peak hour. This magnitude of traffic does not call for detailed evaluation of off-site intersections based on NYSDOT and ITE guidelines.
- The level of service analysis indicates that the signalized and unsignalized study area intersections will operate at the same level of service through Build conditions with minimal delay increases. No mitigation is recommended.
- The project will not have any significant effect on the high school arrival and dismissal operations

BLACK CREEK SUBDIVISION TIMELINE

- February 2005 - Subdivision - R-15 Zoning Submitted to Planning Board
- December 2006 - 2 Lot Subdivision approved by Planning Board
- 2007 - 2008 - 6 Month Moratorium and rezoning of property
- February 2009 - Submitted to request for Zone Change to Town Board
- October 2009 - Current Configuration presented to Planning Board
- May 2015 - Revised Subdivision presentation to Planning Board
- July 2015 - Preliminary approval granted by Planning Board
- August 2015 - Presentation to Town Board for Country Hamlet Design
- November 2015 - Town Board approves Country Hamlet Designation
- August 2018 - Revised Subdivision plan submitted to TDE for Final Approval
- January 2019 - TDE comments addressed and resubmitted for Final Approval
- June 2021 - Zoom meeting to review path forward

VARIOUS AGENCY REVIEW COMMENTS & STATUS

- TOWN DESIGNATED ENGINEER – ALL COMMENTS HAVE BEEN ADDRESSED
- ALBANY COUNTY DPW – HAS GRANTED PROJECT APPROVAL
- SHPO- HAS ISSUED LETTER OF NO EFFECT
- ACOE- WETLANDS PERMIT ISSUED
- Preliminary approval granted by Planning Board
- Town Board approves Country Hamlet Designation



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PLANNING BOARD APPROVAL STATUS AND NEXT STEPS

- TOWN BOARD TO CONSIDER MAKING A SEQR DETERMINATION
- PLANNING BOARD HAS REVIEWED THE PROJECT AND IS READY TO GRANT FINAL SITE PLAN APPROVAL
- TOWN BOARD TO ADOPT COUNTRY HAMLET DESIGNATION

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Questions?
Comments?
Concerns?



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Thank you