



September 9, 2024

Mr. Stephen Feeney, Chairman  
Town of Guilderland Planning Board  
Town Hall, Route 20  
PO Box 339  
Guilderland, NY 12084-0339

**Re: Foundry Square PUD  
Sketch Plan Review  
CHA # 34256-1007**

Dear Mr. Feeney:

We have reviewed the following documentation in support of the PUD application.

- 1) Sketch Plan dated August 28, 2023 prepared by Hershberg & Hershberg. Note that the file name of the plan submitted includes the date 8/8/24, whereas the document is dated 8/28/23 and should be corrected.
- 2) Full Environmental Assessment Form (FEAF) Part 1, prepared by Dan Hershberg, dated 1/26/2024.
- 3) Project Narrative dated February 12, 2024, prepared by Hershberg & Hershberg.

The proposed development is comprised of mixed-use development consisting of 285 apartments, of which approximately 60% or 171+/- apartments would be 2-bedroom and 40% or 114 +/- apartments would be 1 1-bedroom. A minimum of ten percent (10%) of the apartments or 29 units would be workforce housing. Workforce housing would be available to families or individuals earning between 80% and 120% of the Town of Guilderland Area Median Income (AMI). A table of rentals at 30% of AMI is attached to the Project Narrative as Appendix 1. These units would consist of seventeen (17) 2-bedroom apartments and twelve (12) 1-bedroom apartments. The development also includes a total of 5,000 +/- SF intended for retail/commercial use and 5,000 +/- SF for indoor amenities.

The site of the proposed development is known as 2304-2314 Western Avenue (TID # 40.17-2-11.1,12,13,14 & 51.00-1-1). The site occupies 800+/- lineal feet of frontage along Western Ave (NY Route 20) from Foundry Road running eastward. The combined area of the parcels total 12.97 acres of which, according to the FEAF, 40% of the site consists of slopes greater than 15% and 35% of the site consists of slopes between 10-15%.

We offer the following analysis and comments on the submitted plan and documents:

Zoning Analysis:

- 1) The applicant is requesting a zone change to PUD Planned Development District to accommodate the proposed development. The site is located in a LB (Local Business) zone along Western Avenue and the balance of the site is in the R-40 zone.
  - a) It would be beneficial for the Board for the applicant to provide a plan or figure with the existing zoning areas clearly defined.
- 2) PUD's permit all residential and non-residential uses. Permitted residential uses within both the Local Business (LB) and the R-40 District include single-family dwelling, two-family dwelling where the lot is fronting on a State Highway, and family apartments. Multi-Family dwellings are not a permitted use or permitted by special use within the R-40 District and are permitted by Special Use as a Mixed-use Building in the LB District.
- 3) The Town is currently updating their Comprehensive Plan and the community development goals are still being finalized. The Draft Plan includes recommendations in support of developments of this nature.
- 4) The Town of Guilderland has been certified as a Pro-Housing Community by the NYS Division of Housing and Community Renewal and the Board passed a resolution pledging steps encouraging this type of development.

The Sketch Plan does not include proposed density data as required by § 280-17 (E)(4)(b), nor is this information provided in other application materials. We recommend that the applicant prepare density computations. The buildable area used in the computations should consider the reduction in area due to existing site constraints e.g. steep slopes (12% or greater), wetlands, streams, and required setbacks, which will limit the area of feasible development. We recommend that the applicant prepare a plan illustrating the constrained lands and subsequent feasible buildable area.

- 5) The town code specifies a requisite angle of repose setback of 30 feet in § 280-30 and the applicant has noted that the buildings are outside of these setbacks. Although the buildings are noted outside of the angle of repose, the eastern most building encroaches on the setback line, and we recommend that the applicant provide the required engineer's report in accordance with § 280-30 certifying to the town that the land disturbance activities within the angle of repose reserve would not result in a failure of the slopes.
- 6) Section 280-17 Planned Unit Development (PUD) District requires compliance with setbacks meeting the minimum requirements of §280-31 which states that a minimum requirement of 400 feet between access points along Route 20 at this location. The distance center to center of the access points on Route 20 measure approximately 300 feet. We recommend removing the right-in-only access point.



- 7) The Sketch Plan includes pickle ball courts and picnic tables as recreational amenities for the development. Other areas for a playground or park lands are not noted. Unless the development is age restricted, we recommend a play structure for children under 10 and an area for free/open play. Alternatively, in accordance with the 280-36 the town may wish to require a fee for parks and playgrounds. Safe and accessible access should be provided from residential units to the recreational facilities.
- 8) The application materials note that trash and recyclables will be internal to the building; plans should depict the location of appropriately sized dumpsters and access thereto.
- 9) The maximum building height in any zone other than Industrial is 2½ stories or 35 feet. Note that the town code does allow for building heights in excess of 35 feet in the transit-Oriented Development (TOD) District which allows building heights up to 55 feet in certain circumstances. The proposed buildings are 4 stories.
- 10) Fire Lanes
  - a) In accordance with subpart E.4.(f) of Town Code § 280-25 Off-street parking and loading requirements, fire lanes shall be maintained in the parking area at the front, side, and rear of all buildings and structures. The present layout does not appear to comply.
  - b) In accordance with Section D105 of the Fire Code where the vertical height exceeds 30 feet (proposed plan is 4 stories), an approved aerial fire apparatus access road must be provided. The access road shall be located a minimum of 15 feet and not greater than 30 feet from the building positioned parallel to one entire side of the building. The fire apparatus access roads shall have a minimum unobstructed width of 26 feet. The drive lane in the front parking lots parallel to Western Ave do not meet the criteria.
  - c) In accordance with D102.2 of the Fire Code project having 200 dwelling units shall not have fewer than two access roads and approved automatic sprinkler systems. The narrative notes that each building will have a sprinkler system.
  - d) We recommend that the applicant show truck turn movements (Turning Radius Plan) for the town's aerial fire truck within the development for review and approval by the fire code official.
  - e) We recommend that the fire code official review compliance with NYS Fire Code.
  - f) Consider connecting the isolated/dead-end parking lots to allow full access on all sides of the buildings for firefighting.
- 11) The Sketch Plan shows some proposed grading; however, it is incomplete.
- 12) Previous documents submitted for the parcel (Foundry Village Application) denote additional streams and wetlands which should be added to the sketch plan.
- 13) The document mentioned above denotes that a stream "...starts at a culvert outlet that may originate from under Western Avenue." We recommend that this be investigated so that if re-routing is necessary this can be accounted for in the design of the stormwater management facilities on the site.



- 14) The following Sketch Plan requirements in accordance with § 280-53 have not been given adequate attention and shall be incorporated into the Sketch Plan.
  - a) Location of right-of-way.
  - b) Location of existing structures.
  - c) Existing zoning classification of the property and all adjacent properties, and restrictions on land use of the site, including deed restrictions or easements.
  - d) Existing natural features on the site, including existing wooded areas and streams.
  - e) Proposed density data.
  
- 15) The NYSDOT has commented on the plan and provided recommendation for the Town's consideration. Since the proposed plan will be providing improvements to the state highway, the NYSDOT will be actively involved throughout the review and design of the development.

PUD Considerations and SEQR:

- 1) The project has been classified as a Type 1 Action pursuant to SEQR. The applicant has provided a Full Environmental Assessment Form (EAF). The town has received comments from DEC, DOT and SHPO.
  
- 2) Section 280-17.A states "The PUD District shall include preservation of trees, natural topography and geologic features; efficient use of land resulting in smaller networks of utilities; interconnected streets; and a plan supportive of transit service and consistent with smart growth principles." The property has many areas with steep slopes and the proposed plan includes a retaining wall along the southwest property line (abutting parcel 40.17-2-15) to accommodate grades. We recommend that the retaining wall be relocated away from the property line and back into the property being developed. The setback should be established based on factors including constructability, legal ramifications associated with wall failures, and limitations on activities within the neighboring parcel that might impact wall stability, to name a few. This should eliminate the need for an easement for installation and mitigate potential legal concerns. As proposed, the wall will require permanent features within the neighboring property (leveling pad) and impose limitations on the land disturbance activities within the neighboring property such that the stability of the wall is not compromised. Moving the wall away from the property line will subsequently result in an alteration of the proposed layout. Alternatively, the developer may wish to purchase a swath of land of sufficient width from the neighboring property owner, or enter into an easement with them, noting the neighboring property owner's agreement to limit earth disturbances that could impact the stability of the wall, and the developer's acknowledgement of ownership and responsibility for maintenance of the retaining wall and financial responsibility for damages associated with wall failure.
  
- 3) The FEAF and Project Narrative note a demand of 23,300 gallons per day for water usage and wastewater disposal. Using 110 gallons per day per bedroom per NYS Appendix 75-A.3 results in a total of 50,160 gallons per day for residential units alone. Water usage/wastewater flow calculations (average daily demands and peak flow requirements for potable demands and wastewater contributions) should be provided as backup for the demand noted.



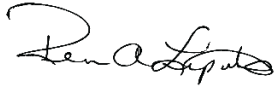
- a) In addition to the residential demands, the applicant should include demands for the retail/commercial, office and amenity spaces identified on the Sketch Plan.
  - b) In addition to potable water demands, the applicant should include fire demands based on ISO standards.
  - c) Hydrant flow tests should be performed in accordance with town standards and requirements.
  - d) The Guilderland Water Supply District and Guilderland Sewer District should confirm capacity within the existing systems and provide their standard Water and Sewer "Will Serve" letter.
- 4) Item D.2.e notes 5.75 acres impervious area whereas item E.1.b of the FEAF notes 2.75 acres of impervious area after completion. The total in E.1.b. does not match the total area of the parcel. There are also discrepancies on the table on the Sketch Plan. The application materials should be corrected such that they all are in agreement.
- 5) Parking requirements based on Town Code for a mixed-use nature of the development result in 443 spaces as shown below. Presently the Sketch Plan notes a 350 total spaces, or 79.2% of the required number of spaces.
- a) In accordance with subpart C.4. of Town Code § 280-25 Off-street parking and loading requirements, 3 spaces are required per 1,000 square feet of gross floor area for non-residential use and 1.5 spaces per dwelling unit.
    - i) For 285 dwelling units @ 1.5 spaces = 428 spaces
    - ii) For 5,000 square feet non-residential @ 3 spaces/1,000 sf = 15 spaces
    - iii) Total = 443 spaces
  - b) In accordance with § 280-17 (D)(5) off-street parking requirements for two or more uses may be satisfied jointly proving that parking operations and needs do not overlap. The applicant shall provide details of operations.
  - c) In accordance with the ADA requirements "the number of accessible parking spaces must be considered separately for each parking structure (lot or garage)" and located "on the shortest accessible route to the accessible entrance." We recommend that the applicant show the delineation of lots and accessible routes and entrances to illustrate compliance.
    - i) Note that the building located at the far east corner of the parcel does not show a rear entrance.
  - d) The applicant may wish to consider alternate parking options such as at grade parking under the building, or a reduction in the number of units to meet the parking requirements.
- 6) Items D.2.m and n (pg 8 of the FEAF pdf) note "yes" with respect to noise and outdoor lighting; however, the "If yes" responses are not complete, and the applicant should complete.
- 7) Item D.2.r – Regarding waste generation for commercial projects only. Is the waste generation of 175 tons per year for the commercial units only? Provide an explanation/calculation for the tonnage noted.



- 8) The following Site Plan Design Guidelines in accordance with Section 280-39 have not been given adequate consideration and shall be incorporated into the design:
- a) Parking should be located behind or along the side of commercial structures and be visually screened from the road to create a more interesting streetscape.
  - b) Parking lots should include a snow storage and disposal area that provides for snow melt over a vegetated or green infrastructure area.
  - c) Facilities for pedestrian circulation within the site, and connection of such facilities to adjoining properties and facilities, are encouraged.
    - i) The Sketch Plan does not show sidewalks at the rear of the eastern most building.

Please feel free to contact me at [rlipatas@chasolutions.com](mailto:rlipatas@chasolutions.com) if you should have any questions or require additional information.

Sincerely,



Rene Lipatas, PE, LEED AP BD+C  
Project Manager

