

6301 Foundry Road
Guilderland, New York 12084
December 9, 2024

Peter G. Barber, Supervisor &
Guilderland Town Board
Town Hall
Guilderland, New York 12084

Re: Foundry Square, Guilderland Village, Or Whatever The Current Designation Of the Plot of Land on the Southeast Corner of Western Avenue and Foundry Road Is (Town Board, 12/10/24, Agenda Item 2):

Dear Supervisor Barber and the Town Board:

We have some comments and concerns we would like to Board to consider when making its determinations about and use and dwelling unit density on the above property.

Who we are:

We are Sarah van Leer and Bruce Roth, husband and wife. We live at 6301 Foundry Road, across Foundry Road from the proposed PUD. We purchased and moved into our home in 1998. We helped both of our mothers to live out their last days there during the following 15 years. We purchased the lot adjoining us on the south in 2008, including its 1910-era barn, bringing part of the farm lot as it had been in the mid-20th century, back together. In 2015, we installed rooftop solar on the barn, to service the house and barn. We built a new foundation for the barn, moved it onto the new foundation and helped to preserve it for the next 100 years. We have grown vegetable and flower gardens, improved the house, and hopefully, have been good neighbors to our community.

Proposed development of Bohl property on SE corner of Western Avenue and Foundry Road:

We have been following the development plans for the Bohl parcel on Western Avenue for the past ten-plus years, from an unknown (to us) development through the assisted living facility to the current very large apartment complex. The development, however it proceeds, will have an impact on our home and the life we live here. The new wrinkle, for us at least, is the

fact that the project property includes a DEC brownfield, which is UPHILL from our house, barn, and gardens, which we did not know about until the spring of 2024.

As we see it, the issues that impact us and the neighborhood around us, are:

- (1) remediation of the brownfield before the pollutant flows further downstream onto our property, the former Bohl property across Foundry Road, and the Hungerkill and all the houses between Foundry Road and the Hungerkill;
- (2) determination of an appropriate density for the housing in the proposed apartment complex, relative to community character;
- (3) determination of the appropriate maximum height of the buildings to be constructed in the project.

(1) The Brownfield:

The primary thing we'd like to see addressed is the actual extent of the pollution. The only plume map that we've seen was made in 2019. We would like to know where the pollution has extended since then. We would not like this issue "resolved" only to find out in the future that either our property or Matt & Kayla Baker's property across from our barn have been impacted, the clean up completed, and no one to look to to clean up pollution on our property(ies). This has become an even more troublesome issue, today, as the federal EPA finalized regulations banning the use of TCE, one of the pollutants identified in the brownfield.¹

We are glad to learn that DEC will require the removal of the contaminated soil, rather than the suggested injection of the ground with a new round of chemicals, as was suggested to me by Mr. Hershberg at an early conversation. We remain concerned that the developer's proposal to DEC suggests "drilling," while we would understand "excavation" to be a more reassuring term.

¹ These regulations were proposed nearly two years ago and the comment period closed in December of 2023. They amend 40 CFR Part 751 to add a new Subpart D, regarding trichloroethylene. As the proposed rulemaking was extensive and we didn't know about it until the final rule was published, we don't know if the rule addresses remediation in any way. In the short time available, we have not been able to find the publication citation of the final rule in the Federal Register. The rule for comment was published at 88 FR 74712 on October 31, 2023.

We have less concern than the Bohl family corporation about the source of funds to pay for the clean-up. Inasmuch as the responsible party, Master Cleaners, is long gone, we can live with the necessity of using public funds for the cleanup, as it really does benefit everyone to get rid of these pollutants, particularly now, in light of the federal ban.

That being said, the \$2.5M estimated for the cleanup, is about 3% of the proposed development cost of the property, per the developer's documents. With the potential of nearly \$9M² per year in gross income from the property, this seems a small amount to pay for the public good, especially because the developer will likely benefit from a PILOT and/or IDA agreement to help defer expenses of building and maintaining the project.

(2) Community Character and the density of the development:

(a) The map does not show either us or the Bakers as adjoining and it would be very helpful to know where, in relation to our house, the proposed egress onto Foundry Road is to be located.³ The map locates none of the buildings adjoining the project on the N-S arm of Foundry Road, including the Baker's house and barn, our house and barn, the four houses north of us, and Angelo's house, south of us across the Hungerkill, elevated above most of the rest of us. All of these houses are single family, or small rental properties. In addition, there are 10 more single family houses along the Hungerkill after Foundry Road turns east at Farm Lane.

We are very disappointed by the mock-up photos (hereafter "photos") of the Foundry Road neighborhood that the developer has submitted. I (Sarah) spoke with Mr. Hershberg about these disingenuous representations some months ago and suggested that at least one mockup should be taken from our front yard.

First, the photos do not show either Foundry Road or the Hungerkill. In photo 2/5, at the far right there is a car parked in Foundry Road, approximately in front of our house. There are only two trees on our side of Foundry between our northern boundary line and Farm Lane,

² Rough math: 95% occupancy x 260 units = 247 units paying rent. 247 x \$3000 (guestimated average monthly rental) = \$741,000. \$741,000 x 12 months = \$8.89 million.

³ I (Sarah) have not been able to access a large enough map to calculate the scale along Foundry Road, consistent with our deed, to figure out that exact relationship. Our starting point is "a point in the northwesterly line of Foundry Road, 293.0 feet southwesterly from the southwesterly side of Western Avenue. . ." Albany County Clerk's Office, Book of Deeds 2614 at page 537, recorded on October 16, 1998.

and only a few between us and Western Avenue. These photos should project the visual impact of a large 4-story building on the adjoining one-family residences. The Town has required the developers of the solar installation to be built at the end of Farm Lane to have limited visual impact on the surrounding houses on Foundry and Grant Hill Roads. We would rather look at a field of solar panels, which will also be visible in this photo, than a 50-foot high wall across the street.

(b) The proposal includes 400 parking spaces. The developer suggests that “only” 100 cars would be going in and out of the development at peak hours. Given the limited availability of public transportation on Western Avenue west of Route 155, we find those numbers a little hard to believe. With many families needing all the adults in the household to work, it feels as if most of the cars will be leaving the site for work every weekday. Given that the right turn lane onto Western Avenue (proposed) will fill up fairly quickly, will the east-west portion of Foundry Road be sufficient to support such an increase in traffic? Even after the replacement of the Hungerkill bridge and the mitigation (hopefully) of the curve in Foundry Road at Farm Lane, we can imagine a continuing flow of cars missing that turn, particularly when coming from the east and turning north to get home after a long day at work. We are also concerned about emergency vehicle access to Foundry Road houses during those periods of peak ingress and egress from the project.

(c) Water flow and impervious ground. The developer estimates about 5 acres of impervious ground will result from the project. A lot of it appears to be parking spaces. Water already flows downhill from Western Avenue, along Foundry Road, and also flows from the project high ground through the Baker’s property, across Foundry and through our vegetable gardens and much of our barn lot to reach the Hungerkill. There are low spots in our land that are already soggy year round.⁴ How will this additional water-flow be accommodated?

We estimate that the impervious parking lots would create a continuous impermeable surface of about 2.5 acres 15–20 feet (or more) uphill of our house. In an average summer downpour, we could expect rains to fall at about 1” per hour. So, in one hour, that 2.5 acres would accumulate about 14.4 million cubic inches of water.⁵ One Cubic yard, which is about the size of our pickup truck bed is 46,656 cubic inches, so reduced to cubic yards that 1 hour

⁴ When the Markessines’ owned the property north of us, and the parking lot was gravel, at least a few times a year, when it rained, their driveway gravel would end up in our driveway or Bohl’s driveway, further downhill, or bot. The flow of gravel has been mostly mitigated since the parking lot was paved by the new owner, but not the downhill flow of water.

⁵ 40,000 s.f. x 2.5 = 100,000 s.f. x 144 = 14.4 million sq inches x 1” deep

downpour could yield about 300 cubic yards of water, 300 pickup truck loads, or 10 dump truck loads of water running down that driveway towards our house -- every time we have a thunder storm.

Our house is about 150 years old and has a laid-up stone foundation. Relative to the Hungerkill, it is at a height of land, but it is downhill from the project property. Our house is about 2400 s.f. with 8' ceilings, so there are about 19,200 cubic feet or 711 cubic yards of space inside our house. So, each storm could conceivably fill our basement with water.

There's more than the water. There's the winter. While the planet does seem to be warming and the winters becoming milder, there is still the issue of traffic coming down that driveway, wherever uphill from our house it might end up, and sliding across the road and into our house. Cars can't get up Foundry Road to Western Ave now if it's snowing. To imagine that they will successfully get down the project driveway without sliding across the street is unrealistic. And what about the tractor trailers that will be making deliveries? They will either slide down Foundry on the way into the facility or across Foundry on the way out. We are concerned that sooner or later a vehicle will end up in our living room.

Also, what provision is made for the normal oil, and road dirt leftovers on cars parked on those impervious surfaces and the chemicals used to control ice, as well as herbicides, pesticides and chemical fertilizers used to maintain the project landscaping? Where does that stuff go when it rains? Or snows?

Building height:

We note that the developer has reduced its number of apartments by offering to reduce the height of the buildings on Western Avenue from four stories to three, but leaving the side of the building on Foundry Road, at four stories. They could reduce their number of apartments less by lowering the building height on Foundry Road, and leaving the taller structures on Western Avenue, where they will have less impact on neighborhood character.

Personally, the building height is problematic under all circumstances. We are not going to "like" anything taller than two stories, as the height of land is already ten feet above us, making any building appear to be another story taller than it already is. There will also be a retaining wall to support the foundations. We can't figure out how high that wall is proposed to be, but knowing that would help us assess how upset about this eyesore we are.

There is also no indication of how this structure will be shielded from the surrounding neighborhood. In the fall of 2024, and in the 26 years since we moved here, when the sun goes down, it gets dark here. The lights on Western Avenue and the few street lights on Foundry Road, do not impact that fact. We are concerned about the impact of light pollution from the parking lots and the building itself on the darkness around our house and our yard. If it never gets dark, it impacts how and whether plants grow. It also impacts wildlife, by upsetting circadian rhythms.

We took the time to drive by Hamilton Park (same developer, slightly smaller, farther from single family houses) on Route 155 at night to see how the lighting affected the surrounding area. It's pretty bright, and Hamilton Park's parking lots are below the grade of much of the surroundings, while this project's parking lots will be above the grade of everything south and west of it on Foundry Road.

These are the most important things we hope you consider in your determination about this project and appreciate your attention to our concerns.

Very truly yours,

Sarah van Leer
Bruce Roth

cc: Kenneth Kovalchik (via email: kovalchikk@togny.org)
Teri Bohl
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