



**TOWN OF GUILDERLAND PLANNING BOARD**

**STATE ENVIRONMENTAL QUALITY REVIEW  
REAFFIRMATION OF THE ENVIRONMENTAL IMPACT STATEMENT FINDINGS**

**FOR THE**

**APEX @ CROSSGATES 222-UNIT MULTIPLE RESIDENCE SITE PLAN AMENDMENT  
(F/K/A RAPP ROAD APARTMENTS PROJECT APPROVED OCTOBER 28, 2020)**

**AUGUST 10, 2022**

***WHEREAS**, the Planning Board acted as SEQRA Lead Agency for the cumulative environmental review of three generally contiguous sites in common ownership that were proposed for development (the "Action"), including the proposed development of 222 one and two bedroom apartments on a +/- 19 acre site known as the Rapp Road Apartments Project; and*

***WHEREAS**, the Planning Board, acting as lead agency, issued a positive declaration and conducted a yearlong environmental review culminating in the preparation of Draft and Final Environmental Impact Statements (FEIS); and*

***WHEREAS**, based on the extensive environmental review and FEIS, the Planning Board issued a positive findings statement on July 28, 2020 certifying that the Action, as proposed, minimizes potential environmental impacts to the maximum extent practicable and provides the necessary balance between the protection of the environment and the need to accommodate social and economic considerations; and*

***WHEREAS**, on October 28, 2020, the Planning Board approved the Site Plan application for the Rapp Road Apartments project; and*

***WHEREAS**, the Appellate Division, Third Department upheld the Planning Board's SEQRA determination and the Site Plan Approval for the Rapp Road Apartments project; and*

***WHEREAS**, in an Amended Site Plan application dated June 17, 2022, UG Family, LLC (Applicant) proposes the following amendments to the Rapp Road Apartments:*

1. Relocating the two 5-story multiple residence buildings approximately 300 feet to the north and further away from the Westmere Terrace neighborhood and eliminating the possibility of developing the northern part of the parcel that was analyzed in the EIS for the future development of up to 90 residential apartment units and shown on the October 28, 2020 approved site plans.

2. Relocating two of the five 2-story multiple residence buildings to the south side of the project site, a minimum of 150 feet from the property line and Westmere Terrace neighborhood.

***WHEREAS, all approved on-site and off-site improvements in the site plan approval of the Rapp Road Apartments remain, including, but not limited to:***

1. Construction of a new cul-de-sac at the end of Westmere Terrace to be offered for dedication to the Town.
2. The realignment of Rapp Road, connecting to Crossgates Mall Road, to mitigate traffic traveling through the Rapp Road Historic District.
3. Multi-use trails and sidewalks connecting to Crossgates Mall and Western Avenue from the project site.
4. 20ft tall berm adjacent to Westmere Terrace, with 8ft fence and 8ft to 15ft tall trees on the berm to buffer the development from the Westmere Terrace neighborhood.
5. Additional plantings of 12ft to 15ft tall trees on the existing berm on the western portion of the property, adjacent to the Paden Circle neighborhood.
6. Conveyance of 8.4 acres of Full Protection Area lands in the Pine Bush Preserve to the Pine Bush Preserve Commission.

***WHEREAS, the Planning Board, conducted a public hearing on July 13, 2022 and August 10, 2022 on the proposed site plan amendment application; and***

***WHEREAS, the Planning Board, conducted a SEQR coordinated review for the proposed site plan amendment with the following agencies:***

- NYS Department of Environmental Conservation
- NYS Office of Parks Recreation and Historic Preservation
- City of Albany
- Albany County Department of Public Works
- Albany Pine Bush Preserve Commission
- US Fish and Wildlife Service

***WHEREAS, the Planning Board has considered comments received from these agencies and;***

***NOW THEREFORE, the Planning Board hereby finds:***

Upon review of the amended site plan application and EIS Findings Statement, the Planning Board identified potential visual and stormwater management impacts for additional review, and finds as follows:

- A. The proposed site plan amendment includes relocating the two 5-story buildings approximately 300' further to the north, and away from the Westmere Terrace neighborhood which will further minimize visual impacts.
- B. The line-of-sight profile dated May 28, 2022, also shows the visual impacts from both the prior site plan and amended site plan, and shows that, with the 20-foot-high berm, 8-foot-high fence, trees, and landscaping, that neither the 5-story buildings nor the 2-story buildings will be visible from Westmere Terrace.
- C. The Before and After Study dated June 29, 2022, along with narrative, provided on-the-ground perspective views of the project site from 4 vantage points: (1) Westmere Terrace; (2) Paden Circle; (3) Rapp Road at Gipp Road; and (4) Rapp Road at the southern end of the Rapp Road Historic District. The study concluded:
  - 1. Any view of the building from Westmere Terrace is less than what may have been viewable with the approved October 2020 Site Plan because the buildings are shifted approximately 300 feet further north, away from Westmere Terrace.
  - 2. Illustrates that the building mass will be directly screened by the berm, fence and trees along the west boundary.
  - 3. The 4.8 acre Designated Forever Wild area on the north end of the Project Site will be undisturbed, so will remain fully vegetated with mature trees as shown in the Before study. This 200' wide buffer will fully screen the new buildings from this vantage point, as shown in the After study.
  - 4. The 4.8 acre Designated Forever Wild area and the additional mature trees, houses and rise in topography along Rapp Road between the Historic District and the Project Site, create a solid barrier that fully shields any view from the Historic District. Thus, the Before and After studies are the same.
  - 5. Elimination of the potential construction of 90 additional apartment units examined in the EIS will reduce future traffic impacts.
- D. In a letter dated August 3, 2022, Delaware Engineering, PC, the Town-designated engineer, provided technical comments on the stormwater management plan that will be incorporated into the final design. The stormwater impacts will be further minimized considering the proposed site disturbance of the Apex @ Crossgates project is approximately ¼ acre less than the previously approved Rapp Road Residential project.
- E. In a letter dated August 3, 2022 GPI, the Town-designated engineer, provided technical comments on traffic and the design of the proposed relocated Westmere Terrace cul-de-sac. GPI concluded the new site configuration will generate no additional impact on the transportation system than the originally approved site plan. GPI also provided technical

comments on the design of the cul-de-sac that will be addressed and incorporated into the final design.

Based on this additional analysis, the Planning Board reaffirms the SEQR findings of July 28, 2020 for the Action and, based upon the information set forth in the findings, conditions, and mitigation measures detailed in the EIS document, finds that the amended site plan and changes to the project will not generate any new, previously undisclosed or unevaluated adverse environmental impacts.