

## Rapp Road Project/ Draft Scope

1 message

**Ginnie Zuspenn** <zuspenngmz@gmail.com>

Tue, Sep 17, 2019 at 11:28 AM

To: kovalchikk@togny.org

Dear Planning Board Members,

We are writing to comment on the draft scope summary for the Rapp Road Development Project.

Although we have had numerous neighborhood meetings with Mr. Soos, Mr Kovalchik and Mr Barber, we find it terribly troubling that Westmere Terrace has been omitted from the Traffic study.

John and I have owned a home on Westmere Terrace for 37 years. The addition of Crossgates Mall Road many years ago highly impacted our ability to enter or exit Westmere Terrace but, Metro 20 Diner graciously allowed us to pass through their back parking lot to get out. Now, after reviewing this and future plans, we are again in the unfortunate position to be SEVERLY impacted! A project this size, along with future development plans will paralyze Westmere Terrace's ability to get in or out of the street! Let us also note that the new Capital Diner has totally closed off any and all ways for us to pass through.

With the addition of at least 400 more cars, Westmere Terrace and the Crossgates Mall Road/Johnston Road/ Rt 20 intersection should be one of the TOP priorities of an impact/ traffic study! Please also keep in mind that Westmere School generates school buses at that intersection.

The impact on our 30 home street, at BOTH ends, is more intense than anyone should have to face. We can't believe that THIS is what the TOD was designed for!

While we prefer for this Rapp Road project to not be built, below please find the agreement made by Pyramid and witnessed by Ken Kovalchik and Peter Barber to the Westmere Terrace residents.

- 1) Pyramid shall demolish the house now at 28 Westmere Terrace and put in that location a new, up to town code, 80 foot radius cul de sac and connect it to the end of the Westmere Terrace Road, to replace the existing cul de sac. There shall be no street lighting on the new cul de sac.
- 2) Pyramid shall dedicate the new cul de sac to the Town of Guilderland in a Deed of Dedication in recordable form which shall be recorded at the Albany County Clerk's Office.
- 3) Pyramid shall build a 20 foot berm (as measured from the Westmere Terrace side) in the location of the old cul de sac, which shall run east to west along the length of the property line between the boundary of 30 and 31 Westmere Terrace to the south and Pyramid lands to the north. This berm shall be built in its entirety prior to the start of any new construction on the adjacent Pyramid lands.
- 4) Pyramid shall plant a double row of 10-15 foot high pine trees along the side of the berm facing the Westmere Terrace residents' border sufficient to act as a sight barrier from the adjacent Pyramid property, and shall maintain the berm and the pine trees to the satisfaction of the residents of Westmere Terrace, and any dead or fallen trees shall be immediately replaced.
- 5) Between 26 Westmere Terrace and the new cul de sac, Pyramid shall plant two rows of 8-10 foot pine trees, at the resident's discretion, a 6 foot high vinyl fence and other vegetation, as a lighting barrier and decorative border sufficient to screen the visibility of light and noise from vehicles in the new cul de sac from the resident's property at 26 Westmere Terrace.
- 6) Pyramid shall install a 6 foot high vinyl fence along the continuity of its property border with the residents of Westmere Terrace, including on the top of the new berm on the north, Pyramid shall maintain this fence in good repair.
- 7) To effect any provision herein, Pyramid shall not eliminate any existing mature trees without the Westmere Terrace residents' approval.
- 8) Hours of construction for the apartment and town house project on the Pyramid land shall be no longer than from 7:00 am to 5:00pm Monday through Friday and 9:00am to 4:00pm on Saturday, with no construction activities on Sundays or Holidays.
- 9) The lighting of the new parking lot adjacent to the Westmere Terrace properties shall be no higher than 12 foot poles, with no more than one-half candle strength, with glare shields on the front and back of all lights directing the light downwards to avoid and "halo" affect in the night sky visible above the berm. The lights shall have a feature that goes to dim if no one is walking around. Bulbs that use "yellow spectrum light" shall be used to further minimize any damage(no white /blue LED lighting will be used)
- 10) Trash pick-up from any dumpsters located on or near the boundary of the Westmere Terrace residents' property shall be no earlier than 9:00am

11) Pyramid shall install no electrical signs on or near the apartment building nearest to Westmere Terrace

12) Pyramid shall install no " rooftop terraces" on the roofs of the proposed apartment buildings

13) Pyramid shall allow no tent sales, parties, concerts, or other public events in the parking lots of the proposed apartment buildings or townhouses

14) In no event shall Pyramid Corporation or its successors-in-title, affiliates, assigns, subsidiaries, and/or agents attempt to connect its property to Westmere Terrace via a road, path, highway, trail, or other means of connection as an alternate way for them or their tenants, occupants, lessees, clients or visitors to access Western Avenue. Pyramid shall not request the town to alter the new cul de sac in the future, and Westmere Terrace shall remain a dead in street.

15) The above covenants shall inure to the benefit of all current and future owners of the parcels of land on Westmere Terrace , and shall run with the land and bind all successors-in-title, affiliates, assigns, subsidiaries, and/or agents Pyramid{the Declarant} This Declaration of Covenants and Restrictions shall be signed by the duly authorized representative of Pyramid Corporation, and recorded in the land records of the Albany County Clerk's Office.

We are DEPENDING on YOU our town officials to protect the integrity of our long established neighborhoods.

Thank you for your time

John and Ginnie Zuspahn  
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