

Dear Town Planner Kenneth Kovalchik:

In this letter, I am limiting my scope of my comments to one primary sections of the Draft Environmental Impact Statement which I believe are deficient and must be improved prior to approval of the Final Environmental Impact Statement. From the Final EIS Scoping Document:

“6.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

This section of the DEIS will identify those natural and man-made resources consumed, converted, or otherwise made unavailable for future use as a consequence of the proposed action. The construction of the proposed action will require the commitment of land, materials, and infrastructure and services. The DEIS will discuss the commitment of these resources.”

The **draft environmental impact statement as written does not consider ALL historical impacts to the Albany Pine Bush** and how the cumulative development and land use changes has threatened to the survival of the Pine Bush – Scrub Oak ecosystem.

Section 6 contains only this brief text about the land to be developed:

“The Project will involve conversion of land to a new use which will commit the land to the new use for the foreseeable future. Approximately 10+/-_ acres of existing vegetation on Site 1 will be removed, however, significant amount of landscaping will remain and will be added associated with the development. A small amount of existing vegetation at Sites 2 and 3 will be removed.”

What it does not contain, and I believe it should contain pursuant to the Final Scoping Document is an analysis of Cumulative Impacts of development to the Albany Pine Bush ecosystem - by the Pyramid Corporation, the City of Albany, the Thruway Authority, NYS Department of Public Works (prior to 1970) and the NYS Department of Transportation. **While we can't easily undo the poor choices of generations previous, we can insist no net development of remaining acreage of Pine Bush.**

While developing or re-developing 43 acres may seem insignificant, it can not be taken out of context of the nearly 2,500 acres of Pitch Pine Scrub Oak destroyed for a foreseeable future by the:

- New York State Thruway, 700 acres, (1953-1954) ,
- Adirondack Northway, 200 acres (1957-1958),
- University at Albany, 380 acres (1964-1966),
- Rapp Road Landfill, 120 acres (1969-present),
- Washington Avenue Extension and neighboring businesses, 480 acres (1969-2015),
- Northside Expressway aka Interstate 90, 250 acres (1968-1970),
- Crossgates Mall, 61 acres (1979),
- Crossgates Mall Expansion 46 acres (1995),
- Crossgates Commons, 60 acres (1995-1997), and
- SUNY Nano Technology and Commons Apartments, 100 acres (1995-2015).

These land uses are unlikely to be restored to Albany Pine Bush in the coming decade, so we must protect and restore lands that are more likely to be future restored Pine Bush.

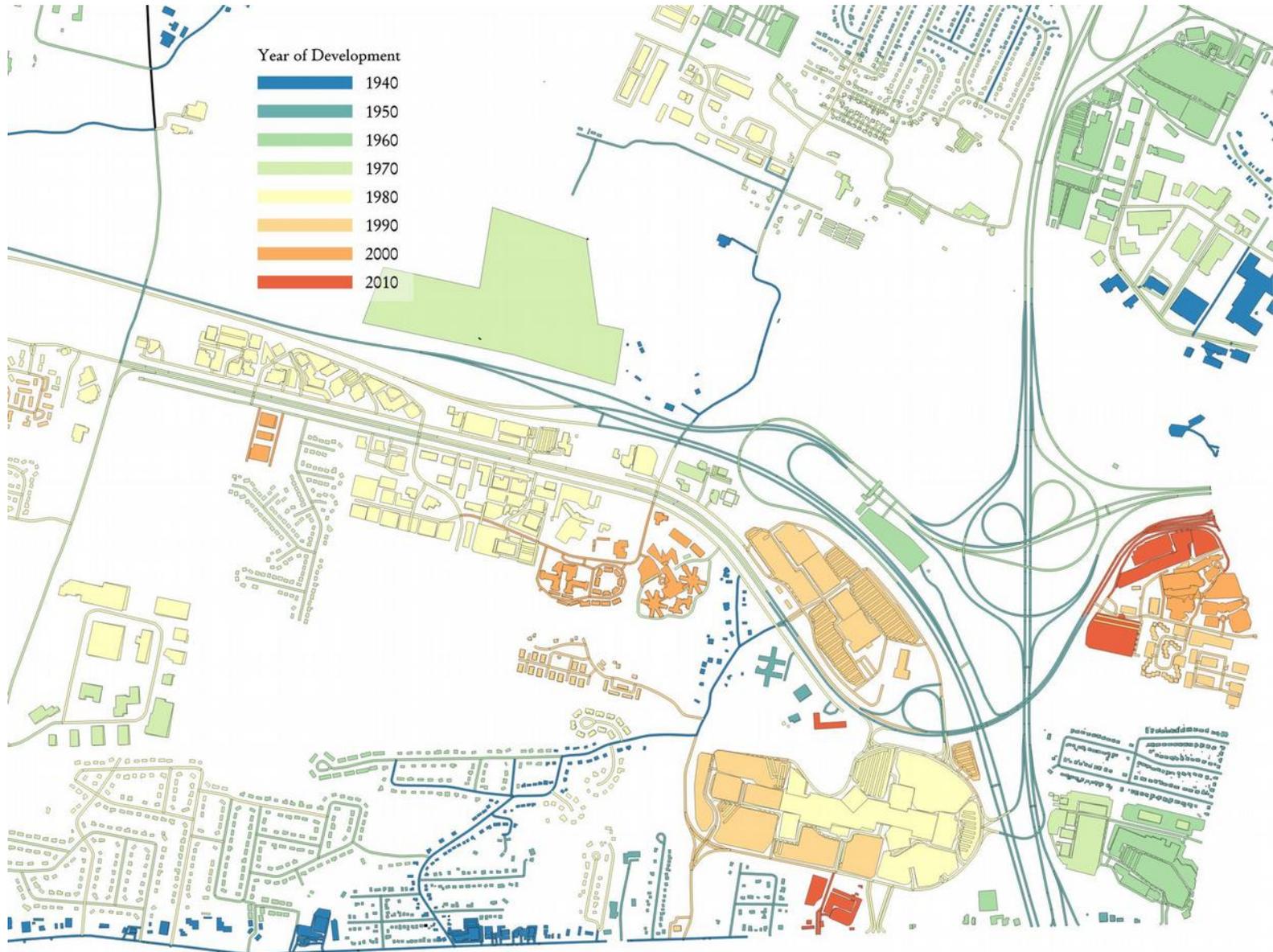
While I expect the town will require a more significant review of historical land use in the area, and how it has impacted the survival of the many species in Pitch Pine-Scrub Oak ecosystem, the following pages contain images and data that demonstrate the dramatic changes in land use in Pine Bush area.

Thank you for consideration of my comments.

Sincerely,

Andy Arthur
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andy@andyarthur.org



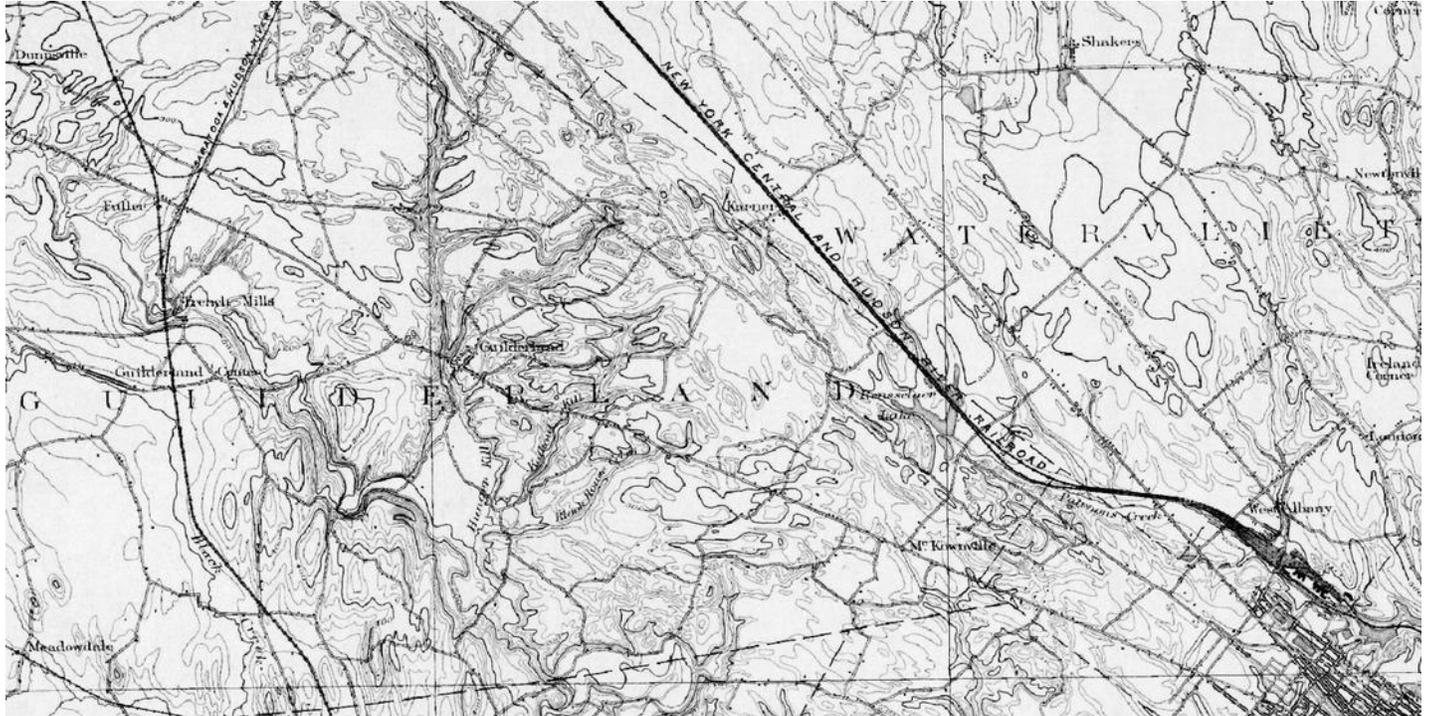
Development of the Albany Pine Bush by Decade – The Pine Bush has been developed in a piecemeal fashion over the past 60 years. While no single development in recent years has led to a significant loss in acreage, the cumulative effects of development on Pine Bush are significant.



Most of the land that is undeveloped or lightly developed remains on the edge of the preserve. While not the largest unpreserved parcel, Site 1 and Site 2 could add 47 acres to preserve and build on the Butterfly Hill corridor – and is the only significant parcel remaining undeveloped in the south-east corner of the preserve.

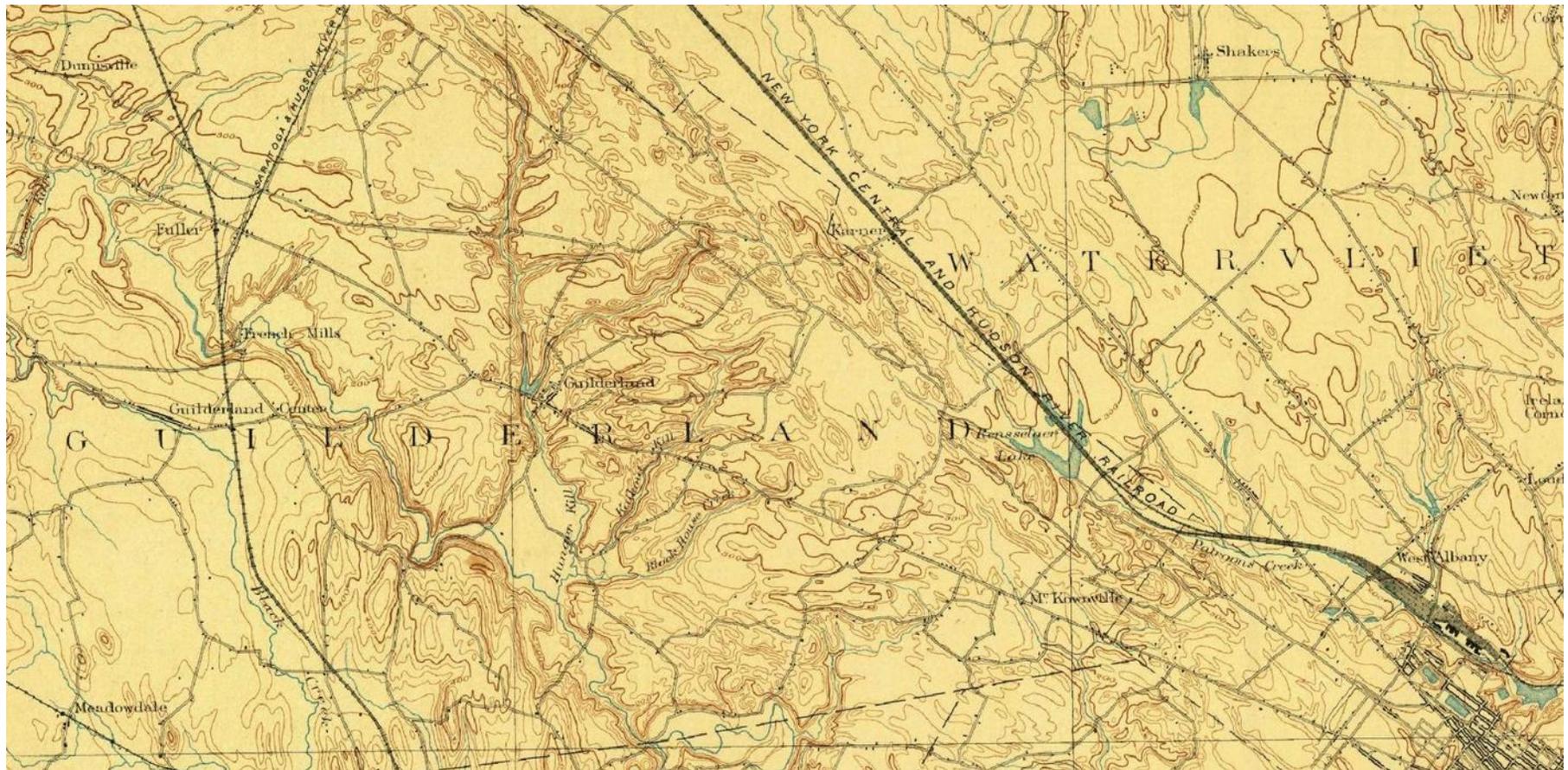
120 years ago in 1897, maps show that most of the area within the Albany Pine Bush was undeveloped except for largely dirt roads, and the New York Central rail line that crossed Rensselaer Lake. Much of the land was Pine Bush – Scrub Oak barrens, home to many endangered species including the Karner Blue butterfly. Much of this land was subject to wild fires, which burned unchecked, providing rejuvenation to the local unique ecosystem.

1897 USGS Topographic Map - Pine Bush mostly open space

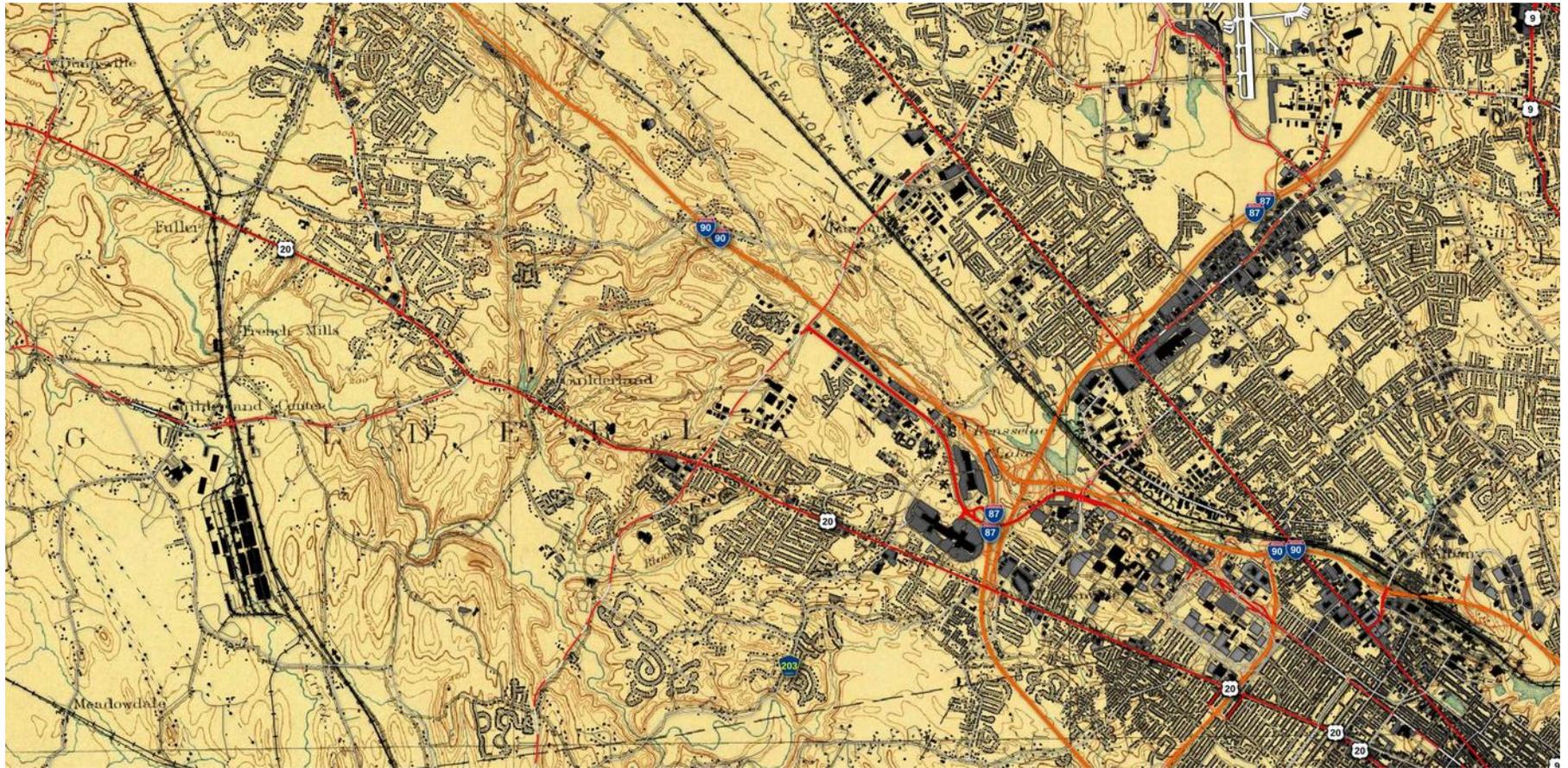


2017 USGS Digital Topographic Map - Pine Bush heavily developed





A visitor to the Albany Pine Bush in 1893 would have found mostly open land, dominated by Pitch Pine and Scrub Oak, as this USGS 1893 topographic map shows.



This map shows the same underlying map as the 1893 USGS topographic map shown on the previous page, with the addition of modern day highways, buildings, and streets. A significant portion of the once-open Pine Bush has been fragmented and developed.

70 years ago in 1952, while sprawl was creeping closer, much of the eastern Albany Pine Bush was undeveloped.



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Even as late as fifty years ago in 1973, Washington Avenue Extension was largely undeveloped Pitch Pine ecosystem.



Currently, 3,221 acres of Albany Pine Bush are part of Albany Pine Bush Preserve, with an additional 96 acres subject to management agreements with the Commission, meaning that 25.5 percent is preserved. Pyramid Corporation and associated businesses have an agreement of 16 acres on Blueberry Hill and neighbor surrounding lands for management by the Albany Pine Bush Commission. *Notice the extensive development of other lands across the study area.*



Currently the leading use of land owned by Pyramid Corporation and affiliated businesses is for 116 acres of parking (44.5 percent). Even with stormwater management, run-off from salty brine, oil and gasoline is an significant pollution problem. The Pyramid Corporation also owns 77.5 acres of forested land (29.8 percent) that could easily be restored to Albany Pine Bush.

Pyramid Corporation Land Use	Acres	Percent
Water	5.3	2.0%
Residential	8.2	3.1%
Open Space	12.0	4.6%
Commercial	41.4	15.9%
Forested	77.5	29.8%
Parking	115.8	44.5%
Total	260.1	100.0%

The Pyramid Corporation (and other partners who have lease or other management agreements) operate under 18 different corporate names.

Pyramid Corporation Land Owner	Acres	Percent
December Hill Associates	0.2	0.1%
Best Homes Of Westmere L.L.C.	0.5	0.2%
Best Homes Of Guilderland L.L.C. - Guilderland 2	0.5	0.2%
O ICE L.L.C.	0.5	0.2%
Vandy Assoc L.L.C.	0.6	0.2%
Washington Commons Newco L.L.C.	0.7	0.3%
Stewarts Newco L.L.C.	0.7	0.3%
Crossgates Mall Devco L.L.C.	0.8	0.3%
Mountain Ridge Associates	1.6	0.6%
Ogitap L.L.C.	2.4	0.9%
EICE NY L.L.C.	3.0	1.1%
Hotel Devco L.L.C.	3.9	1.5%
Brooks Realty Partners L.L.C.	6.5	2.5%
Pcc Newco L.L.C.	11.5	4.4%
Crossgates Mall Company L.P. (Macy's Real Estate)	11.9	4.6%
Pyramid Crossgates Co	18.1	7.0%
Wal-mart Stores East L.P.	18.8	7.2%
Washington Commons	36.1	13.9%
Crossgates Releaseco L.L.C.	47.5	18.3%
Crossgates Mall General	94.4	36.3%
Total	260.1	100.0%

The currently preserved lands of the Albany Pine Bush, representing 25.5 percent of Albany Pine Bush Study Area are owned by:

Ownership	Acres	Percent of Study Area
Albany Pine Bush Commission *	5.0	0.0%
Mohawk-Hudson Land Conservancy	46.5	0.4%
<i>Management Agreements – Pyramid Corporation and Forbes Rifle Club</i>	96.2	0.7%
Town of Colonie	165.2	1.3%
Town of Guilderland	231.3	1.8%
N.Y.S. Office of Parks, Recreation and Historic Preservation	253.7	2.0%
The Nature Conservancy	520.6	4.0%
City of Albany	543.5	4.2%
N.Y.S. Department of Environmental Conservation	1,455.4	11.2%
Preserved or Managed for Pine Bush Lands	3,317.3	25.5%

* Albany Pine Bush Commission's charter was changed in 2019 to allow it to take title of lands for preservation purposes.

The amount of development in the Albany Pine Bush has been enormous in the past 75 years. The remaining portion of undeveloped, largely wild land is a fraction of what it was even a generation ago. The most aggressive development occurred in the 1960s and 1970s, but has continued to this day.

1952 Rapp Road Neighborhood – Sand dunes, pitch pine, open land dominates the area



1973 Rapp Road Neighborhood – Northway and Thruway, Washington Avenue dominate area



The Crossgates Mall and surrounding areas were largely undeveloped until the 1980s and 1990s. Protecting the remaining area around the Mall and the South-Eastern Pine Bush are critical for the long-term sustainability of the Pitch-Pine Scrub Oak Ecosystem.

1952 Crossgates Mall Site – *Notice extensive wetlands, Pitch Pine and other conditions on site.*



1973 Crossgates Mall Site - *While by 1973 the area was more grown up after a generation of fire suppression and pigs roaming the Pitch Pine and feasting on acorns from the scrub oak, much of area was still wild.*



1985 Crossgates Mall Site - A large portion of site replaced by asphalt and commercial buildings.



2017 Crossgates Mall Site – Further intrusion of development into wild lands that contained Pitch Pine - Scrub Oak habitat only a generation earlier.



Some further thoughts on the Draft EIS...

A review of historical aerial photos does show the Site 1 was at one point a farm, however that ignores all other development that has occurred in the area since the time of the farm – and the impacts of the surrounding, largely undeveloped land. A farm is a light intensity use of the land. Farmers, by definition of their line of business are large landowners, they need significant acreage to grow crops, shelter and feed animals.

Due to the poor nutrient conditions of the Colonie fine sand that dominates the Pine Bush ecosystem, few crops were grown on this land, **instead relying on pigs to grazed in between Pitch Pine and Scrub Oak**, as was reported by longtime Albany Historian John Wolcott on a recent interview I conducted on February 25, 2020. Mr. Wolcott remembers first hand seeing the pigs along the Thruway when it first opened, in between the Pitch Pine and scrub oak. He also has negatives of photos he took of the farm in summer 1972 which I have reviewed.

It should be emphasized that the area that once was Crossgates Mall was farmed for pigs and other livestock, but the area south of Rapp Road **was not heavily developed for field cultivation by tractors and other farming equipment**. The fact alone means the *site is fully restorable after organic matter is removed or burned*.

As you can see from these aerial photos on the previous page, taken 65 years apart there have been several changes.

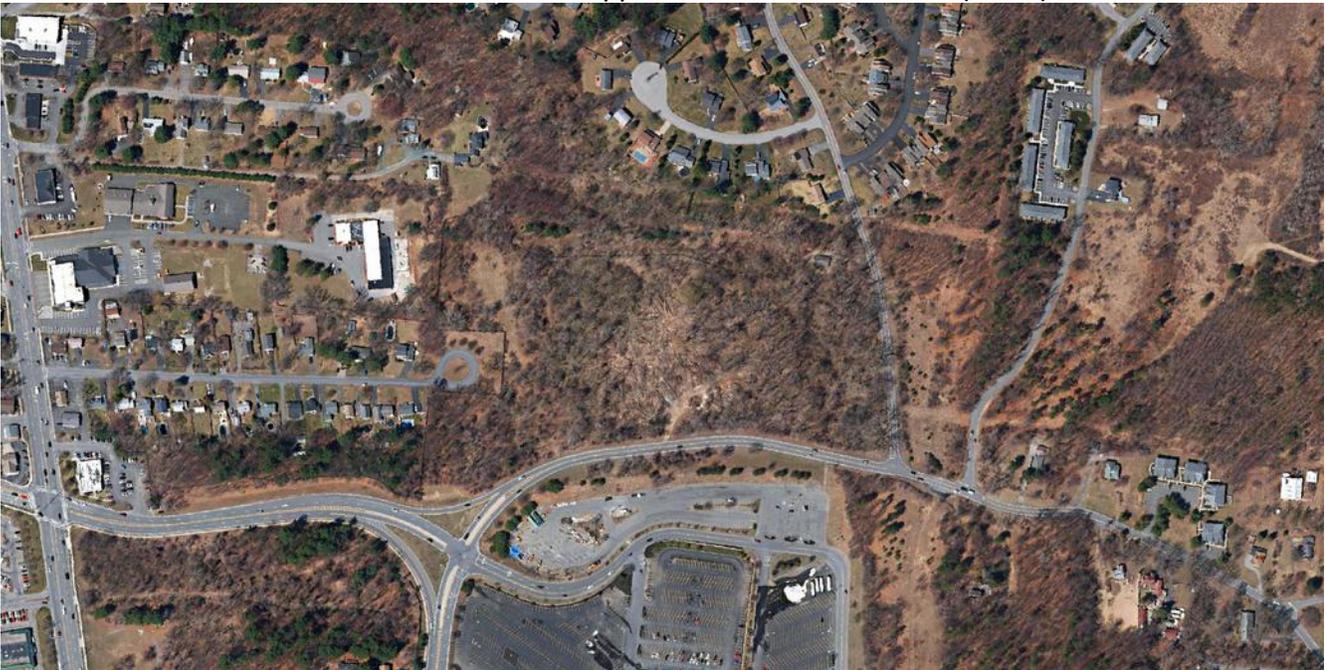
- Farmed area has largely reverted to mature forest
- Significant development, including paved parking areas for Crossgates Mall which spans over 70 acres of parking and 35 acres of developed structure
- Widening, paving, and re-routing of the once-sand Rapp Road, making it impassible for endangered and threatened species including the Karner Blue Butterfly and Hog Nose snake.

While it is true that organic matter – composted food waste, feed, and manure heavily have covered the land around the old farm house on site 1, the analysis of the soil finds Colonie fine sand within 1 – 2 feet below the ground cover. The land, which has never been developed beyond allowing livestock on it, is restorable to Albany Pine Bush with burning of the land and removal of the top soil to restore the original Colonie fine sand the exists below.

1952 Aerial of Rapp Road Farm (Site 1)



2017 Aerial of Rapp Road Farm - Abandoned (Site 1)



When reviewing these photos, **one should note the extensive number of Pitch Pine trees around the farm, and the Pitch-Pine Scrub ecosystem that existed in the area, even as pigs were fattened on acorns from the scrub oaks (among other sources of feed such as hay and corn raised at other sites and source-separated organic food waste brought in from urban sources).**

Public Hearing Comments – May 13, 2020

Hi, my name is Andy Arthur and I live at 15A Elm Avenue, Delmar, NY. I recreate and do nature study in the Pine Bush. I enjoy photography, bird watching and other outdoor pursuits.

Section 6 of DEIS says,

*“6.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES
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My primary concern with the DEIS is how little thought is given to the cumulative impact of development of the Albany Pine Bush ecosystem. 46 acres is not a lot of land to develop, until you look at the context of historical development.

Over the past 60 years, more than 2,500 acres of Pine Bush have been developed. These 2,500 acres of highways, buildings, parking lots, and other facilities have disrupted animal corridors, lead to increase conflict between humans and animals, and forced endangered species including the Karner Blue Butterfly to the brink of extinction.

Some of the major developments that should be considered in the context of Environmental review, include:

- New York State Thruway, 700 acre
- Adirondack Northway, 200 acre
- University at Albany, 380 acre
- Rapp Road Landfill, 120 acres
- Washington Avenue Extension and neighboring businesses, 480 acres
- Northside Route aka Interstate 90, 250 acres
- Crossgates Mall, 61 acres
- Crossgates Mall Expansion 46 acres

- Crossgates Commons, 60 acres, and
- SUNY Nano Technology and Commons Apartments, 100 acres

The Karner Bluebutterfly and many other animals in the Pine Bush don't really need or want to baby sit by man. Yes, we can restore old habitats – heck the Pine Bush Commission has restored both a trailer park and semi-truck parking lot – but what it really needs and wants is space.

We need more Pine Bush. For these natural species. For more recreation – a thing in high demand these days with Coronavirus. Nobody is going to Crossgates Mall anymore these days – but the Albany Pine Bush is packed most nice days.

We need more space for social distancing. For a healthy environment.

So we can burn it! The Pine Bush needs fire, and we need to burn Butterfly Hill and all surrounding wild lands. It becomes a lot harder to burn it, if you build all up around it, especially with wooden structures. People don't like the smoke from controlled burns, and they really get grumpy if their vinyl siding melts.

I have old aerial photos of the Pine Bush dating back to the 1952 (please see 1952 Pine Bush.pdf and 1890 Albany Topographic Map.pdf). I will be submitting this for the record. I believe the developers must consider all impacts – both present and historical – in fulfilling the requirement for analyzing IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES.

Thank you for consideration of my comments.

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Henry Gannett, Chief Geographer.
H.M. Wilson, Geographer in charge.
Tranflation by N.Y. State Survey and by
U.S. Coast and Geodetic Survey.
Topography by Frank Sutton.
Surveyed in 1891.

Scale 62,500
Contour Interval 20 feet
Datum is mean Sea level

Edition of Jan. 1893

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Albany NY

USGS
Historical
Topographic D