



Save the Pine Bush, Inc.

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September 17, 2019

Town of Guilderland Planning Board
Western Avenue
Guilderland, NY 12084

Regarding: Draft Scope for the Proposed "Crossgates Rapp Road Residential Development"

Sent via email and hand delivered

Dear Town of Guilderland Planning Board,

The Pine Bush is a very significant resource in New York State. This must be kept in mind by the Town of Guilderland Planning Board as it decides what issues it will require Pyramid to address in the Draft Environmental Impact Statement for the proposed Crossgates Rapp Road Residential Development.

It is important to remember how the Albany Pine Bush Preserve Commission's Management Plan describes the Pine Bush:

The Albany Pine Bush is a National Natural Landmark (Federal Register 78, No.161 51207, 2013) located between the cities of Albany and Schenectady, New York on one of the most extensive inland areas of sand dunes in eastern North America. It contains the best remaining example of a globally-rare inland pitch pine-scrub oak barrens; a locally distinct ecological community characterized by a sparsely treed grassy shrubland that is adapted to dry conditions and frequent wildland fires. The Albany Pine Bush supports the Karner blue butterfly, a state and federally listed endangered species, 74 other animals listed as Species of Greatest Conservation Need in New York State and two rare plants. The area also includes other natural communities, such as oak and pine forests, a diversity of wetlands, and several successional communities that have resulted from historic land use and fire exclusion. In addition to these ecological features the Albany Pine Bush Preserve contains more than 20 miles of recreational trails and the Discovery Center, the only educational facility dedicated to interpreting the history and management of inland pitch pine-scrub oak barrens.

Wikipedia describes the Pine Bush as:

one of the largest of the 20 inland pine barrens in the world.

The Pine Bush is a special place. We often criticize people in far-away parts of the world for not protecting their elephants, tigers, orangutans and other endangered species. However, the Town of Guilderland has its own unique ecosystem with endangered, threatened, and species of special concern. The Town of Guilderland has an obligation to protect the Pine Bush ecosystem located within its boundaries.

General Comments:

Area - The Planning Board has required the DEIS is to address the area outlined on the “Site Plan” found in Part 3 of the Environmental Assessment Form. This site consists of the approximately 20 acres on Rapp Road, and two additional sites on Western Avenue, identified as “Site 2” (15 acres) and “Site 3” (11.34 acres) for a total of approximately 46 acres. However, Pyramid owns much more land than is included here (please see attached maps). Pyramid owns approximately 77.5 acres of forested land and approximately 12 acres of open space for a total of approximately 97.5 acres in the area between Western Avenue and Washington Avenue (see attached chart). Butterfly Hill and the National Grid ROW are approximately 16.1 acres. Subtract Butterfly Hill and the power line ROW, and Pyramid could build on approximately 81.4 acres of land it owns.

The DEIS should cover all of the land owned by Pyramid, not just the three parcels outlined in the Site Plan. To do otherwise is segmentation.

Reconsider Lead Agency Status - This project, if built, will impact not only Guilderland residents, but Albany residents too. Pyramid owns land in this area (see attached maps) in both municipalities. In addition, the Guilderland Planning Board is asking for reviews of traffic impacts on intersections located in the City of Albany. Of course, reviews of these intersections is essential and should be conducted. However, the Town of Guilderland Planning Board should not be the lead agency on this project, as it has no control over mitigation in another municipality. The lead agency should be an agency with jurisdiction in both municipalities, such as the NYS Department of Environmental Conservation.

Comments by Section:

Section 1.0: The Executive Summary should include the total acres to be developed, the number of acres to be paved, the number of indoor/out parking spaces to be built, and the total number of acres of impervious surfaces to be constructed.

Section 2.3 - Identify all parcels with NYS Department of Environmental Conservation permits, including SPDES permits. The permits should include, but not limited to, any permits given to Pyramid for salt runoff in parking lots and other permits regarding discharge of pollutants. Copies of all permits should be included in an appendix.

Identify all parcels that have management agreements with the Albany Pine Bush Preserve Commission. Copies of all management agreements should be included in an appendix.

Include a full copy of the Karner Blue Hill Preserve NYSDEC Permit #4-0130-00007/0002, issued December 10, 1996. Include all copies of this permit, from at least 1996 to the present.

Section 2.6 - List whether or not a “take” permit is needed for the endangered Karner Blue butterfly. If no permit is required, include an explanation of why not.

Section 3.2 - The site is located over a principal aquifer. The DEIS needs to address how the aquifer will be impacted.

Section 3.3 - The site probably contains a portion of Pitch Pine-Scrub Oak Barrens. Surveys should be completed on the ecological communities on the land, and how the development will impact these communities.

The DEIS needs to address the impact of developing this parcel on the ability of the Albany Pine Bush Preserve Commission to manage the remaining Pine Bush ecosystem and Pine Bush Preserve.

Section 3.3 - The site probably contains Karner Blue Butterfly and frosted elfin. The DEIS needs to address the impact of developing this parcel on the ability of the Albany Pine Bush Preserve Commission to manage the nearby Karner Blue Butterfly habitat and the frosted elfin habitat.

Section 3.3 -The site probably contains several NYS rare species or species listed as special concern including, but not limited to the eastern hognose snake, worm snake, eastern spadefoot, fowlers toad, eastern whip-poor-will, Cooper’s hawk, sharp-shinned hawk, inland barrens buckmoth, and mottled duskywing skipper. The impact of building this project these species needs to be addressed.

Section 3.3 - Impacts on the Pine Bush preserve of planting non-Pine Bush native species on the project site need to be addressed.

Section 3.3 - The northern part of the building site will infringe on the Butterfly Corridor. The Karner Blue is a Federally and New York State endangered species; the DEIS should closely examine any impacts on this endangered species. Because of the close proximity of the Butterfly Corridor, the DEIS must pay special attention to impacts of the project on this important area.

Issues that should be examined should include, but not be limited to, the following: impact of loss of habitat, impact of construction on the site, analysis of whether the project will shade the site and the impact such shading may have, impact of noise, impact of pollution, impact of being close to a residential development, impact of pesticides used on the project site, etc. It is possible that this proposed development is the most dense residential development near a site of the endangered Karner Blue. How will such close proximity to a residential development affect Butterfly Hill and the Butterfly corridor?

In addition, the Nature Conservancy owns a small section of the land at south-west corner

at Gipp and Rapp Road. The impact of this proposed development on land owned by TNC should be included in the DEIS.

Section 3.4 - The site is within a NYS Heritage Areas, the Mohawk Valley Heritage Corridor. The Scope should include how the project may impact the Mohawk Valley Heritage Corridor. The Scope should include why or why not the project fits in with the goals of the NYS Heritage Areas, the Mohawk Valley Heritage Corridor.

Section 3.4 - The site is substantially contiguous to a designated National Natural Landmark. The Scope should include how the project may impact the status of the Pine Bush's designation of a National Natural Landmark. The Scope should include why or why not the project fits in with the goals of the National Natural Landmark.

Section 3.4 - A State Historic Preservation Office Section 14.09 review is required for this project. This review should be required in the DEIS.

Section 3.5 - The traffic analysis must include the impacts of the increased traffic on the endangered species, species of special concern, threatened species and all other species living in the area, including the street intersections included on page 8 of the Draft Scope document from Town of Guilderland Planning Board. Increased traffic impacts the movement of species, and this must be addressed in the DEIS.

In addition, the impacts of increased traffic on the ability of the Albany Pine Bush Preserve Commission to properly conduct controlled burns needs to be addressed. As the Town of Guilderland Planning Board has listed a number of intersections in the City of Albany for the traffic study, these roads should be included in the impacts of fire management.

Section 3.7 - The impact this project may have on the character of the Rapp Road Historical community is particularly important. How will the increased traffic impact this small, tight-knit community? Will the project be visible from the Rapp Road Historical community? A visual analysis should be included in the DEIS.

Section 4.0 - Unavoidable impacts should include a list of how many animal and plant species and the number of each species that will be impacted. Where will these species go? Will they be killed during construction or die afterwards from lack of food?

Section 5.0 - The Planning Board should ask Pyramid to include the following alternatives in its analysis: 1) to place the apartment proposal in one of the large, vacant stores in the mall; 2) to place the apartment proposal on unused sections of the mall parking lot and 3) a combination of both.

The earth is in the midst of a climate crisis and an extinction of species crisis. The United Nations has stated that we have 12 years to limit the climate change catastrophe. We are at a moment which is unprecedented in history because of the rapidity of temperature change and the dramatic decline of species. Some people might say, well, its *only* 20 acres to be paved — how could that impact the climate crisis or extinction apocalypse? However,

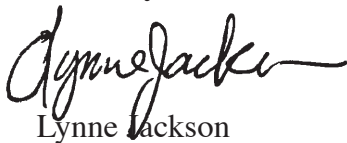
that is why the Pine Bush is less than 10% of its original size — many, many parcels of land destroyed over many decades. Just like what is being proposed now.

Pyramid could try something innovative — re-purposing part of its mall or some of its parking lot to residential units. The TOD was passed to increase density — what better way to do that but to build on land that has already been destroyed and re-purpose it?

Pyramid has stated that because the retail business is not as robust as it used to be, it wants to branch out into other businesses. What better way to do this than add apartments to its unused spaces in the mall and the parking lot?

Section 7.0 - Adding over 200 parking spots in a Transit Oriented District would induce growth. A true Transit Oriented District should encourage people to use cars less or not at all. The DEIS should address the issue of how the project will or will not encourage growth in traffic. The DEIS should address how the developer plans to encourage residents to use other forms of transit besides automobiles.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynne Jackson', with a stylized, flowing script.

Lynne Jackson

Volunteer

On behalf of members of Save the Pine Bush

Attachments:

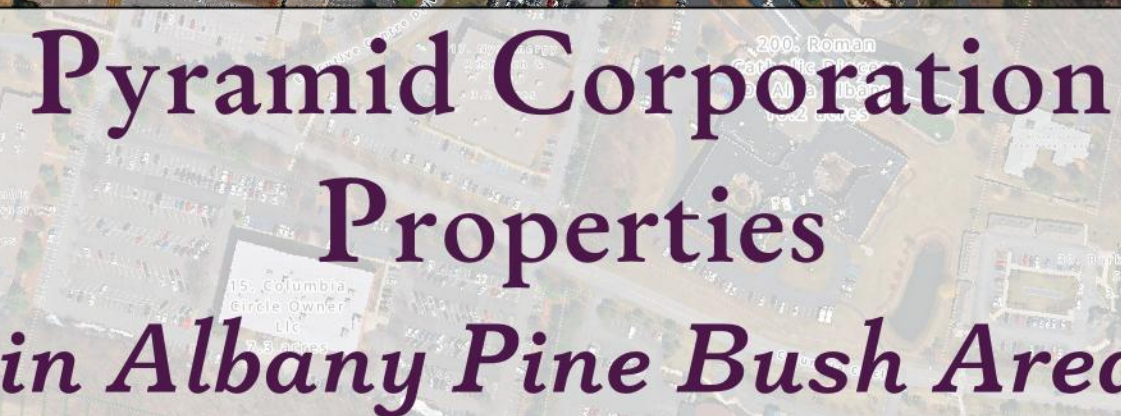
Map - Pyramid Properties Land Use Map, dated September 15, 2019

Map - Pyramid Corporation Properties in Albany Pine Bush Area, dated September 15, 2019

Chart - Pyramid Properties Land Use Map — Analysis of Land Use by Acre - Save the Pine Bush, September 15, 2019

Pyramid Properties Land Use Map — Analysis of Land Use by Acre
Save the Pine Bush, September 15, 2019

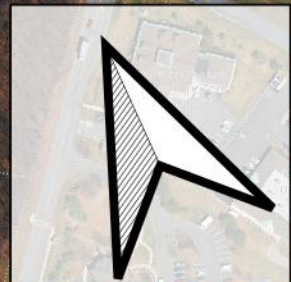
Land Use	Acres	Percent
Commercial	41.4	15.9%
Forested	77.5	29.8%
Open Space	12.0	4.6%
Parking	115.8	44.5%
Residential	8.2	3.1%
Water	5.3	2.0%
Total	260.1	100.0%
Owner	Acres	Percent
Best Homes Of Guilderland Llc Guilderland 2	0.5	0.2%
Best Homes Of Westmere Llc	0.5	0.2%
Brooks Realty Partners Llc	6.5	2.5%
Crossgates Mall Company Lp / Macy's Real Estate	11.9	4.6%
Crossgates Mall Devco Llc	0.8	0.3%
Crossgates Mall General	94.4	36.3%
Crossgates Releaseco Llc	47.5	18.3%
December Hill Associates	0.2	0.1%
Eice Ny Llc	3.0	1.1%
Hotel Devco Llc	3.9	1.5%
Mountain Ridge Associates	1.6	0.6%
O Ice Llc	0.5	0.2%
Ogitap Llc	2.4	0.9%
Pcc Newco Llc	11.5	4.4%
Pyramid Crossgates Co	18.1	7.0%
Stewarts Newco Llc	0.7	0.3%
Vandy Assoc Llc	0.6	0.2%
Wal-mart Stores East Lp	18.8	7.2%
Washington Commons	36.1	13.9%
Washington Commons Newco Llc	0.7	0.3%
Total	260.1	100.0%

An aerial photograph of a large residential development. The central feature is a large, multi-story building with a prominent pyramid-shaped roof. Surrounding this central building are numerous other residential structures, including smaller houses and apartment buildings. The area is densely packed with buildings and greenery. The text 'Pyramid Corporation Properties' is overlaid in a large, dark serif font, and 'in Albany Pine Bush Area' is overlaid in a smaller, italicized serif font below it.

Pyramid Corporation Properties

in Albany Pine Bush Area

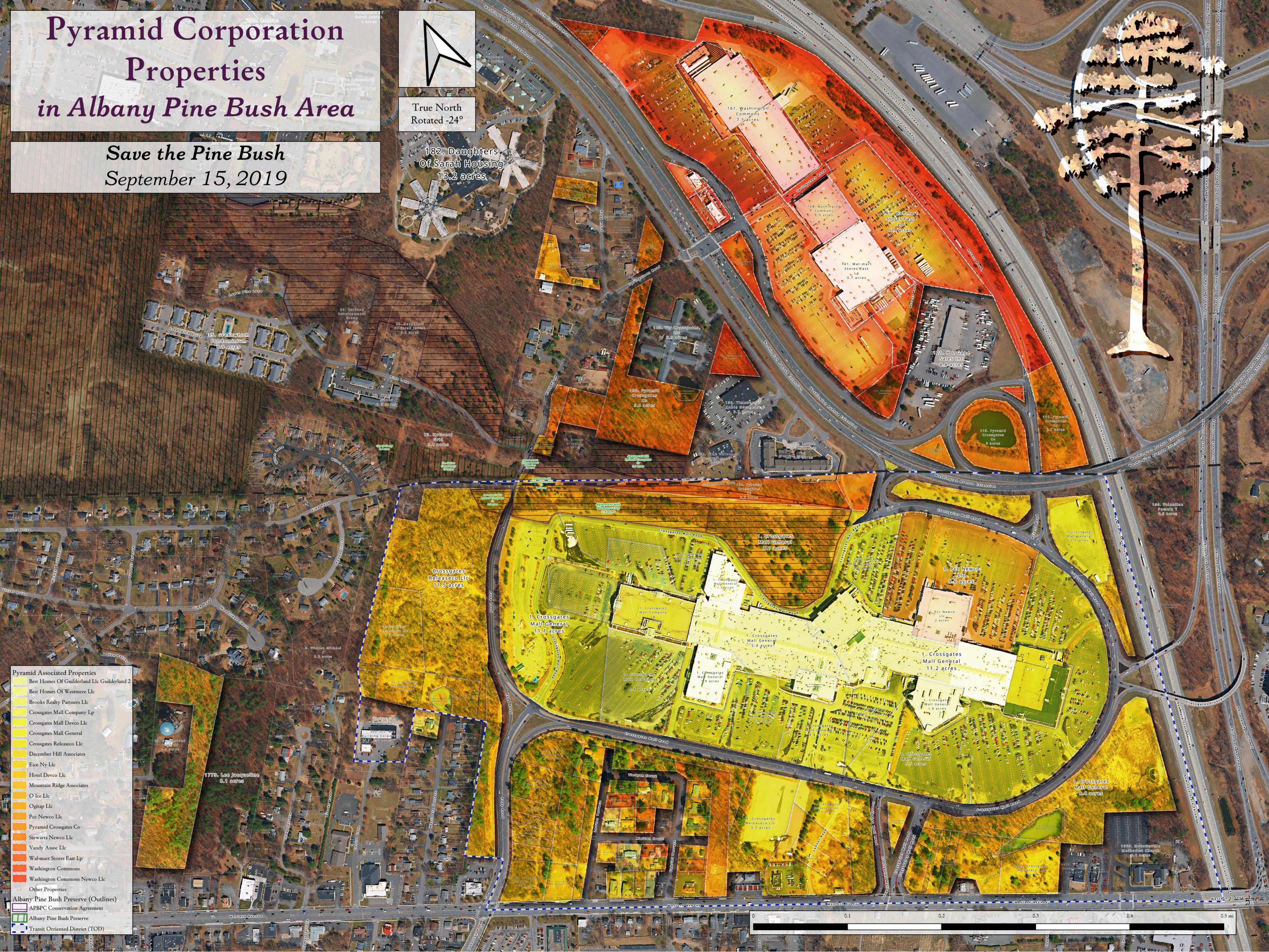
Save the Pine Bush
September 15, 2019



True North
Rotated -24°



182. Daughters
Of Sarah Housing
13.2 acres



-
- Pyramid Associated Properties**
- Best Homes Of Guilderland Llc: Guilderland 2
 - Best Homes Of Westmere Llc
 - Brooks Realty Partners Llc
 - Crossgates Mall Company Lp
 - Crossgates Mall Devo Llc
 - Crossgates Mall General
 - Crossgates Releaseco Llc
 - December Hill Associates
 - Eice Ny Llc
 - Hotel Devo Llc
 - Mountain Ridge Associates
 - O Ice Llc
 - Ogitap Llc
 - Pcc Newco Llc
 - Pyramid Crossgates Co
 - Stewarts Newco Llc
 - Vandy Assoc Llc
 - Wal-mart Stores East Lp
 - Washington Commons
 - Washington Commons Newco Llc
 - Other Properties
- Albany Pine Bush Preserve (Outlines)**
- APBPC Conservation Agreement
 - Albany Pine Bush Preserve
 - Transit Oriented District (TOD)

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Pyramid Properties
Land Use Map

Save the Pine Bush
September 15, 2019

True North
Rotated -24°

182. Daughters
Of Sarah Housing
13.2 acres

161. Washington
Commons
7.1 acres

141. Wal-Mart
Stores-East
3.7 acres

121. H.L. Gogg
Sales Inc.
8.8 acres

118. Pyramid
Crossgates
8 acres

115. Pyramid
Crossgates
3.7 acres

108. Pyramid
Crossgates
8 acres

100. Pyramid
Crossgates
8.8 acres

98. Pyramid
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97. Pyramid
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5. Pyramid
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4. Pyramid
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3. Pyramid
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2. Pyramid
Crossgates
8.8 acres

1. Pyramid
Crossgates
8.8 acres

Pyramid Land Use

- Forested
- Open Space
- Water
- Parking
- Commercial
- Residential

Albany Pine Bush Preserve (Outlines)

- APBPC Conservation Agreement
- Albany Pine Bush Preserve
- Other Properties

Transit Oriented District (TOD)

0 0.1 0.2 0.3 0.4 0.5 mi

