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Town of Guilderland Planning Board
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Sent via: email

**RE: Comments on Draft Scope for Environmental Impact Statement on
Rapp Road Residential Development and Additional Lands**

In order to make specific comments on the DEIS, I will go through the document as each part or section appears.

Description of Proposed Action.

The DEIS states that the geographical scope of the project will be limited to 3 sites: (1) the +/- 19 acre site of the current proposed 222 units of apartments and townhouses on the west side of Rapp Road, which includes another proposed 90 units; (2) a proposed site of future development on the east side of the Metro Diner consisting of +/- 15 acres for proposed 160,000 sq ft retail building and gas station; and (3) a proposed site of future development between Site 2 and the current Crossgates hotel, consisting of +/- 11.34 acres for proposed 115,000 sq ft of retail space and 50,000 sq ft of office space. The total acreage of the proposed scope of this DEIS is thus +/- 45.34 acres of the Pyramid property. As Save the Pine Bush correctly points out, this still leaves +/- 81.4 acres of the Pyramid property in this area which is undeveloped yet buildable land unexamined. It is unrealistic to think that Pyramid will not also develop this other 81 acres, and the impact of that future development must also be considered in this DEIS, unless Pyramid is proposing to deed that land over to the town or the Pine Bush Commission as “forever wild”. The DEIS should consider all of the land owned by Pyramid, not just the three parcels outlined in the “site plan”.

Significant Environmental Conditions/Resources that may be Affected.

The effects on the Environment must necessarily factor in the number of mature trees lost due to the projects on these sites. Our zoning code requires that all trees over 12” in diameter be mapped and accounted for, and that tree clear cutting be avoided. The number of trees taken down has a direct impact on our town’s carbon footprint. The DEIS should state how much green space and how many trees are to be lost to how many acres of pavement and structures.

This is an essential statistic, vital to the town's ability to decrease its carbon footprint. Trees give off oxygen; pavement and buildings do not. In addition, since these development areas are all within the Albany Pine Bush Preserve, the number of protected pitch pine trees and other plant, animal and insect species indigenous to the Pine Bush that will be destroyed must also be provided.

The neighborhoods that will be impacted should be specifically named in this document and should include, at a minimum: The Rapp Road Historic District, Wilan Lane, Paddon Circle, Gipp Rd, and Westmere Terrace. These neighborhoods must be specifically stated. The impact of this development will have an enormous, significant and immediate impact on these 5 neighborhoods, hence must each be looked at individually as well as cumulatively. Some of the effects on these neighboring areas will include noise, 5 floor high visual obstructions, traffic congestion, loss of Westmere Terrace's town-owned cul de sac, excessive light from parking poles, intrusion/destruction of a historic district's character, potential diversion of emergency services, etc.

I see no specific area in the DEIS that addresses the number of acres to be paved, the number of total parking spaces to be created (and how that totally contradicts the idea of a "transit oriented district" where cars are not supposed to be relied on for primary transportation), and the total number of acres of impervious surfaces to be constructed on all 3 sites.

It has been mentioned that if Pyramid does this FEIS for these 3 sites of future development as depicted on the "site plan"¹, that they will then not have to do ANY future environmental studies on these sites if and when they do get developed. That could be several years from now, and what is eventually put in these sites may be completely different from what is very vaguely "proposed" now. Therefore, I would strongly object to this DEIS obviating the need for any future environmental studies for the "proposed development" sites. In the future, if one or more sites presents a formal, detailed site plan showing the exact use and layout of a new project, it should be thoroughly reviewed for environmental and other impacts, as every developer is required to do with a new proposal once it becomes a reality.

Lead Agency status: Although the Guilderland Planning Board has declared itself the lead agency for SEQR review, and apparently no other agency has objected, it should be incumbent on Guilderland to consider the impact of this development on areas technically in the City of Albany (ex: Rapp Rd District) with the same or greater care and attention as if they were within the town of Guilderland when reviewing this DEIS and resultant FEIS. Comments from the public in the City of Albany who are affected should also be included in this review, as well as shared with the Albany County Planning Board and the Mayor's office, whose input should also be sought out and seriously considered.

In order to produce the most objective evidence and evaluation results, all reports or studies (environmental, traffic, stormwater, etc.) should be done by an impartial town designated engineer, paid for by Pyramid, rather than by experts hired directly by Pyramid. Scientific

¹ I note for the record that the picture that shows the 3 sites is not next to the DEIS on the town website and is very hard to find. Several residents complained to me that they couldn't find it, and in late August several people called the town planner asking where it was.

studies and reports by the Albany Pine Bush Commission and members of the community on the areas and the potential impact of the development should also be sought out and given great weight and made part of the DEIS.

Any permits or management agreements granted by the Albany Pine Bush Preserve over any of the +/-81 acres of Pine Bush land owned by Pyramid should be disclosed and attached to the DEIS as appendices. Any agreements with Pyramid related to the Karner Blue Butterfly or any other rare species in the Pine Bush must also be provided. The report must state whether or not a “take” permit is needed for the Karner Blue for this project and why or why not? Any DEC permits on stormwater or runoff should also be provided.

In section 2.3, the “Detailed Description of the Proposed Action”, the description for sites 2 and 3 needs to be as specific as possible, and not include vague generalities. Height of any buildings, location, square footage and number of parking spaces needed must be disclosed. If a gas station is proposed, there must be some mention of whether or not Pyramid has considered buying up the defunct gas station in front of site 3 on Western Avenue to remediate and minimize the footprint of environmental damage that another new gas station in such close proximity would create, and if not, why not?.

In section 2.4, the “Purpose, Need and Benefit” section, the “need” for more housing units in Guilderland must be done by an independent analyst, not one paid for and selected by Pyramid, and it must include all of the proposed new housing units, apartments and town houses currently either proposed, built, or recently approved and not yet built in Guilderland, including Great Oaks, 1700 Residences, Winding Brook Road, etc. If luxury apartments are going in, the report must show the need/high demand, if any, in Guilderland for luxury apartments.

In section 2.5, “Construction” it must state how many tons of dirt are being removed and must also contain a grading plan and map.

In section 3.0, “Topographic Geology and Soils”, an independent and impartial engineer should be hired to do all reports, paid for by money from Pyramid held in escrow by the town. The expert shall not be selected by Pyramid.

In section 3.2, “Water Resources”, an independent and impartial storm water expert should be hired to do all reports, paid for by money from Pyramid held in escrow by the town. The expert shall not be selected by Pyramid. The expert shall specifically factor in his or her report any effects that the additional runoff waters will have on the accumulation of water on Western Avenue that creates flooding in front of Stuyvesant Plaza. The report must also state how a principal aquifer currently on the development site will be affected.

In section 3.3, “Biological, terrestrial, and Ecology”, the number of animals, birds, and insects that will die from this project, as well as the number that will be displaced, must be estimated and reported. In addition, the impact on all endangered or rare species identified by Save the Pine Bush and/or the Albany Pine Bush Commission must be examined and reported, including the Karner Blue Butterfly (an endangered species on both the state and federal level) and the frosted Elfin. The Albany Pine Bush Preserve is the home to 74 other animals listed as

‘Species of Greatest Conservation Need in New York State,’ and two rare plants. The overall long term effect on the Pine Bush must be documented. As mentioned earlier, the number of trees killed must also be reported. The total effect of the proposed development on these 3 sites’ total carbon footprint must also be estimated.

In section 3.4, “Historic, Cultural and Archeological Resources”, as stated by Save the Pine Bush, the scope should include how the project impacts the status of the Pine Bush’s designation as a National Natural Landmark, and should include why or why not the projects are consistent with the goals of the National Natural Landmark. The impacts on the Rapp Road Historic District need to be seriously addressed; it is recommended that an expert on the history of this unique area be retained independently to give his or her evaluation of the effects of the proposed development sites on the historic district, and that that be included in the DEIS.

In section 3.5, “Traffic and Transportation”, this section must not look at the impact of this proposed 3-site development project on the Western Avenue and Washington Avenue Extension areas in a vacuum, but must look at it as part of the cumulative effects on the traffic on these corridors from this and all recently proposed and approved development projects along the Western Avenue corridor in the town of Guilderland, including the neighboring Great Oaks proposed apartments, 1700 Residences Apartments, and the new apartments being built on Sandige Way on Fuller Road. Traffic studies must be done by an independent impartial traffic engineer, not one selected and hired by Pyramid. The traffic study cannot make false assumptions like ‘all tenants will ride the new CDTA bus line’. The traffic study must include the exit into Crossgates off the Northway, and the number of accidents now occurring annually. The traffic study must include Western Avenue during daytime and evening rush hour, as well as during the Christmas holiday season. An approved emergency access plan for Rapp Road at Gipp Road must be included. The report must explain why the new housing is not located near the new CDTA transit center in the ‘transit oriented district’.

In section 3.6, “Land Use and Zoning”, and section 3.7 “Character of the Community/Neighborhood”, special attention must be given to the fact that this enormous development area will be bounded on the west by solid, older, residentially zoned neighborhoods that are part of Guilderland’s character and history, including the Rapp Road Historic District, as well as other single-family residence zones like Westmere Terrace, Paddon Circle, Gipp Road, Wilan Lane and Pine Lane. These are quiet, family neighborhoods where generations of families have lived and contributed to Guilderland’s tax base and work force. Each neighborhood has its own character and history, some going back to the early 1900’s. These neighborhoods are part of Guilderland, and should not be displaced by corporate greed in the name of “progress.” The quality of life of the people who live in these areas must be preserved. The town owes them that. It is not known if it is even possible to have such an intensive commercial use of land juxtapositioned next to such low impact homes. The zones would collide against each other. At the very least, the DEIS has to look at substantial buffers, berms, pine trees, etc., that need to be erected between this new massive development and these quiet family homes. Also, vertical impact diagrams need to be done that show exactly how much of these new 5 story buildings will be seen from each neighborhood. For areas like the Rapp Road Historic District, traffic cannot be allowed to destroy the quiet setting of this area from another time. Reports need to be done as part of the DEIS that show what has happened in other parts of the state or country when such

massive intensive uses are put in next to quiet single family neighborhoods, and if they can coexist and survive. Personal interviews with the residents of these areas must be done and their comments included in the DEIS. We must do everything we can to protect our most vulnerable neighborhoods.

In section 3.8, “Schools, Community Facilities and Services”, in addition to doing a “study” based on publically available data as the DEIS states, the Westmere school principal, teachers’ association and PTA must be contacted and personally interviewed and their input included in the DEIS. The increase in school age children will necessitate the increase in school services, which means school taxes will increase, as will class sizes. Studies of how many children will be added to the system must again be cumulative, including those likely produced by the Great Oaks apartments and 1700 Western Apartments. Reports on the impact on fire, police and emergency services must include interviews with local police chiefs, ambulance and EMS responders and fire chiefs, not just be based on an extrapolation of data from other sources. The amount and percentage of Guilderland police resources spent on Crossgates Mall alone must be included in the report, and how much it draws resources away from the rest of the town.

In section 4.0, “Unavoidable Adverse Impacts”, how do you quantify the loss of character of a town? The sprawl of giant corporate commercialism overtaking a small town? If this 3-site project goes through, we will be a different town. On a more concrete level, this section of the DEIS should mention the loss of life of wildlife, trees and plants to poured pavement. What are the statistics there? DEC could likely help provide them. Other unavoidable adverse impacts are the longterm effect on traffic, which after this can never go backwards. And the shrinking of the Albany Pine Bush Preserve, which is already at 10% of its original size.

In section 5.0, “Reasonable Alternatives Analysis”, the DEIS states that “The alternative site layout will consider rearrangement of the proposed uses within the Sites *that meet the Project Sponsor’s objectives*” [emphasis added]. According to SEQR, under this section, its not up to where the developer would ideally prefer to put his buildings, this section should be examining and diagraming all other possible and reasonable sites for this project, especially those sites on other areas of Pyramid land. This is the largest flaw in the Draft Scope of the DEIS and I urge it must be corrected before the DEIS is underway. The scope of alternative sites should include ALL possible sites, for instance, in the green area between the ring road and Rapp Road, or building residential units in the already built yet vacant areas of the large mall building, or locating them in the parking lot next to the existing hotel (which is much closer to the proposed CDTA center), or moving them to any other side of the Mall structure because no other side will destroy a residential neighborhood. These alternatives are supposed to be analyzed in this section, and if they are not, the DEIS will not pass judicial scrutiny.

In section 7.0, “Growth Inducing Aspects”, things that should be considered include ALL the other +/- 81 acres of land owned in the same area by Pyramid and the consequences. Its obvious that Pyramid does not like to “show their hand” and prefers to reveal development projects piecemeal, but in this section the entire land must be looked at for potential future growth explosion. Once there is a captive base of renters living there, there is a built-in commercial consumer base, and that will only create more incentive to over develop other parts of the +/- 81 acres. This is not rocket science. As they say, “Once the genie is out of the

bottle....” This section of the DEIS MUST look at the logical results of how this will encourage even more growth in the area, its inevitable. If the area cannot withstand the traffic, infrastructure, environmental and other damages of this project, how could it ever hold up against the barrage of additional growth this will naturally inspire?

In section 8.0, “Effects on the Use and Conservation of Energy Resources”, this section must go into how Pyramid is going to conserve energy in these new development projects and move toward greener energy. Will there be solar panels on the roofs of these apartments or townhouses? Will the appliances all be energy efficient? Will the windows and walls be energy efficient? Will the contractors practice green building code practices? Etc, etc. This section of the DEIS should focus on what Pyramid is going to do to fight climate change and reduce negative effects its proposal will have on the environment. These projects will do a lot of environmental damage, as already mentioned; this section is where they should explain how they are going to try to at least promote and use green energy and green principles.

In conclusion, I cannot say I think this project will be good for Guilderland or its residents, nor can I say it will offer anything new that is not already available in our current residential options. In addition, to do this here, in the most environmentally and ecologically sensitive part of the entire town, would be a travesty and would completely dash any notion that Guilderland is an environmentally sensitive town. To tear down a large part of a protected National Natural Landmark in order to create high-end luxury apartments for rich people seems to me the ultimate affront to our values and our residents. I sincerely hope the Draft Environmental Impact Statement is done in a balanced and fair way, and that the Planning Board realizes that, just because a DEIS was done does not mean a project must automatically be approved. Please do your due diligence and look deeper and consider the impact this will have on the future of Guilderland. Our future is in your hands. Once we go down this road, we can't go back.

Sincerely submitted,

Laurel L. Bohl