



Save the Pine Bush, Inc.

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October 2, 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

Dear Town of Guilderland Planning Board,

These are additional comments on the topics that should be included in the Scope of the EIS.

1. Pyramid was required to pay up to \$10,000 per year for activities of habitat management and restoration, vegetation changes, planting seed by hand, etc. The Scope should include a list of the dates the payments were made, the amounts and to whom the payments were paid to. If Pyramid has made other payments for habitat management, information on those payments should be included.
2. Pyramid should include information regarding its appeal of its taxes, including the tax assessment and Pyramid’s requested tax amount. Pyramid appealed its taxes every year for approximately a 10-year period. This appeal cost the taxpayers money to defend this appeal. Pyramid should include any PILOT agreements it has with the town and whether Pyramid will seek other tax relief. Pyramid should also note any tax relief it received for its recently constructed hotel.
3. The EIS needs to address the impact that developing this parcel would have on the ability of the Albany Pine Bush Preserve Commission to manage controlled burns in the area.
4. The Scope should include a requirement that each requirement from the SPDES permits, especially the “Special Conditions”, be listed and shown how Pyramid has or will meet the requirement.
5. The Scope should address the public need for this project, especially in light of the evidence that dense development of the area has lasting effects on the abundance and diversity of species.
6. In the special conditions section of the SPDES it states that the Butterfly Hill Preserve was to be protected and restored for the conservation of the vegetation, the Karner

Blue Butterfly and “the wildlife native to the Pine Bush.” This special condition was not limited to listed wildlife species. It said the wildlife of the pine bush. The scope needs to address how this project may impact all species living on the site, including songbirds which may crash into 5 story buildings, any take of any wildlife species including butterflies, birds, amphibians and reptiles which may eaten by house cats, run over by cars or affected in other ways by the project. The inventory of plants and animals in the scope should address all plants and animals, as this special condition in the SPDES permit appears to say that the original intention of this continuing mitigation was to conserve all species native to the pine bush, not limited only to listed species.

7. The Planning Board should not be the lead agency on this project. Special Conditions (b) p.7 in the SPDES permit requires that Pyramid obtain approval from NYSDEC for any alteration in adjacent lands to preserve the integrity of the Preserve. The EIS needs to include any approvals given by DEC.
8. Alpha Geosciences (p. 7-8) set up a monitoring plan for the groundwater and wells and also a plan for monitoring impacts on water underneath the preserve or air, soil, microclimate, vegetation changes caused by the construction. The Preserve is named as a mitigation for the impacts of the Mall Expansion. This was in 1994. The scope should include a copy of these protections during the last expansion so that they can be used to inform what was expected by way of protection of Butterfly Hill.

Sincerely,

A handwritten signature in black ink that reads "Lynne Jackson". The signature is written in a cursive style with a long horizontal flourish at the end.

Lynne Jackson
Volunteer
On behalf of members of Save the Pine Bush