



# Save the Pine Bush

## Emergency Announcement

7/08 • 33 Central Avenue, Albany, NY 12210 • email [pinebush@aol.com](mailto:pinebush@aol.com) • phone 518/434-1954 • fax 518/434-6659 • <http://www.savethepinebush.org>

## Public Hearing

### Proposed Hotel in the Pine Bush

**Monday, August 4, 7:00 PM**

**Albany City Hall, Second Floor**

*Everyone who cares about the Pine Bush, please attend!*

### *The Issue:*

## Should a hotel be constructed on occupied Karner Blue Habitat?

ALBANY: Tharaldson Development Company of North Dakota, wants to construct a Residence Inn Marriott hotel on Washington Avenue Extension, adjacent to a known Karner Blue butterfly site and a site that the U.S. Fish and Wildlife service recognizes as occupied by Karner Blues.

Sound familiar? Save the Pine Bush has been fighting this development since the hotel project was first proposed in 2003. We won in NYS Supreme Court, that the environmental review was inadequate. The City and the developer appealed our win to the Appellate Division; the oral argument was heard on May 30, and we are still waiting the decision.

In the meantime, while our case winds its way through the court system, the developer has returned with a "Supplemental Draft Environmental Impact Statement" (SDEIS)

In the SDEIS, the developer includes a signed agreement between Tharaldson and The Nature Conservancy regarding a deal reached between the US Fish and Wildlife Service (USFWS), Tharaldson, and The Nature Conservancy to resolve the issue that building a hotel on occupied Karner Blue habitat would be considered a "taking" of an endangered species (taking is defined as "harass, harm, wound or kill," which certainly happens when developers put asphalt on Karner Blue necker plants).

The agreement says that Tharaldson will give

\$6,000 the first year, and \$2,500 each year there after for 50 years to The Nature Conservancy to "...implement conservation activities for the Karner Blue Butterfly . . . and the Frosted Elfin Butterfly . . ."

The USFWS has sold out the Karner Blue! In all my time working with Pine Bush preservation, this has got to be the lamest, most outrageous, and ridiculous sell-out I have ever seen! For a measly \$2,500 a year, the USFWS is saying that Tharaldson can avoid a "take" of the Federally endangered Karner Blue! Since when can giving a tiny amount of money to The Nature Conservancy change the fact that Karner Blues will die as a result of this development?

And, to add insult to injury, the contract says that only the USFWS and The Nature Conservancy can enforce the contract. Meaning, that if Tharaldson doesn't pay up, goes bankrupt, goes out of business, or sells the land to someone who won't live up the the contract, the people who really care about the Karner Blue (Save the Pine Bush) cannot sue to enforce the contract. (This is exactly what happened to the Karner Blue on Wood Road in Clifton Park.) The contract for this tiny amount of money is, essentially, unenforceable.

We cannot let the Albany Common Council get away with this.

Come to the hearing and tell the Albany Common Council that we, the people, want the Pine Bush and the Karner Blue to be protected and that we expect and

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demand that our government officials protect and preserve this important and valuable Karner Blue site.

Of course, not only does this proposed development affect the Karner Blue, but there are many other issues:

- 1) The City of Albany has begun a comprehensive planning process. Constructing a hotel on the site of an endangered species is bad planning. The Common Council should not approve this development until after the Albany Comprehensive Plan is complete.
- 2) In this time of high gas prices, no development should be built where the workers cannot get to work by public transit. It is nearly impossible to get to this site by public transit. Good planning principles mandate development accessible to public transit.
- 3) Encouraging other forms of transit that the automobile reduces the carbon footprint of the City. In the Draft Environmental Impact Statement, the developer said that "walking or bicycling . . . should be discouraged on Washington Avenue Extension." It is inconceivable in this day and age of sky-high gasoline prices and increase in global climate change, that an environmental impact statement adopted by the City of Albany, would state that walking and bicycling anywhere should be discouraged.
- 4) As this site is less than a mile from SUNYA, presumably, this residence inn hotel would be used by people working at the Nanotech center. However, it is inaccessible by foot or bicycle due to the configuration of the highway. If this hotel were instead, to be built at the Harriman Office Campus site (and the Harriman Office Campus wants and needs a hotel), it would be completely accessible to Nanotech and the SUNYA campus by foot and bicycle. Land trades in the Pine Bush have been done before, there is no reason the site of the proposed residence inn hotel could not be traded for land at the Harriman Office Campus. This mitigation measure should be discussed in detail in the SDEIS, but is not addressed at all.
- 5) Crossgates Maul violated its SPDES permit (#4-0130-00007/2002, issued on 7/6/94). The permit states that prior to any physical alterations of this land, the Pyramid Crossgates shall provide proposed development plans and narratives to the Department of Environmental Conservation for prior review and if necessary approval. What good are environmental laws that protect endangered species and habitat, if municipalities do not enforce them? Pyramid Crossgates, from the day they illegally bulldozed this property in 1998 until today are in violation of their permit. The City of Albany should not allow Pyramid Crossgates to get away with this and should require Pyramid Crossgates to put back the site to its original state.

We cannot allow the City of Albany to approve this hotel. It is the epitome of bad planning — destroying an endangered species habitat, not accessible by public transit, inaccessible by walking and biking. The City of Albany needs development downtown, not in the Pine Bush! Please come and express your

outrage that the City would sell out the Karner Blue for \$2500 a year.

*Written by Lynne Jackson, volunteer for Save the Pine Bush*

**Please call or write or email your Common Council member today!**

Common Council President — Hon. Shawn M. Morris, 24 Marinello Terrace, Albany, NY 12209, 426-0530, shawnmorris7@aol.com

Ward 1 — Hon. Dominick Calsolaro, 35 Clare Avenue, Albany, NY 12202, 463-3356, dcalsolaro@nycap.rr.com, www.calsolaro.net/

Ward 2 — Hon. Carolyn McLaughlin, 76 Grandview Terrace, Albany, NY 12202, 462-1458, onlybelv@aol.com

Ward 3 — Hon. Corey L. Ellis, 69 Ten Broeck Street, Albany, NY 12210, 429-9457, Coreyellis11@yahoo.com

Ward 4 — Hon. Barbara Smith, 235 Livingston Avenue, Albany, NY 12210, 436-1279, BarbaraSmith4@aol.com

Ward 5 — Hon. Willard Timmons, 441 Clinton Avenue, Albany, NY 12206, 466-7647, Timmonsw@ci.albany.ny.us

Ward 6 — Hon. Richard Conti, 151 Chestnut Street, Albany, NY 12210, 436-8546, Rc6thward@aol.com

Ward 7 — Hon. Catherine M. Fahey, 32 Lawnridge Avenue, Albany, NY 12208, 482-6159, cathyfahey7@yahoo.com

Ward 8 — Hon. John Rosenzweig, 19 Mohican Place, Albany, NY 12208, 482-6883, Rosenzweig8@nycap.rr.com

Ward 9 — Hon. James P. Sano, 15 Van Schoick Avenue, Albany, NY 12208, 438-4631, Jsano15@aol.com

Ward 10 — Hon. James Scalzo, 254 Yates Street, Albany, NY 12208, 434-9936, Jscalzo10@yahoo.com

Ward 11 — Hon. Glen Casey, 57 South Lake Avenue, Albany, NY 12203, 626-9025, Caseyg2@hotmail.com

Ward 12 — Hon. Michael O'Brien, 33 Danker Avenue, Albany, NY 12206, 482-1160, twelfward@aol.com

Ward 13 — Hon. Daniel Herring, 4 Fairlawn Ave, Albany, NY 12203, 438-7527, danherring47@hotmail.com

Ward 14 — Hon. Joseph Igoe, 62 Aspen Circle, Albany, NY 12208, 489-3014, Jigoe19932@aol.com

Ward 15 — Hon. Sandra Fox, 42 Moreland Avenue,

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**Download the SDEIS!** Go to <http://www.albanyny.gov/> and scroll down to Latest News to "Supplemental Draft Environmental Impact Statement for Proposed Residence Inn" The direct link is [http://albanyny.gov/newsarticles/08-07-08/supplemental\\_draft\\_environmental\\_impact\\_statement\\_for\\_proposed\\_residence\\_inn.aspx](http://albanyny.gov/newsarticles/08-07-08/supplemental_draft_environmental_impact_statement_for_proposed_residence_inn.aspx)



**Save the Pine Bush**  
A Project of the Social Justice Center  
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Albany, NY 12210

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