



March 10, 2020

Mr. Kenneth Kovalchik (*via electronic mail only*)
Town of Guilderland Planner
Guilderland Town Hall – 2nd floor
5209 Western Avenue
P.O. Box 339
Guilderland, NY 12084

RE: DEIS for Rapp Road Residential Development/Western Avenue Redevelopment

Dear Mr. Kovalchik,

Thank you for your February 20, 2020 e-mail providing the Albany Pine Bush Preserve Commission (APBPC) with an internet link to the materials for the above referenced project and requesting APBPC review and comment. The APBPC appreciates the opportunity to work with the Town of Guilderland and the applicant to balance appropriately located development with the successful conservation of the Albany Pine Bush (APB). The APBPC Technical Committee and staff reviewed the materials at its March 3, 2020 meeting. The comments provided below are a result of that discussion.

In response to earlier comment requests from the Town and Albany County planning, we previously provided:

- January 25, 2019 review of the Site Plan Application materials.
- April 18, 2019 summary of proposed mitigation.
- October 7, 2019 review of proposed Rapp Road bypass options.

As stated in these earlier comments (referenced and attached below), the APB supports the world's best remaining example of an inland pitch pine-scrub oak barrens (PPSOB), 78 wildlife Species of Greatest Conservation Need (SGCN), including the federal and state-endangered Karner blue butterfly (Kbb) and state-threatened frosted elfin butterfly, and the largest inland sand dune system in eastern North America. The site has been designated a National Natural Landmark, a National Heritage Area Site, a NYS Bird Conservation Area and a National Audubon Society Important Bird Area. Consequently, coordinating the review of development proposals within the Albany Pine Bush Preserve (APBP) Study Area is an essential part of achieving the vision for the APBP consistent with Environmental Conservation Law (ECL) Article 46, the 2017 Management Plan Update for the APBP (APBPC 2017);

<http://www.albanypinebush.org/commission/management-plan>) and the Town of Guilderland Comprehensive Plan.

We provide the following summary, reference our earlier comments, and offer clarification where appropriate.

Protection: The proposal for Site 1 will result in the irreversible loss of the ability to protect and manage 19.68 acres recommended for partial protection (Area 57). We do not disagree with the conclusions regarding potential impacts to listed wildlife species, and the fact that the site is highly degraded and dominated by invasive plant species. However, the soils analysis indicates the site supports APB soils and could be restorable to pitch pine-scrub oak barrens (PPSOB). As such, the applicant's proposed mitigation to offset the loss of this restorable acreage on Site 1 is appreciated and consistent with the site's Partial Protection recommendation.

Proposed mitigation includes:

- protecting approximately 8.4 acres within Full Protection Areas 62 and 79;
- providing new/updated indoor and outdoor education/outreach space highlighting Kbb and PPSOB conservation, the APBP, and the applicant's role in balancing conservation and economic development in the APB;
- modifying Rapp Road to improve ecosystem function within the Kbb corridor area; and
- maintaining a 200-foot permanent buffer near Gipp Road in Partial Protection Area 57.

The proposed and conceptual development described for Sites 2 and 3, respectively, are not within areas recommended for protection in the 2017 Management Plan Update. Consequently, their development is unlikely to result in potentially significant adverse impacts on APBPC's ability to create and manage a viable preserve. Native plant landscaping, LED exterior lights, and eliminating non-native invasive plants on Sites 2 and 3 would be consistent with APBPC comments for other non-protection areas in the APB Study Area.

Preserve Habitat Management: We appreciate the applicant's incorporation of meaningful measures to avoid potentially significant impacts on the ability of the APBPC and NYSDEC to manage adjacent protected lands north and east of the Site 1. However, contrary to the summary provided within Section 3.3.1.9 (page 63), it is important to clarify that while it is not envisioned that prescribed fire will be used to manage lands within the proposed 200 foot buffer on Site 1, the APBPC and NYSDEC do intend to use this ecological management tool to restore and maintain adjacent and nearby protected wildlife habitat.

Traffic: The applicant's hard look at evaluating, and potentially offsetting, multiple traffic-related impacts associated with the proposed development of Sites 1, 2 and 3 are appreciated. The DEIS and Appendix I identified several potential options for mitigating traffic on Rapp Road. As outlined in our earlier comments, the APBPC's evaluation of traffic mitigation options is from the perspective of reducing potential impacts on protected lands and the effective conservation of the rare wildlife populations they support. While we empathize with the traffic-related concerns of the Rapp Road Historic District residents and other adjacent neighborhoods, we trust the Planning Board will ultimately select a traffic mitigation option that simultaneously minimizes potential traffic impacts, while maximizing cumulative potential benefits, consistent with the 2017 Management Plan Update, the Guilderland Comprehensive Plan, and the Albany 2030 Comprehensive Plan.

- Alternative 1 (eastern bypass), Alternative 2 (western bypass 1), and Alternative 3 (western bypass 2): As described in Section 3.5.4, and consistent with our October 7, 2019 comments, all three options pose significant adverse and growth-inducing impacts to areas recommended for Full Protection (Areas 29, 79, 62) that currently support globally-rare PPSOB habitat, and rare and listed wildlife species. As such, they are inconsistent with ECL Article 46, the 2017 Management Plan Update, the Guilderland Comprehensive Plan and the Albany 2030 Comprehensive Plan. Additionally, Alternative 1 would significantly reduce the existing and potential ecological function of the applicant's proposed mitigation for the loss of restorable pitch pine-scrub oak barrens on Site 1, by donating 8.4 acres within Full Protection Areas 62 and 79 to the APBPC. In its review of the DEIS, the Technical Committee again noted that the potentially significant negative impacts of traffic mitigation options 1, 2 and 3 are in-fact more significant to APBPC's ability to create and manage a viable preserve and conserve rare wildlife, than the impacts of the Site 1 development itself. As described in the DEIS, these options would also reduce, rather than improve, the linkage between the KBB Preserve and the APBP, and further complicate habitat management on these protected lands. Given the potential for these impacts, we recommend that a separate SEQR process and DEIS is warranted to evaluate these bypass options. Lastly, these three options may likely increase, rather than decrease traffic volume and exacerbate existing impacts on wildlife attempting to travel this constricted wildlife corridor between protected areas east and west of Rapp Road.
- Alternative 4 (middle Rapp Road) and Alternative 5 (w/ emergency access-movable gate): Of the nine options proposed, Alternatives 4 and 5 appear to be the most effective options for simultaneously reducing impacts to ecosystem function and wildlife movement, while also reducing (but not eliminating) thru traffic in the Rapp Road Historic District.
- Alternative 6 (Gipp Road realignment): Alternative 6 would also reduce traffic volume, albeit to a lesser extent than Alternatives 4 and 5, and reduce ecological and wildlife impacts, compared to the existing condition. Additionally, and as noted in the DEIS, combining the Gipp Road realignment with Alternative 4, would also reduce traffic and offer the potential for expanding the size of Kbb corridor area.
- Alternative 9 (Rapp Road Realignment – no direct thru traffic): Alternative 9 would reportedly reduce thru traffic on Rapp Road, by encouraging access to the Crossgates Mall ring road. This option appears less effective than Alternatives 4, 5 and 6 in reducing traffic impacts on ecosystem function, but if successful, would likely be an improvement to the current condition, and offer some benefits to conservation and neighborhood traffic concerns.

Site 1 Landscaping: We appreciate that the applicant has proposed using some native plants and native cultivars for landscaping the site, including the use of white pine for screening. However, we suggest eliminating species that would be potentially problematic should they escape into the nearby-protected lands, including scotch pine (which could be replaced with red or white pine).

In conclusion, with the exception of traffic mitigation Alternatives 1, 2 and 3, the DEIS overall appears to satisfy the hard look required by SEQR from the perspective of the APBPC and our mission. The DEIS also appears to have adequately considered, and is consistent with, earlier APBPC comment. The APBPC appreciates the Town of Guilderland's and the applicant's efforts to support creating and managing a

viable preserve while balancing conservation and economic development interests. Thank you for considering these comments and recommendations. If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Sincerely,



Neil A. Gifford
Conservation Director
Albany Pine Bush Preserve Commission

cc: APBPC Technical Committee
Mr. Keith Goertz, APBPC Chair – NYSDEC Region 4 Director
Mr. Christopher A. Hawver, APBPC Executive Director
Ms. Trish Gabriel, NYSDEC Environmental Analyst – Region 4
Mr. Michael Clark, Regional Wildlife Supervisor, NYSDEC-Region 4

Citations:

APBPC. 2017. Management Plan Update for the Albany Pine Bush Preserve. Albany, NY. (www.albanypinebush.org)