



**LISHA KILL - KINGS ROAD AREA  
FINAL GENERIC ENVIRONMENTAL  
IMPACT STATEMENT  
TOWN OF COLONIE, NEW YORK**

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## **LISHA KILL - KINGS ROAD AREA FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT**

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# **SECTION I**

## **INTRODUCTION**

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The following is a Final Generic Environmental Impact Statement (FGEIS) prepared for the Lisha Kill-Kings Road Area, pursuant to the State Environmental Quality Review (SEQR). The purpose of this FGEIS is to respond to comments on the Draft Generic Environmental Impact Statement (DGEIS) provided during the comment period.

### **A. PROJECT BACKGROUND**

In order to evaluate the potential impact of projected development on the Lisha Kill-Kings Road Area (Study Area), and to provide mitigation guidelines to control development such that significant impacts to community resources can be avoided, the Town of Colonie authorized the preparation of the DGEIS. Upon establishment of Lead Agency, a Positive Declaration was filed on December 19, 1995. Agency and public scoping sessions were held on January 16 and January 23, 1996 to identify issues that would be addressed in the DGEIS. The DGEIS was prepared and determined complete on March 26, 1996 and subsequently filed, along with the Notice of Completion and Hearing Notice pursuant to 6 NYCRR 617.8(c). A public hearing was conducted on April 16, 1996 pursuant to 6 NYCRR 617.8(d). A transcript of the hearing is on file with the Town Clerk and available for public inspection. The comment period closed on April 27, 1996.

Pursuant to 6 NYCRR 617.14(I) this FGEIS includes the DGEIS by reference (Clough, Harbour & Associates LLP, March 1996), substantive comments received during the comment period, and responses to substantive comments. Substantive comments were taken from written comments submitted to the Lead Agency and those comments made during the public hearing. Written comments are provided in their entirety in FGEIS Appendix 1.

## B. DOCUMENT ORGANIZATION AND SUMMARY

This FGEIS is divided into two major sections, an introduction and response to substantive comments raised during the comment period. The introduction is provided to summarize the actions which have led to the preparation of the FGEIS, describe the general organization of the document, and discuss future actions that will or may occur following filing of this FGEIS. Section II, Response to Comments, provides a reproduction of each substantive comment followed by the response. These comments are addressed in the order they are presented in the written correspondence and transcript. Written comments from the Town of Colonie and other agencies are addressed first, followed by written public comments and the verbal comments received during the public hearing.

The majority of the comments raised during the comment period focused on protection of the Albany Pine Bush, particularly with regard to compliance with the recommendations of the Albany Pine Bush Preserve Commission's *Protection and Project Review Implementation Guidelines and Final Environmental Impact Statement* (Implementation Guidelines), transportation improvements, and the applicability of mitigation costs.

Comments raised by the Albany Pine Bush Preserve Commission, Save the Pine Bush, New York State Department of Environmental Conservation (NYSDEC), and other individuals and agencies implied that the recommendations of the Implementation Guidelines were not included in the DGEIS and specific mitigation measures for preservation of the Pine Bush were not proposed. The recommendations of the Implementation Guidelines, however, were provided in the DGEIS as mitigation guidelines for future development. The Town of Colonie recognizes the goals and objectives of the Albany Pine Bush Preserve Commission and, through implementation of the mitigation guidelines provided in the DGEIS and refined in the forthcoming Findings Statement, will implement most of the Commission's recommendations. Furthermore, implementation of the mitigation guidelines, as well as mapping and other specific information regarding the ecology of the Pine Bush, will provide sufficient direction for both the applicant and the Town to identify and mitigate potential significant site specific impacts.

Transportation comments primarily focused on the impact of potential traffic improvements including the construction of new roads. Several individuals who could be directly impacted by a new road were concerned with loss of property and the additional truck traffic. However, since the alternative road connectors are proposed in environmentally sensitive areas, many of the comments concerned potential impact to the Pine Bush, wetland, and Karner blue butterfly habitat. Since the road connectors were provided as an alternative mitigation measure for the current truck routes and significant future roadway improvements, only a brief discussion of potential impacts was provided in the DGEIS. The current alignment is very conceptual and, therefore, cannot be used to identify specific impacts. However, the FGEIS provides additional discussion of potential physical environmental impacts along the conceptual route, in response to specific comments.

The legality of mitigation costs were questioned by some individuals, citing recent court cases in the Capital District. However, the situations on which the cases were based are considerably different than

the establishment of mitigation costs involving identification of potential impacts and mitigation for community services and resources through the SEQR process. Detail on this issue is provided in response to specific questions.

In general, responses to comments on the DGEIS include reference to sections of the DGEIS where the issue is addressed and, as necessary, clarification of issues previously addressed. Some comments also provided valuable clarification of issues. As applicable, such comments are recognized and incorporated as changes to the DGEIS.

### C. FUTURE ACTIONS

Following filing of this FGEIS, there will be a 10-day period provided for agencies and the public to consider the FGEIS. Comments on the FGEIS may be submitted by agencies and the general public, however, this is not an official comment period. Such comments may be considered by the Town during preparation of the Findings Statement but the Town is not obligated to respond to these comments.

Pursuant to 6 NYCRR 617.15(c)(1), no further SEQR compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the generic EIS or its findings statement. An amended findings statement must be prepared if the subsequent proposed action was adequately addressed in the generic EIS but was not addressed or was not adequately addressed in the findings statement for the generic EIS.

A negative declaration must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental impacts. A supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts.

Procedures for implementing mitigation costs will be provided in the Findings Statement. Adoption of the Findings Statement by the Town will constitute adoption of the mitigation costs and mitigation guidelines to be applied to review and approval of future development proposals.