

**G. TOWN OF COLONIE'S SIGNIFICANT ENVIRONMENTAL AREAS
MANAGEMENT APPEALS BOARD**

The following comments are taken from a letter dated April 17, 1996 from the Town of Colonie's Significant Environmental Areas Management Appeals Board. A copy of the letter is provided in Appendix 1.

1. Comment:

Each chapter contain an impact and mitigation section. The use of mitigation is sometimes "blurred." Proposed actions such as Transfer of Development Rights are under mitigation, as are laws and regulations. There is a need to define what is meant by mitigation - what is included, what is not. Also, there is considerable emphasis placed on mitigation or impact fees related to infrastructure costs. Greater consideration should be given to identification of such fees for protection of open space.

Response:

The various mitigation measures that the DGEIS recommends are provided as alternatives for protection of the environmental and socioeconomic resources within the Study Area. Those measures that the Town of Colonie formally adopts will be incorporated into the Findings Statement. Mitigation measures that the Town eventually adopts will be based on the recommendations made in the DGEIS and comments received during the public review process.

2. Comment:

***Project Description and Need.** This section is particularly important to the GEIS since it sets the tone and direction for what follows. Overall that tone and direction leans toward development rather than conservation of the study area. For example the LUMAC recommendation on encouraging industrial development within the Town is highlighted. There were many other recommendations within the LUMAC report that are of equal importance including several in the area of conservation. An example is the recommendation that the Town consider a local wetlands law designed to protect areas less than 12.4 acres and impose wetland law designed to protect areas less than DEC standards. Protection of open space, continuation of agricultural uses, and natural resource conservation were all addressed within the LUMAC report yet are given little recognition in this need section. From a conservation and community quality perspective protection of these resources can be considered the paramount need for the GEIS as they are substantially threatened by the implementation of existing zoning.*

Response:

The LUMAC recommendation for encouraging industrial development was highlighted because it was an important aspect of the Projected Growth Development Scenario. The reference was not meant to disregard other LUMAC recommendations for the protection of open space, continuation of agricultural resources, and natural resource conservation. These issues were addressed in considerable detail in Section II.C., Geology, Topography, and Soils; Section II.D., Vegetation, Wildlife, and Wetlands; Section II.E, Surface and Ground Water; Section II.F., Hydrology and Drainage; and Section II.L., Recreation and Open Space.

3. Comment:

The section on need points out the fact that development has been slowed due to lack of municipal sewer and water. The GEIS is unclear, however, as to the Town's position on extension of such infrastructure into undeveloped areas. This is an important aspect of determining the Projected Growth Development Scenario.

Response:

The Town generally requires all new development to connect to its water and sewer system. Only minor projects or those project where connection is not economically feasible are allowed to developed onsite systems. The Town of Colonie's Pure Waters Department has a policy that if a developer wants to connect to the sanitary sewer system, and service is not available, the developer is required to extend the sewer infrastructure.

The Town of Colonie's Latham Water District typically will only extend the water system if a development is proposed that is willing to fund mitigation costs associated with expansion of water infrastructure. Upgrades of the existing systems, similar to the proposed upgrade of the Albany Street main discussed in the DGEIS, are completed as proposed and future development is expected to substantially effect the capacity of the system.

For portions of the Study Area, particularly the area found east of Morris Road and West of New Karner Road, which does not currently have municipal water or sewer, expansion of the municipal water or sewer in the near future is not likely. The limit development potential of the area makes expansion of the water and sewer infrastructure economically unfeasible.

4. **Comment:**

The Projected Growth Development Scenario takes into account only those areas that are already protected through law or statute such as wetlands regulation. There is a need for an inventory of the remaining open areas to determine if any are particularly important from a conservation perspective and, if so, the GEIS should outline steps to undertake such protection.

Response:

Developable land within the Study Area is illustrated on Figure II-G-1. The open areas represented the extent of undeveloped land within the Study Area that is not protected by state or federal wetland regulations, local environmental ordinances or under public ownership. Based on the previously prepared reports referenced in the DGEIS, as well as additional information developed specifically for the DGEIS, several additional areas may be suitable for protection as open space. These areas include undeveloped sites within Full and Partial Protection Areas with known historical and archaeological resources identified by in Section II.

5. **Comment:**

Finally, there is a need to clarify the SEQR process. The DGEIS refers to the Statement of Findings as "...allowing the Planning Board and reviewing agencies to assess the environmental and socioeconomic impacts of development and estimate the scope of capital improvements and other mitigation measures necessary to accommodate and plan for future growth." A Finding Statement is normally viewed as a summary of the basis for the action to be taken. The Final GEIS would contain the specifics of mitigation, project review requirement and any guidelines for site specific reviews.

Response:

Refer to the response to Comment II-G.1.

6. **Comment:**

The Project Description and Need section should be revised to better reflect the critical need for conservation efforts in this area of the Town. There should be a better balance between environmental and socio economic considerations as per the intent of SEQR. LUMAC conservation goals should be incorporated and the FGEIS should clarify how the FGEIS and Findings Statement relate to each other.

Response:

One of the major goals of the DGEIS was to achieve a balance between future development and socioeconomic considerations on page I-2 of the DGEIS, states that *"the Town of Colonie has authorized the preparation of the DGEIS to evaluate development related impacts, and ensure that growth proceeds in manner sensitive to environmental and socioeconomic resources."*

Furthermore, LUMAC recommendations were referenced considerably in Section II of the DGEIS. In regards to the relationship between the FGEIS and the Findings Statement, the FGEIS is prepared to respond to comments received during the public comment period. The Town of Colonie then considers the information in the DGEIS, and any comments received, and prepares a Statement of Findings, which summarizes the potential environmental impacts of future development and those mitigation measures the Town will use to minimize these impacts.

7. Comment:

Demographics. The 1988 LUMAC report states that the Town's population should stabilize "at about 71,450 people in the year 2010". The 1990 population estimate in the GEIS is 76,497 with an estimated population of nearly 80,000 persons in 2010. This demonstrates the rapid growth of the Town - considerably above that projected by LUMAC. This points to the need to revisit the LUMAC report and recommendations; much of the date within the LUMAC report is ten years or older. This disparity in population projection and actual estimates demonstrates the substantial pressure being placed on our community and its natural and cultural resources. This growth would indicate that conservation should be a driving factor within the recommendations of the FGEIS. As indicated above the tone of the DGEIS is one of growth and encouraging development of the limited resources left in the Town.

There should be a greater emphasis on need to protect open space resources due to higher rate of growth than projected by LUMAC.

Response:

While the Town of Colonie currently has no plans to revise LUMAC, the GEIS is intended, in part, to update many issues and recommendations included in LUMAC. Many of the LUMAC recommendations for land use are referenced within the DGEIS and serve as a basis for recommended mitigation measures. If the Capital District Regional Planning Commission's estimate of approximately 80,000 residents in the Town of Colonie by the year 2010 is realized, population growth will exceed that projected by LUMAC. However,

the mitigation measures recommended in the DGEIS will minimize potential impacts on environmental and socioeconomic resources if these growth projections are realized.

Measures to protect open space were presented in Section II.B. of the DGEIS. Potential measures include the use of zoning, land purchase, wetland regulations, conservation easements, transfer of development rights, and a controlled growth law.

8. **Comment:**

Land Use and Zoning. This section details the approach to the estimation of the Projected Growth Development scenario. It is unclear as to how existing zoning and recommended zoning (by LUMAC) were factored in this estimate. Moreover, the DGEIS is silent on the need for any rezoning or consideration of rezoning within the study area. There is a need to clarify greenspace requirements perhaps increasing it beyond existing 35% green. The items under mitigation are **potential** mitigation. There is a need for the FGEIS to outline an action program for evaluating and undertaking these steps.

Response:

The Town of Colonie Zoning Ordinance was an important part of the development of the Projected Growth Development Scenario because it defined the density of development for each zoning district within the Study Area. Similarly, LUMAC was used to determine the type and distribution of development the Town of Colonie recommends within the Study Area.

The greenspace requirement for non residential development within the Town of Colonie is 35%. The DGEIS recommended that increasing the greenspace requirement may be an acceptable mitigation measure for protecting environmental resources within the Study Area.

9. **Comment:**

Vegetation, Wildlife and Wetlands. A minor point but whenever possible please use the term stream or watercourse in lieu of drainage area. This section should address the importance of watercourse areas to vegetation and wildlife. SEAMAB can provide information in this regard.

Response:

The GEIS recognizes the importance of the watercourse areas for vegetation and wildlife by the discussion of wetland habitats provided in Section II.D. The discussion provides an overview of the habitats commonly found in protected watercourses, including hardwood swamps and emergent marshes.

10. Comment:

Surface and Groundwater. This section provides a good outline of the Watercourse Protection law and the importance of streams to the Town. We would appreciate inclusion of the Findings within the law or a summary of such. This section also does not address the extent of need for restoration activities in portions of the Lisha Kill or its tributaries. There could also be additional information on the value of watercourse areas to biological diversity (if not included within the Vegetation and Wildlife section). Use of native and indigenous plantings along watercourse areas should also be discussed. Impacts and mitigation section could be strengthened. Although it perhaps belongs in another section the FGEIS should address mitigation needs for conservation and enforcement efforts to protect natural resources within the Town. This would be done in a manner similar to establishing the need for additional police and fire protection.

Response:

The Town of Colonie considers its Watercourse Protection Law an important tool in preserving this resource and will continue to enforce it. Watercourses and adjacent watercourse areas are important for maintaining wildlife diversity because they provide for the interspersion of floodplain, wetland, aquatic, and upland habitats. The use of native plantings along watercourses could be used to enhance their capability. However, the DGEIS does not provide the basis for evaluating all watercourses within the Study Area at a level that would identify drainage courses that should be enhanced. This would better be accomplished through a study specific to the watercourses within the Town of Colonie.

11. Comment:

Hydrology and Drainage. This section provides an excellent overview not only of existing conditions but also alternative approaches to mitigation of increasing runoff. The recommended alternative of primarily on site control of runoff is reasonable and supportive. The section outlines a considerable number of culverts and drainage management devices throughout the study area. The mitigation section should discuss general guidelines for the maintenance and

replacement of such structures so that the hydrologic function of streams and associated wetland areas are not impacted. The section indirectly addresses the value of wetlands in flood retention. A more direct statement of this value is recommended.

Response:

Maintenance and replacement of the deficient drainage structures is the responsibility of the Town of Colonie Highway Department. Periodic inspection of these structures would ensure that they continue to perform in the capacity they were intended.

Wetlands play an important role in flood retention. Wetlands within the Study Area and throughout the Town of Colonie should continue to be protected to ensure that their natural flood retention capabilities are maintained.

12. Comment:

Recreation and Open Space. While the LUMAC report did contain an Open Space plan it was in reality more of an inventory of existing resources. There is a need to address the protection and management of Open Space in the Town through a more defined planning process that results in an overall plan or "vision" for such resources over the long term.

Response:

The DGEIS provides several possible alternatives for the protection of open space within the Study Area. Potential measures include zoning, land purchase, wetland regulations, conservation easements, transfer of development rights and controlled growth laws.

13. Comment:

The section on cumulative impacts could use some strengthening, especially since this is a long range planning document. Likewise the future SEQOR review section could be revised to include more specific criteria for supplemental environmental reviews.

Response:

Section IV provides a discussion of the cumulative impact development could have on the environmental and socioeconomic resources within the Study Area. It was the conclusion of this section that future development could cumulatively

impact utilities, the transportation network, municipal service, wildlife, historic and archaeological resources and the visual environment. Implementation of the mitigation measures recommended in Section II, however, would minimize the long term impact on the aforementioned resources.

As discussed in Section VII of the DGEIS, future development within the Study Area will require no further SEQR compliance if it is carried out in conformance with the conditions and thresholds established in the GEIS. If an action is contrary to that recommended in the DGEIS then it may require the preparation of a supplement to the Final GEIS.

14. **Comment:**

With respect to the comment period please consider an extension so as to provide a more reasonable amount of time to review the DGEIS.

Response:

Refer to the response to Comment B.1.