

Q. JERRY MUELLER

The following comments are taken from a letter dated April 15, 1996 from Jerry Mueller. A copy of the letter is provided in Appendix 1.

1. Comment:

The analysis made in the DGEIS rests on the pretense that industrial and commercial activity in the Town will experience a certain level of expansion over the next 20 years. The "growth scenario" is discussed in the DGEIS as if it is a predetermined inevitable truth that the Town must contend with. The future growth is "predicted," as one might predict the weather or any other factor that is completely beyond control. In reality, however, the expansion and industrialization that will occur in the Town over the next 20 years will be largely due to decisions made by the Town now. If the Town's zoning and land use policies are designed to accommodate a certain increase in population and industrialization, then these "predictions" are more likely to come true.

Conversely, if the Town's policies would reflect the priorities of preservation of the Town's natural and cultural resources, then the predictions on industrial growth should be revised.

Response:

The purpose of a long range planning study is to determine what the growth potential is for a locality (municipality or portion thereof, region or State, etc.) and how that growth should be controlled in terms of quantity and location to meet established goals and objectives. The Projected Growth Development Scenario reflects a balance between potential growth and the desire to protect significant community resources. The Projected Growth Development Scenario does not discourage growth. One of the goals for the Study Area, and the Town in general, is to encourage industrial development to increase the tax base. Furthermore, the completion of the SEQR process for this project may result in less regulatory analysis for specific projects, providing such projects meet the SEQR thresholds established in the draft and final GEIS.

The Town also recognizes the importance of such community resources as the Albany Pine Bush and has included many of the mitigation guidelines recommended by the Albany Pine Bush Preserve Commission in the DGEIS. Perhaps the most important guideline is the commitment on the part of the Town to cooperate with the Albany Pine Bush Preserve Commission in preserving "...the remaining pieces of existing and restorable pitch pine-scrub oak barrens to achieve a viable Pine Bush ecosystem" (p.II-30). Ultimately, it will be market conditions which will determine how much development occurs in the Study

Area over the 20 year planning period. Nevertheless, the Town must prepare for development based on the availability of developable land, recognizing that this land is privately owned and that the owners have a right to develop their land within the confines of Town zoning/development guidelines and State and federal regulations.

2. Comment:

The DGEIS contains no real analysis of impacts that the Projected Growth Development Scenario or Town zoning and planning policies may have on the Albany Pine Bush. Statements are made regarding the Pine Bush and its needs, but they are not incorporated in any way into the analysis of impacts or mitigation. No real connection is articulated between the recommendation of the GEIS and the future viability of the Albany Pine Bush. The statements made regarding the Pine Bush are too vague and general to have any relevance to an analysis of the environmental impacts of future residential, industrial and commercial development in the study area.

The Projected Growth Development Scenario (the preferred alternative of the DGEIS) seems to imply that the Pine Bush Preserve is a finished entity. However, the Pine Bush Commission's latest report recommends that 860 acres of land in the Town be added to the Pine Bush Preserve, along with a portion of 640 additional acres (Implementation Guidelines p. 28). Nowhere in the DGEIS are the inconsistencies between the Projected Growth Development Scenario and the Pine Bush Commission's recommendations reconciled, or even acknowledged.

Response:

The Town recognizes the importance of the Albany Pine Bush and has included many of the mitigation guidelines recommended by the Albany Pine Bush Preserve Commission in the DGEIS. Perhaps the most important guideline is the commitment on the part of the Town to cooperate with the Albany Pine Bush Preserve Commission in preserving "...the remaining pieces of existing and restorable pitch pine-scrub oak barrens to achieve a viable Pine Bush ecosystem" (p.II-30) of the DGEIS. Refer to the response to Comment A.19 for additional information.

3. Comment:

The DGEIS lacks any specificity on which lands in the study are will likely be developed. The analysis of developable land in part II of the DGEIS includes discussion of restricted area where no development will occur, but these areas

are not clearly identified. The maps of State and Federal wetlands (II-D-3, and II-D-4) should be combined with the map of the Commission's protection priorities (II-D-2) for an overall map showing where development may and may not occur.

The DGEIS seems to make a point of avoiding any specificity on which lands are to be developed. On page II-11 the DGEIS states that under the Projected Growth Development Scenario, 2500 acres of open space will be protected. Yet on page II-29 the DGEIS states that under the Projected Growth Development Scenario, 1700 acres of open space will be protected.

*As discussed in section II of the DGEIS, although the NYS Endangered Species Unit was consulted during the development of future growth scenario, the recommendations of the Albany Pine Bush Commission and the public, were not considered. **The development of the future growth scenario should be redone,** with the Implementation Guidelines of the Pine Bush Commission serving as a major component of the analysis.*

Response:

Refer to the response to Comment Q.2.

4. Comment:

On page II-6 of the DGEIS Land Conservation Zoning is discussed. The GEIS should recommend that all remaining undeveloped land in the Town that is contiguous with the Pine Bush (south of Albany St.) receive this zoning designation. Instead only the Golf Course has Land Conservation Zoning! The golf course is not natural habitat.

Response:

Refer to the response to Comment A.1.

5. Comment:

On page II-22 the DGEIS states that the Pine Bush is a pitch pine-scrub oak community. A more accurate description occurs on page II-24, that the Pine Bush is comprised of a diversity of ecological community types. Similarly, as stated on page ES-6 par. 1, "Albany Pine Bush Preserve" is not a "vegetative community." This error is repeated on figure II-D-1. The implications of these seemingly semantic differences may be significant, as indicated by the erroneous statement in the DGEIS that there are approximately 2000-2500 acres of Pine

Bush remaining (II-22). A more accurate figure would be approximately 6000 acres. This demonstrates a poor understanding by the consultant(s) that authored the DGEIS on the actual extent of the Pine Bush in the study area, and exactly what is at stake.

Response:

The purpose of the Executive Summary is to provide a brief synopsis of the DGEIS. As noted in the comment, it is not intended to provide the level of detail that is provided in the body of the DGEIS. It is agreed that the Albany Pine Bush Preserve contains many vegetative communities, including pitch pine-scrub oak barrens, mixed forest and wetland. With regard to the remaining Pine Bush, the Albany Pine Bush Preserve Commission's Management Plan indicates that on the order of 2,000-2,500 acres of "Pine Bush communities" remain.

The Albany Pine Bush Preserve Commission has indicated that the term "Pine Bush Communities" refers to the existing and restorable pitch-pine scrub oak barrens. Table 4 of the Implementation Guidelines indicates approximately 2,390 fire manageable acres of pitch pine-scrub oak barrens (existing and restorable) remain.

The Implementation Guidelines also state that the Pine Bush Protection Area as containing approximately 6,500 acres. However, the Protection Area is not completely composed of pitch pine-scrub oak barrens. It also contains many other community types that comprise the Pine Bush ecosystem.

6. Comment:

A major shortcoming of the DGEIS is that it fails to address the impacts of the LUMAC/Projected Growth Development Scenario and other scenarios on efforts to attain an ecologically viable Pine Bush Preserve. In the Albany Pine Bush Commission's Protection and Project Review Implementation Guidelines, both "Full Protection" and "Partial Protection" areas are mapped out. The addition of these areas to the Preserve is essential to the long-term survival of the Pine Bush. Furthermore, the Pine Bush Commission's classification of Full and Partial Protection Areas is subject to revision. For example, if a property in the Full Protection Area is lost to development, then certain of the Partial Protection Areas may need to be fully protected, and an area that previously had no designation may require partial protection.

At this point the Town, along with the City of Albany and the Town of Guilderland should have a moratorium on all development in the Pine Bush, until zoning and planning policies are revised to be consistent with the

recommendations of the Pine Bush Commission. This should be a goal of the GEIS, not just the legitimization of further development in the Town.

Response:

Refer to the response to Comment A.3.

7. Comment:

The area where Karner Blues lives in the Town is displayed as "restricted light industrial" on the LUMAC map of Clough Harbour. The DGEIS does not address the impacts that further industrialization in this presently rural part of the Town will have on the Karner Blues. Any EIS for this part of the Town should carefully consider the impacts of further habitat loss on the Karner Blue. In addition, the current Karner Blue population near Curry Road should be linked to the current Preserve via protected habitat. The best way to do this would be to add the lands between the Karner Blue population and the Preserve to the Preserve in the near future.

The DGEIS fails to assess any specific impacts that the LUMAC/Projected Growth Development Scenario will have on the Karner Blue Butterfly and other endangered species in the study area. Relative to wildlife in the study area, the section on "Unavoidable Adverse Impacts" states merely that "common species" will be disturbed.

Response:

Refer to the response to Comment A.24.

8. Comment:

In the section on Recreation and Open Space, the DGEIS mentions that the Pine Bush Commission recommended 860 acres from the study area be added to the Pine Bush Preserve. This is the only place in the DGEIS where this is mentioned, and it is mentioned in passing, and in complete isolation from any discussion of alternatives or impacts.

Instead the discussion proceeds quickly onto the topic of the golf course expansion, and a detailed account of how the Town falls below the recommended "golf density" for America, indicating a pressing need for expansion of the golf course. This matter is given a far more detailed and serious treatment than that of protecting the Town's unique ecological heritage. The expansion would cost at least \$2 million, and the DGEIS even suggests an "equitable means of

distributing this cost” among the Town’s taxpayers. Golf is an expensive, bourgeois, elitist, game. The Pine Bush is open to anyone, at no admission charge.

Response:

The statement in DGEIS Section II.L regarding the preservation of lands within the Albany Pine Bush Preserve Commission's Full Protection Areas and Open Space was provided to show that there is a potential for approximately 850 acres of open space to be preserved, as it relates to passive recreation. The DGEIS clearly recognizes the importance of these areas relative to significant habitat in DGEIS Section II.D. Further discussion of habitat would not be appropriate in the Section II.L.

9. Comment:

No analogous discussion is included of costs for protecting Pine Bush land, and an equitable means of distributing those costs. Instead the purchase of land in the Pine Bush is dismissed as an unwieldy tax burden on citizens, and only its negative economic impacts are stressed.

The DGEIS fails to mention that from the State Environmental Protection Fund, money will likely be available for purchase of Pine Bush land at several points during the next 20 years. The Pine Bush has been recognized as one of 13 top priority areas in the State, and the top priority in our region. Purchase of Pine Bush land by the State would lessen the cost to taxpayers in the Town, while providing a great improvement in overall quality of life for residents.

Response:

Refer to the response to Comment A.16.

10. Comment:

The DGEIS fails to discuss the impacts that development of specific properties in the study area will have on the Pine Bush and its species. The GEIS should provide a detailed explanation of how and why the development scenario presented in the GEIS differs from the protection recommendations of the Pine Bush Commission’s Implementation Guidelines.

Response:

Refer to the response to Comment A.19.

11. **Comment:**

An additional area that needs commentary is that of transportation. The solution to the Town's traffic problems is not to just invite more development and build new roads and widen existing ones. The extension of Cordell Road and Lisha Kill Road are both unnecessary and would further fragment the Pine bush, compromising its ecological viability. The DGEIS also falsely assumes that New Karner Rd will be widened. This would have a major impact on the Pine Bush and the endangered Karner Blue Butterfly, and will have to undergo extensive environmental review.

Response:

Refer to the response to Comments L.1 and A.25.