

X. COMMENTS FROM PUBLIC HEARING

The following comments are from the Public Hearing held on April 16, 1996. A copy of the public hearing transcript is provided in Appendix 2.

Ms. Mitchell, Planning Board Member:

1. Comment:

I just have two minor questions for the federal wetland delineation. What manual did you use to designate those? Did you take a look at how that would change if the delineation manual was a standard?

Response:

The wetland delineation manual currently acceptable for wetland delineation is the 1987 Corps of Engineers Wetland Delineation Manual. However, field delineation was not conducted for the DGEIS because of the size of the Study Area. Field delineation of wetlands is appropriate for site specific actions. Wetland boundaries provided in the DGEIS are preliminary and will require field verification prior to site development.

2. Comment:

The second question I had was with regard to the potential Cordell Road extension of the construction between Morris, Cordell Road and Lisha Kill. If those improvements are not -- not completed how would that affect development scenario, the 50 percent, the partial build-out, if you want to call it that...

Response:

The construction of the connector road will not have an effect on the Projected Growth Development Scenario. The connector road is not proposed to encourage growth but to respond to traffic levels expected as a result of development.

Mr. Herman, Planning Board Member:

1. Comment:

The first question is, the projection is about 1700 new residents in this area given as most likely growth development that might occur over the next 20 years. What was the growth since 1976? What type of growth did we see in the last 20 years?

Response:

Between 1970 and 1990, the Town of Colonie's population increased from 56,997 to 76,497.

2. Comment:

It also projects 27 percent of the town wide population would occur in this area, and that's current activities, and that sort of makes sense given -- according to how -- because the town is fairly well built out.

Was there a consideration to the fact that as sewer lines are added to this part of town -- are extended, there would be, I guess, a faster growth pattern? In other words, we're seeing in the Boght, where the sewer goes in and all of a sudden the developers show up. What warrants "economically feasible?" Where should it be coming from?

Response:

The growth rate projected under the Projected Growth Development Scenario took into account the extension of both sewer and water lines.

3. Comment:

"Based upon the development scenario, approximately 650 acres out of a total of approximately 3,000 acres, 22 percent of undeveloped land associated vegetation could be eliminated from Albany." I mean is that appraisal area structured, do you know?

If you have 35 percent -- 35 percent green in commercial, that 35 percent that is green, was that not included in that 650 acres?

Then on ES-8, you talk a little about aquifers. Is there any deep aquifers in the county for wells in this area? There's obviously a lot of water near the surface. The question is, is there any strong aquifers down below this area?

Response:

The 35% greenspace requirement was not excluded from the developable area to provide a more conservative estimate of future growth. It was assumed, for the purpose of the Projected Growth Development Scenario, that unbuildable land—wetlands and Pine Bush Habitat—would be used to satisfy greenspace requirements.

No detailed hydrologic investigation of deep aquifers within the Study Area was completed as part of the DGEIS. However, shallow wells for residential use are common in the southwest portion of the Study Area.

4. Comment:

On ES-9 -- and I'll read what you have here. The impacts and mitigation, there's a section on hydrology and drainage. "Existing drainage reports the main study of the Kings Road drainage areas to evaluate for the study areas to identify future impacts." What do you do to verify that information, update it when necessary, those two studies?

Response:

Field reconnaissance of the Study Area was used to verify information discussed in the Kings Road and Maywood Drainage Studies.

5. Comment:

This is on ES-10. There's a statement that has to do with the water supply and improvements necessary. Second column on the right there, the first full paragraph. The last sentence, "The proposed cost of the improvements is approximately 9.7 million," and it references Table ES-1, and when I turn to ES-1, I see 10.9 million. Maybe I'm reading the numbers wrong, but there are two different numbers.

Response:

The apportioned cost of the improvements is 10.9 million.

6. Comment:

...this is on ES-15. It mentions that the air quality is not going to be affected if the improvements are made. Basically they're all within acceptable standards. Now, is that for either alternative?

Response:

Air quality standards are maintained with either transportation improvement alternative. Both alternatives produce the same result: mitigation of transportation related impacts.

7. Comment:

One thing I would like you to consider as you figure out the net cost or the net revenue in the town, is the background growth on the rest of the town as a result of this development. In other words, "X" number of these people are going to be traveling out of this development and impacting the rest of the town. I think the key is to figure out how much -- how much growth in this area is going to impact the rest of the town -- for the town -- the town outside of the study area.

Response:

Refer to the responses to comments I.6 and N.1..

Mr. Massimillian, Planning Board Member:

1. Comment:

Could you clarify "how" these cost estimates "were developed?"

Response:

Cost estimates were based on estimated construction costs in 1996 dollars.

Mr. O'Brien, Planning Board Member:

1. Comment:

My concern at the moment is fire protection. What fire coverage hits that area south of Central Avenue, Kings Road, Morris Road, et cetera? Who covers that now?

...As this thing progresses, there is certainly going to have to be a need for a bigger satellite station.

Response:

The Stanford Heights Fire District Board of Directors has indicated they are currently in the need of a new fire station on Morris Road to replace the existing two stall garage (Section II.M. of the DGEIS)

Mr. Sheehan, Planning Board Member:

1. **Comment:**

This is a question on the construction of the two-lane road from Cordell... to Lisha Kill off of Albany Street. Was there any thought of extending that road farther east, down toward the old railroad... so that you would get the truck traffic totally off of Albany Street and the greater portion of the town?

Response:

The possibility of extending the connector road parallel to the railroad tracks to New Karner Road is a possible alternative. It should be recognized, however, this route would cross significant wetland and Pine Bush Habitat.

Mr. Faddegon, Latham Chamber of Commerce:

1. **Comment:**

...we have some questions as far as economics are concerned and to get to these, could you tell me, what is the percentage of county roads in this area? Are there any?

Response:

New Karner Road is the only county road in the Study Area.

2. **Comment:**

Are there improvements of the county and state roads?

Response:

The only improvements proposed by the DGEIS on the New Karner Road is the improvements proposed for the Albany Street Intersection.

3. Comment:

Did you use in this study the 58/42 percent like you did in the airport study? (...58 percent was for the private sector, and 42 percent was allocated to the public sector.)

Response:

Refer to the response to Comment I.6.

4. Comment:

The benefit -- the benefit to the town at the end of 2003 could very well be about 708,000, ...that is general funds. Is that a legal thing to be ...if this was done as you propose, the likelihood of the -- of the town gaining (a surplus of 708,000)? ...Money is being taken out of that area (the study area) to be used in other areas of the town?

...We have found the Latham Chamber, which has gone through quite a bit with the airport study, has real problems with the mitigation fee, not only to the business community but for the town and the homeowners as well.

First, we have a legality as a user of SEQOR as the legal ability to -- to put on a tax in certain particular areas, and that's never been done. If you take a look in the last 15 years, that's never been done in the state, so we are the first ones in this area that are using this concept, the taxation concept.

As far as we can find, there's no precedents for this, and every legal counsel that we've talked with says that it isn't legal, so I think as the town goes forward, it certainly should get the determination, which wouldn't be too difficult to do, from the State, the Court of Appeals. This is a legal process.

Response:

Refer to response to Comment I.1.

Mr. Dick Shadick:

1. Comment:

My name is Dick Shadick. I live at 4096 Albany Street. I want to readdress what Mr. Sheehan stated about the Lisha Kill connection. From what you said, your environmental situation won't allow you to go further east on that extension. Yet

going north, isn't that, though, considered wetlands? Does that carry the same impact? Is that not correct? ...you have a potential access road right there at the old railroad station. That would seem more feasible if it was possible. Like I said, going north, you are going to have more problems.

Response:

Refer to the reponse to comment 7 by Mr Sheehan, Planning Board Member (p. II-95)

Mr. Willy Janeway:

1. Comment:

For the record, my name is Willie Janeway, and I'm from the Albany Pine Bush Preserve Commission. I have not had an opportunity to read the entire document. The Commission has not had an opportunity really to discuss all of the issues that are obviously part of the Generic Environmental Impact Statement for an area that includes so much of the Pine Bush.

...Just one example, based upon my first read through, it looked very good, but I'm going to use my time here to focus on the areas where I do see some serious potential for problems and where I hope we can focus on before we produce a final, but the bottom line is -- the biggest concern for me is just about the viability of the plan should it be legally challenged.

I think it is very important that we produce a good quality plan, that we follow SEQOR, and that we have a plan out that we can use, and we don't spend the kind of money we're spending on this plan that -- deja vu in the city of Albany ten years ago -- that was thrown out in the court. I think it's very helpful to look at the Generic Environmental Impact Statement that the city of Albany did for land that brought this impact statement.

...My concern is, I'm having trouble finding a good in-depth discussion of how those resources went through the impact and the cumulative development that is likely to occur and, secondarily, not only how is it likely to be impacted but how can that impact, number one, be avoided? If it can't be avoided, number two, how can it be minimized and, number three, if it can't be avoided or minimized, how can it be mitigated, and I'm fearful that if we don't set that up in the final -- in the final statement, we will have a document that could very well be legally fraud.

I would encourage you to look at the court decisions regard that DGEIS, and to make sure we learn from the mistake of Albany ten years ago and don't repeat it.

Response:

Refer to response to Comment A.1 to A.30.

Ms. Helen Romano:

1. Comment:

Helen Romano, 979 Kings Road. I have a question. Your projected growth and development scenario, is that based on LUMAC, and is that the rezoning classification and the amount of land and everything that people would be using to develop out there? That's how you got kind of down to the 50 percent less development than what we have now?

Response:

Project development in the Study Area will be required to proceed in accordance with the Town of Colonie's Zoning Ordinance.

2. Comment:

Okay. Another question. I noticed in your book it mentions "down zoning." Could you explain that to me?

Response:

Down zoning is a reduction in the allowable density.

Ms. Lynne Jackson:

1. Comment:

My name is Lynne Jackson. I'm a volunteer for Pine Bush which is a nonprofit organization. I live at 223 South Swan Street in Albany. I want to make a few comments about the Draft Generic Environmental Impact Statement.

First, I would like to say that I feel very strongly ...This is going to be over a 20-year time span, and so it looks like the public should have adequate time to review the plan.

...I feel more access is needed, and I personally would love to have a copy, but I don't have \$100 to spend on it,...

I also feel that because of the importance of this... plan, ...that you need to extend the comment period until at least September 30th.

Response:

Refer to response to Comment B.1.

2. Comment:

The second point I would like to make is about the future SEQOR actions in the study area. ...it appears to me that the town of Colonie is hoping that once they do this Generic Environmental Impact Statement, there won't have to be any more Environmental Impact Statement on individual developments that may be before the board right now.

...in this Generic Environmental Impact Statement, there are no specific conditions or criteria at all about the kind of development is going to take place and where, so... this Generic Environmental Impact Statement fails to take a hard look at the specific impacts that this development may have on the town of Colonie.

Response:

Refer to response to Comment B.2.

3. Comment:

Now, my third point ...the DGEIS states that there are 17 projects that are currently under review. However, it doesn't say what these projects are, where these projects are, how big these projects are, what the shape of these projects are.

Response:

Refer to response to Comment A.9.

4. Comment:

...by not having the specifics of each development proposed when looking at the Generic Environmental Impact Statement, you cannot look at either the individual impacts that these developments impacts have on the Pine Bush or the cumulative effects of these developments on the Pine Bush, and this is in violation of both the state Supreme Court Judge Cobb ruling of March 6th, 1992 which he stated that -- this is for the city of Albany, of course -- that the shape and the configuration of the Pine Bush Preserve is extremely important.

Response:

Refer to response to Comment A.9

5. Comment:

...the DGEIS states that the town of Colonie can reasonably expect the development of approximately 660 new residential units. ...400 right now are before the planning board for approval, so my concern is that, if this plan is for 20 years -- they expect to have 660 residences in the community and 400 are currently in some kind of proposal stage, then it looks to me like ...that 60 percent of all of the houses that you expect to build in the next 20 years are going to be built in the next year or so, and I guess I'm a little confused. It looks like a much greater growth rate than what is being talked about in the plan.

Response:

Refer to response to Comment B.4.

6. Comment:

Now, my fourth point is that the Pine Bush, as you all know, is entirely a climax community. ...you have to have fires in order for the Pine Bush to survive, and you don't really look at what the success is of having developments around the Pine Bush or how this may affect the development.

Response:

Refer to response to Comment B.5.

7. **Comment:**

In the section on vegetation, wildlife and wetlands, there are several inaccuracies. First, it states that the original size of the Pine Bush was 40 square miles which is 25,600 acres. ...we believe that the original size of the Pine Bush was approximately 58,000 acres, and that's probably a conservative estimate.

The DGEIS suggests that there are only 2,000 to 2,500 acres of the Pine Bush remaining. That is not true. The Albany Pine Bush Management Commission has identified 5,000 acres of Pine Bush remaining, and the state Department of Commerce has identified about 5,800 acres of actual Pine Bush that is remaining.

The commissioners, in their report -- and they are always conscientious in reviewing the report that just came out -- they identify that there are 350 acres of Pine Bush in preserve in the town of Colonie and the village of Colonie. Now, in the report it says that there are 500 acres in the study area -- study area of Pine Bush. ...I think the figures are wrong.

Response:

Refer to the response to Comment B.6.

8. **Comment:**

...all of the Pine Bush is zoned either light industrial or multi-family residential or multi-family large lots, and I don't understand how you consider that protection from the Pine Bush at all. It should be really rezoned for the conservation, even the zoning for land that is zone as light industrial which I find to be extremely confusing, and I think it is incorrect.

Response:

Refer to response to Comment B.9.

9. **Comment:**

...open space is considered to be a crucial component to compound overall land use and development management programs, which is great. However, it doesn't really separate what kind of open space they're talking about. There's different kinds of open space that's mentioned, ...One is the Pine Bush, a more sensitive ecosystem, another is parks, ...recreation like ballparks, and the other part is

landscaping, shrubberies that surround buildings and things like that. I think those need to be separated out.

Response:

Refer to the response to Comment B.10.

10. Comment:

One concern that I have, and as you can see on the map, is that in the DGEIS you don't talk at all about the Karner Blue Butterfly which is an endangered species. ...the butterflies will be arriving the last week of May, first week of June. You may want to study them during that time. Make sure that all of those colonies of butterflies are protected on federal and state land.

If you build this road here, it will cut off the butterflies from the larger part of the Pine Bush. This has a very serious environmental consequence as does this road which is also built through the Pine Bush because the Pine Bush goes all the way up to Albany Street, and in the commission's plan, this piece here (indicating), is designated as a full preserve too, so we don't believe you should build roads through a full preserve area.

Response:

Refer to the response to Comment B.13.

11. Comment:

I just want to make a comment about the transportation section. The transportation section only talks about cars. There are many other modes of transportation in the world. There are buses, there are bicycles, and they don't talk at all about these kinds of things, not to mention the need of traveling, which I feel is a major problem with the DGEIS.

Response:

Refer to the response to Comment A.25.

12. Comment:

Widening I55 is a major impact on the Pine Bush, and that needs to be studied in much greater detail because it has such a significant effect.

Response:

Refer to the response to Comment A.1.

13. Comment:

Now, the New York State Legislature created the Albany County Management Commission to preserve and protect the Albany Pine Bush, and the town of Colonie Supervisor sits on the Commission, and the Commission just issued a report on how to protect the Pine Bush, and it seems that this Generic Environmental Impact Statement must take into account the decisions of -- of the Commission's report...

Response:

Refer to the response to Comment A.1.

J. Jerry Muller (comments read by Lynn Jackson at the public hearing):

1. Comment:

A few comments on the S100 DGEIS. The DGEIS is a throwback from 1970. It side... sidesteps and downplays the real environmental issues. The matter of Pine Bush preservation is given only a cursory credence, a few pages between the golf course and the LUMAC. Though badly degraded by suburbia, the Pine Bush remains a wonderful and handsome and ecologically rich place.

The town supervisor is a member of the Pine Bush Commission. The Pine Bush Commission just approved reading its Protection Project Review Implementation Guidelines in the Albany Pine Bush Preserve. Yet the vision as set out by the Pine Bush Commission and that presented by Clough Harbour are completely incongruent. The DGEIS seems to state that the Pine Bush Preserve is a finished entity.

Response:

Refer to the response to Comment A.1.

2. Comment:

The DGEIS does not address further industrialization in this presently rural part to the town on the habitat for the Karner Blue. The DGEIS and the entire town will have to carefully consider the impact of further habitat loss with the Karner

Blues. In addition, the current Karner Blue population in the area should be linked to the current preserve and the protected the habitat. The best way to do this would be to add the land to improve the Karner Blue population in its preserve -- to the preserve in the near future.

Response:

Refer to the response to Comment A.4.

Ms. Penny Hill:

1. Comment:

I'm Penny Hill. I live at 4077 Albany Street, and I'm currently president of the Albany Street Association. I'm here tonight to ...give our input into ...the DGEIS, and I have a few comments that I would like to make and also a few questions that I would like to raise.

In reading this report, I found it lacking in the following areas. It does not clearly outline where the 660-plus homes are going to be focused. I think before we get into traffic and relevance to the traffic in the areas, we need to know where the 1300-plus cars are going to travel, and I don't see a way to tell that. Is there? Is there a way?

Response:

Refer to the response to comment A.9.

2. Comment:

The next thing is ...development along the railroad tracks. ...we had set forth at that point a connector road to be built along the railroad using the service road that the railroad currently used.

Response:

Refer to the response to the comment made by Mr. Sheehan, Planning Board Member (p. II-95).

3. Comment:

The only point of concern I do have right now as we speak is my air quality. I live, along with many of my friends and neighbors, on this road, and we -- we cannot open our windows in the summertime. You have a study that was completed from December to now, which you have gathered facts and figures, and I looked at the study and said, Gee, I'm not at town hall in Schenectady, and I really don't have too much in common with Loudonville, but I really would like to know why when I sit in my living room on a nice, sunny, warm evening, I have excruciating dizziness and headaches because I can't breathe, the air is so bad in my home, ...and I don't know why we can't take a look at this. Can we get a copy of what the criteria are?

Response:

Criteria used for evaluating air quality are provided in Appendix 3.

4. Comment:

When did you do your traffic count? ...You do not have a current count. You do not have current counts, and the reason I say this is the following: During the winter months, Builders Square ceases to really do business. Preston Trucking, although they are up and running, really do not do that much business either.

...We have other construction and building companies, roofing companies. We have Kelco, we have another roofing company over on Curry Road. All of these business are dormant in the wintertime, therefore, any traffic studies that you completed do not show an accurate picture of what we are putting up with in the summer which is why ...I asked that this be conducted through the summer months.

Response:

The traffic counts for the Study Area were conducted in January 1996. The analysis of traffic conditions are based on volumes produced from CDTC's STEP Model. This model generates volumes based on traffic counts collected throughout the year and are representative of typical traffic conditions.

Mr. Stellwagen:

1. Comment:

My name is Neil Stellwagen, and I live at 4102 Albany Street where Lisha Kill Road intersects at Albany Street. In your study, it's considered the fourth intersection. That's our home. I have a few questions.

"Would it not be easier" -- and this has been mentioned previously here -- "since you're building a truck road or proposing a truck road along the tracks, to extend the truck road by building possibly a ramp. This would save a lot of money for the town of Colonie and prevent widening of roads and destroying homes and more land and destroying people's lives. Are human lives more important than the nearest truck route?"

Response:

Refer to the response to comment N.1.

2. Comment:

Number one was mentioned on this truck route -- this proposed truck route from Cordell Road connector to Lisha Kill. The proposal, would that include using a railroad bed, ...or is this a separate... Would it be on the northerly side...

Response:

Refer to the reponse to comment N.2.

3. Comment:

Would you please explain the truck route recommendation, it's number 9 on page 35. This is from the LUMAC study. It states that -- again, this is right from -- necessary planning should be pursued or the development of a truck route that would extend from Cordell Road and intersect with Morris Road and connect to Central Avenue, generally following a Niagara Mohawk right of way. Do you have more specific alignment plans?

Response:

Refer to the response to comment N.1.

4. **Comment:**

Will trucks be the only vehicles using it; will cars be able to use it?

Response:

Cars and trucks will be able to use the potential connector road.

Mr. B. Crocetta

1. **Comment:**

If I own a piece of property of two acres on Central Avenue, on the north side of Central Avenue, and I wanted to build a 30,000 square foot building... construction cost estimated at \$80 per square foot... three time \$80 is \$240,000, we use a 200,000 land value... that's 500 and change. Would you please tell me what the impact fee would be?

So if we take \$5.35 and we multiply it by 30,000 square feet, that's about \$158,000. Five percent of a half a million is \$50,000. That increase the cost by 15 percent.

Response

Assuming the project is in water improvement subarea 4 and transportation improvement subarea 1 (refer to Section II.G and II.H of the DGEIS), with the connector road alternative, mitigation costs for a 30,000 square foot building on the north side of Central Avenue would be \$86,208. Per square foot and per acre mitigation costs are provided in Section II.O of the DGEIS.

The mitigation cost of \$86,208 equates to \$2.87 per square foot. Furthermore, if construction is \$80 per square foot, the cost of a 30,000 square foot building is \$2.4 million not \$240,000. Therefore, the \$86,208 represents 3.5% of construction costs, not the stated 15%.

Alternatively, if it is assumed that the Lisha Kill - Cordell Road Connector is not included in the mitigation cost—an alternative discussed in the DGEIS—the mitigation costs for a 30,000 square foot building would fall to \$44,208 or 1.8% of construction costs.

Mr. P. Crocetta:

1. Comment:

Recent news media reports in the Times Union and the Census Bureau are showing that the town of Colonie population growth rate declined or -- declined from original census projections in 1990 which could cloud the current impact statement. Further, the LUMAC report was done in 1988, and the date from that growth period may not be applicable at this time for the future growth of Colonie.

Response:

Refer to the response to comment K.2.

2. Comment:

"Property owners within the study area were heard." We would like to know more about -- about this, such as how many owners were contacted, and what was the makeup and a list of questions and answers to those questions.

Response:

Refer to the response to comment K.4.

Mr. Russell Ziemba:

1. Comment:

I was wondering if you looked at reducing tax expenditures through regionalization. The overall savings on tax expenditures could compensate the tax loss here because there will be less infrastructure to pay for.

Response:

Refer to the response to comment C.1.

2. Comment:

You say that the Pine Bush Commission ought to be helped in their goals, but you don't say actually how they will be helped or -- or in that way. You don't spell that out in any way.

Response:

Refer to the response to comment A.1.

3. Comment:

Furthermore, additional historic features and archeological sites are subject to be found, or remembered in the future but are not included in the general impact statement. Your table of historic sites already has overlooked and left out the Millers' house on Morris Road and the Truax Cemetery on Kings Road.

Response:

Refer to the response to comment C.2.

4. Comment:

These are -- are reasons to reject the Impact Statement. Without a clear statement about changing zoning to protect the full protection areas, ...We cannot accept this statement. We fully reject it. The zoning map has Industrial F in most of the Pine Bush which is a full protection zone, and Residential A-3 in the rest of it.

Response:

The DGEIS considers the use of zoning as a potential mitigation measure to protect land within the Full and Partial Protection Areas.